



POWERING CHANGE:

A NEW APPROACH TO A JUST ENERGY TRANSITION

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INTRODUCTION

Climate change is not only the greatest environmental emergency of our time, but also an unprecedented human rights crisis. It threatens a wide range of human rights, including the rights to water, food, health, and life itself. The climate crisis disproportionately affects people who are already subjected to multiple and intersecting forms of discrimination and marginalization that arise from structural inequities and policies that unfairly distribute resources, power, and privilege. However, we must not just let the climate crisis or proposed climate solutions deepen these injustices.

We have an opportunity now to replace dirty fossil fuel infrastructure with renewable sources of clean energy, ending the relentless mining, processing, shipping, and burning of fossil fuels - an energy source that kills people and is destroying the planet.

A just global transition to clean energy will still require mining - but vastly less. It will still require minerals and metals for energy storage units - but is ushering in a new era of innovative design, reuse, and recycling. A shift to clean energy will still require land and resources - but at no other time have governments been so empowered by people to regulate companies and protect human rights.

Central to this shift is a massive increase in the use of rechargeable batteries to power electric vehicles and energy storage units. Cobalt, copper, nickel, and lithium are key components of rechargeable batteries. These batteries are already widely used to power electronic hand-held devices and lithium-ion battery technology has advanced considerably over the last 100 years, making batteries used for transportation lighter, more flexible, and longer lasting than ever before.

The shift away from fossil fuels towards renewable energy is already underway and gathering speed. However, it carries its own risks of additional environmental harm and human rights abuses.

It is our collective challenge to deal head on with the climate crisis while not deepening existing power and privilege imbalances. In fact, it is incumbent upon everyone - especially those most responsible for the climate crisis - to end these inequities.

ABUSES IN THE BATTERY VALUE CHAIN

Currently, the production of rechargeable batteries is far from being as 'clean' or 'green' as they could and should be. Years of badly regulated industry practices and the primacy of corporate profit over human rights means that the dark side of the battery boom is felt by communities in mineral-rich countries such as Argentina, Chile, and the Democratic Republic of the Congo (DRC).

WHAT EXACTLY HAS AMNESTY INTERNATIONAL'S RESEARCH UNCOVERED?

Forced evictions and industrial mining. The world's energy transition has catalysed the expansion of industrial mining of energy transition metals such as cobalt and copper at a high cost to human rights in frontline communities.

In the south of the DRC for example, mining concessions surround the many communities in and around the city of Kolwezi in the country's Lualaba province.

Throughout 2022, Amnesty International and the Initiative for Good Governance and Human Rights interviewed over 100 families, many of whom have been forcibly evicted from their homes and farmlands to make way for industrial copper and cobalt mines.¹ Entire towns and neighbourhoods are

1. For a preview of Amnesty's forthcoming research on the widespread use of forced evictions at industrial cobalt and copper mine sites in Lualaba province, DRC, please see the following twitter thread: DRC, 'Solution Country' to the Climate Crisis? twitter.com/candyofime/status/1577668718531952640?ctx=HHwWglC-1ebVgOUrAAAA

being erased from the map as they are swallowed up by open-pit mines. Mining impacted communities report being evicted without adequate or even prior notice, effective consultation, or access to meaningful information. All the families interviewed shared with Amnesty International that they were not offered adequate resettlement options, did not receive fair compensation for their losses, and had no avenues to seek an effective remedy.

Thousands of people have been affected by the expansion of these lucrative mines, and they face a future of uncertainty, food insecurity, and financial stress. The DRC government calls itself a ‘solution country’ to the climate crisis, yet it appears willing to sacrifice the well-being, health, and security of the people of Kolwezi to mining and processing operations. Rather than allowing companies to trample human rights, the DRC government could show companies (and their shareholders) that respect for human rights is not optional by enforcing compliance with national legislation and international human rights law. It could be an example for all states of how to successfully protect human rights while being the world’s leading source of responsibly sourced cobalt and copper.

