

Joint Parallel Report submitted by the Center for International Environmental Law (CIEL) and Greenpeace Nordic (GPN) to the Committee on the Rights of the Child (CRC) on the occasion of the consideration of Norway for the Concluding Observations (COB)

100th Pre-sessional Working Group Session

Submitted on 30 November

Executive Summary

During the Pre-Sessional Working Group on 5 May 2023, this Committee adopted the LOIPRs of the seventh periodic report of Norway¹. The Committee asked questions about the State party's measures taken to ensure that companies, including the fossil fuels industry, respect children's rights; measures taken to reduce greenhouse gas emissions, including with regard to oil and gas extraction; and to establish safeguards to protect children, both in the State party and abroad, from the negative impacts of fossil fuels, among other questions. In its reply, Norway did not provide adequate information on measures taken to ensure that its national policy on fossil fuels is in compliance with the rights of children. It also failed to answer the Committee's question regarding the establishment of safeguards to address the negative impacts of fossil fuels on children.

Over the past year, Norway has repeatedly reiterated its intention not to phase out fossil fuels and continue to pursue its oil and gas extraction and export policy. Norway must maximise its efforts to comply with its climate and human rights legal obligations, in order not to cause harm to children's rights within and outside its jurisdiction.

In light of the above, CIEL and Greenpeace Nordic respectfully urge the Committee to provide the following recommendations:

The Committee expresses concern about Norway's ongoing and expanding oil and gas exploration, extraction, and export, due to their contribution to climate change, which affects the rights of children within and beyond the State party's jurisdiction. The Committee is also concerned about the State party's current climate targets which are misaligned with the Paris Agreement, its climate and energy policies that fail to meet such targets and its lack of any plans for a fossil phase-out in line with the commitment made in Dubai during COP28.

The Committee recommends that Norway (a) immediately ceases all new oil and gas developments, and sets out a detailed plan for a fossil fuels phase out in line with its responsibilities as a major fossil fuels exporter; (b) revises its climate and energy policies, in order to achieve a 55% emissions reduction by 2030 as per its commitments, and net-zero emissions by 2050, including by starting an effective phase out of fossil fuels production; and (c) requires State-owned companies to set a concrete goal to cut

¹ CRC, 'List of issues prior to submission of the seventh periodic report of Norway' [UN Doc. CRC/C/NOR/QPR/7] (2023).

emissions in line with the Paris Agreement temperature goal in order to achieve significant emissions cuts by 2030, and reduce absolute emissions by 100% by 2050.

Norway's fossil fuels and energy policies

General context

The present submission builds on the parallel report by CIEL and Greenpeace Nordic² that was submitted to the Committee ahead of the 95th Pre-sessional Working Group session for the adoption of its List of Issues Prior to Reporting on Norway.

Since June 2023, the Norwegian government has continued to promote policies aimed at further expanding the oil and gas industry, despite claiming publicly that there is a need to reduce the production and use of fossil fuels.

In November 2023, at COP28 in Dubai, the world leaders including Norwegian prime minister Støre celebrated a new agreement on phasing out fossil fuels. Two months later, in January of 2024, the number of new oil and gas exploration licenses through the same APA procedure was 62, eight of which were in the vulnerable Arctic Barents Sea.³ More than four times the amount in the vulnerable area as the year prior. While exploration in the Barents Sea has yielded little results, the government continues to prioritise this area, and its attempts to make it the "new" North Sea.⁴

In ongoing discussions with the European Union (EU) about an agreement for green industry developments, the discussions have been stranded because Norway struggles to accept that the EU is seeking a ban on new Arctic oil and gas.⁵ Towards 2026, Norwegian oil and gas output is expected to increase even further.⁶

The record high number of investments into oil and gas must be understood in light of COVID-19 measures implemented by Norway. Norway did worse than the global average in channeling

² Center for International Environmental Law (CIEL) and Greenpeace, 'Joint Parallel Report to the Committee on the Rights of the Child (CRC) on the occasion of the consideration of Norway for the List of Issues Prior to Reporting (LOIPR)' (17 April 2023). Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRC%2FNGO%2FNOR%2F52548&Lang=en

³ '62 new production licenses offered in the APA 2023 licensing round' (Regjeringen, 2024) https://www.regjeringen.no/en/aktuelt/62-new-production-licences-offered-in-the-apa-2023-licensing-round/id3021963/

