

**Subject:** Input to the United Nations Special Rapporteur on Climate Change addressing human rights in the life cycle of renewable energy and critical minerals

Dear Ms. Elisa Morgera,

This submission is developed<sup>1</sup> and endorsed collectively by members of the Environment and ESCR as well as the Corporate Accountability Working Groups<sup>2</sup> of the International Network on Economic, Social and Cultural Rights (ESCR-Net).<sup>3</sup>

## **Human rights implications and disproportionate impacts in the life cycle of renewable energy and critical minerals<sup>4</sup>**

The global scramble for resources needed to transition away from fossil fuels is leading to widespread human rights violations and adverse environmental impacts, particularly driven by mining and energy production projects imposed on frontline communities and Indigenous Peoples across the world, especially in the Global South.

**Latin America's** 'lithium triangle' region, spanning across Argentina, Bolivia and Chile, holds 58% of the world's lithium making it the largest region with lithium resources. Out of the 86 million tons of lithium identified worldwide, Argentina holds 19.3 million tons while Bolivia holds the largest share of 21 million tons.<sup>5</sup> Lithium extraction in **the Atacama Desert** has contributed to water scarcity and threatens the livelihoods and cultural practices of Indigenous **Atacameño**

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<sup>2</sup> The [Environment and ESCR](#) and [Corporate Accountability](#) Working Groups consist of over 150 member organizations.

<sup>3</sup> ESCR-Net is a network consisting of more than 300 groups of social and feminist movements, Indigenous Peoples, NGOs, and environmental and human rights defenders spread across 80 countries. For 20 years and counting, the Network continues to work towards social justice through human rights including the right to development.

<sup>4</sup> The transition away from fossil-fuels is often hailed as solutions to the climate crisis, yet the life cycles of renewable energy and critical minerals including their extraction, processing, and disposal come with profound human rights violations as highlighted by some of the case examples in this section.

<sup>5</sup> USGS Mineral Commodity Summary. 2021. See: <https://pubs.usgs.gov/periodicals/mcs2021/mcs2021-lithium.pdf>

communities in both **Chile**<sup>6</sup> and **Argentina**, which sparked conflicts and mass protests over the years. Environmental and Indigenous movements challenging the projects marketed as “*green energy solutions*” led to the ruling of the Supreme Court of Argentina’s Catamarca province to halt the lithium mining projects around the Salar del Hombre Muerto. The court ordered the projects to comply with the right of the Atacameños del Altiplano Indigenous community to Free, Prior, and Informed Consent (FPIC).<sup>7</sup>

**Zimbabwe** has the largest lithium reserves in Africa with 10.8 million tons. The Zimbabwe Investment Development Agency (ZIDA) continues to grant licences to lithium mining<sup>8</sup>, dominated by Chinese companies,<sup>9</sup> despite reports of displacement, toxic water spills, labour abuses, intimidation, and other harms associated with lithium mining in the country.<sup>10</sup> Similar to Chile and Argentina, these activities have adverse and disproportionate impacts on children, young people and women human rights defenders living in the communities near the extraction sites, reducing their access to land, water, and other critical natural resources indispensable to sustain their livelihoods. In **Buhera** 40 houses were forcibly relocated by Max Minds Investments and in **Insiza** more than 33 families were forcibly relocated in 2023 by Premier African Minerals to pave the way for lithium mining. Lithium is often extracted in water stressed regions that are prone to droughts and given the huge amount of water required to process lithium, it has exacerbated water scarcity. Communities hosting lithium are experiencing severe water shortage impacting their livelihoods. In **Gwanda**, Tsingshan Holding Group has drilled boreholes to pump lithium operations in a community dam which had dried up.<sup>11</sup>

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<sup>6</sup> Nicole, 2022. “Lithium Mining Is Leaving Chile’s Indigenous Communities High and Dry.” <https://www.nrdc.org/stories/lithium-mining-leaving-chiles-indigenous-communities-high-and-dry-literally>

<sup>7</sup> Interamerican Association for Environmental Defense. *Court decision stops new lithium mining projects in Argentine salt flat, sets regional precedent*. March, 2024. See: <https://aida-americas.org/en/press/court-decision-stops-new-lithium-mining-projects-argentine-salt-flat-sets-regional-precedent>

<sup>8</sup> Wallace Ruzvidzo. “ZIDA licenses US\$1.2bn investments in Q3.” The Herald, October 23, 2024. See: <https://www.herald.co.zw/zida-licenses-us12bn-investments-in-q3/>

<sup>9</sup> IPIS. Zimbabwe Environmental Law Association (ZELA). *Chinese dominance in Zimbabwe’s lithium mines: Potential risks, vulnerabilities and opportunities in the critical minerals sector*. September, 2023. See: <https://ipisresearch.be/weekly-briefing/chinese-dominance-in-zimbabwes-lithium-mines-potential-risks-vulnerabilities-and-opportunities-in-the-critical-minerals-sector/>

<sup>10</sup> Toshua Matanzima. “Lithium Mining in Zimbabwe: A Story of Loss for One Community.” Down to Earth, September 19, 2024. <https://www.downtoearth.org.in/africa/lithium-mining-inzimbabwe-a-story-of-loss-for-one-community>; “Locals slam Zimbabwe for turning a blind eye to Chinese miner’s Violation,” Zimbabwe Situation, April 2, 2024. <https://www.zimbabwesituation.com/news/locals-slam-zimbabwe-for-turning-a-blind-eye-to-chinese-miners-violations/>

<sup>11</sup> Zimbabwe Environmental Law Association (ZELA). *Implications of the lithium mining rush in Zimbabwe: Analysis of legal developments*. February, 2023. See: <https://zela.org/download/map-of-lithium-exploration-and-mining-projects-in-zimbabwe-2/>

In **Senegal**, mining by French and Spanish companies has forcibly evicted and destroyed the livelihoods of local farming communities.<sup>12</sup> These companies have been granted permits to extract phosphate,<sup>13</sup> zircon, ilmenite and other minerals in Western Senegal, and have abused human rights of farming communities in **Koudiadiène, Lam-Lam, Pambal, and Diogo**, including the right to food, land, and the right to a healthy environment.<sup>14</sup>

The **Democratic Republic of Congo** holds the world's largest reserves of coltan and cobalt. Out of 60% of the world's coltan<sup>15</sup> reserves are found in **Kivu province**, which produce 40% of the global supply.<sup>16</sup> The global rush for “green energy” solutions again puts enormous pressure on these resources. Cobalt production is expected to reach 222,000 tonnes by 2025, a threefold increase since 2010<sup>17</sup> and its global demand is predicted to reach a twenty-fold increase by 2040.<sup>18</sup> The mining expansion particularly in **Kolwezi city, Lualaba province**, have led to massive environmental destruction, forced eviction of communities, extreme poverty, loss of livelihoods, and further exacerbate exploitation of child laborers in the country.<sup>19</sup> Around 361,000 children are engaged in child labour including the worst forms, in and around artisanal mining sites spread across the provinces of **Haut Katanga and Lualaba**.<sup>20</sup> While the latest estimated figure for children working specifically in copper and cobalt mines is not available, in 2014 the

<sup>12</sup> FIAN International. *France and Spain Must Regulate Their Companies in Senegal*. September, 2024. See: <https://www.fian.org/en/press-release/article/france-and-spain-must-regulate-their-companies-in-senegal-3536>

<sup>13</sup> Phosphate mining has its role in producing lithium iron phosphate (LFP) batteries. The phosphate itself is usually used as agricultural fertilizer.

