NAME OF YOUR MP

House of Commons

Westminster

PUT TODAYS DATE HERE

Dear [Insert MPs Name]

As a result of recent events held by ABColombia, London Mining Network and CAFOD I had the privilege of hearing from the Wayuu Indigenous Peoples of Colombia and other Colombian NGOs regarding the negative impact that the *Carbones del Cerrejón* Ltd (Cerrejón) open pit coal mine is having on their communities, their water supply, spiritual life and environment. The Cerrejón coal mine is jointly owned by British and Swiss registered Multinational Corporations (MNCs) Glencore, BHP and Anglo-American.

The Wayuu and Afro-Colombian communities living around the Cerrejón mine have taken the violation of their rights to the Colombian Courts and obtained important ruling in their favour. These refer to Cerrejón ’s mining activities violating the fundamental rights of the Wayuu and Afro-Colombian peoples living around the Cerrejón mine, including the right to water, health, food, a healthy environment, prior consultation and decent living conditions: **T614/2019** (health, life and personal integrity, healthy environment and privacy); **SU 698/2017** (water in all of its aspects: accessibility, availability and quality; health; food security); **T-704 of 2016** (prior consultation, environmental management, violation of the fundamental rights as a consequence of air pollution, water and health) **T-256/2015** (water). In June 2020, the Colombian Comptroller General in an audit report on Constitutional Court Sentence SU 698/2017, was damning in respect to the failures to implement the Court’s ruling. There are similar failings of implementation in relation to all of these Sentences.

Cerrejon’s mining activities have caused a decrease in the availability of both surface and groundwater sources in the Ranchería river basin. Several studies point out that coal mining in general, and Cerrejón specifically, has accelerated climate change and created risks and impacts on groundwater supplies. In 2014, IDEAM characterised the Guajira peninsula as one of the most vulnerable areas to climate variability in the country, and that its high levels of aridity make it one of the regions with the largest water deficit. Cerrejón’s monopolisation of water for its mining activities is restricting access to water for local communities, this has made them **dependent during the COVID 19 crisis on water delivery programmes**.

Cerrejón has also reneged on agreements made with the communities in relation to resettlement e.g. the agreement made in 2008 with Tabaco, still has not been fully implemented and many find themselves living in precarious conditions.

One of the major questions that was posed by this event is what the UK is doing to ensure human rights and environmental obligations are adhered to by companies headquartered in the UK and registered on the London Stock Exchange.

In relation to the UK, whilst recognising the importance of the Modern Slavery Act 2015, there has been significant criticism of it for its lack of any monitoring mechanisms and enforceability, no inclusion of public bodies, and no clarity as to exactly which companies are to be included. Most of these shortcomings were sought to be remedied by the Modern Slavery Act (Transparency) Bill 2016 brought by Baroness Lola Young but it was not passed. There has also been concerted pressure by civil society **for UK legislation to cover all human rights impacted by corporate activities**. I would like to add my voice to this call for the UK to enact mandatory human rights due diligence legislation, covering all companies including mining companies.

The UK needs legislation to impose a duty to prevent human rights abuses, as well as an offence of “**failure to prevent” human rights abuses** for all companies, **including parent companies**, along the lines of the relevant provisions of the 2010 Bribery Act.This would require all companies to put in place effective human rights due diligence processes (as recommended by the UN Guiding Principles), both for their subsidiaries and across their whole supply chain. The legislation should enable remedies against the parent company and other companies when abuses do occur, so civil remedies (as well as criminal remedies) must be provided.

Adopting the “failure to prevent” mechanism is one that the 2017 the UK Joint Committee on Human Rights Report proposed, along the same lines as section 7 of the 2010 UK Bribery Act.

Other countries are going down this path for example the European Commissioner for Justice has announced that the European Commission will introduce legislation in 2021 to make human rights due diligence mandatory for EU companies, that the new law would include provisions for corporate liability, as well as seeking to ensure access to remedy for victims of abuses.

I am asking that you raise some parliamentary questions about the introduction of such legislation and the actions of the Cerrejón mine in Colombia. I would also like to know if you would be willing to support this kind of legislation.

Yours sincerely,

PLACE YOUR NAME ADDRESS AND POSTCODE HERE as your MP will want to check that you are a constituent.