

JUSTICE INSTITUTE GUYANA¹
BRIEF

THE THREAT FROM GUYANA'S PROPOSED OIL PRODUCTION

“Climate change is having a major impact on a wide range of human rights today, and could have a cataclysmic impact in the future unless ambitious actions are undertaken immediately.”
David Boyd UN Special Rapporteur on Human Rights and the Environment

SUMMARY

Guyana is a **carbon sink** that removes annually **58 mtCO₂e** more than it emits.

1. Guyana's proposed oil production

Estimated reserves: **13.6bn barrels** of oil + **32 trillion** cubic feet of natural gas.

Government's goal: **1million barrels of oil per day** by 2025².

Result: **156 million metric tonnes** of new greenhouse gases every year.

2. Threatens fundamental rights

- Right to life
- Right to a healthy environment
- Inter-generational equity
- Right to property

3. Threatens life on earth

Greenhouse gas emissions from oil and gas cause

- Global warming → climate change + rising sea-levels
- Acid oceans → collapse of marine ecosystems

Climate change and biodiversity loss threaten human survival.³

Climate change poses, “an existential threat” to some countries.⁴

4. Criticised by CEDAW (Committee on the Elimination of Discrimination against Women)

CEDAW expressed concern that, *“that the continuing and expanding extraction of oil and gas in the State party and the resulting greenhouse gas emissions could undermine its obligations to women's empowerment and gender equality, as the resulting environmental degradation and potential natural disasters have a disproportionate impact on women, in particular those in situations of poverty.”*⁵

CEDAW recommended *inter alia* that Guyana, review its climate change and energy policies, particularly those relating to the extraction of oil and gas.

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² <https://www.kaieteurnewsonline.com/2019/03/05/guyana-to-produce-1m-barrels-of-oil-per-day-by-2025-finance-minister/>

³ See World Scientists Warning to Humanity: a second warning

⁴ UN Human Rights Council Resolution 38/4 July 2018

⁵ <https://www.ciel.org/news/un-institution-warns-guyanas-oil-and-gas-development-threatens-rights-of-women-and-girls/>

5. **Questions and Recommendations to Guyana:** We respectfully suggest the questions in Annex 1 and the recommendations in Annex II.

6. **Contrary to the Paris Agreement**

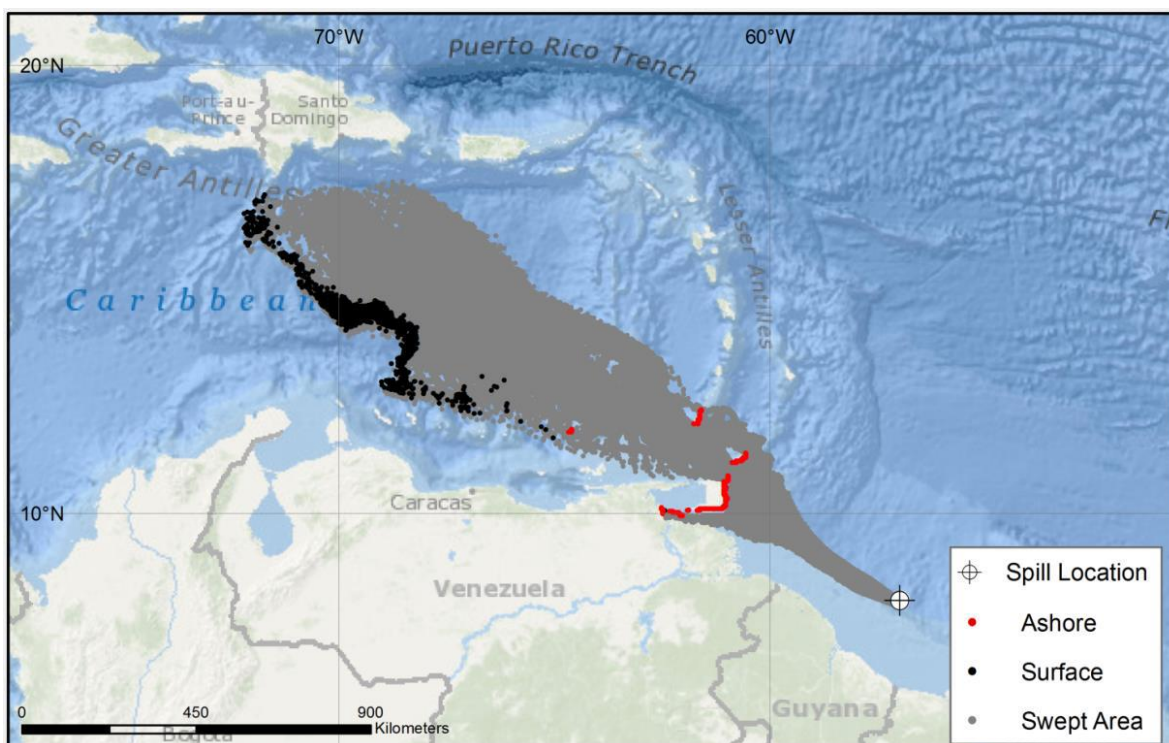
The Paris Agreement aims to hold global warming to well below 1.5^{0C} above pre-industrial levels. To meet this goal, “We should leave remaining stocks of fossil fuels in the ground.... and should carefully pursue negative emissions...”⁶ It is too late to start oil production!

