Power, Protection and Remedy: Transition pathways centering rights and justice

Introduction

A just energy transition in Africa must expand access to affordable, reliable, sustainable, and modern energy while protecting livelihoods and people's ability to shape development. These goals are inseparable in a region that has contributed comparatively little to historical energy-related emissions yet faces widespread energy poverty. Developed countries must take responsibility for their contribution to climate harm by leading rapid reductions in fossil-fuel use and excessive consumption. They must also provide the finance and technology needed for equitable transitions. Through its work on the right to sustainable energy, Natural Justice connects this responsibility to human dignity and the fulfillment of other rights.

This brief examines energy systems and their supply chains and infrastructure within the broader just transition across economies and society. Mineral extraction connects African resources to batteries and renewable-energy technologies, although the same minerals serve other industries. Hydropower and geothermal development can transform settlements and ecosystems. Hydrogen projects link energy production to industrial facilities and ports, concentrating pressure on land, water, and coastal livelihoods. It does not assume that these developments offer just or sustainable pathways. It also examines fossil projects promoted through 'transition' or development claims, consistent with Natural Justice's opposition to new fossil development.

Affected people need meaningful influence before project sites, concessions, and financing are fixed, rather than consultation limited to managing predetermined impacts. Promises of jobs and revenues cannot displace customary rights or Indigenous Peoples' right to free, prior and informed consent (FPIC). Nor can compensation replace those rights or access to effective remedy. Hosting infrastructure does not itself guarantee access to the energy it produces.

Environmental human rights defenders (EHRDs) protect environmental and related rights through organizing, journalism, legal action, and other forms of advocacy. Their knowledge helps expose risks and enables public scrutiny. Drawing on Natural Justice's research on women defenders and enabling environments, this brief examines how unequal representation and access to resources constrain their work, alongside unpaid care and gendered intimidation.

Finally, this policy brief provides recommendations to policy makers for achieving human rights-based transition pathways that centre people and justice, and shares policy openings and advocacy opportunities to help secure communities' and defenders' *power, protection and remedy.*[1]

[1] Drawing on research, public project and accountability records, and interviews or written feedback, the analysis uses emblematic cases to identify mechanisms of harm and policy gaps. It does not measure prevalence across Africa. It distinguishes documented findings from allegations and future risks to identify opportunities for prevention and remedy. Public sources were checked through September 2026, with dates and attribution indicating where events or status remain uncertain.

Key findings

- **Participation often comes too late to shape major decisions,** leaving communities with little influence once land, sites, financing, and project scale are fixed. Meaningful participation must allow their positions to change whether, where, and how development proceeds.

- **Transition investments can reproduce unequal development,** with investment and jobs coexisting with concentrated control, disrupted or destroyed livelihoods, and benefits directed elsewhere. Hosting infrastructure does not guarantee affordable energy access or authority over decisions.

- **Impacts extend across supply chains and linked infrastructure,** but separate assessments can obscure cumulative pressures on ecosystems and the livelihoods that depend on them. Fragmented oversight also makes responsibility harder to establish and enforce.

- **Defenders' ability to scrutinize projects is weakened** by information barriers and restrictions on organizing. Threats, arrests, and violence create additional risks that require protection and investigation. Where public authorities or security forces are implicated, independent protection and oversight are essential.

- **Compensation and participation systems can reinforce inequality** when they rely on formal titles and household payments that overlook women's resource use, informal incomes, and care burdens. Indigenous Peoples' collective rights and cultural relationships cannot be replaced by individual compensation.

- **Agreements and official decisions do not guarantee remedy** without funding, enforcement, and verification with affected people. Disclosure orders, compensation commitments, and grievance outcomes require follow-through, while payments leave separate responsibilities for alleged abuses unresolved.

Key recommendations

- **Governments should give communities influence before commitments are fixed** by keeping alternatives open and protecting customary rights. They should respect FPIC as a distinct right of Indigenous Peoples, including the right to withhold consent. For local communities that do not identify as Indigenous, consent-based consultation should provide early and informed participation that remains meaningful throughout decision-making. Authorities should also assess cumulative impacts and apply the precautionary principle, with enforceable requirements for disclosure and remedy.

- **Transition policy should prioritize sustainable energy access and community control** by expanding public, cooperative, and community ownership. These models should provide affordable and reliable clean energy, including for host communities. Policy should recognize women's livelihoods and resource rights and make benefit agreements enforceable. Protection for low-income consumers must not weaken company responsibilities.

- **To prevent reprisals, states must protect civic freedoms** and end the criminalization and abusive lawsuits. They must also fund gender-responsive protection designed with defenders and establish accessible mechanisms for reporting, documenting, and monitoring threats and risks against

environmental defenders, with safeguards for confidentiality and timely follow up. Investigations must be independent of implicated authorities or security actors, with safe reporting and accessible legal and psychosocial support.

