

Mandates of the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the right to development; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and the Special Rapporteur on the human rights to safe drinking water and sanitation

Ref.: AL ZAF 2/2025

(Please use this reference in your reply)

3 July 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the human right to a clean, healthy and sustainable environment; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the right to development; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right to food; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 55/2, 53/3, 57/31, 51/7, 54/14, 58/10, 52/9, 50/17, 51/21, 52/10, 52/4, 50/6, 54/10 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of **severe environmental, climate and human rights impact of the East African Crude Oil Pipeline (EACOP) and the Tilenga and Kingfisher Projects. Based on information received, the Projects are receiving funding from several financial institutions including the Standard Bank of South Africa Limited, which is registered under your Excellency's Government's jurisdiction.**

Additionally, we would like to inform you that a letter on the same matter was sent to the Government of Uganda in December 2024 ([UGA 4/2024](#)) and no response has been received.

According to the information received:

The East African Crude Oil Pipeline, and the Tilenga and Kingfisher projects

The East African Crude Oil Pipeline Project (EACOP) is projected to be a buried 1,443 km pipeline that will transport crude oil from fields in the Lake Albert region to the Port of Tanga in Tanzania, for export. On 24 January 2023, the East African Crude Oil Pipeline Company (EACOP Ltd), received a license for the construction of the East African Crude Oil Pipeline granted by the Ministry of Energy and Mineral Development. The Kingfisher and Tilenga projects are related oil development projects located in Uganda's Lake Albert region, operated by China National Offshore Oil Corporation (CNOOC) and Total Energies EP Uganda.

Based on the information received, EACOP Ltd is registered in the United Kingdom of Great Britain and Northern Ireland. The shareholders of EACOP are Total Energies (62%), the Uganda National Oil Company (UNOC) (15%), Tanzania Petroleum Development Corporation (TPDC) (15%) and the China National Offshore Oil Corporation (CNOOC) Uganda limited (8%). The planning of the project managed by EACOP Ltd shows that it will cross several conservation areas, protected areas and highly biodiverse and ecologically sensitive areas.

The planning of the Kingfisher Development Area (KFDA) project indicates that it will comprise 31 wells to be drilled in four well pads, as well as 40,000 barrels of oil per day (bopd) fed by 19 kilometers of flowlines, in the Southeast of Lake Albert. The Tilenga Project covers three production licenses in Jobi-Rii, Gunya, Kasamene-Wahrindi, Kigogole-Ngara, and Nsoga. The total expected production of these fields is 190,000 bopd. The project plans show more than 426 wells with more than 160 kilometres of flowlines. The shareholders of KFDA and of the Tilenga Oil Project are Total Energies E&P Uganda (56.67%), and CNOOC (28.33%), and the Uganda National Oil Company (15%).

According to information received, the EACOP project faced difficulties in securing financing, with earlier public indications from over 60 financial institutions that they would not support the project. However, on 27 March 2025, EACOP Ltd announced the closing of the first financing tranche for the EACOP project, which obtained financing from banks such as African Export Import Bank (Afreximbank), The Standard Bank of South Africa Limited, Stanbic Bank Uganda Limited, KCB Bank Uganda and the Islamic Corporation for the Development of the Private Sector (ICD).

Human Rights Impacts of the EACOP, Tilenga, and Kingfisher Projects, including environmental impacts

The EACOP and related projects, including the KFDA and Tilenga projects pose severe threats to Uganda's environment, biodiversity, and local communities. The oilfields are planned to be located in one of the world's most

ecologically sensitive regions, intersecting key water bodies and conservation areas. Lake Albert, Africa's seventh-largest lake and a vital source for the Nile and Congo River basins, is at the heart of this region, supporting diverse ecosystems and serving as a critical resource for fishing communities. The projects also overlap with the Murchison Falls National Park, Uganda's largest protected nature reserve, and the Murchison Falls-Albert Delta Ramsar wetland system, a globally significant habitat for endangered species. The Murchison watershed sustains over one million people who rely on its fresh water and fisheries, while Lake Albert alone provides 43% of Uganda's fish supply. Moreover, over 400 km of the pipeline are supposed to run alongside Lake Victoria, Africa's largest lake and a crucial water source for over 40 million people, exacerbating the risk of oil spills and water contamination.