⁴ Holter, 'Varsler kjempeøkning i oljeletingen i Barentshavet' (Dagens Næringsliv, 2024) https://www.dn.no/olje/olje-og-gass/norsk-sokkel/sokkeldirektoratet/varsler-kjempeokning-i-oljeletingen-i-barentshavet/2-1-1581648?zephr_sso_ott=fKzFhwhttps://www.dn.no/olje/olje-og-gass/norsk-sokkel/sokkeldirektoratet/varsler-kjempeokning-i-oljeletingen-i-barentshavet/2-1-1581648?zephr_sso_ott=fKzFhw

⁵ High Representative of the Union for Foreign Affairs and Security Policy, 'Joint Communication to the European Parliament, The Council, the European Economic and Social Committee and the Committee of the Regions: "A stronger EU engagement for a peaceful, sustainable and prosperous Arctic" 13 October 2021, available

https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021JC0027&from=EN

⁶ Vivideconomics, Finance for Biodiversity Initiative, 'Greenness of Stimulus Index' (2021), available at https://643e8587-b887-4b39-86d3-edefb98f6abf.usrfiles.com/ugd/643e85_ff2e6bc7fbd242e7bcb50d05b7219e8b.pdf

pandemic stimulus packages to green initiatives.⁷ In fact, a third of the Norwegian public COVID-19 stimulus packages went to the oil industry. Instead of covering the regular coverage of new oil and gas investments of 78%, a majority in the Parliament decided that the State should cover 90% of all oil and gas investments done by the end of 2022.⁸

Furthermore the State is adding further Norwegian oil and gas into the market. This way, the state disregards the fact that there is already more oil and gas in production than the 1.5°C degrees carbon budget allows for, as stated by both the International Energy Agency (IEA)⁹ and the Intergovernmental Panel on Climate Change (IPCC)¹⁰. Norway has also abstained from joining initiatives such as the *Beyond Oil and Gas Alliance* or other agreements with fossil fuels producers addressing climate compatible phase out of fossil fuels production.

In its September 2023 "Planet Wreckers" report, Oil Change International exposed that "the most egregious planet wreckers" are five western countries. The report shows that only those countries alone are responsible for over half of projected oil and gas expansion between 2023 and 2050. Norway was listed as one of those major polluters - the US, Canada, UK and Australia being the other four.

The finding in the "Troubled Waters" report states: "Norway is failing to take leadership in a just transition away from fossil fuels, both on the national stage and internationally. The Norwegian government seems to have no plans for how to implement the agreement from COP28, handing out new licences to the oil and gas industry just a month after the historic agreement." ¹²

Norwegian climate goals and climate policy

In 2022, Norway updated its climate target under the Paris Agreement to cut 55% of domestic emissions by 2030, compared to 1990 levels. However, recently, the government has suggested to change this goal to a 55%-80% cut in domestic emissions by 2035.¹³ In essence, if this change becomes reality, this would result in a direct breach of the Paris Agreement, seeing as the minimum suggested cut of 55% by 2035 is less ambitious than a 55% cut by 2030, thus giving Norway the opportunity to underperform and acting in violation of the principle of non-regression. Norway is also currently not on track to reach the 2030¹⁴ goal, which might be the reason the government is now suggesting a longer time frame in order to reach a 55% cut.

⁷ Ibid.

⁸ Ibid.

⁹ See country page: https://www.iea.org/countries/norway

¹⁰ IPCC, Special Report, Summary for policy makers in 'Global warming of 1.5°C (2018)

¹¹ Romain Ioualalen and Kelly Trout, Planet Wreckers: How Countries' Oil and Gas Extraction Plans Risk Locking in Climate Chaos, (Oil Change International, September 2023) https://priceofoil.org/content/uploads/2023/09/OCI-Planet-Wreckers-Report.pdf.

