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Совет по правам человека
Сорок третья сессия
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Пункт 3 повестки дня
Поощрение и защита всех прав человека, гражданских, политических, экономических, социальных и культурных прав, включая право на развитие

Визит в Норвегию

Доклад Специального докладчика по вопросу о правозащитных обязательствах, касающихся пользования безопасной, чистой, здоровой и устойчивой окружающей средой*

Резюме

Специальный докладчик по вопросу о правозащитных обязательствах, касающихся пользования безопасной, чистой, здоровой и устойчивой окружающей средой, Дэвид Р. Бойд посетил Норвегию 12–23 сентября 2019 года по приглашению правительства. Цель этого визита заключалась в изучении хода осуществления Норвегией своих правозащитных обязательств, связанных с охраной окружающей среды, выявлении примеров эффективной практики и изучении экологических проблем, с которыми сталкивается страна.

* Резюме доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на том языке, на котором он был представлен.

Annex

Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment on his visit to Norway

Contents

I. Introduction

1. The Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd, visited Norway from 12 to 23 September 2019, at the invitation of the Government. The purpose of the visit was to examine how well Norway has been implementing its human rights obligations related to environmental protection, to identify good practices and to investigate the environmental challenges the country faces. The Special Rapporteur expresses his appreciation for the warmth, generosity and strong dedication towards human rights and environmental protection of the people whom he encountered.

2. The role of the Special Rapporteur is to clarify and promote the implementation of human rights obligations relating to the enjoyment of the right to a safe, clean, healthy and sustainable environment. One of the key tasks is to carry out country visits in order to prepare reports to the Human Rights Council describing good practices and challenges in the protection of human rights and the environment. Norway is his second such visit, following a visit to Fiji in December 2018 (A/HRC/43/53/Add.1). Fiji is a small island State that is already experiencing devastating impacts from climate change, while Norway is a major oil and gas producer whose fossil fuel exports contribute to the anthropogenic greenhouse gas emissions responsible for climate change.

3. During his 12-day visit, the Special Rapporteur participated in more than 30 meetings with a wide range of people and organizations, including the Minister of Climate and Environment, the Minister of Agriculture and Food and the Attorney General; government officials from the Ministry of Climate and Environment, the Norwegian Environment Agency, the Ministry of Finance, the Ministry of Agriculture and Food, the Ministry of Foreign Affairs, the Ministry of Local Government and Modernization, the Ministry of Petroleum and Energy, the Ministry of Trade, Industry and Fisheries and the Ministry of Transport; members of the parliamentary Standing Committee on Energy and Environment; two Supreme Court justices; the Parliamentary Ombudsman; and representatives of the Government Pension Fund Global, the Council on Ethics, the Norwegian National Human Rights Institution, civil society organizations and Norwegian businesses; as well as concerned citizens. He also spoke with a group of inspiring Norwegian youth who have been active in the school strike for climate movement, met with representatives of the Municipality of Oslo and went on a walking tour of some of the city's green features.

4. For three days, the Special Rapporteur visited the Sámi communities of Kárášjohka/Karasjok (the home of the Sámi Parliament) and Guovdageaidnu/Kautokeino, spending time with representatives from the governing council of the Sámi Parliament, the Saami Council, Sámi reindeer herders, the International Centre for Reindeer Husbandry, the Sámi University of Applied Sciences and the Finnmark Estate.

5. The Special Rapporteur would like to thank the Government of Norway for its invitation. He is particularly grateful for the invaluable assistance received from the United Nations Development Programme, the Ministry of Climate and Environment, the Norwegian Environment Agency, the Sámi Parliament and the Office of the United Nations High Commissioner for Human Rights in organizing this visit.

II. Legal and policy framework

A. International law and policy

6. Norway has ratified all of the major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Norway is also a party to the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). Environmental protection is essential to fulfil many of the rights recognized in these agreements, including the rights to life, health, food, water, culture and development. Of critical importance is protecting the rights of those who may be most vulnerable to environmental harms and climate change, including women, children, indigenous peoples,

persons with disabilities and people living in poverty, as well as persons for whom some of these factors intersect.

7. Since 2014, Norway has supported resolutions on human rights and the environment of the Human Rights Council.[1] In 2019, Norway led the process of adopting a strong Council resolution on environmental human rights defenders.[2] Norway also supported a resolution on promoting gender equality and the human rights and empowerment of women and girls in environmental governance adopted by the United Nations Environment Assembly in March 2019. In a recent white paper, the Norwegian Ministry of Foreign Affairs observed that human rights are "a central element in climate and environmental policy".[3]

8. However, Norway has not ratified several optional protocols establishing mechanisms through which citizens can bring complaints about their rights, including the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights.[4] The Special Rapporteur encourages Norway to ratify these important instruments.

9. Norway has also ratified all of the major international environmental treaties, including the United Nations Framework Convention on Climate Change and the Kyoto Protocol thereto, the Convention on Biological Diversity, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (Basel Convention) and the Ban Amendment to the Basel Convention (which recently entered into force), the Stockholm Convention on Persistent Organic Pollutants, the United Nations Convention on the Law of the Sea, the Convention on Long-range Transboundary Air Pollution, the Minimata Convention on Mercury, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and many more. Norway ratified the Paris Agreement and was among the States that led the successful effort to strengthen the Basel Convention to address exports of mixed plastic waste.

10. Finally, it is important to note that since 1994 Norway has been part of the internal market of the European Union through the Agreement on the European Economic Area. As a consequence of that Agreement, roughly 80 per cent of Norwegian legislation in the field of climate and environment is based on European Union legislation.

B. National laws, policies and institutions

11. At the national level, the Constitution has recognized the right to a healthy environment since 1992 (art. 110b). The wording of the article dedicated to this right, included in the chapter of the constitution on human rights, was strengthened in 2014. Article 112 states:

> Every person has the right to an environment that is conducive to health and to a natural environment whose productivity and diversity are maintained. Natural resources shall be managed on the basis of comprehensive long-term considerations which will safeguard this right for future generations as well.
>
> In order to safeguard their right in accordance with the foregoing paragraph, citizens are entitled to information on the state of the natural environment and on the effects of any encroachment on nature that is planned or carried out.

[1] Resolutions 25/21, 28/11, 31/8, 34/20 and 37/8.

[2] Resolution 40/11.

[3] *Opportunities for All: Human Rights in Norway's Foreign Policy and Development Cooperation*, Report to the Storting (2015), p. 51.

[4] Other States known for their leadership in the field of international human rights, including other Scandinavian States such as Finland, have ratified these instruments. Information on the ratification status of these optional protocols is available from https://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&clang=_en.

The authorities of the State shall take measures for the implementation of these principles.

