

# Call for inputs: Extractive sector, just transition and human rights

## **ISSUED BY**

***Working Group on Business and Human Rights***

## **FILLED IN BY**

***The Securing Indigenous People's Rights in the Green Economy (SIRGE) Coalition***

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## ***General background and facts on the Rights of Indigenous Peoples, the Extractive Sector and the Green Transition***

The **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**, adopted in 2007, is the primary document and standard for Indigenous Peoples. The **UNDRIP** is the result of decades of struggle by Indigenous Peoples activists worldwide and enshrines the minimum standards for survival, dignity, and well-being for Indigenous Peoples globally.

In the Declaration, the collective rights of Indigenous Peoples to land, resources, and territory are protected, and these rights cannot be found in any other human rights document.

**Free, Prior, and Informed Consent (FPIC)** is a collective right of indigenous people to give or withhold their consent prior to any development project on their lands.

As part of FPIC, Indigenous Peoples have the right to receive prior knowledge of the risks associated with a project before the company starts activities, to be protected from harassment and pressure or any type of coercion, to express their concerns and demands freely, and to say “no” to any company or project. Decision-making processes for FPIC should be developed by Indigenous Peoples themselves, should be independently supervised by authorities who have no vested interests in the projects in question, and should not be governed by box-ticking exercises that often violate cultural norms, provide insufficient information, and serve as marketing platforms.

It is very important to note that **“consultation” does not equate to “consent”**. The Indigenous right to FPIC means that a community can say yes or no or provide its consent with conditionalities depending on specific conditions and a case-by-case basis, so they can say how.

**It is imperative to codify UNDRIP and FPIC into binding documents** in order to achieve a just transition that respects Indigenous Peoples' human rights, honours their strong connection with and broad knowledge and wisdom of natural resources, and leaves no one behind. We need to move beyond voluntary guidelines, voluntary reviews, and voluntary audits to a framework that ensures and imposes legal responsibility for non-compliance for all types of companies.

Furthermore, even though FPIC is a specific right of Indigenous Peoples, FPIC can also be applied as best practice to other circumstances and is transferable to non-Indigenous communities.

Governments and companies must engage with communities in good faith and stop using tactics that divide Indigenous Peoples communities and endanger environmental defenders. There are too many incidents in which Indigenous land defenders, water defenders, and protectors are threatened, harassed, or even killed because companies or governments want to exploit their

natural resources. Implementing the right to FPIC is an important safeguard that can help prevent threats to Indigenous defenders.

**Indigenous Peoples conserve some 80 per cent of the planet’s remaining biodiversity, meaning that Indigenous leadership is essential to protecting well-functioning ecosystems.** Protecting these areas is critical not only to meet government commitments to fight climate change but also to meet Sustainable Development Goals and other sustainability commitments. However, Indigenous Peoples’ territories also contain significant concentrations of untapped heavy metal reserves worldwide.

- In the United States, a [study by MSCI](#) estimated that 97 per cent of nickel, 89 per cent of copper, 79 per cent of lithium, and 68 per cent of cobalt reserves and resources are located within 35 miles of Native American reservations.
- A [2020 study](#) found that mining potentially influences 50 million square kilometres of Earth’s land surface, with 8 per cent coinciding with Protected Areas, 7 per cent with Key Biodiversity Areas, and 16 per cent with Remaining Wilderness.
- A [2022 study](#) found that 54% of mining projects extracting minerals needed for the green energy transition overlapped with Indigenous lands.

As Kate R. Finn (Osage), Executive Director, First Peoples Worldwide said, “**Partnership with Indigenous Peoples is integral to climate-resilient development.** We must ensure that the harms to communities and environments driven by the fossil fuel economy are not replicated in the critical mineral development necessary to transition to low-carbon, clean energy projects.”

