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Division for Inclusive Social Development
Indigenous Peoples and Development Branch - Secretariat of the Permanent Forum on
Indigenous Issues

International Expert Group Meeting on the theme

**“The rights of Indigenous Peoples, including those in voluntary isolation and initial contact
in the context of the extraction of critical minerals”**

Virtual format, 2 - 4 December 2024

Concept Note

*Prepared by the Indigenous Peoples and Development Branch -
Secretariat of the United Nations Permanent Forum on Indigenous Issues
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A. Background

Every year, the Indigenous Peoples and Development Branch within the Division for Inclusive Social Development of the Department of Economic and Social Affairs organizes an international expert group meeting (EGM) on a theme recommended by the Permanent Forum on Indigenous Issues and endorsed by the Economic and Social Council (Decision 2024/332). At its 2024 annual session, the Permanent Forum decided that the theme for the EGM in 2024 will be “The rights of Indigenous Peoples, including those in voluntary isolation and initial contact in the context of the extraction of critical minerals”.

The theme of the expert group meeting is very pertinent as Indigenous Peoples are increasingly voicing concerns about the rapid expansion and the scale of mining and renewable energy development on their lands and territories. Although mining in Indigenous territories is not a recent phenomenon, it has deep roots going back to the colonial era when European powers first arrived in the Americas, Africa, and other parts of the world. The extraction of valuable resources such as gold, silver, and other minerals was a major driver of colonization, profoundly impacting Indigenous Peoples.

From the 16th century onwards, European colonizers sought to extract vast amounts of mineral wealth from the lands they colonized. This was particularly evident in the Americas, where silver mines like Potosí in present-day Bolivia and gold mines in Brazil became central to the colonial economy. Indigenous Peoples were often forced into labor under brutal conditions, which was a contributing factor amongst others, to significant population declines and social disruption.

The colonizers frequently seized Indigenous lands for mining operations, displacing communities and disrupting traditional ways of life. These activities were justified under colonial laws that disregarded Indigenous land rights, leading to widespread dispossession and marginalization.

The global push for renewable energy is driving another surge in demand for transition minerals like lithium, cobalt, and rare earth elements, which are essential for green technologies such as batteries, electric vehicles and wind turbines. However, as companies and governments rush to secure the resources needed for renewable energy technologies, there is a risk that the exploration and exploitation practices of the past could be replicated under the banner of 'green energy'.

Without stringent safeguards, mining projects for renewable energy could lead to the same kinds of abuses and injustices that have historically been associated with resource extraction in Indigenous Peoples' territories. This includes violating the rights of Indigenous Peoples, failing to secure their free, prior, and informed consent (FPIC), failing to adhere to the of precautionary, no-contact and intangibility principles¹ in relation to Indigenous Peoples living in voluntary isolation and initial contact and causing them significant environmental harm (A/HRC/39/17/Add.1).

¹ Per the Summary of meeting, jointly prepared by the Special Rapporteur on the rights of indigenous peoples of the United Nations and the Rapporteur on the Rights of Indigenous Peoples of the Inter-American Commission on Human Rights Working meeting on the rules of international law relating to the human rights of indigenous peoples in voluntary isolation and initial contact in the Amazon and Gran Chaco.

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Therefore, it is crucial that the pursuit of renewable energy not only focuses on reducing carbon emissions but also upholds the principles of social justice, environmental stewardship, and respects Indigenous Peoples' rights, as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples. This means implementing sustainable mining practices, ensuring full participation and consent from affected Indigenous Peoples, and prioritizing the protection of both human rights and biodiversity.

