

FATAL FUELS

WHY HUMAN RIGHTS PROTECTION URGENTLY REQUIRES
A FULL AND EQUITABLE FOSSIL FUEL PHASE OUT

YOU KNOW
WHAT'S
OFFENSIVE
FOSSIL FUELS

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GLOSSARY

“Fenceline” communities: in this briefing, the phrase refers to communities who live near industrial infrastructure producing or transforming fossil fuels. Fenceline communities directly experience the adverse impacts of pollution and environmental degradation emanating from extractive projects and tend to live in so-called “sacrifice zones”.

“Frontline” communities: people who bear the brunt of direct and indirect impacts of the climate crisis (for example, communities who are most affected by climate-induced rapid and slow onset weather events), many of whom are marginalized and experience intersecting forms of cultural, economic, social and racial discrimination.

Fossil fuels: non-renewable energy sources including coal, crude oil (also known as petroleum) and fossil gas (or so-called “natural” gas). Fossil fuels take millions of years to form,¹ from the fossilized, buried remains of plants and animals. Their combustion and oxidation produce large quantities of carbon dioxide (CO₂).²

Greenhouse gases (GhG): group of compounds that trap heat in the atmosphere. The emission of GhG resulting from human activity is the fundamental cause of the “greenhouse effect” leading to global heating. CO₂ accounts for two third of GhG and is largely the product of burning fossil fuels.³ Methane, the primary component of fossil gas, accounts for 25% of the heating we are experiencing today.⁴

Intergovernmental Panel on Climate Change (IPCC): body set up by the United Nations Environment Programme and the World Meteorological Organization to provide an objective source of scientific information on climate change.

Net zero: the objective of cutting GhG emissions, with remaining emissions re-absorbed from the atmosphere, by natural “carbon sinks” (for example oceans and forests) and unproven technologies such as carbon capture, storage and removal.⁵

Renewable energy: energy derived from natural sources that are replenished at a higher rate than they are consumed, including but not limited to solar and wind.⁶

Sacrifice zone: heavily contaminated area where low-income and marginalized groups bear the disproportionate burden of the human rights consequences of exposure to pollution and toxic substances.⁷

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First published in 2022 by Amnesty International Ltd, Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK



Cover photo: Youth climate activists calling for change in Manila, Philippines, August 2023.

© Youth for Climate Hope Philippines



The Phillips 66 Bayway oil refinery in New Jersey, USA, processes over 238,000 barrels of crude oil per day and is one of the largest air polluters in New Jersey. © Robert Nickelsberg/Getty Images

Index: POL 30/7382/2023

Original language: English

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CONTENTS

INTRODUCTION	4
ADVERSE IMPACTS OF FOSSIL FUEL COMBUSTION	6
COMPANIES' RESPONSIBILITY	7
STATES' FAILURE TO ACT	8
COP27 FAILURES	9
HUMAN RIGHTS LAW AND STANDARDS	11
UNFCCC AND PARIS AGREEMENT	11
RIGHT TO A CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT	12
BUSINESS AND HUMAN RIGHTS	12
FOSSIL FUELS' ADVERSE IMPACTS ON HUMAN RIGHTS	13
FOSSIL FUEL PROJECTS' IMPACTS ON FENCELINE COMMUNITIES	14
FOSSIL FUEL INDUSTRY'S IMPINGEMENT ON PROCEDURAL RIGHTS GLOBALLY	28
SO WHAT?	30
WHAT CAN GOVERNMENTS DO?	31
WHAT CAN CORPORATE ACTORS DO?	32

INTRODUCTION

The Secretary General of the United Nations António Guterres has repeatedly warned that fossil fuels are “incompatible with human survival”.⁸ Amplifying calls from Indigenous Peoples, frontline communities and the wider climate justice movement for a full, fair, fast and funded phase out of fossil fuels, the UN Secretary General’s message has been crystal clear:

“The problem is not simply fossil fuel emissions. It’s fossil fuels, period.”⁹

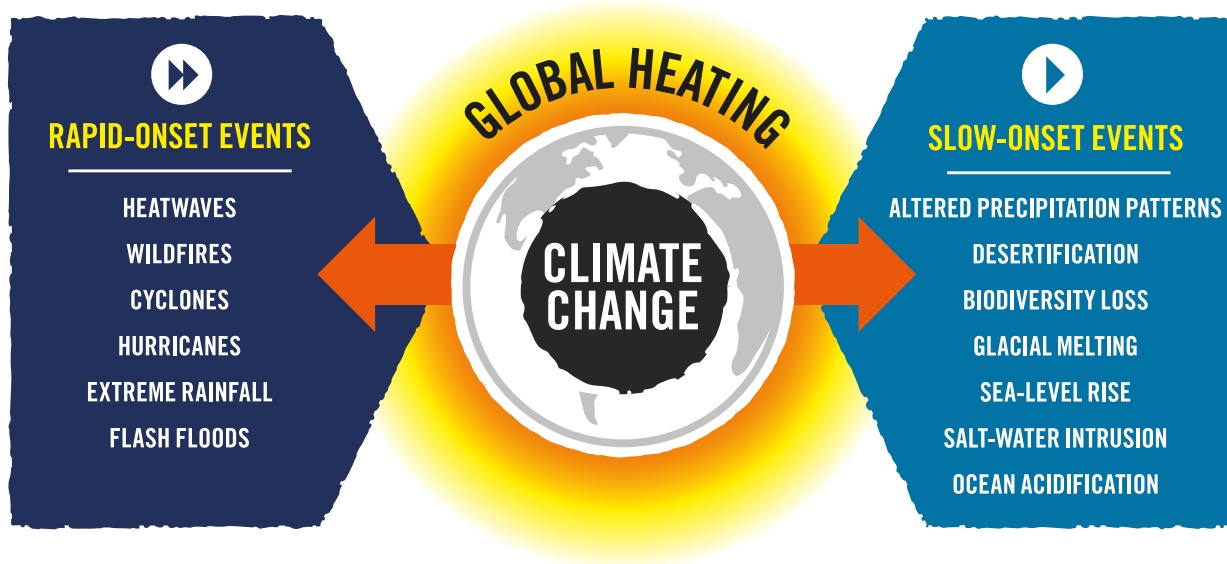


“Walk For Your Future” climate march in Brussels, Belgium, October 2022.
© Romy Arroyo Fernandez / NurPhoto

The climate emergency is an unprecedented global human rights crisis. It is part of the triple planetary crisis of the interrelated phenomena of climate change, pollution and biodiversity loss.¹⁰ Climate change involves not only a rise in the global average temperature (“global heating”), but also a range of disruptions to ecosystems. It leads to an increased intensity and frequency of dangerous rapid-onset weather events, such as extreme heat, wildfires and extreme rainfall from tropical storms;¹¹ and triggers slow-onset events, including the alteration of precipitation patterns, glacial melting, sea-level rise, salt-water intrusion and ocean acidification, while contributing to shifting wildlife populations and habitats and to biodiversity loss.¹²

The Intergovernmental Panel on Climate Change (IPCC) has stressed that **“climate change is real and human activities, largely the release of polluting gases from burning fossil fuel (coal, oil, gas), is the main cause.”**¹³ The climate crisis threatens the enjoyment of civil, political, economic, social and cultural rights of present and future generations and, ultimately, the future of humanity. **Its impacts**





severely affect millions of people, particularly those historically marginalized, threatening the rights to life, water, food, adequate housing, health, sanitation, adequate standard of living, work, development, a clean, healthy and sustainable environment, culture and self-determination as well as the rights to be free from discrimination and cruel, inhuman and degrading treatment (CIDT), among others.

Relaying urgent pleas from communities living near industrial infrastructure extracting or transforming fossil fuels (“fenceline” communities) and climate justice activists, UN experts have condemned humanity’s addiction to fossil fuels for years.¹⁴ However, growth in renewable energy production has yet to displace fossil fuel use. Indeed, despite the deepening crisis¹⁵ the United Nations Environment Programme (UNEP) has found that global greenhouse

gas (GhG) emissions have continued to grow in the past 10 years.¹⁶ In 2022, global CO₂ emissions from the energy sector reached a new record high of 37 billion tonnes.¹⁷

This briefing provides examples of how the production, transformation and use of fossil fuels – enabled and prolonged by the industry’s mis- and disinformation and effective lobbying – undermine human rights of fenceline communities living near fossil fuel infrastructure and frontline communities disproportionately harmed by climate change. It draws from extensive qualitative research Amnesty International and its partners have conducted over the past two decades, and **illustrates why a full, fast, fair and funded phase out of the demand for and supply of fossil fuel production and use**, including by ending fossil fuel subsidies, **is an urgent imperative** if we are to mitigate the worst impacts of the climate crisis on the enjoyment of human rights.

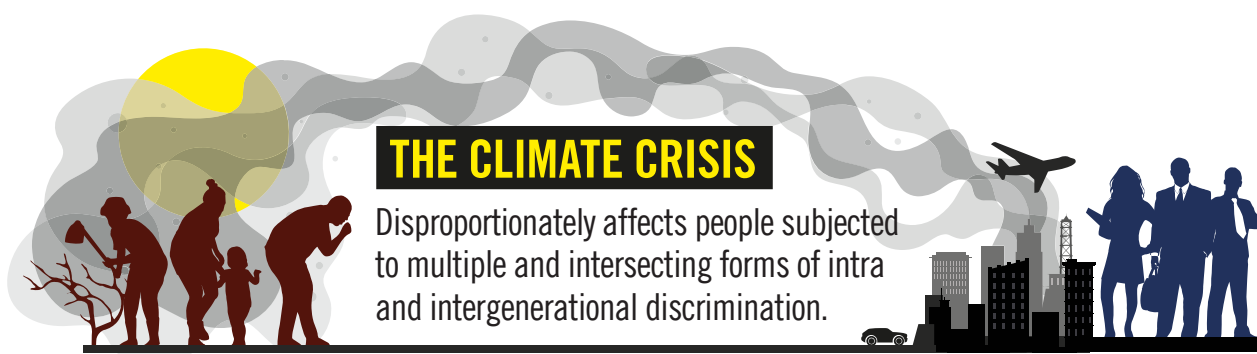


FAIR	FAST	FULL	FUNDED
A just transition, with higher income countries acting first	In line with the 1.5° Celsius goal	No reliance on unproven “solutions” (carbon capture storage and removal...)	Higher income countries should support the transition of lower income countries

ADVERSE IMPACTS OF FOSSIL FUEL COMBUSTION



*Shell oil flare, Bomu oil field in the Niger
Delta, Nigeria, March 1994.
© Tim Lambon / Greenpeace*



The fact that burning fossil fuels is the primary cause of climate change has been settled science for decades.¹⁸ Attribution science has shown that rapid and slow onset weather events are made much more likely and more harmful by climate change.¹⁹ A diversity of quantitative and qualitative research has unravelled the **human rights harms caused by these rapid and slow-onset events.**²⁰ On top of climate change, the burning of fossil fuels contributes to other harms to people's health, particularly through air pollution. A 2022 report of the prestigious medical journal Lancet concluded that "health [is] at the mercy of fossil fuels," with exposure to air pollution directly related to the combustion of fossil fuels contributing to 1.2 million deaths in 2020.²¹

In addition to human rights violations stemming from climate change, as Amnesty International's research illustrates, **the extraction and transformation of fossil fuels are also associated with a wide range of rights violations**, particularly affecting fenceline communities.

