

Guidelines on Indigenous Peoples and free, prior, and informed consent in Ørsted

Introduction

We recognise that free, prior, and informed consent (FPIC) is essential to the realisation of Indigenous Peoples' right to self-determination. Two of our policies, Ørsted's global human rights policy and global stakeholder engagement policy, state our commitment to respecting the standards of the UN Declaration on the Rights of Indigenous Peoples, including FPIC and the International Labour Organization's Indigenous and Tribal Peoples Convention, 1989 (No. 169). As practical implementation of FPIC looks different in different contexts, we want to clarify how we understand it. The purpose of these guidelines is to elaborate on our principles of obtaining and maintaining FPIC during the development, construction, and operation of Ørsted's renewable energy (RE) assets.

Who do we count as Indigenous Peoples

Ørsted seeks to engage with those Indigenous Peoples who maintain some or all of their own social, economic, cultural, and political institutions and who are recognised as an Indigenous community by (1) the nations or government subdivisions in which they reside, (2) other Indigenous communities, and/or (3) the larger international community.

Our understanding of FPIC

FPIC is both about the process and the outcome of engagement with Indigenous Peoples when planning, developing, and operating an RE project on territory under the authority of Indigenous Peoples or in which they have an ownership interest. The elements of FPIC are:

- 'Free' – we seek consent that is given voluntarily and without any coercion, intimidation, or manipulation.
- 'Prior' – we aim to obtain consent as early as possible in the planning phase, giving the process sufficient time before the commencement of construction activities.
- 'Informed' – we strive to provide information about the project and engagement itself in a way that is accessible, understandable, clear, consistent, accurate, and constant.
- 'Consent' – we support collective decision-making through the customary decision-making process of the affected community.

Our principles of working with Indigenous Peoples and their territories

- We recognise that Indigenous Peoples are distinct from other groups of stakeholders and rightsholders we engage with during the planning, development, and operation of our RE assets, as they **have freedom and autonomy over their lives and their territories**.
- Whenever planning and developing RE projects in territories under the authority of Indigenous Peoples or in which they have an ownership interest, we will always **obtain their FPIC and maintain** it throughout the lifetime of an asset.
- Whenever planning and developing RE projects in territories that contain specific locations of cultural or spiritual significance to Indigenous Peoples (but where the Indigenous Peoples lack authority or ownership interest), we will engage in dialogue/consultation in good faith with the Indigenous Peoples and relevant authorities to seek solutions to avoid or minimise impacts of the project.
- When engaging with an Indigenous community, we will respect existing **governance and administrative order** in the community.

- Whenever available, we will conduct consultations in **a format** that is led by Indigenous communities, **on mutually agreed timelines** and in a way that respects **customary decision-making protocols**.
- We will always strive to create space for **culturally informed communication in a fair and non-intimidating environment**.
- On every project/asset, **a community feedback mechanism** will be available throughout the project lifetime (from project development to decommissioning). Anyone who believes that the principles in this document or our policy commitments are not respected is welcome to use the mechanism.
- Beyond respecting Indigenous Peoples' rights, we are keen on exploring further ways of collaborating with them, such as through shared benefit models or by drawing on their knowledge in various aspects of a project design (e.g. biodiversity work).

If you have any questions or feedback regarding this topic and this document, please reach out to responsiblepartners@orsted.com.