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Future work of the Permanent Forum, including issues considered by the Economic and Social Council, the outcome document of the World Conference on Indigenous Peoples and emerging issues

International expert group meeting on the theme “Indigenous Peoples in a greening economy”

Note by the Secretariat

Summary

The international expert group meeting on the theme “Indigenous Peoples in a greening economy” was held in Boulder, Colorado, United States of America, from 23 to 25 January 2024. The present report provides an overview of the opening session and the discussions, presentations and interactive debate that took place at the meeting. The report concludes with recommendations drawn from the discussions at the meeting, addressed to Member States, the United Nations system and Indigenous Peoples and civil society.

* E/C.19/2024/1.



Report of the international expert group meeting on the theme “Indigenous Peoples in a greening economy”

When the last tree is cut down, the last fish eaten and the last stream poisoned, you will realize that you cannot eat money.¹

– Native American saying.

Indigenous youth, “We’ve lost everything – our language, our land, our songs, and ceremonies. What do we do since we have lost so much?”

Indigenous elder, “It is you who is lost. Yet, as long as you have the mountains, the rivers, the plants, you have access to the answers and the help you need.”

– Choctaw conversation.

I. Introduction

1. Although Indigenous Peoples account for only around 5 per cent of the world’s population, they effectively manage an estimated 20 to 22 per cent of the Earth’s land surface. This land coincides with areas that hold 80 per cent of the planet’s biodiversity and about 40 per cent of protected areas and ecologically intact landscapes.² Since Indigenous Peoples first came to the United Nations, they have emphasized the fundamental importance of the relationship with their lands, territories and resources, highlighting their cultural and spiritual significance and value. This physical inheritance constitutes the basis for the continued existence of their societies.

2. The Permanent Forum on Indigenous Issues has noted that:

Climate change has heightened the urgency to alter the dominant development model not only for the sake of Indigenous Peoples but for the whole of humanity and the planet. The climate change crisis is a direct result of the unabated dumping of greenhouse gases into the atmosphere caused by a fossil-fuel-based economic model and the over-exhaustion of natural resources such as forests, peat lands, grasslands, soils, and the like. Indigenous Peoples disproportionately suffer from the serious impacts of climate change because they are mainly dependent on the integrity of their ecosystems for their survival and because of their impoverishment.³

Indigenous women are even more vulnerable to the negative impacts of climate change and environmental degradation, owing to their traditional responsibilities with respect to the cultivation of crops and the gathering of water and fuel, and in their roles as caregivers, which connect them even more intimately to available natural resources and to the natural environment.

3. Recent global challenges, including the financial crisis, climate change and the energy, water and food crises, are proof of the failure of an unsustainable economic development model. The green economy offers an opportunity to reinvigorate international efforts to achieve the Sustainable Development Goals. For Indigenous Peoples, however, the green economy model must also promote the well-being of people in harmony with nature, in line with the United Nations Declaration on the

¹ Harvey Wasserman, *America Born and Reborn* (New York, Macmillan, 1983).

² Estimates of Indigenous lands on the Earth surface are calculated to be between 20 per cent (*State of the World’s Indigenous Peoples*, vol. I, 2009, p. 84) and 22 per cent (World Resources Institute in collaboration with United Nations Development Programme, United Nations Environment Programme and World Bank, 2005).

³ [E/C.19/2010/14](#), para. 26.

Rights of Indigenous Peoples. The Declaration is not fully respected and implemented by many States, governments, the private sector and donors in such a way as to empower Indigenous Peoples' systems of governance and self-determination, or to strengthen their economic and social systems, improve their health, enrich their educational, cultural and spiritual lives, or safeguard their knowledge systems and natural resources. In conclusion, the transition to a green economy without the right framework or regard for Indigenous Peoples' rights will continue to produce historical injustices, marginalization, discrimination and dispossession of their land and resources. Indigenous Peoples' organizations, including those representing or led by Indigenous women, youth, elders and persons with disabilities, must participate as right holders in decision-making, and their right to free, prior and informed consent must be respected.

4. Every year, the Department of Economic and Social Affairs organizes an international expert group meeting on a theme identified by the Permanent Forum on Indigenous Issues and endorsed by the Economic and Social Council. The present note contains the report of the expert group meeting held in 2024, which gathered information and analysis from leading experts in preparation for the twenty-third session of the Permanent Forum. The theme of the twenty-third session of the Permanent Forum is "Enhancing Indigenous Peoples' right to self-determination in the context of the United Nations Declaration on the Rights of Indigenous Peoples: emphasizing the voices of Indigenous youth".

5. The expert group meeting was held from 23 to 25 January 2024 in Colorado, United States of America, at the University of Colorado Boulder, with the support of the Centre for Native American and Indigenous Studies of the American Indian Law Programme, University of Colorado Law School. It was attended by members of the Permanent Forum and by Indigenous and non-Indigenous experts (see annex I). Participants included Indigenous Peoples' organizations, members of academia, civil society and a number of intergovernmental organizations.