The EACOP project's route is supposed to pass through seven forest reserves, Wambabya Central Forest Reserve, Taala Forest Reserve, Bugoma Forest, Wembere Steppe, Biharamulo Forest Reserve, Swagaswaga Forest Reserve, and Minziro Forest Reserve, as well as two game reserves, the Murchison Falls National Park and Biharamulo Game Reserve. In total, the pipeline would cut through 295 km of protected and conserved areas, threatening critical ecosystems and increasing the risk of deforestation and habitat loss for vulnerable species. Reports indicate that the pipeline could also jeopardize key water sources, including the Kamugenyi and Wambabya rivers in Kikuube, the Kanywabarogo and Kinfenyi rivers in Hoima, and the Kijubya and Lwemido swamps in Kikuube, raising concerns about water pollution and ecological degradation.

Beyond its environmental consequences, threatening the human right to a clean, healthy and sustainable environment, the EACOP project implies profound and negative social and human rights impacts. Over 14,000 households face land dispossession and forced eviction, with many receiving inadequate compensation and resettlement, severely impacting farming and fishing livelihoods. The displacement of communities also threatens culturally significant sites, such as sacred shrines in Nansiti village in the Lwengo District and Barabaig graves in the Manyara region, which may be destroyed or forced to be relocated. Additionally, reports suggest that forced evictions are exacerbating gender-based violence, deepening poverty, and worsening economic insecurity for affected communities.

The construction and operation of the EACOP project are expected to generate widespread environmental risks, including noise pollution, air pollution, and the heightened risk of oil spills. If spills occur, they could severely contaminate land and water sources, posing serious health risks to communities along the pipeline corridor. Health concerns linked to the project include increased rates of waterborne diseases such as diarrhea and typhoid, heightened exposure to tuberculosis, and respiratory illnesses caused by dust and chemical emissions, which affect especially pregnant women and children. Reports further indicate that over 100,000 people may be displaced due to the project, leading to escalating food insecurity, rising household debt, and an increase in school dropout rates among children. This form of development-induced displacement also underscores urgent protection needs, particularly regarding access to

adequate housing, livelihoods, education, and safeguards against exploitation and abuse for vulnerable groups.

On a broader scale, the EACOP project, and the associated Tilenga, and KFDA projects represent a significant expansion of fossil fuel infrastructure taking place in the context of a triple planetary crisis of climate change, biodiversity loss, and pollution. These projects have been widely criticized for their potential contribution to worsening climate change, with scientific analyses highlighting the failure of environmental impact assessments to fully acknowledge the long-term climate risks. The large-scale extraction and transportation of oil from these fields both threatens Uganda's natural ecosystems and also contributes to global greenhouse gas emissions, contradicting international climate commitments and undermining the urgent need for sustainable energy transitions.

Many communities affected by the EACOP project have reported inadequate compensation for the loss of the land they depend on for subsistence. Two residents of Nansiti village in Lwengo district, Uganda, were impacted when EACOP Ltd acquired a portion of their land in 2018. They received USD 9,844 and USD 7,110, respectively, as compensation for crops but argue that the amount was insufficient and excluded payment for the land itself. In November 2022, they were reportedly arrested while working on their land, accused of falsely claiming compensation for the crops. In August 2024, they were served court documents accusing them of obstructing a Government development project and were summoned to court.

The situation of environmental human rights defenders in relation with EACOP and associated projects in Uganda

In the context of the development of the EACOP, and related oil projects, multiple human rights defenders, students, activists and communities have peacefully mobilised to protect their lands and defend their rights, expressing concerns about the toxic pollution and displacement of their communities.

On 5 October 2022, nine student activists were reportedly arrested for holding a peaceful demonstration in support of the European Parliament resolution 2022/2826 (RSP) calling for the suspension of the EACOP project. The students were released on bail and their cases were dismissed on 7 November 2023, due to the prosecutors' failure to produce witnesses.

On 9 December 2022, an environmental human rights defender and three members of the Stop EACOP global campaign were reportedly arrested while protesting peacefully against the EACOP project. They were held in an unsanitary and crowded cell in Kampala Police Station until 11 December 2022, when they were released on precautionary measures requiring them to report regularly to the Kampala Police Station.

