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

Ref.: AL OTH 41/2025
(Please use this reference in your reply)

2 September 2025

Ms. Molina,

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.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention information we have received concerning **proposed infrastructure projects aimed at the transportation,**

Mexico Pacific Limited

storage and processing of liquified natural gas (LNG) in the Gulf of California in Mexico, by numerous businesses entreprises including Mexico Pacific Limited, Epcilon 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, Epcilon 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, 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

<u>Sonora terminal and "Gasoducto Sierra Madre"</u>

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 Epcilon LNG LLC U.S.A. 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 Sempra 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.

Sempra 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 crisis. 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 COP 28 agreement to "transition away from fossil fuels". All businesses have a responsibility to respect human rights under the UN Guiding Principles on Business and Human Rights, including with respect to climate change. In this connection, businesses must exercise human rights due diligence to mitigate the potential impact of business operations on climate change, including preventing 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 negative 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 peasants communities regarding the conception and the implementation of the projects. Further, the UN Special Rapporteur on Climate Change and Human Rights indicated that businesses should also regularly disclose accessible information relevant to climate change and human rights contained in contracts, concessions, agreements or other documents involving public resources. Businesses should ensure effective communication, including translation into local languages and culturally appropriate engagement methods, drawing on external expertise and offering potentially affected communities legal and technical support to understand the project components (A/79/176).

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 responsibility to consult and obtain free prior and informed consent to authorise projects on the ancestral territories of Indigenous Peoples. Such responsibility is supported by the carrying out of environmental and human rights impact assessments, with access to information and participation of Indigenous Peoples, and fair and equitable benefit-sharing. In addition, businesses have a responsibility to provide effective operational-level grievance mechanisms, in line with the UN Guiding Principles on Business and Human Rights, for access to remedy including 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 to adopt adequate measures to identify, prevent mitigate and address any potential harmful environmental, economic, social, cultural or spiritual impacts.

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 provide information as to what human rights due diligence policies and processes have been put in place by your company to identify, prevent, mitigate, and account for how you address adverse human rights impacts, including on the right to health, that your activities and business operations could cause or contribute to, or be directly linked to, as set forth in the UN Guiding Principles on Business and Human Rights (UNGPs).

3. Please provide information on measures that you have taken or plan to take to identify and respond to the above-mentioned concerns, including addressing the alleged flawed environmental impact assessment process, including in light of the duty to obtain free, prior and informed consent from Indigenous Peoples living on the territory, and potential additional human rights impacts of the concerned project in the context of climate change.

4. Please indicate how you incorporate human rights and climate change into your programs and policies. As part of this response, please indicate whether you make reference to and how you comply with the UN Guiding Principles on business and human rights (UNGPs), and if not, please indicate why not.

5. Please indicate whether your company has established or participates in any operational-level grievance mechanisms, to provide access to remedy for affected individuals and communities, in line with the UNGPs.

6. Please indicate any steps your company has taken to identify its own greenhouse gas emissions and those of companies that it engages through business activities and/or relationships, with an explanation of how such identification is science-based, verifiable and informed by expert input, as well as being based on meaningful consultation with all relevant stakeholders.

7. Please indicate measures taken to disseminate information on the environmental, climate change and human rights impacts of your company’s business activities and/or business relationships, taking into consideration the rights to a healthy environment, information, participation, and remedy.

8. Please indicate measures taken to ensure that your company complies with international environmental laws and human rights standards, including through its business relationships, especially in relation to

climate change.

This communication and any response received from your business 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 LNG Alliance, Pte Ltd Singapore, Sempra Infrastructure, GNL Cosalá S. A. DE C. V., as well as to the home-States of all involved companies including Mexico and the United States.

Please accept, Ms. Molina, the assurances of our highest consideration.

Elisa Morgera
Special Rapporteur on the promotion and protection of human rights in the context of climate change

Pichamon Yeophantong
Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Alexandra Xanthaki
Special Rapporteur in the field of cultural rights

Surya Deva
Special Rapporteur on the right to development

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable environment

Tlaleng Mofokeng
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Albert K. Barume
Special Rapporteur on the rights of Indigenous Peoples

Carlos Arturo Duarte Torres
Chair-Rapporteur of the Working Group on the rights of peasants and other people working in rural areas

Pedro Arrojo-Agudo
Special Rapporteur on the human rights to safe drinking water and sanitation

Annex

Reference to international human rights law

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

We would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in its resolution (A/HRC/RES/17/31) in 2011. 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 of society performing specialized functions, required to comply with all applicable laws and to respect human rights; and

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.

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. Moreover, the commentary of principle 11 states that “business enterprises should not undermine States ‘abilities to meet their own human rights obligations, including by actions that might weaken the integrity of judicial processes”. 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”.

Furthermore, business enterprises should remedy any actual adverse impact that they cause or to which they contribute. Remedies can take a variety of forms and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Procedures for the provision of remedy should be impartial, protected from corruption and free from political or other attempts to influence the outcome (commentary to guiding principle 25).

According to the UN Special Rapporteur on Climate Change and Human Rights, businesses have specific responsibilities in relation to ensuring access to information on human rights and climate change, including to:

(a) Accurately report and disclose their climate impacts in an accessible manner that is sufficient to evaluate the adequacy of their efforts to prevent climate change-related human rights harm;

(b) Ensure effective communication on these efforts, including by providing translation into local languages and culturally appropriate engagement methods, drawing on external expertise, and offering communities independent legal and technical support to understand these efforts;

(c) Share information about lobbying related to climate policies;

(d) Refrain from supporting public misinformation campaigns and from engaging in strategic lawsuits against public participation (A/79/176).

In particular, businesses should accurately report and disclose their climate impacts in an accessible manner that is sufficient to evaluate the adequacy of their efforts to prevent climate change-related human rights harms. Companies should share the climate footprint of their products and services; technical and physical characteristics and impacts of high-emission projects, and available technologies; as well as broader sustainability efforts and compliance with environmental regulations (A/79/176).

Corporate climate disclosure mechanisms should include: a 1.5°C Paris Agreement-aligned emissions target; detailed and disaggregated information on greenhouse gas emissions (Scope 1, Scope 2 and Scope 3); current production capacity and expansion plans and their exposure to climate risks; the company's transition plan to align its business with global climate goals; and compliance with public participation requirements, according to intersectional indicators (A/78/155; A/79/176)

Businesses should also regularly disclose accessible information relevant to climate change and human rights contained in contracts, concessions, agreements or other documents involving public resources. Businesses should ensure effective communication, including translation into local languages and culturally appropriate engagement methods, drawing on external expertise and offering potentially affected communities legal and technical support to understand the project components (A/79/176); and avoid downplaying adverse human rights and climate impacts (A/HRC/54/25).

We would also like to highlight the latest thematic report (A/HRC/58/59) of 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. 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.

The Working Group on the issue of human rights and transnational corporations and other business enterprises recommended that investors request human rights due diligence for all investees, relevant to their size, scale and sector, as well as to asset class and type of investment, on their actions to identify, prevent, mitigate and account for potential and actual adverse human rights impacts linked to climate change, including in conflict-affected and high-risk areas; and ensure access to effective remedies for potential or actual adverse human rights impacts linked to climate change that result from their investment decisions (see A/HRC/56/55).

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 also like to recall 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.