



Ombudsman Assessment Report

Complaint regarding TCBuen S.A.

Buenaventura - Colombia

September 2010

Office of the Compliance Advisor/Ombudsman

International Finance Corporation and

Multilateral Investment Guarantee Agency

Introduction

The Office of Compliance Advisor/Ombudsman (CAO) is the independent recourse mechanism for the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA) of the World Bank Group. The CAO reports directly to the President of the World Bank Group, and its mandate is to assist in addressing complaints from people affected by projects in a manner that is fair, objective, and constructive and to enhance the social and environmental outcomes of projects in which IFC and MIGA play a role. In the first instance, complaints are responded to by the CAO's Ombudsman function.

This document is a record of the views heard by the CAO team and provides suggestions for next steps, which are intended to stimulate further ideas and options for improving relations and outcomes on the ground.

The complaint

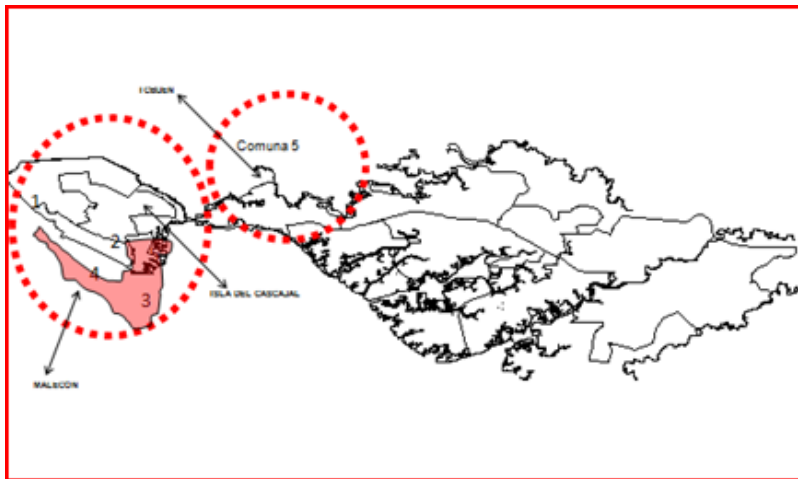
On December 10, 2009, a local coalition of community councils – Proceso de Comunidades Negras - Regional Palenque El Congal¹ (“PCN”) – requested the assistance of the CAO on behalf of community members in Buenaventura to address alleged impacts on vulnerable afro-Colombian communities of the Malecón Project. When the CAO pointed out that the Malecón Project was a Governmental Initiative not funded by IFC and had no apparent link with the IFC-funded private sector TCBuen Project in a different area of Buenaventura (see figures 1, 2 and 3 below), the PCN, together with Fundación Huellas y Rostros del Sentir Humano “Garífuna”, submitted a second version of the complaint describing impacts of TCBuen on its neighboring communities.

Signatories raise concerns about ensuring proper consultations with ethnic minorities such as themselves, ensuring community participation in decision-making, protecting their cultural and social ways of life, and guaranteeing access to project information. Complainants suggested that a CAO team travel to Buenaventura to speak with community members and see the situation for themselves.

Based on the CAO's eligibility screen, the complaint was confirmed as eligible for assessment in January 2010. The social and environmental issues raised fall under CAO's mandate; and the project is supported by IFC.

¹ The Regional Palenque el Congal is a coalition of community councils in Buenaventura, and is a member of the Black's Communities Process (*Proceso de Comunidades Negras*), a network of 140 organizations that seeks to give a greater voice to Afro-Colombians, preserve Afro-Colombian culture, and protect land inhabited by Afro-Colombians. See: <http://www.renacientes.org/> and also: http://www.gloobal.net/iepala/gloobal/fichas/ficha.php?entidad=Agentes&id=9555&opcion=descripcion#ficha_gloobal

Figure 1 Location of communities living in the surrounding area of main projects mentioned in the request of assistance, TCBuen and Malecón²



The project and location

Located in Buenaventura, Colombia, at the Aguacate Marsh before the Cascajal Island, the TCBuen Company is a container terminal mostly privately owned³. The purpose of the project is to construct and operate a new container terminal in the port of Buenaventura, the only significant Pacific coast port in Colombia. The maritime terminal is about 3km north-west from downtown Buenaventura⁴.

