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# The Geneva Declaration

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We, representatives of indigenous peoples, rural and Afro-descendent organisations and communities, defenders of human rights and the global environment, have gathered in Geneva with the support of our allies and partner organisations to exchange views, share experiences and put forward proposals for actions targeting the causes of the violence we and our communities suffer.

We have travelled to Geneva to make our voices heard by States and companies at the UN Forum on Business and Human Rights so that effective commitments and actions are agreed and implemented to bring to a halt what is, in practice, a war against us and our brothers and sisters defending their lands and the environment all over the world.

2018 marked the 20th anniversary of the UN Declaration on human rights defenders and since then efforts and initiatives to protect defenders, by governments, international organisations, institutions and the private sector have multiplied. Nevertheless, the number of attacks against defenders and communities, criminalisation, intimidation, threats and killings have increased.

This must stop and is why we came to Geneva: we are determined to further strengthen our capacities to hold States and

businesses accountable, and to collaborate, strengthen alliances and build partnerships with other organizations, social movements, indigenous peoples, and rural leaders that share our common goals of upholding and defending human rights and protecting ourselves, our territories and the global environment.

We are threatened, repressed, de-legitimised, criminalised, unrecognised, kidnapped and even killed because of our activities mobilising as individuals, communities, peoples and organisations to protect our lands, territories and the environment. We are named and shamed as ‘enemies’ of development, and we are falsely labelled as terrorists and criminals.

We face significant difficulties in gaining remedy for violations against us, we experience the law being used against us rather than available to us for protection. In many cases States are ignorant of, or uninterested in our rights. Lands and territories are zoned for economic development with little consultation and often without consent.

The threats we face include actions by violent armed actors who seek to silence us for challenging illegal, imposed or

destructive resource use and for protesting against the harmful expansion of large-scale agribusiness plantations, extractive industries and associated road building and other infrastructure and energy projects.

There is an urgent need for direct and effective actions to tackle the root causes of the threats and violence against us.

A key underlying driver is the lack of recognition of our rights. This includes the rights of indigenous peoples, to self-determination, to lands, territories and resources and the right to give or refuse permission – to free, prior and informed consent. There is a similar lack of recognition of the rights of Afro-descendent communities, and other groups holding collective rights to territories, to lands and free, prior and informed consent.

Across our countries, historic marginalisation is experienced today as persistent racism, and a hegemonic attitude towards indigenous peoples. Legal systems, where they do recognise some of our rights, are marked by a lack of implementation of the laws that exist. Lack of the rule of law in many countries also often renders existing laws futile. In many cases our rights are not yet recognised. Where our own justice systems exist, they are systematically ignored.

Impunity — as detailed in the most recent report from the UN Special Rapporteur on the situation of Human Rights Defenders — represents a further attack on the rule of law. Ironically, the law is more often used to attack us, and delegitimise us, than it is to prosecute the perpetrators of the violence we experience, and to ensure that justice can be served.

Conflicts and repression of our communities are exacerbated in many places by corporate capture of the State, systemic corruption, organised crime, and unsustainable and, in places, illegal or illegitimate company and business practices.

The expansion of the extractive frontier ever further into our territories drives conflict into our homes and communities. Conservation projects are also often experienced as land grabs, impacting on our livelihoods and further criminalising our ways of life.

Media and social media, fake news and threats are increasingly often used to delegitimise those of us that stand firm in defence of our communities and of human rights. Divisive tactics adopted within our communities, including by government established organisations or selected individuals, create conflict within our communities, dividing them with the purpose of imposing their decisions against our collective will.

Lack of meaningful participation, access to information and consultation by States — and the failure to secure free, prior and informed consent in development planning — results in the imposition of harmful development projects. The use of the military, including to deliver basic services and implement conservation programmes, and together with police and private security forces often hired by companies to protect corporate interests, heightens the risks of violence against us.

Company failures to accurately assess and prevent risk, to operationalise due diligence across their operations, and to introduce independent accountability and grievance mechanisms, all contribute to rising violence.

Apart from some notable exceptions, investors appear to show little interest in ensuring their investments do not trigger or enable human rights violations.

Current public and private initiatives on human rights defenders do not yet effectively tackle the root causes of attacks and violence in our territories and, where they do exist, many States and businesses are failing to implement already existing commitments to tackle this violence.

Existing protection mechanisms also largely fail to tackle the key drivers of attacks and threats and focus predominantly on individual protection rather than on the collective guarantees and recognition of our role and commitment as defenders of the land and the environment.

The Zero Tolerance Initiative calls on States, businesses and investors to commit to take urgent action to turn the tide of rising levels of violence against human rights defenders. These actors should be led by those of us on the frontline and focus on addressing the drivers of violence.

We believe that future initiatives aimed at effectively defending us, defenders of land and the environment, have to be based on the strengthening of our capacities as individuals and communities to protect ourselves, building up on approaches we are already working on, (such as community early warning networks and collective protection mechanisms) to create community-based protection systems, as well as to consolidate our alliances and networks, and to carry out community-based ground-truthing to inform and denounce illegal practices and violations of our rights.

