



20 YEARS OF

**Business & Human Rights  
Resource Centre**

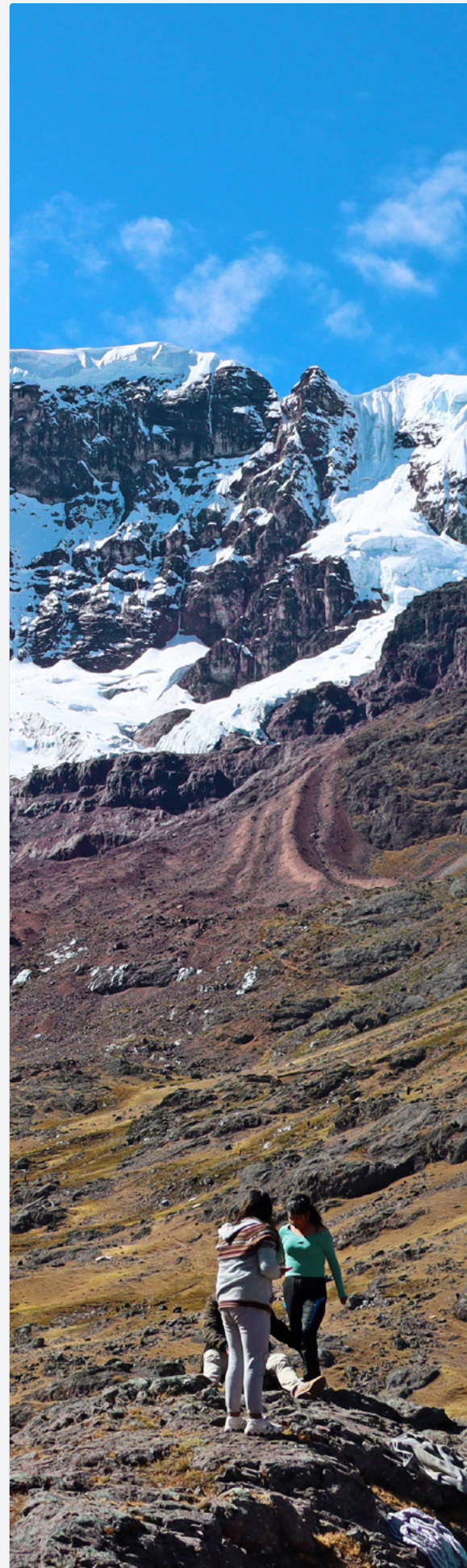
# Below ground

**HUMAN RIGHTS AND RENEWABLE  
ENERGY VALUE CHAINS IN THE ANDES**

**MARCH 2023**

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# Executive summary

South America's Andes region is at the crosshairs of the global energy transition, rich in both fossil fuels and minerals essential for green energy technology including cobalt, copper, lithium, nickel, manganese and zinc, as well as iron, gold, indium and rare earths. It is also a region acutely vulnerable to climate catastrophe – putting local communities and environments at great risk.

As the mining and renewable energy industries rapidly expand to facilitate a swift transition to clean energy, this region will play an ever more crucial role in renewable technology value chains. Yet, without due attention to human rights, such an expansion risks repeating a centuries-long model of harmful extractivism and exploitation of Indigenous and peasant communities in Latin America, driving a new form of “green colonialism”.

As our research reveals, there is a history of lax state regulation and poor or non-existent company due diligence in these industries, leading to significant environmental damage, human rights harms to local and Indigenous communities, and human and environmental rights defenders. The harms have been exacerbated by a number of factors, including opaque value chains, Covid-19 and ongoing conflict in the region.

The pace of the energy transition in Latin America is slow and dependent on international investments, with business interests often prioritised over shared ownership and the rights of local communities. Increasing numbers of concessions and environmental permits granted to foreign mining companies over the past decade have laid the groundwork for the expansion of extractive industries. Economic reliance on extractive activities and export commodities led Andean governments to grant oil, coal and gas, agribusiness and mining sectors – including for minerals essential to the energy transition – “strategic industry” status during the pandemic. This forced workers to [continue operations](#) amid heightened health and human rights risks, especially in [Peru](#) and [Ecuador](#), countries which now seek to secure further gains in hydrocarbon exports while also extracting minerals necessary for the energy transition.



The transition to clean energy must be both fast and fair. Focusing on smaller mining projects, this report addresses the challenges posed by the intensive extraction of transition minerals in three countries in the Andean region: Colombia, Ecuador and Peru. It illustrates how transition mineral extraction is affecting the environment and territories inhabited by Indigenous Peoples and farmers for centuries. None of these three countries, nor their populations, have been major contributors to the climate crisis. With a just transition a priority for people and planet, companies working in the energy sector need to consider if their models protect human rights for local communities in the region – and whether they should revisit massive transport models and other sources of energy before moving to expand the extraction of minerals to produce batteries and concentrators for the automotive, wind and solar industries.

### Andean States should:

- ➔ Implement judicial decisions and recommendations by international human rights bodies.
- ➔ Design public human rights policies for mining operations seeking to comply with Inter-American and UN due diligence and mandatory human rights instruments.
- ➔ Draft domestic norms to implement the Escazú Agreement on environmental standards, including its ratification by Peru.
- ➔ Respect FPIC for Indigenous Peoples living in mining zones.
- ➔ Enforce domestic court decisions which protect rivers and populations depending on them from harms caused by mining operations.
- ➔ Align national policies on the just transition with human rights, prioritising the well-being of the population and over investments by foreign or national companies.

