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PHOTO: Carajas Mine, Brasil. **Source:** NASA

EXECUTIVE SUMMARY

FRAMEWORK FOR ENVIRONMENTAL, SOCIAL AND HUMAN RIGHTS IMPACT ASSESSMENTS

Report of the United Nations Special Rapporteur on the human right to a clean, healthy and sustainable environment, **Astrid Puentes Riaño**
Executive Summary of the Report A/80/187

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PHOTO: Belice-Guatemala Border NASA/METI/AIST/Japan Space Systems



PHOTO: Yogendra Singh / Pexels

I. INTRODUCTION

Environmental impact assessments are the world's most common, legally mandated environmental protection mechanisms. They have been incorporated into multilateral environmental agreements and domestic legislation in more than 180 States.[1] The purpose of this assessment tool is to ensure that, before harm materializes, governments make sound decisions when evaluating projects that might have significant environmental impacts.

Despite international obligations and the usefulness of these assessments as a tool, they are being ignored or even subject to legislative weakening in many countries around the world. It is therefore essential that these assessments are carried out properly, especially in the context of the triple planetary crises of climate change, biodiversity loss and pollution.

II. WHAT ARE ENVIRONMENTAL, SOCIAL AND HUMAN RIGHTS IMPACT ASSESSMENTS?

This report refers to environmental impact assessments (EIA), which have been carried out over the last 50 years. The proposal to rename these assessments as environmental, social and human rights impact assessments (ESHRIA) responds to the need of making sure these assessments also consider human rights and social impacts. It highlights the obligation and the need to ensure these processes cease to be isolated, technical analyses and guarantee that the social and human rights impact that projects or activities may have, are considered.

EIAs or ESHRIAs must be **proactive, multidisciplinary and comprehensive preliminary analyses;** they must be carried out before harm occurs and, where appropriate, offer adequate remediation measures. **ESHRIA must always be a process that genuinely assesses whether a project should be approved or not, rather than assuming that its authorization is automatic.**

III. CRITICAL FAILURES OF ESHRIA

A. Conflict of interest

The relationship among stakeholders promoting a project, those evaluating it, and those making the final decision can encourage practices that hinder proper and objective analysis of the project. Some examples of **conflicts of interest include entities conducting assessments having financial incentives that benefit the interests of promoters**, corruption, greenwashing, undue influence over political actors, pressure on State authorities to grant approvals, and coercively restricting resources to State agencies.

For instance, in 2023, the United States Environmental Protection Agency Inspector General found "extensive political interference in the scientific work of the EPA", weakening the agency's ability to conduct, review or oversee well-run, independent impact assessments free from political manipulation.[2]

B. Failure to prioritize prevention and poor quality of assessments

The main function of ESHRIA, which is preventing harm, is undermined when the presumption is that a project will be approved, as this prioritizes compensation and focuses on risk mitigation rather than harm avoidance. This means that comprehensive, integrated alternatives or the option of not carrying out the project are not considered.[3]

The absence of sound assessment methodologies, a science-based approach, clearly understood objectives, the prevalence of private economic interests superseding collective and public rights,[4] and insufficient financial and human resources for assessment also undermine this function. In some cases, assessments have been superficial due to a lack of experience, access to equipment and other resources.[5]

C. Check-the-box approaches

Even today, the false dichotomy that caring for the environment interferes with development means that ESHRIAs are not carried out comprehensively.[6] Common shortcomings include inadequate reviews of cumulative impacts, superficial or generic technical proposals and assessments that exclude social dynamics and projects-affected community knowledge; it also includes absence of an ecosystem-based approach.[7] Conducting ESHRIAs as mere formalities affects territories and ecosystems.

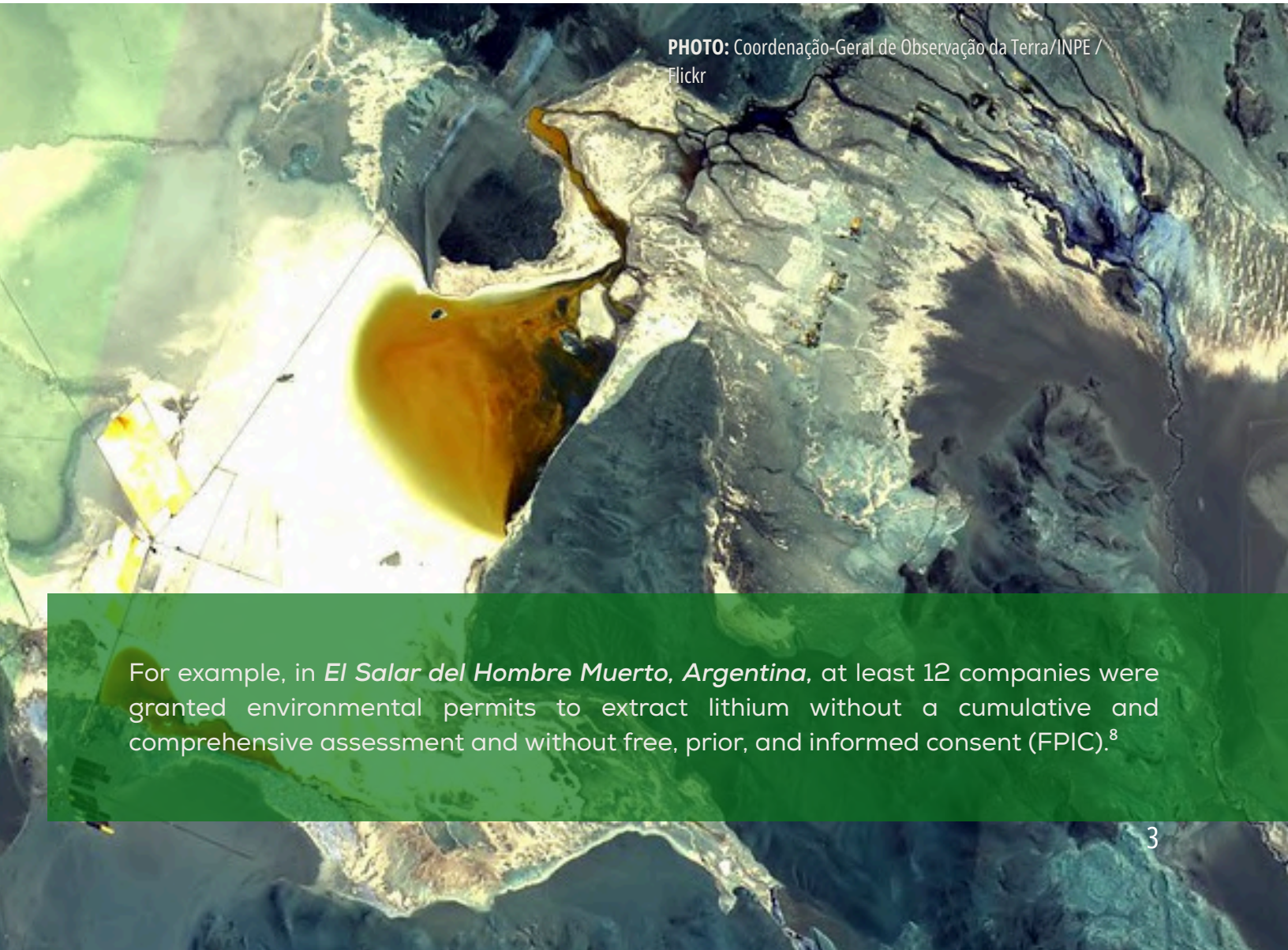


PHOTO: Coordenação-Geral de Observação da Terra/INPE / Flickr

For example, in ***El Salar del Hombre Muerto, Argentina,*** at least 12 companies were granted environmental permits to extract lithium without a cumulative and comprehensive assessment and without free, prior, and informed consent (FPIC).[8]