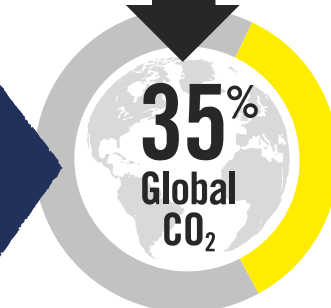
The climate crisis is a manifestation and catalyst of deep-rooted injustices. It disproportionately affects individuals and groups who are already subjected to multiple and intersecting forms of intra and intergenerational discrimination or who are marginalized as a result of historical and structural inequalities, including ingrained practices or official policies that unfairly distribute access to resources, services, power and privilege. In 2022, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance stressed that "[p]eoples in formerly colonized territories who were racially designated as non-white bear the disproportionate environmental burdens of extraction, processing and combustion of fossil fuels."²²

COMPANIES' RESPONSIBILITY

Certain businesses – particularly the fossil fuel, energy and transport industries, large-scale agri-businesses, and their financiers – bear an important responsibility

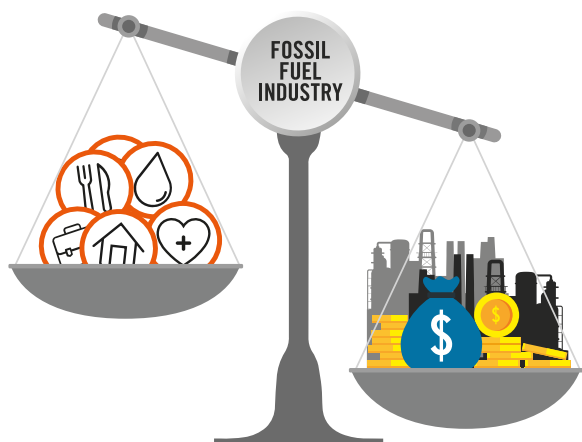
THE TOP 20 FOSSIL FUEL COMPANIES PRODUCED

- | | |
|------------------------------------|---------------------------------------|
| 1. Saudi Aramco, Saudi Arabia | 11. PetroChina / China Natl Petroleum |
| 2. Chevron, USA | 12. Peabody Energy, USA |
| 3. Gazprom, Russia | 13. ConocoPhillips, USA |
| 4. ExxonMobil, USA | 14. Abu Dhabi National Oil Co, UAE |
| 5. National Iranian Oil Co. | 15. Kuwait Petroleum Corp., Kuwait |
| 6. BP, UK | 16. Iraq National Oil Co., Iraq |
| 7. Shell, UK | 17. Total, France |
| 8. Coal India, India | 18. Sonatrach, Algeria |
| 9. Pemex, Mexico | 19. BHP Billiton, Australia |
| 10. Petroleos de Venezuela (PDVSA) | 20. Petrobras, Brazil |



**AND ENERGY-RELATED
METHANE BETWEEN 1965 AND 2018**

Data source: Climate Accountability Institute



for the climate crisis. The world's producers of oil, gas and coal are among those most responsible for climate change. Research shows that the **20 largest fossil fuel companies produced 35% of global CO₂ and energy-related methane between 1965 and 2018.**²³ These companies are often referred to as "carbon majors".

There is growing evidence that **major fossil fuel companies have known for decades about the harmful effects of fossil fuel combustion and have attempted to suppress that information** and block efforts to tackle climate change.²⁴ An early strategy employed by fossil fuel companies and their trade associations was to sow doubt that fossil fuels caused climate change.²⁵ For example, a recent review of Exxon Mobil's internal documents conducted by the Wall Street Journal has revealed that for decades, by contrast with its public discourse, the company has supported research questioning the findings of mainstream climate science.²⁶ Despite evidence that Exxon's climate modellers had predicted worsening of the greenhouse effect with precision since the 1970s, its top executives challenged the IPCC's findings and explicitly urged its staff to influence and gather information about the UN body.²⁷

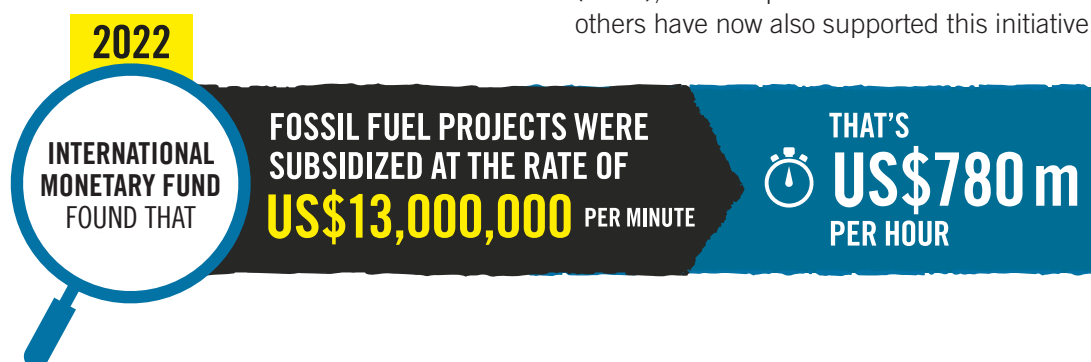
Over time, many companies pivoted to portraying themselves as good faith stakeholders and partners in global level discussions about the climate crisis. **Greenwashing, rather than outright lying,** and focus on individual behaviour rather than collective solutions have become **the industry's *modus operandi*.**²⁸

Private financial institutions, such as banks, asset managers and insurance companies, **also play a key role in driving the climate crisis,** especially by providing financial and other services to fossil fuel companies and businesses linked to deforestation without any climate-related conditions.

STATES' FAILURE TO ACT

Despite commitments made under the Paris Agreement – the most comprehensive legally binding international treaty on climate change – most states have failed to halt expansion and continue to license, permit and heavily subsidize the production and consumption of fossil fuels. Since 2021, the IEA has consistently warned that new fossil fuel projects would lock in increased GhG emissions and contradict the imperative of phasing out fossil fuels globally by 2050.²⁹ Despite these warnings, the International Monetary Fund found that **fossil fuel projects benefited from a subsidy rate of US\$13 million a minute in 2022.**³⁰

Paradoxically, **the Paris Agreement fails to explicitly acknowledge fossil fuels' role in the climate crisis.** Calls for a global phase out of fossil fuels date back to the 2015 Suva Declaration in which Pacific nations expressed their "grave concern that the continued increase in the production of fossil fuels (...) undermines efforts to reduce global GhG emissions and the goal of decarbonising the global economy."³¹ Since then, a group of Pacific states spearheaded by Vanuatu and Tuvalu, have called on the international community to join them in developing a **Fossil Fuel Non-Proliferation Treaty.**³² The World Health Organization (WHO), the European Parliament and thousands of others have now also supported this initiative.





COP27 FAILURES

At the 27th Conference of Parties to the UN Framework Convention on Climate Change (COP27), held in 2022 in Egypt, states failed to live up to the urgency of impending climate breakdown. Despite being presented from the outset as the “implementation COP”, no new decisive measure was adopted to ensure global heating is limited to 1.5 degrees Celsius above pre-industrial levels.³³

While COP27’s final political decision - also known as the “Sharm el-Sheikh Implementation Plan”³⁴ - made a new reference to accelerating clean and just transitions to renewable energy, **governments failed to commit to phasing out the use and production of all fossil fuels and all types of fossil fuel subsidies.**³⁵ The Plan merely repeats the call from COP26 to “accelerate efforts towards the phase down of unabated coal power”³⁶ and “phase-out of inefficient fossil fuel subsidies.”³⁷

At COP27 and in different forums in 2023, the fossil fuel industry has also promoted risky and unproven

solutions that could not only delay emissions reductions, but also exacerbate the climate crisis,³⁸ including but not limited to: the promotion of fossil gas (or so-called “natural” gas) as a transition fuel, the inclusion of co-firing of ammonia and hydrogen in the energy sector, the promotion of carbon capture and storage (CCS) to “abate” emissions and large-scale carbon dioxide removal and geoengineering mechanisms, and the failure to adopt clear measures to ensure that carbon market activities only include those that allow for rapid, genuine emission reductions.³⁹



Protest staged by climate activists during the COP27 climate conference in Sharm el-Sheikh, Egypt, November 2022. The slogan on the banner reads in Arabic: “There is no climate justice without human rights. We have not been defeated.” © AFP via Getty Images

FOSSIL FUEL PHASE OUT AND COP28 PRESIDENCY

In 2023, the United Arab Emirates (UAE) will be hosting COP28 in Dubai. The UAE appointed Sultan Al Jaber, the chief executive of the Abu Dhabi National Oil Company (ADNOC), as COP28's president-designate. ADNOC, a state-owned enterprise, is one of the world's largest fossil fuel companies. **Amnesty International**, alongside many other civil society organizations (CSOs), expressed concerns about this appointment, emphasizing the glaring conflict of interest and **calling for Sultan Al Jaber to resign from his executive role in ADNOC.**⁴⁰

Between 1965 and 2018, ADNOC contributed 1% of all fossil fuel and cement emissions worldwide and is one of the top 20 companies most responsible for climate change, according to data collected by the Climate Accountability Institute.⁴¹ ADNOC has announced aggressive expansion plans and is planning to significantly increase its oil and gas production by 2030 while journalists have reported that as per IEA guidance, 90% of the fuels ADNOC plans to extract would need to remain in the ground for the world to achieve net zero by 2050.⁴²

In May 2023, Sultan Al Jaber emphasized the need to phase out fossil fuel emissions, rather than production, adding that the UAE "will encourage smart government regulation to... make carbon capture commercially viable."⁴³ This raises concerns that the **UAE will use its presidency to ensure that fossil fuel companies can continue to produce and expand production**, rather than leaving fossil fuels in the ground, while relying on unproven technologies such as CCS and large-scale CO₂ removals mechanisms.⁴⁴ Sultan Al Jaber has repeatedly defended ADNOC's continued fossil fuel extraction, and unapologetically said: "It's the consumer who contributes to increasing CO₂ emissions, not the producer."⁴⁵



HUMAN RIGHTS LAW AND STANDARDS

UNFCCC AND PARIS AGREEMENT

In 1992, 165 states signed the UN Framework Convention on Climate Change (UNFCCC)⁴⁶ and have held negotiations annually ever since (called “Conference of the Parties”⁴⁷ or COP), with the aim of developing goals and methods to mitigate the climate crisis as well as to adapt to its impacts. **In 2015, at the 21st COP (or COP21), the Parties adopted the Paris Agreement,**⁴⁸ with the aim to “strengthen the global response to the threat of climate change”⁴⁹ by keeping a global average temperature rise this century



*Contaminated land and water years after spills occurred surrounding Shell's Kegbara-Dere oil field in the Niger Delta, Nigeria, September 2015.
© Michael Uwemedimo / cmapping.net*

well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5°C.

At the centre of the climate crisis are levels of **GhG emissions that are the product of centuries**

of natural resource extraction and industrial processes driven by former colonial powers that have accumulated a significant ecological debt. As with current per capita GhG emissions, contributions to cumulative CO₂ emissions vary greatly between countries and regions. Whereas the US and European Union contributed 25% and 17% respectively to total CO₂ emissions from fossil fuel and industry from 1850 to 2019, China contributed 13%, Russia 7%, India 3%, and Indonesia and Brazil 1% each. By contrast, least developed countries contributed only 0.5% to historical CO₂ fossil fuel and industry emissions between 1850 and 2019.⁵⁰ **Today**, according to the principle of common but differentiated responsibilities and respective capabilities (CBDR-RC) – implicitly reflected in international human rights law – **industrialized and other high-emitting countries in the Group of 20 countries (G20), as well as high income fossil fuel producing states, must take the lead in climate mitigation including by stopping the expansion of fossil fuel production.**⁵¹

RIGHT TO A CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT

Years of sustained international advocacy by CSOs,⁵² Indigenous Peoples and fence- and frontline communities led to the adoption of resolutions from the UN Human Rights Council in 2021,⁵³ and the **UN General Assembly in 2022,⁵⁴ recognizing the human right to a clean, healthy and sustainable environment.** Over 100 countries also have this right enshrined in their national constitutions.⁵⁵

BUSINESS AND HUMAN RIGHTS

Under international law, **states have the obligation to respect, protect and fulfil human rights.** The UN Guiding Principles on Business and Human Rights (UN Guiding Principles) have explicitly recognized that **such duty applies in the context of corporate activities.**⁵⁶ The UN Guiding Principles also establish that **companies in all sectors, including the production of fossil fuels and finance, have their own responsibility to “do no harm” and respect all human rights** wherever they operate and throughout their operations. This widely recognized standard of conduct is independent of a state’s own human rights obligations and exists over and above compliance with national laws and regulations protecting human rights.⁵⁷

The UN Guiding Principles also establish that states must take “appropriate steps to prevent, investigate, punish and redress” corporate harm within their jurisdiction.⁵⁸ They also provide that “where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation.”⁵⁹

In June 2023, the UN Working Group on Business and Human Rights adopted an information note (“Guidance”) clarifying what actions states and businesses should take to embed human rights considerations into climate change policies, processes and actions.⁶⁰ The Guidance stresses that in line with international human rights, environmental and climate law, states should take action on climate change-related impacts on human rights and the environment on the basis of justice and equity, in accordance with their CBDR-RC.⁶¹ It makes clear that companies’ responsibility to respect human rights includes “the responsibility to act in regard to actual and potential impacts related to climate change”.⁶²


The Guidance urges companies to “[p]hase out both the use of fossil fuels and the production of greenhouse gas emissions, avoid contributing to deforestation, and not use carbon offsets” and to “[e]nsure their value chains and practices are in line with the goal of achieving a just transition to a zero-carbon economy.”⁶³



*Climate activists rally in Manila, Philippines, November 2019.
© AFP via Getty Images*



This section consolidates key findings from selected Amnesty International research on the human rights harms associated with fossil fuel production, including their impacts on fenceline communities living near fossil fuel infrastructure, the risks and threats that climate justice activists and environmental human rights defenders (HRDs) face, and the ways in which the fossil fuel industry seeks to limit the influence of affected groups in global negotiations, including in multilateral forums.

