

Submission to the Katowice Committee of Experts on the Impacts of the Implementation of Response Measures on Workplan Activity 9:

Identify and assess the impacts of the implementation of response measures taking into account intergenerational equity, gender considerations and the needs of local communities, indigenous peoples, youth and other people in vulnerable situations

The Global Initiative for Economic, Social and Cultural Rights, the Interamerican Association for Environmental Defense (AIDA), the Quaker United Nations Office alongside Friends World Committee for Consultation, welcome the opportunity offered by the Katowice Committee of Expert to input into its Workplan Activity 9 and would like to shed light on State policies and measures aiming at accelerating the transition to renewable energies to limit the temperature increase to 1.5 °C above pre-industrial levels.

[Description of the policy or measure related to a pathway to holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels]

The world's energy consumption is at an all-time high now with fossil fuels dominating our current energy markets. This leads to the fact that the world's energy consumption is the most significant polluter and major greenhouse gas emitter, largely responsible for the current (and unprecedented in human history) rate of rise in global average surface temperature. The way we consume and perceive energy is not in line with the finite resources on this planet. Despite this, governments are planning on producing more than twice as many fossil fuels, such as oil, gas, and coal by 2030 than would be consistent with limiting global warming to a safer temperature rise limit of 1.5°C.¹ Moreover, the burning of fossil fuels is largely responsible for worldwide air pollution², having devastating impacts on the right to health and the right to life of millions of people.³ The World Health Organization highlights that air pollution is responsible for the deaths of eight million people every year.⁴ The extraction of such fuels has also proven to be fatal for the environment as well as the people and communities affected by it. This includes the altering of the physical landscape, the accumulation of enormous physical waste, and the pollution of soil, water, and

¹ SEI, IISD, ODI, E3G, and UNEP. The Production Gap Report 2021. (2021). <http://productiongap.org/2021report>

² Centre for Research on Energy and Clean Air. Quantifying the Economic Costs of Air Pollution from Fossil Fuels. (2020). <https://energyandcleanair.org/wp/wp-content/uploads/2020/02/Cost-of-fossil-fuels-briefing.pdf>

³ F. Perera. Pollution from fossil-fuel combustion is the leading environmental threat to global pediatric health and equity: Solutions exist. (2018) International Journal of Environmental Research and Public Health, Volume 15, Issue 1.; UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Report. (2019). UN Doc. A/HRC/40/55, para. 109.

⁴ World Health Organization, Air Pollution. Last accessed 26 January 2022, https://www.who.int/health-topics/air-pollution#tab=tab_1

air.⁵ The extraction of fossil fuels has also been brought in close connection with conflicts arising in resource-rich countries and such resources can significantly fuel or prolong existing conflict by serving as a basis for what is known as a war economy.⁶ Therefore, transitioning away from fossil-fuel based energy systems towards clean and renewable energy such as wind, hydro, and solar energy, the democratization of these energies and ensuring everyone has access to sustainable energy is crucial to limit the temperature increase to 1.5 °C above pre-industrial levels and ensure a just transition to low carbon economies.

An often-found response measure to the current energy system is the establishment of large-scale capital and land-intensive renewable energy projects, which aim at decarbonizing energy systems by producing electricity using natural and renewable resources such as water, wind, biomass, and sunlight in order to move forward the sustainable energy transition within their countries and abroad. States and other stakeholders have been investing in the establishment of renewable energy farms, which aim at producing renewable energy *en masse*. Many of these large-scale projects are also developed by transnational enterprises often operating in foreign countries outside the jurisdiction of the State where they are established. These renewable energy projects require large surface areas to be set up, significant investments, as well as trained personnel to build and operate them.⁷ Given the size of the renewable energy projects and their specific requirements to be set up in areas where the harvested energy can be found, they often cause local communities to have limited access to their land and key natural resources, without providing any additional benefits or a fair compensation.⁸ For example, the corporation *Electricité de France* is establishing a windfarm through its Mexican subsidiary on the indigenous land of the Zapoteca peoples, which has a detrimental impact on the community as their human rights to participation and free, prior and informed consent and consultations has repeatedly been violated. Moreover, the wind farm does not contribute to the alleviation of the dominant energy poverty of the people and their livelihoods are being threatened as their access to areas which provide crucial sources of income and are essential for their cultural lives is restricted due to the windfarm project. Indigenous women and girls are particularly negatively affected as they are facing systemic discrimination which hinders them from actively taking part in decision-making processes related to the windfarm.⁹ A just

