

**GLOBAL
BATTERY
ALLIANCE**

BATTERIES POWERING
SUSTAINABLE DEVELOPMENT

G-BA BATTERY
PASSPORT

Indigenous Peoples' Rights Rulebook



ABOUT THIS INTERIM DRAFT FOR BATTERY PASSPORT PILOTS

The GBA battery passport rulebooks and corresponding data collection templates are interim versions released in June 2024 by the Global Battery Alliance. This version has been developed by the GBA's multistakeholder Environment, Social & Governance working groups for the purpose of Battery Passport piloting, whilst recognising that there remain selected substantive and editorial comments to be resolved together with feedback collected from the pilots. The Battery Passport pilots aim to test reporting against the performance indicators, as well as elements of data verification, aggregation and calculation of the GBA's ESG score for batteries. Following the piloting, the GBA will be hosting a structured public consultation phase on the indicator framework. Based on the feedback from the pilots and that gathered from thematic experts and other stakeholders, the rulebooks and data collection templates will be finalised and re-published in 2025.

Please find more information about the GBA's Battery Passport and the pilots [here](#). If you would like to take part in the evolution of the GBA Battery Passport and future rulebooks across salient ESG issues, please [join the GBA](#) or contact us secretariat@globalbattery.org.

Disclaimer: This document is published by the Global Battery Alliance. The findings, interpretations and conclusions expressed herein are a result of a collaborative process facilitated and endorsed by the Global Battery Alliance but whose results do not necessarily represent the views of the entirety of its Members, Partners or other stakeholders.

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1 Introduction

1.1 GBA overview

The Global Battery Alliance (GBA) is a public-private collaboration platform founded in 2017 at the World Economic Forum to help establish a sustainable battery value chain by 2030.

The GBA brings together over 160 leading international organizations, NGOs, industry actors, academic institutions, and multiple governments to align collectively in a pre-competitive approach and to drive systemic change along the entire value chain. Action Partnerships provide a collaborative platform for members to pool their expertise to achieve the shared goals of circularity, environmental protection, and sustainable development. Members of the Alliance collaborate to achieve the goals set out in the GBA 2030 Vision and agree to the GBA's Ten Guiding Principles. The GBA's multi-stakeholder governance structure aims to ensure inclusivity in decision-making and strategic focus.

1.2 The GBA vision

The GBA aims for batteries to be catalysts of sustainable development, striving for a circular battery value chain to meet the Paris Agreement goals, fostering a low-carbon economy to generate economic growth and employment, and upholding human rights in line with the UN Sustainable Development Goals.

The GBA's mission is to set trusted criteria and benchmarks for battery sustainability, mobilize collective action to improve the battery value chain's ESG footprint, and to communicate with one voice and strong media visibility to enhance the industry's public profile and accountability.

1.3 The GBA Battery Passport

Based on this foundation, the GBA envisions to accelerate the scaling of sustainable, responsible, and circular battery value chains by

- Establishing a global battery passport ecosystem, including harmonized sustainability performance expectations for batteries
- Making company efforts measurable, trusted and comparable
- Tracking and rewarding improvement actions across the value chain with a comprehensive ESG score for consumers

The GBA conceptualized the Battery Passport as a framework to increase transparency across the battery value chain. It establishes a digital twin of the physical battery that conveys information about all applicable sustainability and lifecycle requirements based on a comprehensive definition of a sustainable battery. In scope are EV batteries at initial stage; the Battery Passport is chemistry-agnostic and encompasses all major types of EV batteries present on the market.

The GBA's Battery Passport is unique as it is a key instrument is data-based, standardized, comparable, and auditable. Its ultimate goal is to provide end-users with a quality seal based on the battery's sustainability performance, according to

reporting rules agreed upon by stakeholders from industry, academia, non-governmental organisations (NGOs) and government.

With the Battery Passport and the underlying rulebooks, the GBA aims to define a comprehensive set of sustainability indicators to create global and credible performance expectations with other relevant global players in the battery value chain. GBA multi-stakeholder working groups play an essential role in raising and validating the key sustainability performance expectations captured in the indicator framework.

The Battery Passport will both certify compliance with sustainability and societal expectations and clearly differentiate more valuable batteries in the market based on their sourcing impact and performance.

To implement the vision of the Battery Passport, the GBA collaborates with several key external stakeholders: standard setters, regulators/ policy makers, track & trace/ data verifying agencies, other initiatives with similar targets, corporate organisations, the financial community, non-corporate and public organisations, and end-users of vehicles/ batteries.

1.4 About the rulebooks

The objective of the rulebooks is to set globally harmonized rules that define which indicators and requirements are to be tracked within the battery passport which feeds into the sustainability score of the GBA Battery Passport. The rulebooks aim to provide a sound set of performance expectations for batteries and are intended to be applicable to all types of battery value chain members, regardless of where they operate or do business.

Development of the rulebook has taken place in the GBA's multistakeholder Working Groups, which were set up to define what stakeholders expect from sustainable performance and overseen by the Steering Committee which sets the high-level principles upon which the ESG issues of the GBA Battery Passport are to be developed. The rulebooks were created through a robust, intensive collaborative process based on drafts building on regulatory requirements and international standards. In online Working Group sessions, GBA members reviewed the content of this rulebook, debated key performance expectations, and agreed upon commonly acceptable positions. *Member organisations can choose not to agree on elements of the final rulebook in case consensus cannot be found. External stakeholders and groups representing affected people are consulted and their feedback on the requirements collected and included according to the working group's decision.*

2 Issue Definition

The worldwide need to decarbonize the transport sector has led to a continuous surge in the demand for electric vehicles and their batteries. Notably, the rising request for mineral resources has resulted in the expansion of mining activities to extract the necessary amounts of raw materials and minerals employed in technologies associated with this transition. Economic activities along the battery value chain, and notably the overlap between the land owned and used by Indigenous Peoples and land containing necessary resources results in actual and potential impacts of scaling battery production on the rights and livelihoods of Indigenous Peoples.¹

To respect Indigenous Peoples' rights when planning and carrying out projects in the battery value chain, it is necessary to understand who are regarded or self-identify as Indigenous Peoples.² It is estimated that there are more than 470 million Indigenous Peoples across 70 countries worldwide³, representing about 6.2% of the world's population.⁴ Indigenous Peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. Despite their cultural differences, Indigenous Peoples from around the world share common challenges related to the protection of their rights as distinct peoples⁵, as they face discrimination, poverty, marginalisation and have suffered the consequences of historical colonialisation.⁶ Due to this legacy, the international community recognized that special measures are required to protect their rights and maintain their distinct cultures and way of life, leading to the creation of conventions and procedures to safeguard their rights in the planning and development of projects.⁷

Considering the diversity of Indigenous Peoples, an official definition of "indigenous" has not been adopted globally. It is important to note that not all governments and people recognise Indigenous Peoples. Therefore, companies operating in various jurisdictions are recommended to follow definitions included in international conventions and declaration, where Indigenous Peoples have participated in the definition process. The United Nations as an output of their Permanent Forum on Indigenous Issues propose a modern understanding based on the following:⁸

- Self- identification as Indigenous Peoples at the individual level and accepted by the community as their member
- Historical continuity with pre-colonial and/or pre-settler societies
- Strong link to territories and surrounding natural resources
- Distinct social, economic or political systems
- Distinct language, culture and beliefs⁹

¹ Ndumbaro, F., & Jideani, I. (2014). Indigenous knowledge for disaster risk reduction: An African perspective. *International Journal of Disaster Risk Reduction*, 8, 44-56. <https://www.sciencedirect.com/science/article/pii/S1364032123010341#bib67>

² International Labour Organization (ILO). (1989). *Indigenous and Tribal Peoples Convention, 1989 (No. 169)*. Article 1(b). Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169

³ International Labour Organization (2019). *Implementing the ILO Indigenous and Tribal Peoples Convention No. 169*. Retrieved from: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_735607.pdf

⁴ World Bank. (n.d.). *Indigenous Peoples*. Retrieved from <https://www.worldbank.org/en/topic/indigenouspeoples>

⁵ United Nations Permanent Forum on Indigenous Issues (UNPFII). (n.d.). *About Us*. Retrieved from: <https://www.un.org/development/desa/indigenouspeoples/about-us.html>

⁶ Office of the United Nations High Commissioner for Human Rights (OHCHR). (n.d.). *Special Rapporteur on the rights of Indigenous Peoples*. Retrieved from: <https://www.ohchr.org/en/special-procedures/sr-indigenous-peoples>

⁷ United Nations Permanent Forum on Indigenous Issues (UNPFII). (n.d.). *About Us*. Retrieved from: <https://www.un.org/development/desa/indigenouspeoples/about-us.html>

⁸ United Nations Permanent Forum on Indigenous Issues. *Factsheet: Who are Indigenous Peoples?*. Retrieved from: https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

⁹ International Labour Organization (ILO). (1989). *Indigenous and Tribal Peoples Convention, 1989 (No. 169)*. Article 1(b). Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169;and

- Form non-dominant groups of society
- Resolve to maintain and reproduce their ancestral environments and systems as distinctive peoples and communities¹⁰

The rights of these Indigenous Peoples must be understood and addressed under the framework of the United Nations Declaration on the Rights of Indigenous Peoples, International Labour Organization Convention 169 on Indigenous and Tribal Peoples (ILO Convention No. 169) and other applicable international and regional human rights instruments.¹¹ These frameworks have been considered in the rulebook creation and indicator development as relevant references.