<sup>14</sup> FIAN International. *Extractivisme et Dépossession au Sénégal: Les Cas De Koudiadiène, Pambal, et Diogo*. October, 2024. See: [https://www.fian.org/files/is/htdocs/wp11102127\\_GNIAANVR7U/www/files/Senegal\\_FR\\_Layout\\_fin\\_Oct\\_2024.pdf](https://www.fian.org/files/is/htdocs/wp11102127_GNIAANVR7U/www/files/Senegal_FR_Layout_fin_Oct_2024.pdf)

<sup>15</sup> Columbite-tantalite, or also known as coltan, is another type of critical mineral with its tantalum often used to produce EV batteries, electronic devices such as laptops, smartphones, and aerospace components.

<sup>16</sup> ENACT Africa. *Mining and extractives/Coltan child miners: the dark side of the DRC's wealth*. October 2021. See: <https://enactafrica.org/enact-observer/coltan-child-miners-the-dark-side-of-the-drcs-wealth>

<sup>17</sup> Statista. *Leading countries based on cobalt mine production worldwide in 2024*. February, 2025. See: <https://www.statista.com/statistics/264928/cobalt-mine-production-by-country/>

<sup>18</sup> International Energy Agency. *The Role of Critical Minerals in Clean Energy Transitions*. 2021: See: <https://iea.blob.core.windows.net/assets/ffd2a83b-8c30-4e9d-980a-52b6d9a86fdc/TheRoleofCriticalMineralsinCleanEnergyTransitions.pdf>

<sup>19</sup> Amnesty International and Initiative pour la Bonne Gouvernance et les Droits Humains (IBGDH). *Powering Change or Business as Usual? Forced evictions at industrial cobalt and copper mines in the Democratic Republic of the Congo*. September, 2023. See: <https://www.amnesty.org/en/documents/AFR62/7009/2023/en/>

<sup>20</sup> United Nations Children's Fund. *Draft Country Programme Document (CPD): Democratic Republic of the Congo*. September 2024. See: <https://www.unicef.org/executiveboard/media/22266/file/2024-PL12-Democratic-Republic-Congo-draft-CPD-EN-2024-06-10.pdf>

number reached 40,000.<sup>21</sup> Working in hazardous environments and precarious conditions including daily exposure to radioactive substances, many child miners are facing ill health conditions including lung cancer.<sup>22</sup>

Ulanga district in Southern **Tanzania** is a key site for graphite exploration and extraction. The Australia-based company Black Rock is running the Mahenge Graphite Project, with financial support from the Development Bank of Southern Africa (DBSA) through a US\$ 59.6 million loan, among other financiers. The project is leading to many harmful impacts.<sup>23</sup> Many families within or around the mining zones have not received adequate compensation and face forced displacement. The affected communities conducted independent documentation and proved a pattern of rights violations including police intimidation and use of force especially towards community members who resisted the forced relocation.

**Sri Lanka** also has a rich mineral wealth, including significant deposits of graphite, ilmenite, and mineral sands. Sri Lanka produces over 90% of the global supply of high quality vein graphite.<sup>24</sup> With the increasing demand for graphite, civil society and community organizations have raised concerns on the intensifying human rights, environmental, and social impacts caused by the graphite rush. Additionally, Mannar, Kokilai in the Northern districts, and Thirukkivil, Pulmodai, Thambiluwil in Eastern province in Sri Lanka are some of the areas where the mineral sand mining projects are going on and hazardous environmental effects are taking place. Intrusion of saltwater into the land, no drinking water, submerging the island of Mannar due to sand mining are some of the threats to the sustenance of coastal communities in the Northern District.<sup>25</sup>

In the **Philippines'** Nueva Vizcaya province in Luzon island, Didipio gold and copper mine, operated by the OceanaGold Philippines, Inc. started its operation in early 2000,<sup>26</sup> without a genuine Free, Prior and Informed Consent of the Indigenous community. In June 2008, OceanaGold demolished at least 187 houses to start the excavation of an open-pit mine. The

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<sup>21</sup> The Borgen Project. *Child Labor in Cobalt Mines of the DRC*. April, 2023. See: <https://borgenproject.org/child-labor-in-cobalt-mines/>

<sup>22</sup> Institute for Security Studies. *Child miners: the dark side of the DRC's coltan wealth*. October, 2021. See: <https://issafrica.org/iss-today/child-miners-the-dark-side-of-the-drcs-coltan-wealth?>

<sup>23</sup> Women's Action Towards Economic Development (WATED) and Coalition for Human Rights and Development Documentary Video on the impact of graphite mining in Ulanga, Tanzania. March, 2025. See: <https://www.youtube.com/watch?v=N1uHmebDWo4>

<sup>24</sup> See: <https://www.ceylongraphite.com/>

<sup>25</sup> MDPI. *Geochemical assessment of the Evolution of Groundwater under the impact of Seawater Intrusion in the Mannar District of Sri Lanka*. March, 2024. See: <https://www.mdpi.com/2073-4441/16/8/1137>

<sup>26</sup> Global Atlas of Environmental Justice. *Didipio Gold and Copper Mine, Nueva Vizcaya, Philippines*. April, 2022. See: <https://ejatlas.org/conflict/didipio-gold-and-copper-mine-nueva-vizcaya-philippines>

mining operations have jeopardized the local water system, which is vital to the community's survival, agricultural livelihoods. Furthermore, both open-pit and underground mining risk interfering with natural subterranean water systems that supply springs and creeks. To block mining operations, in 2019 communities in **Didipio** formed the "people's barricade" on the gravel roads leading to the mine's entrances. In April 2020, President Rodrigo Duterte authorized fuel trucks to enter the mine, which led to a violent police dispersal of the barricade and the imprisonment of several community leaders spearheading the protests against the mining operations.<sup>27</sup> Despite these serious human and environmental rights abuses, the Philippines government renewed OceanaGold's permits until 2044.<sup>28</sup>

Peasants, Indigenous Peoples and other rural communities in **Laos** also face the negative impacts of rare-earth mining. For instance, in early 2024, Indigenous Peoples in **northern Houaphanh province** suffered environmental and health contamination with heavy metals chemicals, including cyanide, arsenic and lead caused by the activities of a rare mineral project. Villagers downstream found out about the mining project only as a result of the water contamination, two years after the mine started operating in 2022.<sup>29</sup> Another community in northern Laos found rare earth mining operations starting on their grazing land without their consent nor any information including on compensation.<sup>30</sup>

