

Doing renewables right: taking rights and environment into account

The Intergovernmental Panel on Climate Change (IPCC) warned that global temperature increase must remain below 1.5°C to avoid catastrophic climate change by the end of the century.¹ The IPCC mapped out a variety of possible pathways and policy actions that could keep the planet safe. What they all share is the requirement that most of the global electricity mix will need to be generated from renewable sources by 2050. This will necessitate nothing short of an energy revolution. The world will need to wean its energy systems entirely off coal, oil, and gas, and no new investments can be made in fossil fuel-based energy generation. And it will need to adopt renewable energy in a way that is sustainable and upholds human rights – something that hasn't always played out to date.

Background

As recently as a decade ago, poor countries in the global South still demanded their legitimate right to continue investing in energy generated from 'dirty' fossil fuels in climate negotiations. With many of their populations already living in poverty, they were given this leeway to help grow their economies. This was in no small part because renewable sources of energy were, at the time, relatively costly compared to fossil sources, and because lower-income countries had historically contributed the least to climate change.

Yet even with 'dirty' energy, some 1.1 billion people globally still do not have access to modern energy. Of these, 600 million live in mostly rural Africa and most of the rest in South Asia.² These people still use wood or kerosene to cook and have no access to energy that would improve household and working living. Women and girls face the brunt of this injustice, given their exposure to harmful pollution from wood fires and kerosene when cooking, and the opportunities they lose when spending time gathering wood and water.

Now, countries no longer need to choose between green energy and growth. Thanks to improvements in renewable energy technologies and cost reductions, renewable energy is not considered exclusive for high-

income countries but as the core of an irrevocable pathway for addressing climate urgency.³ Deployment of renewables is, at present, cheaper than new fossil fuel projects.⁴ In 2015, for the first time, developing countries invested more than developed countries in renewable energy generation and transmission.⁵

The result is that many countries have now made ambitious commitments to invest in the generation, transmission and distribution of renewable energy, as witnessed in their mandated intended Nationally Determined Contributions (NDCs) to mitigate climate change.⁶

This energy shift also presents an opportunity for non-oil and coal producing low-income countries to reduce their dependence on expensive and volatile oil and gas imports. Doing so helps avoid locking their economies into future dependence on dirty energy or investing in 'stranded' assets that might need to be retired before the loans that funded them have been repaid.⁷ It can also have co-benefits for health, through reduced air pollution and human exposure to hazardous chemicals in fossil fuels.

Furthermore, new public funds and initiatives to leverage private finance have also increased the supply of funding and technical assistance to develop renewable energy systems.⁸

Renewable energy can reduce energy poverty and power industrial development

Despite positive developments, most new energy investments are still geared towards producing energy for export and to power large industrial activities, rather than the needs of communities. In Africa, approximately two-thirds of energy investment is aimed at producing energy for export, and half of current electricity consumption is used by the mining and refining industries.⁹ Even in communities that do gain access to the electricity grid, poor households tend to be unable to afford connection charges and remain without access to energy.¹⁰ Some communities are just too remote to make extending the grid to them economically viable.

Mounting evidence shows that decentralised, renewable energy generation is the fastest and most cost-effective way to ensure affordable energy access, especially in rural areas.¹¹ If the global goal of sustainable energy for all is to be reached by 2030, existing and new climate finance will need to be directed increasingly towards the provision of public investments, subsidies, policies and institutions that will connect villages and households to mini-grids or stand-alone energy systems powered by wind, sun, water, and small-scale biofuel crops.¹²

Yet large-scale renewable energy does have an important role to play in the energy mix, both to reduce energy poverty directly, and to provide a stable baseload supply of energy in large quantities in economies aiming for industrialisation. Research has shown that it is possible for the entire current and projected industrial electricity demand of sub-Saharan Africa to be met through renewable energy.¹³ Despite this potential, International Energy Agency (IEA) projections suggest that in 2040, half of Africa's electric supply will still come from fossil fuels, mainly coal.¹⁴