It is not too late to change course.

Failure to meaningfully consult and seek consent of affected Indigenous peoples. Indigenous peoples have long documented state and corporate failures to protect and respect their rights, including the right to self-determination. The principle of free, prior, and informed consent (FPIC) flows from this right and it is the role of governments to ensure this right is respected and protected, including in the context of business activities. However, governments often pass this obligation on to companies, many of which carry out consultation processes as a box-ticking exercise. Some simply inform Indigenous peoples of their plans without effectively seeking their consent. While some companies have policies that reference the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), most fall wildly short in practice. States must ensure that consent is an expected and ongoing process undertaken throughout the life cycle of a project rather than a one-off event.

For example, Indigenous peoples in the high Andes – in the fragile ecosystems upon which many small communities depend for their livelihoods – have told Amnesty International that they are concerned that multinational lithium mining companies will irrevocably disturb the natural environment and harm their right to water. Communities interviewed say that they haven’t been adequately consulted nor have their concerns been meaningfully addressed or mitigated by the Argentinian government.² Other Indigenous peoples around the world have raised questions about whether national governments will protect their human rights or ride roughshod over them in the quest to maximize profitable exports or build a domestic battery industry. The health and rights of current and future generations are at stake and the onus is on governments to protect the rights of Indigenous peoples.

Encoding UNDRIP in domestic law, ensuring implementation of these rights, and enforcing compliance in the context of business operations are crucial steps towards genuine reconciliation and respect for Indigenous knowledge and rights.

Water and the right to a healthy environment. Water pollution. Water depletion. Soil contamination. Loss of biodiversity. Deforestation. Hazardous waste. Air pollution.

Mining relies on heavy vehicles burning fossil fuels, often close to frontline communities. Further environmental harms occur during the mining and smelting or processing of raw materials. For example, some materials, such as Indonesian nickel, need to be smelted twice, which emits three times more carbon than refining higher grade ore from places like Canada or New Caledonia. Minerals are then transported by lorry to the nearest seaport and loaded onto ships bound for processing and battery manufacturing facilities far from where the minerals and metals were originally extracted. These

2. Amnesty International, “Argentina calls on President Macri to address key human rights issues” 12 April 2018, [amnesty.org/en/latest/news/2018/04/argentina-amnistia-internacional-pide-al-presidente-macri-que-aborde-cuestiones-clave-de-derechos-humanos/](https://www.amnesty.org/en/latest/news/2018/04/argentina-amnistia-internacional-pide-al-presidente-macri-que-aborde-cuestiones-clave-de-derechos-humanos/)

emissions – which in some cases cause toxic levels of air pollution³ - harm those living nearest these mines and smelters and more broadly defeat the carbon-busting purpose of making electric vehicles. A massive increase in mineral extraction will create even more industrial mining waste near frontline communities, affecting water quality and public health and safety.

Enormous toxic lakes – called tailings dams - are used to store mining waste. There are approximately 35,000 active and abandoned tailings dams in the world today and with the pace of energy transition mining, that number is only set to climb. As the climate crisis deepens, scientists have expressed concern that extreme weather changes may weaken existing tailings dams and lead to severe environmental and human harms.⁴ Governments must ensure mining companies design, resource, and build tailings dams with climate change and public safety as their primary concerns. It is up to governments to ensure tailings dams are zero-risk to protect downstream communities and watersheds from accidents, overtopping and catastrophic failures over the dam's lifetime.⁵

Deep sea mining. Finally, concern is mounting that the ocean's mineral-rich seabed could be dangerously exposed to unregulated deep-sea mining by the end of 2023. The International Seabed Authority – the UN body tasked with overseeing mining in international waters – has so far failed to reach an agreement with its 167 member states on regulating the industry. Without regulations, seabed mining for cobalt, manganese and other rare metals used in batteries could start without any environmental, human rights or economic safeguards in place. The countries which rely on healthy sea-beds may not even receive any benefits for the risks associated with the industry – repeating a pattern seen for over a century by frontline mining communities around the world.