D. Project fragmentation

Project fragmentation excludes fundamental stages or parts of a project or activity, often to avoid thorough assessments and sometimes to reduce the perceived risk, **resulting in incomplete and unreliable evaluations.**[9] Courts in Argentina, Canada, Mexico, and Türkiye have recognized it as an illegal practice that should be expressly prohibited.[10]

E. Arbitrary exempting sectors and projects

States have exempted entire sectors and projects from ESHRIA requirements, including primary drivers of the climate, biodiversity, and pollution crises, such as fossil fuel exploration and energy projects, or extractive industries including industrial fisheries. Exceptions often lack scientific basis and made based on project size and category. Often governments cite purported national, security or public interest needs without proper analysis of proportionality, actual need and opportunity, thus avoiding impact assessment requirements in contravention of international law.

These exemptions cut across efforts towards energy transition and climate action. **Projects related to critical minerals, carbon markets and renewable energy must be assessed to determine their environmental, social, and human rights viability.**[11] In the European Union it is presumed under the Renewable Energy Directive that renewable projects do not have significant effects on the environment, override public interest and are in service of health and safety. In the absence of project alternatives, European Union law allows such projects to proceed without an impact assessment.[12]

F. Monitoring and compliance

Approved projects are seldom reviewed to verify compliance. Post-approval information is scarce, and public participation is virtually non-existent, as evidenced by inputs and information received to prepare the report. For example, research on **193 hydropower projects across Tibet** reveals that environmental impact assessments were either poorly enforced, conducted post-construction, or rubber-stamped with no transparency or community participation and no avenues for negotiation to protect local ecosystems, historic cultural sites, and communities.[13]

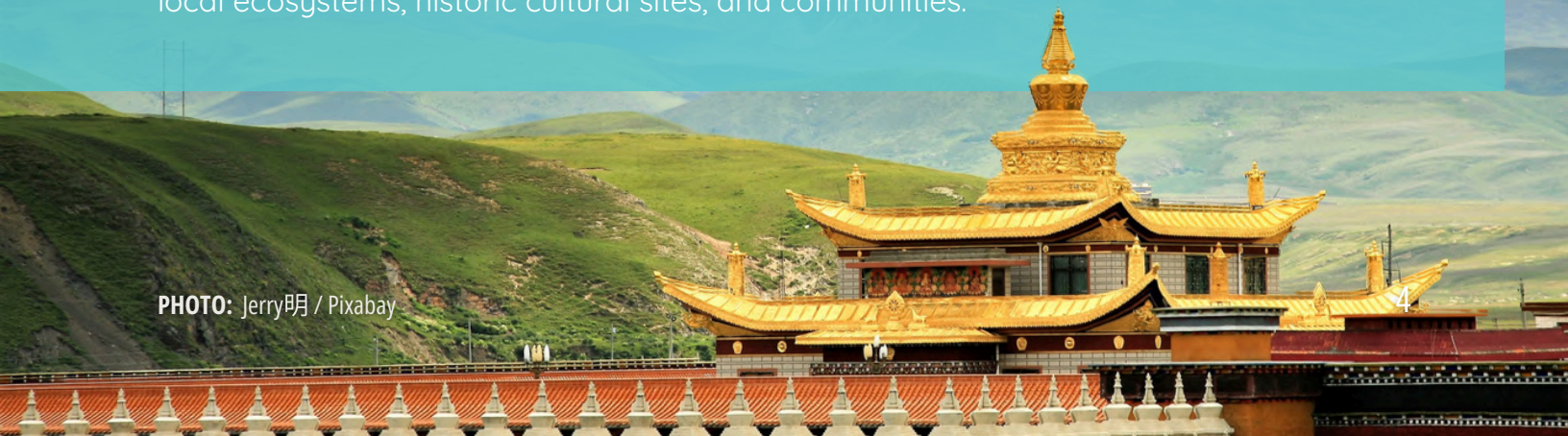


PHOTO: Jerry明 / Pixabay

G. Weak rule of law

Regulations regarding ESHRIAs take a limited view of their scope and content, with older legislation tending to exclude climate, human rights, and ecosystem-based approaches. Furthermore, they are often distributed across multiple regulatory bodies, which can result in legal loopholes and inconsistencies in their application. **There is also a tendency towards deregulation of environmental assessment legislation, sometimes arguing the need for "simplification".** Regressive changes or proposals of deregulation have been observed in Angola,[14] Brazil,[15] the United States of America,[16] Honduras,[17] Indonesia,[18] Perú,[19] the United Kingdom,[20] Serbia[21] and Uganda,[22] where initiatives have been shown to dilute substantive and procedural elements.

H. Investor-State dispute settlement

Several States have faced multimillion dollar arbitration proceedings brought by companies whose investments have been thwarted by lawful States action that is consistent with the human right to a clean, healthy and sustainable environment.[23] Annex number III of this report analyses a list of 68 arbitration proceedings initiated between 2000 and 2025 by investors against States that took legitimate environmental measures in relation to their projects.

It is in all parties' interest that ESHRIA are well implemented, considering the financial, human and environmental costs of inaction. Simultaneously, there is an urgent need to reform arbitration systems to advance investor accountability and compliance with State obligations to respect human rights and protect the environment.

I. Neglecting procedural rights

Access to information and public participation during impact assessments tend to be restricted, incomplete, obsolete, deficient, discriminatory, misleading, and hampered by language barriers. Moreover, the need for specialized scientific and technical knowledge to participate, short deadlines, lack of circulation of the information necessary to understand the project and thus be able to provide observations or comments, prevent communities from getting involved.

For example, in the case of the Bakun Dam hydroelectric megaproject in Sarawak, Malaysia, the environmental impact assessment was made available after protests, displayed for just one day, and accessible only in English at a government office located more than 1300 km away from where the affected population lived.[24]



PHOTO: Universiti Malaysia Sarawak Malaysia / Flickr

IV. STATE OBLIGATIONS TO REGULATE, UNDERTAKE, MONITOR AND ENFORCE ESHRIA

States' obligations to respect, protect and fulfil human rights, particularly the human right to a clean, healthy and sustainable environment, entail the obligation to prevent significant environmental harm by public and private actors. **Prevention is essential because once environmental harm occurs, full restoration tends to be impossible.[25]** To prevent harm, States must regulate, undertake, monitor, and enforce ESHRIA processes and ensure adequate access to information, public participation, access to justice and effective remedies.

