

## **Contributions to the Report of the Special Rapporteur on Climate Change, Elisa Morgera, on the Fossil Fuel Economy and Human Rights**

The fossil fuel-based economy generates a wide range of impacts on human rights, particularly affecting the rights to health, education, territory, environment, and self-determination. These impacts disproportionately affect Afro-descendant and Indigenous populations, especially those living near oil and gas extraction projects. The main drivers of these impacts include environmental degradation, deforestation, desertification, air pollution, and water and soil contamination, as well as land expropriation, biodiversity loss, and forced displacement of communities.

The systemic root of these problems lies in the extractivist economic model, which prioritizes the profits of large corporations over sustainability and human rights. Additionally, there is a growing energy demand from industrial and service sectors that, at the same time, creates an unequal reality, marked by the intensification of energy poverty in communities and by territories without access to electricity for residential use, among other issues.

Within this general framework, which needs to be further examined at different levels and dimensions of violations and suffering, the most affected are Afro-descendant and Indigenous communities. They experience greater exposure to pollution, precarious working conditions, the discontinuation of ancestral religious practices and cultural knowledge, and violations of territorial rights. Processes of vulnerability are marked by environmental racism, which originates from and perpetuates a colonial logic that produces and reproduces racial inequalities. Additionally, women—especially Afro-descendant and Indigenous women and girls—are disproportionately impacted, facing reduced access to financial resources, healthcare services, educational systems, and employment and political participation opportunities, as well as domestic violence and various forms of abuse.

The transition to renewable energies also presents significant challenges. On the one hand, there is the potential for mitigating environmental impacts and improving public health, particularly by reducing pollution and greenhouse gas emissions. On the other hand, the energy transition can generate new inequalities, ranging from job losses in the fossil fuel sector to the displacement of communities and impacts on biodiversity caused by large wind and solar energy projects implemented without proper social and environmental safeguards. A significant part of these problems arises from the persistence of extractivist practices in the energy sector and the growing demand for critical minerals such as lithium, nickel, and copper.

Once again, it is emphasized that the most vulnerable groups continue to be Indigenous and Afro-descendant populations, historically marginalized by the colonial process, who face the daily impacts of mineral extraction for renewable technologies and the appropriation of their territories for large energy generation

complexes. Fossil fuel sector workers, particularly those in precarious conditions, such as charcoal workers in Brazil, will also be harmed if there are no policies for professional retraining in careers focused on climate resilience. Therefore, the energy transition must be accompanied by climate justice.

In the realm of international law, key treaties include: ILO Convention 169, which guarantees the right to free, prior, and informed consultation for Indigenous peoples and traditional communities; the United Nations Framework Convention on Climate Change (UNFCCC); and the Paris Agreement, which recognizes the need to phase out fossil fuels in a just and orderly manner.

The 2023 Global Stocktake decision (paragraph 28-d of the GST, CMA.5 decision) was also a milestone, as it acknowledged the need for deep, rapid, and sustained reductions in greenhouse gas emissions to ensure alignment with 1.5°C trajectories. Among other measures, it calls for **"phasing out fossil fuels in energy systems in a just, orderly, and equitable manner, accelerating action in this critical decade to achieve net-zero by 2050 in line with the science."** This was the first time that the Parties to the Climate Convention and the Paris Agreement officially recognized the scientific necessity of eliminating fossil fuels. In 2022, a Just Transition Work Programme was established, and in 2023, work modalities were adopted, but negotiations did not progress in 2024.

However, it is essential to consider the power of fossil fuel and mining companies, which is reinforced by the slowness, inaccessibility, and weakening of international accountability and reparations mechanisms for rights violations, damages, losses, and socio-environmental crimes. In this regard, the current lack of effective international mechanisms to hold companies accountable for socio-environmental damages and losses remains a major barrier.