### Companies investing or operating in the Andean countries should:

- ➔ Undertake independent and more consistent processes of human rights and environmental due diligence, considering the risks to the livelihoods of communities and the environment before investing or applying for permits to extract minerals.
- ➔ Observe their human rights responsibilities as established by the UN Guiding Principles on Business and Human Rights, as well as the OECD Guidelines and multilateral trade agreements, giving special attention to children, women, and ethnic minority groups in the region, as well as human rights defenders.
- ➔ Refrain from investing in conflict-driven zones without carrying out heightened due diligence.
- ➔ Design plans to address and provide remedy for harm, in collaboration with host countries, affected communities and human rights defenders.
- ➔ Commit to a clear public policy of non-retaliation against human rights defenders who raise concerns about the company and its operations, and adopt a zero-tolerance approach on reprisals and attacks against defenders in their operations, value chains and business relationships. Refrain from and commit to not using strategic lawsuits against public participation (SLAPPs) or other forms of judicial harassment to impede public participation and advocacy.

Intensive, indiscriminate and massive mineral extraction in these three Andean countries might inflict a permanent damage to fragile ecosystems of the Amazon and the Andes. Renewable energy is necessary, but not at the cost of nature and the people that strive to preserve it for future generations.

# Current context

We have been tracking human rights issues related to transition mineral mining projects in Peru, Colombia and Ecuador over the past 20 years – the majority of which are currently at the exploration stage.

While in Peru there is a mix of large transnational mining corporations with medium and small firms extracting minerals, in Colombia and Ecuador junior companies headquartered abroad – generally in Canada or China – acquire concessions from medium or small national proprietors and, once in their hands, sell the titles to larger foreign companies.

Local communities face challenges due to the opaque nature of mining companies’ value chains in their region. The mining concessions obtained by these junior companies are often sold in the stock exchanges of the host country or countries other than where the projects are located. Activists seek to identify the parent company and its investors, but very often it is the [junior mining ventures](#) which manage investments for a particular project. These junior companies provide the detail about confirmed reserves of minerals and contract local companies<sup>1</sup> to undertake environmental studies, without performing human rights due diligence processes. The frequent lack of free, prior and informed consent (FPIC) is of particular concern.

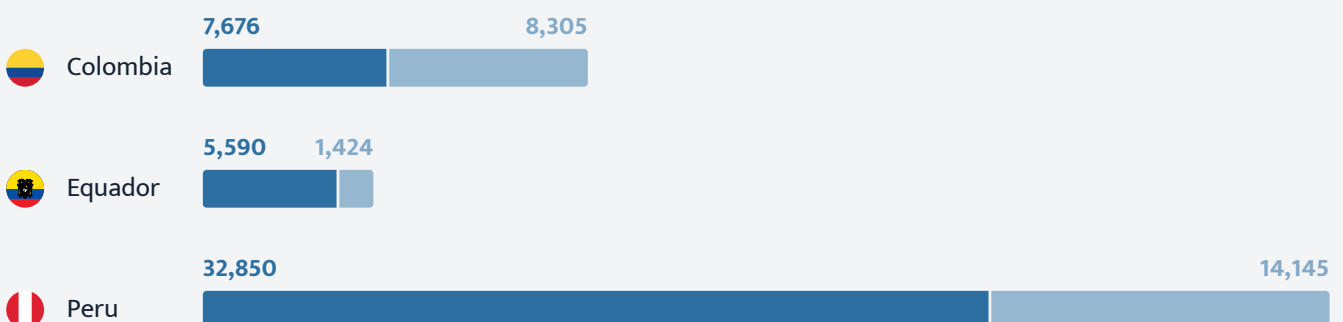
Our research reveals the harms mining companies cause to local communities – and indicate a lack of adequate regulations and controls in host countries, as well as countries where the companies are headquartered, is a major contributing factor.

Investors and banks which finance these companies have a responsibility to undertake effective due diligence. Yet if mining projects are banned or halted, for example due to community protests, companies bring – and often win – cases against governments in arbitration courts, such as in one case brought by [Eco Oro in Colombia](#).

<sup>1</sup> See an example from Colombia: [“El negocio de los títulos mineros,”](#) 28 June 2011.

## MINING TITLES GRANTED AND IN PROCESS

● Titles granted ● Titles in progress



Sources: Official data from Peru, Ecuador and Colombia; the data from Bolivia is a 2008 report by CEDLA, based on Sergeotecmin information

## Methodology

This report focuses on a group of small or medium-sized mining companies operating in Colombia, Ecuador and Peru, identified by our partner organisations in these countries, which supply minerals essential for the energy transition – including cobalt, copper, lithium, nickel, manganese and zinc, as well as iron, gold, indium and rare earths – to the global market. These companies are headquartered overseas, in countries including Canada, Chile, China and South Africa.

Research for this report was carried out by three partner organisations: Acción Ecológica (Ecuador), Corporación Geoambiental Terrae (Colombia) and Derechos Humanos y Medio Ambiente, DHUMA (Peru), which identified the main ongoing conflicts in each country that have been left out of the current discussions on the clean energy transition. All companies mentioned in this report were invited to respond. We received three responses: [AngloGold Ashanti](#) said that it respects human rights and has worked alongside the Jericó community for over 18 years. The company added that, according to a private firm survey, 60% of local community members support its presence. [SA Minera El Roble](#) affirmed that “we have a strong environmental policy with which we are committed to being an example of Well Done Mining, among others, ensuring a transparent and responsible performance with the natural and social environment where we operate”; both companies sent links with additional information about their operations. [Libero Copper](#) said it “has acted in full compliance with the environmental requirements for the exploration phase it carried out, and with total transparency”. Codelco, ECSA, ENAMI-Ecuador; American Lithium and Libero Copper did not respond.

