

Submission for the Secretary-General's synthesis report on just transition and human rights

January 2025

Introduction

The **International Federation for Human Rights (FIDH)** appreciates the opportunity to submit its views to inform the Secretary General's Report on Just Transition and the Full Realisation of Human Rights for All People.¹ FIDH is a global federation of nearly 200 organisations in more than 115 countries working together to protect, support and raise the voices of human rights defenders and victims through investigation, prosecution and advocacy.

In a reality of deeply intertwined and mutually exacerbating crises,² climate breakdown finds its roots in an economic model grounded into: 1) the growth-oriented exploitation of natural resources, leading to planetary boundaries' overshoot, with grave consequences for Earth ecosystems and consequently a large number of human rights^{3 4 5}; and 2) a legacy of colonialism as a resource-seizing and labour exploitation strategy by developed states, which has forced countries and communities least responsible for emissions into increased vulnerability.⁶

In this context, it is FIDH's belief that **"just transition"** is a crucial concept referring to a host of **different and contextual means for states to move away from a fossil fuel-dependent economy and address the challenges posed by climate change while simultaneously preventing the negative impacts such actions have on human rights, justice, equality, and the environment.** Just transition pathways can only be such if fully respectful of human rights and mindful of systemic power imbalances and historical and structural discrimination and injustices.

¹ OHCHR (2024). [Call for inputs: just transition and human rights](#).

² Tooze, Adam (2022). "Welcome to the world of the polycrisis". *Financial Times*, 28 October.

³ Raworth, Kate (2017). "[A Doughnut for the Anthropocene: Humanity's Compass in the 21st Century](#)". *The Lancet Planetary Health*, 1(2).

⁴ UN Special Rapporteur on extreme poverty and human rights (2024). [Eradicating poverty beyond growth: Report to the Human Rights Council](#). A/HRC/56/61.

⁵ UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (2024). [Business, planetary boundaries, and the right to a clean, healthy and sustainable environment](#). Report. A/HRC/55/43.

⁶ Intergovernmental Panel on Climate Change (2023). [Sixth Assessment Report: Synthesis Report for Policymakers](#). p. 31.

[Question 1] Challenges to a just transition concerning continued fossil fuel extraction and “green transition” activities without human rights safeguards

An immediate fossil fuel phaseout is required to avert an unprecedented human rights crisis. At the same time, measures adopted to mitigate the impacts of climate change without adequate human rights safeguards may negatively affect the enjoyment of human rights. Furthermore, many ‘false solutions’ have been proposed and adopted by states and other powerful actors, resulting in violations that might skyrocket as efforts to “green the economy” gain speed. Below are two examples of such contradictions.

Case study: Mining of transition minerals in Latin America

Global demand for renewable energies puts an incredible pressure on extraction of so-called “transition minerals” to enable this global energy transition. The International Energy Agency estimates that demand for them will triple by 2030 and quadruple by 2040.⁷

The “Lithium Triangle” of Argentina, Bolivia and Chile is marked by a legacy of colonialism and dispossession of ancestral lands for Indigenous Peoples, impacted by the mining industry well beyond lithium.⁸ Research highlights the lack of genuine prior consultation, adequate information, and effective participation of communities in existing projects. Brine-based extraction is criticised for its impacts on the rights to water (with intensive use impacting agriculture and livestock practices), health, and a healthy environment. Scholars also cite violations of the right to land through displacement from traditional Indigenous lands, in a context where the latter are often inadequately recognised or contested by the State. Existing projects can threaten Indigenous cultural rights and be linked to repression against human rights and environmental defenders.^{9 10 11 12 13 14 15 16} Mining policies have differentiated impacts and divide neighbouring populations based on gender and age.¹⁷

⁷ UN Secretary-General’s Panel on Critical Energy Transition Minerals (2024). [Resourcing The Energy Transition: Principles To Guide Critical Energy Transition Minerals Towards Equity and Justice.](#)

⁸ Dorn, Felix M., and Christoph Huber (2020). "[Global production networks and natural resource extraction: adding a political ecology perspective.](#)" *Geographica Helvetica* 75.2: 183-193.

⁹ Alywin, José; Didier, Marcel; and Mora, Oriana (2023) "[The Lithium Industry and its Human Rights Impacts: The Case of the Lickanantay People in Chile.](#)" *Wyoming Law Review* 23.2.

¹⁰ Abelvik-Lawson, Helle (2019). [Indigenous environmental rights, participation and lithium mining in Argentina and Bolivia: A socio-legal analysis.](#) University of Essex Repository.