The obligation to prevent environmental harms, including to the global climate system, is customary international law.[26] For instance, a State may breach its obligation to respect human rights when it has effective control over polluting greenhouse gas (GHG) emissions within its territory and it is proven that those emissions caused human rights violations in another State.[27]

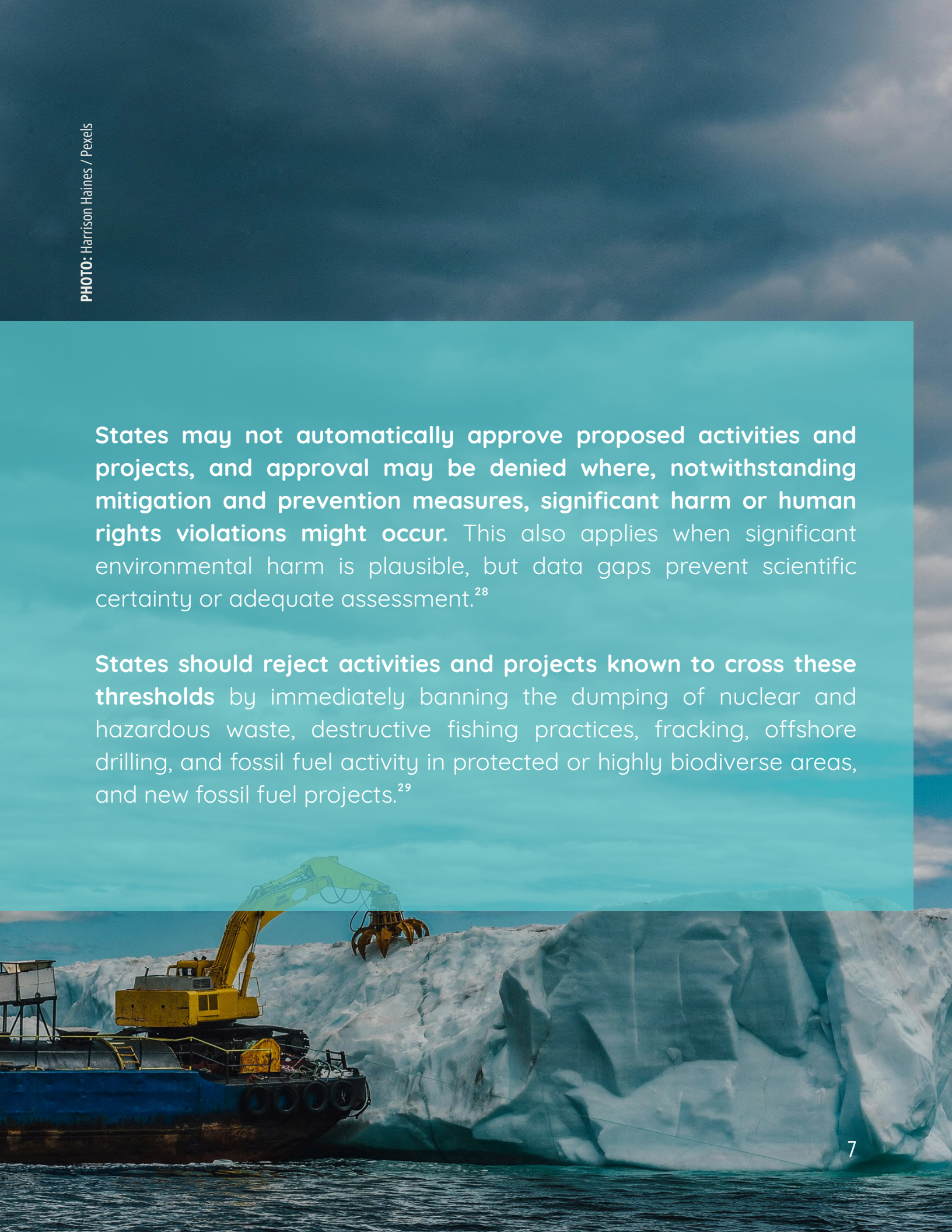


PHOTO: Harrison Haines / Pexels

States may not automatically approve proposed activities and projects, and approval may be denied where, notwithstanding mitigation and prevention measures, significant harm or human rights violations might occur. This also applies when significant environmental harm is plausible, but data gaps prevent scientific certainty or adequate assessment.[28]

States should reject activities and projects known to cross these thresholds by immediately banning the dumping of nuclear and hazardous waste, destructive fishing practices, fracking, offshore drilling, and fossil fuel activity in protected or highly biodiverse areas, and new fossil fuel projects.[29]

States must fulfil these obligations in accordance with the human right to a healthy environment, that is, by complying with its substantive and procedural elements in a joint and interconnected manner. **Thus, ESHRIA must:**

Be prior

Be undertaken as early as possible and prior to any proposal, authorization, or the commencement of any activity, or when significant modification and/or expansion is proposed.

Be comprehensive

Assess proposals' **direct, indirect, domestic, transboundary, adverse, positive, cumulative, comprehensive, long-term, short-term, climate, biodiversity, environmental, health, cultural, social and human rights impacts,** alongside the proposals' compatibility with the State's international legal obligations and policies.

Observe environmental principles

Follow **precautionary, prevention, proportionality, best-available science, maximum disclosure, and equity and non-discrimination** principles.

Be independent

Be prepared by **independent, qualified experts.**

Ensure access to information

Ensure **understandable, accessible, timely and complete information** relevant to the proposal and assessment process.

Ensure public participation

Provide **effective, meaningful, open and inclusive public participation** throughout each stage of the assessment process, including the monitoring of approved projects according to the terms and conditions of approval.

Ensure access to justice and effective remedies

Including in cases of violations of assessment procedures and foreseeable human rights violations.

Ensure special measures

For the protection of the rights of marginalized people and groups.

A. Obligation to regulate ESHRIA

Environmental, social, and human rights impacts assessments must be clearly, robustly regulated, and these norms should be enforceable. Regulations must include mandatory provisions that **any activity posing significant environmental or human rights risks must be assessed prior to commencement.**[30] It must be periodically updated in line with the principles of progressivity and non-regression.[31] **These regulations must include, as minimum:**

