



**LATIN AMERICAN POST-GRADUATE CONSORTIUM IN  
HUMAN RIGHTS**

**HUMAN RIGHTS VIOLATIONS BY TRANSNATIONAL  
COMPANIES IN LATIN AMERICA**

2020

## **PRESENTATION**

This newsletter presents the research results of the “Policies for the Regulation of Transnational Companies due to Human Rights Violations in Latin America” project, developed by the Latin American Post-Graduate Consortium in Human Rights from 2015 to 2019, with the support from the Ford Foundation.

### **LATIN AMERICAN POST-GRADUATE CONSORTIUM IN HUMAN RIGHTS.**

The Latin American Post-Graduate Consortium in Human Rights was created in 2008 to promote scientific cooperation in the field of teaching and research in human rights among participating institutions. The Consortium currently includes the following universities:

- ✓ Pontifical Catholic University of Peru,
- ✓ Austral of Chile University,
- ✓ Buenos Aires University,
- ✓ Externado of Colômbia University,
- ✓ National of Plata University (Argentina),
- ✓ National of Lanús University (Argentina),
- ✓ Brasília University (Brazil),
- ✓ Fortaleza University (Brazil),
- ✓ Vale do Rio dos Sinos University (Brazil),
- ✓ Paraíba Federal University (Brazil),
- ✓ Goiás Federal University (Brazil),
- ✓ Estadual Paulista University (Brazil),
- ✓ National of Asunción University (Paraguay) and
- ✓ Pará Federal University (Brazil).

### **POLICY FOR THE REGULATION OF TRANSNATIONAL COMPANIES DUE TO HUMAN RIGHTS VIOLATIONS IN LATIN AMERICA: THE TWO STAGES OF THE PROJECT**

The general objective of the project is to identify, in a comparative Latin American perspective, proposals for national regulation for the prevention, control, and repair of the human rights impacts caused by the mining production chain (stage 1), as well as to disseminate and publicize this knowledge at a national and international level regarding the results of the first stage of the research about the human rights impacts of transnational mining companies in the seven Latin American countries. Then, based on that, carry out advocacy actions before human rights

bodies and train relevant social actors to advance the process of holding transnational companies responsible for human rights violations, from a global South perspective (step2).

In this sense, the specific objectives of the project are:

- Raising the status of the issue regarding human rights and business regulations in the States of the region;
- Identify the degree of state and corporate responsibility for the violation of human rights in the development of the mining production chain, with a focus on Latin American transnational companies;
- Develop proposals to prevent, control, and repair the impacts on human rights generated by the mining chain;
- Disseminate parameters and good practices of state and business action regarding human rights.
- Disseminate research results regarding the countries analyzed through academic and public activities addressed to governments, justice institutions, civil society and affected communities, in order to identify opportunities to advance the application of corporate accountability instruments due to their impact and human rights violations.
- Promote the use of research results in the academic community, national and international human rights bodies, governments, impacted communities, and justice institutions to advance the process of holding companies responsible for their impacts and human rights violations.
- Offer elements of the Working Group on Human Rights and Transnational Corporations and other United Nations companies to monitor the implementation of the Guiding Principles in Latin America, focusing on the guidelines of the National Business and Human Rights Plans; and support the process of drafting the International Treaty on Human Rights and transnational companies;
- Support the Inter-American Commission on Human Rights with studies and relevant research information to advance the fulfillment of the obligations of States in the face of impacts on human rights caused by transnational companies.
- Support the process of preparing the National Action Plans on Business and Human Rights through training and capacity building activities while fostering spaces for articulation between interested parties.
- Promote training about the results of research carried out in the seven countries.

The first stage of the project was structured in four phases: 1) National diagnostics; 2) Case studies of rights being affected by the mining production chain, and prevention and repair practices; 3) Regulation proposals; and 4) Dissemination of the findings.

In this brochure we will present the development of the first and second stages of the project.

