

JUST TRANSITION TOWARDS GREENER ECONOMIES

SUBMISSION TO THE UN SPECIAL RAPPOREUR ON EXTREME POVERTY AND HUMAN RIGHTS

10 JUNE 2020

Amnesty International presents its submission in response to the call for contributions issued by the United Nations (UN) Special Rapporteur on extreme poverty and human rights ahead of his upcoming report on how the human rights of people in poverty can be incorporated in the national plans aimed at putting the economy on a "greener" path.¹

Amnesty International advocates for the shift towards a zero-carbon economy to be just and fair for all, in line with states' human rights obligations, creating opportunities to reduce inequality, combat discrimination, promote gender and intergenerational justice and fulfil human rights.

A truly just transition is imperative to ensure that the rights of all people affected are guaranteed. A truly just transition is also essential to ensure the shift to a zero-carbon economy happen at the speed and scale required to limit global heating to 1.5C or below and human rights are protected. The "gilet jaunes" protests in France,² the protests in Ecuador in 2019 fueled, among other reasons, by the government's decision to suddenly scrap fuel subsidies³ and the frequent opposition from Indigenous peoples or local communities to climate change mitigation projects carried out in violation of their rights⁴ are a demonstration that the human rights of all and particularly of marginalised people and those living in poverty, need to be at the center of the transition, both as a matter of legal obligation and an imperative to ensure a fast transition.

JUST RECOVERY FROM COVID-19

In the context of recovery from the COVID-19 pandemic and its economic fallout, Amnesty International advocates for States to fulfil 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 whilst investing in greater social protection and measures to ensure that lower-income people are not left worse-off by the phase out. This is because such subsidies not only perpetuate our dependency on and expand fossil fuel use, they can also divert without justification, the resources

¹ <https://www.ohchr.org/EN/Issues/Poverty/Pages/CallforsubmissionsJustTransition.aspx>

² Kumi Naidoo, 'France's yellow vest protests have been framed as a false choice of climate vs. the people', <https://time.com/5473618/france-yellow-vests-climate-macron/>

³ Climate Home News, 'After 11 days of civil unrest, Ecuador reinstates fossil fuel subsidies', 14 October 2019, <https://www.climatechangenews.com/2019/10/14/11-days-civil-unrest-ecuador-reinstates-fuel-subsidies/>

⁴ See for example Human Rights Council, *Report of the Special Rapporteur on the human rights of Indigenous Peoples*, 15 September 2017, A/HRC/36/46 pages 20-22.

available for the fulfilment of socio-economic rights including the rights to education, housing, water, sanitation, health and social security.⁵

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 alternative employment for workers and corresponding support for communities. Such work opportunities should respect and fulfil economic and social rights, whilst being based on principles of non-discrimination which particularly guarantee the rights of people belonging to groups who are already suffering from discrimination and marginalisation, including women, Indigenous peoples, communities affected by descent-based discrimination, refugees and migrants, children persons with disabilities and other minorities. Economic recovery packages should also protect the right to an adequate standard of living of all persons, including people on lower incomes and/or, working in the informal sector, and others who may be at risk and most affected by the COVID-19 crisis.

JUST TRANSITION PLANS

Amnesty International calls on States to adopt human rights-consistent just transition plans in conjunction with emission reduction strategies.

Just transition plans must be non-discriminatory, take into account the needs of marginalised groups, and guarantee the human rights of all people who may be disproportionately impacted by the transition towards a zero-carbon economy, including workers, women, Indigenous peoples, refugees and migrants, people discriminated on the basis of work and descent, persons with disabilities and other minorities and frontline communities and groups already facing marginalization and discrimination.