 “To fulfil their responsibility to respect human rights, business enterprises should **conduct effective and meaningful consultation** with all relevant stakeholders, including ensuring **free, prior and informed consent by Indigenous peoples**, on their actual and potential climate change-related impacts on human rights and the environment.”⁶⁴

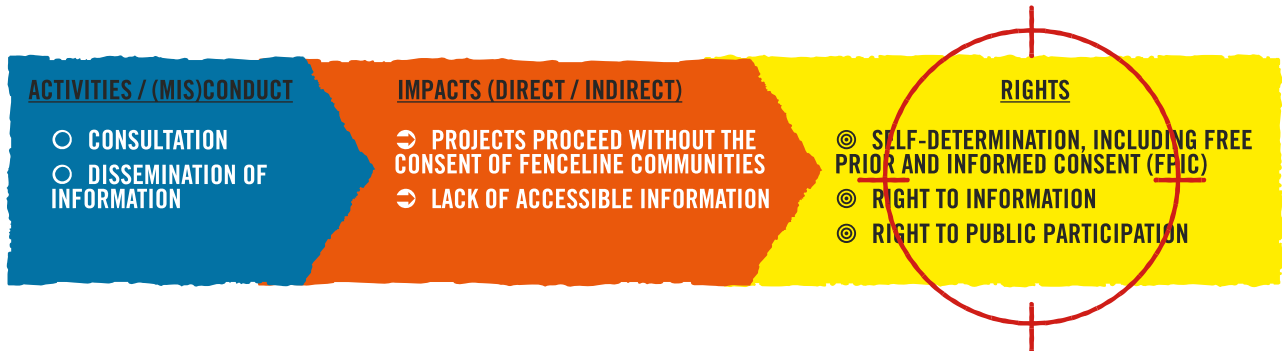
FOSSIL FUEL PROJECTS’ IMPACTS ON FENCELINE COMMUNITIES

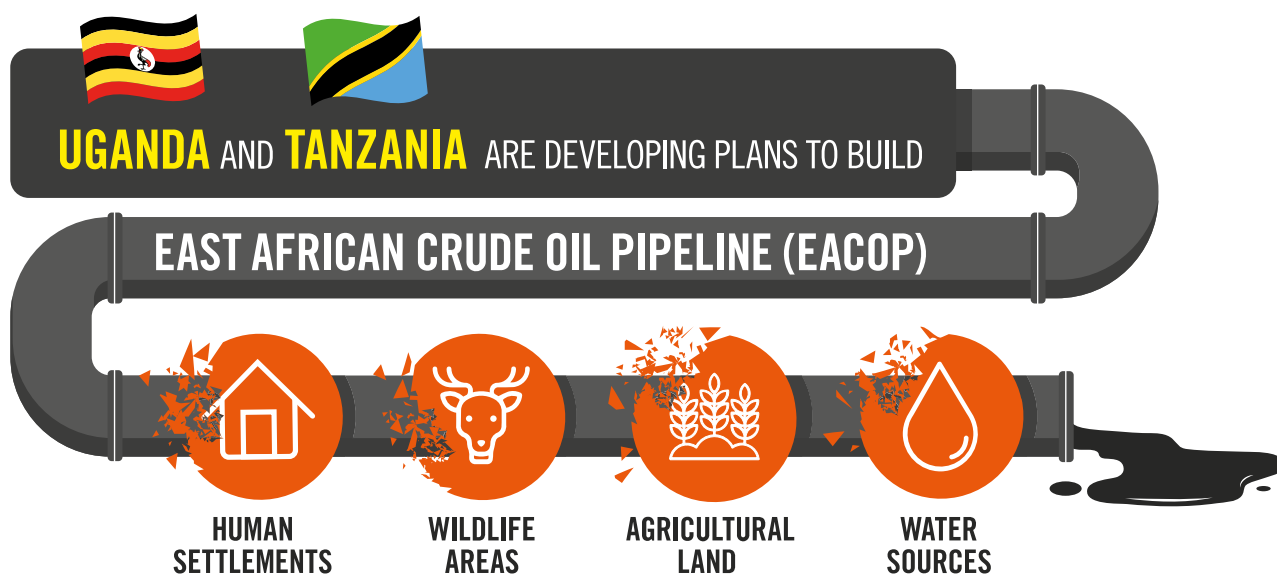
I. ACCESS TO INFORMATION, CONSULTATION, FPIC AND PARTICIPATION

Prior to commencing fossil fuel projects, companies and the states within which they operate should ensure affected communities are meaningfully consulted. This is particularly salient for Indigenous Peoples, who are disproportionately impacted by fossil fuel extraction, both because much of the planet’s remaining fossil fuels are situated on their ancestral land,⁶⁵ and because they often maintain a close connection with nature and their lands, on which their livelihoods and cultural identity depend.⁶⁶

Amnesty International’s research has revealed that in many countries, states fail to protect the right to information and public participation of fenceline communities as well as Indigenous Peoples’ right to self-determination requiring states and companies to seek FPIC before fossil fuel production and / or transformation begins or expands. Corporates use this lack of regulation or enforcement to their benefit, by carrying out industrial activities without meaningful and ongoing consultation, running afoul of their responsibility to respect human rights.

For example, Uganda and Tanzania have been developing plans to build the East African Crude Oil Pipeline (EACOP), which would run through human settlements and wildlife areas, agricultural land and water sources. Amnesty International has relayed the challenges from climate justice activists and CSOs who have warned that the pipeline would harm the environment, displace many, and adversely impact the food security and health of fenceline





communities.⁶⁷ According to Human Rights Watch, the land acquisition process to make way for the pipeline has already had a devastating impact on the livelihoods of Ugandan families living in the vicinity of the project, with a process being marred by delays, poor communication and inadequate compensation.⁶⁸ Kenyan, Ugandan and Tanzanian CSOs have filed a lawsuit at the East African Court of Justice seeking to halt the project.⁶⁹

In India, Amnesty International's research has shown that communities affected by coal mining were not meaningfully informed or consulted when their land was acquired, their forests decimated and their livelihoods jeopardized.⁷⁰ Close to 70% of India's coal is located in the central and eastern states of Chhattisgarh, Jharkhand and Odisha, where over 26 million members of Adivasi communities⁷¹ live – nearly a quarter of the country's Adivasi population.⁷² Land acquisition for coal mining is carried out under the Coal Bearing Areas Acquisition and Development Act, which does not make clear the requirement to seek FPIC or pay compensation to displaced communities. For example, the expansion of Kusbunda,⁷³ one of India's largest coal mines, resulted in the acquisition of land in four villages affecting over 3600 people. None of the affected families Amnesty International interviewed said that they had been directly informed. Where public hearings about the expansion of Kusbunda were held, limited efforts were made to publicize them.

At one hearing that Amnesty International attended, people raised concerns regarding rehabilitation and resettlement, compensation and employment, the impact of the mine on air quality, groundwater levels and agricultural activities and the lack of information about land acquisition. Yet, in 2016, the government granted environmental clearance for the Kusbunda mine to be further expanded.

Mahesh Mahant, a local resident, said:

“We’ve lived next to this mine for almost 30 years, and watched our wells go dry, forests disappear and fields become unproductive. What is the point of this environmental public hearing, except to tell us that we’re not fit to live here anymore?”⁷⁴

In Canada, Amnesty International has documented human rights abuses associated with the more than 2,600 oil and gas wells drilled on Lubicon Cree land in northern Alberta. This intensive development has taken place against the will of the Lubicon Cree people and has had tragic consequences for their livelihoods. Since the 1970s, when their land was first targeted for intensive oil development, the Lubicon Cree have tried without success to establish legal recognition of their land rights through courtroom advocacy and negotiations. Despite the ongoing land dispute, Alberta's provincial government has issued oil, gas and mineral leases covering 70% of Lubicon territory. The construction of roads, pipelines and other infrastructure for oil and gas exploration,

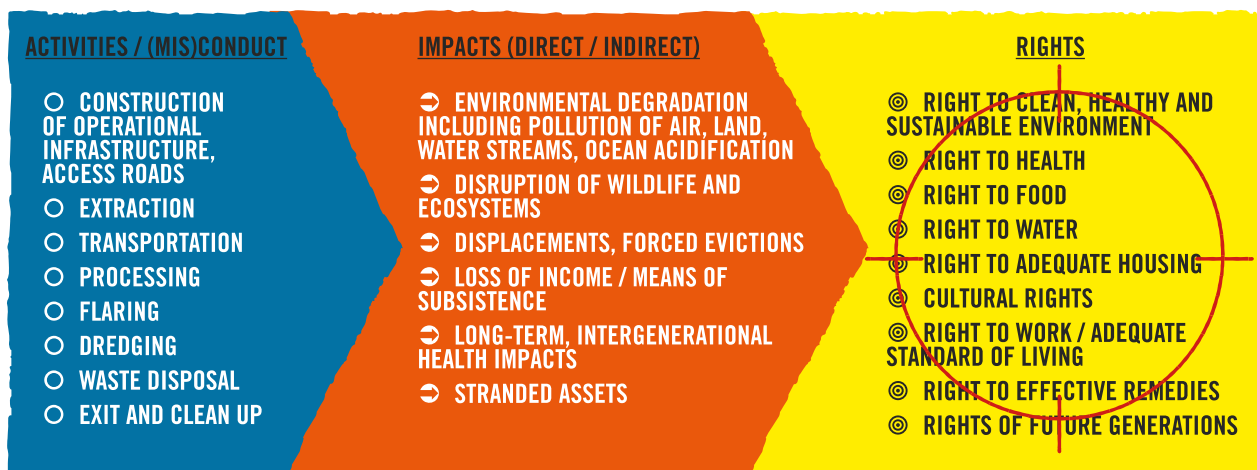
transportation and processing has caused extensive damage to their environment.⁷⁵

Land is also crucial to the Lubicon Cree culture and economy. Before large-scale oil and gas development began, the Lubicon Cree were largely self-sufficient, relying on hunting, trapping, fishing and other traditional land uses to meet most of their needs. The environmental impact of oil and gas development has made these activities almost impossible, plunging the Lubicon Cree into poverty.⁷⁶



Lubicon Cree settlement in Little Buffalo, Canada, February 2007.
© Dietlind Bork, Friends of the Lubicon Alberta



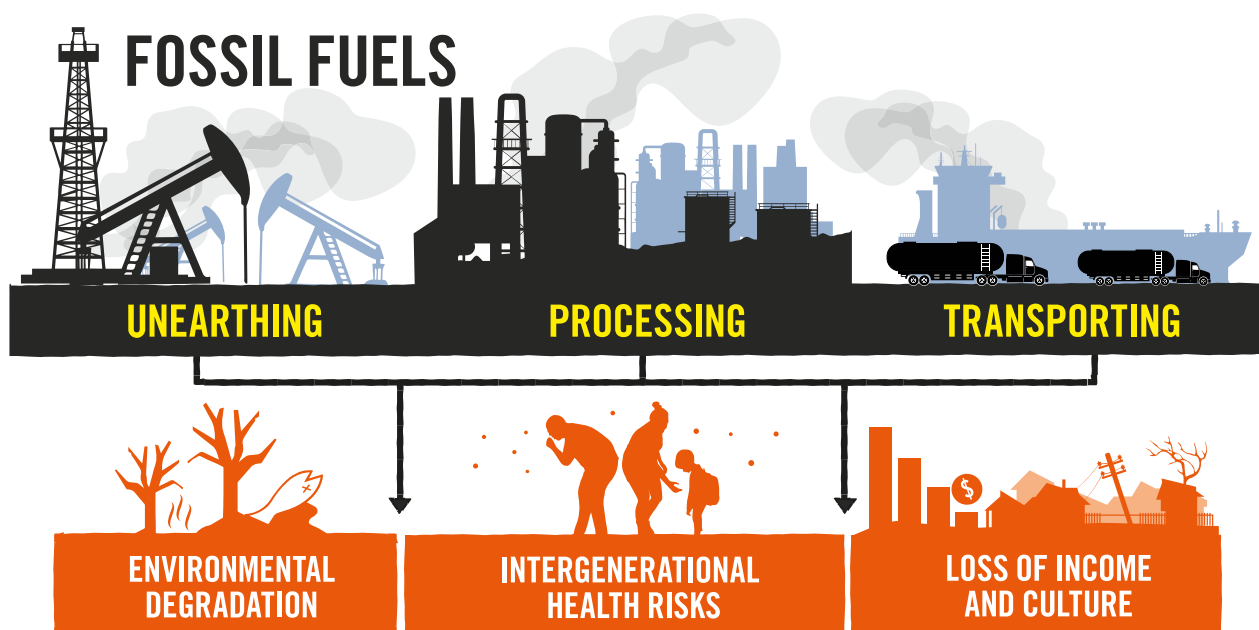


“The responsibilities of business enterprises under the Guiding Principles to respect human rights and not to cause, contribute to or be directly linked to human rights impacts arising from business activities, include the **responsibility to act in regard to actual and potential impacts related to climate change.**”⁷⁷

II. PRODUCTION, TRANSFORMATION AND REHABILITATION

Fossil fuel production severely affects people and the environment.⁷⁸ Unearthing, processing and transporting fossil fuels entails environmental degradation, intergenerational health risks (particularly acute for children, pregnant and older people), loss of income and culture for communities living on the surface area or in the vicinity of industrial projects extracting or processing fossil fuels.

