

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# RESPONSES TO COVID-19 PANDEMIC MUST NOT IGNORE THE CLIMATE CRISIS

The COVID-19 pandemic is an unprecedented public health emergency with far-reaching socio-economic ramifications. It has highlighted deep, pre-existing structural inequalities and injustices which violate human rights. It is therefore critical for governments to be focused on saving lives and mitigating the harshest economic impacts of the pandemic.

However, the COVID-19 crisis has not washed the climate emergency away. Although some of the measures taken to limit the spreading of the virus are resulting in a temporary reduction in greenhouse gas emissions and improvement in air quality, states, businesses and individuals must not be complacent because these reductions are only contingent on temporary lockdowns. Responses to the COVID-19 pandemic risk exacerbating the climate crisis if they roll back environmental protections, unduly delay climate action or entrench fossil fuel dependency.

Climate change already has catastrophic impacts affecting, among others, the rights to life, health, water, sanitation, and housing of millions of people, particularly the poorest and most marginalized. Those most impacted are also most likely to be disproportionately affected by the COVID-19 crisis. The pandemic has highlighted the importance of taking preventative action, strengthening resilience and remedying systemic injustices which violate human rights to avoid similar crises or limit their impacts. This is particularly relevant in the light of the sweeping human rights impacts of the climate crisis.

States must tackle the climate crisis urgently based on their obligations in human rights law. Taking into account human rights obligations and the scientific guidance provided by the Intergovernmental Panel on Climate Change (IPCC) on how to keep global heating below 1.5°C,<sup>1</sup> each state must take all reasonable steps to the full extent of its ability to ensure that global emissions are reduced by 45% from 2010 levels by 2030 and reach zero-carbon emissions by 2050 through means that are consistent with human rights. A failure to do so would put the lives and rights of billions of people at risk and would severely limit the ability to achieve the UN Sustainable Development Goals.<sup>2</sup>

## ENSURE RESPONSES TO THE PANDEMIC DO NOT WORSEN THE CLIMATE CRISIS AND ENVIRONMENTAL DEGRADATION

States must not use the COVID-19 crisis as an excuse to roll-back on environmental standards for example on climate change, air and water pollution, protection of biodiversity.<sup>3</sup> Compliance with environmental standards and the adoption and implementation of adequate climate and environmental measures should not be seen in contradiction with the economic needs generated by the COVID-19 crisis, rather as an opportunity to strengthen societies and economies in the face of future shocks. Moreover, states must not use the current situation as an opportunity to approve infrastructure and other projects without adequate social and environmental assessments and without respecting the right of affected people to be informed and participate in decision-making, including the right of Indigenous Peoples to free, prior and informed

<sup>1</sup> Intergovernmental Panel on Climate Change, "Special Report: Global Warming of 1.5° C", October 2018, <https://www.ipcc.ch/sr15/>

<sup>2</sup> Intergovernmental Panel on Climate Change, "Special Report: Global Warming of 1.5° C", Chapter V, October 2018, <https://www.ipcc.ch/sr15/>

<sup>3</sup> OHCHR, "COVID-19: "Not an excuse" to roll back environmental protection and enforcement, UN rights expert says", 15 April 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25794&LangID=E>. See also Amnesty International, "USA: Immediately revoke COVID-19 suspension of environmental protections", 27 March 2020, <https://www.amnesty.org/en/latest/news/2020/03/usa-immediately-revoke-covid-19suspension-of-environmental-protections/>

consent.<sup>4</sup> Failure to respect these procedural guarantees would increase the chances of adopting projects that could lead to human rights violations.