## **1. National diagnostics**

This step sought to determine the state of affairs in each of the countries where the Consortium member universities are located: Argentina, Brazil, Colombia, Chile, Mexico, Paraguay and Peru. These states of affairs seek to account for legislative regulations, including those contained in free trade treaties and trade agreements, as well as administrative regulations impacting companies and human rights in each country, jurisdictional action, and the responsible institutional framework. Thus, in the legislative sphere, there was a systematization of the constitutional and legal provisions capable of substantiating the responsibility of companies for the violation of human rights within the scope of the mining production chain. In relation to the executive branches, the regular practice of national and local governments, as well as those of their auxiliary bodies such as Ministries and Superintendencies were identified, including rights-granting (investigation/ exploration) practices in certain areas. The extraterritorial responsibility that States may have for the violation of rights committed by companies installed in their territory by activities outside the borders of the same States, mainly other Latin American countries, was also questioned. Regarding jurisdictional matters, emblematic cases or experiences were analyzed.

The state of affairs was constructed using a basic questionnaire, common to all members of the Consortium, with the following structure:

I. Introduction regarding the country's mining situation.

II. General legal framework

1. What international legal framework has the State adopted in terms of business and human rights? Consider those who establish obligations or rights, who provide for the creation of international mechanisms, as well as trade agreements or free trade treaties. Highlighting the value of each instrument in the source system is recommended. What role have soft law rules played in this matter? Are there any initiatives to seek its implementation?

2. Which regulations were elaborated based on this international framework? Were laws, rules, specific guidelines, or any other administrative act enacted in the area of human and business

rights? If so, what are they? Are there monitoring and inspection instruments? State if there are any proposed regulations in progress or any national debate in this regard.

3. Is there a national policy or plan on human and business rights in the process of being elaborated? If so, are there monitoring and inspection instruments in place? If your country has a national human rights plan and/or policy, does it refer directly or indirectly to the issue of business and human rights? Please explain.

4. Does the State have a legal framework that requires companies based in its territory, but operating in other territories, to respect human rights? What is the applicable legal framework regarding the State's extraterritorial responsibility for acts of companies installed in its territory but committed in third-party countries?

5. What are the constitutional, legal, and regulatory provisions that allow or hinder corporate liability for violating human rights within the mining production chain?

6. Does your state have a specific regulatory body in the field of mining? Is there a Mining Code? How would you describe the role of this standard in promoting this activity in the country? What has been the role of administrative procedures for the promotion of mining activity in the country? Are there mechanisms for evaluation, inspection, activity monitoring, approval of environmental impact studies, or penalties? What is the basic jurisprudence interpretation in this regard?

7. Do judges and other legal operators have training on this matter?

### III. Institutional framework and case law

8. Is there an institution that is responsible for adopting and/or implementing policies on human and business rights, especially within the mining production chain? State your location in the state structure, the description of your jurisdiction, characteristics, and applicable regulatory framework.

9. What are the guidelines and procedures of national and local governments regarding human rights in mining activities? Consider that this includes grants, investigation and exploration, and describe the permission process for each.

10. What are the emblematic cases or experiences of judicial action in the field of human rights and transnational and national mining companies?

11. Which cases of human rights violations related to the mining chain have been the subject to international charges? Consider international mechanisms vis-à-vis the Inter-American Commission on Human Rights, the United Nations and the International Labor Organization.

12. Which cases have been the subject of lawsuits in the State where a company is headquartered?

### IV. Protection of labor rights

13. Does the State have a legal framework that requires companies in the mining production chain to have an equality policy regarding worker labor conditions? Does the State have specific labor legislation for the mining sector?
14. Does the State have a regulatory framework that prohibits companies from subjecting workers to inhuman and degrading treatment?
15. What are the types of contracting regimes that exist within the scope of labor contracting in mining activities? Are there different types of working hours provided by law? What characterizes them?
16. If the presence of child labor has been proven, what kind of sanctions are provided for those who are responsible? Are there individual or collective sanctions (management, company, business group)? Who determines individual or collective liability in each case?
17. Does the State have a specific legal framework that prohibits contemporary forms of slavery and/or human trafficking? If working conditions similar to slavery or involvement in human trafficking practices are proven, what kind of sanctions are determined for the liable parties? Are there individual or collective sanctions (management, company, business group)? Who determines individual or collective liability in each case?
18. Does the State require companies to have a social security policy for workers?
19. Are there government bodies that ensure free participation of workers in Labor Union within companies?
20. If the mining company violates the right of association, what type of sanctions are imposed on the liable parties? Are there individual or collective sanctions (management, company, business group)?