12. There continues to be a debate in Norway about the interpretation of this important provision. In information submitted to the Special Rapporteur, the Government set out its position that article 112 had not been formulated to provide individual rights in the traditional sense. Instead, the Government considers that the first and second paragraphs express principles regarding societal aims with regard to the environment, the conservation of nature and the management of natural resources. However, in a lawsuit challenging the Government's decision to allow the expansion of the offshore petroleum industry in the Barents Sea in 2016, the Oslo District Court looked at the ordinary meaning of the words in article 112, examined the preparatory works involved in the drafting of that provision, and concluded that article 112 was clearly a rights provision.[5]

13. The right to a safe, clean, healthy and sustainable environment enjoys constitutional protection in more than 100 States Members of the United Nations in all regions of the world. This right is also incorporated in legally binding regional treaties, including the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (to which Norway is a party), the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, the African Charter on Human and Peoples' Rights and the Arab Charter on Human Rights.[6]

14. The right to a healthy environment is a fundamentally important human right, in that individuals' lives, health and dignity depend upon clean air, clean water and adequate sanitation; healthy and sustainably produced food; non-toxic environments in which to live, work, study and play; healthy ecosystems and biodiversity; and a safe climate. At the present point in human history – faced with a global environmental crisis of unprecedented severity – recognizing, respecting, protecting and fulfilling the right to a healthy environment has never been more important.

15. In addition to a comprehensive suite of national laws that protect various elements of the right to a healthy environment, Norway has sector-specific laws that regulate activities with potentially negative environmental consequences. Among the most important of these laws are the Pollution Control Act, the Nature Diversity Act, the Planning and Building Act, the Petroleum Act, the Climate Change Act, the Cultural Heritage Act and the Marine Resources Act. In recent years, many Norwegian environmental laws have been amended to improve their effectiveness and to strengthen penalties for violations. The Supreme Court of Norway has issued a series of important decisions related to sentences for environmental violations, relying on both the increased maximum penalties and article 112 of the Constitution to justify higher fines and significant terms of imprisonment.[7]

16. Vital laws in the implementation of many of the international human rights obligations of Norway include the Human Rights Act and the Equality and Anti-Discrimination Act. The Norwegian National Human Rights Institution monitors how human rights in Norway comply with the Constitution, the Human Rights Act, other legislation and international treaties. It does not have the authority to hear individual complaints but can educate people about their rights and options regarding both national and international complaint mechanisms. Norway has an Ombudsman for Children and a Parliamentary Ombudsman who protect citizen's rights in their dealings with all levels of the government.

[5] *Greenpeace Nordic Association and Nature and Youth v. Norway*, case No. 16-166674TVI-OTIR/06, review of administrative decision, 4 January 2018.

[6] These treaties have been ratified by 124 Member States. In addition, a regional agreement on access to information, public participation in decision-making and access to justice in environmental matters in Latin America and the Caribbean was completed in 2018, but needs six additional ratifications to come into force.

[7] Decisions Rt-2011-10 (Encroachment on the shoreline), Rt-2012-65 (Pollution), Rt-2016-1857 (Illegal hunting), and HR-2017-1978-A (Illegal lobster harvesting).

C. Economy and political structure

17. Norway is not a member of the European Union, having voted twice against joining. It belongs to the European Free Trade Association (EFTA), which also includes Iceland, Liechtenstein and Switzerland. Through the European Economic Area agreement, Norway, the European Union and the other EFTA countries except Switzerland form the European single market. Norway regularly consults with the European Union on a range of political, trade, environment and security-related issues.

18. Norway is a constitutional monarchy with a unicameral parliamentary system. The King is the Head of State while the Prime Minister leads the executive branch of the Government. The Storting, or parliament, has 169 members elected by party-list proportional representation. There are 88 district courts, 6 courts of appeal and the Supreme Court of Norway, with a chief justice and 18 associate justices.

19. In 2018, Norway ranked second out of 214 nations with regard to United Nations Rule of Law Indicators.[8] The United Nations Rule of Law Indicators capture perceptions of the extent to which people and organizations have confidence in, and abide by, the rules of society, and in particular the quality of contract enforcement, property rights, the police and the courts, as well as the likelihood of crime and violence. The World Economic Forum ranks Norway second in the world in terms of gender equality.[9]

20. Norway is one of the wealthiest nations in the world, with a per capita income of some $81,807 and a government pension fund worth approximately $1 trillion.[10] The services industry accounts for 53 per cent of the country's gross domestic product (GDP), followed by industry (45 per cent) and agriculture (2 per cent). Of the labour force of 2.8 million persons, approximately 76 per cent work in services, 21 per cent in industry and 3 per cent in agriculture. Important sectors in the economy are oil and gas, tourism, food processing, shipbuilding, shipping, chemicals, paper products, metals, timber and textiles. Norway has low rates of poverty (8 per cent) and unemployment (4.3 per cent).[11] With great wealth comes great responsibility for protecting human rights and the environment.

III. Fulfilling the right to a clean and healthy environment

21. In many respects, Norway has a strong environmental record. In 2018, it ranked fourteenth out of 180 nations on the Environmental Performance Index published by Yale and Columbia universities.[12] Procedural environmental rights (information, participation and access to justice) are well respected. Air, water and food quality are generally good, most environments are non-toxic and Oslo is a shining example of urban sustainability. However, Norway faces human rights challenges related to climate change, biodiversity, indigenous people and businesses.

A. Information, public participation and access to justice in environmental matters

22. There is a tremendous amount of environmental information available from the Government through various websites, reflecting a commendable degree of transparency. The right to information is guaranteed in the Constitution (art. 100) and there is a general Freedom of Information Act. More importantly, Norway has an Environmental Information Act, which provides enhanced access to information specifically related to the environment.

[8] See https://databank.worldbank.org/source/worldwide-governance-indicators. See also www.theglobaleconomy.com/rankings/wb_ruleoflaw/.

[9] *The Global Gender Gap Report 2018* (Geneva, 2018).

[10] World Bank, GDP per capita, available from https://data.worldbank.org/indicator/ny.gdp.pcap.cd; and Norges Bank, https://www.nbim.no.

[11] Organization for Economic Cooperation and Development (OECD), "Poverty rate", available from https://data.oecd.org/inequality/poverty-rate.htm.

[12] See https://epi.envirocenter.yale.edu/epi-topline.

23. One minor gap in the availability of environmental information involves the collection and publication of data about the enforcement of various environmental laws, including with regard to fines and other administrative penalties levied and the number of cases where charges are laid and prosecutions are completed. Examples of systematic approaches to collecting and publishing environmental enforcement information are available from Canada and the United States of America.[13]

24. Public participation in environmental matters is widely encouraged. Large civil society organizations receive funding support from the Government with no strings attached. The Environmental Information Act requires that opportunities be provided for public involvement in the preparation of laws, plans and programmes related to the environment. Other laws, such as the Planning and Building Act, the Local Government Act and the Petroleum Act, have specific provisions regarding public participation. There is a national advisory climate change council, and recent amendments to the Local Government Act require the creation of three advisory boards comprised of adolescents, persons with disabilities and the elderly.

