SPECIAL PROCEDURES
UNITED NATIONS
HUMAN RIGHTS COUNCIL

A HUMAN RIGHTS-BASED APPROACH TO THE ENERGY TRANSITION

Summary of the Report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Elisa Morgera

A/80/188



Image: Karsten Wuerth / Unsplash

Introduction

Reliance on renewable energy enables the phasing out fossil fuels, contributing to the most effective climate mitigation action and preventing further severe human rights impacts.

However, certain sources and scales of renewables development and the “rush” to energy transition minerals have resulted in **human rights violations**, with **disproportionate impacts** on Indigenous Peoples, persons of African descent and peasants.

Although a rapid energy transition is needed, such a transition should not be unchecked. **The effects of climate change mitigation measures must be carefully assessed through the full life cycle and through a human rights-based and ecosystem-based approach** to ensure a just energy transition. This should be based on the equitable distribution of economic and environmental burdens.

States have international obligations, individually and through international cooperation, and **businesses and development finance institutions have responsibilities** to support a **just, effective and human rights-based energy transition.**

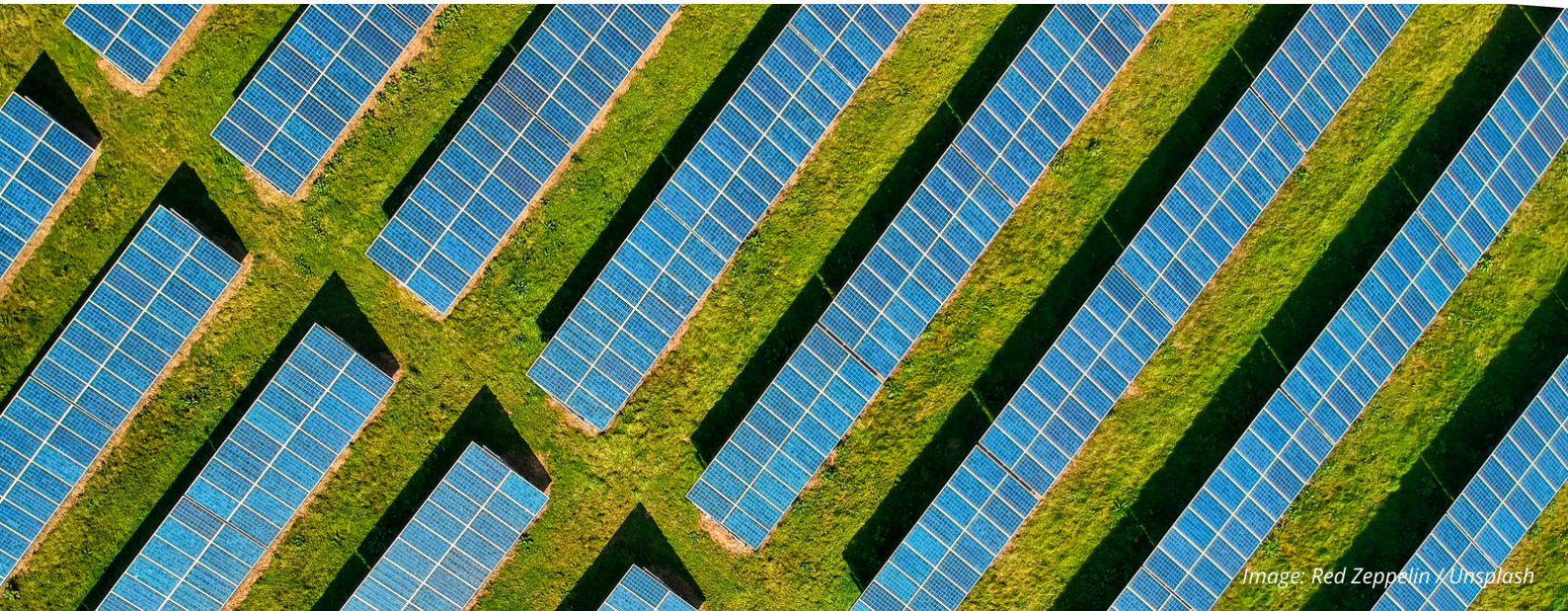


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Human Rights Impacts of Renewables

Renewables development projects that pay fair compensation, fairly share benefits, provide alternative livelihoods and adequately build local capacities **can have positive impacts on human rights, societies and economies.**

Yet, human rights experts have identified **recurring issues in the energy transition**, including regulatory gaps and a lack of access to information, meaningful participation and effective remedies.