#### V. Appropriation of life, integrity, or health

21. If there is a violation of the right to life, integrity (physical, mental and moral) or health by companies in the mining chain, what type of sanctions (criminal, civil, labor, administrative) are provided for the liable parties? Are there individual or collective sanctions (management, company, business group)? Are there any preventive measures?
22. Were there any emblematic cases or experiences of violations of the human rights activists or defenders in the mining realm? If so, please describe them. Are there specific protection mechanisms or institutions for human rights activists or defenders?

#### VI Property appropriation

23. What kind of normative measures have been developed to guarantee the respect of third party property rights by companies in the mining chain at all stages of their activities?
24. What kind of administrative mechanisms exist to protect the right to property and other real rights in mineral resource extraction areas?

25. If there is a violation of property rights and other real rights by a mining company, what type of sanctions (criminal, civil, labor, administrative) are specified for the liable parties? Are there individual or collective sanctions (management, company, business group)? Are there any preventive measures?

26. Which public institutions are responsible for authorizing, controlling and inspecting land use and other appropriable resources? Is there any expropriation for mining purposes in the country?

## VII. Environment

27. Can territorially protected spaces, such as national forests, parks, conservation units, indigenous lands, be subject to mineral extraction projects? If so, explain the procedure.

28. What kind of normative measures exist that compel companies to have processes to identify, prevent, mitigate, and provide compensation for possible damage to the environment caused by their operations, products or services? Are there mechanisms for assessing the environmental impact of mining activities?

29. Does the State require companies to communicate, notify, and consult the communities in which they operate about the possible impacts of their operations on the environment?

30. Are there mechanisms/public entities for inspection, monitoring, and supervision of companies regarding possible damage to the environment?

31. Does the State require companies to establish mechanisms for environmental compensation and reparation if they have caused or have contributed to causing negative consequences for the population or the environment in which it operates? Are there recent cases of sanctioned companies?

## VIII. Rights of Indigenous and Afro-descendant Peoples

32. Does the State have a regulatory framework that demands and guarantees the collective rights of indigenous and Afro-descendant peoples as a result of company operations, services, and/or products that may affect their collective rights? Consider that it is an object of interest, both when the accountable entity is the community and when it is its members, considered people with enhanced protection of their rights.

33. Does the State have a regulatory framework that guarantees the procedures to carry out an assessment of the real and/or potential impact of activities on the human rights of indigenous and Afro-descendant peoples?

34. What kind of regulatory measures exist to guarantee the right to property of the indigenous or Afro-descendant community in areas of mineral resource extraction?

35. Does the State have specific normative measures that require companies to respect the development rights of indigenous and Afro-descendant peoples from their very conception?

36. Are there consultation processes with indigenous and Afro-descendant peoples as part of the activities planned for mining exploration or research?

## IX. Citizen participation

37. Are there regulatory frameworks regarding environmental citizen participation that are part of the mining exploration and/or investigation activities process? If there is information about it, state the level of citizen involvement through participation procedures and mechanisms related to mining exploration and/or investigation activities.

38. Are there cases of citizen participation as part of the elaboration, and later is there an approval process for environmental impact studies in mining? Is the opinion of the citizens who are potentially or in fact impacted by the mining activity required for the execution of the activity? Are there studies regarding the population's perception of the effectiveness of existing procedures? If so, what are the main findings?

## X. Access to information

39. At the level of public entities, as well as companies in the mining chain, are there devices or mechanisms for citizens to have access to information about mining activities in the country, region, or locality? If so, what are they and what characterizes them?

40. Are there mechanisms of information access or public transparency that allow citizens to learn about mining procedures, mining concessions, impacts of the activity, or information about exploration or investigation? Do public entities linked to the mining sector have friendly and accessible spaces on information related to this activity?

The diagnoses confirm that national economies in the last decades have been characterized by a notable increase in the exploration of non-renewable natural resources, which are developed under the command of large transnational companies to supply foreign markets. Between 2003 and 2010, investments in this sector in Latin America grew from USD -566 million to USD -3,024 million, an increase of more than five times.