Currently, 7.5 million hectares of the **Indian Ocean** — an estimated resource of 380 million metric tonnes polymetallic nodules — is allocated for deepsea mining sponsored by the Indian government. These nodules contain copper, nickel and cobalt. Scientists and environmentalists, however, caution that deep-sea mining can wreak havoc on delicate ocean ecosystems and are calling for a moratorium until more knowledge is gathered on both its short-term and long-term

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<sup>27</sup> Alyansa Tigil Mina. *Statement: Condemnation of violent dispersal of peoples barricade in Nueva Vizcaya*. April, 2020. See: <https://www.alyansatigilmina.net/single-post/2020/04/06/atm-statement-condemnation-of-violent-dispersal-of-peoples-barricade-in-nueva-vizcaya>

<sup>28</sup> OceanaGold. *Didipio FTAA renewal and operations update*. July, 2021. See: <https://investors.oceanagold.com/2021-07-14-Oceanagold-Advises-Didipio-FTAA-Renewal-and-Provides-Operations-Update>

<sup>29</sup> Earth Journalism Network, *Mine Leak Has Northern Laos Villages Wary of Riverwater*, August 2024. See: <https://earthjournalism.net/stories/mine-leak-has-northern-laos-villages-wary-of-riverwater>

<sup>30</sup> Radio Free Asia, *Laos says Chinese firms can explore for rare earth minerals*, January 2022. See: <https://www.rfa.org/english/news/laos/minerals-01252022180600.html>

impacts.<sup>31</sup> In **the Pacific**, civil society<sup>32</sup> and the governments of Fiji, Vanuatu, Papua New Guinea, Solomon Island<sup>33</sup>, and New Zealand,<sup>34</sup> are among those who have called for and set moratoriums on deep-sea mining citing impacts to food supply, fish catch and marine ecosystems.<sup>35</sup>

Holding the world's largest nickel reserves of 42%,<sup>36</sup> **Indonesia** has emerged as the global leading nickel producer, influencing the international market for “environmentally friendly” electric vehicles. In 2023, the country produced an estimated 1.8 million metric tons, marking a more than six-fold increase since 2010.<sup>37</sup> In **Halmahera, North Maluku**, where majority of Indonesia's nickel reserve lies,<sup>38</sup> uncontacted Indigenous hunter-gatherers of **Hongana Manyawa** are facing rampant human rights violations to their land, territories and natural resources, self-determination and FPIC, and their right to a healthy environment due to mining. Like other uncontacted Indigenous communities, the Hongana Manyawa are highly vulnerable to infectious diseases, such as flu and measles.<sup>39 40</sup> Hongana Manyawa or commonly called the

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<sup>31</sup> Mongabay. Deep-sea mining efforts gear up to meet clean energy demands amid concerns. October, 2022. See: <https://india.mongabay.com/2022/10/deep-sea-mining-efforts-gear-up-to-meet-clean-energy-demands-amid-concerns/>

<sup>32</sup> Deep Sea Mining Campaign. Navigating the Depths: Finance, Biodiversity, and the Threat of Deep Sea Mining. October, 2024. See: <https://dsm-campaign.org/deep-sea-mining-risks/>

<sup>33</sup> Press release: PPADSM supports Melanesian leaders' call for moratorium on deepsea mining in the Pacific. August, 2023. See: <https://www.pacificblueline.org/post/ppadsm-support-melanesian-leaders-call-for-moratorium-on-deep-sea-mining-in-the-pacific>

<sup>34</sup> Press Release by the New Zealand government. October, 2022. See: <https://www.beehive.govt.nz/release/nz-backs-conditional-moratorium-seabed-mining-international-waters>

<sup>35</sup> Asia Pacific Forum on Women, Law and Development. False Solutions: Climate Colonialism and Tragedy of the Commons. 2023. See: <https://apwld.org/false-solutions-climate-colonialism-and-tragedy-of-commons/>

<sup>36</sup> Institute for Energy Economics and Financial Analysis. *Indonesia's nickel companies: The need for renewable energy amid increasing production*. October, 2024. See: <https://ieefa.org/resources/indonesias-nickel-companies-need-renewable-energy-amid-increasing-production>

<sup>37</sup> Statista. *Leading countries in nickel mine production in 2024*. February, 2025. See: <https://www.statista.com/statistics/264642/nickel-mine-production-by-country/>

<sup>38</sup> Climate Home News. *Nickel Mining for Electric Vehicles is Destroying Lives in Indonesia*. December, 2024. See: <https://www.climatechangenews.com/2024/12/09/nickel-mining-for-electric-vehicles-is-destroying-lives-in-indonesia/>

<sup>39</sup> It takes 150 years for recently uncontacted communities to stabilize their response to diseases after contact with outsiders. Source: Oficina General de Epidemiología - Ministerio de Salud del Perú 2003 Pueblos en situación de extrema vulnerabilidad: El caso de los Nanti de la Reserva Territorial Kugapakori Nahua, Río Camisea, Cusco. Lima. See: [https://bvs.minsa.gob.pe/local/MINSA/1353\\_OGE161.pdf](https://bvs.minsa.gob.pe/local/MINSA/1353_OGE161.pdf)

<sup>40</sup> Evidence shows that children start to die from diseases within three days of contact with outsiders, as experienced by uncontacted Indigenous communities in rainforest areas. Source: The New Yorker. *An Isolated Tribe Emerges*



Tobelo Dalam Tribe, also known as ‘Togutil’, which has a very negative connotation, the mention refers to narratives about uncivilised, murderers, uncultured, and many more, legalised by the local government. This puts the Hongana Manyawa as the object of criminalisation<sup>41</sup> and other forms of unfair treatments particularly to pave ways for Halmahera Forest grabbing.<sup>42</sup> Currently, at least 19 mining companies are operating on 40% of the Hongana Manyawa territory with PT. Weda Bay Nickel (WBN), owned by French miner Eramet, holds the largest operation despite being condemned by many for violating territorial rights of Indigenous communities in North Maluku since 2013.<sup>43</sup> Mining expansion by WBN has also resulted in severe public health impacts across other Indigenous groups of the Halmahera islands. For instance, between 2020 and 2023, cases of acute respiratory tract infections in eight Indigenous **Sawai** villages increased by over 2,300%<sup>44</sup> due to pollution from mining activities, including emissions from coal-fired power plants used in nickel processing.<sup>45</sup>

In addition to the social and environmental costs of critical minerals lifecycle, renewable energy rush has also been driving new waves of extraction, rampant human rights violations including land dispossession. This dynamic perpetuates historical patterns of colonial exploitation and reaffirms the urgent need to ensure that the pathway of the global energy transition must meaningfully address the triple planetary crises grounded in human rights and the rights of nature. In **Kenya**, geothermal projects have led to the forced displacement of Maasai pastoralists, severing their connection to ancestral lands and disrupting their economic and cultural systems. For instance, the **Olkaria IV and Turkana Wind Power projects**<sup>46</sup> have been

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From the Rainforest. August, 2016. See:

<https://www.newyorker.com/magazine/2016/08/08/an-isolated-tribe-emerges-from-the-rain-forest>

<sup>41</sup> In 2019, the Hongana Manyawa was accused of murder and the Soasio District Court convicted six members of the Hongana Manyawa Indigenous Community of Tukur. In 2022, the same thing happened, where the Hongana Manyawa tribe was criminalised again. Alen Baikole and Samuel Gebe of Tukur - Tukur Hamlet, Dodaga Village, were accused of murder in Gotowasi village, so the Soasio Court judge sentenced them both to 20 years in prison.

