



Strategic Litigation: Climate & Corporate Accountability



2025

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PHOTO ON COVER: Deteriorating infrastructure at the Panguna Mine in Bougainville, abandoned by Rio Tinto in 1989 (see case study on page 12). [AFTER THE MINE: LIVING WITH RIO TINTO'S DEADLY LEGACY](#) / HUMAN RIGHTS LAW CENTRE (HRLC).

RIGHT: Steel plants in Açailândia, Brazil, along the Carajás Corridor. [INVITATION TO PIQUIÁ](#) / INTERNATIONAL FEDERATION FOR HUMAN RIGHTS (FIDH).





The Fundão dam, operated by mining company Samarco, two years after the tragedy when the tailings containment structure collapsed. MOVIMENTO DOS ATINGIDOS POR BARRAGENS (MAB) / CREDIT: JOSÉ CRUZ/AGÊNCIA BRASIL

NEXUS OF CLIMATE CHANGE AND CORPORATE ACCOUNTABILITY

As the global economy has become more complex, the power of large-scale corporations and financial institutions has grown sharply—largely without the corresponding regulations, standards, and mechanisms needed to curtail their negative impacts, internalize costs, and ensure prevention of harms. The increase in corporate power has increased the harms impacting communities and the climate. Continued investment in industries and development that perpetuate extractivism, appropriating land and natural resources for private gain, generates increased greenhouse emissions from deforestation, industrial pollution, and destruction of ecosystems; and at the same time, causes human rights harms from forced displacement and conflict, loss of life and livelihoods, and criminalization.

The operation and impacts of multinational corporations and international investment are transnational, and in reality, transcend the regulatory power of any single state, creating global gaps in protection. There is a critical need to elaborate and extend binding obligations to cover the full range of economic actors—corporations, investors, and the state—and to ensure adherence to these standards by strengthening regulatory, legal and other mechanisms. The corporate accountability community has developed tools and strategies to check corporate power and close global gaps in protection. These strategies have been used with some success to hold fossil fuel and other climate contributors to account, but more could be done to build on and expand their range, scope and power for greater climate protection. One area ripe for greater exploration is legal strategies.

Through its model of grantmaking coupled with technical assistance and accompaniment, SAGE works with groups to develop strategies to hold corporations accountable for their contribution to causing climate change and the human rights impacts of their proposed climate solutions. In partnership, SAGE and its grantees explore and test ways for holding corporations accountable for their emissions and extraction that have contributed to climate change. These include harmful localized impacts

on communities affected by site-specific investments. At the same time, SAGE works with its grantees to forge forward-looking approaches to curtail ongoing harms from business operations and reduce their climate impacts.

Extractivism is a dominant economic model that centers growth and profit over the wellbeing of people and planet. Crucially, the term extractivism pertains not only to the activity or the process itself, but also to the conditions under which these resources are extracted (such as the absence of consultation or consent of local populations) and the interests they serve (such as elite, corporate, and criminal interests rather than the public good). Examples of extractivism include, inter alia, exploitation of minerals and fossil fuels, industrial logging, fishing and agriculture, and their associated infrastructure. ([BUILDING POWER IN CRISIS, SAGE REPORT](#))

SAGE'S APPROACH

Recognizing the magnitude of the global economy's impacts on rights and the limits of any single-field approach, the SAGE Fund uses a broad systems-focused frame on human rights and the global economy. Intentionally working cross-movement, SAGE is designed to:

- cultivate, invest in and scale new approaches and field capacity to strengthen accountability for powerful economic actors—corporations, investors, and the state—and the dynamic ecosystem between them;
- reach a different level of the field, that centers affected communities, workers and peoples, primarily in the Global Majority, to lead and drive strategy development with a wide range of allies to secure remedy, move towards prevention, generate alternatives, and achieve greater impact;
- provide thought leadership and a vehicle for expanding the knowledge, reach, and opportunities for impact of donors.

SAGE uses an open and participatory Request for Proposals (RFP), surfacing new groups and opportunities for support, with the potential to advance strategies for systemic change. Analysis of SAGE's RFP pool also provides a good channel for taking the "pulse" of the field by identifying approaches ready for greater investment. In its day-to-day work, SAGE provides ongoing technical assistance, accompaniment and support for groups to develop and sharpen their strategies along

with building their capacity and strength to implement them. In this way, SAGE contributes to creating an ecosystem of approaches and organizations, primarily rooted in the Global Majority, that present promising pathways for tackling corporate accountability (including litigation) and addressing the drivers of ongoing harms. At the same time, this ecosystem approach generates and lifts up opportunities for other donors to support and scale.

