



**FINANCE**  
INITIATIVE

**REGIONAL**  
ROUNDTABLE

**A RIGHTS-BASED, INCLUSIVE  
SUSTAINABLE FINANCE APPROACH:  
INDIGENOUS PEOPLES' RIGHTS**

UNEP FI Roundtable for North America  
New York  
20 September 2017



# HUMAN RIGHTS IN UNEP FI PARTNERSHIP

## Financial Institutions

\* **Responsibility to respect**  
**human rights**

*The UN Guiding Principles  
on Business and Human  
Rights*

\* **Ability to promote**  
**human rights and positive social  
impact**

## UN / UN Environment

\* **Human rights &  
equity: a pillar in  
pursuing the SDGs**

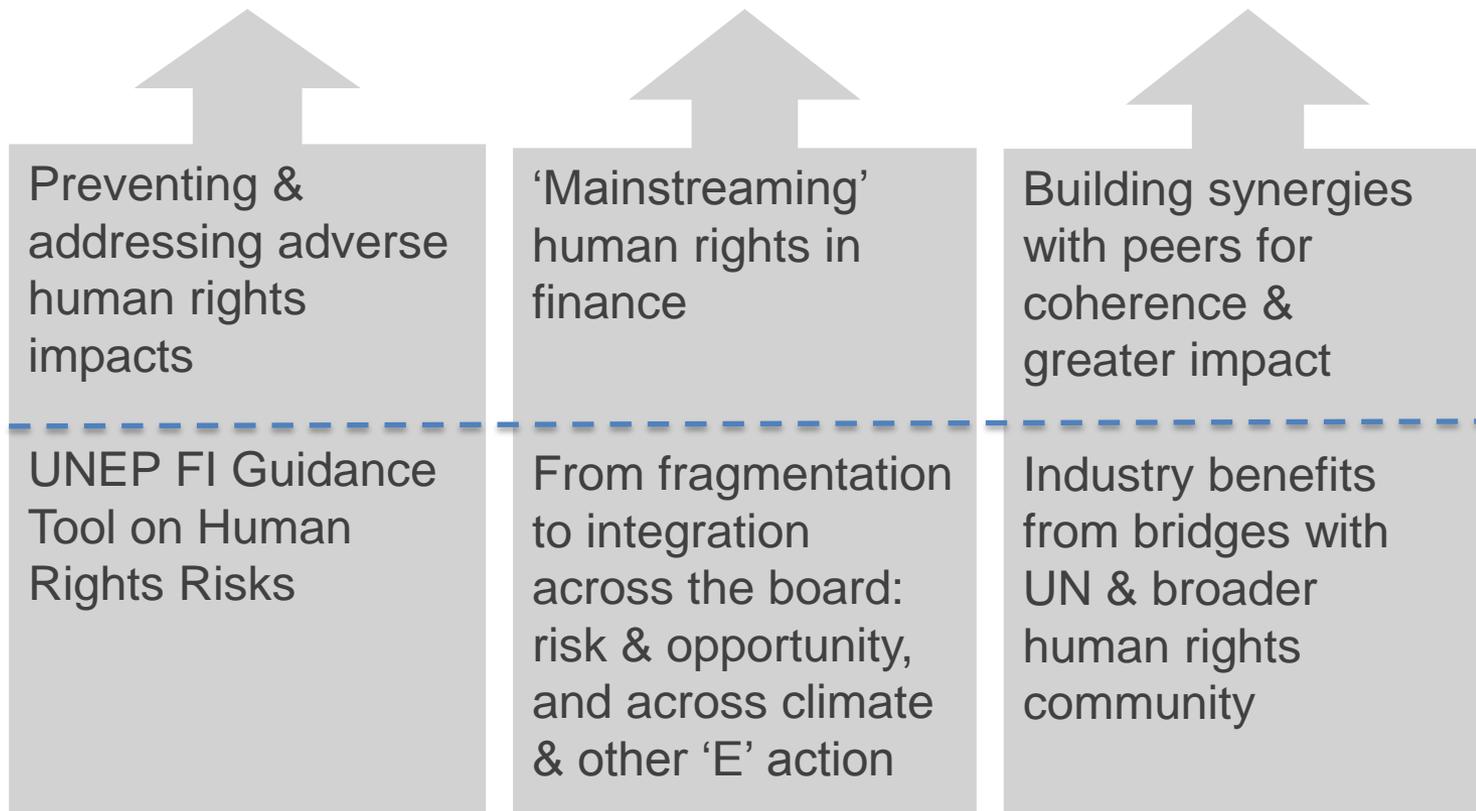
\* **The ‘inclusive’  
green economy**

*Enabling a ‘fair’, equal  
opportunity economy*



### 3 STRATEGIC PRIORITIES 2017-2019

Advancing *rights-based, inclusive* sustainable finance



Members embed human rights and address wider social issues from 'preventing harm' & 'doing good' perspectives, in an integrated way.

[Check UNEP FI Strategy on Social Issues \(full & summary\)](#)



# HUMAN RIGHTS IN THE 2030 AGENDA

- **SDGs (2015): a vision for businesses committed to sustainability**
  - Shift from the 'old-school' development model in the MDGs
  - MDGs often disregarded Indigenous Peoples' (IPs) rights – a unique set of rights, individual and collective
- **The SDGs conciliate human rights, environment and economic needs**
  - Human rights are cutting across all 17 SDGs
  - Universal, indivisible, inclusive
  - Principle of 'leaving no one behind'!
- **The UN Guiding Principles inform the business approach to SDGs: disconnecting the two undermines corporate sustainability action!**



# INDIGENOUS PEOPLES RIGHTS: WHY DISCUSS TODAY?

25th anniversary of UNEP Finance Initiative

10th anniversary of the UN Declaration on Indigenous Peoples' Rights

6th year of the UN Guiding Principles implementation