According to the World Bank,² the extraction of 3 billion tonnes of critical minerals over the next 30 years would be required to power the world's transition to green energy. Current estimates suggest that at least 30 energy transition minerals and metals (ETMs) form the material base for the energy transition. Across the sample of 5,097 ETM projects, 54% of projects are located on or nearby Indigenous Peoples' lands and territories with 29% of these projects on or near lands over which Indigenous Peoples are recognized as managing or exercising some form of control or influence over land for the purposes of conservation.³

Some of these lands and territories are inhabited by approximately 200 groups of Indigenous Peoples who live in voluntary isolation or are in initial contact with the outside world. They reside in remote forests rich in natural resources, located in countries such as Bolivia, Brazil, Colombia, Ecuador, India, Indonesia, Papua New Guinea, Peru, and Venezuela. These peoples choose to live detached from the rest of the world, following a mobility pattern that allows them to engage in gathering and hunting, which helps preserve their livelihoods, cultures and languages. Their way of life is deeply dependent on their environment, meaning that any changes to their natural habitat could jeopardize the survival of both individual members and the group as a whole.⁴

Although the rights of Indigenous Peoples, inter alia, to self-determination, lands, territories and resources, and free, prior and informed consent (FPIC), including in business contexts, are guaranteed in the United Nations Declaration on the Rights of Indigenous Peoples, the UN Guiding Principles on Business and Human Rights and other international standards, those rights are often not recognized and/or effectively implemented in many countries. Even in countries, where Indigenous Peoples have legal recognition of their rights, those are often violated for projects such as mining and logging concessions, conservation, mono cropping and biofuel plantations, mega dams and other extractive industries or development projects.

Recently, there has been a global trend to group Indigenous Peoples and local communities together. Initially, this approach was seen as a formal or necessary step to ensure that in regions where Indigenous Peoples were not officially recognized, they could still access certain benefits and participate in decision-making processes.

While this approach may have started with good intentions, it has increasingly been used by some governments and companies to undermine the rights of Indigenous Peoples. It has become apparent that these governments and private companies are rebranding certain groups as 'Local

² <https://pubdocs.worldbank.org/en/961711588875536384/Minerals-for-Climate-Action-The-Mineral-Intensity-of-the-Clean-Energy-Transition.pdf>

³ Owen et al. (2023). Energy transition minerals and their intersection with land-connected peoples. *Nat Sustain* 203–211. <https://doi.org/10.1038/s41893-022-00994-6>

⁴ https://social.desa.un.org/sites/default/files/Concept%20Note%20Intl%20Day%202024_0.pdf

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Communities', to expand their activities in Indigenous territories. In some instances, local communities are being consulted in lieu of consultation with Indigenous Peoples and are being used to provide the necessary consent under the FPIC framework, effectively allowing the exploitation of resources in these areas.

In contrast, in countries where Indigenous Peoples are not recognized, FPIC is not applied at all. Instead, these Indigenous Peoples are simply treated as beneficiaries or affected parties, bypassing their rights and excluding them from meaningful participation in decisions that impact their lands and lives.

B. Objectives of the Meeting:

- Elaborate on Indigenous-led initiatives and enterprises that promote the development of Indigenous Peoples' lands, territories and resources, offering alternatives for energy transition consistent with their self-determination and related rights;
- Analyze the principles of human rights due diligence vis-à-vis the need to obtain the free, prior and informed consent (FPIC) of Indigenous Peoples for extractive operations affecting them, however adhering to the precautionary, no-contact and intangibility principles in relation to Indigenous Peoples living in voluntary isolation and initial contact;
- Assess the situation of reprisals against Indigenous leaders and Indigenous human rights defenders, including Indigenous women, in relation to their activism in defending their rights;
- Examine access to effective remedy, or lack thereof, for Indigenous Peoples negatively affected by extractive industry activities;
- Share good practices on States' recognition and protection of as well as engagement of businesses and investors and works of various UN mechanisms for the rights of Indigenous Peoples;
- Provide recommendations and next steps to ensure the respect for the rights of Indigenous Peoples.

The final report and recommendations of the expert group meeting will be submitted to the Permanent Forum on Indigenous Issues at its April 2025 session.

C. Proposed Themes for discussions:

Theme 1: Territorial and land rights and cultural preservation towards strengthening Indigenous Peoples' self-determination & free, prior and informed consent (FPIC).