Advancing Climate Litigation: Level of the Field SAGE Supports

Indigenous Grassroots Partners



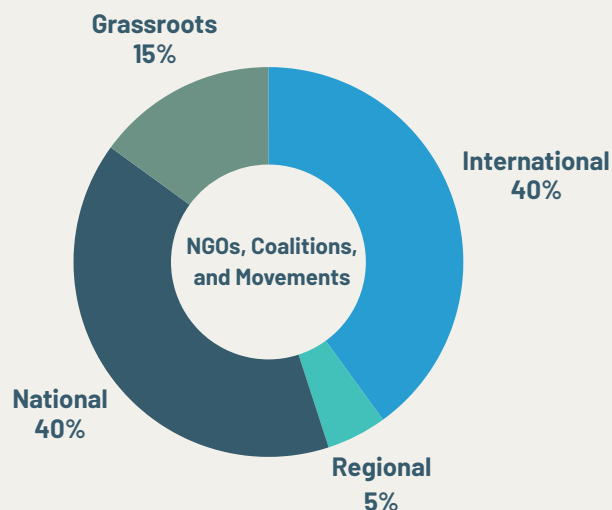
80%

94%

in Partnerships

92%

Climate Litigation Strategies
deployed in the Global South



SAGE-Supported Projects



Data based on 12 climate-related projects supported by SAGE.

CONTINUUM OF CLIMATE LEGAL STRATEGIES AND LITIGATION

SAGE supports groups to engage at different points along the continuum from case development to litigation to implementation of judicial decisions, producing significant outcomes for communities and the climate. As the examples below demonstrate, successful litigation strategies rooted in layered campaigns require a diversity of organizations and expertise and, consequently, provide multiple entry points for support.

CASE DEVELOPMENT

Case development encompasses all the steps—analytical, practical, and collaborative—that precede the filing of a complaint and can determine, in large part, its likelihood of success. It includes documenting the evidence, identifying and organizing those affected, mapping the actors potentially liable for the harm, and developing the strategies—legal and others in tandem—to hold them accountable. While these steps form the foundation of every lawsuit, not every case will culminate in litigation. Those that do not reach court may convey other benefits, including building capacity among affected communities and strengthening other advocacy strategies.

Laying the Groundwork: Documentation of Impacts

One of the first steps a community takes when building a campaign against a polluting steel smelter or a mine is to document its current and potential environmental, climate, and human rights impacts. These could include human health impacts from air pollution, deforestation and violations of Indigenous rights on their ancestral territory, or failure to provide information and consult on resettlement plans. Documenting the full spectrum of impacts grounds any future litigation in the priorities of the affected communities and provides lawyers with the flexibility to choose the cause of action most likely to succeed. While most of the litigation examples found in this report target corporations contributing to climate change, the claims in those cases are most often based on the immediate impacts to local communities and workers.

There are different methodologies for documenting impacts. Using a participatory process—such as community-based human rights impact assessments (COBHRIA)—generates a more comprehensive set of impacts and provides the documentation needed to underpin legal or other strategies. It also serves as an organizing tool for community members, forging a strong basis for any future advocacy strategy, including litigation, which may require affected communities to stay the course for years before obtaining an outcome. In the example below, a new transnational coalition targeting the climate and human rights impacts of the steel sector, the [Fair Steel Coalition](#) (FSC), emerged from an open RFP held by SAGE in 2022 and anchors its [grant round on climate justice and corporate accountability](#). FSC started out by undertaking a participatory process to document the impacts of two major steel companies and their global subsidiaries in order to build the coalition's future legal and advocacy strategies.

Powerful Leverage Points: Strategic Corporate Research

Over the past decade, the development of strategic corporate research and investment chain mapping methodologies has created a powerful set of tools that have transformed the field. By deploying these methodologies, advocates and communities are equipped with critical information to mount sophisticated, layered campaigns against corporations committing human rights and environmental abuses. The tools can reveal the range of corporations and actors—including sub-contractors, auditors, and other service providers—that can be leveraged to pressure the company to change practice and curtail harms. They can also reveal the actors along the supply chain that sell to or buy from the corporations causing harm, and the banks, investors, and shareholders that finance them. The research can lead to new targets of litigation, more favorable jurisdictions, and additional causes of action, such as tax avoidance.

