

Mandates of the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right to development; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; 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 the rights of Indigenous Peoples; the Working Group on the rights of peasants and other people working in rural areas and the Special Rapporteur on the human rights to safe drinking water and sanitation

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(Please use this reference in your reply)

2 September 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of human rights in the context of climate change; Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur in the field of cultural rights; Special Rapporteur on the right to development; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on the rights of Indigenous Peoples; Working Group on the rights of peasants and other people working in rural areas and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 57/31, 53/3, 55/5, 51/7, 55/2, 51/21, 51/16, 54/9 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **proposed infrastructure projects aimed at the transportation, storage and processing of liquified natural gas (LNG) in the Gulf of California in Mexico, by numerous businesses enterprises including Mexico Pacific Limited, Epsilon LNG LLC U.S.A. and Sempra Infrastructure (headquartered in the United States of America), GNL Cosalá S. A. DE C. V (headquartered in Mexico), and LNG Alliance Pte Ltd Singapore (headquartered in Singapore), with potential negative impacts on a wide range of human rights in the context of climate change. These projects would also put the ecosystems of the Gulf at risk and appear to go against the goals, obligations and commitments under the Paris Agreement, contributing to the expansion of LNG exploitation.**

According to the information received:

Background

The Gulf of California, located in the northwest of Mexico, is home to 11 million people, including Indigenous Peoples and peasant communities. The Gulf is known for its rich biodiversity and it provides livelihood for a significant part of the coastal population, sustaining activities such as fishing, aquaculture and tourism. The zone embraces rich ecosystems and is inhabited by endemic and endangered species. It includes 12 protected natural areas, 33 Ramsar sites

and a site composed of 244 islands, islets and coastal areas which has been recognized as Natural World Heritage by UNESCO in 2005.

Given its strategic position on the coast of the Pacific Ocean, foreign investments related to the export of liquified natural gas have progressively targeted this region. More specifically, five energy companies, Mexico Pacific Limited, Epsilon LNG LLC U.S.A. and Semptra Infrastructure, headquartered in the United States of America, GNL Cosalá S. A. DE C. V, headquartered in Mexico, and LNG Alliance Pte Ltd Singapore, headquartered in Singapore have advanced LNG terminals projects which are intended to manage the import and the export of liquified natural gas to amplify their trade routes with Asia and incorporate the transportation and export of gas planned for extraction in the United States. The four terminals are known as “Sonora”, “AMIGO”, “Vista Pacifico” and “Cosalá” terminals and are related to two pipelines projects, namely “Gasoducto Corredor Norte” and “Gasoducto Sierra Madre”. Should these projects be implemented and the four LNG terminals be constructed, Mexico would become the fourth major exporting country of liquefied natural gas in the world.

Construction projects of liquified natural gas terminals

Sonora terminal and “Gasoducto Sierra Madre”

The United States of America-based company Mexico Pacific Limited has advanced a project to build “Sonora” LNG terminal (also known as Saguaro Energía project) in Puerto Libertad, a town located in the municipality of Pitiquito, in the Mexican state of Sonora. Such infrastructure is intended to have the capacity to liquify 28.2 million tons of gas per year. Moreover, the same company plans to install an 800 kilometers pipeline “Gasoducto Sierra Madre”, that would go through 16 municipalities in the states of Chihuahua and Sonora.

In 2006, the Secretariat of Environment and Natural Resources (SEMARNAT) granted an environmental license for the construction of a regasification plant after having positively assessed the environmental impact Statement (MIA for its acronym in Spanish) of the project. During the environmental impact assessment process, a public consultation was held in this context, following a request in this regard. However, on 25 July 2018, based on the authorization already granted, Mexico Pacific Limited requested the Security, Energy and Environment agency (ASEA), decentralized administrative body of SEMARNAT, to reconvert the initial project of construction of the regasification plant into the aforementioned project of construction of the liquefaction plant of “Sonora”. On 9 August 2019, ASEA authorized the modification of the project, without providing for a new environmental impact statement with respect to the new liquefaction plant “Sonora” infrastructure.

