

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# COP27 OUTCOME: SOME POSITIVE STEPS BUT OVERALL FAILURE TO SUFFICIENTLY PROTECT HUMANITY FROM THE CLIMATE EMERGENCY

## SUMMARY

The COP27 outcome includes several positive decisions in certain areas, but also lack of meaningful progress under other strands of the negotiations. First, the decision to adopt a Loss and Damage fund and other funding arrangements to provide financial support to countries and people most affected by climate change is a significant step forward for climate justice. The creation of a dedicated “work programme on just transition” could provide a space in future COPs to discuss and advance state actions towards a just transition. Moreover, the final COP27 political decision recognizes that social dialogue and social protection must be central for a truly just transition. The recognition for the first time that children are agents of change in climate action; the adoption of a work plan for Action for Climate Empowerment that includes activities related to human rights; and the reference to right to a clean, healthy, and sustainable environment in the final COP27 political decision, called the Sharm el-Sheikh Implementation Plan, will foster human rights-consistent policies and policy implementation.

While references to human rights principles and standards in decisions taken under the UNFCCC and the Paris Agreement are welcome and necessary, they are not a replacement for effective climate action that respects, protects, and fulfil human rights.

However, these positive outcomes were overshadowed by governments’ failure to take any additional meaningful steps to protect humanity and human rights from accelerating global warming and its devastating impacts. Despite being presented from the outset as the “implementation COP”, no new decisive measure was adopted to ensure global warming is limited to 1.5°C. Most notably, states failed to call for a phase out of all fossil fuels and all fossil fuel subsidies.

Amnesty International advocated for COP27 outcomes that advanced human rights, with particular focus on a few key areas: loss and damage, climate change mitigation, international carbon markets, climate finance for mitigation and adaptation, and the Glasgow work programme on Action for Climate Empowerment (ACE). This public statement provides a brief analysis of COP27 outcomes with respect to these areas. The statement does not comprehensively assess the full COP27 outcome.

## IMPORTANT PROGRESS TOWARDS ADDRESSING LOSS AND DAMAGE

The decision taken at COP27 to establish a **Loss and Damage fund** is an important step forward towards securing climate justice for people in global south and climate-vulnerable countries. Their human rights have been harmed as a consequence of the climate crisis, while their countries have not contributed greatly to carbon emissions. This decision follows a 30-year-long demand from small island states and other lower-income countries that had till now been resisted by the wealthy countries that are historically the most responsible for the climate crisis. The establishment of the Loss and Damage fund at COP27 was the result of a united position presented by global south countries and persistent advocacy and campaigning by a wide range of civil society groups. Although much remains to be clarified and accomplished before the people most impacted can access tangible financial support, the COP27 decision to establish a fund sends an important and long-overdue political signal and shows the power of sustained advocacy.

Specifically, states decided to:

- Establish a fund for loss and damage as part of the establishment of “**new funding arrangements**”: a variety of different mechanisms and measures to provide and mobilize funding to address loss and damage in “developing

countries that are particularly vulnerable to the adverse effects of climate change”. Importantly, the decision specified that these funding arrangements are aimed at providing and mobilizing **“new and additional resources”**. This is crucial to ensuring that existing development or humanitarian assistance, as well as funding already allocated to climate change mitigation and adaptation, is not simply repurposed.<sup>1</sup>

- Set up a **“transitional committee”** to make recommendations on the operationalization of the fund and other new funding arrangements.<sup>2</sup> The committee’s recommendations will be considered and adopted at COP28. Recognizing the need for support from a wide variety of sources, including innovative ones,<sup>3</sup> the transitional committee is tasked, among other things, to “identify and expand sources of funding”.<sup>4</sup> The committee will be composed of 24 members, comprising 10 members from developed countries and 14 members from developing countries. Unfortunately, no civil society representatives will be included in the committee, nor does the decision specify whether the meetings of the committee will be open to civil society observers.
- Invite the UN Secretary General and international financial institutions, such as the World Bank Group and the International Monetary Fund, to consider how these institutions can contribute to the funding arrangements for loss and damage.

