



February 11, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear President Biden,

Amnesty International USA welcomes the positive actions you have taken to address the climate crisis. However, you must go further.

Millions of people are already suffering from the catastrophic effects of extreme disasters exacerbated by the climate crisis, and its effects will continue to grow and worsen over time, creating ruin for current and future generations, and exacerbating existing inequalities. This is why the failure of governments, including the United States, to fully address the climate crisis may well be one of the biggest inter-generational human rights violations in history.

Allowing emissions to rise above 1.5°C would have catastrophic consequences. For example, the Intergovernmental Panel on Climate Change (IPCC) has estimated that 500 million more people would suffer from a severe reduction in water resources at 2°C compared to 1.5°C. Given the extensive knowledge about the causes and harms of climate change, the USA's failure to take all feasible steps to the full extent of its capacity to keep global warming below 1.5 °C makes it legally responsible for serious harm to human rights. The average global temperature in 2020 was about 1.2 °C above the pre-industrial levels, with at least [a one in five chance](#) of it exceeding 1.5 °C by 2024.

With this in mind, we're writing to you today to urge a more ambitious approach:

1) Set a goal of zero carbon emissions by 2030 or as soon as feasible after that. While net-zero by 2050 is encouraging, it is too little, too late. The IPCC has said that global greenhouse emissions must be halved by 2030 in order to keep the global temperature below 1.5°C. The USA is the world's wealthiest country and its emissions per person since the Industrial Revolution are six times the global average. Failing to have a 2030 target in which the USA reaches zero carbon could help contribute to catastrophic



climate change and would mean the USA is not doing its fair share. Furthermore, net-zero differs from real zero emissions targets, relying on offsetting mechanisms that have serious human rights implications.

The USA has the ability, resources, technological capacity and most importantly, the responsibility to urgently decarbonize its economy in a human-rights consistent manner that also ensures a just transition and recovery. What is far more crucial and very much in your hands to develop right off the bat is USA's climate target for 2030 which should be spelled out in its Nationally Determined Contribution (NDC) due under the Paris Agreement. We are heartened that the process of developing USA's NDC has begun, along with a climate finance plan, and encourage you to set the most ambitious target possible: zero carbon emissions by 2030 or as soon as possible after that. We ask that this process be inclusive and informed by the participation of communities most affected by climate change, including Indigenous Peoples, and that USA's NDC is grounded in human rights.

Recommendations:

- a. Take the lead in committing to zero carbon emissions by 2030 or as soon as possible after that in your NDC, given the USA's greater capacity and greater contribution to the climate crisis.
- b. Ensure that the USA's NDC is rooted in human rights principles and standards, contains clear references to and is consistent with the USA's human rights obligations and includes relevant indicators, targets and benchmarks.
- c. Respect, protect, and fulfil the rights to information, participation, and to effective remedies, as well as to freedom of expression and assembly in the design, implementation, monitoring and evaluation of the NDCs and all climate policies and strategies. Human rights defenders protecting their land, territory and the environment must be allowed to continue their legitimate work without fear of reprisals.
- d. In particular, plans should reference the obligation to provide access to information, ensure meaningful participation to all and particularly to those individuals and groups most affected by the climate crisis, and to ensure that environmental defenders are protected.

2) Phase out all fossil fuels by 2030 or as soon as possible after that. Amnesty welcomes your administration's commitment to end fossil fuel subsidies by 2022. There must be a concrete and holistic plan for phasing out fossil fuels, keeping fossil fuels in the ground and shifting to human rights-consistent renewable energy without delay. This cannot be guaranteed by relying on unproven negative emissions technologies, which your plan



extensively refers to, and which could negatively impact the enjoyment of human rights for people in the USA and across the world.

A pause on entering new oil and gas leases on public lands is a step in the right direction but reports of new drilling permits will take it two steps backwards. The USA must rapidly shift the electric grid to renewable energy in a human rights-consistent manner.

