

AMNESTY INTERNATIONAL PUBLIC STATEMENT

11 November 2021 AI Index: IOR 40/4981/2021

COP26: STATES RISK BULLDOZING HUMAN RIGHTS OF PEOPLE MOST AFFECTED BY THE CLIMATE CRISIS

Amnesty International is deeply alarmed that human rights, particularly of Indigenous peoples, local communities, women and workers, are in danger of becoming a casualty of COP26 negotiations, as states are looking to put in place harmful mechanisms for the expansion of carbon markets without strong safeguards to ensure real emission reductions and robust human rights guarantees to protect people who will be most affected by these measures.

Carbon markets are not the solution to the climate crisis and they pose enormous risks, particularly for Indigenous peoples and other groups most affected by the climate crisis. This is why any COP26 decision on carbon markets must include clear mechanisms to ensure respect of the rights of all affected groups, particularly of Indigenous peoples, and ensure that projects lead to a just transition.

The current draft decision only includes symbolic references to the preamble of the Paris agreement that acknowledges that governments must respect, promote and consider their respective obligations on human rights when taking action to address climate change. However, concrete mechanisms to ensure that carbon offset projects and other non-market approaches for emission reductions do not violate the human rights of affected people are not provided for in the draft text. In particular, there is no reference to the obligation of states to respect the right of Indigenous peoples to free, prior and informed consent.

The draft text also does not establish an independent grievance mechanism to provide redress for human rights violations committed by states or business enterprises in the context of carbon offset projects. Such mechanisms, as well as environmental and social safeguards, are common in most international development financing systems. The proposed COP26 outcome would make the proposed mechanism for carbon trading an outlier.

Failure to include concrete human rights protection mechanisms in these negotiations could see Indigenous peoples thrown out of their ancestral lands to make way for carbon market projects without consultation, free or prior informed consent. It could pave the way for other communities to face forced evictions from their homes and lands. Equally, it could also limit victims' ability to seek redress for human rights violations.

It has been well documented that projects developed without consultation fuel conflict in local communities and result in killings and harassment of human rights defenders. More than 220 environment and land rights activists were murdered just last year.

Human rights should never be used as a bargaining chip. Affected people and their human rights must always be at the heart of climate-related decisions.

The current draft decision on rules for the implementation of Article 6 of the Paris Agreement also leaves loopholes that would undermine the goals of the Paris Agreement and result in more greenhouse gas emissions, rather than in their reduction. This would be a slap in the face for humanity, as it would simply make void any other promises to address the climate crisis and further violate the human rights of those who are already paying an immense price for our continued reliance on fossil fuels.

As negotiations on the rules for the implementation of Article 6 come to a conclusion in Glasgow this week, Amnesty International urges all states and the COP26 Presidency to guarantee the human rights of all those affected, including Indigenous peoples, local communities and workers, and to only adopt rules that allow for genuine emissions reductions.

Instead of relying on carbon markets and other schemes to delay genuine emissions reductions, states must protect our rights by committing to specific, real emissions reductions by 2030 to keep the global temperature rise below 1.5°C. The only way to genuinely reduce emissions fast enough is to rapidly phase out the production and use of fossil fuels in a way that delivers a just transition and ensures the human rights of all, with the full participation of the most affected groups.

Rather than relying on markets to deliver the necessary financing to countries that need it, wealthy countries must commit to provide adequate resources and cancel debt in order to support lower-income countries to implement fossil fuels phase out and other emission reduction measures. They must also increase the funding dedicated to assist affected people to

adapt and protect themselves from climate impacts and create a separate financial facility to support people suffering from loss and damage caused as a result of the climate crisis. This should clearly be reflected in the COP26 decision.

Further resources:

Amnesty International's calls for states at COP 26 are available here (Index number IOR 40/4902/2021).

For more detailed analysis on climate change and human rights, see Amnesty International, Stop burning our rights – What states and corporations must do to protect humanity from the climate crisis, June 2021, available here.

See also Amnesty International report, "*It will be too late to help us once we are dead*" – *The human rights impact of climate change in drought-stricken southern Madagascar*, October 2021, available here.