Building on in-depth analysis carried out by our partner organisations, we identified alleged attacks against human rights defenders; environmental issues such as air, soil and water contamination, failure to comply with environmental standards and failure to address harms; lack of respect for Indigenous Peoples’ and Afro-descendants’ fundamental right to FPIC, including governance of collective rights and their human rights conduct in practice.

For more information on the human rights impacts of large mining companies extracting transition minerals globally, see the Resource Centre’s [Transition Minerals Tracker](#).



# Country analysis





## Colombia

### 1 Quebradona (Antioquia department)

Owners: **AngloGold Ashanti, B2Gold joint venture**

Minerals: **Copper, gold, silver**

### 2 El Roble (Chocó department)

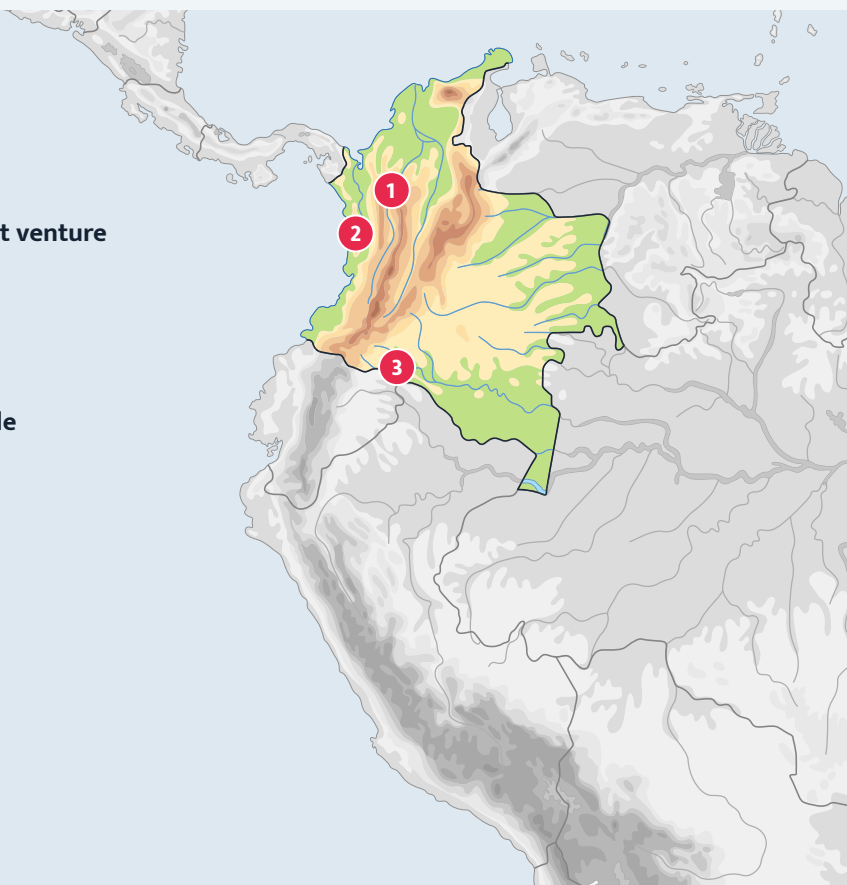
Owners: **Atico Mining, SA Minera El Roble**

Minerals: **Copper, gold, silver**

### 3 Mocoa (Putumayo department)

Owner: **Libero Copper & Gold**

Minerals: **Copper, molybdenum**



There is currently only one [copper mine](#) in operation in **Colombia**: El Roble mine in Chocó, in the country's Pacific region. Yet with [at least 10 further projects](#) in the pipeline and [fresh mining concessions](#) being granted in areas encompassing Indigenous Peoples' and Afro-Colombian communities' lands, as well as natural reserves owned by peasant farmers, concerns are growing about human rights risks. These risks are compounded by amendments to regulations over the use of and limitations to extraction of minerals in wet highland areas (paramos), National Natural Parks and their buffer areas and surrounding lands, protected under the [Ramsar Convention](#).<sup>2</sup> Some of these lands are considered ancestral territories crucial to the survival of Indigenous Peoples and traditional Afro-descendant and peasant communities, who have been targeted by armed actors during Colombia's internal armed conflict, some of whom currently face land-grabs, death threats, [stigmatisation](#) and evictions [linked to](#) renewable energy and mining projects. A new progressive sector in the Colombian Congress is discussing possible reform to the Mining Code with provisions for public participation, but the issue has been [contested](#) by the hydrocarbon sector.

