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Evaluation of Dutch IRBC policy:

Colombia Report

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Abbreviations

ANM	Agencia Nacional de Minería (National Mining Agency)
ACDH	Alta Consejería para los Derechos Humanos (High Council for Human Rights)
ACM	Asociación Colombiana de Minería (Colombian Mining Association)
ARM	Alliance for Responsible Mining
CAPAZ	Cadenas de Paz (Chains of Peace)
CBI	Consensus Building Institute
CME	Comité Minero Energético (Mining and Energy Committee)
CNR	Colombian Natural Resources
CREER	Centro Nacional de Empresas y Emprendimientos Responsables
CSO	Civil society organisation
CSR	Corporate social responsibility
RBC	Corporate Social Responsibility
EITI	Extractive Industries Transparency Initiative
EPRM	European Partnership for Responsible Minerals
FDI	Foreign Direct Investment
FIP	Fundación Ideas para la Paz
GDP	Growth Domestic Product
IA	International Alert
IRBC	International Corporate Social Responsibility
IOB	Policy and Operations Evaluation Department of the Dutch Ministry of Foreign Affairs
MoU	Memorandum of Understanding
NAP	National Action Plan on Human Rights and Business
NCP	National Contact Point
NGO	Non-governmental organisation
OECD	Organisation for Economic Co-operation and Development
PSI	Private Sector Investment
RBC	Responsible Business Conduct
SME	Small and medium-sized enterprises
SWIA	Sector Wide Impact Assessment
TF	Transition Facility
UNP	Unidad Nacional de Protección (National Protection Unit)
UPME	Unidad de Planeación Minero Energética
ToC	Theory of Change
VP	Voluntary Principles on Security and Human Rights

Executive summary

Aim and focus of the report

This report is the result of a case study conducted in Colombia as part of the evaluation of Dutch policy on International Responsible Business Conduct (IRBC) by the Policy and Operations Evaluation Department of the Dutch Ministry of Foreign Affairs (IOB).

The Colombia study focuses on the mining sector and explores whether and how Dutch IRBC policy instruments have influenced the behaviour of supplier companies to the Netherlands and whether these have stimulated overall progress in the promotion of IRBC policy in the mining sector in Colombia. Four Dutch IRBC policy instruments were selected for this specific case study: the Coal Covenant, Dutch Embassy activities, international cooperation and legislation, and private sector instruments. Regarding the latter, two types of private sector instruments were selected: instruments relevant for stimulating RBC in the mining sector – the Sector Wide Impact Assessment (SWIA) from the Transition Facility (TF) and the Cadenas de Paz (CAPAZ) project (in the gold sector) funded by the European Partnership for Responsible Minerals (EPRM) – and two projects from an instrument aimed at private sector development with due diligence compliance as a prerequisite – the Environmentally Friendly Crop Protection Products project and the HoCotec+ Sustainable pig production on a high state-of-the-art farm from the Private Sector Investment (PSI) programme. The latter, although not projects relevant for the mining sector were selected for the purpose of IOB's global evaluation.

IRBC policy instrument 1: Coal Covenant

The Coal Covenant, aimed at improving social and environmental conditions in the international coal supply chain, sets obligations to Dutch companies and the Dutch Government based on the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises. The Coal Covenant prompted Dutch companies to review the due diligence of its supply chain, IRBC policy reporting and auditing mechanisms, as well as encourage Dutch Government involvement in holding coal supplying countries to account on their responsibilities within the coal value chain. The Covenant makes explicit reference to Colombia, committing the Dutch Government to supporting the country's implementation of the Initiative of the Voluntary Principles (VPs) on Security and Human Rights, as well as related peace building efforts.

A number of activities have been carried out in Colombia responding to the obligations set up in the Covenant for both the Dutch Government and Dutch signatory companies. While stakeholders in the coal sector are not always aware of the Covenant itself, they are familiar with activities accounted in the 2017 progress report of the Covenant (MBZ, 2017), such as Bettercoal assessments, bilateral visits and the SWIA (funded together with the Unidad de Planeación Minero Energetica and the UK and Norwegian Embassies). The latter two were supported by the Dutch Embassy. They appreciate the influence of these activities on responsible business conduct (RBC), without linking them directly to the Coal Covenant. These activities respond closely to the needs of the sector and the country, making it a relevant instrument in Colombia. The activities are also coherent vis-à-vis other policy instruments, especially with regards to Dutch Embassy activities as it has played a fundamental role in the realization of what Coal Covenant activities accounted in the progress report.

The Covenant's additionality cannot be precisely measured, as its operation has taken place in a conducive environment in which progress was already occurring. In fact, the Covenant's activities were implemented thanks to other policy instruments (Embassy activities, international cooperation and the private sector instruments) and actors. It has happened in an ongoing process of various multi-actor initiatives that have significantly affected RBC practices in the mining sector, specifically in the coal sector. In this sense, the Coal Covenant, while not being decisive, has catalysed progress on RBC policy in Colombia's coal supply chain.

IRBC policy instrument 2: Dutch Embassy activities

RBC is a cross-cutting theme of the Dutch Embassy in Colombia. This study has found that the Embassy

has played a crucial role in the implementation of other policy instruments, especially the Coal Covenant. The Embassy contributed to and supported various initiatives on RBC in the mining sector, such as SWIA and the creation of the working group on business and human rights lead by the Colombian government High Commissioner for Human rights and the working group on human rights and coal formed by Colombian government agencies and the main coal mining companies in the country. Following on SWIA's results, the Embassy has worked on initiatives around multi-stakeholder dialogue and access to remedy. It has also engaged in active dialogue with mining companies in Cesar to highlight the importance of their participation in the transitional justice process and to approach the Colombian Truth Commission. The Embassy's activities have been coherent and relevant, e.g. with regard to implementing the Covenant's obligations as well as funding and supporting important RBC initiatives. Embassy activities on RBC, especially in the mining sector, have responded to evolving RBC needs in Colombia, although further cooperation with other donors and stronger visibility of their work and their results are suggested.

The Embassy's RBC work in the mining sector is efficient, bearing in mind their financial and human resources limitations. These limitations may increase in the coming years considering that some key programmes are finalising such as the TF and the Human Rights and Business' theme have disappeared from the Human Rights Fund. These programs funded one of the most positively perceived projects in the mining sector in Colombia such as the SWIA.

IRBC policy instrument 3: international cooperation and legislation

The Dutch Government's international cooperation activities are closely interlinked. The visit from former Minister of Foreign Affairs of the Netherlands, Lilianne Ploumen, to Colombia in 2014 triggered bilateral visits resulting in the signature of a Memorandum of Understanding (MoU) between the Ministry of Foreign Affairs of the Netherlands and the Colombian Ministry of Mines and Energy. Nevertheless, the MoU requires further implementation and action by the working group on responsible mining, which this MoU established. During Minister Ploumen's visit, explicit recognition of the Dutch Government's commitment to contribute to peace efforts in Colombia was made. Such recognition has been supported and reiterated by the current Dutch Minister of Foreign Trade and Development Cooperation, Sigrid Kaag, and the Netherlands Ambassador, Jeroen Roodenburg. The Embassy furthermore has supported initiatives such as the joint declaration on the protection of social leaders and human rights defenders and the development of the Colombian National Action Plan (NAP) on Business and Human Rights. Finally, the Dutch Government was the chair of the VP Initiative between March 2017 and March 2018 and played a key role (together with the embassies of Canada, the UK and US) in the creation of the mining and energy committee, Comité Minero Energético (CME), in 2003. However, limited work between the Dutch Embassy and other international donors is found in this study and the majority of respondents requested increased and more visible cooperation among these actors as a way to exercise their leverage in influencing both the Colombian Government and mining companies regarding RBC compliance.

IRBC policy instrument 4: private sector instruments

Based on the findings of this study, it can be stated that SWIA and the CAPAZ projects are the result of a coherent work of the Dutch policy instruments specially by the Dutch Embassy activities and reported in the Coal Covenant progress report in 2017 (MBZ, 2017). These projects have positively affected policy in the mining sector by promoting and ensuring due diligence among all actors. The SWIA report was the most mentioned and appreciated activity of the Netherlands' work by respondents. Both SWIA and CAPAZ are relevant as they address due diligence and help with the identification of key social, environmental and political risks in the mining sector (CAPAZ refers specifically to the gold sector). Although the Netherlands does not work directly with any gold mining companies they have addressed RBC in this sector through this specific project. The additionality of SWIA and CAPAZ differs. SWIA has sped up an ongoing process, fed by a number of multi-actor interventions in promoting RBC in the mining sector, while CAPAZ has focused on key gaps in the sector, specifically regarding gold, thereby creating a better investment climate vis-à-vis EU regulations.

The two private sector projects from the PSI programme aim to provide environmentally friendly alternatives for the agricultural sector in Colombia. The study revealed that the projects both received

information about RBC requirements from the PSI programme (managed by the Netherlands Enterprise Agency RVO) initially, but did not have any other support, guidance or monitoring throughout the project. They have however recently been contacted by the Dutch Embassy. Although these projects and companies follow and respect national legislation and labour and environmental standards provided by their headquarters in the Netherlands, these do not directly respond to IRBC policy frameworks provided by the PSI instrument, nor to any guidance or monitoring of the PSI programme or the Dutch Embassy.

Conclusion

This study concludes that the Dutch IRBC policy instruments in Colombia are closely interrelated. The activities of all of instruments covered by this evaluation are extremely interconnected and results cannot be attributed to one or other separately. They have contributed to accelerating progress made in the mining sector in Colombia regarding RBC and due diligence practices, specifically in coal production. The Dutch instruments have thus far played a catalytic role in the enhancement of RBC policies within coal supplier companies and in Colombian Government outcomes such as the NAP. Yet, it is worth highlighting that this has been a contribution and not the direct and sole result of Dutch Government actions, which have been undertaken in the midst of a conducive environment and an ongoing multi-actor process, which has enhanced the instruments' impact in the sector.

Notwithstanding the progress observed on RBC in the mining sector, it is evident that major and more concrete actions and efforts need to be carried out. Companies should continue working individually and collectively in consolidating RBC practices and due diligence processes, to further advance the Colombian Government's obligations around RBC and due diligence. This study stresses the Dutch Government's leverage to influence powerful actors in the mining sector in Colombia, considering its position as one of the main Colombian coal importers in Europe. This was acknowledged by all interviewees, who request that the Dutch Government continue and strengthen its efforts towards improving RBC standards in the mining sector in the country.

The following recommendations should be read with the close interrelation of the four policy instruments in mind. Recommendations to improve the Coal Covenant, international cooperation and legislation and the private sector instruments may address the Dutch Embassy as well.

Recommendations to improve the effectiveness of the Coal Covenant's activities on RBC

1. It is recommended that the Dutch Government and signatories of the Coal Covenant **remain attentive and flexible to the constant evolution of RBC in the mining sector and the particular dynamics of a post-conflict country like Colombia**, enabling them to respond to the sector's specific emerging needs. The Dutch Government, therefore, together with signatory companies, should increase their coordination efforts to avoid overlapping monitoring and auditing processes made by various RBC standards and initiatives (from other donors, other multi-stakeholder initiatives or different energy companies). The number of visits/audits with which mining companies in Colombia have to cope leads to fatigue and may ultimately defeat their purpose by leading to a tick box exercise.
2. It is important that Covenant signatories, companies and especially the Dutch Government, **state and promote more explicitly their participation in RBC policy activities, projects and programmes**. In doing so, they should make a clear and overt link between Coal Covenant's activities and the Coal Covenant itself. The participation of mining companies and national and local governments in these activities will become more effective if they consider that they are a result of an agreement between the Dutch Government and coal buyers in the Netherlands. It will also make more visible the link between otherwise seemingly unrelated activities. In addition, this could allow the Dutch Government to continue positioning itself as a frontrunner, which, in turn, would grant it more leverage for future RBC promotion activities. Dutch (- based) companies' visibility in those activities may also enhance their reputation and trigger similar actions from other Dutch and non-Dutch buyers, requesting RBC standard compliances from their suppliers.
3. The evaluation team proposes that the Dutch Government **engages more actively with local state institutions** to strengthen their capacities to cope with their due diligence responsibilities. These institutions play a major role in defining how royalties are used and, more broadly, how local

development will be shaped. In the coal sector, this is of the utmost importance if one considers the plausible need to diversify local economies in the face of future mine closures.

4. Although gender is absent from the Coal Covenant, the Dutch Government can make **more efforts to include a gender perspective in its various activities**. Gender inequalities in the big coal producer companies may not be a major concern, but inequalities also exist at other levels of the mining sector, especially in the gold sector.
5. It is recommended that the Dutch Government **further recognises and supports the Dutch Embassy's efforts and work on the implementation of Coal Covenant** activities as well as its own RBC activities in Colombia. This can be done by either maintaining existing funding programmes related to RBC, or by creating tailored RBC and human rights funding programmes to ensure the sustainability of the outcomes achieved by the policy instruments in the mining sector, as well as in other sectors in Colombia.
6. Covenant signatories should **continue to monitor the due diligence processes of their suppliers**. Special attention should be paid to strengthening:
 - due diligence of coal suppliers;
 - the development of long-lasting initiatives in light of probably future mine-closures;
 - the existing strategies to cope with social unrest; and
 - the protection of human right defenders and access to remedies for victims of past grievances.
7. The promotion of existing RBC instruments by the Covenant signatories is highly recommended. **Support and monitoring of the SWIA and the CRAFT Code (CAPAZ)** as well as their follow up activities, including the project 'Resolution and mediation of conflicts, an opportunity to build trust in Cesar', implemented by CREER in coordination with CBI and ACCESS Facility needs to be continue and strengthened. This could stimulate due diligence among SMEs (either Dutch SMEs or other SMEs that function as suppliers for Dutch companies). This is particularly relevant as these SMEs face at the same time the most severe social, environmental and political risks and the largest limitations. In the gold sector, the Dutch IRBC Agreement could be an effective vehicle for such an endeavour, building on the lessons learned from the Coal Covenant.

Recommendations to improve the effectiveness of Dutch Embassy activities on RBC

8. It is recommended for the Embassy to **continue using its leverage to promote RBC within both the Colombian Government and Dutch (supplier) companies**. Its coordination efforts are highly appreciated and its mediation welcomed by state, private sector and international actors.
9. The majority of stakeholders interviewed for this study appreciated the Embassy's role in the CME. This presents an opportunity for the Dutch Embassy to strengthen this role and continue to engage in key discussions with communities, stakeholders, companies and the Colombian Government. This should facilitate the **continuation of existing multi-stakeholder dialogue schemes at the local level and prompt the creation of new initiatives where needed**. Most actors persistently saw dialogue as a RBC end in itself, and as a means of improving company- community relationships, and enhancing information exchange.
10. The Embassy can **brand its activities more overtly as "promoted by the Dutch Embassy"**. This may enhance its impact, and position it as a leader in RBC policy. This could make its role in implementing or supporting Coal Covenant-related activities more visible and should continue publicising its RBC tools, such as the MVO Risk Check.
11. It is recommended for the Embassy to **pay more attention to gender in its RBC work** and bring up gender inequality more actively when discussing RBC strategies and mechanisms implemented by mining companies, e.g. complaint mechanisms, as well as due diligence actions, such as resettlement and reparations.
12. It is advised that the Dutch Embassy continues and promotes further its RBC policies as a **joint effort**

of both its political and economic departments. The work of both departments is acknowledged by most actors interviewed, conveying the message that RBC goes beyond philanthropy and comprises both an ethical and a market-driven demand. This is particularly important to position RBC high on the agenda of newly arriving businesses to Colombia.

Recommendations to improve the effectiveness of international cooperation and legislation on RBC

13. It is key for the Dutch Government to **further advance the implementation of the MoU on mining and follow up and consolidate the links and work of the bilateral Working Group on Responsible Mining** established between the Netherlands and Colombia.
14. The continuous support of the Dutch Government to the Colombian Government's activities and strategies on RBC promotion, overall and in the mining sector in particular is highly recommended by the evaluation team. The **institutionalisation of RBC standards within Colombia** can be done by consistently and publicly stating the **Dutch Government support Colombian NAP on Human Rights and Business (led by ACDH) and the Human Rights Policy for the Mining Sector** (led by the Ministry of Mines and Energy).
15. It is recommended that the Dutch Government's **support to national peace efforts, particularly regarding dialogue around reparations of human rights violations relating to mining activities**, continue to be even more visible and increased. The follow up of the June 2018 joint public declaration on the protection of social leaders and human rights defenders to encourage mining companies to implement their commitments is also recommended.
16. Various actors stated that although the Dutch Embassy has played a crucial role towards improving RBC in the sector, **cooperation among embassies would have an even stronger impact on the Colombian Government and mining companies.** It is recommended that cooperation between the Dutch Embassy and other donors and relevant embassies in the sector be enhanced. This however can be limited due to the financial cuts of human rights and business programmes of other embassies.

Recommendations to improve the effectiveness of private sector instruments on RBC

17. It is recommended for the Dutch Government to **prompt the elaboration of SWIAs for other equally important sectors of strategic interest for the Netherlands** (e.g. palm oil). SWIAs may serve as useful methodological tools to elaborate baselines that prompt actions towards enhanced due diligence processes.
18. It is recommended for the Dutch Government and specifically RVO to strengthen and **make their IRBC policy frameworks of private sector instruments visible throughout all phases.** The monitoring and evaluation phase should be clear and enforce reporting mechanisms that address specific RBC elements.
19. Further **support (both financial and in human resources) to the Dutch Embassy is highly recommended to be able to assist companies participating in PSI on RBC and compliance with the programmes' IRBC policy framework.** This could include an invitation from the Embassy to companies under PSI to participate in relevant events around the agricultural sector, as well as on RBC practices, training and knowledge exchange activities, visits to the plants and demonstration centres of the companies implementing the PSIs.

1. Introduction

1.1 Evaluation of Dutch IRBC policy

This report forms part of the Policy and Operations Evaluation Department of the Dutch Ministry of Foreign Affairs' (IOB) evaluation of Dutch policy on International Responsible Business Conduct (IRBC)¹, comprising (i) sector agreements on IRBC, (ii) private sector instruments, (iii) Dutch Embassy guidelines/activities, (iv) international cooperation and legislation, and (v) government procurement policy. These IRBC policy instruments aim to promote responsible business conduct in settings where human rights, worker health and safety, and environmental protection are at risk. The evaluation period covers the timeframe of 2012 until 2018. The evaluation itself was conducted in April-September 2018.

To verify the results of Dutch IRBC policy instruments on the ground, the IOB evaluation is supported by detailed case studies in four countries: Bangladesh, Colombia, Ethiopia and India. With all four countries, the Netherlands maintains comprehensive and increasingly mature economic relationships. While Colombia and India are characterised as 'trade partners' by the Dutch Ministry of Foreign Affairs, which implies that the emphasis lies on activities that benefit Dutch companies and employment, Bangladesh and Ethiopia fall under the category of 'partner countries' with 'transitional relationships'. This entails that the Netherlands also runs development programmes aimed at reducing poverty and promoting the priority themes of Dutch development cooperation policy.

Doing business in these four countries is an important component of Dutch activities to promote economic growth and private sector development. However, in all four countries these activities take place in an environment characterised by an array of social, environmental and political risks, i.e. risks of violations against human, labour and workers' rights, poor governance and weak rule of law, and environmental degradation, among others. These risks also occur in sectors in which Dutch companies, partially supported by private sector instruments of the Dutch Government, are active as producers, traders or buyers; for example, in the mining sector in Colombia and the textile and garment sectors in India and Bangladesh. Dutch experiences in Bangladesh, Colombia, Ethiopia and India therefore offer information-rich examples of different IRBC policy instruments and their (expected) effects in countries and sectors where various social, environmental and political risks are prevalent and constitute important bottlenecks to sustainable development.

This report details the findings for the country study in Colombia.

1.2 Aim and structure of the report

This report aims to evaluate how different IRBC policy instruments manifest in Colombia and to what extent they promote and incentivise (Dutch) companies to contribute positively to economic, environmental and social progress and minimise adverse effects of company operations on the environment, employees and (surrounding) communities.