- What legal and policy measures can States adopt to secure Indigenous territorial and land rights in areas targeted for critical mineral extraction?
- How can Indigenous Peoples balance economic opportunities from critical mineral extraction with the need for environmental protection and cultural preservation?
- What are the main challenges to implementing free, prior, and informed consent (FPIC) in the critical minerals sector, and how can these be addressed to ensure meaningful participation?
- How can Indigenous knowledge systems and cultural practices be incorporated into environmental protection and restoration projects in mining areas?

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- What accountability mechanisms can be put in place to ensure that States and corporations adhere to FPIC and respect territorial rights in the critical minerals industry
- What strategies can be implemented to protect the territories of Indigenous Peoples in Isolation and Initial Contact, ensuring that their right to self-determination and FPIC are respected without forcing contact?
- How can cultural preservation be prioritized in legal and policy frameworks to safeguard the heritage and autonomy Indigenous Peoples in Isolation and Initial Contact, especially as external pressures on their territories increase?

Theme 2: Social, economic, health and environmental impact of critical mineral projects towards a just transition

- What policies and practices can ensure that critical mineral extraction benefits Indigenous Peoples economically without compromising social, environmental, and health standards?
- What are the potential health impacts of critical mineral projects and how can we assess and mitigate these long-term health impacts on Indigenous Peoples, particularly in remote areas?
- What frameworks exist to equitably share the economic benefits of critical mineral projects with Indigenous Peoples, and how can these be strengthened to ensure a just transition?
- How can States and corporations work with Indigenous Peoples to prevent environmental degradation and ensure sustainable land stewardship during and after mineral extraction?
- How can States and corporations work with Indigenous Peoples to prevent environmental degradation and ensure sustainable land stewardship during and after mineral extraction?
- How can States and corporations ensure the protection of Indigenous Peoples in Isolation and Initial Contact from the environmental and health impacts of critical mineral projects, especially regarding potential exposure to external populations and diseases?
- What safeguards and monitoring systems can be put in place to respect the autonomy and territories of Indigenous Peoples in Isolation and Initial Contact in areas affected by critical mineral extraction?

Theme 3: Pathways forward in advancing legal and regulatory responses to human rights violations affecting Indigenous Peoples in the context of critical minerals

- What legal reforms are most urgently needed to protect Indigenous rights in regions where critical mineral extraction takes place?
- How can States strengthen enforcement mechanisms to prevent and address human rights violations tied to critical mineral projects on Indigenous lands?
- Are there international legal frameworks that could be expanded or adapted to provide better protection for Indigenous rights in the context of critical minerals?
- What role can Indigenous-led legal initiatives play in shaping policies and regulations that safeguard their lands, resources, and rights?

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- How can collaboration between Indigenous Peoples, States, and international organizations enhance accountability for corporations involved in critical mineral extraction?
- How can existing international human rights frameworks be adapted or strengthened to specifically protect the rights and territories of Indigenous Peoples in Isolation and Initial Contact near critical mineral deposits?

D. Participant Contributions:

The Expert Group Meeting will include Indigenous Peoples, United Nations agencies, programmes and funds, Member States, non-governmental organizations and academics.

International experts will prepare papers to present at the meeting on one or more of the themes listed above.

Experts are requested to submit their papers (5-8 pages maximum) to the organizers by 27 November 2024, so that the papers can be distributed before the meeting. Experts will also be informed in due course of the Program of Work for the Expert Group Meeting and the appropriate time to present their papers during the meeting.

E. Organization of the meeting

The international expert group meeting will take place online on 2-4 December 2024.

The meeting will consist of a number of different sessions over the course of 3 days.

Interpretation in English, Spanish and Portuguese will be available.

F. Contact Information:

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G. A brief overview of some of the key normative frameworks

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) adopted by the General Assembly in 2007 recognizes the collective rights of Indigenous Peoples. Of particular relevance in the context of the extraction of critical minerals is their rights to lands, territories and resources affirmed in the Declaration. Thereby, Indigenous Peoples have the right to lands, territories and resources, which they have traditionally owned, occupied or otherwise used or acquired and States should give legal recognition and protection to these lands, territories and resources (art. 26). States should also establish and implement processes to recognize and adjudicate Indigenous Peoples' rights in relation to their lands, territories and resources (art. 27).