⁵ The Gaia Foundation. Opening Pandora's Box: The New Wave of Land Grabbing by Extractive Industries and the Devastating Impact on Earth. (2012).

⁶ Working Group on Extractive Industries. Environment and Human Rights Violations, Background Study on the Operations of the Extractive Industries Sector in Africa and its Impacts on the Realisation of Human and Peoples' Rights under the African Charter on Human and Peoples' Rights. (ACHPR, 2021), p. 22

⁷ Business and Human Rights Resource Centre. Renewable Energy and Human Rights Benchmark: Key Findings of the Wind and Solar Sectors. (2020). https://media.business-humanrights.org/media/documents/files/Renewable_Energy_Benchmark_Key_Findings_Report.pdf

⁸ Global Initiative for Economic, Social and Cultural Rights. Renewable Energy and Gender Justice. (2020). <https://www.gi-escr.org/publications/renewable-energy-and-gender-justice-briefing-paper>

⁹ For more information on the case, visit <https://prodesc.org.mx/union-hidalgo/>

energy transition requires costs, as well as benefits to be fairly distributed to ensure the decarbonization of our energy system does not further exacerbate or entrench existing inequalities.¹⁰

As an alternative, policies and projects focused on providing energy access through decentralized renewable energy (DRE) systems, and grounded in the respect, protection and fulfilment of human rights and human rights-based approaches have several co-benefits and can serve as both an effective climate rights-aligned mitigation and adaptation measure.¹¹ These alternative models can provide cost-effective localized generation and supply of power almost anywhere in the world avoiding most of the potential negative impacts on the rights of local communities. As a mitigation measure, off-grid, small-scale, decentralized, and community-based energy models can foster households, communities, business and individuals to actively participate in the reduction of greenhouse gas (GHG) emissions by allowing individuals to collectively act on local energy needs, while encouraging democratic control of new renewable energy systems.¹² Its small scale and participatory characteristics can have promising results in accelerating the transition to clean and renewable energy reducing potential community resistance to new energy development projects and giving greater opportunities for local communities to participate in decision-making.

As an adaptation measure, access to sustainable energy through decentralized renewable energy systems build resilience and adaptative capacities to climate change and climate variability. Distributed energy systems make power infrastructure less vulnerable to climate stress and shocks. Following the tsunami in Higashi Matsushima City, Japan in 2011 which caused hundreds of deaths and power outages, the authorities started developing the first micro-grid community-led energy system powered largely by solar PV.¹³ In areas where there are severe disruptions to grid electricity or where communities must depend on more expensive energy sources to access these services, several decentralized and community-based energy models have been used successfully to provide access to critical energy sources and local ownership, resulting in strong community support (by-in).¹⁴ For example, in Guatemala, Concejo del Pueblo Maya (CPO) has been implementing projects to dismantle the dominant energy system and establish an ecological and solidarity-based matrix that generates energy without fragmenting the communities or establishing an extractive use that affects the environment. They have been implementing mini-hydroelectric plants that supply the needs of local communities and are based on

¹⁰ Nipunika Perera, et al. Literature Review on Energy Access and Adaptation to Climate Change, Evidence on Demand. (UK Department for International Development Adaptation Knowledge and Tools programme, 2015). <https://assets.publishing.service.gov.uk/media/57a0896b40f0b652dd0001fe/LitRev-EnergyAccessandAdaptation-Final-2.pdf>

¹¹ Ibid.

¹² IRENA. Climate Change and Renewable Energy: National policies and the role of communities, cities, and regions (Report to the G20 Climate Sustainability Working Group (CSWG)). (International Renewable Energy Agency, (2019). p. 27-30.

