



## VOLUNTARY PRINCIPLES ON SECURITY AND HUMAN RIGHTS

### ANNUAL REPORT 2020

Colombia

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This report has been prepared by the Government of the Republic of Colombia with the aim of informing the Initiative of the Voluntary Principles on Security and Human Rights on the main efforts and actions carried out during 2018, 2019 and 2020 towards the dissemination and implementation of the Voluntary Principles (VPs) in Colombia. Even though this three-year period is the time framework for the report, references to achievements, documents and actions extend to previous years.

The report follows the reporting guidelines for the Government Pillar and reflects progress regarding:

- A) Commitment to the Voluntary Principles;
- B) Domestic policies, laws, and regulations;
- C) Promotion and Implementation; and



## A) COMMITMENT TO THE VOLUNTARY PRINCIPLES

The Government of Colombia has been committed to the promotion and implementation of the VPs since 2003. A key factor that prompted Colombia to apply for membership in the Voluntary Principles Initiative was the initiation of an in-country multi-stakeholder process by four companies and one industry association: Occidental Petroleum Colombia, BP, Chevron Texaco, and the Asociación Colombiana de Petróleo (the largest oil industry association in Colombia with over 50 company members). These stakeholders were all interested in promoting respect for human rights in the context of extractive sector operations in Colombia. Collectively, they approached the Embassies of the United States, the Netherlands, and the United Kingdom and helped facilitate a dialogue with the Office of the Vicepresident, the Ministry of Foreign Affairs, and the Ministry of National Defense regarding the importance of the Voluntary Principles Initiative for Colombia.

Key factors that promoted the success of this dialogue included:

- The presence of extractive sector companies operating in a complex security and human rights environment that posed legal, reputational, and operational risks;
- The willingness of the Colombian Government to acknowledge serious concerns regarding human rights and violations of international humanitarian law (IHL) in the country;
- The perception on behalf of key stakeholders that the Voluntary Principles provided a useful framework by which to manage extractive sector activities in a complex security and human rights environment; and
- The strong commitment towards the Voluntary Principles within the Colombian Government.

At the conclusion of the dialogue, the Government of Colombia committed to analyze how the implementation of the Voluntary Principles could be promoted in Colombia. This commitment was the basis for the creation of the “National Committee for the Implementation of the Voluntary Principles”.

As the National Committee undertook a deeper analysis of the Voluntary Principles implementation in Colombia, they made several important discoveries:



- 1) International extractive sector companies, including several participants in the Voluntary Principles Initiative, were already implementing the Voluntary Principles in Colombia;
- 2) Several national extractive sector companies that were not Participants in the Voluntary Principles Initiative, were also implementing the Voluntary Principles in Colombia; and
- 3) National extractive and non-extractive companies that were not familiar with the Voluntary Principles were interested in implementing the Principles in Colombia and in joining the National Committee.

In 2008 the National Committee was renamed as the Mining and Energy Committee on Security and Human Rights (Comité Minero Energético de Seguridad y Derechos Humanos - CME). At that time CME membership expanded to include the National Human Rights and IHL Program; the High Command of the Military Forces and the Colombian Army; the National Police; and the Office for the Overview of Private Security.

The CME is a Colombia-based multi-stakeholder forum that studies, debates, and makes recommendations on best practices concerning security-related human rights issues, and provides a forum for dialogue between companies, the Colombian Government, foreign embassies and Civil Society Organizations (CSOs) regarding human rights abuses in the extractive and non-extractive industry.

Participants in the CME include several Colombian Government agencies, national and international oil companies, and Voluntary Principles Governments with embassies in Colombia. The CME obtains funding through annual fee payments made by company members and voluntary grants provided by the Governments of the United States and Norway.

The CME is organized in a manner very similar to the Voluntary Principles Initiative. It is composed of a Plenary, and a Steering Committee represented by Colombian Government agency officials, company officials from each sector represented in the CME (oil and gas, mining, and energy), and a representative from the Asociación Colombiana de Petróleo.

The CME has several working groups charged with producing recommendations based on the needs of the CME members. For example, the CME has a Working Group for the Verification Mechanism, which is working to produce a mechanism that will allow the CME to determine if and how its members are implementing its recommendations.



The CME also has a Working Group on Companies and Public Security Forces, which is working with the defense sector to institutionalize risk assessment.

In 2012, the Working Group developed a recommendation on how CME members could contribute to the Ministry of National Defense Human Rights and International Humanitarian Law Public Policy which includes training public security forces on human rights and IHL, operational discipline, defense, attention to vulnerable groups and cooperation, and makes a commitment with the Voluntary Principles. Similarly, the Contractors Working Group has developed practical tools for companies in managing private security, through the translation of the Voluntary Principles into concrete on-the-ground actions that are specific to the Colombia context.

The Contractors Working Group is also working to promote understanding of the connections between Voluntary Principles implementation and standards like the International Code of Conduct for Private Security Contractors (ICoC). At the time of the CME's transformation in 2008, its members started to engage more directly with CSOs. Since that time, more CSOs have been invited to participate in the CME's creation of recommendations.

The number of stakeholders increased in 2019 when relevant organizations such as Grupo Energía de Bogotá, Continental Gold, the Colombian Mining Association and Campetrol joined the CME. The academic sector is now represented through the participation of the Universidad Externado de Colombia.

Key factors that have made the CME successful are:

- 1) Commitment by the Colombian Government and companies to protect and respect human rights;
- 2) No bureaucracy or high budgets, only political will and a focus on joint work;
- 3) Companies and the Colombian Government work together to achieve mutual goals:
  - a. raising awareness of the VPs;
  - b. implementing the CME's recommendations; and
  - c. identifying best practices on security-related human rights issues;



4) Colombia is committed to human rights and international humanitarian law and has ratified the most important international treaties in these fields like the Geneva Conventions and their Protocols, the American Convention on Human Rights, ICCPR, amongst others.