¹¹ Ciftci, Mehmet Metehan, and Xavier Lemaire (2023). "[Deciphering the impacts of ‘green’ energy transition on socio-environmental lithium conflicts: Evidence from Argentina and Chile.](#)" *The Extractive Industries and Society* 16: 101373.

¹² Escosteguy, Melisa, et al. (2022). "[“We are not allowed to speak”: Some thoughts about a consultation process around lithium mining in Northern Argentina.](#)" *The Extractive Industries and Society* 11: 101134.

¹³ Quijano, Gabriela (2020). "[Lithium might hold the key to our clean energy future, but will this star metal fully deliver on its green potential?](#)" *Business and Human Rights Journal* 5.2: 276-281.

¹⁴ Fornillo, Bruno, and Andrea Lampis (2023). "[From the Lithium Triangle to the Latin American quarry: The shifting geographies of de-fossilisation.](#)" *The Extractive Industries and Society* 15: 101326.

¹⁵ Jerez, Bárbara, Ingrid Garcés, and Robinson Torres (2021). "[Lithium extractivism and water injustices in the Salar de Atacama, Chile: The colonial shadow of green electromobility.](#)" *Political Geography* 87: 102382.

¹⁶ Dorn, Felix Malte (2021). "[Changing territorialities in the Argentine Andes: lithium mining at Salar de Olaroz-Cauchari and Salinas Grandes.](#)" *Die Erde* 152.1: 1-17.

¹⁷ Göbel, Barbara (2013). "[La minería del litio en la Puna de Atacama: interdependencias transregionales y disputas locales.](#)" *Iberoamericana*: 135-149.

While state actors have become more active in the economic sphere of lithium mining, they have gradually abandoned their role as guarantors of Indigenous rights, leading to more violations¹⁸ but also to autonomous mobilisation strategies. These range from active engagement in company-community negotiations to various forms of mass mobilisation and legal action.¹⁹ In its ongoing work since 2024 on the lithium triangle, FIDH and its Latin American member organisations also noted a growing interest in community-based impact assessments to inform local strategies.

Case study: Oil development in Uganda

The urgent need for a full fossil fuel phaseout also applies to developing countries. Nonetheless, it oftentimes clashes with the desire of countries to exploit their fossil resources to achieve economic development that was historically precluded to them, particularly as historical polluters are not providing adequate, quality and unconditional funding for a just transition.

One emblematic case is Uganda's prioritisation of oil development through construction of the East African Crude Oil Pipeline (EACOP) and its related projects - Tilenga and Kingfisher -, mainly owned and operated by TotalEnergies and the China National Offshore Oil Company in cooperation with the governments of Uganda and Tanzania. Both states and companies are involved in such "carbon bombs".²⁰

While the Ugandan government states that the expected extractive earnings will catalyse growth and improve infrastructure and livelihoods, climate activists and international experts have strongly pushed back against this argument. Like all new oil and gas projects, its projected emissions are incompatible with the Paris Agreement's targets and a just transition to preserve humankind's survival and protect human rights from climate breakdown.²¹

Furthermore, since 2020, the accelerating construction of the EACOP, Tilenga and Kingfisher oil projects in Uganda have ushered in new harms for human rights, including labour rights violations and environmental degradation. Previously documented patterns of abuses, such as impacts on communities' land rights, have been left unresolved due to the actions and lack of due diligence of companies involved.²² There has also been an uptick of state repression of human rights defenders voicing the concerns of communities negatively affected by the projects' impacts.²³ This shows the contradictions in fossil fuel projects that not only undermine an urgent just transition, but also engender significant human rights and environmental violations for vulnerable frontline communities - without bringing the latter the promised economic development.

¹⁸ See for instance FIDH (2024). [Argentina: The scramble for lithium threatens the rights of Indigenous Peoples in Jujuy.](#)

¹⁹ Ciftci and Lemaire, *Op. Cit.*

²⁰ Potential emissions from such carbon bombs would exceed the global 1.5°C carbon budget by a factor of two. See Kühne, Kjell, et al. (2022). ["Carbon Bombs" - Mapping key fossil fuel projects.](#) *Energy Policy*, 166: 1-10.

