

LIST OF ABBREVIATIONS

CSO	Civil society organizations
CREER	Centro Regional de Empresas y Emprendimientos Responsables
Defensoría	Defensoría del Pueblo de Colombia
DIMR	German Institute for Human Rights
EnBW	EnBW Energie Baden-Württemberg AG
FIP	La Fundación Ideas para la Paz
MoU	Memorandum of Understanding
NGO	Non-governmental organization
NHRI	National Human Rights Institution
STEAG	STEAG Steinkohlen-Elektrizität AG

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INTRODUCTION

What is the project about? In October 2015, the National Human Rights Institutions (NHRI) of Colombia and Germany, that is, the German Institute for Human Rights (DIMR) and the Colombian Defensoría del Pueblo (Defensoría), agreed to establish a cooperation framework within the area of business and human rights. The agreement was initiated by the DIMR, as it approached the Defensoría for considering the possibility of collective efforts in addressing human rights risks in the extractive industry. In particular, the cooperation focused on the coal sector in Cesar and La Guajira, two major mining regions in Colombia.

Why the coal sector? For decades now, Colombia is experiencing a boom in mineral exploration and mining activity, rendering the country one of the world's biggest coal exporters. Yet, the growth of its extractive industry came at a significant cost to the environment and enjoyment of human rights. Germany, on the other hand, is importing extensive amounts of Colombian coal. In fact, Germany's energy sector covers one fourth of its coal demand by imports from Colombia. This ultimately translates into shared responsibilities on both ends of the coal supply chain for potential as well as actual human rights risks.



Figure 1. Coal supply chain



Figure 2. Coal-mine in Colombia

Why joint action? The transnational character of business and the national character of NHRIs mirror the international division of labor and the transnationalization of value and supply chains. Cooperation in this field is particularly important, since the globalization of corporate action can be associated with an increase in business-related human rights problems with transnational elements.

CRUX: NHRI COOPERATION

Why trans-national NHRI cooperation? As an essential part of the human rights protection regime, NHRIs operate nationally, but are also globally linked with each other. Given this unique asset, NHRIs and their networks have a great potential to monitor business activities on both ends of the supply chain. To mobilize this potential, the Defensoría can use its geographical proximity to approach companies operating in Cesar and La Guajira, such as Drummond and Cerrejón, as well as local civil society organizations and affected communities. The DIMR, for its part, can approach German enterprises, such as EnBW and STEAG, and the German civil society. Besides, both NHRIs have the mandate to advise the government. Due to their mandates, therefore, NHRIs can link human rights impacts that occur in the area of Colombian mines to the decision-making in Germany. Hence, NHRIs might contribute to a closure of the responsibility gap that originates from trans-border business activities.



Figure 3. NHRIs Meeting in Colombia

METHODS

The DIMR and Defensoría executed a series of actions together:

- **Multi-Stakeholder Conference** in Bogotá on Human Rights in the mining sector. Participants were mining companies, business associations, NGOs, community representatives, government officers, especially the presidential office for human rights (Consejería) that was responsible for the National Action Plan on Business and Human Rights as well as local public servants of the Defensoría from Cesar, La Guajira, Antioquia and Boyacá. Co-hosts were DIMR, Defensoría, the Danish Institute for Human Rights, FIP, Sustentia, CREER and the Consejería.

- **Exchange between regional NHRIs** on the matter of extractive industries and business and human rights. Participants were the NHRIs of Colombia, Guatemala, Paraguay, Peru, Mexico, Ecuador and Bolivia. The NHRIs together identified main cooperation needs in the field of business and human rights.
- **Capacity building** of 35 out of 36 regional bureaus of the Defensoría. The training was conducted by CREER and DIMR. It also took stock of existing business and human rights knowledge and activities.
- **Field visits** that were jointly executed by the Defensoría and the DIMR with the support of CREER. The NHRIs also met community members, CSO, local public authorities and companies separately.

LESSONS LEARNED

- 1) There should be a business and human rights focal point in each NHRI, declared on the GANHRI web page and quickly accessible.
- 2) The support of the NHRI-management for the cooperation of the business and human rights focal points should be clarified in a MoU.
- 3) Multi-Stakeholder-approach: The use of NHRI convening power allows for integrating the different perspectives of all actors involved.
- 4) Involve regional secretariats: The countries in the region may be highly different in history and administrative organization, but often similar human rights problems do occur. Therefore, cooperation outcomes should be shared with other regional NHRIs through the regional secretariats.
- 5) Setting priorities is helpful: The extractive sector in Colombia is complex and highly political, focusing on one sub-sector, such as coal mining here, reduced that complexity.
- 6) Mutual learning/ mutual strengthening: NHRIs in home and host states of companies should see themselves as equal partners that learn from each other. Cooperation strengthens the capacity on both sides.

REFERENCES

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