### ***About Cultural Survival***

Cultural Survival is an Indigenous-led NGO and U.S. registered non-profit that advocates for Indigenous Peoples’ rights and supports Indigenous communities’ self-determination, cultures, and political resilience, since 1972. For 50 years, Cultural Survival has partnered with Indigenous communities to advance Indigenous Peoples’ rights and cultures worldwide. We envision a future that respects and honours Indigenous Peoples’ inherent rights and dynamic cultures, deeply and richly interwoven in lands, languages, spiritual traditions, and artistic expression, rooted in self-determination and self-governance.

### ***About the SIRGE Coalition***

The [Securing Indigenous Peoples’ Rights in the Green Economy \(SIRGE\) Coalition](#) is a coalition of Indigenous Peoples and leaders, who, along with our allies, champion a just transition to a low-carbon economy. The SIRGE Coalition [launched](#) on August 9, 2022, the International Day of the World’s Indigenous Peoples. Members of the Coalition include [Cultural Survival](#), [First Peoples Worldwide](#), [Batani Foundation](#), [Earthworks](#), and the [Society for Threatened Peoples](#). A Steering Committee of 14 Indigenous leaders from around the world guides the SIRGE Coalition.

The SIRGE Coalition’s primary goal is to elevate Indigenous leadership through the creation of a broad coalition and the promotion of constructive dialogue. In accordance with the United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**), **the coalition will uphold all rights of Indigenous Peoples**, including their cultures, spiritual traditions, histories, and especially their rights to determine their own priorities as to their lands, territories, and resources. Indigenous leadership is essential as Indigenous Peoples conserve about 80 per cent of the planet’s remaining biodiversity.

## Questions

### State duty to protect human rights

1. How can States better advance human rights-compatible energy transition laws and policies that ensure responsible business conduct in all aspects of energy transition efforts and programs (e.g., including, but not limited to, design, approval, financing, implementation, and reporting of energy transition programs)?
  - Mandate and implement the rights of Indigenous Peoples enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**), including the right to Free, Prior and Informed Consent (**FPIC**).
  - Enable decision-making processes for FPIC that are developed by Indigenous Peoples themselves, are independently supervised by authorities with no vested interests in the projects in question, and are not only box-ticking exercises.
  - Prioritize the human rights of Indigenous people, frontline communities, and workers in mining, recycling, reclamation, manufacturing, and renewable energy projects,
  - Ensure that Policy Coherence for Sustainable Development is applied to all policy areas, including energy and industry.
  - Ensure that governments incorporate specific steps toward a circular economy, including developing long-lasting infrastructure and products that reflect the principles of sustainability, circularity and efficiency and creating environmentally and socially safe battery recycling practices to reduce demand for new mining.
  - Declare protected areas as ‘no-go’ zones for extractive industries. This safeguard prevents habitat and biodiversity loss caused by mining in, for example, Ramsar sites, Natura 2000, conservation areas, and Indigenous and community conservation areas (ICCAs).
  - Require companies operating within their jurisdiction to conduct mandatory human rights and environmental due diligence across their supply chains.
  - If the State is a member of the OECD: Make OECD complaint procedures at the National Contact Points accessible for Indigenous Communities by providing technical and financial support.
  
2. Are you aware of any measures, both mandatory and voluntary, at national, regional, and international levels to foster business respect for human rights in the extractive sector, especially in the context of energy transition plans, programs and activities? If so, are these measures effectively enforced and do they provide the necessary coverage in light of evolving circumstances, including energy transition plans? Is greater clarity necessary in some areas of law and policy? What measures may reasonably correct this situation?
  - **On a global scale**, the United Nations Guiding Principles on Business and Human Rights (UNGPs)
  - On the level of member states of the OECD: the OECD Guidelines for Multinational Enterprises and its complaint procedures through the National Contact Points
  - Other initiatives include:
    - The Extractive Industries Transparency Initiative (EITI)
    - The Voluntary Principles on Security and Human Rights
    - The Kimberley Process
    - Initiative for Responsible Mining Assurance (IRMA)

- **In the European Union (with global implications)**
  - EU Battery Regulation
  - EU Corporate Sustainability Due Diligence Directive
  - EU Critical Raw Materials Act
  
- **In South America:**
  - **Colombia** has a National Action Plan on Business and Human Rights, which includes the mining sector. The plan encourages responsible investment, improves environmental rules, and ensures that communities affected by extractive activities are informed and have a voice.
  - **Peru** has a law on prior consultation that requires companies to consult indigenous people before doing mining activities.
  
