

FOSSIL FUELED HUMAN RIGHTS VIOLATIONS



Action against LNG in Zeebrugge, Belgium
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Stories of impacted communities
across the globe linked to Belgian
import of fossil gas

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BELGIAN GAS IMPORTS AND HUMAN RIGHTS VIOLATIONS

“The gas industry has a responsibility to respect the multitude of human rights that are implicated by their activities and business relationships, including downstream products and investments. The toxic footprint of businesses individually and collectively along the value chain of natural gas has and continues to result in human rights abuses, particularly on indigenous peoples.”

- Baskut Tuncak, Former UN Special Rapporteur on human rights and toxics

Until the late sixties, Belgium was a European energy superpower thanks to its coal reserves in the Walloon and Limburg coal basins. This made ‘small’ Belgium a major economic power in Europe at the end of the nineteenth century.¹ Workers and communities had to pay a hard price for the mining companies to thrive. In the cramped and dark coal mines, workers were widely exploited and suffering severe health affections.² As a result, throughout the 20th century we saw strikes in the mines to defend and improve the rights of these workers.³ Coal mining in Belgium went into a long decline, with the eventual closure of the last Belgian mine in 1992.⁴

1 Milieuinfo, ENERGIE - Natuur, milieu en klimaat, <https://www.milieuinfo.be/dms/d/d/workspace/SpacesStore/ed4bdd69-e4b5-4035-ad12-e00082c9e5b9/hfst6delstoffenvlaanderen.pdf>

2 VRT, Verhalen uit de limburgse steenkoolmijnen (2022) <https://www.vrt.be/nl/over-de-vrt/nieuws/2022/07/12/verhalen-uit-de-limburgse-steenkoolmijnen/>

3 Rik Hermmelijckx, In de geest van Mel 68 Arbeidersprotest en radicaal militantisme in België (2007) https://www.journalbelgianhistory.be/en/system/files/article_pdf/chtp18_007_Hemmerijckx.pdf

4 Greenpeace Belgium, België neemt definitief afscheid van steenkool (2016) <https://www.greenpeace.org/belgium/nl/story/1334/belgie-neemt-definitief-afschied-van-steenkool/>

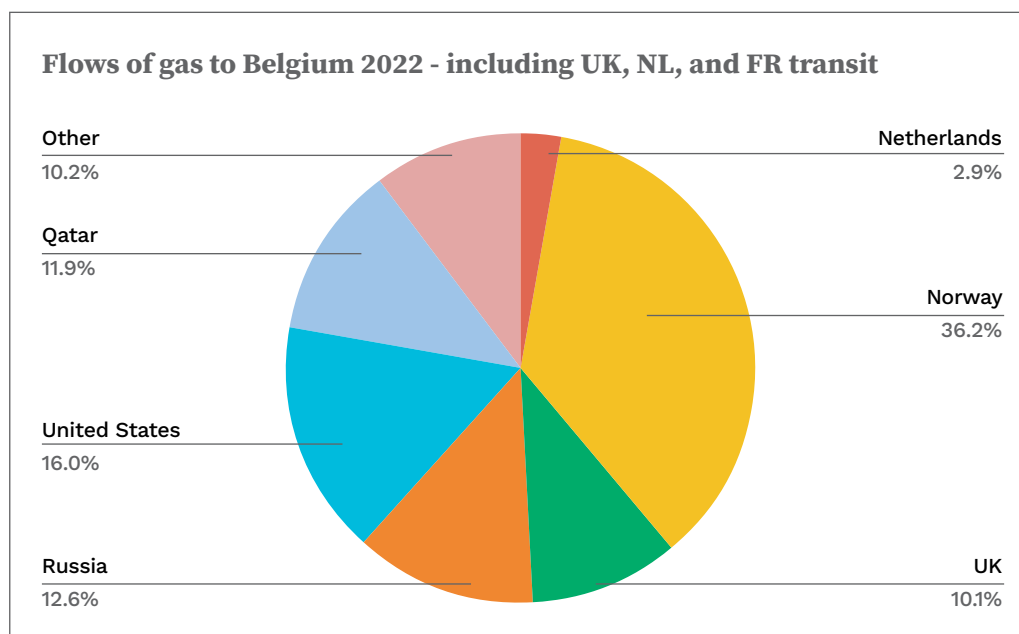
We don't see it, we don't feel it, but the impact is real.

Meanwhile, over the last century, coal has been replaced by oil, gas, nuclear and renewable energy. Today, Belgium imports most of its energy sources from around the world. As a result, for most people, apart from the painful energy bills, the impact of fossil fuel extraction is a distant memory. It is no longer mined in our Limburg and Hainaut backyards. The harm has been displaced towards other - foreign - communities.

This research shows in particular how Belgian gas imports are responsible for human rights violations around the world. The gas imported into Belgium can be linked to human rights abuses, environmental destruction and a huge impact on the climate.

This lack of accountability may change with the Corporate Sustainability Due Diligence or CSDD Directive. This framework will hold large multinationals accountable for human rights violations and environmental impacts in their supply chains.

Based on the Corporate Sustainability Due Diligence framework, Greenpeace Belgium wants to show the extent of human and environmental damages due to Belgian gas imports. The extraction, production, transport and consumption of gas draw blood from communities around the world, whose human rights are violated daily at the expense of the EU fossil hunger. This report aims at illustrating the kinds of damages arising from the gas market but also giving a face and a voice to the communities suffering from the impacts of Belgian gas imports.



Source: Greenpeace Belgium calculations with data from Eurostat, Eurostat, and UK Gov.

Our approach to the origin of the Belgian gas imports

The Belgian share of energy gas comprises direct and indirect flows which means Belgium acts as an end-consumer but also as a transit country. Our approach differs from Eurostat figures⁵ which considers the Netherlands, the UK, and France as major sources of gas supply. However, based on our accounting method, we discovered it is not entirely accurate as the Netherlands does have a national gas production, but this is only a small part of its entire gas mix, which means the rest comes from imports of other nations. The same applies to the UK which imports a lot of American and Qatari LNG in addition to its limited own production. Lastly, France has no gas fields of its own, which means it also relies entirely on import and thus on other countries. This extensive mapping of the real sources of gas reveals our these countries re-export the gas they import, under their own flag, as if they were the producers of the gas, without disclosing the true origin of the gas, e.i. where the gas was primarily sourced.⁶ The chart above thus discloses the real origin of the Belgian gas market flow which allowed us to properly track human rights violations in their country of origin.

⁵ European Commission, Eurostat (2023) <https://ec.europa.eu/eurostat/databrowser/bookmark/03d17fb1-32a7-4459-906a-22cafb90eabd?lang=en>

⁶ European Commission, Eurostat (2023) <https://ec.europa.eu/eurostat/databrowser/bookmark/7196db22-b771-4a25-ba70-e13cc33c1cc9?lang=en>



GAS AND HUMAN RIGHTS

Fossil gas does not only cause environmental problems. It also involves a lot of other human rights issues. In light of the upcoming CSDD Directive⁷, which acknowledges in EU law the responsibility of companies towards human rights in their supply chain, outside of EU borders, corporations will have the legal obligation to perform due diligence in their supply chain which means they will have to identify, prevent and mitigate human and environmental abuses.

In the context of tackling climate change, human rights treaties have generally given limited attention to climate-related human rights issues. However, today, growing case-law from the European Court of human rights on the right to life and private life is putting more focus on human rights in a climate change context. The recent endorsement by two prominent UN bodies, the UN Human Rights Council⁸ and the UN General Assembly,⁹ acknowledges the importance of a clean, healthy and sustainable environment as a human right in itself allowing the enjoyment and fulfilment of others human rights which depend on such a quality environment. As an example, national climate litigations increasingly rely on human rights obligations in a climate change context, such as the prominent Urgenda-case in the Netherlands.¹⁰

Human rights treaties address states. States have the obligation to respect, protect and fulfil human rights. However, this does not mean that other actors do not have human rights obligations: States have to make sure that these human rights are respected in relations between non-state actors, and more specifically by business corporations.

7 European Commission, Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, 71 final (2022), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0071> - Hierna: voorstel CSDD-richtlijn

8 UN Human Rights Council, Resolution 48/13 'The human right to a clean, healthy and sustainable environment' (8 October 2021). <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/289/50/PDF/G2128950.pdf?OpenElement>

9 UN General Assembly, The human right to a clean, healthy and sustainable environment, 76/300 (28 July 2022). <https://digitallibrary.un.org/record/3983329?ln=en>

10 Climate Case Chart, Urgenda Foundation v. State of the Netherlands (2015) <https://climatecasechart.com/non-us-case/urgenda-foundation-v-kingdom-of-the-netherlands/>

International standards on responsible business conduct have first been created by the Organization for Economic Cooperation and Development (e.i. the OECD Guidelines for multinational enterprises) and the International Labour Organization which explicitly state companies have a responsibility to avoid and deal with negative consequences over their supply chain.¹¹ Along these developments, the landmark 2011 UN Guiding Principles on Business and Human Rights acknowledged the responsibilities and duties, for states with regards to companies, to respect, protect and fulfil human rights.¹² Companies have the obligation to respect human rights, across all their operations, including in their extraterritorial activities and value chain.¹³ The Guidelines reflect the existing legal framework that courts can apply laws and legal principles, as the Dutch court did in the famous climate case against Shell.¹⁴

The EU imposed due diligence obligations of corporations in several legal instruments, like the Conflict Minerals Regulation or the Regulation on deforestation-free products. France adopted in 2017 a due diligence obligation for large companies¹⁵, followed by Germany in 2021 with its Supply Chain Act (Lieferkettengesetz).¹⁶ The Netherlands introduced a due diligence law focussed on child labour, while the UK did similarly with a focus on forced labour and human trafficking. These national initiatives have serious flaws and limitations, but paved the way for a proposal by the EU Commission for a Corporate Sustainability Due Diligence (CSDD) directive. The legislative process for this directive is in its final stage and a directive will be adopted early 2024.

11 OECD Guidelines, <https://www.oecd.org/corporate/mne/>

12 UN Guiding Principles on Business and Human Rights (2011), https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

13 UN Guiding Principles on Business and Human Rights (2011), https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf

14 Climate case chart, Milieudéfense v. Royal Dutch Shell (2019), <https://climatecasechart.com/non-us-case/milieudéfense-et-al-v-royal-dutch-shell-plc/>

15 Legifrance, Duty of Care Law (2017), <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000034290626/>

16 Bundesministerium für Arbeit und Soziales, German Supply Chain Duty of Care Act (2021), <https://www.bmas.de/DE/Service/Gesetze-und-Gesetzesvorhaben/Gesetz-Unternehmerische-Sorgfaltspflichten-Lieferketten/gesetz-unternehmerische-sorgfaltspflichten-lieferketten.html>



WHAT IS HUMAN RIGHTS DUE DILIGENCE?

The core of human rights due diligence is that companies have to identify actual and potential adverse impacts on the human rights of others. When potential adverse impacts are identified, this risk has to be addressed with active measures to prevent and mitigate such impacts. When such adverse impacts have already occurred, these impacts have to be minimised and stopped. Furthermore, companies should provide remediation when adverse impacts have occurred. In other words, companies have to actively monitor the risk of adverse impacts and address those risks or impacts. Such due diligence has to be embedded in the companies' policies and management systems.

Due diligence as a standard of conduct for respecting human rights

The CSDD directive will provide a binding legal framework for human rights and environmental due diligence obligations of companies. The draft directive points to the need for a horizontal implementation of human rights when it states the promotion of core values, like the respect for human rights, “require[s] the involvement not only of the public authorities but also of private actors, in particular companies”.¹⁷ Therefore the directive formulates the obligations of companies regarding “actual and potential human rights adverse impacts and environmental adverse impacts” and the liability of companies for violations of these obligations.¹⁸ Companies are obliged to perform due diligence regarding these adverse impacts. The draft directive refers to the due diligence process described in the OECD Due Diligence Guidance for Responsible Business Conduct and implements it in binding legal obligations.

¹⁷ Preamble (2) in: European Commission, 23 February 2022, Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, COM(2022) 71 final. Hereafter CSDDD.

¹⁸ CSDDD, Art. 1(1).

More concretely, companies should:

- (a) integrate due diligence into their policies
- (b) identify actual or potential adverse impacts
- (c) prevent and mitigate potential adverse impacts, and bring actual adverse impacts to an end and minimise their extent
- (d) establish and maintain a complaints procedure
- (e) monitor the effectiveness of their due diligence policy and measures
- (f) publicly communicate on their due diligence¹⁹

The draft directive also provides that the companies included in its scope will be liable for damages if they fail to comply with these obligations and this failure causes damage.²⁰

What adverse effects should companies consider?

