

TOWARDS THE MODERNISATION  
OF THE EUROPEAN UNION-MEXICO  
GLOBAL AGREEMENT:

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**Together for a more sustainable  
trade and development**

## Forward

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## Policy Paper

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## Foreword

Mexico and the European Union (EU) are strategic allies in an increasingly polarised and complex international order in which finding reliable partners who share common values, visions, and objectives is increasingly difficult. Together, we face multiple challenges. A new war, occasioned by Russia's illegal invasion of Ukraine, took us by surprise just as we were beginning to recover from the COVID-19 pandemic. This pandemic, which plunged the world into a major health, economic and social development crisis, also deepened existing food and energy insecurities and shifted attention from issues with important global implications, such as the climate crisis. As a result, millions of people have lost their lives, supply chains have been disrupted, trade has become atomised, inflationary pressures have been exacerbated, and extreme poverty and inequality have significantly increased.

It is estimated that in the Latin America and the Caribbean (LAC) region alone, the increase in extreme poverty represents a setback of over three decades.<sup>1</sup> The economic, food and climate crises have the greatest impact on the most vulnerable in society. Inequality, already extreme in the LAC region before the pandemic, also continues to grow rapidly.<sup>2</sup> According to data published by Oxfam International, a new billionaire was created on average every 30 hours during the pandemic, while it is expected that in 2022, 263 million people will fall into extreme poverty (that is, one million people

every 33 hours).<sup>3</sup> At the same time, the growing distance between the EU and LAC is allowing other actors, such as China, to increase their presence in the region. This not only jeopardises the EU's leadership in trade matters but undermines the promotion of shared values and principles as cornerstones of international relations (including respect for democratic principles, human rights, and sustainable development).

More than ever, Mexico and the EU are called to deepen their ties economically, politically, and in the realm of cooperation, both bilaterally and in international fora. Historically, Mexico has played a leading role in multilateral venues on several key issues, ranging from the pursuit of international peace, nuclear non-proliferation and disarmament to fighting climate change and the illicit arms trade and addressing the phenomenon of migration. Specifically, Mexico has been an essential ally to the EU on human rights issues in international fora, such as the United Nations Human Rights Council and the Third Committee of the General Assembly. Mexico's relevance in the LAC region has also been evident in the Community of Latin American and Caribbean States and other regional fora. From an economic and commercial perspective, Mexico is one of the world's twenty largest economies.<sup>4</sup> In particular, its geographic and commercial proximity to the United States and its membership in the United States–Mexico–Canada Agreement makes it a key trading partner for the EU.

<sup>1</sup> C. Cid and M.L. Marinho 2022: *Dos años de pandemia de COVID-19 en América Latina y el Caribe: reflexiones para avanzar hacia sistemas de salud y de protección social universales, integrales, sostenibles y resilientes*, project document (LC/TS.2022/63), Santiago de Chile: Economic Commission for Latin America and the Caribbean, p. 21.

<sup>2</sup> *Ibid.*

<sup>3</sup> Oxfam International 2022: *Profiting from pain*, p. 3, at: <https://www.oxfam.org/en/research/profitting-pain> [accessed 25/09/2022].

<sup>4</sup> International Monetary Fund 2022: *World Economy Outlook: War Sets Back the Global Recovery*, at: <https://www.imf.org/en/Publications/WEO/Issues/2022/04/19/world-economic-outlook-april-2022> [accessed 25/09/2022].