Further, the Declaration explicitly requires obtaining the free, prior and informed consent of Indigenous Peoples before their relocation from their lands or territories, including an agreement on just and fair compensation and, where possible, with the option of return (art. 10); adopting and implementing legislative or administrative measures that may affect them (art. 19); storage or

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disposal of hazardous materials on their lands or territories (art. 29.2); and approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources (art. 25 and 32).

The Declaration also affirms that Indigenous Peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development (art. 3). Indigenous Peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions (art. 4).

The Declaration affirms the rights of Indigenous Peoples, among others, to equality and non-discrimination (art. 2), to improve their economic and social conditions (art. 21), as well as to maintain, control, protect and develop their cultural heritage, traditional knowledge and manifestations of their sciences, technologies and cultures (art. 31).

The Indigenous and Tribal Peoples Convention (No. 169) of the International Labour Organization, covers the rights of Indigenous and tribal peoples under various issues, including land, recruitment and employment conditions, vocational training and industries, social security and health, education and means of communication and cross-border cooperation. While many provisions in the Convention are similar to those in the Declaration, particularly in relation to land rights, its provisions related to employment and industries, are also specifically relevant in the discourse on business and human rights in the context of critical minerals.

For example, the Convention requires Governments to adopt special measures for effective protection with regard to recruitment and conditions of employment of workers belonging to Indigenous Peoples (art. 20), as well as ensure promotion of handicrafts, rural and community-based industries, and subsistence economy and traditional activities of Indigenous Peoples as important factors in the maintenance of their cultures and in their economic self-reliance and development (art. 23). Further, ILO Convention No. 111 is considered as one of the fundamental ILO conventions prohibiting discrimination not only in formal employment, but also against Indigenous Peoples' traditional occupations such as pastoralism and shifting cultivation.

The UN Guiding Principles on Business and Human Rights (UNGPs) adopted by the Human Rights Council in 2011 provides a global normative framework for preventing and addressing the risks of human rights impacts of business activities with the objective of enhancing standards and practices. The UNGPs are structured on a three-pillar framework:

- State duty to protect human rights against abuses by third parties, including business enterprises, through appropriate policies, regulation, and adjudication;
- Corporate responsibility to respect human rights, which means that business enterprises should act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved; and
- Need for greater access to effective remedy for victims, both judicial and non-judicial.

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Further, it is noted that the UNGPs should be implemented in a non-discriminatory manner, with particular attention to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at heightened risk of becoming vulnerable or marginalized, and with due regard to the different risks that may be faced by women and men. In the commentary of the UNGPs, Indigenous Peoples are recognized as one of such groups with their challenges and rights explicitly referred to as follows:

- In meeting their duty to protect, States should provide guidance to business enterprises on respecting human rights, advising on how to consider effectively issues of gender, vulnerability and/or marginalisation,” recognising the specific challenges that may be faced by Indigenous Peoples (among others.)”.
- Within the corporate responsibility to respect internationally recognized human rights, business enterprises, depending on circumstances, might need to consider additional human rights standards. They should, for instance, respect rights of individuals belonging to specific groups or populations that require particular attention, for which UN instruments have elaborated on the rights of Indigenous Peoples.
- Under access to remedy through State-based judicial mechanisms, States should take appropriate steps to ensure the effectiveness of those mechanisms in addressing business-related human rights abuses, including to reduce legal barriers that can arise where certain groups such as Indigenous Peoples are excluded from the same level of legal protection of their rights that applies to the wider population.