25. Norway is a global leader in striving to give children and youth a voice in environmental matters. The Constitution recognizes children's right to be heard (art. 104), the Human Rights Act establishes the paramountcy of the Convention on the Rights of the Child, and laws such as the Local Government Act and the Planning and Building Act have specific mechanisms to engage children and youth.

26. The national systems for access to justice have strengths and weaknesses. Pursuant to the Public Administration Act, specific decisions made by government authorities can be appealed to the next level. Ministry decisions can be appealed to the King in Council, which makes the final decision. There is a Parliamentary Ombudsman who can receive citizen complaints in environmental matters, although such cases are rare.

27. Citizens and civil society organizations can also go to court, starting at the district court level, with the possibility of an appeal to the Court of Appeal and from there to the Supreme Court. According to the Supreme Court of Norway, standing for individuals and non-governmental organizations to bring environmental lawsuits has been liberalized. However, lawsuits are often expensive and lengthy, and carry the risk of having to pay the opponent's legal costs if the case is lost. There are no specialized environmental courts or tribunals in Norway, though such specialized bodies do exist with regard to other aspects of the Norwegian legal system (e.g., the Equality and Anti-Discrimination Tribunal) and are increasingly common throughout the world.[14]

B. A safe climate: the Norwegian paradox

28. One of the world's most urgent challenges is climate change, which is violating human rights across the planet today and threatening to do so on a vast scale in the future (A/74/161, paras. 1–4 and 73–74). The United Nations High Commissioner for Human Rights has warned that "the world has never seen a human rights threat of this scope".[15] Norway, as one of the world's wealthiest nations and a major producer of oil and gas, must accept substantial responsibility for leading efforts in mitigation and adaptation, and addressing loss and damage.

29. In some respects, Norway is at the forefront of the global transition to a fossil-fuel-free economy. Its electricity system is predominantly emissions free. Norway has the highest share of electric vehicle sales in the world, it is the first country to ban the use of fossil fuels for the heating of buildings, and Norway prohibits flaring from petroleum facilities and bans the disposal of organic materials in landfills, thus preventing methane emissions.

[13] Canada, Environmental Offenders Registry, available from https://environmental-protection.canada.ca/offenders-registry; and United States Environmental Protection Agency, Enforcement and Compliance History Online, available from https://echo.epa.gov.

[14] George (Rock) Pring and Catherine (Kitty) Pring, *Environmental Courts and Tribunals: A Guide for Policy Makers* (Kenya, United Nations Environment Programme, 2016).

[15] Agence France-Presse, "Climate crisis is greatest ever threat to human rights, UN warns", *The Guardian*, 9 September 2019.

30. The Norwegian International Climate and Forest Initiative, which provides substantial funding to nations with large areas of tropical forest to prevent deforestation, is a leading example of good practice. Norway is also one of the largest donors to the Green Climate Fund, which finances mitigation and adaptation in developing countries, and it recently announced a doubling of its contribution for the period 2020–2023.

31. However, the Norwegian paradox is that its leadership in addressing the global climate emergency is undermined in some areas by its ongoing dependence on a large petroleum industry. Norway is one of the world's largest exporters of oil and natural gas.[16] The combined value of oil and gas represents almost half of the total value of national exports (FCCC/TRR.3/NOR, para. 32). Emissions from this sector have increased substantially since 1992 and exploration for additional oil and gas continues, despite clear evidence that if existing reserves of oil, gas and coal are burned, the targets established in the Paris Agreement cannot be met.[17]

32. Between 1990 and 2017, Norwegian greenhouse gas emissions rose 3 per cent, to 53 million tons.[18] The three largest sources are transport (31 per cent), the petroleum industry (28 per cent) and industry (21 per cent).[19] The 2020 national target is to reduce emissions 30 per cent from 1990 levels; the 2030 target, representing the nationally determined contribution under the Paris Agreement, is to reduce emissions 40 per cent below 1990 levels; and the 2050 target is to reduce emissions by 80 to 95 per cent below 1990 levels. The 2030 and 2050 targets are incorporated in the Climate Change Act of 2017. Norway is also encouraging the European Union to increase its 2030 climate target from 40 per cent to 55 per cent below 1990 levels.

33. Norway is currently working on a set of stronger measures to reduce emissions. However, neither existing nor proposed policies and measures will be sufficient to meet the 2020 and 2030 national targets through reductions in domestic emissions. Data provided by the Government estimate that emissions will be 45.3 million tons by 2030, a decline of roughly 10 per cent from 1990 levels. The remaining emissions gap would have to be addressed through international flexibility mechanisms.

34. According to the Government, approximately half of Norwegian greenhouse gas emissions are covered by the European Union Emissions Trading System, in which companies in the industrial and aviation sectors can either reduce their own emissions or purchase credits or allowances representing reductions made by other companies.

35. Norway purchased international credits to fulfil (and in fact go beyond) its commitments for the first commitment period under the Kyoto Protocol (2008–2012). For 2020, Norway will rely on the carry-over from the first Kyoto commitment period, participation in the European Union Emissions Trading System and the Norwegian Carbon Credit Procurement Programme. For the 2030 target, Norway will cooperate with the European Union and Iceland through a joint fulfilment agreement whereby Norway and Iceland commit to adhere to relevant European Union climate legislation. The majority of Norwegian emissions not covered by the European Union Emissions Trading System are from transport, waste incineration and agriculture.

36. Norway was one of the first States to establish a carbon tax, which has risen over time and applies to different sectors at different rates, with the standard rate set at 500 Norwegian krone per ton. Some sectors, including aviation and the petroleum industry, are covered by both the European Union Emissions Trading System and the carbon tax. While the carbon tax represents an acknowledged good practice, it has not prevented Norwegian emissions from continuing to rise.

[16] Norsk Petroleum, "Exports of Oil and Gas"; and United States Energy Information Administration, "Total Petroleum and Other Liquids Production", www.eia.gov.

[17] International Energy Agency, *World Energy Outlook 2012* (Paris, OECD Publishing, 2012). See also Christophe McGlade and Paul Ekins, "The geographical distribution of fossil fuels unused when limiting global warming to 2°C", *Nature*, vol. 517 (January 2015).

[18] United Nations Framework Convention on Climate Change, "Greenhouse Gas Emissions total without Land Use, Land-Use Change and Forestry (LULUCF), Time Series: Annex I". Available at https://di.unfccc.int/time_series.

[19] Norway, Ministry of Climate and Environment, *Norway's Seventh National Communication under the Framework Convention on Climate Change*, 2018.

