

## **Indigenous Peoples' Caucus on Business and Human Rights Opening Statement**

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Representatives of Indigenous Peoples from the different sociocultural regions of the world have come together as a Global Caucus for the Business and Human Rights Forum. In relation to this year's theme, "Towards Effective Change in the Implementation of Obligations, Responsibilities, and Reparations," we discussed the urgency of advancing various priorities.

Indigenous Peoples disproportionately face the effects of the biodiversity loss and climate change crisis. Efforts to address these must place human rights at the centre, with special emphasis on the rights of Indigenous Peoples, including our right to self-determination, rights over lands, territories, and resources, and the right to Free, Prior and Informed Consent. At the same time, in the context of the SDGs, we, Indigenous Peoples, are agents of change.

In the context of the just transition, we highlight that, although in their early stages, there are good practices that should be replicated. For instance, Indigenous Peoples in Canada, the United States, Australia, and New Zealand have developed their own renewable energy projects, a result of their self-determined decisions. However, negative cases outweigh the positive ones, notably in the extraction of transition minerals and renewable energy projects.

Indigenous Peoples suffer systemic and structural, ethnic, racial discrimination and several other forms of intersectional discrimination. Indigenous women suffer disproportionately the many forms of gender discrimination. Isolated peoples and people of recent contact find themselves at heightened vulnerability. We still observe a lack of political will from many States to ensure the protection and respect of our rights. Many Indigenous Peoples worldwide face enormous challenges as States do not recognize our existence and thus rights domestically, leading to a lack of legal protection and enforceability for companies to respect our rights, limiting our access to effective redress. An example is the Fosen wind farm on Saami lands, which continues operating despite a Supreme Court ruling in favor of the Saami. It is imperative to recognize and guarantee the collective and individual rights of Indigenous Peoples.

Furthermore, the way some industries and companies conduct their activities in or near Indigenous territories must be redefined. We have seen numerous examples of greenwashing, where industrial associations and companies adopt policies apparently respecting the Guiding Principles and the human rights of Indigenous Peoples but fail to comply, in practice, spanning industries such as mining and metals, oil and gas, agribusiness, and renewable energies. Our rights must be protected and respected in both domestic and extraterritorial business activities referring to the Universal Declaration on the Rights of Indigenous Peoples (UNDRIP) and the African Charter on Human and Peoples' Rights and

Indigenous Peoples, uncluding Article 26 of the UNDRIP, which addresses the right of Indigenous Peoples to own, develop, control and use lands, territories and resources that they traditionally own or have otherwise occupied or used; Article 10 of the African Charter on Human and Indigenous Peoples' Rights which also recognizes the right of indigenous peoples to their cultural identity, their practices and traditions, as well as the protection of their lands and natural resources and Article 21 of the UNDRIP, which addresses the right of peoples to the management and conservation of their natural resources;

Dear development partners, investors and others present here, your presence makes us proud and really shows that you have the thirst to see the development of indigenous peoples and change in their way of life. And besides, it is in discussions that constructive solutions emerge.

Come then build a better indigenous world aimed at self-determination and sustainable development that prohibits anyone from being left behind. I dare to confirm that your desire is truly the success of indigenous peoples in their well-being.

Thus, the role of investors and financial institutions is crucial. We are deeply concerned about certain financial institutions that use different tactics to conceal their investments in businesses, leading to several violations of our rights. Investing or financing activities that violate our rights, such as in hydroelectric dams or other projects that displace us from our territories, is reprehensible and condemnable.

We urge the international community to put an end to the growing violence against Indigenous Peoples and their defenders. Despite representing approximately 5% of the global population, we disproportionately face the effects of murders, criminalization, and violence. In cases like Mexico, over 40% of human rights defenders' murders are Indigenous. Indigenous leaders are selectively and systematically murdered for speaking out against extractive companies. Additionally, defenders, like Indigenous Peoples themselves, face violence, intimidation, persecution, strategic lawsuits against public participation (SLAPPs), and displacement.

There is an urgent call for companies to effectively and in good faith apply the Guiding Principles to ensure their activities do not impact Indigenous peoples' ways of life, including those in first contact and voluntary isolation.

Finally, in the context of international agreements, we call on the GRULAC states who have not done so, to ratify the Escazú Agreement and, on the States from other regions to develop and adopt similar binding instruments in different regions worldwide. Defenders must be protected, and our basic rights to access information affirmed.

We reaffirm our unwavering support to the ongoing negotiation of the binding instrument on transnational corporations, in the spirit of its original mandate established by UN HRC Resolution 26/9 and refuse any attempt to redefine the relevant scope.