¹³ Ibid. p. 34-35.

¹⁴ Aaron Sheldrick and Osamu Tsukimori. Quiet energy revolution underway in Japan as dozens of towns go off the grid. (Reuters, 19 September 2017). Last accessed 20 January 2021, <https://www.reuters.com/article/us-japan-energy-revolution-idUSKCN1BU0UT>

pillars such as a) to use energy rationally and in solidarity; b) to conceive electric energy as a common good and of public domain; and c) to build a shared and pluri-national vision of the territory.

[Socioeconomic impacts of the policy or measure taking into account intergenerational equity, gender considerations and the needs of local communities, indigenous peoples, youth and other people in vulnerable situations, including a short description of tools and methods used to assess the impacts, and primary data and knowledge collection where appropriate.]

While large-scale renewable energy projects are important to step up the renewable energy transition, often we find a lack of consultation processes in the decision-making of these larger projects, from the planning stage to the implementation stage.¹⁵ Indigenous communities, on whose land these projects are often built on, often have no possibility to actively share their concerns and have their voices heard in formal processes and often have not given their free, prior, and informed consent to the projects that are planned and built on their lands.¹⁶ This is not only a violation of their human rights to participation, but also endangers their socio-economic standard of living as their ways of living are closely tied to their lands and are often not considered, threatening their access to resources necessary to the fulfilment of their traditions and livelihoods, such as clean water, food, and wood. This often leads to the displacement of local communities and conflict and division amongst community members.¹⁷ Moreover, while corporations sometimes offer job opportunities to the local indigenous population, these jobs are usually precarious, related to cleaning and general security.¹⁸ It is unsurprising to see that most corporations do not have a specific public commitment to respect indigenous peoples' rights thus further putting them at risk of abuses.¹⁹ In addition to the hardship caused to the indigenous communities, these large-scale projects often do not prioritize the provision of safe, accessible, and sustainable energy to low-income communities thus stripping them from any benefits that such a project could provide and losing the potential to lift indigenous communities out of energy poverty. Women are disproportionately affected by these harmful practices. On one hand, indigenous women face additional hardship to access consultation processes of renewable energy projects. As large-scale renewable energy projects are land-intensive and women tend to have highly unequal land tenure rights, they are commonly marginalized from processes of negotiation, consultation and compensation between project developers and local communities.²⁰ Moreover, women's participation is rendered more complicated as they often take place

¹⁵ Global Initiative for Economic, Social and Cultural Rights. Women's Participation in the Renewable Energy Transition: A Human Rights Perspective. (GI-ESCR, 2021).

¹⁶ OHCHR. End of mission Statement by the Special Rapporteur on the rights of indigenous peoples on her mission to Mexico, 17 November 2017. Last accessed 19 January 2022.

<https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=22411&LangID=E>

¹⁷ Business and Human Rights Resource Centre. Renewable Energy and Human Rights Benchmark Key Findings from the Wind and Solar Sectors. (Business and Human Rights Resource Centre, 2020).

¹⁸ Union Hidalgo, Allegation Letters, EDF version, p. 9

¹⁹ Business & Human Rights Resource Center. Renewable Energy & Human Rights Benchmark – Key Findings from the Wind and Solar Sectors. (Business & Human Rights Resource Center, 2021). p. 14

²⁰ Global Initiative for Economic, Social and Cultural Rights. Renewable Energy and Gender Justice. (GI-ESCR, 2020). <https://www.gi-escr.org/publications/renewable-energy-and-gender-justice-briefing-paper>

during times when women are completing household and care giving tasks and are thus unable to attend consultation events. Compensation schemes that do not take into consideration gender inequalities in land ownership, tend to result in women's dispossession and the erosion of the status of women in their communities.²¹ In addition to this, large-scale renewable energy projects implemented without women's free, prior, and informed consent often cause additional hardship to their already disproportionate burden of care for their families and communities as women's tasks, such as fetching water or wood and bringing the children to school, may not be taken into consideration, leading to gender-blind decisions. This not only impacts women, but also the community at large, since empirical evidence suggests that women who participate in consultation processes are more prone to advocate for socio-economic advancement, such as investments in schools, health centers, better community infrastructure and services as part of compensation plans of large-scale development projects.²²