Electricity

37. Norway has a large hydroelectric system and a growing number of wind farms, resulting in an electricity system that is 98 per cent emissions free. There is a coal-fired power plant on the island of Svalbard, and some industries burn small amounts of fossil fuels for their own facilities.

38. Because electricity in Norway is relatively green, plentiful and inexpensive, consumption levels are very high, approaching 30,000 kilowatt-hours per household annually. While this is partially due to the use of electricity for heating, this is the second highest per capita electricity use in the world (after Iceland).[20] The Government has taken the commendable step of banning the use of fossil fuels for heating buildings as of 1 January 2020. For years, programmes and subsidies have anticipated this change, encouraging homeowners and businesses to switch to clean electricity and district energy systems.

Transportation

39. Norway is leading the global transition to zero-emission transportation. No other country has such a high level of electric vehicle sales, currently approaching half of new passenger vehicle sales. Electric vehicles now comprise almost 10 per cent of all registered passenger vehicles in Norway. A national ambition (not legislated) is for all new passenger vehicles to be zero-emission vehicles by 2025. Public policies responsible for the high level of electric vehicle sales in Norway include tax incentives and user advantages. Electric vehicles are exempt from the value added tax, registration fees and road tolls. Electric vehicle drivers can access free parking, free charging stations and bus lanes. There is a large electric vehicle charging network (over 2,500 charging stations with over 12,000 charging points) that was publicly financed but is now attracting private investment.

40. Norway is also a pioneer in deploying electric ferries, with three fully electric ferries in operation and plans for more to be added in the near term. Approximately 80 per cent of railways are powered by electricity. As a shipping industry leader, Norway has ambitions to reduce emissions from domestic and international shipping.

41. Biofuels are blended into petrol and diesel for road vehicles, at a rate of 12 per cent, rising to 20 per cent in 2020. Norway follows European Union guidance on sustainable biofuels, and acknowledges that there are ongoing challenges related to preventing negative land use changes (where biofuel crops replace food crops or natural forests).

42. Despite these efforts, it will be challenging for Norway to reach its goal of reducing transport emissions by 50 per cent from 2005 levels by 2030. The population continues to grow, car ownership continues to increase, and Norwegians hold on to their vehicles for a long time, meaning it will take years for existing passenger vehicle stock to be replaced by zero-emission vehicles. Furthermore, governments continue to invest in expanding and upgrading roads, indirectly encouraging travel by means of private motor vehicles.

Carbon capture and storage

43. The recent special report of the Intergovernmental Panel on Climate Change on the changes needed to limit global warming to 1.5°C highlights the importance of carbon capture and storage as a complement to other means of reducing greenhouse gas emissions. Norway pioneered the use of carbon capture and storage in 1996 with the Sleipner project, in which carbon dioxide from offshore natural gas development was pumped into a deep saline reservoir beneath the ocean floor. By the time the project ended, in 2016, approximately 16 million tons of carbon dioxide had been injected. Studies show no evidence of leakage.[21]

[20] World Bank, “Electric power consumption (Kwh per capita)”. Available at https://data.worldbank.org/indicator/EG.USE.ELEC.KH.PC.

[21] Massachusetts Institute of Technology, “Sleipner Fact Sheet: Carbon Dioxide Capture and Storage Project”, 30 September 2016.

44. Norway is considering a major multibillion-dollar carbon capture and storage pilot project involving either the cement industry or a waste incineration facility, with an investment decision anticipated in 2020 or 2021. If successful at a reasonable cost, which is a major challenge, such a project could set an important precedent globally and open the door for exporting Norwegian technology in this field.

International climate and forest initiative

45. The Norwegian International Climate and Forest Initiative has an annual budget of up to 3 billion Norwegian krone (approximately $350 million) to reduce deforestation and forest degradation in developing countries, while improving the livelihoods of people living in or near these forests.[22] The initiative is led by the Ministry of Climate and Environment and the Norwegian Agency for Development Cooperation. Deforestation and forest degradation not only contribute to climate change, but also cause the loss of biodiversity and jeopardize the human rights of people who depend on healthy forests.

46. The Norwegian International Climate and Forest Initiative has an explicit commitment to advancing the rights of indigenous peoples and forest-dependent communities, which is a crucial element in empowering them to become effective forest stewards. Since 2016, gender equality is also explicitly addressed in projects under the Initiative. After 10 years of experience, Norway commissioned several evaluations of the Initiative and is implementing recommendations from those evaluations, such as focusing future efforts on tropical forests and in countries where progress is being made.[23] In the context of efforts to protect forests, several civil society organizations raised concerns about the human rights and environmental consequences of high levels of Norwegian imports of Brazilian soy to provide feed for aquaculture, cattle and dairy.

C. Clean air

47. While clean water is now globally recognized as a fundamental human right, this is not yet the case for clean air, despite the fact that air pollution kills millions of people annually, including hundreds of thousands of children under the age of 5. Clean air is one of the basic elements of the right to live in a safe, clean, healthy and sustainable environment (A/HRC/40/55, paras. 17 and 44–50).

48. In general, Norway has very good air quality. As recently as a few years ago, this was not the case. In 2015, a legal action was brought against Norway by the EFTA Surveillance Authority for failure to comply with air pollution limits established by the European Union.[24] The EFTA Court of Justice concluded that Norway had repeatedly exceeded limits for particulate matter, sulphur dioxide and nitrogen dioxide between 2008 and 2012, thus violating the European Union air quality law.[25]

49. Today, all Norwegian cities listed in the World Health Organization (WHO) Global Ambient Air Quality Database have annual levels of fine particulate matter (PM2.5) – the main pollutant implicated in causing respiratory illness, cardiovascular disease, stroke and lung cancer – at or below the WHO guideline (annual mean of 10 micrograms per cubic metre). In addition, Norway had no exceedances of the European Union air quality limit for nitrogen dioxide in 2018, in contrast to many other European nations.

50. Improvements in Norwegian air quality are directly connected to stronger environmental laws, policies and other measures at both the national and local level, particularly in the transport sector (discussed earlier in the section on climate change). These

[22] Norwegian Agency for Development Cooperation, “Norway’s International Climate and Forest Initiative”. Available at https://norad.no/en/front/thematic-areas/climate-change-and-environment/norways-international-climate-and-forest-initiative-nicfi/.

[23] Warren Olding, *Norway’s International Climate and Forest Initiative: Lessons Learned and Recommendations*, synthesis report (Norwegian Agency for Development Cooperation, October 2017).

[24] Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (Air Quality Directive).