II. Highlights of the discussions

6. The following is an overview of the opening session, presentations and interactive dialogues that took place at the expert group meeting. The present report does not capture the full range and depth of the discussions, which covered several complex issues with insights and experiences of Indigenous Peoples on the subject discussed. More details, including on the programme of work (see annex II), expert papers and other documents of the meeting, are available on the website of the Permanent Forum.⁴

7. The expert group meeting started with a traditional opening by the Ute Mountain Ute Tribe (Colorado) Chairman and welcome remarks by the Dean of the University of Colorado Law School. The Acting Chief of the Indigenous Peoples and Development Branch – Secretariat of the Permanent Forum on Indigenous Issues of the Department of Economic and Social Affairs outlined the objectives of the meeting and noted the importance of improving outreach and participation by Indigenous Peoples' organizations in the seven sociocultural regions⁵ by hosting expert group meetings in person, highlighting that previous meetings had been held in Nairobi in 2018; Chiang Mai, Thailand, in 2019; and Santiago in 2022. Remarks by the Executive Director of the Native American Rights Fund followed. The Chairperson of the Permanent Forum on Indigenous Issues highlighted that Indigenous Peoples

⁴ See <https://social.desa.un.org/issues/indigenous-peoples/events/egm-indigenous-peoples-in-a-greening-economy>.

⁵ Africa; the Arctic; Asia; Central and South America and the Caribbean; Eastern Europe, the Russian Federation, Central Asia and Transcaucasia; North America; and the Pacific.

depend on the integrity of their ecosystems for survival and that it is therefore crucial that frameworks for the development of green economy projects be created with their full and effective participation.

8. Participants stated that Indigenous Peoples, as stewards of the world's biodiversity and cultural diversity, do not view many of the suggested mitigation and adaptation measures as solutions to climate change, since the end result is often only negative impacts on Indigenous Peoples. Further, these mitigation and adaptation measures are not holistic and integrated to address the environmental, social, economic and spiritual dimensions that form the Indigenous worldview. The objective of the Indigenous economy is not profit, but rather it is a holistic relationship between human beings and Mother Earth.

9. It was lamented that the concept of a transition to a green economy maintains the same extractive logic that causes States and the private sector to overlook the collective rights of Indigenous Peoples in pursuit of national interests, the fight against poverty and now the climate crisis.

10. Participants noted that the current green economy model is a problem rather than a solution for many Indigenous Peoples. Some participants questioned the usefulness of the term "green economy" and called for the identification of criteria and for the term to be defined from the perspectives of Indigenous Peoples.

11. Participants also underscored the need to maintain and strengthen the perspective of Indigenous Peoples' rights, especially when, for example, some States tend to combine Indigenous Peoples with other social groups in order to undermine Indigenous territorial rights, thus creating tensions that escalate into violent conflicts among the groups. It demonstrates that the recognition of territorial rights is insufficient to ensure Indigenous Peoples' rights to their lands in situations of conflict.

12. Participants called for the unity of Indigenous Peoples in all sociocultural regions of the world to confront the aforementioned challenges by strengthening Indigenous spirituality and the interrelationship with nature and the environment. They called for the defence of Indigenous Peoples' lands, territories and resources, since the concern is not only about the defence of a property title but of a collective title and the natural environment that has been preserved by their ancestors prior to the creation of nation States.

13. Participants pointed out there have been positive developments in standard-setting that can support Indigenous Peoples' rights, which include the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization and the United Nations Declaration on the Rights of Indigenous Peoples, in particular article 3, on the right to self-determination, article 18, on the right to participate in decision-making, and article 32, on the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources. The outcome document of the World Conference on Indigenous Peoples, held in 2014, contains a series of commitments calling for multifaceted action by a range of actors, first and foremost for States to cooperate with Indigenous Peoples to develop and implement national action plans, strategies and other measures to achieve the ends of the Declaration (see General Assembly resolution [69/2](#)). The Kunming-Montreal

Global Biodiversity Framework⁶ commits all actors to implementing the Framework with a human rights-based approach and recognizes the contributions of Indigenous Peoples to retaining and managing their territories. The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement)⁷ is the first regional instrument that includes provisions on the protection of human rights defenders in environmental matters, including Indigenous Peoples.

14. Participants recognized that at the twenty-eighth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Dubai, United Arab Emirates, States had gathered to discuss solutions to climate change and global warming. There were various milestone agreements, including the landmark transition away from fossil fuels, and the announcement of pledges of hundreds of millions of dollars for the loss and damage fund. In addition, 130 countries signed a deal to triple the production of renewable energy and to double energy efficiency. Further, more than 150 parties signed the United Arab Emirates declaration on sustainable agriculture, resilient food systems and climate Action.

15. Nevertheless, participants also expressed the view that the high visibility of pledged funds diverts attention from the real problems of States such as corruption, climate and economic crises, public health emergencies and inequality, and noted that the green economy projects and initiatives can lead to a new way of colonizing Indigenous Peoples' lands and territories. These projects are leading to an increase in the number of Indigenous Peoples in poverty by polluting life-sustaining resources such as water and soil, disrupting their ways of life and contributing to human trafficking and forced labour practices, which are reinforced by a lack of benefit-sharing agreements in many cases.

16. Participants further expressed concern at the ongoing political and economic exclusion of Indigenous Peoples by the extractive industries (mineral, oil and gas extraction and deforestation). Environmental racism against Indigenous Peoples has resulted in mass dislocation, involuntary resettlement and damage to their social and economic systems, all of which keep Indigenous Peoples in poverty. The term "just economy" is no more than a slogan from the perspective of most Indigenous Peoples.

17. Participants pointed out that Indigenous women and children face higher risks from the activities of the extractive industry, as they grapple with the loss of cultural identity that is tied to nature and the environment. Their livelihoods and cultural roles are disrupted, often including physical, economic and occupational displacement, whether full or partial, permanent or temporary. Indigenous women and children are at risk of sexual assault by temporary workers. As a result, the exploitation of natural resources exacerbates gender-based violence and gender inequality.