The fossil fuel industry occupies vast surface area, and at times resorts to forced evictions in order to make way for infrastructure such as wells, pipelines and roads and facilities for processing and waste





management.⁷⁹ Coal mining and fracking both generate toxic waste that are known to contaminate water.⁸⁰ Oil extraction and transportation routinely entail irreversible spills damaging nearby ecosystems and destroying the biodiversity and means of subsistence of fenceline communities. Flaring and other processing activities release toxic air pollutants that harm the health of workers and neighbouring communities.

UN experts agree that extractive projects such as **fossil fuel production**, have a **disparate impact on Indigenous Peoples and other marginalized groups**. Such groups experience structural and / or intersecting forms of discrimination and poverty, and as a result, are more likely to reside on the fenceline of fossil fuel infrastructure. **They live in so-called “sacrifice zones,”** defined by UN experts as places “where residents suffer devastating physical and mental health consequences and human rights violations as a result of living in pollution hotspots and heavily contaminated areas.”⁸¹ In 2022, UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance stressed that **climate change is driving the proliferation of sacrifice zones**,⁸² which in many places are, in effect, racial sacrifice zones.⁸³

Since the 1990s, Amnesty International and its partners⁸⁴ have documented and amplified the calls for justice of communities in the Niger Delta against carbon majors and Nigerian authorities.⁸⁵

Nigeria’s largest oil producing joint venture is the Shell Petroleum Development Company of Nigeria Ltd. (SPDC), and its main shareholder is the state-owned Nigerian National Petroleum Corporation. Shell owns 30% through its wholly-owned subsidiary and is SPDC’s operator – as such, it operates and maintains the wells, pipelines and other facilities that are needed to produce and transport oil extracted in the region.⁸⁶ Since Shell first discovered oil near the village of Oloibiri in 1956, the Niger Delta has become Africa’s most valuable oil-producing region. For more than five decades, Shell along with other international oil giants operating in the region have earned billions of US dollars from their operations in the Delta⁸⁷ while local communities such as the people of Ogoniland, have struggled against oil pollution and destruction of their ecosystem.⁸⁸ Every year, hundreds of oil spills irreversibly devastate the Niger Delta, caused by old and poorly maintained pipelines or criminal activity such as oil theft. These spills, which mining operators have failed to adequately clean up over the years, have a devastating impact on the fields, forests and fisheries that the majority of the people in the region depend on for their food and livelihoods. Oil spills also contaminate drinking water and expose people to serious health risks.⁸⁹ Amnesty International’s research has revealed that oil exploitation in the Niger Delta, and in particular, Shell’s operations, continues to undermine fenceline communities’ human rights to information, a clean, healthy and sustainable environment, adequate standard of living, water, health and effective remedies.⁹⁰



While much of Amnesty International's research focuses on the impacts of fossil fuel extraction for energy, fossil fuels are increasingly used and processed for other purposes.⁹¹ Indeed, plastics and other petrochemicals are part of the fossil fuel industry's strategy to preserve profits in the face of the unavoidable decline in demand for fossil fuels as an energy source.⁹² The production of petrochemicals also harms fenceline communities and contributes to climate change. Over the past year, Amnesty International has interviewed people living alongside the so-called "Houston Ship Channel" in the state of Texas, the largest petrochemical complex in the US, emitting millions of pounds of pollutants every year.⁹³ Some of the world's largest fossil fuel and chemical companies operate the petrochemical plants in this region. They produce chemical products derived from crude oil and fossil gas that

are used to manufacture plastics, fertilizers and an array of other industrial and consumer products for both domestic and international markets. Amnesty International research has revealed that the high concentration of petrochemical facilities and the frequency of toxic chemical releases in the region threatens the enjoyment of several human rights of fenceline communities, plant workers and first responders, including their rights to a clean, healthy and sustainable environment, health, equality and non-discrimination and even their right to life.⁹⁴



Contaminated land surrounding the Bomu Manifold, a Shell facility in the Niger Delta, years after a spill occurred, Nigeria, August 2015.
© Amnesty International



Affected communities are accustomed to frequent chemical odours that seep into their neighbourhoods and homes, against the backdrop of plumes of smoke billowing from chemical plants and flares burning day and night. Pollution from this Channel disproportionately affects racialized and low-income households, who bear the brunt of environmental exposure to pollutants emitted by the petrochemical industry. Such pollutants are known to increase risks to human health, including irritation, respiratory illness, adverse pregnancy outcomes, cardiovascular disease and certain cancers.⁹⁵

As some carbon majors increase their investment in cleaner energy sources and start to divest from fossil fuel extractive projects, Amnesty International has warned against the long term risks to human rights posed by so-called “stranded assets” - assets



Industrial facilities are sited in residential areas along the Houston Ship Channel in Texas, United States, August 2023. © Amnesty International, photographer: Lauren Murphy

that turn out to be worth less than expected as a result of changes associated with the global energy transition away from fossil fuels.⁹⁶ Alongside other CSOs,⁹⁷ Amnesty International has urged oil giants such as Shell to engage in responsible divestment, by conducting human rights and environmental due diligence on their decision to transfer their assets and deploying necessary means to clean up and rehabilitate the land, water and air of their extractive sites and remediate any human rights harm associated with their operations.⁹⁸



THREATS TO CLIMATE ACTIVISTS AND ENVIRONMENTAL HUMAN RIGHTS DEFENDERS



“States and business enterprises should ensure that **climate defenders**, which are often remedy enablers, **face no threats, harassment or reprisals for their legitimate work to protect the environment and planet.**”⁹⁹

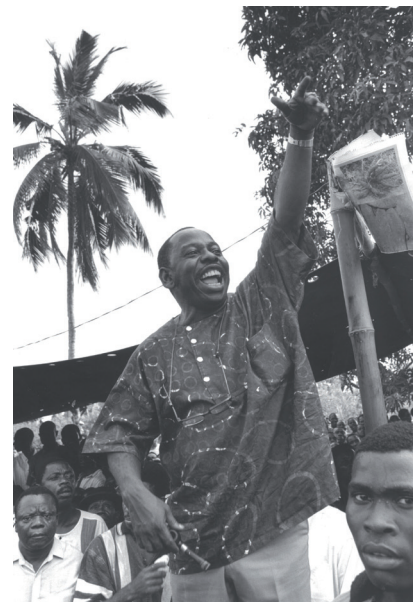
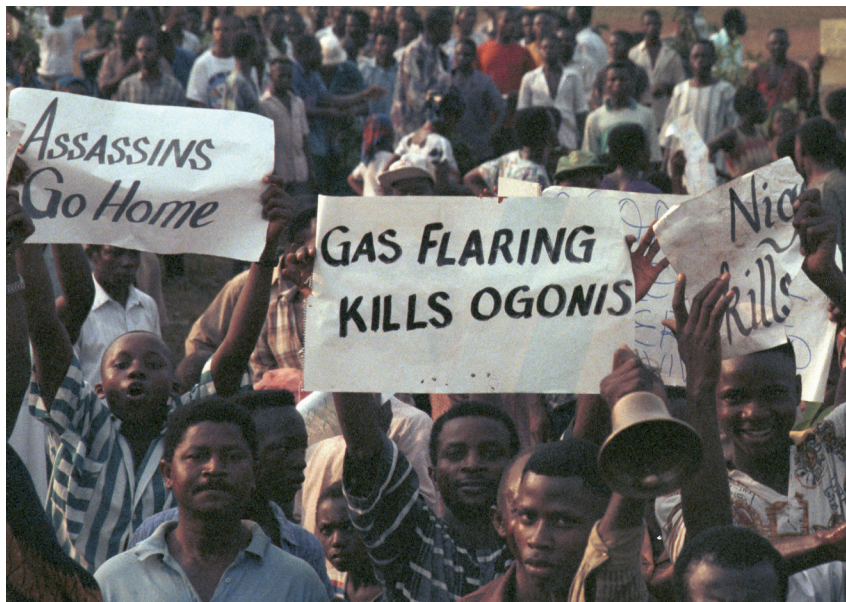
“Business enterprises should treat environmental human rights defenders and climate activists as **critical partners**, and ensure that the direct or indirect actions by businesses do not harm them.”¹⁰⁰

States are failing to protect, and in some cases are even targeting, climate justice activists and environmental human rights defenders (HRDs) opposing the production and use of fossil fuels, aiming to stop them from protecting vital natural resources and a stable climate, especially when their activities clash with the states’ or corporations’ economic

interests.¹⁰¹ Climate and environmental HRDs face continuous threats, attacks, smear campaigns, harassment and intimidation, which states too often fail to investigate. States are also criminalizing HRDs who oppose fossil fuels, often resulting in arrest, detention and mistreatments; and a growing number of fossil fuel companies are seeking to silence defenders through intimidation tactics including legal action.

Amnesty International has been supporting and amplifying the voices of climate and environmental HRDs for decades, starting in the Niger Delta, where Shell’s quest for oil, facilitated by the Nigerian government, resulted in decades of pollution, devastating local communities. In response, the Ogoni people launched a protest movement in the 1990s that Nigeria’s security forces repeatedly tried to crush.¹⁰² Shell urged the government to end these protests, even after it knew that public security forces were committing serious abuses, and provided the military with material support.¹⁰³ Amnesty International research eventually revealed how this crackdown culminated in the 1995 sham trial and subsequent hanging of the leaders of the Ogoni movement, Ken Saro-Wiwa as well as Dr. Barinem Kiobel.¹⁰⁴





The killing of the Ogoni 9, as they later became known, prompted a global outcry. Amnesty International called on its vast network of supporters to deluge Nigerian authorities first with appeals for the defenders' freedom, and later with letters of outrage. Nigerian CSOs referred the case to the African Commission on Human and Peoples' Rights and in 2002, the Commission ordered Nigeria to cease attacks on the Ogoni people, to investigate and prosecute those responsible for the attacks, to compensate affected communities, to prepare environmental and social impact assessments and to provide information on health and environmental risks associated with oil production in the Niger Delta.¹⁰⁵ Shell has always denied that it was involved in the human rights violations Amnesty International documented.

DISCRIMINATION

Marginalized defenders often face heightened risks. For example, Indigenous environmental defenders tend to face disproportionate risks, both because their land is more likely to be a target for fossil fuel extraction¹⁰⁶ and because they face unique structural discrimination leaving them more exposed to violence and abuse.¹⁰⁷

For example, throughout 2018, Amnesty International recorded a series of attacks and threats perpetrated against Mujeres Amazónicas Defensoras de la Selva de las Bases frente al Extractivismo (Amazonian



Ken Saro-Wiwa speaking at Ogoni Day Demonstration in the Niger Delta, Nigeria, March 1994. © Tim Lambon / Greenpeace



Ogoni Day Demonstration in the Niger Delta, Nigeria, March 1994. © Tim Lambon / Greenpeace

Women Defending the Forest from Extractivism) and its members Patricia Gualinga, Nema Grefa, Salomé Aranda and Margoth Escobar. The collective, comprised of more than 100 mainly Indigenous women, called on Ecuador to put an end to oil and mining companies operating on their communities' ancestral territories, to protect "Pachamama" (Mother Earth) as sacred and to defend the health of their communities. While the collective as a whole has experienced delegitimization and "media lynching," the four leaders received threats and were physically attacked; two of them also faced criminal charges. Patricia Gualinga, an Indigenous leader of the Kichwa people of Sarayaku community, received death threats that were so concerning that she and her family had to leave their home.¹⁰⁸ As of March 2022, no-one had been brought to justice for these attacks.¹⁰⁹



“They buried 50 explosives by night, and the people that did it knew that it was extremely dangerous. I had no other choice than to become a defender of human rights because petrol and oil companies violated the rights of my village and my people.”¹¹⁰

Patricia Gualinga, Indigenous environmental defender member of the Ecuadorian collective Amazonian Women Defending the Forest from Extractivism

Between 2002 and 2003, the Argentinian oil company Compañía General de Combustibles (CGC) forcibly entered the Indigenous Sarayaku territory.¹¹¹



