

# Towards Responsible Renewable Energy

With rising allegations of abuse, are 50 wind & hydropower companies' human rights policies fit for purpose?

Briefing Note | November 2016

## 1. Executive Summary

***A fast transition to renewable energy is essential, but it will be neither fair for people nor sustainable for companies unless undertaken with human rights considerations at its core.***

The Paris climate agreement and the Sustainable Development Goals are driving commitments to climate action and universal access to energy globally. Renewable energy will be central to achieving these commitments, and with falling technology costs, investments in the sector are already on the rise. A welcome 198 GBP billion was invested worldwide in renewable energy in [2015](#), marking also the largest annual increase of clean energy implementation. Renewable energy is expected to become the largest source in global electricity production [by 2030](#).

But this welcome increase in investment is not without problems: there is also a rapid rise in allegations of human rights abuse linked to renewable energy projects. At Business & Human Rights Resource Centre, we have reached out to companies about human rights allegations since 2005. 94 out of 115 human rights allegations related to wind and hydropower projects took place after 2010.

Renewable energy projects, including dams and wind farms<sup>1</sup>, are associated with serious human rights abuses including in Central and South America, East Africa and Southeast Asia. Local communities are faced with some of the most damaging impacts including dispossession of their lands, livelihoods undermined, threats and intimidation, killings, displacement, among other abuses.

Many of the allegations against wind and hydropower companies are caused by lack of adequate human rights due diligence and impact assessment procedures in place, as established by the [UN Guiding Principles on Business and Human Rights \(UNGPs\)](#).

Key to understanding the potential impact of renewable projects is rigorous consultation with affected communities and respecting indigenous peoples' right to free, prior, and informed consent

(FPIC). Failure to consult adequately and address potential abuse is driving rising levels of community resistance to renewable projects in many countries. In turn, this will cause project delays, as well as financial, legal and reputational penalties for companies. In some countries, communities have already begun to associate the renewables industry with abuses linked to extractive companies. A recent [study](#) found that extractives companies could incur significant costs as a result of company-community conflicts, writing off up to 379 USD million in assets and 1.33 USD billion in projected reserves — renewable energy companies have an opportunity to learn from these costs.

The sector has the opportunity to avoid this fate, but to do so it must act now to radically strengthen its human rights due diligence prior to investment. The success of the industry and our transition to a low carbon economy depend upon it.

This is why Business & Human Rights Resource Centre reached out to 50 companies involved in renewable energy projects with a set of [10 questions](#) on their approach to human rights, focusing on community engagement. We received responses from 20 firms and conducted desk-based research on all 50. Responses are available on our [interactive, comparative platform](#).

## Key Findings:

- **Weak commitment to community consultations:** 34 companies demonstrated some commitment to local consultations. However, the quality of the majority is weak, with only 5 out of 50 referring to respect for indigenous peoples' right to free, prior and informed consent (FPIC);
- **Policies need to be reflected on the ground:** 3 out of the 5 companies that have FPIC commitments in place have faced challenges about this commitment on the ground;
- **UN Clean Development Mechanism does not guarantee against human rights abuses:** 31 companies we reached out to had projects registered with the UN's Clean Development Mechanism funding renewable energy projects; however 11 of these faced human rights allegations including abuse of the right to FPIC, right to land, and violence against communities.

<sup>1</sup> Recognising [concerns by human rights organizations](#) about the negative impacts of large dams on climate change and human rights on the one hand and the continued classification of these projects as renewable or clean energy by international funders on the other, hydropower companies have been included in this research as far as they claim their projects are green, clean or renewable.

### Key Recommendations:

- **To renewable energy companies:**
  - Adopt and disclose human rights policies and due diligence procedures in line with the UNGPs. This should include a commitment to rigorous community consultation procedures, including obtaining FPIC from communities affected by renewable energy projects;
  - Introduce grievance mechanisms in line with the UNGPs' effectiveness criteria, designed with communities and workers;
  - Begin a sector-wide initiative to rapidly lift human rights standards across the industry.
- **To Marrakech Conference of Parties (COP22) & UN Framework Convention on Climate Change (UNFCCC):**
  - Adopt rigorous human rights safeguards for projects financed by the Sustainable Development Mechanism and Green Climate Fund (or other new iterations of Clean Development Mechanism).
  - Ensure criteria adopted by Global Climate Action Agenda high-level champions include a requirement to act according to the UNGPs ([see relevant submission](#)).
- **To governments implementing Paris Climate Agreement & Sustainable Development Goals:**
  - Adopt and enforce human rights safeguards in national energy policies facilitating renewable energy projects;
  - Report on how climate actions are taking human rights impacts into considerations in Intended Nationally Determined Contributions (INDCs).
  - Ratify ILO Convention 169 on indigenous peoples and ensure respect for right to FPIC.