Negative human rights impacts of renewables projects include:

- Unfair sharing of benefits and discrimination
- Environmental harm and attacks against environmental human rights defenders (EHRDs)
- Heightened risks and disproportionate impacts on women and children
- Violations of workers' rights
- Violations of Indigenous Peoples' rights, including to Free, Prior and Informed Consent (FPIC)
- Land grabs and displacement of farmers and small-scale fishers
- Inequitable benefit-sharing among States
- Conflicts and organized crime



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The Full Life Cycle of Renewables

Assessing the full life cycle of renewables at the nexus of climate, nature, food, water and health avoids escalating resource competition and ecological degradation.

Wind and energy power are considered less socially and environmentally risky and less resource-intensive than other renewables. That said, large-scale farms can negatively affect biodiversity and tenure. E-waste is a growing issue.

Marine renewables can affect ecosystems and other human uses of the ocean. Further research is needed to understand the full life cycle impacts, considering the ocean's importance for human rights.

Geothermal energy is location-specific, often found in protected areas. It is necessary to minimize air and water pollution risks.

Hydropower is currently the largest renewable energy source. It causes significant environmental and human rights harms, including attacks against EHRDs. Contributions to climate mitigation and actual power output levels are often overestimated, with questions arising over their effectiveness in mitigating climate change.

While **bioenergy** is a large source of renewable energy, questions remain over its effectiveness in mitigating climate change.

Prior assessments, participatory planning and public consultations are essential to draw on the **best available science, including Indigenous science and traditional knowledge**, to select necessary measures to prevent and minimize foreseeable negative impacts.

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Reliance on Minerals

Transition or "critical" minerals (e.g. lithium, cobalt, nickel, copper, rare earth elements) have **considerable economic importance** and entail a **high supply risk for consumer countries**, due to unique properties and lack of viable substitutes.

Although sourced globally, these minerals, and their procurement and trade, are **concentrated in certain regions and countries**. **More than 50 percent of transition minerals are estimated to be located in Indigenous territories.**

All stages of mining - extraction, processing, transport and decommissioning - **entail significant environmental, climate and human rights risks**. Between 2010 and 2023, 630 allegations of human rights abuses were associated with the mining of seven transition minerals.

Global demand for these minerals is estimated to increase to six times current levels by 2040. **Demand growth projections, however, should be questioned**, as they often include sectors that are unrelated to climate mitigation and may run counter to mitigation purposes.

Mining should be limited to what is essential for the energy transition, taking into account local, inter-State and global environmental and human rights impacts.

Human rights experts have called for a **moratorium on deep seabed mining**. An **institutional review** of the International Seabed Authority and a **general environmental policy** are also necessary.

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Recommendations for States

Assess energy needs and de-prioritize energy demands linked to overproduction and overconsumption.

Ensure a coherent domestic legal framework for a human rights-based and ecosystem-based energy transition.

Prioritize wind and solar energy at the nexus of nature, water, food and health; as well as **progress in energy efficiency**.

New **hydropower and bioenergy** development should be considered with the **highest level of precaution** and extensive consideration of **alternatives**.

Geothermal and **marine renewables** should also follow a precautionary approach, supported by ongoing research.

Embed nexus thinking in participatory planning processes to foster a shared understanding of the natural, social, economic and political dimensions of the energy transition.



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Recommendations for States

Ensure the fair and equitable sharing of monetary and non-monetary benefits as a basis for **co-developing** the energy transition with most affected human rights holders.

