

February 11, 2019.

**Ms. Lise Kingo**

CEO & Executive Director, UN Global Compact  
New York, NY, USA

With copy to:

**Mrs. Denise Hills**

President, Board of the Brazilian Network of the Global Compact  
São Paulo, SP, Brazil

**Mr. Carlo Pereira**

Executive Secretary, Brazilian Network of the Global Compact  
São Paulo, SP, Brazil

**Ms. Elena Bombis**

Manager, Social Sustainability, Legal & Integrity  
Global Compact Office  
New York, NY, USA

**Mr. Fábio Schvartsman**

Chief Executive Officer, Vale  
Rio de Janeiro, RJ, Brazil

**Mr. Alberto Ninio**

Director of Sustainability, Vale  
Rio de Janeiro, RJ, Brazil

Dear Ms. Kingo,

On January 25, 2019, a tailings dam at an iron ore mine operated by Vale SA in Brazil collapsed, engulfing large areas of the town of Brumadinho (Minas Gerais, Brazil) in toxic mud. This was the second deadly collapse of a tailings dam owned by Vale in little more than three years. In light of Vale's catastrophic failures, the undersigned organizations request that you take immediate action to ensure that this egregious environmental and human rights abuse is addressed as per the Global Compact's Integrity Measures Policy (IMP). Specifically, **we request that you delist Vale.**

## **I. THE BASIS FOR THIS ALLEGATION**

The UN Global Compact (GC) is a voluntary initiative that places emphasis on on learning, dialogue and partnerships. In its documents, the Global Compact makes clear that it is not a mechanism of certification, compliance, remediation or performance assessment of participants.<sup>1</sup>

---

<sup>1</sup> Global Compact, Frequently Asked Questions about the Integrity Measures. Available in: <[https://www.unglobalcompact.org/docs/about\\_the\\_gc/Integrity\\_measures/FAQ\\_EN.pdf](https://www.unglobalcompact.org/docs/about_the_gc/Integrity_measures/FAQ_EN.pdf)>.

Notwithstanding the GC's 'guide dog' approach<sup>2</sup>, the GC's IMP outlines the process for handling an allegation of systematic or egregious abuse brought to its attention by a Local Network or third parties. Under the standard procedure, the Global Compact will, firstly, use "its judgement to filter out prima facie frivolous allegations". If the allegation is found not to be 'frivolous', it will request written comments from the concerned company, which should be provided within 2 months after first being contacted by the Global Compact.

At its sole discretion, the Global Compact may, among other actions, provide its good offices to encourage resolution of the matter or refer the parties or the matter to other, more appropriate, mechanisms such as the OECD National Contact Points or any relevant UN agencies.

However, the IMP provides that, as a "last resort", after consultation with the Global Compact Board, "in cases where **the alleged abuse is admitted by an authorized company representative** or is the subject of a finding of guilt by a competent court of other body, and **meets the criteria in the FAQs of a systematic or egregious abuse**", the Global Compact may delist the company.<sup>3</sup>

The facts reported in this submission fulfil at least two criteria of the definition of a 'systematic or egregious' abuse as per the Global Compact policies: 'serious human rights violation' and 'severe environmental damage'. Thus, the objective requirement that an egregious or systematic abuse be established is satisfied.

The 'subjective' criterion is also satisfied. Immediately after the dam collapse, Vale's President, Mr. Fabio Schvartsman, posted a video online recognizing that such event was "inexcusable". He admitted that he was not sure if the company had learnt lessons from the Samarco case.<sup>4</sup> The company has, therefore, admitted wrongdoing.<sup>5</sup>

The organizations request that the Global Compact delist Vale in accordance with section 4(b)(vi) of the IMP. As demonstrated below, **the matter raised in this allegation is an unprecedented case of corporate misconduct**. The collapse of the Feijão dam, owned and operated by Vale, was a devastating event that killed, as of 11 February 2019, a confirmed number of 165 people, and the final figures will reach almost 330 workers and dwellers of adjoining villages, since 160 are still missing.<sup>6</sup> This is the worst case of work-related injury in Brazil's history.<sup>7</sup> It is also a case of serious environmental damage. The massive wave of mud engulfed the victims, their homes, trees, animals, and key infrastructure before reaching the Paraopeba river, an affluent of the São Francisco river, which runs through five different Brazilian states and three different biomes, connecting the southeast and the northeast regions of the country. The São Francisco basin serves the poorest region of Brazil, the northeast, and is a vital source of water supply for millions of people, including many small-scale farmers. If the mud reaches the São Francisco river, it will have a major impact in economic activities and development.

The exceptional character of the matter addressed in this allegation has prompted actions by other well-known institutions and bodies that encourage and promote corporate respect for human rights. On 7

---

<sup>2</sup> Global Compact, FAQ about the UN Global Compact. Available in: <<https://www.unglobalcompact.org/about/faq>>.

<sup>3</sup> Section 4, b, vi of the IMP.

<sup>4</sup> <[http://brumadinho.vale.com/confira-o-pronunciamento-do-diretor-presidente-da-vale-Fabio\\_Schvarts-sobre-o-ocorrido-em-brumadinho.html](http://brumadinho.vale.com/confira-o-pronunciamento-do-diretor-presidente-da-vale-Fabio_Schvarts-sobre-o-ocorrido-em-brumadinho.html)>.

<sup>5</sup> As initial measures of remediation, Vale has pledged to "donate" 100,000 Brazilian reais to each family whose member has died or disappeared as a result of the dam burst. It has promised 50,000 Brazilian reais to each person that suffered other adverse consequences, such as loss of property or means of subsistence. These figures are independent from future compensation, which will require a full assessment of the material and intangible harms experienced by the victims. See: <[http://brumadinho.vale.com/?utm\\_source=Google&utm\\_medium=CPC&utm\\_campaign=2019|Search|Barragem Brumadinho&utm\\_content=Link1](http://brumadinho.vale.com/?utm_source=Google&utm_medium=CPC&utm_campaign=2019|Search|Barragem%20Brumadinho&utm_content=Link1)>.

<sup>6</sup> As of 3 February 2019.

<sup>7</sup> <<https://politica.estadao.com.br/blogs/fausto-macedo/tragedia-de-brumadinho-o-maior-acidente-de-trabalho-do-pais-e-os-limites-da-indenizacao/>>.

February 2019, the Brazilian stock exchange (B3) announced that Vale's shares would be removed from the basket of shares of the Sustainability Index (ISE). The decision was grounded on the regulations of the index, which provides for the exclusion of assets issued by companies whose "sustainability performance has been significantly altered due to an event occurring during the life of the portfolio".<sup>8</sup>

On 28 January 2019, the Corporate Human Rights Benchmark (CHRB) decided to remove Vale from the 2018 benchmark rankings and exclude their scores from its dataset.<sup>9</sup> The CHRB declared that "it would not be correct for CHRB to continue to rank Vale in the higher performance bands in the wake of such a tragedy". The CHRB's director stated that "this latest dam collapse in Brazil is a tragic example of what can go wrong on business and human rights". Such an unprecedented – and necessary – move was only possible because the CHRB reviewed its methodology to make it more suitable to "rare, large scale harm events". **The GC should take a similar approach in dealing with this case.** Its unique features, including the severity and irremediability of the impacts and the company's governance, policy and management failures, call for a differentiated treatment.

Vale has a record of misconduct involving human rights violations. Among them, violations of the right to housing, water and environment, and cases of moral harassment and spying on social movements. Civil society organizations have been reporting for years the adverse impacts caused by the company in the many territories where it operates. The behaviour contrary to human rights standards has been raised multiple times in the company's shareholder meetings, without leading to any meaningful change in the corporate procedures and standard of conduct. Furthermore, in addressing such violations, Vale has displayed disdain towards communities, has coopted social leaders, and has implemented 'resignation' policies, which consist of symbolic responses in the form of compensation and mitigation, that detract from more systemic and structural measures needed to remediate the many problems created by its operations.<sup>10</sup>

Based on the exceptional circumstances and the severity of the impacts described in this case<sup>11</sup>, and the fact that Vale is a recalcitrant violator, **the organizations request that Vale be delisted from the Global Compact.** The Global Compact should also require Vale to report periodically on the progress of the measures taken to fully remediate the impacts caused by the Feijão dam collapse and to adopt guarantees of non-repetition. Furthermore, Vale should be required to demonstrate that it is unequivocally committed to reforming its corporate policies and procedures, and to provide evidence that it is making all necessary efforts to provide an effective remedy to all those directly affected by the disaster.

## II. THE COLLAPSE OF THE FEIJÃO DAM IN BRUMADINHO

On January 25, 2019, at 12.28 pm local time, the Feijão tailings dam, in the municipality of Brumadinho, located 60 km from the capital city of the state of Minas Gerais (Belo Horizonte), collapsed, releasing 12,7 million cubic meters of mining waste into the environment. The dam contained the tailings waste from the iron mine of *Feijão*. It was located less than 2 km away from Vale's administrative center, where hundreds of employees were working and having lunch. It was also located near the neighboring village of Córrego do Feijão. The dam had been deactivated in 2015, meaning it had not received new

---

<sup>8</sup> B3, "A B3 comunica que as ações da companhia VALE S/A deixarão de integrar a carteira do ISE", 7 February 2019. See: <[http://www.b3.com.br/pt\\_br/noticias/composicao-carreira-do-ise.htm](http://www.b3.com.br/pt_br/noticias/composicao-carreira-do-ise.htm)>.

<sup>9</sup> See: <<https://www.corporatebenchmark.org/sites/default/files/CHRB%20Response%20to%20Brumadinho%20Dam%20Disaster%2029Jan2019.pdf>>.

<sup>10</sup> More information can be found at: <<https://atingidospelavale.files.wordpress.com/2016/08/ingleshq-compressed.pdf>>

<sup>11</sup> According to the UN Guiding Principles on Business and Human Rights, "Severity of impacts will be judged by their scale, scope and irremediable character" (Principle 14).

waste for over three years. For this reason, the tailings were relatively dry when the dam burst. While the thickness of the mud decreased its reach, it also made it more dangerous for individuals caught by the debris, preventing people from escaping from under the mud and hindering rescue operations.

In the first week following the dam's collapse, 165 people have been pronounced dead and 165 are still missing. At least 135 people are unsheltered. The death toll is high due to a combination of factors: the number of people working at the facilities, the thickness of the mud, and the presence of nearby villages. These circumstances were aggravated because the emergency alarm did not sound. Just like in the Samarco disaster, people reached by the mud received no warning that it was coming, and many had never received emergency training that could have increased the likelihood of survival.

Affected people have reportedly been left in a state of despair and anxiety due to the lack of reliable information on their missing relatives. Vale is updating the list of missing workers, but people have reported that other community members who were not Vale's employees are not receiving the same attention. In addition, there is no reliable information on the toxicity of the mining residues that were released.

Affected communities are facing numerous hardships and have begun to organize to demand that their urgent needs are met by Vale. Among the most pressing issues are:

- **Provision of shelter.** 135 individuals have been unsheltered and there is high uncertainty about long-term housing options.
- **Provision of adequate food.** The mud has halted access to food supplies, as well as to kitchens and other meal preparation facilities. Many people have also lost their means of subsistence, as the mud contaminated farmland and the river. In the immediate aftermath of the disaster, Vale provided packed lunches and dinners to the population. The population is demanding cooking facilities since pre-packed meals are not a sustainable means of existence;
- **Re-establishment of electricity, water, and sanitation services.** The mud has destroyed infrastructure that provided access to basic public services, such as electricity, water, and sanitation. There is an urgent need to repair damaged equipment and restore services, including inside houses and farms.
- **Increased police presence in the area.** The forced displacement of people from their houses has left property unattended, and there are reports of a wave of theft. Unsheltered individuals are also vulnerable to robbery and other types of violence. The community requests that the government place a police station in the area, and adopt general public safety measures.
- **Access to information about contamination.** Affected individuals and families are unsure whether they should resume their daily activities, as there is no reliable, independent information about the toxicity of the mud and the places where they used to live and work. The state of Minas Gerais issued an alert of contamination of the Paraopeba river. It recommended that people refrain from using the river water for any purpose, including for cattle hydration and irrigation. The Rio Doce disaster experience has demonstrated that land and water remain toxic after the mud is removed. Therefore, the community is rightfully concerned about which places are safe to farm, fish, collect water, bathe, and generally inhabit. Vale should ensure a transparent and inclusive water monitoring process so communities members can know if their water is safe or not.
- **Mud removal.** The communities are concerned about the mud removal process. They should be involved in decision-making about priorities, schedule, and forms of removal.

- **Alternative routes to the city:** The tailings have blocked the roads that connected the Córrego do Feijão community to the center of Brumadinho. Normal travel time would take only 20 minutes before the collapse. Now, communities need to travel almost 2 hours by car to arrive in the city downtown to work or to access basic public services, such as supermarkets and hospitals, as well as the main relief center. Community members have requested that Vale authorize access to a private road that runs through the mines and that would reduce commute to only 15 minutes. Vale has refused to do so on the grounds that unimpeded access is unsafe. This is no excuse for blocking access completely. Vale could offer cars to escort the drivers through the road, and also provide shuttle buses.
- **Compensation for loss of income:** Those individuals whose means of subsistence have been negatively impacted by the disaster are concerned about the compensation. They include not only farmers and direct Vale employees, but also those individuals indirectly affected by halted mine operations and contamination of the area. In addition to compensation, there is no clear information about emergency assistance to those who have been most severely affected.
- **Community participation in all decision-making processes:** Communities have expressed uncertainty about how they will be involved in the design and implementation of emergency measures, compensation, and rebuilding. They demand that their self-organization and autonomy be respected.

### III. VIOLATIONS OF THE GLOBAL COMPACT PRINCIPLES

When he took office in May 2017 as the new Chief Executive Officer (CEO) of Vale S.A., Mr. Fabio Schvartsman promised that a disaster like the failure of the Samarco dam in Mariana, which killed 19 people and caused severe damages to the Doce river basin, would never happen again.<sup>12</sup> Mr. Schvartsman said in 2018 that Vale's dams are "impeccable" and that "sustainability is the company's core business".<sup>13</sup>

**The fact that a change of leadership has not been enough to stop Vale from repeating the same mistakes of the past is an indicator that Vale's framework of policies and operational procedures aimed at preventing and addressing human rights abuses is systemically flawed.** Catastrophic dam failures do not occur every three years when systems are working, most especially when "impeccable" dams are used. The disaster in Brumadinho shows that favouring profit over safety has been Vale's standard operating procedure. This is not mere rhetoric or an unfounded statement. Reports have emerged that Vale was warned just two days before the collapse that the sensors which measure the presence of water in the tailings were damaged.<sup>14</sup> Vale chose to ignore such warnings. Only after the disaster has Vale announced that it will be finally decommissioning the remaining "upstream dams" it owns in the state of Minas Gerais.<sup>15</sup> The cost of the accelerated decommissioning is estimated at 5 billion

<sup>12</sup> Época Negócios. "Ao tomar posse, presidente da Vale disse que seu lema seria 'Mariana nunca mais'". January 25, 2019. Available at: <<https://glo.bo/2RN656N>>. Last seen: January 28, 2019.

<sup>13</sup> The statement was made during a public event held in São Paulo, Brazil. For more information, see: Valor Econômico. Hoje o estado das barragens é 'impecável', afirma o presidente da Vale. April 10, 2018. Available at <<https://bit.ly/2COu0YW>>. Last seen: January 28, 2019.

<sup>14</sup> G1, "E-mails indicam que Vale soube de problemas em sensores de Brumadinho dois dias antes do rompimento de barragem", 6 February 2019. <<https://g1.globo.com/mg/minas-gerais/noticia/2019/02/06/vale-ja-sabia-de-problemas-nos-sensores-da-barragem-de-brumadinho-dois-dias-antes-do-rompimento.ghtml>>.

<sup>15</sup> <<http://brumadinho.vale.com/Vale-esclarece-sobre-descomissionamento-das-barragens-a-montante.html>>.

