

Just Transition to Renewable Energy: Strengthening Land Rights, FPIC and ESG Tenets for Indigenous and Local Populations

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Abstract

This paper examines how the global ideal of just transition to renewable energy can be achieved. The paper argues that there is need to embrace just transition to renewable energy in order to protect the vulnerable including indigenous and local populations. In particular, the paper notes that the transition to renewable energy raises injustices, inequalities and human rights violations against indigenous and local populations. Consequently, the paper observes that by promoting just transition to renewable energy, it is possible to foster justice, equity, fairness and human rights for indigenous and local populations. The paper suggests how just transition to renewable energy can be achieved by strengthening land rights, FPIC and ESG tenets for indigenous and local populations.

1.0 Introduction

Due to the negative environmental, social and economic impacts of fossil fuels, there have been calls to transition to renewable energy in order to protect people and planet for sustainability. For instance, the United Nations observed that fossil fuels, including coal, oil and natural gas, are by far the largest contributor to global climate change, since they account for around 68 per cent of global greenhouse gas emissions and nearly 90 per cent of all global carbon dioxide emissions¹. In addition to fuelling climate change, burning fossil fuels contribute to environmental and air pollution with severe impacts on human and ecosystem health². Further, since fossil fuels are non-renewable, they can be depleted and therefore, placing too much reliance on them can affect global energy security and supply with severe impacts on socio-economic development³.

In light of the foregoing concerns, it has become a key global agenda to shift energy production, supply and consumption away from fossil fuels towards clean and sustainable energy sources, with a focus on renewable energy, in order to promote Sustainable Development⁴. It has been observed that in order to tackle global challenges including climate change, pollution and energy

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¹ United Nations., 'Causes and Effects of Climate Change' Available at <https://www.un.org/en/climatechange/science/causes-effects-climate-change> (Accessed on 26/08/2026)

² Solomon. B., & Krishna. K., 'The Coming Sustainable Energy Transition: History, Strategies, and Outlook.' *Energy Policy* 39 (2011) 7422-7431

³ Ibid

⁴ The Energy Transition., Available at <https://www.pwc.com/id/en/services/energy-transition.html> (Accessed on 26/08/2026)

poverty, the world needs to end its reliance on fossil fuels and invest in alternative sources of energy that are clean, accessible, affordable, sustainable, and reliable⁵. In particular, it has been observed that renewable energy sources, such as sunlight, wind, water, organic waste, and heat from the Earth, are abundant all over the world, easily replenished by nature, and emit little to no greenhouse gases or air pollutants⁶. Renewable sources of energy are therefore vital in confronting global environmental challenges including climate change and pollution towards securing a net-zero and climate-resilient future⁷. In addition to their environmental benefits, the transition to renewable energy sources such as solar, wind and geothermal energy can unlock socio-economic development through improved healthcare, better education, and internet access, thus creating new jobs, improving livelihoods, and reducing poverty towards Sustainable Development⁸.

The transition to renewable energy is therefore important for both people and planet towards Sustainable Development. However, if not done in an appropriate and effective manner, the transition to renewable energy can fuel injustices and inequalities with disproportionate impacts on indigenous and local populations⁹. Consequently, it is imperative to embrace a just transition to renewable energy in order to uphold justice, equity, human rights and fairness for indigenous and local populations¹⁰.

This paper examines how the global ideal of just transition to renewable energy can be achieved. The paper argues that there is need to embrace just transition to renewable energy in order to protect the vulnerable including indigenous and local populations. In particular, the paper notes that the transition to renewable energy raises injustices, inequalities and human rights violations against indigenous and local populations. Consequently, the paper observes that by promoting just transition to renewable energy, it is possible to foster justice, equity, fairness and human rights for indigenous and local populations. The paper suggests how just transition to renewable energy can be achieved by strengthening land rights, FPIC and ESG tenets for indigenous and local populations.