*Climate activists rally in Manila, Philippines, October 2021.
© Getty Images*

It installed military and private security guards, opened roads and cut down the forest, destroying trees and plants which were of great environmental, sacred and cultural value to Sarayaku people. As part of their drilling operations, the company buried 1,400kg of explosives, putting the lives of the Indigenous community at risk and forcing them off some of their ancestral lands. In 2012, the Sarayaku community achieved a historic victory for Indigenous Peoples after reporting CGC’s misconduct to the Inter-American Court of Human Rights. The Court ruled that the State of Ecuador¹¹² had violated the right to physical integrity and seriously endangered the right to life of members of the Sarayaku community. It also found that Ecuador violated the rights to consultation, community ownership and cultural identity of the Sarayaku people.¹¹³

THE ROLE OF FOSSIL FUEL COMPANIES

In some cases, fossil fuel companies aggressively seek to silence advocates opposing their activities, including through so-called “strategic lawsuits against public participation” (SLAPPs). For example, in 2011, a court in Ecuador found oil giant Chevron liable for causing serious environmental and health damage to the Amazon rainforest and the communities who lived in the region between 1964 and 1992. It found that Chevron had deliberately discharged gallons of oil waste over decades onto Indigenous ancestral lands.¹¹⁴

Just days before the impending decision, Chevron filed a lawsuit in the US District Court for the Southern District of New York against all plaintiffs, their lawyers, the main NGO representing affected communities and several experts and supporters. The complaint, in which Chevron accused the defendants of using fraudulent and corrupt means during the trial in Ecuador, marked the beginning of a long-running campaign of intimidation and harassment by Chevron against the environmental defenders fighting the case.¹¹⁵

Starting in 2019, Amnesty International has condemned the treatment in the US of one of the lawyers in the case, Steven Donziger, who was sentenced to six months under house arrest for refusing to comply with a court order to hand over his electronic devices, arguing that such a disclosure could compromise the confidentiality of the communications with his clients and put them at risk. He was ultimately released in April 2022 after 1000 days of arbitrary detention, which included 45 days in prison and over 900 days under house arrest.¹¹⁶ Amnesty International expressed serious concern that the judicial proceedings against Steven Donziger followed a pattern in which corporations misuse the justice system to target and harass HRDs.¹¹⁷



Protesters demonstrate in front of a US courthouse against Chevron, October 2013, New York City, United States.

© 2013 Getty Images

Fossil fuel companies are also funding think tanks drafting laws to clamp down on climate and environmental protesters.¹¹⁸

RIGHT TO LIFE

Since 2015, environmental HRDs - including those who work to oppose the production and use of fossil fuels - have consistently represented the most frequently targeted group in documented killings of HRDs.¹¹⁹

Among them, Amnesty International has spread the calls for justice for the killing of respected environmental HRD Fikile Ntshangase, who was tragically murdered in her home near Mtubatuba in KwaZulu-Natal, South Africa.¹²⁰ Fikile was part of the Somkhele community, living near the Tendele coal mine. She was a vocal opponent of the open pit mine and its expanding operations. Fikile was shot six times and killed inside her home, allegedly by three hitmen. Her body was found by her then 13-year-old grandson. Those close to Fikile speak of the intimidation and threats she and other activists received following the growing opposition against the contentious mine's operator Tendele Coal Mining Ltd. in 2016. This was due to fear that the mine's expansion would lead to forced evictions and threaten the fenceline communities' livelihoods.¹²¹

CIVIC SPACE AND CRIMINALIZATION

States can actively repress and restrict climate and environmental HRDs' civic space, infringing upon their freedom of expression and peaceful assembly. A growing number of states have been passing anti-protest laws as an intimidation tactic to silence climate protesters.¹²² HRDs protesting against fossil fuel production and use are subject to arbitrary arrest and / or detention in countries around the world.¹²³

For years, Amnesty International has been documenting the repression of the Indigenous Wet'suwet'en Nation in Canada, which is seeking to protect its territory and sacred sites against the construction of the Coastal GasLink pipeline that will divide their territory and threatens the only remaining sources of clean water in the vicinity.



Youth climate activists from Fridays for Future protesting in Turin, Italy, July 2022.
© Mauro Ujetto / NurPhoto





The Wet'suwet'en hold title and rights to their 22,000km of territory, and the People's hereditary chiefs say they have not consented to the project according to their laws and customs. Wet'suwet'en land defenders and their supporters who oppose the construction of the pipeline are experiencing surveillance, harassment, intimidation, and unlawful arrests at the hands of the pipeline's private security company and Canadian police.¹²⁴ Twenty land defenders have been charged with criminal contempt by the government for allegedly disobeying an order to stay away from pipeline construction sites, even though these sites are situated on the Nation's unceded, ancestral territory. Five of the land defenders pled guilty in December 2022 because they had violated their bail conditions, which prohibited



*Wet'suwet'en Hereditary Chief Na Moks protesting in front of Royal Bank of Canada in Montréal, Canada, May 2022.
© Éric Carrière*

them from being on the Wet'suwet'en Nation's territory and any other frontline resistance against extractive projects across Canada. Five had the charges dropped against them, one is awaiting next steps. The remaining nine land defenders started trial in April and July 2023, or will go on trial in October 2023, and January 2024. If found guilty, they could be sentenced to prison terms.¹²⁵

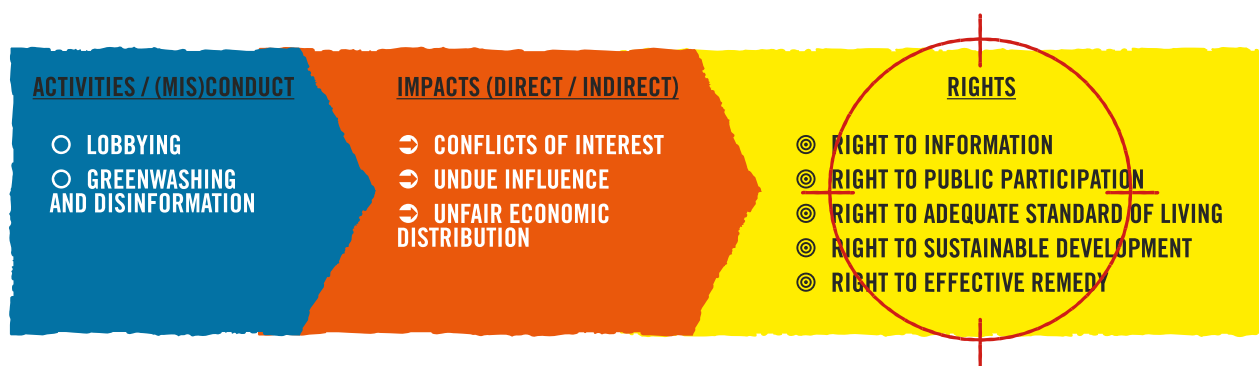
CIVIC SPACE AT COP28

At the end of 2023, the UAE will be hosting the 28th Conference of Parties to the UNFCCC (COP28). The conference requires an open civic space to facilitate a free exchange of views from various stakeholders, including parties to the UNFCCC as well as those of human rights defenders, both local and international.¹²⁶ However, since 2011 the UAE has become a closed space for civil society, with laws that criminalize peaceful dissent and the imprisonment of scores of Emirati dissidents.

Recognizing the indivisibility of human rights, climate justice and environmental protection, Amnesty International alongside other CSOs has been calling on the UAE to release Emirati prisoners of conscience and others imprisoned for the non-violent exercise of their rights to freedom of expression and / or association; and to revoke laws that suppress freedom of expression, association and assembly. All states attending COP28 should press the UAE for meaningful improvements in its human rights records ahead of the conference.



Impressions of the UNFCCC SB58 Climate Change Conference in Bonn, Germany, June 2023. © Sascha Schuermann / Getty Images



FOSSIL FUEL INDUSTRY'S IMPINGEMENT ON PROCEDURAL RIGHTS GLOBALLY



“States should adopt a range of regulations to **discourage greenwashing and undue corporate influence** in the political and regulatory sphere in this area, and to support the actions of human rights defenders.”¹²⁷

“Businesses enterprises should **act responsibly and not promote unsustainable consumption, undertake greenwashing or seek to have undue corporate influence** in the political and regulatory sphere in this area.”¹²⁸

Amnesty International's research has shown how the fossil fuel industry is a protagonist in violations of the rights to information, participation and remedy in contexts where fossil fuels are extracted and processed. Research and investigative reporting from other organizations has unravelled how the industry and its allies seek to influence or control multi-lateral forums where important climate discussions and negotiations occur. The UN Special Rapporteur on freedom of peaceful assembly and of association has also highlighted how shrinking space for civil society at the international level can be attributed to governments increasing accommodation of private sector interests¹²⁹ and how the inequality in avenues available to corporate versus non-profit interests creates a power imbalance influencing global

governance and its outcomes that favours for-profit interests.¹³⁰ This undermines access to information about climate change, meaningful participation in multilateral discussions and negotiations by affected populations, and remedy for those harmed. It also undermines the rights of organizations and individuals representing affected groups to participate in and shape such negotiations through diverse inputs and to ensure scrutiny of governmental action. It results in state and corporate policies that are not adequate to limit the global temperature rise to 1.5°C, threatening the whole of humanity.

Fossil fuel companies and their allies use both formal and informal processes to influence the debate at intergovernmental forums, pushing disinformation campaigns advancing false or misleading climate solutions.¹³¹ For example, Business and Industry NGOs (BINGOs) are an officially recognized constituency at the UNFCCC,¹³² alongside environmental NGOs, Indigenous Peoples' organizations, and trade unions, among others. BINGO representatives deliver formal position statements to delegates prior to closed informal consultations among governmental delegates at COPs and other meetings.¹³³ BINGOs may also request closed “consultative meetings” among representatives of the BINGOs constituency, the COP President, and other officials, through the UNFCCC secretariat, or help delegates draft legal text in the final stages of negotiations.¹³⁴ In addition to their rights as a recognized constituency, they also exert leverage through personal and professional relationships; they seek to strengthen these informal networks through catered talks and other costly social events at COP. Some members of BINGOs own unproven mitigation technology that they are pushing for in COP negotiations, such as successful efforts to include CCS as a project activity under the Clean Development Mechanism.¹³⁵ They push these risky and unproven



solutions as a key element of climate mitigation, using the false promise of future technology to justify a slower fossil fuel phase out.¹³⁶



*Youth climate activists marching in Wakiso, Uganda, June 2020.
© AFP via Getty Images*

Several data points point to the influence of fossil fuel companies in global level discussions. For example, at COP27 there were 636 registered fossil fuel lobbyists, almost twice as many as Indigenous peoples delegates.¹³⁷ Fossil gas companies successfully hired lobbyists to influence EU legislation and regulation in order to classify fossil gas as a 'clean' bridge fuel to renewable energy,¹³⁸ despite emerging evidence that the climate damage caused by fossil gas may be on par with coal.¹³⁹ Direct engagement and efforts to influence global level discussions are buttressed by more general public relations campaigns that seek to burnish their role as good faith actors deserving of participating in COPs and other intergovernmental processes sanctioned by large numbers of governments. For example, a report from InfluenceMap found that in the three years following the adoption of the Paris Agreement, the five largest publicly traded fossil fuel companies, ExxonMobil, Shell, Chevron, BP and Total, invested over one billion dollars in lobbying and branding.¹⁴⁰ They also try to sabotage regulation directly, such as by suing governments.¹⁴¹

Corporate capture of global level discussions is not inevitable. Recognizing that the tobacco industry sought to sow misinformation and thwart regulation, the WHO excluded tobacco companies from health forums, which helped to promote effective action on tobacco and to erode the tobacco companies' social licence.¹⁴² Along with 450 civil society organizations, Amnesty International has and continues to call for fossil fuel lobbyists to be excluded from COP28.¹⁴³

A group of young people are gathered outdoors at a climate justice camp. In the foreground, a woman wearing a black hijab and a woman with sunglasses are holding a large, bright red protest sign. The sign has the words "FOSSIL COMPANIES NO THANKS!" written in bold, black, hand-painted capital letters. Other people are visible in the background, some with their arms raised. The scene is set in a grassy area with a building in the distance.

SO WHAT?

FOSSIL COMPANIES
NO
THANKS!



Youth activists at the Climate Justice Camp
in Nabuel, Tunisia, September 2022.
© Ala Zemzmi

WHAT CAN GOVERNMENTS DO?