Despite the economic significance, and although the diversity of situations in each country makes it difficult to summarize the responses to the questionnaire, the weakness of the legal framework on human and business rights, the very limited development of national action plans, and insufficient protection of the environment and the rights of indigenous and Afro-descendant peoples stand out as common aspects.

## **2. Case studies of impact on human rights due to the mining production chain**

Case studies have been developed in the following countries:

Argentina:



Business, social protests and human rights were the topics used to analyze the forms of mobilization, social organization, and articulation between social organizations and sectors of the State or international bodies for the defense of fundamental rights violated by companies. It also examined the articulation between state and business actions in the repression and criminalization of social and labor movements that demand their rights.

Brazil:

Five different studies were developed regarding: labor relations in transnational mining companies in Carajás, in the State of Pará; the sustainability of niobium exploration in Araxá, in the State of Minas Gerais; the impacts of potassium exploration in the lands of the Mura Indigenous People, in the State of Amazonas; development conditions in the mining towns of Crixás, Alto Horizonte and Barro Alto, in the State of Goiás; the impacts of uranium exploration in Itataia, in the State of Ceará; and illegal mining of tourmaline stones in the state of Paraíba.

Colombia:

Social affects and situations of risk and vulnerability for human rights in two of the most emblematic cases of the mining sector in the country: the Cerrejón coal complex, in the department of La Guajira, and the gold mining project of La Colosa, in the department of Tolima .

Chile:

Canadian mining projects in the territory of the Colla People, III Region of Atacama, Chile. The main rights violated as a result of mining projects were analyzed, all of which are located in the territory of the Colla de Pai-Ote Community. In addition, the study analyzed the liability that, according to domestic law and international guidelines, applies to the various parties involved: the States involved (Chile, since the projects analyzed are within its jurisdiction; and Canada, where the companies that execute or plan these projects are located) and the Canadian companies involved in the mining projects covered by the study.

Peru:

A study of five emblematic cases, which allow an analysis of how existing rules and institutions put human rights at risk or impact human rights during the different stages of the mining production chain.

Considering the representativeness of its conclusions, we selected studies from Colombia and Peru to analyze, respectively, the main impacts of the mining production chain on the rights of indigenous and Afro-descendant peoples, and the relationship between mining activity and social conflict.

In both Colombian cases studied, the main problems in the mining production chain are:

- a) Absence of a socio-territorial vision in the environmental management of mining activities: there is a negative perception on the part of ethnic communities about the environmental impact studies carried out by the company, the definition of its areas of direct and indirect influence, and the corresponding management measures.

The importance of revising a methodology for determining areas of influence in the modification or expansion of mining projects is clear, as it is necessary that it have specific characteristics, considering the socio-cultural conditions of the territory, and the historical development of the projects themselves. Likewise, prior consultation mechanisms must seek to fulfill their basic purpose: "The fundamental right of the community to preserve its integrity", and no longer act as simply a negotiation of private interests. This is because the experiences presented confirm the lack of a comprehensive view when applying these instruments and mechanisms, which prevents real participation by communities (in structural terms, from their social and cultural ways of life), as the main participants in the decisions about their territories, which must effectively affect the limits and dynamics that would define the mining activities. Another component of the problem is the recognition of impacts on human health, such as respiratory and skin diseases that have arisen within communities, and which, on repeated occasions, have been reported by these and other institutions.

b) Agrarian structure and the development of mining: regarding land tenure as a problematic aspect of this analysis, it can be said that there were minimal discussions on the part of public authorities in relation to mining development, and that it is not considered to be an aspect within the limits of value chain growth, or in the distribution of mining benefits. However, it is one of the most relevant demands of the indigenous and Afro-descendant communities of La Guajira and within the impacts, in the case of La Colosa mining, in Cajamarca. This is proof of the disarticulation of public policies in their territorial convergence.

The planning of an open pit mining project of the magnitude of Cerrejón or La Colosa requires parallel territorial planning that is articulated with the instruments of territorial land use planning and development projects, which includes the decisive and committed participation of the communities, because it is the impacts to the territory and to the forms of development that the risks of violation of collective rights are configured. In both cases, there is clearly a weakness in the integration of the dimensions of environmental, cultural, social, economic, and political impacts, where the most important role of ethnic communities has been to be the recipients of synchronous impacts and the instruments of prior consultation have been mostly nominal in nature.