On 24 January 2023, police officers again reportedly arrested and assaulted the same human rights defender and subjected him to incommunicado detention for two days after he organised a public meeting in a local hotel to debate the

environmental, economic, and human rights impacts of the EACOP project. Police intervened before the event could commence and based on the information received, approximately 15 police officers beat and detained him. The environmental human rights defender was placed in an unsanitary, cold, and crowded cell at the police station, with no bedding. He was denied access to his lawyer for two days, during which time he was allegedly subjected to derogatory statements and intimidation, and ordered by authorities to sign a statement, which he refused to do. On 26 January 2023, the defender's lawyer was allowed to see him, and in his presence, the environmental human rights defender signed the statement and was granted release with instructions to report back to the police station. On 27 January 2023, he was charged with obstruction of a police officer on duty and was released on a police bond. These charges were dropped on 1 March 2023.

On 11 July 2023, the same environmental human right defender and four others were reportedly arrested for protesting against the environmental and social impacts of the EACOP at Mini Price in Kampala. They were released on police bond the next day.

On 10 August 2023, a woman human rights defender was arrested after community members of her village, the Kirama Village in the Bulisa District, had started a fire outside one of TotalEnergies' oilrigs in protest of its effect on the community. She claimed not to have been involved in the fire but was charged with attempted arson and detained together with her baby for more than two months from 10 August until 12 October 2023. She was then released on bail. According to the information received, the health of the woman human rights defender's baby was negatively impacted by this period of detention, as she was unable to breastfeed properly in prison.

On 15 September 2023, approximately 50 students peacefully marched to Uganda's Parliament to deliver a petition requesting MPs to end fossil fuel investments in the country. Police officers denied them access to Parliament, and chased most of them away, except four students, who were kicked, beaten, and arrested. They were detained in prison over the weekend, and subsequently released on police bond. They are currently being investigated on charges of public nuisance.

On 20 November 2023, a further six human rights defenders were arrested in front of the Chinese Embassy in Kampala, where they were protesting the EACOP project. They were detained for two days at Jinja Road police station and were released on police bond on 22 November 2023. They remain under investigation on charges of incitement to violence.

On 15 December 2023, four students were reportedly arbitrarily arrested and detained for protesting the police crackdown on civil society and human rights defenders. They were charged with common nuisance. Reports indicate that they were subjected to police violence during the arrest and detained without access to legal representation or medical care. They were held at the Central Police Station for four nights before being transferred to Luzira Maximum Security Prison. According to available information when drafting this

communication, their case was due to continue on 21 August 2024. It was dismissed on April 2025, due to the lack of witnesses.

On 15 April 2024, a public demonstration was held by communities in Uganda's Albertine region protesting against the evictions of 42 families and the lack of a fair, transparent judicial process for the development of the Tilenga oil project. More than 12 community members, and one lawyer seeking to assist the community faced a range of criminal charges including malicious damage to property, criminal trespass, theft, stealing cattle, assault, and threatening violence. Most have been detained at Hoima Central Prison and released on bail subject to strict reporting conditions. Three were reportedly coerced into surrendering their interest over their land in exchange for withdrawal of the charges. All have faced repeated delays in the prosecution of their cases before the courts.

On 27 May 2024, the Ugandan police reportedly arrested seven environmental human rights defenders who were peacefully protesting in front of the Chinese Embassy in Kampala with a petition urging the Chinese Government to stop funding EACOP. They were charged with unlawful assembly.

On 28 May 2024, Kikuube community members organised a peaceful march to present a petition to the Chinese-owned Daqing Oil Construction Group regarding the KFDA Project and its impacts on climate change. The members who were marching peacefully were reportedly blocked by Ugandan People's Defense Force (UPDF) soldiers from delivering their petition to the oil company.

On 1 June 2024, three Local Council Chairpersons and one community member were called to report to the Resident District Office and were reportedly ordered to write a letter apologizing for holding a protest without police consent. Police officers subsequently reportedly arrested and detained four community members at Kaseeta Police Station, who were later released on police bond. They have since appeared before the Officer in Charge of Investigations at Kikuube police station five times, although they are yet to be formally charged with an offence.

On 4 June 2024, one human rights defender was reportedly forcibly disappeared by the UPDF for five days. The human rights defender was taken to a house and held in a small room with hands bound and was subjected to beating and torture. The human rights defender was held in incommunicado detention for five days till 9 June 2024 and subsequently abandoned along the roadside in the Kyambogo district. The human rights defender, a family member and another human rights defender gave statements at the police station about the incident to facilitate further investigation, but they have not been contacted by the police officers since.