In the 2030 Agenda for Sustainable Development, which includes 17 Sustainable Development Goals (SDGs), States pledge to leave no one behind and to endeavor reaching the

furthest behind first in meeting the SDGs. The 2030 Agenda is explicitly grounded in the Universal Declaration of Human Rights and other international human rights treaties and its overarching framework contains numerous elements relevant to Indigenous Peoples. More specifically, States recognize Indigenous Peoples recognized as one of the vulnerable groups that must be empowered and affirm that the 2030 Agenda will involve Indigenous Peoples together with governments, businesses and other stakeholders to ensure its success.

In relation to business and human rights, SDG 7 (affordable and clean energy), SDG 8 (decent work and economic growth), SDG 9 (industry, innovation and infrastructure) and SDG 12 (responsible consumption and production) are particularly relevant to business and human rights. In the 2030 Agenda, States acknowledge that the implementation of sustainable development will depend on the active engagement of both the public and private sectors. They also acknowledge the importance of corporate sustainability reporting and encourage companies to consider integrating sustainability information into their reporting cycle.

The Minamata Convention on Mercury emphasizes the protection of vulnerable populations, including Indigenous Peoples, women and children, from the adverse effects of mercury exposure. It also promotes the development of public health strategies to address mercury exposure and its health impacts. Further, it represents a significant global effort to reduce mercury pollution and its

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harmful effects on health and the environment. In November 2023, the fifth meeting of the Conference of the Parties (COP-5) noted at its first decision the importance of broadening the participation of Indigenous Peoples, in the implementation of projects and programmes undertaken under the Minamata Convention, recalling the relevance of their engagement in the work to reduce and eliminate mercury use in artisanal and small-scale gold mining (ASGM).

The convention includes measures to control the entire life cycle of mercury, from mining to disposal. It mandates the phase-out and phase-down of mercury use in certain products and processes. It requires countries to control emissions and releases of mercury to the air, water, and land. It addresses the reduction of mercury supply and regulates international trade in mercury. It provides guidelines for the safe storage and disposal of mercury.

Indigenous Peoples, heavily dependent on natural resources, face heightened vulnerability to mercury pollution. It inflicts irreversible harm on humans, wildlife, and ecosystems. ASGM, the leading man-made source of global mercury pollution, releases hundreds of tonnes annually into Indigenous territories, causing widespread environmental devastation and jeopardizing the survival of Indigenous communities.

Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation

The Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation recently released an annual thematic report on "Human rights to safe drinking water and sanitation of Indigenous Peoples: state of affairs and lessons from ancestral cultures".⁵

The Special Rapporteur highlighted the challenges faced by Indigenous Peoples globally in being denied their right to self-determination and control over their waters and the vulnerability of Indigenous Peoples when their human rights to access water are violated. The thematic report discusses the devastating impact of water contamination for Indigenous Peoples as a result of mining operations.

The report states that governments have an obligation to guarantee the human rights to safe drinking water sanitation for Indigenous Peoples, whilst respecting their right to control the waters in their territories. The Special Rapporteur emphasized that governments, international cooperation, financial institutions and the UN must monitor compliance with Indigenous rights in relation to water. The report also noted the importance of Indigenous Peoples' participation in planning and management of water, including the equal participation of Indigenous women.

Further, the recent launch of the UN System-wide Strategy for Water and Sanitation provides a framework that includes recommendations to improve the participation of Indigenous Peoples in water and sanitation policies and decision-making processes.

The **UN Secretary-General's Panel on Critical Energy Transition Minerals** emphasized that "for developing countries, critical minerals represent a crucial opportunity – to create jobs, diversify economies, and significantly increase revenues. But this will only be possible if they are

⁵ <https://www.ohchr.org/sites/default/files/documents/issues/water/2022-09-14/Statement-HRC-51-SR-water-sanitation-EN.pdf>

Original: English

managed properly. The race to net zero cannot trample on the poor. The renewables revolution is underway – but we must steer it towards justice.”

