

Rodrigo Elías Negrete Montes, Director
ANLA: National Authority of Environmental Licenses
Carrera 13A # 34 - 72
Bogotá D.C., Colombia - Código Postal 110311156

May 14, 2024

Dear Director Negrete:

We are writing in support of **Los Negros de Cañaverales Ancestral Community Council** (Consejo Comunitario Ancestral Los Negros de Cañaverales, CCANC), which since 2009 has opposed the installation of an open-pit coal mine in their community in La Guajira Department.

Best Coal Company (BCC, a subsidiary of the Turkish multinational Yildirim Group) wants to operate a coal mine in Cañaverales, La Guajira, between the towns of Fonseca and San Juan del Cesar. The coal extraction would be located just 1.2 km from the El Manantial Nature Preserve, home to the Cañaverales Water Spring. Mining would negatively impact drinking water and food security (irrigation for food crops).


According to the Ancestral Community Council, BCC is in violation of Agreement No. 014 of May 17, 2012, which declares the Cañaverales Spring a Protective Forest Reserve (RFP), and of the Administrative Court of Riohacha, which has ruled that prior, free, and informed consultation is a fundamental right for inhabitants of a territory that a company seeks to occupy. On behalf of CCANC in 2018, the José Alvear Restrepo Lawyers Collective (CAJAR) filed a protection action (acción de tutela) for violation of the right to prior consultation, and in 2019, the Administrative Court of La Guajira ruled in its favor and ordered that a prior consultation process be conducted.

CORPOGUAJIRA (Regional Autonomous Corporation of La Guajira), a government agency in charge of natural resources and environmental protection, has concluded that BCC did not provide information or prior consultation, as required by domestic and international law (ILO Convention 169). By Order No. 072 of March 15, 2024, CORPOGUAJIRA ordered the filing of the environmental license process for the Cañaverales mining project before BCC can proceed with operations.

ANLA (National Environmental License Authority) warns that CORPOGUAJIRA only has the power to authorize exploitation of less than 800 thousand tons, and this company intends to exploit nearly 12 million tons. ANLA has also stated that BCC has not provided the necessary documentation for an operating license, including: a preventive archaeology plan that must be issued by the Colombian Institute of Anthropology and History (ICANH), studies on transportation from the mine to the port of shipment, and an emergency contingency plan, which includes responses to spills, fires, leaks, emissions and/or dumping outside of what is permitted.

We urge that the government of Colombia support the will of the Los Negros de Cañaverales Ancestral Community Council in preventing any mining operations of the Best Coal Company in their territory.

Sincerely,


Brian J. Stefan Szittai
Co-Coordinator


Christine L. Stonebraker-Martinez

copies: Excmo. Sr. Presidente Gustavo Petro Urrego, President of Colombia ~ via email
Luz Adriana Camargo, Attorney General of Colombia ~ via email
Luis Gilberto Murillo Urrutia, Ambassador of Colombia to the US ~ via email, US mail
José Luis Caballero Ochoa, Rapporteur for Colombia, Inter-American Commission on Human Rights (IACHR) ~ via email, US mail
Gloria Monique de Mees, Rapporteur on the Rights of People of African Descent, Inter-American Commission on Human Rights (IACHR) ~ via email, US mail
UN: Juliette De Rivero, Representative in Colombia of the United Nations High Commissioner for Human Rights ~ via email
CAJAR: Colectivo de Abogados José Alvear Restrepo / José Alvear Restrepo Lawyers' Collective ~ via email
US Embassy: Francisco Palmieri (Chargé d'Affaires, ad interim); Adam Levy (human rights) ~ via email
US State Department: Desk Officer for Colombia ~ via email
US Senators from Ohio: Brown & Vance and US Representatives from Ohio: Beatty, Brown, Jordan, Joyce, Kaptur, Latta, Miller, Sykes ~ via email

The following people hereby urge you to take action on this matter as indicated in this letter: