



UNITED NATIONS  
Working Group on the issue of human rights  
and transnational corporations and other business enterprises  
(UN Working Group on business and human rights)

**First Regional Forum on Business and Human Rights for Latin America  
and the Caribbean**

**Opening statement by Pavel Sulyandziga, Chairperson of the UN Working  
Group on business and human rights, 28 August 2013**

Mister Vice-President,  
Excellencies,  
Distinguished delegates,  
Ladies and Gentlemen,

It is a great honour for me to be representing the Working Group on the issue of human rights and transnational corporations and other business enterprises [or the Working Group on business and human rights] at the first Regional Forum on Business and Human Rights for Latin America and the Caribbean this morning. This unique forum constitutes the first time that such a large and diverse gathering of stakeholders with different experiences and perspectives in this field have been convened to openly discuss how to move forward on implementation of the UN Guiding Principles on Business and Human Rights and in addressing business-related human rights impacts at the regional level in any region of the world. The Regional Forum follows up on the global annual UN Forum that was held in Geneva for the first time last year, which brought together over 1,000 participants from more than 80 countries, to discuss trends and challenges in the implementation of the principles.

On behalf of the Working Group I would like to express our sincere appreciation to the Government of Colombia and the Vice-Presidency for its hospitality and support in hosting

the Regional Forum. I would also like to thank our other co-organizing partner, UNDP's Regional Bureau for Latin America and the Caribbean, for its support and collaboration in preparing this key event.

I would like to extend special thanks to those supporters, Governments, businesses and NGOs, who made generous contributions – either financially or in kind – to enable the organization of the Regional Forum as well as an expanded participation of civil society participants from across the region to ensure that their voices are represented. I would also like to thank the local authorities for their hospitality and support.

It is a great pleasure to extend a warm welcome to our distinguished speakers and panel moderators, to representatives of Governments from the region and beyond, representatives of the UN, international and regional organizations, national human rights institutions, trade unions, business associations and enterprises and non-governmental organizations, representatives of indigenous peoples and other minorities, academics and other experts. The Working Group particularly welcomes the high participation of business representatives from both Colombia and a number of other countries across Latin America in this first Regional Forum. It is also an honour for me – both personally and on behalf of the Working Group – to welcome representatives of indigenous peoples and affected stakeholders who are participating in the event.

The value of hearing the voices of those directly affected or involved in the issues at hand, be it from business, from Government or from civil society and impacted communities, is that our discussions – which are intended to feed into both global and national processes for advancing the business and human rights agenda – reflect the actual challenges, good practice and lessons learned on the ground.

The Regional Forum has been designed to promote the dissemination and implementation of the UN Guiding Principles on Business and Human Rights, the world's authoritative standard for managing the risk of negative human rights impacts linked to business activity. This set of recommendations outline how States and business enterprises should implement their respective obligations and responsibilities: the State duty to protect human rights in the context of business activity; the corporate responsibility to respect human rights; and the complementary duties and responsibilities of States and business enterprises to ensure greater access to remedy for victims of business-related human rights abuse.

The Working Group decided last year to introduce the regional forums in order to reach out to a broader set of local and regional actors and identify the key issues pertaining to each region. The outcomes of the discussions focused on the Latin America and Caribbean region will in turn feed into the next annual global UN forum to be held again in Geneva on 2-4 December this year as well as the broader work of the Working Group to promote wide and effective implementation of the Guiding Principles in all regions of the world.

We sometimes hear that there is a need to demystify the issue of business and human rights. Traditionally attention within the United Nations system to human rights violations has primarily focused on the key responsibility of States. For human rights, States are traditionally and singularly duty-bound under international law to protect, respect and fulfil the rights of all persons within their territory. However, the world has changed, and new approaches to the issue have emerged. Any effective understanding of human rights today must reflect the interdependency of traditional State obligations with the influential roles of businesses as key societal actors in the creation of employment and wealth; as contributors to peace and development; and as providers of solutions to sustainability challenges. As part of our understanding, we must recognize that the behaviours associated with the manufacture, distribution, financing and innovation of some products and services can and do negatively and unjustifiably impact human rights, the environment, and tragically continues to cause conflict that could have been avoided.

This interdependency in roles between States and Businesses should actively inform approaches to specific situations, actions and efforts in addressing global and regional challenges.

There should be no mystery about the impacts of business on human rights, both positive and negative. On the positive side, we benefit from those enterprises, small and large, that have improved our lives. From mobile phones, to computers, to medicines, to food – we all use services and products that contribute to our welfare and to our enjoyment of fundamental human rights. Companies also provide jobs and investments. This sounds obvious. But I know that in Latin America, the deep and justified cry for fairness and equality has in some places led to a rejection of any proposition that business may play a positive role in society. Businesses can be part of a just and sustainable future if the right incentives and accountability mechanisms are in place.

On other hand, the risk of both actual and potential negative impacts from business activities is also real. As you may see from our annual report (A/HRC/23/32), the Working Group has received numerous allegations over this past year, from around the globe. Alleged negative impacts on individuals and communities include forced evictions, negative impacts on food, health, water, and housing, negative impacts on the freedoms of assembly and expression, lack of decent working conditions, disappearances, arbitrary detentions, threats, violence, including violence against women, and killings, often targeting human rights defenders and those who protest against the activities of companies. The allegations that we received were linked to the activities of a broad range of industries, though an important number were linked to the mining, energy, and financial sectors.

Many of these allegations came from Latin America. Yesterday, on the day before the opening of the Regional Forum, the Working Group also had the opportunity of hosting a dialogue session with civil society participants to discuss patterns of corporate abuse and innovations in corporate accountability mechanisms. This meeting was intended to inform the discussions of the Regional Forum and the broader work of the Working Group to promote the effective implementation of the Guiding Principles. My colleague from the Working Group, Alexandra Guáqueta, will shortly in her opening remarks deliver a further overview of some of the trends both globally and in this region of patterns of business-related human rights impacts and current efforts to implement the Guiding Principles.

As highlighted in the Working Group's annual report and in discussions with stakeholders, a significant number of alleged negative impacts affect local communities, including indigenous peoples, who live near or depend on land or natural resources that are being extracted or otherwise used for commercial purposes. It is for this reason that the Working Group undertook to submit a thematic report to the UN General Assembly this year, addressing the application of the Guiding Principles in the context of business operations that impact on indigenous peoples. The unedited report is available as background documentation to the Regional Forum, but only in English. The Spanish translation will be issued during the coming weeks.

The Working Group stands ready to multiply its efforts to raise awareness, to provide guidance, and to bring stakeholders together to share good practices and lessons learned, and to identify solutions to remaining challenges. We are convinced that this Regional Forum will be an important platform in this regards, as we proceed along the journey to improving

respect for human rights in business operations. This is by all means a long-term journey, but we must not forget the urgency of now to address the impacts that are affecting stakeholders today.

I look forward to our three days of mutual learning and constructive dialogue between all parties.

Thank you.