<sup>2</sup> A recent report by the new National Mining Authority shows there are currently 1,816 out of 7,200 mining titles in areas of special protection that should not have been granted at all. See: "[En Colombia hay 1.816 títulos mineros en áreas donde no se debería hacer minería.](#)"



**AngloGold Ashanti’s** planned Quebradona project in Jericó, Antioquia, offers an instructive example not only of the potential human rights issues arising around mining projects, [but also the risk of delays, costs and even project cancellations when human rights concerns are not adequately addressed](#). Local communities raised concerns about potential environmental harm linked to the planned mine from its inception, while [community leaders and human rights defenders faced intimidation and threats](#) in retaliation for their criticism. Following community protests and a visit by the President of Colombia, the mine’s licence application was [shelved](#) and the area was designated agricultural land. **AngloGold Ashanti** – a larger company included in this analysis due to its joint venture with **B2Gold** at the Gramalote Project elsewhere in Antioquia – [has stated](#) it “has filed an appeal seeking to secure further details” and reinstate the application. We asked the company to respond to the allegations of abuse; [read the response here](#).

This is not the only controversy **AngloGold Ashanti** has faced over its operations in Colombia. In 2021, UN Special Rapporteurs Mary Lawlor and David R. Boyd [expressed](#) “deep concern for the security of human rights defenders in the Department of Tolima” after defenders, including Robinson Arley Mejía Alonso, allegedly received death threats for opposing the company’s La Colosa mining project in Cajamarca. The company’s response to these allegations is [available here](#). Meanwhile, the company is facing investigations [linked to Colombia’s long-standing internal armed conflict](#) under the country’s transitional justice system, while communities across the nation allege [AngloGold Ashanti continues planning mining activities in protected areas](#), something the company has denied.



El Roble underground mine  
Chocó, Colombia



Nechí river, affected by gold mining  
Antioquia, Colombia



## Ecuador

### 1 Explorcobres (Morona-Santiago province)

Owner: **CRCC-Tongguan Investment**

Minerals: **Copper**

### 2 Mirador (Zamora-Chinchipe province)

Owners: **Ecuacorriente S.A. (ECSA), Corriente Resources**

Minerals: **Ore, copper**

### 3 Llurimagua (Imbabura province)

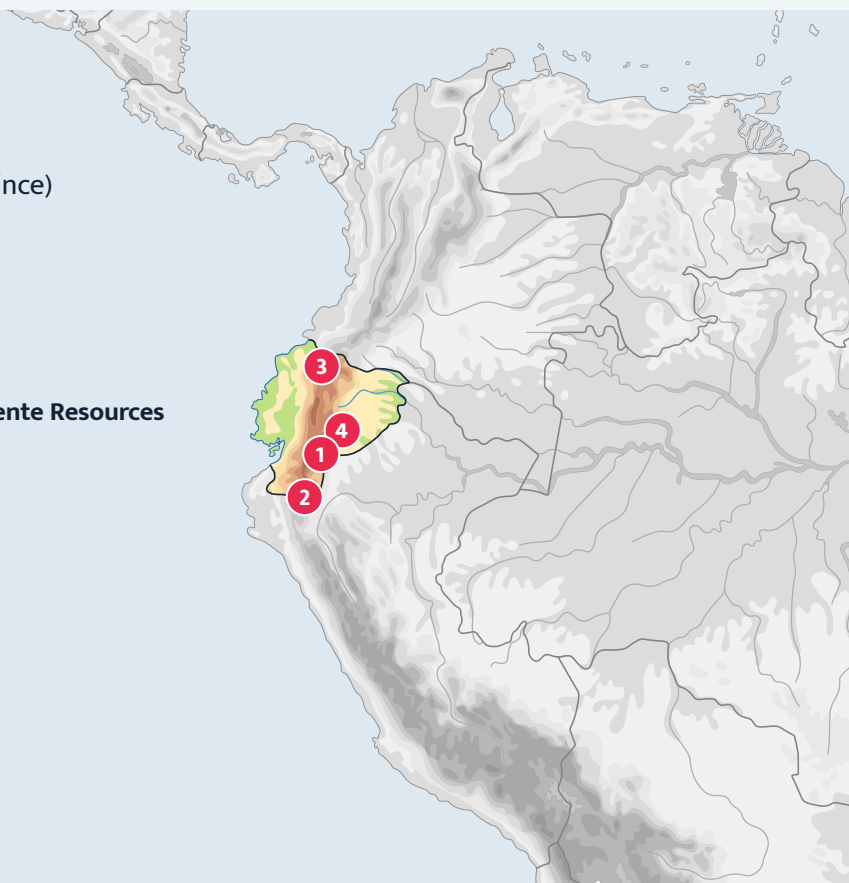
Owners: **ENAMI and Codelco**

Minerals: **Copper, molybdenum**

### 4 Warintza (Morona-Santiago province)

Owner: **Solaris Resources**

Minerals: **Copper**



In **Ecuador**, mining concessions have been on the rise in several parts of the country since 2010, including in the Cordillera del Condor region on the Peru border. CSOs have documented harms caused by mining companies in this region affecting [Shuar-Arutam Indigenous peoples](#) and local farming communities, among other groups who reside here. Ecuador's Constitutional Court [withdrew](#) Chinese company **Explorcobres'** licence for copper mining in Morona Santiago last year due to a lack of FPIC consistent with ILO Convention 169 on Indigenous and Tribal Peoples' Rights with regard to the Shuar-Arutam community.

While companies mainly seek to extract [gold, copper, silver and other minerals](#) necessary for the energy transition in the Azuay, Morona Santiago and Zamora Chinchipe provinces, mining is also planned in pristine forests in Íntag, northern Ecuador, where communities have [peacefully resisted industrial mining](#) for over 20 years. Opposition to mining projects is often met with SLAPPs, forced displacement, intimidation and threats: elected municipal officials were [threatened with criminal charges](#) for opposing the Llurimagua mine, a joint venture project by **Codelco** and **ENAMI**, in Imbabura. The Mirador project, owned by Chinese company **ECSA**, has been linked to allegations of reportedly [responsible for forced relocations](#), community divisions and harassment.