- **Companies, buyers, and financiers should make rights protection a condition of business and financing decisions.** They should address risks across value chains, explain how community objections affected decisions, and prevent retaliation. Where serious harm cannot otherwise be prevented, they should suspend support while managing withdrawal risks. Funding for remedy must be preserved through closure or ownership changes.

- **African Union (AU) institutions and member states should prioritize environmental defender** protection, with the African Commission on Human and Peoples' Rights (ACHPR) raising the visibility of threats and risks through the forthcoming declaration on human rights defenders and general comment on the right to environment. The ACHPR should coordinate its relevant mandates, while AU institutions embed defender protection in minerals and industrialization initiatives. Regional commitments need clear timelines and monitoring.

- **To address unequal responsibilities and transition costs,** developed countries must lead reductions in fossil-fuel use and excessive consumption. They must also provide grants, technology, and reparative finance. Debt relief should accompany reforms to unequal trade and resource dependence, while international institutions make rights protection a condition of transition finance and include African rights-holders in oversight.

Advancing a rights-based just energy transition

Transition policies decide how land and resources are used and how benefits and risks are shared. Jobs, social protection, compensation, community free prior and informed consent (FPIC), affordable energy, and the protection of rights are all important components of a rights-based energy transition.

Africa's transition must reflect its limited contribution to historical energy-related emissions and substantial mineral production, alongside widespread lack of electricity and clean cooking. Guided by the principles of climate justice; common but differentiated responsibilities and respective capabilities; and historical responsibility, developed countries should reduce excessive energy and material consumption, and provide finance and technology to support the energy transition in developing countries. African transitions should prioritize universal access, local livelihoods, and greater control over resources. Priorities must also reflect differences and inequalities within and between countries.

African-led policy work, including the Just Transition Africa report, links energy and food sovereignty to democratic control and reduced structural dependence. It challenges models that locate decisions and profits elsewhere, centering communities' priorities for their resources and energy systems, including protection from pollution and livelihood loss.

The African Charter on Human and Peoples' Rights (African Charter) grounds this approach in peoples' control over wealth and natural resources under Article 21. Article 22 recognizes their right to development, while Article 24 protects their right to a satisfactory environment favorable to development. Together, these rights link environmental protection to participation in development and a fair share of its benefits.

Natural Justice advances this approach through its opposition to new fossil development and endorsement of civil-society recommendations on transition minerals. These positions call for developed countries to reduce excessive consumption and for protection of ecologically and culturally important areas. They also support stronger community ownership and binding corporate rules, alongside debt cancellation.

The July 2025 draft Principles for Gender Equality and Human Rights in the Energy Transition synthesizes human-rights standards in a non-binding framework for civil-society advocacy. Its 18 interconnected principles address discrimination and women's participation, including the effects of unpaid care. They link energy access and labor rights to social protection and address how finance and technology should uphold rights and protect defenders.

These principles require access to information and meaningful influence before commitments are fixed. Where Indigenous Peoples are affected, governments and companies must respect FPIC, including the right to say no, as a distinct right. For local communities that do not identify as Indigenous, consent-based consultation should ensure early and informed participation that remains meaningful throughout planning and implementation. Assessments should recognize customary and collective rights and examine cumulative impacts against genuine alternatives, including not proceeding. Protection of gender justice, civic space, and effective remedy throughout a project's life should be measured by people's ability to exercise their human rights and influence outcomes.

Natural Justice's Framework for JET pathways in Africa are built on the Three P's: Principles, Policies and Practicalities, which calls for Indigenous Peoples and local communities to be centred in decision making, with justice principles translated into policy and law and supported by practical, community-level action.

Transition pathways and risks to defenders

Critical minerals and mineral supply chains

Minerals used in batteries, renewable generation, and electricity networks connect extraction to the energy transition. Many of these minerals also serve other industries, and extraction is not inherently green.

Energy Fuels Inc.'s January 2026 feasibility update for the proposed **Vara Mada mineral-sands and rare-earth project in southwest Madagascar**, formerly the Toliara Project, sets out plans to mine monazite in Madagascar and process the minerals in Utah, USA. These rare-earth materials would serve electric vehicles, renewable energy, and other industries.

A September 2025 communication by United Nations (UN) human rights experts estimates that the concession could affect more than 30,000 people across 12 communes. About 1,000 could face eviction or lose access to farmland and grazing areas. The experts raised concerns about water demand and radioactive materials associated with monazite, as well as threats to livelihoods. They reported that people without formal land titles could be excluded from compensation despite customary tenure. Some farmers had accepted relocation, while many fishing communities opposed displacement.

Women's testimonies from Madagascar published in 2020 show that opposition predates the project's revival. The 2025 UN communication also records alleged arrests and protest violence, including three reported deaths, without attributing responsibility. These accounts support investigating the alleged violence, and protecting land and water rights before further project approvals.

