



Human Rights and the Rights of Nature in the Governance of Minerals for the Energy Transition

A reading of Advisory Opinion No. 32 of the Inter-American Court of Human Rights

The Inter-American Court of Human Rights (IACHR) outlined in its Advisory Opinion No. 32 (OC-32), released on July 3, 2025, how human rights must be upheld in the face of the climate emergency. The Court also recognized the rights of nature and the responsibilities of States and companies regarding climate change. This advisory opinion followed more than 150 oral interventions and over 260 written submissions—including those from organizations that are part of the [Andean Wetlands Alliance](#).

This pronouncement sets a course for protecting valuable ecosystems and the rights of people in Latin America, a region deeply affected due to its significant reserves of minerals increasingly in demand for the global energy transition.

Human Rights and “Critical” Minerals

The IACHR, a central institution in setting human rights standards for Latin America and the Caribbean, provided through OC-32 a set of tools for moving toward policies grounded in equity and justice. These tools align with the [principles put forward by the UN Secretary-General in relation to the minerals value chain for the energy transition](#).

Minerals such as lithium and copper are at the heart of current energy transformation policies due to their value for battery manufacturing. This value chain begins in territories such as the high Andean wetlands of Argentina, Bolivia, and Chile, with the exploration and extraction of mineral deposits. It continues with their processing and refining in specialized facilities for the production of cells, which are later integrated into batteries that power a range of devices—mainly individual electric vehicles.

The Court placed special emphasis on the protection of human rights during the extraction of so-called “rare or critical” minerals for the energy transition, which make up the first links in this value chain. This directly reflects Principle 1 of the 2024 Report of the UN Secretary-General’s Panel on Critical Minerals for the Energy Transition and offers a key legal instrument for protecting human rights in Latin American countries. It also outlines essential elements for respecting the integrity of ecosystems (Principle 2) from the most biodiverse region on the planet, as well as advancing justice and equity (Principle 3), transparency and accountability (Principle 6), and strengthened multilateral cooperation (Principle 7).



Rights of Nature in a Megadiverse Region

Among its conclusions, the Court recognizes the rights of nature, referring to the need to preserve its essential ecological processes. This contributes to consolidating a development model that respects planetary boundaries and ensures the availability of vital resources for present and future generations.

This recognition is especially critical in Latin America, [one of the most biodiverse regions in the world](#). [It holds 50% of the planet's biodiversity](#) in ecosystems such as wetlands and tropical forests—especially the Amazon. It is [home to 12 of the 14 terrestrial biomes](#) and is a key epicenter for nature's contributions to people.

These issues are particularly relevant for a region whose historical role as a provider of natural resources has helped build the global economy, yet at great cost—[causing severe ecosystem damage and violating community rights](#). The protection of nature's rights provides a central tool for managing the mineral wealth essential for the energy transition, especially given that [the region holds more than 50% of the world's lithium reserves and 40% of its copper reserves](#).

Latin America is also one of the most culturally diverse regions: [approximately 54.8 million Indigenous peoples live across its territories, representing 8.5% of the total population](#)—the highest global proportion relative to total population—and occupying [over 20% of the land](#).

OC-32 particularly highlights the role of communities in preserving ecosystems and a healthy climate, free from human interference. It acknowledges the importance of local, traditional, and Indigenous knowledge for informed decision-making and cultural preservation. This approach empowers local and Indigenous communities—long-standing guardians of ecosystems who possess deep traditional knowledge—yet who are often excluded from decision-making processes and denied their rights to free, prior, and informed consultation and participation.

The Right to a Healthy Climate: Promising News

OC-32 recognizes the right to a healthy climate as part of the broader right to a healthy environment, free from human interference. States are thus required to prevent any irreversible harm to the planet's ecological balance and exercise heightened due diligence—taking into account the degree of potential harm, the best available science, and the specific vulnerabilities of at-risk groups, without creating or exacerbating such vulnerabilities.

In their mitigation strategies, States must prioritize both people and ecosystems—particularly those that play a vital role in regulating the Earth's climate systems and natural cycles.



In this regard, the Court's acknowledgment of the Andean wetlands of Argentina, Bolivia, and Chile is especially significant. These ecosystems contribute to climate adaptation through water regulation. They also have [the capacity to mitigate climate change by acting as carbon sinks](#): studies have recorded significant levels of carbon dioxide absorption through their vegetation and [extremophile microorganisms](#).

Ironically, these very wetlands are now under threat from the expansion of mining for the energy transition.

Corporate Obligations on Human Rights

OC-32 makes it clear that, in addition to States, companies also bear obligations concerning the climate emergency and its impact on human rights. The Court calls on States to regulate and oversee corporate due diligence across the entire value chain, in accordance with the UN Guiding Principles on Business and Human Rights (UNGPs). These obligations include identifying, preventing, mitigating, and accounting for business-related impacts on the environment, climate, and human rights. These are non-transferable obligations—they cannot be outsourced to third parties, such as certification bodies. The advisory opinion also calls for the avoidance of greenwashing and undue influence from third-party actors in corporate decision-making.

