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Addressee: UN Human Rights Council

Paragraph #22 Session #21 (2022)

Full Text

The Permanent Forum recalls that, to ensure effective implementation, the Guiding Principles on Business and Human Rights must be aligned with the United Nations Declaration on the Rights of Indigenous Peoples, the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of ILO, the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, known as the Escazú Agreement, and the jurisprudence of the human rights treaty bodies. Furthermore, the Permanent Forum recognizes the work of the Human Rights Council to develop an international legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises. In that respect, the Permanent Forum stresses the need to ensure that the new instrument affirms indigenous peoples' rights, including with regard to free, prior and informed consent. The Permanent Forum recommends that this instrument explicitly define due diligence processes and their specific methods of implementation. Therefore, the Permanent Forum underlines the importance of full and effective participation by indigenous peoples throughout the development of the instrument.

Area of Work

Human rights, Free, Prior and Informed Consent (FPIC)