

12th Business and Human Rights Forum
CLOSING STATEMENT OF THE INDIGENOUS PEOPLES' CAUCUS
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Over the past three days of the 12th United Nations Forum on Business and Human Rights, Indigenous Peoples, who came together as a Global Caucus, have made meaningful contributions in the different sessions, underscoring the urgent issues that we face and putting forward our concrete recommendations in relation to the theme, “Towards Effective Change in Implementing Obligations, Responsibilities, and Remedies.”

We reiterate that up to this day, Indigenous Peoples continue to suffer from the impacts of business operations on our collective rights including our right to self-determination, rights over lands, territories, and resources, and the right to Free, Prior and Informed Consent. The continued lack of legal recognition of Indigenous Peoples in many states, land grabbing and resource extraction for business purposes, business as usual approach, greenwashing, lack of full and effective participation of Indigenous Peoples in policy development and decision-making, repressive laws and the growing violence against Indigenous Peoples and our Defenders are all inconsistent with the UNGP and international human rights instruments including the UNDRIP. This situation must be reversed in order to truly implement the UNGP, recognize Indigenous Peoples' rights and respect human rights.

On the part of Indigenous Peoples, we engage states, corporations and investors in our territories, respective countries and through international processes and other mechanisms available. We inform stakeholders of the issues and solutions based on lessons we have drawn from our experiences, our knowledge systems and practices, our ways of life. We also develop and promote good practices such as on renewable energy development and climate adaptation and mitigation solutions.

To address the urgent issues faced by Indigenous Peoples, we urge states, corporations and investors to act NOW and heed the recommendations brought forward by Indigenous Peoples, including the following:

- For states and businesses to truly recognize Indigenous Peoples' rights as enshrined in the UNDRIP. State laws and policies that violate Indigenous Peoples' rights and human rights, including legislations that favor corporations, should be repealed. On the issue of Free Prior and Informed Consent, a NO consent means NO consent, which means a complete withdrawal of corporations and business operations. All business operations should fully implement FPIC and FPIC violations should not be tolerated.
- For states and businesses to ensure the protection of Indigenous Peoples and Defenders from the criminalization of Indigenous Peoples' resistance against corporate projects including

tagging Indigenous Peoples' struggles as acts of terrorism as in the case of the Cordillera Peoples Alliance in the Philippines, extrajudicial killings and various forms of human rights violations, and State reprisals, with impunity. Corporations should uphold human rights and not invest in countries that are notorious in violating indigenous peoples' rights and human rights.

- For businesses to implement enhanced due diligence to fulfill their responsibility of respecting Indigenous Peoples' Rights and not rely on domestic laws. All businesses in every sector and the entire environmental, social and governance frameworks should take Indigenous Peoples into account. Benefit-sharing mechanisms in big projects should ensure equitable distribution of project benefits to impacted communities. Corporations should also be held accountable for the violations of human rights and Indigenous Peoples' rights related to their businesses.
- For all States from the so-called Global North and Global South to earnestly engage in the process to develop and adopt a legally binding instrument at the earliest with the honest objective to advance corporate accountability and access to remedy for affected Indigenous Peoples and other communities. We want to see that the scope of the proposed treaty includes all business enterprises – NOT only transnational corporations but also domestic companies – but with greater responsibility on transnational corporations. We call upon the EU to ensure the recognition of Indigenous Peoples rights including Free Prior and Informed Consent in the EU Corporate Sustainability Due Diligence (CSDD) in line with the UN Declaration on the Rights of Indigenous Peoples. Further, for the EU to ensure that companies must identify and address actual and potential abuses of Indigenous Peoples as part of their ongoing due diligence. This is imperative to rectify the abuses of EU corporations in indigenous territories across the globe. Likewise, the protection of human rights defenders should also be included in the CSDD.
- For all corporations and investors to put in place effective grievance and accountability mechanisms which should be gender sensitive and culturally appropriate in line with the customary laws of Indigenous Peoples.
- For States and investors to support Indigenous-led solutions for the use of their lands, territories and resources that align with their development priorities, including for energy and minerals, in line with their right to self-determination and development.

In conclusion, so long as our rights as Indigenous Peoples continue to be violated, we cannot have a meaningful and effective implementation of the UNGPs, genuine recognition of Indigenous Peoples and respect for human rights.

Thank you!