<sup>42</sup> From PPMAN, August, 2023. See:

<https://ppman.org/kuasa-hukum-masyarakat-adat-tobelo-dalam-keberatan-dengan-sikap-hakim-pn-soasio/>

<sup>43</sup> Survival International. *Driven to the edge: How the demand for electric cars is destroying uncontacted Indigenous Peoples' lives and lands in Indonesia*. 2023. See:

<https://assets.survivalinternational.org/documents/2684/original-3c8dda9a3227299a6d33458706fe76e6.pdf>

<sup>44</sup> Increased from 424 to 10,579 cases. The prevalence of gastroenteritis, acute bronchitis, dyspepsia, myalgia, diarrhea, allergic contact dermatitis, and common colds has escalated since mining operations began. Further, there is an increased risk of cancers and fetal abnormalities linked to chemical exposure.

<sup>45</sup> Jaringan Advokasi Tambang. *Penaklukan dan Perampokan Halmahera: IWIP sebagai Etalase Kejahatan Strategis Nasional Negara-Korporasi*. July 2024. See: <https://jatam.org/id/lengkap/Penaklukan-Halmahera>

<sup>46</sup> International Work Group for Indigenous Affairs. *The impact of renewable energy projects on Indigenous communities in Kenya: The cases of the lake Turkana wind power project and the Olkaria geothermal power plants*. December, 2019. See:

subject to complaints from communities regarding forced displacement, disregard for indigenous rights to settlement and cultural practices, adverse effects on their economic livelihood, and resettlement of individuals in uninhabitable land.<sup>47</sup>

**Indonesia** is currently one of the biggest investment targets for energy transition by the Global North countries. In November 2022, the International Partners Group (IPG)<sup>48</sup>, led by the United States and Japan, sealed the biggest transition financing package in the world through the **Just Energy Transition Partnership (JETP)**, with an initial 20 billion USD funding commitment.<sup>49</sup> It targets to accelerate deployment of renewable energy to support at least 34% of the power generation and reach Net Zero emissions by 2050. The Asia Development Bank (ADB) approved USD 500 million in loans focusing to accelerate the development of energy transition policies in the country.<sup>50</sup> Civil society, academics, and trade unions have raised concerns about the high risk of human rights violations and escalating conflicts with rural and Indigenous communities as a result and more broadly the pathway toward privatization of energy commodities and intensification of private sector influence in energy transition policy and decision making processes.

In **North Kalimantan province**, some of the ongoing JETP projects include Tanah Kuning-Mangkupadi Industrial Estate (KIHI),<sup>51</sup> Mentarang River Hydroelectric Power Plant (Malinau Regency),<sup>52</sup> and the Kayan River Hydroelectric Power Plant.<sup>53</sup> Based on young women's stories, some of the human rights impacts of the renewable energy projects include environmental degradation. The river used to be tea-clear, but now it's muddy and women in the communities are no longer able to even use the river to wash clothes. The projects do not

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[https://iwgia.org/images/publications/new-publications/IWGIA\\_report\\_28\\_The\\_impact\\_of\\_renewable\\_energy\\_projects\\_on\\_Indigenous\\_communities\\_in\\_Kenya\\_Dec\\_2019.pdf](https://iwgia.org/images/publications/new-publications/IWGIA_report_28_The_impact_of_renewable_energy_projects_on_Indigenous_communities_in_Kenya_Dec_2019.pdf)

<sup>47</sup> Narasha Community Development Group, Kenya. *Indigenous Peoples and Just Transition: Human Rights Implications and Pathways for Equity*. 2025.

<sup>48</sup> The IPG comprises the governments of Japan and the United States, who are co-leaders of the partnership, and Canada, Denmark, the European Union, the Federal Republic of Germany, the French Republic, Norway, the Republic of Italy, and the United Kingdom of Great Britain and Northern Ireland.

<sup>49</sup> See more information on the JETP Indonesia: <https://jetp-id.org/>

<sup>50</sup> Asia Development Bank. ADB Approves Policy Loans to Support Indonesia's Energy Transition. September, 2024. See: <https://www.adb.org/news/adb-approves-policy-loan-support-indonesia-energy-transition>

<sup>51</sup> KIHI is one of Indonesia's Green Industrial Zone projects starting in 2021. Initially it covered 10,000 hectares but it was expanded to 30,000 hectares. The industrial activities planned to operate in KIHI are petrochemical, steel, polycrystalline manufacturing (solar panels), and aluminum (for electric car materials) industries.

<sup>52</sup> Aims to power the planned Kalimantan Industrial Park Indonesia (KIPI) in Bulungan.

<sup>53</sup> Aims to generate up to 9,000 megawatts of electricity, mainly to support the new national capital being built on Borneo island.



generate the promised employment for community members and instead bring many new settlers and workers from outside. There have also been reported incidences of sexual harassment by company workers. Child marriage has become commonplace. Many girls, as young as junior high (12-15 years old), are being married off to company workers. Roads are destroyed more quickly since there are so many large vehicles visiting the area on a regular basis.<sup>54</sup>

Peasants, Indigenous Peoples and other rural communities in **Laos** are also paying the cost of the country's ambition to become the 'Battery of Southeast Asia' with 100 hydropower projects in operation by 2030. Lack of information and public consultation, lack of FPIC for Indigenous Peoples, displacement, land grabbing, loss of livelihoods, lack of adequate compensation, harassment of activists in addition to ecological adverse impacts are the hidden costs of Lao hydropower.<sup>55</sup> The collapse of the **Xe-Pian Xe-Namnoy** dam in 2018 causing the deaths of 71 people, the displacement of thousands, the destruction of 1,700 hectares of agricultural land, homes and infrastructures, and the struggle of the victims six years ahead illustrates the inadequate legislation, corruption and denied justice.<sup>56</sup> The reckless race to 'sustainable' energy also constitutes a threat to cultural heritage and rights. The **Luang Prabang** dam located just 25 kilometers from the historic UNESCO-listed city threatens its cultural value on top of displacing over 500 families and risking altering the natural flow of the Mekong river. Despite UNESCO's call to relocate the dam, the project has reached 30% completion.<sup>57</sup>

## **International legal frameworks and regulatory barriers to human rights protection in the life cycle of renewable energy and critical minerals**

Under international law, States have a duty to regulate business activities, protect human rights, and ensure that the benefits of the energy transition are equitably distributed.<sup>58</sup> However, many

