

9. UN Forum on Business and Human Rights

Preventing business-related human rights abuses: The key to a sustainable future for people and planet

Presented by Migdalia Ma. Pellicier

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Indigenous Peoples' Caucus Statement

The Indigenous Peoples attending the Indigenous Caucus on Business & Human Rights from the regions of Africa; Asia; Arctic, Russian Federation, Latin America and the Caribbean, North America and the Pacific, state the following:

We, Indigenous Peoples have inhabited our lands and territories from time immemorial. We have preserved and cared for our biodiversity through our cosmovision and our traditional knowledge. This relationship is essential to all peoples of the world.

As we address this year's theme, "Preventing business-related human rights abuses" we firmly believe that "the key to a sustainable future for people and planet" is intrinsically connected to respecting the rights of Indigenous Peoples. In this regard, we highlight the fundamental need to use the minimum standards in the UN Declaration on the Rights of Indigenous Peoples, as well as other instruments such as ILO 169.

These instruments set forth fundamental rights such as the right to Self Determination (Art. 3), the rights to lands, territories and resources (Art. 25-28), and the rights to free prior and informed consent in all matters involving our peoples and our lands and territories.

In this time of Covid-19, Indigenous Peoples worldwide have suffered disproportionately the impacts in economic, health, social, education, and other areas. This has been exacerbated by government policies which often promote and support human rights violations by the business community. Businesses operating on Indigenous lands and territories have failed to observe free prior and informed consent and most business models do not include benefit sharing.

Indigenous owned and controlled companies have suffered financially, and do not receive the same amount of support as non-Indigenous companies.

We have a spiritual relationship with our lands, territories and natural resources. It goes beyond subsistence or tenancy. The existence of a different cosmovision and spirituality is a fundamental means for the existence of the indigenous peoples.^[P.]_[SEP]

The lack of respect for Indigenous Peoples' collective land rights and the failure to provide indigenous communities with secure land tenure undermines their ability to protect their lands and resources from the damage of large-scale projects such as extractive industries (Article 26). This environmental violence impacts the reproductive health of women and children, our lands, water, air and natural resources and the health of our communities in general.

Indigenous Peoples are subject to acts of intimidation and repression by state and non-state actors against indigenous rights defenders. Indigenous Peoples are encouraged to take action to ensure accountability for the perpetration of reprisals.

Indigenous Peoples are the most vulnerable groups to COVID-19 who face entrenched inequalities, stigma, sexual violence, increased isolation and discrimination. Insufficient access to basic health care services, sanitation, unemployment, and limited or non-existent access to technology for online education platforms are some of the structural problems impacting communities' capabilities to cope with this pandemic. Moreover, there have been many legislative developments during COVID-19 throughout the world, including land seizures and sacred sites destruction that undermine Indigenous Peoples rights, sustainable human-environment interactions and broader enjoyment of their rights over their customary and ancestral territories.

Indigenous Peoples have established response and coping mechanisms to epidemics based on their Traditional Knowledge, including medicines, healing ceremonies, rituals and other customary practices. Also by declaring community lockdowns, social distancing, and staying at home to preserve the health of the community and the land.

Extractive industries, GMOs and pesticides, structural violence, discrimination and marginalization are posing alarming threats to Indigenous Women's individual and

collective human rights, especially for those living in rural areas where the integrity of the land is essential to their survival, well-being, and reproductive health.^[P]_[SEP]

The Indigenous Peoples Caucus urges the Governments to take urgent action and redress in the countries where detrimental laws and regulations have been passed during the COVID-19 pandemic period.

Our recommendations are:

1. We strongly recommend that all the States ratify the ILO Convention 169, implement the United Nations Declaration on the Rights of Indigenous Peoples, and that States demonstrate political support and commitment to promote the effective implementation of the Guiding Principles on Business and Human Rights, and to follow up on compliance with the guiding principles of the United Nations related to companies and their policies in indigenous territories. It is an established fact that companies routinely disrespect and violate human rights in indigenous territories, generating violence and sometimes sponsoring the creation of armed groups outside the law. Usually with impunity.
2. To create a UN monitoring and reporting mechanism on Business and Human Rights for Indigenous Peoples, where our grievances could be reported, corrected and redressed. For example, cases of violations of the Indigenous Peoples rights by mining companies have become systematic and it is necessary to introduce such specific international oversight in those countries where mining is carried out, namely in the territories of traditional economic activity and use by Indigenous Peoples. In case of detection of violations of Indigenous Peoples rights, the mechanism can recommend a suspension of activities in the affected areas.
3. Call States and Multilateral organizations -including international financial institutions- to work with Indigenous Peoples to develop standards and regulations to achieve SDGs, adhering to Business & Human Rights Guidelines, core UN instruments and Declaration on the Rights of Indigenous Peoples.
4. To stop using COVID-19 to further shrink civic and democratic spaces, to use as cover to deploy military operations for the criminalization and

persecution of human rights defenders and the illegal appropriation of Indigenous Peoples lands and territories.

5. To respect our right to Free, Prior and Informed Consent (FPIC) and to include our full and effective participation to constructively engage in processes that may affect our identities, lives, livelihoods and cultures, especially those related to our lands, as per the UN Declaration on the rights of Indigenous Peoples. Specially ensuring the inclusion of Indigenous Women and Youth during FPIC processes.

Thank you Mr. Chairperson/Madame Chair.