⁵ United Nations., 'Renewable Energy - Powering a Safer and Prosperous Future' Available at <https://www.un.org/en/climatechange/raising-ambition/renewable-energy> (Accessed on 26/08/2026)

⁶ Ibid

⁷ Ibid

⁸ United Nations Environment Programme., 'Renewable Energy' Available at <https://www.unep.org/topics/energy/renewable-energy/renewable-energy> (Accessed on 26/08/2026)

⁹ United Nations Environment Programme., 'Critical Energy Transition Minerals' Available at <https://www.unep.org/topics/energy/renewable-energy/critical-energy-transition-minerals> (Accessed on 26/08/2026)

¹⁰ PanAfrican Climate Justice Alliance., 'Just Transition and Energy Access' Available at <https://pacja.org/just-transition-and-energy-access-2/> (Accessed on 26/08/2026)

2.0 The Need for Just Transition to Renewable Energy

Just transition is a fundamental concept for people and planet since it seeks to ensure that progress towards Sustainable Development is done in an equitable and fair manner, ensuring that benefits and risks are evenly distributed¹¹. It has been observed that just transition frames the transition to sustainable economies from a human rights perspective with the aim of eliminating existing inequalities, enabling social inclusion and promoting different forms of equity¹². In particular, just transition can enable countries to attain environmental and climate goals by ensuring the whole of society including all communities, all workers and all social groups are brought along in the pivot to a net-zero future¹³. In addition, it has been observed that just transition can enable countries to green their economies by shifting to low-carbon and climate-resilient development while ensuring equitable access to the benefits and sharing of the costs of Sustainable Development¹⁴.

Just transition is particularly relevant as the world shifts to renewable energy in pursuit of environmental, climate, societal and economic goals. For instance, it has been observed that a just transition ensures that the shift to renewable energy is fair and equitable, protecting the rights and livelihoods of those most affected by this transition¹⁵. Just transition involves more than a shift from fossil fuels to renewable sources of energy. This approach is a commitment to transitioning from fossil fuels to clean sources of energy in a manner that is fair and equitable for people and positive for nature¹⁶. In particular, it has been observed that just transition to renewable energy aligns clean energy development and investments with biodiversity conservation, fair labour practices, gender equality, human rights and community participation, towards ensuring that the move to a low-carbon future also delivers lasting benefits for both people and planet¹⁷. Just transition to renewable energy is therefore an ideal that envisages sustainable, inclusive and equitable practices in renewable energy development in order to

¹¹ World Resources Institute., 'What Is a 'Just Transition,' and Are Countries Really Making Progress?' Available at <https://www.wri.org/insights/what-is-just-transition-tracking-progress> (Accessed on 26/08/2026)

¹² What is the just transition and what does it mean for climate action?., Available at <https://www.lse.ac.uk/granthaminstitute/explainers/what-is-the-just-transition-and-what-does-it-mean-for-climate-action/> (Accessed on 26/08/2026)

¹³ United Nations Development Programme., 'What is just transition? And why is it important?' Available at <https://climatepromise.undp.org/news-and-stories/what-just-transition-and-why-it-important> (Accessed on 26/08/2026)

¹⁴ African Development Bank Group., 'Just Transition Initiative to Address Climate Change in the African Context' Available at <https://www.afdb.org/en/topics-and-sectors/initiatives-partnerships/climate-investment-funds-cif/just-transition-initiative> (Accessed on 26/08/2026)

¹⁵ PanAfrican Climate Justice Alliance., 'Just Transition and Energy Access' Op Cit

¹⁶ International Union for Conservation of Nature., 'Green, Just Energy Transition' Available at <https://iucn.org/our-work/topic/green-just-energy-transition> (Accessed on 26/08/2026)

¹⁷ Ibid

ensure that no is left behind while safeguarding the planet for the benefit of both present and future generations¹⁸.