Even where environmental safeguards have been suspended, businesses still have a responsibility to respect human rights which exists independently and over and above compliance with national laws and regulations. In all their operations they still should prevent and mitigate any actual or potential adverse harm on human rights, including any harm resulting from environmental damage. Businesses should also ensure that their measures to continue or restart economic activities and their responses to the COVID-19 crisis do not contribute to worsening the climate crisis and environmental degradation. They should also refrain from lobbying governments to obtain concessions or advantages which would have a detrimental effect on human rights and the environment.<sup>5</sup>

Although official climate negotiations have been delayed and COP26 postponed to 2021 due to COVID-19, under the Paris Agreement states remain under the obligation to submit national emission reduction plans in 2020 (so-called National Determined Contributions). While certain delays might be unavoidable, especially to allow effective processes for public participation, states must avoid using the pandemic as a pretext to unreasonably delay or oppose the adoption of sufficiently ambitious national emission reduction plans and related human rights-compliant implementation measures, including those to ensure a “just transition” which are essential to protect the rights of workers, communities and people living in poverty. Although the economic impacts of the COVID-19 crisis may require States to allocate resources towards a transition away from fossil fuels more slowly than they otherwise could have, they should set out a clear time-line to phase out fossil fuels aligned with the IPCC scientific guidance and establish rules and regulations to accomplish this in order to incentivize energy producers to cease fossil fuel development and shift to renewable energy.

States should also refrain from unconditionally injecting vast amounts of public money to bail out fossil fuel energy companies and aviation companies, and thus entrenching fossil fuel dependency. In general, any economic stimulus packages states introduce, including to private corporations, must include a requirement that they prioritize supporting workers, both, in the formal and informal sector. In particular, any assistance to fossil fuel energy companies should be targeted at workers and maintenance of current services, rather than for new exploration and development, and should be conditional on time-bound commitments to phase out of fossil fuels aligned with the scientific guidance provided by the IPCC and be consistent with workers’ rights. Any assistance to aviation companies should be targeted at protection of workers’ livelihoods and should be conditional on time-bound commitments to reduce emissions in absolute terms without relying on offsets,<sup>6</sup> including by reducing the number of flights over a period of time.

## **ENSURE COVID-19 RESPONSES FOSTER A HUMAN RIGHTS-CONSISTENT TRANSITION TOWARDS CLEAN ENERGY**

States should also ensure that responses to the COVID-19 crisis foster their obligations to ensure a human-rights consistent transition towards a zero-carbon economy and a resilient society.

For example, where possible and relevant, economic recovery packages should facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy. Such measures should also provide for a rapid phasing out of fossil fuel subsidies in favor of greater social protection. This is because such subsidies not only perpetuate our dependency on and expand fossil fuel use, they could also reduce, without justification, the public funding available for the fulfilment of other rights including the rights to education, housing, water, sanitation, health and social security.<sup>7</sup>

Economic recovery packages should also allow for the creation of green and other new jobs which facilitate the transition towards a zero-carbon economy and deliver both sustainable and decent employment for workers. Such work opportunities should respect and fulfil their economic and social rights, and should be based on principles of non-

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<sup>4</sup> Interamerican Association for the Defence of the Environment (AIDA), “AIDA calls on governments to maintain democratic rule of law”, 15 April 2020, <https://aida-americas.org/en/press/aida-calls-on-governments-to-maintain-democratic-rule-of-law>

<sup>5</sup> See for example Centre for International Environmental Law, “Pandemic Crisis, Systemic Decline – Why exploiting the COVID-19 crisis will not save the oil, gas and plastic industries”, April 2020, <https://www.ciel.org/reports/pandemic-crisis-systemic-decline/>

<sup>6</sup> Open Letter to the Chancellor on a UK Government Support Package to the Aviation Industry, 31 March 2020, <https://www.greenpeace.org.uk/news/the-airlines-industry-wants-a-government-bailout-heres-what-needs-to-happen/>

<sup>7</sup> International Monetary Fund, “How large are Global Energy Subsidies?”, Working Paper, May 18 2015, page 4, <https://www.imf.org/en/Publications/WP/Issues/2016/12/31/How-Large-Are-Global-Energy-Subsidies-42940>

discrimination and take into account the rights of people belonging to groups who are already suffering from discrimination and marginalization, including women, Indigenous Peoples, communities affected by descent-based discrimination, minorities, children, persons with disabilities. Economic recovery packages should protect the right to an adequate standard of living of all persons, including people on lower incomes, those working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis.