Brazilian reais, due to a necessary reduction of 40 million tons of iron ore production in the mines whose dams will be decommissioned.<sup>16</sup>

Vale has failed to abide by the UN Global Compact Principles on human, labor and environmental rights. Of Vale's many failures, two are addressed below: the failure to perform human rights due diligence and the failure to adopt guarantees of non-repetition after the 2015 Fundão dam burst.

#### **a. Failure to conduct human rights due diligence**

Human rights due diligence (HRDD) is the process through which a business enterprise's potential negative impacts are identified and addressed.<sup>17</sup> It is through HRDD that businesses develop and implement instruments, such as action plans, to prevent, mitigate, inform and remedy actual and potential human rights impacts. As in the collapse of the Fundão dam in 2015, HRDD in the Brumadinho case – if it was ever conducted – failed catastrophically.

Firstly, the phase of human rights impact assessment was marked by a series of shortcomings. The Feijão dam was built in the 1970's. Originally, the wall was 18m, but when it burst its height was 85m. On December 11<sup>th</sup>, 2018, the environmental agency of the state of Minas Gerais approved the renewal of the license of the Feijão mine and the expansion of its capacity by more than 70%. Since the dam burst, the media has widely reported that the renewed approval of the license was marked by fierce opposition from representatives of civil society seated in the environmental council of the state of Minas Gerais. An entity representing several environmental organizations voted against the expansion of the mine in a meeting that also discussed the “decommissioning” of the Feijão dam, which had not received new tailings since 2015.

In a letter to the former Secretary of the Environment of Minas Gerais, Germano Luiz Gomes Vieira, sent in December 2018, civil society organizations (CSOs) raised numerous concerns about the licensing process. Among the inconsistencies, the most alarming was the “downgrading” of the risk category of the mine, from “6” to “4”, a move that was classified by civil society as an “insanity”. This reclassification allowed Vale to speed up the licensing process, cutting steps and reducing the necessary stages from three to one. In the deliberations within the council, the organizations complained about the tight period for analysis of the technical documents, which were made available only four days before the meeting. They also objected to the characterization of the area of the mine which was, in the organizations' view, underestimated, as well as wrongly described as “formerly transformed by human activities”, a determination intended to reduce the environmental requirements of projects. Such characterization was contested by CSOs, given that much of the territory consists of untouched vegetation. The environmental studies also lacked a comprehensive assessment of the potential impacts of the mine to the river basin.

The process of renewal was approved despite a clear understanding by all parties, especially the public authorities and Vale, that any collapse would engulf the entire administrative site of the company and the community of Córrego do Feijão within just a minute. Such information is available in the Plan of Emergency Actions of April 2018, obtained by the Brazilian newspaper *Folha de São Paulo*. The Plan

---

<sup>16</sup> <<https://www1.folha.uol.com.br/mercado/2019/01/vale-vai-cortar-10-da-producao-de-ferro-e-investir-r-5-bi-para-desativar-barragens.shtml>>.

<sup>17</sup> Principle 17 of the UN Guiding Principles on Business and Human Rights provides: “In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed”.

outlines the evacuation routes and the immediate actions to be taken by Vale employees, including sounding the siren. However, those who would be responsible for taking immediate action were killed by the mud, and those who took the indicated evacuation routes did not survive.

Once the risk materialized, the action plans to minimize the impacts proved ineffective. Exactly as happened in the case of the Doce river dam failure, the siren did not sound after the burst of the Feijão dam, which could have saved lives and allowed people to save personal belongings. Vale has argued that the “speed” of the tailings stream prevented the alarm systems from functioning and that the equipment was “engulfed” by the mud.<sup>18</sup> But the Plan of Emergency Actions shows that the sirens were located outside the actual flooded area.<sup>19</sup> Experts in dam safety have vehemently rejected these justifications. Experts explain that no alarm system should be prevented from functioning because of the speed of the tailings or even direct damage. Vale could have placed sensors of pressure, speed or extraordinary vibrations in the dam structure.<sup>20</sup> Moreover, the system should be automatic and rely on multiple means of dissemination, including automatic phone calls and app warnings.