Promoting just transition to renewable energy is especially important for indigenous and local communities. For example, it has been observed that the attainment of equity and fairness through renewable energy transitions is not a guaranteed outcome. For example, distributional inequalities can undermine just renewable energy transition¹⁹. In addition, inadequate involvement and participation of vulnerable populations including indigenous peoples and local communities in decision-making processes can undermine the safe, inclusive, equitable and just development of renewable energy systems²⁰. Further, it has been observed that despite the socio-economic and environmental benefits of renewable energy, both existing fossil fuels and renewable energy systems face challenges of pollution, biodiversity loss and human rights abuses²¹. For example, clearing land to support renewable energy developments such as wind and geothermal projects can impact wildlife, biodiversity and critical ecosystems with negative impacts on both people and planet²². In addition, unsustainable extraction of critical raw materials needed to support the transition to renewable energy undermines environmental sustainability. It has been observed that critical raw materials such as copper, lithium, nickel, cobalt and rare earth elements are vital components of many of today's rapidly growing renewable energy technologies including wind turbines, solar panels, electricity transmission networks and electric vehicles²³. Despite their role in supporting the transition to renewable energy, unsustainable extraction of critical raw materials takes a huge toll on the environment by fueling environmental degradation, deforestation, pollution, and biodiversity loss with disproportionate impacts on indigenous and local populations who usually reside where these natural resources are located²⁴.

In addition, the transition to renewable energy can violate the land rights of indigenous and local populations. For example, there have been cases where governments and private investors have displaced indigenous and local populations from their ancestral lands in order to support large-

¹⁸ Just Transition: A Climate, Energy and Development Vision for Africa., Available at https://static1.squarespace.com/static/657880dcd408ac495a5cc888/t/65c45632b517e324955482c1/1707365954174/Just-Transition-Africa-report-ENG_single-pages_1685021139.pdf (Accessed on 26/08/2026)

¹⁹ Ibid

²⁰ Ibid

²¹ Ibid

²² Environmental Impacts of Renewable Energy Sources., Available at <https://www.adecesg.com/resources/blog/environmental-impacts-of-renewable-energy-sources/> (Accessed on 26/08/2026)

²³ International Energy Agency., 'Critical Minerals' Available at <https://www.iea.org/topics/critical-minerals> (Accessed on 26/08/2026)

²⁴ United Nations Environment Programme., 'What are energy transition minerals and how can they unlock the clean energy age?' Available at <https://www.unep.org/news-and-stories/story/what-are-energy-transition-minerals-and-how-can-they-unlock-clean-energy-age> (Accessed on 26/08/2026)

scale renewable energy projects including wind power and geothermal projects²⁵. It has been observed that renewable energy developments have often been implemented on the lands and territories belonging to indigenous and local populations without their Free, Prior and Informed Consent (FPIC) leading to injustices and human rights abuses²⁶. In particular, the acquisition and use of land for renewable energy development, especially in Africa and the Global South, without addressing historical land-based community grievances contributes to the vulnerability of indigenous and local communities leading to conflicts and disputes²⁷.

In light of the foregoing concerns, there is need to embrace a just transition to renewable energy in order to ensure that no one is left behind in the global pursuit of Sustainable Development.

3.0 Strengthening Land Rights, FPIC and ESG Tenets for Indigenous and Local Populations for Just Transition to Renewable Energy

Due to their immense benefits for both people and planet, it is imperative to embrace the transition to renewable energy. However, in light of inequalities, injustices and human rights abuses against indigenous and local populations, it is imperative to ensure just transition to renewable energy. In particular, there is need to strengthen land rights for indigenous peoples and local communities in the transition to renewable energy. It has been correctly observed that in order to achieve just transition to renewable energy, it is necessary to address human rights, land and environmental conservation concerns in renewable energy projects²⁸. Through secure land rights, it is possible to ensure just transition to renewable energy including through meaningful involvement of indigenous and local populations in decision-making processes, co-ownership of renewable energy developments belonging on their lands and territories, and locating renewable energy projects in safe sites in order to minimize their environmental impact²⁹.

It is also necessary to uphold FPIC for indigenous and local populations in order to achieve just transition to renewable energy. FPIC is a legal principle that seeks to protect indigenous peoples' collective rights including their right to self-determination, their right to be consulted, their right

²⁵ Impact of renewable energy projects on Indigenous communities in Kenya., Available at <https://www.iwgia.org/en/articles/impact-of-renewable-energy-projects-on-indigenous-communities-in-kenya> (Accessed on 26/08/2026)

²⁶ Ibid

²⁷ The Danish Institute For Human Rights., 'Scoping Paper: Human Rights and The Energy Transition in Kenya' Available at https://www.humanrights.dk/files/media/document/Kenya%20Energy%20Transition%20and%20Human%20Rights%20Scoping_accessible.pdf (Accessed on 26/08/2026)

