



## ***Building bridges for Indigenous Peoples' access to remedies to address human rights impacts of multinational industries in the Americas***

*Parallel session*

*27 November*

*09:30-11:00*

*Organized by: Indigenous World Association and International Indian Treaty Council; Incomindios: The International Committee for the Indigenous Peoples of the Americas; Center for Civil and Human Rights, University of Notre Dame, USA; Forest Peoples Programme; ICCA Consortium; Cultural Survival; First Peoples Worldwide (NGO); Center for Education on Social Responsibility, Leeds School of Business and the University of Colorado American Indian Law.*

**Brief description:** This joint session will explore diverse perspectives on safeguards for Indigenous Peoples in the Americas, with particular emphasis on key threats, challenges, effectiveness, good practices and innovations in securing justice.

**Background:** Using the framework of the three pillars of the UN Guiding Principles (UNGPs), this joint session aims to provide an opportunity for Indigenous peoples to discuss the gap between profit-orientated and risk-based businesses and state institutions, and Indigenous peoples' cultural and spiritual needs and human rights, including the rights to self-determination and self-governance, land, and cultural survival.

Indigenous Peoples suffer many social-environmental and human rights harms as a result of multinational extractive industries. The invasive and destructive nature of these industries has serious and multifaceted human rights impacts on communities and the territories upon which they depend. Businesses and states tend to disregard the rights of Indigenous Peoples as traditional owners of land and resources and enable or fail to effectively address human rights violations.

As a consequence, conflicts, resistance and mistrust have inhibited meaningful engagement between companies, states and Indigenous peoples. However, compliance with the three pillars of the UNGPs,

including access to remedy, depends in part on core safeguards that must be ensured by states and businesses. Among these core safeguards are the right to provide or withhold free, prior and informed consent, access to unbiased information, participatory decision-making procedures and access to judicial and non-judicial remedies. Within 'access to remedy' is the existence of fair grievance mechanisms, fair compensation, repatriation and equitable benefit-sharing. Independent third parties should be involved to strengthen these mechanisms with the implementation of participatory monitoring and evaluation systems for planning activities and social-environmental impacts. This joint session will explore diverse perspectives on safeguards for Indigenous peoples in the Americas, with particular emphasis on key threats, challenges, effectiveness, good practices and innovations in securing justice.

#### **Session objectives:**

- Identify current critical obstacles and threats that Indigenous Peoples face from business-related social-environmental and human rights impacts on their territories and ways of life in the Americas.
- Provide insight on effective, practice-based and Indigenous-led non-judicial and judicial remedies for the implementation of the third pillar of the UN Guiding Principles on Business and Human Rights.
- Discuss key changes needed to make mechanisms for remedy and redress (including forms of repatriation) more participatory, accountable and accessible to indigenous peoples, based on experiences from different regions in the Americas.

#### **Key discussion questions:**

- What are the critical threats faced by Indigenous peoples in the context of business-related social-environmental and human rights impacts on their territories and ways of life, and what challenges do they face when seeking non-judicial and judicial remedies?
- How are Indigenous Peoples responding to these threats and challenges, and what are good practices and key lessons learned?
- What are the core safeguards for effective remedies, and what changes are needed to make mechanisms for remedy and redress more participatory, accountable and accessible to Indigenous peoples?
- What are the alternative approaches?

#### **Speakers:<sup>1</sup>**

- **ICCA Consortium**
  - ***Dr. Claudia Ituarte-Lima***, Research Project Leader, International Environmental Law, Stockholm Resilience Centre/SwedBio (**Moderator**)
  - ***Sergio Campusano***, President, Comunidad Agrícola de los Diaguitas Huasco Altinos (Chile)
  - ***Carmen E. Miranda L.***, Executive President, SAVIA (Bolivia)
- **Incomindios: The International Committee for the Indigenous Peoples of the Americas**

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<sup>1</sup> Further information on speakers provided in Annex

- **Carlos Gualtero**, Pueblo Indígena Pijao, Tolima – Colombia. Coordinador de Derechos Humanos. CRIT-ONIC Organización Nacional Indígena de Colombia ONIC (National Indigenous Organisation of Colombia (ONIC)).
- **Cultural Survival/ University of Colorado Law School's American Indian Law Program/ Center for Education on Social Responsibility at the University of Colorado.**
  - **Carla F. Fredericks**, Associate Clinical Professor; Director of the American Indian Law Clinic; Director of the American Indian Law Program. University of Colorado Law School.
- **Forest Peoples Programme**
  - **Robert Guimaraes**, President, Regional Indigenous Peoples Federation of Ucayali (FECONAU).
- **Indigenous World Association and International Indian Treaty Council**
  - **June L Lorenzo**, Attorney and Consultant. Indigenous World Association and International Indian Treaty Council

**Format:** Introduction of the speakers from the six organizations and key common questions by the moderator (5 min); followed by a series of individual case speakers addressing some or all of the 4 common key questions (42-45 min); specific questions and solutions related to the individual cases (20 min); open floor discussion (20 min).