The conception of large mining projects within the national mining policy must be endowed with concrete instruments of territorial planning with verifiable goals, included in the national development plans, as elements in which the principles of coordination, competition, and subsidiarity between national and territorial institutions are verified, clearly defining territorial

development goals that are within a context that guarantees fundamental rights. This would overcome the primarily rentier concept of mining policy, and would allow an opportunity to link the territorial planning and mining systems with the welfare state safety net purpose in the socio-environmental assessment and control processes of this mining activity.

- c) Certification of the presence of ethnic communities in the definition of areas of influence: respect for the relationship between the processes of determining and zoning areas of direct and indirect influence of the project's modification components; certification of the presence of ethnic communities, and prior consultation constitute an integral and determinant dimension of the fundamental right of the community to preserve its integrity; which, in a project in an advanced stage with accumulated historical and territorial impacts, requires a complex and integral problematization that also acts on these conditions, and not in a fragmented manner. This should be done with the understanding that prior consultation is not an end in itself, but a means to guarantee ethnic rights.

In addition, it is essential that the State, in all its hierarchies, make strenuous efforts for the systematic registration of the country's ethnic communities, within the certification process of the Ministry of Interior, through the elaboration of in-depth studies that lead to a detailed understanding socio-territorial relations.

- d) Prior and free consultation, prior and informed knowledge: it is crucial to build planning and monitoring instruments in a participatory manner that recognize the need for a historical recognition of the violations of fundamental rights of ethnic communities, with a comprehensive and historical focus on impacts and the generated affects. It is especially important here to consider the territorial and ethnic perspective and the problem of land and territory as essential elements for historical reconstruction and compensation and for the preservation and guarantee, both current and future, of these rights.

The follow-up and legal advice that should be provided to ethnic communities also requires regulation on how, who, and by what mechanisms and methodologies this should be done. On the other hand, the company cannot be solely responsible for the process in its entirety, as this distorts the consultative process, as well as the action of the State, which must guarantee the fundamental rights of ethnic communities.

- e) The transnational company that assumes State responsibilities: the territorial impacts that generate the establishment of transnational companies with high economic incidence in territories are related to the ineffectiveness of the State in its capacity for territorial management and in guaranteeing the rights related to the different forms of social development, as well as the absence of a coordinated link with the planning and control of mining activity, in which Corporate Social Responsibility (CSR) and the role that companies have assumed as regulators of much of the cultural, territorial, economic, political and social life in the communities in the areas of influence of these projects.

This was evident in the situation of Afro-descendant communities in La Guajira, represented by the company. Thus, it took on, with clear difficulties, the provision of basic public services in the destinations, generating tension with the territorial entities due to their political, budgetary and administrative capacity limitations in guaranteeing of the fundamental rights of the community. Thus, it was possible to identify the dissociation and ambivalence in community-state relations, which end up affecting tensions over the company's agreements with these communities.

In this sense, the planning of the mining activity closure phase raises serious questions about the provision of a timeframe for the management of socio-environmental impacts and regarding the right that concrete actions by territorial entities not be ignored to carry out other models of development and ordering, according to the planning of the mining cycle, such as the economic reconversion of territories with high dependence on mining activity and the depletion of a finite resource, including on basic issues for the sustainability of life. For example, a strategic plan for supplying water for drinking and agricultural use.

- f) Timely, transparent, and objective dissemination and access to information about the mining project: there are deficiencies in society's access to information, especially regarding decisions made regarding the planning and development of the mining project in the long term. This is, of course, both with respect to changes and expansions in the mining activity of Cerrejón, as well as in the results of exploration, in the case of La Colosa.

Thus, the forecasts for exploration, expansion, and change in the state-mineral model and the long-term decisions of the mining operation do not adequately consult social realities, which prevents the incorporation of the effective participation of the affected population. Thus, the subsequent development of the spectrum of collective rights of ethnic communities constitutes a debt expressed in current negotiation scenarios. This requires a broad and structural participatory process over the territory, including the future plan for ending the mining operations. The violent

forms of relationship with communities and the violation of their rights are encouraged by the State itself, who is unable to come up with a comprehensive mechanism that resolves the “updating” of these rights.

