



2016 Asia Regional Forum on
Business and Human Rights
Doha - 19-20 April 2016



A spotlight on Indigenous Peoples in Asia in the context of business activities

Parallel session - Wednesday 20 April 2016, 11:45-13:15

Asia is home to two-thirds of the estimated 370 million indigenous peoples worldwide. While they represent distinct and diverse cultures, they commonly face marginalization and economic, cultural, social and political discrimination across the region as well as disproportionate adverse impacts from business-related activities. Indigenous lands and territories are rich in natural resources, and exploitation of land, forests, water and minerals across Asia have had profound impact on the rights of indigenous peoples. Impacts include the failure to guarantee indigenous peoples the right to free, prior and informed consent (FPIC), harassment and repression of human rights defenders, and impacts on livelihoods as well as spiritual, cultural and social identity. Since the adoption of the UN Guiding Principles on Business and Human Rights in 2011, momentum has gradually gathered among various governmental, UN and civil society processes to ensure respect of human rights in business contexts. However, Governments, including in Asia, have lagged behind in formulating action plans to implement the Guiding Principles, and when it comes to implementation on the ground, significant challenges remain. These include a need for greater existence and awareness of relevant national and international legal frameworks, the lack of effective monitoring and grievance mechanisms and outright indifference to protect and respect human rights. For indigenous peoples, the challenges are multiplied due to many factors related to vulnerability, continued exclusion and lack of state recognition in some Asian countries. Nonetheless, there are instances of constructive engagement between indigenous peoples, State institutions and businesses to ensure better protection and respect of their human rights as well as providing remedy for human rights harms.

This session will hear from representatives of indigenous peoples concerning their experience of realization of their rights (or lack thereof) in various contexts, as well as perspectives from business and from a national human rights institution. Discussion, in which audience experience will be welcome, is intended to draw out the challenges faced by various actors, how these are similar or differ between Asian countries, including the relevant national legal frameworks in place, and how indigenous peoples self-identify in different countries. It will explore the opportunities for greater recognition of the collective rights of Asia's indigenous peoples in future. Key questions for the discussion include:

1. What is a helpful Government framework for supporting FPIC (and indigenous peoples' rights)?
2. How do indigenous peoples determine what constitutes consent?
3. What do businesses do when faced with indigenous peoples' demands that they obtain FPIC and Government demands which do not support that?
4. Is there more to the relationship between indigenous peoples and business than FPIC?

Multi-stakeholder panel followed by discussion with the audience

Vicky Bowman, Myanmar Centre for Responsible Business (moderator)

Mary Louise Dumas, Mindanao Interfaith Institute on Lumad Studies (Philippines)

Chhakchuak Lalremruata, Zo Indigenous Forum (India)

Robin Moaina, Repsol (PNG)