

Amnesty International and the climate crisis

Briefing note March 2020

Amnesty International Norway

Background

The connection between climate change and human rights is well-documented and indisputable. As documented time and time again by the UNFCCC (United Nations Framework Convention on Climate Change), the climate crisis will impact human rights on fundamental levels¹.

Amnesty's draft policy on human rights aspects of climate change² outline how climate change will impact human rights as the right to life, health, food, water and sanitation, housing, equality and non-discrimination and more. The consequences of climate change are also likely to lead to increased conflict over resources and land. It is also likely to lead to increased migration, putting pressure on an already stretched international system. Further, the climate solutions green transition, come with several human rights challenges. This can be seen in the conflict between indigenous people and development of green energy or in the cobalt mines in the DRC.

The overall goal of Amnesty's current strategy (2019-2024) on climate change and environmental degradation³ is to secure systemic changes to ensure a stable climate in a manner that uphold and advance human rights. To that end, the strategy identifies Amnesty's contributions to:

- 1) Pressure governments to uphold their obligations to urgently escalate climate action
- 2) Pressure corporations to phase out fossil fuels and shift to human-rights consistent clean energy
- 3) Support the transition to a new energy economy that protects human rights and leaves no one behind – including defend the right to peaceful protest and participation, as well as protect climate and environmental human rights defenders.

This is accompanied by the three more methodological objectives which are instrumental to ensure the first three. These are:

- 4) More people, and particularly human rights audiences, engage on climate change
- 5) Human rights defenders and communities are able to campaign for a stable climate and participate in related decisions
- 6) Amnesty and the human rights movement strengthen their work on environmental degradation and human rights

Now, the question for Amnesty International is not whether we should respond to the climate crisis, but how.

AI Norway is concerned that AI's current climate change strategy does not properly address AI's role as compared to other actors in the international as well as the national movements to prevent

¹The High commissioner for human rights stresses that climate solutions must be grounded in human rights, equality and non-discrimination, and include accountability for polluters, redress for victims, and protection of the vulnerable in all prevention, response, mitigation and remedial measures states. For more on the link between climate change and human rights: <https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRCClimateChangeIndex.aspx>.

² AI Index POL 30/6245/2017

³ AI Index ORG 50/0211/2019

climate crisis, nor discuss the risks our organization must mitigate working in this field. Also, the strategy does not address questions of priorities. Therefore, below is an outline of what AI Norway takes to be Amnesty's added value, and reflections about some key questions we believe are essential in order to choose how to engage with climate change.

Amnesty's added value: What can we contribute with?

The climate field is a field crowded with actors with many years of experience, high degree of competence and specific areas of expertise. Amnesty should seek to prioritize those areas where our presence can bring an added value to a human rights' centered solution to the climate crisis. The climate change strategy outlines Amnesty's added value over several bullet points. Here, AI Norway has tried to narrow down to what we believe is our clearest added value on this matter.

- Human rights expertise – bringing in the HR perspective to the climate debate as well as adding to the need for climate action
- Research expertise on concrete issues relevant to a human rights' respecting green transition
- Legal competence, experience with strategic litigation
- Strong standing among decision makers – helpful ally in advocacy/lobbying
- Experience in doing advocacy on the international level – IGOs
- A global movement of activists to strengthen the call

What are other actors already doing?

Other actors have been working on the climate crisis for years. The field is very broad. Some of the areas that have been prioritized highly among other actors are the following:

- Advocacy (towards COPs and national and regional policies) on
 - o emissions reductions climate mitigation
 - o climate adaptation (including increased funding)
- Mobilizing for climate strikes and other forms of activism
- Strategic litigation on climate change
- Institutional investors, particularly divestment from coal, oil and gas

If Amnesty is to prioritize these areas, this should only happen carefully coordinated with those already there, respecting their expertise developed over several years. This intention to coordinate is reflected in Amnesty's climate policy.

What are the risks?

