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**Statement of**

**Mr. Francisco Cali-Tzay**

**Special Rapporteur on the rights of Indigenous Peoples**

**Forum on Business and Human Rights**

**Geneva, 29 November 2023**

Madam Chairperson,

Distinguished delegates,

Indigenous Peoples’ representatives,

Ladies and gentlemen

It is an honour for me to address the Forum on Business and Human Rights on an important topic of upholding Indigenous Peoples rights in the green economy. Green economy is critical to achieving the Sustainable Development Goals and the targets set by agreements under the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity Kunming-Montreal Global Biodiversity Framework.

I would like to emphasize that green economy has an important human rights dimension. I would also like to stress that an urgent shift to green economy is necessary, and if done using a human rights-based approach, it can be a source of opportunity for Indigenous Peoples, to preserve their lands, knowledge and distinct ways of life, and to create economic opportunities that may help them to maintain and strengthen their indigenous identity.

There are many ongoing human rights violations that currently plague extractive and other fossil-fuel related projects. As documented by my mandate, such violations disproportionately affect Indigenous Peoples. I am concerned by increasing reports that conservation and climate-oriented projects and programs rarely include protections for the fundamental rights of Indigenous Peoples. I have reiterated on numerous occasions that economic and financial decision makers have a crucial role in preventing this, by demanding social and environmental safeguards and effective due diligence protocols to ensure Indigenous Peoples’ participation before approving green economy projects or programs.

The transition to green economy is both urgently necessary to respond to climate change and is expected to support economic growth. Regulation of such projects must ensure respect for and protection of Indigenous Peoples, including in terms of access to energy and inclusiveness.[[1]](#footnote-1) Financial and economic actors should recognize that renewable energy projects are often located on or near Indigenous territories[[2]](#footnote-2) and should undertake human rights due diligence to address all actual and potential negative impacts of their projects on Indigenous Peoples and identify, assess and address all the risks to rights holders.

Financial and economic actors should be especially cautious when investing in and promoting projects such as lithium mining, a sector frequently fast-tracked to accelerate the transition to electric vehicles, too often without due regard for the rights of Indigenous Peoples. Inadequate and non-participatory environmental and social impact assessments, lack of free, prior and informed consent, insufficient or non-existent remuneration of Indigenous Peoples on whose lands the mining sites are located, as well as negative health and environmental impacts from extraction through to battery disposal, have been reported as important issues for some Indigenous Peoples.[[3]](#footnote-3)

In accordance with the UN Guiding Principles on Business and Human Rights and the interpretative guidance of the UN Working Group on Business and Human Rights, States, businesses, philanthropic and conservation organizations must exercise human rights due diligence throughout the design, funding and implementation of green projects. Stronger governance and accountability structures are urgently needed to reduce negative impacts on Indigenous Peoples’ rights, and to facilitate direct funding to Indigenous Peoples to support their longstanding efforts to protect biodiversity, healthy forests and produce clean energy. A just green economy transition will require that States and other financial actors break down the power asymmetries and involve Indigenous Peoples, Indigenous women in particular, as equal stakeholders in the green economy process, and foster true cooperation and solidarity.

The most biodiverse and best-preserved lands, forests and shores on this planet are those that have been stewarded by Indigenous Peoples. Indigenous Peoples’ scientific knowledge is critical to solving the biodiversity loss and climate change crises. Moreover, ensuring their participation and consent for any project affecting their lands is the obligation of States under international law. Business corporations and financial actors have similar responsibilities and obligations under international standards and national laws.

I would like to reiterate that States, international financial and economic institutions and the private sector play a critical role in shaping policy beyond their financial and economic investments and must take steps to ensure that Indigenous Peoples are consulted on, consent to and meaningfully participate in the development and implementation of green economy projects and programmes that may affect their rights and interests.

Thank you for your attention.

1. See Committee on the Elimination of Discrimination against Women, general recommendation No. 39 (2022); and <https://www.humanrights.dk/publications/womens-human-rights-energy-transition-sub-saharan-africa-roundtable-event-outcome>. [↑](#footnote-ref-1)
2. See, for example, John R. Owen, Eleonore Lebre and Deanna Kemp, “Energy transition minerals (ETMs): a global dataset of projects”, University of Queensland data collection (2022), available from <https://doi.org/10.48610/12b9a6e>. [↑](#footnote-ref-2)
3. See submission by the Shoshone Paiute Tribes of the Duck Valley. [↑](#footnote-ref-3)