

# AMNESTY INTERNATIONAL

## RECOMMENDATIONS TO STATES AHEAD OF COP26 FOR HUMAN RIGHTS CONSISTENT CLIMATE ACTION

The climate crisis is a human rights crisis.<sup>1</sup> The window of opportunity to limit the increase of global average temperatures to below 1.5°C is rapidly closing.<sup>2</sup> At COP26, states must take bold measures on emission reductions, climate finance, loss and damage, carbon trading mechanisms and Action for Climate Empowerment (ACE) to meet their human rights obligations and to protect the human rights of all, now and in the future.

### KEY HUMAN RIGHTS MESSAGES FOR COP26

1. **Protect 1.5!** All governments must submit new or enhanced NDCs that will collectively limit the global average temperature rise to 1.5°C and reflect their responsibility for the climate crisis and their capacity.
2. **Wealthy states must increase their contributions to climate finance** and collectively meet the goal of raising at least 100billion USD per year, funded primarily through grant funding rather than loans.
3. Wealthy states must agree on adequate mechanisms funded by **new and additional finance to provide support and remedy, including sufficient compensation**, to people whose human rights have been negatively affected as a result of the loss and damage caused by the climate crisis.
4. All states must commit to rapidly **phase out fossil fuels** rather than relying on offsetting measures that delay climate action and may negatively impact on human rights. They must reject any multilateral mechanisms for carbon trading which do not lead to genuine emission reductions and do not include human rights safeguards.
5. States must **adopt a new Action for Climate Empowerment (ACE) Work Programme on climate education, public participation and access to information**, capable of promoting the effective implementation of human rights-consistent climate policies.

<sup>1</sup> Amnesty International, *Stop burning our rights! What governments and corporations must do to protect humanity from the climate crisis*, 7 June 2021, [amnesty.org/en/documents/pol30/3476/2021/en/](https://www.amnesty.org/en/documents/pol30/3476/2021/en/)

<sup>2</sup> Intergovernmental Panel on Climate Change, *Climate Change 2021: The Physical Science Basis*, 7 August 2021, [ipcc.ch/report/ar6/wg1/#FullReport](https://www.ipcc.ch/report/ar6/wg1/#FullReport)

## DEEPLY INADEQUATE 2030 EMISSION REDUCTION TARGETS

The window to prevent this escalating human rights crisis is rapidly closing because the vast majority of states' emission reduction pledges are still far from being aligned to the 1.5°C imperative, despite all the urgent warnings issued by scientists and UN bodies, as well as the constant mobilization of youth, Indigenous Peoples and civil society organizations.

Wealthy industrialized countries<sup>3</sup> and other high-emitting countries are particularly failing their duties. As of 18 October, many have yet to submit a new NDC (such as China, India, Saudi Arabia, South Korea) or an enhanced 2030 target (e.g. Australia, Brazil, Japan, Mexico and Russia). Others, such as Canada, EU, UK, US, have submitted 2030 emission reduction targets that are higher than previous targets but these are still not aligned with their level of responsibility and capacity, or compatible with the imperative to keep the increase of global average temperature as low as possible and no higher than 1.5°C above pre-industrial levels.<sup>4</sup> None of them aim to reach zero emissions by 2030 or as soon as possible thereafter.

At COP26 states must not just acknowledge the huge gap between current pledges and the 1.5°C imperative but commit to adopting concrete, just and human rights-consistent<sup>5</sup> plans to rapidly fill it. While the Paris agreement sets an obligation for states to submit new and more ambitious NDCs at least every five years (Art 4.9), it also allows for states to communicate an enhanced NDC at any time (Art 4.11). States, especially wealthier countries and other high-emitting countries must do this urgently.