Coastal communities and marine experts say that scraping the seabed for minerals will disturb ocean-floor ecosystems threatening some of the species upon which people rely for food and livelihoods, create sediment plumes that block important processes such as photosynthesis, and harm whales and other cetaceans which rely on echolocation to 'see' in the ocean depths.⁶ The risks and the gaps in our knowledge are too great and therefore Amnesty International calls on States to adopt the Precautionary Principle and maintain a moratorium on deep sea mining.

These are just a few examples of the risks from energy transition mining experienced by people who are largely the least responsible for the climate crisis yet find themselves on the frontlines of the energy transition mining boom.

Make no mistake: Humanity must stop burning dirty fossil fuels and embrace renewable energy. Rechargeable batteries are an integral and exciting aspect of the energy transition. Governments and businesses - from mines to smelters to public-facing downstream companies - have a rare opportunity now to commit to a renewable energy transition that truly protects and respects human rights and the environment. This requires legislation ensuring respect for human rights and the environment to protect people and make sure that companies wishing to profit from the energy transition do so in a manner that causes the least harm. States developing their own domestic battery and electric car industries must condition investment and financial incentives, including tax breaks, on human rights due diligence whilst ensuring robust compliance enforcement and corporate remedy for harms.

The path forward does not need to repeat the mistakes of the past – a new way is urgently needed.

In the past, governments failed to adequately regulate and enforce human rights compliance in the extractives sector, and they have an enormous duty to future generations to do better in 2022

3. Reuters, "Vedanta puts up for sale Indian copper smelter shut after deadly protests", 20 June 2022, [reuters.com/markets/deals/vedanta-puts-up-sale-indian-copper-smelter-shut-after-deadly-protests-2022-06-20/](https://www.reuters.com/markets/deals/vedanta-puts-up-sale-indian-copper-smelter-shut-after-deadly-protests-2022-06-20/) and Human Rights Watch (HRW), "Chile – Supreme Court hears massive air pollution case", 11 April 2019, [hrw.org/news/2019/04/11/chile-supreme-court-hears-massive-air-pollution-case](https://www.hrw.org/news/2019/04/11/chile-supreme-court-hears-massive-air-pollution-case)

4. GRID Arendal, "Climate change and its effect on the stability and lifespan of a tailings dam", 2017, [grida.no/resources/11425](https://www.grida.no/resources/11425)

5. Amnesty International Canada, "Safety First: New Report Outlines Guidelines To End Mine Waste Disasters" 30 June 2020, [amnesty.ca/news/safety-first-new-report-outlines-guidelines-to-end-mine-waste-disasters/](https://www.amnesty.ca/news/safety-first-new-report-outlines-guidelines-to-end-mine-waste-disasters/)

6. Greenpeace USA, "Deep Sea Mining", [greenpeace.org/usa/issues/deep-sea-mining/](https://www.greenpeace.org/usa/issues/deep-sea-mining/) (Accessed on 25 October 2022)

and beyond. They have the legislative tools, international human rights guidance, and a public that supports a just energy transition that leaves no one behind. If the energy transition is facilitated by human exploitation, dispossession, and environmental harm, we will look back on this critical time with serious regret. However, it does not need to be like this.

COP27 is the moment for governments and companies to make a break with the past and chart a new course forward.

POWERING CHANGE, A GLOBAL CALL TO ACTION: AMNESTY INTERNATIONAL CALLS ON ALL STATES, BUSINESSES, AND FINANCIAL INSTITUTIONS TO COMMIT TO A JUST ENERGY TRANSITION.