Due diligence concerns on the one hand adverse human rights impacts, or more precisely on protected persons from the violation of rights and prohibitions included in a large body of human rights and labour rights conventions. On the other hand it concerns adverse environmental impacts, resulting from the violation of the obligations and prohibitions included in a large body of international environmental conventions.²¹

Along with these, the right to a clean, healthy, and sustainable environment is another human right. Indeed, included in the adverse impacts on the right to life and to health is “any measurable environmental degradation” which negatively affects food production, access to safe and clean drinking water and sanitary facilities, people’s health, safety and livelihoods, or ecological integrity.²²

It is important to note that the scope of the due diligence process does not only concern the operations of the company itself, but also the operations of its subsidiaries and of other entities in its value chain.²³ In the case of gas sold in Belgium, this would mean that the companies involved would have to identify actual and potential adverse impacts linked to the production and supply of this gas. And this not just at the company supplying the gas but also further in the supply chain.

The due diligence obligation currently included in the CSDDD is an obligation of means, not of result. This means that what is expected is a reasonable effort to detect actual or potential adverse impacts or to address them.²⁴ However, once an adverse impact is identified and which cannot be brought to an end or minimised, Belgium should ensure companies will refrain from any commercial relationship (e.i. continuation, extension)

¹⁹ CSDDD, Art. 4 – 11

²⁰ CSDDD, Art. 22(1)

²¹ CSDDD, Art. 3, (b) and (c) and the Annex

²² CSDDD, Annex, Part 1, 1(18). This quote refers in the Commission Proposal wrongly to art. 5 ICCPR, but is corrected in the Council version to art. 6(1) ICCPR.

²³ CSDDD, Art. 6(1)

²⁴ CSDDD, Art. 22(2)

and if necessary to suspend or terminate it. In particular, Belgium must ensure companies will make this option available in their contract law.²⁵

Stakeholders are given the right to information and a voice in the due diligence process

The due diligence process also defines a set of rights for stakeholders. Persons who are affected by an adverse impact or have reasonable grounds to believe so, workers and their representatives, as well as NGOs have the right to submit a complaint and to have this complaint adequately dealt with. The result of such complaints have to be taken into account in the identification of adverse impacts, meaning confirmed adverse impacts need to be properly addressed. Where relevant, companies have to carry out consultations with potentially affected groups and other relevant stakeholders. This allows them to gather information about adverse impacts, as part of the identification process, or when they take corrective action. Companies also have to communicate publicly about their due diligence process and its results.

Last but not least, stakeholders can also hold companies accountable by filing complaints to supervisory authorities and going to court for damage that occurred as a result of inadequate due diligence.

Due diligence, transparency and the gas industry

Also actors in the gas extraction and distribution chain are subject to due diligence obligations. They will have to actively identify human rights violations and then prevent them if they still can, or mitigate and stop them when those effects are already actually occurring. That such human rights violations do occur will become clear in the case studies. All actors in the gas sector therefore urgently need to clean up their value chain. This applies both to the companies active in gas extraction and import, such as TotalEnergies or Shell, as well as to the companies operating the gas infrastructure and organising the gas trade, such as Fluxys.

In the following section, we provide an overview of the human rights violations associated with the sources of Belgium's current gas consumption. These negative impacts are the ones companies should identify when conducting their human rights due diligence. The testimonies shows the range of stakeholders companies will consider and take into account in the exercise of their due diligence.

²⁵ CSDDD, Art. 7(5) and 8(6)



CASE STUDIES: HUMAN RIGHTS VIOLATIONS LINKED TO BELGIAN GAS IMPORTS

USA: FRACKED US GAS BREAKING THE SOIL, THE AIR, AND THE HEALTH OF ITS CITIZENS

Of Belgium's total gas imports in 2022, 16% was attributable to U.S. LNG, making it the second largest source of gas after Norway. LNG distribution and consumption is made possible with Fluxys' LNG terminals in Zeebrugge (BE), mostly through the Dunkirk terminal (FR), the most important gateway for US LNG in the EU (year 2022).

Human rights violations :

- Right to life - art. 6 International Covenant on Civil and Political Rights (ICCPR)
- Right to respect for private and family life and home - arts. 17 & 23 ICCPR
- Right to health and healthy development of the child - art. 12 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Right to a healthy environment - art. 6 ICCPR and art. 12 ICCPR
- Right to water - art. 11 ICCPR



John Beard
© Tim Aubry /
Greenpeace

“Come to Texas and see. Come to the Permian Basin and see where they are drilling and how they’re flaring. Look up some information from “Texas Sharon”, Sharon Wilson, that does these optical gas imaging photography of these various facilities and see how much is just leaking away into the air. Not to mention burned into the air, but leaking from well heads, from tanks and other pieces of equipment. And that, too, contributes to climate change and global warming. And now we’re going to take that same gas and send it to Europe for them to do more of the same.” -

John Beard, Jr. from the Port Arthur Community Action Network interview with Greenpeace International, 2023.

Direct imports from the United States to Belgium are rather limited, as Fluxys' Zeebrugge LNG port has agreed with other countries substantial long term contracts. But because of indirect US imports through the Netherlands, France, and the UK, the gas coming from the United States is actually the second most important source of gas for Belgium accounting for 16% of the imports in 2022 . The boom of US LNG and its links to Fluxys have been detailed in a 2023 report by Greenpeace International.²⁶

Over the last decade, as unconventional oil and natural gas extraction expanded across the United States, the detrimental health and environmental consequences of fracking have become more evident. An increasing body of scientific studies and reports solidify the fact that fracking has negative impacts on public health and the environment²⁷.



Local Woman with a Breathing Mask in Texas

© Les Stone / Greenpeace

Violations on the right to life and the right to health

Chemicals used in fracking include cancer-causing compounds which harm the environment and humans' health. It affects local air quality, especially people living near fracking wells. The production of natural gas results in the massive release of harmful air pollution components, substantial toxins and particulate matter, which has been recently documented by researchers of Disclose, in an investigation highlighting the role of TotalEnergies' fracked gas wells²⁸. Toxins from fracking operations have been linked to serious health

²⁶ Greenpeace, Who profits from war (2023), <https://www.greenpeace.org/international/publication/59432/who-profits-from-war/>

²⁷ Fracktracker, The health and environmental effects of fracking, <https://www.fracktracker.org/resources/oil-and-gas-101/health-environmental-effects-of-fracking/>

²⁸ Disclose, Shale gas imported into Europe TotalEnergies' health and environmental scandal in the United States, (2023), <https://disclose.ngo/en/article/shale-gas-imported-into-europe-totalenergies-health-and-environmental-scandal-in-the-united-states>

issues, including leukaemia, liver damage, eye, nose, and throat irritation, and headaches. While oil and gas workers have protective gear, nearby residents face daily exposure to these hazards without any safeguards²⁹.

“So essentially what we can say is we’re being sacrificed so Europe and other parts of the world can have this very toxic gas that is not only going to hurt us—in terms of its production out in the Permian and brought to the Gulf of Mexico for export from here—but it’s going to, in the process of doing that, make the atmosphere, make the air and conditions in the environment worse here for people in Port Arthur. It will exacerbate climate change, and being that we’re on the Gulf of Mexico, sea level rise is a great concern.”

- John Beard, Jr. 2023

The medical evidence on the impacts of the life of babies and their mother is conclusive. A study shows that women living in the location of fracking operations were 50% more likely to experience a preterm birth³⁰ whereas babies born to residents within 10 miles of fracking sites were at risk of being small for their gestational age, with potential neurological and cognitive issues.³¹ Unfortunately, the scope of health-related issues also encompasses more health issues, ranging from childhood cancer where children who lived within a mile of fracking wells are 5-7 times more likely to develop childhood cancer to asthmatic people for those who live within 10 miles of the wells who are 4-5 times more likely to have severe asthma attacks.³²

A study of over 15 million Medicare beneficiaries found “evidence of a statistically significant higher mortality risk associated with living in proximity to and downwind of unconventional oil and gas wells”.³³ Living near an oil well is associated with asthma.³⁴

Oil and gas activities are also disproportionately impacting Black, Brown, Indigenous and poor communities. A nationwide study in the US found that those that live in historically redlined areas had twice the density of wells as did communities that had higher lending grades.³⁵ In a 2023 analysis of more than 2 000 scientific studies and reports

29 Fracktracker, The health and environmental effects of fracking, <https://www.fracktracker.org/resources/oil-and-gas-101/health-environmental-effects-of-fracking/>

30 EHN, Fracking preterm births (2020) <https://www.ehn.org/fracking-preterm-births--2646411428.html>

31 University of Pittsburgh, Pennsylvania Department of Health, Bureau of Epidemiology Hydraulic Fracturing Epidemiology Research Studies: Birth Outcomes, (2023), https://paenv.pitt.edu/assets/Report_Birth_outcomes_Revised_2023_July.pdf

32 University of Pittsburgh, Bureau of Epidemiology Hydraulic Fracturing Epidemiology Research Studies: Asthma outcomes (2023), https://paenv.pitt.edu/assets/Report_Asthma_outcomes_revised_2023_July.pdf

33 Longxiang Li et al, Exposure to unconventional oil and gas development and all-cause mortality in medicare beneficiaries (2022) <https://www.nature.com/articles/s41560-021-00970-y>

34 B. Shamasunder, A. Collier-Oxandale, J. Blickley, J. Sadd, M. Chan, S. Navarro, M. Hannigan, N.J. Wong, Community-based health and exposure study around urban oil developments in South Los Angeles (2018) <https://pubmed.ncbi.nlm.nih.gov/29342985/>

35 D.J.X. Gonzalez, A. Nardone, A.V. Nguyen, R. Morello-Frosch, J.A. Casey, Historic redlining and the siting of oil and gas wells in the United States (2023) <https://www.nature.com/articles/s41370-022-00434-9>

on fracking risks found that there is no evidence that fracking can be done without severe harms to human health and the climate.³⁶

Violations on the right to a healthy environment

Regarding the impacts on the access to water, research by the New York Times shows how gas drilling is getting bigger in the US, and requires increasing volumes of water to fracture bedrock. Use of this water is threatening America's fragile aquifers in already drought stricken areas such as Texas through contamination³⁷. Additionally, next to water use, the soil is injected with a mixture of chemicals resulting in decreased crop production and economic losses for nearby farmers.³⁸ Lastly, due to the specific fracking process which literally fractures the ground while using this mixture of chemicals, studies demonstrated that most earthquakes in the Southern US can be linked to oil and gas operations. While most earthquakes are low-to-moderate, they are however increasing since 2009³⁹.

“To get that extra gas and why we have such a great abundance of it now, we had to use fracking to do it. And the effects largely were earthquakes, polluted and contaminated underground water sources—aquifers and springs. All of those were adversely affecting what people need. You need water more than you need oil because you certainly can't drink oil. But you definitely need fresh clean water to live. That's essential.”-

John Beard, Jr. 2023

36 **Physicians for Social Responsibility**, Compendium of Scientific, Medical, and Media Findings Demonstrating Risks and Harms of Fracking and Associated Gas and Oil Infrastructure (2023) <https://psr.org/resources/fracking-compendium-9/>

37 **New York Times**, ‘Monster Fracks’ Are Getting Far Bigger. And Far Thirstier. (2023) <https://www.nytimes.com/interactive/2023/09/25/climate/fracking-oil-gas-wells-water.html>

38 Health & environment, The health and environmental effects of fracking, <https://www.fractracker.org/resources/oil-and-gas-101/health-environmental-effects-of-fracking/>

39 Alexandros Savvaidis, Anthony Lomax, Caroline Breton, Induced Seismicity in the Delaware Basin, West Texas, is Caused by Hydraulic Fracturing and Wastewater Disposal (2020), <https://pubs.geoscienceworld.org/ssa/bssa/article-abstract/110/5/2225/590473/Induced-Seismicity-in-the-Delaware-Basin-West?redirectedFrom=fulltext>

The boom of US fossil gas production, and profits for Fluxys, has come at the cost of the communities living nearby.



End Methane Gas Expansion: Projection for Biden in Washington DC

© Manuela Lourenço / Greenpeace

Since the start of US shale gas production, the USA has gone from importing its gas to becoming the world largest fossil gas producer in 2022.⁴⁰ This has come with a price, violating the human rights of the communities living nearby the gas wells, whose neighbourhoods have been quite literally fractured by this fossil business.⁴¹ A review of the impacts of fracked gas on US communities showed blatant violations of the right to life, the right to a healthy environment, right to water, right to respect for private and family life, and the right to a healthy development of the child.