Indigenous Peoples' rights are founded on the affirmation that Indigenous Peoples are equal to all other people, while further supporting the recognition, promotion and protection of rights and freedoms of Indigenous Peoples. Additionally, Indigenous Peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples. Some of these key principles to strengthen Indigenous Peoples' rights are:^{12,13}

1. **Self-determination:** Ability of Indigenous Peoples to freely decide their own economic, social, cultural and political futures¹⁴
2. **Participation in decision-making, and Free, Prior and Informed consent (FPIC):** Indigenous Peoples must be respected and treated as key stakeholders in developing, designing, implementing, monitoring and evaluating all initiatives (incl policies, programs and legislation) that has an effect on Indigenous Peoples wellbeing.¹⁵ While minimum standards for FPIC are enumerated in the UN Declaration on the Rights of Indigenous Peoples, the full spectrum of considerations and protocols to secure FPIC must be articulated by the impacted Indigenous Peoples themselves – something that is often misunderstood or ignored by companies and nations that approve projects with negative impacts on Indigenous communities¹⁶ (see indicator 2).
3. **Respect for and protection of culture and their lands:** Indigenous Peoples have an inherent connection to their ancestral lands, safeguarding their unique relationship with the environment. The rights of Indigenous Peoples to maintain, protect and practice their cultural traditions (specifically their spiritual relationship with the land and natural resources that they traditionally own, use or occupy) and cultural heritage should be respected. This includes protecting their integrity as distinct peoples, their cultural values, intellectual property and Indigenous languages¹⁷

United Nations Permanent Forum on Indigenous Issues. Factsheet: Who are Indigenous Peoples?. Retrieved from: https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

¹⁰ United Nations Permanent Forum on Indigenous Issues. Factsheet: Who are Indigenous Peoples?. Retrieved from: https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

¹¹ <https://www.ohchr.org/en/calls-for-input/2024/call-inputs-mobile-indigenous-peoples>

¹² United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Retrieved from:

https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

¹³ GRI 411: Rights of Indigenous Peoples 2016

¹⁴ UNDRIP enriched by: International Labour Organization (ILO). (1989). Indigenous and Tribal Peoples Convention, 1989 (No. 169). Article 1(b).

Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169; and

United Nations Permanent Forum on Indigenous Issues. Factsheet: Who are Indigenous Peoples?. Retrieved from:

https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

¹⁵ United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Retrieved from:

https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

¹⁶ Sirge Coalition. Securing Indigenous Peoples' right to self-determination: a guide on free, prior and informed consent. Retrieved from:

<https://www.sirgecoalition.org/fpic-guide>

¹⁷ UNDRIP enriched by: International Labour Organization (ILO). (1989). Indigenous and Tribal Peoples Convention, 1989 (No. 169). Article 1(b).

Retrieved from: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C169; and

United Nations Permanent Forum on Indigenous Issues. Factsheet: Who are Indigenous Peoples?. Retrieved from:

https://www.un.org/esa/socdev/unpfii/documents/5session_factsheet1.pdf

- 4. Equality and non-discrimination:** Ability of Indigenous People to govern themselves without discrimination from individuals, governments and/or external stakeholders.

2.1 Impacts of Battery Value Chains on Indigenous Peoples and their rights

The global demand for batteries is rising due to the expansion of the electric vehicle market and the growth in renewable energy storage solutions¹⁸. The rapid scaling of battery production will enable reducing carbon emissions and meeting global climate targets.¹⁹ At the same time, it has various environmental, socioeconomic and cultural impacts in the societies where battery value chain projects take place. Some of these impacts are specifically relevant to Indigenous Peoples. For example, while Indigenous Peoples' territories account for 22 percent of the Earth's land, they play a crucial role in safeguarding 80 percent of the planet's biodiversity.²⁰ Additionally, it is estimated that 54% of critical materials lie on or near Indigenous Peoples' lands.²¹ These impacts can occur throughout the battery value chain and can be positive or negative in nature.²²

- 1. Land Displacement:** Indigenous communities may be at risk of displacement from their ancestral lands²³ to make way for mining operations, infrastructure development, or other activities associated with the battery value chain. This displacement disrupts traditional ways of life, cultural practices, and spiritual connections to the land.²⁴ In the worst case, forcible displacement may involve physical and psychological violence.²⁵ The potential loss of livelihoods must be appropriately compensated and resettlement should, for example, provide sufficient alternative livelihoods such as space for agriculture or herding, or access to water.²⁶ These specific requirements for the resettlement area depend on the needs and priorities of the affected groups of Indigenous Peoples.
- 2. Environmental Degradation:** The extraction of critical minerals can lead to environmental degradation, soil erosion, water pollution, and habitat destruction as they require substantial land and resource use. Ultimately, this can result in land degradation and deforestation, with impacts on livelihoods and ecosystem services especially if it occurs in areas of high biodiversity. The production of active materials and the assembly of the batteries contribute to pollution due to the usage of chemicals and energy.²⁷ Indigenous Peoples rely heavily on natural resources for

¹⁸ Ndumbaro, F., & Jideani, I. (2014). Indigenous knowledge for disaster risk reduction: An African perspective. *International Journal of Disaster Risk Reduction*, 8, 44-56. <https://www.sciencedirect.com/science/article/pii/S1364032123010341#bib67>

¹⁹ Sabo-Walsch, S. (29.03.2017). The Hidden Risks of Batteries: Child Labor, Modern Slavery, and Weakened Land and Water Rights. Retrieved from: <https://www.greentechmedia.com/articles/read/green-battery-revolution-powering-social-and-environmental-risks>

²⁰ Sobrevila, Claudia; The role of Indigenous Peoples in biodiversity conservation: the natural but often forgotten partners (English). Washington, D.C.; World Bank Group

²¹ Mahmood, J., McCauley, D., Cárdenas, M. (15.01.2024). Critical minerals enable the energy transition. We must learn to use them sustainably. Retrieved from: <https://www.weforum.org/agenda/2024/01/energy-transition-critical-minerals-technology/>

²² Regalia, S. (18.03.2020). Commentary: Human rights risks threaten battery supply chains' sustainability - now is the time to act. Retrieved from: <https://www.business-humanrights.org/en/latest-news/commentary-human-rights-risks-threaten-battery-supply-chains-sustainability-now-is-the-time-to-act/>

²³ Redmond, R. (08.08.2008). Forced displacement devastating Colombia's indigenous people. Retrieved from: <https://www.unhcr.org/news/briefing-notes/forced-displacement-devastating-colombias-indigenous-people>

²⁴ Cuffe, S. (19.06.2023). Over a third of conflicts over development projects affect Indigenous people: Study. Retrieved from: <https://news.mongabay.com/2023/06/over-a-third-of-conflicts-over-development-projects-affect-indigenous-people-study/>

²⁵ Redmond, R. (08.08.2008). Forced displacement devastating Colombia's indigenous people. Retrieved from: <https://www.unhcr.org/news/briefing-notes/forced-displacement-devastating-colombias-indigenous-people>

²⁶ Notess, L. (31.05.2018). For Indigenous Peoples, Losing Land Can Mean Losing Lives. Retrieved from: <https://www.wri.org/insights/indigenous-peoples-losing-land-can-mean-losing-lives>

²⁷ Llamas-Orozco, J., Meng, F., Walker, G.S. (November 2023). Estimating the environmental impacts of global lithium-ion battery supply chain: A temporal, geographical, and technological perspective. *PNAS Nexus*. 2(11). Retrieved from: <https://academic.oup.com/pnasnexus/article/2/11/pgad361/7451193?login=true>

their livelihoods, so these environmental impacts directly threaten their food security, water sources, and overall well-being.