In 2015, the SAGE Fund made its first round of grants to organizations developing tools and methodologies to reveal the corporate and financial actors involved in global supply chains, spurring the development of a powerful new set of strategies in the corporate accountability field. In 2020, SAGE convened these grantees together with other organizations that had developed research and advocacy tools for strategic corporate research, investment or supply chain mapping, and financial sector advocacy. With SAGE funding, [Inclusive Development International](#) (IDI) with its partner, [Equitable Cambodia](#), developed the groundbreaking methodology for [Follow the Money](#), a research service that provides corporate research and training to communities and their CSO allies. IDI has since provided invaluable corporate research to other SAGE-supported projects and the broader field fueling numerous legal and advocacy actions and culminating in key wins.



IDI's and Equitable Cambodia's "Follow the Money" tool was key to the landmark case against ANZ, which resulted in the payment of compensation to over 1000 Cambodian families who were forcibly displaced by a sugar company it financed. INCLUSIVE DEVELOPMENT INTERNATIONAL.

Documenting Steel Sector Impacts and Reducing Emissions

At the global level, the steel sector accounts for 7-9% of greenhouse gas emissions due to its use of coal in the production process, which makes it the largest industrial consumer of coal. As a result, steel companies have come under increasing pressure to make commitments to reduce emissions, with experts estimating that emissions from the steel industry must fall by at least 50% by 2050 to meet global climate goals. Technology currently exists to replace coal with hydrogen in the production process, which would eliminate carbon emissions entirely provided that renewable energy is used to power the furnace and produce the hydrogen. CSOs and climate donors have mobilized to stop new coal-based, blast furnaces from being developed and facilitate a rapid transition to new technology.

The Fair Steel Coalition, with members in Brazil, Mexico, Liberia and South Africa, used a participatory method to involve affected communities in documenting the human rights and climate impacts of the subsidiaries of two global steel and iron ore companies, ArcelorMittal and Ternium. In Rio de Janeiro, for example, Ternium's steel plant is reportedly responsible for more than half of the city's greenhouse gas emissions as well as multiple incidents of "silver rain"—when a layer of graphite dust blankets the surrounding community. The Coalition's research was complemented by corporate research conducted by Inclusive Development International, which revealed new leverage points, including the commercial banks that were financing both companies. The findings were published in the report, [*The Real Co\\$t of Steel: Environmental Racism, Sacrifice Zones and Impunity along the Supply Chain*](#), launched in May 2024. In the Coalition's accompanying European advocacy tour, they used the findings in their meetings with the companies' financiers and at ArcelorMittal's AGM in Luxembourg. Informed and empowered by the research, the affected communities are now designing the next stage of their campaign, including new litigation opportunities based on the companies' climate commitments, which they had previously thought had been exhausted.



Members of the Fair Steel Coalition in front of ArcelorMittal plant at Fos-sur-Mer, France, contesting the company's sustainability claims and sponsorship of the 2024 Olympics. JEREMY SUTTON-HIBBERT / STEELWATCH.

Developing Legal Strategies

Assessing the viability of and developing legal strategies to address corporate human rights and climate impacts can be an explicit component of a multifaceted campaign at the outset or can arise later when new information emerges or other strategies stall. Further to the Fair Steel Coalition example, the communities in the Santa Cruz neighborhood of Rio de Janeiro had filed over 200 lawsuits in local courts regarding the impacts of Ternium's steel plant without favorable ruling. The corporate research opened up new legal avenues for them to pursue, including outside of Brazil, which they are assessing with legal counsel.

The lessons from litigation in previous SAGE-supported projects inform and guide the strategy development of current SAGE grantees and others in the field. The [Proyecto de Derechos Económicos, Sociales y Culturales](#) (ProDESC) and its partner, the [European Center for Constitutional and Human Rights](#) (ECCHR) gained experience with the French Duty of Vigilance Law in a case involving the violation of Indigenous rights from the development of a renewable energy project in Mexico. The law requires that large, French companies prepare, publish and implement a plan that assesses and prevents the environmental and human rights risks of its operations. While the court's decision on the merits is still pending, the case has already set important precedent on the procedural requirements of the law. Having gained experience with litigation under the French law, ProDESC and ECCHR are now advising other communities and organizations, including SAGE grantees, that are considering filing new cases.

