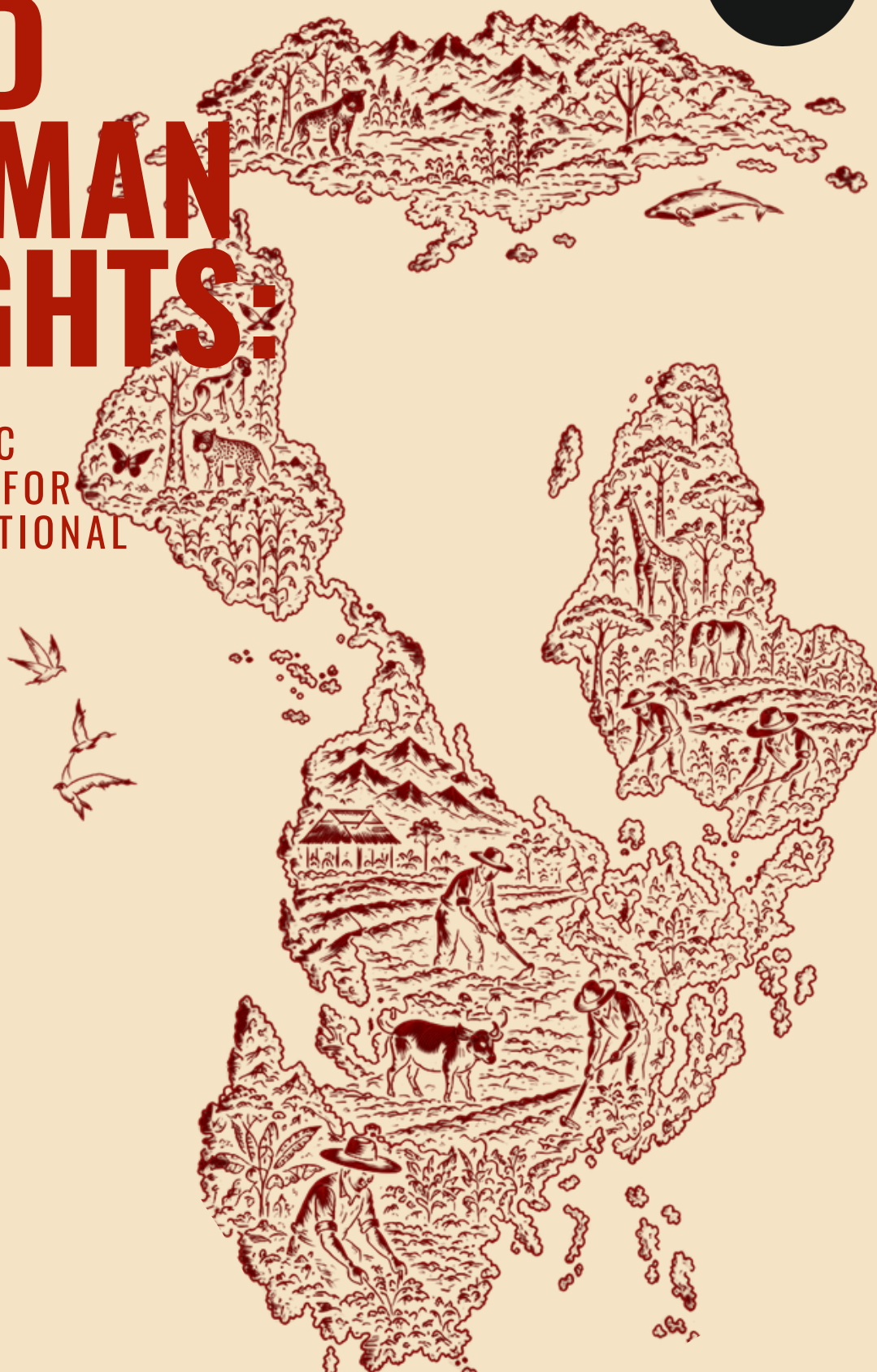


CLIMATE, BIODIVERSITY AND HUMAN RIGHTS:

STRATEGIC
TOOLBOX FOR
INTERSECTIONAL
JUSTICE

GLOBAL
COMMONS
ALLIANCE

ECCHR





CLIMATE, BIODIVERSITY AND HUMAN RIGHTS:

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INTRODUCTION:

CRITICAL GAPS IN THE ACCOUNTABILITY LANDSCAPE

Corporate activities have largely contributed to the climate and ecological crisis not only by emitting greenhouse gases, but also by causing environmental destruction that diminishes the resilience of ecosystems and affected people in counteracting climate change. Biodiversity loss, mostly driven by private actors from agribusiness, including the pesticides and livestock industries, fisheries, forestry, and infrastructure, poses a significant risk to human rights.

Meanwhile, solutions to the climate crisis are often guided by technical, market-driven approaches, while mainstream biodiversity protection follows a conservationist logic that treats nature as an abstract asset that can be easily commodified. These trends can be seen in carbon offsetting projects, green energy projects, and other “green transition” initiatives that often reproduce the neocolonial and exploitative patterns that contributed to the climate crisis.

Frequently, these projects concentrate land and natural resources in the hands of a few private and predominantly corporate actors, threatening collective and other forms of land tenure of Indigenous peoples, fisherfolk, peasants and other traditional rural communities, often coupled with negative impacts on biodiversity.[1]

Even though land and climate are socio-ecologically connected and interdependent, the litigation landscape remains fragmented. Climate litigation and biodiversity litigation have mainly developed as parallel, non-intersecting fields in the Global North, which could be explained by their distinct legal frameworks, the legacy of a conservationist approach to environmentalism, and the sense of urgency to curb emissions in the wake of the Paris Agreement, coupled with the emergence of a climate litigation field focused on emission-reduction cases.

As part of ECCHR’s efforts to address gaps in corporate accountability and following discussions with concerned partners from the global majority, we decided to explore what breaking existing silos between climate, environmental, and human rights litigation could look like, building upon our integrative human rights approach to climate justice.[2] We believe that collective efforts toward more intersectional justice (in particular bridging, climate, environmental, and land justice) will be key to developing meaningful legal protections that respond to the multi-dimensional aspects of this crisis, and, in the end, guarantee the “habitability” of our planet.[3]

Methodologically, this is the result of exchanges with legal practitioners, social movement representatives, UN special rapporteurs and academics from across the globe. It is also a recognition of the work and knowledge of communities and grassroots actors, who lead the struggles against the exploitation of nature and land grabbing.

For this proposal, we selected four potential **strategies** for corporate accountability to help expose the links between human rights, biodiversity and climate. In each, several legal **tools** can be used to integrate biodiversity within human rights and climate litigation. To highlight the feasibility of these strategies, we connect already existing legal frameworks with active or past **cases** that place human rights at the center in legal strategies concerning biodiversity loss and environmental degradation. We hope that this strategy/tools/cases framework further enables connections to be made between existing legal frameworks that directly or indirectly protect biodiversity, climate, and/or human rights.

[1] IPES Food, “Land Squeeze. What is Driving Unprecedented Pressures on Farmland and What can be Done to Achieve Equitable Access to Land?” (May 2024), <https://openknowledge.fao.org/items/10293134-009e-416b-876b-84158530c89d>; <https://ipes-food.org/report/land-squeeze/>; https://www.fian.org/files/is/htdocs/wp1102127_GNIAANVR7U/www/files/Lords_Land_Fian_20250602_fin.pdf

[2] ECCHR, “Why climate justice is not just about reducing greenhouse gas emissions – An integrative human rights approach to climate justice”, 2023 https://www.ecchr.eu/fileadmin/user_upload/ECCHR_CJ_EN_WEB.pdf

[3] See Baptiste Morizot & Laurent Neyret, « Liberté, dignité, habitabilité - Donner au siècle la valeur qui lui manque », Gallimard, 2026.