On 26 June 2024, the police reportedly arrested another 30 protestors who had gathered in front of the Chinese embassy in Kampala in opposition to the EACOP project. This was the largest number of women human rights defenders (nine) arrested. They were detained for a day and released on police bond that

night. They face charges of involvement in an unlawful assembly.

On 5 August 2024, seven activists marched to the Chinese embassy in, Kampala to present a petition. Four of the activists were reportedly arrested and face charges of common nuisance and inciting violence.

On 9 August 2024, the police reportedly arrested 50 individuals who planned to march to the Parliament in protest against the EACOP project. 45 individuals were released and two individuals, yet to be charged, remain detained at the time of writing while the police continue to investigate the incident.

On 26 August 2024, a group of 22 environmental human rights defenders and community members affected by the EACOP project (20 men and two women) were arrested in Kampala while attempting to deliver a petition to the Ministry of Energy and Mineral Development and TotalEnergies' office calling for the halt of the project. According to local sources, 20 of them including seven community members, were charged with common nuisance and were remanded at Luzira Prison until 3 September 2024. One of the community members arrested is reportedly a minor, who claimed to be deprived of educational opportunities due to the EACOP project.

Separately, on the same day, a group of approximately 300 community members affected by the EACOP project attempted to hold a demonstration in the Hoima district. However, in the face of heavy deployment of security forces, only a few representatives were allowed to deliver a petition to the EACOP Ltd office with an escort of security personnel. The petition highlighted several concerns pertaining to alleged ongoing human rights violations such as evictions and gender-based violence, and the adverse impact on local economies and environment and biodiversity. The available information also indicates that both police and military police were involved in suppressing the protest on 26 August 2024 and that a number of them resorted to unnecessary and disproportionate force to apprehend protesters including the use of batons.

On 4 October 2024, one human rights defender was reportedly arrested by Kikuube police in Rwengabi and remained in detention past the authorized 48 hour limit after participating in peaceful marches organized by an NGO. The human rights defender was also subjected to a previous case of harassment in June after submitting a petition related to oil exploitation in the region.

On 2 April 2025, at least nine youth activists were arrested by police in Kampala and charged with "common nuisance" after protesting outside Stanbic Bank's headquarters over the bank's involvement in financing the EACOP project. The protest was part of a larger march involving over 50 activists.

Without prejudging the accuracy of these allegations and based on the information received, we would like to express our deep concern about the human rights, environmental and climate impacts of the projects, contributing to the current planetary crisis of climate change, biodiversity loss and toxic pollution. In particular, we are preoccupied by the potential serious human rights negative impacts resulting from the construction and operation of the EACOP project, Tilenga and KFDA projects,

including potential risks of air and water pollution, inadequate sanitation, and negative consequences for local ecosystems. In order to effectively prevent irreparable damages caused by the construction and operation of the EACOP project, Tilenga and KFDA projects, comprehensive assessments of their human rights and environmental impacts are needed, as well as full compliance with human rights due diligence standards by the companies involved in accordance with the UN Guiding Principles on Business and Human Rights. Opportunities to participate in such assessments should furthermore be made public to ensure time access to accurate and meaningful information is fulfilled. Access to justice and effective remedies must be provided if there are concerns about the quality and inclusivity of these evaluations.

We are deeply concerned about the potential negative impact the projects would have on the local communities' human rights including the right to a clean, healthy and sustainable environment, and their legitimate interest in and intention to peacefully defend their rights and raising attention to the detrimental effects to the environment, cultural heritage, and livelihood posed by the project's completion. Due to the environmental impacts described above, the proposed EACOP project would potentially affect all the substantive elements of the right to healthy environment: clean air; a safe climate; healthy and sustainably produced food; access to safe water and adequate sanitation; non-toxic environments in which to live, work and play; and healthy ecosystems and biodiversity. The project, as it is planned, would furthermore affect other rights such as the rights to life, health, water and sanitation, food, freedom of movement and residence, adequate housing, culture, and education.

We are also further concerned about the lack of 'active, free and meaningful' participation of individuals and communities in decision making processes, which is an integral part of the right to development, about the EACOP project.