## **STEP UP, NOT SCALE DOWN, INTERNATIONAL COOPERATION AND ASSISTANCE ON CLIMATE**

Most developing countries need technical and financial support from wealthier states to steadily reduce greenhouse gas emissions, to help people to adapt to the impacts of climate change and to provide assistance and remedy to people whose rights have already been negatively affected as the result of loss and damage caused by the climate crisis.

Based on the obligation to provide international assistance and cooperation<sup>8</sup> and the duty to provide remedy for human rights violations caused by climate change for which they bear primary responsibility,<sup>9</sup> countries with greater resources and capability, must provide adequate funding and support, including technology transfer, for human rights-compliant climate change mitigation and adaptation initiatives, as well as measures to ensure just transition and to address loss and damage in less wealthy countries. As far as possible climate finance to low-income countries should be composed of grants, not loans.<sup>10</sup>

In addition, based on the obligation to provide international assistance and cooperation, wealthier states and all those who have the resources to do so must provide financial support to states unable to effectively respond to the COVID-19 pandemic and its fallout and request assistance. The provision of this financial assistance must be commensurate with needs – both between and within countries - must be consistent with human rights law and must take into account the specific needs of marginalized groups and those at particular and heightened risk at this time. International financial institutions and development banks must urgently mobilize their financial resources to help countries combatting the pandemic. Furthermore, creditors of government debt must review these with the relevant governments to ensure that they do not prevent States from ensuring access to essential levels of people's health, livelihoods, and other human rights. All options for debt relief should be on the table, and debt repayments cannot come at the cost of protecting health, livelihoods and the right to an adequate standard of living during the pandemic.

Although the economic impacts of COVID-19 are putting even the economies of wealthier countries under pressure, this should not be used as a reason to reduce or fail to increase international cooperation and assistance, including climate finance, to developing countries.

In addition, given that the amount of resources mobilised to support developing countries to tackle the climate crisis was already insufficient,<sup>11</sup> wealthier states and international financial institutions should significantly increase the level of resources they mobilize<sup>12</sup> both to address domestic recovery and to provide international cooperation and assistance to help countries combatting the pandemic, but also to support them achieving their human rights obligations and the Sustainable Development Goals, including in relation to tackling climate change.

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<sup>8</sup> Article 2 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

<sup>9</sup> Under human rights law, all persons who suffer human rights violations are entitled to access an effective remedy. Relevant human rights bodies have clarified that such a principle extends to human rights violations caused by environmental harm, including harms related to climate change. See for example Human Rights Council, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/31/52, 1 February 2016, para. 62.

<sup>10</sup> General Assembly, "Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment", 15 July 2019, A/74/161, para. 68.

<sup>11</sup> Oxfam, "Climate Finance Shadow Report 2018", <https://policy-practice.oxfam.org.uk/publications/climate-finance-shadow-report-2018-assessing-progress-towards-the-100-billion-c-620467>

<sup>12</sup> Center for Economic and Social Rights, "A Comprehensive Response to COVID-19 Demands Redistributive Fiscal Policies", April 2020, <https://www.cesr.org/comprehensive-response-covid-19-demands-redistributive-fiscal-policies>

## ENSURE THE RIGHT TO A SAFE, CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT

As highlighted by the UN Special Rapporteur on human rights and the environment, the COVID-19 emergency illustrates “the vital importance of a safe, clean, healthy and sustainable environment.”<sup>13</sup>

Given the established links between, on the one hand, deforestation, loss of biodiversity, climate change and other forms of environmental degradation and, on the other hand, infectious diseases,<sup>14</sup> it is of paramount importance that states ensure the right to a safe, clean, healthy and sustainable environment<sup>15</sup> to protect our health, our lives and our well-being.