Recommendations:

- a. Plans to achieve the USA's NDC for 2030 should include clear timelines to end all fossil fuel subsidies immediately, phase out fossil fuels by 2030 or as soon as possible after that, and end production and use of most polluting fossil fuels and forms of production, such as coal, peat, fracking and tar sands, as soon as possible and no later than 2030.
- b. Include clear timelines in the USA's NDC for a shift to renewable energy for all by 2030, or as soon as possible after that, while immediately developing concrete, long-term plans for a just and sustainable transition to human rights-consistent renewable energy.
- c. Establish regulations and policy measures and ensure that businesses move towards zero carbon emissions across their operations and value chains as soon as possible and in line with the IPCC's 1.5 C targets. This should explicitly include banks, insurers, asset managers and other major financial institutions, which should be mandated to zero out their financed emissions as soon as possible and in line with the IPCC's 1.5°C targets, ensuring that funding and investments for the most polluting fossil fuels and forms of production, such as coal, peat, fracking and tar sands are phased out by 2030 at the latest.
- d. Consider establishing a new fossil fuel-specific tax on the components of energy company profits, and payments to shareholders, derived from fossil fuel components of their businesses. Such a tax should supplement general corporate and other taxes and put in place a financial incentive to move to clean energy, without primarily burdening consumers.

3) Consult with Indigenous Peoples to obtain their free, prior and informed consent for initiatives that affect their human rights. Indigenous Peoples' rights regarding free, prior and informed consent (FPIC) were recognized at the international level in response to a demand from the global movement of Indigenous Peoples. Their legally binding status has been confirmed in a number of rulings of the Inter-American Court of Human Rights. The principle has also been established in decisions of the United Nations Human Rights Committee and the African Commission on Human and Peoples' Rights. It has been formalized in standards such as General Recommendation no. 23 on the



International Convention on the Elimination of All Forms of Racial Discrimination of the United Nations (1997), as well as encompassed in policies of UN agencies, culminating in its inclusion in the UN Declaration on the Rights of Indigenous Peoples, which the United States recognized in 2010. The Declaration's provisions on FPIC build on the provisions of the earlier ILO Convention 169 requiring consultation. They are an important vehicle for giving effect to the right of Indigenous Peoples to self-determination (Art. 3 of the UN Declaration on the Rights of Indigenous Peoples). The unanimously adopted outcome document of the UN World Conference on Indigenous Peoples (2014) calls for complete implementation of the Declaration.

FPIC applies in those cases where the rights of an Indigenous People might be impacted by a particular policy or development project. It is important to emphasize that the necessity of FPIC rights for Indigenous Peoples arises from their collective modes of living and decision-making structures; the irreparable damage that can be caused by initiatives which impact significantly on their cultural integrity or land rights; and cumulative impacts of human rights violations stemming from colonization or external rule.

Recommendations:

- a. The United States government must consult with Indigenous Peoples in order to obtain their free, prior and informed consent before furthering any new or existing energy, infrastructure, conservation or other projects on their lands, or that may impact their human rights, in conformance with the U.S. government's international human rights obligations.
- b. Energy Transfer's Dakota Access Pipeline, Enbridge's Line 3 tar sands pipeline, and other pipelines and projects opposed by Indigenous Peoples should be halted immediately.

4) Rapid transition to zero emissions should be equitable, accessible and ethical.

Amnesty welcomes the commitment to develop a "comprehensive plan to create good jobs and stimulate clean energy industries", including an ambitious push to increase jobs in the automotive sector, while boosting electric vehicles and zero-emissions public transport. We urge you to ensure that such plan is centered on human rights, so that the transition towards a zero-carbon economy and a more resilient society is just, fair, human rights-consistent and reduces inequality.

Recommendations:

- a. Adopt a human rights-consistent "just transition" plan that addresses the concerns of all workers and communities affected by climate change and climate policies. It should



be underpinned by national and regional employment strategies and based on social dialogue and genuine participation of most affected groups and communities.,

b. Ensure that any COVID-19 response measures facilitate the transition away from fossil fuels and towards human rights-consistent renewable energy and a zero-carbon economy and also provide for greater social protection and the creation of green and other new jobs that deliver sustainable and decent employment for all workers without discrimination of any kind.

c. Set a deadline to end the sales of new internal combustion engine vehicles in line with science-based 1.5°C emissions reductions targets.

d. Not only invest in public transport systems powered by renewable energy in both rural and urban settings, but also provide financial incentives to make the transition to electric vehicles fair and accessible to those in rural areas and/or those with lower incomes.

e. Address human rights and environmental risks and damage across the lithium-ion battery supply chain and life cycle, including by stepping up government regulation of all actors in the sector, including artisanal and industrial mining.