3. **Health Impacts including Mental Health:** Exposure to toxic chemicals and pollutants from mining, processing, and disposal activities poses significant health impacts to Indigenous Peoples. This exposure can lead to respiratory illnesses, skin disorders, reproductive health problems, and other adverse health effects, particularly in communities located near mining sites or industrial facilities.²⁸²⁹
4. **Loss of Cultural Heritage:** The disruption of traditional lands and ecosystems, along with the influx of outside influences associated with industrial development, can erode Indigenous Peoples' cultural heritage and identity. Sacred sites, burial grounds, and cultural artifacts may be destroyed or desecrated, further exacerbating the loss of cultural knowledge and practices passed down through generations.³⁰
5. **Social Disruption:** Large-scale industrial projects in or near Indigenous territories can disrupt social cohesion and traditional governance structures within Indigenous communities. The influx of external workers, changes in land use patterns, and increased social tensions may lead to conflicts over resource access, land rights, and cultural identity, undermining community solidarity and well-being.³¹
6. **Economic development:** Due to the overlap in land use with Indigenous Peoples, companies in the battery value chain can also give opportunities for a positive development of the circumstances and respect of rights of Indigenous Peoples. This can be done by investing in their economic and social conditions in areas of, for example, education, employment, vocational training and retraining, housing, sanitation, health and social security.³² Formal economic development can bring about tremendous social change in Indigenous communities, families and communities. For example, an increased engagement of Indigenous Peoples in land claim agreements, agency in resource decision-making, and involvement in business development can contribute to increased autonomy and help build local capacity and social capital. While often intangible, these social impacts can help strengthen Indigenous communities by enhancing the ability to determine their own futures and better cope with the booms and busts of resource development activities.³³
7. **Engagement and Decision-Making:** The inclusive participation of Indigenous Peoples throughout all stages of a project/operation can help obtain and maintain consent of Indigenous Peoples, minimize risks and allows building of a trust-based relationship. This participation should be carried out with respect to the principles of Free, Prior and Informed Consent (FPIC). For Indigenous Peoples FPIC is a tool to ensure that their priorities are taken into account.³⁴ This includes instances when consent is not obtained even after compensating or mitigating for negative

²⁸ Lewis, J., Hoover, J., MacKenzie, D. (26.04.2017). Mining and Environmental Health Disparities in Native American Communities. *Current Environmental Health Reports*. 4(2). 130-141. Retrieved from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5429369/#:~:text=Recent%20results%20show%20that%20Native,in%20contact%20with%20the%20waste>

²⁹ Morton Ninomiya, M., Burns, N. (...). (June 2023). Indigenous communities and the mental health impacts of land dispossession related to industrial resource development: a systematic review. *The Lancet Planetary Health*. 7(6). 501-517. Retrieved from: [https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(23\)00079-7/fulltext#seccestitle10](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(23)00079-7/fulltext#seccestitle10)

³⁰ Responsible Mining Foundation (16.06.2020). Heritage lost to mining: a collective responsibility. Retrieved from: <https://www.responsibleminingfoundation.org/media/heritage-lost-to-mining-a-collective-responsibility/>

³¹ Amnesty International (2007). Maze of injustice: The failure to protect Indigenous women from sexual violence in the USA. Retrieved from: <https://www.amnestyusa.org/wp-content/uploads/2017/05/mazeofinjustice.pdf>

³² United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Retrieved from: https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

³³ National Collaborating Centre for Indigenous Health. (2020). Economic development as a social determinant of first nations, inuit and métis health. Retrieved from: <https://www.nccih.ca/docs/determinants/FS-EconomicDevelopmentSDOH-2020-EN.pdf>

³⁴ Food and Agriculture Organization of the United Nations. Free Prior and Informed Consent. Retrieved from: <https://www.fao.org/3/i6190e/i6190e.pdf>

impacts, in which case projects should not proceed. Engagement in any planning, execution, and review of activities is a crucial success factor in the respect of Indigenous Peoples rights. As Indigenous Peoples operate within specific cultural contexts, traditional governance structures, and historical backgrounds shaping their collective decision-making process, the approach to community engagement with Indigenous Peoples cannot be the same as with non-Indigenous communities. While it is necessary for companies to consult with all impacted communities, Indigenous or not, it is imperative to acknowledge the inherent differences. For Indigenous Peoples, decision-making is a collective process deeply rooted in cultural identity. In contrast, the decision-making dynamics within non-Indigenous communities may differ, as they often but not always involve individual perspectives rather than a collective approach.³⁵

2.2 Connections to other ESG Issues

The ESG issues included in the Battery Passport do not stand on their own. They are interlinked and related to each other. As Indigenous Peoples have an inherent connection to their ancestral lands and environment³⁶, the connection with environmental (E) issues is especially high.

Indigenous People's Rights are particularly linked to issues highlighted in Figure 1. Some indicators that are relevant for Indigenous Peoples will be covered in other rulebooks, such as *local economic development*, *environmental issues* and *rulebooks on cross-cutting issues*. It is recommended to look at related issues side by side when implementing and reporting Indigenous People's Rights requirements. They are further encouraged to find useful links in the rulebooks on *Forced Labour* and *Livelihood attainment*.

Cross-cutting			
Due diligence			
1. Presence and quality of environmental & human rights due diligence and risk management systems			
Environmental	Social & Economic		Governance
Energy and GHG 2. GHG emissions 3. Energy efficiency Environmental degradation 4. Pollution (air, water, soil, hazardous substances, noise and vibration, plant safety) 5. Biodiversity loss Circularity 6. Material consumption/usage 7. Water management (usage, recycling, depletion) 8. Waste management (generation, recycling/reuse) 9. Circular design	Human rights 10. Child labor 11. Forced labor Workers' rights 12. Freedom of association and collective bargaining 13. Worker health and safety Community impacts and rights 14. Respect for Indigenous Peoples' rights 15. Community life 16. Diversity	Local economy 17. Contribution to local economic development (payments to governments and local supplies and employment) 18. Engagement with artisanal and small-scale miners Product cost 19. Total cost of ownership (consumer)	Compliance & good governance 20. Product quality and safety 21. Data security and privacy 22. Occurrence of corruption and bribery

Figure 1: Overview of GBA ESG issue list (as of June 2024)

³⁵ Cultural Survival, First Peoples Worldwide. Statement towards Discontinuing the Use of the Collective Term "Indigenous Peoples and Local Communities" or "IPLC". Retrieved from: <https://www.culturalsurvival.org/news/statement-towards-discontinuing-use-collective-term-indigenous-peoples-and-local-communities>

³⁶ Sobrevila, Claudia; The role of Indigenous Peoples in biodiversity conservation: the natural but often forgotten partners (English). Washington, D.C.; World Bank Group

The presence and quality of risk management systems and presence and quality of sustainability management systems are cross-cutting ESG issues which will be addressed specifically in separate rulebooks. These rulebooks will contain additional and generally applicable requirements and performance expectations on management systems for company-wide environmental, social and human rights due diligence processes in line with best practices from the United Nations Guiding Principles (UNGP) and the Organisation for Economic Cooperation and Development (OECD) (See Figures 3 and 4).



Figure 2: Components of the UNGP Due Diligence

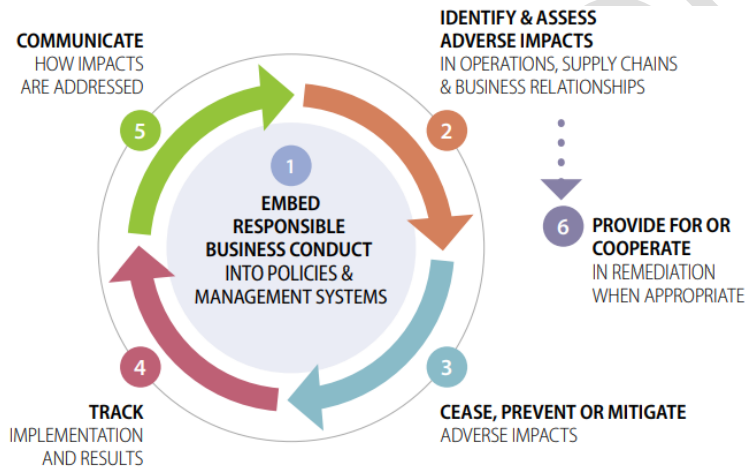


Figure 3: Steps of the OECD Due Diligence Process

3 Indigenous Peoples’ Rights Indicators

This chapter presents the indicator framework for the Indigenous Peoples’ rights rulebook. Furthermore, it introduces the regulations and standards which address the issue of Indigenous Peoples’ rights and were drawn upon to develop the comprehensive set of Indigenous Peoples’ rights indicators with their requirements.³⁷ Those four indicators are subsequently detailed out.

3.1 Indicator Framework

To obtain a battery passport, companies need to demonstrate the presence of due diligence frameworks. The due diligence should address a wide range of ESG issues, among them Indigenous People’s rights. The UNGP and OECD provide widely applied due diligence frameworks which are also relevant to other regulations, as they build the foundation of human rights based due diligence. This rulebook seeks inspiration from both frameworks (UNGP-DD, OECD-DD) to inform the implementation of indicators. These frameworks build a practical foundation for the companies’ efforts to achieve the GBA objectives. Furthermore, they give a structure on how organisations can structure their work around the implementation of the indicators.

³⁷Companies are encouraged to refer to these documents in their efforts to improve Indigenous Peoples’ rights in the operations and supply chain. Companies are also welcome to identify relevant voluntary practices applicable to the industry sector in order to target efforts relevant to the type of risks faced at different stages of the battery value chain.

In order to identify, prevent, mitigate and account for how to address their adverse Indigenous Peoples’ rights impacts, companies should carry out due diligence. The frameworks display the widely accepted steps of due diligence to ensure that companies manage negative impacts associated with their activities aligned within the scope, vision, and impact sphere of the GBA. With the help of these framework and further selection criteria, a core set of indicators was determined. These are focusing on both individual and collective rights of all Indigenous Peoples, impacted by a project.

Companies reporting against the GBA Battery Passport should demonstrate the implementation of the outlined indicators and the requirements associated with the Indigenous Peoples’ rights issue.

