



INTERNATIONAL INDIGENOUS PEOPLES' FORUM ON CLIMATE CHANGE

**International Indigenous Peoples' Forum on Climate Change (IIPFCC)
Rationale Paper on the Informal Note for SBSTA Agenda Item 8 / SBI 63 Agenda Item 9
United Arab Emirates Just Transition Work Programme
Version 14/11/2025 – 11:30**

Main Recommendations from the IIPFCC

We request to maintain paragraph 12(p) as follows:

(p) The importance of the rights of Indigenous Peoples including their right to free, prior and informed consent and the importance of ensuring that all just transition pathways respect, **PROTECT AND** promote ~~and fulfil~~ the distinct, collective and internationally recognized rights of Indigenous Peoples, including the rights to self-determination, and acknowledge the specific rights and protections for Indigenous Peoples in voluntary isolation and initial contact, in accordance with relevant international human rights instruments and principles;

Rationale for Paragraph 12 (p)

Indigenous Peoples hold distinct, collective, internationally recognized rights under international human rights law, including instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), ILO Convention No. 169, UN treaty body jurisprudence, as well as regional human rights instruments and jurisprudence. These collective rights, including rights to Self-determination, to lands, territories and resources, to culture, and to Free, Prior and Informed Consent (FPIC), are directly and uniquely implicated by all dimensions of the Just Transition Work Programme. Transition-related activities, including those involving energy systems, mining for transition or critical minerals, renewable energy infrastructure, land-use change, adaptation, resilience, often affect Indigenous Peoples' lands and territories. Without a clear and dedicated reference, the application of Indigenous Peoples' rights risks becoming fragmented or only symbolically mentioned, leading to gaps, inconsistencies, and weak implementation. A stand-alone paragraph ensures coherence, operational clarity, and alignment with established international human rights standards.

Explicit recognition of Indigenous Peoples in Voluntary Isolation and Initial Contact (PIACI) in the text is equally necessary, as they are among the most vulnerable populations in the world and face disproportionate, existential risks from just transition activities, including mining for transition minerals, renewable energy infrastructure and more. Free, Prior and Informed Consent cannot be sought from them without violating their internationally recognized rights to to remain in isolation. If PIACI are not explicitly referenced, transition-related mining, infrastructure, or land-use activities could unintentionally place them in life-threatening situations, leading to their cultural and physical extinction. A stand-alone paragraph ensures that

the JTWP assists parties to implement just transition pathways in a manner that avoids activities putting the physical and cultural survival of PIACI at risk.

We support paragraph 12(w) and recommend strengthening the text as follows:

(w) The social, environmental **AND HUMAN RIGHTS** risks associated with scaling up supply chains for clean energy technologies, including risks arising from the extraction and processing of critical minerals, recalling the principles and recommendations outlined in the report of the United Nations Secretary-General's Panel on Critical Energy Transition Minerals **AND UNDERSCORING THAT ADDRESSING THESE RISKS REQUIRES RESPECT FOR INTERNATIONALLY RECOGNIZED RIGHTS STANDARDS AND THE RIGHTS OF INDIGENOUS PEOPLES, INCLUDING PROTECTIONS FOR INDIGENOUS PEOPLES IN VOLUNTARY ISOLATION AND INITIAL CONTACT THROUGH THE ESTABLISHMENT OF EXCLUSION ZONES, CONSISTENT WITH THE PRINCIPLES OF PRECAUTION AND NON CONTACT;**

Rationale for Paragraph 12 (w)

A strengthened paragraph 12(w) is essential because the extraction and processing of transition minerals is already one of the most significant sources of social, environmental, and human rights risks linked to the energy transition. Parties, including the EU, Australia, Canada, UK and others, have repeatedly acknowledged in their interventions the need for environmentally and socially responsible mineral supply chains, which requires explicit safeguards. Without clear reference to human rights standards and Indigenous Peoples' rights, including FPIC, national-level implementation risks legitimizing or enabling harmful practices that undermine the objectives of a just transition.

Explicit reference to Indigenous Peoples in Voluntary Isolation and Initial Contact (PIACI) is essential because they face unique, existential vulnerabilities under international human rights law. Transition-related mining, roads, renewable energy infrastructure, and other activities near their territories can trigger forced or accidental contact, disease transmission, displacement, cultural collapse, and even extinction. These risks cannot be addressed through Free, Prior and Informed Consent (FPIC) alone, because FPIC presupposes contact. For PIACI, international law, including the 2025 judgment of the Inter-American Court of Human Rights in *Tagaeri and Taromenane v. Ecuador*, reports of the Inter-American Commission on Human Rights, and guidance from UN human rights mechanisms, recognizes the **Precautionary Principle** and the **Principle of Non-Contact** as the governing standards.