### About us

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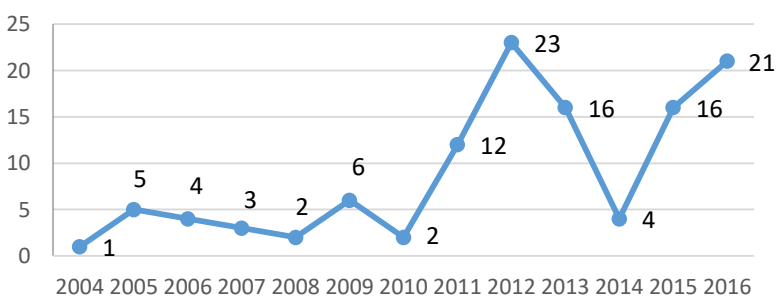
Business & Human Rights Resource Centre is an independent, international NGO that tracks the human rights impacts (positive & negative) of over 6900 companies in over 180 countries making information available on its eight language website.

We seek responses from companies when concerns are raised by civil society. The response rate is over 80% globally.

## 2. Introduction

In the past 10 years, Business & Human Rights Resource Centre approached companies in the wind and hydropower sectors 115 times to seek responses to human rights allegations by NGOs and local communities. 94 of these allegations took place after 2010, and over 50% of the allegations were related to operations in Central and South America. Though hydropower projects face the most allegations, we found that the number of allegations against wind power projects is increasing.

Total approaches to wind & hydropower companies with human rights allegations



In October 2016, the Business & Human Rights Resource Centre conducted an outreach to 50 renewable energy companies with a set of [10 questions](#) on their approach to human rights, focusing on community engagement. We received responses from 20 companies and conducted desk-based research on all 50. We contacted a broad range of companies that work in wind and hydropower, selecting them based on a mix of company renewable energy generating capacity (in MW) and regions of operation. Previous outreach was conducted in May with the same questionnaire to 35 companies.

The analysis below highlights two key points:

- The wind and hydropower sectors are not well-developed in terms of human rights due diligence, despite substantial risks in their operations, and their reputation as the “clean” actors of the broader energy sector.
- There are a small number of leading companies, including Statkraft and Engie, who have credible human rights policies and practices. And while the leaders still have more to do, the rest of the wind and hydropower companies should learn quickly from them to avoid future risks.

Below we focus our analysis on four key aspects of human rights due diligence which offer immediate opportunities for the sector to improve performance and mitigate risks: design policy and practice in line with international standards; introduce rigorous consultation with affected communities and respect land rights, especially of indigenous peoples; enforce and monitor the implementation of policy and procedures in all installations; and ensure any government sanctioned initiatives that label renewable energy projects as clean enforce rigorous human rights safeguards.

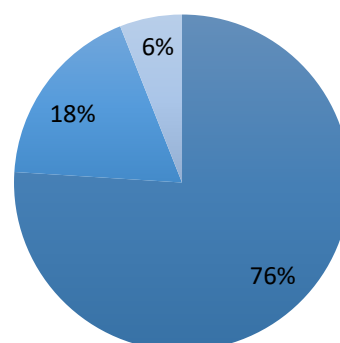
## 3. Reference to International Standards

33 of the 50 companies we contacted had publicly available human rights policies. The degree of commitments in these policies ranged widely, from **Statkraft** who have shown an explicit commitment to the UNGPs, OECD Guidelines, and International Finance Corporation (IFC) Performance Standards, to **Renovalia Energy** who failed to show the existence of any human rights policies.

Only 50% of the companies we researched referred to any international standards. A leadership group of 12 companies referred to the UNGPs specifically, including **Acciona**, **EDP Renewables**, **Eletrobras**, **Engie**, **EPM**, **E.ON**, **Isagen**, **Statkraft**, **Statoil**, **Suncor**, **Vattenfall**, and **Vestas**.