The indicator framework is comprised of 4 indicators that can be mapped to the components of the UNGP-DD process as well as the OECD-DD steps:

Table 1: GBA Indigenous Peoples’ Rights Indicators in relevance to UNGP and OECD components

#	Indigenous Peoples’ rights indicators	Description	UNGP-DD components	OECD DD steps
1	Identification of actual and potential negative as well as positive impacts	Appropriate due diligence assessment of organization’s actual (current and previous) and potential negative and positive impacts taking into account among others (a) their identity, (b) their cultural traditions and heritage (specifically the spiritual relationship with the land and natural resources within their traditional territory) and (c) their specific circumstances	1 3	2 1 4
2	Advancement of meaningful consultation and consent to the process, building trustful relationships & respecting FPIC for projects	Existence of a meaningful consultation and consent process with legitimate representative of Indigenous Peoples, (a) ensuring sufficient prior information, consultation and participation in a culturally appropriate manner and sufficient time for decision-making processes respecting their right to give and withhold consent for projects with negative impacts and (b) building trusting relationships beyond project-related consultation processes	4 3	5 1 4
3	Mitigation of negative impacts and realization of positive impacts	reventing, ceasing or minimizing actual and potential negative impacts through the implementation and (participatory) monitoring of culturally and risk-appropriate prevention and mitigation measures based on due diligence and FPIC considerations as well as strengthening IPR beyond project-related impacts through broader participation	2 3	3 1 4
4	Access to remedy	Culturally appropriate measures (a) ensuring IP’s access to remedy (contractually and publicly accessible) and (b) ensuring timely and fair resolution in case of disputes involving Indigenous Peoples	2 3	6 1 4

As the following chapters will show, multiple regulations and standards inform the indicator development and subsequent requirements. Since these may evolve over time, the GBA will conduct periodic reviews of them.

In addition to the UNGP and OECD, further Indigenous Peoples’ rights specific frameworks should be taken into account on understanding the evolution of recognition of Indigenous Peoples rights at the international, regional and local level, such as: UN Declaration on Indigenous People’s Rights, ILO 169, the American Declaration on the Rights to Indigenous People, the African Charter on Human and Peoples’ Rights, the Equator Principles.³⁸ It is important to note that these frameworks are not ratified by every country, and that actions for businesses are only covered marginally.

³⁸ Non-exhaustive list

3.2 Regulations



The Battery Passport indicators on Indigenous Peoples’ rights integrate various international regulations and standards, pivotal for advancing sustainable practices across industries. Regarding respecting Indigenous People’s rights, international, regional and national frameworks offer different focus areas and requirements.

International conventions also offer key frameworks for the protection and promotion of Indigenous Peoples’ rights. Among these are the International Labour Organization (ILO) Convention No. 169 and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The ILO 169 is a legally binding international instrument which specifically addresses the rights of Indigenous Peoples covering a range of issues (e.g., land rights, employment, health etc.). It emphasizes the rights to maintain the Indigenous Peoples’ cultural identity while participating in the broader society. Additionally, the UNDRIP is a declaration outlining the individual and collective rights of Indigenous Peoples. While it is not legally binding like a treaty, it does represent a significant global consensus on the rights and therefore serves as an important international standard for the treatment of Indigenous Peoples. Both, the UNDRIP and the ILO 169, mention the rights of Indigenous Peoples and the ILO 169 also the responsibilities of the state, but direct requirements for companies in the value chain independently from the states’ requirements, if the specific state has ratified the ILO 169, are not specified. The United Nations Guiding Principles on Business and Human Rights (UNGP) on the other hand, offer valuable guidelines for businesses influencing Indigenous Peoples. The UNGP establish a global standard for preventing and addressing the risk of adverse impacts on human rights linked to business activity, including those affecting Indigenous populations. Specifically, the UNGPs emphasize the importance of Free, Prior, and Informed Consent (FPIC), providing a framework for businesses to respect the rights of Indigenous Peoples when engaging in activities that affect their lands, resources, and livelihoods.

Regional declarations such as the African Charter on Human and Peoples’ Rights as well as the American Declaration on the Rights of Indigenous Peoples offer additional strengthening of respecting Indigenous Peoples’ rights in a national context taking into account possible specificities of regional Indigenous Peoples. The American Declaration focuses on the rights of Indigenous Peoples in the Americas covering their cultural rights, land rights and the right to self-determination. The African Charter does not solely focus on the Indigenous Peoples but includes provisions relevant to the rights of the Indigenous communities in Africa emphasizing their rights to culture, natural resources and development according to their own priorities.

The EU Battery Regulation is the foundation for the GBA and the rulebooks, as it is the only regulation requiring a digital product passport for batteries, and its due diligence chapter covers 15 risk categories, including Indigenous Peoples’ Rights. Its implementation is linked to other EU and international regulations on relevant issues. Of the compliance EU battery regulation, the CSRD (in form of the ESRS S3) and the EUDR offer the most helpful insights in regard to the business requirements for Indigenous Peoples’ rights, even though this is often based on their requirements for the human right’s due diligence process. Other regulations mentioning Indigenous Peoples often refer to them as part of the social risks as well as people potentially suffering from the consequences of certain actions.

Table 2: Regulatory compliance baseline for ESG issues

 China	<ul style="list-style-type: none"> • New Energy Vehicle Industry Development Plan (2021-2035)
 EU	<ul style="list-style-type: none"> • EU Battery Regulation

	<ul style="list-style-type: none"> • Corporate Sustainability Due Diligence Directive (EU CSDDD) • Taxonomy Regulation • REACH Regulation • Supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas • Corporate Sustainability Reporting Directive (CSRD) • General Data Protection Regulation (GDPR) • The EU Global Human Rights Sanctions Regime • Regulation on Deforestation-free Products • <i>Proposal</i>- Critical Raw Materials Act • <i>Proposal</i>- Eco-design for Sustainable Products Regulation (ESPR)
 USA	<ul style="list-style-type: none"> • The Inflation Reduction Act of 2022 (Public Law 117-169) • Foreign Corruption Practice Act (FCPA) • Countering China's Exploitation of Strategic Metals and Minerals and Child and Forced Labor in the Democratic Republic of the Congo Act (U.A. Bill) • The Uyghur Forced Labor Prevention Act (Public Law No. 117-78)
 UK	<ul style="list-style-type: none"> • <i>Proposal</i>- Zero Emission Vehicles (ZEV) Mandate (Proposal) • Due diligence on forest risk commodities provision in the UK, Environment Act 2021 • Modern Slavery Act 2015

3.3 Standards

While national regulations are normative, voluntary standards offer practical guidance for companies aiming to systematically address the potential risk of negatively contributing to the risks to Indigenous Peoples. Voluntary standards usually arise from industry organizations or non-governmental organizations, and they provide well known recommendations companies can leverage to approach the issue from an operative perspective by considering aspects on how to identify, prevent and mitigate risks to Indigenous Peoples' rights in their value chain and own operations and engage with affected Indigenous Peoples. Voluntary frameworks are associated with voluntary reporting practices. As a result, in addition to the key regulations outlined before, our rulebook addressing Indigenous Peoples' rights is further enriched by the incorporation of a set of highly relevant international standards. These standards play a crucial role in shaping and detailing our indicators for respecting Indigenous Peoples' rights by providing essential elements and requirements, also for companies that have a certification, or an audit report based on the subsequent standards, so that they can showcase compliance with the requirements.

Especially when voluntary standards are governed by multiple stakeholders, and include independent, publicly available, third-party auditing, they can serve as a useful tool for organizations by providing credible data points regarding the performance of a company, project or facility at any given time.³⁹

The standards and guidance frameworks from which GBA has drawn guidance for the indicators are (*list to be reviewed for final version*):

³⁹ Lead the Charge. An Assessment of Third-Party Assurance and Accreditation Schemes in the Minerals, Steel and Aluminum Sectors. Retrieved from: <https://leadthecharge.org/wp-content/uploads/2024/02/LeadTheCharge-Assessment-06022024.pdf>

- Aluminium Stewardship Initiative (ASI) Chain of Custody
- Aluminium Stewardship Initiative (ASI) Performance Standard
- Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains (CCCMC)
- Code of Risk-mitigation for ASM engaging in Formal Trade (CRAFT) 2.0 Code
- Drive Sustainability Self-Assessment Questionnaire
- Extractive Industries Transparency Initiative
- Global Reporting Initiative 411
- International Council of Mining & Metals (ICMM) Indigenous Peoples and Mining -Good Practice Guide
- International Finance Corporation (IFC) Performance Standard 1
- International Finance Corporation (IFC) Performance Standard 7
- Initiative for Responsible Mining Assurance (IRMA)
- Initiative for Responsible Mining Assurance (IRMA) Chain of Custody
- Initiative for Responsible Mining Assurance (IRMA) v2.0 draft (as of February 2024)
- OECD Due Diligence Guidance for Responsible Business Conduct
- Responsible Business Alliance (RBA) Code of Conduct and Validated Assessment Program (VAP)
- Responsible Minerals Initiative (RMI) Responsible Minerals Assurance Process (RMAP) Environmental, Social & Governance (ESG) Standard for Mineral Supply Chains
- Sustainability Accounting Standard Board (SASB) - Metals & Mining Standard
- The Copper Mark Chain of Custody
- The Copper Mark Joint Due Diligence Standard for Copper, Lead, Molybdenum, Nickel and Zinc
- The Copper Mark & Responsible Minerals Initiative (RMI) Risk Readiness Assessment (RRA) Criteria Guide
- Toward Sustainable Mining
- United Nations Guiding Principles on Business and Human Rights (UNGPR)

3.4 Indicators and Requirements

The following indicators represent the requirements that need to be fulfilled for the GBA Battery Passport. They display a consolidated version of the relevant and recognised regulations, standards, and Leading practices with the goal to make the issue operationalizable for the companies. Whenever applicable, further guidance and background is provided.