- **In Asia:**
  - The Mining Act in the **Philippines** says that mining companies must get Indigenous People's free, prior, and full permission before starting activities.
  - **Indonesia** has a National Action Plan on Business and Human Rights, which encourages mining companies to act responsibly. In the plan, specific steps are outlined to resolve human rights issues, including getting free, prior, and informed consent from affected groups, and fixing any problems that arise.

Despite the existence of a few national laws and international frameworks, companies still fail to properly consult with indigenous communities. Often, this results in conflicts and protests from affected communities, who feel ignored and abused.

Even when companies undertake social and environmental studies, their plans are not always effectively implemented or monitored, and this can result in ongoing harm to local ecosystems and communities.

To address these issues, **companies and governments must respect the right to prior consultation and involve Indigenous Peoples fully in mining decision-making processes, from exploration through post-closure.** In addition, companies that violate the law or harm local communities must be held accountable.

Protecting the environment and indigenous rights are two faces in the same coin, and both are crucial to fight climate change and ensuring a more just and sustainable future.

3. [What mechanisms or processes should exist at the State level \(e.g., inter-ministerial committee, ex ante human rights impact and risk assessment\) to assess and ensure that extractive sector operations, including the production and distribution of transition minerals, do not impact negatively human rights? Are these measures effectively enforced and do they provide the necessary coverage in light of energy transition plans, programs and activities?](#)
- Policymakers should incorporate mandatory requirements to respect Indigenous Peoples' rights, including the right to **FPIC** as enshrined in the **UNDRIP**, in policies prioritizing the transition to a green economy.

- The State should give Mandatory public notice when an application for prospecting or mining rights/licences is made, inviting comments, concerns and objections from interested and affected parties.
- Business sustainability reporting, including Environmental and Social Impact Assessments (**ESIAs**) (and, where needed, cultural and cumulative assessments) with a life cycle perspective, should be mandatory, done with stakeholder participation, prepared by a neutral third party, and made publicly available.
- Meaningful participation of Indigenous Peoples in decision-making in energy transition plans, programs and activities should be ensured.
- States should require due diligence that explicitly incorporates Indigenous Peoples' rights, including FPIC as enumerated in the UNDRIP, throughout the supply chain for the clean energy transition.
- Where States allow companies to use third-party auditing schemes to conduct due diligence, the outcome should be considered one data point out of the many other means of assessing their impact on the supply chain. It should in no way be regarded as absolving companies of their responsibility.
- States shall develop public procurement policies that incorporate respecting the rights of Indigenous Peoples, including FPIC, as a condition for all products used by the State administration.
- States shall develop policies and regulations on transparency in the trade and services and in the ownership of the enterprises.

4. How do States encourage and regulate communication of energy transition efforts by business in the extractive sector, including State-owned enterprises (SOEs), to avoid the publication of misleading or unsubstantiated claims or reporting of an entity's energy transition programs? Do these measures sufficiently ensure the adequacy, accessibility, reliability, and accuracy of information?

- The mining industry lacks transparency. Information is not readily available, and when it is, it is often not adapted for Indigenous Peoples due to language barriers and/or technical issues expressed using inaccessible, convoluted language.
- States can encourage transparency by requiring companies to disclose information about their energy transition efforts, comply with specific reporting standards, and regulate the use of specific terms or labels related to the energy transition. However, these measures may not always be sufficient to ensure the adequacy, accessibility, reliability, and accuracy of the information provided. The effectiveness of energy transition measures depends on their implementation and enforcement by regulatory authorities, and there may be gaps in coverage or loopholes that companies can exploit.
- Collaboration between States, Indigenous Communities, businesses, and civil society organizations from the earliest stages of any mining project is needed to ensure accurate, reliable, and accessible information.

