

PRESS RELEASE

OECD to investigate ESB links to human rights abuses at Colombian mine following complaint

- Complaint lodged against ESB for breaching human rights guidelines
- Parallel complaints also filed simultaneously against joint-owners of Cerrejón and another against the mine's Dublin-based Coal Marketing Company
- If successful ESB would be required to end its relationship with Cerrejón mine and to issue a formal apology

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

Tuesday 19 January – Ireland's National Contact Point (NCP) of the Organisation for Economic Co-operation and Development (OECD) will begin the process of investigating whether Ireland's Electricity Supply Board (ESB) has breached its human rights responsibilities by importing coal from the Cerrejón mine in La Guajira, northern Colombia, following the submission of a formal complaint.

The complaint against ESB was lodged today with the OECD's National Contact Point in Ireland by the Global Legal Action Network (GLAN), supported by international development agency Christian Aid Ireland as well as Colombian and international human rights and environmental NGOs - CINEP, CAJAR, AIDA, ABColombia and ASK.

Parallel complaints have also been filed simultaneously with the OECD NCPs in Australia, the UK and Switzerland against the three international mining giants that own Cerrejón – BHP, Anglo American and Glencore respectively.

A separate complaint with the OECD's NCP in Ireland has also been lodged against Dublin-based Coal Marketing Company (CMC), which is the exclusive marketer of coal from the Colombian mine. CMC stands accused of being complicit in ongoing environmental harms and human rights abuses at the mine. GLAN has instructed leading international lawyer Monica Feria-Tinta to act in this multi-jurisdictional legal action.

State-owned ESB has purchased millions of tonnes of coal from Cerrejón, one of the largest open-pit mines in the world. The bulk of the coal burned at Moneypoint power plant in Co. Clare since 2001 has come from this mine. While ESB has not imported coal from Cerrejón since 2018, it has yet to confirm that it will not do so in the future nor has it formally terminated its relationship with the mine. ESB has also never acknowledged the existence of serious human rights abuses in its supply chain.

The complaint outlines how ESB has failed to take the necessary actions to identify, mitigate and prevent human rights abuses linked to the Cerrejón mine despite [well-documented evidence](#) of forced displacement of indigenous and Afro-Colombian communities and intimidation of activists, as well as pollution of local rivers and contributing to air pollution.

If the complaint is successful, ESB will need to take steps to comply with the OECD Guidelines for Multinational Enterprises. These include permanently ending its relationship with the mine and issuing a formal apology to the affected communities for its part in causing harm.

Gerry Liston, Legal Officer with GLAN, said: “This complaint outlines very significant breaches by ESB of the OECD Guidelines for Multinational Enterprises. As a state-owned enterprise, ESB cannot continue to ignore its involvement in serious human rights and environmental abuses. It must recognise its human rights obligations and immediately end its relationship with Cerrejón for good.”

The complaint also asserts that ESB has relied on a flawed, industry-funded assessment initiative, ‘Bettercoal’ - an initiative lacking in transparency and one that has declared itself ‘satisfied’ with ESB’s adherence to environmental and human rights standards - despite the multiple human rights and environmental abuses linked to the mine.

Rosa María Mateus Parra, lawyer with CAJAR, a Colombian human rights organisation and signatory to the complaint, 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.”

If the complaint is successful, ESB will be required to take a number of additional actions to ensure that they are compliant with the OECD guidelines including developing and publishing a human rights policy to be applied throughout its supply chain, and encouraging Cerrejón and the parent companies to compensate those impacted by the mine.

While Ireland supports the OECD’s guidelines as well as the UN Guiding Principles on Business and Human Rights, it has failed to put these standards into law.

Sorley McCaughey of Christian Aid Ireland said: “The Cerrejón case underscores the inadequacy of the current voluntary guidelines for multinational companies. The Irish Government must move quickly to introduce mandatory human rights and environmental due diligence legislation for state-owned and Irish-based companies to ensure they do not undermine the human rights of workers or the communities in which they work, whether in Ireland or abroad.”

The complaint is the latest in a long line of criticism of Cerrejón mine. [In 2019](#), the UN’s Committee on the Elimination of Racial Discrimination recommended that Ireland “consider stopping purchasing coal from the Cerrejón mine”, while in September 2020, [several prominent UN human rights experts](#) called for some of its operations to be suspended as they had “seriously damaged the environment and health of the country’s largest indigenous community.” [In December](#), thousands of Cerrejón workers ended several months of [strike](#) action in response to concerns over working conditions.

ENDS

For a copy of the complaint visit www.glanlaw.org, further information or to arrange interviews, contact Katie Cox, Christian Aid Ireland’s Communications Officer, on Kcox@christian-aid.org / 087 6561068.

Notes for editors

Success with the complaints filed in Australia, Switzerland and UK would require joint-owners BHP, Glencore and Anglo American to close down Cerrejón mine and compensate the affected communities for the harms it has caused. Success with a separate complaint in Ireland against Dublin-based CMC would require it to stop selling Cerrejón coal.



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.

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.