

## **DECLARATION OF THE INDIGENOUS PEOPLES PARTICIPATING IN THE V REGIONAL FORUM ON BUSINESS AND HUMAN RIGHTS FOR LATIN AMERICA AND THE CARIBBEAN**

While the whole world faces a serious health emergency contingency provoked by the Covid-19 pandemic, we, the Indigenous Peoples, note with great concern the weaknesses of the public health and social protection systems that have been unveiled in several countries of the region. We are also alarmed about the evident fragility of the human rights' mechanisms -which should ensure the full exercise of human rights- specially in this context. Added to this situation are the health and environmental impacts caused by business projects that contribute to the vulnerability of the indigenous communities living in extractive contexts.

In this Covid-19 scenario, we, the indigenous peoples, have been able to organize ourselves in order to deal with the pandemic through our traditional knowledge and our forms of organization, exercising our right to self-determination. Our indigenous communities have resisted for centuries -and we continue to resist- the extermination policies, the systematic abuse of our rights, and the legalized dispossession of our territories. We are the ones who put our bodies and territories as guardians of the natural commons. In this defense of our rights, women have had a leading role.

For that reason, as a preventive measure during the current pandemic, we demand the immediate suspension of all activity that promotes the entry of outsiders into indigenous territories. In addition, we request a moratorium on all extractive activities within or near our indigenous lands in order to protect our peoples. Likewise, we urge the avoidance of investment projects -or any policy- without adopting effective Free, Prior and Informed Consent processes for they would threaten or affect our indigenous rights.

Today we declare that we exist and have rights that have been agreed by the international community and the States, and they must be respected. That is why we call for the ratification of ILO Convention 169 for States that have not yet done so. We also propose the creation of a monitoring mechanism for the Convention - with a special emphasis on the right to Free, Prior and Informed Consent. This mechanism would allow the identification of the States that do not comply with international human rights standards, as well as the businesses that interfere with the consultation processes.

It is also necessary to guarantee that the consultation instruments do not result in a mere formality or are implemented solely at the request of judicial decisions. Rather, they must ensure substantive rights to consent, including the right to say "no". Furthermore, they must endorse the full participation of women, as well as the use of the indigenous language in these practices. It is also necessary to recognize the self-consultation processes and consultation protocols of indigenous peoples.

On the other hand, we demand the full participation of indigenous peoples in identifying the impacts of business projects to determine their compatibility -or not- with our ways of life and development. The way in which these social and environmental studies are being implemented do not identify the cultural impacts on our ancestral territories. Likewise, it is essential to incorporate the differentiated impact towards women.

On the other hand, we reaffirm our concern for indigenous human rights defenders, who are persecuted, criminalized, and murdered for defending their territories and indigenous rights. We need concrete and joint actions - by states and businesses - to protect and respect human rights defenders. In this sense, we request the recognition and strengthening of individual and collective protection mechanisms.

To conclude, considering that we are approaching the 10<sup>th</sup> anniversary of the adoption of the United Nations Guiding Principles on Business and Human Rights, sustained in the protection, respect and remediation, we recognize that they constitute an opportunity to demand urgent and necessary reforms from the States. They also serve to demand its compliance by companies, provided that they are accompanied by binding and effective national or international mechanisms to ensure access to justice and the right to compensation for damage.

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