Sustainable and equitable environmental transformation can also create large numbers of decent jobs and small and medium enterprise opportunities, especially in countries in the global South where the potential is still to be unleashed.¹⁵ Better taxation from raising income and business profits will also be vital to fund the basic public services and safety nets that are essential to sustain poverty reduction.¹⁶

The shift in energy sources to comply with the Paris Agreement targets and the Sustainable Development Goals must therefore come from the implementation of multiple sources of clean energy, supported from the perspective of equity, climate justice and the right to wellbeing. But if we want to achieve the multiple goals that we have collectively agreed on climate, poverty, rights and sustainability, we must learn from failures in the past and the struggles of local stakeholders to ensure energy access. In many cases, shifts towards clean energy comes in the form of local sources of renewable energy planned for and participated by the communities, and in confronting both fossil energy models and those projects that compete for land use and human rights.

Land use and resource rights in renewable energy

Centralised renewable energy systems normally require large areas of land for the infrastructure needed to generate, transmit and distribute the electricity (although new photovoltaic materials mean that there may be increasing opportunities to build and retrofit buildings to produce more electricity). Where there are large land requirements, the issue is that they can come at a huge cost to the livelihoods and wellbeing of local communities and ecosystems. This infrastructure should be properly planned to be compatible with specific land uses of local communities.

Most lands already serve myriad social, economic and cultural functions to the people who live there, and they also provide ecosystem services such as fertile soil, clean air, and biodiversity which benefit all of us. Plans for renewable energy projects should be scrutinised to ensure there are no trade-offs in decision making in terms of land use, especially when the scale of projects is large. Unfortunately there is still little accountability on these impacts.¹⁷

In addition, there is the issue of land ownership. In Africa, land is the most important asset for those living in rural areas, roughly 60% of the population. Yet about 90% of rural land in Africa is unregistered, with most of it held under customary law.¹⁸ Governments, and their investment agencies, use the term 'empty' land and 'abundant' natural resources when trying to entice investors to build new energy infrastructure, ignoring the existing land uses and associated values.¹⁹ Many communities do not have legal rights to the land they rely on and are vulnerable to being displaced.

Women are disproportionately affected. In more than half of all countries worldwide, existing laws and customs hinder women's ownership or access to land. Land ownership in Latin America is, in contrast to Africa, very well documented, but the distribution is dramatically unequal. A substantial part is already owned by large companies for agro-industry projects, while governments are increasing concessions of public areas to mining companies and hydropower projects without including social and environmental assessments.²⁰ Currently,

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1% of owners own 50% of arable lands, highlighting a large inequality.

By failing to recognise and protect these vital social, cultural and ecological landscapes, some renewable investment projects have created new forms of displacement, longstanding poverty, inequality, ecological and social disaster through land and water grabbing. These rights violations have happened because the governments and companies that negotiate energy infrastructure investment deals, fail to plan based on human rights and livelihood needs of communities at the centre of their deal-making and business operations.

A survey of 50 renewable energy companies by Human Rights Watch found that only a small minority even referred to the rights of indigenous communities, even if 34 demonstrated some commitment to local community consultations.²¹ As countries transition to large-scale renewable energy deployment, it is essential that they consider the land and resource rights of local populations, and protect vulnerable biodiversity.

The unsustainability of large hydropower infrastructure

The hydropower industry is the most developed of all the renewable energy industries and is often seen by governments of developing countries with large river basins as the most cost-effective way of generating energy. However, across the globe, large hydropower dams have left in their wake a dismal track record of human rights violations and ecological damage on a massive scale.²²