Guinea's bauxite enters aluminum supply chains, including those serving electric vehicles[2]. A 2018 investigation in Boké documented farmland loss and inadequate compensation, alongside dust pollution and polluted water sources. Because payments for household or lineage land often went to men, women lost independent income while facing greater barriers to mining jobs. Companies disputed or qualified some findings, and described corrective measures.

In 2019, affected communities filed a complaint about Compagnie des Bauxites de Guinée with the Office of the Compliance Advisor Ombudsman (CAO). The CAO provides independent accountability for the International Finance Corporation's involvement in the mine. The complaint concerned compensation and resettlement, as well as pollution and lack of consultation. Mediation produced agreements on blasting impacts, community engagement, and complaint handling, but the case remained open in May 2026. The communities called on regulators and companies to report publicly on implementation and ensure that compensation recognizes women's land use and livelihoods.

In Mozambique, Syrah Resources Limited links graphite from its Balama mine to a United States based battery-anode facility. A dispute over resettlement compensation and site access interrupted operations until Syrah announced that access had been restored on May 5, 2025. The following day, the Agência de Informação de Moçambique reported residents' allegations that Mozambique's riot police, the Rapid Intervention Unit, had used live ammunition against protesters.[3]

After production resumed in June 2025, Syrah reported that it had completed payments for verified compensation claims submitted by resettled farmers who followed the agreed process. In December 2025, its subsidiary, Twigg Exploration and Mining Limitada, also concluded a new community-development agreement with community and government representatives. These company reports do not resolve the allegation concerning police conduct nor establish whether investigation or remedy followed.

In Zimbabwe, Sinomine Resource Group Co., Ltd, which owns Bikita Minerals, states that ore from Bikita supplies its production of battery-grade lithium materials used in lithium-battery cathodes. A December 2024 report, drawing on research with the Vatombe community of Hanyanya Mountain, describes threats to women's land, water access, to their health and labor rights. It also describes displacement risks and heavier caregiving burdens, compounded by women's exclusion from consultations and economic opportunities. Activists and communities, have recommended that all impact assessments consider and examine the gendered effects on livelihoods and care, beyond the loss of formally held land.

IndustriALL Global Union reported intimidation against five members of the Zimbabwe Diamond and Allied Minerals Workers Union at Bikita Minerals on May 1, 2024. They were reportedly threatened and chased away at gunpoint while preparing for Workers' Day activities. IndustriALL also reported that one woman

[2] This does not establish that vehicle demand drove all production or the earlier harms documented in mining areas.

[3] The available sources neither independently verify these allegations nor confirm injuries, arrests, or a subsequent investigation.

union member was briefly abducted and searched, and her phone taken and destroyed. The union had raised concerns about harassment, including sexual harassment, as well as long working hours and corruption at the mine. The union reportedly referred the incident to police and planned to approach the labor ministry, calling on authorities to investigate the alleged intimidation, prevent retaliation and ensure that women can influence decisions about land, livelihoods, and their workplaces.[4]

An Amnesty International investigation into artisanal **cobalt from the Democratic Republic of the Congo (DRC)** documented hazardous working conditions for adults and children, including child labor, and traced cobalt into global battery supply chains. Hazardous child labor in mining is prohibited under DRC law and falls within protections established in Article 2 of the UN Convention on the Rights of the Child. A follow-up found some progress but continuing weaknesses in corporate due diligence and disclosure. These historical findings underscore companies' responsibility to prevent minerals produced through unlawful child labor from entering their supply chains and address associated abuses, without establishing any company's current practice.

Responsibility extends beyond the mine gate, requiring governments and companies to protect customary land and water rights before authorization and throughout implementation. Independent bodies should investigate alleged security-force abuses, while buyers and financiers must address upstream risks, including retaliation against people who raise concerns. Transition policy should also reduce demand for new extraction through reuse and recycling, and exclude mining where it would threaten human rights, essential ecosystems, or culturally significant places.

Large energy infrastructure

Large hydropower is often presented as part of the move away from fossil fuels, but several movements and organizations across the world, including Natural Justice partner- Justiça Ambiental (JA!) reject dams as clean or renewable energy, and as a basis for transforming the energy system. Their opposition to **Mozambique's proposed Mphanda Nkuwa dam** concerns the development model itself, as well as displacement, river disruption, and centralized decision-making. The case illustrates the risks facing those who challenge projects promoted through transition claims.

Swedwatch's 2025 *Renewables and Reprisals* report shows how restrictions on defenders can weaken access to information and public scrutiny, reinforcing the need to protect people who oppose projects as well as those seeking changes to them.

