

RENEWABLE ENERGY AND CIVIC SPACE:

CIVIL SOCIETY'S ROLE IN A JUST TRANSITION

Introduction

The immediacy of the climate crisis cannot be overstated, and an energy transition is both critical and overdue. However, the urgency to switch to renewable technologies cannot bypass civil society and grassroots actors. Renewable technologies have their own environmental and social impacts, which require input from civil society to lessen potential harm. Likewise, the transition itself may pose risks and be less likely to succeed if it excludes civil society and grassroots actors.

As the Intergovernmental Panel on Climate Change (IPCC) notes, “inclusive governance...leads to more effective and sustainable adaptation outcomes,” as do approaches that incorporate “meaningful participation of the most vulnerable and marginalised groups.” This paper examines various challenges and opportunities presented by the energy transition from the perspective of civil society.

Existing Challenges Faced by Climate and Environmental Defenders

Climate and environmental defenders are routinely sidelined in policymaking. They are often targeted and criminalized for their activism, suffering harassment and violence. Civil society organizations working on environmental issues have faced deregistration and foreign funding curbs. Meanwhile, governments have banned climate protests and enforced criminal penalties against legitimate civil society action. Private actors have further used strategic lawsuits against public participation (SLAPPs) and surveillance technology to chill environmental activism.



'Energy transition'
is generally
understood as a
pathway toward
shifting the global
energy sector
from fossil fuels to
renewable energy,
aiming for carbon
neutrality by the
second half of this
century.

**Read the
full report:**

icnl.org/energy-transitions

At the international level, civil society has faced numerous barriers to participating in climate negotiations, with impacted communities and marginalized groups pushed to the fringe. Global plans for the energy transition and renewable projects are likewise proceeding without robust civil society consultation or participation.

Challenges Posed by Renewables and the Transition

Driven by the falling costs of solar, wind, and hydro technologies, renewable energy is growing exponentially and is forecast to supply most energy needs by 2050. Unfortunately, the renewable energy sector has largely failed to incorporate human rights and participatory frameworks into its general approach. The sector is currently responsible for the third highest number of threats against human rights defenders, behind only mining and agribusiness. From Mexico to India to the Philippines, numerous groups, particularly indigenous communities, report land seizures without consultation or compensation for wind, solar, biofuel, hydropower, or other green projects.

Moreover, while less severe than fossil fuels, renewables carry their own environmental risk. Hydropower projects often lead to mass displacement and the destruction of habitats, fisheries, and livelihoods. Solar panel manufacturing has been criticized for exposing workers to hazardous chemicals and for forced labor in supply chains (including of Uyghurs in Xinjiang, China).

Many renewable technologies rely heavily on minerals, leading to dependence on the global mining industry, notorious for violating rights and contaminating environments. Surging demand for finite minerals like lithium and cobalt, supplied by a few countries such as the Democratic Republic of Congo and Chile, has increased pressure on narrow supply chains and the risk of abuse in countries lacking effective safeguards. Further, expanding supply by engaging in risky new ventures like deep sea mining threatens to undermine climate action altogether by introducing heavy industrial activity in areas suspected to be major carbon sinks.

Apart from some limited efforts to address these concerns, the renewable sector has largely adopted a more traditional model

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Approximate proportion of civil society organisations who usually send delegates to COPs that were excluded from COP26 due to COVID-19 measures, visa restrictions, and other hurdles.

0.3%

Percentage of registered CSO observers who were allowed into the COP26 negotiating area on the first day (36 out of 11,700).

500

Number of lobbyists sent by fossil fuel companies to COP26, two dozen more than the largest country delegation at the summit.

of industrial development, with little public input. Such an approach resembles that taken by the fossil fuel industry, which marginalized civil society critiques even after significant climate damage had already occurred.

To make matters worse, the world is currently experiencing democratic backsliding, exacerbated by COVID-19. Growing authoritarianism has further limited participation, leading to the fast-tracking of large-scale projects—including renewables—without public consultation. Lacking the vital input of frontline communities, such an approach seems unlikely to ensure an effective—much less just—transition.