⁶ Target 1, respect for Indigenous Peoples' rights in participatory spatial planning; target 2, support for Indigenous-led restoration of areas degraded by mining, dams and other industrial development; target 3, equitable governance of conservation areas, recognition of Indigenous and traditional territories, and recognition and respect for Indigenous Peoples' rights; target 5, respect for and protection of customary sustainable use when ensuring sustainable, safe and legal harvesting and trade of wild species; target 9, protection of customary sustainable use in the management of wild species; target 15, requiring businesses to disclose dependency and impacts on biodiversity, including in Indigenous territory; target 18, identifying incentives that negatively impact biodiversity and reforming the incentives to efforts that preserve biodiversity, including in Indigenous territories; target 19, valuing the contribution of the collective action of Indigenous Peoples in resource mobilization; target 21, use of traditional knowledge (with free, prior and informed consent) to inform biodiversity decision-making; target 22, participation, access to justice and information, and full protection of environmental human rights defenders (including Indigenous rights defenders).

⁷ See <https://repositorio.cepal.org/server/api/core/bitstreams/7e888972-80c1-48ba-9d92-7712d6e6flab/content>.

18. Participants drew attention to the Escazú Agreement as a regional instrument adopted by and for Latin America and the Caribbean to protect the rights of human rights defenders in environmental matters, including Indigenous Peoples. Participants stated that the Escazú Agreement alone did not provide sufficient protection, given that Indigenous leaders and Indigenous human rights and environmental defenders continue to be criminalized for defending their lands, territories and resources. Participants called for solidarity when needed.

19. Participants expressed the need to empower Indigenous Peoples, in particular, Indigenous women and youth, through training and capacity-building opportunities aimed at strengthening their understanding of climate policies and the management of funds, including those from donors and from benefit-sharing, bearing in mind that those policies will be implemented in their territories, and the possible impact on their community structures. Furthermore, participants mentioned the importance of amplifying support for Indigenous-led environmental initiatives through dedicated funding and robust policy frameworks, including by valuing traditional knowledge and practices. Participants pointed out the urgent need to reform educational systems by respecting Indigenous Peoples' values and worldviews so as to prepare future leaders who can navigate and influence both traditional and contemporary economic systems. Indigenous Peoples must also be encouraged to take on leadership positions within contemporary systems in order to influence outcomes and shape decision-making systems.

20. Participants regretted the fact that most Member States do not operationalize and apply the principle of free, prior, and informed consent at the national level. While much discussion on that issue has taken place at the global level, there is still only limited practice, despite the fact that extractivism is growing in Indigenous lands and territories.

21. Participants stressed the need for constructive dialogue at all levels of government, in particular among central governments, Indigenous and/or tribal governments, Indigenous women's organizations and private corporations so as to build a common understanding of the meaning of the individual and collective human rights of Indigenous Peoples in line with the Declaration. A key criterion for constructive dialogue is the exercise of self-determination by Indigenous Peoples and their communities, which has been demonstrated not to be a risk to the sovereignty of States.

22. Participants also emphasized the need to educate public opinion, in view of the profound effect that mass media and social media have upon individuals and society as a whole. In the case of Indigenous Peoples, mass media and social media can demonize their struggles or build allegations against Indigenous leaders and their organizations. Participants agreed that there was a pressing need to create content from their own perspectives, but also underlined the vital importance of linking their strategies with other social groups that are also being affected by the green economy industries.

23. It was pointed out that if an Indigenous Peoples' community chooses to engage in benefit-sharing, any such agreement should be based on future annual revenues so that the community receives half or more than half of the percentage of total revenues for the duration of the project. Other participants expressed the view that if other resources are adversely affected by green industry, long-term economic planning should be undertaken from the outset. Participants also stressed that compensation should be allocated for any destruction and pollution of Indigenous Peoples' communities by these operations.

24. Experts noted that Indigenous Peoples need access to funds in order to assert their rights in the context of the green transition, adapt to the accumulating consequences of climate change and sustain their contribution to climate change mitigation and the protection of biodiversity.

25. At present, the collection and analysis of data regarding the breakdown of donor allocations that go directly to Indigenous Peoples are further complicated when Indigenous Peoples and local communities are categorized as one group. Further, where data are available, they indicate that Indigenous Peoples are insufficiently supported in the context of international climate and development assistance. One example cited included a 2021 study by the Rainforest Foundation Norway, in which it was estimated that the funding allocated for the tenure rights and forest management of Indigenous Peoples and local communities amounted to less than 1 per cent of international climate aid from 2011–2020.⁸ The actual amount received by Indigenous Peoples and/or local communities was considerably lower (probably as low as 0.13 per cent),⁹ as most funds were channelled through intermediaries such as State institutions, United Nations system entities, development banks and non-governmental organizations.

26. Experts documented three interrelated funding problems that obstruct the participation of Indigenous Peoples in the green economy. First, a lack of a rights-based approach to funding that aligns with Indigenous Peoples' aspirations for self-determined development and governance structures. Second, Indigenous Peoples' organizations and communities do not receive the funding they need to contribute to, adapt to, and uphold their rights in the context of, a green transition. Third, the aforementioned lack of funding makes it difficult to direct funding flows to where the needs and impact are greatest and to inform decision-making about adequate transfer modalities.