Once the Belgian and the European due diligence laws get through, gas operators like Fluxys will also be able to be held accountable for these human right violations suffered daily by communities such as John Beard's. As the second largest source of gas for Belgium, the US case is a perfect example of a lack of transparency, since in official records most of these US imports get reported as "French", "Dutch", or "British" gas imports.⁴² These imports get lost in the gas system, which anonymizes the gas imports and takes away the accountability of downstream companies across the Atlantic, such as Fluxys, buying the gas.

⁴⁰ Enerdata, Natural gas production(2022), <https://yearbook.enerdata.net/natural-gas/world-natural-gas-production-statistics.html>

⁴¹ Disclose, Shale gas imported into Europe TotalEnergies' health and environmental scandal in the United States, (2023), <https://disclose.ngo/en/article/shale-gas-imported-into-europe-totalenergies-health-and-environmental-scandal-in-the-united-states>

⁴² SPF Economie, Belgian energy data overview (2023), <https://economie.fgov.be/nl/publicaties/belgian-energy-data-overview>

A message from John Beard to Fluxys:

“Hello, Fluxys. John Beard here from Port Arthur, Texas, The Port Arthur Community Action Network. Talking to you here in Belgium, but coming from the belly of the beast. It has come to my attention that you all are importing this fossil gas to Belgium and to Europe. And it's also been brought to my attention that you're not looking at due diligence issues of what importing this gas might do to communities like mine and others along the Gulf Coast. Well, let me let you in on a little secret. Most of these communities are BIPOC communities. They are black, indigenous, and made up of people of colour. And those people of colour do not have the financial means or ability to fight a multibillion dollar corporation like you. And they also suffer from high rates of cancer, heart, lung and kidney disease because they live in communities that have been overburdened for decades by the petrochemical industry, by companies similar to and like yourself. So I'm here to tell you this. The fact that you are not doing that due diligence, the fact that you are not taking into consideration the effect you are going to have on the lives and health of people, amounts to what we call and I call, environmental racism and environmental injustice. You need to cease and desist. You need to stop and stop now. You need to invest your energies instead in clean, green, renewable forms of energy that don't have the liabilities of environmental injustice and environmental racism, such as this fract gas, this fossil gas does. You can and should do better, and I demand that you do so. Enough is enough. Get out of that business now.”

USA: FROM THE FRACKED GAS FIELDS TO THE TOXIC GULF COAST



Action against LNG in Zeebrugge, Belgium

© Eric De Mildt / Greenpeace

American LNG accounted for 16% of Belgium's total gas imports in 2022, making it the second largest source of gas after Norway. This is through Fluxys' LNG terminals in Zeebrugge (BE) and Dunkirk (FR).

Human rights violated:

- Right to life - art. 6 International Covenant on Civil and Political Rights (ICCPR)
- Right to respect for private and family life and home - arts. 17 & 23 ICCPR
- Right to health and healthy development of the child - art. 12 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Right to a healthy environment - art. 6 ICCPR and art. 12 ICCPR
- Right to water - art. 11 ICCPR



Michael Esealuka

“We have very little political power or representation. And so our communities have been chosen basically as the sites for systems of extraction. So whether that's the direct extraction of oil and gas from the ground, whether that's the liquefaction of gas into LNG, or the refining of crude oil into products that can be exported abroad, or the manufacturing of petrochemicals, or the transport of all these materials, we face the entire death cycle of the fossil fuel industry.” -

Michael Esealuka, 2023

Greenpeace Belgium sat down with Michael Esealuka, who was born in the State of Louisiana and has suffered from the impacts of the US LNG boom for most of her life. For the past eight years she has been fighting this by organising in labour, climate, and environmental justice struggles. She has seen the impact of the fossil industry in her community and has since been at the forefront of the struggle against the buildout of oil and gas, petrochemical, and plastic infrastructure.

Oil and gas are produced in a number of different regions across the US Midwest, including in the Permian Basin in Texas and New Mexico, but also the Appalachian Basin in Pennsylvania, Ohio and West Virginia. This gas extraction goes hand in hand with human right violations, as detailed in the other USA case study.

However, this is not the end of the human rights violations associated with US gas. After the fracked gas wells extract the gas, a vast network of pipelines transports much of this gas south to the Gulf Coast for processing and export. In previous Greenpeace reports⁴³, much has already been said about the impacts on the communities living on the US Gulf Coast. When it arrives here, much damage has already been done at the extraction site. But during this processing of the gas, the communities around these coastal LNG facilities are exposed to dangerous chemicals, cancer causing emissions, and many other environmental dangers.⁴⁴ While there are many similarities with the impact of the gas extraction, the impact of the LNG boom in the US Gulf Coast is worth telling.

Along the Gulf Coast, especially in the states of Texas and Louisiana, you'll find a concentration of oil refineries, petrochemical plants, and export terminals for both crude oil and liquefied natural gas (LNG). Previous research by Greenpeace International affirmed the similar of others that pollution and its health risks disproportionately affect marginalized communities, including those of Black, Brown, Indigenous,

43 Greenpeace International, Who profits from war (2023), <https://www.greenpeace.org/international/publication/59432/who-profits-from-war/>

44 Donaghy, T. Q., et al., Fossil fuel racism in the United States: How phasing out coal, oil, and gas can protect communities (2023), <https://www.sciencedirect.com/science/article/pii/S2214629623001640?via%3Dihub>

and economically disadvantaged backgrounds groups⁴⁵. Notably, specific regions, like the infamous "Cancer Alley"⁴⁶ and the Houston Shipping Channel, have earned the reputation as some of the most heavily polluted areas in the nation, often described also called as the "sacrifice zones."⁴⁷

US Gulf Coast - Fluxys' Dunkirk profitable LNG trade

Most of the US LNG coming into Belgium was not through the Zeebrugge LNG terminal, where more Qatari and Russian gas arrives, but through the French Dunkirk terminal right at the Belgian-French border. With a direct pipeline connecting it to the Belgian gas grid, this Fluxys owned terminal was one of the primary gateways for US LNG to the EU and Belgium in 2022.⁴⁸

While Fluxys owns the gas terminal, it is the state owned Électricité de France (EDF) that has the 20 year long contracts with Cheniere Energy, which in turn owns US LNG terminals. A case of particular concern revolves around Cheniere's Corpus Christi terminal, which has shipped 24 tankers to Zeebrugge and Dunkirk in 2022. This facility has exceeded its air pollution permit limits hundreds of times since its startup in 2018. But instead of tackling these violations, policy makers actually doubled the permitted level of pollutants from the terminal⁴⁹. Not surprisingly, the region of Corpus Christi reported a 83% increase in emissions in the first year after the startup of the facility⁵⁰.

“We call our communities sacrifice zones because we've been sacrificed to power the world. The two main sacrifice zones in the United States are the Appalachia and Ohio River Valley region and the Gulf South region. Both of these are areas that have been disinvested in over decades or generations.” -

Michael E Sealuka, 2023

45 Greenpeace International, Who profits from war (2023), <https://www.greenpeace.org/usa/reports/fossil-fuel-racism/>

46 Propublica, Welcome to “Cancer Alley,” Where Toxic Air Is About to Get Worse (2023), <https://www.propublica.org/article/welcome-to-cancer-alley-where-toxic-air-is-about-to-get-worse>

47 The Climate reality project, Sacrifices zones 101, <https://www.climaterealityproject.org/sacrifice-zones>

48 Greenpeace International, Who profits from war (2023), <https://www.greenpeace.org/international/publication/59432/who-profits-from-war/>

49 Reuters, Insight: Texas repeatedly raises pollution limits for Cheniere LNG plant (2022) <https://www.reuters.com/business/environment/texas-repeatedly-raises-pollution-limits-cheniere-lng-plant-2022-06-24/>

50 Ibidem

Violations on the right to life and right to a healthy environment.

In addition to their substantial greenhouse gas emissions, LNG export terminals are significant sources of air and water pollution, magnifying local health concerns.⁵¹ Carbon monoxide, sulfur dioxide, and volatile organic compounds, among various others, have the potential to irritate the skin, eyes, nose, and lungs, resulting in headaches, coughing, dizziness, and respiratory ailments. Prolonged exposure may contribute to heart disease, specific cancers, and harm to the reproductive system and internal organs.⁵² This additional burden arises not just from the emissions of these terminals but also from the surge in oil and gas drilling activities, and the expansion of pipeline networks necessary for facilitating these exports.⁵³

“Our communities are daily being poisoned and dying because of this industry. And so that's what it means to be a sacrifice zone. It's our mission as climate organizers to end all sacrifice zones because everybody on this planet has the right to breathe clean air, to drink clean water, and to live and thrive in communities.”-

Michael Esealuka, 2023



Cemetery and Taft Carbide Plant in Louisiana

© Les Stone / Greenpeace

⁵¹ Sierra Club, Climate and Public Health Impacts of LNG Exports, https://www.sierraclub.org/sites/www.sierraclub.org/files/2552%20LNG-ClimateImpacts_FactSheet_02_low.pdf

⁵² Louisiana Illuminator, LNG export terminals pose a growing and invisible threat: air pollution (2023), <https://lailluminator.com/2023/02/06/lng-export-terminals-pose-a-growing-and-invisible-threat-air-pollution/>

⁵³ Environmental Integrity, Trouble water for LNG (2020), <https://environmentalintegrity.org/wp-content/uploads/2020/10/LNG-Report-10.5.20-updated.pdf>

One of these companies is Fluxys, which operates the Dunkirk and Zeebrugge LNG terminals which are main gateways for US LNG into Europe. If there's one message that you can say to these companies, what would it be?

“I would say that you are committing human rights violations and you're making the decision not to frack in your own country, but instead to find other poor or more vulnerable areas to frack and to poison communities. And so right now in the Gulf, we're being told that we need to accept fracking. We need to accept the liquefaction of gas and the export abroad that's poisoning our communities so that we can help people in Europe stay warm during the winter. It's just not a fair trade to make. So I would ask people to look in their hearts and really ask themselves, is this something that you really want to be on your conscience? Do you want your grandchildren to ask you why you allowed our communities to be poisoned? And in a process that escalates the climate crisis, that everyone on this planet will have to face the consequence of?” -

Michael Esealuka

QATAR: THE SHADOWSIDE OF QATARI LNG

Of Belgium's total gas imports in 2022, 10% are attributable to Qatari LNG. This enters our country via the Fluxys LNG terminal in Zeebrugge, where Qatargas has a long-term contract.

Human rights violated:

- Right to life - art. 6 International Covenant on Civil and Political Rights (ICCPR)
- Right to respect for private and family life and home - arts. 17 & 23 ICCPR
- Right to health - art. 12 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Right to a healthy environment - art. 6 ICCPR and art. 12 ICESCR
- Right to freedom of association, incl. the right to form trade unions - art 22 ICCPR, ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize, ILO Convention No. 98 on the Right to Organize and Collective Bargaining

“These deaths will not be distributed evenly. They will most likely take place in poor, marginalised and/or Indigenous communities who bear very little responsibility for causing the climate crisis.”

- Henrieke Butijn of Banktrack, who researched Qatar's Carbon Bombs, 2023.



A migrant worker cuts through a metal rod at a construction site.

© Apex Image / ILO

Qatar, located on the Arabian Peninsula, is full of contrasts: One of the most arid places on earth is also one of the richest economies in the world; the world's most water-scarce country is also in the top five LNG-exporting countries thanks to ample offshore gas reserves; the world's third-largest natural gas reserve. The state-owned gas company QatarGas is expanding massively by signing contracts with the EU and Belgium and investing in the North Field gas fields, putting QatarGas at the top of world gas expansion projects.⁵⁴ But the position of the largest LNG exporter ultimately has a human price.

As it stands, Qatar's promise to reduce its gas emissions is a mirage that does not fit reality.⁵⁵ The truth behind this success story is close to the fossil fuel industry, which accounts for 70% of the national revenue, but coming at a human and environmental cost.⁵⁶ Qatari gas industry's massive fossil expansion is made possible with the help of migrant workers, coming mainly from Southeast Asia, working in appalling conditions in all sectors, including the fossil fuel industry.