The UNGPs emphasise that companies have a responsibility to avoid causing or contributing to adverse human rights impacts and to take steps to prevent, mitigate and remedy impacts. Of the 12 companies that referred to the UNGPs, most of them did so in reference to their due diligence processes or human rights policies. Just 3 companies (**Isagen**, **Statoil** and **Vattenfall**) went further and referred to the UNGP obligation to ‘access to remedy’ (see chart below for breakdown of company references to UNGPs).

Company references to UNGPs



- Companies that did not refer to UNGPs
- Companies that referred to UNGPs in their due diligence
- Companies that referred to UNGPs in their due diligence & grievance mechanism

## UN Guiding Principles on Business & Human Rights

The **UN Guiding Principles** set out eight “effectiveness criteria” for non-judicial grievance mechanisms.

They should be:

1. Legitimate
2. Accessible
3. Predictable
4. Equitable
5. Transparent
6. Rights-compatible
7. A source of continuous learning
8. Based on dialogue and engagement

(See: [UN Guiding Principle 31](#) for details)

**Isagen**, **Statoil** and **Vattenfall** all have grievance mechanisms available to communities and workers. UNGPs have a set of effectiveness criteria for companies’ operational grievance mechanisms. **Vattenfall** stated that the company is currently aligning its policies, including grievance mechanism, to the UNGPs. **Isagen** stated that their grievance mechanism was developed in line with the UNGPs.

Ensuring effective grievance mechanisms are in place

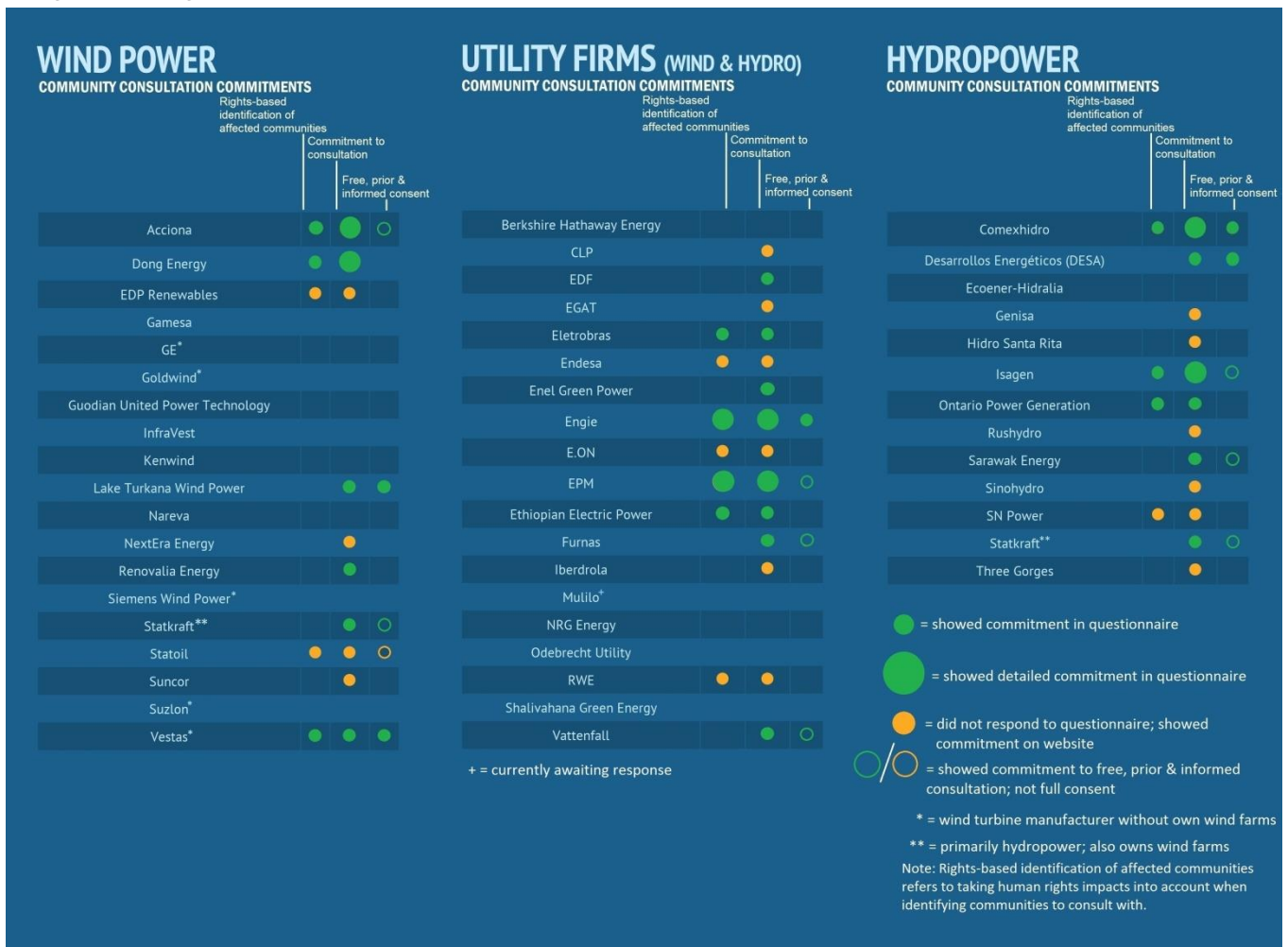
is an essential part of protecting the rights of local communities. These mechanisms also serve as an early alert mechanism for companies around issues that could turn into costly conflicts. Renewable energy companies have an interest in examining their grievance mechanisms in light of the UNGPs’ effectiveness criteria.