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<sup>54</sup> Nugal Institute for Social and Ecological Justice and Mining Advocacy Network (JATAM), North Kalimantan. 'Green Lie: portrait of the Threat of Destruction, Oligarchy and People's well-being on the Site of the Green Industrial Estate Project in North Kalimantan'; 'Kebohongan Hijau: Potret Ancaman Daya Rusak, Oligarki dan Keselamatan Rakyat Pada Tapak Proyek Kawasan Industri Hijau di Kalimantan Utara. September, 2023. See: <https://www.greenpeace.org/static/planet4-indonesia-stateless/2024/07/4e4f61d0-fa-laporan-kipi-cetak.pdf>

<sup>55</sup> Manushya Foundation, *As Laos is building dams; local communities are sacrificed in the process!* April 2023. See: <https://www.manushyafoundation.org/post/as-laos-is-building-dams-local-communities-are-sacrificed-in-the-process>

<sup>56</sup> Manushya Foundation, *Xe-Pian Xe-Namnoy Dam Collapse: Six years ahead, still no justice!* July 2024. See: <https://www.manushyafoundation.org/post/six-years-ahead-still-no-justice>

<sup>57</sup> Manushya Foundation, *Beneath the Silence: Women, Indigenous Peoples, and Corporate Power - Unveiling Human Rights Abuses in Laos*, October 2024. See: <https://www.manushyafoundation.org/beneaththesilence>

<sup>58</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966): <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

governments face significant gaps in their regulatory frameworks, particularly in relation to business and human rights in the renewable energy sector.<sup>59</sup> Weak enforcement of environmental and social safeguards and inadequate access to justice for affected communities allow corporate abuses to persist.<sup>60</sup> There is often a lack of coherence between climate policies and human rights obligations. National renewable energy strategies tend to prioritise energy production targets over the protection of human rights and ecosystems, further marginalising the frontline communities.<sup>61</sup> Additionally, inconsistent energy policies and bureaucratic hurdles slow down the shift to renewables, making the transition inequitable for workers and other frontline communities. National renewable energy policies should be developed in alignment with international human rights obligations, including the International Covenant on Economic, Social, and Cultural Rights<sup>62</sup>, the United Nations Declaration on the Rights of Indigenous Peoples<sup>63</sup> and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas.<sup>64</sup>

In **Myanmar**, large-scale hydropower projects have been linked to forced displacement and destruction of livelihoods due to inadequate regulatory oversight.<sup>65</sup> Hydropower projects in the Chin, Kachin and Shan States have led to an increased risk in conflicts, affecting the safety and livelihoods of communities in the area. These projects are primarily for generating electricity for export, such as the Mong Ton (Tasang) Dam, which would export 90% of its energy to Thailand.<sup>66</sup>

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<sup>59</sup> United Nations Guiding Principles on Business and Human Rights (OHCHR, 2011):

<https://www.ohchr.org/en/business-and-human-rights/un-guiding-principles-business-and-human-rights>

<sup>60</sup> Extractive Industries Transparency Initiative (EITI, 2023): <https://eiti.org/>

<sup>61</sup> Sustainable Development Goals (SDGs, 2015): <https://sdgs.un.org/goals>

<sup>62</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966):

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

<sup>63</sup> United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007):

<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

<sup>64</sup> United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area (UNDROP, 2018)

<https://digitallibrary.un.org/record/1650694?v=pdf>

<sup>65</sup> Sydney University. *Treading water: The dark legacy of Hydropower development in Myanmar*. February, 2021. See:

<https://www.sydney.edu.au/sydney-southeast-asia-centre/news/2021/02/15/hydropower-development-in-myanmar.html>

<sup>66</sup> Karen Human Rights Group. *Development or Destruction? The human rights impacts of hydropower development on villagers in Southeast Myanmar*, July 2018. See:

<https://www.khrg.org/2018/07/development-or-destruction-human-rights-impacts-hydropower-development-villagers-southeast>

In **Indonesia**, the Mineral and Coal Law No. 4 of 2009 has just been revised by Parliament in 2025.<sup>67</sup> Its implementation has led to an increase of land grabbing, conflicts between communities, criminalization of human rights defenders, and increased environmental damage. Some other major barriers include continuous promotion of false solutions where Indonesia's energy transition plan relies heavily on natural gas, which is still a fossil fuel with significant emissions.<sup>68</sup> The Omnibus law on Job Creation<sup>69</sup> is also another 'red carpet' for investors. The Indonesian government labelled extractive industries as national strategic projects wherein they commonly involve the military personnels not only to maintain security but also appoint them as decision makers of mining companies.

In **Laos**, high levels of corruption and lack of transparency and government monitoring, coupled with weak implementation of regulations, strict control of the media and repression of opposing voices are the breeding ground for corporate abuses, impunity, and adverse impacts on grassroots communities and the environment.<sup>70</sup> For instance, a survey conducted in 2023 by the Ministry of Energy and Mines assessing 143 mining companies found that almost half of them were harming communities in their operations. In addition, an internal report stated the Ministry lacked at least 2,500 skilled staff.<sup>71</sup> Not only is there an urgent need to enact robust legislation with deterrent sanctions including mandatory human rights and environmental due diligence, access to information and transparency, Free Prior and Informed Consent, and freedom of expression but also to allocate adequate resources to relevant authorities and agencies. These include sufficient trained and skilled staff to efficiently monitor projects and ensure compliance with human rights and national regulations such as the 2012 Environmental Protection Law, the 2017 Law on Minerals and the 2022 Decree on Environmental Impacts Assessment.

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<sup>67</sup> Mongabay. *Indonesia rushes mining law amendments raising environmental and governance alarms*. January, 2025. See: <https://news.mongabay.com/2025/01/indonesia-rushes-mining-law-amendments-raising-environmental-and-governance-alarms/>

<sup>68</sup> There is a surge in the use of natural gas, which the Indonesian government sees as a [cleaner alternative](#) to existing diesel generators. And while it's true that gas produces [half the carbon](#) per unit of energy produced as coal, it's still a fossil fuel and much dirtier than wind and solar. Gas is also associated with methane, a far more [potent greenhouse gas](#) than CO2. See: [Indonesia pushes carbon-intensive 'false solutions' in its energy transition](#)

<sup>69</sup> See text of Omnibus Law: <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC206548/>

<sup>70</sup> Manushya Foundation, *Beneath the Silence: Women, Indigenous Peoples, and Corporate Power - Unveiling Human Rights Abuses in Laos*, October 2024. See: <https://www.manushyafoundation.org/beneaththesilence>

<sup>71</sup> Radio Free Asia, *Lack of government experts sinking Lao energy and mines sector*, April 2024. See: <https://www.rfa.org/english/news/laos/experts-04172024160227.html>

The **Philippines** has the Renewable Energy Act of 2008 (RA 9513)<sup>72</sup> and the Mining Act of 1995 (RA 7942),<sup>73</sup> which have been criticized for prioritizing corporate interests over Indigenous Peoples' and environmental rights. These laws have been weaponized or have allowed bypassing of safeguards against communities, leading to displacement, environmental degradation, and conflicts over ancestral land and territories. Weak enforcement of labor protections and even the Philippine Indigenous Peoples' Rights Act (RA 8371) often exclude historically oppressed groups from decision-making, leading to widespread human rights abuses including loss of livelihoods.<sup>74</sup>

In **Zimbabwe**, the Mines and Minerals Act of 1961 has been criticised for failing to meet community needs.<sup>75</sup> The law lacks provisions allowing community consultation during the process of granting mining licenses. Additionally, the Environmental Management Act 2004 limits impact assessment to environmental aspects excluding social impacts.