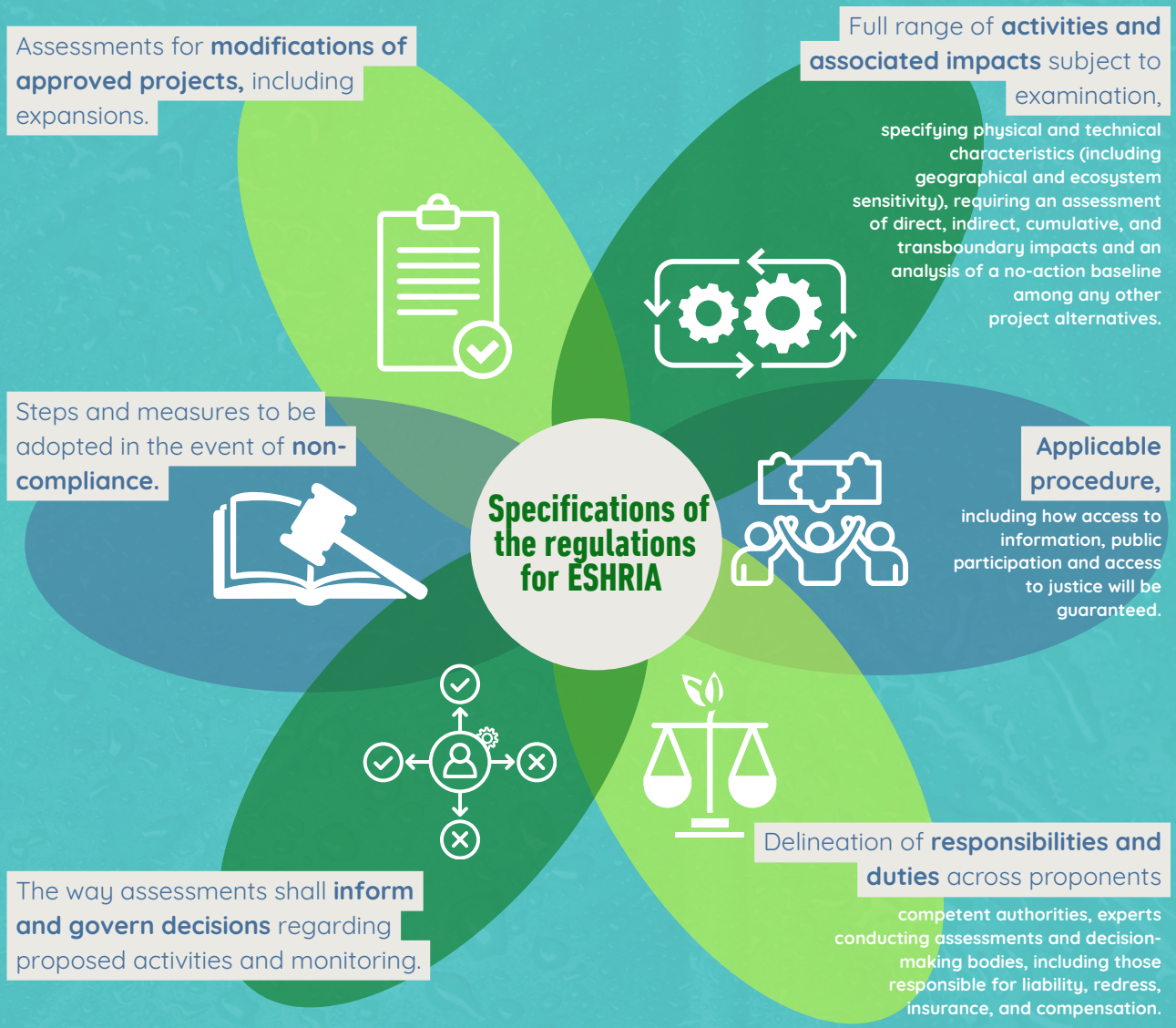
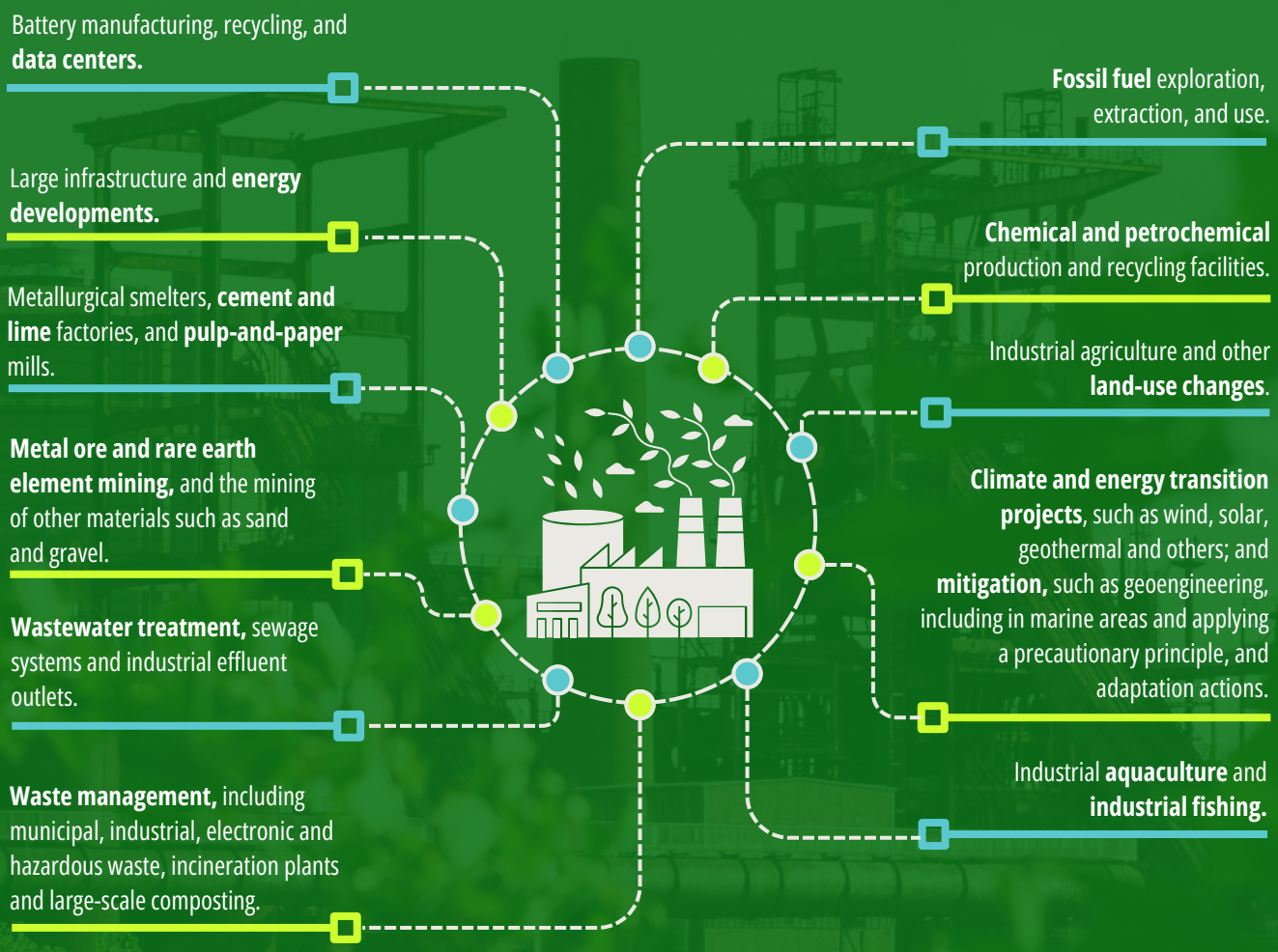


PHOTO: Scott Webb / Pexels

States must explicitly require the evaluation of **activities or projects that may cause significant harm to the environment and the climate, alter natural habitats, affect ecosystem services, deplete species diversity, generate waste or toxic pollution or threaten human rights,** including but not limited to the following:



Activities and projects with the potential to worsen the triple planetary crises, for example, those related to fossil fuels, must be assessed without exception.[32] Furthermore, such activities must be subject to a stricter standard of due diligence, given their proven contribution to the crises.

PHOTO: Jonas Von Werne / Pexels

Exceptions by sector or automatic licensing entitlements to avoid ESHRIAs must not be granted. Everyone conducting ESHRIAs should be licensed or registered by a public body,[33] subject to eligibility criteria ensuring proven multidisciplinary expertise in human rights, ecology, technical and scientific fields, public health, social sciences, cumulative impact methodologies, subject to mandatory and verifiable periodic training and education in the aforementioned areas.