27. Experts discussed examples of partnerships between Indigenous Peoples and Member States that could be cited as lessons learned. In Ogoniland, Nigeria, in 2017, the Government launched the remediation and restoration of the degraded ecosystem of Ogoniland and set up an agency with the mandate to clean up and restore the ecosystems degraded by oil extraction. It is a multi-stakeholder mechanism that is a product of negotiation between the Ogoni community, the Government and Shell Oil, with the mandate to clean and restore ecosystems and livelihoods in Ogoniland. Its governance framework includes representatives drawn from the Government, Shell Oil and the Ogoni community, including civil society. The programme is currently involved in building a green and circular economy around the restoration of destroyed mangrove forests in the coastal communities of Ogoni, where oil extraction had destroyed the mangrove forests. It employs thousands of community members.

28. Participants emphasized that a successful and equitable green economy transition must be supported by a strong human rights protection mechanism and good governance, so as to ensure that historical abuses are not repeated.

29. In the Plurinational State of Bolivia, the Single Federation of Peasant Workers of the Southern Altiplano (FRUTCAS) was founded with the purpose of defending the land, territory and natural resources of the region. They were instrumental in advocating the successful adoption of Law No. 2704 on integral development of the south-west of Potosí in 2004. The law prohibits the exportation of natural underground and surface waters and is aimed at supporting productive, social and institutional development for the region, with its own territorial management, road, energy and irrigation infrastructure, health infrastructure, and with education that supports the sustainable development of agriculture, mining and tourism. The law also covers the industrialization of lithium. FRUTCAS, through a long process of consultations among their communities, prepared a draft law for the industrialization of lithium for the integral benefit of their region.

30. The State-owned company in charge of the industrialization of lithium failed to consult with Indigenous Peoples. Therefore, in 2019, FRUTCAS demanded the

⁸ See <https://www.regnskog.no/en/news/less-than-a-fifth-of-iplc-intended-funding-reach-communities>.

⁹ See <https://charapa.dk/directing-funds-to-rights/>.

implementation of the right of free, prior and informed consent for the communities of south-west Potosí, in line with the Constitution of the Plurinational State of Bolivia and international law, as they expressed concerns related primarily to water consumption, the potential pollution caused by extractive activities, and in relation to sources of employment for the region's inhabitants. Those actions notwithstanding, previous efforts by FRUTCAS and Indigenous Peoples to draft a lithium bill to, inter alia, protect the rights of Indigenous Peoples and the environment, have stalled, with, at the time of writing, an updated version of the bill having been submitted to the Legislative Assembly. Meanwhile, lithium contracts are still being issued.

31. Experts noted that these examples show that Indigenous Peoples must be partners and not just beneficiaries of such projects, giving them a voice and participation in decision-making and in the management and redistribution of resources and benefits, and in turn strengthening their capacities and knowledge for the use of green energy, through technical cooperation, financial assistance and the exchange of good practices.

32. Participants also mentioned that holding sporadic public hearings for a group of members of the communities, with presentations of between 10 and 20 slides showing some data (without any further development or analysis) on budget execution, appropriations and, sometimes, production and sales, does not constitute and cannot replace formal consultation processes to obtain free, prior and informed consent, as set out in the Declaration.

33. Experts also noted examples of the exclusion of Indigenous Peoples from climate change policy actions. An expert noted that Canada has not, in some cases, abided by the “duty to consult”, as contained in the legal principles established in statutory and common law, requiring authorities to consult with Indigenous communities before making decisions that might adversely affect their inherent and/or treaty rights.

34. Participants repeatedly stated that the exclusion of Indigenous Peoples from policymaking has led to what is often referred to as “false solutions”, which are climate response mechanisms that are surface level to make minor corrections, without acknowledging the transformation required for climate justice. In this regard, experts cited the growing push by corporations to offset their carbon emissions on Indigenous territories. Furthermore, solutions that sustain continued fossil fuel extraction (e.g. carbon pricing, carbon capture, net-zero promises) may divert attention from actual solutions to the climate crisis. A just transition should be for all and should be led by Indigenous understandings of economies and livelihood and life.

III. Recommendations

35. Experts at the meeting proposed the key recommendations set out below.

Recommendations for Member States and Governments

36. In the greening economy, States should take measures, such as the adoption of legislation, to recognize and ensure Indigenous Peoples' inherent collective rights, including the rights to self-determination and autonomy, and to land, waters, flora and fauna, territories, and natural resources,¹⁰ consistent with Indigenous Peoples' own laws, customs and traditions.¹¹

¹⁰ As enshrined in international declarations and conventions such as the United Nations Declaration on the Rights of Indigenous Peoples, and the International Covenant on Civil and Political Rights.