- Progress with IPs standard-setting & mechanisms
- Recognition of IPs as a key stakeholder in the sustainability agenda

but also...

- Respect for IPs rights continue to be a great concern in business
- 2016 - deadliest year for human rights defenders; IPs particularly vulnerable as shown by the tragic Berta Cáceres case
- Controversial cases around IPs raised by advocacy groups, media, UN expert groups – not specific to one region!
- Unique contexts, common feature: FPIC on land and resource use

UNEP FI members confronted with the issue!



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# IPs RIGHTS – MULTIPLE GOVERNING & GUIDANCE FRAMEWORKS

## Finance / business – specific

### UN Guiding Principles on Business & Human Rights

- Equator Principles
- IFC Performance Standards
- UN Global Compact
- Green Climate Fund...

## Global standards & processes

- UNDIPR
- ILO Convention 169
- UN dedicated mechanisms for IPs
- Convention on Biodiversity
- UNEP IPs work...

- IPs rights grounded in distinct identity and tie to ancestral lands
- Self-determination; rights to lands, territories & resources
- Economic, social & cultural rights; equality & non-discrimination
- IPs right to decide in matters that concern them - FPIC in business





# Indigenous Rights

*Policy, practice and developments*



New York, 20<sup>th</sup> of September 2017



Rabobank has a global presence and is active in areas where indigenous rights and land rights are at stake



40+ countries

1,300+ offices

50,000+ employees





**Natural resources and development**  
The defenders

## Brazil investigates alleged slaughter of Amazonian tribespeople by gold miners

Eight to 10 members of a remote indigenous group were allegedly killed by men working for illegal prospectors in Javari Valley