The **Indigenous and Tribal Peoples Convention 169** adopted by the International Labour Organisation (ILO) and the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)** provide procedural safeguards for protecting the Indigenous right to land and by extension, the ecosystems on the land upon which Indigenous communities depend for their livelihoods and cultural heritage. Any decisions affecting the lands of Indigenous and traditional communities must respect their right to Free, Prior and Informed Consent (FPIC), ensuring meaningful participation in all decision-making processes regarding land use, development, or resource extraction. The **FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT)** and the **UN Declaration of the Rights of Peasants and Other People Working in Rural Areas (UNDROP)** encourage recognition of customary and collective land rights, the implementation of accountability mechanisms, and access to remedies for violations. The **Akwé:Kon Voluntary Guidelines under the Convention on Biological Diversity (CBD)** provide further standards for engagement with affected communities before and during the development of projects, as recognized by the Inter-American Court of Human Rights^[1] and the OECD.^[2]

Failing to obtain FPIC for environmentally harmful projects can constitute violations of both domestic and international law. Courts can therefore hold public agencies accountable for failing to respect these procedural rights, and companies for obstructing them, thereby linking governance, land rights and tenure, and ecosystem protection.[3]

These procedural rights are equally important where projects purportedly serve energy transition, carbon offsetting, or biodiversity protection through conservation measures. The CBD and its subsidiary instruments, in particular the Kunming Montreal Global Biodiversity Framework (KMGBF)[4], make clear that biodiversity protection, closely linked to climate protection, cannot be separated from safeguarding the rights of Indigenous and local communities and can support legal arguments for challenging such projects that disregard the rights of affected communities.

Given that ILO 169 is an international legally binding basis for the right to FPIC, which has been ratified only by a few countries, transnational litigation in Europe often cannot rely on it solely. Using the CBD and its subsidiary instruments as well as other international declarations and standards, such as the ones mentioned above, can thus help strengthen arguments relating to FPIC.

ILO Convention 169 and UNDRIP

The ILO Convention 169 was adopted in 1989 and has been ratified by 24 states. [1] UNDRIP was adopted by an overwhelming majority in the UN General Assembly in 2007. Both have become the legal and political basis for consolidating FPIC as a non-negotiable right of Indigenous communities. Particularly relevant articles are:

- Arts. 6 and 7 ILO 169, which consider the protection of the environment as a fundamental part of Indigenous territories and livelihoods;
- Art. 29 UNDRIP establishes Indigenous peoples' right to the conservation and protection of the environment, of their lands, territories and resources in direct relation to their right to FPIC,
- Art. 32 UNDRIP explicitly recognizes FPIC in relation to any project affecting their territories and the environment.

[1] *Inter-American Court of Human Rights Saramaka People v. Suriname (Interpretation of the Judgment on Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 185, 11 41 n.23 (Aug. 12, 2008))* available at https://www.corteidh.or.cr/docs/casos/articulos/seriec_185_ing.pdf

[2] *OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector* (2017) p. 35 fn. 3, 99 fn. 9, <http://dx.doi.org/10.1787/9789264252462-en>

[3] <https://www.ecchr.eu/en/press-release/klage-nach-franzoesischem-lieferkettengesetz-energie-gigant-edf-muss-menschenrechte-achten/>

[4] *The upcoming Conference of the Parties to the Convention on Biological Diversity (COP 17) will mark the first global review of collective progress towards the implementation of the Kunming-Montreal Global Biodiversity Framework (GBF).*

Convention on Biological Diversity (CBD) and Kunming Montreal Global Biodiversity Framework (KMGBF)

The CBD is a legally binding treaty adopted in 1992 with near-universal membership. Its core objectives are the protection of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits from genetic resources (Art. 1).

- **Science and traditional knowledge:** The CBD adopts the precautionary principle, requiring prevention of biodiversity loss even when scientific certainty is lacking, and emphasizes the relevance of Indigenous and local knowledges regarding conservation measures (Art. 8 (j)).

- **Human rights:** The IACHR[1] and the Committee on the Elimination of Racial Discrimination (CERD)[2] have linked the CBD's provisions to human rights obligations, reaffirming states' duties to respect and protect Indigenous rights and practices.