5) Ensure climate justice holistically, in the USA and globally. As noted in the [Declaration from the Peoples' Summit on Climate, Rights and Human Survival](#), “to achieve climate justice, we must all recognize that the climate emergency threatens human survival, the environment, and the enjoyment of all human rights, for present and future generations. We must also recognize that although the climate crisis is a global problem affecting everybody, it disproportionately affects persons, groups, and peoples in vulnerable situations, who see their rights violated and who are subjected to multiple and intersecting forms of discrimination.” The administration must put in place a much more comprehensive and detailed plan to ensure climate justice, both in the USA and with regard to its actions abroad.

The administration’s executive order foregrounds environmental justice, a vital recognition of the disproportionate impact of climate change and polluting industry on historically marginalized communities and workers in the United States. We look forward to working with the new Interagency Working Group as it aims to reduce greenhouse gas and toxic emissions, remediate old mines and wells while advancing public health and safety, and especially to undo harms that communities of color have faced for decades.

Concurrently, as mentioned under point 1, as a wealthy nation historically and currently responsible for the climate crisis that is causing devastating impacts the world over and human rights violations as we write this, the USA must act and demonstrate care for communities beyond its borders. It is bound by international law to take all feasible



steps to the full extent of its ability to reduce emissions in the shortest possible time-frame to keep the increase in global average temperatures as low as possible and no higher than 1.5°C.

Ending the Keystone XL pipeline is a welcome step, as is your commitment to review all existing fossil fuel leasing and permitting practices on public lands and waters. However, there is very little about the USA's energy exports, investments and the impact of its emissions abroad and policies to reel corporations in, as part of measures to do no harm abroad.

The administration's commitment to develop an enhanced climate finance plan gives us hope, but this needs more clarity and must be time-bound. This is a time when the USA must show that it is still in the Paris Agreement not just by ramping up its ambitions in this decade, but by significantly increasing climate finance for low- and lower-income and climate-vulnerable countries that are reeling from irreversible damages and need urgent support for adaptation and mitigation efforts, especially as COVID-19 has impacted their economies. To that end, the U.S. government should reinstate the U.S. contribution to the Green Climate Fund. Additionally, the USA should stop hindering the mobilization of new and additional finance to address loss and damage and ensure effective remedy is provided to all those who suffer human rights violations as a result of the climate crisis, both domestically and abroad.

Recommendations:

- a. Commit to reduce emissions from all sectors, including extra-territorial emissions, and to cease overseas fossil-fuel financing.
- b. Substantially increase funding and support for human rights-consistent climate initiatives, including technology transfer, in less wealthy countries that would not be able to effectively mitigate and adapt to climate change themselves.
- c. Provide financial means, support and access to legal remedy to people whose rights have been negatively affected as the result of loss and damage caused by climate change, particularly in less wealthy countries.
- d. Substantially increase political and diplomatic effort given to the protection of environmental human rights defenders.

Amnesty International welcomes efforts to host a Leaders' Climate Summit, convene a Major Economies Forum, institute a Special Presidential Envoy for Climate, and that wielding its influence to enhance global climate ambition, including within the G7 and G20 and ahead of COP26, is an official U.S. priority. If the administration is to lead

**AMNESTY
INTERNATIONAL**



from the front, the USA needs to commit to drastic emissions reductions and more progressive policies for this decade that will matter the most. By doing so, the USA will lead by example to other wealthy, high-emitting nations that so far have announced carbon neutrality targets in the long term, while remaining silent on their actions in the short term.

We look forward to engaging with you on these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Goodfellow'. The signature is fluid and cursive.

Bob Goodfellow
Interim Executive Director
Amnesty International USA