The GBA recognizes that some of the best practices outlined in the indicator requirements reflect changes in global practices and norms that evolved over the past decades.

Companies participating in the GBA battery passport are required to fulfil the set of Indigenous Peoples' rights indicators. Each indicator is composed of several requirements. These requirements are divided into various levels which directly relate to the performance score of participating companies.

These levels are:

- I. Foundational requirements – drawing on the regulatory compliance baseline
- II. Intermediate requirements – drawing on the regulatory compliance baseline and voluntary sustainability standards

- III. Leading practice – drawing on the regulatory compliance baseline and voluntary sustainability standards

INTERIM VERSION

3.4.1 Identification of impacts on Indigenous Peoples

Scoring	Proposed consolidated language	Mapped Regulations / Standards ⁴⁰
F. Foundational requirement	<p>0. The company fulfils the foundational requirements of the Presence and Quality of Environmental and Human Rights Due Diligence and Risk Management Systems rulebook, and</p> <p>0.1 Ensures that the respect for Indigenous Peoples' rights is included in the scope of its human rights and environmental due diligence process, including impact assessment.</p> <p><i>In addition, it includes the following in its due diligence steps:</i></p> <p>1. As part of a human rights due diligence process, the company shall identify and assess the risks to and impacts on Indigenous Peoples (incl. on Indigenous Peoples' lands, livelihoods, resources, and cultural heritage) that the company may cause, contribute to or is directly linked to through its own activities. This assessment process shall include:</p> <p>1.1. Demonstration of compliance with applicable national laws and regulations on Indigenous Peoples' rights wherever they operate (e.g., on the principle of free, prior and informed consent (FPIC), including as set out in the UN Declaration on the Rights of Indigenous Peoples)</p> <p>1.1.A For its own operations</p> <p>1.1.B For its supply chain</p> <p>1.2. Drawing on internal and/or independent external Indigenous Peoples' rights expertise (as appropriate to the size of the company and the nature and context of the operation)</p> <p>1.3. Identification of Indigenous Peoples within the company's operational activities through desk research to identify national laws and regulations, treaties, government policies, NGO reports, and baseline data about Indigenous Peoples.</p> <p>1.4. Meaningfully engage and consult with relevant Indigenous Peoples to identify impacts and aspects that are particular or unique to Indigenous Peoples to give them the opportunity to review draft key issues and findings that are relevant to them and are consulted to provide feedback on those finding (see indicator 2).</p> <p>1.5. Consider impacts that are (I) trans-boundary, (II) cumulative and (III) possible health impacts at all lifecycle stages</p> <p>2. The company shall publish a report that discloses information on its assessment process and findings in accordance with its due diligence obligations in a manner that is easily comprehensible for end-users. This shall include:</p> <p>2.1. Information on material positive impacts incl. (I) brief description of underlying activities and potentially (II) communities / regions positively affected</p>	<ul style="list-style-type: none"> • EU Battery Regulation • ESRS S3 • RMAP ESG • RRA • UNGP • OECD • IRMA • IRMA draft • TSM • The Copper Mark DD • ASI Performance Standard • ICMM Indigenous Peoples and Mining – Good practice guide

⁴⁰ For a detailed reference of referenced parts of the regulations and standards, please check the corresponding standard equivalency mapping

<p>I. Intermediate requirements</p>	<p><i>In addition to F,</i></p> <p>3. In order to identify risks and impacts associated with the company's operational activities, the company shall:</p> <p>3.1. Ensure inclusion of diverse members of the Indigenous community as much as possible (e.g., include both men and women) during the consultation/engagement process.</p> <p>3.2. Develop and document a process for identifying Indigenous Peoples based on linguistic, social, governance and resource-linked characteristics rather than state recognition.</p> <p>3.3. Conduct a consultative Human Rights Impact Assessment focusing on Indigenous Peoples and impacts on Indigenous Peoples' rights giving Indigenous Peoples the option to participate and conduct aspects of the assessment themselves, where they so choose</p> <p>3.4. Report on the number of incidents of violations of the rights of Indigenous Peoples</p>	<ul style="list-style-type: none"> • GRI • RRA • IRMA • IRMA draft • IFC Performance Standard 7 • ASI Performance Standard • ICMM Indigenous Peoples and Mining – Good practice guide
<p>L. Leading practice</p>	<p><i>In addition to F and I,</i></p> <p>4. As part of the risk/impact assessment of the due diligence process, the company shall:</p> <p>4.1. Provide resources to enable Indigenous People to select qualified specialists to review the impact assessment, if desired by the affected Indigenous Peoples</p> <p>4.2. Provide an overview of the company's engagement efforts with indigenous communities throughout the assessment process, including details on consultation methods, frequency and outcomes</p> <p>4.3. Establish a formal mechanism or soliciting and incorporating feedback from indigenous elders and leaders ensuring that their knowledge and perspectives are integrated into the assessment process which could involve convening specific consultation sessions or advisory panels composed of indigenous members</p> <p>4.4. Ensure transparency in the impact assessment process by providing clear information to indigenous communities about the methodology, findings and conclusions and establish mechanisms for ongoing dialogue and feedback for accountability</p>	<ul style="list-style-type: none"> • IRMA • ASI Performance Standard

INTERMEDIATE

References to regulations and standards (some may still be added as standard equivalency mapping proceeds)

Requirement (draft)	EU Battery Regulation	ESRS S3 (CSRD)	EUDR	RMAP ESG	GRI	RRA	UNGP	OECD	IRMA	IRMA draft	TSM	The Copper Mark DD	ISO 31000:2018	SASB - Metals&Mining	IFC Performance Standard	EU Taxonomy	Drive Sustainability Self Assessment Questionnaire	ASI Performance Standard	EITI	ICMM Indigenous Peoples and Mining -Good Practice Guide	RBA Code of Conduct and VAP	ASI Chain of Custody	IRMA Chain of Custody	The Copper Mark Chain of Custody	CRAFT 2.0 Code	CCCMC			
Foundational requirements																													
1	x	x	x			x	x	x	x	x		x			x					x							x		
1.1.A	x		x	x			x		x	x				x	x					x									
1.1.B	x		x	x			x		x	x				x	x					x									
1.2							x	x	x	x	x	x								x									
1.3						x				x	x																		
1.4						x			x	x	x	x																	
1.5																		x											
2	x																												
2.1		x																											
Intermediate requirements																													
3.																													
3.1						x															x						x		
3.2																		x											
3.3						x			x	x					x			x			x								
3.4					x																								
Leading practice requirements																													
4																													

3.4.2 Advancement of meaningful consultation and consent to the process, building trustful relationships & obtaining FPIC for projects (first draft)⁴¹

Scoring	Proposed consolidated language	Mapped Regulations / Standards ⁴²
F. Foundational requirement	<p>0. The company fulfils the foundational requirements of the Presence and Quality of Environmental and Human Rights Due Diligence and Risk Management Systems rulebook, and</p> <p>0.1 Ensures that the respect for Indigenous Peoples' rights is included in the scope of its human rights and environmental due diligence process, including stakeholder consultation.</p> <p><i>In addition, it includes the following in its due diligence steps:</i></p> <p>1. For proposed activities or proposed changes to current activities that may result in (increased) impacts on Indigenous Peoples, the company shall respect FPIC⁴³, respecting the Indigenous Peoples' right to give and withhold consent, during the entire project that may have impacts on Indigenous Peoples. As part of the FPIC process, the company shall:</p> <p>1.1. Have a publicly available policy stating their respect for Indigenous Peoples rights - including their right to give and withhold consent - and ensure that the relevant Indigenous Peoples are aware of the policy⁴⁴</p> <p>1.2. Disclose to the affected and potentially affected Indigenous Peoples in a culturally appropriate manner information about the proposed activities including potential impacts, the right of Indigenous Peoples to FPIC and their land rights under the national law and international conventions</p> <p>1.3. In collaboration with Indigenous Peoples' representatives, design and implement plans to address information gaps and needs identified through scoping process and to provide funding or other means of facilitation to enable Indigenous Peoples to address potentially identified capacity issues in preferred manner if capacity issues are preventing full and informed participation</p> <p>1.4. Follow the FPIC protocol of the Indigenous Peoples (if existing or under development), or otherwise support the Indigenous Peoples to develop, document and implement a FPIC process aligning with the principles of FPIC and ensure that in all cases, the FPIC process at a minimum includes:</p> <ul style="list-style-type: none"> - Specified decision-making processes of the respective parties - Outlining of any Indigenous Peoples' customs and protocols to be respected 	<ul style="list-style-type: none"> • ESRS S3 • EUDR • RMAP ESG • RRA • OECD • IRMA • IRMA draft • TSM • IFC Performance Standard 7 • ASI Performance Standard • EITI • ICMM Indigenous Peoples and Mining – Good practice guide

⁴¹ **Disclaimer:** FPIC was decided as a key topic by the working group. FPIC is mainly dealt with at the standards level. Hence this indicator is mainly built on standards rather than regulations.