- **Climate Change:** State parties[3] and the CBD's Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES),[4] followed by the IPCC,[5] have recognized that biodiversity is essential for climate mitigation and adaptation, while climate change accelerates biodiversity loss.

The KMGBF, also called the Paris Agreement for biodiversity, is operationalizing the CBD by:

- Committing all actors to a human rights-based approach to biodiversity protection (section C, (7)(g)), with a particular focus on traditional knowledge, as well as to the principle of intergenerational equity (section C, (7)(n));[6]

- Requiring that the CBD is interpreted in light of traditional and indigenous knowledge and the right to FPIC (section C, (7)(a)); Highlighting the role of Mother Earth-centric actions to protect biodiversity[7] (Target 19(f), note 13).

[1] Inter-American Court of Human Rights, *Case of the Kaliña & Lokono Peoples v. Suriname*, 2015, *Merits, Reparations and Costs, Judgment*, (ser. C) No. 309, 197, available at [1] [The upcoming Conference of the Parties to the Convention on Biological Diversity \(COP 17\) will mark the first global review of collective progress towards the implementation of the Kunming-Montreal Global Biodiversity Framework \(GBF\)](#).

[2] Committee on the Elimination of Racial Discrimination (CERD Committee), *Concluding observations on the combined thirteenth to fifteenth periodic reports of Suriname*, UN Doc. CERD/C/SUR/CO/13-15, 2015, 26., available at [1] [The upcoming Conference of the Parties to the Convention on Biological Diversity \(COP 17\) will mark the first global review of collective progress towards the implementation of the Kunming-Montreal Global Biodiversity Framework \(GBF\)](#).

[3] CBD Decision XIV/5 (2018), preamble.

[4] IPBES, *Summary for policymakers of the global assessment report on biodiversity and ecosystem services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services* (2019).

[5] IPCC, 2023 *Summary for Policymakers*, p. 24, *Statement C.1.3*.

[6] *A guidance on the human rights-based approach from the Biodiversity and Human Rights Working Group*: <https://swed.bio/news/new-guide-human-rights-and-biodiversity/>

[7] Smallwood, Gilbert, "Can the global framework on biodiversity truly deliver on respecting nature's intrinsic value?" A call for COP 16 to implement non-market approaches to the global biodiversity targets. (14 October 2024). EJIL: Talk! <https://www.ejiltalk.org/can-the-global-framework-on-biodiversity-truly-deliver-on-respecting-natures-intrinsic-value-a-call-for-cop-16-to-implement-non-market-approaches-to-the-global-biodiversity-targets/>

CONCRETE CASE EXAMPLE:

Amparo action T-248 of 2024: Pirá Paraná Indigenous Council et al. v. Ministry of Environment et al., COLOMBIA

The Pirá Paraná communities in the Colombian Amazon successfully halted the REDD+ carbon offset project "Baka Rokarire," filing legal actions against the private operators of the project and governmental authorities.

The claims were based on their rights to FPIC, self-determination, physical and cultural integrity, and their environmental rights and natural resources, which are fundamental rights within the Colombian Constitution. The Colombian Constitutional Court studied this amparo constitutional remedy action [CG1] and decided to stop the project until the Indigenous communities made decisions on it. Communities are still holding meetings and have not yet decided on how and whether or not this project should continue in their territories. [CG1] To be completed

2 OPERATIONALIZING THE RIGHT TO A HEALTHY ENVIRONMENT IN EUROPE



The right to a healthy environment has gained increasing recognition in international and regional human rights law, currently enjoying constitutional protection in 110 countries, as well as recognition in domestic laws in over 100 countries.[1] The Inter-American Court of Human Rights (IACHR) has been at the forefront of recognizing and enforcing the right to a healthy environment as an essential human right.[2] It has affirmed that States – and indirectly corporations – have positive obligations to regulate and prevent environmental harm, ensure access to information and participation and provide effective remedies for affected communities, demonstrating that the right to a healthy environment is both substantive and procedural.[3]

In Europe, on the other hand, jurisprudence on the right to a healthy environment has remained scarce, despite high-potential legal frameworks. This **strategy** seeks to develop the right to a healthy environment in Europe using tools such as the International Court of Justice Advisory Opinion on the Obligations of States in Respect of Climate Change and the Aarhus Convention.

