

### **Subject 3: General Obligations**

#### **Statement of Tebtebba – Indigenous Peoples' International Center for Policy Research and Education (IPICPRE)**

Thank you, Mr. Chair for this opportunity to speak on behalf of my organization, Tebtebba, which is an indigenous peoples' organization based in the Philippines, but working at the local, national, regional, and global levels for the promotion of indigenous peoples' rights. I speak on behalf of Tebtebba and our national and global partners.

I would like to recall the opening remarks of the Special Rapporteur on the Rights of Indigenous Peoples at the first meeting of this working group, where she said that “Indigenous peoples have been at the forefront of discussions regarding the human rights abuses committed by corporations since the 1970s. For decades, indigenous peoples have been victims of corporate activities in or near their traditional territories, which have depleted and polluted their traditional territories without their consent, putting many peoples at the verge of cultural or physical extinction. Today, little has changed in relation to this situation.”

This year, we celebrate the 10<sup>th</sup> year of the adoption by the UN General Assembly of the UN Declaration on the Rights of Indigenous Peoples. In the Philippines, it is also the 20<sup>th</sup> year of the enactment of our Indigenous Peoples' Rights Act. On this occasion, indigenous peoples renew their demand for a binding treaty that would impose direct human rights obligations on TNCs and OBEs. In this regard, we support the elements paper as a good starting point for negotiations on a binding treaty.

The Special Rapporteur on the Rights of Indigenous Peoples has previously observed that while it is States that have the primary responsibility to protect against human rights violations, we should not lose sight of the fact that “in the Americas, in Asia and in other parts of the world more often than ever, States are silent witnesses or victims of corporate abuse, but they are all also, either by action or by omission, responsible to a certain extent in these abuses. The line that separates corporate interest from State policy is sometimes blurred.”

In my organization's work, whenever we facilitate dialogues between indigenous peoples and TNCs that have violated their rights, most notably land rights, the right to self-determination of the requirement for free, prior and informed consent, it is common for TNCs to claim that they have obtained all relevant permits and, therefore it is the State that has liability. A binding treaty that places direct human rights obligations would prevent TNCs and OBEs from hiding behind government permits.

Finally, we recommend that the UN Declaration on the Rights of Indigenous Peoples be specifically reaffirmed as a relevant instrument and as a guide in the interpretation of rights and obligations under the binding treaty. The land rights and the right to self-determination of indigenous peoples, as well as the requirement for FPIC before any business operations can operate in

i  
ndigenous peoples' territories be explicitly included in the elements paper and in the binding treaty.

T  
h  
a  
n  
i