The **European Union** (EU), in its efforts to realise its energy transition and become 'climate-neutral', has joined the global scramble for raw materials<sup>76</sup> with a neocolonial slant. Instead of addressing its own overconsumption, Europe is fuelling its demand for copper,<sup>77</sup> nickel, lithium,<sup>78</sup> and other transition minerals. One of the key legal and regulatory instruments is the Critical Raw Materials Act (CRMA),<sup>79</sup> which allows the EU to identify strategic mining, processing, or recycling projects and grant them regulatory exemptions, compromising

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<sup>72</sup> The News Lens, *Just Energy Transition Remains Bleak Under Marcos*, April 2024. See: <https://international.thenewslens.com/article/186934>

<sup>73</sup> Center for Environmental Concerns, *The Philippine Mining Act of 1995: 30 Years of Destruction, Plunder and Violations of People's Rights*, March 2025. See: <https://www.cecphils.org/ra7942-30th-anniversary/>

<sup>74</sup> UP Center for Integrative and Development Studies, *Recommendations for the Indigenous People's Rights Act (IPRA) of 1997*, 2022. See: <https://cids.up.edu.ph/wp-content/uploads/2022/12/Recommendations-for-the-Indigenous-Peoples-Rights-Act-Policy-Brief-02.pdf>

<sup>75</sup> ZELA Analysis of the Mines and Minerals Amendment Bill 2022 <https://zela.org/download/zela-analysis-of-the-mines-and-minerals-bill-hb-10-2022/>

<sup>76</sup> The Center for Research on Multinationals (SOMO). *The EU's Critical Minerals Crusade: How the EU Trade Policy on Raw Materials Deepens the Environmental and Inequality Crises*. May, 2024. See: <https://www.somo.nl/the-eus-critical-minerals-crusade/>

<sup>77</sup> FIAN International. *China Must Respect Human Rights in its Overseas Business Operations*. February, 2023. See: <https://www.fian.org/en/press-release/article/china-must-respect-human-rights-in-overseas-business-operations>

<sup>78</sup> Mining.com. *Savannah sees potential to expand Barroso lithium project in Portugal*. July, 2024. See: <https://www.mining.com/savannah-sees-potential-to-expand-barroso-lithium-project-in-portugal/>

<sup>79</sup> To diversify the supply of raw materials, the CRMA outlines a series of actions related to international trade, including the creation of a Critical Raw Materials Club, expanding strategic partnerships, and using trade agreements to secure access.

environmental safeguards.<sup>80</sup> In theory, the EU requires companies to carry out projects sustainably. However, companies are allowed to show compliance with the sustainability criterion by obtaining certification from deeply flawed industry schemes with structural deficiencies such as conflicts of interest and lack of transparency and accountability.<sup>81</sup> For the EU to reduce its pressure on other regions and planetary boundaries, it has to reduce its unsustainable consumption of resources, including critical minerals. EU policymakers should set a clear, binding reduction target to decrease the bloc's material footprint, which is currently more than double a sustainable level.<sup>82</sup>

Over the past three years, the EU has signed strategic partnerships on raw materials<sup>83</sup> with a number of emerging and developing economies. These partnerships are presented as 'mutually beneficial' but the texts are ambiguous, neglect asymmetric international relationships, and do not properly address partners' own transitions to renewable energy and enhancement of local access to clean energy.<sup>84</sup> Strategic partnerships are not binding instruments, and their vague 'win-win' language is often undermined by the binding provisions of free trade agreements (FTAs), which are already weak and ineffective to meaningfully address the negative social and ecological impacts of raw materials extraction.<sup>85 86</sup> Where the EU remains reliant on imports of raw materials, it should ensure its sourcing adheres to the highest social and environmental standards, including the full protection of, and respect for, human rights, encompassing

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<sup>80</sup> EU Raw Materials Coalition. *A Turning Point: The Critical Raw Material Act's needs for a Social and Just Green Transition*. September, 2023. See: <https://eurmc.org/publication/a-turning-point-the-critical-raw-material-acts-needs-for-a-social-and-just-green-transition/>

<sup>81</sup> The Center for Research on Multinationals (SOMO). *A piece not a proxy: The European Commission's dangerous overreliance on industry schemes, multi-stakeholder initiatives, and third-party auditing in the Corporate Sustainability Due Diligence Directive*. November, 2022. See: <https://www.somo.nl/a-piece-not-a-proxy/>

<sup>82</sup> Eurostat. *Material flow account statistics - material footprints*. October, 2024. See: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Material\\_flow\\_accounts\\_statistics\\_-\\_material\\_footprints](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Material_flow_accounts_statistics_-_material_footprints)

<sup>83</sup> European Commission. *Raw Materials Diplomacy*. See: [https://single-market-economy.ec.europa.eu/sectors/raw-materials/areas-specific-interest/raw-materials-diplomacy\\_en](https://single-market-economy.ec.europa.eu/sectors/raw-materials/areas-specific-interest/raw-materials-diplomacy_en)

<sup>84</sup> The Center for Research on Multinationals (SOMO). *Partnership of equals? How to strengthen EU's critical raw materials strategic partnerships*. November, 2023. See: <https://www.somo.nl/a-partnership-of-equals/>

<sup>85</sup> The Trade and Sustainable Development (TSD) chapters merely reaffirm commitments to international labour and environmental conventions without addressing the need for effective respect for the rights of mining-affected communities, including Indigenous Peoples' right to free, prior and informed consent (FPIC). Except for under the EU–New Zealand FTA, disputes under these provisions are handled through dialogue mechanisms without the possibility of sanctions, hindering effective enforcement.

<sup>86</sup> The Center for Research on Multinationals (SOMO). *Fifty years of ISDS: More than US\$ 100 billion claimed via the Netherlands*. January, 2018. See: <https://www.somo.nl/fifty-years-of-isds-more-than-us-100-billion-claimed-via-the-netherlands/>

Indigenous Peoples' right to FPIC, and strong environmental governance. Large companies that use such raw materials in their value chain are increasingly being required<sup>87</sup> to conduct mandatory human rights and environmental due diligence. However, the most recent Omnibus proposal by the EU Commission poses a significant threat to limit the scope of due diligence requirements and intensify corporate abuse.<sup>88</sup>

## **Corporate accountability in a pathway to achieve a just and equitable energy transition**

Corporations must be held accountable in fulfilling their domestic and extraterritorial obligations under international environmental and human rights law.<sup>89</sup> Corporations must also disclose their supply chains and provide detailed information on the origins of critical minerals.<sup>90</sup> Stopping corporate capture requires systematically limiting corporate influence in climate and energy transition negotiations while increasing civil society and grassroots movements participation to counterbalance business-vested agenda and corporate lobbying.<sup>91</sup> Broader climate justice movements have also called for excluding the private sector from the board of Fund for Responding to Loss and Damage (FRLD).<sup>92</sup> These demands must be supported by stronger mechanisms and safeguards to address corporate accountability including ensuring transparency in climate-related policy making processes at all levels.