In 2020, Amnesty International launched *Powering Change: Principles for businesses and governments in the battery value chain*.⁷ The principles have been endorsed by over 70 international organizations and individuals and outline the steps that governments and companies must take to avoid human rights and environmental abuses in the life cycle of battery production. These harms can occur anywhere along the supply chain and at any point in a battery's lifecycle. Governments and companies must make sure that clean energy solutions do not deepen injustices along the battery value chain.

Amnesty International's recommendations to combat abuses in the battery supply chain. Putting human rights at the heart of the energy transition will protect people and the environment and provide a model for other industries.

DEMANDS OF BUSINESSES

- **Respect all human rights:** Companies must ensure that their operations, as well as those of their subsidiaries and suppliers, adhere to international environmental and human rights law and standards. The UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, the UN Declaration on the Rights of Indigenous Peoples, and the Chinese Due Diligence Guidelines for Responsible Minerals,⁸ are some examples of the available guidance companies should follow both complementing and in the absence of home-state legislation to ensure robust human rights and environmental due diligence.
- **Find Solutions, do not run away:** when confronted with human rights abuses in their supply chains – such as child labour, forced evictions or attacks on human rights defenders – companies should resist the temptation to walk away in order to avoid negative media coverage or fallout from investors. Instead, companies should first assess and exert their leverage to support sustainable and rights-compliant solutions. Disengaging can cause further harm to communities and undermine efforts to seek justice and accountability and should be the option of very last resort. Responsible disengagement should only be considered in situations where it is clear that human rights abuses cannot be mitigated or remedied at all.
- **Be Transparent:** Extractives companies must 'know and show' where their battery minerals are extracted from and processed and whether human rights and environmental standards are respected. This means they must be able to identify and address potential and actual harms in their supply chains, make that information publicly available in a timely and ongoing basis, and should provide regular updates on mitigation and remediation.

7. Amnesty International, "Powering Change: Principles for businesses and governments in the battery value chain" (Index: ACT 30/3544/2021), 4 February 2021, [amnesty.org/en/documents/act30/3544/2021/en](https://www.amnesty.org/en/documents/act30/3544/2021/en)

8. China Chamber of Commerce of Metals, Minerals and Chemicals (CCCMC), *Chinese Due Diligence Guidelines for Responsible Mineral Supply Chains 2022*, 19 May 2022, [cccmc.org.cn/kcxfzzyzyx/bz/ff80808181489d3201820f3ad0a01201.html](https://www.cccmc.org.cn/kcxfzzyzyx/bz/ff80808181489d3201820f3ad0a01201.html)

- **End corrupt practices:** Businesses along the battery value chain should not directly or indirectly offer, promise, give bribes, facilitate payments, or offer other financial incentives to governments to bend the rules. Rooting out corruption, protecting whistle-blowers and providing them with a confidential hotline, as well as respecting state anti-bribery laws will demonstrate corporate commitment to ending corruption in the supply chain.
- **Refuse minerals from the seabed:** Businesses must publicly commit to not source minerals produced through seabed mining and should proactively support a global moratorium to keep the deep sea off limits for all forms of mining and extraction. Deep sea mining has potentially catastrophic consequences for the environment, climate change and human rights. Governments – and companies – must apply the precautionary principle and limit further harm to our shared oceans.