Although the two projects featured significant differences in terms of the nature and the dimensions of the operations that would be carried out, and the composition of the toxic substances released and the degree of risk of explosions, ASEA have authorized such reconversion without any additional environmental impact assessment, ignoring the duty to preemptively examine

the environmental consequences of any construction project taking place within its territory. Moreover, the exact location and the maps of the infrastructure site have not been released to the public yet. Further works related to Sonora terminal have been submitted to ASEA for approval under the environmental impact assessment procedure, including the construction and operation of a sub-branch of the Puerto Libertad branch of the Sásabe-Guaymas gas pipeline, which will supply natural gas to the Sonora LNG Terminal. An environmental impact assessment statement was also submitted to ASEA related to the “Gasoducto Sierra Madre” on 23 February 2023. A public consultation on this project was authorized by ASEA, following a specific request in this regard, on 17 March 2023. There is no information confirming that the consultation took place.

AMIGO terminal

The United States of America-based and Singapore-based companies Epsilon LNG LLC USA and LNG Alliance Pte Ltd Singapore have presented a project to the Mexican Government to establish the LNG terminal “American Mexican Integrated Gas Operations” (“AMIGO”) in the municipality of Guaymas, in the Mexican state of Sonora, intended to export 4.2 million tons of product per annum. The infrastructure site of the project covers 60 hectares, and it entails maritime installations in deep waters to guarantee the berthing of ships carrying liquified natural gas up to a volume of 265 cubic meters. The exact location and the maps of the infrastructure site have not been revealed to the public yet.

Vista Pacifico terminal and “Gasoducto Corredor Norte”

The United States of America-based company Semptra Infrastructure has advanced the project for the construction of the LNG terminal “Vista Pacífico”, with a potential capacity of liquifying 5 million tons of gas per annum. The project also includes a floating unity of liquified natural gas, berthed to the platform “Jetty” in the port of Topolobampo, in the Mexican state of Sinaloa. The infrastructure site of the project covers 74 hectares. This project is currently being reviewed by ASEA, under the environmental impact assessment procedure as per Mexican law, following the submission of an environmental impact assessment statement to ASEA on 23 September 2024. A request for public consultation has been put forward in this context.

Semptra Infrastructure also intends to install a 75-kilometer-long pipeline, “Gasoducto Corredor Norte”, passing through the towns of Ahome and El Fuerte, in Sinaloa and running 5 kilometers further under the ocean. Such infrastructure is planned to transport 255,000 million tons of gas per year. This pipeline would be directly connected to the maritime platform “Jetty”. This project is currently undergoing review of the environmental impact assessment by ASEA, following the submission of an environmental impact assessment statement on 23 September 2024. The exact location and the maps regarding the infrastructure site have not been revealed to the public yet.

Terminal Cosalá

The Mexico-based company GNL Cosalá S.A. de C.V. has advanced a project of construction of the LNG terminal “Cosalá”, extending for 35.8 hectares in the municipality of Mazatlán, in the Mexican state of Sinaloa. The infrastructure operations would consist of two phases: initially, the gas would be liquified through a cooling system based on the utilization of propane; secondly, the condensed gas would be stored in four tanks with a volume capacity of 200 cubic metres each, for a total of 800 cubic metres. This project is currently undergoing review of the environmental impact assessment, following the submission of an environmental impact assessment statement to ASEA on 18 September 2024. A request for public consultation has been put forward for this project. The exact location and the maps of the infrastructure site have not been revealed to the public yet.

Incomplete environmental impact statements

Mexico’s General Law on ecological balance and environmental protection (Ley General del Equilibrio Ecológico y la Protección al Ambiente) provides the legal framework for environmental impact assessments. For specific projects, including those related to gas pipelines, the law stipulates that environmental impact statements must be submitted to the Secretariat on Environment and Natural Resources for authorization by the applicants and that such statements should include “a description of the possible effects on the ecosystem(s) that could be affected by the work or activity in question, considering all the elements that could be affected (...)”. Following the impact assessment process, the competent authority, now the Agency for Safety, Energy and the Environment (ASEA), can either fully authorize, conditionally authorize (with modifications to mitigate certain impacts for instance) or deny projects.

According to the information received, the environmental impact statements provided by the above-mentioned companies feature incomplete and inaccurate information. For instance, the environmental impact statement provided by Sempra Infrastructure did not include parameters on the quality of air. In addition, the measurement samples to assess the quality of air were conducted only in one day (7 September 2024), so that the results obtained are not able to reckon in the variability of the weather conditions in the long run.