In response, the Secretary-General established a panel on Critical Energy Transition Minerals. Among the panel members were a UN Permanent Forum representative and an Indigenous Inuit expert, invited to contribute their perspectives. The panel's report, issued in September 2024, is titled “Resourcing the Energy Transition: Principles to Guide Critical Energy Transition Minerals Towards Equity and Justice”.⁶

UN Mechanisms on the Rights of Indigenous Peoples

The **Special Rapporteur on the Rights of Indigenous Peoples** has found that in many cases Indigenous Peoples are open to discussions about extraction of natural resources from their territories in ways beneficial to them and respectful of their rights. A number of situations have been brought to the attention of the Special Rapporteur in which Indigenous Peoples have agreed to industrial scale resource extraction within their territories or have even themselves taken initiatives for mining or development of oil or gas.” (A/HRC/24/41, para. 2)

However, the Special Rapporteur has also voiced concerns of the negative impact mining can have, including in relation to Indigenous women. A report by the Special Rapporteur to the UN Human Rights Council highlights that Indigenous women are disproportionately impacted by the ecological, economic, and spiritual effects of extractive industries on their lands.⁷ The loss of access to and ownership of lands disempowers Indigenous women, deprives them of their community roles and occupations, and threatens their ability to maintain and transmit their scientific and technical knowledge.⁸

In 2018, the Special Rapporteur on the Rights of Indigenous Peoples of the UN and the Rapporteur on the Rights of Indigenous Peoples of the Inter-American Commission on Human Rights (IACHR) jointly prepared a summary of meeting titled, “Working meeting on the rules of international law relating to the human rights of Indigenous Peoples in voluntary isolation and initial contact in the Amazon and Gran Chaco”⁹. The summary illustrates the challenges and gaps that exist in relation to the effective implementation of the protections and standards contained in the “Guidelines on the Protection of Indigenous Peoples in Voluntary Isolation and in Initial Contact of the Amazon Basin and El Chaco” and the IACHR Report “Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas: Recommendations for the Full Respect of Their Human Rights”.¹⁰ (A/HRC/39/17/Add.1)

Expert Mechanism on the Rights of Indigenous Peoples

⁶ <https://www.un.org/en/climatechange/critical-minerals>

⁷ [g2244668.pdf \(un.org\)](https://www.un.org/en/climatechange/critical-minerals/g2244668.pdf)

⁸ [g2244668.pdf \(un.org\)](https://www.un.org/en/climatechange/critical-minerals/g2244668.pdf)

⁹ A/HRC/39/17 <https://digitallibrary.un.org/record/1638537?v=pdf>

¹⁰ <https://www.oas.org/en/iachr/indigenous/docs/pdf/report-indigenous-peoples-voluntary-isolation.pdf>

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The rights of Indigenous Peoples in the context of the extraction of critical minerals, including Indigenous Peoples in voluntary isolation and initial contact, has been discussed at the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) sessions over the years.

The “Guidelines on the Protection of Indigenous Peoples in Voluntary Isolation and in Initial Contact of the Amazon Basin and El Chaco” (A/HRC/EMRIP/2009/6) was presented at the second EMRIP session in 2009. The Guidelines provide a framework directed to all actors, both governmental and non-governmental, dealing with the respect and protection of the rights of Indigenous Peoples in voluntary isolation and initial contact. They also provide specific principles for the development of policies and programmes of action, that affect Indigenous Peoples in voluntary isolation and initial contact.

The “Follow-up report on Indigenous Peoples and the right to participate in decision-making, with a focus on extractive industries” (A/HRC/EMRIP/2012/2) was presented at the fifth session of EMRIP. The Report examined the Guiding Principles on Business and Human Rights and the UNDRIP and provides guidance for States, extractive industries and Indigenous Peoples in relation to the participation of Indigenous Peoples in decision making.

Further, the OHCHR is currently analyzing the challenges faced by Indigenous Peoples in voluntary isolation or initial contact, including assessing the existing gaps and progress made by States in the implementation of Guidelines, with a view to designing a strategy to continue drawing attention to PIACI’s situation at the national and international level.

The United Nations Permanent Forum on Indigenous Issues recommendations, studies by members, etc.