5) A reasonable level of trust between members; and

6) A commitment to continuous improvement (as opposed to perfection).



## **B) DOMESTIC POLICIES, LAWS, AND REGULATIONS**

In 2015 Colombia started the process to create a series of recommendations for the respectful management of the rights to social protest and how to face illegal or violent actions arising from their build-up.

The process was jointly spearheaded by the Ministry of Interior and the CME, with important contributions from the Ministry of National Defense, the National Hydrocarbons Agency and the National Police. Other institutions took part in the process as guests, including the Office of the UN High Commissioner for Human Rights, the Office of the Attorney-General and the Office of the Ombudsperson.

A set of 59 recommendations with a prevention approach was finally launched in May 2018. Businesses are expected to apply them as soon as they arrive on the field so as to promote a better understanding of the context and to comprehend social conflicts as a means to prevent illegal or violent acts.

Another milestone was the drafting of the document “Business responsibility to respect Human Rights – A practical reading of multistakeholder initiatives in Colombia”. It was a joint effort by the CME, the Global Compact and Guías Colombia that comprises a group of practical recommendations and tools to be adopted by businesses in order to guarantee due diligence in Human Rights. The document focuses on three key elements:

- The main international standards such as the VPs and the national public policy documents such as the National Action Plan on Businesses and Human Rights.
- Tools developed by various organizations that tackle the relation between Human Rights and business.
- Best practices and experience by the three multistakeholder initiatives, the CME, Guías Colombia and the Global Compact Network Colombia.

In 2019, the first version of the Security Risk Identification and Management and Security-related Human Rights Protocol was launched. This instrument was drafted to promote a comprehensive approach in the prevention of third-party impact and to foster a deeper dialogue among civil authorities, the Public Force, businesses and civil society aimed at strengthening security conditions and respect for Human Rights.



It makes possible for businesses and the Public Force to offer their capacities and resources to each other for a coherent, efficient, and comprehensive risk management. However, it does not replace the Public Force risk analysis.

Also, a Joint Declaration was signed between the CME and the Ministry of Interior in support of the State efforts in building and implementing the Comprehensive Public Policy on Guarantees for the Promotion and Defense of Human Rights.



### C) PROMOTION AND IMPLEMENTATION

In 2018, the CME presented the VPs Initiative with the draft for a training course on VPs. Its design took one year of planning by Barrick Gold, Río Tinto, Fund for Peace, Search for Common Ground, PACT, ICRC, DCAF, as well as the Governments of Canada and the United States. Thus, Colombia became the first country to plan the implementation of this four-section course comprising a Human Rights framework in security practices, Human Rights an ethics, roles and responsibility of security staff, and Human rights and the use of force. This project was designed to be implemented with the Ministry of National Defense's Human Rights Division in the framework of a training instruction process. In further stages, the course should be extended to businesses belonging to the CME and to other focus groups.

The training instruction is issued by the Ministry of National Defense on a yearly basis, and it includes subjects of paramount importance for the institution that must be learned by members of the military forces and the National Police including Guidelines for a Security and Defense Policy in Legality; Obligations of the State before international Human Rights organizations; gender policies in the Defense sector; the use of force; learned lessons; and the Voluntary Principles on Security and Human Rights.

As per a request by the Government of Peru, a VPs expert from the Ministry of Foreign Affairs of Colombia, Angélica Patiño, Third Secretary, made a presentation at the Swiss Embassy in Lima, Peru, on the VPs implementation process in Colombia. The meeting was attended by Peruvian officials, representatives of the embassies of Australia, US, Switzerland, Canada and Mexico, representatives of the mining sector, as well as civil society representatives.

In 2019, various VPs promotion events were hosted by the CME. On May 31<sup>st</sup>, Juanita Goebertus, a Colombian Congresswoman, was invited to address a wide audience about the challenges on the participation and coordination between nation and territory in mining projects management. This event provided the audience with the opportunity to better understand the VPs through a Constitutional Court sentence that demanded legislation on the coordination, and citizen participation in the framework of mining negotiations. It also revealed tensions between sustainable development and social conflict in Colombia.

On July 9<sup>th</sup>, the Minister of Interior was invited to talk about the construction process for a comprehensive policy on human rights guarantees and its implementation. Progress has





been achieved on this matter through the reactivation of the Interinstitutional Commission to Respond to Early Warnings and through legislation on prevention and protection.

The Minister highlighted the participation of the private sector in the implementation of prevention and protection tools for social leaders. Examples of VPs best practices included processes presented by Creer and Drummond.

Also, the Ministry of Interior greeted the CME upon joining the Comprehensive Public Policy on Guarantees for the Promotion and Defense of Human Rights. In yet another event, the Office of the Presidential Advisor for Stabilization and Consolidation informed about the progress made in the implementation of the “Peace with Legality” stabilization process and the contributions by the mining sector.

In 2019 and 2020, the VPs training clusters were translated with the support of the Embassy of Canada, Barrick Gold, Río Tinto, Fund for Peace, Search for Common Ground, PACT, ICRC, DCAF and the US Government, and the first phase of this project was implemented in Arauca in cooperation with the Ministry of National Defense.

In 2020, the CME greeted the 20<sup>th</sup> anniversary of the VPs. On this occasion, a video in Spanish and English was released with a general overview of the experience of Colombia in the VPs implementation. The link to the video is available on the CME website: <http://cmecolombia.co/vigesimo-aniversario-de-la-promulgacion-de-los-principios-voluntarios-de-seguridad-y-derechos-humanos-2/>



**El futuro  
es de todos**

**Gobierno  
de Colombia**