As with all strategic choices, there are risks associated with increasing focus and resources on working with aspects relating to climate change. **These risks do of course not mean that we should not engage in the issue.** What it does mean, is that we must consider how to minimize these risks in the choices we take.

- 1) Recognizability. Amnesty is globally known as the world's largest member-based human rights organization. However, studies have shown that the public have difficulties in recognizing what we actually do. Broadening our scope can dilute us, making us harder to recognize if we don't communicate our involvement with climate issues in clear human rights language.
- 2) Credibility. Amnesty is known for its independence and high quality of our research. The climate change area covers topics which requires a high degree of specialized knowledge. If

our response to the climate change doesn't meet the high standards the public and decision-makers are used to from us, we risk our credibility.

- 3) Resources. Increasing competence in and commitment to a new field requires dedicated resources, especially in order to do so in a way that meets our high standards mentioned above. Allocating these resources to the climate area, involves a risk of impairing other human rights topics important to us if we can't find fresh resources linked to our involvement on climate.
- 4) Added value. The climate field is filled with actors with a high level of experience and know-how. Due to this, we must always consider our added value within each area. Otherwise, we risk squeezing out other actors who might have more relevant competence.
- 5) Harming the transition to a green economy. This is particularly relevant for the topics relevant to objective 3 about a just transition. If our only focus is on the downsides of the transition to a greener economy, we risk running our opponents' errand⁴. This shall of course never stop us from calling out human rights abuse in the name of the green transition, but we should still keep it in mind in our planning and strategizing.

Analyzing these risks should be a part of the considerations when deciding on how Amnesty shall engage with different climate issues.

Based on these reflections, AI Norway suggests two levels for AI engagement with the different issues related to climate change:

- 1) Leading
- 2) Supporting

Below, we will discuss suggestions on how Amnesty should work under three main headings:

1. A human rights' respecting green transition

Goal: Secure a green transition with climate solutions that are not violating human rights or increases existing violations. Be a watchdog and driving force for a human rights' respecting green transition.

This topic is closely linked to goal 3) in the international climate strategy, but also 4) and 5). It is also closely linked to risk 5 discussed above. This risk should therefore be carefully considered particularly when we choose how to communicate about these matters.

On this topic, Amnesty International should take a **lead** on several sub-topics – but not all.

- 1) Freedom of Expression, Assembly and Organization
 - i. HRDs and shrinking space in the face of climate change. Threats against EHRDs/TLERDs. Examples: Deforestation and illegal cattle farming in the Amazonas. Research and campaigning. Human rights education. Individuals at risk actions. **Role: Lead**

⁴ *"Denouncing human rights abuses related to climate measures should always be accompanied by a strong proposition that climate policies must be strengthened, and emissions reduced rapidly. It is also crucial that this is not the only area in which Amnesty's engagement on climate change is visible, as that might convey the message that Amnesty is unconcerned about the urgency of tackling climate change and be accused of doing a service to fossil fuels companies and other powers that want to delay the transition to a zero-carbon economy."*
AI's current climate strategy, p 16

- ii. Combating online violence. Online violence threatens not only democracy in general (re Toxic Twitter) – but we see that politicians advocating for the environment is particularly at risk.⁵ Research and campaigning. **Role: Lead**
- 2) Business and human rights
 - i. Human rights friendly products necessary for the green transition like ethical batteries/The minerals in our value chain: Cobalt in DRC, Lithium in Argentina etc. Method: Research and campaigning. Linked to campaigns on mandatory human rights due diligence (national and regional level). **Role: Lead**
 - ii. Divestment from fossils: Campaigning banks and other financial institutions to divest from fossils (work in progress) and drivers of deforestation. However, this should not be done without also campaigning for divestment from human rights violating businesses and increasing investments in renewable solutions – in a manner which secures human rights. **Role: Support existing actors working on this (Greenpeace, 350.org, Sierra Club etc)**
- 3) Discrimination (gender and communities at risk)
 - i. Measures and policies towards a green transition are not discriminatory: Research and advocacy to make sure that climate measures and policies are checked towards discrimination, whether it strengthen or counteract discrimination of different forms (gender, sexual orientation, ethnicity, economical background and other forms for discrimination). **Role: possibly lead**

2. States' legal human rights obligations on environmental degradation and climate change

Goal: To contribute to a deeper understanding of the connection between the environment, climate crisis and the human rights obligations of states.

