

PRESS RELEASE

OECD to investigate human rights abuses filed against the owners of Cerrejón coal mine; BHP, Anglo American & Glencore

Parallel complaints also filed in Ireland against state owned-company for purchasing coal and Dublin-based sales wing of mining enterprise.

EMBARGOED until 00.01 (Dublin time, GMT) Tuesday 19th January 2021.

Tuesday 19 January – Multiple National Contact Points (NCPs) of the Organisation for Economic Co-operation and Development (OECD) will begin the process of investigating three international mining giants (BHP, Anglo American and Glencore) and Ireland's state-owned energy provider, the ESB, over serious human rights abuses and devastating environmental pollution at the Cerrejón coal mine in Colombia.

Parallel complaints were filed simultaneously in Australia, Ireland, Switzerland and the UK by the Global Legal Action Network (GLAN) with the support of a coalition of Colombian, Irish and international human rights and environmental NGOs.

If successful, the three companies which jointly own the Cerrejón mine will have to take steps to comply with the OECD Guidelines for Multinational Enterprises, including progressively closing down the mine in full and environmental restoration. The complaints against the mining giants also call for the full compensation of communities for the harms they have suffered.

The complaints outline how the Cerrejón mine, one of the largest open-pit mines in the world, is linked to the forced displacement of indigenous and Afro-Colombian communities and the widespread, persistent and extreme pollution of the air and water in the vicinity of the mine. High concentrations of harmful metals, which can cause diseases such as cancer, were [found by Colombia's Constitutional Court](#) to exist in the blood of those living nearby.

The complaints point to Cerrejón's failure to comply with multiple Colombian court judgments against it. In September, several prominent [UN human rights experts](#) called for some of the mine's operations to be suspended following a [request](#) to intervene by Wayuu indigenous people.

The complaints allege that the parent companies of the Cerrejón mine, as its joint owners, are responsible under the OECD Guidelines for Multinational Enterprises for the harms caused by its operations.

Separate complaints have also been lodged against Dublin-based Coal Marketing Company (CMC), which is the exclusive marketer of coal from the Colombian mine, as well as Ireland's Electricity Supply Board (ESB), which has been a major purchaser of the mine's coal. [In 2019](#), the UN Committee on the Elimination of Racial Discrimination recommended that Ireland "consider stopping purchasing coal from the Cerrejón mine".

All five complaints have been lodged with the relevant National Contact Points for the OECD, which are tasked with ensuring that companies comply with the OECD Guidelines for Multinational Enterprises.

Director of GLAN Dr Gearóid Ó Cuinn said: “These parallel complaints in four different countries point to a systematic failure to respect basic human rights standards from the extraction, to the marketing, to the purchasing of Cerrejon coal. The long-standing abuses at the mine have been so egregious that there is no way for enterprises to respect human rights law and do business with Cerrejón.”

Sorley McCaughey of Christian Aid Ireland said: “We see the impact that corporate human rights abuses are having in every corner of the world and the Cerrejón case underscores the inadequacy of voluntary guidelines for multinational companies. Governments globally, including the UK and Ireland, must introduce mandatory human rights and environmental due diligence legislation for companies to ensure they do not undermine the human rights of workers or the communities in which they work.”

Rosa María Mateus Parra, lawyer with CAJAR, a Colombian human rights organisation and signatory to the complaints, said: “This is a striking example of the role played by large multinational companies in fuelling injustice. The people of La Guajira have borne the huge social and environmental costs of the mine, while harmful fossil fuel coal is exported around the world in the midst of the climate crisis and a small number of companies record huge profits.”

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Notes for editors

1. If upheld the complaints filed in Australia, Switzerland and the UK would require joint-owners BHP, Glencore and Anglo American to close down the Cerrejón mine and compensate the affected communities for the harms it has caused. If upheld the separate complaint in Ireland against Dublin-based CMC would require it to stop selling Cerrejón coal.
2. The complaint was submitted by Global Legal Action Network (GLAN), supported by Christian Aid Ireland, the Centro de Investigación y Educación Popular (CINEP), the Colectivo de Abogados ‘José Alvear Restrepo’ (CAJAR), Interamerican Association for Environmental Defense (AIDA), ABColombia and ASK - Arbeitsgruppe Schweiz Kolumbien.
3. The Global Legal Action Network (GLAN) is a non-profit organisation that works to pursue innovative legal actions across borders to challenge powerful actors involved in human rights violations and systemic injustice by working with affected communities. GLAN has offices in the UK (London) and Ireland (Galway) | @glan_law | www.glanlaw.org.

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