Regulations must anticipate and address conflicts of interest and undue influence through the establishment of safeguards, functional separation between project promoters and authorities,[34] the exclusion of persons with financial or professional ties to promoters, and administrative and criminal penalties for non-compliance with these safeguards.

Regulations must provide a robust framework for enforcement and monitoring, linked to a system that ensures access to effective remedies and justice at all stages, without discrimination.



Morenci Mine, Arizona. NASA/JAROS

B. Obligation to undertake ESHRIA processes

States are obliged under customary international law to undertake ESHRIAs for activities that may cause human rights violations or have significant environmental impacts. These processes are to encompass the following stages, whilst ensuring procedural rights are upheld at each step:

1. Screening

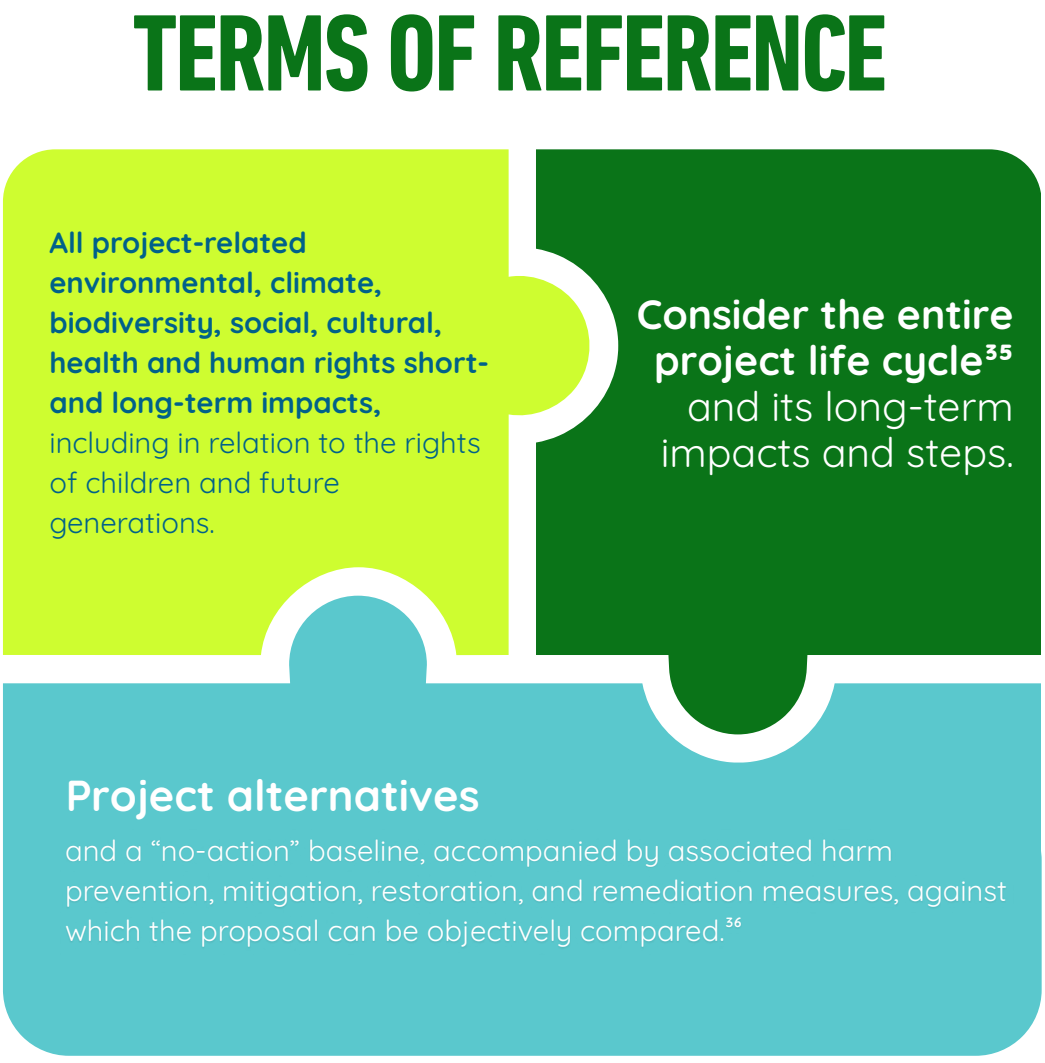
The State conducts or oversees a preliminary assessment of the proposal to determine whether an ESHRIA is required and what its requirements will be. Although preliminary, this stage must cover all types of impacts that are assessed during a full assessment, including all environmental, climate, cultural, social, health, biodiversity, and human rights effects.

States must ensure that projects are not assessed in a fragmented manner. It is essential to fully assess all potential impacts, including environmental, climate, biodiversity, social, health, cultural and human rights ones, considering the ecological sensitivity, surroundings and ecosystems services.

The outcome of this stage is a document that provides details on the proposal and a preliminary management plan outlining measures to comprehensively prevent and mitigate anticipated impacts. It must indicate the proposal's area of influence, consider the nature of the activity, its magnitude, location, timeline, reversibility, likelihood, and how the impacts and their risks interact. Ensuring procedural rights and the rights of Indigenous Peoples to FPIC during this stage is crucial.

2. Scoping

Scoping determines the content, issues, and procedures of the assessment necessary to fulfil its decision-making purpose. Scoping must include the following:



This stage should result in a document establishing the "Terms of Reference" (ToR) for the ESHRIA, prepared with contributions from the public, Indigenous Peoples, and other affected stakeholders, detailing the issues, analysis, specific procedures, and regulations governing its implementation.