¹² Silje Ask Lundberg, Rosemary Harris, and Kelly Trout, "Troubled Waters: How North Sea countries are fueling the climate crisis" (Oil Change International, March 2024)

https://www.oilchange.org/wp-content/uploads/2024/03/Troubled-Waters-Report.pdf

¹³ Forslag til endring av klimaloven: Regjeringens forslag til Norges nye klimamål for 2035 https://www.regjeringen.no/contentassets/4520a7adcd124d189da163646547acdc/horingsnotat-norges-nye-klimamal-for-2035.pdf

¹⁴ Statsbudsjettet 2025: Norge når ikke de nasjonale klimamålene (CICERO) https://cicero.oslo.no/no/artikler/statsbudsjettet-2025-norge-nar-ikke-de-nasjonale-klimamalene

As a long-term goal, Norway has a non-binding ambition to become a "low-emission society" by 2050, cutting emissions 90-95% compared to 1990 levels. However, the State party does not appear to be on track to meet its own goals. The last official emissions statistics is from 2023, and it shows a total emission of 46,6 million tons of CO2.16 This is 9,2% less than 1990. The government's own projections in the 2025 national budget show that Norway needs to make cuts at double the speed in order to reach a 55% cut by 2030 and that the current track will only ensure a 26,3% cut.¹⁷ A report from 2022 shows that Norway is not on track to net zero emissions in 2050 either. 18 The report finds that Norway is on a path to cut 79% of emissions by 2050, considerably below the ambition in the climate law (90-95%) and the EU ambition of net zero emissions by 2050.

Overview of Norway's leadership in fossil fuels export

According to the UN's last Sustainable Development Report, Norway is the world's second largest fossil fuels exporter per capita in the world, only behind Qatar.¹⁹ It is estimated that Norway exports approx. 500 million tons of CO2 annually, which amounts to at least ten times Norway's domestic annual emissions.²⁰ This is something Norway does little to circumvent and the government is unwilling to consider at the minimum drafting a plan for the final stages of the Norwegian petroleum stage, making much of the Norwegian economy's future largely uncertain and at risk of being bound up in so-called "stranded assets".

¹⁵ Norway's Climate Change Act (2018), available at https://lovdata.no/dokument/NLE/lov/2017-06-16-60 Olav Øvrebø. 'Noraes Α. Utslipp' (Energi Klima. 2024). available https://energiogklima.no/klimavakten/norges-utslipp/

¹⁷ Knezevic, Vartal, Omvik, Skårsdalsmo, Andersen, Breidlid, Tomter, Kristensen, 'Regjeringens egne beregninger: Kommer bare halvveis til klimamålene' (NRK, 2024), avilable at https://www.nrk.no/klima/regieringens-egne-beregninger_-kommer-bare-halvveis-til-klimamalene-1.17072

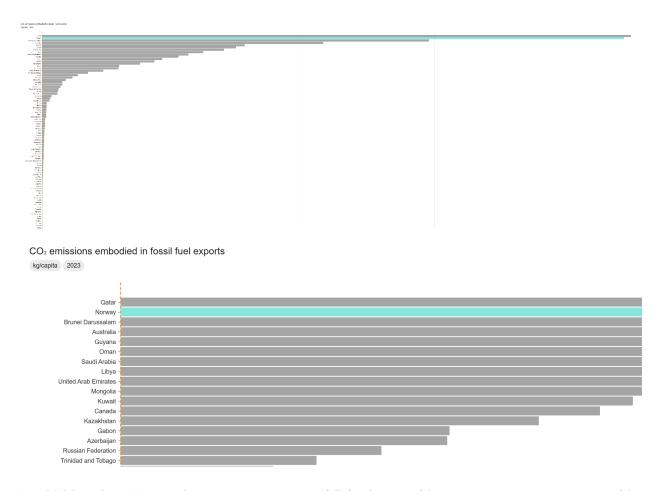
¹⁸ Anne Vandbakk, 'Ny rapport om Norges energiomstilling frem mot 2050' (DNV, 2022), available at https://www.dnv.no/news/ny-rapport-om-norges-energiomstilling-frem-mot-2050-235812

¹⁹ UN Sustainable Development Report 2022, 'Country profile Norway' (Sustainable Development Report), available at https://dashboards.sdqindex.org/profiles/norway (last accessed 28 November 2024); UN Sustainable Development Report 2022, 'CO2 emissions embodied in fossil fuels exports' (Sustainable Development Report), available https://dashboards.sdgindex.org/explorer?metric=co2-emissions-embodied-in-fossil-fuel-exports&visualiz

ation=bar (last accessed 28 November 2024)

²⁰ NOU 2023: 25 p. 145

https://www.regjeringen.no/contentassets/20944f0c5bf14bd5b5112ae8aa08e853/no/pdfs/nou2023202300 25000dddpdfs.pdf



In 2022, the Norwegian government published a whitepaper on state ownership («eierskapsmeldingen»), which requires all state-owned companies, including Equinor, to be Paris-aligned. At Equinor's AGM in May 2023, the Ministry of Trade submitted an addendum to a shareholder proposal by WWF-Norway and Greenpeace Nordic, making it clear that they're expecting Equinor's board to make real progress on adhering to the whitepaper²¹. Equinor is also facing growing pressure from non-state investors and shareholders to deliver on its energy transition targets. In January 2023, 18 investors wrote to Prime Minister Jonas Gahr Støre demanding a meeting to discuss their concerns about Equinor's failure to take credible steps to limit warming to 1.5 degrees²².