In spite of this, these dams are still promoted by some renewable energy advocates as a clean, cheap and carbon neutral energy strategy. The IEA, for example, counts all hydropower generation as a share of renewable energy generation. The dam industry is even advocating for large hydropower projects to be funded by the Green Climate Fund, and many governments in the global South are investing in hydroelectric power generation as a means to mitigate climate change.²³ The support from climate funds and initiatives is one of the reasons why more than 3,700 hydropower dams are currently under construction or in the pipeline globally.²⁴ In 2000, the World Commission on Dams (WCD), which

existed between 1997 and 2001, published a seminal report, *Dams and Development: A New Framework for Decision-Making*. It presented the most comprehensive evidence so far on the full global social and ecological impacts of big dams built during the twentieth century.²⁵ This included the mass displacement of an estimated 40-80 million people. For comparison, 40 million people globally were estimated to have been displaced due to conflict and violence at the end of 2017, resulting in further poverty.²⁶ Another report found that a further 437 million people depending on rivers have seen their livelihoods damaged or destroyed thanks to large dam construction.²⁷ Furthermore, large-scale alteration of natural hydrologic regimes has destroyed fisheries, water-based livelihoods, and aquatic ecosystems and the environmental services these provide.²⁸ Dams also cause climatic harm given the methane emissions from submerged, rotting vegetation.

In response, WCD developed comprehensive planning guidelines for financial backers, governments and dam construction companies. These emphasised the importance of putting the interests and needs of affected communities at the forefront of dam construction planning; obtaining their free prior and informed consent before starting a project; providing adequate compensation for lost assets; and not only restoring but improving communities' livelihoods if they were forced to relocate.

However, these guidelines were not fully adopted and, on the contrary, financial institutions tend to use less robust industry guidelines in their decisions and operations. New hydroelectric projects that comply with the WCD guidelines are largely absent.²⁹

Given the many adverse impacts of large scale hydro, no further climate finance should go towards supporting large-scale hydroelectric projects. Some governments are already moving in this direction. The United States federal government, as well as many individual US states, do not count large hydroelectric projects as part of their renewable energy portfolio. Instead of planning to develop new dams, they are aiming to improve the generation efficiency of existing dams.

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From community resistance to local solutions

Christian Aid and its partner organisations have helped communities resist large hydroelectric projects in the Philippines, Bangladesh, India, the Democratic Republic of Congo, Zambia, Brazil, Guatemala and Bolivia.

Together we have called on governments, as well as all climate funds, to keep large hydroelectric projects out of their climate mitigation initiatives, and invest in wind, geothermal, small hydro, and solar energy systems instead, which grant energy access locally. We have also called for all renewable energy investments to respect the rights and livelihoods of local communities.

The common message from civil society across all these countries is to respect the principle of free consultation to affected communities when planning these hydrological infrastructures – otherwise the impacts can be devastating.

Take the Amazon basin as one example. Just over 100 dams have either been built, are under construction, or are in the pipeline, threatening irreversible ecological and social damage. Both the Brazilian and Bolivian governments have embarked on mega-dam construction programmes in the Amazon region over the past 10 years. In Bolivia, the El Bala hydroelectric project on the Beni River is set to displace an estimated 4,000 indigenous Amazonian communities. In Brazil, the recently constructed 11,233-MW Belo Monte hydroelectric dam now blocks the Xingu river and has forcibly displaced approximately 25,000 people in the city of Altamira. A further 18,000 traditional riverside dwellers (ribeirinhos) have also been displaced along the stretch of this Amazon tributary that is now flooded by the reservoir.

Christian Aid, through its partners UNITAS in Bolivia and MAB in Brazil, supported local communities affected by the dam construction to uphold their rights. The refusal of the government to consult communities as required under international human rights law has led the Inter-American Commission on Human Rights (IACHR) to open a case against Brazil for human rights violations related to the Belo Monte dam in 2015. In March 2019, a local leader of MAB, Dilma Silva, was brutally murdered at home. Some NGOs in Latin America claim that in many cases, community resistance is not against the dam itself, but the fact that consultation processes have not been conducted.

There are forms of hydroelectric projects that can be examples of good practices. Micro dams are facilities that operate at the local level providing small and stable amounts of energy for communities that are settled near rivers. They do not require any substantial structural transformations of the ecosystems, nor do they have negative affects downstream or upstream. As they can be easily deployed and require less infrastructure, they can certainly help with energy access.