²¹ Climate Accountability Project (2022). [East Africa Crude Oil Pipeline: EACOP lifetime emissions from pipeline construction and operations, and crude oil shipping, refining, and end use.](#)

²² FIDH, Avocats Sans Frontières and Civic Response on Environment and Development (2024). [Heated: Human rights, frontline communities, and oil in Uganda.](#)

²³ *Ibid.*

[Question 2] Legislative developments to promote the enjoyment of human rights in the context of just transition, with a focus on business human rights responsibility and the right to a clean, healthy and sustainable environment

As the EACOP case alluded to, much of greenhouse gas emissions come from business-driven economic activity.²⁴ Neither the voluntary standards for responsible business conduct produced by governments and international bodies (e.g. UN Guiding Principles, OECD Guidelines for Multinational Enterprises), nor the codes of conduct and self-regulation developed by companies themselves proved effective in preventing or reducing cases of business-led human rights and environmental abuses. This reality triggered a paradigm shift in the approach to the UNGPs' implementation and revived longstanding civil society calls for binding measures for corporate accountability.

At the international level, in 2014, the Human Rights Council's Resolution 26/9 created an Intergovernmental Working Group to elaborate an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights. Negotiation sessions have witnessed the participation of States, experts and hundreds of civil society organisations, including FIDH and its members, bringing the demands and experiences of affected communities.²⁵

Similarly, at the Council of Europe level, FIDH has been active in a coalition of 500 civil society, Indigenous and youth organisations to see the right to a clean, healthy and sustainable environment recognised as a standalone human right and a precondition for all human rights through an Additional Protocol to the European Convention to align the European Human Rights system with developments in International law.²⁶

Still inside Europe, legislation on corporate due diligence has also been proposed and enacted. The French law on the duty of vigilance was the first to be passed in 2017, followed by due diligence laws in the Netherlands, Norway, Switzerland and Germany. There are also legislative proposals or commitments to develop laws in Austria, Belgium, Denmark, the Netherlands (with a broader scope than the law already in place) and Finland.²⁷ In 2024, the European Commission adopted its Due Diligence Directive, soon to be transposed into national legal systems.²⁸

However, the European laws contain many loopholes and shortcomings that may compromise their effectiveness. These include the limited number of companies or sectors covered, a narrow human rights focus, scope limitations (e.g. they do not cover the entire value chain), a lack of effective enforcement measures or legal consequences in terms of liability, and a lack of measures to reduce procedural asymmetry.²⁹ In this context, civil society has raised the need for binding measures in other

²⁴ OHCHR (n.d.). [Key Messages: Human Rights, Climate Change & Businesses.](#)

²⁵ FIDH (2017). [FIDH advocates for the adoption of an international legally binding instrument to regulate the activities of corporations in relation to human rights](#)

²⁶ See the call from the [Campaign for the Right to a Clean, Healthy, and Sustainable Environment at the Council of Europe.](#)

²⁷ National and regional movements for mandatory human rights & environmental due diligence in Europe - [Business & Human Rights Resource Centre](#). Outside Europe, other countries such as Canada and the United States are considering, or have already enacted, due diligence laws. See, for example, the [U.S. Uyghur Forced Labor Prevention Act](#) and [Canada's Corporate Responsibility to Protect Human Rights Bill](#).

²⁸ FIDH (2022). [Corporate sustainability due diligence directive must be strengthened by EU policymakers](#)

²⁹ Deva, Surya (2023). ["Mandatory human rights due diligence laws in Europe: A mirage for rightsholders?"](#), *Leiden Journal of International Law* 36.2: 389-414. For a critique of the European Commission's proposed Directive, see European Coalition for Corporate Justice (2023), ["Effective environmental and climate protection in the CSDDD: challenges and priorities"](#).

countries, in complementarity with the European process. Organisations and coalitions in Peru,³⁰ Brazil and Chile^{31 32} are pushing for such processes. Peru has already drafted a proposal for a law on corporate due diligence,³³ while Brazil's draft national framework law on human rights and business is currently under consideration by the Chamber of Deputies of the National Congress.³⁴ In June 2023, Chile's Undersecretary for Human Rights formally announced the drafting of a due diligence bill which has gone through a first pre-legislative dialogue with civil society, workers and academia.^{35 36} Latin American can assess the shortcomings and limitations of existing European laws and avoid reproducing their deficiencies. Drawing on its progressive human rights tradition and world-leading constitutional frameworks, the Latin American region could become a regulatory model propelling just transition obligations for companies.³⁷

[Question 3] Impacts on marginalised groups and environmental human rights defenders

Climate action has been reliant on false solutions often amounting to mere greenwashing - often implemented without participation of those affected and sometimes worsening human rights impacts on local communities. This aggravates the crisis and disproportionately impacts the rights of marginalised groups.^{38 39 40 41}

³⁰ Observatorio de Conflictos Mineros de América Latina (OCMAL) (17 November 2021). [“Retos del Plan Nacional de Acción en el nuevo gobierno de Pedro Castillo”](#) (Challenges of the National Action Plan in the new government of Pedro Castillo).