54 Dohanews, Qatar-based experts warn oil spill off coast could disrupt global energy supply (2023) <https://dohanews.co/qatar-based-experts-warn-oil-spill-off-coast-could-disrupt-global-energy-supply/>; Guardian, Fossil fuel carbon bombs climate breakdown oil gas (2022), <https://www.theguardian.com/environment/ng-interactive/2022/may/11/fossil-fuel-carbon-bombs-climate-breakdown-oil-gas#Carbon-bombs>

55 Long standing pledges to reduce its emissions and meet P.A objectives are not crystalized into National Determined Contributions ; Amnesty international report, Amnesty International, Qatar, <https://www.amnestyusa.org/countries/qatar/>

56 Mahmood, S, Earley, M., Al-Abdulla, S. et all., Oil and gas regulation in Qatar: overview (2019) [https://uk.practicallaw.thomsonreuters.com/5-525-5499?transitionType=Default&contextData=\(sc.Default\)&firstPage=true](https://uk.practicallaw.thomsonreuters.com/5-525-5499?transitionType=Default&contextData=(sc.Default)&firstPage=true)

"Despite substantial scientific evidence about the devastating health effects of exposure to extreme heat, the Gulf states' failed protective measures put millions of migrant workers at serious risk, including death."

- Michael Page of Human Rights Watch

The complicity of Fluxys and other Western companies.

Fluxys Belgium is responsible for ensuring no harm happens to its subsidiaries and its business agreements over its supply chain. As a transmission system operator, Fluxys LNG is responsible for human and environmental violations in the supply chain from Qatar to the final consumer in Belgium, as it has signed a 1 billion euros long-term agreement with Qatar Petroleum for the regasification of the Zeebrugge LNG terminal until 2044.⁵⁷ This investment takes place in a long-term strategy presented in its 2022 to 2031 Indicative investments plan where Fluxys shows its aims at benefiting from the increased expansion of gas production in Qatar.⁵⁸

Henriëke of Banktrack:

"All of the companies that are part of this global carbon bombs joint venture as well as the financiers supporting these companies share responsibility in igniting the ticking carbon bombs in Qatar and the associated death and damage."

- Henriëke Butijn

While Fluxys constantly repeated its commitments to energy transition, EU energy companies such as Shell, Eni or TotalEnergies, that use the grid and operate in Belgium, are currently investing in Qatar's fossil fuel expansion through North Field East projects where these investments are backed by Western banks such as BNP Paribas.⁵⁹ Having access to the EU and Belgian energy market should not be made at a human or environmental cost. Since these violations occur from the point of gas extraction to the final consumption, companies involved in this supply chain, including Fluxys, should be held accountable. Data around these investments should be made available and accessible to assess the harm to the lives, health and livelihoods of millions of people around the globe. As the Guardian made clear about the carbon bombs, "If governments do not act, these companies will continue to cash in while the world burns."⁶⁰

⁵⁷ Fluxys, Signing long-term commitment (2019), https://www.fluxys.com/en/press-releases/fluxys-belgium/2019/190902_signing_long_term_commitment and L'Echo, Le gaz Qatari s'amarre à Fluxys Zeebruges pour 1 milliard d'euros (2019), <https://www.lecho.be/entreprises/energie/le-gaz-naturel-qatari-s-amarre-a-fluxys-zeebruges-pour-1-milliard-d-euros/10158606.html>

⁵⁸ Fluxys, Indicative investements plan (2022) https://www.fluxys.com/-/media/project/fluxys/public/corporate/fluxyscom/documents/fluxys-belgium/corporate/tyndp/2022/tyndp-2022-2031-final-version_e.pdf

⁵⁹ Banktrack, Exposed Western banks funding Qatar's carbon bombs (2022), https://www.banktrack.org/article/exposed_western_banks_funding_qatar_s_carbon_bombs

⁶⁰ Guardian, Fossil fuel carbon bombs climate breakdown (2022), <https://www.theguardian.com/environment/ng-interactive/2022/may/11/fossil-fuel-carbon-bombs-climate-breakdown-oil-gas#Carbon-bombs>



Ras Laffan industrial city

© Stefano Campolo (creative commons)

Labour rights violations in Qatar: The ban on unions and the deplorable working conditions for migrants in Qatar.

Qatar's long list of human rights violations did not stop FIFA from selecting the country to host the 2022 World Cup. From the construction of the stadiums, accommodation to security services, millions of migrant workers depend on the poor working conditions in the country. Despite FIFA's promise to take measures to protect human rights, the lack of due diligence in identifying, preventing and remedying abuses led to another wave of human rights violations.⁶¹ The Kafala system, which regulates migrant workers working conditions still favours domestic employers thus constituting a strong discrimination basis apply to all working sectors.⁶² With 90 percent of Qatar's labour force being migrant workers, the Kafala system regulates the life of nearly 2 million people, mostly from Asia and Africa, who are treated unequally when seeking compensation for injuries or death.⁶³ Amnesty International reports that recent legislative changes do not address issues such as workers' high debts due to illegal and unethical hiring practices, late or non-payment of wages, access to justice, ban of unions, failure to enforce labour laws and to punish employers with working abuse practices.⁶⁴

61 Human Rights Watch, Qatar rights abuses stain FIFA world cup (2022), <https://www.hrw.org/news/2022/11/14/qatar-rights-abuses-stain-fifa-world-cup>

62 OHCHR, End mission statement special rapporteur contemporary forms racism (2019), <https://www.ohchr.org/en/statements/2019/12/end-mission-statement-special-rapporteur-contemporary-forms-racism> ; ILO, Overview Qatar's labour reforms, https://www.ilo.org/beirut/countries/qatar/WCMS_760466/lang-en/index.htm ; ITUR, Survey of violation of trade Unions rights: Qatar, <https://survey.ituc-csi.org/Qatar.html?lang=en#tabs-3>

63 Begum, R. Qatar can't hide its abuses by calling criticism racist (2022), <https://foreignpolicy.com/2022/11/25/qatar-cant-hide-its-abuses-by-calling-criticism-racist/>

64 Amnesty International, Reality check: Migrant workers rights with two years to Qatar 2022 world cup (2019) <https://www.amnesty.org/en/latest/campaigns/2019/02/reality-check-migrant-workers-rights-with-two-years-to-qatar-2022-world-cup/>

The fossil fuel industry is not exempt from these abuses, with the entire oil and gas falling within the Kafala system. Especially the workers that build the infrastructure, or support staff such as security guards or the cleaning staff.⁶⁵

According to Qatari law, all oil and gas industry workers do not enjoy trade unions' rights.⁶⁶ Trade unions were banned in 1957 in response to a large number of strikes by Qatari oil company workers. In 2004, unions were re-established, but only accessible to Qatari nationals and thus not the large group of migrant workers.⁶⁷ The existence of unions, strikes and collective bargaining agreements is fundamental to protect the interests and welfare of workers. Qatari laws directly lead to forced labour practices and exploitation with the result of preventing 90% of Qatari workers from protesting against their working conditions, because of their nationality.⁶⁸

The Qatari ban on trade unions violates Article 22 ICCPR and the International Labor Organization Conventions No. 87 on Freedom of Association and Protection of the Right to Organise and No. 98 on the Right to Organise and Collective Bargaining.

While the World Cup shed light on the poor workers in Qatar, QatarEnergy, as the official energy partner of the World Cup, is worth paying attention to. The continuous failure of the government to investigate and provide information prevents effective enforcement of recently ratified human rights treaties.⁶⁹ The lack of data regarding health and working conditions, access to justice and remedy are essential to prevent and end discrimination and exposure to human rights breaches in the working sector.⁷⁰

In the case of the oil and gas sector, as companies rely on subcontractors, each and every worker from the entire supply chain which involves not only the extraction process per se but also the cleaning, security and the recruitment process should be included in the due diligence assessment by oil and gas companies operating in the EU.

65 ILO, World Cup data, <https://www.ilo.org/infostories/en-GB/Stories/Country-Focus/world-cup-qatar>

66 ITUC, Qatar survey, <https://survey.ituc-csi.org/Qatar.html?lang=en#tabs-2>

67 ILO, World Cup Qatar (2022) <https://www.ilo.org/infostories/en-GB/Stories/Country-Focus/world-cup-qatar#voice>

68 HRW, Qatar Significant labor and Kafala reform (2020), <https://www.hrw.org/news/2020/09/24/qatar-significant-labor-and-kafala-reforms>; ITUC, Qatar, <https://survey.ituc-csi.org/Qatar.html?lang=en#tabs-3>; Amnesty, Qatar: reforms are unfinished business and worker compensation fund still needed, <https://www.amnesty.org.uk/press-releases/qatar-labour-reforms-are-unfinished-business-and-worker-compensation-fund-still>

69 OHCHR, End mission statement special rapporteur contemporary forms of racism (2019), <https://www.ohchr.org/en/statements/2019/12/end-mission-statement-special-rapporteur-contemporary-forms-racism>

70 Amnesty, Reality check 2021: a year to the World Cup (2021) https://www.google.com/url?q=https://www.amnesty.org/en/documents/mde22/4966/2021/en/&sa=D&source=docs&ust=1698932385867447&usq=AOvVaw1pwXugR_H2qgUF_eUnxlCW

Qatar and its Carbon Bombs as Violation of Right to Life

Banktrack's report⁷¹, also quoted by the Guardian⁷², shows that if Qatar were to burn all its fossil fuel reserves, more than 50 billion tons of CO₂ would be released into the atmosphere, which amounts to over the total annual emissions of the entire world.⁷³ Specifically, burning these reserves would result in more than 9 million premature deaths, especially in vulnerable communities and US\$17,353.3 billion in social costs of carbon, as a result of a temperature rise worsening people's health, a decrease in agricultural productivity, and an increase in sea level rise with damages to coastal homes.⁷⁴

The oil and gas sector are among the largest emitters of methane with significant global warming implications.⁷⁵ With the help of EU companies and Western banks investing in Qatar's North Field, the EU's growing dependence on Qatari gas is making this worst-case scenario a reality.

Henrieke of Banktrack said the following:

“QatarEnergy received financial support from European banks HSBC, Deutsche Bank and Credit Suisse, US banks JPMorgan Chase, Citi, Goldman Sachs and Bank of America and Japanese bank MUFG. All of these banks underwrote at least one bond issuance by QatarEnergy in 2021 to raise a combined total of nearly US\$ 12 billion. The proceeds of these bond issuances will also be used for the North Field expansion. In addition, Shell, TotalEnergies, ConocoPhillips, ExxonMobil and Eni can also count on continued finance from their largest supporters BNP Paribas, Morgan Stanley, Barclays, Crédit Agricole, Citi, JPMorgan Chase, UniCredit, Intesa Sanpaolo, Bank of America and TD Bank.”

- Henrieke Butijn

71 Banktrack, Exposed Western banks funding Qatar's carbon bombs (2022), https://www.banktrack.org/blog/exposed_western_banks_funding_qatar_s_carbon_bombs

72 The Guardian, Qatar gas output increase catastrophic global heating report (2022), <https://www.theguardian.com/world/2022/dec/08/qatar-gas-output-increase-catastrophic-global-heating-report>

73 The Guardian, Qatar gas output increase catastrophic global heating report (2022), <https://www.theguardian.com/world/2022/dec/08/qatar-gas-output-increase-catastrophic-global-heating-report>

74 Banktrack, Death damage figures Qatar, https://www.banktrack.org/download/death_damage_figures_qatar/qatar_emissions_deathdamage_banktrack.pdf

75 IEA, Methane and climate change (2021), <https://www.iea.org/reports/methane-tracker-2021/methane-and-climate-change#>

NORWAY: INDIGENOUS SAMI PEOPLES THREATENED BY GAS EXPANSION



"NewStatoil" Action at Arctic Race in Norway

© Christian Åslund / Greenpeace

Norway is the main source of gas for Belgium, responsible for 36% of total imports in 2022. This was through the pipeline arriving through the North Sea at the Fluxys pipelines in Zeebrugge, and as transit through the Netherlands and the United Kingdom.

Human rights violated:

- Right to life - art. 6 International Covenant on Civil and Political Rights (ICCPR)
- Right to respect for private and family life and home - arts. 17 & 23 ICCPR
- Right to health - art. 12 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Right to a healthy environment - art. 6 ICCPR and art. 12 ICESCR
- Right to land used for subsistence - art. 11 ICCPR
- Right to self-determination - art. 1 ICCPR, encompassing the right to land, right to free, prior and informed consent, right to restitution and compensation
- UN declaration on the rights of indigenous peoples

Ingrid Skjoldvær, 28 years old⁷⁶:



Ingrid Skjoldvær

© Lasse Fløde /
Greenpeace

"I come from a small community in Northern Norway above the Arctic Circle. In the Arctic, the consequences of climate change are predicted to be severe, and some consequences are already affecting local communities. Due to warming oceans, the stocks of cod we have depended on for thousands of years are moving further north, forcing fisheries with them. The reindeer herders of the indigenous Sámi people are struggling to find grazing land for their reindeer, due to uneven winters and changing climate conditions, putting their culture and livelihood at risk."