Within this context, it is crucial that the modernisation of the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part (commonly known as the ‘Global Agreement’),<sup>5</sup> be concluded as soon as possible. The new framework should include all modifications necessary to ensure the availability of the best possible tools to face global, regional, and bilateral challenges in a collaborative and coordinated manner. The Global Agreement, which has been in force since 2000, was the first of its kind concluded by the EU with a Latin American country. It is also the first instrument for which an updating exercise was proposed (over a decade ago, in January 2013).<sup>6</sup>

The negotiations to modernise the Global Agreement’s three pillars (political dialogue, trade, and cooperation) were fully concluded on 28 April 2020.<sup>7</sup> However, the new agreement between Mexico and the EU has yet to be signed. The main reason for this delay is the lack of consensus between the Parties on the legal form for the new agreement. Led by the Ministry of Foreign Affairs, Mexico has called for a single agreement to be signed as negotiated in the form of, for example, an ‘Association Agreement’.<sup>8</sup> The European Commission (EC) has, however, proposed the division of the modernised

agreement into three international instruments; namely (i) a free trade agreement, (ii) an investment protection agreement, and (iii) a political and cooperation agreement, in consideration of Opinion 2/15 of the Court of Justice of the EU (16 May 2017). This opinion states that competence is shared between the EU and its Member States for investor–state dispute settlement and foreign investments other than direct investments.<sup>9</sup>

According to the CE, the European approach would facilitate the ratification of the modernised trade pillar of the Global Agreement since it would only need to be ratified by the European Parliament and the Mexican Senate to enter into force. If the agreement with Mexico were ‘mixed,’ it would require additional ratification by the national parliaments of all 27 EU Member States, unnecessarily delaying the process. The challenge of the latter is illustrated, for example, by the failure of all EU Member States to ratify the EU–Canada Comprehensive Economic and Trade Agreement and the Agreement establishing an Association between the EU and its Member States, on the one hand, and Central America, on the other. Both agreements evidence the great difficulty the EU currently faces in concluding agreements involving matters within the exclusive competence of the EU and those in respect of which competence is shared with its members.<sup>10</sup>

<sup>5</sup> OJ L 276/45, 28/10/2000.

<sup>6</sup> Council of the EU 2013: *Santiago Declaration*, doc. no. 5747/13, presse 31, Santiago de Chile, point 22.

<sup>7</sup> Regarding trade and investment, the EU and Mexico reached an ‘Agreement in Principle’ on 21 April 2018, with negotiations completed on 28 April 2020. See G. Grieger 2020: *Modernisation of the trade pillar of the EU-Mexico Global Agreement*, doc. no. PE 608.680, Brussels: European Parliament Research Service. Negotiations on political and cooperation issues were concluded in November 2017. F. del Río and R. Saavedra Cinta 2018: ‘Modernización de los capítulos de diálogo político y cooperación del Acuerdo Global México-Unión Europea’, *Revista Mexicana de Política Exterior* 112, pp. 33–48; Servicio Europeo de Acción Exterior 2017: *México y la Unión Europea han llegado a un acuerdo sobre las cuestiones políticas y de cooperación del nuevo acuerdo modernizado*, at: [https://www.eeas.europa.eu/node/37029\\_es](https://www.eeas.europa.eu/node/37029_es) [accessed 25/09/2022].

<sup>8</sup> See Article 217, Treaty on the Functioning of the EU.

<sup>9</sup> See Court of Justice of the EU 2017: *Opinion 2/15 of the Court (Full Court)*, Luxembourg.

<sup>10</sup> For this discussion between Mexico and the EU, see <https://www.youtube.com/watch?v=s1eSSYYR-qw&t=3708s> and <https://www.youtube.com/watch?v=lfvrjgkBTI&t=2999s> [accessed 25/09/2022].

The Council of the EU expects to make a final decision under the new framework governing EU–Mexico relations once a compromise with Mexico has been reached and a definitive proposal submitted by the EC. Several European authorities have recently expressed their support for the modernised Global Agreement being finalised as soon as possible. Among them, Josep Borrell, who serves as the High Representative of the EU for Foreign Affairs and Security Policy, foresees unblocking the agreement with Mexico as key to strengthening relations with LAC moving into 2023.<sup>11</sup> The President of the EC, Ursula von der Leyen, also pledged to present the agreement for ratification in her 2022 State of the Union speech.<sup>12</sup> Additionally, certain EU Member States, such as Germany, have expressed the need to reach a swift conclusion and finalise the modernised Global Agreement.<sup>13</sup>

