

UN Forum on Business and Human Rights  
From the 24<sup>th</sup> to the 27<sup>th</sup> of November, 2019

### **Statement from the Indigenous Peoples' Caucus**

As the Indigenous Caucus, convening in Geneva from the 24<sup>th</sup> to the 27<sup>th</sup> of November 2019, as part of the UN Forum on Business and Human Rights, we view with some worry the different understandings of development driven by states, companies, and multilateral entities, which are attacking the Indigenous Peoples' concept of Living Well.

These types of development are systematically violating the collective and individual rights recognised by ILO's Convention No.169, the United Nations Declaration on the Rights of Indigenous Peoples, jurisprudence and international conventions that deal with human and Indigenous Peoples' rights.

The Indigenous Caucus exhorts the states to implement the right to consultation and the right to free, prior and informed consent in accordance with international standards, in order to guarantee Indigenous Peoples' self-determination and the fulfilment of their role as a guarantor of rights; in the same way, businesses cannot supplant the states' responsibility in terms of consultation.

We ask that the violence against protectors of the earth and its territories, against communicators and indigenous spokespeople, particularly women, cease: we are denouncing its increase as part of a systemic plan of persecution, criminalisation and genocide of Indigenous Peoples. We do not accept any stigmatisation of female defenders that portrays them as '*enemies of development*' which delegitimizes their fights, and exerts gender violence on them.

We demand full exercise of freedom of speech, including the right to dissent and to say no to projects, as well as the right to information and participation in decisions that affect indigenous communities.

We denounce the privileges that public and private businesses take advantage of when accessing natural resources present in indigenous territories; these infringe upon the right to health, food security rights, environmental rights and water rights. These said privileges are being perpetuated through the militarisation of territories, a disproportionate use of public forces, and through the presence of other armed groups.

Despite this negative scenario, we appreciate the report on the "Gender dimension of the Guiding Principles on Business and Human Rights" elaborated by the Working Group, which also reinforced the United Nations Guiding Principles on Business and Human Rights, and represents an opportunity for the participation of indigenous women and their organisations.

For the moment, we do not have access to the versions of the binding treaty in Spanish, French, Russian or Portuguese, and for this reason, we are unable to comment on it. Nevertheless, we demand to be informed and taken into account before its

approbation. It is also imperative to guarantee the access to justice for Indigenous Peoples affected by business activities.

We also exert states to guarantee the implementation of the Guiding Principles, as well as to use effective measures which force businesses to respect the rights of Indigenous Peoples and communities.

Finally, we thank the Working Group and the Secretariat for their constant support of the Indigenous Caucus, through training, constructive dialogue and their facilitation of the participation of indigenous delegates.