

Expert Mechanism on the Rights of Indigenous Peoples**8th Session****Agenda Item 4 – Panel discussion on indigenous people's human rights in relation to business enterprises****Brazilian Statement**

Mr. President,

There is nowadays a balanced and comprehensive framework to clarify the rights of indigenous peoples and to guide their relationship with business enterprises. This framework is provided by ILO Convention 169, the UN Declaration on the Rights of Indigenous Peoples, the Guiding Principles on Business and Human Rights, and the Outcome Document of the World Conference on Indigenous Peoples. Two issues deserve special attention in this context.

The first issue is the central role of States as the actors who have the legitimacy to issue regulations concerning the relationship between indigenous peoples and business enterprises. By the same token, States are also responsible for ensuring the observance of the relevant regulations and protecting indigenous peoples from any sort of abuse.

The second issue is consultation. The main reference here is ILO Convention 169, the only binding document in this domain. As established in that treaty, indigenous peoples have the right to be consulted with regard to any actions that may affect them directly. Such consultations "shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures".

This normative framework is an important achievement, resulting from extensive negotiations with the participation of all relevant stakeholders. There remains nonetheless a significant compliance gap. Consequently, the main challenge ahead of us is to implement the relevant rules and to make sure the rights of indigenous peoples are effectively respected in their relationship to business enterprises.

Thank you.