In general, all the environmental impact statements fail to identify the cumulative impacts of the combined interaction of the projects discussed above, as their geographical proximity would demand, along with the importance of the zones and existing ecosystems. It should also be noted that, according to the information received, no strategic environmental impact assessment related to the full scale of LNG exploitation in the Gulf of California has been carried out, despite potential adverse human rights impacts and the specificity and importance of the region from an environmental, ecosystemic and socio-economic perspective.

Adverse implications for the climate and ecosystems

The LNG industry is responsible for the emissions of approximately 2.3 gigatons of CO₂ per year on the global scale. For instance, with respect to one of the projects discussed, the emissions resulting from the Phase 1 and 2 of the project “Vista Pacífico” would amount to 776.653 tons of CO₂ per year, while the emissions of Phase 3 alone would reach the 13,89 million metric tons of CO₂ per year. Additionally, the production chain of LNG leads also to large emissions of methane, a greenhouse gas whose contribution to the increase of the average global temperature is estimated to be 80 times higher than CO₂. By way of example, the process of unloading LNG tankers can result in a quantity of leaked methane emissions shifting between 24 and 40 kilograms per hour. These figures highlight the negative consequences of these activities on the quality of air of the affected regions, as well as the harm to the environment and human rights in the context of climate change. Additionally, such emissions could increase Mexico's total greenhouse gas emissions and jeopardize compliance with the state's commitment to reducing climate emissions, including methane.

On the other hand, the gas liquefaction plants deploy huge quantities of water to lower the temperature of the gas and condense it in its liquid form. During this process, the utilized water is mixed with dangerous chemical substances that will eventually be released into the ocean. Furthermore, the discharge of ballast and bilge water from the LNG carriers severely affects the quality of water and the bacteria, algae, plants and animals living in the marine environment. Given the migratory nature of fish, such consequences may extend beyond the territorial borders of Mexico. Furthermore, according to the information received there is a lack of proper infrastructure, which would be capable of limiting and mitigating the dire consequences stemming from potential accidents and disasters, such as thermal shocks and explosions as a result of sinkholes and spills.

Additionally, the implementation of these projects could affect cetaceans' survival is closely intertwined with their echolocation, socialization and their ability to hunt. A body of scientific literature has demonstrated that excessive noise produced by human activities in the proximity of marine environments can disrupt cetaceans' food habits, communication methods and migration patterns, leading to a long-term alteration of the composition of the ocean ecosystem, with further potential impacts on human rights including the human right to a clean, healthy and sustainable environment.

Adverse implications on human rights

The alteration of the marine ecosystem and the pollution of ocean waters in the Gulf of California can adversely impact the livelihoods of entire communities who depend on fishery and have further negative consequences on human rights including the right to a clean, healthy and sustainable environment, health, and adequate standard of living, food, development and cultural rights. Amongst such communities, it is worth recalling that Indigenous Peoples and peasant communities living in the Gulf of California rely on fishery as an essential

economic activity and as a deep-rooted ancestral practice, further impacting those who may already find themselves in conditions of vulnerability or marginalization including due to poverty or discrimination. In addition, specific groups including children could be at risk of bearing the brunt of the negative impacts, noting also that the long-term character of the consequences of pollution on the environment and on the ecosystem entails adverse impacts on future generations.

Moreover, according to the information received, the exact geographical location of the infrastructure of all the projects discussed above has not been revealed to the public, impeding the realization of the right to access information and to meaningful and active participation in the decision-making procedures concerning measures directly affecting them and the territories where they live.

Without prejudging the accuracy of these allegations, we would like to express our serious concerns regarding the adverse impacts on human rights caused by activities such as the exploitation of fossil fuels, including LNG, which contribute to climate change, biodiversity loss and pollution, and negatively impacts the enjoyment of human rights. The burning of fossil fuels constitutes one of the human activities that has the largest impact on the Earth's climate. In this context, we remain very concerned by the impact of fossil fuels exploitation in general, and these projects in particular, on greenhouse gas emissions, contributing to the current climate, biodiversity and pollution crises. The massive expansion of the infrastructure related to the extraction and transformation of gases are against the commitments under the Paris Agreement, as the intensification of the activities of exploitation of fossil fuels, including natural gas, is incompatible with the overarching goal to hold the increase in the global average temperature to below 2°C above pre-industrial levels and to limit the temperature increase to 1.5°C above pre-industrial levels. It also does not appear to be in line with UNFCCC and of COP 28 agreement to "transition away from fossil fuels". In addition, all States have a duty to protect against human rights abuses by business within their territory and/or jurisdiction, including with respect to climate change. In this connection, States must exercise human rights due diligence in the application of necessary regulations and measures to mitigate the potential impact of businesses on climate change, including preventing private actors' increased contributions to greenhouse gas emissions.