The Project involves the construction of a new international container terminal in the Port City of Buenaventura, Colombia's second largest port. The Terminal will be located in Buenaventura's urban area, 2.4 kilometers away from the existing terminal of Sociedad Portuaria Regional de Buenaventura. The new Terminal will affect an area of 27 hectares and includes a 490-m dock with associated deepening of the access channel and creation of a turning basin. Construction has been in progress since August 2008, with expected completion by the end of 2010. The Project will involve the development, engineering, construction, dredging, equipment purchases, and operation of the terminal. Once completed, the Terminal is expected to provide approximately 268,000 twenty foot equivalent units ("TEUs") in operational capacity and will only handle containers.

As per IFC's Environmental and Social Review Procedure, the TCBuen project has been categorized as an A project, potentially involving diverse environmental and social impacts related to: dredging of the access channel and turning basin and corresponding dredge spoil disposal; mangrove and vegetation removal and

² Information provided by complainants on February 5, 2010.

³ TCBuen is owned by: Grup Maritim TCB with 66.2%, Grupo Empresarial del Pacífico S.A. with 20.8%; Regional Governmental Environmental Agency (Corporación Autónoma Regional del Valle del Cauca) with 5%; and Regional Government of Valle del Cauca, Municipality of Buenaventura and Minority Shareholders (8%). Minority shareholders, numbering 950, include fishermen, wood workers, housewives, small businesspeople etc. (Information updated by TCBuen as of 7/19/10).

⁴ IFC, Summary of Proposed Investment of TCBuen. See: www.ifc.org

mangrove restoration in Afro-Colombian lands; livelihood restoration of economically displaced fishermen and land acquisition and resettlement⁵.

Figure 2 Location of the TCBuen container terminal, Colombia⁶



Figure 3 Location of the Malecón project, mentioned in the first version of the complaint and not linked to an IFC investment⁷



Assessment

The CAO initially held phone conversations with PCN and TCBuen representatives to begin the assessment stage. A mission planned for the week of March 22, 2010, was interrupted by a couple of violent events, most notably the bomb that went off in Buenaventura thirty minutes after the team's arrival in town killing ten people and wounding another fifty. A second trip to the area was conducted on May 14 and 15, 2010. While in Buenaventura, the CAO team met with PCN, TCBuen and other local leaders. Field visits to the project's premises, surrounding neighborhoods, and the homes of people who have been relocated also took place.

⁵ See IFC Environmental and Social Review Summary for TCBuen: www.ifc.org

⁶ See: <http://www.tcbuen.com>

⁷ See Municipality of Buenaventura: <http://www.buenaventura.gov.co/index.php?tipo=seccion&seleccion=46&full=1>

Main Findings

1) The socio-economic context of the TCBuen project is very sensitive. Buenaventura can be pictured as a synthesis of the Colombian conflict. It is one of the country's most important commercial ports and the control over each of its neighborhoods is said to be disputed by irregular armed groups, government forces, and drug dealers. The city is sadly known for having one of the highest levels of violence and poverty in the country and the role of public authorities and public policies is often characterized as limited and even replaced by irregular groups. People feel constrained in what they can and cannot say. In fact, they hardly mention the conflict and armed groups unless they are asked directly and, even so, their responses will be short. It is therefore difficult to grasp whether an assessment can be precise enough to describe the real situation on the ground.