Christian Aid partners Madre Selva in Guatemala and Soluciones Prácticas in Bolivia have contributed to the building of some of these structures. The results are small but demonstrate the potential of these technologies with community backing. An even smaller scale project has been developed in Cajamarca (Peru) around 'picoturbine' technologies which can be easily placed in small water resources. Medium and small dams have been also identified as sustainable in other countries in the global South like Nepal.

If we want to understand the importance of getting this right, one need only look at the Kariba Dam in the Gwebe Valley, straddling Zambia and Zimbabwe on the banks of the Zambezi River. Built by British colonial authorities between 1956-58, the dam forcibly displaced 57,000 indigenous Tonga and Kore Kore people. Sixty years later, NGOs in Zambia, including those previously supported by Christian Aid, are still trying to assist the Gwende Tonga communities with the fallout of this displacement.

The case for better investment in other large-scale renewable energy

A speedy increase in renewable energy is needed to achieve the climate ambition of keeping global heating below 1.5°C. Solar photovoltaic farms, concentrated solar plants, wind farms and geothermal plants are all viable and costs are decreasing. Nevertheless, they are land-intensive industries which may affect landscapes. Land uses need to be compatible, so that they provide not only energy for the community but also respect

their rights, livelihoods and environment, and do not repeat the negative impacts on communities caused by other large-scale industries. Where possible and appropriate, on-building deployment of solar photovoltaics should be maximised to reduce land impacts.

Therefore, those who plan, fund, construct and operate mega land-intensive construction projects in the relatively new renewable energy industry, will have to learn from, and improve on, experience to date. Large-scale renewables must not serve only extractive

industries or export markets, but also deliver basic needs for communities.

Some large-scale wind, solar and geothermal infrastructure projects have all in recent years been mired in land disputes and human rights violations. In Kenya, the 310MW Lake Turkana Wind Project, a project benefiting from Clean Development Mechanism finance, is the largest wind plant in Africa and the largest private investment in Kenya's history. It is located on around 16,000 hectares of 'trust' land in Marsabit County, home to the ancestral land's pastoralist communities. However, their legitimate seasonal use of the land for animal grazing, and their status as indigenous land users, is not valued or recognised by financial partners.³⁰ In 2014, the pastoralist communities formed the Sarima Indigenous Peoples' Land Forum and filed a law suit to return the land to its original status of community land, arguing that consultations with local leaders were co-opted by the energy company. The project is still mired in land disputes.

Emerging research, documenting the social and economic impact of large projects in developing countries, reveals the risk of worsening inequalities. For instance, the Charanka Solar Park project is Asia's largest solar park, situated in a salt-marsh ecosystem in Gujarat, India. The project has created valuable enterprise and job opportunities for the upper caste Ghadvi farming community. However, the project developers used extra-legal mechanisms to enclose common land mainly used by the vulnerable, lower caste pastoralists who lost their use of the land and their livelihoods, instead of providing new income sources and energy access.³¹

Biomass and land use conflicts

Biomass has historically been the primary source of energy for humanity in the form of wood or agricultural products. Community use has tended to be at a scale that is sustainable to the local environment. However, at present, the allocation of arable land or forests to the production of biofuels for energy uses are part of many energy transition and climate mitigation targets. Land use is therefore a very central topic in a significant number of NDCs.