We are further concerned that the implementation of the project will gravely impact the food production, food consumption and the overall food security of the affected communities. The pollution of the water resources of these communities would impede their safe exercise of traditional practices and deprive them of their source of economic livelihood and well-being, as well as their cultural identity around fishery that constitutes an important and integral part of their life. If confirmed, these allegations would be in contravention of the State's responsibility to ensure an adequate standard of living, including the right to food and the right to feeding oneself directly from productive land or other natural resources as well as the fundamental right to freedom from hunger. The full enjoyment of human rights for small-scale fishers and all fish workers is a necessary precondition for the realization of the right to food. It is more urgent than ever to respect and fulfil the human rights of vulnerable populations, such as small-scale fishermen, in the face of acute needs arising from climate change.

We are furthermore deeply concerned by the arbitrary detention, including incommunicado detention, torture, enforced disappearance, and judicial harassment of environmental human rights defenders, members of civil society, affected communities and students in Uganda who have opposed the project, including by participating in peaceful assemblies and protests. These acts seem to be part of a broader pattern of intimidation and harassment of civil society organisations and groups in Uganda who have raised human rights concerns arising from oil and gas projects, which may include the potential forced displacement of more than 100,000 people without guarantees of

proper resettlement.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate what steps your Excellency's Government has taken or is considering to take, to ensure that business enterprises domiciled in its territory and/or jurisdiction conduct human rights due diligence to identify, prevent, mitigate, and account for how they address their impacts on human rights, including the right to a clean, healthy and sustainable environment throughout their operations (including abroad), as set forth by international law and standards, including the UN Guiding Principles on Business and Human Rights (UNGPs); in the context of the EACOP and related projects.
3. Please describe the guidance, if any, that your Excellency's Government has provided to the Standard Bank of South Africa Limited on how to respect human rights throughout its operations in line with international law and standards, including international environmental law and the UN Guiding Principles. Measures to be implemented include, inter alia, guaranteeing effective access to information, public participation and access to justice, conducting human rights due diligence, consulting meaningfully potentially affected stakeholders, and remediating any negative impacts.
4. Please indicate what measures your Excellency's Government has taken, or is considering taking, to exert pressure to ensure that victims of business-related human rights abuses and human rights defenders which have been affected by the operations of business enterprises domiciled in South Africa have access to an effective remedy through judicial or non-judicial State-based mechanisms, in line with the UNGPs.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to exert influence on business enterprises based in South Africa for stopping the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please note that a letter expressing similar concerns was sent to the Governments of Uganda, China, Egypt, France, UK and Tanzania, as well as to the business enterprises EACOP Tanzania, EACOP Uganda, Uganda National Oil Company, Total Energies EP Uganda, Total Energies, China National Offshore Oil Corporation, Tanzania Petroleum Development Corporation, African Export-Import Bank, The Standard Bank of South Africa Limited, Stanbic Bank Uganda Limited, KCB Bank Uganda Ltd, The Islamic Corporation for the Development of the Private Sector and the Islamic Development Bank.

Please accept, Excellency, the assurances of our highest consideration.

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management and disposal of hazardous substances and wastes

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Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw your attention to the relevant international norms and standards that apply to the issues raised by the situation above.

We wish to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right, noting that guaranteeing a “safe climate” constitutes one of the substantive elements of this right.

Furthermore, we would also like to bring to the attention of your Excellency’s Government the Framework Principles on Human Rights and the Environment as detailed in the 2018 report of the Special Rapporteur on human rights and the environment (A/HRC/37/59). The Principles state that States should ensure a safe, clean, healthy and sustainable environment in order to respect, protect and fulfil human rights (principle 1); States should respect, protect and fulfil human rights in order to ensure a safe, clean, healthy and sustainable environment (principle 2); and States should ensure the effective enforcement of their environmental standards against public and private actors (principle 12). Principle 4 provides, specifically, that “States should provide a safe and enabling environment in which individuals, groups, and organs of society that work on human rights or environmental issues can operate free from threats, harassment, intimidation, and violence.” Accordingly, “the requirements for such an environment include that States: adopt and implement laws that protect human rights defenders in accordance with international human rights standards; publicly recognize the contributions of human rights defenders to society and ensure that their work is not criminalized or stigmatized; develop, in consultation with human rights defenders, effective programmes for protection and early warning; provide appropriate training for security and law enforcement officials; ensure the prompt and impartial investigation of threats and violations and the prosecution of alleged perpetrators; and provide for effective remedies for violations, including appropriate compensation (see also A/71/281, A/66/203 and A/HRC/25/55, paras. 54–133).”