### 4. Weak Commitment to Community Consultations

Our outreach to companies revealed a weak commitment to community consultations in the renewable energy sector.

Although 34 companies we reached out to have some welcome commitment to consult with local communities, their policies and practices varied significantly. Community consultations ranged from a social and environmental impact assessment at the start of the project, to continuous consultation via meetings from the development phase, construction, and during the operation phase of the project.

Companies such as **Isagen**, establish relationships with communities at the early stages of the project, prior to construction, in order to identify who would be impacted by the project. Isagen provided details on their processes and showed a commitment to respect the social and cultural lives of the locals, and takes a rights-based approach to identifying who would be affected.





**Acciona**, a utility company based in Spain, carries out consultations with local communities throughout the project cycle. **Ontario Power Generation** consults communities and indigenous people in various ways including holding public information meetings, council presentations, making information available on their website, in-person visits, sharing of reports, and maintains an ongoing relationship with those affected communities throughout the project cycle.

Others such as **Enel Green Power** have a commitment to consultation as per national legislation but do not have a structured process in place. However, 16 companies do not have any form of publicly available consultation commitments in place. The majority of these are in the wind power sector.

A structured and rigorous consultation process can act as a basis to prevent future project delays and costs due to conflicts with local communities, and at its best create a strong and mutually beneficial relationship between communities and the company.

Inadequate consultations can delay project development, and prevent construction and operations running smoothly. In Myanmar, the [Mong Ton dam](#) has been linked to concerns around inadequate consultations, and the local Shan villagers claim the dam would flood and destroy 100 communities. The villagers have held protests against the **Snowy Mountains Engineering Corporation (SMEC)**, which was commissioned to conduct an environmental and social impact assessment. Villagers allege that SMEC is helping push the project ahead without proper consultations. In January 2015, 16 Shan villagers submitted a statement in Bangkok warning that the project could fuel conflict in an already unstable region. The letter also claims that SMEC surveyors gave villagers “gifts” which the villagers saw as bribes, in order to get them to sign documents they did not understand. SMEC denies these allegations and holds that it continues to reach out to local civil society organizations without success.

On the other hand, renewable energy development can provide great economic opportunities for locals if they are given more of a say in the project. In contrast to other wind farms in Oaxaca, Mexico, the [Ixtepec wind project](#) is a [community-owned](#) indigenous wind power project. The community of Ixtepec reached out to **Grupo Yansa** in order to build a wind farm in the area. Yansa proposed a site where agricultural impact would be minimal, and conducted an environmental impact assessment. Yansa seeks to directly involve communities in the construction and operation of the wind farms, therefore giving them control of the renewable energy sources. The energy will be sold to the national grid at a guaranteed fixed price, therefore giving the community members an income and an opportunity for economic and social growth. [50% of](#)

[the earnings](#) will go to community members to compensate land owners and pay for community programmes. This approach demonstrates that if renewable energy companies keep human rights considerations at their core, it is possible to transition to clean energy whilst keeping abuses at bay.

