

11th UN Forum on Business and Human Rights
Rights holders at the center:
Strengthening accountability to advance business respects
for people and planet in the next decade
28-30 November 2022

Statement of the Indigenous Caucus
Closing Plenary

Indigenous Peoples are at the frontline in the planetary crisis of resources exploitation, climate change, biodiversity loss, deforestation and pollution. Our lands, waters, and seascapes continue to be a source of life, knowledge and hope for the planet. However, our lands, territories and peoples are under extreme pressures, and our fundamental human rights continue to be violated in the context of business operations, with little to no protection from States and no access to remedy and justice..

It is imperative, therefore, that our communities and our natural and spiritual heritage are recognized as spaces for life.

This is why we, indigenous representatives of our seven socio-cultural regions (Africa, Asia, the Arctic, the Russian Federation, Latin America and the Caribbean, North America, and the Pacific) are participating in this Forum.

We welcome that the WGBHR has provided spaces in this forum for Indigenous Peoples to provide their views on the implementation of the UN Guiding Principles of Business and Human Rights considering the situation we are living in our lands and territories. In the sessions, we have heard of the need for innovative mechanisms to respect human rights of all right holders. We have also heard from the business community and some states that we should be “less ambitious”, “practical” in the implementation of the guiding principles. We respectfully disagree.

The respect for the rights of Indigenous Peoples is not optional, neither for states nor for businesses. These rights have been enshrined in the UNDRIP, and international human rights law. National laws regarding business operations cannot dilute our rights to our lands, forests, seas and oceans, our rights to our cultural patrimony, and to participation and free, prior and informed consent. The initiatives to develop due diligence legislation, such as the one undertaken by the European Union, must ensure the full protection of the rights of Indigenous Peoples and incorporate effective accountability mechanisms.

As we have heard during these three days, human right defenders, including indigenous peoples human rights defenders, are suffering intimidation, criminalization and all forms

of violence, including assassinations and forced displacement, when they defend their fundamental human rights, their lands and territories, in the context of business operations. States have developed legislation to protect business and investments that is not coherent with their human rights obligations. In some cases, security forces are deployed in our territories to protect business and investments, increasing violence and human rights violations.

When States fail in their duty to protect and companies ignore their responsibility to respect, strong accountability and grievance mechanisms are needed, with clear parameters to access to information, access to justice across countries, and clear processes for just remedy where indigenous rights have been violated.

There are numerous recommendations made by the Working Group on Business and Human Rights, Treaty Bodies and other UN human rights mechanisms calling on States to protect the rights of indigenous peoples to their self-determination, their lands and waters, their cultural patrimony and their free, prior and informed consent in the context of business operations. Regional and national courts decisions and resolutions of regional parliaments have also expressed themselves in similar terms. But the situation on the ground is not changing.

It is time to translate these calls into action, to ensure the full recognition and respect for the rights of Indigenous Peoples, including in the context of business operations.

We can no longer wait. The UN Declaration on the Rights of Indigenous Peoples must be fully realized. Our peoples and communities cannot continue to be subjected to reprisals by State and non-State actors for defending life. Our very survival as distinct peoples is at stake.

As a final word, I would like to call your attention to the reprisals suffered by indigenous representatives collaborating with the UN human rights bodies and express our solidarity with Anexa Alfred Cunningham, member of the Expert Mechanism on the Rights of Indigenous Peoples, who has been prevented to return to her country.