LITIGATION

There are a range of ways to participate in litigation and influence its outcome. The most obvious roles are as a legal representative and plaintiff, but CSOs can also contribute to favorable outcomes in cases by leveraging their own areas of expertise. CSOs often maintain connections with international human rights bodies or academics who can be called upon to submit amicus briefs, detailing the international standards with which fossil fuel companies must comply. Local organizations have access to information and evidence that can be used to bolster prosecutions for environmental crimes. CSOs can also file complaints with non-judicial grievance mechanisms as a complement to or substitute for litigation, broadening the range of issues and venues that are available in the legal system.

Amplifying the Legal Case: Participation as Amicus Curiae

Amicus briefs can serve to bring additional or alternative arguments to a court's attention, contribute substantive expertise on technical issues, and raise the profile of a case. CSOs can collaborate with others to submit amicus briefs or encourage other actors to submit their own. In 2019, the UN Special Rapporteur on Indigenous Peoples submitted an amicus brief to the Peruvian Constitutional Court in a case seeking an order for the state to title the ancestral territory of the Shipibo-Konibo community of Santa Clara de Uchunya in the Peruvian Amazon, whose land has been deforested by palm oil plantations owned by Ocho Sur.

The amicus was made possible through the efforts of SAGE grantees working in partnership, [Instituto de Defensa Legal](#) (IDL), [Forest Peoples Programme](#) (FPP), and the [Federación de Comunidades Nativas del Ucayali y Afluentes](#) (FECONAU), who kept the Rapporteur updated on the case. While the Constitutional Court decision ultimately fell short, the partners succeeded in excluding Ocho Sur's palm oil from the supply chains of several major commodity traders through a complaint to the UN Working Group on Business and Human Rights. Despite well-funded and public attempts to discredit and fracture the community of Santa Clara de Uchunya and their allies, the partners leveraged the groundwork laid for litigation to advance successful advocacy through other channels.

In January 2023, the Chilean and Colombian governments asked the Inter-American Court on Human Rights (IACtHR) to issue an advisory opinion to clarify states' human rights duties with respect to climate change mitigation, adaptation and remediation. SAGE grantees were among the over 200 organizations who submitted amicus curiae briefs to the IACtHR and provided testimony during the Court's hearings in April and May 2024. The opinion is expected in 2025 and will likely influence public policies and future climate litigation.

Critical Evidence of Environmental Crimes, Deforestation and Emissions

SAGE grantees also provide critical evidence to prosecutors pursuing charges against corporations or other actors that are responsible for rights violations and carbon emissions. Local prosecutors, perhaps especially those tasked with investigating environmental crimes, often lack the resources and capacity to pursue charges against corporations engaged in deforestation or pollution. Local organizations can use their expertise and capacity to strengthen prosecutors' cases. In the example below, SAGE grantees, who have extensively researched the actors investing in farmland in the Brazilian Cerrado—an important carbon sink—provided evidence to a public prosecutor that resulted in the conviction of a known land grabber. In other cases, organizations can take action against prosecutors who fail to pursue charges against responsible actors. In October 2023, Ocho Sur, a palm oil company in the Peruvian Amazon, was criminally charged for illegally building a road on the territory of Santa Clara de Uchunya, for which they received a title in 2020. IDL, FPP and FECONAU helped ensure that the charges were not dropped by appealing the previous decision of the local prosecutor to close the case.



Unión Hidalgo indigenous community members in Oaxaca, Mexico. PRODESC.