The long standing gas trade between Norway and Belgium started in 1977⁷⁷, but was cemented in 1993, when the Zeepipe opened exactly thirty years ago. This 1,445 km long gas pipe transports gas from Norway to the Belgian gas system of Fluxys⁷⁸, and was the most important source for gas for Belgium in 2022. However, these imports come at a cost, and Fluxys has been importing more than only gas from Norway, it has imported an array of human right violations.

Norway, Europe's second-largest oil and gas producer, is entangled between a powerful fossil fuel industry, its plan to electrify the country and the fear of its inhabitants to see further increases in energy prices. With oil and gas making up about half of the total value of exported goods, the country bears the burden of supplying Europe with increased energy demand, requiring huge investments to expand its fossil fuel production.⁷⁹ Despite important hydropower resources, growing pressure from the EU is pushing the country further away from focusing on its renewable energy transition, with important consequences for its own energy demand and endangering indigenous communities and the global commons: the Arctic.⁸⁰ This conflicting situation even pushed civil society to claim their human rights to stop the further expansion of the fossil fuel industry.

76 Greenpeace Nordic, Meet the applicants (2021), <https://www.greenpeace.org/norway/historier/klimaendringer/meet-the-applicants/>

77 SPF Economie, Internationale gashandel in België Vaststelling van de herkomst en bestemming van de in- en uitvoer en eliminatie van de doorvoer uit de jaargegevens (2019), <https://economie.fgov.be/nl/file/348691/download?token=jxrDWfbu#:~:text=In%201977%20voerde%20Belgi%C3%AB%20voor,de%20Ing%2Dterminal%20van%20Zeebrugge.>

78 Global Energy Monitor, Zeepipe gas pipeline, https://www.gem.wiki/Zeepipe_Gas_Pipeline

79 Stockholm Environmental Institute et al., The Production Gap Report (2021), https://productiongap.org/wp-content/uploads/2021/11/PGR2021_web_rev.pdf

80 Reuters, Big power producer Norway plans industry meet resistance (2023), <https://www.reuters.com/business/sustainable-business/big-power-producer-norway-plans-greener-industry-meet-resistance-2023-03-02/>

Ingrid Skjoldvær, 28 years old⁸¹:

“I’m filing this complaint with the European Court of Human Rights because I believe that Norway’s decision to expand oil drilling in the Barents Sea in the Norwegian Arctic constitutes a threat to the human rights to life and well-being being granted to me in article 2 and 8 in the European Convention on Human Rights.”

The Arctic destruction, a violation of the Right to Health and Life

The disputed Arctic is the field of a geopolitical contest between several nations. This vast frozen expanse is seen as an economic prize by the competitors.⁸² A few days before ratifying the Paris Agreement, Norway issued several new oil and gas extraction permits in the South Barents Sea.⁸³ It is however not surprising as Norway committed to facilitating the production of oil and gas to ensure that new exploration areas will be made available. As a consequence, Norway is pushing further away its climate targets.⁸⁴

It is beyond doubt continued and expanded licensing implies more emissions. In the course of several lawsuits, Norway has been accused of breaching constitutional right to life and private life obligations to stop the continued drilling of oil and gas fields, as it results in the violation of several human rights, among which the right to life, the right to private and family life, and the right to a healthy environment.⁸⁵

The granting of permits in today’s climate context not only constitutes a direct threat to people in Norway but also to people around the world. The pending case before the European Court of Human Rights following several negative court decisions of Norwegian Courts, might change the course of the country’s history.⁸⁶

It is the first time the European Court of Human Rights will decide on whether continued oil and gas production constitute breaches of human rights in the context of the current climate crisis. The case law flowing from the Court’s decision could have an unprecedented impact beyond the Norwegian’s borders.⁸⁷ Next to it growing awareness in the world is shifting the narrative to encompass human rights obligations beyond the sovereign territory illustrated by a recent statement of the

81 Greenpeace Nordic, Meet the applicants (2021), <https://www.greenpeace.org/norway/historier/klimaendringer/meet-the-applicants/>

82 Borrell, J., The Arctic, a key region for the EU and global security (2021), https://www.eeas.europa.eu/eeas/arctic-key-region-eu-and-global-security-0_en

83 Climate case chart, application for Greenpeace Norway (2021), https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2021/20210615_Application-no.-3406821_petition-1.pdf

84 Stockholm Environmental Institute et al., The Production Gap Report (2021), https://productiongap.org/wp-content/uploads/2021/11/PGR2021_web_rev.pdf

85 Climate case chart, Greenpeace Nordic v. Norway (2021), <https://climatecasechart.com/non-us-case/greenpeace-nordic-assn-v-ministry-of-petroleum-and-energy-ecthr/>

86 Climate case chart, Greenpeace Nordic v. Norway (2021), <https://climatecasechart.com/non-us-case/greenpeace-nordic-assn-v-ministry-of-petroleum-and-energy-ecthr/>

87 Climate case chart, Greenpeace Nordic v. Norway (2021), <https://climatecasechart.com/non-us-case/greenpeace-nordic-assn-v-ministry-of-petroleum-and-energy-ecthr/>

Inter-American Court of Human Rights (IACtHR) shifted the narrative of GHG emissions as having impacts outside a State's border.⁸⁸



Activist Laura Breitreutz in Norway

© Jonne Sippola / Greenpeace

Indigenous communities - Sami people, violations of the right to a healthy environment, land used for subsistence, and the rights of indigenous peoples.

In Europe, indigenous peoples face adverse impacts due to fossil fuel extraction and climate change.⁸⁹ For thousands of years, the Sami populations have lived as sedentary or semi-nomadic in the Sápmi region covering parts of several countries, among which Norway.⁹⁰ The Sami peoples have traditionally relied on hunting, fishing, gathering and trapping and have a deep knowledge of the far north region for many generations and have at the core of their tradition the reindeer herding.⁹¹

⁸⁸ Advisory Opinion of the Inter-American Court of Human Rights (IACtHR) on The Environment and Human Rights (2017), [https://www.elaw.org/IACHR_CO2317#:~:text=The%20Court%20made%20it%20clear,that%20their%20actions%20\(and%20the](https://www.elaw.org/IACHR_CO2317#:~:text=The%20Court%20made%20it%20clear,that%20their%20actions%20(and%20the)

⁸⁹ Jaakkola, J., et al., The Holistic Effects of Climate Change on the Culture, Well-Being, and Health of the Saami, the Only Indigenous People in the European Union (2018), <https://link.springer.com/article/10.1007/s40572-018-0211-2>

⁹⁰ Melhus, M., et al., From rural to urban living - migration from Sami core areas to cities in Norway. Study design and sample characteristics (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7480478/>

⁹¹ UN, Report of the Special Rapporteur on the rights of Indigenous Peoples (2011), <https://digitallibrary.un.org/record/709556>

Lasse Eriksen Bjørn, 24 years old⁹²:



Lasse Eriksen Bjørn

© Lasse Fløde /
Greenpeace

“As a young person from the Sea Sámi culture, I fear the impact that climate change will have on my people’s way of life. Historically, the Norwegian government has led a repressive policy towards the Sea Sámi society, but in the last years, we have seen a resurgence of this culture. The Sámi culture is closely related to the use of nature, and fisheries are essential. For our culture to continue without the traditional harvesting of the oceans would be impossible. A threat to our oceans is a threat to our people.”

Impacts on reindeer herders’ lifestyle is due to extreme weather events (thawing permafrost, heatwaves, changes in precipitation and temperature), vegetation modifications, fish and reindeer stocks composition and spread of diseases directly affecting their reindeer’s pastures but also the Sami people (chronic diseases due to air pollution). The prospect of uncertainty regarding their future living conditions also affects their mental health as their lifestyle anchored in hunting and fishing activities but also their cultural knowledge, language and traditions which constituting parts of their identity directly affect their mental and physical health.⁹³ The UNESCO itself acknowledged the issue by recognising climate change as threatening their cultural identity.⁹⁴

As highlighted by the UN special rapporteur for Indigenous people:

*“In the context of mineral extraction (...) particular attention should be paid to ensur[e] that the traditional livelihoods of the Sami, including reindeer herding and salmon fishing, are effectively safeguarded”.*⁹⁵

⁹² Greenpeace Nordic, Meet the applicants (2021), <https://www.greenpeace.org/norway/historier/klimaendringer/meet-the-applicants/>

⁹³ Jaakkola, J. K., The Holistic Effects of Climate Change on the Culture, Well-Being, and Health of the Saami, the Only Indigenous People in the European Union (2018), https://www.researchgate.net/publication/328431042_The_Holistic_Effects_of_Climate_Change_on_the_Culture_Well-Being_and_Health_of_the_Saami_the_Only_Indigenous_People_in_the_European_Union

⁹⁴ UNESCO, The Sámi of Jokkmokk: Challenging modernity, <https://en.unesco.org/courier/2019-1/sami-jokkmokk-challenging-modernity>

⁹⁵ OHCHR, Land and resource rights are key to Sami peoples self-determination UN expert rights says (2015), <https://www.ohchr.org/en/press-releases/2015/08/land-and-resource-rights-are-key-sami-peoples-self-determination-un-rights>

Land use competition with the fossil fuel industry directly threaten their access to land and natural resources which are at the very basis of their way of living.⁹⁶ One of the challenges of the Sami populations is to actually be part of the decision-making process over the mining industry, so as to ensure their ability to use the land for reindeer herding.⁹⁷

Norway's irresponsible fossil expansion plans

Despite the global endorsement that warming of 1.5°C constitutes a major man-made threat to the climate, continuous drilling still continues to add to the carbon debt. Part of the problem lies in the absence of an emissions-counting mechanism to make Norway responsible for the emissions it exports as they constitute the biggest share of overall emissions.⁹⁸

The lack of transparency and accountability from the State over these exported emissions creates irreversible environmental harm inside and outside its territory. However, the State's attempt to limit its responsibility only to damages occurring on its territory is rendered void by climate change impacts that will make national borders irrelevant for generations.

Lasse Eriksen Bjørn, 24 years old⁹⁹:

“How will we be able to continue the practice of our culture, living on the basis of traditional knowledge of nature, if the species that our culture has nurtured for centuries disappear? I fear that the next generation will never learn how to live off the fjord, as I learnt from my grandparents while growing up.”

The Norwegian state-owned company Equinor as currently involved in numerous North Sea expansion plans, with over half of the short-term investment plans and \$1.202 Billion on the search for new oil and gas resources incompatible with the climate reduction targets should also be accountable for human and environmental side effects, among which harms against indigenous communities.¹⁰⁰ The ongoing destruction and drilling of new fields in the Arctic constitute dangerous carbon bombs.¹⁰¹

96 OHCHR, Land and resource rights are key to Sami peoples self-determination UN expert rights says, (2015), <https://www.ohchr.org/en/press-releases/2015/08/land-and-resource-rights-are-key-sami-peoples-self-determination-un-rights>

97 Raitio, K., et al., Mineral extraction in Swedish Sápmi: The regulatory gap between Sami rights and Sweden's mining permitting practices (2020), <https://www.sciencedirect.com/science/article/abs/pii/S026483771931419X> (SWEDEN FOCUS)

98 Wahl-Larsen, Greenpeace Nordic et al. Application (2021), https://climatecasechart.com/wp-content/uploads/non-us-case-documents/2021/20210615_Application-no.-3406821_petition-1.pdf

99 Greenpeace Nordic, Meet the applicants (2021), <https://www.greenpeace.org/norway/historier/klimaendringer/meet-the-applicants/>

100 Gogel, Global oil and gas exit list, <https://gogel.org>

101 Naturvernforbundet, Wisting, <https://naturvernforbundet.no/wisting/>

RUSSIA: RUSSIAN GAS IMPORTED TO BELGIUM FINANCES WAR AGAINST UKRAINE



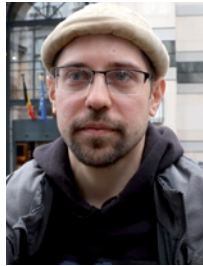
Protest in front of the Belgian Ministry of Foreign Affairs

© Amadeo Ghiotto / Greenpeace

Russian gas exports to Belgium in 2022 accounted for 12.6% of total Belgian gas imports that year. Much of this was re-exported, but did enter Fluxys' LNG terminal through the long-term contract Fluxys has with Yamal LNG.

