

International Conference

Indigenous Peoples and the Just Transition

Possibilities and challenges in co-ownership models and partnerships to advance human rights & shared prosperity

12-14 of April, 2024

New York, NY

The Indigenous Peoples Rights International (IPRI), the Right Energy Partnership with Indigenous Peoples (REP), and the Business and Human Rights Resource Centre (BHRRC) will host a conference titled, *Indigenous Peoples and the Just Transition: Possibilities and challenges in co-ownership models and partnerships to advance human rights & shared prosperity* on 12-14 April 2024. The conference will be held right before the 23rd session of the UN Permanent Forum on Indigenous Issues.

Background

As the world struggles with the climate crisis, governments, policy-makers, and businesses are pushing for a transition to cleaner sources of energy.¹ Indigenous Peoples, CSOs, and others underscore that the energy transition must be just and inclusive. It cannot follow a business-as-usual approach. Therefore, the rights of Indigenous Peoples and their defenders must be protected and respected. The transition presents both vast opportunities and challenges, especially for Indigenous Peoples. While it can create jobs and bring clean energy to millions globally, its success hinges on [respecting human rights, ensuring fair negotiations, and promoting shared prosperity](#), in order to build the public support necessary for a swift and sustainable global energy transition.

This is particularly important for Indigenous Peoples. Much of the world's transition minerals and renewable energy potential lies on Indigenous lands. Historically, mining and many large-scale development projects, including

¹ See High-Level Dialogue on Energy, *Theme Report on Enabling the SDGs Through inclusive Just Energy Transitions*. 2021. Available at: https://www.un.org/sites/un2.un.org/files/2021-twg_3-exesummarie-062321.pdf. See also Special Rapporteur on the promotion and protection of human rights in the context of climate change. *Promotion and protection of human rights in the context of climate change mitigation, loss and damage and participation*. A/77/226, 26 July 2022. Para 16. "A number of mitigation actions being employed by States and business enterprises have significant human rights implications. Some of these include forest-based mitigation and hydroelectric dams. Others include the location of wind turbines. New mitigation technologies associated with atmospheric changes and geoengineering also have the potential for significant human rights impacts." See also Special Rapporteur in the Field of Cultural Rights, Development and cultural rights: the principles, A/77/290, 15 August 2022. Para 77 "As governments and businesses are increasingly pressured to transition to renewable energy, it is critical that these projects be community led or, at a minimum, designed in consultation with the communities that stand to be affected. A just transition requires that green energy projects prioritize the well-being of local communities and avoid initiatives that would have a negative impact on their cultural rights."

renewable energy projects had devastating effects on their lands² and have resulted in numerous human rights violations. Often, these projects are undertaken without Indigenous Peoples' free, prior, and informed consent (FPIC). This led to negative consequences for Indigenous Peoples' livelihoods, displaced communities, and exploitation of the resources on Indigenous Peoples' lands, failing to provide benefits or even access to energy.³ Moreover, those who oppose these projects face violence and criminalization, that often end up in killings.⁴

There are growing examples of Indigenous Peoples pursuing and developing their own renewable energy projects, including those supported by grants or developed in partnership with NGOs. Others enter into co-ownership models, and benefit-sharing agreements with renewable energy companies or with States. However, serious challenges exist regarding the enabling conditions to pursue these projects. Indigenous Peoples often face legal and institutional barriers, primarily due to the lack of legal recognition of their lands and resources, limitations on technical capacities, and are forced to reconcile with the dominance of large national and international renewable energy companies, which are often supported by or connected to governments.

Despite the above-mentioned barriers and challenges, there is a growing body of success stories. These include projects that are fully Indigenous-owned; co-owned with a third party; or have a licensing and benefit-sharing agreement in place. Likewise, more donors are also providing financial support to community-owned and managed renewable energy projects. These experiences need to be amplified worldwide to return *power* to those who have historically been exploited for these projects.

Approach:

The event will take place in two parts: first, between 12-14 of April, Indigenous Peoples will engage in presentations and discussions on the just transition; and second, on April 17, designated Indigenous representatives will engage with relevant investors, business, governments, and other stakeholders.

Objectives:

² See UN Special Rapporteur on the Rights of Indigenous Peoples, *The situation of the indigenous peoples affected by El Diquís Hydroelectric project in Costa Rica*, A/HRC/18/35/Add.8. 11 July 2011. Supreme Court of Norway, Licences for wind power development on Fosen ruled invalid as the construction violates Sami reindeer herders' right to enjoy their own culture Supreme Court judgment 11 October 2021, HR-2021-1975-S (case no. 20-143891SIV-HRET, case no. 20-143892-SIV-HRET and case no. 20-143893SIV-HRET). See also Special Rapporteur in the Field of Cultural Rights, *Development and cultural rights: the principles*, A/77/290, 15 August 2022. Para 75. "Renewable energy initiatives also pose significant risks for cultural rights. Wind, solar and hydropower projects often violate the land, resource and cultural rights of indigenous peoples and other local communities, who experience the negative effects of these projects but often receive few benefits. This experience explains the resistance to energy projects, in particular among indigenous peoples."

³ Inter-American Court on Human Rights, *Case of the Kuna People of Madugandi and Emberá of Bayano and their Members v. Panama*. October 2014. See para. 235 "...the construction of the hydroelectric project had had serious effects for the Kuna and Emberá peoples: (i) it had resulted in an increase in disease; (ii) it had had an prejudicial impact on the forms of traditional subsistence and destroyed the ecosystem; (iii) it caused malnutrition in 89% of the children under the age of 5; (iv) there was an absence of basic services of water and electricity;..."

⁴ Indigenous Peoples Rights International, Business and Human Rights Resource Center, *Protector not prisoner. Indigenous Peoples face rights violations & criminalization in climate actions*. 2022. "At least 134 attacks out of the 883 attacks we recorded against IHRDs related to renewable energy projects, including hydropower, wind, and solar."

- To convene Indigenous Peoples and key partners to discuss the barriers, enabling conditions and positive experiences of co-ownership models and benefit-sharing agreements for the just energy transition, in particular in relation to renewable energy projects.
- To reach agreements on the principles, strategies and actions needed to build on the positive experiences of Indigenous Peoples with co-ownership and equity models and expand these at the global level;
- To engage governments, businesses and investors, philanthropists, and inter-governmental organizations regarding key actions and commitments for the future of the just energy transition.

Outcomes:

- Position paper/declaration of Indigenous Peoples on the just energy transition;
- Key messages to promote equitable models and partnerships centering on co-ownership of renewable energy projects/systems.
- Planning and development of a roadmap with common strategies and plans to advance an inclusive, equitable and sustainable just transition, including tools, community protocols, minimum standards for co-ownership agreements, and benefit-sharing agreements.
- Raised awareness of these issues to governments, investors, and companies.

Other:

- Interpretation to English, Spanish, French, Russian, and Portuguese.
- Methodology: in-person discussions, including plenary and breakout sessions.