Bolstering the Case Against Land-Grabbing in the Brazilian Cerrado

Scientists have warned that the greenhouse gas emissions from clearing the Brazilian Cerrado's natural vegetation, which has deep and extensive root systems that store 35 tons of carbon per acre, could rival emissions from deforestation in the Amazon. Already, nearly half of the Cerrado has been deforested and the remaining areas and the communities who live there are under severe threat. With support from the SAGE Fund, [Rede Social de Justiça e Direitos Humanos](#) (Rede Social) and [Comissão Pastoral da Terra – Piauí](#) (CPT-Piauí), as part of the [International Stop Land Grabs Campaign](#), investigate, expose and pressure pension and endowment funds—such as TIAA and the Harvard Management Corporation—to divest from industrial agricultural farmland in the Brazilian Cerrado. At the same time, Rede Social and CPT-Piauí assist traditional, Indigenous, and Quilombola communities in securing title to their communal lands, which protect forested areas, conserve water resources and support sustainable food production.

In May 2024, a Brazilian court convicted known land-grabber, João Augusto Phillipsen, for burning 1,500 hectares of Cerrado in Piauí between 2015 and 2016, sentencing him to prison and a fine of R\$11.5 million (US \$2 million). Setting fire to the forest is a strategy that land grabbers use to intimidate local communities and deforest the land before selling it to large agribusiness. Rede Social provided the public prosecutor with evidence to strengthen the case against Phillipsen. According to Rede Social's lawyer, Maurício Correia, the case will serve as a deterrent to other land grabbers: "It creates an expectation that other land grabbers and deforesters in the region may also be denounced by the Federal Public Ministry."



Forest in the Brazilian Cerrado after it was intentionally burned by land-grabbers. REDE SOCIAL



Kichwa representatives before a hearing to demand title to their territory that overlaps with conservation areas in the Peruvian Amazon.
PRESS RELEASE, INSTITUTO DE DEFENSA LEGAL (IDL).

Climate and Human Rights Litigation

SAGE grantees are also involved in bringing complaints to hold corporations and financial institutions accountable for their climate contributions and human rights violations. SAGE has supported litigation with varying causes of action in jurisdictions where the violations take place and where the corporation is headquartered.

Requests for information from government authorities are critical in revealing evidence that can be used in further litigation and public campaigning. A coalition of CSOs including [Justiça Ambiental](#) (JAI, Friends of the Earth-Mozambique), [ReCommon](#), [Les Amis de la Terre](#) (Friends of the Earth-France), and [Friends of the Earth Europe](#), are trying to end European financing of liquid natural gas (LNG) projects in Cabo Delgado, Mozambique, that, if developed, are estimated to increase the country's emissions by 14%. When their freedom of information act requests were denied, the organizations filed suit to obtain evidence that European Export Credit Agencies did not adequately assess the climate contributions of the project. While litigation is still ongoing, the information that the partners were able to obtain fueled their campaign strategies.

Recent investigations by The Guardian newspaper and others have cast serious doubt on the carbon reductions from forestry-based carbon credit projects, which allow fossil fuel and other companies that buy “empty” credits to continue emitting greenhouse gases and, in some cases, commit human rights abuses. An administrative action filed by SAGE grantees to demand information about the buyers of carbon credits from the Cordillera Azul National Park in the Peruvian Amazon revealed that TotalEnergies had an \$84.7 million contract to buy carbon credits from the Park—the largest carbon deal in Peru to date. The Park and the carbon credit project it hosts were established on indigenous Kichwa territory without their consent or benefit. That evidence allowed Kichwa communities to launch a public campaign against Total, including joining activists from around the world to protest at Total's AGM in May 2024 and securing international attention for their demands. The Kichwa federations have called on Total, Shell, and BHP to “clean up their climate impact” instead of greenwashing their image by buying “empty” credits from the Park.

SAGE grantees are also pursuing litigation to facilitate a just transition. Cobalt, a key component in batteries for electric vehicles, solar panels, and wind turbines, is seen as one of the minerals critical to the energy transition. In the Democratic Republic of Congo (DRC), where 70% of the global cobalt supply is produced, large industrial cobalt mining companies have come under criticism for labor rights violations associated with their extractive activities. Workers' rights abuses at the DRC's cobalt mines are creating a reputational risk for the EV companies that source from the country. Using a combination of litigation and advocacy, [Centre d'Aide Juridico-Judiciaire](#) (CAJJ), based in Kolwezi where most of the cobalt mines are found, and its UK-based partner, [Rights and Accountability in Development](#) (RAID), are challenging multinational mining companies and their Congolese subcontractors in order to improve respect for labor rights in industrial cobalt mines, including at Chinese-owned mines.