In her latest thematic report (A/HRC/58/59), the Special Rapporteur on the Human Right to a Clean, Healthy and Sustainable Environment has acknowledged that businesses have a responsibility to address and disclose their climate impacts transparently while ensuring compliance with human rights standards. They are also required to evaluate and report emissions (scope 1, scope 2 and scope 3) across their operations and assess the sustainability of their activities. Extractive industries must incorporate human rights considerations into their energy transition programmes and all other initiatives, ensuring respect for ecosystems and communities’ rights. She also underscored that in cases of business-related human rights abuses, States have an obligation to ensure access to justice and effective remedies to victims through independent grievance mechanisms, including, for example, legislation to counter undue corporate influence and install mechanisms to protect environmental defenders so that they can enjoy a safe environment and keep performing their role. In general, breaches of the obligations to respect, protect and fulfill the right to a clean, healthy and sustainable environment give rise to the application of human rights obligations beyond

a State's territory when the source of harm is under its control.

We would also like to recall to your Excellency's Government that the Declaration on the Right to Development 1986 envisages "active, free and meaningful" participation of people in decision making. Article 2(3) of the declaration provides: "States have the right and the duty to formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals, on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting therefrom." Moreover, the Special Rapporteur on the right to development in his thematic report on "climate justice: loss and damage" (A/79/168) highlighted that: "Individuals and communities should be able to participate in all climate action decisions. The participation should be active, free and meaningful. Such participation requires access to reliable and accessible information as well as adequate civic space and no intimidation of environmental human rights defenders. The participation of children, youth, women, peasants and Indigenous Peoples, who are a source of innovative solutions and a repository of traditional knowledge, as agents of change should be especially ensured. Participation processes should embed an intersectional approach and pay special attention to ensure the representation of marginalized or vulnerable individuals and communities."

We would also like to draw attention to the United Nations Guiding Principles on Business and Human Rights (A/HRC/17/31). The guiding principles affirm the international legal obligations applicable to the State: "States must protect against human rights violations committed within their territory and/or jurisdiction by third parties, including business" (guiding principle 1). This requires States to "clearly state that all companies domiciled in their territory and/or jurisdiction are expected to respect human rights in all their activities" (guiding principle 2). "In compliance with their obligation to protect, States must: (b) Ensure that other laws and regulations governing the creation and activities of companies, such as commercial law, do not restrict but rather encourage respect for human rights by companies; (d) Encourage and if necessary require companies to explain how they take into account the impact of their activities on human rights (guiding principle 3). States should also take appropriate measures to ensure, through appropriate judicial, administrative, legislative or other appropriate channels, that when such abuses occur in their territory and/or jurisdiction, those affected have access to effective redress mechanisms" (principle 25). The guiding principles also emphasize that "States must ensure [...] that no obstacles are placed in the way of legitimate and peaceful activities of human rights defenders" (commentary on guiding principle 26).

The obligation to protect, respect, and fulfil human rights, recognized under treaty and customary law entails a duty on the part of the State not only to refrain from violating human rights, but to exercise due diligence to prevent and protect individuals from abuse committed by non-State actors (see for example Human Rights Committee, general comment No. 31 para. 8).

Businesses also have a responsibility to respect human rights, which requires them to have appropriate policies and procedures in place; such as a human rights due diligence process to identify, prevent, mitigate, and account for how they address their human rights impact; and processes to redress all negative human rights consequences they have caused or contributed to causing (principles 11-24).

The Guiding Principles also recognise the important and valuable role played by independent civil society organisations and human rights defenders. In particular, principle 18 underlines the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts. The Commentary to principle 26 underlines how States, in order to ensure access to remedy, should make sure that the legitimate activities of human rights defenders are not obstructed.