Human rights violated:

- Right to life - art. 6 International Covenant on Civil and Political Rights (ICCPR)
- Prohibition of torture - art. 7 ICCPR
- Prohibition against arbitrary detention - arts. 9 & 10 ICCPR
- Right to respect for private and family life and home - arts. 17 & 23 ICCPR
- Right of a child to his identity and not to be separated from his parents - arts. 8 & 9 Convention on the Rights of the Child



Oleh Savytskyi

© Greenpeace

“My name is Oleh Savytskyi and I’m a senior campaigns manager of Razom We Stand NGO. And today we’ve passed an official open letter to the Belgian government here at the Ministry of Foreign Affairs. We demand an immediate ban on transshipment of Russian LNG in Zeebrugge which contributes to funding of war crimes in Ukraine and directly contributes to Novatek profits, which funds military units in Ukraine, funds mercenaries who kill Ukrainian people and who commit war crimes. And we will do whatever it takes to stop Russian gas exports. And if Fluxys is against it, we will go after you, and we will make sure that the National Agency for Corruption Prevention will list Fluxys as an international sponsor of war.”

- Oleh Savytskyi, 2023

Russia's war against Ukraine: systematic violations of international humanitarian law and human rights.

The Russian invasion of Ukraine, first in Crimea and the Donbas region in 2014 and the much larger scale from Feb. 24, 2022, is a war of aggression in violation of Article 2(4) of the UN Charter. This includes the annexation of the territories occupied thereby. Aggression is also an international-law crime under the Rome Statute of the International Criminal Court. Russia appears to be systematically violating international humanitarian law in its warfare.

This war has a huge humanitarian cost. More than 6 million Ukrainians, or 15% of the population, have fled their country. About 5 million people are refugees within Ukraine.¹⁰² Once this was 8 million people, but by now a lot of people have returned home.¹⁰³ This does mean that about a third of the population has had to flee the violence of war at least temporarily. The OHCHR recorded nearly 10000 civilian casualties. But it also states that this is an underestimate. This is because it was unable to conduct research in a number of cities, such as Mariupol or Severodonetsk, which have been under heavy fire during the conflict.

Most of those civilian casualties occurred as a result of bombings and explosive weapons attacks on cities. Such attacks on civilian targets or where no distinction is made between civilians and military targets are a grave violation of international humanitarian law. This also applies to missile and drone bombings of energy infrastructure or grain export infrastructure. Both are clearly civilian infrastructure and systematically attacking them indicates that the civilian population is being targeted in warfare.

¹⁰² OHCHR, Report of the Independent International Commission of Inquiry on Ukraine para. 15 (2023), <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A-78-540-AEV.pdf>

¹⁰³ Displacement Tracking Matrix, Ukraine – Internal Displacement Report – General Population Survey Round 4 (2022), <https://data.unhcr.org/en/situations/ukraine>; <https://dtm.iom.int/reports/ukraine-internal-displacement-report-general-population-survey-round-4-29-april-3-may-2022>

Even when the Russian military has occupied an area, it appears to be guilty of systematic violations of international humanitarian law. The torture and execution of civilians in Bucha during the attack on Kiev have been extensively documented in the media, but similar acts also took place elsewhere, and mass graves were found. Reports by the UN or various human rights organizations also report illegal detentions of civilians and torture in detention camps. Some of the detained civilians are also transferred to Russia. Finally, Russia also appears to be transferring children to Russia on a large scale and making them available for adoption.¹⁰⁴

Russian gas imported to Belgium finances the war

LNG exports from Yamal to Belgium not only have negative consequences in Yamal itself. Russia is also largely financing its war against Ukraine with it. The EU has imposed sanctions on Russian oil and coal, but not on Russian gas. This is because of Europe's dependence on Russian gas, which the EU, while trying to reduce, cannot eliminate for now. And while the supply of gas through some Russian pipelines has stopped, Russia is switching to exports as LNG.

“The Belgian government is actually an example of terrible irresponsibility and inaction, because they were notified about this issue by Belgian NGOs a year ago, and they did nothing to break the ties between Fluxys and Novatek. And it's their mandate to regulate the gas company and it's their mandate to impose sanctions on Russia. And while many other countries, they take action and they prevent Russia from having massive profits, like the UK and the US, Belgium is just lagging behind. And we still see that the Belgian government is failing to regulate its own gas company.”

- Oleh Savytskyi, 2023

Here, the LNG terminal in Zeebrugge and the Belgian gas company Fluxys play a crucial role. Yamal LNG needed a port where it could transfer LNG from its icebreaker tankers to regular tankers. Fluxys entered into a 20-year contract with Yamal LNG in 2015, and built a fifth storage tank in the Port of Zeebrugge to serve only the transshipment of Russian gas. Further agreements between Fluxys and Yamal LNG in 2020 stipulated that an annual transshipment capacity of 18.4 bcm of Russian gas would be available to Yamal LNG. That share corresponds to 3/4 of Yamal LNG's production capacity.

Result: 72% of all Russian LNG transshipment in the EU in 2022 took place in Zeebrugge. That transshipment of Russian gas in Zeebrugge, by the way, is not destined for the European market. In 2021, according to

¹⁰⁴ OHCHR, Report of the Independent International Commission of Inquiry on Ukraine, 19 October 2023, A/78/540, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A-78-540-AEV.pdf>; OHCHR, Report of the Independent International Commission of Inquiry on Ukraine (2023) https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62_AUV_EN.pdf; Report of the Independent International Commission of Inquiry on Ukraine (2022) <https://www.ohchr.org/en/documents/reports/a77533-independent-international-commission-inquiry-ukraine-note-secretary>.

calculations by IEEFA, no less than 89% of the LNG from Yamal/Sabetta transshipped in this way in Zeebrugge ended up on the Asian market.¹⁰⁵

On the other hand, Russian gas is also imported and injected into Belgium's own gas grid. Much of it is re-exported to Germany, but Belgian gas consumption is not completely free of Russian gas.

The importance to Russian war financing is impossible to overlook. Recent new Russian taxes demonstrate this: in November 2022, Russia introduced new taxes to meet the cost of war, and to counter the impact of sanctions. For the Yamal LNG project, that meant a tax increase from 20% to 34%. This measure is expected to raise about \$2.5 billion by 2023, according to the Russian Finance Ministry.¹⁰⁶ So subjecting Russian gas to sanctions as well would have a significant impact. Especially when we see that after 1 year of warfare, Russian energy export revenues have halved.¹⁰⁷

“The transshipments in Zeebrugge, they allowed Yamal LNG Russian terminal, to earn almost €3 billion in 2022 on the gas that was supplied to markets outside EU. And at the same time, Fluxys receives only 50 million euro per year. So Novatek made massive profits and paid a little dividend to Fluxys. And also Russia has increased the taxes on LNG exports, and now it contributes even more to the Russian war chest.”

- Oleh Savytskyi, 2023

Russian gas companies, by the way, also play a much more direct role in financing the war. They help recruit contract soldiers or mercenaries by paying them, on top of the official salary paid by the Russian government, an additional salary. By making the job as a soldier more financially attractive, the Russian government can avoid an unpopular mobilisation, while also avoiding a visible additional burden on the state budget. This way is used by Novatek, Yamal LNG's main shareholder, among others. Through its own foundation Muzhestvo, which can be translated as courage, Novatek thus doubles soldiers' salaries.¹⁰⁸

Novatek is thus co-organizing and financing the Russian war in Ukraine. France's Total has a 19.4% stake in Novatek and 20% in Yamal LNG, It is also the buyer of a quarter of Yamal gas under a long-term contract.¹⁰⁹

105 IEEFA, Belgian LNG terminal Zeebrugge supporting year-round Russian LNG supplies to non-European markets (2022), <https://ieefa.org/resources/belgian-lng-terminal-zeebrugge-supporting-year-round-russian-lng-supplies-non-european>

106 Upstream Online, Russia slaps higher taxes on oil and gas concerns (2022), <https://www.upstreamonline.com/production/russia-slaps-higher-taxes-on-oil-and-gas-concerns/2-1-1352870>

107 Financial Times, Russia's budget deficit soars as energy revenues slump by almost half (2023) <https://www.ft.com/content/3def31b3-ca3d-4d6b-8add-3008ac6dfb44>

108 IStories, How the Russian Billionaires Provide Mercenaries to the Russian Army (2023) <https://storage.googleapis.com/istories/en/stories/2023/08/01/billionaires-mercenaries/index.html>

109 IIEEFA, Belgian LNG terminal Zeebrugge supporting year-round Russian LNG supplies to non-European markets (2022), <https://ieefa.org/resources/belgian-lng-terminal-zeebrugge-supporting-year-round-russian-lng-supplies-non-european>

RUSSIA: INDIGENOUS NENETS PEOPLES THREATENED BY GAS INDUSTRY



Russian pipeline crossing Nenets' traditional lands.

© Christophe Blitz

Russian gas exports to Belgium in 2022 accounted for 12.6% of total Belgian gas imports that year. Much of this was re-exported, but did enter Fluxys' LNG terminal through the 20-year long-term contract Fluxys has with Yamal LNG for the transshipment of maximum 8 million tonnes of LNG in Zeebrugge.¹¹⁰

Human rights violated:

- Right to life - art. 6 International Covenant on Civil and Political Rights (ICCPR)
- Right to respect for private and family life and home - arts. 17 & 23 ICCPR
- Right to health - art. 12 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Right to a healthy environment - art. 6 ICCPR and art. 12 ICESCR
- Right to land used for subsistence - art. 11 ICCPR
- Right to self-determination, right to land, right to free, prior and informed consent, right to restitution and compensation
- UN Declaration on the Rights of Indigenous Peoples

¹¹⁰ Fluxys, Indicative investments plan (2022), https://www.fluxys.com/-/media/project/fluxys/public/corporate/fluxyscom/documents/fluxys-belgium/corporate/tyndp/2021/tyndp_flux_be_lng_2021_2030_en_external.pdf

"The enjoyment of the right to information is critical in the context of the gas and chemical industries. Health and environmental information is essential in order to prevent adverse impacts, to ensure the realization of freedom of expression and to enable individuals and communities - such as the Nenets or Saami - to participate in decision-making processes and to seek and obtain remedy."

- Baskut Tuncak, Former UN Special Rapporteur on human rights and toxics

Located in the northern part of Western Siberia, the Yamal peninsula, part of the federal entity of Okrug, is the stage of an ongoing battle against extreme conditions. Two players take part in this frozen land where temperatures fall below -50° Celsius. Under the snow and ice, we can find two types of resources: gas and lichen, serving as pasture for reindeers. Since Gazprom's discovery in the 1970, the fossil fuel industry and indigenous communities have crossed each other's paths. Today, as some believe beneath the permafrost might lie one of the most significant untapped natural gas deposits in the world, the common heritage of mankind might lose one of the last remaining nomadic routes, condemned by expanding railroads and pipelines. Although the lifespan of fossil fuel is counted, the traditions, if not preserved, will disappear forever.

For Albert Serotetto, of the indigenous Nenets people on the Yamal Peninsula, it is a matter of survival of his traditional lifestyle:



Alberto Serotetto ©
Gaz russe, la dernière
route des Nenets

"One day, I was on watch with my father in the tundra. I was smoking at the foot of the gas fields. The cranes and bulldozers were in action. Gradually, the reindeer tracks were covered by yellow sand. I said to myself: My family is going to be just like those reindeer tracks. If I don't study, they'll disappear and I won't be able to help them."

The role of Fluxys in the Yamal gas industry

As reviewed in the previous Russian case study, in 2015, Fluxys and Yamal LNG secured a 20 years contract for transshipment of almost 8 million tonnes of LNG per year.¹¹¹ The 'Belgian hub' for Russian gas is attracting more and more attention from the media pointing at the 'absolute record volume of Russian liquefied gas' in 2022, also questioning the attitude of Fluxys hiding behind the non-discrimination rule, falsely preventing Fluxys from stopping its contract.¹¹² Today, the Zeebrugge LNG terminal hosts tankers coming

111 Fluxys, Annual report (2021), https://www.fluxys.com/-/media/project/fluxys/public/corporate/fluxyscom/documents/fluxys-belgium/corporate/tyndp/2021/tyndp_flux_be_lng_2021_2030_en_external.pdf

112 RTL, Le port de Zeebrugge épinglé pour être une plaque tournante du gaz russe (2023), <https://www.rtl.be/actu/belgique/societe/le-port-de-zeebrugge-epingle-pour-etre-une-plaque-tournante-de-gaz-russe/2023-03-24/article/536378> and The Brussels Time, Zeebrugge LNG Terminal indirectly funds Russian war effort (2023), <https://www.brusselstimes.com/411720/zeebrugge-lng-terminal-indirectly-funds-russian-war-effort>

from the Yamal Peninsula to Asian markets, but also to supply Belgium. Between 2019 and 2022, the share of Russian gas increased fourfold.¹¹³ Fluxys and energy suppliers using the Belgian terminal are responsible for damages to the Arctic and Nenets community.¹¹⁴ The Yamal LNG Project reduces the Nenets' ability to adapt to climate and social change by polluting their environment, increasing pressure on the Tundra, and reducing their ability to travel and feed their herd, directly affecting the core essence of their livelihood and their right to food security, economy, health.