Alternatives to Litigation

SAGE grantees have also had success using non-judicial grievance mechanisms (NJGMs) to advance human rights and environmental protection. The mandate, procedures and ultimately the effectiveness of NJGMs vary widely. However, when used strategically, NJGMs can offer the possibility of a faster process and creative outcomes. A complaint to the World Bank's Inspection Panel, supported by Rede Social and CPT-Piauí, triggered a land law and policy change ensuring that state governments in the Brazilian Cerrado prioritize collective titling of rural communities. This legal change helps to preserve their traditional culture and livelihoods based on sustainable agriculture. It also prevents the expansion of large-scale plantations by agribusiness that are driving deforestation in the region. In Bougainville, Papua New Guinea, the [Human Rights Law Centre](#) (HRLC) used a NJGM to launch a robust, independent impact assessment process of an abandoned copper mine, once operated by Rio Tinto. In response to the final assessment, published in December 2024, which confirmed a wide range of human rights impacts, Rio Tinto agreed to establish a roundtable with the government to discuss a potential remedy framework for addressing the impacts identified in the assessment. While large-scale remediation efforts have not yet begun, the process itself can provide a blueprint for other communities to identify and address risks from the mining of transition minerals and other extractive projects.

DRC Cobalt Mines: Securing Labor Rights with Innovative Legal Strategies

Beginning in 2020, SAGE has supported CAJJ and RAID in their efforts to strengthen respect for labor rights in DRC's industrial cobalt mines. Based on two years of research and 130 interviews with mine workers, their 2021 report, [*The Road to Ruin? Electric vehicles and workers' rights abuses at DR Congo's industrial cobalt mines*](#), found that tens of thousands of Congolese workers endure dire and unsafe working conditions, extremely low wages, little or no health provision, excessive working hours, degrading treatment, discrimination and racism. The organizations uncovered that these conditions were closely linked to the widespread use of subcontracting companies that provide labour to the mines, a system that significantly contributes to the exploitation of workers.

To address these violations, CAJJ developed and is employing innovative legal approaches to hold multinational mining companies and their subcontractors accountable in Congolese courts. These legal strategies have resulted in remedy for many workers, including reimbursement of medical expenses and lost wages for workers injured on the job; and compensation for unlawful dismissal and unpaid salaries during the suspension of operations at one of the country's biggest cobalt mines. In addition, they have resulted in union elections at two Chinese-owned cobalt mines and the establishment of a legally required Workers Health and Safety (WHS) Committee at a third. Decisions on other labor rights cases are still pending.

EV companies based in the European Union, and elsewhere, who are increasingly required to ensure respect for human rights throughout their supply chains, benefit from CAJJ's litigation by addressing labor rights violations at the source. Moreover, CAJJ's success in Congolese courts against European and Chinese-owned mining companies and their subcontractors sets important precedent for future litigation that was previously considered unviable.



Josué Kashaal, lawyer from CAJJ, part of the team that obtained remedy for workers at DRC's industrial cobalt mines.

PETE PATTISON / THE GUARDIAN



Panguna mine tailings waste. After the Mine: Living with Rio Tinto's Deadly Legacy / HUMAN RIGHTS LAW CENTRE (HRLC).

Leveraging a Complaint Mechanism to Address a Legacy Mining Disaster

In 1989, after operating the Panguna copper mine in Bougainville, Papua New Guinea (PNG) for 17 years, Rio Tinto was forced to abandon the mine due to a local insurrection caused, in part, by the company's practices and its indiscriminate pollution. No remediation measures were taken prior to the company's departure, and the billion tons of tailings dumped into local rivers and the mine's crumbling infrastructure continue to pose risks for the health and safety of local communities three decades later.

The SAGE Fund supported HRLC and the communities in Bougainville through a [grant round on remedy and remediation for legacy mining disasters](#), enabling them to break open a case that was long thought hopeless. In 2020, on the basis of the impacts documented in the report, [After the Mine: Living with Rio Tinto's Deadly Legacy](#), HRLC, on behalf of community members in Bougainville, filed a complaint against Rio Tinto to the Australian OECD National Contact Point for Responsible Business Conduct (AusNCP). The AusNCP is responsible for promoting the OECD Guidelines for Multinational Enterprises and handling complaints about Australian companies that fail to respect them. In a major breakthrough, the NCP mediated an agreement in 2021 between the parties to undertake an independent assessment of the environmental and human rights impacts of the mine, as a pivotal first step towards remediation.