Gold mining is also an area of serious concern in the town of [Buenos Aires](#), Imbabura, where a pregnant Indigenous woman was killed and the community defending water rights suffers constant harassment at the hands of armed pro-mining groups since the closure of a Chinese-owned gold mine in the area. Mining projects Hannrine and Solgold are located in the same province. In Molleturo, Cuenca, a HRD who opposed the operations of Chinese mining company [Junefield was killed in 2021](#). Civil society organisations (CSOs) in Ecuador have raised growing concerns over murders, threats and environmental destruction by gold mining projects (legal or illegal). **Junefield** abandoned the mining site when the government suspended its environmental permit, and the area was soon invaded by criminal groups for illegal mining. The company [sued the Ecuadorian Government](#) over the suspension of its mining licence.

## Peru

### 1 Macusani (Puno)

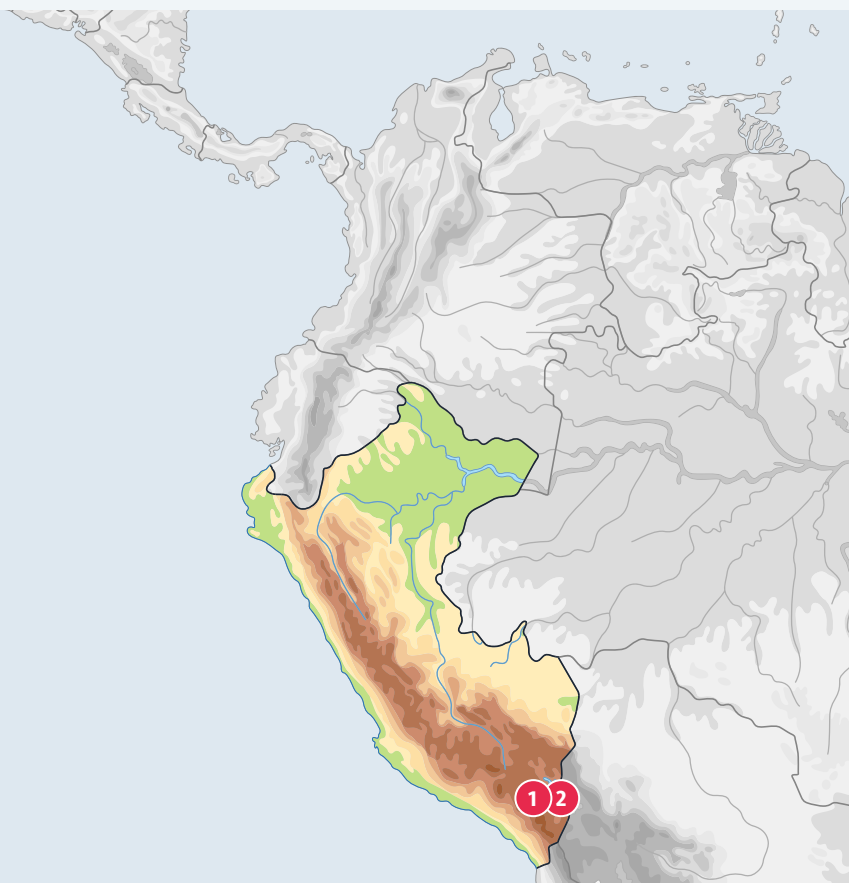
Owner: **American Lithium**

Minerals: **Uranium**

### 2 Falchani (Puno)

Owner: **American Lithium**

Minerals: **Lithium**



Mining exports [make up 60%](#) of total foreign trade in **Peru**, the world's second largest producer of copper and one of the Andes' most prolific countries in terms of mineral extraction. By 2022, 32,850 mining titles had been granted in the country, with a further 14,145 in progress. However, The Observatory on Social Conflicts (led by the National Ombudsman's Office) reiterate that rights concerns linked to mining projects require urgent attention, particularly in the country's southern mining corridor, where thousands of local Peruvian citizens have taken part in [protests over health issues related to environmental pollution](#) by multinational and domestic mining corporations. Communities have also protested against lack of labour opportunities, forced resettlements and deaths during the pandemic. While companies say these protests, a lack of legal security, and political instability are [affecting their business](#), the same transnational companies (many of which also have projects in other Andean countries, including **MMG Limited, Grupo México, Anglo American, Glencore**) are among the companies [linked to](#) the highest numbers of allegations of abuse recorded in the Resource Centre's global [Transition Minerals Tracker](#), with alleged abuse including failure to address environmental and health conflicts, and taking community leaders to court.

In the context of the complex political conflict currently underway in Peru, new challenges emerge related to the extraction of transition minerals including lithium in Puno and uranium on Peru's border with Bolivia. Local organisations which monitor the impacts of mining projects on water sources in the region are currently working to prevent environmental harm in Puno's rural communities, and local Quechua and Aymara communities are calling attention to potential harm linked to planned extraction of uranium and underground rock lithium by Canadian company **American Lithium** at its Macusani and Falchani projects. We asked the company to respond; [it did not](#).



# Key human rights issues

## Environmental impacts

Local communities in the Andean region – often Indigenous groups – commonly face negative environmental impacts on their livelihood due to business operations. This has included soil, air and water pollution and lack of respect for environmental international standards, particularly related to endangered and protected natural sites like the Amazon, water-producing areas in mountainous ranges, collective traditional and ancestral lands and glaciers in highlands of the Andean cordillera.