The Aarhus convention, which contains an – often overlooked – commitment to the right to a healthy environment (Art. 1), has made recent legal developments in the context of climate change, in particular the International Court of Justice’s Advisory Opinion, which recognized the right as “a precondition for the enjoyment of many other human rights.”[4] It is worth mentioning that the advisory opinion of the International Court of Justice (ICJ AO) on climate change rendered in July 2025 opened a way toward breaking silos in fragmented legal systems. Notably, the Court found that legal obligations to protect the climate system flow not just from the climate treaties, but from customary international law and other treaties, including the Convention on Biological Diversity (CBD), and adopted a multifaceted understanding of conduct extending beyond GHG emissions.

The European Court of Human Rights (ECtHR) has also recently interpreted the right to respect for private and family life (Art. 8 European Convention of Human Rights, ECHR) as encompassing the right to protection from serious damage to the environment, as well as adverse effects of climate change on life, health, well-being and quality of life.[5] Both decisions have referenced the IACHR jurisprudential developments.

The European Committee of Social Rights also recognized the right to a healthy environment as embodied in the right to health (**Art. 11 European Social Charter**) and the right to life (Art. 8 ECHR), strengthening existing legal foundations in Europe. [6]

These developments can lay the groundwork for cases challenging environmental harm based on human rights within European jurisdiction, following the arguments of the **IACHR jurisprudence** by connecting the right to a healthy environment with the enjoyment of human rights.

ICJ Advisory Opinion (AO) on the Obligations of States in Respect of Climate Change (July 2025)

The AO highlights the interconnectedness of climate, human rights and biodiversity, emphasizing that States have a robust due diligence obligation to prevent significant harm to the environment. It clarifies that, in order to fulfil these obligations, States have a duty to regulate the private sector (paras 281-282, 329-330, 403, 428). Specifically on biodiversity and ecosystems, the AO highlights that:

- Adaptation obligations can comprise restoration of ecosystems (para. 258);
- Restitution as a remedy for climate change impacts may take the form of restoring ecosystems and biodiversity (para 451).

Aarhus Convention

The Aarhus Convention (1998) has been ratified by 47 member states in Europe, including the EU itself. It has particular relevance due to its procedural safeguards regarding environmental protection: access to environmental information, public participation in decision-making, and access to justice.

[1] UN Special Rapporteur on the Human Right to a Clean, Healthy and Sustainable Environment, *The Right to a Healthy Environment. A User's Guide* (2024), <https://www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/activities/2024-04-22-stm-earth-day-sr-env.pdf>

[2] IACHR, Advisory Opinion OC-23/17, 15 November 2017.

[3] Advisory Opinion OC-32/25, 3 July 2025.

[4] International Court of Justice, Advisory Opinion 32/25, para 393.

[5] ECtHR, *KlimaseniorInnen et al. v. Switzerland*, 9 April 2024, 53600/20, p.

[6] European Committee of Social Rights, *Marangopoulos v. Greece* (2007).

CONCRETE CASE EXAMPLE:

**Neighbourhood Association of As Conchas
et al. v. Xunta de Galicia et al., SPAIN**

Communities in Galicia, Spain, successfully filed a lawsuit against the public authorities for severe biodiversity and health impacts caused by pollution from pig and chicken farms. The court recognized the interdependence between a sustainable environment and human rights, including “the right to life, to an adequate standard of living, to drinking water and sanitation, to housing, to participation in cultural life and to development.”

•Confirmed by the Spanish Supreme Court in 2026





3 FOCUSING ON THE RIGHT TO FOOD IN CORPORATE SUPPLY CHAINS

Environmental harm, such as soil degradation, water pollution, and deforestation, directly undermine the material conditions that enable the enjoyment of the right to food. This right is a core component of the right to an adequate standard of living contained in Article 11 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR).[1] As outlined in the **UN Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP)**, it is closely interconnected with a healthy and sustainable environment, as well as the right of rural communities to maintain traditional and sustainable practices with regard to the use of land, for which the right to land is a precondition.