## RECOMMENDATIONS:

*NGOs and allies should multiply their efforts to support us, defenders and communities under threat or at risk, through increased capacity to anticipate threats and develop people-based collective protection approaches and solutions.*

### Section I: States

- Recognise and respect the human rights of rural communities, and the collective rights of Afro-descendants and indigenous peoples, by implementing the UN Declaration on the Rights of Indigenous Peoples and the UN Declaration on the Rights of Peasants. This must include implementation of public policies that ensure our rights to use, benefit and manage our lands, territories and natural resources. Reform discriminatory laws where they exist, and develop and enact positive legislation, to ensure that our rights are fully recognised.
- Implement the UN Declaration on Human Rights Defenders, and introduce legislation specifically protecting the rights and recognising the roles of human rights defenders, both individual and collective. Develop action plans to prevent and target threats and strengthen guarantees. Establish National Human Rights Institutions where they do not exist and strengthen them where they do.
- Adopt, and appropriately resource, public policies to address the root causes of violence and intimidation, including: impunity and corruption, shrinking civic space; connections between legal and illegal economies; land trafficking; and organized land expropriations. Act positively to safeguard traditional livelihoods and the ecosystems on which they depend; review and build in safeguards in the issuance of economic concessions; and address the actions on non-state actors, including armed groups. Do not use the law to repress or criminalise human rights defenders.
- Ensure conditions within trade and investment agreements and policies to adhere with international obligations and standards, and existing commitments to avoid deforestation, environmental degradation and violation of human rights. We refer in particular to the findings of the UN Special Rapporteur on the Rights of Indigenous Peoples in her 2016 study on the impact of investment and trade agreements on the rights of indigenous peoples.<sup>1</sup>
- Pass national laws to implement the UN Guiding Principles on Business and Human Rights, including by introducing binding human rights due diligence legislation to ensure companies conduct independent human rights, social and environmental risk and impact assessments, act on their findings, and commit to transparency with the results.

<sup>1</sup> <https://www.ohchr.org/EN/Issues/IPeoples/SRIndigenousPeoples/Pages/AnnualReports.aspx>

- Urgently act to develop — or where they exist, to bolster the effective implementation of — National Action Plans on Business and Human Rights, through broad-based, effective participation in meaningful consultative processes, and integrate actions to protect our collective human rights, while preventing and responding to the threats facing human rights defenders
- Ensure effective remedy for violations when they occur, including strengthening judicial systems to ensure that those responsible for attacks against defenders and communities are effectively sanctioned and prosecuted. Assert extra-territorial responsibility for nationally registered companies' actions abroad.
- Provide direct financial, technical and legal support for indigenous peoples, Afro-descendants, and other collective rights holders to defend their territories, including through issuing titles, land demarcation, and to develop capacity for monitoring, ground truthing and collective protection and risk prevention.

#### **MULTI-LATERAL ACTION**

- Support the on-going negotiation of the UN Binding Treaty on Transnational Corporations and Human Rights and ensure the inclusion of an operative section on human rights defenders.
- Promote regional action through existing regional mechanisms to address violence against human rights defenders
- Increase collaborative, proactive and consistent support for human rights defenders via diplomatic missions, including public statements of support for human rights defenders, diplomatic pressure, field visits, meetings with

defenders, and trial observations, as well as delivering visas in case of urgent temporary relocation if required. Withdraw military and security aid where it may be complicit in attacks.

- Ensure, as owners and shareholders in bilateral and multilateral development finance institutions, that these institutions make effective use of their leverage in development interventions to prevent threats and attacks against defenders and respond to such attacks and threats if and when they occur.

## **Section II: Private Sector**

- Sign the Zero Tolerance Pledge

#### **COMPANIES**

- Recognise and respect the human rights of Afro-descendants, peasants, human rights defenders, and the collective rights of indigenous peoples, and act to promote or support indigenous and/or community led development priorities
- Introduce human rights due diligence policies and procedures, including within environmental, social, cultural and other impact assessments, integrating mandatory requirements at the upper management as well as field levels. Communities should be included in, and verify the results of, impact assessments. Verification should include community level information, as well as the use of civil society and independent information sources, under confidential conditions where required.

- Ensure full, effective and meaningful consultation or stakeholder engagement, active engagement with defenders, and ensuring a safe and enabling environment for participation, without fear of reprisals or intimidation
- Develop and adopt independent, effective and accessible grievance and conflict mediation mechanisms.
- Address violations of human rights where they occur, including through acting to prevent repetition, and minimise harm, through investigating, using leverage, issuing public statements, and possible divestment. Sanctions should be applied to individuals found to have committed wrong-doing within companies.
- Refrain from the use of private or public security forces.
- Support and do not hinder the advancement and adoption of the UN Binding Treaty on Transnational Corporations and Human Rights.
- Investors should require companies in which they invest to conduct and act on human rights due diligence assessments, and where this is not the case, engage with their clients to adopt and implement due diligence.
- Investors should mainstream the Zero Tolerance Pledge by developing and integrating independent risk assessment and risk management tools to enable review of high-risk companies and sectors.
- Risk assessments should be verified through the integration of ground-truthed data, and the use of information from the community level, under confidential conditions where necessary, and from civil society and from other independent information sources.
- Investors should proactively engage with companies they support to ensure compliance and consider withdrawing investments where necessary.
- Standardise and expand disclosure of lending, underwriting and investment in high-risk sectors.
- Investors should apply these principles throughout the supply chain.
- Banks should apply these principles as suitable to their clients.

## INVESTORS

- The financial and investment sector should endorse and implement a zero-tolerance approach against attacks on defenders in investment decision making, with particular focus on the military and security sectors, energy, infrastructure, agribusiness and extractives.

## Signatories

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