



Declaration of Indigenous Peoples' Participants in the Conference on Indigenous Peoples and the Just Transition

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New York

We, the 87 Indigenous Peoples' representatives of the Conference on Indigenous Peoples and the Just Transition, have convened to address the pressing issues surrounding the transition to renewable energy and its impacts on Indigenous Peoples' communities. Representing diverse nations and Indigenous Peoples from 35 countries from the seven socio-cultural regions of the world, we gathered with a common purpose: to advocate for an energy transition that upholds human rights, social equity, cultural integrity, inclusivity and full and effective participation and shared prosperity of Indigenous Peoples based on the sustainability of our finite resources.

In our discussions and exchanges, we have come to recognize the critical findings that underscored the relevance and urgency of our cause. Among these findings are the following:

We, as Indigenous Peoples, reaffirm our intrinsic connection to all ecosystems and our rights to our lands, territories, and resources including to our forests, water, air/wind, ocean, seas and sky - a connection that transcends ownership and underscores our status as stewards of Mother Earth.

As Indigenous Peoples, we stand together in solidarity, grounded in our shared principles, values, practices, and knowledge of sustainable resource(s) management for present and future generations.

We recognize and support the need to end fossil fuel reliance and shift to renewable energy as critical in addressing the climate crisis. However, the current trajectory of the energy transition fails to meet the criteria of justice, social equity and environmental sustainability, particularly from the perspectives of Indigenous Peoples rights and well-being.

We are experiencing an increasing trend of criminalization and attacks against Indigenous Peoples Human Rights Defenders (IPHRDs), who speak out against the impositions of mining and energy projects that violate our rights. This is happening on both ends of the renewable energy value chain, including the mining of transition minerals and renewable energy projects. The lack of legal recognition and respect of Indigenous Peoples' rights, including the requirement to respect our Free, Prior and Informed Consent (FPIC), exacerbates land and resource dispossession, displacement, destruction of our livelihoods, disintegration of our communities, and disempowerment of Indigenous women and youth in the energy transition.

We are aware that more than 50% of the world's transition minerals are in our territories. A large percentage of renewable energy potential is also located on Indigenous Peoples' lands and territories. We are alarmed by the grave consequences of mining and deployment of renewable energy development in our territories without our FPIC, violating our rights to self-

determination and to our lands, territories, and resources. The demand for mining of transition minerals and metals driven by incentives and other market-based actions, has huge potential for wide-scale water pollution and depletion, conflicts, food insecurity, and physical and mental health impacts for us, as well as other communities.

With these risks, we are seriously concerned about the attempts by mining companies, industry associations and intergovernmental bodies, including the International Council of Mining and Metals (ICMM), not to commit to the minimum standard for respecting Indigenous Peoples' rights through the proper conduct and implementation of FPIC, and the reluctance by the International Seabed Authority (ISA) to commit explicitly to the implementation of human rights due diligence and meaningful consultation, including with Indigenous Peoples, regarding deep seabed mining. It is imperative that the business-as-usual approach is not pursued, to prevent the wide-scale violation and abuse of Indigenous Peoples' rights and resulting conflicts.

The excessive extraction of carbon and oil, as well as transition and rare earth minerals, poses a dire threat to our planet, necessitating strategic efforts to limit their extraction and consumption. While Indigenous Peoples' communities have the least carbon footprint, we are facing disproportionately high impacts of the climate crisis. We are also impacted due to energy transition projects imposed on us as climate solutions that enjoy climate financing and carbon offsets.

Indigenous women and other at-risk groups, including persons with disabilities, face suppression of their voices, and are subjected to violence and abuse as they defend and exercise their rights, highlighting the need for gender equity, legal redress, full and effective participation in decision making, and empowerment.

Indigenous Peoples must be treated as subjects of rights, and equal partners with dignity. Renewable energy development must prioritize sustainability, and resilience, rejecting models that perpetuate further exploitation, displacement, and marginalization. Priority must be given to Indigenous Peoples when it comes to developing renewable energy legal frameworks, strategies, policies, procedures, and projects that are integral elements of a just energy transition and climate change mitigation.

We seek the just transformation of the systems that have historically and continually disempowered Indigenous Peoples, brought great harm, injustice and imbalance to our peoples, our ecosystems, and our Mother Earth. We are responding to the practice of states and non-state actors to focus on the renewable energy transition that does not fully reflect the priorities of Indigenous Peoples championing solutions for sustainable food systems, return of land, water sovereignty, and holistic development for the well-being of our peoples.

Empowering Indigenous Peoples to spearhead renewable energy initiatives is vital for self-determined sustainable development. Indigenous Peoples' projects respect and uphold our knowledge and values, while fostering ownership and resilience within the community. By prioritizing inclusivity and Indigenous Peoples' decision-making mechanisms, these initiatives ensure that renewable energy development aligns with the specific needs and aspirations of the people it serves. Through mutually agreed, collaborative efforts and shared resources, Indigenous Peoples' renewable energy solutions mitigate climate change and foster economic empowerment and social cohesion, paving the way for a brighter and more sustainable future for all.