The project office describes a 1,500-megawatt dam and approximately 1,300 kilometers of associated high-voltage transmission lines connecting the Zambezi to major demand centers, including Maputo. A 2025 civil-society report estimates that more than 1,400 families, or approximately 8,120 people, could be forcibly relocated. As many as 350,000 people who rely on the river for farming, fishing, and livestock could be negatively affected.

In an August 2026 interview for this policy brief, JA! emphasized that the potential effects extend beyond physical relocation to loss of livelihoods and access to land and the river. Access to these resources sustains historical and ancestral ties. JA! also warned of environmental damage and heightened social tensions.

[4] Public sources reviewed do not establish the outcome.

The organization also recommended that impacts assessment should establish the combined effects of the reservoir, associated construction and transmission infrastructure, including downstream changes.[5]

JA!'s February 2025 summary also questions the project's climate resilience and its cumulative effects alongside Cahora Bassa and other dams, especially given that the Zambezi River could potentially have the worst effects of climate change amongst the 11 major African river basins. JA! also raises concerns about sediment flows, reservoir methane emissions, and seismic safety. It reports that earlier restrictions on improving homes and land disrupted community life while residents waited for clarity about the project. An updated basin-wide assessment should inform livelihood protection and retain the option not to proceed, consistent with JA!'s opposition to the project.

In a March 2025 declaration, members of eight communities rejected construction of the dam on their land. They described the Zambezi as central to their culture and livelihoods and stressed that requesting information did not indicate acceptance of resettlement. The declaration also alleges that authorities restricted meetings with civil-society organizations and maintained an intimidating police presence.

JA!'s public accounts describe risks to people organizing around the project, including a community leader reportedly detained after attending a human-rights workshop in November 2022. The leader was questioned and kept at the police station for ten hours without access to counsel. Ten other participants were later questioned, and the same 11 people reportedly received further summonses in 2023, although the available records do not establish that formal charges followed. In January 2026, companies then involved in the consortium responded by condemning violence, intimidation, arbitrary detention, and retaliation.

Access to project information has also required litigation, with JA! reporting a disclosure order by the Maputo City Administrative Court on February 28, 2025. The court directed the Mphanda Nkuwa Hydropower Project Implementation Office and the Ministry of Mineral Resources and Energy to provide requested information within ten days. On September 1, 2026, JA! said compliance remained incomplete and that it had filed a criminal complaint alleging aggravated disobedience in early July.

The project schedule presented in 2026 forecasts construction from 2029 and commercial operations from 2034. Reporting published on September 8, 2026, said the African Development Bank intended to provide guarantees, with terms still under development. Neither an executed guarantee nor financial close was confirmed. Zitamar reported on July 30, 2026, that TotalEnergies and Sumitomo had withdrawn, but the accessible reporting does not establish when their withdrawals took effect. The revised ownership and effects on the schedule also remain uncertain.

At **Kenya's Olkaria geothermal developments**, a 2015 World Bank Inspection Panel investigation found that Indigenous Peoples safeguards had not been applied to affected Maasai communities. This contributed to shortcomings in consultation and livelihood restoration. In June 2020, World Bank management reported completion of its action-plan measures. [6]

[5] Seeking assessment and disclosure does not imply acceptance of the dam or resettlement.

[6] Because broader mediation commitments fell outside its oversight, the report does not independently confirm that every loss was remedied.

A July 2026 account by Maasai leader Agnes Koilel describes how women's organizing can influence project decisions despite barriers to being heard in meetings. She reported that community objections led to the postponement of a poorly attended Olkaria VII consultation. She said those objections helped move the proposed plant from community land to Kenya Wildlife Service land. Her account describes influence over consultation and citing without independently establishing why the site changed or indicating project cancellation.

At **Kenya's Lake Turkana Wind Power project**, the Environment and Land Court found in October 2021 that the process of setting aside land was unlawful and unconstitutional. It allowed one year to regularize the process, failing which, the titles would stand canceled and the land would revert to the community. The company disputed the findings and, on September 22, 2023, the Court of Appeal halted execution of the judgment and restrained interference with its possession pending appeal. The order did not finally resolve the land dispute.

In a September 2026 interview for this brief, a Natural Justice representative described company engagement over compensation and benefits, without confirming that outstanding community claims had been resolved. In December 2025, Wongan Women Initiative (WWI) reported restricted resource access, exclusion from decisions, and threats and surveillance against defenders. It called for women's inclusion in communal land registers, compensation, and transparent benefits. Such engagement should be assessed by whether it upholds rights and delivers remedy, with women able to participate safely.

At **Cameroon's Nachtigal dam**, communities complained of lost income among fishers, sand workers, and fish traders. They also raised concerns about compensation, resettlement, and agriculture. Mediation through the CAO produced a confidential agreement in May 2024. Its March 2026 update reported progress under continuing monitoring, without confirming that every loss had been remedied.