5. Do current concessions, contracts, and bilateral investment treaties in the extractive sector aid or constrain domestic regulatory space available to States to meet their international human rights obligations in the context of the energy transition? What further changes in key provisions and licensing/procurement processes are desirable to advance energy transition in alignment with the UNGPs?

- **Investor-state dispute settlements (ISDS) in the mining sector are problematic** and make respecting human rights difficult. Companies can seek legal action against states that support the decision of their communities to ‘say no’ under the ISDS mechanisms within International Investment Agreements.
  - Across Latin America, over half of the ISDS mining industry claims were related to fighting to protect Indigenous People’s territories. The ISDS should be eliminated or radically reformed.
  - Further, **international binding due diligence frameworks that include the FPIC** along the whole supply chain need to be established.
6. **What are the gaps in the development and implementation of existing National Action Plans, legislation, and domestic, regional, or international frameworks (e.g., the Paris Agreement or climate change laws) on business and human rights, particularly in relation to the extractive sector, which if addressed will advance a just and human rights-based energy transition?**
- No Mandatory FPIC
  - No alignment with the UNDRIP
  - Ensure due diligence throughout the supply chain to ensure businesses respect human rights and the environment in all their processes. Due diligence must incorporate Indigenous rights as enumerated in the UNDRIP and be accompanied by strong measures holding companies accountable for any harm they may have caused.
  - Adopt Environmental, Social and Corporate Governance (ESG) standards which provide guidelines and recommendations on how companies operate their businesses and how they affect environmental and social systems. These standards can be useful when performing due diligence on human rights (labour rights, land rights, Free Prior and Informed Consent of Indigenous Peoples, accountability, etc.) and environmental issues (environmental impact assessments, waste management, and greenhouse gas emissions, for example).
7. **How can energy transition policies, programs, plans and activities in one State have adverse human rights impacts outside of their territory or jurisdiction (including supply chain issues and sourcing)? What measures may reasonably correct this situation?**
- In Europe, for example, the green transition requires metals and minerals from producing countries. Increases in demand cause production to increase and exacerbate existing problems or cause new ones to emerge.
  - **Measures:** A strong due diligence process that includes the entire supply chain, including electric vehicle, utility, battery production companies, and mining industries, **with binding accountability and binding responsibilities for companies** along the whole supply chain.
  - The entire supply chain due diligence must **prioritize FPIC as described in the UNDRIP**.
8. **How can States harness the potential of energy transition to accomplish important policy objectives related to human rights, such as achieving local empowerment, gender equality, protection of the environment, mitigation of climate change and realizing the Sustainable Development Goals?**
- Ensure meaningful participation by all rightsholders, particularly Indigenous Peoples. As guardians of about 80% of the world’s biodiversity, their involvement is not only important in its own right but also for the sake of a well-functioning planet.
  - Ensure policy coherence across all policy areas and alignment with the 2030 Agenda.
  - Put people and nature first, with profit as a means of achieving well-being through human rights policies

- Embrace a systemic change, not only incremental technological improvements but also transformational changes.

### Corporate responsibility to respect human rights

9. What roles should business enterprises in the extractive sector play to integrate human rights into ongoing energy transition plans and programs to address adverse human rights impacts? Please provide examples if possible.

All businesses involved in the transition minerals supply chain, from mines and smelters to electric vehicle manufacturers and technology companies, should:

- Engage meaningfully with involved/impacted Indigenous communities
- **Adopt FPIC and Indigenous Peoples policies, aligning with UNDRIP**
- Conduct thorough FPIC due diligence for new and existing projects and partners
- Move beyond voluntary guidelines, voluntary reviews, and voluntary audits to a framework that ensures and imposes legal responsibility for non-compliance for all types of companies.
- Increase the sector's transparency, and require supply chain mapping by companies and that these maps be publicly available.