³¹ Plataforma Chilena de Sociedad Civil sobre Derechos Humanos y Empresas (6 June 2022), [“Comunicado: PAN 2 propuesto para el período 2022- 2025”](#) (Press statement: NAP 2 proposed for the period 2022-2025).

³² Coordinación Plataforma de Sociedad Civil Chilena sobre Derechos Humanos y Empresas, “Carta de 8 de agosto de 2022 a Sra Haydee Oberreuter Umazabal, Subsecretaria de Derechos Humanos del Ministerio de Justicia y Derechos Humanos” (Letter of 8 August 2022 to Ms. Haydee Oberreuter Umazabal, Undersecretary for Human Rights of the Ministry of Justice and Human Rights).

³³ Centro de Políticas Públicas y Derechos Humanos (Perú Equidad) (2022). [Proyecto de Ley que Regula la Actividad Empresarial y la Debida Diligencia en Materia de Derechos Humanos y Ambiente](#) (Draft Law Regulating Business Activity and Due Diligence on Human Rights and the Environment). The Peruvian National Action Plan includes an agreement to assess the relevance of a norm on corporate due diligence, making Peru the first country in Latin America to make such a commitment in its own Plan.

³⁴ Brazil's Draft law No. 572/2022, [Projeto de Lei cria a lei marco nacional sobre Direitos Humanos e Empresas e estabelece diretrizes para a promoção de políticas públicas no tema](#) (Bill creating a national framework law on Human Rights and Business and establishing guidelines for the development of public policies on this issue). See also Brazilian Chamber of Deputies (1 April 2022), [Projeto cria marco nacional sobre direitos humanos e empresas](#) (Bill creates national framework on human rights and business).

³⁵ The bill was one of the foreseen bills in the government programme of the current President of Chile, Gabriel Boric (2022). See [Programa de Gobierno: Apruebo Dignidad](#) (Government Programme: Endorsing Dignity), p. 180.

³⁶ [Ministro Corder anuncia proyecto de ley sobre debida diligencia empresarial \(Minister Corder announces corporate due diligence bill\)](#), Video from 28 June 2023.

³⁷ FIDH (2024). [Regional report: The development of binding normative frameworks on business and human rights in Latin America.](#)

³⁸ Carbon Brief (2023). [Mapped: The impacts of carbon-offset projects around the world.](#)

³⁹ Human Rights Watch (2024). [Carbon Offsetting's Casualties: Violations of Chong Indigenous People's Rights in Cambodia's Southern Cardamom REDD+ Project.](#)

⁴⁰ SOMO (2024). [Facing the facts: carbon offsets unmasked.](#) Analytical series.

⁴¹ For example, women are more exposed to climate disasters due to gender inequalities in information, mobility, decision-making, and access to resources - creating a vicious cycle of vulnerability compounded and exacerbated by other forms of inequality linked to migrant status, age, disability, Indigenous belonging, ethnicity, class and more. See for instance UN Women (2023). [Policy brief: A gender-responsive just transition for people and planet.](#)

Environmental human rights defenders face heightened reprisals, violence and harassment from both governments and private actors for denouncing how extractivism, unsustainable human activities, and false solutions are affecting communities and ecosystems.⁴² Besides, they face police repression and criminalisation or are arbitrarily detained for exercising their right to associate or protest.^{43 44} As the case of the Lithium Triangle exemplified, particular attention must be paid to the specific risks faced by defenders in the context of business activities linked to the “green transition”.⁴⁵ Research on supply chains in these sectors shows that Free, Prior and Informed Consent and the requirement for meaningful engagement of affected communities are often ignored, and that human rights violations are exacerbated by other forms of marginalisation and exclusion.⁴⁶ The growing trend of holding international conferences linked to just transition issues in highly repressive countries, as has been the case for recent UNFCCC COPs, further stifles the voices of defenders and community representatives and counters countries’ international obligation to protect them.⁴⁷

[Questions 4 and 6] A human rights economy as a systemic transformation required to achieve and fund a real just transition