The duty to respect and ensure the rights entails negative and positive obligations. First, the State must “adopt legislative, judicial, administrative, educative and other appropriate measures in order to fulfil their legal obligations” (CCPR/C/21/Rev.1/Add.13 para. 7). Furthermore, there “may be circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States Parties of those rights, as a result of States Parties’ permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities (see *id.* para. 8). As generally affirmed by the Human Rights Committee in its interpretation of article 2 in general comment No. 6, the State must take appropriate measures to protect individuals against abuse by foreign corporations operating within their territory or jurisdiction. Likewise, it must take appropriate measures to ensure that activities taken by corporate entities based in their territory but having effects outside their territory or jurisdiction are consistent with human rights law (CCPR/C/GC/36 para. 26).

We would like to refer your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

We would also like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We would like to highlight articles 19, 21 and 22 of the International Covenant on Civil and Political Rights, which guarantee the right of every individual to freedoms of expression, peaceful assembly and association, respectively. We remind that these obligations, as interpreted by the Human Rights Committee in its general comment No. 34, imply not only the direct respect by all State authorities for these freedoms, but also protection against acts by private persons or entities that obstruct their enjoyment. We recall that States have a duty to put in place effective measures of protection against attacks aimed at silencing those who exercise their right to freedom of expression (CCPR/C/GC/34, para. 23).

We would also like to refer to articles 11, 12 and 15 of the International Covenant on Economic, Social and Cultural Rights. In this regard, the Committee on Economic, Social and Cultural Rights (CESCR) adopted general comment No. 14, which general comment describes the normative content of article 12 of ICESCR and the legal obligations undertaken by the States parties to the Covenant to respect, protect and fulfil the right to health. The Committee stated that the right to health “embraces a wide range of socioeconomic factors that promote conditions in which people can lead a healthy life, and extends to the underlying determinants of health, such as [...] a healthy environment” (para. 4). It interprets the right to health as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe drinking water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information (para. 11). According to general comment 14 of the CESCR, States must protect the right to health of its population by taking measures to prevent pollution caused by businesses (para. 35 and 51). States must also take all measures to ensure that the activities of the enterprises present on their territory are in compliance with the right to healthy food and its access (para. 15 and 27). The Committee has determined on numerous occasions that any person whose rights to health and to food have been violated by the State or by a company have the right to an effective remedy and to adequate reparation (general comment No. 14 para. 59; general comment No. 12 para. 32; general comment No. 24 para. 14, 15 and 38-57).

Furthermore, the Covenant guarantees the rights of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to take part in cultural life, respectively. In its general comment 21, the Committee on Economic, Social and Cultural Rights stressed the right of everyone to contribute to the development of the community to which a person belongs, and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person’s cultural rights. Accordingly, every person, without discrimination, has a right to contribute in shaping culture and the society they live in, and “to be involved in creating the spiritual, material, intellectual and emotional expressions of the community” (E/C.12/GC/21, para. 15c).

We also recall the explicit recognition of the human rights to safe drinking water by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR. In its general comment No. 15, the Committee on Economic, Social and Cultural Rights clarified that the human right to water means that everyone is entitled to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

With regard to the protection of the human rights of climate activists as environmental human rights defenders, the Special Rapporteur on the rights to freedom of peaceful assembly and of association called on States to: adopt all necessary measures to ensure that climate defenders meaningfully participate in all just-transition policy development and implementation at all levels of decision-making; conduct thorough, prompt, effective and impartial investigations into killings and violence against civil society actors; ensure that perpetrators are brought to justice; and refrain

from issuing official and unofficial statements stigmatizing climate defenders. The Special Rapporteur on climate change and human rights has called on States to: protect climate activists as environmental human rights defenders; urgently develop, in coordination with civil society, positive narratives on the contributions of environmental human rights defenders to the protection of human rights in the context of climate change; gather and share information on threats of violence or attacks against environmental human rights defenders and available protection measures and challenges faced in accessing justice, including for children. She also underscored that intimidation or harassment of environmental human rights defenders by public administration bodies, business and other actors can have a deterrent effect on requesting information, which undermines the contribution of climate and environmental human rights defenders to the protection of everyone's human right to a healthy environment, including a safe climate.

With regard to access to information, the Special Rapporteur on climate change and human rights highlighted in A/ 79/176 (para. 74 (a)) that “States should regularly collect, disseminate and increasingly improve quality, trustworthy and evidence-based information on the causes and consequences of climate change, including emission levels and high-emitting activities from both State and non-State actors, as well as future climate change projections based on different greenhouse gas emission trajectories and transparent models, and detailed weather, climate and disaster patterns.”