Global development is supported by  
**BILL & MELINDA GATES foundation**

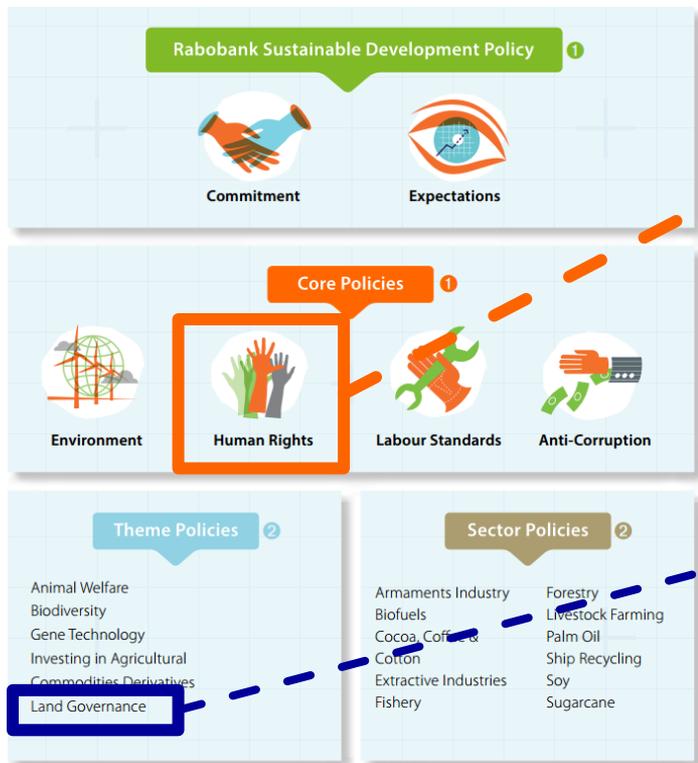
About this content  
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< 14k  
**Dom Phillips** in Rio de Janeiro  
@domphillips

Tuesday 12 September 2017 05.41 EDT



# Our sustainability framework consists of core polices and sector/ topic specific policies



## Human Rights

All clients are expected to respect and promote human rights as described in the *United Nations Declaration of Human Rights* in their business decisions, and are expected to use their influence with their suppliers to do the same. For unavoidable adverse impacts, they are expected to provide for and cooperate in remediation through legitimate processes.



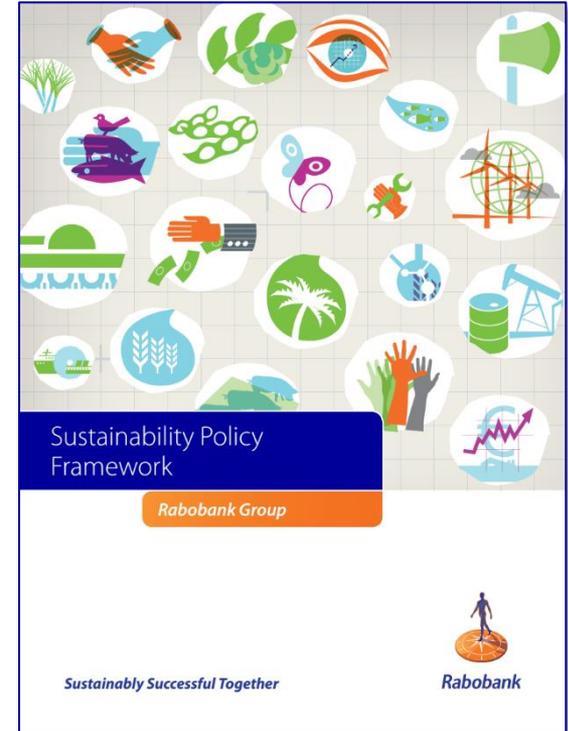
## Land Governance

Clients are expected to promote good land governance, and implement appropriate governance structures, policies and management systems. They are expected to respect legitimate land tenure rights, and apply inclusive business models and alternative forms of investment that may be more beneficial to existing land users and communities, and that do not require transfer of land tenure. They are expected to engage with stakeholders and maintain open, transparent, effective and accessible mechanisms to record and resolve grievances and disputes.