2) Besides finding solutions to alleged impacts of the TC Buen project, the PCN expects the CAO to become another voice that can bring the World Bank Group's attention to the severe impact on the rights of afro-Colombian populations within the dynamics of Colombia's internal conflict. Their sad situation has been thoroughly documented by national research institutions, such as the University of Los Andes⁸ while advocacy groups, such as the PCN, have struggled tirelessly to make their suffering visible to national and international institutions. Probably as a result of their work, a recent ruling by the Constitutional Court⁹ calls for urgent protection of their rights. While current research and court rulings are focused on rural areas where afro-Colombian community lands are owned under collective titles and governed by community councils, the PCN would also like to raise awareness about the regional situation of displaced afro-Colombians who have found no other alternative but to settle in urban areas of the Pacific Coast. In their words:

- i) For centuries, as descendants of slaves, they have been rebuilding themselves as communities in very difficult circumstances and contexts. When displaced from their territories in rural contexts, many afro-Colombians have found it complicated to live by their worldviews in urban settings. Yet, they have managed to restart over again. They describe their ideas about development as clashing with a worldview, often driven by external forces, which believes that the only way to development is through economic expansion and growth. In that context, they see TCBuen as only one of the many projects in Buenaventura that will *cumulatively* impact their cultural identity, social practices, livelihoods and collective rights.
- ii) They believe black¹⁰ communities have worked hard over 30 to 50 years to build their habitat in the lower lands close to the sea in Buenaventura and this effort has neither been adequately recognized nor compensated. They disregard claims of illegality of their settlements and risks of their location as excuses crafted by authorities to displace them or to avoid investments in essential infrastructure.
- iii) They feel subjected to obscure strategies to displace them from their lands and homes in areas that are of interest for large infrastructure or energy projects. They claim their basic needs are left unattended so that people will feel inclined to abandon their territories. They also mention that direct violence through massacres and selective homicides has served as an instrument of displacement in this context. They

⁸ Rodríguez Garavito, César Augusto and others. The afro displacement. Land, violence and rights of the black communities in Colombia. Law School of the University of Los Andes. Bogotá 2009.

⁹ Constitutional Court of Colombia. Protection of human rights of afro descendant victims of forced displacement. Bogotá, 2009.

¹⁰ PCN representatives and community members interviewed refer to themselves as *black communities* as a synonym of afro-Colombian or afro-descendant communities. This is consistent with their documents where they use these terms alternately (*See bulletin and documents of the Forum on "The rights of Afro-descendant peoples in the face of the development of megaprojects", held in Buenaventura in June 2009 and convened by six different institutions, PCN among them*).

denounce that leaders are often bought by the companies and that those that cannot be bought are concerned about their personal security¹¹. In such a vulnerable situation, they believe it is impossible, for example, to collectively negotiate a fair price for their houses when a project is developed where they live.

- iv) They find local authorities to be very weak to face these forces or even convinced of this worldview of unlimited economic growth. And, they have found institutional mechanisms to express their concerns to be ineffective.

PCN would welcome a structured dialogue process with the participation multiple public and private stakeholders where the overall impacts of current and oncoming projects for Buenaventura, as well as alternative solutions, can be discussed.

3) Regarding the area where the TCBuen Project is being implemented, the PCN has expressed the following concerns:

- i) They consider that the amount of money that has been paid for the houses that were bought from the community has been insufficient for the former owners to buy houses elsewhere.
- ii) It is their understanding that a process to obtain prior informed consent of the neighboring communities should have been conducted according to Law Nr. 70 and the 169 ILO Convention. They believe the community in the area of influence has not been adequately informed and consulted about the project. The PCN claims that technical information was not fully understood by community members who participated in meetings convened by TCBuen, that participants were selected by the company, and that it is unreasonable to expect that people will feel free to participate openly in a context of violence. They also say they have found it impossible to access the Social Impact Assessment through the Municipality, the Ministry of Environment, and the Universidad del Pacífico.
- iii) They believe national institutions such as the National Ombudsman, the Ministry of Environment, and a special office for afro-Colombian communities at the Ministry of Interior will hardly provide a fair process for them to voice their concerns. They also claim it makes no sense to file a complaint at the Corporación Autónoma Regional del Valle del Cauca (CVC) who is in charge of monitoring TCBuen's environmental impacts on mangroves because it owns 2% of TCBuen and has a vested interest in the project¹².
- iv) They also complain that formal leaders of the neighborhoods are not willing to raise all of the true concerns of their constituencies.
- v) They expressed they would have liked TCBuen to hire most of its workers from the community but instead they claim that most workers are from outside Buenaventura.
- vi) They believe local communities have been affected by social and environmental impacts of the TCBuen project. They claim that TCBuen's machinery has created problems with dust and noise, its trucks jeopardize the security of children, and its operation has affected the use of recreation sites. Additionally,

¹¹ Slightly more than a year ago, the President of the Barrio Santa Cruz was murdered and his body was not found. It is important to note, though, that the CAO has not heard any claims that this terrible incident is related to the TCBuen project in any way.