In an effort to achieve a just and equitable energy transition, it is key that States see through the development of a legally binding instrument (LBI) to regulate corporate power and stop corporate impunity. For over 10 years, civil society organizations and social movements have

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<sup>87</sup> European Parliament. Due diligence: MEPs adopt rules for firms on human rights and environment. April, 2024. See:

<https://www.europarl.europa.eu/news/en/press-room/20240419IPR20585/due-diligence-meps-adopt-rules-for-firms-on-human-rights-and-environment#:~:text=The%252520European%252520Parliament%252520approved%252520with,on%252520human%252520rights%252520and%252520the>

<sup>88</sup> European Coalition for Corporate Justice. *EU Commission's Omnibus Proposal is Full Scale Deregulation Designed to Dismantle Corporate Accountability*. February, 2025. See:

<https://corporatejustice.org/news/press-release-eu-commissions-omnibus-proposal-is-full-scale-deregulation-designed-to-dismantle-corporate-accountability/>

<sup>89</sup> International Network for Economic, Social, and Cultural Rights (ESCR-Net). *ESCR-Net's Red Lines: Urgent Action Needed for a Binding Treaty to End Corporate Impunity*. December, 2024. See:

<https://www.escr-net.org/resources/red-lines-urgent-action-needed-for-a-binding-treaty-to-end-corporate-impunity/>

<sup>90</sup> Extractive Industries Transparency Initiative (EITI, 2023): <https://eiti.org/>

<sup>91</sup> See, for example, demands of the Kick Big Polluters Out campaign: <https://kickbigpollutersout.org/>

<sup>92</sup> Open letter to the board of Fund for Responding to Loss and Damage endorsed by 160+ civil society organizations globally. *People not profit in the loss and damage fund*. March, 2025. See: [https://www.ciel.org/wp-content/uploads/2025/03/Open-letter-to-FRLD-Board\\_-\\_People-not-profit-in-the-Loss-and-Damage-Fund\\_032025.pdf](https://www.ciel.org/wp-content/uploads/2025/03/Open-letter-to-FRLD-Board_-_People-not-profit-in-the-Loss-and-Damage-Fund_032025.pdf)



called on States to urgently act towards this instrument through *the Open-Ended Intergovernmental Working Group to elaborate a legally Binding Instrument on Transnational Corporations and other Business Enterprises with respect to human rights (IGWG)*. This demands effective global leadership, and it is imperative that the UN Human Rights Council and State parties to the LBI or IGWG process genuinely engage in the ongoing negotiations to develop an effective mechanism for the protection of rights, the redress of grievances and the establishment of accountability as a means to protect frontline communities in the face of the climate crisis. Our members have elaborated on 8 essential aspects that should be reflected in the treaty.<sup>93</sup>

The push for accelerating development projects, the transition to renewable energy, and “fortress conservation” have resulted in criminalization and human rights violations. Militarization of communities particularly in places where renewable energy and critical mineral projects are located is cited as one of the barriers in the context of State regulation or of business conduct that undermine the protection of human rights. Lack of transparency and due diligence in supply chains are adding to challenges as companies frequently source critical minerals through complex networks of subcontractors, making it difficult to trace the origins of materials and identify potential human rights abuses.<sup>94</sup> Furthermore, voluntary corporate social responsibility initiatives often fall short of holding companies accountable, lacking enforceability and comprehensive monitoring mechanisms.<sup>95</sup>

Learning from the dangers of false solutions, transition from fossil fuels to renewable energy must be done with parameters of justice and accountability set and understood across regions - particularly in the Global North. The extractive nature of our dominant economic system and the commodification of nature are driven by big polluters, agendas of profit-making and corporate giants. States must take urgent action to address environmental destruction and the climate crisis, including through regulating and holding corporate and financial actors accountable to meeting their obligations to respect, protect and fulfil human rights, domestically and extraterritorially.

## **The role of international cooperation to protect human rights and fully implement the UNFCCC and Paris Agreement**

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<sup>93</sup> International Network for Economic, Social and Cultural Rights (ESCR-Net). *ESCR-Net's red lines: Urgent action needed for a binding treaty to end corporate impunity*. December, 2024. See: <https://www.escr-net.org/resources/red-lines-urgent-action-needed-for-a-binding-treaty-to-end-corporate-impunity/>

<sup>94</sup> United Nations, 2021. "Renewable Energy and Human Rights" Report.

<sup>95</sup> United Nations Guiding Principles on Business and Human Rights (OHCHR, 2011): <https://www.ohchr.org/en/business-and-human-rights/un-guiding-principles-business-and-human-rights>

The concerted global efforts to fully implement the UNFCCC and Paris Agreement must be rooted in principles of accountability and justice to address historical responsibility of the global polluters. In this regard, upholding extraterritorial obligations (ETOs) is essential to prevent, mitigate, and redress transboundary harms, holding wealthy countries and corporations accountable for policies and actions that exacerbate the climate crisis. Ensuring intergenerational equity is fundamental while embedding the right to self-determination<sup>96</sup> and the rights of nature into all climate policies, ensuring that global climate actions advance justice rather than perpetuating harm. The concerted global efforts must focus on:

**Ensuring equitable climate finance and addressing climate debt.** Global North countries must deliver adequate, non-debt creating climate finance flow to the Global South. This requires immediate divestment from militarism and reallocating the finance to support community-led, ecosystem-based solutions, and care economies.<sup>97</sup> Clear separation of funding streams for Overseas Development Assistance (ODA) and climate actions is essential to move towards equitable climate finance and eliminating double counting. Climate finance should also uphold human rights and the rights of nature, promote Indigenous sovereignty, and community well-being. It must integrate strong safeguards including on FPIC, and legally binding standards particularly to prevent human rights abuses particularly by corporate actors.

**Reforming International Financial Institutions (IFIs).** IFIs must redirect fossil fuel finance to support climate actions particularly in countries vulnerable to escalating climate disasters. Financial institutions and development banks should adopt robust human rights and environmental criteria for renewable energy investments, including to contribute to the realisation of the Sustainable Development Goals (SDGs), particularly SDG 13 (climate action) and SDG 14 (life below water).<sup>98</sup> Public Development Banks (PDBs), as extensions of state

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<sup>96</sup> The right to self-determination remains vested in the “peoples of colonial and Non-Self-Governing Territories” as well as peoples under racial domination and foreign occupation. See:

(a) [Activities of Foreign Economic and Other Interests Which Impede the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories Under Colonial Domination, G.A. res. 50/33, U.N. Doc. A/RES/50/33 \(1995\)](#); (b) UN General Assembly Resolution 37/135 of 17 December 1982:

Permanent Sovereignty over national resources in the occupied Palestinian and other Arab territories: This includes the right of Palestinian and other Arab peoples whose territories are under Israeli occupation to full and effective permanent sovereignty and control over their natural and other resources, wealth and economic activities; (c) The right to self-determination and the principle of non-discrimination, as affirmed in the ICESCR, forms the legal foundation for the collective rights of Indigenous Peoples. UNDRIP should serve as the interpretative framework for the ICESCR, similar to the approach established by CEDAW for CEDAW and other treaty bodies’ jurisprudence.