The landmark ruling of the Inter-American Court of Human Rights in *Tagaeri and Taromenane v. Ecuador* (13 March 2025) established that PIACI have a right to remain in isolation, and that States must adopt exclusion zones or intangible territories to protect them from any external intrusion. The Court held that extractive or infrastructure activities near PIACI territories violate rights to life, territory, culture, and integrity. Including explicit reference to PIACI in the Just Transition Work Programme is thus necessary to ensure that transition pathways uphold these

established international obligations, and that measures such as exclusion zones and no-contact policies are incorporated to prevent irreversible harm.

Globally, it is estimated that around 200 distinct groups of Indigenous Peoples live in voluntary isolation or initial contact. They are concentrated in remote, biodiversity-rich forests and watersheds across Bolivia, Brazil, Colombia, Ecuador, Peru, Venezuela and Paraguay in the Amazon and Gran Chaco regions, as well as in India, Indonesia and Papua New Guinea, among others. In the Amazon Basin and Gran Chaco alone, specialized studies identify approximately 189 PIACI peoples, underscoring that a significant proportion of the world's remaining isolated peoples live precisely in territories now targeted for logging, agribusiness, oil and gas, and mining for so-called "transition" or "critical" minerals. Recent mapping efforts by civil society organizations similarly point to nearly 200 uncontacted groups across South America, Asia and the Pacific, reinforcing both the scale and global nature of the responsibility to protect them. United Nations analyses consistently stress that these Peoples are among the most vulnerable populations on the planet, that they play a crucial role in safeguarding intact forests and ecosystems, and that their survival depends on robust protection of their right to remain in isolation, their lands, territories and resources, and the application of the Precautionary Principle and the Principle of Non-Contact in any decision that could affect their territories.

We support Option 1 of paragraph 19 as drafted:

Option 1: *Underscores* the relevant instruments and initiatives that might provide guidance for designing and implementing just transition pathways, including the International Labour Organization guidelines for a just transition towards environmentally sustainable economies and societies for all,⁸ the United Nations Global Accelerator on Jobs and Social Protection for Just Transitions,⁹ the United Nations Guiding Principles on Business and Human Rights¹⁰ and the United Nations Declaration on the Rights of Indigenous Peoples,¹¹ and *calls upon* partners in relevant initiatives and organizations outside the UNFCCC process to take into account the key messages from the just transition work programme in their implementation efforts;

Rationale for Paragraph 19 (Option 1)

We choose Option 1 as it points Parties to existing UN standards that already guide just transition, human rights and responsible business conduct. It does not create new obligations, it prevents fragmentation and gives clear reference points for implementing the Just Transition Work Programme.

UNDRIP must stay in paragraph 19 because it is the only instrument listed that sets out the collective, internationally recognized rights of Indigenous Peoples that are named in the Paris Agreement and in paragraph 12p. Removing UNDRIP while keeping other instruments would be incoherent and would weaken the practical implementation of Indigenous Peoples rights in just transition pathways.

ANNEX: Key Documents and Decisions Regarding Indigenous Peoples in Voluntary Isolation and Initial Contact

- 2012 - Guidelines for the Protection of Indigenous Peoples in Isolation and in Initial Contact in the Amazon Region, the Gran Chaco and the Eastern Region of Paraguay. (OHCHR, [A/HRC/EMRIP/2009/6](#))
- 2013 - Indigenous Peoples in Voluntary Isolation and Initial Contact in the Americas (IACHR, [OEA/Ser.LV/II. Doc. 47/13](#))
- 2017 - 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) [A/HRC/39/17/Add.1](#) (Summary 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).
- 2020 - Right to land under the United Nations Declaration on the Rights of Indigenous Peoples: a human rights focus Study of the Expert Mechanism on the Rights of Indigenous People ([A/HRC/45/38](#))
- 2022 - Permanent Forum on Indigenous Issues Report on the twenty-first session (25 April–6 May 2022)
- 2025 – Report on the International expert group meeting on the theme “The rights of Indigenous Peoples, including those in voluntary isolation and initial contact in the context of critical minerals” (Permanent Forum on Indigenous Issues, [E/C.19/2025/4](#))
- 2025 – Resolution 60/13, Human Rights and Indigenous Peoples (Human Rights Council)
- 2025 – [Briefing document Indigenous Peoples in Voluntary Isolation and Initial Contact](#) (OHCHR)