[25] EFTA Court of Justice, *EFTA Surveillance Officer v. Norway*, Case E-7/15, judgment, 2 October 2015.

improvements reinforce the importance of taking an integrated approach to air pollution and climate change. Norway appears to be successfully implementing all seven steps outlined in the report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment on air pollution and human rights (A/HRC/40/55, paras. 63–78). For example, there is an extensive air quality monitoring network, information on air quality is widely available, including detailed daily updates, and standards are in place through a combination of European Union legislation (e.g., the Air Quality Directive) and Norwegian law (the Pollution Control Act).

51. To further improve air quality, national limit values for particulate matter have been made more rigorous, and more ambitious national goals for air quality have been set.[26] Local governments in Norway play a major role in protecting air quality through planning, zoning and oversight of transport.

52. While impressive progress has been made, it is estimated that air pollution still causes more than 1,500 premature deaths in Norway annually.[27] Efforts to reduce the burden of air pollution should therefore continue. In addition, there is emerging evidence that air pollution is inequitably distributed in Norway, with worse air quality afflicting low-income Norwegians.[28] Developing and implementing public policies to address this environmental injustice is essential.

D. Clean water and adequate sanitation

53. Norwegians enjoy universal access to safe and affordable drinking water and improved sanitation facilities. Most of the drinking water comes from surface water sources, requiring treatment and in some cases (e.g., Oslo) also filtration. Some rural residents depend on groundwater from wells. Norway implements the European Union Water Framework Directive, as well as directives on water quality, drinking water and urban wastewater.

54. New regulations on drinking water and a round-the-clock national help desk for water treatment plants were implemented in 2017 to ensure the quality of the water supply.[29] However, there are still occasional outbreaks of waterborne disease in Norway, including an incident in the summer of 2019 in Askøy, a community near Bergen, where 2,000 people became ill as a result of drinking water contaminated with a naturally occurring bacteria known as campylobacter.[30]

55. Some water distribution networks in Norwegian cities are more than a century old, resulting in significant losses due to leakage and creating risks of post-treatment contamination.[31] Similar problems exist for some sewage pipes. Municipalities need to plan for major investments in repairing and upgrading this essential infrastructure. Because of the increasing impacts of climate change, additional efforts will be necessary to deal with challenges such as higher temperatures, more intense precipitation, other extreme weather events and changing distributions of waterborne pathogens.

[26] Norway, Ministry of Finance and Ministry of Foreign Affairs, *One Year Closer 2018: Norway's Progress Towards the Implementation of the 2030 Agenda for Sustainable Development*.

[27] European Environment Agency, *Air Quality in Europe: 2018 Report* (Luxembourg, Publications Office of the European Union, 2018).

[28] Audun Hoemsnes Moss, "Norwegian Inequality in Two Dimensions: Air Pollution and Income", master's thesis, Norwegian University of Life Sciences, 2019.

[29] Norway, Ministry of Finance and Ministry of Foreign Affairs, *One Year Closer 2018*.

[30] See www.forbes.com/sites/davidnikel/2019/06/15/norway-water-crisis-thousands-fall-ill-on-island-near-bergen/#2fa45529616d.

[31] Lucy Robertson and others, "A water contamination incident in Oslo, Norway during October 2007; a basis for discussion of boil-water notices and the potential for post-treatment contamination of drinking water supplies", *Journal of Water and Health*, vol. 7, No. 1 (1 March 2009).

56. An analysis of the condition of Norwegian waterbodies found two thirds to be in good condition. The major concerns are agricultural run-off (e.g., fertilizers and pesticides), airborne pollution, urban run-off and sewage. Watershed-based management plans are developed by national, regional and local authorities to improve water quality. The first plans, including all water bodies covered by the European Union Water Framework Directive, were adopted in 2016.

E. Healthy and sustainably produced food

57. The nutritional status of people living in Norway is generally good, but obesity is a growing challenge.[32] Agriculture only uses 3 per cent of the land, so there is an important national goal of limiting loss of agricultural land to 400 hectares per year. With regard to food waste, a multisectoral agreement appears to be having a positive effect, as food waste dropped by 13 per cent between 2015 and 2017. The goal is to have a 50 per cent reduction in food waste by 2030.

58. Organic production is used on a disappointing 4.7 per cent of agricultural land (including areas in transition to organic production). However, Norway deserves credit for being one of the first countries to establish a tax on pesticides, for low levels of antibiotic use in livestock and for having a national pollinator strategy. The Svalbard Global Seed Vault hosts approximately 1 million seed samples in an extraordinary project intended to conserve global seed diversity and protect food security.

F. A non-toxic environment

59. Norway supports the European Union plan to shift towards a circular economy and is preparing a national strategy on this subject for publication in 2020. The current rate of recycling in Norway is only 38 per cent, well short of the European Union target for 2030 of 60 per cent. However, Norway has a very effective recycling policy for beverage cans and plastic bottles, with a regulation requiring drink manufacturers and importers to finance and operate a collection system. A tax per container is levied that decreases as the collection rate rises and is eliminated if at least 95 per cent are collected. In 2018, 87.3 per cent of beverage cans and plastic bottles were collected through this system. Regulations require an increasing percentage of plastic used in beverage containers to be recycled content. There is a modest tax on disposable packaging, which nudges the system towards a circular economy.

60. Norway has been a pioneer in regulating the use of some chemicals, applying the precautionary principle to prohibit potentially hazardous substances. For example, Norway banned the use of decabromodiphenyl ether, also known as deca-BDE, in electrical and electronic equipment in 2006, and in 2008 became the first country in the world to restrict the use of deca-BDE in all manufactured products (at concentrations greater than 0.1 per cent).[33] Similarly, the Pollution Control Authority (now the Norwegian Environment Agency) banned perfluorooctanoic acid in all consumer products beginning in 2013.[34]

61. The pesticide tax begins with a basic tax that is multiplied by a factor reflecting health and environmental risks to determine the tax per hectare. The tax per hectare is converted into a tax per unit based on the volume applied. Health risks are determined by factors related to toxicity and exposure, while environmental risks are evaluated by impacts on soil, wildlife, persistence and ability to bioaccumulate. The pesticide tax was applauded for being one of the first in the world to apply higher rates to products of higher toxicity.[35]

[32] Norway, Ministry of Finance and Ministry of Foreign Affairs, *One Year Closer 2018*.

[33] Norway, Pollution Control Authority, "Ban on Deca-BDE", information release No. 2401 (2008).

[34] Lena Vierke and others, "Perfluorooctanoic acid (PFOA) – main concerns and regulatory development in Europe from an environmental point of view", *Environmental Sciences Europe*, vol. 24 (2012).

[35] David Pearce and Phoebe Koundouri, "Fertilizer and pesticide taxes for controlling non-point water pollution", Agriculture and Rural Development note (Washington, D.C., World Bank, 2003).