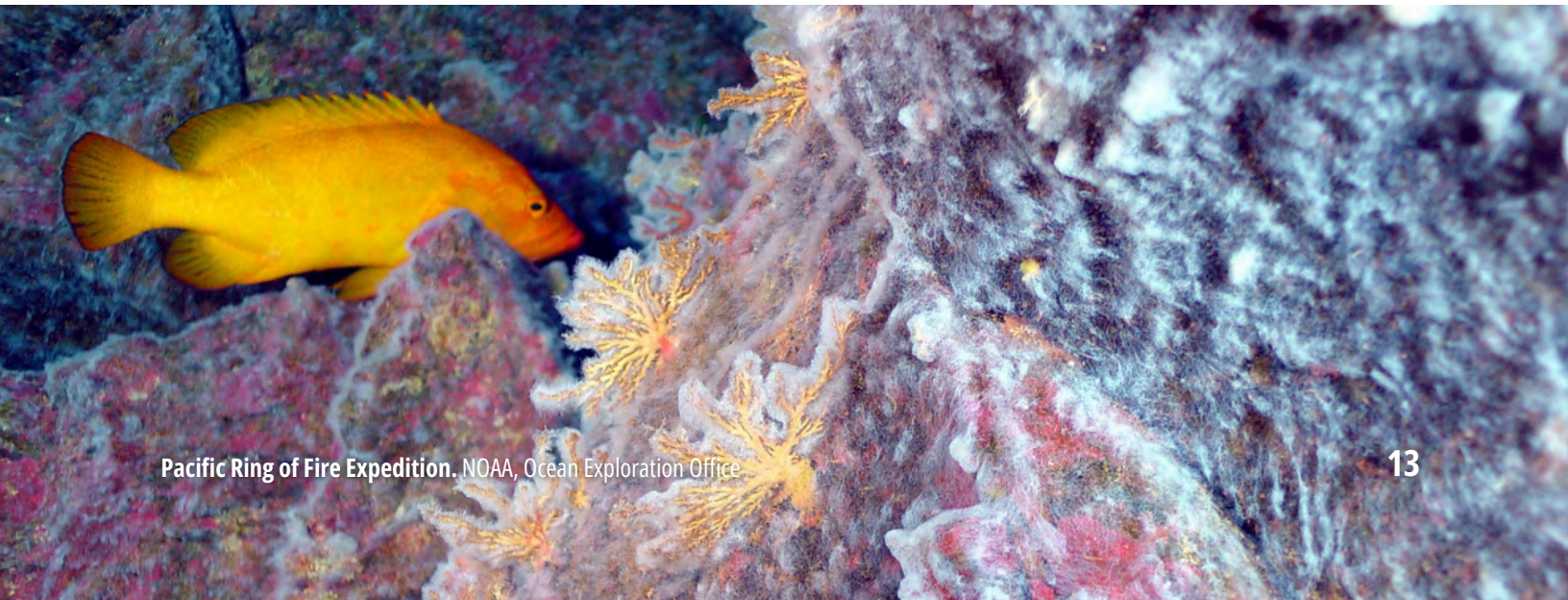
a) Climate change scoping

States must assess the full impact of activities and projects that may cause significant harm to the climate system. This includes evaluating direct GHG emissions from the project or activity (scope 1); indirect emissions from the generation of acquired and consumed electricity (scope 2); and all other indirect emissions not considered in scope 2, including upstream and downstream emissions across the value chain, such as combustion in a third country (scope 3).[37] Annex number I of this report elaborates on the scope of the inclusion of climate change in ESHRIA.

The obligation of States to consider climate impacts is also reflected on several decisions from national, regional, and international courts. For example, the International Court of Justice and the Inter-American Court of Human Rights ruled that States must assess the impact of projects or activities that contribute particularly and significantly to the emission of GHG[38] as well as those that entail the risk of generating significant GHG emissions.[39]

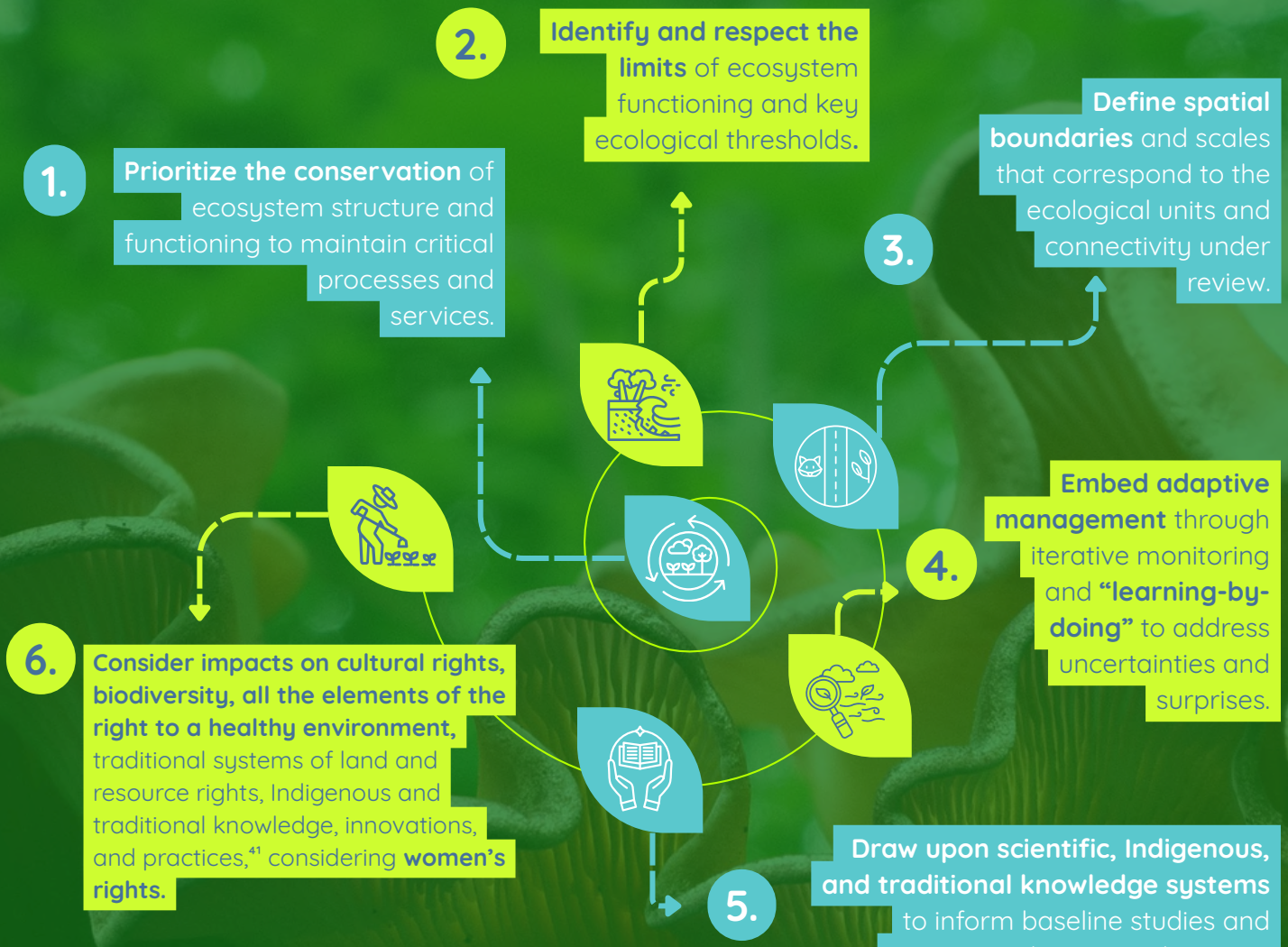
b) Ecosystem-based approach

ESHRIA must include an ecosystem-based approach that comprehensively considers all elements of nature, promoting their conservation and sustainable use. This entails the implementation of appropriate scientific methodologies, the inclusion of social and cultural aspects, and defining sufficient timeframes for the development of robust baseline data.



Pacific Ring of Fire Expedition. NOAA, Ocean Exploration Office

Thus, an ecosystem-based approach must:



3. Assessment

It must be objective, carried out by independent experts, using the best available science, and considering traditional knowledge, methodologies, and the cultural heritage of Indigenous Peoples, peasants, persons of African descent, fishers, and women to fully understand the repercussions on ecosystems and human rights.[42]

PHOTO: NurullaHD / Pexels

The level of detail of the assessment must be equivalent to the magnitude of the proposal.[43] Therefore, when the likelihood of an impact is unknown or uncertain, the level of confidence or margin of error must be specified, and knowledge gaps described.[44] The context of relevant planning instruments and policy frameworks must be considered, taking into account the State's obligations regarding human rights, climate change, biodiversity, and other environmental commitments.[45]

When evaluating climate impacts, **the project's total emissions must be aligned with the State's mitigation target and strategy on the Paris Agreement's 1.5° Celsius maximum limit.**

A management plan must be included that, prioritizing prevention, addresses all detected impacts and their interconnections, the prevention and mitigation measures to be adopted, and demonstrates that such measures have been evaluated and deemed viable, as well as other substantive matters. This plan forms the basis for the binding conditions for approval arising from any State decision to authorize a proposal.[46] Finally, States must evaluate compliance with the obligation to guarantee procedural rights and establish consultative and participatory mechanisms.