# Safeguarding the rights of indigenous peoples is primarily embedded in Rabobank's Human Rights policy



- We expect all of our clients to respect and uphold all human rights as described in the UN Declaration of Human Rights, and related international legislation and Regulations
- This includes :
  - Int. Covenant on Civil and Political Rights,
  - Int. Covenant on Economic, Social and Cultural Rights,
  - Convention on Elimination of All Forms of Discrimination Against Women,
  - Convention on the Rights of the Child
  - **UN Declaration on the Rights of Indigenous Peoples**





# Indigenous rights are also embedded by way of our Land Governance Policy



We specifically commit to:

- Recognize legitimate land tenure and the rights of local communities and individuals.
- Promote sound and fair land governance practices, including the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security (VGGT)*. <...>
- **Encourage clients to respect rights of indigenous peoples**, vulnerable groups and local communities and ensure that their concerns are properly addressed

# When it comes to land governance Rabobank expects its clients to incorporate best practices



- **Respect rights of indigenous peoples**, vulnerable groups and local communities and ensure that their concerns are properly addressed.
- Deal with land governance, respecting land tenure and land rights and the right to **free, prior and informed consent of all stakeholders**.
- Not cause or contribute to conflicts related to land ownership and/or the use or access thereof.
- Consider avoiding large scale transfer of tenure rights and look for alternatives that limit harm to local communities.
- Engage with stakeholders to mitigate the risks and remedy potential and actual adverse impact of changes in land governance and land use.
- Monitor and enforce agreements with communities and others.
- Consider bringing business processes into alignment with the **VGGT** and relevant round tables.
- Provide grievance mechanisms that have proportionality, cultural appropriateness, accessibility, transparency and accountability to all stakeholders.

# Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the context of national food security (VGGT)



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The screenshot shows the FAO website interface. At the top, there are language selection options: english, français, español, العربية, русский, 中文. The main header reads "About the Voluntary Guidelines on Tenure" with a background image of a lake and mountains. Below this, a sub-header says "About the Voluntary Guidelines on the Responsible Governance of Tenure". A central video player shows a man speaking, with the title "Voluntary Guidelines on the ...". To the right, there is a "Subscribe to the Governance of Tenure newsletter" button and a "Video" section with a thumbnail for "GOOD GROWTH HAPPENS". At the bottom, there are three columns of links for "Voluntary Guidelines on the Responsible Governance of Tenure" in various languages: English, français, русский, español, العربية, 中文, 繁體中文, English, français, русский, العربية, 中文, 繁體中文, English, français, русский, العربية, 中文, 繁體中文.

The cover features a blue-toned aerial photograph of a large-scale agricultural or mining operation. The text on the cover includes: "German Institute for Human Rights", "Analysis", "Safeguarding Human Rights in Land Related Investments", "Comparison of the Voluntary Guidelines Land with the IFC Performance Standards and the World Bank Environmental and Social Safeguard Framework", and "Michael Windfuhr".

# Free, prior and informed consent is a cornerstone for land governance and thus for indigenous rights



# One way to ensure indigenous rights is by way of external certification and sector organizations



Topic	Remarks	RSPO	RTRS	EP
<b>Information flows</b>	Commitment to transparency, to all stakeholders, include land titles/user rights and Human Rights Policy. Communication in local language and culturally appropriate.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Disputes</b>	Fair compensation to previous owners and occupants, accepted with FPIC.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Consultation</b>	Stakeholders have key role in identifying environmental impacts, consultation mechanisms in local language and culturally appropriate.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Consideration</b>	Affected parties considered in social impact assessments every two years, including adequate consideration of impacts on customary or traditional rights of local communities and indigenous people.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Right to say 'no'</b>	Affected communities understand they have the right to say 'no' to operations planned on their lands. Agreements with indigenous people, local communities and others made without coercion or other undue influence.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

**Land rights**  
The defenders

## Six farmers shot dead over land rights battle in Peru

The victims were targeted by a criminal gang who wanted to use their lands to grow lucrative palm oil, according to local indigenous leaders