**A failure to adopt FPIC and Indigenous Peoples' rights based policies exposes companies to unnecessary and expensive legal, political, reputational, and operational risks.**

A properly executed FPIC can achieve mutually beneficial results for Indigenous communities and companies. An example includes the case of **Ford and BMW**; despite making commitments to respect human rights and implement human rights due diligence programs throughout their operations and supply chains, both companies have failed to protect Indigenous Peoples' right to Free Prior and Informed consent ([their leather supplier purchased](#) raw materials from cattle ranches guilty of occupying and illegally deforesting the land of uncontacted tribes).

10. Are human rights provisions, for example in existing concessions, contracts, and bilateral investment treaties, effective in encouraging businesses in the extractive sector, including investors, to respect all internationally recognized human rights? If not, what should be done to strengthen their efficacy?

- No or not enough, over a period of 10 years, [495 human rights allegations](#) were made against all 115 companies involved in transition mineral extraction; this figure represents only reported instances.

A few of many examples of Indigenous Peoples currently experiencing harm and threats from unconsented development of transition minerals include:

- In the **United States**, [Peehee Mu'huh](#), or Thacker Pass, sits at the southern edge of the McDermitt Caldera in Humboldt County, Nevada. Lithium Americas is attempting to develop a lithium mine on these lands, which are sacred to Shoshone and Paiute Peoples.
- In **Guatemala**, members of the [Indigenous Q'eqchi'](#) community peacefully blockaded the Fenix Nickel Mine to protest the lack of consultations and Free, Prior, and Informed Consent for the mine, which has polluted their traditional fishing grounds in Lake Izabal.
- In **Russia**, [Indigenous communities](#) on the Taimyr Peninsula suffered food insecurity after a fuel spill in 2020 from a subsidiary of Nor Nickel (a mining firm that supplies some 20 per cent of the

world's Class I nickel needed for electric vehicle batteries) polluted local waterways. Despite pressure from companies in the supply chain, Nornickel has failed to respond to requests from Indigenous communities for adequate compensation and restoration of the fragile Arctic environment.

- In **Chile**, the Atacama Desert is home to several Indigenous communities facing significant threats from the lithium mining industry, a critical component of the transition to renewable energy. These communities, including the Atacameño, Lickanantay, Copiapo, and Kunza peoples, have raised concerns about the impacts of mining on their water sources, cultural heritage, and way of life. The mining industry in the region has also been associated with air pollution, water depletion, land degradation, and conflicts over land rights. Despite these concerns, the Chilean government has granted mining concessions without proper consultation with affected Indigenous communities.
- In **Brazil**:
  - **Amazon** - The Yanomami and Munduruku Indigenous communities in the Brazilian Amazon are facing increasing threats from illegal mining for gold, nickel, titanium, phosphate, niobium and rare earths, and other minerals, which has accelerated in recent years due to the global demand for transition minerals. The Yanomami people have experienced violence, forced displacement, and environmental contamination due to illegal mining in their territory.

The Munduruku people also face threats from proposed mining projects in their ancestral lands, which they argue would destroy their sacred sites and jeopardize their way of life. These communities have called for greater protection of their rights and territories and greater recognition of their role in protecting the Amazon rainforest.

- **Wind Energy in Bahia** - Northeastern Brazil has been a major hub for wind energy development in recent years. However, several Indigenous communities in the region, like Pataxo and Tupinamba, have raised concerns about the impacts of wind turbines on their land and way of life. For example, the Tupinambá de Olivença people have argued that wind energy projects have disrupted their traditional fishing practices and destroyed important cultural sites.
- **Solar Energy in the state of Piauí** - Northeastern Brazil is also experiencing a boom in solar energy development, with several large-scale solar projects planned or under construction - an area linked to several transition minerals. The Indigenous community of Jenipapo-Kanindé have faced challenges with impacts of these projects on their land, water sources, and cultural heritage. They have also argued that they were not properly consulted or informed about the projects, which could threaten their livelihoods and way of life.
- **Mato Grosso do Sul state** - Hydroelectric Dam and Solar Panels in the state of Mato Grosso do Sul - The Guarani-Kaiowá people in the state of Mato Grosso do Sul have been impacted by the construction of a large hydroelectric dam and a solar panel project in their territory. The projects have disrupted their access to water sources, destroyed important cultural sites, and caused significant environmental damage. In the Region, Xavante people have been severely impacted by routes and highways demanded by those corporations.