## 5. Policies Need to be Reflected on the Ground

A leadership group of 5 companies out of the 50 we reached out to expressed a commitment to the internationally agreed ILO Convention 169 standard to obtain free, prior and informed consent (FPIC): **Comexhidro, Desarrollos Energéticos (DESA), Engie, Lake Turkana Wind Power** and **Vestas**.

The lack of commitment is especially concerning as many of the [allegations about renewable energy projects](#) are related to inadequate consultation and the failure of companies to obtain FPIC. Though FPIC is a primary right for indigenous people, international best practice is to apply it to all affected communities.<sup>2</sup>

FPIC is underpinned by the UN Declaration on Indigenous Peoples Rights and ILO Convention 169. The right entails providing early access to information about projects planned for development in indigenous peoples’ lands, and obtaining consent from them at their free will before construction begins. [Oxfam America's Community Consent Index](#) shows that the extractives sector has taken strides in committing to FPIC illustrating the feasibility of this commitment at a company level. Although the extractives sector is far from being free of conflicts with local communities, renewable energy companies have an opportunity to learn from extractives’ experience in putting FPIC commitments in place. There is a strong need for clear language in commitments, and plans to implement FPIC in all sectors affecting local communities.

However, writing FPIC into human rights policies is not enough. Three of the companies in our survey that showed a commitment to FPIC, **DESA, Lake Turkana Wind Power** and **Vestas**, have allegations against them that claim the companies did not adequately consult and obtain consent from local communities. The distinction between consultation and consent is key here: meaningful FPIC goes beyond discussions with the local population and requires the community to agree to and give consent for the development of the project. This may require the company to amend their original project development plans and provide adequate compensation to the people.

**DESA**, a hydropower company based in Honduras, claims it had obtained FPIC for a “run-of-the-river” hydropower project called Agua Zarca in Honduras,

<sup>2</sup> [Oxfam's community consent index](#) provides more information on FPIC

but also admits there is a group within the affected community that opposes the project. FPIC should not be based on what the majority say, but apply to all community members, and companies must continue to constructively engage with those locals who oppose the project and obtain their consent before beginning construction.

A grave reminder of the consequences of a flawed FPIC process was the killing of Berta Cáceres, indigenous community leader and human rights defender who was protesting the Agua Zarca dam, earlier this year. COPINH, the organisation she worked with, continues to protest the dam and faces [threats and assassination attempts](#). DESA stated in their response to the questionnaire that all security forces directly or indirectly hired by DESA abide by human rights policies and that FPIC was secured for the project. There is an apparent disconnect between the companies policies and what is happening on the ground. An independent fact-finding mission was conducted at the request of FMO, a Dutch development bank, and issued a report on the situation on the ground. [The report](#) concluded that adequate consultations with local communities were held and that consent was given. COPINH has been vocal about their [opposition](#) to this report and FMO's response, claiming that it ignores DESA's responsibility for the violence in the area and instead blames the local communities.

**Lake Turkana Wind Power Project** in Kenya is planned to become the largest wind farm in Africa and heralded for the amount of clean energy it will provide. There have been serious allegations against Lake Turkana Wind Power that consultation with indigenous communities was not [adequate](#). Originally, Lake Turkana Wind Power Project claimed that FPIC was only necessary for indigenous people, and they did not identify any indigenous communities in the area. However, reports allege that Lake Turkana Wind Power failed to recognise the pastoralist indigenous community. Lake Turkana's new response to our questionnaire does indicate that FPIC is a right that should be ensured to all affected communities, not just indigenous people. [Research](#) also showed increased prostitution, alcoholism, and violence in the displaced village caused by the influx of people who moved to the area in hopes of finding employment at the wind farm.

However, clean energy is central to the fight to reverse climate change, and it is possible to keep human rights at its core. **Statkraft** proved its ability to be [open to change](#) when the Jijnjevaerie Saami village submitted a [complaint](#) to the Swedish and Norwegian National Contact Points (NCPs) to the OECD Guidelines concerning the company's planned wind power project

in the area where the Saami village engages in reindeer herding. While the NCPs found that Statkraft complied with the OECD Guidelines, they also provided recommendations for how the company could work in a manner that promotes indigenous people's rights. Statkraft and the Saami villagers were able to reach a final [agreement](#), demonstrating that a fast and fair transition to renewable energy is not only possible, but essential.