The report is structured as follows. Section 2 describes the methodology, including evaluation approach, methods of data collection and data analysis as well as the limitations of the study. Section 3 provides the context of the evaluation in Colombia. The empirical findings of the study are presented in Sections 4-7, focusing on the following (interconnected) IRBC policy instruments: the Coal Covenant in Section 4, Dutch Embassy activities in Section 5, international cooperation and legislation in Section 6, and private sector instruments in Section 7. Section 8 reflects on the opportunities and limitations of implementing IRBC policy instruments in Colombia, as well as on the instruments' underlying assumptions. The main conclusions of the study are presented in Section 9.

¹ The evaluation commenced using the terms International Corporate Social Responsibility (ICSR) and corporate social responsibility (CSR) (according to the Terms of Reference). This has been amended in the final phases of this evaluation, following the lead of IOB, to correspond to the terminology used in the OECD Guidelines. As a result, the terms used now are International Responsible Business Conduct (IRBC) and responsible business conduct (RBC).

2. Methodology

2.1 Evaluation approach

This study follows a qualitative, theory-based approach to evaluation to facilitate an in-depth understanding of the workings of Dutch IRBC policy instruments in Colombia. In the absence of a clear counterfactual, such an evaluation approach is both practically feasible and delivers a context-specific understanding of why and how observed results occurred. Moreover, a qualitative approach to evaluation is well suited to build an in-depth understanding of processes of change, and to bring in the perspectives and voices of beneficiaries and stakeholders.

This implies that this study does not serve as an impact evaluation. Instead, the study traces the Theory of Change (ToC) of the different policy instruments and aims to identify (existing and potential) linkages between IRBC policy instruments and observable or expected outcomes in a context where there are multiple influencing factors (e.g. national regulation or international RBC policies). Validating the ToCs of the different IRBC policy instruments with empirical evidence thus serves to indicate the extent to which these instruments have made – or are likely to make – a difference (Mayne, 2012).

2.2 Country selection

Colombia was selected as a focal country to study Dutch IRBC policies abroad, together with India, Bangladesh and Ethiopia, based on the following criteria: (i) countries are important trade and aid partners of the Netherlands, with significant social, environmental and political risks in the supply chain; (ii) countries have relevant economic sectors for which Dutch sector agreements have already been concluded; (iii) countries are important receivers of Dutch private sector instruments; and (iv) countries cover different geographical regions and are in different stages of development.

2.3 Case selection

The Colombia case study focuses on the mining sector, in which there is a strong trade relation between the Netherlands and Colombia, particularly through coal imports. Consequently, the IRBC policy instruments selected for this case study include the 2014 Coal Covenant (which set out to improve social and environmental conditions in the international coal supply chain), activities of the Dutch Embassy in Colombia, and two specific Dutch-funded private sector instruments relevant for stimulating RBC in the mining sector; the Transition Facility (TF) and the European Partnership for Responsible Minerals (EPRM, a public-private European partnership with various European donors including the Netherlands). There are no Dutch mining companies directly active and represented in Colombia. Accordingly, the focus is on energy companies' suppliers to the Netherlands. A detailed overview of the cases studied within the mining sector can be found in Annex 1.

During the inception phase of the study, agriculture in Colombia was considered as a possible additional sector. Initial attempts were made to gather data on this sector, including an interview with the Agricultural Attaché of the Dutch Embassy. However, limitations around the accessibility and relevance of, for example, sector agreements and the wideness and complexity of the sector (various products with diverse social, environmental and political risks, pathways, etc.) represented important constraints to gather sufficient and relevant data for the purpose of this study. In spite of this, two projects in the agricultural sector from the Private Sector Investment (PSI) programme in Colombia were selected to be included in this study. CEOs and managers of companies working in these PSI projects were interviewed, revealing useful information and inputs for IOB's global evaluation. The findings and analysis of these projects are presented in Section 7.3.

2.4 Data collection

This study involved both desk review and field research for the purposes of data collection and data triangulation. Both of this study's researchers are based in Colombia, which allowed fieldwork to be conducted from May to July 2018. During the first week of the fieldwork, a senior researcher by IOB (Dr Alexander Otgaar) joined data collection in Colombia. Desk research was conducted in April-September 2018.

Intensive fieldwork was done during the week of 17-22 June 2018, during which site visits to the mines of two of the main coal mining companies in the Cesar region took place. Semi-structured interviews and field observations were also undertaken in Bogota, Medellin and Cesar. These data collection methods provided in-depth information on the different IRBC policy instruments. The interviews aimed to elicit feedback on whether and how relevant RBC issues and social, environmental and political risks are addressed in Colombia, including the role of Dutch IRBC policy instruments and behaviour by Dutch companies or their suppliers.

Interview respondents comprised a wide variety of actors, such as staff of the Dutch Embassy in Bogota, national government organisations, non-governmental organisations (NGOs), labour unions, civil society organisations (CSOs), international organisations and Dutch suppliers involved in and/or affected by IRBC policy instruments. This report also considered the reports provided by IOB of interviews conducted by them with officials from the IMH department of the Dutch Ministry of Foreign Affairs and Bettercoal signatory energy companies. In addition, two companies working for agricultural PSIs in Colombia were visited, and their CEOs and managers interviewed (see Annex 2 for a detailed overview). In total, 54 people from 32 different organisations were interviewed in Colombia. Three of them were interviewed in the Netherlands via Skype.

Secondary data complemented the information obtained through primary research. To this purpose, a desk review was conducted, comprising published reports and studies, evaluations, policy and programme documentation, reports and data provided by the Dutch Embassy in Colombia and independent websites on social, environmental and political risks and responsible business behaviour in the mining sector.

2.5 Data analysis

The collected data was analysed by means of content analysis and context analysis. Content analysis is "a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the context of their use" (Krippendorff, 2004, p. 18). This research technique is widely used in qualitative research (Hsieh & Shannon, 2005) and it is particularly useful for this evaluation as it allows policy influence to be understood and traced. The focus of content analysis lies on identifying emerging patterns and issues, which are then grouped into themes. These serve to identify and understand the complex workings of the different IRBC policy instruments, including implementation processes, barriers and limitations, and (possible) impact areas. Context analysis was employed as a complementary method to examine the validity of the data obtained through interviews as well as to contextualise data obtained for a more in-depth understanding of it.

A differential and inclusive approach was used in data analysis. Although communities were not interviewed, social categories of analysis such as gender, age and ethnicity were taken into consideration during the various phases of the study (design, data gathering, analysis and report writing).

2.6 Limitations of the study

Firstly, it should be stated that the *amount of data and information available varied per IRBC policy instrument*; among others, depending on accessibility and openness of respondents. This implies that

the level of detail of evaluation differs per case and not all areas of interest (and evaluation questions) could be covered equally for each case and IRBC policy instrument.

Secondly, the theory-based approach to evaluation recognises that *attributing identified effects* – e.g. improved due diligence of companies – *to a specific policy is nearly impossible*, as impact is determined by various factors, including other policies, the costs/benefits of 'doing no harm' to businesses, competitive pressures on companies, and leadership and organisational culture of businesses. The study addresses this by collecting rich data for a better picture of the context and other major external factors that may play a role in affecting social, environmental and political risks and (Dutch) company behaviour. It is hoped that this makes the findings particularly useful to Dutch embassies.

Thirdly, it should be noted that this report is *not a general effectiveness evaluation*, but pertains exclusively to questions of RBC promotion. For instance, the study includes two types of private sector instruments, one are instruments relevant for stimulating RBC in the mining sector – the Sector Wide Impact Assessment (SWIA) from the Transition Facility (TF) and the Cadenas de Paz (CAPAZ) project (in the gold sector) funded by the EPRM – and two projects from an instrument aimed at private sector development with due diligence compliance as a prerequisite – the Environmentally Friendly Crop Protection Products project and the HoCotec+ Sustainable pig production on a high state-of-the-art farm from the PSI programme. However, the study is neither an evaluation of the general effectiveness of these instruments nor of the effectiveness of the sampled projects. The entire study was guided by questions of how different Dutch IRBC policy instruments (e.g. private sector instruments) aim to promote responsible business conduct and how this affects companies involved in the instruments.

Fourthly, given that there are no Dutch mining companies in Colombia, this study focuses on the complex mining supply chain in the country. Coal is a major product imported in the Netherlands and the three major suppliers are international companies based in Colombia. As there are no Dutch private sector mining programmes with an IRBC policy framework in Colombia, this study included selected relevant TF and EPRM projects. Therefore, the type of information, analysis and recommendations respond mainly to the supply chain and the links between the various evaluated instruments. It does not look at Dutch companies' behaviour or the impact of specific private sector instruments in the sector.

Finally, this evaluation took place amidst an electoral process in Colombia in 2018. Consequently, contacting government officials was difficult as many were leaving office or because shortly after contacted, they were no longer part of the corresponding agency. Those that remained had tight schedules, as they were busy in the handover process (this was, for instance, the case with the Environmental Licensing Authority, which despite recurrent requests was not available for interviews). More importantly, this change implies that some of the findings of this report might be limited to the specific context of President Santos' terms in office (2010-2014 and 2014-2018) and may be subject to changes during the newly-sworn President Duque's term (2018-2022). To what extent this change will influence the human rights and business policies/agenda is still unknown.

3. Evaluating Dutch IRBC policy in Colombia

3.1 Relevance of IRBC policy in Colombia

Colombia is currently classified as an upper middle-income country by the World Bank (2018b) and ranks 59th in its Ease of Doing Business list. It has become a top economic performer in South America (World Bank, 2018c). Colombia initiated its accession to the Organisation for Economic Co-operation and Development (OECD) in 2013 (as an official candidate), as a result of persistent economic growth, macroeconomic stability and improvement in social indicators in the last two decades. In May 2018, Colombia was officially accepted as an OECD member (OECD, 2018).

Colombia's gross domestic product (GDP) grew at an average of 4.6% between 2006 and 2015, prompted primarily by high commodity prices. These, in turn, stimulated major investments, especially in the mining sector (IMF, 2017). In 2018, Colombia's GDP is projected to grow by 2.7%, thus positioning the country above the Latin American and Caribbean average of 2% (IMF, 2017). According to the International Monetary Fund, the medium-term outlook is favourable as the 2016-signed peace agreement, a structural tax reform put in place in 2017 and significant 4G infrastructure investments are expected to boost the economy in upcoming years (IMF, 2017).

Moreover, Colombia's current post conflict scenario creates a positive climate for new investments, particularly in the mining and agriculture sectors, which benefit the most from better human rights and security conditions in conflict-affected rural areas. Although the mining sector had negative growth in 2017 (-3.6%), mainly due to lower prices, it is still one of the main revenue sources for the country; conversely, the agriculture sector had the largest growth rate in 2017 (4.9%) compared to other sectors of the economy (ANIF, 2018).

Despite these promising prognoses, the country still faces substantial development challenges, including social, environmental and political risks; the majority of which are related to labour rights, followed by environmental issues, human rights, and fair business practices (MVO Nederland, 2018). social, environmental and political risks vary substantially depending on the sector and even the type of business done within the sector. Many organisations, including the OECD, are still concerned about persisting violence against unionists (OECD, 2016). Likewise, water pollution and health hazards, due to the use of chemicals for crop production and gold extraction, constitute substantial environmental risks (MVO Nederland, 2018).

These risks are further fuelled by the occurrence of other violent incidents and human rights violations, predominantly in remote areas where mining companies are located. Therefore, due diligence has been, and still is, a major challenge for companies operating in Colombia (Jansen & Veeneman, 2016).

Colombia has made important efforts regarding RBC in the past decade, including its accession to the OECD². However, it still lacks a comprehensive and integral national RBC policy (Jansen & Veeneman, 2016). An important initiative to develop such a policy was initiated by the Alta Consejería para los Derechos Humanos (ACDH) (high council of human rights) from the Presidential Office, with the publication of the first guidelines on human rights and business in Colombia. This resulted in the launching of Colombia's National Action Plan (NAP) on Human Rights and Business in 2016 (ACDH, 2016), becoming the first non-European country to have such a plan. The NAP constitutes the first policy document in Colombia that addresses key RBC issues in the country and articulates all relevant government actors, businesses, CSOs, NGOs, guilds and the academy.

The NAP establishes a set of actions, led by the national government and delegated to its various agencies and ministries, in order to prompt respect for human rights. It does so by including measures such as introducing human rights criteria in procurement processes, granting civil society participation

² Other efforts worth highlighting: becoming an Extractive Industries Transparency Initiative (EITI) member in 2014, appointing an OECD National Contact Point and having signed all major human rights and ICSR instruments, including the Voluntary Principles (VP) Initiative on Security and Human Rights, the UN Guiding Principles on Business and Human Rights, and the International Labour Organization (ILO) Declaration on Multinational Enterprises and Social Policy, among others.

mechanisms, providing guidelines, encouraging state participation in multi-actor fora and, more broadly, the promotion of due diligence within public and private companies. In its most recent balance report, Colombia's high council for human rights, the ACDH acknowledges NAP's major accomplishments, including: the creation of the Human Rights and Business Working Group, the adoption of the Human Rights Policy for the Mining Sector, the launch of various local dialogue spaces, and the identification of remedy mechanisms (ACDH, 2018). In light of this, the balance report recommends that Colombia's new government (since August 2018) continues with the advancement of implementing the UN Guiding Principles on Business and Human Rights.

3.2 Bilateral relations and trade between Colombia and the Netherlands

On the grounds of its sound economic policies, stable political environment and the increasing size of its middle class, Colombia has become a trade partner that is less dependent on development aid. Having acquired middle-income country status, it is now seen as offering the Netherlands persistent opportunities for long-term business investments (Rijksoverheid, 2012; MBZ, 2018a). Although the transition from aid to trade has been a gradual process, in 2013 in the Dutch A World to Gain trade policy document, Colombia was already considered as a 'trade' country, which entails promoting activities aimed at facilitating the success of Dutch companies there and inducing economic growth and employment in the Netherlands (MBZ, 2013).

Currently there are more than 60 Dutch companies active in Colombia and around 60 Colombian companies that represent Dutch businesses' interests (MBZ, 2018a). By 2014, annual Dutch foreign direct investments in Colombia reached €366 million (MBZ, 2018b) whilst the value of Dutch goods exported to Colombia averaged €464 million each year during 2014-2017, mainly driven by the export of chemical products and machinery (MBZ, 2018c; Annex 3).

The Netherlands has become Colombia's fourth most important export destination, reaching a peak in export value in 2017 of €1,365 million (Annex 4) due, in part, to the key function of Rotterdam as a transit port in Europe (MBZ, 2018a). Mineral fuels are the main driver of exports (59% in 2017); yet, its share is decreasing while animal and vegetable oils, as well as food and live animals' share in total exports is growing (Annex 4). Trade relations between both countries remain strategic; an observation that was recently reiterated by the Dutch Minister of Foreign Affairs, Stef Blok, in his 2017 visit to Colombia. During the visit, Blok reinforced Colombia's significant role given its proximity to Aruba and Curacao (MBZ, 2018d), which are part of the Kingdom of the Netherlands. Furthermore, he set expanding commercial trade, particularly in the agricultural and tourism industries, as a priority with the Colombian Government (El Colombiano, 7 April 2018).

Finally, from a political perspective, the main Dutch interests in Colombia lie in the protection of human rights and the country's ongoing peace process (MBZ, 2018d). This puts IRBC policy high on the agenda, especially for industries that are of a strategic interest for the Netherlands (e.g. coal and palm oil) and, in turn face substantial risks due to armed conflict, land restitution processes and insecurity, among others (Annex 4). In November 2018, the Dutch Government conducted a mission to Colombia. The Dutch Embassy supported this mission that focused on various specific sectors such as agriculture, life sciences and health, water, logistics and infrastructure. A significant number of Dutch companies and government representatives participated in the mission and actively engaged with Colombian actors relevant in those sectors. The Dutch Prime Minister held various commercial and political meetings and discussed, among other issues, the Netherlands' efforts in supporting the peace process in Colombia. This mission can be seen as a clear indication of the Netherlands commitment and interest in continuing working with Colombia and moving forward in its commercial relations as well as in continue supporting Colombia's efforts to achieve a sustainable peace.

3.3 Mining in Colombia

While Colombia has a diversified economy, mining plays a crucial role. According to the Colombian

mining association, Asociación Colombiana de Minería (ACM), between 2000 and 2016 the sector represented, on average, 2.2% of the country's GDP, and until 2010 more than 40% of foreign direct investments (FDI) in Colombia (ACM, 2016). More recent trends indicate a decrease in this share, but it remains important: in 2016, mining represented 21% of FDI (EITI, 2016). What is more, whilst in 1970 mining's share of total exports was 2.7%, in 2016 it reached 21.6% (UPME, 2017). Hence, minerals are one of Colombia's most important international trade products.

Colombia's high-quality coal is undoubtedly the most significant mineral, contributing 1.3% annually to GDP, generating over 77% of mining royalties, and representing 68% of mineral exports, followed by gold (23%) and ferronickel (UPME, 2018). The Netherlands' role is crucial as well: it is estimated that 50% of coal consumption by energy companies on the Dutch market, E.ON, Essent, GDF Suez and EPZ, comes from Colombian mines (Kessler & Gómez, 2013).

Despite its economic significance, formally established mining companies in Colombia only generated 54,540 jobs according to a 2015 estimate (EITI, 2015) which exemplifies the fact that this sector is capital- but not labour-intensive. Moreover, only 9% of the people employed in the sector have higher education degrees, and less than 20% are women (UPME, 2018): mining thus involves mainly unskilled male labour.

Mining categories

The type of social, environmental and political risks faced by miners differ notably depending on the nature of the mineral extracted, the size of the company and its legal status. Therefore, the following categories of mining need to be accounted for in this report: legal and illegal³; formal and informal⁴; large, medium and small-scale mining⁵.

Given that the subject of this report is Dutch IRBC policy instruments, the three largest coal suppliers to Dutch companies (Prodeco, Drummond and Cerrejón) – which are therefore more strongly influenced and affected by Dutch policies – are the focus. These companies fall under the categories of legal, formal and large-scale mining operations. The report, however, also addresses social, environmental and political risks in the gold sector and future IRBC policy promotion strategies of the Dutch Embassy.

social, environmental and political risks in the mining sector

Specific risks in the mining sector have been highlighted, especially during the last decade because a number of reports and documentaries on coal mining from various (mainly Dutch) organisations (Greenpeace, 2008; Netwerk, 2011; SOMO, 2012; Pax, 2014). Human rights violations, environmental impact and labour rights are some of the issues that stand out from these reports. These reports and documentaries put Colombia's coal imports high on the Dutch parliament's agenda (Kessler & Gómez, 2013) and led to a strong commitment of the Dutch Government towards stimulating responsible business practices in the coal supply chain (Hupperts et al., 2014).

An analysis of the specific conditions of the mining sector in Colombia indicates that social, environmental and political risks can be categorised as follows: 1) those that are a result of a legal framework (or the lack thereof); 2) those stemming out of state action/inaction; 3) those related to armed conflict, the post-conflict scenario or social unrest; and 4) those that are the direct result of a mining company's activities (labour rights, information issues, environment, future production). The following provides a summary of these categories.

Legal framework

Colombia's mining legal framework is currently contained in the Código de minas (Code of Mines) law

³ Besides the obvious difference between extracting minerals whilst having all the environmental and mining licenses and doing so without them, the main difference lies on whether such extractive activities benefit illegal armed groups or other criminal activities (e.g. money laundering). This is a contested issue, and for a more detailed discussion on these categories see CREER (2016).

⁴ Operating without due permits does not necessarily entail engaging with criminal activities and, consequently, informal miners are different to illegal miners. While the former can be subjected to formalisation strategies, the latter are a police matter. Here one finds a major difference between the coal and the gold sector. Whereas formal mineral extraction represents the majority of coal extraction (circa 60%), it is not more than 15% in the gold sector (CREER, 2016).

⁵ Size is a crucial variable as larger companies tend to have significant financial capacities and face increased pressure to fulfil due diligence processes.