- g) Disclosure of information on the exploration process: it is fundamental for the development and improvement of the principle of public utility, to guarantee the right to democratic citizen participation by the communities, and the territorial authorities that represent them, in making decisions for the social and economic development of their territories, with access to information concerning the research and exploration projects of the large scale mining activity that the national government plans to carry out in its territories.

In the investigation phase, the presentation of public information about the project to the community, by the company, must be transparent and be the result of verifiable protocols by the national, state, and especially, the municipal governments and its communities, as a scenario to minimize the risk of distorting their access, management and dissemination. This access must also be followed by information about the results of mining exploration and the assessment of the mining extraction and processing methods.

In turn, the mining investigation phase must have a mechanism for the expectations generated about this type of activities that impact local forms and costs of living, abrupt dynamics in the demand for labor, its connection with others economic sectors developing in the region, and expectations of job stability; all with special and careful treatment regarding exploration expectations.

- h) Socio-environmental impacts of exploration expectations: the social and cultural impacts resulting from the arrival of mining activities in local territories were defined, such as the impact on traditional economic practices, inflation in the economy, the unplanned migration of the population (direct and indirect labor), the greater demand for public services, the social risks of alcoholism, drug addiction and prostitution; that neither the State, with its environmental licensing instruments, nor the company, with CSR policies, could face. Therefore, further research and debate on the impacts are needed, based on the geographical, historical, political, economic and cultural specificities of each territory in which a large-scale mining project is installed.
- i) The role of the transnational company in the territories: the role of the transnational company in the territories in terms of social investment and relations with territorial

authorities, and residents representatives, implies problematics in the social investment actions. Especially during in the investigation stages, when the characteristics of the project have not yet been defined, socialized, or evaluated, this represents the risk of affecting the acceptance of the project and the social consultation process. On the other hand, the company's social investment practices, in a scenario of public deficit (institutional, administrative, economic and political), also constitute a risk scenario regarding the overvaluation of the real benefits and objectives of large-scale mining activity.

Local, regional, and national political interests are not unrelated, and may have an impact on the form and effects of the company's social investment, so that it can be used to generate resources or political capital, directly or indirectly, in favor of certain political campaigns or economic interests, ignoring the priorities and ways of life of the communities in the territory. This is because the analysis of local government configurations must be able to recognize a transparent scenario of democratic commitment by companies.

In Peru, the relationship between mining and social conflicts has increased in the last decade, since the collective has become a minor aspect in relation to one of the country's biggest governance problems. According to figures from the Public Prosecutors, between 2007 and 2009, annual conflicts grew from 78 to 267, a record that, although it has been reduced in recent years, has not dropped to less than 200.

One of the first trends that is observed in the evolution of social conflicts, in addition to the increase in the total number of conflicts, is the state itself. In the analyzed period of time, until 2007, most of the cases remained latent. From the following year and up to this date, the situation has been reversed and most cases are active.

A second aspect was the increasing participation of socio-environmental conflicts in the total of reported cases. While in 2015, conflicts of this type represented only 19%; 10 years later, these conflicts would represent 68.7%. This evolution seems to have had two moments, first between 2006 and 2007, when the number doubled (from 21% to 47%), as a result of the increase in conflicts; and then between 2009 and 2012, when they become more than half of the total (46% to 65.2%).

Although conflicts over socio-environmental issues cover a variety of problems, the participation of mining activity has taken center stage. Although the Public Prosecutors have started to study this aspect in detail, there are figures that show the early influence of mining. In 2008, when for the first time the total number of conflicts exceeded one hundred, mining

represented 75% of socio-environmental conflicts. A year later, despite the fact that there was a proportional reduction of ten points in this participation (65%), the cases increased from 69 to 80. In the last four years, Public Prosecutors considers that mining conflicts have remained in the range of 62.8% and 74.8% of the total environmental cases.

