

Declaration of the Caucus of Indigenous Peoples

United Nations Forum on Business and Human Rights 26-28 November 2018

The Indigenous Caucus met in Geneva, from November 25-28, 2018, within the framework of the United Nations Forum on Business and Human Rights. The Caucus consisted of a diverse representation of indigenous peoples from different parts of the world. Based on our experiences we concluded that states are still not complying with basic principles of international law, such as self-determination, respect for the exercise of self-government, fulfilment of the fundamental right to consultation and free, prior and informed consent, respect for the ancestral territories inhabited by our communities, the right to our own forms of economic, social and cultural development, and the right to pursue our struggle for a decent quality of life.

In addition, it was evident that, relying on the apathy and indifference of state bodies whose duty it is to guarantee our rights, companies continue to violate the basic right to consultation and free, prior and informed consent.

This Indigenous Caucus pays tribute to all the leaders of our peoples who are being systematically criminalized, threatened, persecuted and even murdered, because of their defense of our territories and their exercise of the right to self-government in a context in which extractive, energy and agribusiness projects have been imposed upon us.

For these reasons and many others, the Indigenous Caucus calls for the following:

States should:

- a. comply with their obligations to recognize the existence and rights of all indigenous people living in their territories. They should guarantee and enforce international human rights standards pertaining to the collective rights of indigenous peoples, including those recognized in ILO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples, such as the right to self-determination, the right to lands, territories and natural resources; the right to culture and spiritual beliefs, the right to self-government and respect for customary law, and the right to their own frameworks, practices and protocols to implement consultation and free, prior and informed consent;
- b. promote the full participation of indigenous peoples in all the phases of design, realization, validation and verification of human rights impact assessments. These assessments should address the economic, social, environmental and cultural rights of indigenous peoples;
- c. pay special attention to the cumulative and irreversible impacts of macro-regional infrastructure projects on the human rights of indigenous peoples in many countries;
- d. guarantee that businesses respect indigenous peoples' rights as a part of their human rights due diligence. State should also fully address the concerns of the indigenous peoples in developing and implementing national action plans. This implies:

- strengthening capacity of administrative and legal mechanisms in relation to the rights of indigenous peoples, including through training of judges and policy makers;
- effective follow-up and implementation of the recommendations of OECD national contact points (NCPs) and other remedial mechanisms, including the recommendations of the Working Group on Business and Human Rights;
- establishing a remedial mechanism for violations that take place both within state borders and those committed extraterritorially by companies registered in their jurisdictions.

Companies along the entire supply chain, including private investors, should:

- a. respect the rights of indigenous peoples, whether or not those peoples are officially recognized by the states in which they reside;
- b. assume their human rights responsibilities, and consistently implement rigorous, transparent and effective individual and collective human rights due diligence processes with respect to indigenous peoples, including their territorial and cultural rights, their right to self-government and to free, prior and informed consent.

International financial institutions and national and multilateral banks,

through their social and environmental safeguards, these banks should require that companies fully comply with the Guiding Principles on Business and Human Rights and the minimum standards enshrined in the United Nations Declaration on the Rights of the Indigenous Peoples before financing projects that could affect ancestral territories and during the implementation of such projects.

All the above-mentioned actors with interests that might affect ancestral territories, should

- a. protect and respect the rights of indigenous women and prevent impacts of business activities on them as indigenous women guarantee the continuity of our peoples;
- b. refrain from implementing projects in conflict zones that might put the physical or cultural survival of indigenous people, or the integrity of their territories, at risk;
- c. refrain from implementing projects that might affect indigenous peoples in initial contact or voluntary isolation;
- d. adopt zero tolerance policies for acts of violence, militarization, criminalization against indigenous communities and indigenous human rights defenders, and completely reject their being tagged as terrorists.

Finally, we call upon the UN, including the Working Group on Business and Human Rights, to disseminate and promote these recommendations in all its operations and dealings with these actors. We further call upon the UN to continue to guarantee and broaden the spaces for participation of indigenous groups at the Forum.

We cannot talk of peace if we are violating Mother Earth, the giver of life. We declare from the heart of our territories that we will continue in the defense of Mother Earth, because our survival is that of humanity itself.

Thank you.