²⁸ Building a resilient social license to operate in Africa's renewable energy transition., <https://www.sustainability.com/insights/building-a-resilient-social-license-to-operate-in-africas-renewable-energy-transition/> (Accessed on 27/08/2026)

²⁹ Gamette. P., Loglo. E.S., & Szep. T., 'Advancing energy democracy and citizenship in Africa: From policy goals to community-driven empowerment in energy transition' Available at <https://journals.sagepub.com/doi/10.1177/27539687251403498#core-collateral-purchase-access> (Accessed on 27/08/2026)

to participate in decisions that may affect them, and their rights to their lands and resources³⁰. Upholding FPIC ensures that indigenous peoples and local communities who may be affected by a project are meaningfully engaged in project design, implementation and decision-making, are fully informed and are able to grant or deny consent at any stage³¹. In particular, in the context of energy transition, FPIC enables investors to proactively manage relationships with indigenous and local communities towards effectively addressing human rights, land and environmental conservation concerns in renewable energy projects³². In order to strengthen FPIC, it is necessary to utilise collaborative processes such as negotiation and mediation towards enhancing cooperation between renewable energy developers and communities that host renewable energy developments³³.

Upholding ESG tenets is also vital towards just transition to renewable energy. ESG has been described as a model of sustainable business development that is based on responsible and positive attitude towards the environment, high social responsibility, and good governance³⁴. ESG seeks to integrate Environmental, Social and Governance tenets in both public and private decision-making processes in order to foster sustainability³⁵. In particular, ESG focuses on *Environmental* tenets such as climate action, biodiversity conservation, sustainable resource use and circularity, pollution control, sustainable waste management and energy efficiency³⁶; *Social* factors such as diversity, equity and inclusion at work places, fair wages, human rights, health and safety³⁷; and *Governance* tenets such as transparency, accountability, shareholder rights, and board diversity³⁸. Promoting ESG tenets can fast-track just transition to renewable energy. For example, environmental tenets can promote efficient use of resources including water and land, biodiversity conservation during renewable energy developments, and sustainable extraction of critical raw materials towards ensuring sustainability in renewable energy developments³⁹. In addition, social tenets can foster just transition to renewable energy including through maximizing benefits to indigenous and local populations in form of employment opportunities,

³⁰ United Nations Development Programme., 'SES Supplemental Guidance: Frequently Asked Questions (FAQs) on Applying Free Prior Informed Consent (FPIC)' Available at <https://ses-toolkit.info.undp.org/sites/g/files/zskgke446/files/SES%20Document%20Library/Uploaded%20October%202016/FINAL%20FPIC%20FAQ%20Guidance%20-%20June%2015%202022.pdf> (Accessed on 27/08/2026)

³¹ Ibid

³² Building a resilient social license to operate in Africa's renewable energy transition., Op Cit

³³ Maonaigh. C et al., 'Revisiting the social licence to operate in the energy transition: An intersectional agenda for research and practice' *Energy Research & Social Science.*, Volume 126, 2025

³⁴ United Nations Development Programme., 'ESG: From Challenges to Opportunities' Available at <https://www.undp.org/belarus/stories/esg-challenges-opportunities> (Accessed on 27/08/2026)

³⁵ Ibid

³⁶ Ibid

³⁷ Ibid

³⁸ Ibid

³⁹ United Nations Environment Programme., 'Critical Energy Transition Minerals' Op Cit

affordable and clean energy, and investments in education and healthcare⁴⁰. Governance tenets can also promote inclusivity, transparency and accountability in renewable energy developments towards just transition⁴¹.

Through the foregoing initiatives, it is possible to effectively achieve just transition to renewable energy.

4.0 Conclusion

It is imperative to promote just transition in order to ensure that the shift to renewable energy promotes equity, fairness, justice and human rights. In particular, strengthening land rights, FPIC and ESG tenets for indigenous and local populations is key towards achieving just transition to renewable energy.

⁴⁰ Building a resilient social license to operate in Africa's renewable energy transition., Op Cit

⁴¹ Gamette. P., Loglo. E.S., & Szep. T., 'Advancing energy democracy and citizenship in Africa: From policy goals to community-driven empowerment in energy transition' Op Cit

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