<sup>97</sup> International Network for Economic, Social and Cultural Rights (ESCR-Net). *ESCR-Net’s COP29 Briefing Note: Priorities for a Peoples-Centered, Rights-Based Climate Agenda*. November, 2024. See: <https://www.escr-net.org/resources/escr-net-cop29-briefing-note-priorities-for-a-people-centered-rights-based-climate-agenda/>

<sup>98</sup> Sustainable Development Goals (SDGs, 2015): <https://sdgs.un.org/goals>

policy and actions, must ensure that their policies and projects do not violate human rights, causing transboundary harm and exacerbating the climate crisis.<sup>99</sup>

**Implementing the right to a clean, healthy, and sustainable environment.** States must fully implement the right to a healthy environment with a gender-transformative approach, substantive equality, principles of polluters pay, non-retrogression and progressive realization of economic, social, and cultural rights, and intergenerational equity and justice.<sup>100</sup> Governments must require companies to obtain FPIC from Indigenous Peoples before implementing transition energy projects, ensuring their rights to a healthy environment, distinct identity, and self-determination are respected.<sup>101</sup> Likewise governments must respect peasants' and rural people's right to active and free participation in the preparation and implementation of policies, programmes and projects that may affect their lives, land and livelihoods.<sup>102</sup>

**Curbing overconsumption and extractivism.** A just energy transition demands curbing the Global North driven overconsumption and production patterns to prevent further environmental crises. Legal recognitions of “the rights of nature” as seen in Bolivia<sup>103</sup> and Ecuador<sup>104</sup> must be supported and replicated as they call for stronger regulations on resource extraction rather than merely “greening” capitalism. Economic models should shift away from GDP-centered growth toward care economies rooted in collective well-being. In the transition process, States must strengthen and enforce strict regulations or outright bans on the trade of conflict minerals and halt funding that fuel militarisation of communities. Furthermore, there must be regulations that prioritize material reuse, promote environmentally safe end-of-use processes of energy technologies, and reduce energy consumption and production patterns to ensure the systemic and long-term sustainability of new renewable energy systems. An EU directive on Sustainable Resource Management,<sup>105</sup> advocated by many European environmental organisations, could

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<sup>99</sup> Forus International. *Civil Society Declaration: Finance in Common Summit*. February, 2025. See: <https://www.forus-international.org/en/pdf-detail/123822-finance-in-common-summit-2025-civil-society-declaration>

<sup>100</sup> International Network for Economic, Social, and Cultural Rights (ESCR-Net). *The Right to a Clean, Healthy, and Sustainable Environment: A Pathway to Address the Climate Crisis*. October, 2024. See: <https://www.escr-net.org/resources/the-right-to-a-clean-healthy-and-sustainable-environment-a-pathway-to-address-the-climate-crisis/>

<sup>101</sup> United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007): <https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>

<sup>102</sup> United Nations Declaration on the Rights of Peasants and Other People Working in Rural Area (UNDROP, 2018) <https://digitallibrary.un.org/record/1650694?v=pdf>

<sup>103</sup> Law of the Rights of Mother Earth. 2010. See full text in Spanish: <https://www.scribd.com/document/44900268/Ley-de-Derechos-de-la-Madre-Tierra-Estado-Plurinacional-de-Bolivia>

<sup>104</sup> Constitution of the Republic of Ecuador. 2008. See full text in Spanish: <https://pdpa.georgetown.edu/Constitutions/Ecuador/english08.html?utm>

<sup>105</sup> *Joint paper for an EU Directive on Sustainable Resource Management*. January, 2024. See: <https://friendsoftheearth.eu/publication/joint-paper-for-an-eu-directive-on-sustainable-resource-management/>

introduce such a legally binding target for resource consumption reduction. A rights-based, sustainable food systems transformation based on agroecology, should be given due attention in this context.

**Advancing access to justice, remedy and reparations.** States must uphold the rights to remedy and reparations following the principle of Common But Differentiated Responsibilities and Respective Capabilities (CBDR-RC). States must put in place mechanisms for the adequate and effective participation of marginalized individuals, communities and peoples, as well as human rights monitoring and accountability mechanisms. This includes restoring what has been damaged and compensating for what has been lost, both in financial and non-financial forms,<sup>106</sup> particularly for frontline communities impacted by resource extraction and large-scale renewable energy projects. States have a duty to develop measures to ensure the full implementation of Article 8 of the Paris Agreement,<sup>107</sup> addressing loss and damage resulting from extractive industries and “green” energy projects. Concrete mechanisms must be put in place to protect environmental and human rights defenders from violence, intimidation, threats and arbitrary arrest and detention.<sup>108</sup> States should establish accessible, independent, and effective grievance mechanisms to provide remedies for victims of human rights abuses linked to critical minerals and renewable energy projects.<sup>109</sup>

**Centering the knowledge of frontline communities in climate policies.** Equitable climate governance should reflect the perspectives and experiences of communities most impacted by the climate crisis. The contribution of peasants, Indigenous Peoples and other rural communities to the sustainable use and management of natural resources and ecosystems has to be recognized. To this end, it is essential to take appropriate measures to protect, support and promote the traditional knowledge, innovation and practices of peasants, Indigenous Peoples and other people working in rural areas, and to validate and amplify community led data and knowledge, including by supporting data collection initiatives that enable frontline communities to document environmental harm and human rights violations. Indigenous-led data must be recognized and incorporated into decision-making processes supported by

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<sup>106</sup> See United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation: <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation>

<sup>107</sup> Our Right to Climate Reparations. La Ruta del Clima. 2023: <https://larutadelclima.org/reparations/>

<sup>108</sup> Global Initiative for Economic, Social, and Cultural Rights. Collective input on loss and damage to the UN Special Rapporteur on the Right to Development. April, 2024. See: <https://gi-escr.org/en/our-work/on-the-ground/we-provided-input-on-loss-and-damage-to-un-special-rapporteur-on-the-right-to-development>

<sup>109</sup> United Nations Guiding Principles on Business and Human Rights (OHCHR, 2011): <https://www.ohchr.org/en/business-and-human-rights/un-guiding-principles-business-and-human-rights>

community-led and independent monitoring bodies, as well as a publicly accessed database for environmental impact assessments and monitoring reports. These efforts challenge extractive practices in a pathway towards data justice<sup>110</sup> and ensure climate policies are shaped by those most affected, rather than dominated by corporate or state driven narratives.

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<sup>110</sup> International Network for Economic, Social, and Cultural Rights (ESCR-Net). *Collective Position on Data for Economic, Social, and Cultural Rights*. April, 2022. See: <https://www.escr-net.org/resources/collective-position-on-data-for-economic-social-and-cultural-rights/>