As a recommendation, the following practices are considered to contribute to a just transition:

- **Community participation:** Decentralized governance models, such as energy cooperatives, community energy decentralization plans, and participatory environmental licensing, promote greater equity in energy access;
- **Greater involvement of traditional communities and civil society organizations:** Including these populations and their knowledge in national councils and other collegial bodies of energy policy, as well as promoting legislation that supports the development of community energy projects, strengthens the democratization of the transition;
- **Encouragement of the safeguarding of intangible assets:** Identifying, documenting, researching, preserving, protecting, promoting, valuing, and transmitting everything that can be considered intangible heritage, such as artistic manifestations, ancestral and religious practices, celebrations,

knowledge, places of importance for communities, traditional crafts, and ways of life;

- **Promotion of circular and solidarity economies through community renewable energy production:** Encouraging income generation mechanisms in a solidarity and circular manner regarding surplus renewable energy generated by traditional and marginalized communities, aiming at community strengthening.

At the national level, regulations fail to adequately hold fossil fuel companies accountable for environmental and social damages. A recurring issue is the lack of free, prior, and informed consultation with communities affected by large projects, as well as abusive contracts regarding land use and financial returns from energy generation.

Regarding corporate conduct, **greenwashing** also clashes with the perspective of a just transition. The term refers to corporate, governmental, and institutional practices that promote an environmentally responsible image without substantive changes, or even while concealing destructive practices.

In the context of the energy transition and human rights, some manifestations of greenwashing include:

- **Promotion of “green” solutions that perpetuate inequalities:** Many “green” companies, including large wind and solar farms and their transmission lines, are being installed in a way that replicates exploitative practices and disregards local communities, repeating the mistakes of other energy sources. Moreover, many continue to exploit vulnerable communities for the extraction of critical minerals such as lithium and nickel, ignoring socio-environmental impacts;
- **Deceptive carbon offsetting:** Corporations continue emitting large amounts of greenhouse gases while claiming “carbon neutrality” through carbon credit purchases, without effectively reducing their emissions;
- **Superficial sustainability in public policies:** Some governments adopt climate goals without monitoring and accountability mechanisms, allowing environmental degradation and human rights violations to persist.

A major challenge is preventing abuses by private and state economic actors, especially because extractive projects include barriers such as:

- **Corporate concentration:** Large companies control a significant portion of the renewable energy sector, limiting equitable access to economic benefits;
- **Exploitation in the mining of transition minerals:** The extraction of lithium and other essential battery minerals often occurs without respecting Indigenous and local community rights.

Environmental racism is also expressed in this context, as racialized populations, especially Afro-descendant and Indigenous communities, continue to be the most affected by the impacts of extraction and the environmental damage caused by greenwashing.

To address these issues, the following strategies are necessary:

- A global agreement for the implementation of paragraph 28-d of the GST, CMA.5 decision, where developed countries lead efforts, ensuring a fair and equitable timeline for all;
- Strengthening or developing regulations explicitly prohibiting the expansion of new fossil fuel extraction, respecting national environmental governance characteristics;
- Multiple incentives to reduce fossil fuel demand through the review of inefficient subsidies, expansion of energy-efficient products, and electrification of public transport fleets;
- Transparent development and implementation of policies ensuring a just energy transition, emphasizing social protection mechanisms for affected workers, incentives for quality job creation in transition industries, and capacity-building to ensure labor relocation in these industries;
- Strengthening Nationally Determined Contributions (NDCs), detailing concrete emission reduction measures financed by effective public policies;
- Monitoring NDC implementation with mechanisms ensuring transparency and social participation.

To accelerate global action for a just transition and net-zero greenhouse gas emissions, it is essential to expand and facilitate access to climate finance, particularly for a just energy transition, the adaptation of human and non-human systems, as well as the repair of losses and damages. Based on the legal principles established by the Paris Agreement (2015), the most vulnerable developing Parties should be prioritized. By doing so, the processes of promoting development and reducing social vulnerability indices can be expedited, mainly through the fight against energy poverty and the guarantee of socio-environmental justice. We emphasize that collective control over decentralized energy generation, such as through community cooperatives, should be encouraged to ensure energy autonomy, shield populations from potential exploitation or price shocks, and promote the equitable distribution of benefits.

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