We are therefore also deeply alarmed about projected greenhouse gas emissions, toxic pollution, disruption of ecosystems and other environmental damage that may be related with LNG industry in the territory of the Gulf of California, as well as the adverse impacts these operations may have on human rights, including the rights to food, to health and to a clean, healthy and sustainable environment, development and cultural rights of those living in the region, and specific groups, in particular Indigenous Peoples, peasants, small-scale fishers and local communities. Furthermore, we are also particularly concerned about the potential adverse human rights impacts being further exacerbated by the effects of climate change.

We are also concerned about allegations related to the failure to conduct the environmental (and human rights) impact assessments on the implementation of some of the projects based on the best available scientific evidence and methodologies. In addition, we are particularly worried by allegations regarding the lack of access to

information on the projects concerned and the alleged persisting failure to ensure effective engagement with and participation of those potentially affected by the projects including Indigenous Peoples and local peasant communities regarding the conception and the implementation of the projects. We wish to appeal to your Excellency's Government to take all necessary steps to secure the right to information, which is an enabler of rights to meaningful participation, free prior informed consent, among many others.

With respect to the potential impact of these projects on the human rights of the Indigenous Peoples living in the Gulf of California, including due to potential impacts on their territories and ancestral practices, we would like to recall the obligation of States to consult and obtain free prior and informed consent to authorise projects on the ancestral territories of Indigenous Peoples. Such obligation is supported by the carrying out of environmental and human rights impact assessments, carried out in an independent and objective manner, with access to information and participation of Indigenous Peoples, and fair and equitable benefit-sharing. In addition, the State has an obligation to provide effective mechanisms for fair and equitable redress for damage caused by activities carried out without the free, prior and informed consent of the Indigenous Peoples, as well as the obligation to adopt adequate measures to mitigate the harmful environmental, economic, social, cultural or spiritual consequences brought about.

With regard to the responsibility of the home States of business enterprises involved in the above mentioned projects, the UNGPs expressly indicate that States must ensure that business enterprises respect human rights throughout their operations and that in meeting their duty to protect, States: (a) Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically to assess the adequacy of such laws and address any gaps; (b) Ensure that other laws and policies governing the creation and ongoing operation of business enterprises, such as corporate law, do not constrain but enable business respect for human rights; (c) Provide effective guidance to business enterprises on how to respect human rights throughout their operations; (d) Encourage, and where appropriate require, business enterprises to communicate how they address their human rights impacts. The UNGPs also state that States and business enterprises must provide for access to remedy for affected individuals and communities. The responsibility of these States also arises as a result of a failure to exercise reasonable human rights due diligence over the relevant extraterritorial activities of the [...] corporations (see e.g., HRC, *Basem Ahmed Issa Yassin v Canada*, para. 6.5. ff.; CESCR, GC 24 2017, para. 15-16, 30-32).

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 the steps taken to ensure that Your Excellency's Government encourages business respect for human rights in line with the UN Guiding Principles on Business and Human Rights, including by requiring businesses to conduct human rights due diligence. Specifically, please provide information on any steps to ensure that human rights due diligence by businesses addresses how to prevent, mitigate and remediate the adverse climate change-related and other human rights impacts, including the right to health, that business may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships, and how it takes into account populations that face disproportionate impacts related to business activities, including Indigenous Peoples.
3. Please provide information on steps taken by Your Excellency's Government to encourage businesses to establish and/or participate in operational-level grievance mechanisms, in line with the UN Guiding Principles, to effectively address the adverse climate change-related and other human rights impacts caused by and/or contributed to by business through their operations.
4. Please provide information on the measures that your Excellency's Government is taking or considering taking to ensure that persons affected by activities occurring outside your territory by business enterprises domiciled in your jurisdiction have access to remedy in your country, through State judicial or extra-judicial mechanisms, in line with the UNGPs.
5. Please provide information on steps taken by Your Excellency's Government to observe its obligations arising from the United Nations Declaration on the Rights of Peasants and other persons working in Rural Areas (UNDROP).

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.