The global debt crisis has significantly hampered the fiscal ability of many developing countries to respond to climate-induced disasters and implement a just transition.⁴⁸ Debt servicing results in divestment from an already resource-limited fulfilment of human rights, exacerbating inequalities among communities. Climate loan solutions only exacerbate debt distress, and climate risks result in more expensive borrowing costs. That contrasts with the immense ecological debt of developed countries towards developing countries, who have hardly gained in growth from an extractivist economic model and face its negative externalities. FIDH believes there is an urgent need for a shift from loans to non-debt-creating grants, accompanied by debt relief and restructuring measures for vulnerable countries, with the aim of moving away from a borrowing logic that is unfit for tackling the polycrisis and ensuring a just transition.

⁴² Proving that, in 2023 at least 196 land and environmental defenders were killed for trying to protect the planet (up from 177 in 2022), 43% of whom belonged to Indigenous Peoples. See Global Witness (2024), [Missing voices: The violent erasure of land and environmental defenders](#).

⁴³ Under international human rights law, civil disobedience is recognized as a form of exercising the rights to freedom of expression and freedom of peaceful assembly, as guaranteed by Articles 19 and 21 of the International Covenant on Civil and Political Rights (ICCPR), respectively. For more information, see Position Paper by Michel Forst, UN Special Rapporteur on Environmental Defenders under the Aarhus Convention (2024), [State repression of environmental protest and civil disobedience: a major threat to human rights and Democracy](#).

⁴⁴ Special procedures from different regional human rights systems and the United Nations working on the protection of environmental defenders denounced the problem in a declaration co-signed at an “inter-mechanism meeting” in Paris, organised and facilitated by FIDH on 29 and 30 October 2024 within the framework of the [Observatory for the Protection of Human Rights Defenders](#) (a FIDH-OMCT partnership). To learn more, see [Joint Statement by international and regional human rights experts in the context of COP29: Time to protect environmental defenders and ensure their safe participation in international forums relating to the environment and climate change](#) (2024).

⁴⁵ Business and Human Rights Resource Centre (2023). [Companies leading the transition to renewable energy are failing in human rights responsibilities](#).

⁴⁶ UN General Assembly (2016). [Report of the Special Rapporteur on the situation of human rights defenders](#). A/71/281. p. 15.

⁴⁷ FIDH (2024). [COP29: A human rights-based position on climate negotiations in Baku](#).

⁴⁸ Alayza, Natalia et al. (2023). [Developing Countries Won’t Beat the Climate Crisis Without Tackling Rising Debt](#).

Complementarily, FIDH supports the need for a paradigm shift towards a human rights economy⁴⁹ addressing the root causes of injustice and power imbalances. A transformative economic and governance system would not have unbridled economic growth as its motivation and goal, and GDP as its main metric, but the enjoyment of human rights by all within planetary boundaries. A just transition rooted in recognition, distributive and procedural justice, along with full democratic participation, is an opportunity to bring about the needed systemic change and achieve the fulfilment of human rights, including the right to a clean, healthy and sustainable environment, and particularly for the most marginalised groups. A “human rights economy” would move from an economy driven by profit maximisation and financialisation, to one that strives for the realisation of human rights by internalising externalities to ultimately come back within planetary boundaries.⁵⁰ In high-income countries, such a shift would entail a planned and democratic reduction of production and consumption to lower environmental pressures and inequalities while ensuring well-being, social justice and human rights for all. In low-income countries, development should not be equated with a GDP increase, but the realisation of human rights and increased social and ecological well-being.

A human rights economy would rely on already agreed human rights obligations, including by designing progressive tax systems and tackling tax avoidance to ensure greater equality and generate the resources needed to realise human rights for all. It would tackle poverty and extreme concentrations of wealth and power through an intersectional human rights framework for all just transition pathways. Resources for the goal should be mobilised on the basis of the polluter-pays principle through new means such as equity-based taxation and carbon taxation on polluters, while redirecting public subsidies away from harmful fossil fuel activities which should be phased out as soon as possible, with appropriate safeguards and evaluations to prevent negative impacts on marginalised groups.

⁴⁹ United Nations Secretary General (2024). [Analytical study on the impact of loss and damage from the adverse effects of climate change on the full enjoyment of human rights, exploring equity-based approaches and solutions to addressing the same](#). A/HRC/57/30.

⁵⁰ UN Special Rapporteur on extreme poverty and human rights (2024). [Report: Eradicating poverty beyond growth](#). A/HRC/56/61.