DEMANDS OF GOVERNMENTS

- **Legislate human rights and environmental due diligence** Governments should legally require businesses to respect human rights and the environment and to undertake appropriate due diligence throughout their operations, services, and products as well as with respect to their business relationships throughout their value chains. In addition to requiring companies to report their findings in a timely manner, governments should take steps to monitor and enforce business' responsibility to respect human rights and the environment, including remediation for harm. Failure to comply with these requirements must be met with appropriate financial penalties and other consequences.
- **Stop devolving human rights obligations to companies:** governments are obliged to protect and uphold human rights in the context of business activities and therefore must ensure that communities have access to meaningful information about the potential risks as well as benefits of resource extraction proposals so that people can make informed decisions. Where risks are identified that cannot be mitigated or accommodated, governments should work with communities to establish 'no go' zones as desired and enforce mining bans in those regions. Governments should establish and effectively enforce strong labour standards and ensure workers' right to organize is respected. All operations affecting Indigenous Peoples should be subject to free, prior, and informed consent.
- **Investigate and respond to human rights and environmental abuses, ensuring access to remedy:** Governments must investigate human rights abuses and environmental harm perpetrated by businesses on their own initiative as well as on reports by third parties. They should provide clear avenues for seeking justice for the victims to ensure access to remedy. Home state governments of companies accused of human rights or environmental harms at overseas operations must remove barriers to remedy for foreign victims.
- **Support policies to reduce reliance on car travel:** Governments must ensure low carbon, cheaper, and cleaner ways of travelling by, for example, redesigning city spaces to allow for walking, bike and roll lanes, and accessible and convenient public transport, including the servicing of remote rural areas, to reduce reliance on cars. Crucially, governments must not encourage the replacement of fossil fuel powered cars on a 1:1 ratio – governments must urgently take action to reduce the number of private vehicles on the road.

For a full list of Amnesty International's recommendations to governments and businesses in the battery value chain, including measures to enact a circular economy, please see: *Powering Change, Principles for businesses and governments in the battery value chain*.⁹

9. Amnesty International, "Powering Change: Principles for businesses and governments in the battery value chain" (Index: ACT 30/3544/2021), 4 February 2021, [amnesty.org/en/documents/act30/3544/2021/en](https://www.amnesty.org/en/documents/act30/3544/2021/en)

Institutional Investors, Banks, Credit Agencies: The role of global finance – whether in financing new mines, pipelines, or renewable energy solutions - cannot be ignored. Powerful financial institutions must not only stop financing fossil fuel extraction projects but also climate solutions that harm human rights. They have the power to influence mining companies by investing only in projects that are subjected to rigorous and regular human rights and environmental due diligence, have a clear plan to mitigate harms, and that will provide effective and timely remedy where harm has occurred. These projects must have the consent of all Indigenous peoples and support from frontline communities who will be affected by them for generations. In 2022, anything less sends a clear message that global finance continues to value profit above humanity’s survival.

Amnesty International challenges financial institutions such as banks, export credit agencies, pension funds, and high-risk insurers to stop financing dirty fossil fuel projects and rights-abusing mines and instead invest in energy transition projects that have informed consent and respect human rights, including the right to a healthy environment.

BEYOND BATTERIES

Confronting the climate crisis requires new thinking.

The energy transition needs a dramatic rethink of rechargeable battery design, reuse, and recycling. Establishing reliable, accurate, and publicly available reporting on the carbon and energy footprint of rechargeable batteries will allow governments to set a minimum carbon footprint threshold above which batteries should be phased out. Use of hazardous materials in battery manufacturing processes should also be phased out to ensure a toxic-free battery value chain. Building in robust and strict carbon and energy footprint requirements for batteries now will enable humanity to make the crucial adjustments needed to keep up with the changing demands of the climate crisis.

Hand in hand with low-carbon batteries, most people in the world need access to better, cleaner, and more affordable public transit. Rural, Indigenous, and low-income communities suffer the human rights impacts of poor public transportation whilst in many cases being forced to still rely on fossil-fuel powered mobility. It is time for governments to centre the needs of these communities when planning for a zero-carbon future.

To understand Amnesty International’s analysis and recommendations to governments ahead of COP27, please see: Amnesty International’s Briefing to parties to UNFCCC on human rights consistent climate action in 2022.¹⁰

10. Amnesty International, *Briefing to parties to UNFCCC on human rights consistent climate action in 2022* (Index: IOR 40/6118/2022), 17 October 2022, [amnesty.org/en/documents/ior40/6118/2022/en](https://www.amnesty.org/en/documents/ior40/6118/2022/en)