Recommendations

International law requires the protection of civic freedoms and public participation in energy development processes. In addition to fundamental rights of association, assembly, expression, and participation in public affairs, international law increasingly recognizes the right to participate in policymaking related to climate change. Transparency, access to information, redress mechanisms, and free, prior, and informed consent for indigenous peoples are also well-established norms and best practices in this area.

Adopting these principles promises a more effective and just transition. A provisional civic space framework for the energy transition should incorporate the following recommendations:

MAINSTREAM CIVIL SOCIETY'S IDEAS FOR REDUCED CONSUMPTION AND ALTERNATIVES TO EXTRACTION AND HEAVY ENERGY USE

1 There is a pressing need to reduce consumption and energy usage, as even renewables are material and waste-intensive. Academics, non-profit institutions, and other civil society actors have suggested strategies to achieve this, including circular economy approaches like investing in decarbonized or public transport, and indigenous-led customary resource management. Governments and international institutions should create space for civil society ideas through public participation mechanisms (see #4 below). They should aim to operationalize sustainable alternatives presented by civil society.



Recommendations for a Civic-Space Friendly Transition

RECOMMENDATION ONE

Mainstream civil society's ideas for reduced consumption and alternatives to extraction and heavy energy use

RECOMMENDATION TWO

Protect and support advocacy and legal actions by civil society

RECOMMENDATION THREE

Expand joint or community-owned and/or indigenous-led ventures

RECOMMENDATION FOUR

Broaden public participation opportunities in transition policymaking

RECOMMENDATION FIVE

Require consultation, due diligence, disclosure, and redress mechanisms

RECOMMENDATION SIX

Develop internal corporate human rights and consultation/FPIC policies

PROTECT AND SUPPORT ADVOCACY AND LEGAL ACTIONS BY CIVIL SOCIETY

2 Civil society, indigenous groups, and local communities should be empowered to advocate for their inclusion in projects that affect them, renewable or otherwise. When their rights have been violated, groups are entitled to legal action, redress, and other remedies. Governments, donors, and the international community can help by building civil society capacity to pursue effective legal and advocacy strategies. They can also support legal frameworks that promote access to justice by local actors and civil society.

EXPAND JOINT OR COMMUNITY-OWNED AND INDIGENOUS-LED VENTURES

3 Centering local and indigenous voices in renewable projects can be critical to their long-term success. Community-owned projects often result in fairer benefits distribution and longer-term success, in addition to boosting local employment and mitigating social and environmental harms. Governments and international institutions should provide support for local-led projects, and companies should develop joint venture, benefits-sharing, and local ownership structures.

BROADEN PUBLIC PARTICIPATION OPPORTUNITIES IN TRANSITION POLICYMAKING

4 Civil society is currently sidelined in climate change and transition discussions. Rather than continuing to provide disproportionate space to fossil fuel and private interests, governments should defer to constituents and frontline communities for input on the impacts they are experiencing. Transition policymaking should elevate the voices of women, indigenous peoples, youth, LGBTQI persons, people with disabilities, and other marginalized individuals as those most impacted by harmful energy policies. Governments should also include obligatory language on civil society participation and human rights protection in climate agreements.

REQUIRE CONSULTATION, DUE DILIGENCE, DISCLOSURE, AND REDRESS MECHANISMS

5 France and Germany have implemented progressive due diligence laws for companies, and similar initiatives are planned in the US and the EU. Other governments should follow suit and enact mandatory consultation, due diligence, disclosure, and redress mechanisms. Such mechanisms should apply to both public and private actors implementing projects with environmental or social impact – including energy projects.

DEVELOP INTERNAL CORPORATE HUMAN RIGHTS AND CONSULTATION/FPIC POLICIES

6 Renewable and other energy companies should adopt their own internal standards around consultation and human rights, acting as industry leaders and promoting best practices. Such efforts can increase community buy-in and reduce reputational costs and the appearance of ‘greenwashing,’ making an effective transition more likely.