¹² It should be noted that TCBuen's overall environmental performance is monitored by the Ministry of Environment.

they allege that the destruction of mangroves by TCBuen has affected the fishing practices of the local communities. They consider that the compensation being provided by the company (e.g. the sports center being reconstructed or their investment in the local school) is not appropriate in the context of rights that should be duly guaranteed by the State.

- vii) They claim that when the construction phase was initiated, human bones were found in a place that was known to be a mass grave but no effort was made to record them appropriately.

PCN requests that an adequate and effective process to obtain prior informed consent from the neighboring communities is conducted, according to the ILO Convention 169, and that a joint process is started to collectively think about the future of the area of influence of the project¹³.

4. TCBuen representatives expressed their confusion about the first version of the complaint because it was focused on the Malecón project in which they had no participation. However, they remained open to discuss their operation in the spirit of further improving their performance wherever possible and expressed their points of view about the issues raised by PCN:

- i) They acknowledge the very difficult situation of afro-Colombian communities in the Pacific Region; and, about the specific context of Buenaventura, they agree that the cumulative impacts as a result of the decision to serve as the country's main port should be further assessed. However, they believe that is the responsibility of public authorities and do not see themselves as playing an active or leading role in it.
- ii) They say they have bought twenty five houses and five lots of land from thirty families, following the IFC method to ensure fair purchases, and have verified that former owners are now in a better situation¹⁴. They claim to have paid more than their actual market value, averaging \$60,000,000.00 (approximately US\$ 30,000.00) per house, and \$5,500,000.00 (approximately US\$ 2,750.00) per lot of land¹⁵. They have done this even though some of the land that people have occupied is considered illegal and located in an area identified as in risk of flooding. They believe people took this opportunity to leave a neighborhood in which they did not feel comfortable. All of them have chosen to buy new homes, some have decided to leave Buenaventura and the majority continues with the same economic activities.
- iii) Regarding participation of the community in the area of influence, TCBuen claims to have engaged constructively with them and their leaders thanks to a process conducted according to the law and IFC guidelines. They received a formal notification from the national government¹⁶ indicating that, even though there are black communities in the urban zone of the municipality of Buenaventura, they are not covered by the prerogatives of Law 70 of 1993 because they are not located in areas where their lands are susceptible of collective titling and, therefore, the prior consultation process mentioned by section 44 of Law 70 is not applicable. They would like to emphasize that, nonetheless, they did not interrupt the process. They keep holding open meetings with residents of all five neighborhoods of the area of influence in a safe and ample space outside the area of the project. Meetings are convened through the

¹³ This request is consistent with the outcomes of the forum on “The rights of afro-descendent peoples in the face of the development of megaprojects”.

¹⁴ The CAO team had the chance to visit the homes of three former neighbors of La Inmaculada and can confirm that they have been able to move to better houses. They all expressed that they live more comfortably now but that they miss the social capital (friends, family) they had in their neighborhood.

¹⁵ The list of criteria followed by TCBuen for this process can be consulted in Annex I.

¹⁶ Communication number 2400-E2-38158 of May 15, 2005, issued by the Direction of Licenses and Environmental Permits of the Ministry of Environment (MAVDT); Resolution of the MAVDT number 705, of April 21st, 2006, granting environmental license to the TCBuen Project.

presidents of each neighborhood and through public announcements on cardboards and are usually held from 4 to 7 pm in an auditorium where information can be projected and microphones will allow people to be heard. The company hands out simple templates for people to fill out with their names and contact information and their concerns in case they have not been able to voice them during the meeting. A response will be provided to each person with a written letter to let them know how they have addressed their concern. Transportation and appetizers are provided by the company for all those who are interested in participating. They would also like to mention that the Environmental Impact Assessment has been posted on their website and a summary is available at their office to be consulted by whoever is interested.