685 of 2001. The Code was later modified in 2010 by law 1382, which was in turn overruled by the Constitutional Court in 2011, due to a lack of proper prior consultation with indigenous communities. According to Hupperts et al. (2014, p.11), Colombia's current legal framework "takes into account the environmental consequences of mining, but hardly addresses the social effects", a statement ratified by other stakeholders during this research. Recent legal developments (e.g. Resolution 318 of 2018 or the 2018 National Human Rights Policy for the Mining Sector) supposedly address this issue by conditioning the granting of mining licenses to the development of a social management plan but it is too soon to tell whether either will lead to any positive changes. Companies frequently indicate that they face legal uncertainty, partly due to unclear rulings from the judicial branch (local judges or the constitutional court) and numerous changes to legal frameworks, but also because of the popularity of using mining referenda (*consultas populares*) to decide on the future of local mineral extraction. This uncertainty is exacerbated by a lack of trustworthy information on basic issues, such as the presence of ethnic minorities within areas that have been granted mining licenses. This means that either during the process of acquiring licenses, or even several years after being granted a licence, claims may surface and even lead to a block on production. This is one reason why, despite its mining extraction potential, Colombia is not seen as a highly attractive country to invest in (occupying position 65 among 104 countries) (ACM, 2016), and that dialogue with local communities is high on the Dutch IRBC policy agenda. In fact, a recent survey indicated that only 38% of the mining sector directors were satisfied with the way communication with local communities was taking place (Dinero, 2017).

State action/inaction

All interviewees stated that weak local state institutions are one of the main threats to the operations of mining companies and communities' wellbeing. Such weakness materialises in high levels of corruption; insufficient technical capacities to present sound projects to access royalties; and persistent competencies/turf clashes between local and national authorities. Most actors, Dutch Embassy staff and mining companies pointed out that developing new RBC initiatives in coordination with state agencies often failed due to the constant change of public officials. This, in turn, prompts multiple and uncoordinated efforts from different state agencies.

In this context, aligning Dutch IRBC policy strategies with local and national priorities has become a difficult task. Some companies and stakeholders, therefore, opt for working independently from local and national authorities, which poses the question of sustainability and what might happen to communities in the absence of the company – a particularly relevant question in light of the chances of coal substitution for renewable energy sources.

Armed conflict, post-conflict and social unrest

Although considerably reduced, violence has not disappeared in Colombia. The presence of illegal armed groups still poses a risk: in February 2018 death threats targeted unionist and social leaders in Cesar coal mining areas, just two weeks after an official visit by the Dutch Government (Verdad Abierta, 2018). What is more, interviewed union members from coal companies stated that despite continuous threats they currently receive less protection from the Colombia's national protection unit than before, Unidad Nacional de Protección (UNP), as a result of – in the unionists' view – questionable UNP risk assessments.

Various organisations interviewed indicate that a sound RBC strategy should not be limited to dealing with present conditions, but also with past grievances in which companies' may have been directly or indirectly involved. In this sense, land restitution and victims' reparation processes may become significant from a RBC perspective.

In recent years, Colombia has also seen increased social unrest in mining areas: 26 cases of protests or blockades affecting mining operations were reported in 2013, compared to 338 incidents in 2016. This poses risks in terms of mining company operations (it is estimated to have led to a loss of profit of around €300 million in 2013-2016) (ACM, 2016), but also in terms of their response to community claims, including their relationships with police authorities. Such is the importance of this issue in Colombia that a specific guideline on dealing with community claims has been designed by the mining and energy committee, Comité Minero Energético (CME), with the support, among others, of the main

multinational coal companies (CME, 2018).

Mining company's activities

Infringements of labour rights are often portrayed as a substantial risk in both formal and informal mining. Whereas in the former the main concerns revolve around safety conditions and workday schedules, in the latter additional and more critical issues arise such as child labour and sexual exploitation.

Environmental concerns are present in both formal and informal mining, albeit the former is subjected to much more scrutiny throughout the licensing process and by-law-established environmental management plans. In fact, formal mining companies complain about the mining sector's lack of legitimacy -only 36% of the population has a positive image of mining (ACM, 2016)-, and attribute that to insufficient controls on informal mining (for instance, the use of mercury in gold extraction, persistent deforestation not accompanied by reforestation, etc.). Nevertheless, within formal mining, resettlement processes of communities located in mining areas are also a major issue that result from the environmental impacts of their activities. In the case of coal extraction, resettlement processes are allegedly a consequence of particulate matter present in the air. These processes have yielded different results, depending both on the mining companies' strategies to relocate people and the political structure of the relocated communities.

Many interviewees indicated that another risk results from mining companies' not considering the behaviour of other companies. The cumulative effects and risks of a mining operation amidst the operation of other companies (extractive or not) is not usually taken into consideration e.g. the cumulative effect of the air pollution produced by other mines of other companies in the same area. In addition, other companies' insufficient or total lack of RBC strategies do not only affect communities' well-being but also pose a threat to the mining company that do have a RBC strategy in place. Finally, other companies' behaviour may substantially hinder the possibilities to adequately interact with local communities or may increase the potential social and environmental consequences of another incoming mining operation.

Changing international markets will most likely lead to a change in the demand of minerals from Colombia. The Netherlands subscribes to the European target of a 40% carbon emission reduction by 2030 (compared to 1990) and expects to increasingly rely on renewable energies (Kessler & Gómez, 2013). Consequently, communities surrounding mining operations are faced with the need to gradually diversify their local economies and therefore the Colombian government has to support such process.

In summary, the mining sector in Colombia is notably complex (Annex 5): it has a sophisticated but unstable legal framework; it relies on state capacity that is still under construction amidst a post-conflict scenario; and it is seeking to perform better in terms of, among others, environmental and labour standards, while dealing with increased social demands and unrest. In this context Dutch IRBC policy strategies have to cope with crucial but fragile interactions with the state and civil and international actors.

4. The Coal Covenant in Colombia

4.1 Objectives and activities of the Coal Covenant

Building on previous Dutch and European efforts to improve RBC standards in the mining sector – such as the Dutch Coal Dialogue in 2010 and the Bettercoal initiative in 2011 – the Dutch Ministry of Foreign Affairs, the Dutch Ministry of Economic Affairs and the utility companies E.ON, Nuon, GDF Suez, EPZ and RWE signed the Coal Covenant in 2014. The Covenant's main objective is to improve social and environmental conditions in the international coal supply chain. It sets a number of specific obligations to both Dutch companies and the government. Although the Covenant targets the global mining sector in general, its 9th consideration explicitly refers to Colombia as a country of special attention, considering its importance for the European and Dutch coal market over the last few years.

Energy companies' activities

Signatory companies of the Coal Covenant work mainly with three American (Cerrejón, Drummond and CNR) and one Swiss (Glencore-Prodeco) coal supplier based in Colombia. The Covenant establishes specific objectives for suppliers used by energy companies in the Netherlands related to prevention and risk mitigation, and encourages their business partners to implement the OECD Guidelines for Multinational Enterprises (OECD, 2008), on which the Covenant is established. The first obligation is that of due diligence⁶, stipulated in Article 2.1: "The energy companies conduct due diligence in their purchasing policy for coal for use in the Netherlands (...)". The Covenant also outlines obligations to companies relating specifically to monitoring and audits (Article 3, 4, 6, 7, 11, 12), dissemination of the covenant (Article 5) and complaint and dispute resolution mechanisms (Article 8, 9, 10).

The Covenant builds on the 2011 global initiative, Bettercoal; therefore various activities that respond to the Covenant's obligations began before the Covenant was signed in 2014 (Annex 5). For example, Bettercoal has a risk assessment programme that starts with a self-assessment form and continues with a site assessment. Drummond completed the self-assessment in 2013 and Cerrejón completed it in 2016. This was after Minister's Ploumen's visit together with Bettercoal to Colombia in 2014 when they met with the main coal producers in La Guajira and Cesar. Prodeco also completed the assessment in 2017. A fourth mining company also operating in Cesar is Colombian Natural Resources (CNR); however, its presence is relatively recent and although it has participated in some meetings with the Dutch Government, its engagement with the Coal Covenant and other Dutch activities has so far been marginal.

In March 2017 and in April 2018, representatives from Nuon/Vattenfall⁷ visited Colombia. They met with the four major coal producers in the region of La Guajira and Cesar (Cerrejón, Drummond, Glencore/Prodeco and CNR). During these visits, Cerrejón agreed to advance to the next step in the assessment process and CNR stated their interest in the 2018 programme (Bettercoal, 2018). To date Drummond, Cerrejón and Prodeco (in November 2018) have undergone the site assessment (Annex 5).

Dutch Government activities

Under the Covenant, the Dutch Government is expected to support Dutch energy companies in the fulfilment of their responsibility in the coal supply chain. According to Article 3, the Government may provide added value in addressing obstacles and contributing to a conducive environment for RBC. It also actively seeks inter-governmental dialogue on the topic. In the specific obligations set up by the Covenant, the Dutch Government commits itself to, among others, *hold other authorities in coal producing countries accountable for their responsibilities in the coal chain*. It furthermore explicitly supports Colombia in Article 3.2, 3.6 and 3.7 by pledging to: (a) support Colombia in the implementation

⁶ The OECD defines due diligence as: "the process through which enterprises can identify, prevent, mitigate and account for how they address their actual and potential adverse impacts as an integral part of business decision-making and risk management systems" (Guidelines for Multinational Enterprises, (2011) numeral 14).

⁷ Nuon was acquired by Vattenfall in 2009 after signing the Covenant and in October 2018 changed its name to Vattenfall.

of the Initiative of the Voluntary Principles (VPs) on Security and Human Rights⁸ (VP, 2017), (b) organise a site visit, (c) assist programmes to improve the condition in and around coal mines and implement the Victims and Land Restitution Law); and (d) explore opportunities to set up dialogues between victims of conflict and the private sector.

The Dutch Government has performed various activities to respond to each of its obligations. A number of these activities have been led or organised by the Dutch Embassy in Colombia, which are further elaborated in Section 5.

a) Activities that respond to the obligation of holding national authorities accountable:

The Dutch Government has taken various concrete steps to follow up, support and hold Colombian authorities in the mining sector accountable. Some of the most relevant activities relate to agreements signed between pertinent Ministries of both countries such as the Memorandum of Understanding (MoU) on responsible mining, key on site visits to both countries by relevant actors including ministries and companies and multi-actor events where reporting took place (Section 6).

b) Support the implementation of the VPs:

In 2003 the Comité Minero Energético, CME, (Mining and Energy Committee) was established in Colombia. This was an initiative of the Netherlands, the US and the UK governments to promote the implementation of the VPs among mining companies (initially oil companies). The CME is a platform for multi-stakeholder dialogue where companies, government, CSOs and embassies participate in relevant discussions around key issues for the mining sector, e.g. managing social unrest, security protocols, human rights violation risks, etc. The Dutch Embassy plays an important role in the CME recognised by all actors interviewed (see Section 6). Moreover, the Dutch Government, specifically through the Dutch Embassy, supported the NAP for Human Rights and Business published in 2016. This plan is primarily based on the UN Voluntary Principles on Security and Human Rights.

c) Site visit:

In November 2014, the then Minister of Foreign Affairs of the Netherlands Lilianne Ploumen visited Colombia. She met with Colombian Ministers and Deputy Ministers of Foreign Affairs, Commerce, Industry and Tourism, and Environment and Sustainable Development. She also held meetings with energy companies, NGOs and visited Drummond and Prodeco's coalmines in Cesar (MBZ, 2017).

In December 2016, the Dutch Ambassador to Colombia visited Cerrejon's mine in La Guajira and one of Drummond's mines and met with trade unionist and community leaders and victims of violence in Cesar. Furthermore, he held meetings with the CEOs of Drummond, Cerrejón, Prodeco and CNR in 2017 (see Section 4.3) to promote the use of Bettercoal's instruments and encourage them to engage in Colombia's peace process (MBZ, 2017). Other visits have also been conducted by representatives of the economic and political departments for the Embassy to the mines and have held meetings with relevant actors in the sector (see Section 5).

d) Activities to provide programme assistance as part of the agreements made in the MoU on responsible mining:

In 2016 the Centro Nacional de Empresas y Emprendimientos Responsables (CREER), an affiliate of the Institute of Human Rights and Business, published a Sector Wide Impact Assessment (SWIA) on the mining sector in Colombia. The Dutch Embassy under the TF funded this project together with the Unidad de Planeación Minero Energética (UPME), and the UK and Norwegian Embassies. The Dutch Embassy has been working on the dissemination of SWIA's recommendation among private companies, CSOs and researchers in the Netherlands (MBZ, 2017) (see Section 6).

Moreover, in November 2016, the consulting agency Witteveen+Bos undertook a fact-finding mission (MBZ, 2017) in Colombia to "map opportunities for Dutch companies to provide solutions to the Colombian mining industry in the field of water management". A follow up mission was to take place in

⁸ The Voluntary Principles Initiative is a multi-stakeholder initiative involving oil, gas, and mining companies, governments, and non-governmental organisations. The VP Initiative promotes implementation of a set of principles that guide companies on providing security for their operations in a manner that respects human rights.

2017 but was cancelled due to the fact-finding mission outcomes marked by various short-backs and the resulting lack of interest of Dutch companies (personal communication, Dutch Embassy staff).

Finally, in 2016 an MoU on renewable energy was signed between the Governments of the Netherlands and Colombia. Activities aiming to link this MoU with the responsible mining MoU were carried out, including a series of workshops with officials from Colombia's Ministry of Mines and Energy and Dutch renewable energy experts in 2017 (MBZ, 2017).

e) Opportunities for victims and private sector dialogue:

The Dutch Government has been working through the Embassy's efforts in dialogue with relevant companies to participate in the transitional justice processes well as on specific ways to promote access to remedy (see Section 5). Moreover, the Dutch Government represented by the Embassy supported a private sector initiative and process – signed by the four main coal producer companies in the regions of Cesar and la Guajira, together with key government representatives (Minister of Interior, Minister of Mining, ACDH of the Presidential Office and the Governor from Cesar) and two CSOs organisations (Fundación Ideas para la Paz, FIP, and CREER) in June 2018 – which was a joint public declaration committing themselves to working towards the protection of social leaders and human rights defenders (ACDH, 2018).

4.2 Results of the Coal Covenant

In Colombia, there are numerous efforts, undertaken by different national and international actors from the mining sector, towards establishing an enabling environment for sound RBC policy development and implementation. From the interviews, it was observed that governments from Australia, Canada, Norway, Switzerland and the UK are particularly active in this sector and their work is relatively more known than that of the Netherlands. This can be explained by the various relationships between these countries and Colombia, e.g. Norway's involvement in the peace process, and Australia, Canada and the UK being countries with national mining companies operating in Colombia. Yet, the activities illustrated in this section have complemented and acted as a catalyst for those initiatives and processes. This has yielded important outcomes on RBC in the mining sector. For the purpose of this study, the outcomes are classified as those influencing *RBC and human rights* and those influencing companies' *due diligence*.

RBC and human rights

The visit of then Minister Ploumen to Colombia in 2014 was seen by many actors (interviewed during the study) as a clear signal from the Dutch Government, to all relevant actors in Colombia and the rest of the world, of the importance of RBC in the mining sector (coal in particular). Following Ploumen's visit, the Colombian Deputy Minister of Mining signed an MoU for bilateral cooperation with the Netherlands. The bilateral working group on Responsible Mining was created as a result of this MoU. Furthermore, the Netherlands actively participated in the Business and Human Rights Working Group. According to relevant actors, the working group has been fundamental to the development of Colombia's NAP on Human Rights and Business, which was supported by the Dutch Government throughout its development process. The Colombian ACDH initiated during the first semester of 2018 an inclusive process to update the NAP and the results were presented at an event on 1 August 2018 during which the Ministry of Mines and Energy signed the Human Rights Policy for the Mining Sector (Colombian Presidential Office, 2018).

Interviewees familiar with the Coal Covenant consider that it has also created dialogue and dissent and has positioned the issue of mining and human rights on the European agenda in particular. PAX, for example, has stated that former Minister Ploumen's visit laid down the foundations to start a discussion (with mining companies in particular) around human rights violations, thereby highlighting, for the first time, its importance and impact on the mining sector. This position was reinforced by the Dutch Minister of Foreign Trade and Development Cooperation, Sigrid Kaag, who according to PAX welcomed the Dutch Parliament resolution, which supports dialogue between mining companies and victims of human rights violations (PAX, 2018).

Significant outcomes from the Covenant's activities, regarding the Netherlands' support of the implementation of the Victims and Land Restitution Law, have been seen since Ploumen's visit. The Dutch Ambassador to Colombia and the Dutch Ministry of Foreign Affairs (Section 4.1.) both stated their full support to the implementation of the Victims and Land restitution Law on numerous occasions and encouraged companies to actively participate in the peace process (MBZ, 2017). One recent outcome of Covenant activities is the June 2018 joint public declaration on the protection of social leaders and human rights defenders, made by Drummond, Prodeco, Cerrejón and CNR together with relevant government officials and supported by FIP and CREER. According to most interviewees, the work of the CME and the findings and recommendations of the SWIA were particularly significant in encouraging companies to take this significant step.

Companies' due diligence

Although companies do not directly attribute their activities and actions taken towards ensuring RBC to the Covenant, or specific Dutch Government interventions, they do acknowledge the importance of Dutch support. Companies as well as stakeholders interviewed stated that site visits by the Netherlands' Government and Dutch energy company representatives, and their advice/request to use Bettercoal instruments, acted as a catalyst and encouraged them to take special measures around their RBC strategies.

Meaningful changes in companies' behaviour have been visible and noteworthy. Three companies interviewed for this study (Cerrejón, Drummond and Prodeco) have their own RBC strategy. They have all created RBC and or sustainability committees, conducted risk assessments and hired special consultants to assess them in their RBC processes. They have also signed collective agreements with a number of trade union organisations. Currently, the companies have specific publicly accessible RBC policies that address human rights, labour rights, social and environmental impacts, and publish periodic sustainability reports. They have established complaint mechanisms as part of their RBC strategies, although these only address current and future complaints.

At present, the findings of this report indicate that there is no formal or official mechanism or instrument to receive or address past grievances (neither private nor public). The Dutch Embassy is financing a project, implemented by CREER, to build a road map for mechanisms that enable conflict resolution and grievances to be addressed in the Cesar region (Section 5). CREER and the Colombian ACDH, supported by the British Embassy, launched a guiding tool for an integral system of non-judicial remedy to business and human rights grievances (Colombian ACDH, 2018). This has been, and is still, considered to be a sensitive subject of discussion in multi-stakeholder initiatives. It also features high on the agenda of most NGOs working on the topic. The June 2018 joint public declaration on the protection of social leaders and human rights defenders, for example, has been applauded by actors such as PAX, but still considered insufficient overall.

According to PAX, the Covenant builds on Bettercoal, which is not the ideal instrument to address violations of the past. Consequently, it does not encourage companies to do so either. PAX also stressed the importance of Nuon-Vattenfall's visit in 2017, particularly since Vattenfall included as an item to discuss in their visit agenda human rights violations and due diligence with supplier companies (personal communication, Pax).

Each company has different approaches and pathways to become fully compliant with RBC standards. Prodeco and Cerrejón started working on a comprehensive RBC strategy before Drummond, yet Drummond was the first of the companies to be audited by Bettercoal. They are all part of various multi-stakeholder initiatives, including the CME, although Drummond and Prodeco only joined in 2017, while Cerrejón joined in 2011.

Despite these differences, stakeholders interviewed, working closely with the three companies, agreed that they have all shown significant progress in their business culture. Many observed that the companies have undergone a steep learning curve in terms of RBC and some have started deepening their engagement with their supply chain and their management staff.

It can be concluded from interviews that the SWIA has positively influenced companies' behaviour around RBC (see Section 7 for more details on SWIA). One major outcome relates to SWIA's

recommendation around multi-stakeholder dialogue. As part of the CME, the companies meet periodically to share lessons learned and good practices and take meaningful decisions, such as the June 2018 joint declaration on the protection of social leaders and human rights defenders (other outcomes of SWIA are explored in detail in Section 6).

4.3 Relevance, additionality and coherence of the Coal Covenant

Relevance. The study has revealed that the majority of actors in the sector are familiar with most activities carried out by the Dutch Government and Covenant signatories. Furthermore, the actors from Colombia welcome and appreciate the Dutch activities, although most were unaware of the fact that the activities responded to obligations stated in the Dutch Coal Covenant and instead saw them as separate efforts. Despite most actors not being familiar with the Covenant, the Covenant has been found to be a relevant instrument in the mining sector in Colombia, to the extent of the impact and visibility of its activities and results, especially thanks to the Dutch Embassy work in implementing activities under it. It not only addresses key concerns that match risks identified in this and previous studies and reports (e.g. Kessler & Gómez, 2013, and SWIA), but also targets Colombia with tailored activities that respond to its post conflict context.