In October 2023, a committee of climate experts appointed by Royal Decree published its final recommendations in a report called "The transition to low emissions — Climate policy choices towards 2050". The expert committee proposed a complete halt in the allocation of new exploration acreage to the oil industry and a halt in the approval of new oil fields (so-called PDOs) until the Storting has adopted a plan for the final phase of Norwegian petroleum activities. The committee warns that the state risks tying up huge investments in new oil fields that are not in line

²¹ EquinorOUT, 'Stopping Equinor's greenwashing and oil expansion' (2024). Available at: https://www.equinorout.com/international-efforts/norway

²² İbid.

²³ NOU 2023: 25, The transition to low emissions — Climate policy choices towards 2050, Official report by a committee appointed by Royal Decree on 13 August 2021, Submitted to the Ministry of Climate and Environment on 27 October 2023

with climate policy and undermine growth in renewable industries.²⁴ The Minister of Climate and Environment at the time, Andreas Bjelland Eriksen rejected the recommendations the same day that they were published, stating that "there is no need" for a plan on the phasing out of fossil fuels.²⁵

The "best interest of the child" in Norwegian climate policy

Article 104 of the Norwegian Constitution states that children have the right to human dignity and have the right to be heard. Further the Constitution reads: "In actions and in decisions concerning children, what is best for the child must be a fundamental consideration." This provision is modeled after Article 3 of the CRC and is to be interpreted in its light. It creates an obligation on the part of authorities to always fundamentally consider the best interest of the child when making decisions that can affect them. The Committee reiterated in its General Comment 26 that "where an environmental decision may have a significant impact on children, conducting a more detailed procedure to assess and determine children's best interests that provides opportunities for their effective and meaningful participation, is appropriate". In order for the best interest of the child to be of fundamental consideration in proposed decisions, authorities are required to examine the consequences which such decisions will have on children.

No assessments of this kind have been made for any of the 62 oil and gas exploration permits that were handed out by the government in January. This kind of consideration is also not an official assessment criteria when it comes to oil and gas policy decisions which will have consequences for decades ahead, in and outside of Norway's territory. By failing to assess how new oil and gas fields will affect children and their rights, the government directly breaches the constitution as well as the CRC.

As stated above, in its latest legal action against the Norwegian government Greenpeace Nordic and Nature and Youth argued that the lack of consideration of the best interest if the child in any PDO application ever is in violation of Article 104 of the Norwegian Constitution and Article 3 of the CRC. Through witness testimony by Dr Wim Theiry, professor at De Vrije Universiteit in Brussels, the organisations showcased many of the negative effects only the three oil fields in question will have on children living today and those not yet born. Thiery testified that as a result of the three oil fields resulting in approx. 500 million tonnes in CO2 equivalents, this would lead to a 0,00023 degree warming. This degree of warming would lead to an average of approx. 314 370 Children born in 2020 experiencing one additional heatwave.²⁸

²⁴ Ibid

²⁵ NTB, 'Klimaministeren: Ikke nødvendig med plan for oljens sluttfase' (Teknisk Ukeblad, 2023) https://www.tu.no/nyhetsstudio/klimaministeren-ikke-noedvendig-med-plan-for-oljens-sluttfase/11683

²⁶ The Constitution of the Kingdom of Norway https://lovdata.no/dokument/NLE/lov/1814-05-17 ²⁷ CRC, 'General comment No. 26 on children's rights and the environment, with a special focus on climate change' [UN Doc. CRC/C/GC/26] (2023), para. 16.