Another example of a positive example by companies responding to communities is the [Cerro de Oro dam](#) in Mexico, co-owned by **Comexhidro** and the Latin Power III Fund, and financed by the Overseas Private Investment Corp (OPIC). Comexhidro demonstrated its capability to amend practices to adhere to community rights when indigenous communities submitted a complaint to the OPIC's Office of Accountability about the dam. The communities were concerned with the impact of the dam on their safety, access to water, and fishing areas. After dialogues with the OPIC, local and regional government officials, the project was suspended. As of August 2014, the company continues to respect the communities' decision to reject the project. Comexhidro is also developing the Puebla hydropower plant in Mexico, where they consulted with local communities prior to obtaining permits. Comexhidro has developed an ongoing relationship with the local community, and created a local office with both foreign and local workers to handle complaints and mitigate human rights impacts. The original Social Impact Assessment showed both positive and negative impacts on the local population and solutions to limit those negative impacts. Working in line with Comexhidro's human rights policies led to a successful consultation process.

**Engie** also exemplified their commitment to securing FPIC when they began to develop an offshore wind farm in France, off the islands of Yeu and Normoutier. The local fishermen originally opposed the project, and after 2½ years of consultations and negotiations, Engie was able to receive consent from the community. Once the policies are in place at a corporate level, working with locals and ensuring open channels of communication is essential for responsible renewable energy and mitigation of human rights abuses.

## 6. UN Clean Development Mechanism not a Guarantee against Human Rights Abuses

Governments and international funders also have a responsibility to ensure renewable energy projects they fund do not cause or contribute to human rights abuses. The UNGPs clearly establish the state duty to protect human rights related to private sector activities. A number of international instruments also specify

governments' duties regarding respecting indigenous peoples' rights, including ILO Convention 169.

Any government-funded or sanctioned initiatives that label renewable energy projects as clean or responsible also need to ensure that human rights are being protected on the ground. This currently does not always seem to be the case. The UN [Clean Development Mechanism](#) (CDM) is a global, environmental investment scheme that funds emission-reducing projects. However, many projects backed by this scheme have come under criticism for their human rights impacts, and CDM is unable to ensure project developers respect human rights. [Carbon Market Watch](#) follows the development of CDM registered projects, and finds that many of them are linked to abuse of local communities' rights and environmental damage.

Of the companies that we reached out to 31 have CDM registered projects. 11 of these have human rights allegations associated with it, including at **Oaxaca Wind Farms**, **Foum El Oued Wind Farm**, and **Santa Rita Hydroelectric Plant**. Many of these allegations are tied to the abuse of the right to land, right to FPIC, and indigenous people's rights.

The CDM scheme is now coming to a close, and State Parties to the Paris Agreement are developing the Sustainable Development Mechanism as a successor. Any future iteration of CDM must adopt rigorous human rights safeguards. John Knox, UN Special Rapporteur on human rights and the environment, has also emphasised the importance of human rights safeguards in the new climate financing mechanism, in a [letter](#) to UNFCCC. His letter emphasises that simply because a project is considered "clean" does not mean that it is good for the people it affects.

## 7. Progress since May 2016

Through this outreach we have found that a handful of companies are moving in the right direction. When we first reached out to companies in May, we contacted 35 firms involved in renewable energy project development with the same questionnaire. Some companies that did not respond to our previous outreach, such as **Ontario Power Generation**, **EDF**, and **Electrobras**, responded to this second outreach

and disclosed information about how they approach community engagement. **Isagen**, **Lake Turkana Wind Power**, and **Vestas** updated their answers last month. Specific changes since the last outreach include:

- **Isagen** is now reviewing their human rights policies with an independent third-party to ensure that it is aligned with the UNGPs.
- **Lake Turkana Wind Power** previously stated that FPIC was only necessary for indigenous people. However, they now recognise that all affected communities have a right to FPIC.
- **Vestas** has disclosed additional information about their Social Due Diligence process to "identify, prevent and mitigate risk and impacts of project affected communities."

This improvement in transparency is a crucial first step to ensure the protection of human rights. We encourage more companies in the renewable energy sector to disclose information on their human rights policies and practices in recognition of their responsibility to provide clean energy that respects human rights.