At COP27, states also agreed on the **operationalization of the Santiago Network for Loss and Damage**, a technical advisory body established in 2019 at COP25 to provide scientific and technical advice and support to countries being affected by loss and damage. In particular:

- States decided on the structure of the Santiago Network. It will be composed of a technical secretariat; an Advisory Board providing guidance and oversight; and a network of member organizations, bodies, networks and experts covering a wide range of topics relevant to averting, minimizing and addressing loss and damage.<sup>5</sup>
- Besides state representatives, the Advisory Board will include some UNFCCC constituency representatives:<sup>6</sup> one from the women and gender constituency, one from Indigenous peoples’ organizations, and one from the children and youth non-governmental organizations. The Advisory Board meetings will be open to civil society observers.<sup>7</sup> Even though the inclusion of civil society representatives representing three key stakeholder groups is welcome, it is unfortunate that states did not expand representation to other formal constituencies and stakeholder groups that are most affected by the climate crisis, such as people with disabilities and farmers, trade unions, and environmental groups.
- Even though, regrettably, states failed to explicitly state in the Terms of Reference of the Santiago Network that its work will be guided by human rights principles, they did state that the technical assistance provided by the Santiago Network should take into account “the cross-cutting issues from the eleventh preambular paragraph of the Paris Agreement” - which includes human rights.<sup>8</sup> The decision also states that technical assistance provided through the Santiago network will be done in a demand-driven manner and “will be developed through an

<sup>1</sup> UNFCCC, -/CP.27 and -/CMA.4, Decision on “Funding arrangements for responding to loss and damage associated with the adverse effects of climate change, including a focus on addressing loss and damage”, paras. 1-2, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_8f.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_8f.pdf)

<sup>2</sup> UNFCCC, -/CP.27 and -/CMA.4, Decision on “Funding arrangements for responding to loss and damage associated with the adverse effects of climate change, including a focus on addressing loss and damage”, para 4, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_8f.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_8f.pdf)

<sup>3</sup> UNFCCC, Decision -/CP.27 and -/CMA.4, “Funding arrangements for responding to loss and damage associated with the adverse effects of climate change, including a focus on addressing loss and damage”, para 6.e, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_8f.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_8f.pdf)

<sup>4</sup> UNFCCC, Decision -/CP.27 and -/CMA.4, “Funding arrangements for responding to loss and damage associated with the adverse effects of climate change, including a focus on addressing loss and damage”, para 5.c, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_8f.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_8f.pdf)

<sup>5</sup> UNFCCC, Decision -/CMA.4, Santiago network for averting, minimizing and addressing loss and damage under the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, para 3, <https://unfccc.int/documents/624375>.

<sup>6</sup> UNFCCC constituencies are formalized stakeholder groups with a focal point that coordinates and collates inputs and liaises with the UNFCCC secretariat. For more information, see <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/admitted-ngos#Constituencies-in-the-UNFCCC>

<sup>7</sup> UNFCCC, Decision -/CMA.4, Santiago network for averting, minimizing and addressing loss and damage under the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, Advance unedited version, <https://unfccc.int/documents/624375>, Annex 1, para 89.

<sup>8</sup> The eleventh preambular paragraph of the Paris agreement states that “parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to a clean, healthy and sustainable environment, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity.”

inclusive and country-driven process, taking into account the needs of vulnerable people, indigenous peoples and local communities”.

During COP27, **several wealthy countries announced financial pledges described as addressing “loss and damage”**. However, while a full analysis remains to be carried out, climate justice campaigners have pointed out that the overall amount committed represents a drop in the ocean compared to the needs. Nor are the majority of pledges new and additional, having been shifted from funds previously pledged under different names.<sup>9</sup> Moreover, the majority of funds were either committed to fund the Santiago Network or the “Global Shield”, a new initiative spearheaded by Germany and the G7 which is mainly aimed at supporting climate insurance-based schemes in a selected number of climate-vulnerable developing countries, rather than providing direct support to most affected people.<sup>10</sup>

Moving forward, **Amnesty International calls on all parties to the UNFCCC** to ensure affected people can effectively access real and timely financial and technical support and remedy by:

- Designing the Loss and Damage Fund and other funding arrangements in an inclusive and transparent manner, providing for the meaningful participation of people on the front line of the climate crisis.
- Ensuring all funds channelled through the fund or provided and mobilized through other “funding arrangements” are new, additional, adequate, and needs-based grants that are accessible to people, communities, and Indigenous peoples, whose human rights have been negatively affected as the result of loss and damage caused by the climate crisis.
- Ensure both the funding and the technical assistance for loss and damage entail inclusive and participatory loss and damage needs assessments and responses that consider and redress the adverse effect of climate change on the enjoyment of all human rights.
- Ensure any such needs assessments and responses are locally driven, gender responsive and based on the meaningful participation of affected people.

**Amnesty International also calls on wealthy states to:**

- Provide new, adequate, additional, and grant-based funding to resource the Loss and Damage Fund and allow the full functioning of the Santiago Network.
- Address loss and damage through other funding arrangements that directly benefit people whose human rights have been negatively affected as the result of loss and damage caused by the climate crisis.