That process was launched in 2022 overseen by an independent, multistakeholder Oversight Committee, comprised of clan and community leaders, the Autonomous Bougainville Government (ABG), the PNG government, Rio Tinto and its former subsidiary BCL, and HRLC. A technical sub-committee of internationally recognized experts provided the Committee with independent advice on the design and findings of the impact assessment. In addition, the process is facilitated by a secretariat, who oversees an extensive community engagement process to ensure that the often-remote communities affected by the mine are informed and can provide feedback into the process. The overall design of the process has ensured the necessary combination of company buy-in, technical expertise, and community engagement to keep momentum moving towards a solution.

A desktop review of satellite images, conducted as a preliminary step to establish a common set of facts for the assessment, revealed that one mine levee is at risk of imminent collapse. In December 2024, the 1000-page Panguna Mine Legacy Impact Assessment (PMLIA) was published, identifying numerous and significant impacts to the rights of affected communities. These include imminent, life-threatening risks posed by the collapsing mine pit, levees and infrastructure; ongoing contamination of the Jaba-Kawerong River and movement of mine waste downstream into new areas; mine-related flooding affecting peoples' food gardens, access to drinking water and essential services, cultural sites and safety when crossing the rivers; and toxic chemicals stored in some locations and found in the soil in some areas. The assessment also made 24 recommendations for mitigating the impacts and outlined areas for further investigation. In response, Rio Tinto announced that it had signed a Memorandum of Understanding with the Autonomous Bougainville Government and BCL to form a roundtable to discuss the establishment of a potential remedy framework for addressing actual and potential impacts identified by the PMLIA.

HRLC and the communities will continue to pressure Rio Tinto to fulfill its responsibility and fund meaningful clean-up and remediation. The outcome of the process will influence if and how copper mining operations resume in Bougainville, in response to growing pressure for investment and transition minerals.



The 2022 launch of the independent impact assessment of the Panguna mine in Bougainville, PNG, attended by representatives of the Autonomous Bougainville Government, HRLC, Rio Tinto and affected communities. HRLC.

IMPLEMENTATION OF JUDICIAL DECISIONS

The obstacles to securing legal remedy are well-known, but even if affected individuals manage to overcome those obstacles to secure a favorable judgement, companies and governments routinely evade compliance. The failure to implement court decisions can leave communities to languish for years without redress and with harms to livelihoods, health, the environment and climate unabated. In 2018, the SAGE Fund supported a round of grants piloting enforcement strategies to [ensure full implementation of landmark legal decisions in key corporate accountability cases](#).

[Justiça nos Trilhos](#) (JnT), with its partner, the [International Federation of Human Rights](#) (FIDH), led one of the enforcement strategies in that round to hold Vale and other steel companies accountable for the harm to fenceline communities caused by pollution from their smelters along the Carajás corridor in Brazil (see case study on page 14). In 2024, eight years after initiating their enforcement strategy, the partners together with the community association successfully completed implementation of an agreement with Vale and the Brazilian government resulting in building a new community and the resettlement of 312 families. This win sets an important precedent for other communities affected by industrial pollution and holding major carbon emitters accountable for their impacts.

Ensuring the implementation of judicial decisions and settlement agreements not only secures remedy for the victims, it can also be used to promote policy changes that address the underlying systemic problems and the legacy of harm caused by extractivism. In this way, implementation linked to policy change moves beyond a single case and holds the potential for addressing the drivers of climate change. In December 2023, President Lula signed the National Policy for the Rights of Populations Affected by Dams (PNAB). Under the Policy, companies have heightened responsibilities to prevent harm from the collapse of hydroelectric and tailings dams and provide compensation should environmental and human rights violations occur. The new national framework will help ensure a safer energy transition for all affected communities, especially as Brazil—already a leader in hydroelectric power—plans to increase its renewable energy capacity. The Policy was successfully championed by the [Movimento dos Atingidos por Barragens](#) (MAB), a SAGE grantee, turning it into national law. MAB's approach was informed by their experience monitoring the implementation of the government's 2021 compensation agreement with Vale for the catastrophic damage caused by the 2019 collapse of its iron ore tailings dam in Brumadinho, killing 272 people and devastating an entire river ecosystem.