A Perspective on Advisory Opinion 32 from the Andean Wetlands

Spanning more than 200 pages, OC-32 provides tools to ensure the protection of human rights throughout the mineral value chain, as well as the integrity of ecosystems, from a Latin American perspective. It also promotes implementation of the UN Secretary-General's Panel principles on critical minerals for the energy transition.

No less important, it upholds the interdependence of democracy, the rule of law, and human rights protection within the Inter-American system, and strengthens the role of access rights and the protection of human rights, environmental, and climate defenders, in accordance with the Escazú Agreement. This recognition is especially crucial for the most dangerous region in the world for defending nature.

In a context of climate denialism, fueled by political leaderships that reject humanity's role in the climate crisis, OC-32 stands as a vital roadmap to urge States to meet their climate commitments through a human rights-based approach.

From the Andean Wetlands Alliance, we view this opinion with hope—as a key tool to help ensure the rights of those who have inhabited these wetlands for generations and to protect these vital ecosystems.



Reactions from Members of the Andean Wetlands Alliance to Advisory Opinion No. 32 of the IACHR

Pía Marchegiani, Deputy Executive Director, Fundación Ambiente y Recursos Naturales (Argentina):

“In a context where discussions on critical minerals are increasingly shaped by security and military interests, and unilateral or bilateral agendas from the Global North seek to control mineral supply chains, the Inter-American Court has taken a clear, strategic step in defining how the balance must be struck: placing human rights and nature at the center. Only in this way can we move forward toward justice and equity, as proposed by the UN Secretary-General’s Panel on Critical Minerals.”

Ricardo Frez, Director, ONG Defensa Ambiental (Chile):

“This unprecedented recognition of nature as a rights-bearing subject marks a shift toward ecocentric approaches in international human rights law. It is especially significant amid the growing—and often irreversible—impacts of mining for critical minerals like lithium and copper in the Global South. The Court affirms the autonomous protection of nature, not only as a means to secure human rights, but as an end in itself. It reinforces States’ obligations to prevent irreparable climate and environmental damage. In a context where the energy transition risks replicating extractivist models, this advisory opinion provides crucial normative tools to defend territories and life.”

Vivian Lagrava Flores, Empodérate, Human Rights Collective (Bolivia):

“Although communities may not be familiar with technical terms like climate, energy transition, and so on, they have welcomed with hope the fact that Advisory Opinion 32/25 places greater obligations on States. Laws, constitutions, and human rights standards are being ignored, while all kinds of impacts are overlooked. Wetlands—especially freshwater bofedales—are nature’s miracle that sustains our way of life and are essential for mitigating climate change. Yet they are being destroyed by extractivism. The Bolivian State must grasp the magnitude of its obligations.”

Ezio Costa Cordella, FIMA NGO (Chile)

“The concept of a just transition appears in several parts of the advisory opinion issued by the Inter-American Court of Human Rights. There is a specific and explicit mention of this type of transition, and the Court refers to the obligation of States to uphold this principle when developing climate policies and strategies. This means they must avoid deepening situations of multidimensional poverty and instead assess how a transition will affect a given territory and the people who live there—including, of course, the workers in industries undergoing change. In this sense, it is important to understand that the ecological transition is not limited to policy measures; it also concerns how a range of social systems, including those of production and consumption, will adapt to the new climate and environmental reality. In this process—from the present state of affairs to what will emerge as a result of this new environmental condition—we must ensure that no further violations of human rights



occur. On the contrary, we should create conditions that lead to better protection and fairer distribution of those rights.”

Oscar Campanini, CEDIB (Bolivia)

“The advisory opinion of the Inter-American Court is an enormously important reinforcement of civil society’s defense of the environment, water, Indigenous peoples’ territories, and life itself—a defense that benefits not just specific groups but is, in fact, the only way to ensure our survival as a species. In the case of the high Andean plateau, this opinion supports the struggles of communities defending water and wetlands against growing pressure from critical mineral extraction projects such as lithium.”

Verónica Gostissa – Asamblea PUCARA (Argentina)

“We are at a turning point for climate justice and human rights. The Inter-American Court now recognizes the autonomous right to a healthy climate. In regions like northwest Argentina—where ecosystems of high ecological value, such as high Andean wetlands, coexist with intense extractive pressures from lithium mining—this decision directly challenges the current mining and energy model. This legal milestone reinforces a truth that communities and peoples have long upheld: if it dries up rivers, it’s not an energy transition. And there can be no true transition without environmental justice.”

Paulina González Quiroga, Fundación Tantí (Chile)

“We deeply value the statement issued by the Inter-American Court at a strategic moment for our bodies and territories, especially for those of us living in the Global South—in the highland and coastal desert regions of Chile. This is a mining and productive zone where both continental and marine waters are being affected by the entire value chain operating in the area. In our territory, marked by a history of environmental sacrifice, there is no real transition. On the contrary, the same communities and ecosystems are now facing an intensification of extractivist practices—now labeled ‘green.’ We are witnessing an unimaginable increase in the impacts on our high Andean and marine ecosystems, and on the ways of life that exist here. In this context, the Court’s opinion will be crucial in strengthening the legal defense of our territories in various processes of Indigenous consultation and environmental justice that are already underway and will undoubtedly continue within the framework of these policies.”