## RECOMMENDATIONS

At COP26, Amnesty International calls on all states parties to:

- Adopt a global commitment to reduce global emissions by at least 45% from 2010 levels by 2030, and to reach zero before or by 2050, in line with the IPCC scientific evidence on the minimum reduction required to limit the global temperature rise from pre-industrial levels to 1.5°C.
- Acknowledge the significant mitigation gap between the current 2030 pledges and what is needed to keep temperatures below 1.5°C and adopt concrete plans to rapidly fill it. This should include a request for all states with NDCs that are not aligned to 1.5°C to submit new and aligned emissions reductions plans for the period to 2030 well in advance of the next Paris Ambition ratchet cycle in 2025 to align with a 1.5°C trajectory.
- Commit to ensure a just and human rights-consistent transition and respecting the rights to information and public participation in the implementation process.

All states which have yet to submit enhanced NDCs and all those with NDCs and long-term strategies not aligned to 1.5°C, and particularly wealthy industrialized states and other high-emitting countries, must:

- Submit ambitious new and human-rights consistent NDCs and long-term emission reduction strategies, ensuring these plans are aligned with the imperative to keep the increase of global average temperature as low as possible and no higher than 1.5°C above pre-industrial levels, reflecting each state's utmost ability to reduce emissions in the shortest timeframe possible.

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<sup>3</sup> For the purpose of this document, Amnesty International refers to countries that are considered as 'developed countries' in Annex 1 of the UNFCCC as wealthy industrialized countries.

<sup>4</sup> See Climate Action Tracker, *Global Update: Climate target updates slow as science demands action*, 15 September 2021, [climateactiontracker.org/publications/global-update-september-2021/](https://climateactiontracker.org/publications/global-update-september-2021/) The UK NDC is rated as "almost sufficient" because, although the 2030 domestic target is compatible with the 1.5°C imperative, it still lacks sufficient implementing policies and includes an inadequate climate finance target.

<sup>5</sup> Elements of a human rights consistent emission reduction plan are outlined in Amnesty International, *Raising ambition in human-rights consistent climate pledges*, May 2021, [amnesty.org/en/documents/ior40/4055/2021/en/](https://www.amnesty.org/en/documents/ior40/4055/2021/en/)

- Wealthy industrialized states should adopt the most ambitious emission reduction targets that would enable them to reduce greenhouse gas (GHG) emissions by 50% well before 2030 and reach zero carbon emissions by 2030 or as soon as feasible after then.
  - Developing countries with greater capacity<sup>6</sup> must set emission reduction targets that would enable them to reduce GHG emissions by at least 45% from 2010 levels by 2030 or as soon as possible after that, and to reach zero by 2050, as the IPCC stated that these emission reduction targets at global level are needed to limit global warming to 1.5°C.
  - Other developing countries should aim to reduce their emissions by levels consistent with the 1.5°C target as soon as possible in line with their own respective capacity and all available international financial support provided for climate action.
- Commit to both fully implementing their current emission reduction targets and plans already adopted and to go significantly beyond these in ambition, while ensuring a just and human rights-consistent transition and respecting the rights to information and public participation of all in the implementation process.

## INADEQUATE CLIMATE FINANCE

Despite some recent additional pledges, the commitment by wealthier countries to deliver 100 billion USD climate finance annually from 2020 till 2025 to developing countries has not been met and is still off track.<sup>7</sup> However, even this amount has been recognized as being wholly inadequate, compounded by the fact that it is currently being delivered ineffectively, with only a third of finance actually reaching developing countries, once loan repayments, interest, and finance not targeting climate action are subtracted.<sup>8</sup> The prevalence of loans as a form of climate finance has the consequence of increasing developing countries' unsustainable debt burdens, thereby reducing the resources available to fulfil human rights in the country.

## RECOMMENDATIONS

Ahead of COP26, Amnesty International calls on wealthy countries to:

- Commit to significantly increase funding to provide sufficient support to less wealthy states to enable them to implement adequate and human rights-compliant climate action and just transition measures. States should ensure that their new climate pledges are additional to existing commitments and funding for overseas development assistance.
- Adopt a delivery plan with clear and measurable steps to meet their commitment to jointly mobilize at least USD\$100 billion per year till 2025, including compensating for those sums which have yet to be delivered.
- Adopt a clear commitment at COP26 to provide climate finance to low-income countries primarily in the form of grants, not loans, and to achieve a better balance between mitigation and adaptation funding.
- Adopt a higher annual target for climate finance from 2025 onwards that matches developing countries' actual needs for support.

