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**Expert Mechanism on the Rights of Indigenous Peoples  
9<sup>th</sup> Session**

**Item 6: Human rights of indigenous peoples in relation to business enterprises**

The current standards concerning the rights of indigenous peoples with regard to business enterprises are provided by ILO Convention 169, the United Nations Declaration on the Rights of Indigenous Peoples, the Outcome Document of the World Conference on Indigenous Peoples, and the Guiding Principles on Business and Human Rights.

In addition to this existing institutional framework, the Human Rights Council, through Resolution 26/09, decided to establish an open-ended intergovernmental working group mandated to "elaborate an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises". Pursuant to this mandate, the Working Group convened for the first time in July 2015 and will hold its second meeting next October.

Brazil is participating with a constructive approach in the discussions about a potential legally binding instrument concerning business enterprises and human rights. We believe the proposed treaty and the Guiding Principles on Business and Human Rights need not be mutually exclusive. On the contrary, they can and should be complementary.

Having said that, we would like to caution about the risk of polarisation in the discussions about the legally binding instrument. We believe this initiative will only realise its potential if we manage to build a wide consensus around it, making sure the resulting agreement will be ratified by as many countries as possible.

In order to build this broad consensus, all parties should participate in these discussions bearing in mind the provisions of the Guiding Principles, and particularly the valuable experience of the Working Group on the issue of human rights and transnational corporations and other business enterprises. As far as indigenous peoples are concerned, the main reference should be the United Nations Declaration on the Rights of Indigenous Peoples, whose acceptance is now nearly universal.

Thank you.