The meaning of 'bioenergy' varies largely in scales of implementation, policy approaches, agricultural practices, sources (wood,

energy crops known as biofuels, agricultural residues), plant species employed (corn, sugarcane) and the final product (solid, liquid or gas fuel). The plethora of factors which influence the effect of bioenergy on greenhouse gas emissions, land use and associated environmental and social impacts, therefore produce a set of trade-offs and caveats in the use of biomass options for energy purposes. Moreover, the benefits of bioenergy as a low-carbon source of energy are controversial, including issues around soil carbon storage disruption. Negative emissions targets and the possible role of so-called Bioenergy Carbon Capture and Storage options (BECCS) in achieving them raises the spectre of further pressure on land.³²

The IPCC report on the land-climate system sets clear limits to the capabilities of energy crops and afforestation to address climate change as well as carbon capture by soils.³³ The IPCC warned that: 'Bioenergy needs to be carefully managed to avoid risks to food security, biodiversity and land degradation. Desirable outcomes will depend on locally appropriate policies and governance systems.'

At best, bioenergy would contribute to energy access and security in a flexible and localised way for local communities but does need to be on a scale sustainable for local ecosystems. There is considerable existing demand: biomass accounts for one-third of the share of energy in developing countries and up to one-fifth in wealthier parts of the world if wood is counted. By 2050, the IEA is expecting biofuel production to double. Some of this is likely to come from the aviation industry seeking to reduce the increasing emissions of commercial flights through fuel switching.

The biomass industry defends the use of biomass as a low-carbon technology that can contribute to the fight against climate change because plants would uptake emitted carbon dioxide into new biomass through photosynthesis.³⁴ Nevertheless, the claim of carbon neutrality cannot hold anymore as the use of bioenergy sources can have impacts on deforestation rates and carbon storage in the soil. There is also a need to consider the specific carbon efficiency of different bioenergy types.

The issue is that the rapid expansion of bioenergy crops and the forthcoming growth predictions produces a direct competition

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on land use with food crops, forests and other natural ecosystems. This is already causing social and environmental problems, such as increased food prices as arable land is diverted from food production towards fuel instead. Bioenergy has also increased deforestation rates of well-preserved forest areas. This mean higher carbon emissions, loss of biodiversity, and loss of livelihoods for local communities.³⁵

Latin America, and more specifically the Amazon basin, has already seen large destruction of tropical forest for the expansion of agriculture. Now bioenergy projects are making the situation even worse. There are at least 80 bioenergy projects that are triggering land grabbing and causing conflicts against local communities across the region who have been evicted from their lands.³⁶

Some suggest it is better to leave bioenergy plans alone because they ward off competing, more destructive land uses that would have a greater impact on family farming and violations of land rights. But it needn't be a case of one or the other.

There are ways to develop biofuels, including opportunities for sustainable wood practices and ways to generate energy from the outputs of sustainable waste management that come from local practices and management of natural resources put in practice by communities. But bioenergy needs to be used in a way and on a scale that is ecologically sustainable, and which does not require the input of fossil fuel-based agrochemicals, associated with intensive land use, which contribute to climate change and loss of biodiversity.

'Bioenergy needs to be used in a way and on a scale that is ecologically sustainable'

Solar ovens in the Amazon

Christian Aid together with local partners CIPCA Beni, Soluciones Prácticas, Inti Illimani and the Bolivian Platform Against Climate Change, previously worked with indigenous organisations and communities in the Bolivian Amazon to improve their access to sustainable, clean energy.

One of the ways was through a solar oven project. The project saw excellent results in terms of local ownership, use of solar energy, reduction in the use of firewood, and generating more free time for women.

Some 317 solar ovens were rolled out in 26 communities. In two years, 80% of families saved 50% of their time dedicated to harvesting wood by regularly using this simple solar technology instead. Pollution from cooking from wood was largely alleviated, with health benefits for the people. Reduced use of wood led to carbon dioxide savings of over 1.5 tonnes per year in total for the 317 families. There was a significant reduction of natural gas used as well. The project empowered women by encouraging them to lead on the decision making and post-analysis process.

According to the World Bank Estimates in 2016, with around 3.1 million solar oven units, there is a potential of \$200bn savings across the world, encompassing large shares from savings of fuels of several kinds (wood, kerosene, crop waste, charcoal).



Women using the solar ovens to cook tamales in Bolivia.

