

9th UN Forum on Business and Human Rights
“Preventing business-related human rights abuses: The key to a sustainable future for people and planet”

From the 16th to 18th of November, 2020

Asia Indigenous Peoples Pact’s Statement

The Asia Indigenous Peoples Pact (AIPP) wishes to express its sincere gratitude to the UN Working Group on Business and Human Rights, and the Annual Forum on Business and Human Rights to organize the forum virtually due to the ongoing worldwide challenge posed by the COVID-19 pandemic.

The situation of the indigenous peoples of the country is becoming more and more critical due to the food crisis and unemployment caused by the ongoing COVID-19 pandemic and above all the fear of being infected with the deadly virus. The Indigenous Peoples of Asia are high up in the list of targets and victims of human rights violations. Killings, enforced disappearances, criminalization of human rights defenders, arbitrary arrest and detention, intimidation, persecution and violence against Indigenous Peoples, Indigenous women are increasing, even during this pandemic period.

Indigenous Peoples occupy lands rich in natural resources (waters, forests and minerals) that are valuable for business operations. However, their rights, including to their lands, territories and resources and Free, Prior and Informed Consent (FPIC), are very often not recognized and/or effectively implemented in business contexts. Laws, plans and activities related to business and development (narrowly understood as economic growth) are mostly designed and implemented without meaningful participation of Indigenous Peoples, particularly indigenous women, even when those laws and projects directly affect them. Those result in profound negative human rights impacts, including forced evictions/resettlements and loss of lands, resources and livelihoods of Indigenous Peoples.

In a world where “business as usual” is the cause and driver of the multiple biodiversity, climate, COVID-19 and human rights crises we are experiencing, AIPP has not observed clear attempts to “building back better” in Asia. States who hold the “duty to protect human rights abuses” and businesses with the “responsibility to respect human rights” have opportunistically used COVID-19 to sidestep environmental and human rights responsibilities in favor of economic growth. For example, in **Indonesia**, the recently passed OMNIBUS law will have drastic implications on environmental protections and the human rights of Indigenous Peoples and local communities across the county.

In **India**, the Ministry of Environment, Forest and Climate Change (MoEFCC) is rolling back environmental protections through multiple means. In March 2020 a [draft EIA notification 2020](#) was released which [exempts certain categories of industry from needing EIAs](#). The implications of this will have ramifications for both human rights and the environment.

The flagship “Build Build Build” program (BBB), under **the Philippines** Development Plan (PDP) 2017-2022, is the main beneficiary of the budget. Over 100 projects within the BBB, target the ancestral territories of Indigenous Peoples and local communities. More than 110,000 Indigenous Peoples from at least 106

villages could be affected by five proposed dam projects, with a further 230 approved mining applications encroaching on at least 542,245 hectares of ancestral lands.

In **Bangladesh**, a joint venture between the Army and Sikder Group (of R&R Holdings Limited) risks displacing around 200 families of Jumma people of the Mro and Marma communities from their ancestral homes in the Chittagong Hill Tract (CHT) to set up a tourist complex. Isuwa Hydropower (97.2 MW) Project is in operation on the traditional homelands of Yamphu Indigenous Peoples in **Nepal**, has not gone through the FPIC process.

Recommendations:

In the light of the above situation, the Asia Indigenous Peoples Pact (AIPP) would like to draw the attention of the UN Working Group on Business and Human Rights, and the Annual Forum on Business and Human Rights to urge the Governments in Asia for urgent action on the following:

1. to adopt measures to ensure all persons conducting business activities undertake human rights due diligence, including meaningful consultations with Indigenous Peoples among other groups whose human rights can be potentially affected, whereby consultations with Indigenous Peoples will be undertaken in accordance with internationally agreed FPIC standards, as applicable;
2. to stop mining operations, setting up tourism complex, diverting forestlands for large-scale development projects, rolling back of IPs rights and environmental safeguards, and eviction drives of communities from protected areas, etc. without the FPIC of Indigenous Peoples in their territories;
3. to implement Key International Standards on Indigenous Peoples' Rights in Business Contexts including proper implementation of the United Nations on the Rights of Indigenous Peoples (UNDRIP);
4. to ratify the ILO Convention 169, and other international human rights treaties and that States demonstrate political support and commitment to promote the effective implementation of the Guiding Principles on Business and Human Rights following of FPIC process in Indigenous lands, resources and territories;
5. to take urgent action and redress in the countries where detrimental laws and regulations have been passed during the COVID-19 pandemic period. Repeal or amend all laws that disregard Indigenous Peoples' rights to land, territories and resources;
6. to stop using COVID-19 to further shrink civic and democratic spaces, to use as cover to deploy military operations for the criminalization and persecution of human rights defenders and the illegal appropriation of Indigenous Peoples lands and territories;
7. to stop militarization, criminalization and all kinds of violence against Indigenous Peoples and human rights defenders, and Justice for all victims of human rights violations;
8. to take urgent and immediate action to strengthen livelihoods through the formalization of rights-based strategies for non-timber forest product use, community forestry initiatives, and biodiversity protection. Financial and logistical support should be provided directly to communities, to help promote sustainable livelihoods, management practices, Indigenous-led biodiversity protection programs, and traditional seed banking to ensure beneficial socio-economic transformative change during and in preparation of a post-COVID world.