Coherence. The Covenant's link with the Bettercoal initiative complements the Covenant's instruments that enhance accountability and outreach which are interrelated. Moreover, the coherence of the Coal Covenant is specially reflected in the fact that various activities analysed under the Covenant were supported or implemented by the Dutch Embassy e.g. the SWIA and its outcomes, the CME and diplomatic missions and visits, and fall under activities of international cooperation and legislation (see Section 6).

Additionality. Some recent RBC achievements in the mining sector in Colombia include: the June 2018 joint public declaration on the protection of social leaders and human rights defenders; the update of the NAP on Human Rights and Business; the recent publication (August, 2018) of the Human Rights Policy for the mining sector; and the programme to develop a series of documents on Business and Human Rights in the Mining and Energy Sector (CREER, 2017a) resulting from SWIA's recommendation (Section 7). Although these achievements cannot be fully attributed to the Covenant, they are the result of a combination of efforts, processes and initiatives consistently supported by the Dutch Government and energy companies. Most of these activities have also been characterised by cooperation with various actors including CSOs, companies, embassies (Canada, UK and USA), national and local governments and even local communities. Thus, while it cannot be concluded that the Covenant has been solely responsible for the advancement of RBC standards in the mining sector in Colombia, it has functioned as a catalyst for a multi-stakeholder process aimed at enhancing RBC in the sector. Therefore, while other interventions could have prompted progress in the absence of the Covenant, Dutch-related activities under the Covenant have helped to speed up the process.

4.4 Discussion of the Coal Covenant

Most interviewees were either not aware of the existence of a Dutch Coal Covenant, or were not very familiar with its content. In contrast, interviewees were aware of Bettercoal and its activities. Thus, it was observed that there is no clarity about the relationship between the Covenant and Bettercoal's initiative. Some respondents believe that the Covenant is an instrument used by buyers to identify requests to companies, while Bettercoal helps companies know how to respond to those requests (personal communications).

The most high-profile Dutch activity among interviewees was the 2014 visit of energy companies (buyers); however, interviewees referred mainly to Bettercoal and not to the Covenant. The respondents believe that Bettercoal has the leverage to influence (suppliers) companies' decisions and enhance their accountability. Thus, actions from buyers, such as audits, send a strong signal to coal producers. Key stakeholders, like CREER, indicated that trade is an instrument used to elevate RBC standards. In

addition, FIP stated that these visits are significant for the sector and therefore create pressure at all levels. Companies are aware of the effect buyers' visits also have on other buyers and the impact on their reputation (personal communication, FIP and CREER).

Despite Bettercoal being considered a useful instrument in the advancement of RBC in the mining sector, actors also identified important gaps in and around this initiative. Companies and their consultants consider that Bettercoal supports companies in developing (in the case of Drummond) or tightening up and organising (in the case of Prodeco) their RBC practices, activities, strategies. Nonetheless, Bettercoal is not the only RBC initiative companies have to comply with. Mining companies constantly receive visits from other independent buyers asking similar questions, and requesting for reporting against other instruments/initiatives. This generates confusion and a sense of fatigue for the companies' management.

One of the most significant outcomes of Covenant-related activities has been multi-stakeholder dialogue, particularly between supplier companies. While important outcomes have emerged, many actors stated that it has not been an easy process. Two of the main challenges highlighted by various actors were the reluctance to share and communicate information, and consequently the lack of a real coordinated effort among companies. There are various platforms for sharing information, experiences and dialogue and yet FIP states that communication (among the various stakeholders and with the public) remains one of the biggest challenges that needs to be overcome. This has an impact on the effectiveness and sustainability of any RBC intervention as the lack of communication obstructs coordinated work. Each company interviewed has taken its own 'RBC pathway'. As a result, there is not enough coordination or articulation in their RBC interventions, and there is also no acknowledgement of what CREER calls the cumulative effects of their operations (see Section 7 and Annex 6 for more details).

The SWIA is presented in the 2017 Coal Covenant progress report (MBZ, 2017). It can be considered both as an output and as significant outcome. It is regarded as a useful instrument by most actors interviewed, in identifying key risks and highlighting challenges surrounding the multi-stakeholder dialogues. Nevertheless, government agencies (ACDH, the national mining agency, Agencia Nacional de Minería [ANM], Colombia's national mining and energy planning unit, Unidad de Planeación Minero Energética [UPME], and the Ministry of Mines and Energy) claimed not to have had enough participation in the initial stages of the SWIA (Section 7).

Finally, although the Covenant supports the implementation of the Victims and Land Restitution Law, which has a gender approach, the Covenant does not contain its own gender approach and does not refer to gender in the obligations for the Dutch Government or companies. According to the progress report 2018 a gender session organised by MFA at the OECD Forum was held. This is the only gender specific activity found from the Covenant. Although gender is not prominent in international instruments on IRBC policy, it is an important issue to take into consideration, as mentioned by various actors, especially regarding due diligence in a post-conflict country where claims of human rights violations have been related to mining activities and recognised by the Covenant itself.

5. Dutch Embassy activities in Colombia

5.1 Objectives and activities

The Dutch Embassy in Colombia has made important efforts to promote RBC standards in the mining sector among all relevant actors, specially the Colombian Government and the private sector. Those activities deal with various social, environmental and political risks in the mining sector identified in Section 3.3. Those activities respond to the post-conflict context of Colombia and deal with such risks in the mining sector illustrated in Section 3.3. Although some of the Dutch Embassy activities have been introduced in Section 4 and others are discussed in-depth in Sections 6 and 7, this section elaborates on specific activities that fall directly under the Dutch Embassy's remit. According to the Embassy's Economic Workplan for 2018, its focus was on economic diplomacy as a key area of bilateral relations between the Netherlands and Colombia. Such plan includes RBC and sustainability as important crosscutting issues among the Embassy's top priority sectors, namely: water, logistics, live, science and health (LSH), agro-food, horticulture and creative industry.

Embassy's RBC related activities in the mining sector

The Dutch Embassy organised and assisted visits by Dutch delegations (i.e. the 2014 visit of former Minister Ploumen and the 2017 visit by energy companies), during which the Embassy has strongly advocated for dialogue between mining companies and communities, as well as for the enhancement of due diligence in the mining supply chain (MBZ, 2017). Since 2003, the Dutch Embassy has been part of the Comité Minero Energético (CME), which, as explained in Section 4, is a platform for multi-stakeholder dialogue. This study has found that the Embassy's role in the CME is highly appreciated by various actors, and particularly by mining companies. They consider the Dutch Embassy to be an important member of the CME and to be committed to improving RBC standards in the mining sector. Conversely, the governmental actors see the Dutch Embassy as having leverage on coal mining companies and consequently as a key factor in promoting due diligence. All this was most recently reflected in the Embassy's support to the June 2018 joint public declaration on the protection of social leaders and human rights defenders.

The Dutch Embassy, in cooperation with the Embassies of the United Kingdom and Norway and the Unidad de Planeación Minero Energética (UPME), funded a Sector Wide Impact Assessment (SWIA) of the mining sector. This study found that the SWIA is one of the most well-known and highly appreciated activities of the Dutch Government among all interviewees. It has yielded substantial results around RBC in the mining sector in Colombia as introduced in Section 4 and explained further in Section 7 of this report.

Following SWIA's recommendation, the Embassy has undertaken specific activities on mainly two areas: promotion of multi-stakeholder dialogue and access to remedy. These will be elaborated in Section 5.2. In addition, the Embassy is working on a strategy aiming at increasing the role of the private sector in transitional justice by engaging with companies to participate in the transitional justice process in Colombia and approach the Truth Commission (personal communication, Dutch Embassy representatives). In fact, in April 2018 energy companies met the Director of the Truth Commission, who in turn emphasised the importance of coal companies' participation in the truth finding process (MBZ, 2018e). The Embassy also supported and participated in other Dutch Government missions, including the visit of the Special Envoy for Natural Resources, Dirk Jan Koch, to Colombia in 2017. These will be further discussed in Section 6 as part of international cooperation activities.

The Dutch Embassy has also made efforts to support the resettlement process of three communities in the Cesar region, ordered by the Ministry of Environment and Sustainable Development to four mining companies due to the (potential) impact the companies' operations on these communities (Section 3.3). The Dutch Embassy has been lobbying and encouraging Drummond, Prodeco and CNR to actively respond to their obligations to resettle the El Hatillo, Boquerón and Plan Bonito communities (personal communication, Dutch Embassy staff).

In the mining sector, the Embassy is also working on cooperation in the formalization of small-scale

mining in the gold sector via the European Partnership of Responsible Minerals (see Section 7, CAPAZ project) and the Solidaridad programme in Colombia.

Finally, another activity worth highlighting in this report relates to the OECD National Contact Point (NCP). The Embassy supported a mission for the Dutch NCP to work in advising the Colombian government regarding their own NCP. The Colombian Government established this NCP under the Ministry of Commerce. The Embassy was approached by the Colombian NCP requesting it to support them with Embassy facilities for the functioning of their centre for the mediation process they have with the trade union Sintraderm. However, this could not be agreed upon the Embassy and the Colombian NCP (personal communication, Dutch Embassy staff and NCP).

5.2 Results of Dutch Embassy activities

The various activities conducted and supported by the Embassy, as well as the diplomatic actions (statements, speeches, etc.) of the Ambassador of the Netherlands in Colombia, have worked as a channel for the implementation of Covenant-related activities. As a result, the outcomes discussed in Section 4 can also be attributed to the specific activities of the Dutch Embassy around human rights and mining.

The Embassy's public support and commitment to the peace efforts linked to its efforts to motivate mining companies to participate in multi-stakeholder dialogue, promotion to access to remedy and participation in the transitional justice process is welcomed and appreciated by most actors of this study. It was observed that these activities have further consolidated the Embassy's legitimacy and strengthened its credibility among various actors in Colombia, and in the mining sector in particular.

This study reveals clear outcomes from the Embassy's role in the CME around multi-stakeholder dialogue. Although some stakeholders still consider that there are significant gaps around the inclusion of other actors in the CME, dialogue among companies in particular has improved and resulted in a milestone towards human rights protection: the June 2018 joint public declaration on the protection of social leaders and human rights defenders. In addition, companies have been increasingly sharing their due diligence practices and making their sustainability reports public (see Section 4).

The Embassy's activities, based on the Covenant's implementation, contributed to the SWIA. All actors who participated in this study (see Section 4s and 7) recognise the impact this assessment has had in the sector. The Embassy requested CREER to provide a user-friendly summary of SWIA and has worked on the dissemination of the report to relevant actors. Following SWIA's recommendations, the Embassy is financing the project 'Resolution and mediation of conflicts, an opportunity to build trust in Cesar', implemented by CREER in coordination with the Consensus Building Institute (CBI) and ACCESS Facility (MBZ, 2017). This project aims at developing "a roadmap for jointly building mechanisms for conflict resolution and processing grievances". There is an agreement at the CME to work on the development of other protocols around child protection and environmental risks (personal communication, Ardura Drummond's consultant). This is more evidence of the Embassy's pledge to work towards the promotion and protection of human rights and improvement of IRBC policy in the mining sector.

Because of the Embassy's commitment to cooperate in formalising of small-scale miners in the gold sector, the Embassy, under EPRM (the Netherlands together with other public and private European donors), has funded the Cadenas de Paz, Chains for Peace, (CAPAZ) project. This is implemented in Colombia by the Alliance for Responsible Mining (ARM) and is currently in its second phase (see Section 7).

The Colombian Government, and companies based in Colombia, recognise the Netherlands as a partner country with technical expertise. The Ministry of Mines and Energy recently asked the Embassy to technically support them on issues around water and human rights. Cerrejón made a similar request during the interview conducted in this study. They asked the Netherlands to support companies working in isolated and often neglected areas, such as La Guajira, to implement development projects, particularly related to water and water management.

5.3 Relevance, additionality and coherence of Dutch Embassy activities

Relevance. The relevance of Dutch Embassy activities is underlined by the Covenant's activities (Section 4). The Embassy has played a determinant role in the realisation and success of most of the Covenant's activities. These constitute an engrained mechanism, together with other ongoing initiatives (prior to the Covenant and led by other actors, Section 4), that have been important in promoting RBC processes and companies' behavioural changes that affected the mining sector. Initiatives from other embassies (Canada, Switzerland and the UK), CSOs and the Colombian Government around RBC in the mining sector have been complemented by Dutch Embassy activities. In this sense, the additionality of the Embassy's activities closely relates and depends on the conducive environment in the sector in Colombia.

Additionality. Throughout its work, the Embassy has made relevant and legitimate allies, with organisations such as CREER, which has had a positive impact on the outcomes of its activities. Nevertheless, a general remark from the respondents was the need for a stronger visibility and dissemination of its activities. Various actors in the study stated that some activities have a stronger impact when it is *seen* that embassies support them, particularly when it is a legitimate and respected embassy such as the Netherlands. As such, stakeholders like ARM, FIP, the Global Reporting Initiative, International Alert (IA) and CREER insisted on the importance of increasing the visibility of the Dutch Embassy's participation in key activities and outputs and maintaining communication even after the end of projects or joint initiatives.

Activities such as the Embassy's participation in the CME and the SWIA have been particularly powerful and well received by most actors, especially supplier companies. According to Prodeco, the Embassy played an active role in influencing CREER and, as a result, influencing mining companies (personal communication, Prodeco officials). Other actors interviewed recognised the Embassy's commitment and actions, especially as chairs of the VP Initiative between March 2017 and March 2018. According to the HCRH, Embassy's activities, especially in Cesar, was a trust building exercise that stimulated a much-needed dialogue (personal communication, HCHR).

Coherence. The Embassy has worked with mining companies and CSOs. It had also worked with the Colombian Government and other embassies, albeit to a lesser extent. The Embassy's work with the Colombian Government has varied. ACDH stressed out their good relationships and cooperation with the Netherlands, and recognises the Embassy as a key ally in the promotion of human right's protection in the business sector. On the other hand, UPME, ANM and the Ministry of Mines and Energy indicated that although they have collaborated with SWIA and have held some meetings to discuss IRBC policy in the mining sector with the Embassy, their relationships could be improved. Staff from the Dutch Embassy also state that its cooperation with some government agencies, especially the Ministry of Mines and Energy can be enhanced. Elements such as red tape, constant changes in staff, timing and commitment have affected such interaction. Yet, the sensitivity of addressing RBC issues in the mining sector in a post-conflict country like Colombia is regarded by the Embassy as an important element in shaping the relationship with some government authorities such as the Ministry of Mines and Energy (personal communication, Dutch Embassy representatives).

The Embassy cooperates with other embassies (UK, US and Canada) in the CME. Some of the interviewees consider this, to carry political weight that resonates within the government. Thus far, the Embassy's work with other donors and embassies with regard to IRBC policy have been mainly limited to the CME and co-funding of specific activities such as the SWIA and follow up initiatives.

Finally, although the Dutch Embassy supported the creation of the Colombian NCCP with a mission from the Dutch NCP, cooperation can be strengthened. The Colombian NCP is a scrawny entity. It was created under the Ministry of Commerce, but it is invisible, unsupported (institutionally and financially), and rather inactive (personal communication, NCP). Therefore it requires support and recognition from the Colombian Government as well as from international donors such as the Netherlands', especially through their embassy's and contacts with their own NCP.

5.4 Discussion of Dutch Embassy activities

Actors interviewed in this study acknowledge the Netherlands as a ‘champion’ in due diligence and its Embassy in Colombia as one of the frontrunners in IRBC policy promotion overall, and in the mining sector in particular. The Embassy, however, faces some barriers to having a more *effective* and overarching impact of its IRBC policy activities in the mining sector in Colombia. Some interviewees consider that more visibility and understanding of the Embassy’s added value in the CME is needed especially among actors not involved in the CME. Some respondents admit, however, that the size of the Embassy perhaps does not allow it to respond to the needs such role demands. Other actors believe that the Embassy could play an even more compelling role in the CME, especially around issues of recognition and dialogue with victims of human rights violations, dealing with the use of force by public and private security in social protests, and the involvement of NGOs in the CME.

It was observed in this section and in Section 4, that diplomatic visits and bilateral exchange missions (from the Netherlands to Colombia and from Colombia to the Netherlands) have had a positive impact on the Colombian Government and served as a trigger force for key outcomes such as the working on human rights and coal, the NAP on Human Rights and Business and the Colombian human rights policy for the mining sector. Yet, further communication and cooperation efforts with government agencies both at national and local level can be increased. It is important for the Dutch Government agenda, activities and results on RBC in the mining sector to be even more visible and recognised by these government agencies and authorities.

Gender is an important aspect that is not particularly visible in the Embassy activities around RBC in the mining sector. Although the Embassy does address gender and the SWIA report also considers it, specific activities looked at in this report do not present a clear gender approach or consider gender as a particularly relevant aspect in RBC in the mining sector. The Embassy has stated that this has to do with the fact that they work with major coal companies, which mainly employ men. Yet, from a RBC and especially due diligence perspective in post-conflict areas, gender is a relevant aspect to take into consideration in human rights and business practices and strategies.

Finally, the need to support long lasting initiatives, i.e. invest in projects of a longer duration was suggested by some actors interviewed. Financing longer interventions may result in more sustainable outcomes that promote continuity in behavioural changes in particular. This may be an important challenge for the Dutch Embassy, considering the finalisation of the TF under which the SWIA was funded.

6. International cooperation and legislation in Colombia

6.1 Objectives and activities of international cooperation and legislation

International cooperation between the Netherlands and Colombia has been moving from a focus on aid to trade (Section 3). However, the Dutch Government continues supporting various aid related projects specially cooperating and promoting human rights protection and Colombian peace efforts. The Dutch Government has recognised the relationship between human rights and the mining sector in Colombia, hence international cooperation in this particular area addresses both economic cooperation and human rights aspects. A number of actions taken by the Dutch Embassy (Sections 4 and 5), responding to Covenant obligations, are related to instruments of international cooperation and legislation. Thus, missions and visits to and from the Netherlands, the work around human rights and business in the mining sector, and cooperation with other donors have been discussed in Sections 4 and 5. This shows the interrelation between the various instruments subject of this study.

Economic diplomacy

After Ploumen's visit to Colombia in 2014 (see Section 4), the Colombian Deputy Minister of Mines and Energy visited The Hague in 2015. A MoU between the Dutch Ministry of Foreign Affairs and the Colombian Ministry of Mines and Energy was signed to promote cooperation in the areas of IRBC policy, and technical aspects of the mining sector. No major activities regarding the implementation of this MoU were carried out until March 2017 when the Dutch Special Envoy for Natural Resources visited Colombia and met with the Ministry of Mines and Energy to discuss its implementation (MBZ, 2017).

In December 2017 a Colombian delegation with representatives from mining-related government authorities, local mayors and mining companies (Drummond, Cerrejón and Prodeco) visited the Netherlands. They participated in a series of events and meetings, including the conference 'Coal, Peace and Development' organised by the Embassy of Colombia to the Netherlands. Representatives from Bettercoal, NGOs, labour unions and the Dutch Government, also attended this conference, enabling a meeting between the Colombian delegation and members of the Dutch Parliament to discuss, among other issues, advances in good practices regarding extraction, commercialisation, corporate governance and IRBC policy in the coal supply chain. The conference also included a visit to the Port of Rotterdam and a meeting with Dutch companies in the water sector who are related to coal (Colombian Embassy in the Netherlands, 2017).

The visit of the Colombian delegation was highly appreciated by Colombian actors, especially representatives from government authorities who saw the mission as an opportunity to strengthen further cooperation between the two countries, especially around knowledge and technology sharing.

Human rights and business

Bilateral visits conducted since 2014 have had a strong human rights focus, particularly regarding the mining sector. Former Minister Ploumen and current Minister Kaag, as well as the Dutch Ambassador to Colombia, have explicitly recognised the Dutch Government's commitment to contribute to peace efforts in Colombia. The Embassy has promoted and supported key activities recognising the relationship between human rights violations and the mining sector, including the June 2018 joint public declaration on the protection of social leaders and human rights defenders and the development of the NAP on Human Rights and Business (Section 5).

