Finnwatch ry, HRC65 submission
United Nations Working Group
13.10.2026

Re: UN Working Group: Questionnaire for civil society organizations, trade unions, Indigenous Peoples organizations, national human rights institutions, academics, affected communities and other stakeholders – Closing remedy and accountability gaps in business: Addressing legacy human rights harms

Finnwatch is a Finnish business and human rights NGO investigating sustainability of business operations globally. We appreciate the opportunity to present our views for the UN Working Group's consultation on legacy human rights harms. We are also happy to provide additional information if needed, for contact details see https://finnwatch.org/en/contact-us.

1. Please describe any cases or situations involving legacy human rights harms linked to business activities.

Finnwatch has investigated several cases where companies have been involved in legacy human rights impacts. We have observed such situations in Brazil (see our machine translated research report on Hydro's bauxite operations affecting quilombo communities in Pará as well as our machine translated report on Vale's operations affecting the Xikrin indigenous people in Pará) and in South Africa (see our research report on the Marikana platinum mine and the mining company Sibanye-Stillwater in the North West province). For more details on why we consider these legacy human rights harms, see section 2.

In our experience, legacy human rights impacts seem especially common in the mining industry and often involve complex, interconnected adverse ecological and social impacts. Mining operations have frequently degraded the lands of local communities upon which their livelihoods used to depend. Land grabbing and pollution has resulted in poverty and marginalization, exacerbated by the failure of companies and local authorities to adequately compensate for the land and a failure to generate economic well-being for the communities. For indigenous peoples, these issues have also led to the loss of their culture.

While legacy human rights issues are typical for the extractive sector, they are also found in other sectors. For instance, our research has identified intergenerational human rights issues on tea estates in India and Sri Lanka (see our Finnish language report here and English language summary here), on wine estates in South Africa (see our machine translated report here), and in prolonged conflict areas such as in the Occupied Palestinian Territories.

2. What are the main characteristics of the harms observed (e.g. environmental damage, labour rights abuses, displacement, discrimination, health impacts, cultural loss, conflict-related harms)?

In the case related to Vale in Brasil we have observed environmental damage and related health impacts, unclarity in whether the FPIC was received before the operation started in

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2011, cultural loss and different conflict-related harms also inside the indigenous communities.

In the case related to Hydro in Brasil, we have observed environmental damage and related health impacts and loss of livelihoods, displacement and poverty. Marginalised communities have not gained direct economical benefits from the mine and indirectly local tax policies (a decision to grant a long tax holiday for the mine) can be considered to have exacerbated their situation. Issues go back to 1970's when more than 40 000 hectares of land was expropriated from the local communities.

In the case related to Marikana mine and Sibanye-Stillwater in South Africa there are prolonged issues related to housing and infrastructure. In 2012 these issues erupted in a violent conflict called Maricana Massacre in which 34 people died. An independent commission of inquiry found that the mine's previous owner had created an atmosphere fueling discontent and unrest by neglecting measures related to living conditions. Still today, and after the mine has been sold to a new owner, the poor living conditions and infrastructure issues remain unsolved.

In India's and Sri Lanka's tea industry, where tea pickers and their families have for historical, colonialistic reasons been tied to tea estates, we have observed extreme poverty, substandard housing, health and safety hazards, precarious employment and lack of social security, limited access to essential services and discrimination. Similar right violations, that are a result of historical apartheid policies, have been found also in South-African wine estates. Current apartheid policies, possible genocide and interlinked business operations have created legacy human rights issues also in Occupied Palestinian Territories.

3. Who are the individuals or communities that are disproportionally affected for unresolved harm, and how have the impacts persisted over time?

In the cases we have studied, communities disproportionately affected by the unresolved harms have many times been marginalized communities such as traditional groups and indigenous groups. In several cases these communities are themselves the result of legacy human rights issues: they might have been adjacent from historically displaced communities such as migrant Adivasi, victims of slave trade or land grabbing etc. Due to unclarity in their background they might not have had the right to hold indigenous status and they might have faced discrimination in the society even before they were subject to corporate human rights abuses.

4. What factors in changes in ownership, corporate structure, investment arrangements, privatization, project transfers or closure of operations have contributed to accountability gaps in these situations?

5. What legal and non-legal obstacles have affected individuals and communities faced when seeking accountability and remedy for legacy harm?

Rights violations have occurred a long time ago making it difficult to find the original culprit. As years have gone by, and the operations have changed owners, establishing responsibility becomes harder and obscured. Many times the acts that led to violations have been legal at the time and approved by the authorities. Companies buying into such operations have not rectified rights violations during the acquisition process. They continue to benefit from the rights violations (for example by using the land taken from local communities or by not restoring the environment) but say that they are not to blame for the old wrong doings.

It is important to notice that also customers of companies involved in legacy human rights issues can contribute or be directly linked to the harms. We hope that also buyer companies' (ie. customers of companies that are involved in legacy human rights issues) role will be addressed in the Working Groups' upcoming report. These companies also need advice on how to conduct human rights and environmental due diligence in legacy human rights cases.

6. Can you share any examples where affected individuals and communities were able to meaningful participate in decisions concerning unresolved harms?

7. Are you aware of effective examples of remediation, accountability processes, operational grievance mechanisms, transitional justice initiatives or other approaches that have successfully addressed legacy harms?

8. What role have States, businesses, investors, civil society organizations, community representatives, workers, national human rights institutions or international organizations played in these examples?

Finnwatch has documented a process where a Finnish buyer company Outokumpu tried to solve a legacy human rights case in Pará, Brasil. The company met with the local indigenous community, engaged in lengthy dialogue with the local mining company, and commissioned an investigation into the pollution of the river running through the indigenous people's land. Our report into the process is available here:
https://finnwatch.org/images/pdf/Seeking_Justice.pdf

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