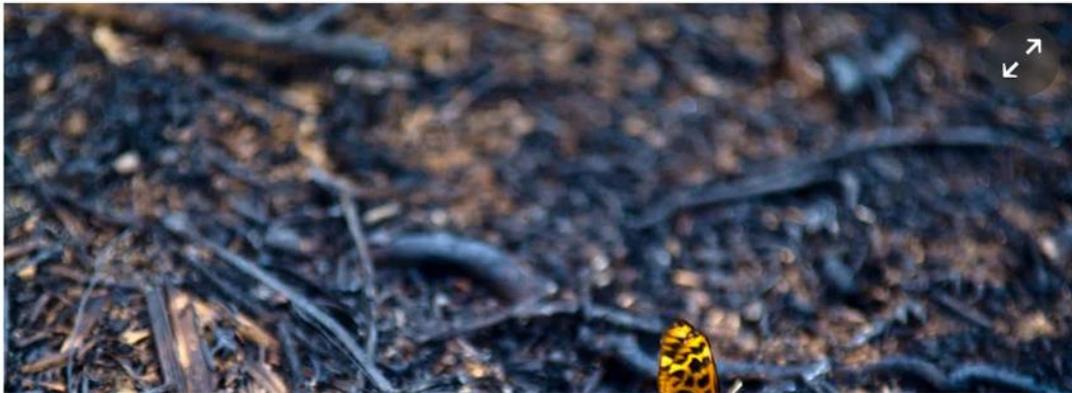


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Dan Collyns in Lima

@yachay\_dc

Wednesday 6 September 2017 13.04 EDT



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ANY PET  
ANY STAIN  
ANY TIME

ROLL OVER TO LEARN MORE

# Land governance and Indigenous Rights are very much part of the Dutch Banking Agreement



- Human Rights orientated
- Various working groups work on these issues, including:
  - Value Chain
  - Leverage
  - Land Governance



Thank you for your attention

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# WHERE DO WE STAND WITH THE TOPIC AT UNEP FI

- UNEP FI Online Tool for Human Rights: one of the ten focus topics
- UNEP FI ESRA training: case studies on IPs rights in LAC region
- ‘Banks and Human Rights – a Legal Analysis’: IPs references
- ‘Investing in Stability - study on conflict risk’: IPs references
- Ecosystems work stream indirect target (deforestation & land use)

Not addressed as a dedicated topic, however, increasing demand:  
UNEP FI contacted by members and non-members on IPs rights!

- ✓ NA survey (2016): FPIC identified as a potential area of focus
- ✓ LAC Roundtable (Sept 2017): IPs & FPIC - key issue in the region



# EMERGING TOPIC TO ADDRESS?

In the context of the 3 priorities of UNEP human rights strategy:

- Guiding members on human rights due diligence:
  - IPs – burning topic on the finance and human rights agenda
- Guiding members on integrated approaches to E&S issues from a human rights perspective:
  - IPs – unique role in the climate agenda, as per Paris Accord
- Building synergies and smart partnerships:
  - Potential to advance the IPs in finance agenda as a convener – linking industry needs, pressures and capabilities with UN and wider community working on IPs rights



# OPTIONS TO ADDRESS THE TOPIC

- Consolidate UNEP FI Online Human Rights Guidance Tool
  - Case studies; upgrade existing topic; standalone section
- Explore & engage with key initiatives working on the issue
  - UNEP, UN WG on Business & Human Rights, UN IPs Special Mechanisms, DFIs / IFC/ EPs? Other (region-specific?)
- Explore opportunities to ally with existing IPs tools ? Develop new?
  - Financial resources to support the activity could be required
- Build a platform for honest dialogue on challenges and solutions
  - Webinars (IADB/AFD – Nov.), online database of good practice, in-person dedicated meetings
- Choose focus: FPIC ? Inclusion? Community engagement?
  - Most raised topic: effective and legitimate FPIC process



**THANK YOU!**

**REACH OUT:**

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