The subsequent emergency measures were also insufficient to prevent aggravation of the situation of the affected communities. In the first, critical days, the assistance has been a combination of *ad hoc* measures by Vale with humanitarian relief provided by public agencies and voluntary work. In other words, serious shortcomings have emerged in all stages of HRDD: the risk of collapse was not properly assessed because the licensing process was deeply flawed, the warning system utterly failed, and mitigation measures adopted in the aftermath of the disaster have been insufficient and marked by *ad hoc* measures. Moreover, integration of the findings of the first stage did not result in appropriate, swift action to stop the destructive power of the mud.

## **b. Failure to provide guarantees of non-repetition**

Though this allegation refers to the collapse of the Feijão dam in Brumadinho, on January 25, 2019, there is a direct relationship between this and the Fundão tailings dam collapse in Mariana. The connection between them is clear: by deploying extensive political and financial resources to resist legal accountability for the first disaster, Vale has continued to operate its business as usual, adopting a discourse of commitment to the highest standards of corporate social responsibility while failing to review its business model and its processes and policies, or to effectively prevent new catastrophes.

More than three years after the Fundão dam collapsed, the three companies involved (Samarco, Vale and BHP Billiton) and their administrators have not been subjected to any legal accountability, whether in the criminal, civil or administrative sphere. The main reason why the communities have had their right to an effective remedy violated is because Vale, the two other companies involved, and relevant public authorities have pushed for mechanisms of remediation that are flawed in many aspects. A private foundation – the Renova Foundation – was established to implement the environmental and social remediation programs. Civil society, UN bodies, the Brazilian Human Rights Council and several other observers have repeatedly stated that the governance and the institutional design of the remediation architecture of the Fundão dam disaster violates basic principles of social and legal accountability. Decision-making rests with bodies with little representation of those directly affected; there is a deficit

---

<sup>18</sup> <https://g1.globo.com/mg/minas-gerais/noticia/2019/01/31/presidente-da-vale-diz-que-sirene-de-alerta-nao-tocou-em-brumadinho-porque-foi-engolfada-pela-lama.ghtml>

<sup>19</sup> <https://www1.folha.uol.com.br/cotidiano/2019/02/refeitorio-poderia-ser-soterrado-em-um-minuto-diz-plano-da-vale.shtml>.

<sup>20</sup> <https://g1.globo.com/mg/minas-gerais/noticia/2019/01/31/vale-diz-que-sirenes-nao-foram-acionadas-por-velocidade-do-deslizamento-em-brumadinho.ghtml>.

of transparency and failure to make public the motivation behind decisions taken by the governance bodies; and sanctions for noncompliance are not accompanied by adequate enforcement mechanisms.

Moreover, Vale has failed to implement the recommendations made by the UN Working Group on Business and Human Rights after their country visit in 2015 and to comply with the company's international obligation to provide the public and the people affected by the Doce river disaster with guarantees of non-repetition.

By comparing Vale's immediate response to the burst of the Mariana and the Brumadinho dams, it emerges that the company is adopting a double standard towards remediation of affected communities. It is very welcome that Vale is offering financial emergency assistance to the families in values that range from 50,000 (material losses) to 1000,000 (for relatives of those who died or are disappeared) Brazilian reais. However, it is impossible not to compare such figures with the financial relief offered to the families affected by the Mariana disaster. In that case, families who lost property, including their houses, were given only 10,000 Brazilian reais, an amount much below what is necessary to acquire another property in the region. Meanwhile, the families of the 2015 disaster who were forcedly displaced are still living in rented, temporary homes and are being given a monthly financial support of a minimum wage plus a symbolic value for each person in the household without an income.

The two cases are emblematic in many aspects, including their severity and long-lasting consequences. But they can not be separated from Vale's dire record concerning human rights violations, which has been reported continuously by social movements and civil society organizations, both in Brazil and in other countries where it operates. Corporate practices that disrespect human rights, as well the environment, have led Vale to win, in 2012, the Public Eye Award, as the world's worst company<sup>21</sup>. The long-term failure to adopt practices that are aligned with human rights principles and values is repeated once again in the burst of the two dams.