- iv) They were surprised by the fact that the PCN had submitted a complaint to the CAO without having tried to contact them first. And, although they remain open to listening to the concerns of anybody about the project, they do not understand PCN's legitimacy to submit a complaint in the name of the five neighborhoods of the area of influence of the project. These are under the jurisdiction of the municipality and represented by Juntas de Acción Comunal (JAC) which are elected by popular vote. At a higher level, there is also a Junta Administradora Local (JAL) which represents the Comuna 5 (encompassing seven neighborhoods). The President of each JAC meets with company representatives on a weekly basis at the Employment Committee where, together with the subcontractor for the construction of the port and a member of the JAL, decisions are made about how neighbors are employed in the project. Additionally, they maintain an open-door policy for all JAC and hold meetings with them whenever they are requested to. In two occasions, the General Manager has met with JAC members of La Inmaculada and Santa Fe, the two neighborhoods that are adjacent to the project, to discuss how to find solutions to the problem of sanitation in the area. They understand that representation and participation may not always work well so they have opened an office where any member of the communities can show up to express his or her concern about the construction of the project. According to the TCBuen's charts, out of 173 complaints, 100 have been addressed to the satisfaction of the community, 50 are still pending, 17 have been dismissed¹⁷, 3 have not accepted attention from TCBuen, and 3 correspond to "Other". Even though the operating context is complex, they do not think that people feel constrained to raise complaints about the project and recall some events where community members overtly protested and even blocked any progress. At the very beginning of the project, people stopped the construction because they claimed bulldozers were damaging their homes. Currently, there is an area of the project where activities have been momentarily suspended because neighbors are demanding that their houses are fixed and bought.
- v) They have worked with the community to address inevitable impacts such as noise, dust, transit of trucks, and use of recreational spaces. They believe they have been able to find solutions to the community's concerns. Most issues have been left behind now that the construction phase has been almost completed but a problem with noise still remains and will be solved soon by building higher walls. The area where the premises of the project have been constructed had not been inhabited before. It was an elevated piece of land that belonged to the Corporación Autónoma Regional del Valle del Cauca (CVC) from 1980 to 1995, when it became property of the Complejo Portuario Industrial de Buenaventura. In 1998, it was transferred to TCBuen S.A. A specific area of this piece of land was used by children to play football. To compensate for the loss of this recreational space, TCBuen will begin next July 2010 the remodeling of existing parks in La Inmaculada and Santa Cruz. They have expressed they would like to make a

¹⁷ The basis for dismissal is that the person who submitted the claim related to damages to his/her house structure lives further beyond 50 meters from the construction site.

contribution to improve basic infrastructure in the community but that, although there is a Municipal Development Plan for the area, the government is not investing because settlements are illegal. Regarding impacts on mangroves, they have two reasons to believe that the clearing of 14 hectares has not significantly impacted the community. Firstly, the existing mangroves had already been severely degraded and could not provide sufficient goods and services to support a livelihood for many people. And, secondly, according to a census conducted among the local population over six months, only fourteen people consistently made a living out of fishing and did not necessarily fish only in that area. TCBuen has involved them in the construction of 14 new fiberglass canoes that are safer than those they use today. They also plan to help occasional fishermen¹⁸ to improve their fishing gear. Also, a few people expressed that, once in a while, they would extract timber from the mangroves. However, the CVC has required them to compensate with 10 hectares of new mangrove per each hectare that was removed. For that purpose, they have entered into a contract with the Community Council of the black community Mayor de Anchicayá (which is a member of the PCN) to plant and conserve 100 hectares of mangrove. Two other similar contracts are expected to be signed soon with the Community Councils of the Black Communities of Guadualito and Bracito Amazonas.