G. Healthy biodiversity and ecosystems

62. The full enjoyment of human rights depends on healthy ecosystems, and healthy ecosystems depend on biological diversity. The loss of biodiversity undermines human rights, including the rights to life, health, food, water, culture and the right to a healthy and sustainable environment (A/HRC/34/49, paras. 5–25).

63. Norway enjoys a wide range of ecosystems – marine, coastal and mountainous. According to information received from the Government, 20,915 species have been evaluated by the Norwegian Biodiversity Information Centre. A total of 4,438 species are currently on the Norwegian Red List for Species, and 2,355 are considered "threatened" (critically endangered, endangered or vulnerable).

64. Protected areas are a key tool to protect biodiversity. According to government data, 17 per cent of the land of Norway is legally protected, meeting the Aichi Biodiversity Target in this area by 2020. However, these protected areas are not representative of all of the national ecosystems, with some ecologically valuable systems, such as wetlands and forests, underrepresented. Currently 4.9 per cent of forests have protected status (in nature reserves and national parks). While progress is being made, the goal of 10 per cent protection remains distant. This is a critical issue, as roughly half of the country's threatened species depend on forests.

65. Norway has a comprehensive integrated management process for marine ecosystems. However, only 3.1 per cent of the country's marine area is currently protected. A number of new marine protected areas are in the process of being designated, but even when these areas are added, Norway will fall short of the Aichi Target of protecting 10 per cent of representative marine ecosystems by 2020.

66. The Nature Diversity Act provides the Government with a broad set of tools for protecting biodiversity. However, the Special Rapporteur is concerned that many of this law's provisions are discretionary, making it hard to hold the Government accountable should it fail to use the tools to effectively safeguard biodiversity. Under the Nature Diversity Act, the Government may designate a threatened species as a priority species, but it is not obligated to do so. Thus far, only 13 out of more than 2,000 threatened species have been designated as priority species. Similarly, the Government must consider protecting important habitats for priority species, but is not obliged to implement such measures.

67. In a recent case, the Parliamentary Ombudsman handled a complaint involving a proposed road that would damage the habitat of the threatened European eagle-owl. The Ombudsman criticized the approval of the road for failing to take the impacts on the owl into account, as required by the Nature Diversity Act, and requested the Ministry of Local Government and Modernization to review its decision. However, when the Ministry reassessed the road proposal, it did not change its original conclusion.

68. Concerns were raised by environmental organizations, human rights organizations and the Sámi people regarding the adverse impacts of fish farming, both in Norway and in other countries where Norwegian aquaculture corporations are operating. These concerns involve pollution, impacts on native fish species and potential human rights violations. The Norwegian aquaculture industry began in the late 1960s and has grown rapidly, to the point where it now accounts for 72 per cent of the total value of Norwegian fisheries.

69. The Ministry of Trade, Industry and Fisheries monitors the impact of sea lice from fish farms on wild Atlantic salmon to determine whether aquaculture in a particular coastal region can be expanded, held constant or reduced. However, it is essential to note that populations of wild Atlantic salmon have declined roughly 50 per cent in the past 30 years in Norway, and two of the most important threats are high levels of sea lice and escaped farmed salmon.

70. Civil society organizations also raised concerns about the Government's management practices for large carnivores and questioned the ethical legitimacy of killing whales. Populations of wolves, brown bears, wolverines and lynx are so low that they are on the Norwegian Red List of Species, yet they remain subject to hunting and culling, which will prevent these species from recovering to sustainable levels. The Government has set the whaling quota for 2019 at 1,278 minke whales, which it asserts is a sustainable level of harvest based on population estimates. The latest data from the Government indicate that 408

minke whales have been killed so far in 2019. Norway, Japan and Iceland are the world's leading nations in terms of whales killed annually.

H. Sustainable consumption and production

71. Sustainable Development Goal 12 is to ensure sustainable consumption and production patterns by 2030. This is one of the most challenging Goals for Nordic countries, which "stand out as over-consumers of natural resources and substantial producers of wastes of all kinds".[36] Indeed, the Government of Norway acknowledges that it is "sobering to note that we would need more than two planet Earths if everyone were to have the same consumption patterns as the average Norwegian".[37] Norway recognizes that wealthy nations are putting so much pressure on the environment and natural resources that other nations cannot improve their welfare without exceeding environmental tolerance limits.

72. For Norway to address today's overconsumption will be challenging because of the political difficulty of addressing sustainable consumption and production issues and the complexities caused by the cross-cutting and systemic nature of these issues, which affect all sectors of the economy.[38] It will require bold, visionary and ambitious politicians, innovative and long-sighted businesses and highly motivated citizens. However, shifting to a future with a circular economy powered by renewable energy is essential in order to fulfil the development aspirations of less wealthy nations, while protecting populations from human rights violations due to the impacts of environmental degradation.

I. Urban sustainability

73. More than 80 per cent of Norwegians live in cities and towns. In today's rapidly urbanizing world, it is essential that the urban environment be well protected, in order to ensure that human rights are respected and so that residents are healthy, happy and able to enjoy a high quality of life. Under Norwegian law, local governments have extensive responsibilities and powers in the field of environmental protection.

74. Oslo is one of the world's greenest cities. Named the European Green Capital for 2019, Oslo is blessed by tremendous natural and financial wealth. The population of 670,000 is growing rapidly, with an additional 100,000 residents expected by 2030. The municipal government has made many decisions over a period of decades that, combined with strong State environmental policies, have contributed to its leadership. Oslo was one of the first cities to prepare a climate budget (an integrated strategy to address climate change), has aggressive goals for reducing greenhouse gas emissions and is implementing measures to reduce emissions from key sectors, including transport, waste incineration and construction.

75. A remarkable 66 per cent of Oslo is covered by the Marka Forest, which is protected by legislation. In terms of access to nature, an exemplary 98 per cent of residents live within 300 metres of an urban green space. The municipal government, in partnership with non-governmental organizations, offers programmes that are specifically geared towards introducing immigrants and newcomers to the natural wonders and outdoor recreation opportunities that are a central element of Norwegian culture.

76. Municipal policies are contributing to cleaner transport, with policies that dedicate toll road revenues primarily to public transport and cycling infrastructure, tackle maritime emissions and make it cheap and easy to use electric vehicles. Ninety per cent of Oslo residents live within a short walk (300 metres) of public transport. The bus and ferry fleets are being converted to zero-emission vehicles, using electricity, hydrogen and biofuels. Biogas from municipal waste and sewage is used to power buses. Subsidies are offered for the purchase of electric bikes. On-street parking in the city centre is being replaced by wider sidewalks, bike lanes, trees, art and public spaces.

[36] Nordic Council of Ministers, *Sustainable Consumption and Production: An Analysis of Nordic Progress Towards SDG12, and the Way Ahead* (Copenhagen, 2018).

[37] Norway, Ministry of Finance and Ministry of Foreign Affairs, *One Year Closer 2018*.