Russian gas expansion violating indigenous rights

In the Yamal District, 70% of the population are indigenous people and half of them are reindeer husbandry nomads.¹¹⁵ Back to a thousand years ago, it looks as if it never changed: The Nenets still live and migrate in the tundra, they sell and exchange reindeer's skin or meat for commodities (bread, tea, petroleum, fuel, etc.), are dressed in hand-made clothes, speak the language of their ancestors and still live in traditional tents called "Tchoum".

Their whole identity, tradition and economic life depend on reindeer's husbandry where the size of their herd is an important component of the family's wealth and prestige. With the seizure and significant damages to the grazing pasture, the life of Nenets peoples is endangered by gas companies as companies explore elevated, well-drained parts of the tundra to develop transport infrastructure.¹¹⁶

Albert continues, he has seen gas extraction develop on his Yamal peninsula and all its consequences.

"It's unthinkable that we can go on." "There are plenty of breeders who will disappear. The closure will cause death and misery. People will fall into alcoholism because they'll have nothing to do. They won't know what to do with their lives. They won't have anything to do in the city, and on top of that they won't have a place to live. They'll be like the homeless."

Increased competition for land resources represents "the most imminent threat to the herding culture as "the herders' ability to adapt to changing climatic conditions is highly dependent on their geographical mobility.¹¹⁷ The ways in which oil and gas extraction are implemented and operated often ignore local needs and the existing local practices of reindeer herders' land use.¹¹⁸

¹¹³ Greenpeace Belgium, Il est grand temps de parler du gaz (2023), https://www.greenpeace.org/static/planet4-belgium-stateless/2023/02/add54128-greenpeace-il_est_grand_temps_de_parler_du_gaz.pdf

¹¹⁴ Fluxys, Zeebrugge LNG terminal: transshipment under Yamal long-term contract started (2020), https://www.fluxys.com/en/press-releases/fluxys-belgium/2020/20200107_press_long_term_contract_started

¹¹⁵ Countercurrent and Infoo, Yamal LNG project report (2016), https://multinationales.org/IMG/pdf/yamal_lng_project_report_schwalbe_final_web.pdf

¹¹⁶ ibidem

¹¹⁷ ibidem

¹¹⁸ ibidem

There are many gaps in the legislation aiming at providing a space for dialogue between the indigenous people, gas companies and the state showing the great need of Indigenous population need to effectively participate in decision-making process.¹¹⁹ The only people informed are those formally registered, which is made on the basis of clan divisions which excludes herders not part of clans or not registered. Any attempt to protest against the destruction of the Yamal Peninsula is useless, because of State's corruption: "[W]hether you complain or not, it doesn't matter. Even if people are saying something, no one listens. They keep doing what they have been doing. All they [the administration] think about is filling their own pockets."¹²⁰

As a matter of fact, the Yamal LNG Project destroyed hundreds of hectares of pasture, with no real compensation or reparation. "People were promised brick houses but got panel houses instead; were promised crossovers for reindeer to cross pipelines but got them in the wrong places; were promised waste recycling facilities but no facilities have yet been built. Instead, the approach being followed seems to involve simply removing the people from their territories, either by killing their reindeer or chasing them from the land."¹²¹

Finally, Albert adds:

"There aren't even any fish in the lakes. How can we do without income? This will create serious social problems. The nomadic way of life is in danger."

Russia's methane leaks thaw indigenous reindeer and herders' footsteps

Shortly after Putin's election in 2000, the Arctic made its comeback to the political agenda. In 2013, Novatek's LNG production project was concluded on the Yamal Peninsula with the aim of securing the country's national security and the Arctic's borders and development. The project extends from the gas extraction to the shipping in the EU. Moreover, a 100 km long pipeline was built in Sabetta harbour, which also comprises an international airport, accommodation facilities and LNG ice breakers.¹²² The Russian project in the Arctic and Northern Sea route, the Yamal pipeline, is notorious for its methane leaks, according to the European Space Agency.¹²³ The Yamal pipeline stretches 2,000 km from Germany through Poland and Belarus to Russia.¹²⁴

119 ibidem

120 ibidem

121 ibidem

122 University of Liege, Energy policy in the Arctic, (2020) <https://popups.uliege.be/2593-9483/index.php?id=137#tocto1n2>

123 Reuters, Satellites reveal major new gas industry methane leaks (2020), <https://www.reuters.com/article/uk-climatechange-methane-satellites-insi-idUKKBN23W3KM>

124 Reuters, Satellites reveal major new gas industry methane leaks (2020), <https://www.reuters.com/article/uk-climatechange-methane-satellites-insi-idUKKBN23W3KM>

Arctic gas business, made possible by Western companies.

EU companies owning shares and having concluded long-term contracts with Yamal LNG project such as French TotalEnergies or TechnipFMC but also the two Belgian dredging companies Jan De Nul and Deme having built the Sabetta's port will be also responsible for conducting due diligence.¹²⁵ The excuse Fluxys uses to clear its name by saying that “[they] manage infrastructure (...) And that's where it ends” and passing the bulk to the next link in the chain is the exact opposite of the *raison d'être* of the due diligence principle.¹²⁶ In the light of the war in Ukraine, some could raise the question of why EU companies such as Fluxys having mining activities in Russia do not have economic sanctions. Moreover, Ukraine's National Agency for the Prevention of Corruption recently added Fluxys to its list of international war sponsors.¹²⁷ In part due to pressure from Ukrainian activists such as Oleh, whose testimony can be read in the other Russian case study, who have long advocated this.

125 <https://popups.uliege.be/2593-9483/index.php?id=137#tocto1n2> ; <https://www.tijd.be/politiek-economie/belgie/economie/baggergroep-deme-voor-strafrechter-in-russisch-omkoopdossier-na-klacht-jan-de-nul/10496687.html>

126 L'Echo, Pourquoi Fluxys tient tant à son contrat de gaz russe de l'arctique, <https://www.lecho.be/entreprises/energie/pourquoi-fluxys-tient-tant-a-son-contrat-de-gaz-russe-de-l-arctique/10377124.html>

127 Greenpeace Belgium, L'Ukraine place Fluxys sur la liste des sponsors de guerre internationaux (2023), <https://www.greenpeace.org/belgium/fr/communique-de-presse/55399/ukraine-place-fluxys-sur-la-liste-des-sponsors-de-guerre-internationaux/>

UK: EXPORT OF US AND QATARI FLAGGED LNG, AND EXPANSION OF NORTH SEA GAS



Culzean Gas Platform in the North Sea

© Marten van Dijk / Greenpeace

Of Belgium's total gas imports in 2022, 10% are attributable to British North Sea gas. This enters our country through the Fluxys pipelines Interconnector in Zeebrugge and BBL in the Netherlands.

Violated human rights:

- Right to life - art. 6 International Covenant on Civil and Political Rights (ICCPR)
- Right to respect for private and family life and home - arts. 17 & 23 ICCPR
- Right to health - art. 12 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Right to a healthy environment - art. 6 ICCPR and art. 12 ICESCR

"Natural gas imported to the UK is inseparable from the human impacts of climate change, toxic pollution and loss of biodiversity endured by the communities from which it is extracted. This can not be ignored."

- Baskut Tuncak, Former UN Special Rapporteur
on human rights and toxics

According to Eurostat data, British gas imports accounted for a quarter of total gas imports to Belgium. In our country, this was lauded as British gas that would keep Belgians warm in times of crisis. As recently as July 2022, Belgian Energy Minister Tinne Van der Straeten visited her British counterpart Kwasi Kwarteng to highlight the energy cooperation between the two countries.¹²⁸

But in reality, the UK has long since ceased to be the gas superpower¹²⁹, with the UK's own production of gas only counting for 40% of the national gas mix.¹³⁰ The remaining 60% is supplemented by imports from other countries: the Norwegian Arctic, the American shale and Qatari gas which, once into the UK pipelines, is re-exported across the Channel as British gas. For example, U.S. President Biden recently announced the commitment to double US LNG exports to the UK, as part of European energy supplies, to re-export to Belgium, among others.¹³¹

British gas is exported to the EU mainland by two pipelines: the Interconnector to Zeebrugge and the BBL pipeline to the Netherlands, both owned by Fluxys. In these Fluxys pipelines, the various gas flows are mixed into an anonymous heap, and received in Zeebrugge under the British flag. The human rights violations in Norway, the United States, and Qatar associated with it are therefore lost in the energy statistics that report it as "British gas". While the origin of the gas is thus washed away, the impact remains painfully real in the Saami, Gulf Coast, and Qatari communities where it is extracted.

128 Website van de minister van Energie Van der Straete, Van der Straeten verzekert goede (inter) connecties in Londen (2022) https://www.tinnevanderstraeten.be/van_der_straeten_verzekert_goede_inter_connecties_in_londen

129 Webber, C., the evolution of the Gas Industry in the uk, <http://members.igu.org/old/gas-knowhow/publications/igu-publications/mag/april10/pages%20198-220.pdf>

130 Greenpeace Belgium calculations from UK Gov data(2023), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181288/ET_4.2_AUG_23.xlsx en https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181290/ET_4.4_AUG_23.xlsx

131 AP News, US to boost natural gas exports to UK in energy partnershi (2022), <https://apnews.com/article/biden-british-politics-united-states-europe-climate-and-environment-13ba11cb978180731a636d57a35dc4a9>

British gas from the North Sea is not free of human rights violations either

Although British gas extraction takes place mainly in the North Sea¹³², where no people live, that does not mean it is free of human rights violations.

Back in 2021, the International Energy Agency said, there is nowhere in the world for new oil and gas expansions if the global energy system is to be net zero by 2050.¹³³ Indeed, a recent study estimates that 60% of oil and gas reserves must remain in the ground if the world is to have half a chance of limiting global warming to 1.5°C under the Paris Agreement.¹³⁴ UN Secretary General António Guterres, among others, said in 2022:

"Climate activists are sometimes portrayed as dangerous radicals. But the really dangerous radicals are the countries that increase fossil fuel production. Investing in new fossil fuel infrastructure is moral and economic madness."¹³⁵

It is in this context that the British government has issued hundreds of new oil and gas exploration licences in recent years.¹³⁶ This massive fossil expansion has been called incompatible with the fight against global warming under scientific consensus, but was proudly announced by the British government. Recent research by Greenpeace UK therefore showed that these new fields would not help against the short-term energy crisis, would not bring down prices, would not help the economy, but would jeopardise British climate goals.¹³⁷

Lyndsay Walsh, climate advisor at Oxfam, commented in De Standaard,

"Pumping more fossil fuels into the North Sea is tantamount to smashing Britain's climate goals with a wrecking ball."¹³⁸

These new licences jeopardise Britain's energy transition, and will lock the country into expanding oil and gas extraction for decades.

132 Goffey, G, Gluyas, J., and Schofield, N., UK oil and gas fields: an overview (2020), <https://www.lyellcollection.org/doi/10.1144/m52-2019-48>

133 IEA, IEA: Renewables should overtake coal 'within five years' to secure 1.5C goal (2021), <https://www.carbonbrief.org/iea-renewables-should-overtake-coal-within-five-years-to-secure-1-5c-goal/>

134 Welsby, D., et al, Unextractable fossil fuels in a 1.5°C world (2021), <https://www.nature.com/articles/s41586-021-03821-8>

135 Carbon Brief, Factcheck: Why banning new North Sea oil and gas is not a 'Just Stop Oil plan' (2023), <https://www.carbonbrief.org/factcheck-why-banning-new-north-sea-oil-and-gas-is-not-a-just-stop-oil-plan/>

136 UK Government, Hundreds of new North Sea oil and gas licences to boost British energy independence and grow the economy (2023), <https://www.gov.uk/government/news/hundreds-of-new-north-sea-oil-and-gas-licences-to-boost-british-energy-independence-and-grow-the-economy-31-july-2023>

137 Greenpeace UK, Media briefing labours proposal to stop new oil and gas (2023), <https://www.greenpeace.org.uk/resources/media-briefing-labours-proposal-to-stop-new-oil-and-gas/>

138 De Standaard, Britten willen een pak meer gas en olie uit de Noordzee halen: 100 licenties staan klaar, https://www.standaard.be/cnt/dmf20230731_95732965

No new oil and gas fields in the North Sea to combat climate change.