## **FAILURE TO TAKE ADEQUATE MEASURES TO KEEP GLOBAL TEMPERATURE RISE BELOW 1.5°C**

Overall, at COP27, governments failed to live up to the urgency of impending climate breakdown. Despite being presented from the outset as the “implementation COP”, no new decisive measure was adopted to ensure global warming is limited to 1.5°C. In particular, there were no new mechanisms to ensure that states set higher emission reduction targets and take adequate measures in all sectors to achieve those targets. This is particularly concerning in light of the raft of reports published ahead of COP27 which pointed to the enormous gap between states’ collective targets and the 1.5°C limit, and to the inadequacy of domestic policies to meet even the insufficient targets that states have set. In essence, countries are not meeting the low targets they have set.

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<sup>9</sup> See Carbon Brief, *COP27: Key Outcomes Agreed at the UN Climate Talks in Sharm el-Sheikh*, 21 November 2022, <https://www.carbonbrief.org/cop27-key-outcomes-agreed-at-the-un-climate-talks-in-sharm-el-sheikh/>

<sup>10</sup> Vulnerable Group of 20, *V20 and G7 jointly launch Global Shield against Climate Risks at COP27*, 14 November 2022, <https://www.v-20.org/v20-and-g7-jointly-launch-global-shield-against-climate-risks-at-cop27/>; Friends of the Earth, *COP27: Global Shield branded a cynical distraction*, 14 November 2022, <https://friendsoftheearth.uk/climate/cop27-global-shield-branded-cynical-distraction>

Most notably, the COP27 outcome documents fail to acknowledge or tackle the number one driver of the climate crisis – the production and use of fossil fuels. The demands from a growing number of civil society groups and governments to agree on the imperative of phasing out all fossil fuels did not prevail in the face of a powerful fossil fuel lobby, the blatant opposition of oil-producing countries, and the ambiguous position of some other countries. Importantly, several country delegations included fossil fuel lobbyists.<sup>11</sup>

In light of the extreme climate-driven disasters that have occurred in the last year and the growing catalogue of reports from the Intergovernmental Panel on Climate Change and others documenting both the impacts and the causes of climate change, this failure to progress on the imperative of phasing out fossil fuels represents an enormous abdication of human rights obligations. Governments disregarded the rights of all those being affected, as well as those of future generations.

Amnesty International regrets that the COP27 final political decision - the Sharm el-Sheikh Implementation Plan - largely repeats the COP26 Glasgow Climate Pact, failing to address the limitations of that text. In particular, it:

- Reiterates that the impacts of climate change will be much lower at the temperature increase of 1.5°C compared with 2°C<sup>12</sup> and recognizes the need to reduce emissions 43% by 2030 from 2019 levels in order to keep the rise below 1.5°C.<sup>13</sup> However, **it does not commit to achieving these reductions and to keep the global temperature below 1.5°C**, but only “resolves to pursue further efforts” to do so.<sup>14</sup>
- Requests states to revisit and strengthen the 2030 targets in their nationally determined contributions (NDCs)<sup>15</sup> by the end of 2023.<sup>16</sup> However, the Sharm el-Sheikh Implementation Plan fails to request states to make targets in line with a 1.5°C pathway, but only in line with the Paris Agreement temperature goal of keeping below 2°C and “pursuing efforts” to limit the temperature increase to 1.5°C.
- Continues to invite states to submit and/or update their **long-term strategies**<sup>17</sup> regularly in line with the best available science, **while failing to require that these strategies are in line with a 1.5°C pathway**.<sup>18</sup> Moreover, the Sharm el-Sheikh Implementation Plan continues to refer to long-term strategies to achieve “net-zero emissions by or around mid-century”, providing states an opportunity to postpone fossil fuel phase-out in favour of unproven or harmful carbon capture or removal approaches. It also fails to acknowledge that to collectively achieve zero emissions by or around mid-century, wealthy industrialized states<sup>19</sup> have the duty to achieve this target earlier than others, to avoid putting an excessive burden on lower-income countries.
- **It fails to call on states to phase out all fossil fuels**, despite the incontrovertible scientific evidence that this is necessary to keep temperature rise below 1.5°C, the obligations of states to protect human rights from the climate crisis, and the rising demands from civil society and more than 80 states.<sup>20</sup> The Sharm el-Sheikh Implementation Plan merely repeats the call from the previous COP to “accelerate efforts towards the phase-down of unabated coal power” and “phase-out of inefficient fossil fuel subsidies, while providing targeted support to the poorest and most vulnerable in line with national circumstances and recognizing the need for support towards a just transition”.<sup>21</sup>

