



## **Advancing Community Ownership in Renewable Energy** **(Part of the Peoples' 20 on G20 Process)**

*Bhopal, Madhya Pradesh, India, 4-6 July 2023*

In collaboration with Peoples' 20, Business & Human Rights Resource Centre and Growthwatch organised a workshop on advancing community ownership in renewable energy in July 2023. Grassroots organisations, researchers, and activists from the Eastern and Central part of India gathered for three days of deliberation on the impacts of fossil fuels, including coal and thermal power plants, and the renewable energy value chain (including mining for transition minerals, hydro power plants, as well as solar, wind and biofuel projects) on communities and the environment. One of the goals was to establish participants' key recommendations for a just and equitable transition to renewable energy. At the end of the three-day discussion, participants created a set of recommendations that was included in the Peoples' 20 policy pack, shared with the G20 world leaders and officials during the G20 Summit in September in New Delhi.

### **3 priority asks to G20 leaders from Peoples' 20:**

- All G20 Governments should acknowledge the importance of community ownership of renewable energy projects for the future of the just transition, and ensure support for and increase in community-led renewable energy projects, with community equity share at the ratio of 50:50 and above
- All G20 governments should enact mandatory Human Rights and Environmental Due Diligence legislation for companies that obliges them to assess and address their human rights: companies should communicate on this, and if companies do not conduct such due diligence, they should be held liable under civil law
- All G20 governments should ensure both National Action Plans and Net Zero plans should reflect concerns of those on the ground working to protect land and forests and Indigenous communities and these processes should be made accessible to communities who should be involved in the drafting and decision making of these plans: we demand stronger community representation in the decision-making on climate finance and more funding for community-led and community owned renewable energy projects

### **Detailed asks to the G20 leaders and the Indian Government in particular:**

#### **Conducive institutional frameworks:**

All G20 governments should:

- Ratify relevant international human rights conventions, covenants, and declarations, such as ILO 169 (Indigenous and Tribal Peoples Convention), ILO 76 (occupational health and safety), CAT (Convention against torture), etc.
- Recognize the rights of workers and unions according to the national and international laws, such as the ILO Declaration on Fundamental Principles and Rights at Work, and in line with the UN Guiding Principles on Business and Human Rights.

- Enact mandatory Human Rights and Environmental Due Diligence legislation for companies that obliges them to assess and address their human rights: companies should communicate on this, and if companies do not conduct such due diligence, they should be held liable under civil law
  - Stronger regulations and due diligence of renewable energy projects are crucial: we demand that environmental impact and human rights impact assessments be conducted for every project, large or small.
- Ensure new policies are decentralized from their inception, rather than being introduced as amendments, to expedite implementation and effectiveness.

Beyond the above, specific asks to Indian Government:

- Create separate ministries of forest and environment from climate change. Forest department is causing more climate harm – create an integrated ministry between climate, disaster management and renewable energy.
- Ensure independent judicial enquiry into climate related human rights violations and cases of atrocities, evolve mechanisms for decentralised judicial systems/ traditional systems: recommendations of *gram sabha* and local bodies in the schedule areas should be included in this independent enquiry.
- The absence of an enabling educational environment is evident, as both lawyers and judges are not adequately trained in land acquisition laws and forest rights - education must be emphasized in this aspect.
- There should be no nepotism and corruption by State, companies, and politicians with regard to large-scale projects, including renewable energy projects:
  - Where this is discovered, there should be legal consequences.
  - Anti-corruption committees should be strengthened.
  - Electoral bonds, other monetary sources of political parties and third parties should be included in the RTI (Right to Information) Act.

**Indigenous Peoples' rights:**

All G20 governments should:

- Make Indigenous Peoples' (IPs) rights central to the just transition:
  - Traditional knowledge of tribal and IPs has to be respected in relation to large-scale projects, including renewable energy projects;
  - Local indigenous/tribal laws should be respected which is currently not being done sufficiently, for example with regard to land acquisition;
  - Governments should make sure that tribal and indigenous peoples' are heard and that they are a key part of the full energy transition process.