[38] Nordic Council of Ministers, *Sustainable Consumption and Production*.

77. Overall, these efforts are working, as the share of trips taken using public transit increased from 32 per cent to 42 per cent between 2005 and 2015, while the share of journeys using cars fell from 45 per cent to 34 per cent. The shift to cleaner transport has contributed to substantial improvements in air quality in Oslo, and clean air is a vital element of the right to a heathy environment.

IV. Indigenous peoples, human rights and the environment

78. One of the highlights of the Special Rapporteur's visit to Norway was three days spent in Karasjok, Kautokeino and other sites in Finnmark County, where he was hosted by the Sámi Parliament. The Sámi people have lived in Finland, Norway, the Russian Federation and Sweden for many thousands of years. In recent decades, the Government of Norway has begun to respect the indigenous rights of the Sámi people. Important steps forward have included the Sámi Act (1987), the inclusion of Sámi rights in the Constitution (1988), the establishment of the Sámi Parliament (1989), the Finnmark Act (2005) and an agreement on procedures for consultation between the Sámi Parliament and State authorities (2005).

79. Despite these positive developments, there remain serious concerns related to human rights and the environment. Reindeer husbandry is at the heart of Sámi culture, providing livelihoods for more than three thousand people. Healthy and productive environments are essential for both the herders and the reindeer. Both Sámi reindeer herders and Sámi organizations expressed deep concerns about threats to the sustainability of reindeer husbandry caused by the encroachment, fragmentation and cumulative impact of existing and proposed developments including mines, wind farms, hydroelectric power plants, power lines, railways, cabins and tourism activities, and the infrastructure associated with these developments, especially roads.[39] In 2011, the Special Rapporteur on the rights of indigenous peoples observed that these activities had resulted in the loss and fragmentation of pasture lands, with detrimental effects on reindeer, and that natural resource extraction and development projects threatened to diminish areas available for grazing (A/HRC/18/35/Add.2, para. 55).

80. According to the Sámi, traditional ecological knowledge, which must be considered in assessments of these developments, is not being given sufficient weight. Projects of particular concern include the Nussir copper mine, the proposed Davvi wind farm and reopening of the gold mine at Bidjovagge.

81. The Nussir mining project was also criticized by environmental organizations, which noted that Norway was one of only a handful of nations that continued to allow submarine disposal of mine tailings (along with Chile, Indonesia, Papua New Guinea and Turkey).[40] The Norwegian Institute of Marine Research concluded that submarine tailings disposal in fjords would contaminate the water, reduce populations of fish and crustaceans and cause significant ecosystem disruption.[41] The Special Rapporteur was surprised to learn that submarine tailings disposal would be approved in a National Salmon Fjord, as is the case with the Nussir project. The Government has since amended its position and will not allow future projects to use submarine tailings disposal, but the Nussir project is not covered by this change in policy. The Government states that the Nussir project meets the requirements of the Pollution Control Act and is subject to conditions intended to limit environmental impacts.

[39] Sámediggi/Sámi Parliament, Report of the Sámediggi/Sámi Parliament of Norway to the Human Rights Committee – Supplementing and commenting on Norway's seventh periodic reports of States parties due in 2017 (CCPR/C/NOR/7) – International Covenant on Civil and Political Rights.

[40] Craig Vogt, *International Assessment of Marine and Riverine Disposal of Mine Tailings*, study commissioned by the International Maritime Organization (May 2013).

[41] Jan Helge Fosså and others, "Effects of mine tailings disposal on the ecosystem and biodiversity in the marine environment – a critical view", paper presented by the Norway Institute of Marine Research at the international conference in Egersund, Norway, on marine and lake disposal of mine tailings and waste rock, 7–10 September 2009.

82. Climate change exacerbates the multiple challenges facing Sámi reindeer herders, as changing weather and shifting precipitation patterns affect the availability of the reindeer's food supply. For example, while reindeer can scrape away snow to reach vegetation on the ground, they cannot scrape away the ice that forms after freezing rain or when temperature swings result in melting snow that freezes into ice.

83. Reindeer herders also strongly oppose the orders forcing them to reduce the size of their herds, an action the Government says was necessary to protect the health of reindeer and the ecological health of regions that were being overgrazed. The mandatory reduction caused extensive anguish in Sámi communities, and is the focus of a complaint before the United Nations Human Rights Committee.

84. The Special Rapporteur on human rights and the environment endorses the recommendations made by the Special Rapporteur on the rights of indigenous peoples in 2011 and 2016 (A/HRC/18/35/Add.2, paras. 72–89, and A/HRC/33/42/Add.3, paras. 73–89), noting with concern that progress in implementing these recommendations has been slow. For example, there is widespread agreement that the Minerals Act needs to be updated to clarify and protect Sámi rights. A new agreement that would extend the consultation process for Sámi people and rights to include county and municipal governments has been delayed, but would be an important step forward.

85. The Sámi also depend highly on fisheries, yet they face challenges in securing adequate access. For example, the Sámi have requested an increase in their quota for cod, to a seemingly modest 1.2 per cent share of the total allowable catch. In 2016, the Norwegian Institute of Human Rights recommended that the Sea Sámi's right to fish be established by law, since it is part of the practice of their culture and based on their historical fishing customs. The Sámi are also deeply concerned about the impact of fish farms on wild Atlantic salmon.

86. Like most indigenous peoples worldwide, the Sámi are environmental human rights defenders. In view of its longstanding and ongoing leadership at the international level in protecting environmental human rights defenders, Norway could provide a model for the world in protecting the rights of indigenous peoples, protecting the environment and highlighting the connections between human rights, healthy ecosystems and healthy people.

V. Business and human rights

87. The Government expects businesses to respect the environment and human rights. To this end, Norway has extensive legislation, described earlier in the present report, as well as a national action plan on business and human rights. An evaluation conducted by the Norwegian Agency for Development Cooperation concluded that, while the 2015 action plan was sound, there were implementation gaps. Specifically, the evaluation found an emphasis on awareness-raising about the Guiding Principles on Business and Human Rights, but "much less attention on how to ensure that the principles are implemented".[42]

88. There is an interesting Norwegian case involving the OECD Guidelines for Multinational Enterprises. Under the Guidelines, national contact points are responsible for raising awareness in both the business community and civil society and dealing with complaints that the Guidelines have been breached by multinational enterprises operating in or from their territories. Friends of the Earth Norway and the Norwegian Forum for Environment and Development filed a complaint with the Norwegian National Contact Point in 2009 alleging that Cermaq, a large Norwegian aquaculture company, had inadequate environmental policies and practices and was violating the rights of indigenous peoples. The National Contact Point conducted a mediation process resulting in a joint statement by the parties that successfully resolved the complaint.[43]

89. The Special Rapporteur met with representatives of Norwegian businesses (e.g., Telenor and Norsk Hydro) that have faced criticism for their role in alleged human rights violations in developing countries, including Malaysia and Brazil. He also heard extensive

[42] Geir Sundet and others, *UNGP, Human Rights, and Norwegian Development Cooperation Involving Business* (Norwegian Agency for Development Cooperation, September 2018).