As part of a vibrant civil society in Mexico and the EU, we sought to contribute to the modernisation of the Global Agreement through joint initiatives with actors from both regions. The first of these was the international conference ‘Towards the modernisation of the Mexico–EU Global Agreement: opportunities for strengthening human rights, the rule of law and sustainable development’, organised by the Konrad-Adenauer-Stiftung (KAS) Mexico, in collaboration with the EU–LAC Relations Chair of the European Institute of International Studies (Sweden/Spain), Dr José María Luis Mora Research

Institute (Mexico), the Institute of European Studies and Human Rights of the Pontifical University of Salamanca (Spain), the Copenhagen Business School (Denmark), and the Committee on Foreign Relations of the Mexican Chamber of Deputies.

The conference was hosted in the Chamber of Deputies in Mexico City on 26 May 2022. It brought together a wide range of participants, including decision-makers, representatives of the diplomatic corps, former members of the European Parliament, academics and researchers, human rights organisations and defenders, and students. More than 9,000 people attended the conference online, providing clear evidence of the interest and relevance of EU–Mexico relations and the modernisation process.<sup>14</sup>

Following the fruitful discussions at this international conference, the KAS Mexico and the four academic and research institutions mentioned above decided to collaborate on three policy papers covering the conclusions of each of the three conference panels (political dialogue, sustainable development, and cooperation). These papers, expected to be published between 2022 and 2023, are addressed to Mexico and the EU. Their objective is to offer specific recommendations on the content and implementation of the new Global Agreement, including why it is important to complete the signature and ratification process.

<sup>11</sup> J. Borrell 2022: *Foreign Affairs Council: Press remarks by High Representative Josep Borrell after the meeting*, at: [https://www.eeas.europa.eu/eeas/foreign-affairs-council-press-remarks-high-representative-josep-borrell-after-meeting-0\\_en](https://www.eeas.europa.eu/eeas/foreign-affairs-council-press-remarks-high-representative-josep-borrell-after-meeting-0_en) [accessed 25/09/2022].

<sup>12</sup> U. von der Leyen 2022: *2022 State of the Union address*, at: [https://ec.europa.eu/commission/presscorner/detail/es/SPEECH\\_22\\_5493](https://ec.europa.eu/commission/presscorner/detail/es/SPEECH_22_5493) [accessed 25/09/2022].

<sup>13</sup> F. W. Steinmeier 2022: *Speech by Federal President Frank-Walter Steinmeier to the Mexican Senate in Mexico City on 20 September 2022*, at: [https://www.bundespraesident.de/SharedDocs/Downloads/DE/Reden/2022/09/220920-Senat-Mexiko-Spanish.pdf?\\_\\_blob=publicationFile](https://www.bundespraesident.de/SharedDocs/Downloads/DE/Reden/2022/09/220920-Senat-Mexiko-Spanish.pdf?__blob=publicationFile) [accessed 25/09/2022].

<sup>14</sup> For more information about this international conference, see *supra* note 10.

This document entitled 'Towards the modernisation of the EU-Mexico Global Agreement: Together for a more sustainable trade and development' is the first of these policy papers and covers the conclusions on sustainable development.

We hope our readers will find in this policy paper elements that are helpful in discussions on the strategic agenda between Mexico and the EU, in general, and on the modernisation of the Global Agreement in particular.