International cooperation with other donors

The Dutch Government was the chair of the VP Initiative between March 2017 and March 2018. Various actors interviewed have commended this role. The Embassy also played a key role (together with the embassies of Canada, the UK and US) in the creation of the CME in 2003. Ever since, the Netherlands has been an important member of the CME, promoting and supporting inter stakeholder dialogue.

Another element of international cooperation refers to the NCP, which was in contact with the Dutch Embassy. Nevertheless, cooperation between the Embassy, the Dutch NCP and the Colombian NCP can be enhanced (Section 5.2).

6.2 Results of international cooperation and legislation

The results of international cooperation and legislation are interlinked and cannot be entirely or solely attributed to these activities. For example, former Minister Ploumen's visit to Colombia triggered many activities carried out by the Dutch Government and achievements on IRBC policy in the mining sector in Colombia, by placing the issue high on the agenda in both countries.

The MoU on responsible mining signed by the Netherlands and Colombia has not yielded visible results, as its implementation has been slow. Colombian Government officials stated that they did not know more about its implementation. They only referred to the delegation visit to the Netherlands. The Dutch Embassy Economic Workplan for 2018 does include the MoU implementation and refers to the various activities carried by them on this topic and discussed on Section 5. The Embassy has made various efforts to discuss further its implementation with the Colombian government but according to Embassy officials they have not received clear response or reaction from the Colombian government (Section 5).

The creation of the CME and the SWIA can be presented as concrete results of cooperation with other donors. Nevertheless, these cannot be entirely attributed to international cooperation and are regarded as an outcome of Covenant and Embassy activities.

Finally, a clear contribution from Dutch activities to national legislation on IRBC policy in the mining sector is not evident. However, some of the actors interviewed, including HCHR, acknowledge and appreciate Dutch Government support to the development of the NAP on Human Rights and Business published in 2016 (Sections 4 and 5).

6.3 Relevance, additionality and coherence of international cooperation and legislation

The recognition of the relationship between human rights violations and the mining sector in Colombia by the Dutch Government has been extremely relevant in the context of the peace building process in Colombia. The actions taken by the Dutch Government have therefore been oriented to support peace-building efforts in Colombia in all sectors, including the mining sector. International cooperation and legislation have been in line with other instruments but lack further coordination, for example regarding the implementation and dissemination of the MoU on responsible mining. These actions can be deemed as additional but their additionality cannot be measured as high in terms of the actual results these have had, especially if they are not considered together with the other instruments. As stated before, the activities of all of the instruments covered by this evaluation are extremely interconnected and therefore it is not easy to assess their additionality separately.

Finally, from the findings of this study it was noticed that cooperation with other donors has been limited and although there is coherence in the type of activities carried out, these need to be taken further and be made more visible. Many respondents appeal for international cooperation to exercise a united voice and pressure both the Colombian Government and companies to commit to and achieve RBC results in the mining sector.

6.4 Discussion of international cooperation and legislation

RBC in the Colombian mining sector has been put high on the agenda of the Netherlands' Government,

particularly since former Minister Ploumen's visit to Colombia in 2014. Although the Netherlands is not among the biggest donors working in RBC in the mining sector in Colombia, it has committed specific resources and made important efforts to contribute to an ongoing multi-actor process to promote RBC in the sector. The Colombian Government has responded slowly to efforts made by the Dutch Government. It can be said based on the findings of this study that international cooperation can play a stronger role in steering Colombia's political will on RBC in the mining sector. Especially considering the recognition, by most actors of the study, of the Netherlands as a champion of due diligence and the leverage that many stated the Dutch Government has.

Further cooperation is needed and requested by most respondents to ensure that RBC standards are met by both the Colombian Government and private companies. All actors, government agencies, companies and CSOs stressed the leverage the Netherlands has in the sector in Colombia, both as a coal importer and as front runner in the implementation of RBC. It is considered therefore as a legitimate government which can further the process with stronger, coordinated and visible activities in the area of RBC in the mining sector, even with Colombia's new government.

7. Private sector instruments in Colombia

For the mining sector two private sector instruments relevant for stimulating RBC in the mining sector were selected for this study: the SWIA on Human Rights (under the Transition Facility program); and CAPAZ (under EPRM program). They are relevant in terms of generating better conditions for private sector development for Dutch companies or their suppliers.

In addition, for the purpose of IOB's global evaluation two PSIs with a RBC compliance as prerequisite in the agricultural sector are also discussed: the Environmentally Friendly Crop Protection Products project, implemented by Ceradis BV and Eva van Harmanni LTDA; and the Sustainable pig production on a high state-of-the-art farm project implemented by the company HoCotec+.

7.1 The SWIA project

7.1.1 Objectives and activities of the SWIA project

SWIA was the result of a joint effort between the Norwegian Government, the UK, UPME, and the Dutch Government, under the TF. The TF programme aimed at improving the investment climate in Colombia, South Africa and Vietnam given their promising economic development and the Netherlands' movement from aid to trade partners (Rijsoverheid, 2012). An enhanced investment climate was expected, in turn, to incentivise Dutch companies' interest in Colombia.

The underlying framework of SWIA is to promote investment by tackling the main risks faced by the mining industry. SWIA does this by providing diagnostics and then presenting policy recommendations for all relevant stakeholders. Moreover, based on its methodological approach (relying on several actors' accounts), SWIA aimed to promote multi-stakeholder dialogue; a persistently identified need in the mining sector (Section 3.3). The methodology was therefore both a means and an end.

According to CREER – which was commissioned to coordinate SWIA – the need for the project arose due to the lack of a comprehensive overview of the sector in Colombia, especially from a human rights-based perspective. A wide-ranging understanding of the cumulative effects of mining was, at the time, perceived as absent. Moreover, there were no over-arching studies that collected all of the stakeholders' views. In this sense, it is important to note how the first paragraph of the SWIA document emphasises that it does not aim to point out the impossibility of socially or environmentally-friendly mining, nor does it assume that the difficult conditions in mining areas are a result of a conspiracy between the state and mining companies. It states that sustainable mining requires equally strong efforts to attract investment and to protect the communities that live in the mining areas (CREER, 2016). Given the reports on the risks associated with mining, such an analysis was highly valued by the Dutch Government.

The budget destined by the Dutch Government to this project was €185,634. This funded the team in charge of the impact assessment and the publication of the corresponding comprehensive analyses.⁹ According to Dutch Embassy officials after the publication and dissemination of the SWIA the embassy has been holding a number of sessions with actors involved in the program to brainstorm on ideas and possibilities to follow up on the SWIA results.

7.1.2 Results of the SWIA project

The SWIA document was released in 2016. It was made up of an extensive literature review and fieldwork in 83 municipalities of Colombia looking at coal, gold and construction material mines. A crucial feature of the study was the variety of primary sources that were consulted: companies (large and small, including the three major coal companies), community members and national and local level public

⁹ The document and its corresponding executive summary have been made publicly available and can be downloaded online at <https://www.creer-ihrb.org/eisi>.

servants were taken into account.

By the time SWIA was released the three main coal companies already had IRBC policy strategies in place, the Colombian State had initiated its accession process to the OECD and Extractive Industries Transparency Initiative (EITI), multi-actor initiatives like the CME were operating, and a first version of the NAP on Human Rights and Business had been published. Hence, the combined effects of a multi-actor methodological approach and a favourable political context set the document's publication in an enabling environment for it to be used or at least considered.

One of the most significant outcomes of this project is that all companies, stakeholders and almost all government officials interviewed for this study know about SWIA and refer to it as a legitimate reference point on human rights in the mining sector. Prodeco even pointed out that its value resides not only on the insights or information that it contains, but also on the fact that it was carried out by an independent actor that acknowledged the sector in its entire complexity (personal communication).

Both the comprehensive analysis of the risks and the corresponding recommendations prompted further RBC activities:

- The recommendations were organised by UPME into a matrix, identifying actions that were already taking place in order to respond to the recommendations, actions that needed to be taken, and in both cases the responsible agencies.
- The recommendations led UPME to incorporate a specific chapter on due diligence in the most recent National Mining Development Plan under the label 'Social development' (UPME, 2017)
- The Human Rights and Business Working Group, which was established in 2017 by representatives of the HCHR, The Ministry of Mines and Energy, ANM, Prodeco, Cerrejón and Drummond, used SWIA as a baseline. The Working Group's aim was to exchange knowledge on grievance mechanisms, prior consultations, and risk assessments among others (ACDH, 2016; GTDHyC, 2018).
- According to CREER, as a result of SWIA, the institute was called to develop a series of documents on Business and Human Rights in the mining and energy sector (CREER, 2017a) together with UPME, the Ministry of Mines and Energy and the British Embassy in Colombia. This included: a methodology to implement a National Human Rights Policy for the Mining Sector; guiding questions for the implementation of due diligence processes in the mining sector; challenges and lessons learned in the implementation of due diligence; and a set of recommendations for due diligence implementation. CREER also developed a diagnosis and recommendations for the establishment of non-judicial remedy mechanisms for companies and human rights (CREER, 2017b).
- SWIA encouraged a new initiative funded by the Dutch Embassy aimed at strengthening dialogue and thereby trust-building, joint elaboration of agreements and conflict transformation in five municipalities of the Cesar coal-mining region. The project named 'Resolution and mediation of conflicts, an opportunity to build trust in Cesar' coordinated by CREER with the support of the CBI, ACCESS Facility and the Ombudsman Office, has thus far identified the main barriers and enablers of dialogue between communities, the Colombian Government and companies.
- According to FIP, SWIA sets an example of the type of initiatives that other sectors, such as palm oil, should be implementing.

7.1.3 Relevance and coherence of the SWIA project

This study indicates that SWIA was a *relevant* tool as it helped to close both an information and a legitimacy gap that existed in the mining sector. To date, there are no other equally comprehensive and accepted documents that target all relevant actors in both its diagnosis and its recommendations. As pointed out by Prodeco officials, SWIA is not only relevant for operating companies in Colombia, but may become the reference document for official private or governmental visits to the country (personal

communication).

SWIA was *coherent* in the sense that it was strategic to an Embassy programme (TF) by means of contributing to a better investment climate. It responded to the Coal Covenant and its related activities. In particular, to article 4.1 (the Dutch Government will appeal to other governments' responsibilities within the coal supply chain) and 4.6 (the Dutch Government will identify how it can contribute to improving coal supply chain conditions). SWIA acts on the agreements contained in the MoU on the mining sector. It is established that business and human rights and mediation regarding mining-related conflicts constitute areas of cooperation and that information and documentation exchange is a means of achieving that. It was strategic to other donors that also contributed to the study and other donor's (e.g. the UK) activities relied on the outcomes of SWIA.

7.1.4 Discussion of the SWIA project

This study has found SWIA to be *effective* as it contributed to the improvement of due diligence *processes* by: raising awareness among companies, the Colombian Government, and CSOs on actual and potential adverse impacts of mining activities; becoming a vehicle to develop IRBC policy and risk prevention policies by the Colombian Government; leading to dialogue initiatives in the mining areas; and setting a good example that could be replicated in other sectors. SWIA achieved these results in an efficient manner as the inputs were relatively low (€185,634 for a project that lasted almost two years) and the outcomes were of major significance.

SWIA was facilitated by an enabling political context: the Colombian Government was already taking steps towards a more active IRBC policy promotion strategy; mining companies were already under pressure from the Coal Covenant and Bettercoal-related activities; and the country already had in-house technical capacity to carry out such a study. In sum, while SWIA was certainly not the only factor behind the improvement in due diligence, its *additionality* lies in its capacity to function as a catalyst of other processes of awareness raising and risk prevention strategies.

There is room for improvement, however, in terms of stronger involvement of the Dutch Embassy in disseminating the study among government officials. CREER, for instance, acknowledges that its impact could have been stronger, particularly within the Ministry of Mines and Energy, had the Dutch Embassy (not CREER) officially handed out SWIA, given The Netherlands' strong leverage, particularly with regards to the coal industry (personal communication). Doing so could have prompted more ownership by key government officials and could have served as a means of triggering a more active role of the MoU signed between the Dutch and Colombian Governments.

Many interviewees, despite being aware of SWIA and its contents, did not relate the project to an effort made by the Dutch Government. Official distribution by the Dutch Embassy could have been important in positioning the study, given that the Ministry of Mines and Energy, the ACDH and the ANM, although admitting the value of SWIA, manifested their involvement in the project did not take place from the beginnings of the project as they were contacted only later in the process (personal communication).

7.2 The CAPAZ project

7.2.1 Objectives and activities of the CAPAZ project

The CAPAZ project was funded by the EPRM; a multi-stakeholder organisation aimed at creating better social and economic conditions for mineworkers through the adoption of responsible mining practices in conflict and high-risk areas. The main goal of the project is to develop an "open source and globally applicable Market Entry Standard for commercial engagement with artisanal and small scale gold mining" (ARM, 2018).

The EPRM's decision to fund CAPAZ was favoured by a June 2016 scoping study commissioned by The Netherlands Ministry of Foreign Affairs that identified possible activities for the EPRM (Kyngdon-Mckay et al., 2016). In that document the CAPAZ project was selected as a possible beneficiary of

EPRM's support. The project's main goal was to "build responsible mineral supply chains from regions where due diligence and market access are limited by both armed conflict and supply chains with limited transparency" (Kyngdon-Mckay et al., 2016, p. 45).

As part of the MoU on responsible mining signed between the Dutch and Colombian Governments, and in light of the visit of the Dutch Special Envoy for Natural Resources Dirk Jan Koch to Colombia in 2017, the Dutch Government explicitly decided to cooperate on formalising small-scale mining in the gold sector (MBZ, 2017).

The EU's new regulations on conflict minerals, which will come into full force in 2021, seek to ensure that EU importers meet international sourcing standards. Although this is a positive development, such regulation also has the potential unintended effect of reducing the number of buyers of Colombian gold, thereby favouring illegal armed groups' control of the local market (ARM, 2018).

In this context, CAPAZ was designed with the following underlying assumptions:

- Informal mining not only affects the miner, as no proper working conditions are guaranteed, but also poses a general threat to communities as they are easily co-opted or extorted by illegal armed groups. Small-scale miners that operate with legal permits (formal miners) also face such pressures, frequently do not have an understanding of due diligence, and may easily move towards informality or illegality.
- Formalisation is, consequently, a means to achieving better working conditions and preventing illegal armed groups' involvement in local economies. Many informal miners wish to become formal, but are "often stymied by opaque and sometimes conflicting policies and processes at a national level, as well as the expense associated with formalization" (ARM & Resolve, 2017).
- Such process will only be successful if small-scale miners are granted access to markets. This, in turn, entails complying with buyers' increasing due diligence demands. Due diligence, however, is a complex and insufficiently known process among small-scale miners and even some buyers/refiners. Moreover, existing standards are not adapted to the specific capacities of small-scale miners (ARM, 2018).

Designing a simplified Market Entry Standard (later renamed CRAFT Code) that meets OECD criteria but is adapted to small-scale gold mining is seen as a crucial development. This allows small-scale formal miners to remain in the formal market and grants access to those in the informal sector. One of the main features of CAPAZ, therefore, is that a multi-stakeholder approach is applied: small-scale miners' representatives, technical consultants and experts, gold refiners or associations and downstream companies or associations compose the committee that develops the standard. The first standard development meeting took place in July 2017 and a first draft of the CRAFT code was released in January 2018.

After the release of the CRAFT code, it was subjected to public consultations between 26 February and 26 April 2018. With that purpose, the Standard Committee carried out more than 16 activities (four webinars, five workshops with miners, two meetings with the Colombian Government, among others) (ARM & Resolve, 2018a). More than 500 comments were received, related to sharpening the gender lens and refining performance indicators, among other subjects (ARM & Resolve, 2018a)¹⁰. The CRAFT code is being piloted in two municipalities of Colombia – Suarez in the Cauca Region and la Llanada in the Nariño region – "as a demonstration of Colombia's ability to produce OECD-conformant minerals" (ARM, 2018).

7.2.2 Results of the CAPAZ project

CAPAZ takes place in an enabling context. Responsible gold mining in Colombia is a concern of other countries (USAID, 2016; SECO & SBGA, 2018). It has been a priority for over a decade within the

¹⁰ By July 2018 a first version of the CRAFT Code was released: <http://www.responsiblemines.org/en/our-work/standards-and-certification/craft/>

Colombian Government (Hupperts et al., 2014), and in its 2012 restructuring the Colombian Ministry of Mines and Energy created a specialised unit devoted to formalisation (Decree 381 of 2012, later modified by Decree 1617 of 2013).

As stated by ARM representatives, the process was in itself an outcome. It generated a multi-stakeholder dialogue, which has boosted trust and communication among different actors. This project aims to increase awareness among miners and refiners about the importance of due diligence as both an end in itself and means of accessing markets. According to ARM most refiners, for instance, viewed and, in some cases, still view due diligence simply as guaranteeing that their gold supplier has a mining and environmental license in place. (personal communication).

According to the last Standard Committee Meeting minutes the CRAFT code has been amply accepted in the pilot municipalities, in spite of the complexity of carrying out risk assessments in areas where gathering such information is a sensitive issue (ARM & Resolve, 2018a). Although it is too early to establish, by granting access to legal markets, the project has the potential to destigmatise the mining sector in Colombia and break the vicious circle of informality-illegality, a concern of both large and small-scale miners according to ARM (personal communication, ARM).

7.2.3 Relevance and coherence of the CAPAZ project

This study concludes that CAPAZ is *relevant*. Many interviewees pointed out that the strongest IRBC policy risks faced in the mining sector were related to small-scale and informal mining. Not only because of their exposure to illegal armed groups but also because of the lack of awareness and in-depth knowledge on due diligence among small and medium-sized enterprises (SMEs). The respondent from Ardura even stated that international cooperation efforts should increasingly focus on these issues (personal communication, Ardura).

The CAPAZ project is *relevant* because even though the Netherlands is not a major buyer of gold, there has been an increase in demand for electronic devices that contain gold (SER, 2017). Solidaridad points out that in many cases there is no clarity as to the origins of the gold contained in the electronic devices that reach the Dutch market (via, for instance, China) (personal communication, Solidaridad). This will become all the more important in light of the 2017 Dutch sector agreement “Dutch Gold Sector IRBC: Agreement on international responsible business conduct of companies in the Netherlands with gold or gold bearing materials in their value chains” (SER, 2017) and the 2021 EU regulations on conflict minerals.

Furthermore, it is important to note that the CRAFT Code, while being piloted in Colombia, has a broader reach: since it is open sourced, it can be used all around the globe. Hence, supporting such projects further enhances the Netherlands’ IRBC policy frontrunner position globally.

Despite of all this, and even though market entry standards contribute to formalisation of informal miners (and the host communities), some argue that the most effective means to achieve formalisation is by having large gold mining companies absorb informal miners into their operations¹¹. Thus, the *relevance* of this project can be enhanced if it is further related to other formalisation strategies.

7.2.4 Discussion of the CAPAZ project

Engaging in entry market strategies in the small-scale gold mining sector becomes a noteworthy endeavour for the Dutch Government. According to ARM, although it is a positive development that Colombia has become part of the OECD (and therefore accepted its guidelines), the EITI and the VP, such progress has not reached small-scale miners (personal communication).

Many of the study’s interviewees expect more support from the Netherlands regarding RBC promotion

¹¹ This can often become a win-win situation: informal miners are able to access better working conditions (equipment, wages) while the large companies gaining a labour force and enhance their relationship with local communities.

activities with SMEs. The Dutch Government is seen as a respected frontrunner in relation to RBC policies for large companies and has the potential to expand that capacity to SMEs. This is particularly relevant if, as described in Section 3.3, one takes into consideration that what occurs among small-scale miners affects the overall perception of the mining industry in the country (and may, in turn, influence key political decisions, such as the referenda on allowing mining or not in some municipalities).

Both ARM and Alexandra Guáqueta from Continental Gold Incorporated envision a central role for the Dutch Government, working hand in hand with other countries (e.g. Switzerland and the US), particularly in keeping IRBC policy in small-scale mining high on the agenda of the Colombian Government. This is a task better performed by Governments such as the Netherlands that, given its strong commercial ties with Colombia, has the capacity to set the agenda on RBC issues (personal communication).

