

Nineth Session of the Expert Mechanism on the Rights of Indigenous Peoples

11 – 15 July 2016

Agenda 6: Human rights of indigenous peoples in relation to business enterprisesPresented by: **Kaushalya Munda**

Thank you, Mr. Chairperson.

On behalf of Asia Caucus, I would like to present the statement on human rights of indigenous peoples in relation to business enterprises.

A majority of the 5,000 distinct indigenous societies that continue to exist today are eager to retain their ancestral lands, governance and economic, cultural and spiritual practices. All of them currently face an ever more aggressive effort by business corporations, both local and global to access the resources and lands that indigenous peoples have protected for millennia, and on which they depend. As a result, many indigenous peoples have suffered and continuously suffering from, among other forms of human rights violation, land dispossession, repression, discrimination, torture and killing.

Indigenous peoples today stand at the crossroads of globalisation that is powered by neoliberalism. Their lands, territories and knowledge are exploited as consumerist societies persist. They not only suffer from corporeal abuse, neglect and discrimination, their indigenous knowledge is also pirated by researchers and transnational corporations for profit. The relationship between the business corporations, along with the state, and indigenous peoples are disproportionate with indigenous peoples found in the deplorable end.

Mr. Chairperson,

These issues have been enduring, with very little change that can be felt on the ground. We then take this opportunity to reiterate our call on the member-states, UN agencies and mechanisms, and all related duty-bearers to ensure that the UN Guiding Principles on Business and Human Rights, with appropriate reference to the UNDRIP and ILO Convention 169, are reflected in states' National Action Plans. And states like India has not ratified ILO 169 wherein guiding principle of ILO 107 are to be incorporated in the State policy for indigenous peoples. States should also ensure the full and effective participation of indigenous peoples in the elaboration of such National Action Plans to guarantee full respect for their collective and individual human rights. Eventually, surrounding business establishment the states should ensure that the CSR (Corporate Social Responsibility) policy of corporate must include some indicators of SDGs focusing on culture oriented developmental gaps. Correspondingly, corporations should be made accountable of their actions not on a voluntary basis but like any common individual who is answerable to national and international laws.

We now live in a world where private entities, such as transnational corporations, private foundations, and even non-governmental organizations, are larger than certain states and enjoy increasingly free mobility. Their greater freedom should come with greater responsibility and they should be made equally accountable to their actions and decisions. They, particularly extractive corporations, should respect the indigenous people's right to free prior informed consent (FPIC). But all of them, as duty-bearers, including international financial institutions, should respect the right of indigenous peoples to full and meaningful participation in the processes and developments that have direct ramifications to their life and future. Similarly, we reiterate the need for respect for the customary and intellectual property rights of indigenous peoples.

Mr. Chairman,

Many of the development aggression that have been initiated by corporations and supported by the states have caused irreversible and incorrigible damages to indigenous peoples' lands and lives. We propose establishment and functioning of regional and international tribunals as control mechanism to prosecute non state actor's (private parties). We then call on the member-states, UN agencies and mechanisms, international financial institutions and similar duty-bearers to ensure that mechanisms and concrete steps to investigate, punish and redress business-related human rights abuses are put in place.

We are committed to peacefully collaborating with the states as we expect them, including all similar duty-bearers, to respect and fulfil our individual and collective rights.

Thank you.