## Policy Paper

This policy paper focuses on concerns regarding the proposed modernisation of the trade pillar of the EU–Mexico Global Agreement, in particular, the chapter on trade and sustainable development (TSD). According to the EU–Mexico Agreement in Principle announced on 21 April 2018, the goals of the TSD chapter are to:

enhance the integration of sustainable development in the Parties' trade and investment relationship, notably by establishing principles and actions concerning labour and environmental aspects of sustainable development of specific relevance in a trade and investment context.<sup>15</sup>

An important aspect of the TSD chapter is promoting the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) adopted in 2015 by all United Nations Member States.<sup>16</sup> The EU and Mexico have committed to implementing the 2030 Agenda by collaborating on achieving the seventeen SDGs, including through climate change mitigation and adaptation initiatives. Since the late 1980s, Mexico has introduced policies to transform its energy mix and become less dependent on fossil fuels; in 2012, it became the first large oil-producing economy to adopt specific climate legislation.<sup>17</sup> Nevertheless,

various vulnerabilities have emerged since 2018, when the federal government began enacting public policy changes that deprioritised green-energy investments and reversed energy sector reforms, raising national and international concerns.<sup>18</sup>

A further concern for sustainable development and efforts to mitigate climate change is the government's failure to integrate environmental and human rights protections into Mexico's economic and social development. The country's human rights challenges could be addressed by investing in efforts to achieve SDG 16 and 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'.<sup>19</sup>

The TSD chapter would mandate that, among other things, the Parties cannot lower their environmental and labour standards to attract investment. They must also retain the right to regulate in order to further public policy objectives, and must effectively implement the core International Labour Organization (ILO) conventions and multilateral and environmental agreements that they have ratified.<sup>20</sup>

<sup>15</sup> EU–Mexico, *Modernisation of the trade part of the EU-Mexico Global Agreement Without Prejudice: Chapter [XX] Trade and Sustainable Development*, Article 1(1), at: <https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/mexico/eu-mexico-agreement/agreement-principle> [accessed 25/09/2022] [EU–Mexico Agreement in Principle].

<sup>16</sup> See United Nations General Assembly 2015: *Transforming Our World: the 2030 Agenda for Sustainable Development*, A/RES/70/1 [UN GA].

<sup>17</sup> A. Averchenkova and S. Guzman Luna 2018: *Mexico's General Law on Climate Change: Key Achievements and Challenges Ahead*, London: London School of Economics and Political Science, p. 4. See also, *Ley General de Cambio Climático* (DOF 06/06/2012, last reform 11/05/2022).

<sup>18</sup> Secretaría de Energía 2020: *El Gobierno de México fortalece el Sistema Eléctrico Nacional*, at: <https://www.gob.mx/sener/es/articulos/el-gobierno-de-mexico-fortalece-el-sistema-electrico-nacional?idiom=es> [accessed 25/09/2022]; Reuters/Redacción 2020: 'EU, Canadá y Europa se reúnen "preocupados" por la política energética de AMLO', *Expansión*, 09/03/2020; EFE/Forbes 2021: 'Embajador de Unión Europea admite preocupación empresarial por reformas de AMLO', *Forbes México*, 17/04/2021; S. Weiss 2021: 'México: Reforma energética a costa del medio ambiente', *Deutsche Welle*, 12/10/2021.

<sup>19</sup> UN GA, *supra* note 16, p. 14.

<sup>20</sup> EU–Mexico Agreement in Principle, *supra* note 15.



According to the EC, the Global Agreement established important mandates, which have been in force since 2000. However, these mandates did not include commitments to international labour and environmental treaties or obligations to enforce labour and environmental laws, nor do they promote trade and investment practices that contribute to sustainable development, such as corporate social responsibility or sustainability assurance schemes. This stands in contrast to the provisions of the EU's more recently concluded free trade agreements with other partners, such as Canada,<sup>21</sup> South Korea,<sup>22</sup> and Vietnam.<sup>23</sup> Moreover, although the Global Agreement has had some positive impacts on labour rights, these seem to be attributable to the increased interaction between EU and Mexican firms, in that Mexican producers must comply with the EU's policies for corporations.<sup>24</sup>

## Concerns Regarding the Modernisation of the Trade Pillar of the Global Agreement

There are three main areas of challenge in modernising the trade part of the EU–Mexico Global

Agreement: justice and security for Mexico's indigenous peoples, labour and environmental rights, and dialogue with civil society actors.