¹¹ Certain Indigenous Peoples, such as the Navajo Nation, articulate the right “of” self-determination. See <https://nnhrc.navajo-nsn.gov/selfDetermination.html#:~:text=>

37. States should strengthen efforts to secure land rights¹² for Indigenous Peoples, providing legal recognition and protection for their lands, waters, territories and resources, remedy past and ongoing injuries, including by removing existing underlying causes of those injuries, and extend measures related to remediation, reclamation and rehabilitation for the injuries related to conservation, energy economies and the green economy. Such measures require specific policies and guidelines, sufficient funding and effective accountability and redress mechanisms.
38. Indigenous Peoples must be part of all decision-making processes regarding the green economy in line with the United Nations Declaration on the Rights of Indigenous Peoples (arts. 19 and 32) and ensure free, prior and informed consent for any activities, norms or policies that may affect Indigenous Peoples.
39. States should adopt legislation and effective mechanisms to make free, prior and informed consent mandatory for all green economy projects and initiatives, financing and corporate governance that may affect Indigenous Peoples, and ensure their right to full and effective participation in all aspects of impact assessments.
40. States should collaborate with Indigenous Peoples in developing appropriate renewable energy projects with equitable benefit-sharing arrangements subject to the free, prior and informed consent of affected communities.
41. States should also develop policies to encourage corporate social responsibility and capacity-building in corporate social responsibility and recognize the right to decent work and employment, including paid and/or unpaid work and traditional livelihoods. Corporate social responsibility should be mandatory for all green projects and businesses in line with the Declaration and other human rights standards.
42. States should regulate and standardize disclosures for companies and investors operating within the green economy with full respect for Indigenous Peoples' rights, including land rights, and ensure transparency. Such companies and investors must be held accountable for human rights violations and abuses, as well as for adverse environmental impacts, in line with the Guiding Principles on Business and Human Rights ([A/HRC/17/31](#)).
43. States should develop and implement transparent and inclusive policies for the industrialization of lithium (and other minerals) and facilitate a platform for open dialogue and consultation between Indigenous Peoples, Member States and relevant stakeholders to address concerns related to lithium and rare earth minerals projects. This should be followed by monitoring and assessing Indigenous Peoples' lands and territories in achieving sustainable and responsible lithium production.
44. Lithium-producing countries and countries with sources of rare earth minerals should promote permanent dialogue with Indigenous Peoples, respecting their rights to land, territories and resources and free, prior and informed consent, including benefit-sharing.
45. States should adopt specific measures against criminalization of, reprisals and attacks against, and violations of the rights of, Indigenous leaders and Indigenous human rights and environmental defenders, custodians, stewards and protectors, and provide effective access to justice to victims of attacks and human rights violations.
46. States should scale-up long-term predictable direct funding to Indigenous Peoples, including through public, private and Indigenous-led funding mechanisms. Strategies to scale up catalytic, concessional and blended financing should also be prioritized. States should also define assessment criteria and benchmarks so as to

[Self-Determination,the%20Rights%20of%20Indigenous%20People.](#)

¹² Substantive rights, such as exclusive land tenure.

assess the relevance, efficiency and cost-effectiveness of different modalities for transferring funds, in collaboration with Indigenous Peoples. Last, they should increase flexibility and simplification of operational requirements so as to enhance Indigenous Peoples' access to funds, and Indigenous Peoples should lead the associated design and management processes.

47. Considering the importance of protecting Indigenous Peoples' genetic resources and associated traditional knowledge in the context of the greening economy, States members of the World Intellectual Property Organization are urged to adopt, at the diplomatic conference on intellectual property, genetic resources and traditional knowledge associated with generic resources, to be held in May 2024,¹³ a binding legal instrument concerning genetic resources and associated traditional knowledge, including a mandatory disclosure requirement.

48. States should promote and support the implementation of international standards, such as the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, so as to safeguard the genetic resources, traditional knowledge and cultural heritage of Indigenous Peoples.

49. The Summit of the Future should ensure mechanisms for the full and effective participation of Indigenous Peoples during the preparations for the Summit and the Summit itself. The Summit of the Future is urged to discuss alternative holistic approaches, such as Indigenous Peoples world views, that may contribute to the implementation of the 2030 Agenda for humanity and Mother Earth. Further, States are called to implement General Assembly resolutions 63/278, entitled "International Mother Earth Day" and 77/169, entitled "Harmony with Nature".

50. Concerned by the rapid depletion of the global carbon budget and the low likelihood of limiting global warming to 1.5°Celsius, Indigenous Peoples urge developed countries, within the framework of compliance with the principles of equity and common but differentiated responsibilities, to achieve net-zero greenhouse gas emissions.

Recommendations for the United Nations system

51. The Inter-Agency Support Group on Indigenous Peoples' Issues should include a specific indicator on funding to Indigenous Peoples in the forthcoming accountability framework for the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples.

52. The Human Rights Council should appoint an Indigenous member of the Working Group on the issue of human rights and transnational corporations and other business enterprises who is an expert in business, human rights and the green economy, as well as establish a permanent Indigenous Peoples ad hoc committee within the Forum on Business and Human Rights.¹⁴ This group should ensure that the rights, perspectives and traditional knowledge of Indigenous Peoples are integral to every discussion, policy and decision related to the green economy, as defined by Indigenous Peoples.

53. The Permanent Forum should welcome the decision by the Conference of the Parties to the United Nations Framework Convention on Climate Change to transition away from all fossil fuels and the call for an equitable, rights-based and just transition for the phasing out of all fossil fuels. The United Nations system should support Indigenous Peoples through cross-sectoral collaboration and dialogue so as to ensure

¹³ See <https://www.wipo.int/diplomatic-conferences/en/genetic-resources/index.html>.

¹⁴ See <https://www.ohchr.org/en/hrc-subsiary-bodies/united-nations-forum-business-and-human-rights>.

that the equitable, rights-based and just transition for the phasing out of all fossil fuels is aligned and effective across all sectors.