In particular such plans:

- Must assist workers reliant on fossil fuel production and all those who might lose their jobs due to the transition to secure alternative livelihoods that provide for sustainable and decent work.
- Should be underpinned by national and regional employment strategies and plans of action based on and addressing the concerns of all affected workers on the basis of a participatory and transparent process that includes employers' and workers' organizations as well as impacted communities. This approach is consistent with governments' international and regional obligations to guarantee economic and social rights for all without discrimination and should be an inherent part of all macroeconomic policy and planning and not just with respect to the climate crisis.
- Must support communities reliant on fossil-fuel use and production or on other livelihoods to be phased out, to use alternative and human rights-consistent sources of energy and to maintain an adequate standard of living and social cohesion. They should also ensure that social protection measures are sufficient both in terms of coverage and level of support to mitigate the negative impacts on local communities.
- Should prioritise employment creation in affected areas and communities through appropriate reskilling, training and the provision of assistance for job seekers, in order to mitigate against any negative impacts of the transition and fulfil governments' duty to ensure that individuals can exercise their right to work and to an adequate standard of living. This should include promoting and supporting the creation of green and other new jobs which deliver both sustainable and decent employment for workers that respects and fulfils their economic and social rights, is non-discriminatory and takes into account the needs of groups who are already suffering from discrimination and marginalisation, including women, Indigenous peoples, communities affected by discrimination based on work and descent, refugees and migrants, children, persons with disabilities and other minorities.
- Must foster access to reliable, sustainable and affordable energy to all people, as part of governments' duty to ensure people have an adequate standard of living, including people living in poverty, women and all those most affected by the lack of adequate and affordable energy. If the transition away from fossil fuels results in energy price increases, just transition plans should ensure low-income users of energy are not disadvantaged.
- Must ensure that climate measures and projects fully respect the rights of Indigenous peoples and all communities and groups most impacted by them. In particular, just transition plans should contribute to respect, protect and fulfil Indigenous peoples' right to land, territory and resources and include the obligation

⁵ International Monetary Fund, *Working Paper – How large are Global Energy Subsidies?*, May 18 2015, page 4, <https://www.imf.org/en/Publications/WP/Issues/2016/12/31/How-Large-Are-Global-Energy-Subsidies-42940>

to seek the free, prior and informed consent (FPIC) of Indigenous peoples before moving forward with any transition project that may impact their human rights. Other communities or groups likely to be impacted by climate measures, must be provided opportunities for full and meaningful participation, without discrimination, in the decision-making process leading to the adoption of those measures. This requires an analysis of existing formal and informal structures of participation and organization at the community/local level in order to understand processes that may facilitate or hinder their participation, and to develop, where needed, a targeted strategy to ensure their access to information, participation, consultation and FPIC.

- Must ensure that companies involved in the supply chains of “green” technology that are important in the shift away from fossil fuels, such as electric vehicles and energy storage, respect human rights throughout their operations.
- Should include provisions to ensure that all of the government’s interventions are monitored through the use of human rights compliant indicators and benchmarks.

A VISION FOR GREENER AND MORE ETHICAL BATTERIES

In this submission, Amnesty International would like to bring to the attention of the Special Rapporteur an initiative for greener and more ethical batteries that it is promoting in collaboration with other organisations.

Central to the shift towards renewable energy is a massive increase in the use of rechargeable lithium-ion batteries to power electric vehicles and energy storage units. But this shift must not come at the cost of environmental harm or the rights of people already marginalised by poverty and discrimination, and who are also disproportionately vulnerable to the effects of climate change.

Lithium-ion batteries are far from being as ethically “clean” or “green” as they could and should be. For example, years of unregulated industry practices have led to detrimental human rights and environmental impacts at many of the mines where battery metals are extracted, such as the contamination of water bodies and other forms of pollution, tailing dam disasters, the forced eviction of communities, child labour and other labour rights abuses, and violence by security personnel. Product design for rapid replacement, rather than resource efficiency and recycling, has resulted in ever-growing amounts of waste.

In accordance with their legal responsibilities and duties, governments and companies must take action to address the problems of human rights and environmental damage across the lithium ion battery supply chain and life cycle. Mining needs to be done responsibly, and governments need to step up their regulation of all actors in the sector, including artisanal and industrial mining, to protect human rights and the environment. Companies along the supply chain must conduct human rights due diligence, so that they can “know” and “show” how their batteries have been sourced, and whether they are linked to negative impacts at any stage.