Guyana has sun, wind and water which could produce cheap energy for all of its people. Guyana’s revised nationally determined contribution (NDC) states that, “*Guyana is committed to eliminating our near complete dependence on fossil fuels. Given our solar, wind and hydropower potential and relatively small national demand, we believe that with adequate and timely financial support, Guyana can develop a 100% renewable power supply by 2025.*”

Guyana’s proposed oil production goes against the Paris Agreement and Guyana’s NDC.

7. **Threatens neighbouring states**

A deep water well blowout that releases 600,000 barrels of oil⁷ could affect Venezuela, Trinidad, Tobago, St Vincent, the Grenadines, Aruba, Bonaire etc.⁸



⁶World Scientists Warning of a Climate Emergency <https://academic.oup.com/bioscience/advance-article/doi/10.1093/biosci/biz088/5610806>

⁷The BP Macondo blowout released over 4 million barrels of oil

⁸ *Figure 7-15 Deterministic Map for Scenario 9 – Unmitigated 20,000-Barrel-per-Day Release of Crude Oil for 30 days (December through May) Depicting Weathering and Fate* from the environmental impact assessment prepared for Esso Exploration and Production Guyana Ltd.

The UN Human Rights Committee (HRC) says that States have an obligation to consult relevant States about activities likely to have a significant impact on the environment.⁹ Guyana must consult these states.

8. Right to life: Article 138 Guyana Constitution

Guyana's constitution¹⁰ guarantees the right to life. According to the HRC the right to life is the "supreme right" and "should not be interpreted narrowly."¹¹ HRC says that, "Environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life."¹² In a Joint Statement on Human Rights and Climate Change (HR Joint Statement) five UN Human Rights Treaty Bodies concluded that climate change threatens the right to life.¹³

The massive new emissions from Guyana's proposed oil development will exacerbate climate change and **threaten to right to life** of Guyana's people.

Rising sea-levels **threaten the lives of over 70% of Guyana's people** who live on the coast.¹⁴

Guyana's proposed oil production would violate the Constitutional Right to Life.

9. Right to a healthy environment: Article 149J Guyana Constitution

Guyana's constitution guarantees the right to an environment that is not harmful to health; it imposes a duty on the State to protect the environment. The UN Special Rapporteur on Human Rights and the Environment says that a safe climate is essential to the right to a healthy environment and the failure to take adequate steps to address climate change can constitute a violation of the right to a healthy environment.¹⁵ CEDAW's General Recommendation No. 37 says that, "Limiting fossil fuel use and greenhouse gas emissions ... are regarded as crucial steps in mitigating the negative human rights impact of climate change and disasters."

Guyana's proposed oil production will damage the climate system and violate the right to a healthy environment.

Guyana allows ExxonMobil's subsidiary to discharge 4,000 barrels of treated sewage into the ocean every day.¹⁶ Over the life of the project this adds up to **29,200,000 barrels** or **1,226,400,000 gallons of treated sewage. This violates the right to a healthy environment.**

Guyana's oil is 2 miles under the sea-bed. Extraction requires dangerous deep water drilling. Guyana does not require Esso Exploration and Production Guyana Ltd to use a blow-out preventer in the Liza Phase 1 oil development project despite the catastrophic impacts of a well blowout¹⁷.

Guyana's oil project threatens marine biodiversity and violates the right to a healthy environment.

