

JOINT LETTER BY CIVIL SOCIETY GROUPS TO COMPANIES LINKED TO THE SUPPLY CHAIN OF VALE S.A.

Dear Sir or Madam,

Letter addressed to :

Arcelor-Mittal
BMW
Cargill
Daimler
Ford
General Motors
Hebei Jingye Group
John Deere
Nissan
ThyssenKrupp

According to publicly available information, your company is or has been directly or indirectly linked to the activities of Vale S.A. The undersigned organizations express their deepest concerns about the events that occurred on January 25 after the breakdown of the tailings dam I of the Córrego do Feijão mine in Brumadinho. We call upon companies directly or indirectly linked to Vale S.A. activities to take actions towards ensuring that Vale S.A. provides reparation to the victims and guarantees of non-repetition.

Vale S.A currently has 168 dams throughout the Brazilian territory [1], among which 1 out of 3 present a high "potential associated damage" equivalent to the Mariana and Brumadinho dams [2], according to information from the National Water Agency of Brazil. Concrete actions should be urgently taken to remedy situation.

The January 25 catastrophe, where a tailings dam located in the community of Córrego do Feijão in Brumadinho (metropolitan area of Belo Horizonte) and owed by Vale broke, causing the overflow of a second dam and resulting in 110 deaths, 238 disappeared [3] and immeasurable environmental and human damage, was not the first of the kind. Just over three years earlier, the breaking of the Fundão tailings dam in Mariana, also partly owned by the mining company Vale, resulted in the worst environmental tragedy in Brazil.

[1] Available at : <https://g1.globo.com/economia/noticia/2019/01/28/vale-diz-nao-ter-informacao-de-quantas-de-suas-barragens-sao-do-mesmo-tipo-que-a-de-brumadinho.ghtml>, Consulted 30 Jan. 2019.

[2] Available at: <https://www1.folha.uol.com.br/cotidiano/2019/01/1-a-cada-3-barragens-da-vale-pode-causar-tanto-estrigo-quanto-a-de-brumadinho.shtml>, Consulted 30 Jan. 2019.

[3] Available at <https://aovivo.folha.uol.com.br/cotidiano/2019/01/25/5632-aovivo.shtml> Consulted the 30 Jan. 2019.

In December 2018, the expansion of the activities of the Paraopeba complex, which includes the Corrego do Feijão mine where the tailings dam is located, was authorized in an express procedure and underestimated the potential damage of the dam [4]. At the meeting in which the granting of the environmental license was approved civil society members and a representative of the federal environment agency, the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA), alerted about the dangers linked to the tailings dam[5].

The International Articulation of People Affected by Vale has been denouncing the danger of reducing operational costs and expenses in Vale's operations at the company's shareholder meetings, arguing the company was expanding the risks of incidents such as the one that occurred in Mariana in November 2015 and now in Brumadinho. Vale S.A. did not take the necessary preventive measures to resolve the growing risk of rupture.

In addition, the people affected by the breakdown of the Fundão dam, owned by Samarco, a joint-venture between Vale and BHP Billiton, continue without fair compensation and the companies involved remain unpunished.[6]

The negligence of Vale S.A., not only engages its own responsibility, but also the responsibility of its business partners. By virtue of the United Nations Guiding Principles on Business and Human Rights, and in some cases of binding national and regional legislation [7], all companies bear a duty of due diligence, in order to identify, prevent, mitigate and respond to the negative consequences of their activities on human rights and the environment [8].

[4] Available at: <<https://www1.folha.uol.com.br/cotidiano/2019/01/barragem-rompida-da-vale-faz-parte-de-complexo-que-ampliou-atividades-no-fim-de-2018.shtml>>, Consulted 30 Jan. 2019.

[5] Available at: <<https://odia.ig.com.br/brasil/2019/01/5615195-reuniao-em-dezembro-alertou-para-riscos-da-expansao-da-vale-em-mg---insanidade.html#foto=1>>, Consulted 30 Jan. 2019.

[6] See: <<http://caritas.org.br/nota-de-pesar-e-solidariedade-2/41241>>, Consulted 30 Jan. 2019

[7] i.e. In France, law n° 2017-399 adopted on 27 march 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre, and more broadly in Europe on the basis of Directive 2014/95/UE

[8] UN, Guiding Principles on Business and Human Rights, Principle 17.