## 8. Conclusion

This outreach exemplifies the alarming lack of transparency and implementation of human rights responsibilities in the renewable energy sector. Without commitments in place and implementation on the ground, communities have no way of ensuring their rights are protected and expressing their grievances towards projects being built on their land.

The Paris Agreement and Sustainable Development Goals established that the world is ready to take unified action against climate change. The transition to clean energy is a vital part of meeting these goals, but in doing so, the impact renewable energy development can have on local communities cannot be ignored. Communities and indigenous people have a right to be consulted and give consent to projects before they are developed. Lake Turkana wind farm, Agua Zarca dam, and Mong Ton dam exemplify the need for FPIC and thorough community consultation. Statkraft's development of wind farms in Sweden, Cerro de Oro dam, and Ixtepec wind project prove that this is possible.

## Key Recommendations

- **To renewable energy companies:**
  - Adopt and disclose human rights policies and due diligence procedures in line with the UNGPs. This should include a commitment to rigorous community consultation procedures, including obtaining FPIC from communities affected by renewable energy projects;
  - Introduce grievance mechanisms in line with the UNGPs' effectiveness criteria, designed with communities and workers;
  - Begin a sector-wide initiative to rapidly lift human rights standards across the industry.
- **To Marrakech Conference of Parties (COP22) & UN Framework Convention on Climate Change (UNFCCC):**
  - Adopt rigorous human rights safeguards for projects financed by the Sustainable Development Mechanism and Green Climate Fund (or other new iterations of Clean Development Mechanism).
  - Ensure criteria adopted by Global Climate Action Agenda high-level champions include a requirement to act according to the UNGPs (see [relevant submission](#)).
- **To governments implementing Paris Climate Agreement & Sustainable Development Goals:**
  - Adopt and enforce human rights safeguards in national energy policies facilitating renewable energy projects;
  - Report on how climate actions are taking human rights impacts into considerations in Intended Nationally Determined Contributions (INDCs).
  - Ratify ILO Convention 169 on indigenous peoples and ensure respect for right to FPIC.



## Annex:

## Annex 1: List of companies and whether they responded

Company	Country of HQ	Sector	Responded?
Acciona	Spain	Wind	<a href="#">Yes</a>
Dong Energy	Denmark	Wind	<a href="#">Yes</a>
EDP Renewables	Spain	Wind	No
Gamesa	Spain	Wind	No
General Electric	USA	Wind	No
Goldwind	China	Wind	No
Guodian United Power Technology	China	Wind	No
InfraVest	Taiwan	Wind	No
Kenwind	Kenya	Wind	No
Lake Turkana Wind Power	Kenya	Wind	<a href="#">Yes</a>
Nareva	Morocco	Wind	No
NextEra Energy	USA	Wind	No
Reovalia Energy	Spain	Wind	<a href="#">Yes</a>
Siemens Wind Power	Germany	Wind	<a href="#">Yes</a>
Statoil	Norway	Wind	No
Suncor	Canada	Wind	No
Suzlon Group	India	Wind	No
Vestas	Denmark	Wind	<a href="#">Yes</a>
Berkshire Hathaway Energy	USA	Utility	No
CLP Group	Hong Kong	Utility	No
EDF Energies Nouvelles	France	Utility	<a href="#">Yes</a>
Electricity Generating Authority of Thailand (EGAT)	Thailand	Utility	No
Eletrobras	Brazil	Utility	<a href="#">Yes</a>
Endesa (part of Enel)	Chile	Utility	No
Enel Green Power	Italy	Utility	<a href="#">Yes</a>
Engie	France	Utility	<a href="#">Yes</a>
E.ON	Germany	Utility	No
Empresas Públicas de Medellín (EPM)	Colombia	Utility	<a href="#">Yes</a>
Ethiopian Electric Power	Ethiopia	Utility	<a href="#">Yes</a>
Furnas	Brazil	Utility	<a href="#">Yes</a>
Iberdrola	Spain	Utility	No
Mulilo Group	South Africa	Utility	No
NRG Energy	USA	Utility	No
Odebrecht Utility	Brazil	Utility	No
RWE	Germany	Utility	No
Shalivahana Green Energy	India	Utility	No
Vattenfall	Sweden	Utility	<a href="#">Yes</a>
Comexhidro	Mexico	Hydropower	<a href="#">Yes</a>
Desarrollos Energéticos (DESA)	Honduras	Hydropower	<a href="#">Yes</a>
Ecoener-Hidralia	Spain/Guatemala	Hydropower	No
Genisa	Panama	Hydropower	No
Hidro Santa Rita	Guatemala	Hydropower	No
Isagen	Colombia	Hydropower	<a href="#">Yes</a>
Ontario Power Generation	Canada	Hydropower	<a href="#">Yes</a>
Rushydro	Russia	Hydropower	No
Sarawak Energy	Malaysia	Hydropower	<a href="#">Yes</a>
Sinohydro	China	Hydropower	No
SN Power	Norway	Hydropower	No
Statkraft	Norway	Hydropower	<a href="#">Yes</a>
China Three Gorges Co.	China	Hydropower	No

