

United Nations Human Rights Council

38th Regular Session

Interactive Dialogue with the Working Group on Business and Human Rights

Statement by Conectas Direitos Humanos

Delivered by Mr. Gustavo Huppes

25 June 2018

Mr President,

We welcome the Working Group on Business and Human Rights for its report on the use of economic diplomacy as a way of encouraging business to respect human rights.

As Brazil and other emerging countries seek to innovate in the international trade and investment regimes to strike a fairer balance between the property rights of investors and the human rights of communities and society at large, proper enforcement mechanisms of responsible business conduct provisions should be guaranteed. Unfortunately, this is largely missing in Brazil's current model of Investment Cooperation and Facilitation Agreement and the safeguards of the Brazilian Development Bank applied to its Ex-Im facility.

We also welcome the reports on the missions carried out by the Working Group in Canada and Peru. Country visits are important tools for disseminating the Guiding Principles and taking stock of their concrete implementation, and post-visit monitoring is essential.

Conectas assesses systematically the status of implementation of the recommendations made by the Working Group to the government and business enterprises following their mission to Brazil in December 2015. Two years on, there is still a long way to go. More than 60% are being implemented unsatisfactorily. Some have even seen regressive measures.

For example, the Working Group called on the Brazilian State and the three companies involved in the collapse of the Fundão tailings dam, the largest environmental disaster in the history of Brazil, which happened in November 2015, to listen to the critics voices. However, the two sides are negotiating a new settlement agreement behind closed doors, in violation of communities' rights to participation and the ILO 169 Convention.

We reiterate our call to the Brazilian government for greater engagement in the implementation of the recommendations, including by inviting the Working Group on Business and Human Rights to a follow-up visit in 2019.

Thank you.