

22 July 2010

Mr Mauricio Lazala
Head of Latin America & Middle East; Senior Researcher
Business & Human Rights Resource Centre

Dear Sir,

We have noted that, in a recent campaign by the NGO DanWatch concerning matters relating to the Tabaco Case, no mention was made of the Accord and Settlement that was fought for, built, and finally signed by those of us representing the community, on the one hand, and the company of Cerrejón on the other. The same may be said for the veil thrown around the development arising from the Joint Agreement previously signed by the Hato Nuevo Mayor's Office, the Committee, and Cerrejón in order to comply with the ruling by the Civil Chamber of the Supreme Court, which ordered the reconstruction of Tabaco. Avoiding any mention of the Accord and the Agreement, while knowing about them, as DanWatch does (we were invited by them to describe and explain to them from the genesis to the signing and subsequent announcement of these documents), does no service to the solidarity we expect from an NGO that claims to be committed to defending the social interests of the Tabaco community, so seriously affected by the well-known displacement. On the contrary, what benefits the support required and demanded by the crucial Tabaco Case is to take it seriously, to make appropriate objective criticism taking into account the true state of affairs, and to acknowledge the progress and setbacks that occur or that have occurred. This is especially true in light of what would benefit the kind of support that the landmark case of Tabaco merits and demands given its particular implications in the arena of Social Responsibility in mining and the status it has achieved and deserves in the agenda of social organizations world-wide.

The Agreement and Accord, signed and duly announced, contain and involve no less and no more than the culmination of a historical legal and social claim whose main impetus has been the reconstruction of this fragmented village. Equally, it is in the essence of both events to have agreed upon their transitional nature; that is, that which makes them the starting point for achieving even the reconstruction of the social fabric and the implementation of the highest goals of consensual justice.

The Tabaco community expects those social organizations that draw from the information source supplied by those of us who have been in the solidarity settings, to use it objectively without calculation or omissions that may affect or upset the balance of transparency and fairness that are indispensable in order to frighten away third-party interests that rely on pain and chaos to fish in troubled waters.

I appeal to your status as a knowledgeable expert on this topic to ensure, through your ethical conduct, that this letter is publicized and that the aforementioned campaign is corrected through electronic media on a widespread basis.

Best regards,

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Attorney – Tabaco Case
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C.c. Dr. León Teicher, President, Cerrejón
Dr. Elmer de Armas, Mayor of Hato Nuevo
r. José Julio Pérez Díaz, President of the Tabaco Pro-Resettlement Social Committee
Dr. John Harker, ACCORD MEDIATOR