54. The secretariat of and the Conference of the Parties to the United Nations Framework Convention on Climate Change should ensure that the just transition work programme includes the formation of a sub-working group on Indigenous Peoples prior to the twenty-ninth session of the Conference of the Parties, in collaboration with Indigenous Peoples, such as through the Local Communities and Indigenous Peoples Platform¹⁵ and the International Indigenous Peoples' Forum on Climate Change,¹⁶ as well as through the United Nations mechanisms on Indigenous Peoples, namely the Special Rapporteur on the rights of Indigenous Peoples, the Expert Mechanism on the Rights of Indigenous Peoples and the Permanent Forum on Indigenous Issues.

55. States parties to the Convention on Biological Diversity should implement a human rights-based approach under the Kunming-Montreal Global Biodiversity Framework,¹⁷ ensure robust implementation of the Indigenous Peoples-related goals and targets of the Framework, ensure the adoption of a monitoring framework that includes indicators that are specific to the concerns of Indigenous Peoples, establish a benefit-sharing mechanism for digital sequence information related to genetic resources that respects Indigenous Peoples' rights, adopt a robust work programme for the Ad Hoc Open-ended Working Group on Article 8 (j) and related provisions,¹⁸ and support the establishment of a subsidiary body on Indigenous Peoples.

56. The United Nations system should compile examples of States that are adopting into their national legislation the recognition of the rights of Mother Earth. This recognition exemplifies the increasing acceptance of Indigenous Peoples' worldviews as one of the pillars to guarantee the counteracting of the various crises that afflict the world.

57. The Permanent Forum should develop a clear definition or vision statement of the "green economy" that recognizes the unique vulnerabilities and rights of Indigenous Peoples, as well as the critical role they play in developing sustainable solutions to protect both people and nature together. The definition should be a robust framework for ensuring the active protection and promotion of Indigenous Peoples' rights and participation within environmental sustainability.

58. The Permanent Forum should consider discussing the issue of false solutions¹⁹ of the green economy and their impact on Indigenous Peoples in future sessions of the Forum.

59. The Permanent Forum should convene an expert group meeting on lithium and rare minerals located in Indigenous Peoples' lands and territories so as to understand what other resources are compromised in extract those, in particular water.

60. The Permanent Forum should collaborate with other bodies such as the International Sustainability Standards Board and the International Accounting Standards Board (either directly or through the establishment of a technical working group), ensuring that Indigenous rights and priorities are reflected in the emergent development global reporting and corporate governance standards and aligned with the six Principles for Responsible Investment.²⁰

¹⁵ See <https://icipp.unfccc.int/homepage>.

¹⁶ See <https://www.iipfcc.org/>.

¹⁷ See <https://www.cbd.int/gbf/>.

¹⁸ See <https://www.cbd.int/convention/wg8j.shtml>.

¹⁹ Such as carbon pricing, carbon capture, solar geoengineering, electric cars, etc.

²⁰ See <https://www.unpri.org/>.

Recommendations for Indigenous Peoples and other civil society organizations

61. Given that the mass media play an essential role in shaping society's perceptions of Indigenous Peoples, Indigenous Peoples should use these channels to share their experiences, stories and practices about the green economy, including the impacts of climate change, in order to counter the unbalanced discourse on the effects of the green economy.

62. The solstices and equinoxes are the symbols of the fertility of Mother Earth, agricultural, water and food production systems, cultural heritage, and their millenary traditions. They help strengthen ties between Indigenous Peoples based on mutual respect, complementarity, reciprocity and cooperation, and should be celebrated widely.

63. Strengthening the millenary science of Indigenous Peoples addresses the structural causes and impacts of the multiple crises in the world, including environmental and climate crises. From the perspective of "living well" in harmony with Mother Earth, Indigenous Peoples should demand the implementation of consultation to obtain free, prior and informed consent for the protection of rights to land, territories and resources. Further, Indigenous Peoples should be entitled to fair compensation for those facing the risk of arbitrary expropriation.

64. Civil society should develop a common framework for reporting, tracking and monitoring funds allocated to and received by Indigenous Peoples. The framework is intended to guide the reporting and monitoring efforts of donors, United Nations entities, non-governmental organizations, multilateral development banks and Indigenous Peoples.

65. Indigenous Peoples must reject the visions and approaches of the commodification of Mother Earth and its environmental functions, which promote the creation of ecosystem markets and environmental payments, thereby strengthening climate and environmental businesses. They should demand the fulfilment of non-market-based approaches through cooperation and solidarity among all peoples.

66. Civil society should facilitate the formation of Indigenous Peoples' alliances, networks and platforms for coordinated actions for a just, equitable and sustainable transition; further, they should create avenues for Indigenous Peoples to share experiences, strategies and best practices in addressing renewable energy projects, including by promoting Indigenous Peoples-led renewable energy solutions.

67. Civil society should develop training programmes and capacity-building initiatives so as to enable Indigenous Peoples, especially Indigenous women and girls, to participate actively, if they so choose, within the framework of their self-determination and other rights in the context of processes related to renewable energy and others.

68. Indigenous Peoples should develop and coordinate advocacy actions among Indigenous Peoples and civil society for the legal recognition, respect and protection of Indigenous Peoples' rights to prevent the criminalization of Indigenous Peoples and facilitate access to justice for victims of human rights violations and abuses.

69. Civil society should adopt measures to prevent and deter attacks and reprisals against Indigenous leaders and Indigenous human rights and environmental defenders and collaborate with reparations and accountability mechanisms in order to seek justice for victims of human rights violations and abuses.