- In **Peru**, the Indigenous community of Fuerabamba in the southern highlands of Peru has been impacted by the development of a copper mine by the Chinese company MMG, among others. The mine has displaced the community from their ancestral lands and disrupted their way of life, including their traditional grazing practices and access to water sources. The company has been accused of violating the community's rights to consultation and consent and failing to address environmental impacts such as air pollution and water contamination.
- In **Norway**, Sami communities are threatened by wind farms that prevent the reindeers from their annual trails. Some of the communities never gave their consent.
- In **Sweden**, Sami communities are facing a boom in mining and renewable technologies like windmill parks expanding exponentially in their territories. The Swedish government did not ratify the ILO Convention 169 and does not recognize the FPIC. The Sami People feel their culture is being pushed to its collapse due to the cumulative impact of the green transition developments.

**Policymakers should implement and monitor the compliance of mandatory requirements to respect Indigenous Peoples' rights, including the right to FPIC as enshrined in the UNDRIP, in policies prioritizing the transition to a green economy worldwide.**

11. Have you seen extractive sector investors play a role in preventing and mitigating, or in exacerbating, negative impacts of energy transition efforts on human rights? Should investors be required to conduct gender responsive HRDD in meaningful consultation with local communities, civil society organizations, Indigenous Peoples, and human rights defenders? What remediation responsibility should investors have?

- Yes, they should be required to conduct gender-responsive HRDD.
- In addition to gender-responsive HRDD, investors should:
  - Make sure all new projects are undertaken with due diligence related to Indigenous and human rights.
  - Ascertain whether and how companies have operationalized FPIC for Indigenous peoples impacted by their operations.
  - Ensure the Board of Directors reports to investors and shareholders on their policies, practices, and performance indicators in implementing internationally-recognized human rights standards for Indigenous Peoples' rights.

Failure to do so may result in delays, credit risk, and reputational damage related to ESG controversy.

12. What role can the informal economy (e.g., artisanal and small-scale mineral exploitation, including supply chains) play in advancing a just and human rights-based energy transition?

- Producer and consumer states shall create transparency in trade with the products of the informal sector.
- Producer states shall create initiatives in support of the formalization of the informal economy.
- States shall encourage certification initiatives for the informal economy.

13. Should concessions, contracts, and legislation require all business enterprises producing, purchasing, processing, and distributing transition minerals to apply and implement human

rights-based impact and risk assessments and due diligence standards, including gender-responsive HRDD and heightened HRDD for conflict-affected areas? If so, how could such processes ensure meaningful participation of impacted communities, particularly vulnerable and historically excluded groups?

- There is a **growing global demand to legally require companies to undertake mandatory human rights due diligence across their supply chains**. In addition to the recently passed EU Battery Directive, mandatory due diligence schemes are being proposed by civil society and/or at various levels of the legislative process in Mexico, Canada, the EU, and in the legislatures of more than a dozen European countries.
- **Indigenous Peoples' right to Free, Prior and Informed Consent (FPIC) should be respected** by mining companies and operators, in addition to the responsibility mining companies and mine operators have to perform due diligence and report to regulators and underserved communities on performance.
- Human rights and environmental due diligence involves assessing actual or potential adverse impacts on rightsholders, including Indigenous Peoples', integrating findings into management plans, taking action, providing remedy and gender-responsive grievance mechanisms when violations occur, and tracking and communicating externally on performance. It is an ongoing process, requiring periodic review and revisions as project operations and operating contexts change.
- Mandatory HRDD is bolstered when companies are required to be transparent with regard to their supply chains, as it enables civil society and the government to hold them accountable for any environmental harm and human rights abuses across their supply chains.