This topic is closely linked to objective 1) in the climate change strategy, but also objectives 5) and 6). On this topic, Amnesty International should partly take a lead, and partly support – dependent on the national context, as it varies a great deal whether strategic climate change litigation is already happening in the courts of different states. All cases Amnesty engages in should have a clear link to documented human rights violations or a significant risk for this to occur.

- 1) Testing the boundaries of national legal framework in the face of climate change
 - a. Strategic litigation against states (e.g. testing constitutional obligations about the right to life and health) **Role: Lead or support, dependent on context**
 - b. Strategic litigation against companies **Role: Lead or support, dependent on context**
- 2) People displaced in relation to climate change

Crucial point: Securing the rights of people displaced in relation to climate change without weakening the international convention on the rights of refugees. Also, Amnesty should not engage in the rights of people displaced in relation to climate change without at the same time working on the rights of other refugees and asylum seekers.

- a. Participate in the international discussion about people displaced in relation to climate change. Note the UN Human Rights Committees' recent (Jan 2020) landmark

⁵ <https://filternyheter.no/pst-miljopolitikere-saerlig-utsatt-for-netthat-trussel-mot-demokratiet/>

ruling, stating that it can be unlawful for governments to return people to countries when their life might be threatened by the climate crisis, triggering the non-refoulement principle.⁶ **Role: Possibly lead – dependent on priority of refugee’s rights in Amnesty’s strategy from 2021.**

- b. Support asylum cases of people displaced in relation to climate change. **Role: possibly lead, dependent of strategy**

3. National and international climate policy (mitigation goals)

Goal: Urgent escalation of climate action

This topic is closely related to objective 1 and to a degree objective 4.

On this topic, AI should mainly support existing claims and in close cooperation with existing actors. Our main added value is to add human rights arguments to the claims that already exist. Within the area of international climate policy, Amnesty’s main focus should be on those areas that are closely linked to core AI competences in the transition, like securing access to remedy, funding of mitigation and adaptation, frameworks for renewable energy that secure HR etc.

- 1) Take part in international climate diplomacy

On this field, AI is already an actor, given our role on the COP25 in Madrid in December 2019. **Role: Primarily support, not lead⁷.**

- 2) Add AI’s voice to national demands on climate policy/the green transition based on human rights argumentation and the Paris agreement

The plans mentioned above can potentially give AI a more precise human rights based reasoning behind our demands linked to national climate policy. Taking into account differences between national contexts: **Role: Mainly support, not lead.**

- 3) Take urgent steps to reduce AI’s own carbon footprint

AI should consider our own contribution to climate change. As a matter of consistency, AI must review our own internal practices to ensure that these are aligned with our strategic work on climate change. **Role: Lead**

- a. Adopt policies on travel, energy and waste management
- b. Divest from fossil fuel/reinvest in clean energy

⁶ The committee states: “the effects of climate change in receiving states may expose individuals to a violation of their rights ... thereby triggering the non-refoulement obligations of sending states”.
<https://www.theguardian.com/world/2020/jan/20/climate-refugees-cant-be-returned-home-says-landmark-un-human-rights-ruling>

⁷ For reference: The IS has the following plans for 2020: a) Coordinate a mapping of countries (a table indicating per each country, responsibility for the climate crisis, negative policies, positive developments, capacity to influence, AI’s previous related work in the country, possible key demands for AI); b) Prepare a methodology to assess states’ compliance with their legal obligations: We will develop a methodology with ‘litmus tests’ that can be used to rigorously assess the extent to which a State is meeting its legal obligations under international human rights law related to climate change.