- Adopt a commitment at COP28 for all countries to **rapidly and equitably phase out all fossil fuel use and production and all fossil fuel subsidies**, while recognizing the obligation for developed countries and others in a position to do so to provide adequate climate finance to developing countries, to achieve a managed, equitable and human rights-consistent phase out of existing coal, oil and gas globally.
- Adopt a commitment at COP28 for all countries to **cease all new oil, gas, and coal exploration and development**, with industrialized and other high-emitting countries in the G20, as well as high income fossil fuel producing states, moving first and fastest.
- Significantly reduce the extraction of fossil fuels for non-energy purposes, such as the manufacturing of plastics.
- Strengthen 2030 emission reduction targets and ensure they are fully aligned with the 1.5°C imperative and adopt and implement adequate sectoral policies.
- **Industrialized and other high-emitting countries in the G20, as well as high income fossil fuel producing states, must decarbonize their economies more quickly than others**, including by adopting ambitious emission reduction targets that reflect their historical responsibility for the climate crisis and their higher level of resources.
- Adopt measures to ensure that carbon market activities only include those that allow for rapid, genuine emission reductions and facilitate the transition away from fossil fuels and do not include CCS and carbon removal mechanisms.
- **Join the Beyond Oil and Gas Alliance¹⁴⁴ and Powering Past Coal Alliance,¹⁴⁵ if not already a member, and endorse the call to adopt and implement a Fossil Fuel Non-Proliferation Treaty.¹⁴⁶**

Acknowledging their ecological debt (historic responsibility for GhG emissions) and to ensure that the rights of people in lower income, developing countries are not disproportionately affected, Amnesty International calls on developed countries and others in a position to do so to:

- ❑ **Stop financing fossil fuel expansion in other countries**, as emission reduction targets cannot be met by simply shifting sources of production to lower income, developing countries;
- ❑ Provide means and support, including financial resources and technology transfers, to lower income, developing countries to avoid the rapid development of additional fossil fuel production and use, and instead facilitate a speedy transition to human rights-consistent renewable energy that creates livelihood opportunities, supports communities and facilitates access to affordable energy to all.

- All states attending COP28 must press the UAE for meaningful improvements in its human rights record ahead of the conference. This includes, as a matter of priority, **pressing the UAE to release all prisoners of conscience and others imprisoned for the non-violent exercise of their rights to freedom of expression and/or association** as a sign of its seriousness about allowing an open civic space in which a successful COP28 conference can take place.
- **Adopt and enforce laws obliging all business enterprises, including financial institutions, to respect human rights** and conduct human rights and environmental due diligence on their global operations, value chains and business relationships. Mandatory reporting should include climate impact assessments. Such laws should also establish liability for damage, including criminal liability.
- **Adopt regulations and policy measures to ensure that businesses reduce emissions across their operations and value chains as soon as possible** and by at least 43% by 2030 compared to 2019, and to zero before 2050, in line with IPCC recommendations. This includes requiring companies to provide full disclosure of their GHG emissions, set clear emissions reduction targets, without excessively relying on offsets and carbon removal mechanisms.

WHAT CAN CORPORATE ACTORS DO?

- All companies should commit to and **put in place specific plans to reduce emissions across their operations** and value chains as soon as possible and by at least 43% by 2030 compared to 2019 and to zero before 2050, in line with the recommendations of the IPCC.
- All companies should ensure that their operations, as well as those of their subsidiaries and suppliers, adhere to international environmental and human rights standards. Businesses must continuously and proactively identify, mitigate, and address actual and potential risks for people and the environment linked to their operations, products and business relationships and provide adequate remediation in case of adverse impacts.
- Energy producers and providers must expeditiously **phase out the production and use of fossil fuels** including by shifting their portfolio towards renewable energy produced consistently with human rights. Before selling their assets, fossil fuel companies should conduct a thorough human rights due diligence process in order to identify, prevent, mitigate and account for how it addresses potential human impacts linked to their divestment and fully design and a remediation and environmental rehabilitation plan, and ensure that this is completed before the transfer.
- Financial institutions, such as banks, asset managers and insurance companies, should **stop financing and investing in new projects, activities and industries that drive fossil fuel expansion**. They should phase out existing funding and investments on a timeline aligned with the 1.5°C imperative.

- When planning to engage in climate change mitigation and adaptation activities, including those related to the production of renewable energy and associated technology, **companies must conduct, at all stages of the due diligence process, effective, meaningful and informed consultations with both affected and potentially affected rights-holders**, including but not limited to workers and specific groups such as Indigenous Peoples, people facing racial discrimination and other minorities; the right of Indigenous Peoples to self-determination and the requirement to seek FPIC must be respected.
- **All companies should refrain from lobbying and taking legal action against governments**, whether directly or indirectly through trade associations **for policies and decisions that perpetuate the carbon-based economy. They should also refrain from supporting public disinformation campaigns** based on inaccurate, misleading and unfounded assertions that make it more difficult for the public to access accurate information about climate change and science.
- **All companies should be accountable for their climate impacts and human rights harms, refrain from lodging SLAPPs** against frontline communities and climate and environmental HRDs and ensure affected people have access to remedies.

ENDNOTES

GLOSSARY

- 1 United Nations (UN) Climate Action, “What is renewable energy?”, <https://www.un.org/en/climatechange/what-is-renewable-energy> (accessed on 26 October 2023).
- 2 Natural Resources Defense Council (NRDC), “Fossil Fuels: The Dirty Facts – What Are Fossil Fuels?”, 1 June 2022, <https://www.nrdc.org/stories/fossil-fuels-dirty-facts>
- 3 UN Environment Programme (UNEP), “Facts about the climate emergency”, <https://www.unep.org/facts-about-climate-emergency> (accessed on 26 October 2023).
- 4 UNEP, “Facts about the climate emergency” (previously cited).
- 5 UN Climate Action, “For a livable climate: Net-zero commitments must be backed by credible action”, <https://www.un.org/en/climatechange/net-zero-coalition> (accessed on 26 October 2023).
- 6 UN Climate Action, “What is renewable energy” (previously cited).
- 7 UN Special Rapporteur (UNSR) on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (Marcos Orellana), *Report on the right to a clean, healthy and sustainable environment: non-toxic environment*, 12 January 2022, UN Doc. A/HRC/49/53.

INTRODUCTION

- 8 Associated Press, “UN chief says fossil fuels ‘incompatible with human survival,’ calls for credible exit strategy”, 15 June 2023, <https://apnews.com/article/climate-talks-un-uae-guterres-fossil-fuel->
- 9 Reuters, “UN chief to fossil fuel firms: stop trying to ‘knee-cap’ climate progress”, 15 June 2023, <https://www.reuters.com/business/environment/un-chief-fossil-fuel-firms-stop-trying-knee-cap-climate-progress-2023-06-15/>
- 10 UN Framework Conference on Climate Change (UNFCCC), “What is the Triple Planetary Crisis”, 13 April 2022, <https://unfccc.int/blog/what-is-the-triple-planetary-crisis>
- 11 The International Panel on Climate Change (IPCC) has recognized that “[a] changing climate leads to changes in the frequency, intensity, spatial extent, duration, and timing of extreme weather and climate events, and can result in unprecedented extreme weather and climate events”. See IPCC, Special Report on Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation, Summary for Policymakers, 2012, https://www.ipcc.ch/site/assets/uploads/2018/03/SREX_FD_SPM_final-2.pdf, p. 5. See also Union of Concerned Scientists, The Science Connecting Extreme Weather to Climate Change, 4 June 2018, <https://www.ucsusa.org/resources/science-connecting-extreme-weather-climate-change>
- 12 UNFCCC, Slow Onset Events: Technical Paper, 26 November 2012, UN Doc. FCCC/TP/2012/7.
- 13 UNEP, Facts about the climate emergency (previously cited). See also IPCC, *Climate Change 2023 Synthesis Report Summary for Policymakers*, https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf (“human activities, principally through emissions of greenhouse gases, have unequivocally caused global warming.”), para. A1.
- 14 UN Climate Action Summit, “Our addiction to fossil fuels causes climate emergency, say human rights experts”, 17 September 2019, <https://www.ohchr.org/en/press-releases/2019/09/united-nations-climate-action-summit>
- 15 UNFCCC, “The Paris Agreement: What is the Paris Agreement”, <https://unfccc.int/process-and-meetings/the-paris-agreement/> (accessed on 26 October 2023).
- 16 UNEP, *Emissions Gap Report 2022*, 27 October 2022, <https://www.unep.org/resources/emissions-gap-report-2022>, p. XVII.
- 17 International Energy Agency (IAE), “Net Zero Roadmap: A Global Pathway to Keep the 1.5 °C Goal in Reach, Executive Summary”, <https://www.iea.org/reports/net-zero-roadmap-a-global-pathway-to-keep-the-15-0c-goal-in-reach/executive-summary> (accessed on 26 October 2023).

ADVERSE IMPACTS OF FOSSIL FUEL COMBUSTION

- 18 IPCC, Climate Change 2023 Synthesis Report, Summary for Policymakers, https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf, A1.; Stephan Lewandowsky, “Climate change disinformation and how to combat it”, 23 December 2020, Annual Review of Public Health, Volume 42, <https://www.annualreviews.org/doi/abs/10.1146/annurev-publhealth-090419-102409>, paras. 1-21; Benjamin Franta, “Early oil industry disinformation on global warming”, 5 January 2021, Environmental Politics, Volume 30, Issue 4, <https://www.tandfonline.com/doi/full/10.1080/09644016.2020.1863703>, paras. 663-668.
- 19 Scientific American E&E News, “Attribution Science Linking Warming to Disasters Is Rapidly Advancing”, 3 June 2022, <https://www.scientificamerican.com/article/attribution-science-linking-warming-to-disasters-is-rapidly-advancing>. See also resources available on Carbon Brief (website covering the latest developments in climate science, climate policy and energy policy): <https://www.carbonbrief.org>.
- 20 Amnesty International, “Stop Burning our Rights! What governments and corporations must do to protect humanity from the climate crisis” (Index: POL 30/3476/2021), 7 June 2021; See generally <https://www.carbonbrief.org>.
- 21 Maria Romanello, Claudia Di Napoli et al., “The 2022 report of the Lancet Countdown on health and climate change: health at the mercy of fossil fuels”, 25 October 2022, The Lancet, Volume 400, Issue 10363, <https://pubmed.ncbi.nlm.nih.gov/36306815/>, paras. 1619-1654.