Authorities and financiers should keep core project choices open to meaningful community participation and influence, including the option not to proceed, and obtain consent where required. They should enforce disclosure orders and enable women to participate independently and safely. Where harm has occurred, they should fund livelihood recovery whose results are verified with affected people. Protection and access to remedy must extend to those who reject a project outright, regardless of whether their advocacy stops, delays, or changes it.

Green hydrogen and industrial corridors

Africa's emerging green-hydrogen economy links renewable generation and desalination to industrial facilities and ports through transmission lines and pipelines. Assessing each component separately can obscure their combined pressure on land, water, and coastal livelihoods, so the full development footprint must be examined together.

South Africa's proposed Boegoebaai development in the Northern Cape combines a port and special economic zone with renewable-energy and hydrogen infrastructure across the wider Namakwa region. The Council for Scientific and Industrial Research (CSIR) describes its strategic environmental assessment (SEA) as an integrated framework for planning the port, industrial zone, and related regional development. It examines cumulative demands on water and land, alongside effects on fisheries and biodiversity. The SEA informs planning, while individual projects remain subject to separate approval processes.

Public comments compiled with the final July 2026 SEA question the adequacy and timing of consultation and raise concerns about Nama land and cultural rights, including burial grounds. Commenters also discuss pressures on fishing livelihoods and water use, uncertainty about local benefits, and women's participation and income from fish processing. In response, the CSIR describes its public meetings, online engagement, and other participation channels, and recommends safeguards for consent and cultural rights. The exchange documents disagreement over consultation and supports early participation and cumulative assessment before project decisions. It does not independently establish community exclusion, threats, or attacks against defenders.

Namibia's Hyphen project near Lüderitz covers approximately 4,000 square kilometers of concessioned land within Tsau ||Khaeb National Park. It would connect renewable generation and desalination to hydrogen and ammonia production for export. Indigenous Nama representatives argue that ancestral rights and consent have not been adequately recognized. Research with Lüderitz residents records hope for jobs and investment, alongside concerns about consultation, fishing, and desalination. Residents also raised concerns about development near sites associated with the German colonial genocide. These competing expectations require participation before the industrial model is fixed, since state involvement alone does not establish community consent or control over benefits.

Authorities and financiers should protect independent participation and women's resource rights, and respect Indigenous Peoples' FPIC. At Hyphen, this means addressing Nama consent and cultural rights and disclosing how benefits and control will be shared, rather than treating jobs or public revenue as substitutes for rights.

Fossil infrastructure and transition claims

Nigeria's Energy Transition Plan presents fossil gas as a fuel for electricity, industry, and cooking on a pathway to net zero by 2060. The plan projects consumption at about 25 percent above the 2019 level by 2030, followed by a decline. These government assumptions do not show that further expansion is necessary or consistent with a just transition.

Natural Justice's opposition to new fossil development challenges this strategy. The International Energy Agency (IEA), in its 2023 net-zero roadmap, finds that its 1.5°C scenario requires no new upstream oil and gas projects. The scenario retains investment in existing assets and already approved projects. This conditional pathway challenges strategies dependent on expanding fossil production, without determining the merits of every infrastructure proposal.

Nigeria's strategy is advancing alongside unresolved environmental harm at **Bille, a coastal fishing community in Rivers State**. In October 2025, residents reported gas bubbling from mangroves and waterways. Amnesty International later reported that government tests in December found methane at one site at around 10,000 times normal background levels. In its July 2, 2026 update, the Nigerian Upstream Petroleum Regulatory Commission said it was still investigating the source and providing emergency support. With the source unresolved, the case illustrates risks near existing infrastructure without establishing that new gas expansion caused the seepage.

The proposed African Atlantic Gas Pipeline, formerly the Nigeria–Morocco Gas Pipeline, would run nearly 6,800 kilometers toward Morocco and connect to Europe. Morocco announced in July 2026 that member states of the Economic Community of West African States (ECOWAS) had signed an

intergovernmental agreement. Further signatures and the establishment of project institutions remained outstanding, alongside efforts to mobilize investors and prepare for a final investment decision.

In September 2026 written feedback for this brief, Urban-Rural Environmental Defenders (U-RED) raised concerns that the proposed pipeline could damage fishing grounds, farmland, and mangroves, as well as affect cultural sites. U-RED reported limited community access to route maps and impact assessments, as well as compensation and safety information. Drawing on experience with existing pipelines, it warned that women without formal land titles could lose livelihoods while compensation is paid to men as household heads. Its concerns, including the risk of intimidation, warrant investigation and preventive action.

The **Greater Tortue Ahmeyim (GTA) project, offshore Senegal and Mauritania**, illustrates tensions around operating gas infrastructure. Senegal's Gas-to-Power strategy presents domestic gas as a route to more affordable electricity and less fuel-oil use. A 2026 study, however, describes how exclusion zones lengthen fishing journeys and raise costs. It also links them to smaller catches and declining income among women who process fish.