On the other hand, the rapid growth of the renewable energy sector has opened many new job opportunities with an estimated increase from 10.3 million employment opportunities in 2017 to nearly 29 million by 2050.²³ However, the sector currently remains largely male dominated with only 32% of positions in the sector occupied by women, which are largely hired in lower-paid, human resources, administrative and public relations positions.²⁴ The lack of women's participation in decision-making at all levels, from private sector to governmental positions, is most likely reproducing an inadvertent male bias and is a key underlying factor that continues to replicate gender inequalities in global efforts to decarbonize energy systems. Therefore, empowering women to take on leadership roles and responsibilities will be crucial to ensure that the renewable energy transition is gender mainstreamed.

Emerging distributed renewable energy solutions have a crucial role to play in ensuring a swift and just green transition that is based on the respect, protection, and fulfilment of human rights and human rights-based approaches and allowing communities and especially marginalized groups to effectively mitigate and adapt to climate change. Moreover, the Human Rights Council has affirmed that incorporating human rights into climate change policies and actions promotes policy coherence, legitimacy, and sustainable outcomes.²⁵ Such energy solutions enable rural communities to access renewable energy and improve their livelihoods who otherwise would not have access to centralized energy grids given their remoteness and/or poverty. Access to reliable sources of renewable energy have also proven crucial to lift the domestic care burden of women, as they save time collecting biomass for cooking, and offer opportunities to empower women to be agents of change within their communities, as they learn how to install, use, and repair off-grid energy solutions.²⁶ Moreover, decentralized renewable energy solutions are economically beneficial, as they are high quality, low-cost, customizable, and adaptable, while enabling

²¹ USAID and IUCN. *Advancing Gender in the Environment: Making the Case for Gender Equality in Large-Scale Renewable Energy Infrastructure Development*, AGENT Thematic Energy Brief Series. (USAID, 2018).

²² Cornelia Fraune. *The Politics of Speeches, Votes and Deliberations: Gendered Legislating and Energy Policy-Making in Germany and the United States*. (2016). *Energy Research & Social Science*. Volume 19. 134-41.

²³ Ibid.

²⁴ Ibid.

²⁵ John Knox, *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment* (2016). UN Doc A/HRC/31/52. para. 10

²⁶ Practical Action. *Poor People Energy Outlook 2019: Enabling action from village to nation*. (Practical Action, 2019).

individuals to control their own power supply and cost.²⁷ Yet, the current interest of the financing world still mostly lies on large-scale energy projects, despite the harm and cost that they cause the communities on the ground. In addition to this, energy policies largely fail to incorporate a gender perspective in tax policies and their energy budgeting to direct resources for the advancement of gender equality.²⁸ Finance institutions, at national and international level, must therefore adopt a gender lens in their policies, projects, and budgeting in order to ensure that women benefit equally from finance and investment decisions.

Supporting decentralized community-led renewable energy projects will be quintessential to ensure that the green transition will be just and leave no one behind. Moreover, a transition that will require massive mobilization of resources and a reengineering of our current economic structures based on extraction and exploitation must aim at reducing pervasive inequalities and uncomplete guarantees of human rights. The international human rights law framework, including human rights-based approaches that encompass just transition, gender, human rights and Indigenous Peoples rights, are a powerful lens for evaluating transition measure, helping guide States' and other stakeholders' climate action on mitigation and adaptation alike to ensure that people and communities, especially the marginalized, are put at the forefront. Human rights should be used as a guiding compass to ensure that everyone benefits from a just green transition towards a healthy planet.

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²⁷ Power For All. The Energy Access Imperative. (Power For All, 2014). p. 10

²⁸ Global Initiative for Economic, Social and Cultural Rights. Women's Participation in the Renewable Energy Transition: A Human Rights Perspective. (GI-ESCR, 2021). p. 30