Beyond the above, specific asks to Indian Government:

- In forest areas, without consent of forest rights committees, governments should not take business projects forward as it is a complete violation of existing legal framework.

- The impact of man-made forests created by IP communities should be acknowledged and supported, recognizing their contribution to conservation and biodiversity.

### **Community ownership and benefits:**

#### All G20 governments should:

- Ensure policy acknowledgement of the importance of community ownership of renewable energy projects for the future of the just transition (here community ownership is considered revenue and equity share at the ratio of 50:50 between communities and companies, and above);
- State should ensure support for and increase in community-led renewable energy projects;
- Home states should require companies operating abroad to advance community benefit sharing arrangements, and to explore the design and implementation of co-ownership models together with affected peoples and communities;
- Large scale energy projects should benefit the communities and workers where they operate, through:
  - processes that enable co-development and meaningful participation by all members of the affected collectivity;
  - communities should be supported to access capital, develop the technical skills to participate in governance decisions, given veto rights in the case of a minority stake, and protected against the dilution of their shares or representation.

### **Transparency and participation in decision-making and oversight:**

#### All G20 governments should:

- Ensure stronger community representation in the decision making of climate finance and funding towards community-led and community owned renewable energy projects.
- Make sure National Action Plans and Net Zero plans should reflect concerns of those on ground working to protect land and forests and indigenous communities and should be made accessible to communities who should be involved in the drafting and decision making of these plans.
- Companies and government should make publicly available all relevant information regarding business projects, impacts and other information that should be accessible to the public and affected persons.

#### Beyond the above, specific asks to Indian Government: :

- We reject the gross violation of available funds under the District Mineral Foundation, CAMPA and CSR projects and demand creation of an effective monitoring mechanism, to evaluate whether these funds and their disbursement have been aligned with existing legislations. This is a serious concern in the mining states of Orissa, Jharkhand, Maharashtra, and Telangana. We are aware that a large number of projects have been initiated without people's consent.

- The Government should rethink, restudy and establish an independent panel of experts with representation of indigenous communities re-review the existing hydropower projects and stop financing new hydropower projects in Sikkim, Arunachal and the North East. The Government should seriously reconsider the number of dams coming in in Sikkim, Arunachal Pradesh and North East because experts have said these are fragile and vulnerable areas. Northeastern belt of Himalayas in particular is a seismological area- where there are many earthquakes and casualties have taken place in areas of dam construction. There are also instances of fraudulent companies engaging in hydropower construction - these frauds should be investigated.

### **Redress, remedy and addressing impunity:**

#### All G20 governments should:

There is a need to develop stronger complaint and accountability mechanisms on the national, state and local levels on climate change and environmental issues. Current redress and remedy processes do not function – states and companies should ensure:

- remedy for those affected by the private sector, such as compensation for communities and workers affected;
- respect for workers rights' (adequate compensation, social security and welfare) and remedy when these rights are not respected;
- restoration of rights of affected communities when there is environmental pollution by business projects, and other environmental and human rights impacts;
- make judicial mechanisms accessible by increasing awareness of legal protections, informing community members of basic legal processes, and providing legal aid that is affordable and available to all.

#### Beyond the above, specific asks to Indian Government:

- Withdrawal of laws such as APSPA (Arms force special power act) and UAPA (Unlawful activities prevention act);
- Stronger monitoring of illegal business activities in the country, including sand and stone mining and strong legal action against the growing sand mafia in the country.

### **Attacks on human rights defenders:**

#### All G20 governments should:

- Ensure that there is a legal provision that those that peacefully protest or raise issues related to impacts by projects do not face harassment, arbitrary arrests, extrajudicial killings, torture, etc. by state and non-state actors.

