

Opening Statement for Carroll Muffett

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Excellencies, Members of the Council, Members of the Core Group. Thank you for the opportunity to address the Council today on the critical issue of the human rights of people in vulnerable situations in the context of climate change. The Center for International Environmental Law welcomes the study prepared on this topic by the Secretary General.

The climate crisis is accelerating around the world and with that acceleration we see impacts on a large number of rights protected by international human rights law. These impacts do not fall equally upon the people of the world. They fall disproportionately on the Global South and disproportionately on those in vulnerable situations.

Nowhere was this more exemplified than in the final report in the Philippines Commission on Human Rights' landmark inquiry into the human rights impacts of climate change in the Philippines, and the responsibilities of the Carbon Majors companies. The Commission found that the people of the Philippines are bearing a disproportionate burden from the climate crisis.

And that burden is falling heavily on women and girls who suffer “in several significant areas including agriculture production, climate-induced migration, and post-disaster gender-based violence.”

It falls on children. “In the case of typhoon Haiyan, we know that almost six million of the fourteen million people affected [by the typhoon] were children.”

It falls on Indigenous communities, who “are uniquely at-risk [because] the environment is a natural extension of their livelihood, [their] survival, and [their] cultural identity.”

It falls on those in poverty, as the “poorest communities are especially vulnerable because of the shortage of socio-economic resources necessary to cope with climate impacts.”

And it falls on the LGBTQIA+ community, which is “often denied access to social opportunities and infrastructure needed to cope with climate impacts.”

Protecting the human rights of people in vulnerable situations requires urgent action to limit warming to the greatest extent possible.

The Commission thus recognized not only the responsibility of the Carbon Majors companies and the Philippine Government to act in this regard, but the duty of all governments to cooperate to protect people from climate-related harms. Achieving this requires mainstreaming human rights in climate action, including in decisions relating to climate finance and adaptation, not only within but between and among States.

This is critical, because while together the members of the G20 nations are responsible for 80 per cent of global emissions,¹ small island and developing States and least developed countries combined account for only about 2 per cent of those emissions.² The responsibility for the climate crisis is not shared equally and the responsibility for climate action must fall most heavily on those who have driven the crisis across history and across the world.

States parties to the UN Climate Agreements have obligations to mobilize climate finance, technology transfer and capacity-building through international cooperation.

This obligation echoes the duty of States under Article 2(1) of the International Covenant on Economic, Social and Cultural Rights to work together to mobilize the maximum available resources for the progressive realization of human rights.³ These obligations require a dramatic and urgent scaling up of climate finance and a recognition that funds must flow with equal urgency to loss and damage and adaptation as they do to mitigation.

The terms for climate financing critically must not further exacerbate the existing structural inequalities or add to recipient countries' debt burdens. Without substantial upscaling, a more equitable distribution and facilitated access for the countries and people most affected by climate change, climate finance will continue to fall far short of commitments made by developed countries in the contexts of both climate change and human rights.

Decisive progress on these issues will be essential at COP27 to make progress towards meeting these obligations and protecting the rights of the communities most vulnerable to climate change.

For this reason, CIEL reiterates its embrace of the Secretary General's report and welcomes the decision by the Special Rapporteur to focus his next thematic report on "actions to address climate change, particularly in the context of loss and damage" including what actions are necessary with respect to financial support, remedies and redress for individuals and communities in vulnerable situations. Thank you for the opportunity.

¹ See Organization for Economic Cooperation and Development (OECD), *Carbon Pricing in Times of COVID-19: What Has Changed in G20 Economies?* (Paris, 2021).

² Food and Agriculture Organization of the United Nations (FAO), *FAO'S Work with Small Island Developing States: Transforming Food Systems, Sustaining Small Islands* (Rome, 2019), p. 5, and United Nations Conference on Trade and Development (UNCTAD), "Smallest footprints, largest impacts: Least developed countries need a just sustainable transition".

³ Art. 2 (1).