Building upon our shared insights and commitments, we call for the following:

For States

- Legally recognize, respect, guarantee and protect Indigenous Peoples' rights as enshrined in the UN Declaration on the Rights of Indigenous Peoples and other

internationally recognized rights, including in the context of renewable energy and mining of transition minerals.

- Undertake reforms of laws, policies and procedures to end the criminalization of Indigenous Peoples; stop the attacks, assassination, violence, and repression of Indigenous Peoples' rights defenders; and provide effective access to justice.
- Fast-track divestment from fossil fuels and redirect the funding and subsidies to support Indigenous Peoples self-determined renewable energy development.
- Ensure that energy transition initiatives, such as Just Energy Transition Partnerships, prioritize human rights, Indigenous Peoples' rights, social equity, cultural integrity, and environmental protection.
- Require corporations to respect Indigenous Peoples' rights, including mandatory conduct of FPIC, adopt and implement social and environmental safeguards, and establish effective and accessible grievance mechanisms.
- Adopt laws, policies and procedures that address unsustainable consumption patterns and promote environmental stewardship among the global population.
- Provide direct, adequate and flexible funding, including access to climate financing mechanisms, and technical and legal capacity-building support to empower Indigenous Peoples to shape their own present and future in renewable energy development.
- Declare a ban on the expansion of mining in no-go zones, including culturally significant areas, such as sacred sites, livelihood areas, and other critical areas, as determined by Indigenous Peoples exercising their FPIC; this must include a ban on the ocean floor for deep sea minerals.
- Adopt mandatory human rights and environmental due diligence regulation that requires the incorporation of the UN Declaration on the Rights of Indigenous Peoples throughout the due diligence process in line with the UN Guiding Principles on Business and Human Rights (UNGPs).
- Ensure the full and effective participation of Indigenous Peoples in the development of guidance for the implementation of the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises on Responsible Business Conduct.

For investors and companies

- Companies must recognize and respect the right to FPIC, which also means the right to say no, in their policies, procedures and practices in all projects, recognizing and emphasizing the self-determined development of Indigenous Peoples. The International Responsible Mining Assurance (IRMA) policy on FPIC must be the minimum standard for mining companies.
- Investments, direct and indirect financing, and provision of other financial services must be conditional on evidence of FPIC.
- Companies and investors must recognize Indigenous Peoples as rights holders and owners of their lands, oceans, seas, and resources, and therefore as partners and as rights holders, rather than mere stakeholders in the development of projects.
- Companies must fairly negotiate and implement equitable benefit-sharing mechanisms, including co-ownership and co-equity models, that respect Indigenous Peoples' rights and contributions and ensure respect to their FPIC.
- Investors must require implementation of these models for companies they invest in, to be in line with the UNGPs, human rights due diligence, and effective grievance mechanisms.
- Companies and investors must adopt and implement policies on zero tolerance for violence, assassination, murders, and attacks on Indigenous Peoples' human rights defenders and communicate the same expectation to their business partners.
- Companies must not cause harm in the access to and quality of clean water of Indigenous Peoples as well as any other adverse environmental impacts.

- Indigenous Peoples must have decision-making roles in line with their right to FPIC in multi-stakeholder certification mechanisms of transition minerals and renewable energy projects.
- Indigenous investors and companies must be recognized and enabled as equal and viable partners when and where they choose to participate in projects.

For energy utilities and regulators

- Respect Indigenous Peoples' norms, customary laws, and legal institutions.
- Allocate government and investor funding to support the implementation of the FPIC process in all stages for all investments in Indigenous Peoples' territories, including self-established mechanisms for effective engagement of Indigenous Peoples.
- Indigenous Peoples must have decision-making roles in line with their right to FPIC in multi-stakeholder certification mechanisms of renewable energy projects.
- Establish effective mechanisms for the full and effective participation of Indigenous Peoples, including women and youth, in planning, implementation, revenue generation, and monitoring of energy development projects and in the development of norms and policies related to energy.
- Ensure access to affordable renewable energy for Indigenous Peoples' communities.
- Ensure fair and adequate compensation and equitable benefits for Indigenous Peoples for the use of their lands, territories, and resources, based on their FPIC.

We, the participants of the Conference on the Just Transition and Indigenous Peoples, stand united in our commitment to advancing justice, equity, and sustainability in the transition to renewable energy. Through our collective efforts and steadfast advocacy, we aspire to create a future where Indigenous Peoples' rights and dignity are upheld, environmental integrity is preserved, global solidarity is strengthened and all peoples can thrive in harmony with the natural world.