#### Beyond the above, specific asks to Indian Government:

- There are many cases of attacks against HRDs in India: the Government must stop retaliation of human rights and environmental defenders. Decreasing police and military presence in areas where projects are expected to come up and stop installation of CRPF camps being installed without consent of local people.

## **Independent assessments of social, environment and human rights:**

### All G20 governments:

- Independent assessments of social, environment and human rights should be carried out: there is a need for independent review mechanism of Environmental Impact Assessment (EIA) and Social Impact Assessment (SIA) and complaints handling in relation to private sector projects, including renewable energy projects.
- We reject the continuous dilution of environment laws and regulations and the compromising of EIA and Free, Prior and Informed consent processes.

### Beyond the above, specific asks to Indian Government: :

- RE projects are being initiated without EIA/SIA because the Government says that RE projects do not require it, but they do. Expansion projects are also not reviewed under EIA/SIA: we demand that this changes.
- Joshimath disaster and other hydropower induced landslides, floods and glacial lake outbursts have recently occurred in Northeast India: there should be a proper scientific analysis of the Himalayas, including the ground realities of the impacts on communities on the ground: this should be people-based analysis. Resolution of the Brahmaputra board should be followed.

## **Land use, land grabbing and displacement:**

### All G20 governments should:

- We reject the continuation of land grabbing that is happening because of large-scale business and development projects, including renewable energy projects. We reject the manipulation of data and expert analysis with regards to land, desertification, land erosion, flood affected areas. We demand availability and accessibility of realistic databases on these matters.

### Beyond the above, specific asks to Indian Government:

- There is a need for proper tracking of people displaced by development projects. Over 92,000 villages have been lost due to these projects, making compensation challenging without accurate tracking systems.
- Database available on those who have lost their land due to development projects and tentative figures are between 5.5 to 6 crores. High level attention to those communities who have been displaced by developed and provide dignified rehabilitation and resettlement.
- Oil palm plantations and forest cover should not be replaced by mono cropping in Northeast and we are concerned about in particular about the deforestation in the Great Nicobar Project.

### **Climate measures:**

All G20 governments should:

- Consider that carbon trading is not an effective solution for mitigating climate change. Instead, implementing green taxes is a more suitable approach.

Beyond the above, specific asks to Indian Government:

- Emission commitments: Establish an energy management committee on India's emission commitments. State level task force may be encouraged with pilot funding projects for communities to initiate emission commitments of India with special emphasis to Indigenous and Tribal communities.
- Regarding state owned and private company led carbon credit projects, we demand spaces for people's consultation and participation of *gram sabhas* in deciding how and where these projects are implemented.
- Green bonds should be utilized at the *gram panchayat* level to finance local green initiatives and projects.
- Abandoned mines should be repurposed for establishing solar parks, utilizing the existing infrastructure for sustainable energy generation.

### ***Signed by the participants of the workshop - the representatives of:***

Adivasi Kalyan Parishad  
BMS (Bharatiya Mazdoor Sangh (Indian Workers' Union)  
Bhoomi Bandhu  
CITU  
CLEAN/ Bangladesh Working Group on External Debt  
(BWGED)  
Civil Society Women Organisation (CSWO)  
Dhaatri Resource Centre for Women & Children  
EKTA NIKETAN  
Ekta Parishad  
General Secretary, ACT, President, SILTA  
Hasdeo Bachao Andolan  
Indian Social Action Forum - INSAF  
Indigenous Mishing Community  
Indigenous Research and Advocacy Dibang  
Indigenous Rights Advocacy Centre (IRAC)  
International Accountability Project  
Jan Chetna  
Jharkhand Mines Area Coordination Committee  
Poribesh Adhikar Andolan  
Revanchal Dalit Adivasi Sewa Sansthan Samiti  
Right Energy Partnership  
Soldarity Centre  
Srijan Lokhit Samiti  
mines, minerals & PEOPLE - mm&P