## LOSS AND DAMAGE

The climate crisis is already seriously harming the enjoyment of human rights for people around the world, and especially in low-income, small island, coastal or arid developing countries that are most exposed to the impacts of climate change and have the most limited resources to deal with them. Addressing loss and damage for climate impacts that cannot or will not be prevented by mitigation or adaptation measures is a human rights and climate justice priority as it “aims to rectify global injustice and human suffering to the degree possible”<sup>9</sup> and states should recognize it as such.

<sup>6</sup> Amnesty International considers countries classified by the World Bank as “upper middle income” and which are also part of the G20 as “developing countries with greater capacity”. These are China, South Africa, Argentina, Brazil, Mexico, South Korea, Indonesia.

<sup>7</sup> Organization for Economic Co-operation and Development, *Climate finance for developing countries rose to USD 79.6 billion in 2019 – OECD*, 17 September 2021, [oecd.org/newsroom/statement-from-oecd-secretary-general-mathias-cormann-on-climate-finance-in-2019.htm](https://oecd.org/newsroom/statement-from-oecd-secretary-general-mathias-cormann-on-climate-finance-in-2019.htm)

<sup>8</sup> Oxfam, *Poorer nations expected to face up to \$75 billion six-year shortfall in climate finance*, 20 September 2021, [oxfam.org/en/press-releases/poorer-nations-expected-face-75-billion-six-year-shortfall-climate-finance-oxfam](https://oxfam.org/en/press-releases/poorer-nations-expected-face-75-billion-six-year-shortfall-climate-finance-oxfam)

<sup>9</sup> Report of the UN Independent Expert on human rights and international solidarity, 1 April 2020, UN Doc. A/HRC/44/44, para. 48.

While Loss and Damage is a core part of the Paris Agreement (Art. 8), there is no mechanism as yet to fund responses when developing countries experience loss and damage, nor is it a permanent agenda item for COP meetings. The Santiago Network on Loss and Damage a technical advisory body under the UNFCCC that was established at COP25 to provide scientific and technical advice to countries being affected by loss and damage, is yet to be operationalized.

## RECOMMENDATIONS

At COP26, Amnesty International calls on all UNFCCC states parties to:

- Agree on adequate mechanisms funded by new and additional finances, separate from those committed for climate change mitigation and adaptation and beyond insurance, to provide timely means, support and remedy, including compensation, to people and communities, including Indigenous Peoples, whose human rights have been negatively affected as the result of loss and damage caused by the climate crisis in climate-vulnerable developing countries.
- Require any new financing facilities to ensure meaningful participation of the most affected groups, including women, Indigenous Peoples, children and other marginalized groups, particularly those facing multiple and intersecting forms of discrimination, in policy design and decision-making phases.
- Ensure the Santiago Network on Loss and Damage established at COP25 is fully operationalized and strengthened, including through new and additional funding to existing funding commitments, adequate financial and governance arrangements, and able to provide technical assistance to countries with less resources in a timely manner to avert, minimize and address the loss and damage of climate-related impacts in the most climate vulnerable developing countries and communities.
- Establish a permanent loss and damage agenda item for UNFCCC's Subsidiary Bodies to ensure that it is considered at each session.

## CARBON TRADING MECHANISMS (ARTICLE 6)

States must prioritise reducing absolute emissions by urgently phasing out fossil fuels and shifting to renewable energy produced in a manner consistent with human rights. The climate crisis has reached an intensity and urgency of such proportion that states should not rely on offsetting emissions from the continued burning of fossil fuels through carbon markets and unproven carbon removal technologies, or through changes in land use that may carry grave human rights implications, such as reducing land available for growing food.