While the rights of the ESCR-Covenant traditionally enjoy less recognition in Europe compared to legal systems in the Global South, they are explicitly included in European human rights due diligence legislation, such as in the new EU Corporate Supply Chain Due Diligence Directive (CSDDD). [2] These laws integrate international human rights law as binding corporate due diligence obligations. With the inclusion of ESCR, human and environmental due diligence must be understood as encompassing the protection of the right to food as part of the right to an adequate standard of living. When companies fail to identify, prevent or mitigate these environmental or human rights risks and impacts, they may be in breach of their due diligence obligations. Environmental impacts translate into foreseeable human rights harms as well, including food insecurity, loss of livelihoods, and increased vulnerability of rural communities.

ESCR, then, are an entry point for framing environmental risks as direct risks to human rights such as the right to food, the right to a healthy environment, and rights to self-determination (and other Indigenous rights). Local supply chain laws and the CSDDD also entail, to varying degrees, environmental due diligence obligations that are independent from human rights impacts. Proving the link between both is significant, as it allows affected communities themselves to hold companies accountable for their harmful activities.

UN Declaration on the Rights of Peasants (UNDROP)

UNDROP is a UN General Assembly resolution adopted in 2018 that has been used to interpret the rights of peasants in international, regional, and domestic human rights law.[1] Relevant aspects include:

- Recognition of the collective right to land of non-indigenous peasant communities
- Emphasis on the role of communities in conserving biodiversity, sustaining agricultural systems, and ensuring food security, while acknowledging the disproportionate burdens they face from environmental degradation and climate change.
- Calling for the adoption of sustainable, nature-aligned agricultural practices that respect the regeneration capacity of ecosystems
- Calling on states to regulate the private sector to respect and strengthen the rights of peasants.

[1] UN Human Rights Committee, *Portillo Cáceres and Others v. Paraguay*, 20. December 2019, CCPR/C/126/D/2751/2016; IACHR, *Lhaka Honhat (Our Land) association v. Argentina*, 6 February 2020; Supreme Court of Honduras, EXP SCO-0877/2018, 7 November 2021, <https://defendingpeasantsrights.org/en/honduras-supreme-court-uses-undrop-article-19-on-the-right-to-seeds-to-declare-unconstitutional-the-monsanto-law/>; Ontario Superior Court of Justice, *Schuyler Farms Ltd. v. Dr. Nesathurai*, 27 August 2020, para 92 f. <https://www.canlii.org/en/on/onsc/doc/2020/2020onsc4711/2020onsc4711.html>; High Court of Kenya, *Kisilu Musya et al. v. The Kenya Plant Health Inspectorate Service et al.*, 27 November 2025, <https://www.powershiftafrica.org/in-the-news/kenyas-landmark-seed-ruling-why-it-matters-and-what-it-means-for-seed-and-food-sovereignty>.

[1] The Right to food is also recognized in Article 25 (1) of the UN Declaration of Human Rights, Article 12 (2) Convention on the Elimination of All Forms of Discrimination against Women, Article 24 (2)(c) and e), Article 27 (3) Convention on the Rights of the Child, as well as several regional instruments and international declarations.
[2] For further details on non-primary source under the EU on right to food please refer to: https://ec.europa.eu/commission/presscorner/detail/en/jp_25_1765

Human Rights Due Diligence Laws

Also called supply chain laws, these legal frameworks impose binding human rights and environmental due diligence obligations on companies – within a determined scope – with regard to activities in their supply chains. Existing examples are the French “Loi de Vigilance” adopted in 2017 and the German Supply Chain Due Diligence Law (LkSG) adopted in 2023. The EU Corporate Sustainability Due Diligence Directive (CSDDD), which is supposed to create a harmonized framework across the EU, will start applying to companies from 2028 onwards.