Recommendations for the private sector and multinational corporations

70. When Indigenous Peoples have agreed to cooperate with companies, they should implement fair, adequate and prompt compensation practices, including

non-monetary values and livelihood considerations as agreed, and in collaboration with project-affected Indigenous Peoples.

71. Corporations should train decision makers and their staff on the rights of Indigenous Peoples in order to avoid conflicts and violations of Indigenous Peoples' rights. Further, corporations should commit to complying with the Guiding Principles on Business and Human Rights while respecting the rights of Indigenous Peoples.

72. Corporations should apply due diligence in accordance with the Guiding Principles on Business and Human Rights and the articles of the United Nations Declaration on the Rights of Indigenous Peoples, including free, prior and informed consent. Comprehensive social-impact assessments with the full and effective participation of Indigenous Peoples should be conducted prior to initiating renewable energy projects, taking into consideration the cultural, social, spiritual and environmental implications on Indigenous Peoples.

73. Corporations should inform their shareholders of the risks associated when companies do not respect the rights of Indigenous Peoples.

74. Corporations must apply international standards regarding Indigenous Peoples' rights uniformly across jurisdictions and establish effective and accessible redress mechanisms for Indigenous Peoples.

75. Corporations should avoid supporting false solutions that promote the system of colonialism and neocolonialism that contributes to the climate crisis.

76. Companies should establish transparent, equitable, fair and just benefit-sharing agreements when Indigenous Peoples so choose.

77. Funding institutions must establish and adopt safeguards for the protection of the rights of Indigenous Peoples; if violations of their rights are documented, such companies should not be funded.

Recommendations for other international organizations

78. The International Aid Transparency Initiative and the Organisation for Economic Co-operation and Development should ensure systematic tracking of funds allocated for Indigenous Peoples.

79. The Intergovernmental Panel on Climate Change²¹ should mainstream Indigenous Peoples' knowledge in future reports, including the approach of "living well" in harmony with Mother Earth.

80. The Second Global Assessment Report on Biodiversity and Ecosystem Services²² of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services should include a specific chapter on Indigenous Peoples and "living well" in harmony with Mother Earth with the full and effective participation of Indigenous Peoples. Further, the concept of "living well" in harmony with Mother Earth should be mainstreamed in all chapters of the report.

²¹ See <https://www.ipcc.ch/report/sixth-assessment-report-cycle/>.

²² See <https://www.ipbes.net/second-global-assessment>.

Annex I

Programme of work

*Date/time**Programme***Tuesday, 23 January 2024**

9.50–10.30 a.m.

Opening ceremony (Wittemyer Courtroom)

Traditional opening by Chairman Manuel Heart from the Ute Mountain Ute Tribe

Welcome remarks by the Dean of the University of Colorado Law School, Lolita Buckner Inniss

Remarks and introduction of speakers by the Acting Chief of the Indigenous Peoples and Development Branch – Secretariat of the Permanent Forum on Indigenous Issues, Rosemary Lane

Remarks by the Executive Director of the Native American Rights Fund, John Echohawk

Remarks by the Chairperson of the Permanent Forum on Indigenous Issues, Darío José Mejía Montalvo

10.50 a.m.–1 p.m.

Theme 1: outline Indigenous Peoples' relationship with the environment

Guiding questions:

- What international standards and recommendations could be applied to the right of Indigenous Peoples to development in accordance with their own needs and interests?

(e.g. United Nations Declaration on the Rights of Indigenous Peoples, recommendations of the Human Rights Council and of the Permanent Forum on Indigenous Issues, of the International Labour Organization, Kunming-Montreal Global Biodiversity Framework)
- How do the goals and needs of Indigenous Peoples differ from the needs and goals of other interested parties in the relationship with nature in the context of global climate change?
- How do traditional knowledge and the practices of Indigenous Peoples contribute to the protection of the environment?
- What struggles do Indigenous women face when their role and relationship with the environment is broken?
- What is the role of Indigenous youth in protecting the understandings, skills and philosophies developed by their Indigenous societies?

Moderator: Chairperson of the Permanent Forum on Indigenous Issues, Darío José Mejía Montalvo (Zenu-Colombia)

<i>Date/time</i>	<i>Programme</i>
3–6 p.m.	<p>Presentations by:</p> <p>President, Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean, Erwin Freddy Mamani Machaca, (Quechua-Aymara)</p> <p>President, Bay Mills Indian Community, Whitney Gravelle</p> <p>Malih Ole Kaunga, (Maasai), IMPACT (Indigenous Movement for Peace Advancement and Conflict Transformation)</p> <p>General discussion</p> <p>Theme 2: factors that enable or obstruct the participation of Indigenous Peoples in the green economy</p> <p>Guiding questions:</p> <ul style="list-style-type: none"> • How have the green economy processes engaged Indigenous Peoples and addressed or failed to address their needs? • What shifts within States/companies and in partnership with Indigenous Peoples will create the conditions for a green economy? • How can the free, prior and informed consent of Indigenous Peoples be ensured when developing green entrepreneurship and green enterprise? • In what ways does the lack of relevant statistics, information and technical assistance pose an obstacle to Indigenous Peoples' participation in the green economy? • Are there training programmes and/or formal education programmes designed to build capacity to improve Indigenous Peoples' access to and management of resources? • How is the United Nations system working in this area to include Indigenous Peoples? <p>Moderator: Member, Permanent Forum on Indigenous Issues, Vital Bambanze (Batwa)</p> <p>Presentations by:</p> <p>Coordinator, Russian Indigenous Women's Network, Russian Federation, Daria Egereva (Selkup)</p> <p>Director of Charapa Consult, Birgitte Feiring</p> <p>Eirik Larsen, (Sami), The Saami Council</p> <p>General discussion</p>
Wednesday, 24 January 2024	
9.50 a.m.	<p>Welcome remarks by the Professor and Faculty Director of the Centre for Native American and Indigenous Studies, University of Colorado, James Andrew Cowell</p>