This is why our organizations make an urgent call upon companies which, according to publicly available information, are directly or indirectly linked to Vale's activities to respond to the alerts raised by human rights defenders in Brazil by :

- Demanding Vale S.A. to provide integral, prompt and effective redress to the victims of the rupture of the tailings dams of Fundão and Brumandinho;
- Demanding Vale S.A. to immediately adopt concrete, timely and effective measures to contain the damage, including internal investigation and analysis by an independent and multi-partite body, on the facts and their causes, in order to identify irregularities and failures, and formulate recommendations to adopt effective guarantees of non-repetition;
- Demanding the adoption of urgent and concrete measures to verify the status of all dams belonging to Vale S.A. throughout the Brazilian territory, especially those presenting a particularly high risk, and adopt preventive measures to ensure the same events will not happen again ;
- In the absence of a prompt and satisfactory response from Vale S.A. exercise their leverage, including by suspending their business relationship until the necessary measures for redress and guarantees of non-repetition are adopted.

Ensure that all the above-mentioned measures are taken in consultation with the affected people and civil society organizations, through a transparent process that guarantees the independence of the analysis, the effectiveness of preventive measures and the adequacy of the reparations.

We look forward to receiving information about the steps taken by your company to address this issues.

We thank you for the consideration you give to this communication.

SIGNATORIES





List of signatories

11.11.11 - Coalition of the Flemish North-South Movement in Belgium
 Accion Ecologica
 ALTSEAN-Burma
 Ask! Swiss Working Group on Colombia
 Articulação Internacional dos Atingidos pela Vale
 Asociación Comisión Paz y Ecología (COPAE)
 BUND, Friends of the Earth Germany
 Casa do Brasil
 CATAPA vzw
 CCFD-Terre Solidaire
 Center for Constitutional Rights (CCR)
 Center for International Environmental Law (CIEL)
 Centro de Ecología y Pueblos Andinos (CEPA)
 Christliche Initiative Romero (CIR)
 CNCD-11.11.11 (Centre national de coopération au développement)
 Comisión Diocesana de Defensa de la Naturaleza (CODIDENA)
 Comité Ambiental en Defensa de la Vida
 Conectas
 Confederación Campesina del Perú
 ContraMINAcción, Rede contra a Minaría Destrutiva na Galiza

weed

Cooperación
CORE Coalition
Cospe Onlus
DECOIN
Democracy Center
DITSHWANELO - The Botswana Centre for Human Rights
Dreikönigsaktion Hilfswerk der Katholischen Jungschar
Due Process of Law Foundation (DPLF)
ESCR-Net - International Network for Economic, Social and Cultural Rights
Ethical Shareholders Germany
Facing Finance
FIAN Germany
Fundación de Estudios para la Aplicación del Derecho (FESPAD)
Fundación Simiente
Gesellschaft für bedrohte Völker e. V.
Global Legal Action Network
HEKS/EPER
Human Rights International Corner (HRIC)
Incomindios
Informationsstelle Peru
Instituto de Estudios de las Culturas Andinas - Perú (IDECA-PERÚ)
International Federation for Human Rights (FIDH)
Justiça Global
Justiça not Trilhos
Latvian Human Rights Committee
Ligue des Droits Humains, Belgium
London Mining Network
Mesa Nacional frente a la Minería Metálica, El Salvador
Mining Justice Action Committee
Misereor
Movimento dos Atingidos por Barragens (MAB)
Movimento Nacional de Direitos Humanos (MNDH)
Movimiento Mesoamericano contra el Modelo extractivo Minero (M4)
MultiWatch Switzerland
Narasha Community Development Group
NeSoVe / Netzwerk Soziale Verantwortung
Nord-Süd-Forum
Nostromo Research
Observatorio de Conflictos Mineros de América Latina (OCMAL)
OECD Watch
Otros Mundos
Paix-Caritas Canada
Pakistan Fisherfolk Forum
Pax Christi International
Peru-Partnerschaftsgruppe Bruchsal Michaelsberg
Plataforma Boliviana Frente al Cambio Climático
Posco Pratirodh Sangram Samiti (PPSS)
PowerShift e.V.
Red Latinoamericana de Mujeres defensoras de Derechos Sociales y Ambientales
Red Regional Agua, Desarrollo y Democracia
Research and Documentation Chile-Latin America (FDCL)
Rettet den Regenwald e.V.
Save Our Sky Blue Waters
Société pour les peuples menacés
Solifonds
SOMO
Südwind
The Jus Semper Global Alliance
The Movement for the Survival of the Ogoni People(MOSOP)
Trócaire
urgewald eV
Verdegaia
We Women Sri Lanka
Werkstatt Ökonomie
World Economy, Ecology & Development