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

AMNESTY INTERNATIONAL
**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 (CO\(_2\)).\(^2\)

**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. CO\(_2\) 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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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. 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; 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.

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.” 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. However, growth in renewable energy production has yet to displace fossil fuel use. Indeed, despite the deepening crisis, the United Nations Environment Programme (UNEP) has found that global greenhouse gas (GhG) emissions have continued to grow in the past 10 years. In 2022, global CO₂ emissions from the energy sector reached a new record high of 37 billion tonnes.

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.

**THE PHASE OUT OF FOSSIL FUELS MUST BE**

**FAIR**
A just transition, with higher income countries acting first

**FAST**
In line with the 1.5°C Celsius goal

**FULL**
No reliance on unproven “solutions” (carbon capture storage and removal...)

**FUNDED**
Higher income countries should support the transition of lower income countries
ADVERSE IMPACTS OF FOSSIL FUEL COMBUSTION

Shell oil flare, Bonu 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. Attribution science has shown that rapid and slow onset weather events are made much more likely and more harmful by climate change. A diversity of quantitative and qualitative research has unravelled the human rights harms caused by these rapid and slow-onset events. 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.

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.”

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

Data source: Climate Accountability Institute

THE CLIMATE CRISIS

Disproportionately affects people subjected to multiple and intersecting forms of intra and intergenerational discrimination.
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.*

**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. 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.**

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.” 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.** 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.\(^{39}\)
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 CO\(_2\) 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 CO\(_2\) emissions, not the producer.”\(^45\)
UNFCCC AND PARIS AGREEMENT

In 1992, 165 states signed the UN Framework Convention on Climate Change (UNFCCC) and have held negotiations annually ever since (called “Conference of the Parties” 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, with the aim to “strengthen the global response to the threat of climate change” by keeping a global average temperature rise this century 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. 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.

RIGHT TO A CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT

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

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. 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.

The UN Guiding Principles also establish that states must take “appropriate steps to prevent, investigate, punish and redress” corporate harm within their jurisdiction. 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.”

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. 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. 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.”

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.”
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FOSSIL FUELS’ ADVERSE IMPACTS ON HUMAN RIGHTS
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.

“...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 FENCILINE 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...
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. Kenyan, Ugandan and Tanzanian CSOs have filed a lawsuit at the East African Court of Justice seeking to halt the project.

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. 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 communities live – nearly a quarter of the country’s Adivasi population. 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 Kusmunda, 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 Kusmunda 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 Kusmunda 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?”
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.\textsuperscript{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.\textsuperscript{76}

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\caption{Lubicon Cree settlement in Little Buffalo, Canada, February 2007. \copyright Dietlind Bork, Friends of the Lubicon Alberta}
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“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.”

II. PRODUCTION, TRANSFORMATION AND REHABILITATION

Fossil fuel production severely affects people and the environment. 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. Coal mining and fracking both generate toxic waste that are known to contaminate water. 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.” 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, which in many places are, in effect, racial sacrifice zones.

Since the 1990s, Amnesty International and its partners have documented and amplified the calls for justice of communities in the Niger Delta against carbon majors and Nigerian authorities. 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. 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 Delta while local communities such as the people of Ogoniland, have struggled against oil pollution and destruction of their ecosystem. 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. 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.
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. 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. 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. 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.
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 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
“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.”

“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.”

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.

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. 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.

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.
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. 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 extraction and because they face unique structural discrimination leaving them more exposed to violence and abuse.

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 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. As of March 2022, no-one had been brought to justice for these attacks.
“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.”

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. 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 Ecuador 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.
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

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.
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. 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 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.
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. 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.
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.”

“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.”

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 interests 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. 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. For example, Business and Industry NGOs (BINGOs) are an officially recognized constituency at the UNFCCC, 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. 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. 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. 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.  

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.  

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, despite emerging evidence that the climate damage caused by fossil gas may be on par with coal.  

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. They also try to sabotage regulation directly, such as by suing governments.  

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. Along with 450 civil society organizations, Amnesty International has and continues to call for fossil fuel lobbyists to be excluded from COP28.
SO WHAT?

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

Fossil Companies

NO THANKS!
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 Alliance and Powering Past Coal Alliance, if not already a member, and endorse the call to adopt and implement a Fossil Fuel Non-Proliferation Treaty.

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 fenceline communities and climate and environmental HRDs and ensure affected people have access to remedies.
ENDNOTES

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ADVERSE IMPACTS OF FOSSIL FUEL COMBUSTION


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


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SO WHAT?

144 See Beyond Oil and Gas Alliance’s website: https://beyondoilandgasalliance.org/

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AMNESTY INTERNATIONAL is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights.

Our vision is of a world where those in power keep their promises, respect international law and are held to account.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.