Community-centred approaches to scale up decentralised renewable energy investment

In the context of the climate crisis and rapid energy transition, businesses have started realising that they can no longer operate without a 'social licence' – that is, they cannot

conduct their business without protecting the land rights of communities.³⁷

This is not merely a matter of exercising good corporate social responsibility, but ensuring community engagement and planning inform the core operations and business model of a company. The renewable energy industry

has much to learn, especially working in environments where legitimate land users are not recognised or protected by national laws.

What they can draw on are international soft law instruments, global guidelines on responsible investment, the performance standards of international financial institutions, and voluntary industry specific codes of conduct. These have been developed in response to the struggles faced by communities whose basic rights have been violated by poor land-based investments, and by companies who have lost money, their social licence to operate, and the confidence of their shareholders and other financial backers due to protracted conflicts with communities.

All international law instruments and global and regional guidelines on responsible investment acknowledge that states have the principal responsibility to mediate between the interests of companies and communities – yet they often fail to do so due to their lack of political will or institutional capacity.

This is no surprise given the relative inexperience of investors and regulators in this new industry, faced with the complexity of social, cultural, land tenure and economic systems across different renewable energy landscapes. It also reflects the fact that the communities who are the primary users of the land, rivers and forests required for renewable energy, are still not placed at the centre of renewable energy policies, feasibility studies, project design, infrastructure

construction, or business plans and operations.

In cases where companies and governments do make a deliberate effort to protect the rights of local communities, their approach to community engagement and resettlement is often guided by a strictly due diligence or compliance approach – especially if they are financed by financial institutions that require clients to implement performance standards and safeguards. They rarely use a holistic assessment of the existing landscape and overhaul their project design and planning approach to maintain its existing cultural, social, and ecological value. To do so would require, for example, that social, economic, cultural, and ecological feasibility studies be conducted alongside technical feasibility studies right at the start of a new renewable energy project.

New large-scale renewable energy investments are vital to the growth and transformation of developing countries while keeping global warming below 1.5°C – but it cannot be done under any sort of social and environmental planning which is not sustainable or inclusive. There need not be a trade-off between generating energy for low-carbon growth and the right to land, food, water, and decent work of those communities who derive livelihoods, and are attached to, the land, rivers, and forests that could be used to supply this energy.

Responsible investment guidance for renewable energy stakeholders

The right of indigenous communities to give free prior and informed consent (FPIC) to any investment on their land has been enshrined in international law, such as in the UN Declaration on the Rights of Indigenous People (UNDRIP) adopted in 2007 and the recently adopted UN Declaration on the Rights of Peasants and other People Working in Rural Areas.

UNDRIP states that: 'Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous people concerned and after agreement on just and fair compensation and, where possible, with the option of return'.

FPIC has become the backbone of many policies and safeguards of international financial institutions which guide investment and development projects more broadly in countries in the global South. If energy companies follow these principles it will ensure that host communities are able to: 'make decisions through their own freely chosen representatives and customary or other institutions, and to give or withhold their consent prior to the approval and design of any project that may affect the lands, territories and resources that they customarily own, occupy or otherwise use'.³⁸ Guidance on how to avoid or minimise the displacement of people, how to provide adequate compensation and deal with grievances, and how to resettle and improve (rather than merely restore) long-term livelihoods and wellbeing of resettled communities, has been written into the World Bank's new Environmental and Social Framework and the International Financial

Corporations Performance Standards. The latter also forms the basis of the safeguarding standards of regional development banks, commercial banks, voluntary energy project certification schemes, and bilateral aid agency guidelines including:

- the African and Interamerican Development Bank's Integrated Safeguard Systems
- the European Investment Bank's Environmental and Social handbook
- the Green Climate Fund's environmental and social policy
- the Equator Principles
- the Equitable Origin EO100TM standard
- the USAID operational guidelines for responsible land-based investment
- DFID-funded guidelines on responsible land-based investment.