Please be informed that a letter on this subject matter has been also sent to those business enterprises that are involved in the above mentioned projects including Mexico Pacific Limited, LNG Alliance, Pte Ltd Singapore, Epsilon LNG LLC USA, Sempra Infrastructure, GNL Cosalá S. A. DE C. V., as well as to the home-States of all involved companies including Mexico and Singapore.

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

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climate change

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Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards.

The Universal Declaration of Human Rights (UDHR) proclaims that every organ of society shall strive to promote respect for human rights and fundamental freedoms and to secure their universal and effective recognition and observance. As highlighted by the Human Rights Committee in general comment No. 36, duty to protect life also implies that States parties should take appropriate measures to address the general conditions in society that may give rise to direct threats to life or prevent individuals from enjoying their right to life with dignity, including degradation of the environment (para. 26). Implementation of the obligation to respect and ensure the right to life, and in particular life with dignity, depends, *inter alia*, on measures taken by States parties to preserve the environment and protect it against harm, pollution and climate change caused by public and private actors (para. 62). We would like to highlight that article 25 of the UDHR recognizes the right of everyone to a standard of living adequate for the health and well-being of themselves and of their family, which is read in terms of the individual's potential, the social and the environmental conditions affecting the health of the individual and in terms of health services.

In this regard, article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) enshrines the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. General comment No. 14 describes the normative content of ICESCR article 12 and the legal obligations undertaken by the States parties to respect, protect and fulfil the right to physical and mental health. In paragraph 11 of general comment No. 14, the Committee on Economic, Social and Cultural Rights (CESCR) 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 and potable 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".

Article 11(1) of the ICESCR recognizes the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing, and housing, and to the continuous improvement of living conditions. article 11(2) provides "the fundamental right to freedom from hunger and malnutrition", which is of immediate application. Article 11(1) of the ICESCR further requires States to "take appropriate steps to ensure the realization of this right". The CESCR stressed in its general comment No. 12 that the concept of food adequacy shall be determined by "prevailing social, economic, cultural, climatic, ecological and other conditions" (para. 7). In the same General Comment, the CESCR stressed that the core content of the right to adequate food implies, *inter alia*, both economic and physical accessibility of food (para. 7). The Committee considers that the core content of the right to adequate food implies, *inter alia*, availability of food which refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-

functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand. The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that private actors do not deprive individuals of their access to adequate food. The obligation to fulfil requires the State to proactively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. We would like to remind that, as recalled by the Food and Agriculture Organization (FAO) Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication, pollution and degradation of water environments pose serious threats to small-scale fishing communities, impeding the secure and sustainable use of the fishery resources which they depend on, hindering thus the realization of their right to food. The FAO Voluntary Guidelines recommends States and other relevant parties to take steps to address issues such as pollution, coastal erosion and destruction of coastal habitats due to human-induced non-fisheries-related factors.

Moreover, as recalled by the International Tribunal on the Law of the Sea in its advisory opinion No. 31 of 21 May 2024, greenhouse gas emissions are a form of marine pollution, and States have strict diligence obligations to: take all necessary measures to prevent future or potential pollution from those emissions, as well as to reduce and control existing pollution from such emissions from any source (land-based, vessels and aircraft), and to protect marine biodiversity and restore ecosystems, which promote the resilience of living marine resources while enhancing carbon sequestration. The International Tribunal for the Law of the Sea also indicated in its advisory opinion that States have obligations to: (a) observe, measure, evaluate and analyse the risks or effects of pollution of the marine environment from anthropogenic greenhouse gas emissions; (b) keep under continuing surveillance the effects of activities they have permitted, or in which they are engaged, in order to determine whether such activities are likely to pollute the marine environment through anthropogenic greenhouse gas emissions; (c) publish the results obtained from monitoring the risks or effects of pollution from anthropogenic greenhouse gas emissions or communicate them to the competent international organizations for their dissemination; and (d) conduct environmental impact assessments. These obligations under the law of the sea have been recognised as preconditions for the protection of human rights in the context of climate change by the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change (A/HRC/56/46; A/79/176).

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. Furthermore, the UN General Assembly (resolution 70/169) and the Human Rights Council (resolution 33/10) recognized that water and sanitation are two distinct but interrelated human rights. In particular, we recall explicit recognition that “the human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of

life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity, while reaffirming that both rights are components of the right to an adequate standard of living”.