The United Nations Permanent Forum on Indigenous Issues (UNPFII) has engaged in several substantive works¹¹ related to Indigenous Peoples impacted by extractive mineral operations on their lands, as well as Indigenous Peoples living in voluntary isolation and initial contact.

This has included facilitating international expert group meetings such as the “Indigenous peoples’ rights, corporate accountability and the extractive industries” (E/C.19/2009/CRP.8). At that expert group meeting, Indigenous Peoples globally provided recommendations, including to

extractive industry corporations, States and international financial institutions. Endorsing the UNDRIP and ratifying the ILO169 were key recommendations but also adherence to FPIC principles including full transparency; the need to enforce higher standards of environmental protection; effectively regulating overseas extractive operations; establishing adequate penalties for human rights and environmental violations; providing compensation and restitution for damages inflicted upon the lands, territories and resources of Indigenous Peoples; rehabilitation of

¹¹ Including the international expert group meeting on the theme “Indigenous peoples and forests” (see the report thereon, E/C.19/2011/5); the international expert group meeting on the theme “Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples” (E.C.19/2010/14); and the international workshop on the theme of “Methodologies regarding free, prior and informed consent and indigenous peoples (E/C.19/2005/3).

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degraded environments caused by extractive industry projects; and for banks, the withdrawal from funding the oil and gas sectors.

UNPFII Members have also produced studies that have focused on extractive mining operations and the impact on Indigenous Peoples. A recent Member study titled “The rights of Indigenous Peoples in relation to the global energy mix”,¹² notes that, “Indigenous peoples are not an obstacle to development or to access to essential goods and services; they simply have their own vision of development and *buen vivir* (living well)”. However, “In order to ensure that the injustices resulting from a fossil fuel-based energy mix are not further replicated and deepened in strategies and plans for changing the energy mix, it is crucial to ensure that the principles of autonomy and self-determination and Indigenous Peoples’ right to participation are exercised in an effective and relevant manner”.

Resolution Rights of Indigenous Peoples, A/77/460:

The UN General Assembly adopted the “Report on the Rights of Indigenous Peoples and resolution”, at its seventy-seventh session. The resolution,¹³ reaffirmed the UNDRIP and also:

- Reiterates the responsibility of transnational corporations and other business enterprises to respect all human rights, while recognizing the specific challenges that may be faced by Indigenous Peoples, and all applicable laws and international principles and to operate transparently and in a socially and environmentally responsible manner, and emphasizing the need to refrain from negatively affecting the well-being of Indigenous Peoples and to take further action towards corporate responsibility and accountability, including the prevention, mitigation and remediation of human rights abuses, in line with the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework;
- Recognized the value and the diversity of the cultures and the form of social organization of Indigenous Peoples and their holistic traditional knowledge of their lands, natural resources and environment, and stressing that Indigenous Peoples, including those who are in voluntary isolation or initial contact, have the right to self-determination, and can choose to live in accordance with their traditions;
- Encourages Member States and the private sector to ensure more sustainable, environmentally friendly and responsible corporate behaviour that addresses the adverse environmental impact of certain business activities, such as illegal logging and mining, uncontrolled agribusiness expansions, unsustainable large-scale infrastructure development projects and extractive industries on the lands and territories traditionally inhabited by Indigenous Peoples and on the well-being of Indigenous Peoples;
- Encourages transnational corporations and other business enterprises to respect human rights, including the rights of Indigenous children, and to eliminate forced labour and child labour from their operations; and

¹² Dario Jose Mejia Montalvo (2022) [n2224787.pdf \(un.org\)](https://documents.un.org/doc/undoc/gen/n22/4787/pdf/n2224787.pdf?OpenElement)

¹³ [https://documents.un.org/doc/undoc/gen/n22/712/20/pdf/n2271220.pdf](https://documents.un.org/doc/undoc/gen/n22/712/20/pdf/n2271220.pdf?OpenElement)

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- Condemned the cases of threats, harassment, reprisals and murder of Indigenous Peoples, in particular women and girls, often with impunity, as well as land invasions, arbitrary forced evictions and other abusive practices.