In the context of the negotiations on the implementation rules for Article 6 of the Paris Agreement, it is vital that the rules for cooperative emission reduction approaches enable the drive for greater overall ambition in emissions reductions whilst guaranteeing the human rights of all those affected including Indigenous Peoples and local communities.

## RECOMMENDATIONS

At COP26, Amnesty International calls on all UNFCCC state parties to reject any multilateral mechanisms for carbon trading which do not lead to genuine emission reductions and do not include human rights safeguards. In particular, states must:

- Ensure that the rules developed for the implementation of Article 6 of the Paris Agreement allow for rapid, genuine emission cuts and recognize their obligations to respect, protect and fulfil human rights when engaging in carbon markets and other co-operative approaches.
- Include in the rules for the implementation of bilateral cooperative approaches under Art 6.2 the requirement for parties to ensure their participation in these approaches is consistent with human rights, including the rights of Indigenous Peoples.
- Ensure that the rules for the implementation of the Sustainable Development Mechanism under Art 6.4 include sufficient human rights safeguards. Such safeguards must include:
  - Provisions obliging parties to carry out human rights impact assessments before adopting a project, policy or programme under Article 6.4.
  - Access to information for and adequate public participation of affected individuals and communities, in particular minority communities.

- Respect of the right of free, prior and informed consent of Indigenous Peoples, including when states can make use of Indigenous Peoples' experience and knowledge in climate change measures.
- An independent, accessible and effective grievance mechanism to ensure that communities can seek remedy for any harm caused by projects carried out under Article 6.4.
- Ensure that co-operation between states under Article 6 mechanisms leads to genuine emissions reduction, rather than the creation of an additional barrier to effective climate action, by:
  - Guaranteeing that clear rules are put in place to secure a robust accounting mechanism to prevent double counting, including rules dictating the implementation of corresponding adjustments.
  - Establishing a clear supervisory tool and independent review mechanisms that allow for civil society scoping, monitoring and verification of projects to ensure that emission reductions deriving from Article 6 are correctly calculated to mirror the actual mitigation outcome produced.
  - Preventing the accounting of Kyoto-carryover or CDM carbon credits towards the emission reductions targets set by states under the Paris Agreement.
  - Including safeguards for both the sale and purchase of carbon credits, including a limit on the amount of carbon credits that a country can buy and sell.

## **ACTION FOR CLIMATE EMPOWERMENT (ACE)**

Enhancing climate change education, training, public awareness, public participation and public access to information is not only an important part of the UNFCCC and the Paris Agreement but also required by states' human rights obligations, and essential to ensuring effective and ambitious climate action. However, the 2012-2020 Doha Work Programme on Action for Climate Empowerment (ACE), the main platform for the promotion of these principles in climate governance, has failed to establish a clear link with human rights laws, standards and institutions and to coherently integrate these into all UNFCCC workstreams.

## **RECOMMENDATIONS**

At COP26, Amnesty International calls on UNFCCC state parties to:

- Adopt a new Action for Climate Empowerment (ACE) Work Programme on climate education, public participation and access to information, capable of promoting the effective implementation of human rights-consistent climate policies, including by:
  - Ensuring that the new ACE Work Programme is rooted in human rights law, principles and standards and contains clear references to and is consistent with each state's human rights obligations, including the right to access to information, participation in public affairs, freedoms of expression, association and peaceful assembly, as well as the right of Indigenous Peoples to free, prior and informed consent.
  - Recognizing the role of environmental human rights defenders in promoting effective and ambitious climate action and committing to protect them in line with the UN Declaration on Human Rights Defenders.
  - Adopting a detailed work plan for the new ACE Work Programme and providing for regular and effective reporting obligations from state parties, with progress being measured by appropriate human rights indicators, targets and benchmarks.
  - Establishing a mechanism to ensure better information sharing among parties and better inclusion and implementation of all the elements of ACE across all the workstreams under the UNFCCC.
  - Requiring states to include ACE elements in the process of developing NDCs and account for those in their reporting.