Furthermore, principle 8 of the Framework Principles on human rights and the environment of the Special Rapporteur on human rights and the environment (A/HRC/37/59, annex), reaffirms that, to avoid undertaking or authorizing actions with environmental impacts that interfere with the full enjoyment of human rights, States should require the prior assessment of the possible environmental impacts of proposed projects and policies, including their potential effects on the enjoyment of human rights. The assessment requires meaningful participation of the public, done in a manner that does not discriminate anyone. Principle 14 requires States to ensure that they take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks, and capacities.

In addition, we recall that the Committee on the Rights of the Child, in its general comment No. 26 (2023), emphasized that to protect children's right to a healthy environment, which is implicit in the Convention on the Rights of the Child, States must take immediate action to equitably phase out the use of coal, oil and gas; and States that have substantial fossil fuel industries should assess the social and economic impact on children of their related decisions. The Committee also indicated that the provisions of the Convention on the Rights of the Child entail extraterritorial obligations. This is particularly significant as several Special Rapporteurs have pointed out the tremendous negative impacts on human rights of fossil fuels throughout their life cycle, from exploration and extraction to combustion and contamination, noting that fossil fuels exploitation affects the rights to life, health, food, water and sanitation, education, an adequate standard of living, cultural rights, and a clean, healthy and sustainable environment. In this connection, it also bears to remind that the UN Committee on Economic, Social and Cultural Rights indicated that “the extraterritorial obligation to respect requires States Parties to refrain from directly or indirectly interfering with the

enjoyment of the rights enshrined in the Covenant by individuals located outside their territory”.

We further recall that under the Convention on Biological Diversity, States have obligations to introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biodiversity with a view to avoiding or minimizing such effects and allow for public participation in such procedures (art. 14). CBD Parties committed to: include approaches to conserve, enhance and sustainably use biodiversity and ecosystem functions and services in upstream decisions on investments in the energy sector, through strategic environmental assessments and integrated spatial planning, including the evaluation of alternatives to such investments; apply best practices on environmental impact assessments; review and, as appropriate, update legal frameworks, policies and practices to promote the mainstreaming of biodiversity in the energy sector, including through safeguard, monitoring and oversight measures; and promote the full and effective participation of Indigenous peoples and local communities, academia, women, and youth, through consultations with Indigenous peoples and local communities with a view to obtaining free, prior and informed consent, consistent with international agreements (decision XIV/3, 2018).

We furthermore wish to recall the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (A/HRC/4/18, annex 1) which specify that evictions can only take place in “exceptional circumstances”; that they must be authorized by law, and ensure full and fair compensation and rehabilitation. The guidelines indicate that States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land; and should take specific preventive measures to avoid and/or eliminate underlying causes of forced evictions.

We further wish to draw your attention to the Guiding Principles on Internal Displacement. All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons (principle 5). Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence, including in cases of large-scale development projects, which are not justified by compelling or overriding public interests. (principle 6). Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects (principle 7(1)). The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated (principle 7(2)).

If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with: (a) a specific decision shall be taken by a State authority empowered by law to order such

measures; (b) adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation; (c) the free and informed consent of those to be displaced shall be sought; (d) the authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation; (e) law enforcement measures, where required, shall be carried out by competent legal authorities; and (f) the right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected (principle 7(3)). Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty, and security of those affected (principle 8). States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands (principle 8). Every human being has the right to dignity and physical, mental, and moral integrity, and shall be protected in particular against inter alia rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution, and any form of indecent violence, acts of violence intended to spread terror among internally displaced persons, and threats and incitement to commit any of the foregoing acts shall be prohibited (principle 11). All internally displaced persons have the right to an adequate standard of living, which at a minimum should include essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation (principle 18).

The principles on housing and property restitution for refugees and displaced persons (E/CN.4/Sub.2/2005/17) prohibits the “forced eviction, demolition of houses and destruction of agricultural areas and the arbitrary confiscation or expropriation of land as a punitive measure or as a means or method of war” (principle 5), and provides that States must prioritize the right to restitution as the preferred remedy for displaced persons and as a key element of restorative justice (principle 2).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.