⁹ HRC General Comment No. 36 paragraph 62

¹⁰ The Constitution incorporates the International Covenant on Civil and Political Rights

¹¹ UN HRC General Comment No. 6 on Article 6 (Right to Life) 1982

¹² UN HRC General Comment No. 36 on Article 6 (Right to Life) October 2019

¹³ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E> Paragraph 3

¹⁴ <https://www.climatehotmap.org/global-warming-locations/guyana.html>

¹⁵ Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, para. 44, Doc. A/74/161 (July 15, 2019), <https://undocs.org/en/A/74/161>

¹⁶ Liza Phase 1 oil development Environmental Impact Assessment

¹⁷ E.g. <https://www.theguardian.com/environment/2018/jun/28/bp-deepwater-horizon-oil-spill-report>

An oil spill could damage and even wipe out Guyana's rich fisheries resulting in increased poverty.¹⁸

10. Inter-generational Equity

Guyana's Constitution requires the State to protect the environment for present and future generations. Guyana is a party to the UNFCCC¹⁹ which says that Parties should, "protect the climate system for the benefit of present and future generations." The Paris Agreement says that, "Parties should when taking action to address climate change, respect, promote and consider their respective obligations on human rights as well as inter-generational equity." The HR Joint Statement points out that by failing to act on climate change States are exposing future generations to, "the significant threats to human rights associated with greater temperature increases." There is no doubt that future generations will suffer disproportionately from the effects of climate change.

Guyana's proposed oil production clearly breaches the constitutional duty to protect the environment for future generations.

11. Right to Property

Article 149 protects the right to property. Climate change and rising sea-levels are already destroying homes and crops. In 2005 destruction caused by flooding amounted to 59% of Guyana's GDP. There were several feet of water in residential areas along the coast.

Guyana's proposed oil production threatens the right to property.

ANNEX I QUESTIONS FOR GUYANA

1. What steps is Guyana taking to implement the Paris Agreement in order to reduce the risk of catastrophic anthropogenic global warming that threatens human life?
2. What steps is Guyana taking to reduce emissions in accordance with its nationally determined contribution under the Paris Agreement?
3. What measures is Guyana taking to ensure that the greenhouse gas emissions from Guyana's oil will not lead to an increase in global greenhouse gas emissions?
4. What measures is Guyana putting in place to enable its people to enjoy the right to life in the context of the global threat of climate change?
5. What measures is Guyana putting in place to protect its people from the threat to life posed by rising sea-levels?
6. What measures is Guyana putting in place to protect the rights of future generations to a healthy environment including a healthy climate?
7. What steps is Guyana taking to protect marine biodiversity for future generations?

¹⁸ Contrary to SDGs 14 and 1

¹⁹ United Nations Framework Convention on Climate Change

8. What measures is Guyana taking to ensure that the discharge of 1,226,400,000 gallons of treated sewage by Esso Exploration and Production Guyana Ltd will not reduce marine biodiversity contrary to the right to healthy environment?
9. Noting that Guyana's proposed oil production could have a significant adverse impact on neighbouring states what steps is Guyana taking to consult such states?
10. What measures has Guyana taken to cope with oil spills or tanker collisions or well blowouts given their potential devastating impact on the environment and consequent breach of the right to a healthy environment?

ANNEX II RECOMMENATIONS TO GUYANA

The Government of Guyana should

- (1) Take all steps to respect and protect the constitutional rights to a healthy environment and inter-generational equity;
- (2) Take all steps to respect and protect the right to life in the context of the present climate emergency.
- (3) Take all steps to protect the marine environment bearing in mind that the planet is already on the verge of catastrophic biodiversity loss.
- (4) Consult relevant States about the impact of Guyana's proposed oil production;
- (5) Invite the UN special rapporteur on Human Rights and the Environment to make a country visit to Guyana.
- (6) Halt all oil exploration and production until Guyana has carried out an assessment of the impact of oil production on the constitutional rights to a healthy environment and inter-generational equity;
- (7) In view of the enhanced threat from proposed oil production take all steps to preserve and protect the environment for future generations;
- (8) In view of the current climate emergency take specific steps to protect the climate system as an essential factor in protecting the environment for present and future generations;
- (9) In view of the need to protect the environment for present and future generations and the harm to the marine biodiversity from sewage take immediate steps to prevent the discharge by Esso Exploration and Production Guyana Ltd of treated sewage into the ocean.