After a gas leak in February 2025, Saint-Louis fishers called for an independent investigation. BP p.l.c. said the visible release stopped in March and assessed the environmental impact as negligible, but its assessment cannot substitute for independent scrutiny of environmental and livelihood effects.

Governments and financiers should prioritize renewable alternatives and test energy-access claims before committing to long-lived gas infrastructure. Pipeline authorities should disclose assessments and financing and protect customary rights. They must respect Indigenous Peoples' FPIC where it applies and use consent-based consultation with other affected communities. Compensation and participation should reflect women's actual resource use, regardless of formal title, while defenders must have access to protection and remedy. At Bille, the immediate priorities are identifying the source of the seepage and preventing further harm. At GTA, independent assessment and livelihood recovery are needed.

Power, protection and remedy

The Transition Minerals Tracker places these cases in a wider pattern, recording 178 allegations of human-rights and environmental abuse in Africa from 2010 through 2024. Forty-five were recorded in 2024, compared with 26 in 2023, and allegations of attacks on defenders increased in the DRC and Zambia. The allegations identify increasing and recurring risks, although the tracker neither measures the full prevalence of harm nor establishes liability.

Communities' influence depends heavily on timing, whether their aim is to stop a project or change its design. Members of eight communities rejected Mphanda Nkuwa, while organizers at Olkaria VII reportedly helped change where the proposed plant would be built. The same need for early influence applies to hydrogen corridors and the African Atlantic Gas Pipeline, where decisions about land, water, and export routes can become difficult to reverse before construction begins.

Litigation can give affected communities another route to influence project decisions. The Business and Human Rights Centre (BHRC) analyzed 125 lawsuits worldwide in September 2026 concerning transition minerals and renewable-energy projects. In 78 cases, claimants sought to stop a project. In 32 of those

cases, courts at some stage temporarily or permanently stopped the project or revoked its license. These outcomes show litigation's preventive role alongside remedy after harm.[7]

Mineral and hydrogen projects may distribute benefits while leaving communities little control over pressure on local resources. Decisions about processing, finance, and exports may still be made elsewhere and behind closed doors. Government equity, jobs, and compensation may not correct that imbalance, and hosting infrastructure does not guarantee access to its output. WWI, for example, reports that many households near Lake Turkana Wind Power remain without electricity. Development claims should therefore be tested against who controls decisions and whether affected people receive reliable, affordable energy while retaining their livelihoods.

Meaningful influence also depends on access to information and the ability to organize and speak safely. Withheld documents and inaccessible meetings restrict participation. Threats, arbitrary arrests, and violence require protection and independent investigation. Research across renewable-energy projects shows how these restrictions weaken information access and impact assessment. Those findings support preventive safeguards at Boegoebaai and along the proposed pipeline, where this brief does not document similar attacks.

The cases from Guinea, Madagascar, Bikita, and coastal communities show how unequal power shapes which losses are recognized. Reliance on formal titles and household payments can overlook women's resource use and informal income. Individual compensation also cannot replace Indigenous Peoples' collective access and cultural relationships. Natural Justice's research on women defenders shows how unpaid care and patriarchal exclusion constrain organizing, while gendered violence creates further risks. Assessments and compensation should recognize these differences, and participation and protection measures should address them.

The reported disclosure failures at Mphanda Nkuwa show why a decision must be followed through to deliver remedy. At Bille, the unresolved investigation leaves the source of the seepage and responsibility for addressing it uncertain. Complaints in Guinea and Nachtigal produced agreements that still require monitoring, while Balama's reported compensation payments leave separate questions about investigation and remedy for alleged security-force abuse.

Responsibilities should survive changes in contractors, financiers, or ownership, with funding maintained through closure and affected people involved in verifying recovery. The recommendations below address both these project-level gaps and the wider economic conditions that shape them.

Protection gaps and policy openings

The policy openings below point to reforms that give communities influence before project choices are fixed, protect defenders, and carry remedy through implementation. Regional and international processes offer routes to advance these changes across mineral supply chains and energy infrastructure. The broader recommendations on demand, ownership, debt, and reparative finance also draw on the policy agenda Natural Justice supports and wider movement demands.

[7] The figures describe selected cases globally, not the prevalence of abuses or litigation outcomes in Africa.

Our 3 P's framework- Principles, Policies and Practicalities calls for rights-based action to deliver an energy transition, with communities' needs at the centre. It offers local communities, civil society, and workers an accessible tool to analyse whether a project or policy/law follows a process for just outcomes or masquerades as just another "green development project" with limited outcomes. Governments and policymakers can use it to incorporate the "just" aspect into laws and policies. The framework highlights gaps and areas for action to prevent harm and foster more equitable systems. It aims to support sustainable energy transitions that heal, nurture, and enhance well-being for both humans and nature.