We wish to call the attention of your Excellency’s Government to article 25 of the ICCPR which guarantees the right and the opportunity of every citizen to take part in the conduct of public affairs, and article 15 of the ICESCR on the right of everyone to take part in cultural life, which includes the right to contribute to decision-making processes that have an impact on one’s cultural life. The HRC in general comment No. 25 stipulates that citizens may participate directly by taking part in popular assemblies which have the power to make decisions about local issues or about the affairs of a particular community and in bodies established to represent citizens in consultation with government (para. 6), and that they may also exert influence through public debate and dialogue with their representatives or through their capacity to organize themselves (para. 8). The right to participate in public affairs is further expounded in A/HRC/39/28: “Meaningful participation requires a long-time commitment by public authorities, together with their genuine political will, an emphasis on agency and a shift in mindset regarding the way of doing things... Laws, policies and institutional arrangements should ensure the equal participation of individuals and groups in the design, implementation and evaluation of any law, regulation, policy, programme or strategy affecting them (para. 19(c)). The right to participate in public affairs should be recognized as a continuum that requires open and honest interaction between public authorities and all members of society, including those most at risk of being marginalized or discriminated against, and should be facilitated continuously (para. 19(h)).

In its general comment 21, the Committee on Economic, Social and Cultural Rights stressed the right to take part in 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 (para. 15.c). In her report to the General Assembly, the Special Rapporteur in the field of cultural rights highlighted that in many cases, “development” policies and strategies reflecting dominant cultural viewpoints or those of the most powerful sectors of society, with historic ties to colonialism and domination, are designed and implemented to the detriment of the most vulnerable in a manner that impedes the future sustainable development and survival of these persons and communities and probably, in the longer term, of humanity. She stressed that people and peoples must be the primary beneficiaries of development processes and recommended that States, international organizations and other stakeholders ensure that sustainable development processes

- fully respect and integrate the participation rights and the right of affected people and communities to free, prior and informed consent;
- are self-determined and community led;
- are preceded by human rights impact assessments to avoid any negative impacts on human rights, including impact assessments on cultural rights; any impact assessment failing to address living heritage or the cultural significance of affected natural resources, or conducted without the free, prior and informed consent, consultation and active

participation of the persons and communities affected directly or indirectly, should be rejected as insufficient and incomplete;

- recognize that indigenous peoples must give their free, prior and informed consent before any project that affects them is implemented (A/77/290, paras. 97-98).

We would like to refer your Excellency's Government to the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). The UNDRIP sets out international human rights standards relating to Indigenous Peoples' rights. Article 32 affirms that Indigenous Peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and resources and that "States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources". Furthermore, article 28 of the UNDRIP states that Indigenous Peoples have the right to just, fair and equitable compensation for the lands, territories and resources which they have traditionally owned, occupied or used and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. UNDRIP additionally underlines that States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

ILO Convention No. 169 states that the peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social, and cultural development (article 7). In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly. Article 15 of ILO Convention No. 169 refers to the right to participate in the use, management and conservation of natural resources pertaining to Indigenous and tribal peoples' lands, encompassing a right to participate in the benefits arising from these activities and to receive fair compensation for any damages which they may sustain as a result of such activities.

The Working Group on the rights of peasants and other persons working in rural areas recalls that article 5(2) of the United Nations Declaration on the Rights of Peasants and Other Persons Working in Rural Areas (UNDROP) requires that States take measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to:

- (a) A duly conducted social and environmental impact assessment;
- (b) Consultations in good faith, in accordance with article 2 (3) of the present Declaration; and

- (c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people working in rural areas.

Further, article 18 gives peasants and other people working in rural areas have the right to the conservation and protection of the environment and the productive capacity of their lands, and of the resources that they use and manage.

This article further requires States to take appropriate measures to ensure that peasants and other people working in rural areas enjoy, without discrimination, a safe, clean and healthy environment; and to comply with their respective international obligations to combat climate change. Peasants and other people working in rural areas have the right to contribute to the design and implementation of national and local climate change adaptation and mitigation policies, including through the use of practices and traditional knowledge.

States shall also take effective measures to ensure that no hazardous material, substance or waste is stored or disposed of on the land of peasants and other people working in rural areas, and shall cooperate to address the threats to the enjoyment of their rights that result from transboundary environmental harm.

Finally, States shall protect peasants and other people working in rural areas against abuses by non-State actors, including by enforcing environmental laws that contribute, directly or indirectly, to the protection of the rights of peasants or other people working in rural areas.