### Justice and Security for Mexico's Indigenous Peoples

Ensuring justice and security for Mexico's indigenous peoples is one of the critical issues for a modernised Global Agreement. Mexico has ratified ILO Convention 169; this binding agreement requires that indigenous people have given their 'free, prior, and informed consent' to government decisions affecting their territories. Furthermore, the country has legislated in the 2014 Electric Industry Law that public consultation is required for projects impacting indigenous territories.<sup>25</sup> Nevertheless, research shows that Mexico's continuing dependence on European countries for green-energy investments has resulted in disputes over the territories of indigenous peoples.<sup>26</sup> The assassination of human rights defenders, particularly defenders of land and the environment, is of particular concern.<sup>27</sup> This situation led the European Parliament to adopt an urgent resolution in March 2022 condemning the killing and the threats to and harassment of Mexico's human rights defenders, including environmental

<sup>21</sup> *Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part* (OJ L 11/23, 14/01/2017).

<sup>22</sup> *Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part* (OJ L 127/6, 14/01/2011).

<sup>23</sup> *Free Trade Agreement between the European Union and the Socialist Republic of Viet Nam* (OJ L 186/3, 12/06/2020).

<sup>24</sup> EC 2015: *Commission staff working document: Impact Assessment accompanying the document recommendation for a Council Decision authorising the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to open negotiations and to negotiate with Mexico a modernised Global Agreement*, doc. no. SWD (2015) 289 final, p. 13 [EC]. See also, Ecorys 2017: *Ex-post evaluation of the implementation of the EU-Mexico Free Trade Agreement: Final Report*, Brussels: EC.

<sup>25</sup> See *Ley de la Industria Eléctrica* (DOF 11/08/2014, last reform 11/05/2022).

<sup>26</sup> J. Ramirez and S. Böhm 2021: 'Transactional colonialism in wind energy investments: Energy injustices against vulnerable people in the Isthmus of Tehuantepec', *Energy Research & Social Science* 78, Article 102135.

<sup>27</sup> J. Ramirez 2021: 'Contentious dynamics within the social turbulence of environmental (in)justice surrounding wind energy farms in Oaxaca, Mexico', *Journal of Business Ethics* 169(3), pp. 387–404 [Ramirez 2021a].



defenders and indigenous people and communities.<sup>28</sup> Non-governmental organisations from the EU and Mexico have presented various ways that modernising the Global Agreement (in the currently proposed form) will likely worsen these problems.<sup>29</sup>

## Labour and Environmental Rights

Since the Global Agreement entered into force, the protection and promotion of labour, environmental and other human rights in trade and investment have been an ongoing concern, especially in Mexico.<sup>30</sup>

Mexico has made progress in relation to human rights through strong support for multilateralism. Despite this progress, researchers have identified weaknesses in the protection of rights at work.<sup>31</sup> ILO monitoring bodies have called for a reduction in child and forced labour, including human

trafficking, while also noting the existence of restrictions on the operation of trade unions. These bodies have also expressed concern over the lack of clear anti-discrimination policies and measures and the difficult working conditions for women domestic workers; these issues were pointed out in the EC's impact assessment report on the modernisation of the Global Agreement's trade pillar.<sup>32</sup>

The London School of Economics has concluded that, although modernising the agreement's trade pillar is unlikely to have direct effects within the EU on human rights protection, respect, and remedy, it could have a positive impact in Mexico. In particular, it is likely to positively impact the 'Mexican government's willingness to respect specific human rights and citizens' ability to demand their rights under domestic and international law'; in this respect, the 'EU could help further with assistance for capacity building'.<sup>33</sup>

<sup>28</sup> See European Parliament 2022: *Resolution of 10 March 2022 on the situation of journalists and human rights defenders in Mexico (2022/2580(RSP))*, Strasbourg.