Natural Justice's proposed Just Energy Transition Framework Guideline for Kenya offers a national approach to community participation and benefits. As a civil-society draft, it proposes reforms rather than setting government policy. Drawing on consultations and baseline research across wind, solar, and geothermal projects in 2025–2026, the draft identifies recurring problems with land rights, access to information, and community influence. It proposes legally binding benefit-sharing arrangements and improved energy access for host communities. Community-led just transition forums and energy protocols would help communities set priorities and engage authorities and developers early.

In 2026, the African Court on Human Rights and the People (ACHPR) created several openings for action through resolutions addressing climate, defender protection, and environmental rights. Resolution 662, adopted on May 20, mandates climate-rights guidelines. Resolution 663 calls on states to pass laws protecting human rights defenders and to end reprisals and abusive judicial proceedings. Resolution 664, adopted on July 31, gives the ACHPR another year to prepare a General Comment on the right to a satisfactory environment under Article 24 of the African Charter.

In its 2026 activity report, the ACHPR's Working Group on Extractive Industries, Environment and Human Rights Violations warns that demand for transition minerals must not deepen conflict, displacement, or repression. It also invites input into guidance on Article 24 of the African Charter. This work could strengthen standards for early participation, customary rights, and cumulative assessment. Together with forthcoming African Declaration on the Promotion of the Role of Human Rights Defenders and Their Protection in Africa (African Declaration) it offers an opportunity for the ACHPR to raise the profile of environmental defender protection and strengthen regional guidance on preventing reprisals and ensuring access to remedy.

The African Business and Human Rights Forum provides a regional space to discuss environmental rights, due diligence, just transition, and remedy. Governments, businesses, and financiers should use it to make public commitments on disclosure and prevention of reprisals. Remedies should be agreed with communities and have clear delivery deadlines. Transparent reporting should identify responsibility across supply chains and linked infrastructure, including after ownership or financing changes, while relevant authorities remain responsible for enforcement.

Parties to the Paris Agreement are using the United Arab Emirates Just Transition Work Programme (JTWP) to develop cooperation on just-transition pathways and a dedicated mechanism for implementation. Civil-society recommendations to the UN Secretary-General's Panel on Critical Energy Transition Minerals offer a parallel agenda for protecting rights across mineral supply chains. Both processes create opportunities to ask whether transition investment gives affected communities meaningful influence and reliable, affordable energy.

The Kunming-Montreal Global Biodiversity Framework creates related openings through Target 22. It addresses participation and access to information and justice, alongside Indigenous rights and defender

protection. Target 23 addresses gender equality, including women's rights to land and resources. Implementation should protect customary tenure and resource use in conservation and transition planning, while rights-holders need resources and safe access to shape decisions and monitor results.

Recommendations

Guaranteeing communities' and defenders' *power, protection and remedy* in the context of climate change, biodiversity loss and an urgent need to phase out fossil fuels, requires that transition policy makers move beyond extraction towards regeneration and sustainability. The shift away from fossil fuels and extractivism, needs to be understood as a means of sustaining life, rather than economic growth alone.

To African governments, legislatures, and regulators

- **Give communities power before projects are locked in** by requiring accessible information and meaningful participation while major project choices remain open. Where Indigenous Peoples are affected, respect their self-determination and distinct right to FPIC, including the right to withhold consent. For local communities that do not identify as Indigenous, use consent-based consultation that begins early, is informed, and remains meaningful throughout the process. Respect representative institutions and fund independent advice and translation, with practical support that enables women to participate safely.

- **Set clear limits on development** by stopping new fossil-fuel development and prohibiting mineral extraction in areas of high ecological or cultural value. In Africa, this should form part of a just and equitable transition away from fossil fuels that recognizes different national circumstances and safeguards energy access and development needs. Wealthier, historically high-emitting countries should lead fossil-fuel reductions and provide finance and technology transfer, rather than imposing uniform phase-out timelines on African countries. Assess the whole project, including the combined effects of linked infrastructure on ecosystems and on people's health and livelihoods. Give particular attention to water and biodiversity. Compare alternative locations and technologies, including the option not to proceed. Authorities should protect customary land, cultural practices, and coastal rights, and publish decisions in locally understood languages. Give independent bodies powers to enforce disclosure and investigate breaches. Back these powers with authority to suspend approvals, impose sanctions, and secure remedy. Apply the precautionary principle where serious or irreversible harm is threatened.