- vi) According to the information provided by them, more than a third of the workers employed every month since August 2008 live in the Comuna 5 and about another third live in other neighborhoods of Buenaventura. The rest of the workers have come from outside of the city. Additionally, in response to requests made by community members in the participatory process, TCBuen has provided training for nearly 500 people of the area of influence of the project as container inspectors, file managers, cooks, textile workers, among other abilities, in the hopes that they can provide services to the project.
- vii) Regarding the rumors about a mass grave being found when the construction site begun, the Director of the Engineering Department of TCBuen and the Director of PROES Consultores have verified the excavation process in the area of the project and confirm that no mortal remains were found.

Conclusions

1. Buenaventura is undergoing a process of economic transformation due to the decision¹⁹ to consolidate its position as one of the most important ports in Colombia, by dramatically expanding its capacity. TCBuen is only one of the many projects that are underway or in the pipeline to implement this decision. While social and environmental impact assessments have been conducted for TCBuen and may also be in place for other coming projects, there seems to be a gap in the assessment of their cumulative impact if considered as a whole. For example, those fishermen whose livelihoods depend on the resources of the bay will probably face a significant reduction in the area where they will be able to fish. Probably, the remaining area will be rapidly saturated and even disputed among them. It is likely that most of the fishermen are 50 years old or more and very unlikely that they can easily transition to other economic activities. In none of the meetings held has the CAO found any reference either to an assessment of cumulative impacts or to plans to mitigate them and protect vulnerable segments of the population of Buenaventura, developed in consultation with them.

¹⁸ According to the census conducted by TCBuen, there are 38 occasional fishermen in the area.

¹⁹ Territorial Plan of Buena Ventura, adopted by Agreement of the Municipal Council #3, 2001; Municipal Development Plan of Buenaventura, approved by Agreement of the Municipal Council #5, 2008.

2. PCN's leadership to advocate nationally for the rights of afro-Colombian communities, especially those living in rural territories under collective ownership and governed by community councils, is unquestioned. Yet, their legitimacy to submit a complaint in the name of the neighborhoods in the area of influence of the TCBuen project appears to be limited. PCN has based its complaint on the information that Fundación Huellas y Rostros has gathered in the area on the occasion of an academic course on Community Development and Public Policies. But, it has not consulted with the Juntas de Acción Comunal before submitting the complaint and has not tried to reach TCBuen representatives, either directly or through the grievance mechanism or the participatory process currently in place, to discuss their concerns. These mechanisms seem to provide some alternative channels to address concerns at the local level, and it would have been helpful if PCN, despite of their understandable²⁰ skepticism about their effectiveness, had tried to raised their concerns in these channels to learn more about their effectiveness.

3. The Colombian Government has stated that there was no need to conduct a prior consultation process as stipulated in Law 70. The PCN believes Law 70 and the ILO Convention 169 should be applicable to urban contexts and does not agree with this decision. However, this is a public discussion that should be held directly with the competent government authorities and the CAO has no jurisdiction over it.

4. TCBuen's relationship with neighboring communities seems to be constructive. The Presidents of all five neighborhoods²¹ have confirmed that, during its construction phase, the project has brought some of negative impacts, which are reflected in the complaint presented by the PCN: the project was built on an area that was used for swimming, football matches, and recreation in general; fishermen, "piangua" gatherers and people making a living out of timber were the most affected; problems with noise continue until today; and some houses were damaged. However, they have stated that there is a positive working relationship with the company and effective mechanisms to address community concerns are in place. They also highlighted that the project has created a good amount of local jobs and has employed many young people, significantly contributing to reduce the levels of violence in the area. Presently, they have two main concerns that are at the heart of current conversations with TCBuen: a) if the company does not keep its promise to continue to employ people from the area of influence once the construction phase is over, all the good social effects of the project will not be sustained; b) they would like TCBuen's support to go beyond the fourteen subsistence fishermen and reach the occasional fishermen and "piangua" collectors (women). Finally, the CAO has encouraged TCBuen to continue to actively address any complaints raised by community members and to sensibly manage any dispute that may appear.