Protecting the right to a safe, clean, healthy and sustainable environment would also reduce the impacts of COVID-19, future pandemics and other diseases.<sup>16</sup> For example, studies have shown that high levels of air pollution are an important contributing factor of premature death due to COVID-19.<sup>17</sup> Equally, people lacking access to sufficient, safe and affordable water are more vulnerable to contagion from COVID-19 and from water-borne diseases.<sup>18</sup>

In this context, it is more urgent than ever that states adopt a resolution at the United Nations recognizing the right to a safe, clean, healthy and sustainable environment. More than 80% of UN member states have already recognized the right to live in a safe, clean, healthy and sustainable environment through their constitutions, legislation, or ratification of regional treaties.<sup>19</sup> A UN resolution recognizing this right would signal states’ unequivocal commitment to work towards the fulfilment of this right for all.

Against the lessons learnt from the COVID-19 crisis, it is also crucial that groups and individuals who claim the right to a safe, clean, healthy and sustainable environment are recognized and protected for their key role in defending human rights and as crucial allies for the protection of the environment, the fight against the climate crisis and the struggle to overcome the pandemic, in line with the Declaration on Human Rights Defenders.<sup>20</sup>

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<sup>13</sup> OHCHR, “COVID-19: “Not an excuse” to roll back environmental protection and enforcement, UN rights expert says”, 15 April 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25794&LangID=E>

<sup>14</sup> WHO, *Climate Change And Infectious Diseases*, 2003, <https://www.who.int/globalchange/climate/en/chapter6.pdf>; B.A. Wilcox and B. Ellis, *Forests and emerging infectious diseases of humans*, *Unasylva* No. 224 Vol. 57, 2006/2, FAO, <http://www.fao.org/3/a0789e00.htm>; Keesing F. et al, *Impacts of biodiversity on the emergence and transmission of infectious diseases*, *Nature*, Vol. 468, 2010; National Geographic: *Deforestation is leading to more infectious diseases in humans*, 22 November 2019, <https://www.nationalgeographic.com/science/2019/11/deforestation-leading-to-more-infectious-diseases-in-humans/>

<sup>15</sup> As clarified by the UN Special Rapporteur on human rights and the environment (see UN document A/HRC/43/53 quoted below in footnote 19), in the substantive components of the right to a safe, clean, healthy and sustainable environment are: clean air, safe climate, healthy and sustainably produced food, access to safe water and adequate sanitation, non-toxic environments in which to live, work and play, healthy ecosystems and biodiversity.

<sup>16</sup> Joint NGO statement on economic, social and cultural rights for the virtual informal conversation with the UN High Commissioner for Human Rights United Nations, Human Rights Council, 09 April 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/IOR4021242020ENGLISH.pdf>

<sup>17</sup> Ogen, Y., *Assessing nitrogen dioxide (NO<sub>2</sub>) levels as a contributing factor to coronavirus (COVID-19) fatality*, *Science of The Total Environment*. Volume 726, 15 July 2020, <https://www.sciencedirect.com/science/article/pii/S0048969720321215>; Wu X. et al, *Exposure to air pollution and COVID-19 mortality in the United States: A nationwide cross-sectional study*, Harvard University, 24 April 2020, <https://projects.iq.harvard.edu/covid-pm>

<sup>18</sup> OHCHR, “COVID-19 will not be stopped without providing safe water to people living in vulnerability – UN experts”, 23 March 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25738&LangID=E>

<sup>19</sup> Human Rights Council, “Right to a healthy environment: good practices”. Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, 30 December 2019, A/HRC/43/53

<sup>20</sup> Amnesty International, “Human Rights Defenders: We need them more than ever! States worldwide must protect Human Rights Defenders in the current COVID-19 crisis”, April 2020, <https://www.amnesty.org/en/documents/act30/2102/2020/en/>