

BHP BILLINTON, VALE AND SAMARCO act to obstruct the fair reparation of damages caused by the criminal disaster in the Rio Doce basin, Brazil

The culprits control over the process of reparations challenges the Brazilian State

On November 5, 2015, the Fundão dam, property of the mining companies Samarco/Vale and BHP Billinton, dumped over 50 million cubic meters of tailings into the Rio Doce, Brazil, causing one of the largest mining disasters in the world. Almost 17 months later, the tragedy is aggravated by the companies' attitude of boycotting the construction of participatory instruments to repair the damage caused by the disaster.

In January 2017, a Preliminary Adjustment Agreement between Public Prosecution (MP) and the companies was partially approved in court, sealing the negotiations for a socio-environmental diagnosis on the effects of the disaster. However, there was no agreement about the organization that would make this assessment and provide the technical assistance to those affected. Entities and social movements contested the appointment of INTEGRATIO Mediação Social e Sustentabilidade for such task. This firm provides regular consultancy to the companies responsible for the disaster, being economically dependent on them. Aiming at building participatory assessments guided by the criterion of autonomy of the technical staff in relation to companies, the Public Prosecutor's Office conducted a wide consultation process with independent experts – internationally well-known researchers from Brazilian public universities, representatives of social movements and organizations - forming a Working Group that elaborated guidelines for the evaluation of the socioeconomic damages.

However, Samarco, Vale and BHP challenged the validity of the Working Group as well as the efforts to establish a transparent and truly participatory process on the damage assessment. By means of an official letter issued in the end of March, the companies point out that "the participation of entities from the Third Sector and the Working Group [...] should be merely indicative". Hence, they seek to disempower the instrument created by the Public Prosecution and the Office itself. In addition, the guilty firms understand the need for autonomy, trust and credibility of the experts by the victims as a "clear economic prejudice", because it prevents the hiring of consultancies associated to them.

In this way, Samarco, Vale and BHP act in a manner that restricts not only the participation of those affected in the construction of decisions that have as object their own lives, but defend a supposedly "technical" conduct of the whole process under their holding. Social control carried out by the victims themselves and by civil society are therefore denied. It is a complete inversion of roles, in which the offenders dictate the rules and the way in which they wish to be treated by the Brazilian State, seeking the maximum reduction of costs. We reject this restrictive stance of the companies and denounce their attempt to monopolize the conditions for the reparations to the victims. The companies' unwillingness towards the recognition of the most basic rights, among them, the right to information and participation in the decision-making processes is evident, putting in check the fair reparation to the victims. It is unacceptable for the Brazilian State to place itself as a hostage to the guilty mining firms, thus agreeing to the violation of Human Rights and the Brazilian Constitution.

We urge for the construction of reparative processes for the victims without any interference from the companies who are guilty of the criminal disaster in the Rio Doce Basin, Brazil!

April 2nd, 2017

Subscribe this letter:

Grupo de Estudos e Pesquisas Socioambientais – GEPSA/UFOP

Grupo de Pesquisa em Temáticas Ambientais – GESTA/UFMG

Grupo de Pesquisa Política Economia Mineração Ambiente e Sociedade – PoEMAS

HOMA - Centro de Direitos Humanos e Empresas

Movimento dos Atingidos por Barragens - MAB

Organon - Núcleo de Estudo, Pesquisa e Extensão em Mobilizações Sociais – UFES