The FAO SSF Guidelines call on States to ensure active, free, effective, meaningful and informed participation of small-scale fishing communities, in the whole decision-making process related to fishery resources and areas where small-scale fisheries operate as well as adjacent land areas, and taking existing power imbalances between different parties into consideration. This should include feedback and support from those who could be affected by decisions prior to these being taken, and responding to their contributions (para 3.1.6). The Guidelines further indicated that States and other parties should, prior to the implementation of large-scale development projects that might impact small-scale fishing communities, consider the social, economic and environmental impacts through impact studies, and hold effective and meaningful consultations with these communities, in accordance with national legislation.

We see it particularly relevant to point to Human Rights Committee's general comment No. 36 of 2018, which states that the obligations of States parties under international environmental law should inform the contents of article 6 of the ICCPR, and the obligation of States parties to respect and ensure the right to life should also inform their relevant obligations under international environmental law. In this regard, we would like to draw the attention of your Excellency's Government about international law norms prohibiting significant transboundary environmental harm, both to the territory of other States and to areas beyond national jurisdiction. Environmental impact assessments (EIA) are required as a preventive measure to enable States to ensure that significant transboundary harm does not occur. Any

uncertainty resulting from the EIA must be resolved applying the precautionary principle, pursuant to principle 15 of the Rio Declaration on Environment and Development 1992. Principle 21 of the Stockholm Declaration on the Human Environment 1972, reaffirmed by principle 2 of the Rio Declaration, provided that States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. This was codified in article 194(2) of the United Nations Convention on the Law of the Sea (UNCLOS), which provides that “States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.”

Furthermore, we would like to recall that on 8 October 2021, the Human Rights Council adopted resolution 48/13, recognizing the right to a clean, healthy and sustainable environment, confirmed by the General Assembly in July 2022 with resolution A/RES/76/300. A safe climate has been identified as one of the substantial elements of this right (A/74/161 and A/79/270).

The Framework Principles on Human Rights and the Environment, presented to the Human Rights Council in March 2018 (A/HRC/37/59) set out basic obligations of States under human rights law as they relate to the enjoyment of a safe, clean, healthy and sustainable environment. They underline States’ substantive responsibilities in this regard including the obligation to prevent from violating the right to a healthy environment or other human rights. Principle 8 provides, specifically, that “To avoid 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 impacts on the enjoyment of human rights”, including the rights to life, health, food, water, housing and culture. Moreover, principle 14 for example provides that “States should 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 this connection, the report of the Special Rapporteur on the promotion and protection of human rights in the context of climate change (A/HRC/56/46), in particular its paragraph 15, recalls the obligation for States to exercise due diligence in the application of necessary measures to regulate the emissions of businesses operating under their national jurisdiction, to mitigate future effects of climate change. Furthermore, principle 15 clarifies that States should ensure that they comply with their obligations to Indigenous Peoples and members of traditional communities, by recognizing and protecting their rights to the lands, territories and resources that they have traditionally owned, occupied or used; consulting with them and obtaining their free, prior and informed consent before relocating them or taking or approving any other measures that may affect their lands, territories or resources; respecting and protecting their traditional knowledge and practices in relation to the conservation and sustainable use of their lands, territories and resources; and ensuring that they fairly and equitably share the benefits from activities relating to their lands, territories or resources.

In addition, we would also like to draw your attention to the Paris Agreement, which acknowledges that State Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights (preamble).

The Special Rapporteur on human rights and the environment compiled specific human rights obligations related to climate for States in A/74/161. In particular, he stressed that States should:

- 1) States that have substantial fossil fuel industries should incorporate strategies for a just transition, including social and economic impact assessments as well as policies and programmes for skills development, retraining and adult education.
- 2) Limit fossil fuel businesses and their industry associations from influencing climate, energy and environmental policies, in light of their responsibility for the majority of emissions and their well-known efforts to subvert and deny scientific evidence of climate change.
- 3) Prohibit further exploration for additional fossil fuels, since not all existing reserves can be burned while still meeting the commitments of the Paris Agreement.

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 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).

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. Furthermore, 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 with marginalised and vulnerable communities bearing the brunt of the consequences.

We further recall that under the Convention on Biological Diversity, States have obligations to: manage biological resources important for the conservation of biodiversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use (art. 8); and 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).