## **ANNEX. SPEAKERS SHORT BIOS.**

### **Claudia Ituarte-Lima**

***Research Project Leader, International Environmental Law, Stockholm Resilience Centre/SwedBio***

Claudia Ituarte-Lima is researcher on international environmental law at Stockholm Resilience Centre, and an advisor at SwedBio. Her research examines major legal and governance challenges for sustainability transformations and environmental justice. With a transdisciplinary approach and collaborating with various actors, her work assesses the way in which multilevel legal systems and principles support or inhibit transformations for sustainability with a focus on the new development agenda.

### **Sergio Campusano**

***President, Comunidad Agrícola de los Diaguitas Huasco Altinos (Chile)***

Sergio Campusano Villches is an indigenous leader and President for the Agricultural Community of Los Diaguitas Huasco Altinos in Chile, a position he has held for the past 13 years. The community is made up of around 250 indigenous families of farmers and herders of sheep and goats of the Huasco Valley, and is the only indigenous community in Chile that has a title of ownership recognized by the Chilean State on ancestral lands of this magnitude.

### **Carmen E. Miranda L.**

***Executive President, SAVIA (Bolivia)***

Bolivian biologist, ecologist. She works multidisciplinary on issues related to biodiversity conservation, protected areas, environmental governance. She is the regional coordinator of the ICCA Consortium for the Amazon countries.

### **Carlos Gualtero.**

***Director, "Pueblo Indígena Pijao", in Tolima, Colombia.***

Director of the "Pueblo Indígena Pijao", in Tolima, Colombia, in charge of the procedure of the prior consultation, related to the mining project: Hidroeléctrica Cucuana - EPSA, Oleoducto al Pacífico OAP, Explotación de la Colosa-Minería, Ortega. Human Rights Defendor and responsible for land restitution processes. Actually, el Pueblo Pijao is en danger culturally and physically, as well as 33 other indigenous Pueblos. He is receiving death threats on regular basis for his socio-political work.

**Carla F. Fredericks.**

***Associate Clinical Professor; Director of the American Indian Law Clinic; Director of the American Indian Law Program. University of Colorado Law School.***

Carla F. Fredericks is Director of the American Indian Law Program at the University of Colorado Law School, which serves as an umbrella for Colorado Law's academic, practice-focused and community outreach activities in American Indian Law and for indigenous peoples worldwide. Through the American Indian Law Clinic Ms. Fredericks has represented the United Nations Special Rapporteur on the Rights of Indigenous Peoples since the beginning of the Special Rapporteur's service in 2014. Ms. Fredericks has more than 15 years experience in the legal field, including securities and appellate litigation.

**Robert Guimaraes**

***President, Regional Indigenous Peoples Federation of Ucayali (FECONAU)***

Mr Robert Guimaraes is a Shipibo leader from the Peruvian Amazon region. He is currently President of the Regional Indigenous Peoples Federation of Ucayali (FECONAU) and has direct experience of lodging the first community complaint to the RSPO in 2015 as well as using other local complaints mechanisms with forest and environmental authorities and the local courts. He is a lead indigenous rights advocate and is an active campaigner for reform of the agribusiness and oil palm sector in Peru and has provided evidence for the need for greater respect for human rights in the Peruvian Congress and in international spaces, including the European Parliament.

**Carlos Gualtero.**

***Pueblo Indígena Pijao, Tolima – Colombia. Coordinador de Derechos Humanos. CRIT-ONIC Organización Nacional Indígena de Colombia ONIC (National Indigenous Organisation of Colombia (ONIC)).***

Carlos Gualtero, director of the "Pueblo Indígena Pijao", in Tolima, Colombia, in charge of the procedure of the prior consultation, related to the mining project: Hidroeléctrica Cucuana - EPSA, Oleoducto al Pacífico OAP, Explotación de la Colosa-Minería, Ortega. Human Rights Defender and responsible for land restitution processes.

**June L Lorenzo.**

***Attorney and Consultant. Indigenous World Association and International Indian Treaty Council.***

June L. Lorenzo, Laguna Pueblo/Navajo (Dine), J.D. and PhD, works with community organizations and Indigenous NGOs to address uranium mining legacy issues and resistance to new mining, sacred landscape protection, and recently on issues of repatriation of cultural patrimony. She advocates in tribal and domestic courts, as well as before legislative and international human rights bodies.