

Declaration of Civil Society Organizations that Participated in the First Regional Forum on Business and Human Rights in Latin America and the Caribbean

The United Nations Working Group on Business and Human Rights undertook its first Regional Forum on Business and Human Rights in Latin America and the Caribbean between August 28 and 30, 2013, in Medellin, Colombia. The expectations regarding the event were high, as it was the first time the Working Group held such an event in the region since its establishment in June, 2011.

Both the Working Group (WG) as well as the co-organizers of the event (the Colombian government and the United Nations Development Program (UNDP)), announced the Forum as a space in which multiple actors could create a constructive dialogue on how governments and companies are addressing the impacts of business activities on human rights in the region. This is how the Working Group president, Pavel Sulyandziga, described the event in his opening speech. This is also included in the mandate of the WG and as well as the spirit of the Guiding Principles.

Unfortunately, the Forum was far from a plural confluence of diverse actors. In the seven panels that made up the two days of the event, 47 people participated, of which only 10% came from communities affected by business activities or human rights NGOs that work with such communities. By contrast, 43% represented companies or corporate human rights consulting firms. Similarly, 26% represented regional governments, and 21% came from various United Nations agencies.

But minimal representation on panels was not the only limit faced by victim's and human rights organizations. In addition to their lack of an invitation to "multi-actor" panels, those that did participate were forced to endure long lines and rigorous rules in order to raise questions before the group. These speaking rules, which were circulated beforehand, stipulated that each intervention of the public must remain under two minutes and the moderators could "manage the participants' interventions at their discretion." This severely limited the participation of attendees, delayed questions due to the moderator's discretion and caused panelists to fail to questions regarding violations of human rights by companies as well as the lack of the constructive and genuine dialogue that was proposed.

Two additional failings made the participation of civil society and victim's organizations more difficult. On one hand, the WG and the co-organizers did not consider the asymmetry of economic resources between grassroots organization on one hand, and governments and businesses on the other, and how such asymmetry would impact their participation in the event. Although some companies sponsored civil society representatives, there was not a clear and transparent process for the selection of those representatives. Additionally, there was at least one case in which a victim's organization, the Union of Those Affected by Petroleum Operations of Texaco (UDAPT for its Spanish initials), an Ecuadorian organization, solicited permission to participate in this event directly and through the Inter-American Platform of Human Rights,

Democracy and Development (PIDHDD, for its initials in Spanish), but never received a response.

The voices and requests of actors other than companies and governments also were poorly received in the issues prioritized by the event organizers. In particular, despite the repeated requests by victim's organizations and NGOs to move forward on substantive issues (for example, effective standards and practices to remedy violations of human rights caused by businesses and establishing extraterritorial responsibility of businesses that commit such violations), the Working Group continued to ignore these topics and adopted a narrow interpretation of its mandate. In effect, both in the Medellin Forum as well as in its reports, the WG continues concentrating exclusively on the dissemination of the UN Guiding Principles on Business and Human Rights.

What occurred in Medellin reproduces the limitations and problems evident in the First Global Forum of the Working Group, which took place in Geneva last December. Thus, it is very worrisome and raises serious doubts about the capacity and impartiality of the WG to fulfill its mandate and develop the potential of the Guiding Principles.

In consideration of the above, we respectfully but emphatically call on the Working Group, the Human Rights Council, and the international community to correct the aforementioned problems and guarantee the adequate participation of civil society and groups of affected peoples, both in form as well as content, in the Second Global Forum on Business and Human Rights, which will take place in Geneva on December 2-4, 2013.

Signatures:

(Participants)

Asociación Interamericana para la Defensa del Ambiente (AIDA)

Asociación Pro Derechos Humanos (APRODEH), Perú

Centro de Estudios de Derecho, Justicia y Sociedad (Dejusticia), Colombia

Centro de Estudios Legales y Sociales (CELS), Argentina

Centro Mexicano de Derecho Ambiental A.C. (CEMDA), México

Conectas Direitos Humanos, Brasil

Congreso Ambiental de Santander -CASA AGUAYA, Colombia

Grupo de Formación e Intervención para el Desarrollo Sostenible (GRUFIDES), Perú

Justiça Global , Brasil

Observatorio Ciudadano, Chile

Project on Organizing, Development, Education, and Research (PODER), México

Terra de Direitos, Brasil

The Jus Semper Global Alliance (TJSGA), USA

(Other supporters)

EarthRights International, USA