⁴² For a detailed reference of referenced parts of the regulations and standards, please check the corresponding standard equivalency mapping

⁴³ FPIC obtainment only possible if Indigenous Peoples are willing to initiate, participate and close the FPIC process

⁴⁴ Examples of ensuring awareness of policies could include 1.) Directly distributing the document in local languages to a representative 2.) initiating awareness campaigns / activities, in accordance with local customs 3.) inviting feedback after awareness campaigns in order to get a sense whether awareness is given

	<ul style="list-style-type: none"> - Discussions on potential impacts of proposed activities, actions that could be taken - Conditions under which the company may (or may not) request renewal of discussions if the process fails <p>1.5. Inform members of affected Indigenous Peoples' communities of the FPIC process that is to be followed (unless explicitly stated otherwise by Indigenous Peoples' representatives; in accordance with 1.4 the sharing of information should be done following a mutually-defined process)</p> <p>1.6. Proceed with the proposed activities only with the consent of all affected communities of Indigenous Peoples and cease the pursuit of proposed activities if Indigenous Peoples clearly communicate no consent or wish to discontinue / not initiate FPIC-related discussions as set out in the UN Declaration on the Rights of Indigenous Peoples</p> <p>2. In order to document and publicly disclose the FPIC process and its outcomes, the company shall⁴⁵:</p> <p>2.1. In a manner agreed to by the Indigenous Peoples' representatives, document the FPIC process that was followed and publicly report on the FPIC process and its outcome</p> <p>2.2. If the process results in consent being given, document the FPIC process resulting in an agreement outlining the terms and conditions reached during negotiations, e.g., agreed actions to prevent, mitigate and compensate for potential and actual adverse impacts, agreed actions to deliver positive benefits, terms related to monitoring of commitments and process for resolving future disputes</p> <p>2.3. Provide the affected Indigenous Peoples with the opportunity to verify that the agreement's terms and conditions reflect what was understood during the negotiations</p> <p>2.4. Seek a signature or similar validation by representatives of Indigenous Peoples and the company</p> <p>2.5. Make the agreement publicly available (unless requested otherwise by the Indigenous Peoples' representatives)</p> <p>3. To ensure the implementation of the agreement and an ongoing engagement with Indigenous Peoples affected, the company shall:</p> <p>3.1. Track and document the status of the commitments made in the agreement</p> <p>3.2. Collaborate with Indigenous Peoples to monitor the status of the commitments</p> <p>3.3. Continue to engage with Indigenous Peoples throughout all stages of the activities</p>	
<p>I. Intermediate requirements</p>	<p><i>In addition to F,</i></p> <p>4. Prior to the FPIC process, the company shall consult with relevant Indigenous Peoples' organizations/bodies and external experts to determine:</p>	<ul style="list-style-type: none"> • RRA • OECD • IRMA • IRMA draft

⁴⁵ All these requirements either affect the company directly or a company should investigate that this is done in their supply chain, where those supply chain actors do not already report to the Battery Passport individually

	<p>4.1. If all relevant Indigenous Peoples have been identified</p> <p>4.2. If there are any potentially affected Indigenous Peoples living in voluntary isolation or in initial contact</p> <p>5. To guide the implementation of the (FPIC or remedy) agreement, the company shall follow an Indigenous Peoples Development Plan (or equivalent) developed by a competent professional in cooperation with Indigenous Peoples, which includes:</p> <p>5.1. An outline of the agreed upon actions of the documented agreement</p> <p>5.2. Appropriate performance criteria and indicators agreed upon with Indigenous Peoples to enable effectiveness evaluation</p> <p>5.3. Assigned implementation actions or oversight to responsible staff</p> <p>5.4. An implementation schedule</p> <p>5.5. The estimated human resources and budget required as well as a financing plan for the effective implementation of the plan</p> <p>6. Regarding the implementation of the agreement/Development Plan and the ongoing engagement during all stages of the operation's life cycle, the company shall:</p> <p>6.1. Regularly share information and consult with affected Indigenous Peoples communities on the company's activities</p> <p>6.2. Regularly update on status of commitments made in any agreement and the implementation and effectiveness of the Development Plan</p> <p>6.3. Collaborate with Indigenous Peoples to monitor the implementation and effectiveness of actions included in the Development Plan</p>	<ul style="list-style-type: none"> • TSM • IFC Performance Standard 7 • EITI
<p>L. Leading practice</p>	<p><i>In addition to F and I,</i></p> <p>7. Outside of the FPIC process, the company shall collaborate with Indigenous Peoples' representatives and other relevant members of affected Indigenous Peoples' communities. This must include:</p> <p>7.1. Consultations with relevant Indigenous Peoples' organizations or bodies on impacts on Indigenous Peoples living in voluntary isolation and their avoidance / remediation of impacts</p> <p>7.2. Following the engagement protocol of the Indigenous Peoples (if existing), or otherwise mutually agree and document with the Indigenous Peoples' representatives on engagement process / Identification of appropriate means of engagement for each Indigenous Peoples group</p> <p>7.3. Ensuring meaningful opportunities to be involved in processes for Indigenous Peoples</p> <p>7.4. Publicly disclosing the agreement/development plan, if not otherwise stated by Indigenous Peoples</p>	<ul style="list-style-type: none"> • IRMA • IRMA draft • TSM • ICMM Indigenous Peoples and Mining – Good practice guide

References to regulations and standards (some may still be added as standard equivalency mapping proceeds)

Requirement (draft)	EU Battery Regulation	ESRS S3 (CSRD)	EUDR	RMAP ESG	GRI	RRA	UNGP	OECD	IRMA	IRMA draft	TSM	The Copper Mark DD	ISO 31000:2018	SASB - Metals & Mining	IFC Standard 7	EU Taxonomy	Drive Sustainability Self Assessment Questionnaire	ASI Standard	EITI	ICMM Indigenous Peoples and Mining - Good Practice	RBA Code of Conduct and VAP	ASI Chain of Custody	IRMA Chain of Custody	The Copper Mark Chain of Custody	CRAFT 2.0 Code	CCCMC
Foundational requirements																										
1									X	X																
1.1				X					X	X								X								
1.2						X		X	X	X					X				X	X						
1.3									X	X										X						
1.4						X			X	X	X									X						
1.5										X																
1.6			X	X		X			X	X	X				X			X								X
2																										
2.1									X																	
2.2		X	X			X			X	X					X					X						
2.3										X					X					X						
2.4									X	X																
2.5									X																	
3																										
3.1									X	X	X									X						
3.2						X		X	X	X	X									X						
3.3									X	X										X						
Intermediate requirements																										

3.4.3 Mitigation of negative impacts and realisation of positive impacts on Indigenous Peoples (first draft)

Scoring	Proposed consolidated language	Mapped Regulations / Standards ⁴⁶
<p>F. Foundational requirement</p>	<p>0. The company fulfils the foundational requirements of the Presence and Quality of Environmental and Human Rights Due Diligence and Risk Management Systems rulebook, and</p> <p>0.1. Ensures that the respect for Indigenous Peoples' rights is included in the scope of its human rights and environmental due diligence process, including mitigation.</p> <p><i>In addition, it includes the following in its due diligence steps:</i></p> <p>1. To respond to the identified risks, impacts and incidents facing Indigenous Peoples, the company shall design and implement a strategy to prevent, mitigate and otherwise address adverse impacts and risks identified. This process shall include:</p> <p>1.1. Prioritize the prevention of impacts and if prevention is not possible design strategies to mitigate risks/impacts</p> <p>1.2. Engagement of Indigenous Peoples to enable them to review and comment on the planned mitigation actions</p> <p>1.3. Pursue identified opportunities and benefits for affected people and communities</p> <p>2. The company shall disclose:</p> <p>2.1. The company may disclose the approach to tensions arising between prevention or mitigation of negative impacts and other business pressures</p>	<ul style="list-style-type: none"> • EU Battery Regulation • ESRS S3 • EUDR • RMAP ESG • RRA • OECD • IRMA • IRMA draft • TSM • The Copper Mark DD • IFC Performance Standard 7 • ASI Performance Standard • EITI • ICMM Indigenous Peoples and Mining – Good practice guide
<p>I. Intermediate requirements</p>	<p><i>In addition to F,</i></p> <p>3. The process shall include:</p> <p>3.1. Funding of external monitoring of company's due diligence if (I) mitigation actions repeatedly fail to prevent or mitigate impacts or (II) if due diligence actions fail to prevent company from (unintentionally/unknowingly) causing, contributing, or being linked to serious human rights abuse</p> <p>3.2. Description of strategies to mitigate negative impact of displacement and improve/restore livelihoods and standard of living of displaced Indigenous Peoples</p> <p>3.3. In the case of economic or physical displacement, relocation assistance or compensation for displaced Indigenous Peoples sufficient enough for them to improve or at least restore their standard of living which is in agreement with the Indigenous Peoples' preferences</p> <p>3.4. Determining if jurisdiction's requirements meet own requirements, and taking of additional steps beyond regulatory requirements unless expressly prohibited by jurisdiction</p>	<ul style="list-style-type: none"> • IRMA • IRMA draft • IFC Performance Standard 7 • ICMM Indigenous Peoples and Mining – Good practice guide

⁴⁶ For a detailed reference of referenced parts of the regulations and standards, please check the corresponding standard equivalency mapping

	<p>4. The company shall report:</p> <p>4.1. Alternatives considered to avoid or mitigate significant adverse impacts</p>	
<p>L. Leading practice</p>	<p><i>In addition to F and I,</i></p> <p>5. The company shall:</p> <p>5.1. Determine the external monitors as well as monitoring approach in collaboration with affected rightsholders</p> <p>5.2. Ensure gender-progressive approaches in the development of compensation and entitlement measures (e.g., ensuring adequate female representation in consultations and evaluation committees)</p> <p>5.3. Report to indigenous communities on plans to improve due diligence activities (result of external monitoring recommendations)</p>	<ul style="list-style-type: none"> • UNGP • IRMA • IRMA draft • ICMM Indigenous Peoples and Mining – Good practice guide

INTERIM V.E.