<sup>29</sup> See for example, Aitec et al. 2022: *Six reasons NOT to ratify the EU-Mexico Global Agreement*, at: <https://www.tni.org/en/article/six-reasons-not-to-ratify-the-eu-mexico-global-agreement> [accessed 25/09/2022].

<sup>30</sup> See for example, R. Dominguez and M. Velasco Pufleau 2015: *The Modernisation of the European Union-Mexico 'Global Agreement'*, doc. no. PE534.985, Brussels: EU; Inter-American Commission on Human Rights 2015: *Situation of Human Rights in Mexico*, doc. 44/15; Amnistía Internacional et al. 2016: *Conclusiones del Cuarto Seminario de la Sociedad Civil en el marco del Sexto Diálogo de Alto Nivel sobre Derechos Humanos entre México y la Unión Europea*, at: [https://www.idheas.org.mx/wp-content/uploads/2019/07/conclusiones\\_sociedad\\_civil\\_bruselas.pdf](https://www.idheas.org.mx/wp-content/uploads/2019/07/conclusiones_sociedad_civil_bruselas.pdf) [accessed 25/09/2022]; Business and Human Rights Resource Center et al. 2017: *Letter to the United Nations working group on the issue of human rights and transnational corporations and other business enterprises*, at: [https://media.business-humanrights.org/media/documents/files/Letter\\_about\\_the\\_National\\_Program\\_in\\_Mexico.pdf](https://media.business-humanrights.org/media/documents/files/Letter_about_the_National_Program_in_Mexico.pdf) [accessed 25/09/2022]; H. Castellà 2017: *The human rights clause in the modernization of the Global Agreement between the EU and Mexico*, policy paper requested by MEP Josep-Maria Terricabras Noguera.

<sup>31</sup> G. Grieger 2019: *EU trade with Latin America and the Caribbean: Overview and figures*, doc. no. PE 644.219, Brussels: European Parliament Research Service; London School of Economics Consulting 2019: *Sustainability Impact Assessment (SIA) in support of the negotiations for the modernization of the Trade Pillar of the Global Agreement with Mexico*, Luxembourg: Publication Office of the EU.

<sup>32</sup> EC, *supra* note 24, p. 14.

<sup>33</sup> London School of Economics Consulting 2019: *Sustainability impact assessment in support of the negotiations for the modernization of the trade part of the Global Agreement with Mexico: Final CSD meeting*, at: [https://trade.ec.europa.eu/doclib/docs/2019/july/tradoc\\_157994.pdf](https://trade.ec.europa.eu/doclib/docs/2019/july/tradoc_157994.pdf) [accessed 25/09/2022].

## Dialogue with Civil Society Actors

EU and Mexican civil society actors have emphasised the importance of civil society dialogue even before the Global Agreement's entry into force.<sup>34</sup> However, the original Global Agreement does not explicitly incorporate civil society as an actor in implementation or monitoring efforts. Civil society is only mentioned on two occasions: in relation to EU–Mexico cooperation on social affairs and poverty to the extent that the Parties agreed to 'hold periodic consultations regarding cooperation activities involving civil society and destined to offer opportunities for the creation of jobs, vocational training and income growth' and regarding cooperation in human rights and democracy in 'the development of civil society by means of education, training and public awareness programmes'.<sup>35</sup>

Previous unsuccessful attempts, such as the Forum of Dialogue between Civil Society and Institutions of the Mexican Government and the EU (last hosted in Brussels in 2012), are evidence of the practical difficulties of incorporating civil society actors in international relations.<sup>36</sup>

Lessons should be learned from this experience. It is critical that the new mechanisms for civil society participation envisaged by the updated Global Agreement (more specifically the TSD chapter) consider and respect the different forms of civil society organising in Mexico and the EU. No particular model should be imposed by one

party on the other; they should learn from each other's good practices and experiences at the national and international levels.