4. Decision-making

The binding conditions resulting from the assessment must consider public participation and explain how inputs from public participation influenced the approval, modification, or rejection of the project. **Assessments must seriously consider alternatives to the proposed project, such as community-driven initiatives.** The management and monitoring plans, together with the binding conditions, must be publicly accessible and legally binding.[47]



Endangered Species of Orangutan in Borneo, Malaysia. Rasmus Lawall / Getty Images



C. Obligation to monitor and enforce

The approval of projects must include the establishment of independent monitoring and enforcement mechanisms with sufficient resources to:

Verify that projects implement their **environmental, social and human rights management plans,** monitoring plans and other binding approval conditions.[48]

Verify that project proponents produce **adequate assessment reports.**

Exert administrative control over **public and private agents.**[49]

Investigate, punish, and redress abuse through effective policies, regulations, and adjudication. This could be achieved by revoking permits and ensuring there are judicial and administrative means for review and accountability.

Male Quetzal Arriving to His Nest. Carole Palmer / Getty Images

Monitoring must ensure periodic unannounced inspections, independent audits, and mandatory reporting requirements for project proponents, whose results must be made fully public. Inter-institutional collaboration at this stage is key to guaranteeing compliance. Monitoring must be continuous, and its scope and duration must be proportional to the nature, location, and magnitude of the project and to the importance of its impact.

D. Procedural obligations

1. Access to information

States are governed by principles of maximum disclosure and active transparency that translate to the obligation to publish, share, and proactively disseminate all information relating to the ESHRIA process. **The information must be complete, up to date, comprehensible, provided in a timely and proactive manner, affordable, accessible in terms of language, format, and other factors, and adapted to diverse segments of the population, especially marginalized groups.** The scientific and technical data must be accurate and sufficient for the public to understand the possible benefits and risks to their human rights, including the project's role in the triple planetary crises.

Disclosure must be appropriate to the circumstances of each population, and any exception to access to information must be strict, established by law, and subject to a proportionality test demonstrating the necessity of restricting the right to information. In any case, mechanisms must exist to challenge such exceptions.

2. Public participation

The participation of communities and the public must be meaningful; that is, their opinions, doubts, proposals, and observations must be considered by the State throughout the assessment process. First, affected or potentially affected actors must be fully identified; and second, the timeframes for participation must be reasonable and proportional to the magnitude of the project and the amount of information generated.

The State is obliged to notify and consult individuals, groups, and communities that may be affected by a project. It must also facilitate the public participation of marginalized persons and groups; for example, by providing transport, childcare assistance, scheduling consultation sessions at flexible and accessible times and venues, and specifically including children, adolescents, and women, among others.

3. Access to justice

At every stage of the ESHRIA, accessible and effective mechanisms must exist to challenge State decisions. **Requests for provisional measures to suspend activities or orders for environmental restoration must be available to any person affected or likely to be affected,** whether in the territory of the State where the project was carried out or in another where transboundary damage occurs. States must ensure swift remedies, implement protections against reprisals, and preserve the integrity of the process.

V. OBLIGATIONS TOWARDS MARGINALIZED GROUPS

States must take special measures to ensure that marginalized persons and groups are protected from activities that may disproportionately affect their rights.[50]

A. Indigenous Peoples

States and project proponents must ensure that ESHRIA processes respect the individual and collective rights of Indigenous Peoples, including the rights to life, self-determination, FPIC, property, development, cultural heritage, traditional knowledge, and related intellectual property. Consultation must be conducted in good faith, be culturally appropriate, accessible, free from coercion, and allow sufficient time for Indigenous. Peoples to fully understand the scope, nature, and effects of the proposed project. Moreover, cooperation and coordination must be agreed upon.

B. Peasants, small-scale fishers, and rural communities

Individuals and groups who may be affected by the exploitation of natural resources they own or use, have the right to a duly conducted ESHRIA, consultations in good faith, and mutually agreed procedures for the fair and equitable distribution of benefits. These obligations apply even when the anticipated impacts may not be significant.



PHOTO: Nay Linn / Pexels

C. Women

Legislation must recognize women's rights to participate meaningfully in ESHRIA processes and require:



The assessment of **gender-differentiated impacts.**

Data disaggregated by gender, age and other grounds for discrimination.





Gender parity among process participants.

Assessment hearings be held under circumstances that enable **women's effective participation.**



D. Children and future generations

All ESHRIA processes concern children and adolescents. The vulnerability of children to environmental impacts places them among the groups in society most affected by the harmful effects of projects and activities, particularly regarding the climate crisis. It is essential that ESHRIA processes guarantee the creation of safe spaces dedicated to children and youth environmental and climate defenders, appropriate for their age and free from arbitrary restrictions.



PHOTO: Aflo Images

VI. BUSINESS RESPONSIBILITIES

ESHRIA processes must complement ongoing corporate environmental and human rights due diligence processes. This is to ensure that risk detection is considered in decision-making, policies, governance, budget allocation, and oversight.[51] Companies must establish and maintain grievance mechanisms and provide adequate remedy for human rights violations they have caused or contributed to. **States have especially stringent obligations to prevent human rights abuses by State-owned enterprises**. International financial institutions, conservation organizations, and other actors that finance, regulate, or implement projects share these responsibilities; indeed, due to the influence they may have on ESHRIA, they must align their guidelines and procedures with human rights legislation.

VII. RECOMMENDATIONS



PHOTO: Lilartsy / Pexels

Recommendations for States:

Always request and conduct effective, comprehensive, integrated and adequate environmental, social and human rights impact assessments

as a fundamental process to be fully implemented **prior to authorizing and starting projects or activities or prior to significant modifications or project expansion** that might cause human rights impacts and/or significant environmental harm.

Address and prevent situations of conflict of interest,

undue influence or biased decision-making related to impact assessments, **penalizing actors both private and public**, thus guaranteeing that assessment processes are implemented by **independent, objective and expert multidisciplinary teams.**

Abstain from weakening regulations,

including through regressive amendments to impact assessment legislation or project licenses **unless a full consideration of alternatives, human rights impacts and the principles of necessity and proportionality are complied with.** Instead, States must implement, strengthen and update legal frameworks in accordance with their obligations and the interpretation of such frameworks in the context of climate change, biodiversity loss and pollution.



PHOTO: Tom Fisk / Pexels

Guarantee that regulations, processes and decisions regarding environmental, social and human rights assessments incorporate and are based on international law principles,

including the preventive, precautionary and "polluter pays" principles. States must abstain from approving projects or activities that pose significant or irreversible risks to the environment, including a safe climate and healthy biodiversity and ecosystems, and to human rights, including human health, and where there is no scientific certainty on how to avoid these harms.

Abstain from excluding potentially harmful sectors or projects from impact assessment requirements

based on strategic, national security, national interest or climate and biodiversity measures, including projects related with fossil fuels and their related activities, industrial activities such as fisheries, agribusiness, mining and climate-related activities.

Guarantee access to information, public participation and access to justice and effective remedy

regarding all impact assessment processes stages, in compliance with States' obligations to control and monitor public and private entities.