- 22 UNSR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E. Tendayi Achiume), *Report on the ecological crisis, climate justice and racial justice*, 25 October 2022, UN Doc. A/77/2990, para. 14.
- 23 Climate Accountability Institute, “Carbon Majors Update of Top Twenty companies 1965 – 2017”, 9 October 2019, <https://climateaccountability.org/wp-content/uploads/2020/12/CAI-PressRelease-Top20-Oct19.pdf>
- 24 Center for International Environmental Law (CIEL), *Smoke and Fumes: The Legal and Evidentiary Basis for Holding Big Oil Accountable for the Climate Crisis*, November 2017, <https://www.ciel.org/reports/smoke-and-fumes/>; Influence Map, *Big Oil's Real Agenda on Climate Change*, September 2022, <https://influencemap.org/report/Big-Oil-s-Agenda-on-Climate-Change-2022-19585>.
- 25 Justin Farrell, “Network structure and influence of the climate change countermovement”, November 2015, *Nature Climate Change*, Volume 6, 370–374, <https://doi.org/10.1038/nclimate2875>; Geoffrey Supran and Naomi Oreskes, “Assessing ExxonMobil's climate change communications (1977–2014)”, 23 August 2017, *Environmental Research Letters*, Volume 12, Number 8, <https://iopscience.iop.org/article/10.1088/1748-9326/aa815f>; Geoffrey Supran, Stefan Rahmstorf and Naomi Oreskes, “Assessing ExxonMobil's global warming projections”, 13 January 2023, *Science*, Volume 379, Issue 6628, <https://www.science.org/doi/10.1126/science.abk0063>.
- 26 Wall Street Journal (WSJ), “Inside Exxon's Strategy to Downplay Climate Change”, 14 September 2023, <https://www.wsj.com/business/energy-oil/exxon-climate-change-documents-e2e9e6af?st=4huqlh9sgjknjbz>
- 27 WSJ, “Inside Exxon's Strategy to Downplay Climate Change” (previously cited).
- 28 A. Wren Montgomery, Thomas P. Lyon and Julian Barg, “No End in Sight? A Greenwash Review and Research Agenda”, 9 May 2023, *Organization & Environment*, <https://doi.org/10.1177/10860266231168905>; Irja Vormedal, “The influence of business and industry NGOs in the negotiation of the Kyoto mechanisms: the case of carbon capture and storage in the CDM”, *Global Environmental Politics*, Volume 8, Issue 4, 36–65, <https://doi.org/10.1162/glep.2008.8.4.3>
- 29 IAE, 2023 Net Zero Roadmap (previously cited).
- 30 Guardian, “Fossil fuels being subsidised at rate of \$13m a minute, says IMF”, 24 August 2023, <https://www.theguardian.com/environment/2023/aug/24/fossil-fuel-subsidies-imf-report-climate-crisis-oil-gas-coal>
- 31 Fossil Fuel Non-Proliferation Treaty (FFNPT) Initiative, “Briefing for Policymakers”, <https://static1.squarespace.com/static/5dd3cc5b7fd99372fbb04561/t/640e9dfceea1d1086d23e79e/1678679592308/Briefing+for+Government+Officials+-+updated+1Mar-printable.pdf>, p. 2.
- 32 Learn more on the FFNPT Initiative's website, <https://fossilfueltreaty.org/> (accessed 26 October 2023).
- 33 UNFCCC, Glasgow Climate Pact, Decision 1/CMA.3, 13 November 2021, UN Doc. FCCC/PA/CMA/2021/10/Add.1, para. 27.
- 34 UNFCCC, Sharm el-Sheikh Implementation Plan, Decisions 1/CP.27, 20 November 2022, UN Doc. FCCC/CP/2022/10/Add.1, pp. 2–10 and 1/CMA.4, UN Doc. FCCC/PA/CMA/2022/10/Add.1, pp. 2–12.
- 35 These were: 39 state members of the Alliance of Small Island States (AOSIS), <https://www.aosis.org/>; nine state members of the Independent Association of Latin America and the Caribbean (AILAC), <http://ailac.org/en/sobre/>; 27 state members of the European Union; Switzerland, Iceland, Norway, United Kingdom, United States, Canada, Australia and New Zealand.
- 36 By referring to “unabated” coal power, the Sharm el-Sheikh Implementation Plan provides an excuse for continued coal power use on the basis of unproven and harmful carbon capture and storage (CCS) technology that would purportedly “abate” coal emissions.
- 37 UNFCCC, Sharm el-Sheikh Implementation Plan, para. 13. See also Decisions 1/CP.27 and 1/CMA.4 (previously cited).
- 38 UNSR on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (Marcos Orellana), *Report on the toxic impacts of some proposed climate change solutions*, UN Doc. A/HRC/54/25, 13 July 2023, para. 70.
- 39 The COP27 decision on the operationalization of international carbon markets under Article 6 of the Paris Agreement provides states with a licence to decide to keep details of carbon trading confidential, including what type and quantity of offsets have been traded, without requiring a justification for confidentiality.
- 40 Amnesty International, “Climate: Putting UAE oil chief in charge of COP28 threatens further climate chaos”, 12 January 2023, <https://www.amnesty.org/en/latest/news/2023/01/climate-putting-uae-oil-chief-in-charge-of-cop28-threatens-further-climate-chaos/>; Amnesty International, “Climate: UAE state oil company's expansion plans prove chief executive is unfit to lead COP28 climate talks”, 13 February 2023, <https://www.amnesty.org/en/latest/news/2023/02/climate-uae-state-oil-companys-expansion-plans-prove-its-chief-executive-is-unfit-to-lead-cop28-climate-talks/>.
- 41 Climate Accountability Institute, “Carbon Majors”, <https://climateaccountability.org/carbon-majors/> (accessed on 26 October 2023).
- 42 Guardian, “Revealed: UAE plans huge oil and gas expansion as it hosts UN climate summit”, 4 April 2023, <https://www.theguardian.com/environment/2023/apr/04/revealed-uae-plans-huge-oil-and-gas-expansion-as-it-hosts-un-climate-summit>
- 43 Earth.Org, “COP28 Chief Al Jaber Calls for Phase-Out of Fossil Fuels Emissions, Promises to ‘Supercharge’ Climate Finance”, 3 May 2023, <https://earth.org/cop28-chief-berlin/>
- 44 See, for example, “Letter from the President-Designate of COP28/CMP18/CMA5 and UAE Special Envoy for Climate Change”, 17 October 2023, <https://unfccc.int/documents/632560>, p. 7.
- 45 Guardian, “‘I wasn't the obvious choice’: meet the oil man tasked with saving the planet”, Interview of Sultan Al Jaber, 7 October 2023, <https://www.theguardian.com/environment/2023/oct/07/meet-the-oil-man-tasked-with-saving-the-planet-cop28>.

HUMAN RIGHTS LAW AND STANDARDS

- 46 UNFCCC, “What is the United Nations Framework Convention on Climate Change?”, <https://unfccc.int/process-and-meetings/what-is-the-united-nations-framework-convention-on-climate-change> (accessed on 26 October 2023).
- 47 UNFCCC, “Conference of the Parties (COP)”, <https://unfccc.int/process/bodies/supreme-bodies/conference-of-the-parties-cop> (accessed on 26 October 2023).
- 48 UNFCCC, “What is the Paris Agreement?”, <https://unfccc.int/process-and-meetings/the-paris-agreement> (accessed on 26 October 2023).
- 49 Paris Agreement, Article 2.1.
- 50 UNEP, *Emissions Gap Report 2022* (previously cited), p. 9.
- 51 UNSR *Report on the ecological crisis, climate justice and racial justice* (previously cited), para. 17.
- 52 Amnesty International, “Campaign for the right to a healthy environment, including Amnesty International, wins prestigious human rights prize”, 20 July 2023, <https://www.amnesty.org/en/latest/news/2023/07/campaign-for-the-right-to-a-healthy-environment-including-amnesty-international-wins-prestigious-human-rights-prize/>
- 53 UN Human Rights Council (HRC), “Resolution on the right to a clean, healthy and sustainable environment”, 5 October 2021, UN Doc. A/HRC/48/L.23/Rev.1.
- 54 UN General Assembly, “Resolution on the right to a clean, healthy and sustainable environment”, 26 July 2022, UN Doc. A/76/L.75.
- 55 UNSR on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment (David Boyd), *Recognizing the Right to a Healthy Environment - A/73/188 - Executive summary*, 18 July 2018, <https://www.ohchr.org/sites/default/files/2022-05/Recognition-Summary-FINAL.pdf>, p. 4.
- 56 UN Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (UN Guiding Principles), 16 June 2011, UN Doc. HR/PUB/11/04, Principle 1.
- 57 UN Guiding Principles, Principle 11 (including Commentary).
- 58 UN Guiding Principles, Principle 25.
- 59 UN Guiding Principles, Principle 22.
- 60 UN Working Group on the issue of human rights and transnational corporations and other business enterprises, “Information Note on Climate Change and the Guiding Principles on Business and Human Rights” (Information Note), June 2023, <https://www.ohchr.org/sites/default/files/documents/issues/business/workinggroupbusiness/Information-Note-Climate-Change-and-UNGPs.pdf>, para. 3.
- 61 Information Note (previously cited), para. 15.
- 62 Information Note (previously cited), para. 16.
- 63 Information Note (previously cited), paras. 19(b), (d).
- 64 Information Note (previously cited), para. 17(8).

FOSSIL FUELS’ ADVERSE IMPACTS ON HUMAN RIGHTS

- 65 UNSR on the rights of Indigenous Peoples (James Anaya), *Report on extractive industries and Indigenous Peoples*, 1 July 2013, UN Doc. A/HRC/24/41, para. 1.
- 66 See, for example, UNSR on the rights of Indigenous Peoples (James Anaya), *Report on the situation of the Sami People in the Sápmi Region of Norway, Sweden and Finland*, 6 June 2011, UN Doc. A/HRC/18/35/Add.2; UNSR on the rights of Indigenous Peoples, *Report on the impacts of climate change and climate finance on indigenous peoples’ rights*, 1 November 2017, UN Doc. A/HRC/36/46, paras. 6-7.
- 67 Amnesty International, *Annual Report 2022/23: The state of the world’s human rights*, 27 March 2023, <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>, pp. 360, 377.
- 68 Human Rights Watch, “Our Trust is Broken”, *Loss of Land and Livelihoods for Oil Development in Uganda*, Summary, 10 July 2023, <https://www.hrw.org/report/2023/07/10/our-trust-broken/loss-land-and-livelihoods-oil-development-uganda>
- 69 Amnesty International, *Annual Report 2022* (previously cited), p. 377.
- 70 Amnesty International, “When land is lost, do we eat coal?” *Coal mining and violations of Adivasi rights in India* (Index: ASA 20/4391/2016), 13 July 2016, <https://www.amnesty.org/en/documents/asa20/4391/2016/en/>, p. 6.
- 71 Adivasis is the collective name used to refer to Indigenous communities, referred as ‘Tribals’, in India.
- 72 Amnesty International, “When land is lost” (previously cited), p. 6.
- 73 Land Conflict Watch, MoEFCC Grants Multiple Extensions to Kusmunda Mine in Chhattisgarh despite Public Opposition, 26 September 2016, <https://www.landconflictwatch.org/conflicts/kusmunda-coal-mines-expansion>
- 74 Amnesty International, “When land is lost” (previously cited), p. 12.
- 75 Amnesty International, *From homeland to oil sands: The impact of oil and gas development on the Lubicon Cree of Canada* (Index: AMR 20/002/2010), 16 June 2010, <https://www.amnesty.org/en/documents/amr20/002/2010/en/>, p. 2.
- 76 Amnesty International, *From homeland to oil sands* (previously cited), p. 4.
- 77 Information Note (previously cited), para. 16.
- 78 Databases such as the Global Fossil Fuel Atlas collate information on illustrative case studies globally: <https://www.fossilfuelatlas.net> (accessed on 26 October 2023).
- 79 NRDC, “Fossil Fuels: The Dirty Facts – Disadvantages of Fossil Fuels”, 1 June 2022, <https://www.nrdc.org/stories/fossil-fuels-dirty-facts#sec-disadvantages>
- 80 NRDC, “Fossil Fuels: The Dirty Facts – Disadvantages of Fossil Fuels” (previously cited).
- 81 UNSR on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, *Report on the right to a clean, healthy and sustainable environment: non-toxic environment*, 12 January 2022, UN Doc. A/HRC/49/53, para. 27.