References to regulations and standards (some may still be added as standard equivalency mapping proceeds)

Requirement (draft)	EU Battery Regulation	ESRS S3 (CSRD)	EUDR	RMAP ESG	GRI	RRA	UNGP	OECD	IRMA	IRMA draft	TSM	The Copper Mark DD	ISO 31000:2018	SASB - Metals & Mining	IFC Performance Standard 7	EU Taxonomy	Drive Sustainability Self Assessment	ASI Performance Standard	EITI	ICMM Indigenous Peoples and Mining	CRAFT 2.0 Code	CCCMC
Foundational requirements																						
1																						
1.1		x							x	x					x			x		x		
1.2	x			x							x	x			x			x		x		
1.3		x							x	x	x				x					x		
2																						
2.1		x																				
Intermediate requirements																						
3																						
3.1									x	x												
3.2									x	x												
3.3									x	x					x						x	
3.4										x												
4																						
4.1									x	x												
Leading practice requirements																						
5																						
5.1									x	x												
5.2										x												
5.3									x	x												

3.4.4 Access to remedy for Indigenous Peoples (first draft)

Scoring	Proposed consolidated language	Mapped Regulations / Standards ⁴⁷
<p>F. Foundational requirement</p>	<p>0. The company fulfils the foundational requirements of the Presence and Quality of Environmental and Human Rights Due Diligence and Risk Management Systems rulebook, and</p> <p>0.1. Ensures that the respect for Indigenous Peoples' rights is included in the scope of its human rights and environmental due diligence process, including remediation.</p> <p><i>In addition, it includes the following in its due diligence steps:</i></p> <p>1. In case the company is unable to mitigate their impacts, it shall have processes in place to provide for, or cooperate in the remediation of negative impacts the company is connected with. These processes shall include:</p> <p>1.1. Establishment of remediation and grievance mechanisms for negative impacts on affected Indigenous communities the company is connected with</p> <p>1.2. Strive to restore affected Indigenous Peoples to situation they would be in if the adverse impact did not occur</p> <p>1.3. Communicate grievance mechanism and remediation processes to affected Indigenous Peoples and communities</p> <p>1.4. Ensuring that Indigenous Peoples have access to cultural appropriate (e.g., language and format) channels for affected communities to raise their concerns or needs directly to the company</p> <p>1.5. Description on how the company considered the Indigenous Peoples' customs, traditions, rules and legal systems</p> <p>2. The company shall disclose:</p> <p>2.1. Measures to provide and/or enable remedy for identified Indigenous Peoples' rights impacts</p> <p>2.2. Policies in place to protect individuals using the channels against them for retaliation</p> <p>2.3. Assessment method to identify if the affected communities are aware of and trust the structures or processes to raise their concerns and needs</p>	<ul style="list-style-type: none"> • ESRS S3 • RMAP ESG • RRA • OECD • IRMA • IRMA draft • TSM • The Copper Mark DD • IFC Performance Standard 1 • Drive Sustainability Self-Assessment Questionnaire • ASI Performance Standard • ICMM Indigenous Peoples and Mining – Good practice guide • CRAFT 2.0 Code
<p>I. Intermediate requirements</p>	<p><i>In addition to F,</i></p> <p>3. For all ongoing activities affecting Indigenous Peoples where FPIC was previously not obtained/respected, the company shall:</p>	<ul style="list-style-type: none"> • RMAP ESG • RRA • UNGP • OECD • IRMA

⁴⁷ For a detailed reference of referenced parts of the regulations and standards, please check the corresponding standard equivalency mapping

	<ol style="list-style-type: none"> 3.1. Engage with Indigenous Peoples in order to develop, document and implement a mutually agreed remediation (or equivalent) process to obtain agreement on actions that will be taken provide remedy 3.2. Engage in the process until a remedy agreement (or equivalent) is reached 3.3. Inform members of affected Indigenous Peoples communities of the remediation process that is to be followed (unless explicitly stated otherwise by Indigenous Peoples representatives) 3.4. Assess effectiveness of implemented remedy measures in collaboration with affected Indigenous Peoples 3.5. Respond to community concerns based on personal perception (even if it deviates from the monitoring data) 3.6. Offer to provide funding for Indigenous Peoples to select and hire technical and/or legal advisors to support them during the remediation process in a manner agreed to by Indigenous Peoples 3.7. Provide assistance for those who may face barriers to using the operational-level grievance mechanism, including women, children, and marginalized or vulnerable groups 3.8. Investigate root causes of complaints, grievance and incidents in order to prevent / mitigate similar grievance in the future 3.9. Document remediation agreement including the terms and conditions reached during the negotiations 3.10. State that participation in grievance mechanisms or remedy processes would not lead to waiving the right to seek recourse on the same complaint from the company through other remedies 3.11. Document all complaints and grievance procedures including final outcomes and remedies 	<ul style="list-style-type: none"> • IRMA draft • IFC Performance Standard 1 • ICMM Indigenous Peoples and Mining – Good practice guide
<p style="text-align: center;">L. Leading practice</p>	<p><i>In addition to F and I,</i></p> <p>4. The company shall:</p> <ol style="list-style-type: none"> 4.1. Fund external monitoring of company's due diligence if due diligence actions fail to remediate impacts 4.2. Consult with representative bodies for Indigenous Peoples, and external experts to determine the appropriate remedial actions, if past or existing impacts on Indigenous Peoples living in voluntary isolation are identified 4.3. Provide funding to Indigenous Peoples for technical and/or legal advisors to support them during a remediation process (in a manner agreed on by Indigenous Peoples) 4.4. Involve third parties as a means of enhancing trust and independence in the creation, documentation, and implementation of the remediation process <p>5. For all past activities/legacy projects affecting Indigenous Peoples where FPIC was previously not obtained/respected, the company shall:</p>	<ul style="list-style-type: none"> • IRMA • IRMA draft • ICMM Indigenous Peoples and Mining – Good practice guide

- 5.1. In collaboration with affected Indigenous Peoples, develop, document, and implement a mutually agreed remediation (or equivalent) process to obtain agreement on actions that will be taken provide remedy
- 5.2. Engage in the process until a remedy agreement (or equivalent) is reached
- 5.3. Inform members of affected Indigenous Peoples communities of the remediation process that is to be followed (unless explicitly stated otherwise by Indigenous Peoples representatives)
- 5.4. Offer to provide funding for Indigenous Peoples to select and hire technical and/or legal advisors to support them during the remediation process in a manner agreed to by Indigenous Peoples

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References to regulations and standards (some may still be added as standard equivalency mapping proceeds)

Requirement (draft)	EU Battery Regulation	ESRS S3 (CSRD)	EUDR	RMAP ESG	GRI	RRA	UNGP	OECD	IRMA	IRMA draft	TSM	The Copper Mark DD	ISO 31000:2018	SASB - Metals & Mining	IFC Performance Standard 1	IFC Performance Standard 7	EU Taxonomy	Drive Sustainability Self-Assessment	ASI Performance Standard	EITI	ICMM Indigenous Peoples and Mining	CRAFT 2.0 Code	CCCMC
Foundational requirements																							
1																							
1.1	x	x		x			x	x	x	x	x	x		x	x				x			x	x
1.2						x		x															
1.3																					x	x	
1.4		x		x		x		x	x	x	x	x			x			x	x		x		
1.5		x																					
2																							
2.1		x		x		x			x	x					x				x				
2.2		x		x					x	x													
2.3		x							x														
Intermediate requirements																							
3																							
3.1						x	x	x		x					x						x		
3.2										x													
3.3										x													
3.4						x			x	x													
3.5																					x		
3.6							x			x													

4 Data Quality and Reporting

Companies may report against the battery passport in one or more of the following ways:

- Where they are assured or audited against a regulation or standard equivalent to the battery passport requirement, provide proof of audit, assurance, or other verification
- Provide original documentation pertaining to company policies, practices, results, in line with guidance derived from materially existing standards

Please refer to the Battery Passport data governance rulebook for additional information on data verification in these two scenarios.