#### **IV. REQUESTS**

The Global Compact seeks to induce companies to commit to "continuous improvement". Vale is a transnational mining company possessing high-end expertise and the capacity to mobilize extensive resources to oversee the risks of fatal accidents within its operations and to prevent and mitigate any relevant harm. Evidence that upstream dams pose extraordinary risks to communities, workers and the environment and that they should be abandoned as a method of dam construction proliferated in the public domain after the Mariana dam collapse.

Vale's commitment to learning and improvement is more doubtful than ever. It took another lethal dam collapse with unmeasurable human suffering and environmental destruction for Vale to announce a long due decision to decommission high-risk "upstream dams" that are built with obsolete and unsafe technology. Instead of listening to the "critical voices", as recommended by the UN Working Group on Business and Human Rights, Vale has deployed extensive political and financial resources to resist legal accountability for the first disaster. It has continued its business as usual, adopting a discourse of commitment to the highest standards of corporate social responsibility while failing to review its business model, its processes and policies, and to effectively prevent the occurrence of new catastrophes.

---

<sup>21</sup> Available at: <<https://www.publiceye.ch/en/media-corner/press-releases/detail/the-2012-public-eye-awards-infamous-awards-go-to-barclays-and-vale>>

Vale chose to increase the capacity of adjoining mines and not to empty the Feijão dam in the full knowledge that, should it collapse, as it ultimately did, its own administrative center would be swallowed by a destructive wave of mud in a minute.

Such a method of doing business is in conflict with the principles and the spirit of the Global Compact. It took two lethal collapses for the company to decide to do the right thing – to quickly shut down the upstream dams<sup>22</sup>. There is no reasonable justification for the failure of the sirens for the second time. And there should be no double standard in the provision of financial relief for the communities affected by the two dam disasters.

Vale has failed to incorporate into its corporate culture, policies and processes the findings and lessons learned from previous situations of human rights abuse. Although forward-looking corrective measures and better compensation of victims than in previous cases are welcome, Vale must bear the consequences for its failure to prevent such an outrageous disaster from happening just three years after the Mariana dam burst.

Based on all of the above, the organizations request the following:

- a. That this matter is referred to the Board of the UN Global Compact and that **Vale is delisted** after a decision by the Board;
- b. Although delisting is, in the organizations' view, the appropriate measure in light of Vale's multiple failures and the severity of the violations addressed in this allegation, should the Board disagree, the organizations request in the alternative that Vale is immediately suspended from the UN Global Compact for a minimum of 12 (twelve) months. During such period, Vale should submit monthly or quarterly updates on the progress of the measures taken to remediate the harms caused by the Feijão dam, as well as the status of the remediation process of the Fundão dam (2015);
- c. That the Board require Vale to demonstrate through concerted action that it is fully committed to changing its corporate culture, policies and processes to become a truly human rights and environment respecting company;
- d. An appointment with the Executive Director to clarify the issues raised in this complaint.

We look forward to engaging with the Global Compact on the issues raised on this allegation, and are happy to provide any further information. We commit to keep confidential the information exchanged between the parties of this Allegation.

Sincerely,

Articulação Internacional dos Atingidos e Atingidas pela Vale  
Asociacion Ambiente y Sociedad (AyS)  
Business & Human Rights Resource Centre (BHRRC)  
Clínica de Direitos Humanos – UFMG  
Comitê Nacional em Defesa dos Territórios Frente à Mineração  
Conectas Direitos Humanos  
Derechos, Ambiente y Recursos Naturales (DAR)  
Due Process of Law Foundation (DPLF)

---

<sup>22</sup> < <http://brumadinho.vale.com/Vale-esclarece-sobre-descomissionamento-das-barragens-a-montante.html>>.

Fundación para el desarrollo de Políticas sustentables (FUNDEPS)  
Fundación Ambiente y Recursos Naturales (FARN)  
Global Justice Clinic – NYU School of Law  
Greenpeace Brasil  
International Federation for Human Rights (FIDH)  
Justiça Global  
Movimento dos Atingidos por Barragens (MAB)  
Observatorio Regional de Derechos Humanos, Transparencia e Inversiones  
Project on Organizing, Development, Education, and Research (PODER)  
SOMO - The Centre for Research on Multinational Corporations