Support decentralized energy production, including as a form of climate change resilience.

Reduce the extraction and unsustainable consumption of minerals, including through regulations and incentives.

Ensure responsible design, waste management and decommissioning, with strict standards and transparent planning.

Prioritize research and funding that supports genuine partnerships and **technology co-development** between global North-South, as well as Indigenous-, community- and women-led research.



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Recommendations for Businesses and Investors

Businesses involved in the energy transition should have robust human rights due diligence processes, with a view to:

- assessing land tenure
- funding independent legal and technical support for Indigenous Peoples, persons of African descent and peasants
- identifying benefit-sharing opportunities with communities
- designing systems and products for efficiency and circularity
- ensuring public access to information
- supporting meaningful job creation
- supporting participatory long-term monitoring
- establishing effective and accessible operational-level grievance mechanisms for workers and communities
- adopting enforceable zero-tolerance policies to prevent attacks and retaliation against EHRDs

Multilateral development banks and bilateral development finance should:

- prioritize funding for wind and solar power at the nexus, particularly when Indigenous-, community- or women-led
- refrain from financing renewables projects with high or unmitigated environmental and human rights risks
- expand the scope of human rights safeguard policies
- integrate recommendations by independent redress mechanisms into policies and decision-making

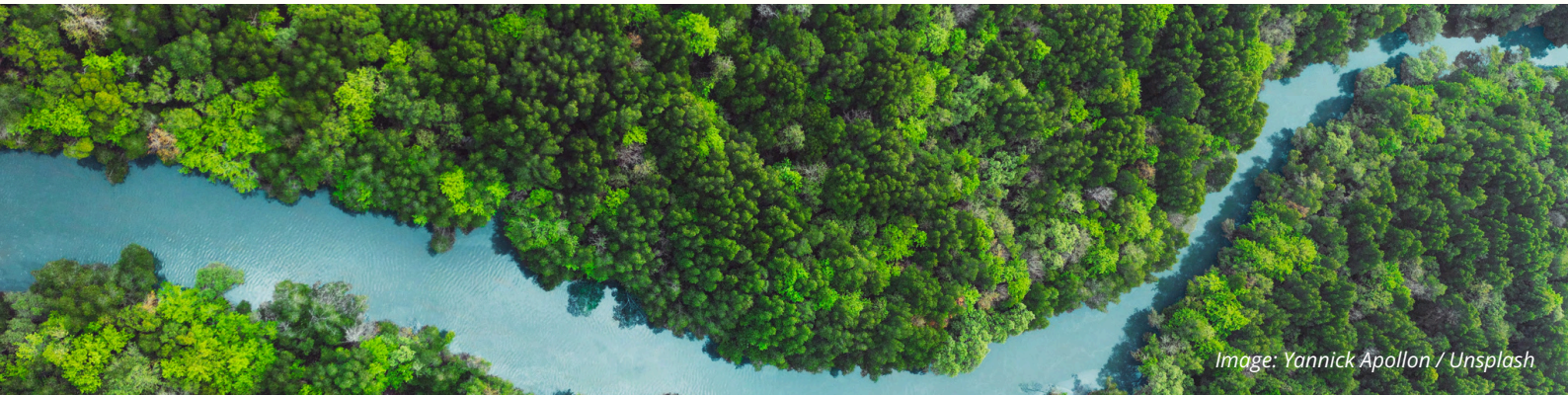


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Recommendations for International Cooperation

Developed States should create more fiscal space to support domestic value addition and economic diversification in developing countries, providing grant-based finance, debt relief and cooperation to tackle tax avoidance and evasion.

Enhanced international cooperation and safeguards are needed to **avoid reinforcing extractive models that primarily benefit wealthier countries and elites** in terms of energy and profits.

States should cooperate to **enhance global transparency and traceability of transition minerals, harmonize regulations, co-develop technologies and share best practices.**

Implementing agencies of international climate finance projects should support States and business entities in implementing the recommendations of this report.