Explaining the significance of this environment to local Quechua and Aymara-speaking communities in Peru, the Resource Centre's partner organisation DHUMA in its [report](#) with EarthRights Intl. states:

“ Mining projects threaten the snow-capped Quelccaya, the largest tropical glacier in the world. It is located in south-eastern Peru, in the Vilcanota mountain range, at 5,710 m above sea level. It is more than 17 km long, has a surface area of 44 km<sup>2</sup> and an ice cap 200 m thick. Since 1974, the American glaciologist Lonnie Thompson has travelled through it to investigate climate change and has regarded the glacier as a world thermometer. For the inhabitants of this area, the snow-capped mountain is considered one of the main Apus<sup>3</sup> of this chain because of its amplitude. There are also lagoons of glacial origin, rock formations, rivers, waterfalls and above all a beautiful landscape expressed in the majestic mountain range of the Peruvian Andes. You can also appreciate a great amount of wildlife native to the highlands such as: deer, condors, vicuñas, Andean foxes, viscachas, wild cats, and a great variety of birds. There is also common flora in this area such as the ichu, maychas, iru ichu, urtica and others.

*We hope this report will contribute to the work of civil society organisations, the Peruvian state, and international bodies to ensure that the “fever” for “green” minerals does not become yet another chapter in which mining companies and states violate the rights of communities and further damage our planet and cultural heritage in the name of saving it.*

<sup>3</sup> Apus are mountains that, for the spiritual beliefs of Incas and today's native Andean peasant communities are living entities that protect the environment and its people. Each Apu has its name and own spirit.

In **Colombia**, the majority of mining projects (planned or ongoing) affect not only Indigenous Peoples' or Afro-Colombian collective lands, but also protected natural areas, as local NGO Terrae underlines:

“ *The vast majority of titles are located in forest reserve areas, which makes it necessary to subtract land from these areas. There are even irregularities such as the overlapping of mining titles with protective forest reserve zones, which, according to Law 1450 of 2011, are areas excluded from mining. This is in addition to the fact that many of the projects would be located in environmentally sensitive and highly biodiverse areas, such as the biogeographic region of Chocó. (Terrae, 2022)*

In turn, **Ecuadorian** rural communities express their concern about mining projects in their ancestral or traditionally agriculture and herding practices:

“ *[Mining] concessions are distributed throughout the Ecuadorian territory. An important distribution can be seen along the southern provinces of the Amazon: Zamora and Morona Santiago; and to the south of the Napo province. But they are also found along the foothills of the Andes Mountains. Mining in Ecuador is found in areas of great sensitivity and ecological fragility, such as tropical forests, cloud forests, moorlands [páramos], and water recharge areas, violating the right to water of the population and the right to live in a healthy environment (Acción Ecológica, 2022).*

## Impacts on local communities

Local communities often bear the brunt of negative impacts linked to mining operations, with attacks against social leaders among commonly reported abuse. In **Colombia**, this situation becomes even more complex: illegal armed actors active in the internal armed conflict are often present around mining sites and are responsible for death threats, killings and forced displacement of communities. In the south Andes region [copper is often found together with gold](#). Communities allege companies are not being reporting gold as part of their copper-concessioned extraction.

Illegal gold mining also presents a significant challenge in all Andean countries. [International inter-governmental efforts](#) to combat criminal gangs have not yet alleviated great pressure on local communities. Illegal mining activities principally affect rainforest areas where rivers are highly contaminated with mercury and cyanide, sometimes causing complete loss of fragile Amazon or riverine valley ecosystems. Harms particularly affect [women, girls and elders living in areas where illegal actors exert pressure](#), control markets and contribute to or promote commercial sexual exploitation of children and women. Further, illegal mining activities also entail death threats, killings, and forced displacement of communities. A Mongabay [study published in June 2022](#) affirms that although the majority of killings (36) have occurred in Brazil,

“ *Between 2016 and 2021, according to information gathered from 11 environmental and human rights organisations, 58 Indigenous leaders and villagers were murdered in the Amazon in Brazil, Colombia, Ecuador, and Perú... Most of these cases are still under investigation and lawyers report delays and irregularities in the processes... The possible perpetrators are associated with illicit activities such as drug trafficking, mining, land trafficking or illegal logging, although in Brazil the experts interviewed also point to the state.*

For this reason, communities allege that although gold may be extracted by illegal armed groups, responsibility still applies to the region's States and, most importantly, to the companies in whose supply chains this gold ends up, often traded and refined in the US or Switzerland. This also applies to other legally extracted minerals, like Bolivian indium which is often refined in Japan. In these cases, the UN [guidelines for companies to operate in conflict zones](#) should be observed not only by host governments, but also countries receiving these minerals and transnational companies.