Gold extraction tends to take place in rural areas where the persistent lack of a strong IRBC policy may affect other investments of strategic interest for the Netherlands, such as those in the agricultural sector. Taking into account the cumulative effect of all companies (formal or informal), (Section 3.3) therefore becomes crucial.

CAPAZ focuses on key issues of the mining sector that would otherwise not be sufficiently addressed; the project's *additionality* thus lies in serving as a complementary effort towards formalisation. Therefore, the CAPAZ project is *effective* in the sense that it approaches relevant and identified IRBC policy risks and has the potential of changing SMEs' behaviour by means of raising awareness within miners and refiners, by acknowledging the differentiated needs of SMEs vs. large companies, and consequently simplifying and adapting the due diligence standards, by engaging in multi-stakeholder dialogue, by using EPRM's and Dutch leverage to position IRBC policy within the Colombian Government's agenda, and by creating a better investment climate vis-à-vis EU regulations.

Its *effectiveness*, however, could be improved by making more visible activities such as CAPAZ. Many interviewees associate Dutch intervention regarding RBC exclusively with the coal sector and ignore its role in the gold sector. What is more, not a single interviewee had any knowledge about the Dutch Gold IRBC Agreement (June, 2017), which is recent and does not directly involve Colombia, but may become a reference point to deal with IRBC policy in this specific sector¹².

7.3 PSI projects (in the agricultural sector)

7.3.1 Objectives and activities of the PSI projects

In Colombia, three projects were implemented under the PSI (Private Sector Investment) programme. Only two had funds allocated and both are in the agricultural sector. The first one is an Environmentally Friendly Crop Protection Products project implemented by two Dutch companies, Ceradis BV and Eva van Harmanni LTDA. The second project is HoCotec+ Sustainable pig production on a high state-of-the-art farm, implemented by HoCotec, Porcicola Santa Cruz (PSC) S.A., Colombia, in partnership with Wilschip Holding BV. These projects are administered by the Netherlands Enterprise Agency.

Both projects are relatively small but have RBC compliance as a prerequisite (compliance with PSI's IRBC policy framework). Since the focus of this study is the mining sector, and these two projects are relatively small, this study limited itself to one visit to the CERADIS plant in Bogota (where the CERADIS Colombia general manager and the HVE's co-owner were interviewed) and an interview with a HoCotec trainer representing the project. No CERADIS or HoCotec workers were interviewed.

CERADIS is a Dutch company producing fungicides and chemicals for the agricultural sector. In 2008, CERADIS Colombia started working on substitution of conventional alternatives together with Wageningen University as the owner of the patents and investor, and EVH working on local production, licences and implementation of technologies. The CERADIS and EVH project's objective is to introduce in the Colombian agricultural sector market the use of cleaner and environmentally friendly fungicides.

¹² The coherence between the Coal Covenant and other IRBC policy instruments is much clearer than in the gold sector.

It does so in various steps including production, product commercialisation and training of farmers.

HoCotec has two projects with the Netherlands: sustainable pig production on a high state-of-the-art farm and the sustainable production of pig organic material (manure) to be used by farmers in neighbouring communities, the region and at the national level.

Both PSI projects faced similar challenges to start their activities in Colombia. They had to deal with unclear and complex bureaucratic and administrative procedures and have to report to the same agencies e.g. National Agency for Environmental Licences and the Ministry of Environment. Interviewees indicated that they follow national legislation and regulations regarding RBC, especially in terms of labour standards, safety and security in the work place and environmental procedures. CERADIS stated that they had received RBC-related documents from the PSI programme and had complied with them. HoCotec also indicated that they complied with RBC standards from the beginning of the PSI project and that they followed the MVO system.

7.3.2 Results of the PSI projects

Environment

The nature and objective of both PSI projects are mainly related to the contribution to environmental solutions in the agricultural sector in Colombia with the use of sustainable technologies and clean products. Both PSI projects faced resistance during the first stages of the projects, especially by farmers. According to the interviewees, this was addressed by both projects with training and demonstration centres. More than complying with administrative and regulatory procedures from environmental agencies in Colombia, the hardest work was working with farmers and achieving legitimacy of their products and technology.

All companies stated that they have entered the market and positioned themselves as providers of clean and efficient alternatives in the sector. They claim to still face some challenges regarding outreach, related to major visibility, competition and accessibility due to security issues in Colombia (discussed in more detail below).

Working conditions

Both companies are relatively small. EVH has three people working in the plant and eight staff members in total, and CERADIS has eight people working on commercial aspects in five different cities in Colombia. HoCotec and PSC, combined, have 51 employees. They state that they follow national labour standards and pay 20% above the minimum wage. CERADIS reported to having a compulsory programme on safety and health in the work place, following ISO9001, and that CERADIS NL makes regular visits to check labour conditions and their workers in Colombia.

Both companies also said they have clear human rights documents and regulations and that they comply with them fully. The companies also provide training to their workers on safety conditions in the work place, as well as other relevant training for their specific positions.

Business and conflict/post conflict context in Colombia

Both projects have taken place in a conflict/post-conflict situation in Colombia. In this context, conflict and violence has affected mainly rural areas in Colombia where agricultural production takes place. Both projects were affected by this, especially during the first stages of the project, as security risks were an obstacle to working in specific areas. The companies indicate that this situation has improved since the signature of the peace process, allowing them to visit new regions and provide technical assistance, training and development of demonstration centres.

Working in conflict-affected areas enabled HoCotec to reach students affected by violence in these areas and train them in engineering, agronomy and even technical training on production of organic fertilisers. In the case of CERADIS, they stated that although their campaign does not directly address vulnerable groups, the impact their products have is indirectly benefiting returnees (former displaced people returning to their territories) and women beneficiaries of land restitution who are working in the

agriculture sector.

Corruption was raised by respondents as a risk faced by both companies and the projects. Interviewees claimed that despite their companies having a zero-tolerance policy regarding corruption, extortion practices and bribery are common.

7.3.3 Relevance and coherence of the PSI projects

The interviewees stated that the relevance of the PSI's IRBC policy framework in the agricultural sector in Colombia is low. Although both companies and projects did receive the initial information about RBC, interviewees claim that they implement their own protocols and strategies and make sure that they comply with national legislation and with the standards set by their headquarters. The respondents generally considered RBC standards to be a labour related issue, especially regarding working conditions and the implications their work has on the environment. No particular focus was observed regarding RBC in conflict areas although both companies consider the risks of working in a conflict/post conflict context.

Interviewees also noted that the PSI's framework in general does not really contribute to their companies' compliance to RBC standards. Both companies received basic RBC information at the beginning of the project but after that there were no clear guidelines or requests for RBC strategies, policies or any kind of monitoring or reporting on these issues. CERADIS Colombia clarified that they do not have a clear RBC policy. Hence, the additionality of the PSI's IRBC policy framework is low.

Limited coherence between Dutch Embassy activities and the PSI programme and projects was reported. Respondents from both projects indicated that they had not received sufficient guidance and support from the Embassy. CERADIS claimed that they were visible to the Embassy only at the beginning of the process due to the audit undertaken, but after that were not been included in relevant programmes and events such as the orange carpet programme. They recognise nonetheless, the recent effort made by the Dutch Embassy to contact and involve them in special meetings on agricultural development. They stated that they believe the Embassy is now recognising CERADIS as a valuable actor due to their experience with the local dynamics, laws and customs to be shared with new incoming companies.

HoCotec representatives indicated that they have represented the Dutch Government, speaking on technical issues that they have experience on, but they have received little guidance on RBC from them. They develop and submit reports about their work but not on the request of The Netherlands Enterprise Agency –RVO- or any other Dutch Government agency, as there are no established reporting deadlines or visits scheduled by PSI programme managers or by the Embassy. The Embassy, has recently contacted HoCotec and personal communication between Embassy staff and PSI project coordinators and managers have been taking place.

7.3.4 Discussion of the PSI projects

From the interviews carried out by this study, it was evident that PSI's IRBC policy framework, although welcomed and appreciated by the implementing companies, has not exerted a clear influence on the companies' RBC practices, strategies or behaviour. Each company has their own RBC practices based on basic documents from their headquarters and compliance to national legislation. The companies' RBC practices are limited mainly to labour and environmental standards and procedures.

Although interviewees indicated having received documentation on the PSI's IRBC policy framework, this was only at the beginning of the projects. They claimed not to have received further instructions or guidance on how to implement them. Neither did they receive information on monitoring or evaluation tools or procedures on RBC practices within the projects.

All respondents mentioned their interest in and need to have more support from the Embassy and guidance on RBC standards and ways to implement them. They even mentioned the importance of sensitising their own headquarters on RBC issues in order for them to be able to implement RBC practices in a more systematic way in Colombia. They welcome Dutch Government support as well, as they are not big companies (for whom RBC issues are more of a reputation issue and so a stronger focus than for smaller companies such as theirs).

Furthermore, the companies have requested support in disseminating the results of their work at the national and international level, e.g. by being invited to events where they can network and make their work visible. They believe that the Embassy has leverage in showcasing the work of the PSI projects in terms of RBC and lobbying local authorities about the use of clean and sustainable products.

8. Discussion: Dutch IRBC policy instruments in Colombia

8.1 Underlying and explicit links between Dutch IRBC policy instruments

There is a clear interaction between the relevant Dutch IRBC policy instruments in the mining sector in Colombia, which allows them to be mutually reinforcing. The Dutch Embassy played a fundamental role in the implementation of most activities analysed under the various instruments. Whereas as implementing the activities directly or providing support and coordination. The interconnection between other instruments is also observed clearly in the case of the SWIA, which is even considered as an outcome of the Covenant (MBZ, 2017) and the Dutch Embassy activities. The Embassy has moreover followed it up with key activities (see Section 5). In turn, that project prompted activities that strengthened the Covenant's implementation (e.g. local dialogue, incorporation of due diligence in Colombian Government planning). Hence, the instruments are overtly *coherent* although required more explicit and visible coordination among those implementing, disseminating and promoting the activities.

The instruments also proved to be *relevant*: they responded to the most salient social, environmental and political risks (e.g. human rights violations, lack of dialogue and awareness) and their related activities were, overall, highly valued by companies, stakeholders and Colombian Government officials. Accordingly, the instruments have been *effective* to the extent that they have in part contributed to companies enhanced due diligence processes, and the evolution of planning and regulatory frameworks in the last four years.

The instruments, however, can only be seen as catalysts, operating in an enabling environment. No single event, instrument or policy can explain the improvement in companies' due diligence alone: multi-stakeholder platforms already existed, long before the Covenant; the Colombian Government had already begun to adopt RBC standards; and the mining companies already had clear (yet constantly evolving) RBC policies in place. Therefore, the *additionality* of the Dutch IRBC policy instruments cannot be easily assessed. What can be said, however, is that without the instruments the pace of evolution would have been slower. Many, in fact, saw the Dutch role as "*keeping the issue alive*".

Regarding the PSI projects in the agricultural sector, no link was found between these projects and other IRBC policy instruments analysed for this study, except for IRBC policy framework, which the companies had received at the beginning of their projects and the recent reactivation of contact with the Dutch Embassy.

A significant absentee in the IRBC policy instruments was a clear gender-based approach. There is some awareness of the differentiated risks women are subjected to, particularly in a male-dominant environment such as mining; yet no overarching study exists, nor do specific activities derive from the Covenant, the SWIA or the Dutch Embassy. Bettercoal assessments also lack such an approach and, in general, according to companies' interviews, gender was not included specifically in their risk assessments, neither was it prominent in their strategies, apart from some key human resources issues, e.g. maternity leave and harassment in the work place.

8.2 Outcomes versus underlying assumptions of Dutch IRBC policy instruments

Increased awareness of social, environmental and political risks in the mining sector

This study concluded that Dutch IRBC policy instruments have had a positive influence in the increase of awareness of RBC in the mining sector in Colombia. CSO's claims and requests were heard by the Dutch Government, which put a system in place to address them. social, environmental and political risks in the mining sector were placed high on the agenda by the Embassy and were made visible to Dutch companies, Colombian suppliers and other national actors. Coal companies interviewed are evolving (some companies are further in their understanding and corresponding strategies than others) from looking at RBC from a philanthropic approach to recognising their due diligence obligations through the implementation of the VPs and other international standards and guidelines. Such progress has been more evident in the past 10 years when international frameworks and initiatives were created. Still, they

all have a long way to go towards full compliance with RBC standards.

The progress made by large supplier companies, however, does not always extend to the entire supply chain. In spite of the efforts of the big coal producer companies in Colombia to ensure their suppliers commit to their RBC standards, monitoring of compliance is often challenging. The same occurs for smaller or less 'public' mining companies for whom reputation may not be as much of an asset as it is for larger companies. Nevertheless, SMEs will likely be subjected to increased RBC requirements in a context of growing concern of international buyers, restrictions in the market and new international regulations. The caveat being the limited financial, human and overall organisational resources of these companies, which may hinder their capacity to comply with IRBC policy standards and thereby access new and lucrative legal markets.

Government agencies, mainly at central level, have also increased their awareness on RBC. The importance and relevance given to the topic varies depending on the agencies and the specific officials or departments within the agencies. UPME, ANM and the Ministry of Mines and Energy for example are highly committed to RBC and have supported various policy initiatives such as the ACDH's NAP on Human Rights and Business. Even though such commitments cannot be entirely attributed to the Dutch IRBC policy instruments, the process became more dynamic and active, especially after the visit of the Colombian delegation to the Netherlands. This was recognised by various actors interviewed (ANM, Ministry of Mines and Energy, FIP, CREER, IA, etc.). Yet, other ministries remain less active. For example, the Ministry of Commerce, although a participant of the NAP on Human Rights and Business, is not as proactive and visible. Despite of hosting the Colombian NCP it offers insufficient support to the NCP. Further and wider capacity building on RBC for all actors is still needed, therefore, especially for local government authorities, as indicated by most interviewees.

Improved companies' due diligence

Companies' due diligence processes have been positively progressing towards full compliance with RBC standards as a result of the efforts made by various actors, which the Dutch IRBC policy instruments have catalysed. Serious risk assessments have been carried out and supported by internationally recognised experts, followed by the systematic development of prevention, mitigation and reparation strategies including clear policies, complaint mechanisms, monitoring and evaluation instruments at national and international level, and raising of labour rights standards. Assessments and reporting instruments have been major steps forward in the companies' due diligence processes. These in particular have been influenced by the Coal Covenant and Bettercoal, complemented by the Embassy's activities. At the same time, SWIA provided key guidance to companies in identifying risks and integrating them in their RBC strategies. Significant improvement is still required, nonetheless, especially around the remedying of and reparations for past grievances, prevention and mitigation strategies regarding protection of leaders, child rights and the environment. This has been requested and promoted by the Dutch Government among other actors and is acknowledged by the companies who are currently working on initiatives to discuss and address them.

Social impact mitigation strategies

Sustainable socio-economic projects are part of companies' work; some have specific social action plans and others are developing sustainable projects in the light of the future (potential) closure of mining operations as nations globally push for cleaner sources of energy. Dutch IRBC policy instruments play an important role in this aspect. Nevertheless, no major actions or activities were found in the study except for one MoU signed with Fundación Cerrejón to support the development of a Water Provision Plan for their area of influence in La Guajira (TF funded). Moreover, a recent government regulation includes the need for a social management plan in order to grant environmental licenses. On the matter, International Alert consider that often companies' social interventions (and mitigation work) do not address the needs and interests of communities. They believe the risks identified by companies, on which they build their plans, do not match the ones perceived by the communities themselves (personal communication).

Regardless of efforts made by the companies to engage in dialogue with communities in PAX's view insufficient actions have been taken to cope with past grievances, despite applauded efforts in the right

direction (e.g. the Valledupar June 2018 joint public declaration on the protection of social leaders and human rights defenders) (personal communication, PAX).

The Colombian Government's RBC policy in mining has developed

Dutch IRBC policy instruments have been relevant in the evolution of Colombian Government policy. The SWIA recommendations, for instance, led to their incorporation in concrete policy instruments (NAP; Human Rights Policy of the Mining Sector). In spite of this, some respondents in the Ministry of Mines and Energy and civil society organisations interviewed considered that its diffusion could have been even more widespread. For Ministry officials this could obey to the persistent changes in the ministry's staff and lack of articulation among state institutions. Various actors pointed this out as a significant hindrance in cooperating with the Colombian Government.

The Dutch Embassy's role as an agenda-setter at the national level

In general, the Embassy was perceived to have played an active role in promoting RBC within the mining sector. It is seen to have sufficient leverage to exert pressure over the Colombian Government and coal companies. Nevertheless, communication and interaction between the Embassy and relevant Government officials such as the Ministry of Mines and Energy can be increased. Although the constant change in staff in the Colombian government as well as limited human resources at the Embassy is a factor, the sensitivity of the topic of RBC in mining influences the dynamics and relationship between this ministry and the Embassy in particular. This becomes all the more relevant in a context of governmental transition: the Embassy's interaction with the new government will be essential, particularly with regards to supporting existing policies such as the recently updated NAP on Human Rights and Business for the mining sector.

PSI instruments in the agricultural sector in Colombia

Only two out of three projects under the PSI programme in Colombia are being implemented, falling under the agricultural sector. These relatively small projects were provided with an IRBC policy framework from the PSI programme but this study has found that it was not particularly relevant and did not improve company behaviour or compliance with RBC standards. Companies interviewed do not follow PSI's IRBC policy framework and have not received enough support from RVO or other Dutch Government agency to do so. These PSI projects do not have a clear RBC strategy, or policy or systematic RBC procedures, albeit they do follow and respect national legislation as well as labour and environmental standards according to their Dutch headquarters' policies.

8.3 Limitations of Dutch IRBC policy instruments

A number of specific limitations to the effectiveness of the Dutch IRBC policy instruments in the mining sector in Colombia stand out. These cut across almost all the outcomes and potential future interventions in the sector identified:

- Although Dutch IRBC policy instruments' activities were overall considered somehow coherent, relevant and effective, some stakeholders still did not – directly – associate them with the Dutch Government. In this sense, further increasing the visibility of the Dutch Government's involvement in said activities is a significant challenge.
- The lack of visibility, together with the limited dissemination of the Coal Covenant and its link with Bettercoal, and relevant Embassy activities and outcomes, represent an important drawback in the effectiveness of the instruments. Most actors recognise the importance of the Dutch Embassy and consider that 'branding' these activities and results with their name will enhance their impact. Actors interviewed in this study recommended wider dissemination of the Netherlands' vision and cooperation policy as well as a stronger involvement in monitoring activities, taking advantage of its leverage with mining companies in particular. This in turn, implies further financial and human resources support for the Embassy to be able to undertake such additional efforts.
- Finally, this study found that the Netherlands' cooperation with other donors and relevant

embassies in the sector requires further improvement. According to the Dutch Embassy in Bogotá, their relationship with other embassies is mainly limited to the work they do in the CME and with the SWIA project. Various actors in the study state that although the Dutch Embassy has played an important role towards improving RBC in the sector, cooperation among embassies will have an even stronger impact on the Colombian Government and mining companies.

9. Conclusion

9.1 Dutch IRBC policy in Colombia

From the findings of this study, it can be concluded that all Dutch IRBC policy instruments analysed have been relevant in the improvement of RBC standards in the Colombian mining sector. They have responded to the particular needs of the sector at specific times, and adapted to the changing demands of the market, international community claims and developments in the Colombian socio-economic and political reality. The Embassy's activities reflected the Coal Covenant and although no Dutch private sector instruments in mining could be analysed, it was observed that two important programmes TF (Dutch funded) and EPRM (European public private partnership including the Netherlands) have worked in coordination and synchrony with the other instruments to develop solid outcomes.

The IRBC policy instruments are closely interrelated; each instrument reinforces the other. They are coherent and conduct realistic activities. When assessing them jointly it can be observed that **they have effectively contributed to the ongoing multi-actor process of strengthening RBC standards in the mining sector.** Such contribution is reflected in the evident progress that has been made in the mining sector in Colombia regarding RBC and due diligence practices, specifically in coal production in the past 10 years. This includes improvement in companies' behaviour towards their due diligence responsibilities, increased awareness and policy responses at the government level as well as the creation and consolidation of spaces for multi-stakeholder dialogue. While this progress is significant, however, there is still a long way for companies and the government to go before they fully comply with RBC standards.