Steel plants in Açailândia, Brazil, along the Carajás Corridor. INVITATION TO PIQUIÁ/INTERNATIONAL FEDERATION FOR HUMAN RIGHTS (FIDH).

Implementing an Agreement to Make Polluters Pay

The community of Piquiá de Baixo in Açailândia, Brazil, is on the fenceline of three steel plants with nine blast furnaces and a cement plant. The pig iron smelters have exclusive purchasing agreements with the multinational mining company, Vale S.A., for its iron ore. The community also sits along the Carajás railroad that transports iron ore from Vale's Carajás mine in the Amazon—the world's largest, open pit iron-ore mine—to the port of São Luis, almost 900 kilometers away. Trains pass through the community every eight minutes. A 2011 community-based human rights impact assessment (COBHRIA) conducted by FIDH, Justiça Global and JnT documented severe health, environmental and livelihood impacts on the community of Piquiá de Baixo from the industrial pollution and the railroad. After years of inaction by the government, Vale, and the other companies involved, a major victory was achieved in 2016 when the Community Association of Piquiá and government authorities reached an agreement to construct a new neighborhood for the families from Piquiá. Several community members had also obtained favorable judgments against the steel companies, ordering them to pay compensation for the harm caused by the pollution generated from their operations.

JnT accompanied the community of Piquiá de Baixo to monitor the implementation of the resettlement agreement and judicial decisions ordering compensation. Initially, the construction of 312 homes and other facilities in the new neighborhood was plagued by delays as the promised funding failed to meet agreed deadlines. With pressure from JnT and the community, a new agreement was reached in May 2021 between Vale, state and federal government agencies, and the Community Association of Piquiá that committed Vale to provide 22 million reais (US\$4 million) to finish construction under a co-management structure with representatives from the community and the government.

In October 2024, the families received the keys to their new homes in the neighborhood of Piquiá de Conquista. All of the 21 individual claims for compensation have been resolved favorably, and a class action for the remaining families is in process. JnT will continue to work alongside the communities for full reparation, including measures to ensure non-repetition of the violations and preservation of the old neighborhood as a testament to the community's struggle and to prevent further industrial expansion.

Increasing the costs to the government and steel corporations for remediating the harm caused by the carbon intensive industry strengthens the argument for reforming the sector.



Newly constructed homes in Piquiá de Conquista for families affected by the industrial pollution in Açailândia. *JUSTIÇA NOS TRILHOS.*



POTENTIAL FOR FURTHER EXPLORATION

While SAGE has not sought to expressly support strategic litigation, an initial review of SAGE's global economy portfolio reveals that SAGE grantees prioritize and are engaged in actively developing legal strategies, including strategic litigation. The legal strategies are cultivated from the ground up and interwoven with a diverse and complementary set of approaches to amplify their impact and increase their chance of success. While some of SAGE's projects have the explicit objective of addressing corporate contributions to climate change, they all target one of the main drivers of climate change: lack of corporate accountability. Successful strategies and cases supported by SAGE have resulted in halting deforestation, advancing stewardship of lands and resources, reducing emissions and pollution, ameliorating health and environmental impacts, and catalyzing changes to extractive industry practices of major carbon emitters. This confluence indicates a strong alignment and greater potential to realize climate goals by further exploring the use of corporate accountability strategic litigation.

Targeting one of the main drivers of climate change: lack of corporate accountability for emissions and impacts.



Protest at Vale's office in Vitória, Brazil in March 2024 demanding compensation for those harmed by 2015 Mariana tailings disaster.
MOVIMENTO DOS ATINGIDOS POR BARRAGENS (MAB).



SAGE cultivates powerful new ways to build a healthy, just and inclusive global economy. Our “laboratory” approach equips advocates across fields with the financial and technical resources along with hands-on support that creates breakthrough strategies that hold economic actors accountable. Since 2015, the Fund has supported 70 projects with \$11.2M in 56 countries, creating a pipeline for emerging work on human rights and the global economy. SAGE concentrates collective work on a theme that is poised for innovation and builds a critical mass of strategy development and learning around that theme, sharing it with civil society organizations, movements and donors for greater impact.

Visit sagefundrights.org to learn more about the work of SAGE and its partners.