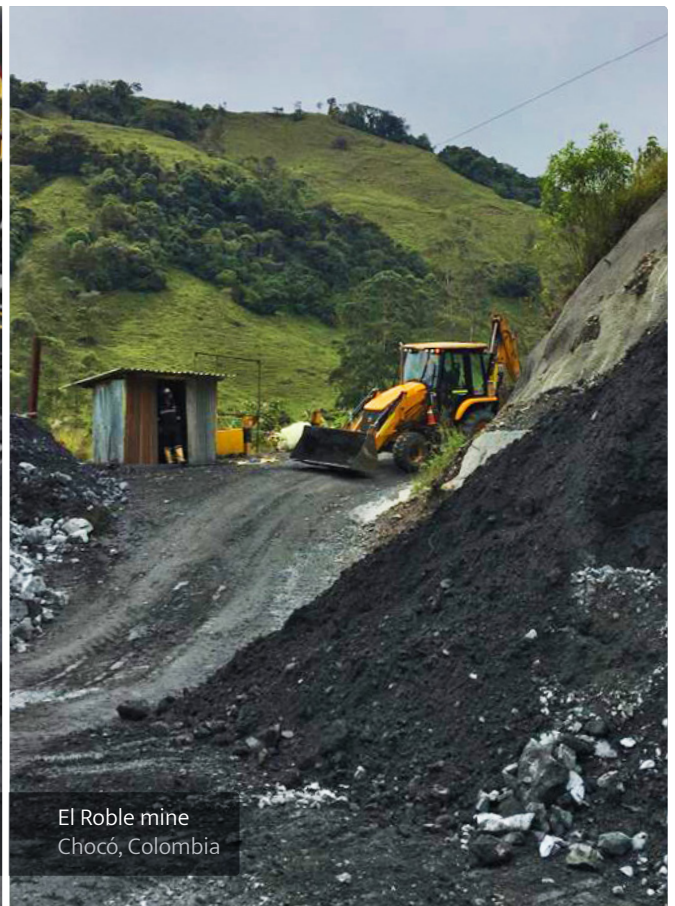
## HRDs & SLAPPs

Civil society and community opposition has led to delays and cancellations for exploration and extraction operations in [certain mines](#). Those who participate in peaceful resistance and demonstrations face attacks including SLAPPs, intimidation and threats, particularly in [Peru](#).

Community leaders protecting their land and rights from transition mineral mining are increasingly facing criminal charges. The highest number of attacks on HRDs related to transition mineral mining have taken place in [Peru](#), which is also the number one country for HRD attacks in the mining sector, according to the [Resource Centre's tracking](#).



El Roble mine  
Chocó, Colombia



El Roble mine  
Chocó, Colombia

## Governance & transparency

One of the biggest problems communities face when holding mining companies accountable for abuse is a lack of publicly available information about the company itself, its governance bodies, sustainability reports and plans for future operations.

Sometimes it is easier to obtain information about large or medium-sized mining and energy companies headquartered in the Global North. However, communities and NGOs in the Andes note difficulties accessing reliable information about Chinese, Canadian and state-owned companies' operations because of a lack of published information on due diligence, processes to FPIC, or public consultations.

Corruption is often another important factor in alleged abuse. There have been reports of complicity by local or environmental authorities, who issue permits without ensuring compliance with international standards to prevent harms. In these instances, affected communities often bring legal action against local, departmental/provincial or national authorities responsible for the well-being of affected communities.

## Security issues & conflict zones

In **Colombia** and **Peru**, the application of the [Voluntary Principles on Security and Human Rights](#) in all mining areas entitles States to sign (often secret) contracts with companies which then provide money, vehicles and other material support to the official armed forces and police. In turn the State provides security for mining companies, especially those undertaking large-scale mining.<sup>4</sup>

This is aggravated in situations of political instability, mass protests connected to legislative reforms or social unrest. In **Peru**, government “state of emergency” declarations see the population temporarily lose political rights, with whole mining areas brought under the control of the army or the police. Recent events in the country have led to reports of severe repression, including racial and class discrimination affecting impoverished local communities. In one example, local communities in the [Southern Mining Corridor](#) lived in “state of emergency” conditions for months as a state response to [mining companies' claims of obstacles to their operations extracting and exporting metals](#).

In **Colombia**, **Ecuador** and **Peru** there is a growing presence of illegal armed groups very often linked to gold mining in vast Amazon regions. Some inter-governmental efforts to combat these groups involve increased militarisation, further endangering girls and women in the mining sites due to associated increased sexual and gender-based violence.