<i>Date/time</i>	<i>Programme</i>
10 a.m.–1 p.m.	<p>Theme 3: case studies on the positive and negative effects of green entrepreneurship and green enterprise on Indigenous Peoples and their communities</p> <p>Guiding questions:</p> <ul style="list-style-type: none"> • Are Indigenous Peoples developing and carrying out green entrepreneurship and green enterprise (e.g. water, energy, land) to implement the Sustainable Development Goals? • How is dialogue, equal representation and participation of Indigenous women and men ensured in all types of negotiations and consultations at all levels? • Who is providing the funding to implement such projects? • What three key lessons have been learned from your work with Indigenous Peoples? • How can examples of lessons learned be transferred among and between regions? <p>Moderator: Council Tree Professor of Law and Director of the American Indian Law Programme at the University of Colorado Law School, Kristen Carpenter</p> <p>Presentations by:</p> <p>Executive Director, Indigenous Peoples Rights International (IPRI), Joan Carling (Cordillera)</p> <p>Former leader, Single Federation of Peasant Workers of the Southern Altiplano (FRUTCAS), Plurinational State of Bolivia, José Beymar Cruz Morales (Aymara)</p> <p>Professor at York University, Canada, Angele Alook (Bigstone Cree Nation in Treaty 8 territory)</p> <p>Special Rapporteur on the rights of Indigenous Peoples, José Francisco Cali Tzay (Maya Kaqchikel)</p> <p>General discussion</p>
3–6 p.m.	<p>Theme 4: human rights and corporate responsibility in the shift to a green economy</p> <p>Guiding questions:</p> <ul style="list-style-type: none"> • What legal mechanisms exist that can incorporate human rights into green economy programmes and projects? • What legal mechanisms exist to strengthen corporate responsibility in green economy programmes and projects and how might they benefit Indigenous Peoples? • What safeguards are put in place by States to mitigate the human rights and environmental risks faced by Indigenous Peoples in the shift to green economy? (e.g. seeking compensation for damages)

<i>Date/time</i>	<i>Programme</i>
	<ul style="list-style-type: none"> • How can examples of lessons learned be transferred among and between regions? • How is the United Nations system working in this area to include Indigenous Peoples? <p>Moderator: Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples, Sheryl Lightfoot</p> <p>Presentations by:</p> <p>Eriel Tchekwie Deranger (Athabasca Chipewyan First Nation), Indigenous Climate Action, Canada</p> <p>Legborsi Saro Pyagbara (Ogoni), African Indigenous Foundation for Energy and Sustainable Development (AIFES), Nigeria</p> <p>Co-Chair of the American Indian Law Practice, GreenbergTraurig, and Attorney, Jennifer Weddle (Northern Cheyenne)</p> <p>Associate Director of environmental, social and governance matters and sustainable investment, World Economic Forum Global Shaper, Caleb Adams (Wulli-Wulli)</p> <p>General discussion</p>
Thursday, 25 January 2024	
9.50 a.m.	Welcome remarks by Professor of the University of Colorado Boulder Law School, Kristen Carpenter
10 a.m.–1 p.m.	<p>Theme 5: develop strategic guidance and action-oriented recommendations for States, intergovernmental organizations, private companies, the United Nations system and Indigenous Peoples organizations to ensure the rights of Indigenous Peoples in the transition towards a more sustainable economy</p> <p>Participants break into two groups by languages to work on recommendations</p> <p>Coordinator of group no. 1 (with interpretation – English/Spanish): Professor of the University of Colorado Boulder Law School, James Anaya</p> <p>Coordinator of group no. 2 (English): Professor of the University of Colorado Boulder Law School, Kristen Carpenter</p>
3–6 p.m.	<p>Plenary session to report back from working groups</p> <p>Moderator: Member, Permanent Forum on Indigenous Issues, Rodrigo Eduardo Paillalef Monnard</p> <p>Closing remarks</p> <p>Chairperson of the Permanent Forum on Indigenous Issues, Darío José Mejía Montalvo</p>

Annex II

List of participants

Members of the Permanent Forum on Indigenous Issues

Vital Bambanze
Keith M. Harper
Darío José Mejía Montalvo
Rodrigo Eduardo Paillalef Monnard
Geoffrey Roth

Chairperson of the Expert Mechanism on the Rights of Indigenous Peoples

Sheryl Lightfoot

Special Rapporteur on the rights of Indigenous Peoples

José Francisco Cali Tzay

Experts

Caleb Adams
Angele Alook
Joan Carling
José Beymar Cruz Morales
Eriel Tchekwie Deranger
Daria Egereva
Birgitte Feiring
Whitney Gravelle
Eirik Larsen
Erwin Freddy Mamani Machaca
Malih Ole Kaunga
Legborsi Saro Pyagbara
Jennifer Weddle

International organizations

World Bank
Fund for the Development of Indigenous Peoples of Latin America and the Caribbean

Professors of University of Colorado Law School

James Anaya
Kristen Carpenter
James Andrew Cowell