In connection with above alleged facts and concerns, we would also like to shed light on the UN Guiding Principles on Business and Human Rights (A/HRC/17/31), which were unanimously endorsed by the Human Rights Council in June 2011, are relevant to the impact of business activities on human rights. These Guiding Principles are grounded in recognition of: (a) "States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms; (b) The role of business enterprises as specialized organs or society performing specialized functions, required to comply with all applicable laws and to respect human rights; (c) The need for rights and obligations to be matched to appropriate and effective remedies when breached."

According to the Guiding Principles, States have a duty to protect against human rights abuses within their territory and/or jurisdiction by third parties, including business enterprises. States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures. States should also take appropriate measures to ensure, through appropriate judicial, administrative, legislative, or other appropriate means, that when such abuses occur within their territory and/or jurisdiction, those affected have access to effective remedy" (guiding principle 25). The Guiding Principles also emphasize that "States should ensure [...] that the legitimate and peaceful activities of human rights defenders are not hindered" (comment to guiding principle 26).

Furthermore, we would like to note that as set forth in the United Nations Guiding Principles on Business and Human Rights, all business enterprises have a responsibility to respect human rights, which requires them to avoid infringing on the human rights of others to address adverse human rights impacts with which they are involved. The responsibility to respect human rights is a global standard of expected conduct for all business enterprises wherever they operate. It exists independently of States' abilities and/or willingness to fulfil their own human rights obligations, and does not diminish those obligations. Furthermore, it exists over and above compliance with national laws and regulations protecting human rights.

Principles 11 to 24 and principles 29 to 31 provide guidance to business enterprises on how to meet their responsibility to respect human rights and to provide for remedies when they have cause or contributed to adverse impacts. The commentary of guiding principle 13 notes that business enterprises may be involved with adverse human rights impacts either through their own activities or as a result of their business relationships with other parties. [...] Business enterprise's "activities" are understood to include both actions and omissions; and its "business relationships" are understood to include relationships with business partners, entities in its value chain, and any other non-State or State entity directly linked to its business operations, products or services".

The guiding principles have identified two main components to the business responsibility to respect human rights, which require that "business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; [and] (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts" (guiding principle 13).

Principles 17-21 lays down the four-step human rights due diligence process that all business enterprises should take to identify, prevent, mitigate and account for how they address their adverse human rights impacts. Principle 22 further provides that when "business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes".

States may be considered to have breached their international human rights law obligations when they fail to take appropriate measures to prevent, investigate and remedy human rights violations committed by private actors. While States generally have discretion in deciding on such measures, they must consider the full range of permissible preventive and remedial measures.

Furthermore, it should be noted that, based on international law, the Maastricht Principles aim to clarify the content of States' extraterritorial obligations to realize economic, social and cultural rights in order to promote and give full effect to the purposes of the Charter of the United Nations and international human rights. [...] All States have obligations to respect, protect and fulfill human rights, including civil, cultural, economic, political and social rights, both within their territories and extraterritorially. Each State has the obligation to realize the economic, social and cultural rights of all persons within its territory to the maximum extent of its capabilities. All States also have extraterritorial obligations to respect, protect and fulfill economic, social and cultural rights.

We would also like to recall to your Excellency's Government of the 2024 report of the Special Rapporteur on the right to development on "Climate justice: loss and damage" (A/79/168) which highlighted that "Indigenous Peoples are not only risking a disconnection from their cultural heritage due to loss of land from rising sea levels but are also facing forced dislocation for carbon credit projects or extraction of critical minerals needed for renewable energy". The Special Rapporteur recommended that "preventing climate change-related loss and damage should continue to be a key priority, rather than continuing the current model of destructive development under the assumption that loss and damage could be remediated. In any case, certain impacts such as extinction of species and loss of cultural heritage linked to land erosion or submersion are irreversible and irremediable. Prevention will require, among other things, effective impact assessment or due diligence on the part of States. In addition, States must also require businesses to conduct due diligence to identify and prevent adverse impacts of climate change. While due diligence obligation is often seen in terms of an obligation of conduct, the standard is stringent considering the irreversible and serious nature of the harm and it should be able to achieve the result of preventing climate change-related loss and damage."

Finally, the Special Rapporteur also suggested that "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. Moreover, as climate change-related loss and damage will also affect non-human beings and future generations, their representatives should also be able participate in decision-making processes and mechanisms; and States and businesses must keep central consideration of Indigenous sovereignty and the rights of Indigenous Peoples, including the requirement to obtain free, prior and informed consent."

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