Based on this information, the CooperAcción organization presented a graph that distributes social conflicts by region. It not only demonstrated that the five regions with the greatest conflicts are positioned over the Andes, but that, in addition to them (Apuímac and Cusco), they emerged as the new large mining clusters in Peru.

The State, mining companies, and civil society agree that mining activity is the main culprit for the increase in conflicts; however, each has different explanations. For the State, the conflict over mining is explained by the radical behavior of the opposition groups and the inability of national governments to invest public funds from mining taxes. For the mining companies, three explanations are presented: the first coincides with the negative perception of the State about the opposition groups; the second has to do with recognizing the impacts that mining activity has on communities; the latter refers to the bad practices of some companies. Differences can also be found in civil society: on the one hand, the more radical view states that conflicts are a reflection of the resistance of local groups to the forms of capitalism; but for international organizations and NGOs, conflicts are caused by poor environmental regulation.

Although none of these views explains the issue on its own, the economic benefits that come with mining activities and the greater involvement of companies as the engines of local development have not been accompanied by an adequate management of social conflicts. Social disputes and tensions are an everyday aspect of human relations, but the inadequate treatment of these aspects has led to human losses and multiple injuries, and in this sense, it is essential to integrate a human rights approach around the mining production chain.

## SECOND STAGE OF THE PROJECT

The second stage of the project aims to disseminate and promote knowledge at the national and international level regarding the results of the first stage of the research about the impacts of transnational mining companies on human rights in the seven Latin American countries. Then, based on that, carry out advocacy actions before human rights bodies and train relevant social actors to advance the process of holding transnational companies responsible for human rights violations, from a global South perspective.

To accomplish this, the following activities were developed:

## **1. Academic production**

- ✓ Publication of a collection of articles about the follow-up of Action Plans and Human Rights Plans in force in Argentina, Colombia, Chile and Peru, and on the possibility of building an Action Plan in Brazil.
- ✓ Production of teaching material about the preparation of the Action Plan.
- ✓ Development of didactic infographics regarding the National Action Plan for Business and Human Rights in Colombia.

## **2. Advocacy through international human rights protection systems**

- ✓ Submit a report to the Independent Rapporteur on Economic, Social, Cultural, and Environmental Rights of the Inter-American Commission on Human Rights, to prepare a regional report on the issue of transnational corporations and human rights violations.
- ✓ Participation in the third edition of the “Forum of the Inter-American Human Rights System” (IAHRS Forum), with a parallel event addressing human and business rights.
- ✓ On April 26, 2019, an academic seminar was held before the Inter-American Court of Human Rights to present the instruments that implement the “Policies for the Regulation of Transnational Companies for Human Rights Violations in Latin America: National Diagnoses,” in Colombia, Peru, and Brazil.

## **3. Academic Events**

### **✓ ARGENTINA**

Conferences were held addressing international standards for companies and human rights in partnership with social and human rights organizations to promote the elaboration and implementation of the National Action Plan - NAP.

### **✓ BRAZIL**

In May 2019 a seminar was promoted to present the results achieved so far and open the debate with different actors interested in the issue of corporate responsibility for human rights violations in Brazil, from universities, human rights organizations, public representatives, and social movements impacted by companies, among others.

In October 2019, a Workshop on the National Action Plan was held with human rights defenders and civil society.



## ✓ CHILE

In October 2018, a Seminar was held to present the results of the first stage of the project to create space for the dissemination and exchange of the results of research carried out in different contexts in the Americas about mining industries and human rights.

## ✓ COLOMBIA

On September 19th and 20th, in Montería, an open public seminar in which the results and recommendations of the first stage of the project were presented, with the participation of representatives from the research project, the government, and the business sector, civil society and communities affected by extractive projects will actively participate.

## ✓ PERU

For this stage, an event was held on the content and scope of the NAP. This responds to the need to address more deeply the issues that the Plan should address and the measures that this document should contain.

## PUBLICACIONES

The set of national diagnoses (Portuguese and Spanish) and case studies (Spanish, Portuguese, and English), as well as a manual on human and business rights for legal professionals, and a guide for creating national plans (Portuguese) are available on the Consortium website: [www.consorciোধ.ufpa.br](http://www.consorciোধ.ufpa.br)