- **Expand public, cooperative, and community-owned renewable systems** as part of transition policy, with affected communities given a meaningful role in governance and benefits. Host communities should receive reliable and affordable energy. Require benefit-sharing agreements negotiated with affected communities to specify enforceable commitments, delivery dates, and community oversight. Benefits must not be a substitute for compensation, recognition of land rights, or consent where required. Compensation and benefit agreements should recognize women's customary resource use, informal work, and unpaid care. Protect low-income consumers without shifting company responsibilities to the public. Support safe work and collective bargaining, with retraining and social protection for workers affected by change.

- **Protect defenders** by safeguarding access to information and the freedoms of expression, assembly, and association. Gender-responsive protection systems should assess risk and respond quickly to confidential reports. States should establish accessible mechanisms for reporting, documenting, and monitoring threats and attacks against defenders, with safeguards for confidentiality and timely follow up. Provide independent legal assistance and access to technical expertise so affected people can challenge approvals and pursue remedy. Defenders should also receive psychosocial support alongside physical and digital security. End impunity for reprisals through independent investigations of threats and attacks, including abuse by public and private security actors. Authorities must also prevent criminalization and abusive lawsuits (SLAPP Suits). Protection must extend to violence within households and communities, while women-led organizations need long-term, flexible funding. Counter-terrorism laws must not be used against peaceful organizing.

- **Require authorities to explain how energy decisions account for long-term risks** and compare alternatives using scientific evidence and impact assessments. Assess emissions and future demand, as well as affordability and decommissioning. The IEA's 2023 net-zero scenario requires no new long-lead-time upstream oil and gas projects, coal mines, or mine extensions. It retains investment in existing assets and approved projects. Decision-makers should explain how investments align with climate and energy-access goals, with decisions subject to independent review under applicable law.

To companies, investors, buyers, and development-finance institutions

- **Make rights protection a condition of investment and purchasing decisions** through due diligence across value chains and linked infrastructure, including contractors and security providers. Disclose ownership, contracts, and financing. Explain material risks and how community objections changed decisions. Financing and purchasing agreements should set measurable rights requirements and prohibit retaliation, with monitoring involving affected people. Suspend support when serious harm cannot otherwise be prevented, while managing the risks of withdrawal. Support should resume only after independently verified corrective action and appropriate remedy. Financiers should assess civic-space and conflict risks directly with defenders instead of relying only on clients.

- **Fund restoration and provide or cooperate in remedy** in line with responsibility for harm, while preserving access to judicial and cross-border routes. Project grievance mechanisms should be independent and complement those routes and protect complainants from retaliation. Agree on restoration and livelihood recovery with affected communities, with clear timelines and independent verification. Secure rehabilitation finance before operations begin and maintain it through closure. Agreements, compensation, or ownership changes must not foreclose investigation of alleged abuse or leave communities with unpaid restoration costs.

To the African Union and the ACHPR

- **The AU and its members states should prioritize the protection of environmental defenders** and support the development and implementation of the forthcoming African Declaration. The ACHPR should address risks associated with transition minerals and renewable infrastructure in its forthcoming General Comment on the Protection and Promotion of the Right to Environment in Africa, including threats to coastal livelihoods and gender-specific risks. The ACHPR's extractives, defender, and women's-rights mandates should coordinate monitoring and confidential reporting to support rapid response. Defender protection and meaningful community participation should also be embedded in the African Green Industrialization Initiative and African Green Minerals Strategy.

To developed-country governments and international climate, biodiversity, trade, and finance institutions

- **Bodies under the United Nations Framework Convention on Climate Change, the Convention to Combat Desertification and the Convention on Biological Diversity** should require meaningful participation and respect for consent in program design and finance. Gender equality, defender protection, and remedy should be conditions of support, including under the JTWP and its implementation mechanism. These bodies should fund safe participation by African and other Global South rights-holders and support accessible, independent grievance and appeal processes under Article 6.4 of the Paris Agreement, alongside judicial routes. Conservation programs should protect customary tenure and assess results against livelihoods and rights as well as environmental targets.

- **Developed countries must reduce extraction pressures** by leading cuts in fossil-fuel use and excessive consumption while supporting wider sustainable-energy access. Public transport and smaller vehicles can lower mineral demand, as can longer-lasting products supported by repair, reuse, and recycling. Legislatures should translate international mineral principles into enforceable rules. UN agencies should create accessible complaint mechanisms and monitoring systems with communities involved in oversight. Home states should regulate overseas business impacts consistently with their human-rights obligations and provide routes to justice, remedy and reparations.

- **Developed countries should respond to their historical contribution to climate harm** with additional, needs-based grants and reparative finance that strengthen community control. Creditors should cancel or restructure debt where necessary, alongside reforms to unequal trade and food or energy dependence. Finance should support African productive capacity and access to technology, with direct funding for community priorities and women-led organizations. Financing terms and guarantees must be transparent and must not shift disproportionate risk to communities or public budgets. Strengthen these efforts through domestic resource mobilization and action on tax abuse. Accessible training should respect local and Indigenous knowledge.

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