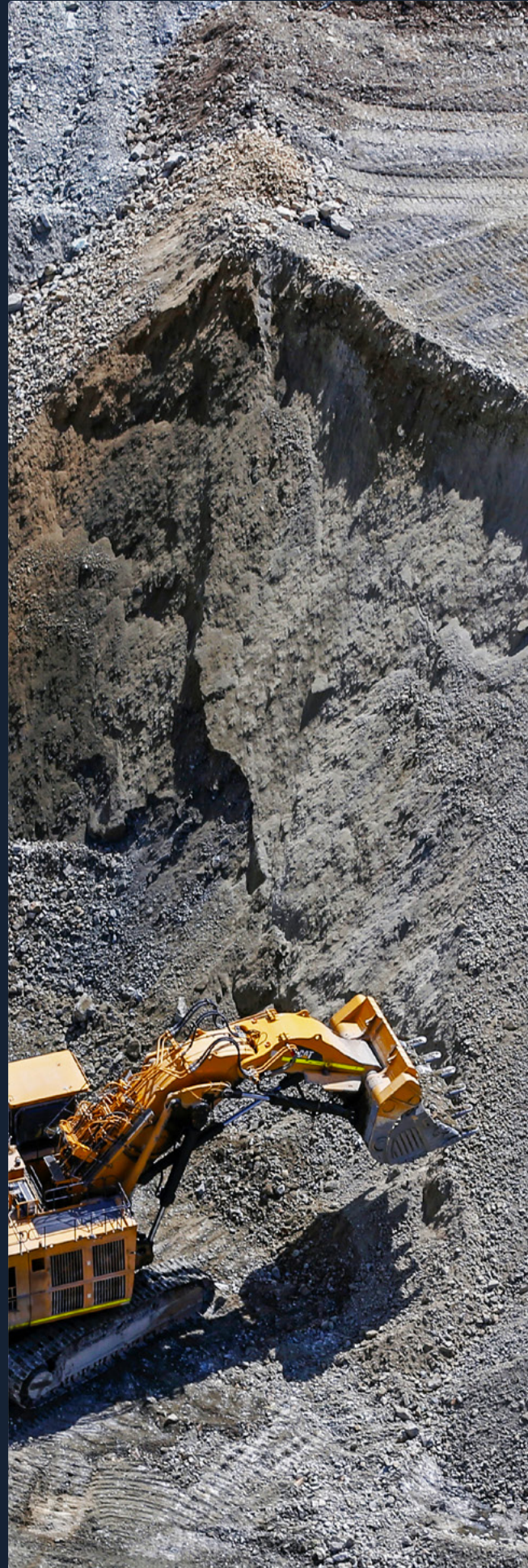
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<sup>4</sup> According to Civicus, “On a related note, an [investigation](#) by Convoca.pe and CONNECTAS showed that in the past 17 years, extractive sector companies involved in socio-environmental conflicts in Peru signed security and protection agreements with the National Police worth over US\$18 million. The vast majority of these agreements, 158 of 181, were signed between police and companies in the mining sector. 20 of these contracts were signed or were in force during clashes between police and local populations that resulted in deaths and injuries.” [Communities impacted by mining and oil extraction lead wave of protests in Peru](#), 2 December 2021.

# Conclusion: A just transition in the Andes

The Andes, like many other regions in the Global South, has not contributed significantly to carbon emissions, yet bears the burden of the worst impacts of the climate crisis. Extractive industries like mining and oil, gas or coal extraction, along with agribusiness, are causing deforestation. Impoverished communities face forest fires, mud slides, droughts and floods as money-making is prioritised over livelihoods, while promises of labour opportunities do not always materialise.

The countries analysed in this report are economically reliant on hydrocarbon and mining exports. Fossil fuel extraction will continue even as the renewable energy industry grows: we are witnessing the development of a heightened extractive model in which fossil fuels will continue to be extracted alongside more minerals required for the energy transition. Unless action is taken to address human rights abuse and environmental harm linked to the extraction of transition minerals, the resulting opposition, delays and cancellations will impact the whole renewable energy value chain. Embedding respect for human rights and effective human rights due diligence into company practice and generating shared prosperity through co-ownership and co-benefit models is necessary to ensure a transition which is both fast and fair – for countries in the Global South as well as those in the Global North.





## Recommendations to Andean States:

- ➔ Implement judicial decisions and recommendations by international human rights bodies, including those of the UN and IAHRC Special Procedures to secure land titles, demarcation and recognition of ancestral lands to Indigenous or Aboriginal Peoples living in their territories, including non-contacted tribes or those living in isolation in the Amazon, as well as Afro-descendant and peasant communities.
- ➔ Design public policies on human rights for business operations, products and services aligned with obligations derived from international and inter-American standards, including draft proposals on mandatory human rights and environmental due diligence for companies operating in the fossil fuel, transition mineral and renewable energy sectors.
- ➔ Draft domestic legislation to comply with the Escazú Agreement in Bolivia, Colombia and Ecuador and ask Peru to ratify this instrument that will complement the existing inter-American human rights standards that provide safeguards to human rights defenders, access to information and grants public's participation in decisions concerning environmental issues.
- ➔ Respect the right to FPIC of Indigenous and Afro-descendant communities according to the ILO 169 Convention, as well as securing domestic laws to apply the provisions of General Comments and Guidelines by UN Treaty Bodies, UN Special Procedures and recommendations by the Inter-American Human Rights Commission.
- ➔ Enforce decisions by the Inter-American Court of Human Rights in cases involving companies in the region, such as those regarding the rights of Indigenous Peoples to a safe and clean environment in areas affected by mining.
- ➔ Align national policies on the just transition with human rights, prioritising the wellbeing of the population and not investments by foreign or national companies.

## Recommendations to companies investing or operating in the Andes:

- ➔ Undertake independent and more consistent processes of human rights and environmental due diligence, considering the risks to the livelihoods of communities and the environment before investing or applying for permits to extract minerals.
- ➔ Observe human rights responsibilities as established by the UN Guiding Principles on Business and Human Rights, as well as the OECD Guidelines and multilateral trade agreements, with special attention to children, women and ethnic minority groups in the region, as well as HRDs.
- ➔ Refrain from investing in conflict zones without carrying out heightened due diligence.
- ➔ Design plans to address and provide remedy for harm, in collaboration with host countries, affected communities and human rights defenders.
- ➔ Commit to a clear public policy of non-retaliation against HRDs who raise concerns about the company and its operations and adopt a zero-tolerance approach on reprisals and attacks on defenders in their operations, value chains and business relationships. Refrain from and commit to not using SLAPPs or other forms of judicial harassment to impede public participation and advocacy.



## Business & Human Rights Resource Centre

MARCH 2023

**Business & Human Rights Resource Centre** is an international NGO which tracks the human rights impacts of over 10,000 companies in over 180 countries, making information available on our 10-language website.

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