When donors provide funding for renewable energy projects, they can also insert human rights clauses into their funding agreements with governments. For example,

in Ethiopia, the Danish international development agency (Danida) has included a human rights clause in its wind power programme agreement with the government.³⁹ Safeguarding systems and performance standards of all the international financial institutions recognise that assets such as land have social and cultural, as well as economic value, and that affected communities need to be actively consulted from the stages of project feasibility. They also recognise that they need to be active participants in project design and any resettlement, social and economic development plans.

One of the reasons for this failure to date has been disagreements over who can be considered 'indigenous' people, and whether the rights conferred to indigenous people apply to all communities affected by the project. In Africa, FPIC is increasingly interpreted as a standard for all affected local communities who do not fit the international law definitions of rights-holding indigenous communities. Advocates for this position argue that African human rights law, customary law and various existing statutes and jurisprudence already give all African customary land holders similar rights to those of indigenous communities.

Recommendations

The stakes are too high for the large-scale renewable energy industry to fail to gain social acceptance from the communities in the global South who are dependent on, and custodians of, the land needed to supply our future energy needs.

Government regulators, finance institutions, and energy companies in this relatively new sector all need to accelerate their learning curve and find ways in which to manage social relations in energy landscapes that are also complex social, ecological, and economic systems.

Across Africa, Latin America and Asia, affected communities are already leading the way in providing solutions that will allow them to benefit from renewable energy projects – some innovative, and some merely requiring energy companies, their financial backers, and governments to fully implement their international legal obligations and the safeguards and performance standards they have developed or signed up to.

Christian Aid will continue to support these communities in their ongoing struggles for economic, social and procedural justice when faced with large-scale projects of any nature, including renewable energy and hydropower investments. Our recommendations are drawn from their messages for change.

1. Holistic, planned, participatory and inclusive renewable energy policies

The ambition of renewable energy policies should be to deliver energy to those who need it most, with the aim of ending energy poverty and inequality. The energy transition must not be allowed to continue walking alongside a broken economic system that has failed to address social inequalities and the climate crisis. Renewable energy is the vital solution to secure a safe future for our planet and it needs to be scaled up rapidly, but responsible energy policies and practices must be put in place to address energy poverty and enable over 1 billion people without energy to leap-frog to a green energy future.

National renewable energy policies and nationally determined contributions (NDCs) for climate mitigation need to include the safeguards of free, prior and informed consent (FPIC) for all legitimate land users whose land use rights will be affected by large-scale renewable projects. Furthermore, national, donor and global energy policies should move beyond language that requires mere compliance with existing safeguard measures towards a sustainability-centred philosophy that aims for the long-term improvement of the livelihoods of all affected communities, not just those that comply with the definition, as well as strong environmental safeguards. Communities should participate in the development of national renewable energy policies. Sole reliance on the existing self-regulatory safeguards is not enough.⁴⁰

Energy needs need to be therefore contextualised for different socio-economic groups in many regions and provide integral solutions for energy access and sustainable livelihoods. Large-scale centralised energy generation is generally not the right solution to address energy poverty, and renewable energy policies, subsidies and infrastructure investment should focus on delivering decentralised and affordable energy solutions instead.

2. The unsustainable nature of large-scale dams must be accepted

Donors, climate funds, governments and multilateral development banks should stop including large-scale hydroelectric projects in their renewable energy investment commitments. No further climate finance should go towards supporting these projects either. Given the methane emissions, environmental destruction and massive displacement and resulting poverty generated by large-scale hydroelectric projects, governments in countries in the global South should redirect infrastructure and climate finance towards alternative renewable energy projects that can generate more benefit for communities and the environment, including smaller scales of hydropower projects.

3. Free, prior and informed consent for all affected communities

The rights of indigenous and local communities to be consulted and withhold their permission for any investment that will affect their livelihoods, culture and resource rights, is recognised in both international and regional human rights law instruments and in the safeguard standards of most development banks.⁴¹ These rights need to be extended to all communities whose livelihoods and cultures are bound to their land.