[43] See www.regjeringen.no/globalassets/upload/ud/vedlegg/ncp/final_statement.pdf.

criticisms from civil society organizations that Norwegian aquaculture corporations continue to cause serious environmental harm and potential human rights violations in Chile and Canada. The Norwegian National Contact Point for the OECD Guidelines could serve as an appropriate mechanism for further investigation into these allegations.

Government Pension Fund Global

90. The public revenue generated by the exploitation of offshore oil and gas deposits has been invested in the Government Pension Fund Global, which was created in 1990, received its first deposit in 1996, and now has a value in excess of $1 trillion. The Fund has investments in more than 9,000 listed companies from across the world in pursuit of its main objective – high long-term financial returns within an acceptable level of risk. The Ministry of Finance is formally responsible for management of the Fund and created guidelines, endorsed by parliament, governing decisions to place companies under observation or exclude them from the Fund. Norges Bank carries out operational management. An independent Council on Ethics makes recommendations to Norges Bank on whether or not the Fund's investment in specific companies is inconsistent with its ethical guidelines. Norges Bank makes decisions on exclusion, observation, or active ownership and can also divest from companies that it determines are unsustainable because of financial risks.

91. A total of 105 companies that produce certain types of weapons, tobacco, coal or coal-fired electricity have been excluded from the Fund. Another 33 companies have been excluded for conduct that seriously violates ethical norms, such as human rights violations, severe environmental damage or gross corruption. The Fund has also made 240 risk-based divestments from companies since 2012 for financial reasons related to climate change, deforestation and human rights. In 2019, the Storting endorsed a proposal to divest from upstream oil and gas companies to reduce financial risk, since Norway is already exposed to oil price risk through its national economy.

92. The Fund also has an environmental mandate, through which it must hold between 30 and 120 billion Norwegian krone in companies whose products or services produce environmental benefits (e.g., low-emission energy or energy efficiency). Recent changes will enable the Fund to invest in unlisted infrastructure projects for renewable energy that respect human rights.

93. Because of its fairly conservative approach to exclusion and divestment, the Fund continues to hold shares in corporations with poor environmental and human rights records, such as ExxonMobil and Royal Dutch Shell. Norges Bank asserts that it uses its ownership role in an effort to improve the environmental and human rights performance of such companies. Greater weight could be given to the recommendations made by the Council on Ethics, including those related to companies with "unacceptable greenhouse gas emissions".[44] Nevertheless, the Fund is widely seen as a global leader among pension funds in its efforts to take human rights into account in its investment decisions.[45]

VI. Conclusion and recommendations

94. **The Special Rapporteur acknowledges the genuine determination demonstrated by the Government and others he met with in Norway to overcome the environmental challenges the country faces in order to respect, protect and fulfil everyone's right to live in a safe, clean healthy and sustainable environment.**

[44] Council on Ethics for the Norwegian Government Pension Fund Global, *Annual Report 2018*.

[45] Niklas Kreander and Ken McPhail, "State investments and human rights? The case of the Norwegian Government Pension Fund Global", *Accounting, Auditing and Accountability Journal*, vol. 32, No. 6 (23 August 2019).

95. **The Special Rapporteur encourages the Government to implement the following recommendations in order to enhance the country's reputation as a world leader in fulfilling its environmental and human rights commitments, and to accelerate progress towards achieving the Sustainable Development Goals:**

(a) **Modify its position and adopt an interpretation of article 112 of the Constitution, supported by the decision of Oslo District Court, recognizing that it is a clear expression of the human right to live in a healthy and sustainable environment;**

(b) **Create an accessible online database of actions taken to enforce environmental laws;**

(c) **Consider the creation of a specialized environmental court or tribunal;**

(d) **Expedite the process of achieving 100 per cent clean electricity, as a model for the world;**

(e) **Create education initiatives and incentives for electricity conservation, which would enable Norway to export more clean electricity to other nations where it could be substituted for polluting sources;**

(f) **Establish the target of all new passenger vehicles to be zero-emission vehicles after 2025, through legislation or regulation, to provide greater certainty and accountability;**

(g) **Accelerate the timeline for the proposed carbon capture and storage initiative;**

(h) **Introduce new policies to address the inequitable distribution of air pollution;**

(i) **Allocate adequate resources for repairing and upgrading drinking water and wastewater treatment infrastructure;**

(j) **Provide incentives and training enabling farmers to shift to organic production methods;**

(k) **Accelerate the shift to a circular economy, including through the widespread application of extended producer responsibility to improve recycling performance;**

(l) **Consider strengthening the Nature Diversity Act to require the designation and protection of listed endangered species and their habitats;**

(m) **Rethink current policies that prioritize killing endangered carnivores rather than fostering their recovery;**

(n) **Consider appointing a committee of independent scientific experts to make recommendations to improve the sustainability of salmon aquaculture;**

(o) **Implement the recommendations of the Nordic Council of Ministers related to sustainable consumption and production;**

(p) **Redouble its efforts to secure the free, prior and informed consent of the Sámi before making any decisions that affect their rights, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples;**

(q) **Amend the Reindeer Husbandry Act to establish a co-management regime to give Sámi reindeer herders an equal role in planning and decision-making;**

(r) **With the Sámi Parliament, take the necessary steps to complete the consultation agreement related to county and municipal governments, and expedite completion and ratification of the Nordic Sámi Convention;**

(s) **With the Sámi Parliament, consider jointly creating an ecosystem-based plan for the reindeer herding regions. Such a plan would identify areas that are essential to reindeer migration, Sámi sacred sites, and areas that may be suitable for future industrial development;**

(t) **Update the national action plan on business and human rights.**

96. **Finally, in light of the global climate emergency, the Special Rapporteur would like to highlight the recommendations from his recent report to the General Assembly on climate change and human rights (A/74/161, paras. 78, 80, 90 and 92). Norway should prohibit further exploration for fossil fuels, reject further expansion of fossil fuel infrastructure, develop a just transition strategy for workers and communities dependent on the fossil fuel industry, prohibit the expansion of the most polluting and environmentally destructive types of fossil fuel extraction, including oil and gas produced from hydraulic fracturing (fracking), the Arctic or ultra-deepwater, triple levels of investment in renewables, energy storage and energy efficiency, accelerate actions to reduce short-lived climate pollutants, boost climate finance, support the definition of a mechanism to address loss and damage, and champion the introduction of an air travel levy to finance such a mechanism.**