²⁸ Further, Prof Dr Thiery found that of children born between 2010 and 2020:83,588 children are expected to experience an additional drought period; 75,822 children are expected to experience an additional crop failure; 29,122 children are expected to experience an additional forest fire; 27,478 children are expected to experience an additional tropical cyclone; 19,061 children are expected to experience an additional river flood. See Climate change, extreme events, & climate victims (Prof Dr Wim Thiery) Witness Report in *Greenpeace Nordic, Nature and Youth Norway v. The Norwegian Government represented by the Ministry of Energy* [Judgement and Ruling, 2024], Oslo District Court (23-099330TVI-TOSL/05), presentation from the hearings can be accessed here:

The state did not dispute these findings in Court, but did try to argue that such findings are not relevant to bring in this case by attempting to exclude climate witnesses before both the District Court and Appeals Court.

As emissions from fossil fuels are the largest contributor to the climate crisis, opening new areas for fossil development and thus locking Norway into a fossil economy for decades on end will inevitably have serious negative effects on the enjoyment of children's rights guaranteed under the Convention. The fact that today's children do not have any say in this decision, and the fact that the safeguarding mechanism which should be in place, namely a children's best interest assessment, is nowhere to be found in decisions relating to new oil and gas developments is a dramatic and scary reality.

In addition, some of the new exploration permits are located in the ice edge zone, in the Barents Sea, the source of life in these vulnerable Arctic regions. These are also amongst the most important regions for fishery and thus food security in Norway.

Considering all this, by not assessing how new oil exploration, production and combustion will affect children and their rights, the government is directly violating its obligations flowing both from the Norwegian Constitution and the CRC and is thus not taking children's best interest as a "fundamental consideration".

Norway's obligations under the Convention

As has been already highlighted in our previous submission to this Committee²⁹, as a State party to the CRC, Norway has obligations under Articles 3, 6, 24, and 27 of the Convention to take steps to avoid exacerbating climate change and its disproportionate adverse impacts on children in Norway and abroad. Since the production and consumption of fossil fuels is the primary responsible for greenhouse gas emissions,³⁰ Norway's activities such as furthering oil and gas extraction by issuing new licenses, as well as their consumption and export, are incompatible with its obligations under the CRC - including extraterritorial obligations (ETOs).

In its LOIPR, on the matter of "Children's rights and the business sector", the Committee asked the State party to: "10. [...] describe the measures taken to ensure the legal obligations of business enterprises and their subsidiaries operating in or managed from the State party's territory, including companies in the fossil fuels industry, regarding the rights of children in relation to international and national standards in the areas of, among others, human rights, the environment, health and labour." Furthermore, regarding the impact of climate change on the rights of the child, the Committee requested that the States "24. [...] explain the measures taken: (a) To reduce greenhouse gas emissions in line with the State party's international commitments and consider

https://www.greenpeace.org/static/planet4-norway-stateless/2024/01/06bfffa4-14.-presentasjon-fra-wim-thierv.pdf

²⁹ Center for International Environmental Law (CIEL) and Greenpeace, 'Joint Parallel Report to the Committee on the Rights of the Child (CRC) on the occasion of the consideration of Norway for the List of Issues Prior to Reporting (LOIPR)' (17 April 2023). Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCRC%2FNGO%2FNOR%2F52548&Lang=en

³⁰ 32 World Economic Forum, Analysis: Global CO2 emissions from fossil fuels hits record high in 2022, 2022, citing the Global Carbon Project, Carbon budget and trends 2022.

the impact of climate change on the rights of the child in the State party's energy policy, including in relation to plans to expand oil and gas extraction; (b) To invest in alternative energy and establish safeguards to protect children, both in the State party and abroad, from the negative impacts of fossil fuels; (c) To ensure that children's needs and views are taken into account in the development and implementation of national policies and programmes on climate change and alternative energy".

Norway's responses entirely dismissed the Committee's concerns on fossil fuels. Yet, according to its latest General comment (No. 26), the CRC had recognized that the extraction and burning of fossil fuels by business activities contribute "significantly to greenhouse gas emissions, which adversely affect children's rights, and to short- and long-term infringements of their rights linked to the consequences of climate change"³¹.

In its response, Norway failed to provide information on general implementations to ensure the business sector's compliance with children's rights in relation to international and national environmental standards in environmental areas. Instead, the State party focused solely on measures related to access to information. This approach falls short of ensuring that adequate and concrete steps are taken to identify, prevent, and mitigate the negative impacts of business activities on children's rights.