Companies will report on the biodiversity loss rulebook via the associated reporting templates. Please see Annex A for further guidance.

5 Final Remarks and Outlook

In conclusion, addressing Indigenous Peoples' rights within the battery value chain is critical to ensuring ethical, sustainable, and equitable development in the renewable energy sector. As the demand for batteries increases, especially for electric vehicles and energy storage solutions, we need to ensure that the extraction and processing of raw materials such as lithium, cobalt, and nickel do not infringe upon the land rights, cultural heritage, and livelihoods of Indigenous communities. From the extraction of raw materials to the disposal of end-of-life batteries, each stage of the battery value chain poses significant risks to Indigenous Peoples, from risks to their health and livelihood due to changes in their environment or risk of violence by ignoring/infringing on their rights. Recognizing the profound interdependence between the battery supply chain and Indigenous Peoples' rights, this rulebook gives detailed requirements for the Battery Passport, serving as guidelines for companies to navigate the complexities of sustainability and mitigate their environmental footprint. By adhering to these indicators, companies not only fulfil regulatory obligations but also demonstrate a commitment to responsible conduct regarding the cooperation / cohabitation with Indigenous Peoples. Importantly, this rulebook consolidates existing regulations and standards, providing clarity and coherence for industry stakeholders. While no additional efforts may be required for companies already adhering to Leading practices, this consolidation streamlines compliance and fosters a culture of continuous improvement towards a more sustainable future for all.

In conclusion, by minimizing threats to Indigenous Peoples and their rights, as well as potentially strengthening the position of Indigenous Peoples, we can ensure that the battery value chain serves as a catalyst for positive change. Through collective action and unwavering commitment, we can forge a path towards a more sustainable world for generations to come.

Looking forward, the GBA is committed to adapting to evolving global standards in Indigenous Peoples' rights. The GBA will continue to collaborate with international bodies and stakeholders to refine the compliance baseline, integrating new legislative developments and technological advancements. This approach is aimed at not only achieving compliance but also setting a benchmark for sustainable practices in the battery industry.

6 Glossary

Term	Definition
Capacity issues	<p>Refers to the limitations and challenges Indigenous communities may face in effectively participating in and benefiting from policies, programs, and projects. These capacity issues can encompass a range of areas, including but not limited to:⁴⁸</p> <ol style="list-style-type: none"> 1. Resource Constraints (e.g. financial resources or human resources) 2. Knowledge and Expertise (e.g. technical expertise or educational opportunities) 3. Infrastructure (e.g. physical infrastructure or administrative infrastructure) 4. Social and Cultural Barriers (e.g. language barriers or cultural misunderstandings) 5. Political and Legal Challenges (e.g. legal knowledge or political influence) 6. Historical and Systemic Factors (e.g. colonial legacies)
Competent professional	<p>According to the IRMA draft: “In most cases, IRMA does not specify whether these are internal or external professionals. It could be a consulting firm hired to carry out the environmental and social impact assessment, or contractors hired to carry out tailings dam safety reviews, or entity employees responsible for water monitoring programs.” But they have a process in place to verify competency:</p> <p>1.1.3.1. A system is in place to manage contractor compliance with host country laws and IRMA Standard requirements, including:</p> <ol style="list-style-type: none"> b. Verifying the competency, skills and capacity of all external contractors and consultants being hired to carry out work on the entity’s behalf. This due diligence includes: <ol style="list-style-type: none"> i. Validation of necessary level of education; ii. Validation of relevant professional training and certifications; iii. Review of previous relevant work, including references from previous clients; and <ol style="list-style-type: none"> iv. Determination of skills and experience in the context of the work to be undertaken.
Culturally appropriate manner	<p>This should be defined individually, e.g. based on the impact assessment insights, or expert knowledge on the community, but includes the provision in the correct language and format giving the Indigenous Peoples the capacity to access and assess the information meaning to engage with and respecting the customs,</p>

⁴⁸ UNESCO (20 April 2023). Best practices and lessons learned to preserve, revitalize and promote Indigenous Languages. Retrieved from: <https://www.unesco.org/en/articles/best-practices-and-lessons-learned-preserve-revitalize-and-promote-indigenous-languages>

	<p>traditions, languages, values, and social structures of Indigenous communities. This involves understanding and integrating Indigenous worldviews and practices into the planning and implementation of policies, programs, and projects, including:</p> <ul style="list-style-type: none"> • Respect for Traditions and Customs⁴⁹ • Use of Indigenous Languages⁵⁰ • Community-Led Approaches⁵¹ • Sensitivity to Social and Historical Contexts⁵²
Expertise	The level of expertise required (...) will vary according to the complexity of the business enterprise's operations. Expertise can be drawn from various sources, ranging from credible online or written resources to consultation with recognized experts. ⁵³
Incidents of violations	In the context of this disclosure, an 'incident' refers to a legal action or complaint registered with the reporting organization or competent authorities through a formal process, or an instance of non-compliance identified by the organization through established procedures. Established procedures to identify instances of non-compliance can include management system audits, formal monitoring programs, or grievance mechanisms. ⁵⁴
Meaningful consultation	A meaningful consultation process is characterized by good faith and an attempt by parties to understand each other's concerns and move to address them. ⁵⁵
Legal Compliance	<p>According to the Responsible Minerals Initiative's (RMI) ESG Standard for Mineral Supply Chains: "The processor has identified the legal compliance requirements related to labor, worker and human rights, and operates in accordance with those requirements, such as:</p> <ul style="list-style-type: none"> • Obtained all applicable authorizations; • Maintained adequate documentation to demonstrate on-going compliance with all applicable authorizations and regulatory requirements;

⁴⁹ UNESCO (20 April 2023). Best practices and lessons learned to preserve, revitalize and promote Indigenous Languages. Retrieved from: <https://www.unesco.org/en/articles/best-practices-and-lessons-learned-preserve-revitalize-and-promote-indigenous-languages>

⁵⁰ UNESCO (20 April 2023). Best practices and lessons learned to preserve, revitalize and promote Indigenous Languages. Retrieved from: <https://www.unesco.org/en/articles/best-practices-and-lessons-learned-preserve-revitalize-and-promote-indigenous-languages>

⁵¹ Blanchet Garneau, A., Bélisle, M., Lavoie, P. et al. Integrating equity and social justice for indigenous peoples in undergraduate health professions education in Canada: a framework from a critical review of literature. International Journal for Equity in Health. 20, 123 (2021). Retrieved from: <https://equityhealth.biomedcentral.com/articles/10.1186/s12939-021-01475-6>

⁵² Gray, B. (30 May 2016). Building Relationships and Advancing Reconciliation through Meaningful Consultation. Retrieved from: <https://www.rcaanc-cirnac.gc.ca/eng/1498765671013/1609421492929>

⁵³ Guiding Principles on Business and Human Rights (UNGPs). Commentary on article 16. Retrieved from: https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

⁵⁴ GRI 411: Rights of Indigenous Peoples 2016

⁵⁵ Government of Canada. Aboriginal Consultation and Accommodation - Updated Guidelines for Federal Officials to Fulfill the Duty to Consult - March 2011. Retrieved from: <https://www.rcaanc-cirnac.gc.ca/eng/1100100014664/1609421824729>

	<ul style="list-style-type: none"> • Maintained documentation concerning any legal enforcement actions/lawsuits involving the processors and corrective actions/resolution of such actions;
Representatives of Indigenous Peoples	According to article 18 of the UNDRIP: “Indigenous Peoples have the right to participate in decision making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.” ⁵⁶
Third party verifications	According to the EU Battery Regulation a third party verification of the due diligence process by a notified body is required. A notified body is an organization designated by an EU country to assess the conformity of certain products before being placed on the market. These bodies carry out tasks related to conformity assessment procedures set out in the applicable legislation, when a third party is required. The European Commission publishes a list of such notified bodies. ⁵⁷
Trans-boundary	Impact assessments should include trans-boundary impacts in cases where Indigenous Peoples span national borders or are affected by projects with transboundary impacts. ⁵⁸ Any significant adverse effect on the environment resulting from human activity, the physical origin of which is situated wholly or in part within an area under the jurisdiction of another State. ⁵⁹

⁵⁶ United Nations Human Rights. UNDRIP – A Manual for National Human Rights Institutions. Retrieved from: <https://www.ohchr.org/sites/default/files/Documents/Issues/IPeoples/UNDRIPManualForNHRIs.pdf>

⁵⁷ European Commission. Notified bodies. Retrieved from: https://single-market-economy.ec.europa.eu/single-market/goods/building-blocks/notified-bodies_en

⁵⁸ ASI Performance Standard V2 – Guidance. (December 2017). Retrieved from: <https://aluminium-stewardship.org/wp-content/uploads/2017/12/ASI-Performance-Standard-V2-Guidance-Dec2017.pdf>

⁵⁹ United Nations Environment Programme. Retrieved from: <https://leap.unep.org/en/knowledge/glossary/transboundary-effect>

Annex 1 – Reporting template

Please refer to the Annexed Excel workbook for the reporting template and associated guidance for reporting for each indicator.

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