Carbon emissions and climate change have significant impacts on our ecosystems. They cause air pollution, result in extreme temperatures that trigger droughts and heat waves, and cause sea level rise that leads to flooding. Many basic human rights, such as the right to life, health, food and adequate livelihood, are negatively affected by the effects of climate change.¹³⁹ This impact becomes visible with each new extreme weather event, with consequent destruction such as loss of life, damage to crops and property. Without further action, climate change will continue to cause devastation to both people and planet, resulting in continued human rights violations.

Similar to the Urgenda climate justice case in the Netherlands¹⁴⁰, the British government's failure to meet its climate goals by this massive expansion of those oil and gas fields violates its duty of care under Articles 2 and 8 of the European Convention on Human Rights (ECHR).¹⁴¹

Article 2: Right to life

Article 8: Right to respect for private, family and family life

The British government has an obligation under the ECHR and ICCPR to protect these rights from the real threat of climate change. For despite the scientific consensus that these extensions are contrary to the 1.5° goal, the British government is pushing these new fields anyway. In a connected crisis of climate, rising living costs, and energy, successive British governments have bet on more fossil energy at the expense of climate, rising costs, and energy transition.

139 Greenpeace UK, What does climate change have to do with human rights (2018), <https://www.greenpeace.org/international/story/19885/what-does-climate-change-have-to-do-with-human-rights/>

140 Climate case chart, Urgenda v. Netherland (2015), <https://climatecasechart.com/non-us-case/urgenda-foundation-v-kingdom-of-the-netherlands/>

141 ECHR, Europees Verdrag voor de Rechten van de Mens, https://www.echr.coe.int/documents/d/echr/convention_nld

NETHERLANDS: EARTHQUAKES IN GRONINGEN



Protest Groningen bij bezoek Kamp

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Imports of the Netherlands' own gas production have mostly ended. What is still imported as “Dutch” gas is almost all transit of American shale gas, Qatari LNG, Norwegian gas, and others. But Belgium has been heating itself for years with gas pumped in Groningen. Consequently, it is relevant to look at what impact that extraction has had on a human level. In 2022, 12.75% of the gas supplied to Belgium came from the Netherlands, but only 2.9% was from Dutch gas production.

Human rights violated:

- Right to life - art. 6 International Covenant on Civil and Political Rights (ICCPR)
- Right to respect for private, family and home life - arts. 17 & 23 ICCPR
- Right to health and healthy development of the child - art. 12 International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Right to a healthy environment - art. 6 ICCPR and art. 12 ICCPR

"People have no idea what it means to have to walk around your house year in and year out every time after a quake and see damage again. We all act together as if damage is normal." "But the moment your home is not safe, your whole future perspective also crumbles. Because maybe I have to move, or maybe we have to demolish and build new; or maybe we have to go to a change of residence."¹⁴²

- Annemarie Heite, 2022

For years, the Netherlands was one of the main gas suppliers to Belgium. That is now strongly reduced with the cessation of gas production in Groningen. But it remains an important example of the problems associated with gas extraction and consumption.

The environmental cost of the Dutch gas industry

The discovery in 1959 of a large gas bubble at Slochteren in Groningen heralded the beginning of Dutch gas production. The Dutch State set it up as a private-public partnership the Netherlands Petroleum Company (NAM), in which Shell and ExxonMobil also participated.¹⁴³ That gas production has generated over 430 billion euros since exploitation began. More than 80 % of this income went to the Dutch state, the rest to Shell and ExxonMobil. But the human and environmental cost was disastrous, especially for those who lived above that gas bubble. Meanwhile, some 80% of the gas bubble has been pumped up from the gas reserves, amounting to disastrous 2,300 billion m³ of gas equaling roughly to 4.6 Gt of CO₂ emissions.¹⁴⁴

"If there is acute damage, someone comes along pretty quickly; that was true at one point, especially now. Then very often the solution is either demolish, or shoring up the house. Then they go away again. So that leaves you as residents with a destroyed house, something that has been demolished that you don't really want, or a house in shoring. Every day when you come home, you think, 'This is not okay. My house is broken. It won't collapse on my head now, but who's going to fix it when? How is that going to happen?'"

- Frouke Postma-Doornbos, 2022

One of the underlying issues in this case was the timespan between the moment when the extraction began and the first signs of environmental damages and consequences over habitants around the extraction field.

¹⁴² Openbaar verhoor Annemarie Heite (2022), https://www.tweedekamer.nl/sites/default/files/atoms/files/20220701openbaar_verhoor_heite_parlementaire_enquete_aardgaswinning_groningen.pdf

¹⁴³ Groningers boven gas., Rapport parlementaire enquêtecommissie aardgaswinning Groningen, Boek 1: Conclusies en aanbevelingen (2023)p. 20, <https://www.tweedekamer.nl/Groningen/rapport> ; Groningers boven gas. Rapport parlementaire enquêtecommissie aardgaswinning Groningen, Boek 5: Themahoofdstukken, verantwoording en bijlagen (2023) p. 1596, <https://www.tweedekamer.nl/Groningen/rapport>

¹⁴⁴ Own calculation, based on Kjell Kühne, Big numbers for bold activists: A quick method for estimating potential emissions of fossil fuel projects, Energy Research & Social Science 79 (2021), <https://doi.org/10.1016/j.erss.2021.102172>

However, the consequences were known from the start but people bet on the gradual effects which would not cause any damage on the long term. And hardly any earthquakes occurred during the first 20 years. This suddenly changed with the 1986 Assen earthquake, which had a magnitude of 2.8 on the Richter scale. NAM continued to minimise the risk and refused to acknowledge the relationship between gas production and earthquakes in Groningen until 1993. Since then, earthquakes have occurred with increasing regularity and growing strength. Due to another 3.6 earthquake in 2012, awareness and fear around house collapses increased public attention around environmental and human risks related to gas extractions for people in the vicinity. Since gas extraction stopped, the peak of earthquakes in 2017 with over 120 has dropped to 52.¹⁴⁵ Over the whole extraction in Groningen, over 1,600 earthquakes occurred in the province of Groningen.¹⁴⁶

The human price attached to earthquakes balanced with Dutch government's financial interest

These earthquakes also occur at a much shallower depth than a "normal" earthquake. As a result, much more of the energy released in the earthquakes reaches the surface. Consequently, damages resulting from earthquakes go beyond the Richter scale. Damage from the quakes became widespread and annual damage reporting reached a total of 267000 by the end of 2022.¹⁴⁷ By September 2022, 880 homes had been demolished for being unsafe, and it is expected that 3300 homes will eventually be demolished.¹⁴⁸

As the earth was trembling, citizens were left alone with no measures to counter them. Despite the Parliamentary Commission of Inquiry report acknowledging the damages of many houses with new chimneys, houses in struts, and houses being demolished,¹⁴⁹ NAM and the Dutch government first minimised the problem and tried to limit damage claims in lengthy proceedings. The Council of State decided to overturn extraction permission in 2015, and later the court ruled that NAM's criminal liability should be investigated. As a consequence the Dutch government decided to accelerate the closure of the gas activities and on Oct. 1, 2023, the gas production in Groningen was officially stopped as well.¹⁵⁰ However, the consequent earthquakes will not stop as a result of the stopping activities though it could be expected they will in some distant future.

*"Yes, your house being broken is one thing. But when you're not sure your kids will wake up safely if something happens, that's a whole other story."
"When I look back, there's another thing I haven't really said yet because*

145 KNMI, Kennis en datacentrum, <https://www.knmi.nl/kennis-en-datacentrum/uitleg/aardbevingen-door-gaswinning>

146 Groningers boven gas., Boek 5 (2023) p. 1527, <https://www.tweedekamer.nl/Groningen/rapport>

147 Groningers boven gas, Boek 1, p. 32.

148 Groninger Bodem Beweging, Feiten en cijfers <https://groninger-bodem-beweging.nl/nieuws/feiten-en-cijfers/>

149 Groningers boven gas, Boek 1, p. 26.

150 Rijksoverheid, <https://www.rijksoverheid.nl/onderwerpen/gaswinning-in-groningen/afbouw-gaswinning-groningen>

this has been weighing on me like a stone, and that's the mental health of our children. [...] Our sons spent their adolescent years, teenage years in a very stressed environment with very stressed parents. They each in their own way really suffered the mental consequences of that. Our youngest son is severely depressed. We didn't realise that at all in the beginning. [...] Then later when you notice and see that, you think: I just failed, I just failed as a mother. I fought for the house, but I should have fought for my child."

- Frouke Postma-Doornbos, 2022

Consequently, the interests of the residents of the gas extraction area were structurally ignored and the problems were minimised for a long time. NAM has long tried to keep damages to a minimum. Meanwhile, the long administrative agony for residents looking for obtaining compensation or safety measures is ongoing.

The ongoing battle between the residents and the Government on the understanding of the adequate living conditions and safe environment standards shows the difficulty to get access to adequate protection from the State despite the obvious human rights consequences. Adding to this, NAM held a very different standard when it came to safety compared to residents. "A house that is propped up to prevent collapse is also safe according to this technical definition of safety. This is contrary to safety according to Groningers, who rightly understand safety as being able to live safely in a house. A house in shoring constantly reminds the resident of insecurity, and eminently does not contribute to feeling safe in one's own home. Moreover, in reinforcement operations, homes are only reinforced to a level of safety also known as near collapse. This means that after a severe quake, residents have half an hour to get out of their homes safely."¹⁵¹

In addition to these living conditions, the stress attached to the fear of facing danger has a strong impact on residents' health. More than 10000 residents were diagnosed with stress-related health problems directly traceable to the earthquake problems. These stemmed from both the feeling of insecurity due to damage to homes and the ongoing bureaucratic fight for compensation.¹⁵² The testimonies during the parliamentary commission of inquiry, quoted in this case study bear this out very clearly.

The Netherlands was therefore admonished in the UN Human Rights Commission to take the necessary measures for both the physical safety and mental well-being of residents and the safety of their homes, to adequately compensate victims, and to ensure meaningful participation and consultation of residents in dealing with the gas release.¹⁵³

151 Groningers boven gas, Boek 1, p. 55

152 University of Groningen, Induced earthquake damage enormous impact on health and perceived safety (2018), <https://www.rug.nl/news/2018/01/earthquake-damage-enormous-impact-on-health-and-perceived-safety>; <https://www.groningsperspectief.nl/publicaties/>

153 HRC, Concluding observations on the fifth periodic report of the Netherlands, CCPR/C/NLD/CO/5, (2019), <https://www.ohchr.org/en/documents/concluding-observations/ccprcnldco5-human-rights-committee-concluding-observations-fifth>



CONCLUSION

Beyond a doubt, human rights violations abound in the fossil fuel industry, also with regards to gas. Despite the wide range of violations visited in this report, it is impossible to reflect the million voices of people affected by the supply chains of the gas industry. The despair of a community lacking access to remedy, the fear of people suffering from another earthquake, the uncertainty of what tomorrow will look like, or the fear of a woman wondering if her kid will have a healthy life in a rural area where the prospect of getting a job is more likely to be in the fossil fuel industry, are just a few examples.

Affected communities, people from remote places around the world and civil society, all have their eyes on the upcoming EU Corporate Sustainability Due Diligence framework. Despite prominent and progressive legislations from the UN or the OECD, there is still a strong resistance by the majority of companies to hear these voices demanding their right to live their life in dignity. Thanks to the upcoming framework, companies will have to respect human rights, including in their value chain and beyond the EU territory. Applying due diligence and identifying negative impacts on human rights and the environment, preventing them if still possible or mitigating and stopping them when they are already occurring, will be another path towards the fulfilment of the rights and obligations enshrined in international human rights and environmental treaties.

From companies importing or selling gas on the EU internal gas market, such as TotalEnergies or Shell, to those that help organise this gas market or provide gas infrastructure, such as Fluxys, all will now have to meet the due diligence obligations arising from the CSDD directive. The human rights violations identified in this report are the unacceptable impacts which these companies themselves must now identify and take appropriate action on. The stakeholders whose testimony or stories are included here, are the stakeholders which these companies must involve in their identification and remedial actions.

Finally, it should be noted that the fossil fuel industry and its impacts on our planet and climate are diametrically opposed to the right to a healthy and sustainable environment. For years, the IPCC has stressed that urgent action is needed to drastically reduce and halt the emission of greenhouse gases in the short term. Applying a serious due diligence framework to the fossil fuel industry must therefore lead to planning a concrete and fair phase-out and cessation of this industry's activities.