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Read the full report:
https://docs.un.org/A/80/188

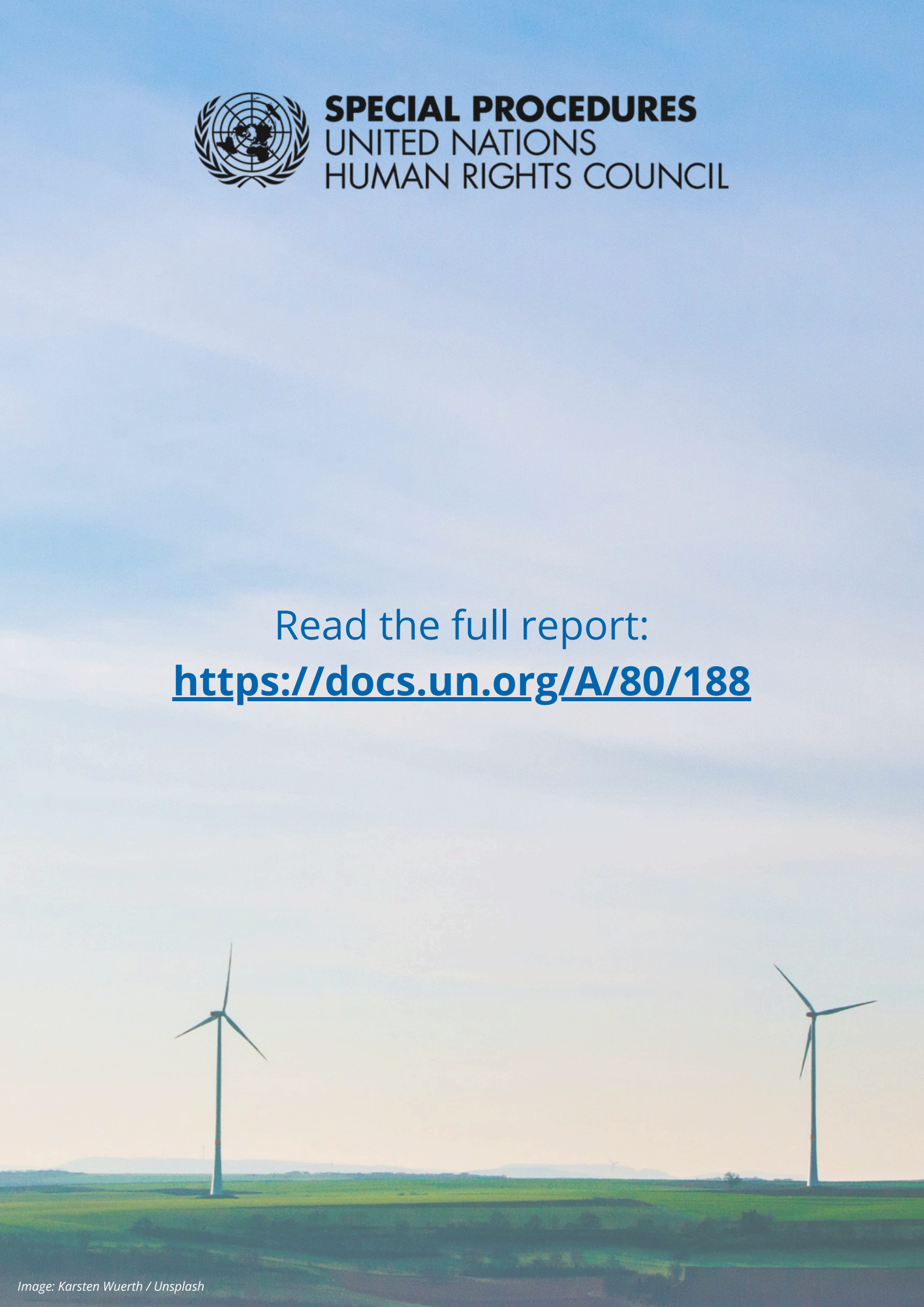


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