²⁰ In this context it is questionable whether the assumption can be made that a participatory process can be carried out as effectively and that people will feel free to participate and speak their minds, as in many other places in Latin America.

²¹ While the CAO has listened to PCN's concerns about the legitimacy of formal leaders of each neighborhood, given that they have been selected by popular vote, it is not appropriate for CAO to comment on this issue.

Suggestions for Next Steps

As an independent observation made in a constructive spirit, the CAO believes that it may be helpful in this context for national and local authorities to assess cumulative social and environmental impacts of all of the projects programmed for the area and that plans are designed and implemented to protect the most vulnerable sectors and groups. The participation of interested groups in this process is essential and, if there is any relevant information that has already been produced about this, it should be made available to interested groups as soon as possible.

Regarding the TCBuen project, the CAO does not believe that a structured dialogue process between TCBuen and the PCN is necessary but has suggested that their representatives meet to discuss the concerns that were raised in the complaint. While no CAO intermediation seems to be necessary for this meeting to occur, it can provide assistance if TCBuen and/or PCN request it.

Additional Observations and Recommendations for IFC

- This case raises systemic concerns relating to potential cumulative impacts that the CAO has also experienced elsewhere. Although the specific issues vary from case to case, community claimants have raised issues that fall outside of the immediate management control of the project. These issues, such as security, land allocation; industrialization; and impacts on fishing stocks as a result of port development; are clearly impacted by a single company. But, no single company is wholly responsible for the collective impacts of the wider development. In each of these types of cases, there are limits to the influence that IFC or its Sponsor can exert, the types of interventions that can be implemented, and the assurance that implementation will indeed deliver the desired results. CAO would like to encourage discussion within IFC on how to take these issues into consideration when making a decision about a given project

- In January 2009, the Colombian Constitutional Court (CCC), in the “Auto 005”, granted the afro-Colombian population displaced by violence a special protection status and stated that they deserve priority attention. The CCC has declared that their rights have been and are massively and continuously violated and that the Colombian authorities have the constitutional and international obligation to incorporate an integrated and differentiated approach in the policies for attention of the displaced afro-Colombian population. It is widely accepted that consolidated urban afro-communities, such as TCBuen’s neighbors, are not entitled to the protection called for in Auto 005. Rather, the CCC decision is meant to address the situation of those afro-Colombian communities who live in ancestral collective territories under traditional governance regimes and are forced to move to other rural or urban areas²². All the same, though not directly related to the TCBuen project, the CAO would like to recommend that, should IFC decide to invest in projects or sectors that could potentially affect Afro-Colombians displaced by violence, it should be especially sensitive to their harsh situation and pay special consideration to the CCC’s decision.

²² There are some incipient claims that it is not quite clear where the line should be drawn to decide who deserves protection and who does not.

ANNEX I

List of criteria followed by TCBuen when purchasing houses of people living in the area of influence of the Project.

- TCBuen will mitigate and compensate adverse social impacts related to the purchase of pieces of land.
- TCBuen will contribute to improving the level of life of the people with whom an economic transaction within the process of purchasing a building is conducted.
- TCBuen will provide an equitable treatment to each of the people with whom an economic transaction within the process of purchasing a building is conducted.
- TCBuen will ensure access of underage people to schools in order to continue their education in the corresponding cycle.
- TCBuen will conduct a process of personalized information so that each person will know first-hand the information required to conduct the negotiation.
- TCBuen will value buildings as if they were in level 3 neighborhood.
- TCBuen will engage directly with each homeowner in an amicable negotiation
- TCBuen will rely on specialized personnel to determine the commercial value of the houses (Lonja Colombiana de Propiedad Raíz – Cali – Valle del Cauca)
- TCBuen will have available for those homeowners who request it the necessary legal and technical advise to ensure that their new house is legally in order and is negotiated at a reasonable price.
- TCBuen will conduct home visits to verify physical and psychological progress of the families.
- Personalized, timely and clear information provided to the owners of the homes or lots of land to be purchased.
- Legal assistance to ensure a proper title of the property transferred to TCBuen S.A.
- Legal revision of the new house.