Regarding Norway's reply to paragraph 24(a), while the State party mentions its long-term target to reduce GHG emissions in line with the Paris Agreement and the Climate Act, it asserts that "petroleum resources have been and will continue to be managed for the benefit of society over several generations, with respect to value creation, employment, and the development of the welfare society." Here again, the Committee, in its GC26, had recognized that "[s]hort-term mitigation measures should take into consideration the fact that delaying a rapid phase out of fossil fuels will result in higher cumulative emissions and thereby greater foreseeable harm to children's rights". Norway's commitment to international climate standards is thus contradicted by the lack of concrete plans for the short-term to phase-out of fossil fuels production.

In response to paragraph 24(b), Norway did not address the specific question regarding safeguards established to protect children from the negative impacts of fossil fuels.

The Committee, since its initial LOIPR of Norway in 2023, has addressed fossil fuels extraction in reviews of other State parties. In its 2024 COB to the Federation of Russia, the Committee asked the State party to "establish a clear regulatory framework and legal accountability for the [...] the oil and gas and coal-extraction industries [...] to ensure that their activities do not negatively affect human rights or contravene environmental, health", as well as to "strengthen measures to mitigate greenhouse gas emissions in order to ensure a pathway to net-zero carbon emissions by 2050, at the latest, including by reducing oil and coal production" In its 2023 COB to Liechtenstein, the Committee also looked at the responsibility of investors in the fossil fuels industry. The CRC recommended that Liechtenstein "[a]dopt legislation and public policy to ensure that public and private financial institutions assess, disclose and address, scientifically and in accordance with the Paris Agreement, how their direct and indirect investments in infrastructure and activities related to fossil fuels contribute to emissions of greenhouse gases that exacerbate climate change and cause other social and environmental hazards that negatively affect the rights of children, and

³¹ CRC, 'General comment No. 26', para 79.

³² CRC, 'Concluding observations - Russia' [CRC/C/RUS/CO/6-7] (2024).

ensure that such institutions are held accountable for the climate and environmental harms that they generate through carbon-intensive industries, both domestically and extraterritorially."³³

Other Committees also highlighted the urgency to prevent and mitigate climate-induced harms by phasing out fossil fuels extraction and export. In the case of the Committee on Economic, Social and Cultural Rights (CESCR) 2024 COB to Ireland, it recommended that the State party "make[s] every effort to replace fossil fuels in its energy mix"³⁴. In its COB to Romania in 2024, the CESCR expressed concerns "that the State party is still heavily dependent on fossil fuels", asking to "strengthen its efforts to promote alternative and renewable energies and to reduce greenhouse gas emissions"³⁵. Concerning Qatar, the CESCR also noted that it "remains heavily reliant on natural gas, and to a lesser extent on oil, as its main economic engine and source of revenue, but also because of its plans to boost further its production of and trade in liquified natural gas". The Committee then asked the State party to comply with international climate obligations, by intensifying its efforts "to reduce its greenhouse gas emissions, in particular by further promoting alternative and renewable energy sources."³⁶

Recommendations

In light of the impacts described above and considering that the Norwegian government has taken steps that are further undermining the concerns highlighted by the Committee in its latest country review and has failed to answer adequately to the Committee's question, we call upon the Committee to provide the following recommendation to Norway:

The Committee expresses concern about Norway's ongoing and expanding oil and gas exploration, extraction, and export, due to their contribution to climate change, which affects the rights of children within and beyond the State party's jurisdiction. The Committee is also concerned about the State party's current climate targets which are misaligned with the Paris Agreement, its climate and energy policies that fail to meet such targets, and the lack of plans for a fossil phase-out in line with the commitment made at the UNFCCC COP28.

The Committee recommends that Norway (a) immediately ceases all new oil and gas developments, and sets out a detailed plan for a fossil phase out in line with its responsibilities as a major fossil fuel exporter (b) revises its climate and energy policies, in order to achieve a 55% emissions reduction by 2030 as per its commitments, and net-zero emissions by 2050, including by starting an effective phase out of fossil production; and (c) requires State-owned companies to set a concrete goal to cut emissions in line with the Paris Agreement temperature goal in order to achieve significant emissions cuts by 2030, and reduce absolute emissions by 100% by 2050.

³³ CRC, 'Concluding observations - Liechtenstein' [CRC/C/LIE/CO/3-4] (2023).

³⁴ CESCR, 'Concluding observations - Ireland' [E/C.12/IRL/CO/4] (2024).

³⁵ CESCR, 'Concluding observations - Romania' [E/C.12/ROU/CO/6] (2024).

³⁶ CESCR, 'Concluding observations - Qatar' [E/C.12/QAT/CO/1] (2023).