- 82 UNSR on contemporary forms of racism, racial discrimination, xenophobia and related intolerance: Ecological crisis climate justice and racial justice, 25 October 2022, UN Doc. A/77/549.
- 83 UNSR *Report on the ecological crisis, climate justice and racial justice* (previously cited), para. 2.
- 84 Amnesty International's partners include the Centre for the Environment, Human Rights and Development (CEHRD), and Environmental Rights Action (Friends of the Earth, Nigeria), two prominent Nigerian civil society organizations.
- 85 Amnesty International, *Repression of women's protests in oil-producing Delta region* (Index: AFR 44/008/2003), 1 February 2003, <https://www.amnesty.org/en/documents/AFR44/008/2003/en/>; Amnesty International, *Shell Petroleum Development Corporation (SPDC) and the community of Rukpokwu, Rivers State*, 9 November 2004 (Index: AFR 44/032/2004), <https://www.amnesty.org/en/documents/afr44/032/2004/en/>; Amnesty International, *Claiming rights and resources. Injustice, oil and violence in Nigeria* (Index: AFR 44/020/2005), 3 November 2005, <https://www.amnesty.org/en/documents/afr44/020/2005/en/>; Amnesty International, *Ten years on: injustice and violence haunt the oil Delta* (Index: AFR 44/022/2005), 3 November 2005, <https://www.amnesty.org/en/documents/afr44/022/2005/en/>; Amnesty International, *Nigeria: Oil, poverty and violence* (Index: AFR 44/017/2006), 31 July 2006, <https://www.amnesty.org/en/documents/afr44/017/2006/en/>; Amnesty International, "Petroleum, Pollution and Poverty in the Niger Delta – Campaign Digest" (Index: AFR 44/018/2009), 30 July 2009, <https://www.amnesty.org/en/documents/afr44/018/2009/en/>; Amnesty International, *The true 'tragedy': Delays and failures in tackling oil spills in the Niger Delta* (Index: AFR 44/018/2011), 10 November 2011, <https://www.amnesty.org/en/documents/afr44/018/2011/en/>; Amnesty International, *Another Bodo oil spill: Another flawed oil spill investigation in the Niger Delta* (Index: AFR 44/037/2012), 3 August 2012, <https://www.amnesty.org/en/documents/afr44/037/2012/en/>; Amnesty International, *Bad information: Oil spill investigations in the Niger Delta* (Index: AFR 44/028/2013), 7 November 2013, <https://www.amnesty.org/en/documents/afr44/028/2013/en/>; Amnesty International, *Nigeria: No progress: An evaluation of the implementation of UNEP's environmental assessment of Ogoniland, three years on* (Index: AFR 44/013/2014), 4 August 2014, <https://www.amnesty.org/en/documents/afr44/013/2014/en/>; Amnesty International, *Clean it up: Shell's false claims about oil spill response in the Niger Delta* (Index: AFR 44/2746/2015), 3 November 2015, <https://www.amnesty.org/en/documents/afr44/2746/2015/en/>; Amnesty International, *In the dock: Shell's complicity in the arbitrary execution of the Ogoni Nine* (Index: AFR 44/6604/2017), 29 July 2017, <https://www.amnesty.org/en/documents/afr44/6604/2017/en/>; Amnesty International, *A criminal enterprise? Shell's involvement in human rights violations in Nigeria in the 1990s* (Index: AFR 44/7393/2017), 29 November 2017, <https://www.amnesty.org/en/documents/afr44/7393/2017/en/>; Amnesty International, *Negligence in the Niger Delta: decoding Shell and Eni's poor record on oil spills* (Index: AFR 44/7970/2018), 16 March 2018, <https://www.amnesty.org/en/documents/afr44/7970/2018/en/>; Amnesty International, *On trial: Shell in Nigeria: Legal actions against the oil multinational* (Index: AFR 44/1698/2020), 10 February 2020, <https://www.amnesty.org/en/documents/afr44/1698/2020/en/>; Amnesty International, "No clean up, no justice: Shell's oil pollution in the Niger Delta", 18 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/no-clean-up-no-justice-shell-oil-pollution-in-the-niger-delta/>; Amnesty International, *Tainted Sale? Why Shell's Divestment from the Niger Delta Must Not Harm Human Rights* (Index: AFR 44/6797/2023), 16 May 2023, <https://www.amnesty.org/en/documents/afr44/6797/2023/en/>
- 86 Amnesty International, *Tainted Sale?* (previously cited), p. 6.
- 87 Amnesty International, *Tainted Sale?* (previously cited), p. 4.
- 88 Amnesty International, *No Clean Up, No Justice* (previously cited), p. 6. See also Bayelsa State and Environmental Commission, *An Environmental Genocide: Counting the Human and Environmental Cost of Oil in Bayelsa, Nigeria*, May 2023, <https://report.bayelsacommission.org/>
- 89 Amnesty International, *Clean It Up* (previously cited), p. 4; Amnesty International, *Tainted Sale?* (previously cited), p. 4.
- 90 Amnesty International, *Tainted Sale?* (previously cited), p. 4.
- 91 CIEL, "Fossil Fuels & Plastic", <https://www.ciel.org/issue/fossil-fuels-plastic/> (accessed on 26 October 2023).
- 92 Janina Herzog-Hawelka and Joyeeta Gupta, "The role of (multi)national oil and gas companies in leaving fossil fuels underground: A systematic literature review", *Energy Research & Social Science*, Volume 103, 103194, September 2023, <https://www.sciencedirect.com/science/article/pii/S2214629623002542>
- 93 Houston Ship Channel Expansion Project 11, "Project Overview", <https://expandthehoust.wpengine.com/project-overview/> (accessed on 26 October 2023); Greater Houston Partnership, Data, "Insight & Analysis", 26 April 2021, <https://www.houston.org/houston-data/chemical-industry-overview>
- 94 Research conducted by Amnesty International between January and September 2023. Information was obtained from a variety of sources, including interviews and meetings with impacted community members and other stakeholders; pollution, enforcement and compliance data held by state and federal agencies; and extensive desk research using information from other open sources.
- 95 International Agency for Research on Cancer, *IARC Monographs on the Identification of Carcinogenic Hazards to Humans*, Volumes 120 (2018), 109 (2016), 97 (2008), <https://monographs.iarc.who.int/monographs-available/>; Centers for Disease Control and Prevention, "Particle Pollution", https://www.cdc.gov/air/particulate_matter.html (accessed on 29 October 2023).
- 96 Carbon Tracker Initiative, *Stranded Assets*, 23 August 2017, <https://carbontracker.org/terms/stranded-assets/>
- 97 SOMO, *Stranded, Why Shell is unable to navigate the just transition trilemma*, 24 August 2023, <https://www.somo.nl/stranded/>
- 98 See generally Amnesty International, *Tainted Sale?* (previously cited).
- 99 Information Note (previously cited), para. 31.
- 100 Information Note (previously cited), para. 19(e).
- 101 Amnesty International, "Slovakia: Authorities should not use hammer against peaceful activists", 5 December 2018, <https://www.amnesty.org/en/documents/eur72/9519/2018/en/>
- 102 Amnesty International, "One Woman Vs Shell, Shell must face its day in court over Nigeria abuses", <https://www.amnesty.org/en/latest/campaigns/2017/06/one-nigerian-widow-vs-shell/> (accessed on 26 October 2023).
- 103 Amnesty International, "One Woman Vs Shell" (previously cited).
- 104 Amnesty International, "One Woman Vs Shell" (previously cited).

- 105 African Commission on Human and Peoples' Rights, Social and Economic Rights Action Center & the Center for Economic and Social Rights v. Nigeria, Communication ACHPR/COMM/A044/1, Final Decision, 27 May 2002, available at <https://www.escr-net.org/sites/default/files/serac.pdf>, pp. 15-16.
- 106 UNSR Report on extractive industries and indigenous peoples (previously cited), para. 1.
- 107 Amnesty International, Indigenous Peoples, <https://www.amnesty.org/en/what-we-do/indigenous-peoples/> (accessed on 26 October 2023).
- 108 Amnesty International, "They will not stop us": Justice and protection for Amazonian Women, defenders of the land, territory and environment, 30 April 2019, <https://www.amnesty.org/en/documents/amr28/0039/2019/en/>, p. 11.
- 109 Amnesty International, Amazon at risk: Submission to the 41st session of the UPR Working Group, 5 April 2022, <https://www.amnesty.org/en/documents/amr28/5384/2022/en/>, para. 38.
- 110 Amnesty International, "Indigenous women demand more protection in decades-long fight for Amazon homelands" (previously cited).
- 111 Amnesty International, "Indigenous women demand more protection in decades-long fight for Amazon homelands", 5 August 2020, <https://www.amnesty.org/en/latest/impact/2020/08/indigenous-women-demand-more-protection-in-decades-long-fight-for-amazon-homelands/>
- 112 Inter-American Court of Human Rights, *Kichwa Indigenous People of Sarayaku v. Ecuador, Judgement on the Merits and Reparations*, 27 June 2012, https://corteidh.or.cr/docs/casos/articulos/seriec_245_ing.pdf
- 113 Amnesty International, "Indigenous women demand more protection in decades-long fight for Amazon homelands" (previously cited).
- 114 Amnesty International has condemned Ecuador's attempts to intimidate and stigmatize the main plaintiffs' lawyer in this case, Pablo Fajardo, for his legal advocacy work condemning human rights violations caused by the oil industry in Ecuador. See Amnesty International, *Ecuadorian human rights defender Pablo Fajardo stigmatized* (Index: AMR 28/6732/2023), 28 April 2023, <https://www.amnesty.org/en/documents/amr28/6732/2023/en/>
- 115 Amnesty International, "USA: Misuse of the justice system against human rights lawyer who sued Chevron must end", 6 May 2021, <https://www.amnesty.org/en/documents/amr51/4090/2021/en/>, p. 1.
- 116 Amnesty International, "After almost 1,000 days of arbitrary detention, Steven Donziger's release highlights urgent need for action against SLAPPs", 25 April 2022, <https://www.amnesty.org/en/latest/news/2022/04/usa-steven-donzigers-release/>
- 117 Southern District Court of New York, *Chevron Corp. v. Donziger*, Case No. 1284CHEC, Transcripts of hearing held on 8 February 2011, Southern District Reporters, P.C., pp. 49-50.
- 118 Guardian, "How criminalisation is being used to silence climate activists across the world", 12 October 2023, <https://www.theguardian.com/environment/2023/oct/12/how-criminalisation-is-being-used-to-silence-climate-activists-across-the-world>
- 119 HRC, *Final warning: death threats and killings of human rights defenders: Report of the Special Rapporteur on the situation of human rights defenders*, 24 December 2020, UN Doc. A/HRC/46/35, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/355/11/PDF/G2035511.pdf>, para. 5; See also Global Witness, *Standing Firm: The Land and Environmental Defenders on the frontlines of the climate crisis*, 13 September 2023, <https://www.globalwitness.org/en/campaigns/environmental-activists/standing-firm>
- 120 Amnesty International, "Two years and still no justice for Fikile Ntshangase's murder", 21 October 2022, <https://amnesty.org.za/south-africa-two-years-and-still-no-justice-for-fikile-ntshangases-murder/>
- 121 Amnesty International, "Two years and still no justice for Fikile Ntshangase's murder" (previously cited).
- 122 Guardian, "How criminalisation is being used to silence climate activists", previously cited.
- 123 See generally UNSR on the rights to freedom of peaceful assembly and of association (Clément Nyaletsossi Voule) *Report on the exercise of the rights to freedom of peaceful assembly and of association as essential to advancing climate justice*, 23 July 2021, UN Doc. A/76/222.
- 124 Amnesty International, *Urgent Action – Canada: Drop Charges Against Land Defenders* (Index: AMR 20/7241/2023), 19 October 2023, <https://www.amnesty.org/en/documents/amr20/7241/2023/en/>
- 125 Amnesty International, "Petition: Respect Indigenous Rights on Wet'suwet'en Territory", <https://www.amnesty.org/en/petition/respect-indigenous-rights-on-wetsuweten-territory/> (accessed on 18 October 2023)
- 126 Amnesty International, *The Human Rights Situation in the United Arab Emirates Ahead of COP28* (Index: MDE 25/6755/2023), 1 June 2023, <https://www.amnesty.org/en/documents/mde25/6755/2023/en/>
- 127 Information Note, previously cited, paras. 7, 8(h).
- 128 Information Note, previously cited, para. 18.
- 129 UNSR on the rights to freedom of peaceful assembly and of association (Maina Kiai), *Report on rights to freedom of peaceful assembly and of association in the context of multilateral institutions*, 1 September 2014, UN Doc. A/69/365, para. 10.
- 130 UNSR *Report on the exercise of the rights to freedom of peaceful assembly and of association in the context of multilateral institutions* (previously cited), para. 12.
- 131 UNSR *Report on the toxic impacts of some proposed climate change solutions* (previously cited), para. 5.
- 132 UNFCCC, "Non-governmental organization constituencies", https://unfccc.int/files/parties_and_observers/ngo/application/pdf/constituencies_and_you.pdf
- 133 Irja Vormedal, "The influence of business and industry NGOs in the negotiation of the Kyoto mechanisms: the case of carbon capture and storage in the CDM", *Global environmental politics*, November 2008, Volume 8, Issue 4, <https://doi.org/10.1162/glep.2008.8.4.36>, p. 49, para. 1.
- 134 Vormedal (2008) (previously cited), p. 43, para. 2; p. 49, para. 1, and p. 50, para. 2.
- 135 Vormedal (2008) (previously cited), pp. 51-57.
- 136 See CIEL, *Confronting the Myth of Carbon-Free Fossil Fuels, Why Carbon Capture Is Not a Solution*, 6 July 2021, <https://www.ciel.org/wp-content/uploads/2021/07/Confronting-the-Myth-of-Carbon-Free-Fossil-Fuels.pdf>

- 137 Global Witness, “Over 100 more fossil fuel lobbyists than last year, flooding crucial COP climate talks”, 10 November 2022, <https://www.globalwitness.org/en/press-releases/over-100-more-fossil-fuel-lobbyists-last-year-flooding-crucial-cop-climate-talks/>
- 138 Freddie Daley and Charlie Lawrie, *Fuelling Failure: How coal, oil and gas sabotage all seventeen Sustainable Development Goals*, 1 June 2022, https://static1.squarespace.com/static/5dd3cc5b7fd99372fbb04561/t/629621606337cb2779a632f9/1654006125016/FFN_MVSA003+Report+-+Fossil+Fuels+vs.+the+Sustainable+Development+Goals_V4-FA-Screen-Single.pdf, p. 72; See also EU Parliament, “Taxonomy: MEPs do not object to inclusion of gas and nuclear activities”, 6 July 2022, <https://www.europarl.europa.eu/news/en/press-room/20220701IPR34365/taxonomy-meps-do-not-object-to-inclusion-of-gas-and-nuclear-activities>
- 139 Deborah Gordon, Frances Reuland, Daniel J. Jacob, John R. Worden, Drew Shindell and Mark Dyson, “Evaluating net life-cycle greenhouse gas emissions intensities from gas and coal at varying methane leakage rates”, 17 July 2003, *Environmental Research Letters*, Volume 18, Issue 8, <https://iopscience.iop.org/article/10.1088/1748-9326/ace3db>
- 140 Daley and Lawrie (previously cited), p. 22, para 1.
- 141 Daley and Lawrie, 2023 (previously cited), p. 93, para 3.
- 142 Giulia Loffreda, Rhiannon Osborne, Erika Arteaga-Cruz and Fran Baum, “The fossil fuel industry has no place in climate negotiations”, 19 April 2023, *British Medical Journal* (Online), Volume 381, p. 843.
- 143 Kick Big Polluters Out, “Our Demands”, <https://kickbigpollutersout.org/demands> (accessed on 29 October 2023)

SO WHAT?

- 144 See Beyond Oil and Gas Alliance’s website: <https://beyondoilandgasalliance.org/>
- 145 See Powering Past Coal Alliance’s website: <https://poweringpastcoal.org/>
- 146 See FFNT’s website: <https://fossilfueltreaty.org/>

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Index: POL 30/7382/2023
Original language: English

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