- Supply chain laws oblige companies to consider human rights and environmental impacts and stipulate access to remedy for affected workers and communities

- The CSDDD explicitly recognizes the impact of environmental degradation on human rights (recital 32). While the final draft of the CSDDD withdrew specific obligations regarding climate change, human rights due diligence must be understood also as covering climate-related impacts.[1]

Uwe-Eru-Wau-Wau et al. v Casino, FRANCE

An Indigenous community from the Amazon, together with a coalition of international NGOs and Indigenous organizations, filed a lawsuit under the French supply chain law (Loi de Vigilance) against the supermarket Casino to challenge deforestation linked to cattle and soy production. The arguments center around the right to life, including health, food, and the right to property, i.e. land and cultural rights. The demands include a damage claim specifically for biodiversity loss.

- Filed in 2020 before a Paris civil court, pending

[1] BSR, “EU CSDDD Finalized: Key Due Diligence Expectations Remain Intact” (25 March 2026), <https://www.bsr.org/en/insights-plus/eu-csddd-finalized-key-due-diligence-expectations-remain-intact>.

CONCRETE CASE EXAMPLE:

Lhaka Honhat Association v. Argentina (2020) [TM1] [CG2], IACHR

The Inter-American Court of Human Rights declared that the Argentine government had failed to recognize the ancestral territories of the Lhaka Honhat Indigenous community. The court found a violation of their right to land, and right to food, water and cultural identity, among others, highlighting that these economic, social, cultural and environmental rights (ESCER) are autonomous rights under the American Convention of Human Rights. This is also a landmark decision, as it references for the first time the UNDROP for highlighting the particular vulnerability of peasant communities.



4 TACKLING THE ACCOUNTABILITY OF FINANCIAL ENABLERS

While supply chain laws can be used to hold parent companies and corporate buyers of products linked to environmental damage and human rights violations accountable, investors and other financial enablers have so far been mostly able to evade responsibility. An innovative use of **anti-money laundering (AML) legislation** or financial regulations could help to overcome this accountability gap.

The crime of money laundering concerns the circulation of money that has been illegally obtained. Profits made from projects linked to human rights violations or environmental crimes can be considered illegal revenues that are “laundered” when passed on to other entities of a corporate group or through financial markets.

The crimes that these profits are linked to can range from forcible displacement or assault against human rights and environmental defenders, to environmental crimes.



Both criminal prosecution authorities and financial regulators/authorities often have jurisdiction over AML offenses. This can lead to different strategic approaches, for instance, taking into account the needs or type of involvement of the affected communities and whether they want to assume any procedural role.

The establishment of new Anti-Money Laundering Authorities based on new EU AML-Legislation^[1] and a heightened focus on environmental crimes due to the **EU Environmental Crimes Directive** may provide a strategic moment to raise awareness with law enforcement authorities about the illegal nature of financially enabling and profiting from environmental harm and human rights violations.

Other tools that can be explored regarding human rights and the environmental obligations of financial actors are financial regulations such as the **EU Sustainable Finance Reporting Directive (SFRD)** or the **EU Taxonomy**. Both refer to the **OECD Guidelines for Multinational Enterprises**, which set useful standards regarding the interconnectedness of human rights, environmental impacts and climate action.

EU Environmental Crimes Directive

The Directive is meant to be transposed into domestic law by its member states by May 2026. Significant developments are:

- Criminal liability for companies, with penalties of up to 5% of total worldwide turnover
- Considerable broadening of the list of environmental crimes, including, for example, the illegal depletion of water resources and pollution by ships
- Protection of “ecosystems” as such, which takes into account how environmental damage often involves complex interactions between living organisms and their abiotic conditions

OECD Guidelines for Multinational Enterprises on Responsible Business Conduct

The OECD Guidelines are voluntary standards for companies’ due diligence based on the UN Guiding Principles for Business and Human Rights. Violations of the Guidelines can be challenged before the OECD National Contact Points. The effectiveness of this mechanism has been subject to much criticism.^[1] [TM1] The Guidelines can be effective when they are linked to binding legislation, or, when possible, are considered as standards when interpreting binding obligations on companies. The new 2023 Guidelines:

- State that human rights due diligence should be exercised with regard to FPIC
- Due diligence must address environmental impacts, including climate change
- Recognize that environmental impacts are often closely interlinked with matters such as health and safety, impacts to workers and communities, and access to livelihoods or land tenure
- Integrates the principles of a just transition, including in “greener” industries or practices

CONCRETE CASE EXAMPLES:

Dirty Copper case, UK

A money laundering complaint against the London Metal Exchange (LME) for trading copper from a mine in West Papua linked to serious environmental crimes and human rights violations

- filed with the UK Financial Conduct Authority, 2023-2025, ongoing

Sherpa et al. v BNP Paribas et al., FRANCE

A criminal complaint against French banks for money-laundering and receiving stolen goods because of their financial support for cattle companies driving deforestation in the Brazilian Amazon

- Filed in 2023 with the French National Prosecutor, ongoing

SELECTED CASE LAW

The cases below are landmark cases or present novel strategies linking human rights arguments with biodiversity and sometimes climate that can offer further inspiration

Dirty Copper case, UK

A money laundering complaint against the London Metal Exchange (LME) for trading copper from a mine in West Papua linked to serious environmental crimes and human rights violations
·filed with the UK Financial Conduct Authority, 2023-2025, ongoing

Indigenous and Peasant Communities v. Bayer AG (filed with German NCP, ended without result in June 2026)

Indigenous communities from Brazil (Avá-Guarani), Indigenous and peasant communities in Bolivia (Santa Cruz de la Sierra), peasant communities in Paraguay (Yerutí Ñu colony), and urban communities in Argentina (Villa Alicia in Pergamino) filed an OECD complaint against Bayer. Using the OECD Guidelines for Multinational Enterprises, OECD FAO Guidance for Responsible Agricultural Supply Chains and the Business Handbook on Deforestation and Due Diligence in Agricultural Supply Chains, the complaint demonstrates how Bayer's business model in Latin America causes systematic violations of the right to land, the right to food, as well as biodiversity and environmental destruction.

Wild Coast case (South Africa Constitutional Court, 2025)

Local communities and NGOs challenged offshore oil and gas explorations conducted by Shell and Impact Africa. The court found that the insufficient consultations of the applicant communities violated their rights protecting their cultural practices, ocean conservation, and spiritual and sustainable use of the ocean for healing and fishing purposes, also highlighting the negative impact on climate change.

African Center for Corrective and Preventative Action et al. v. Agrochemical Association of Kenya et al. (High Court of Kenya, 2025)

Class action lawsuit against private and public entities, contesting the sale of several pesticides, including glyphosate, on the basis that they are harmful to humans and the environment, violating i.a. their right to a healthy environment.

Kaliña And Lokono Peoples v. Suriname (IACHR, 2015)

The court found that Indigenous rights are complementary, rather than exclusionary, to environmental law. Art. 8(j) and 10(c) CBD (relating to Indigenous matters) form part of binding human rights obligations

Historic Peruvian Ruling Recognizes Indigenous Rights and FPIC Violations in the Kichwa Puerto Franco Territory

In December 2024, a judge ruled that the Peruvian government had violated its obligation to obtain the FPIC of the Indigenous Kichwa community Puerto Franco in relation to the Cordillera Azul National Park and the associated REDD+ carbon offsetting project located on their territory. In the first decision of its kind in Peru, the judge ordered that the community be granted title to its ancestral territory, an FPIC process be carried out, and that the government distribute the benefits from conservation activities carried out on their territory, including the offset project.

Comunidad Indígena de Campo Agua, del pueblo Ava Guaraní v. Paraguay (UN Human Rights Committee, 2021)

Intense pesticide fumigation on nearby commercial farms violates the communities' collective and individual rights. It is a rare decision that interprets the International Covenant on Civil and Political Rights (ICCPR) to protect Indigenous peoples' connection to their ancestral lands and traditional ways of life, which is closely linked to intact ecosystems.

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