## Annex 2: Questionnaire

### Responsible Renewable Energy: 10 Questions on Human Rights

Name of company: \_\_\_\_\_

Projects registered under UN Clean Development Mechanism (if any): \_\_\_\_\_

#### Human rights policy commitment

[Examples & guidance](#)

1. Does your company have a publicly available commitment to respect human rights? If so, please provide a link.

#### Human rights due diligence

[Examples & guidance](#)

2. Does your company identify its salient human rights issues and does it have a due diligence process to manage them? If so, please list the issues and describe the due diligence process (key steps include: impact assessment, integrating & acting on findings, tracking responses & communicating how impacts are addressed).

#### Community engagement & consultation

[Examples & guidance](#)

3. What criteria does your company use to identify communities that may be affected by renewable energy projects it is involved in?
4. How does your company consult with affected communities (on impact assessments, resettlement, benefit sharing plans, etc.)? Please describe what form consultations take and when they are carried out in a project's cycle.
5. Does your company ensure its consultations include the perspectives and respect the rights of all affected community members (including those who may be marginalised for reasons of race, ethnic origin, gender, social status, age, religion, wealth or income or other considerations)? How is this ensured?

#### Free, prior and informed consent

[Examples & guidance](#)

6. Under what circumstances does your company commit to seeking an affected community's free, prior & informed consent to a project? Please provide examples of projects where free, prior & informed consent was sought (if applicable).
7. What is your company's process for obtaining and evaluating free, prior & informed consent?
8. Has your company faced any challenges in its process to seek free, prior & informed consent for renewable energy projects? If so, please describe what steps your company has taken to overcome these challenges.

#### Security

[Examples & guidance](#)

9. What steps does your company take to ensure that its own personnel, private security companies it contracts with, and/or government forces providing security to its projects, respect the rights of workers and community members, including those who may oppose its projects?

#### Remedy

[Examples & guidance](#)

10. Does your company have a grievance mechanism in place at each project site for affected communities and workers to raise concerns about local impacts, including human rights abuses? If so, were affected communities involved in the design of the grievance mechanism, including its set-up and the types of remedies it provides?

#### Other information

Please provide any further information regarding your company's policies and practices on human rights that you think is relevant.

## Annex 3: Tools & Guidance for companies

### International Standards:

- [UN Guiding Principles on Business and Human Rights](#)
  - [Also available in six other languages](#)
- [OECD Guidelines for Multinational Enterprises](#)
- [ILO Indigenous and Tribal Peoples Convention \(169\)](#)
- [UN Declaration on the Rights of Indigenous Peoples](#)
- [IFC Performance Standards on Environment and Social Sustainability](#)

### Guidance compiled by Business & Human Rights Resource Centre:

- [Guidance for Human Rights Policy Statements](#)
- [Tools, guidance, and examples of uses on Human Rights Due Diligence](#)
- [Tools and guidance for Community Engagement](#)
- [Guidance for engaging with Indigenous Peoples](#)
- [Guidance for engaging with Security Issues & Conflict Zones](#)
- [Guidance for Company-based Grievance Mechanisms](#)

### Guidance from other stakeholders:

- [Equitable Origin's EO100™ Standard for Responsible Energy](#)
- ["Dams and Development: A New Framework for Decision-Making"](#) Report by the World Commission on Dams
- [Voluntary Principles on Security & Human Rights](#)
- [Oxfam: Community Consent Index](#)

## Acknowledgements & Contact

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