14. How could extractive sector associations, higher education institutions and other stakeholders promote awareness and encourage human rights-compatible business practices (e.g., addressing greenwashing and green scamming practices)?

- Increasing information sharing and transparency
- Bringing the topic to the discussion agenda
- Enabling meaningful participation of all stakeholders

#### **Access to remedy**

15. What measures and mechanisms should be provided by extractive sector legislation, bilateral investment treaties, concessions, and contracts to allow individuals or communities affected by extractive activities to seek effective remedy for business-related human rights abuses? What remedies are best suited for this sector?

- There is no remedy for the loss of cultural assets, but victims could be helped by some mechanisms and financial compensations.
- **Independent grievance mechanisms** should be clearly established and made available to potentially impacted communities before a project begins.
  - Grievance mechanisms must be made available in all relevant languages and
  - have a clear, established timeframe for resolving grievances.
  - If abuses occur, impacted communities must have access to representation in the resolution process.

- Communities must also have a say in the design and operation of the grievance mechanism.
  - There should be a **Reversion of the burden of proof** when problems arise. Indigenous communities do not have the financial or technical capacity. Now the burden of proof denotes a strong power imbalance.
16. Please provide examples of steps taken by States to investigate, punish and redress business-related human rights abuses related to the extractive sector in the context of energy transition projects. Are the steps and redress mechanisms effective in terms of both process and remedial outcomes?
- No input
17. Are you aware of any cases submitted to judicial and/or non-judicial instances (e.g., national human rights institutions, national contact points, mediation, etc.) regarding business-related human rights abuses in the extractive sector, particularly in the context of energy transition projects?
- over a period of 10 years, there were [495 human rights allegations](#) made against all 115 companies involved in transition mineral extraction; this figure represents only reported instances.
18. Are current dispute resolution provisions and frameworks in the extractive sector “fit for purpose” to address complaints related to human rights abuses linked to extractive activities and energy transition projects? If not, what are the alternatives for a legitimate, transparent, and effective dispute resolution system to address such complaints?
- They are not fit for purpose.

### Good practices and other comments

19. Please provide examples of good practices regarding the integration of human rights issues in the extractive sector in the context of the energy transition.
- AXIS Capital is the [first North American insurer](#) to say that it will not underwrite new projects that fail to obtain the Free, Prior and Informed Consent (FPIC) of impacted Indigenous communities, as outlined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). As a company that insures energy projects, [AXIS](#) has set a standard that other insurance companies should aspire to. The new policy is an important step and a major victory for Indigenous rights defenders.
20. What specific renewable energy policies, practices and safeguards should be adopted by States and businesses so that energy transition does not have adverse effects on human rights?
- Ensure that the rights of Indigenous Peoples embodied in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), including FPIC, are enacted and implemented.

21. Are there any specific recommendations to States, businesses (including investors), civil society, UN bodies and National Human Rights Institutions that would help further advance a just and human rights-based energy transition in the extractive sector? Any other comments or suggestions about the forthcoming report are also welcome.

- The green transition requires a Systemic change approach; technological increments improving the efficiency of some processes are not enough. A sufficiency approach and a democratic approach should complement the efficiency approach.
- Indigenous Peoples' rights described in the **UNDRIP, including the FPIC, should be codified in legislation and made mandatory for all private or public activities.**
- Establish FPIC decision-making processes developed by Indigenous Peoples, independently supervised by authorities without vested interests in the projects.
- Ensure policy coherence for sustainable development across all policy areas.
- Implement government initiatives that increase sustainability, circularity, efficiency, and development to reduce mining demand.
- Protected areas and ICCAs should be 'no-go' zones for extractive industries.
- Implement business sustainability reporting, including environmental and social impact assessments (and cumulative and cultural assessments when needed). Sustainability assessments should take a lifecycle perspective and be harmonized across policy areas.
- Put well-being of the People and Human rights at the centre of policymaking.