

**Asia-Pacific Indigenous Peoples Caucus**  
**Joint Statement**  
**6th United Nations Responsible Business and Human Rights Forum, Asia-Pacific**  
**25 - 27th September 2024**

We, the Indigenous Peoples participating in the *6th United Nations Responsible Business and Human Rights Forum, Asia-Pacific* in Bangkok, representing Indigenous Peoples organizations from the Asia-Pacific region, who routinely suffer from the impacts of the climate crisis and actions of States and businesses for climate actions and energy transition plans, stand united in our demands for justice and recognition of our rights. The Asia-Pacific is a region of high biological and cultural diversity, where we, Indigenous Peoples, play a vital role in protecting, conserving and managing our lands, territories, waters, and resources. However, we continue to face criminalization, threats, attacks, and killings for our work protecting lands, the environment, and the planet. Many such persecutions are connected to complex forms of global supply chains, including those in agriculture, fisheries, extractive industries, energy, so-called development, conservation, and tourism.

Therefore, it is essential for States, Businesses, Investors and UN Agencies to respect our core demands:

- 1) **Ensure Free, Prior, and Informed Consent (FPIC)** of Indigenous Peoples in all processes related to business operations and development activities in their lands and territories, including coastal and marine spaces.
- 2) **Recognize and respect Indigenous Peoples rights, values, knowledge, cosmovisions, and practices** and incorporate them into climate mitigation and adaptation strategies and actions.
- 3) **Ensure that climate actions, including energy transition initiatives, fully respect Indigenous Peoples rights**, including that of Indigenous women and youth, are inclusive and equitable, and benefit their communities. Ensure that such actions do not result in any form of human rights violations, loss of livelihoods, cultural heritage and biodiversity.

**We call upon**

**The States:**

- 1) Recognize Indigenous Peoples rights to self-determination, Indigenous knowledge, and traditional practices as enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) General Recommendation 39.
- 2) Fully implement and integrate international human rights and environmental instruments, particularly, the UNDRIP, the Paris Agreement, the Convention on Biological Diversity (CBD), the UN Convention on Climate Change (UNFCCC), and the Kunming-Montreal Global Biodiversity Framework (KMGBF) to operationalize the whole-of-society approach.
- 3) Recognize Indigenous Peoples justice systems as they play a vital role in providing access to justice and dispute resolution.

- 4) Provide direct and flexible financial and technical support to indigenous-led climate mitigation and adaptation initiatives and indigenous-led energy and development solutions.
- 5) Enact, reform, and enforce laws that hold accountable the perpetrators of human rights violations and environmental abuses related to energy transition and other climate actions.
- 6) Stop criminalization of Indigenous Peoples and enact dedicated laws to protect Indigenous Peoples environmental and human rights defenders, including women and youth rights defenders.
- 7) Create spaces for Indigenous Peoples in multilateral processes in decision-making roles related to the climate crisis and energy transition.
- 8) Provide just reparations for the historical and ongoing harms caused to Indigenous Peoples.

#### **The Businesses:**

- 1) Regardless of States recognition, respect the rights of Indigenous Peoples and obtain Free Prior and Informed Consent (FPIC) in all business operations in Indigenous Peoples lands and territories.
- 2) Develop policy safeguards on Indigenous Peoples and zero tolerance policies on reprisals against IPHRDs throughout their supply and value chains, with provisions to suspend operations when reprisals are reported.
- 3) Conduct environmental and social impact assessments with the genuine participation of Indigenous communities and take proactive measures to avoid and mitigate negative impacts on them.
- 4) Ensure mandatory human rights and environmental due diligence.
- 5) Establish strong mechanisms and allocate adequate resources for remedial measures for all business operations in Indigenous lands and territories.

#### **The Investors and Financial Institutions:**

- 1) Establish and implement effective social and environmental safeguards in line with Indigenous Peoples rights for any projects in Indigenous lands, territories, waters and resources.
- 2) Suspend/withdraw investments when there are complaints of harmful impacts on Indigenous Peoples and their lands, territories, waters and resources or reprisals against defenders.
- 3) Ensure that a human rights-based approach guides investment and mobilization of any finances into Indigenous lands, territories and waters, fully complying with the UNDRIP, assuring Indigenous Peoples ownership, leadership, self-determination, and self-governance.
- 4) Provide direct, accessible and flexible financing for indigenous-led climate mitigation and adaptation initiatives and indigenous-led energy and development solutions.

#### **The UN Agencies:**

- 1) Ensure concerted efforts through the formulation of a system-wide action plan (SWAP), in consultation with Indigenous Peoples and the establishment of an Inter-Agency Support

Group (IASG) on Indigenous Peoples at the Asia-Pacific regional level to ensure that regional and country programming are responsive to the needs and priorities of Indigenous Peoples.

- 2) Strengthen synergies and coordination to support the work of the relevant mechanisms and procedures on Indigenous Peoples, UN Working Group on Business and Human Rights and other Special Procedures with the treaty monitoring bodies to effectively address human rights concerns of Indigenous Peoples and assist states in monitoring and evaluating state and corporate obligations for Indigenous Peoples rights.
- 3) Create spaces for Indigenous Peoples in multilateral processes in decision-making roles related to the climate crisis and energy transition.
- 4) Particular to the conduct of the Responsible Forum on Business and Human Rights, we call for a stronger coordination and collaboration between the co-organizing UN agencies and bodies to ensure that the forum is a collective effort of all and not just of one. We also recommend for rightsholders to be consulted in defining thematic priorities for the Forum based on emerging issues and concerns on business and human rights in the region. Further to this, we call for the meaningful participation of Indigenous Peoples through the conduct of more spaces for constructive dialogue between Indigenous Peoples and states and businesses as well as spaces for Indigenous Peoples to highlight key business and human rights concerns and recommendations. We strongly recommend strengthening procedures for the safety and security of human rights defenders attending the forum through regular reminders on the zero tolerance for reprisals and mechanisms for reporting of cases of reprisals.
- 5) Recognize the reputational risks and the crisis of mistrust among Indigenous Peoples and broader civil society, caused by real or perceived corporate capture and take proactive steps to address this.

In conclusion, we cannot have a meaningful and effective implementation of the UNGPs without genuine recognition of Indigenous Peoples and respect for their human rights.

In solidarity.