## Recommendations

1. Establishing binding mechanisms is critical to ensure that governments and multinational corporations comply with national and international regulations and laws on renewable energy investments, in accordance with SDG 16.<sup>37</sup>
2. To enhance human rights protection in Mexico, the EU should provide further capacity-building assistance and support public outreach activities with the active participation of both state and non-state actors. Particular attention should be given to the protection of human rights defenders, especially those working on land, territory, and environmental issues.
3. It is essential to ensure effective civil society participation and input under the mechanisms established to implement and monitor the TSD chapter in order to uphold respect for labour and environmental rights in the EU and Mexico. These mechanisms should be designed taking account of lessons from previous bilateral efforts, namely the Forum of Dialogue between Civil Society and Institutions of the Mexican Government and the EU, thereby avoiding mistakes that led to that forum's paralysis.

<sup>34</sup> See Ciudadan@s de México ante los acuerdos de libre comercio con la Unión Europea n.d.: *First Report*, at: <http://www.rmalc.org/historico/tratados/ue/documentos/ciudadanos.pdf> [accessed 25/09/2022].

<sup>35</sup> Articles 36(3) and 39(2)(a) of the Global Agreement.

<sup>36</sup> See R. Villanueva Ulfgard and A. Alejo Jaime 2013: 'El diálogo entre México y la UE: un análisis desde el nuevo multilateralismo', *Revista CIDOB d'Afers Internacionals* 101, pp. 107–128.

<sup>37</sup> See Ramirez 2021a, *supra* note 27; J. Ramirez 2021: 'Governance in Energy Democracy for Sustainable Development Goals: Challenges and Opportunities for Partnerships at the Isthmus of Tehuantepec', *Journal of International Business Policy* 4(1), pp. 119–135 [Ramirez 2021b].

4. Indigenous peoples are increasingly important actors and have begun to make their voices heard; they have rejected public policies and investment projects pursued without their participation and have claimed their own modes of existence and organisation.<sup>38</sup> The effective involvement of indigenous peoples in policies and projects is key to ensuring their human and environmental rights are respected.
5. Proper due diligence investigation is one of the main challenges in the investment process. Thorough investigation is particularly important to assess the effects of investments on indigenous peoples' territories, resources, and traditional knowledge. The new Global Agreement and its implementation should consider the guidelines for multinationals established by the World Bank and the Organisation for Economic Cooperation and Development, as well as the tools developed by the International Association for Impact Assessment to evaluate the possible impacts of renewable energy investments.
6. Transforming the energy structure and achieving energy democracy requires a profound transformational change impacting the day-to-day political, social, cultural, and economic environment.<sup>39</sup> Engagement with citizens and civil society actors through consultation is vital for ensuring transparent communication concerning energy investments and their impacts.
7. There is a need for greater civil society and citizen engagement in defining, implementing, and evaluating energy diversification strategies; this can be achieved through education, information, and participation. As previous research has shown, it is particularly important to help civil society and citizens learn and discuss how people interact with energy. Public policies must integrate sustainable development and renewable energies in primary and technical and engineering higher education to create a skilled local workforce. European companies should develop and promote local-renewable-energy employment by implementing training and internship programmes targeting local communities and connecting students with the local-renewable-energy job market. In addition, public policies should facilitate sustained and timely dissemination of information on national and foreign investments; this can build trust with local communities, help them make informed decisions and promote responsible and transparent government, as required by SDG 16.<sup>40</sup>

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<sup>38</sup> Business and Human Rights Resource Centre 2020: Renewable Energy & Human Rights, at: <https://humanrights.wbcsd.org/project/renewable-energy-human-rights-benchmark/> [accessed 25/09/2022].

<sup>39</sup> For further information on this topic, see Aleksandr V. Gevorkyan 2018: *Transitions Economies: Transformation, Development, and Society in Eastern Europe and the Former Soviet Union*, Abingdon/New York: Routledge.

<sup>40</sup> See Ramirez 2021b, *supra* note 37.

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