The Dutch IRBC policy instruments have thus far played an important catalytic role in the achievement of the RBC progress made in Colombia. These instruments recognise the specific reality and ongoing processes that exist, in terms of RBC and are continuing to work in this area in the midst of a conducive environment towards progress on due diligence in the sector. Such an environment enhanced the instrument's impact in the sector, despite some setbacks and challenges.

The SWIA report has been identified by this study as a significant outcome in promoting RBC in the mining sector in Colombia. All actors, in one way or another, recognised its influence and impact. SWIA can be considered an outcome of Embassy and Coal Covenant activities, and can also be regarded as instrument in itself to influence policy. It has been fundamental in providing a comprehensive and legitimate document identifying social, environmental and political risks in the mining sector, and therefore pushing the agenda forward at all levels and among all actors. It has furthermore contributed in triggering a much-needed multi-stakeholder dialogue and promoting access to remedy tools, which the Dutch Embassy has worked on with specific follow up activities.

The PSI instruments reviewed in this study have the potential to guide and influence company behaviour regarding RBC compliance. However, limited dissemination affected the use of the PSI's IRBC policy framework by the projects. s and evaluation of compliance with the IRBC policy framework is required, clearer instructions and regular support, guidance from the RVO or other responsible Dutch Government agencies to PSI and the like projects, as well as increased communication and coordination among RVO, programme administrators and project implementers is required.

The efforts made by the Dutch Government in terms of human and financial resources have yielded important outcomes. They have influenced various actors, various areas and promoted and/or ensured commitment, contributed to specific initiatives, and worked as the engine to start others. RBC related activities, especially in the mining sector are led and implemented by a small number of people from particularly the Departments of Economic and Political Affairs with the support of the Ambassador.

In spite of impact, the Netherlands has had in the promotion of RBC standards, it does not necessarily figure as the most visible international government in this matter in Colombia, compared to countries like Australia, Canada, Norway or the UK. This is partially due to the different types of relationships between these countries and Colombia, e.g. Norway's involvement in the peace process, and Australia, Canada and the UK being countries with national mining companies operating in Colombia. The study,

however, has found that the Dutch could improve the visibility of their engagement and contribution in RBC activities in the mining sector in Colombia by improving the publicity of their actions and involvement in key outcomes, and dissemination of instruments such as the Covenant.

Finally, although various actors are making progress around RBC in the mining sector, companies and the Colombian Government need to take more decisive steps in ensuring and consolidating their RBC efforts and due diligence processes. Thus, this study stresses the importance of the Dutch Government's leverage to influence powerful actors in the mining sector in Colombia. It has a special position as one of the main Colombian coal importers in Europe and has one of the biggest European ports of entry. Such a position, and their role in the sector, was acknowledged and commended by all interviewees who requested the Dutch Government to continue and strengthen its efforts in improving RBC standards in the mining sector in Colombia. Continued and even more visible commitments follow up of current agreements, as well as stronger and more coordinated actions with other international actors in demanding accountability from the Colombian Government and mining companies is still required. All of the above will require further financial and human resources support for the Embassy in particular, considering they are the main implementers of Dutch Government IRBC policy activities in the sector.

9.2 Methodological reflection

The theory-based approach used in this evaluation makes the attribution of observed effects to specific IRBC policy instruments difficult. In Colombia this study found an ongoing process of various multi-actor initiatives that have significantly affected RBC practices in the mining sector, specifically in the coal sector where the Netherlands has played an important role despite the fact that there are no Dutch-owned mining companies in Colombia. This study therefore focused on the catalytic role of the specific activities of the Dutch Government under the various policy instruments analysed separately. Such analysis represented a particular methodological challenge, given the close interconnection that this study found between them.

The Embassy's activities can be considered the central axe of all RBC activities of the Dutch Government implemented in Colombia and particularly in the mining sector. All the findings under each of the other instruments are either a result of the Embassy's activities or are directly or indirectly connected to them. Conducting a separate analysis of the IRBC instruments therefore implied that the work and outcomes of the Dutch Government in RBC in the mining sector could be perceived as fragmented. Yet, as it is shown throughout the report they are highly interrelated. One example of this interconnection is the SWIA, which – although it was considered under private sector instruments – is highlighted in almost all chapters and it is one of the most prominent activities undertaken by the Dutch Embassy according to most of the interviewees. The same holds for the international legislation and cooperation activities and even the Coal Covenant as it is shown in chapters 4, 5 and 6.

Furthermore, the triangulation between documental research and in-depth interviews with a diverse array of key informants proved to be crucial. By cross-checking the information, the study was able to collect data that went beyond the mere perception of interest groups. In fact, contrary to what was expected on a sensitive topic such as mining in Colombia, there were substantive agreements among the various stakeholders in evaluating IRBC policy performance. This is not to say that further research is not necessary. The extent to which IRBC policy has yielded long-term outcomes in the mining areas remains uncertain. Although people interviewed in all mining companies committed that they intend to implement existent strategies, actual realization will have to be further explored in the future.

References

- ACDH (2015). Plan Nacional de Acción sobre Derechos Humanos y Empresas. Retrieved 5 November 2018, from https://www.oACDH.org/Documents/Issues/Business/NationalPlans/PNA_Colombia_9dic.pdf
- ACDH (2018). Balance y recomendaciones para la actualización del Plan Nacional de Acción en Derechos Humanos y Empresa. Retrieved 5 November 2018, from <http://www.derechoshumanos.gov.co/observatorio/publicaciones/Documents/2018/Statemen%20Brunori%20-%20Evento%20PNA%20de%20DDHH%20y%20Empresas%20agosto%202018.pdf>
- ACM (2016). Desarrollo del sector minero colombiano 2018-2022. Bogotá: ACM.
- ANIF (2018). "Desempeño del sector agropecuario en 2017 y perspectivas para 2018". *Panorama Económico*. Retrieved on 17 April 2018, from <http://www.anif.co/sites/default/files/panorama02-18.pdf>
- ARM (2018). Craft Code: Code of Risk-mitigation for ASM engaging in Formal Trade. Retrieved on 2 August 2018, from <http://www.responsiblemines.org/en/our-work/standards-and-certification/craft/>
- ARM & Resolve (2018a). CRAFT Committee meeting May 28th 2018. CAPAZ. Retrieved on 5 November 2018, from <http://www.responsiblemines.org/wp-content/uploads/2018/07/CRAFT-Committee-5th-meeting-.minutes-28.05.18..pdf>
- ARM & Resolve (2018b). CRAFT Code ASM engaging in formal trade: Timeline. Medellín: ARM-Resolve. Retrieved on 2 August 2018, from <http://www.responsiblemines.org/wp-content/uploads/2018/08/CRAFT-Updated-Timeline-version- v5..pdf>
- ARM & Resolve (2017). Supply Chain and Due Diligence Challenges. Problem Statement. Medellín. Retrieved on 30 July 2018, from <http://www.responsiblemines.org/wp-content/uploads/2017/06/Problem-Statment-27042017-vfinale- ingles-compressed.pdf>
- Bettercoal (2018). Bettercoal visit to Colombia. Retrieved on 9 August 2018, from <https://bettercoal.org/bettercoal-visit-to-colombia/>
- CME (2018). Recomendaciones para una gestión respetuosa del derecho a la protesta social y frente a acciones ilegales y / o violentas que se deriven de su escalamiento. Bogotá D.C: Corporación Comité Minero Energético de Seguridad y Derechos Humanos. Retrieved on 3 August 2018, from <http://cmecolombia.co/wp-content/uploads/2018/05/Documento-Recomendaciones-CME-v4.pdf>
- Colombian Embassy in the Netherlands (2017). Minister of Mines and Energy of Colombia Germán Arce visited the Netherlands Mission: "Coal, Peace and Development". Retrieved on 8 August 2018, from <http://paísesbajos.embajada.gov.co/en/node/news/13143/minister-mines-and-energy-colombia-german-arce-visited-netherlands-mission-coal>
- Colombian ACDH (2018). Presentación 'Acercarse al Ciudadano: Elementos de un Sistema Integral de Remedio no-judicial en Empresas y Derechos Humanos'. Retrieved on 13 August 2018, from <http://www.derechoshumanos.gov.co/Prensa/2018/Paginas/Acercarse-Ciudadano-Elementos-Sistema-Remedio-No-Judicial-DDHH-Empresas.aspx>
- Colombian Presidential Office (2018). MinMinas adopta Política en Derechos Humanos del sector minero energético. Noticias. Retrieved on 10 August 2018, from <http://es.presidencia.gov.co/noticia/180802-MinMinas-adopta-Politica-en-Derechos-Humanos-del-sector-minero-energetico>
- CREER (2016). Evaluación Integral Sectorial De Impactos en Derechos Humanos: la minería que no se ve. Bogotá D.C: CREER. Retrieved on 14 May 2018, from <http://www.ideaspaz.org/tools/download/74232>
- CREER (2017a). Derechos Humanos y Debida Diligencia en el sector Minero Energético. Retrieved on 19 May 2018, from

https://docs.wixstatic.com/ugd/134a42_52badea616524b5795c2c3f64f70cf12.pdf

CREER (2017b). Diagnóstico para la construcción de un sistema integral de remedio no judicial en empresas y DDHH en Colombia P. Retrieved on 15 Jul 2018, from https://docs.wixstatic.com/ugd/134a42_74c9af31c2054e3d85931abf2e1988f5.pdf

Dinero (2017). La minería en Colombia está tomando un nuevo aire. *Dinero* (August 31). Retrieved on 4 June 2018, from <https://www.dinero.com/edicion-impresas/informe-especial/articulo/avances-en-mineria-en-colombia-segun-brujula-minera-2017/249259>

Dutch Embassy (2018) RBC strategy. Internal document. Not for distribution.

EITI (2016). Informe EITI Colombia Vigencia 2016. Bogotá D.C: EITI. Retrieved on 4 June 2018, from http://www.eiticolombia.gov.co/sites/default/files/archivos/210518_eiti_resumen_ejecutivo.pdf

EITI (2015). *Informe EITI Vigencias fiscales 2014 y 2015*. Bogotá D.C: EITI.

El Colombiano (2018). *Colombia y Países Bajos buscan profundizar sus relaciones comerciales*. El Colombiano. Medellín. Retrieved on 22 June 2018, from <http://www.elcolombiano.com/negocios/economia/colombia-y-paises-bajos-buscan-profundizar-sus-relaciones-comerciales-AC8510020>

Greenpeace (2008). The True cost of coal. How people and the planet are paying the price for the world's dirtiest fuel. Retrieved on 13 July 2018, from <http://www.greenpeace.org/usa/wp-content/uploads/legacy/Global/usa/planet3/PDFs/the-true-cost-of-coal-how-peo.pdf>

GTDHyC (2018). Aportes al 2º Informe Anual del PNA. Bogotá D.C. Retrieved on 24 August 2018, from <http://www.derechoshumanos.gov.co/Prensa/2018/Documents/derechos-humanos-empresas/6.1-6.5-7.6-7.7GrupoCarbonyDDHH.pdf>

High Council for Human Rights. Colombia's Presidency Office (2016). Colombia Avanza. Derechos humanos y Empresa. Plan de Acción de Derechos Humanos y Empresa. Retrieved on 9 August 2018, from https://www.oACDH.org/Documents/Issues/Business/NationalPlans/PNA_Colombia_9dic.pdf

Hsieh, H.-F. and Shannon, S.E. (2005). Three Approaches to Qualitative Content Analysis. *Qualitative Health Research*, 15(9), pp. 1277-1288.

Hupperts, P., da Silva, C. and Romero, M. (2014). Scoping Mission Understanding the Context of the Colombian Coal Sector: Key issues and potential opportunities for collaboration in the producing regions of La Guajira and Cesar. Bogotá D.C: The Terrace, BSD Consulting.

HRCH (2018). Unidos por la protección de los líderes y defensores de los derechos humanos. Retrieved on 9 August 2018, from <http://www.derechoshumanos.gov.co/Prensa/2018/Paginas/Unidos-por-la-defensa-de-los-defensores-de-Derechos-Humanos.aspx>

IMF (2018). Colombia at a glance. Retrieved on 16 April 2018, from <http://www.imf.org/en/Countries/COL#countrydata>

IMF (2017). IMF Country Report 17/138. Retrieved on 16 April 2018, from <https://www.imf.org/en/Publications/CR/Issues/2017/05/31/Colombia-2017-Article-IV-Consultation-Press-Release-Staff-Report-and-Statement-by-the-44952>

IOB (2018) Report from interview with Aline van Veen and Joost Vos from IMH, Dutch Ministry of Foreign Affairs. 24 September 2018.

IOB (2018) Report from interview with Bas Dobbels (ENGIE), Adriaan van der Maarel (Essent/RWE), Edwin Kotylak (Uniper, previously E.ON) and Joel Frijhoff (Nuon/Vattenfall), energy companies in the coal covenant. 15 June 2018.

IOB (2018) Report from interview with Marieke van der Mij (Bettercoal). 14 June 2018.

Jansen, H. and Veeneman, P. (2016). RBC in Colombia Observations and recommendations. Den Haag: MVO Nederland. Retrieved on 24 May 2018, from

<https://www.rvo.nl/sites/default/files/2016/05/Colombia%20RBC%20Country%20Scan%20Report.pdf>

Kessler, J. J. and Gómez, R. (2013). Evaluation of the Dutch foreign policy with respect to Latin America. Thematic study Sustainable Development. Case Study: coal production in Colombia. IOB. Retrieved on 12 June 2018, from <http://www.iob-evaluatie.nl/sites/iob-evaluatie.nl/files/DeelstudieDuurzameontwikkeling-CoalColombia.pdf>

Krippendorff, K. (2004). *Content Analysis. An introduction to Its Methodology*. 2nd edition. SAGE Publications: Thousand Oaks/London/New Delhi.

Kyngdon-McKay, Y., Stocklin-Weinberg, R., Di Lorenzo, F., Barker, A., Levin-Nally, E., van Gelder, J. W. and Casajuana, E. (2016). Scoping study on possible activities of the European Partnership for Responsible Minerals (EPRM): A research paper prepared for The Netherlands Ministry of Foreign Affairs. Profundo; Estelle Levin LTD. Retrieved from <http://www.levinsources.com/assets/pages/report-eprm-scoping-study-european-partnership-for-responsible-minerals.pdf>

Minminas (2018). Política en Derechos Humanos del sector Minero Energético. Bogotá, D.C. Retrieved on 14 July 2018, from <https://www.minminas.gov.co/documents/10180//23517//1533169594747260Política+en+Derechos+H+umanos+del+Sector+Minero+Energético.pdf>

MBZ (2013). *A World to Gain: A New Agenda for Aid, Trade and Investment*. The Hague: Ministry of Foreign Affairs of the Netherlands.

MBZ (2017). Coal Supply Chain Responsibility. Progress report on the voluntary agreement - Improving corporate responsibility in the coal supply chain. Retrieved on 15 May 2018, from <https://www.government.nl/documents/reports/2017/10/12/progress-report-on-corporate-responsibility-in-the-coal-supply-chain-2017>

MBZ (2018a). Handels en investeringscijfers Colombia-Nederland. Den Haag: Rijksoverheid. Retrieved on 25 June 2018, from https://www.rvo.nl/sites/default/files/2018/07/Handels-en-investeringscijfers-Colombia-Nederland-juli-2018_0.pdf

MBZ (2018b). Economische betrekkingen tussen Nederland en Colombia. Den Haag: Rijksoverheid. Retrieved on 25 June 2018, from <https://www.nederlandwereldwijd.nl/landen/colombia/en-nederland/economische-betrekkingen-tussen-nederland-en-colombia>

MBZ (2018c). Politieke betrekkingen tussen Nederland en Colombia. Den Haag: Rijksoverheid. Retrieved on 25 June 2018, from <https://www.nederlandwereldwijd.nl/landen/colombia/en-nederland/politieke-betrekkingen-tussen-nederland-en-colombia>

MBZ (2018d). Doing Business in Colombia. Bogotá: Nederlandse Ambassade in Colombia. Retrieved on 25 June 2018, from <https://www.rvo.nl/sites/default/files/2018/06/Doing-Business-in-Colombia.pdf>

MBZ (2018e). Colombia-Grondstoffen—IMVO due diligence bezoek Bettercoal leden, Vattenfall, ENGIE, Uniper en RWE aan Colombia.

MVO (2018). RBC Risk Check. Retrieved on 17 April 2018, from <http://www.mvorisicochecker.nl/en/world-map>

Netwerk (2011) Factsheet steenkool (document accompanying Netwerk report “Energiebedrijven medeplichtig aan moord”, Retrieved on 5 August 2018, from <http://www.netwerk.tv/data/files/factsheet%20steenkoolwinning.pdf>

SOMO (2012). The Black box. Obscurity and transparency in the Dutch coal supply chain. – Video documentary retrieved on 3 June 2018, from https://www.uitzendinggemist.net/aflevering/80825/Netwerk_eo_Ncrv.html

Rijksoverheid (2012). Colombia, Vietnam and South Africa: in transition from aid to investment. Amsterdam: Partnerships4development. Retrieved on 25 June 2018, from [https://english.rvo.nl/sites/default/files/2014/07/Brochure Transition Facility.pdf](https://english.rvo.nl/sites/default/files/2014/07/Brochure%20Transition%20Facility.pdf)

OECD (2008). OECD Guidelines for Multinational Enterprises. Retrieved on 17 July 2018, from <http://www.oecd.org/investment/mne/1922428.pdf>

OECD (2016). OECD Reviews of Labour Market and Social Policies: Colombia 2016, OECD Publishing Paris. <http://dx.doi.org/10.1787/9789264244825-en>

OECD (2018). The OECD and the Latin American & the Caribbean. A mutually beneficial relationship. Retrieved on 8 August 2018, from <http://www.oecd.org/latin-america/countries/colombia/>

PAX (2014) The Dark side of coal. Paramilitary Violence in the Mining. Region of Cesar, Colombia.

PAX (2018) Dutch support for reconciliation in mining region. Retrieved on 20 June 2018, from <https://www.paxforpeace.nl/stay-informed/news/dutch-support-for-reconciliation-in-mining-region>

Renewables Now (2018) “Nuon changes name to Vattenfall” October 5, 2018. Retrieved on 5 December 2018, from <https://renewablesnow.com/news/nuon-changes-name-to-vattenfall-629049>

SECO, & SBGA (2018). The Better Gold Initiative: a Swiss Cooperation Project. Retrieved on 8 August 2018, from <http://bettergold.org/about-bgi/about/>

SER (2017). Dutch Gold Sector IRBC Agreement. The Hague: Social and Economic Council. Retrieved on 14 May 2018, from <https://www.imvoconvenanten.nl/~media/files/imvo/gold/agreement-gold.ashx>

SOMO (2012). The Black box. Obscurity and transparency in the Dutch coal supply chain. Retrieved on 20 June 2018, from <https://www.somo.nl/wp-content/uploads/2012/01/The-Black-Box.pdf>

UPME & MinMinas. (2017). Plan Nacional de Desarrollo Minero con Horizonte A 2025. Bogotá D.C: UPME.