Build and strengthen the capacities of national and subnational authorities

to adequately implement environmental, human rights and social assessments and to **collaborate and coordinate with other States** in exchanging information, expertise and technical capacities.

Ratify and implement international agreements related to preventing environmental impacts,

including the Agreement on Marine Biological Diversity of Areas beyond National Jurisdiction, and regional agreements, that provide **better tools and options to advance international collaboration, towards improving protection for the environment and human rights**.

For international financial institutions and United Nations entities:

Must update their environmental impact assessment guidelines for projects in which they will invest.

Approve loans, support, or be involved in any way, to make sure that they are comprehensive and **incorporate human rights—and climate—related impacts.**

PHOTO: Luis Arce / Getty Images



For companies:

Comply with international and national regulations regarding environmental, social and human rights impact assessments and **abstain from exerting undue influence.**

Contribute to ensuring that impact assessments are undertaken for projects and that they **complement ongoing due diligence processes,** aligning with the Guiding Principles on Business and Human Rights and Organisation for Economic Co-operation and Development guidelines.

Ensure that all projects, including in relation to climate and biodiversity actions, are **adequately assessed and comply with State obligations, especially climate and human rights obligations.**

REFERENCES

[1] See United Nations Environment Programme (UNEP), Environmental Rule of Law: First Global Report (2019); International Court of Justice, "Obligations of States in respect of climate change", advisory opinion, 23 July 2025, paras. 136 and 297.

[2] See Transparency International, "Strengthening the independence of environmental protection agencies and participation in environmental impact assessments" (2024).

[3] Submissions from: Climate Whistleblowers; Human Rights Watch.

[4] Submissions from: Coastal Dynamics Limited; Dejusticia.

[5] Submissions from: Clínica de Derechos Humanos y Derecho Ambiental, Universidad Estatal de Amazonas y Grupo de Investigación sobre Derechos Humanos en la Amazonia; Oxfam.

[6] Submissions from: State of Palestine; Proyecto de Derechos Económicos, Sociales y Culturales.

[7] Submissions from: Coastal Dynamics Limited; ClientEarth.

[8] Submissions from: Atacameños del Altiplano, Asamblea Socioambiental Pueblos Catamarqueños en Resistencia y Autodeterminación; Clínica de Derechos Humanos Universidad Torcuato Di Tella.

[9] Submissions from: CartoCrítica; Franciscans International, et al.; CIEL.

[10] Argentina: FSM 113686/2017/12/1/RH13; Canada: MiningWatch Canada v. Canada; México: 54/2021; Türkiye: Danıştay 14. D., E. 2017/2082.

[11] See A/HRC/54/25, A/HRC/54/31 and A/80/188.

[12] See Council regulation (EU) 2022/2577.

[13] AL CHN (8.2024).

[14] Submission from: International Commission of Jurists.

[15] See OL BRA 5/2025.

[16] See United States Environmental Protection Agency, "EPA launches biggest deregulatory action in U.S. history", 12 March 2025.

[17] Submission from: Center for Gender & Refugee Studies (CGRS).

[18] Submission from: Greenpeace.

[19] Submission from: Sociedad Peruana de Derecho Ambiental.

[20] Submission from: Students at the University of Manchester.

[21] Submission from: Renewables and Environmental Regulatory Institute.

[22] Submission from: Franciscans International, et al.

[23] See A/78/168.

[24] Submission from: Center to Combat Corruption and Cronyism.

[25] See International Court of Justice, Gabčikovo-Nagymaros Project (Hungary v. Slovakia), 1997; Draft articles on prevention of transboundary harm from hazardous activities, with commentaries, 2001.

[26] See International Court of Justice, "Legality of the threat or use of nuclear weapons", advisory opinion, 8 July 1996, Costa Rica v. Nicaragua (San Juan River), 2015, and "Obligations of States in respect of climate change", paras. 272 and 297.

[27] See Committee on the Rights of the Child in Sacchi et. al. v. Argentina, et. al.
[28] See European Union, Guidance on integrating climate change and biodiversity into environmental impact assessment (2013).
[29] See A/HRC/58/59 and A/HRC/59/42.
[30] See International Court of Justice, Pulp Mills on the River Uruguay (Argentina v. Uruguay), and "Obligations of States in respect of climate change", paras. 295 –298, and Inter-American Court of Human Rights, advisory opinion 32/25, para. 361.
[31] Inter-American Court of Human Rights, La Oroya v. Peru, para. 186; Inter-American Court of Human Rights, advisory opinion 32/25, para. 222.
[32] See A/HRC/59/42 and A/HRC/58/59.
[33] European Union, Environmental Impact Assessment Directive, art. 5.
[34] European Union, Environmental Impact Assessment Directive, art. 9 a).
[35] See Inter-American Court of Human Rights advisory opinion 23/17.
[36] Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction, art 31; Aarhus Convention, art. 6; Espoo Convention, art. 5; see also Government of the United Kingdom of Great Britain and Northern Ireland, Department for Energy Security and Net Zero, "Environmental impact assessment: assessing effects of scope 3 emissions on climate" (October 2024).
[37] See European Free Trade Association Court, Föreningen Greenpeace Norden and Natur og Ungdom v. Norway; European Commission, "Guidelines on reporting climate-related information" (2019); International Court of Justice, "Obligations of States in respect of climate change", para. 398.
[38] International Court of Justice, "Obligations of States in respect of climate change", para. 298.
[39] Inter-American Court of Human Rights, advisory opinion 32/25, para. 359.
[40] See Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services The Underlying Causes of Biodiversity Loss and the Determinants of Transformative Change and Options for Achieving the 2050 Vision for Biodiversity: Summary for Policymakers (2025).
[41] See Akwé: Kon Voluntary Guidelines.
[42] See Inter-American Court of Human Rights, advisory opinion 32/25, and Kunming-Montreal Global Biodiversity Framework.
[43] See Inter-American Court of Human Rights, advisory opinion 23/17.
[44] See European Union Environmental Impact Assessment Directive.
[45] See Inter-American Court of Human Rights, advisory opinion 32/25, paras. 359 –363.
[46] See World Bank, Good Practices in National Systems for Environmental and Social Impact Assessment: A Literature Review (2022).
[47] See Agreement on Marine Biological Diversity of Areas beyond National Jurisdiction (art. 32), the European Union Environmental Impact Assessment (art. 8 (a)), the Aarhus Convention (art. 6), the Convention on Wetlands of International Importance especially as Waterfowl Habitat (resolution VIII.9 of 2002) and the Maputo Convention (art. XIV).

[48] See International Court of Justice, Pulp Mills on the River Uruguay (Argentina v. Uruguay); European Court of Human Rights, Budayeva v. Russia.
[49] See Inter-American Court of Human Rights, advisory opinion 23/17, paras. 153 –154; Committee on Economic, Social and Cultural Rights, general comment No. 3; A/HRC/4/35/Add.1.
[50] See International Tribunal of the Law of the Sea, advisory opinion No. 31; International Court of Justice, "Obligations of States in respect of climate change", paras. 257 and 382; Inter-American Court of Human Rights, advisory opinion 32/25, paras. 412 and 434.
[51] See Guiding Principles on Business and Human Rights; Organisation for Economic Co-operation and Development, OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (2023).

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