Finding practical ways in which to implement FPIC for all communities, which includes their right to stop a project from going ahead, will require decision-makers to identify, analyse and incorporate diverse types of sociological, socio-historical, anthropological and environmental data into decision-making frameworks, and consult with all affected communities already as part of the renewable energy policy development process.⁴²

Renewable energy companies and industry leaders will need to mainstream concepts of land entitlement, customary rights, social exchange and networks, conventions of reciprocity and patterns of grievance and conflict into their project plans. This process involves learning from innovations and practices that show how FPIC can be practically implemented, such as through community referenda. The processes of consultation must therefore turn to a model beyond individual, separate discussion towards a vision where communities and stakeholders contribute with their experience and knowledge to develop fair energy policies.

4. Beyond compensation and livelihood restoration

Compensation, while necessary, does not ensure that people can re-establish their lives and livelihoods in their new location. There should be a focus on improving, rather than just restoring, livelihoods. This can be done by helping communities to transition to new circumstances, restoring or reconnecting them to essential public services, training them to adapt to new farming conditions, securing their land tenure rights, and preserving sacred sites on lands and waters traditionally used or occupied by indigenous or local communities.⁴³ In the same manner, ecosystem restoration must be conducted to mitigate the double biodiversity-climate crisis.⁴⁴

5. International human rights norms should apply to all multilateral development banks and development finance institutions

Financial institutions provide economic incentives and technical and legal services (including feasibility studies, social and environmental impact assessments) but they are not held responsible for any damages under current international jurisprudence and should be so. This absence of attribution of responsibility needs to be addressed through increased political will, institutional capacities to uphold standards, and for international funders to require accountability to uphold the integrity of international human rights instruments.⁴⁵

The UN Legal Commission in 2011 codified legal principles underlying responsibilities of international organisations to comply with human rights law. The draft articles of this Commission need to be adopted and applied so that banks, private sector and climate funds supporting renewable energy projects that violate human rights, can be held accountable for these violations.

Endnotes

1. As part of the text of the Paris agreement, the UN Convention on Climate Change (UNFCCC) invited the IPCC 'to provide a special report in 2018 on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways'. See report summary at https://report.ipcc.ch/sr15/pdf/sr15_spm_final.pdf
2. Sustainable Energy for All 2015. Access to energy is uneven, Egypt almost 100% coverage, South Sudan only 1.5% of population has access to modern energy. Electrification in rural areas of Sub-Saharan Africa is only 27%.
3. The Global Commission for the Economy and Climate has calculated the that prices, especially for solar technology, has fallen to the point where they are competitive with fossil fuel generated power.
4. *Global Trends in Renewable Energy Investment 2016*, Frankfurt School-UNEP Centre/BNEF, 2016.
5. Ethiopia, Kenya and Ghana have respectively committed to low carbon green growth.
6. *Virtuous Circle: scaling up investment in low carbon energy*, Christian Aid, 2017
7. Some fossil investments made over the next few years – or those made in the last few – will likely need to be retired prior to fully recovering their capital investment or before the end of their operational lifetime.
8. Renewable energy initiatives include Power Africa, New Deal for Africa, AREL, Light up Africa.
9. *Africa Energy Outlook. 2014. A focus on energy prospects in Sub-Saharan Africa*, International Energy Agency, 2014
10. World Bank 2008, see anti-privatisation campaigns in South Africa for example.
11. *Low carbon Africa: Leapfrogging to a Green Future*, Christian Aid, 2011
12. *Speaking truth to power: why energy distribution, more than generation, is Africa's poverty reduction challenge*, R Hogart and I Granoff, ODI Working paper 418, 2015.
13. 'Sustainable energy in Africa: a comprehensive data and policies review', S Mandelli, J Barbieri, L Mattarolo, and E Colombo, *Renewable and Sustainable Energy Reviews*, 2014, 37, pp656-686.
14. *World Energy Outlook 2014*, International Energy Agency, 2014, www.iea.org/reports/world-energy-outlook-2014
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