USAID (2016). Programa de Minería Artesanal “Oro Legal.” Bogotá D.C. Retrieved 22 July 2018, from https://www.usaid.gov/sites/default/files/documents/1862/OROLEGAL_FactSheet_March_2016ES.pdf

Verdad Abierta (2018). Líderes sociales en Cesar, bajo grave riesgo. *Verdad Abierta*. Retrieved on 8 August 2018, from <https://verdadabierta.com/lideres-sociales-en-cesar-bajo-grave-riesgo/>

VP Initiative (2017) Participants in the Voluntary Principles Initiative Gather for Discussions on In Country Implementation Efforts and Welcome Three New Participants. Retrieved on 20 September 2018, from http://www.voluntaryprinciples.org/wp-content/uploads/2017/03/FHE-DC-178485-v1-Statement_re_the_2017_Annual_Plenary_Meeting_of_the_Voluntary_Principles_Initiative1.pdf

World Bank (2018a). Colombia. Retrieved on 16 April 2018, from <https://data.worldbank.org/country/colombia>

World Bank (2018b). Doing Business 2018: reforming to create jobs. Retrieved on 16 April 2018, from <http://www.doingbusiness.org/~media/WBG/DoingBusiness/Documents/Annual-Reports/English/DB2018-Full-Report.pdf>

World Bank (2018c). Promoting fiscal sustainability, inclusive growth, territorial development and the construction of peace in Colombia. Retrieved on 12 August 2018, <https://www.worldbank.org/en/results/2018/07/26/promoting-fiscal-sustainability-inclusive-growth-territorial-development-and-the-construction-of-peace-in-colombia>

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Annex 1. Detailed list of cases in Colombia

IRBC policy instrument	Programme or category	Case	Relevance to evaluation	Participants	Location	Field work Activities
PSI relevant for promoting RBC projects under EPRM and TF	European Partnership on Responsible Minerals (EPRM)	CAPAZ: The Passport to Markets Programme	Mining sector Due diligence as primary aim Project aims to develop an open source and globally applicable Market Entry Standard for commercial engagement with artisanal and small scale gold mining, especially in Conflict Affected and High Risk Areas. The standard will ensure conformance with OECD due diligence guidance, and other key requirements, providing a “passport to markets” for artisanal miners. At the same time, the project aims to pilot the standard through supply chain models for conflict free minerals in Colombia.	<i>Dutch partners:</i> Netherlands Enterprise Agency, RESOLVE, USA. <i>Colombian partners:</i> Alliance for Responsible Mining, Colombia	Bogota Antioquia Cesar	Travelled to Medellin to interview ARM and Alexandra Guaqueta.
	European Partnership on Responsible Minerals (EPRM)	CAPAZ: The Passport to Markets Programme - Scaling-up and Sustaining Impacts	Mining sector Due diligence as primary aim Second phase of the development and operationalization of the “Code of Risk-mitigation for Artisanal and small-scale mining engaging in Formal Trade” (CRAFT)	<i>Dutch partners:</i> Netherlands Enterprise Agency, RESOLVE, USA. <i>Colombian partners:</i> Alliance for Responsible Mining, Colombia	Bogota Antioquia Cesar	
	Transition Facility	Sector-Wide Impact Assessment (SWIA) for Mining in Colombia	Mining sector Assessment analyses the relation between mining and human rights to strengthen public policy and national planning	Institute for Human Rights and Business (IHRB) / Centro Regional de Empresas y Emprendimientos Responsables (CREER).	Bogota	Interviews with implementing partners CREER. Interviews government officials, companies, CSOs.

Sector covenants	Mining	Coal Covenant & Bettercoal Code	Aims at improvements of the coal chain Focus lies on Colombia and on improving conditions in the Colombian coal supply chain Bettercoal Code covers ethical, social and environmental principles and provisions that are relevant to coal mining companies	<p><i>Companies:</i> NUON, ESSENT (through Vattenfall, Prodeco, Glencore and Drummond)</p> <p><i>Dutch NGOs:</i> Pax, Solidaridad and SOMO</p> <p><i>Other relevant organisations:</i> ARM, International Alert</p> <p><i>Colombian government:</i> Ministry of Mines and Energy in Colombia, National Mining Agency</p> <p><i>Labor Unions:</i> SINTRAELECOL, Central Unitaria de Trabajadores (CUT), Renovación sindical de Antioquia, Sindicato de Trabajadores de la Industria del Carbón (Sintracarbón)</p> <p><i>Others:</i> Asociación Colombiana de Minería (Colombian Association on Mining)</p>	Bogota Antioquia Cesar	Visit the mines from Drummond and Prodeco in Cesar. Interviews with companies' officials and unions. Interviews to Government, CSOs and external consultants.
Embassy activities	Mining	RBC activities cross cutting to all sectors. DRAFT RBC strategy	Main work around RBC internally in the Embassy and in the environmental and mining sectors.	Embassy of the Netherlands in Bogotá.	Bogota	Interviews with Embassy staff, Ambassador, Government officials, Companies and CSOs.
Private sector investment programme	Agriculture	Environmentally Friendly Crop Protection Products	Agriculture sector PSI – due diligence as a condition	Dutch partners: Ceradix BV, Eva van Harmanni LTDA	Bogota	Interview with CERADIS General Manager and CEO from Eva van Harmanni LTDA

		HoCotec+ Sustainable pig production on a high state-of-the-art farm	<p>Agriculture sector (livestock farming) PSI: due diligence as condition</p> <p>Focus on animal and human welfare, farm hygiene, food safety and environmental protection</p>	<p>Dutch project partners: Netherlands Enterprise Agency, Wilschip Holding BV</p> <p>Colombian partners: Porcicola Santa Cruz S.A., Colombia</p> <p>Others: National Association of Colombian Pig Producers</p>	Bogota	Interview with HoCotec trianer.
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Annex 2. List of interviews in Colombia

Category	Organisation	Respondent	Date	Location
Dutch Government	Embassy of the Kingdom of the Netherlands	Ambassador		Bogotá
	Embassy of the Kingdom of the Netherlands	First Embassy Secretary Economic Affairs	18 Jun 2018	Bogotá
	Embassy of the Kingdom of the Netherlands	Head of Political Affairs	30 June 2018	Bogotá
	Embassy of the Kingdom of the Netherlands	Agricultural Attaché	18 Jun 2018	Bogotá
	RVO	EPRM Secretariat	28 August 2018	Skype call Colombia-The Netherlands
	MFA (IMH)	Joost Vos	24 September 2018	Interview conducted by IOB in the Netherlands
	MFA (IMH)	Aline van Veen	24 September 2018	Interview conducted by IOB in the Netherlands
Energy companies and Bettercoal	Essen-RWV	Senior advisor public affairs	14 June 2018	Interview conducted by IOB in the Netherlands
	UNIPER	Manager public & regulatory affairs	14 June 2018	Interview conducted by IOB in the Netherlands
	NUON-Vattenfall	Responsible sourcing and trading manager	14 June 2018	Interview conducted by IOB in the Netherlands
	RVO	Secretariaat convenant Duurzame Kleding en Textiel	14 June 2018	Interview conducted by IOB in the Netherlands
	Bettercoal	Head of standards & assurance	15 June 2018	Interview conducted by IOB in the Netherlands
Colombian Government	Ministry of Mines and Energy	Representative of the corporative mining office.	18 June 2018	Bogotá
	Ministry of Mines and Energy	Representative of the Office of Human Rights and Environment.	18 June 2018	Bogotá
	Ministry of Mines and Energy	Advisor of the Deputy minister.	18 June 2018	Bogotá

NGOs and International Organisations	Ministry of Mines and Energy	Representatives of the Office of Management and Planning.	18 June 2018	Bogotá
	National Mining Agency (ANM)	ANM Presidency	19 June 2018	Bogotá
	National Mining Agency (ANM)	Promotion Team manager	19 June 2018	Bogotá
	National Mining Agency (ANM)	Deputy of monitoring and security	19 June 2018	Bogotá
	National Mining Agency (ANM)	Advisor of Promotion Team	19 June 2018	Bogotá
	National Mining Agency (ANM)	Advisor of ANM President	19 June 2018	Bogotá
	Unidad de Planeación Minero Energética (UPME)	Advisor	28 May 2018	Bogotá
	High Council for Human Rights	National Coordinator of Business and Human Rights	19 June 2018	Bogotá
	National Contact Point	Appointed NCP	1 July 2018	Bogotá
	CREER	Executive Director	15 June 2018	Bogotá
	FIP	Director human Rights and Business	12 June 2018	Bogotá
	PAX	Director of Colombia Campaign	14 June 2018	Bogotá
	PAX	Colombia office director	14 June 2018	Bogotá
	GRI	Coordinator	19 June 2018	Bogotá
	IA	Country Representative	17 July 2018	Bogotá
	Solidaridad	Country Manager	4 July 2018	Bogotá
	OACNUDH	Peace and territory Coordinator.	25 May 2018	Bogotá
	Drummond	VP communications and PR	6 June 2018	Bogotá
	Drummond	RBC manager	6 June 2018	Bogotá
	Drummond	RBC deputy manager	6 June 2018	Bogotá
Companies / private sector	Drummond	Labour manager	22 June 2018	Cesar mine
	Drummond	Community manager	22 June 2018	Cesar mine
	Drummond	Human Resources manager	22 June 2018	Cesar mine
	Prodeco	Environment Manager	21 June 2018	Cesar mine
	Prodeco	Social Manager	21 June 2018	Cesar mine
	Prodeco	General Manager of Foreign Affairs and Communications	21 June 2018	Cesar mine

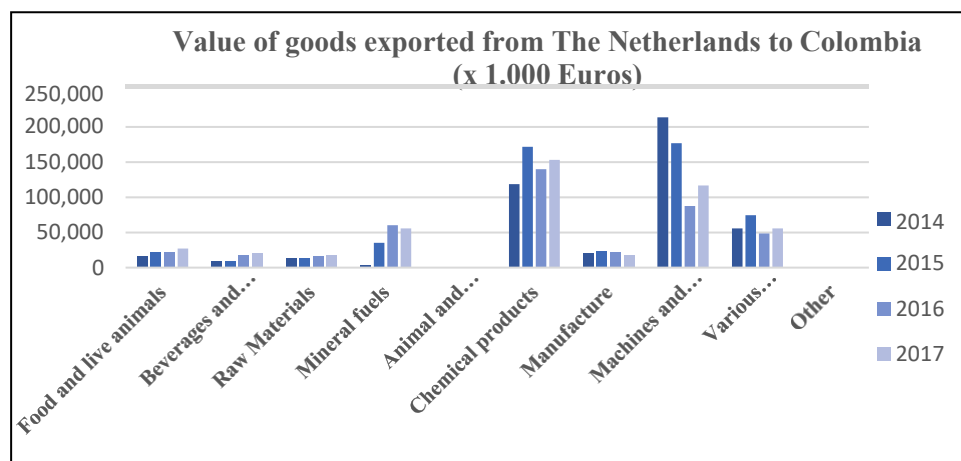
Sector / business organisations	Prodeco	Sustainability Manager	21 June 2018	Cesar mine
	Prodeco	Human Resources Manager	21 June 2018	Cesar mine
	Cerrejón	Director of Social Standards/Sustainab ility/Human Rights due diligence/RBC	22 August 2018	Bogotá
	Stork Masa	CSO	19 June 2018	Skype call Colombia
	HoCotec	Trainer	27 June 2018	Bogota
	CME	Executive Director	22 June 2018	Bogotá
	ACM	Legal Director	3 August 2018	Bogotá
	Continental Gold Incorporated	International Standards Manager	10 July 2018	Medellín
	Sintraderm	President	22 June 2018	Cesar Mine
	Sintraminergética	Representative El Paso	22 June 2018	Cesar Mine
Labour unions	Sintraminergética	Deputy Representative	22 June 2018	Cesar Mine
	Sintraminergética	Representative Codazi	22 June 2018	Cesar Mine
	Sintradrummond	President	22 June 2018	Cesar Mine
	Sintramineros	President	22 June 2018	Cesar Mine
	Sinempromi	Deputy	22 June 2018	Cesar Mine
External consultants	Pierre Hupperts	External consultant on RBC and mining.	4 June 2018	Skype call Colombia-Netherlands
	ARDUA	Manager	28 May 2018	Bogotá
Dutch Project partners	ARM	Líder de alianzas y nuevas iniciativas	10 July 2018	Medellin
	CERADIS	General Manager	6 June 2018	Bogota
	Eva van Harming	CEO	6 June 2018	Bogota

Annex 3. List of field observations in Colombia

Location	Observation	Date
Cesar Prodeco's Mine	Visit to Prodeco's Mine in Cesar. Organised by Prodeco's General Manager of Foreign Affairs and Communications. Interviewed X Prodeco's officials. Took a tour to Prodeco's mining operations and environmental initiatives in the mine.	21 June 2018
Cesar Drummond's Mine	Visit to Drummond's Mine in Cesar. Organised by the Deputy manager. Interview with human resources. Interview with RBC and communications managers. Tour to the mine. Interview with labour union representatives in the mine.	22 June 2018
Medellin ARM	Visit to ARM's offices in Medellin. Interview with Alexandra Guáqueta from Continental Gold Incorporated.	10 July 2018

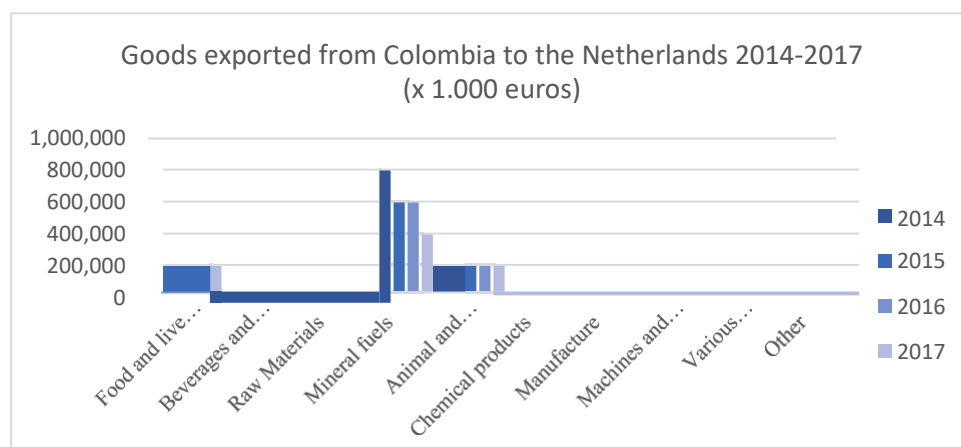
Annex 4. Goods exportation: Colombia and the Netherlands

Table 1. Value of good exported from The Netherlands to Colombia



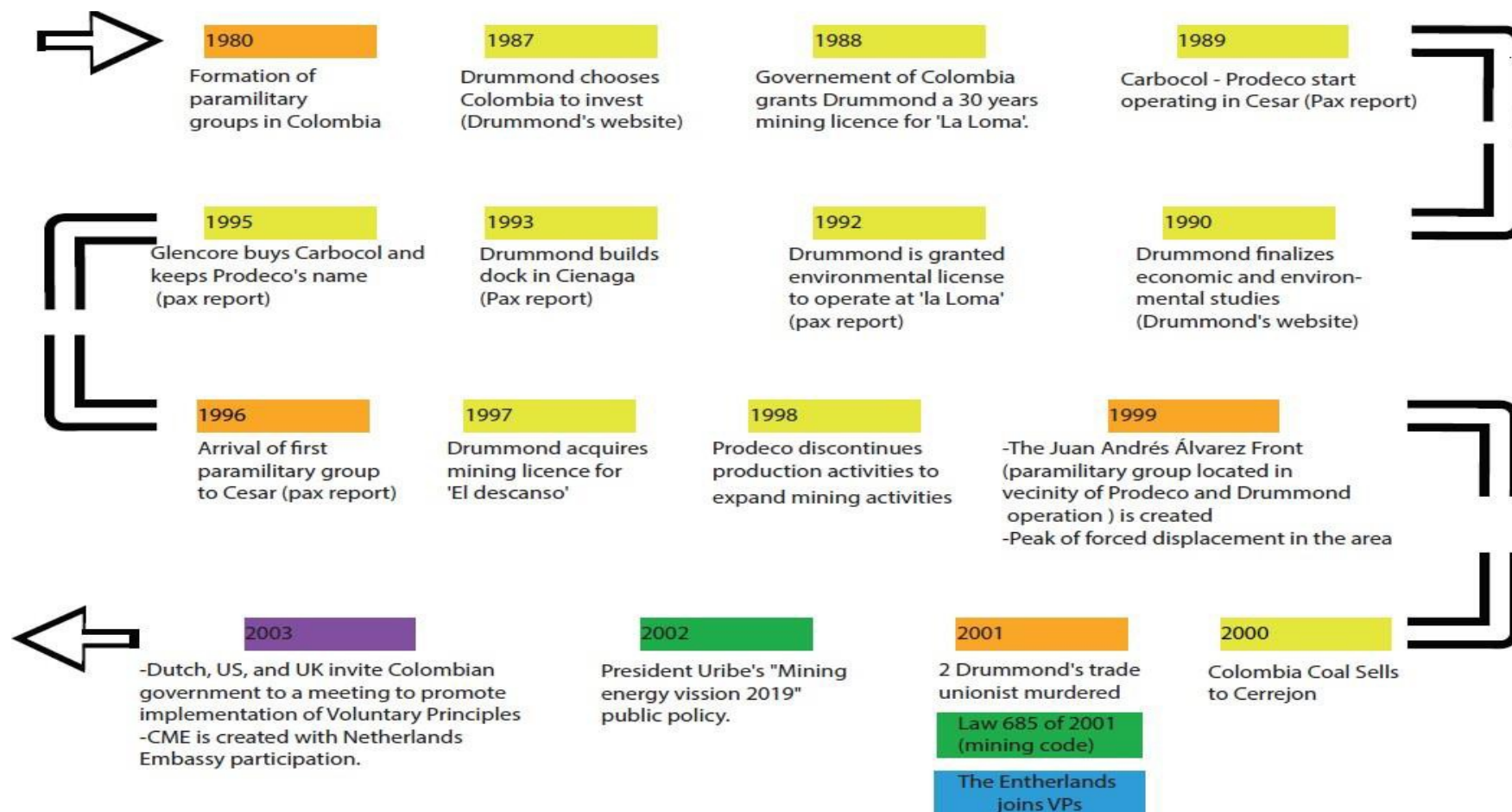
Source: Own elaboration with MBZ (2018b) data

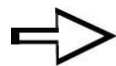
Table 2. Goods exported from Colombia to the Netherlands 2014-2017



Source: Own elaboration with MBZ (2018b) data

Annex 5. Timeline of mining in Colombia





2012

NCP established by decree 1400 (National Action Plan)

17 Swiss companies (including Prodeco), sign commitment to start up good business practices in Colombia (Terrace Report)

Creation of Permanent Dialogue Roundtable on Mining and Environment. Prodeco and Cerrejón are part of it.

2013

June: Bettercoal code is launched Z8

53 day strike at Drummond

Colombia becomes official OECD candidate.

MoFA Evaluation of the Dutch foreign policy with respect to Latin America

2014

June: Pax' blood coal' report
August: Bettercoal code site-assessment at Drummond's Colombian operations (Drummond press release)

September: Netherlands' mission to Drummond mine

September: first Dialogue mining in coal supply chain promoted by FESCOL (T)

October: Terrace report published
14 november: Coal cover (november 14)

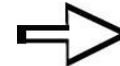
26 November: Minister of Trade and Development Lillianne Ploumen visits Colombia

Constitutional Court Ruling: authorities should negotiate with communities for the protection of the environment and health of local communities in particular, for ensuring

Colombia becomes an EIT candidate.

Directive 001 of 2014 by F promotes UN guiding Principles

First guidelines on human rights business are published.



2017

March: Bettercoal visit to Colombia: Glencore/ Prodeco stated that they will participate in the Bettercoal Assessment Programme in 2017, while CNR showed their interest.

June: CREER initiates Trust building initiative in Cesar (builds on SWIA)

June: Dutch Gold Sector Agreement

March 10: Prodeco publicly states its support for Colombian's ongoing peace process

September: first Entry Market Standard (Craft Code) Committee Meeting

October: Prodeco attends Cesar's paramilitary victims commemoration in October.

Prodeco completes Bettercoal's self assessment

November: Drummond enters the Comité Minero Energético

Visit of Colombian delegation to the Netherlands including Chancellor Holguin, Paula Gaviria, Silvana Habib, and Mining Minister Arce. Participation in the "Coal, Peace and Development".

December: The area chosen by the community for el Hatillo resettlement process did not appear suitable in December 2017

One El Haltillo leader is killed (Embassy reports)

2018

January: visit of CdP to Prodeco
April: Bettercoal, Vattenfall, visit Colombia and mines.

7 June: High Commissioner of Mining, The Ministry of Internal Affairs, Drummond y Prodeco, FIP: statement against the killing

June: second phase of C

May: colombia's

2016

CdP visit to el Hatillo Community (resettlement proceso)+AC1+AC88
July 2016: SWIA report is released
MoFA's CSR in Colombia report is published.
Cerrejón Complets Bettercoal's self assessment

2015

May: Deputy minister of Mining visits The Hague and signs MOU.
December: National Action Plan 2015-2018 is published



- Conflict related events
- Colombian Government related actions or events
- Dutch government or Dutch initiatives or events.
- Companies' related events.
- Colombian Government actions affecting companies.
- International multistakeholder related events.
- CSO related events.
- Conflict and Companies' related events.