<sup>11</sup> 636 fossil fuel lobbyists granted access to COP27, <https://www.globalwitness.org/en/campaigns/fossil-gas/636-fossil-fuel-lobbyists-granted-access-cop27/>

<sup>12</sup> Decision -/CP.27, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cop27\\_auv\\_2\\_cover%20decision.pdf](https://unfccc.int/sites/default/files/resource/cop27_auv_2_cover%20decision.pdf), para 4

<sup>13</sup> Decision -/CP.27, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cop27\\_auv\\_2\\_cover%20decision.pdf](https://unfccc.int/sites/default/files/resource/cop27_auv_2_cover%20decision.pdf), para 11

<sup>14</sup> Decision -/CP.27, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cop27\\_auv\\_2\\_cover%20decision.pdf](https://unfccc.int/sites/default/files/resource/cop27_auv_2_cover%20decision.pdf), para 4

<sup>15</sup> Nationally determined contributions (NDCs) are submissions by countries that have ratified the Paris Agreement indicating their 2030 target for emission reductions and the actions each national government intends to take to meet that target. Under the Paris Agreement, governments are due to submit new NDCs to the UN Framework Convention on Climate Change Secretariat every five years with each revision representing a progression beyond the target included in the previous NDC.

<sup>16</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 23

<sup>17</sup> Under the Paris Agreement, states were mandated to communicate to the UNFCCC Secretariat by 2020 their mid-century, long-term strategies for emission reductions.

<sup>18</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 24

<sup>19</sup> Amnesty International uses the term “wealthy industrialized countries” to refer to countries included in Annex 1 of the UN Framework Convention on Climate Change.

<sup>20</sup> These were: 39 state members of the Alliance of Small Island States (AOSIS), <https://www.aosis.org/>; 9 state members of the Independent Association of Latin America and the Caribbean (AILAC) <http://ailac.org/en/sobre/>; 28 state members of the European Union; Switzerland, Iceland, Norway, United Kingdom, United States of America, Canada, Australia and New Zealand.

<sup>21</sup> Decision -/CP.27, Sharm el-Sheikh Implementation Plan, para 13, [https://unfccc.int/sites/default/files/resource/cop27\\_auv\\_2\\_cover%20decision.pdf](https://unfccc.int/sites/default/files/resource/cop27_auv_2_cover%20decision.pdf) and Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, para 28, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf)

- Besides the failure to call for the phase out of oil and fossil gas (so-called natural gas), the Sharm el-Sheikh Implementation Plan uses **opaque language that allows for continued use of coal and fossil fuel subsidies**. It merely refers to a phase-down, rather than a phase-out of coal power, and fails to provide an end point to any coal use. By referring to ‘unabated’ coal power, it provides an excuse for continued coal power use on the basis of unproven and harmful carbon capture and storage technology that would purportedly ‘abate’ coal. The outcome also provides an excuse for states to maintain fossil fuel subsidies, as long as they are deemed ‘efficient’. Fossil fuel subsidies could still be allowed solely to support clean cookstove programmes, which should be an interim measure for people who do not yet have access to affordable electricity. Moreover, the Sharm el-Sheikh Implementation Plan fails to set up accountability measures to ensure states implement this paltry commitment to phasing down unabated coal and inefficient fossil fuel subsidies.

At COP26, states had set up a mechanism to scale up measures to reduce climate change, the so-called “**Mitigation Work Programme**”. However, at COP27, governments failed to adopt strong accountability mechanisms for states to increase their emission reduction targets and adopt measures to achieve them. In particular, they decided to adopt a “non-prescriptive” and “non-punitive” approach and not “impose new targets or goals”,<sup>22</sup> therefore failing to request governments to submit higher emission reduction pledges beyond the normal five-year NDC cycle mandated by the Paris Agreement. Moreover, they failed to call for global emissions to peak as soon as possible and by 2025 at the latest, which the Intergovernmental Panel on Climate Change (IPCC) has said is necessary for keeping global warming below 1.5°C.<sup>23</sup>

These limitations are particularly concerning considering that, as of 6 December 2022, only 29 countries had responded to the COP26 decision calling on all governments to revisit and strengthen the 2030 targets in their NDCs by the end of 2022.<sup>24</sup> Furthermore, none of the wealthy industrialized countries and other high-emitting G20 countries who updated their NDCs aligned their targets to the 1.5°C imperative.<sup>25</sup> The Mitigation Work Programme should provide concrete and effective mechanisms to ensure the implementation of commitments made at COPs and at national level.

Despite the failure to commit to phasing out all fossil fuels, the Sharm el-Sheikh Implementation Plan did make a **new and explicit reference to renewable energy**, and recognized that “the unprecedented global energy crisis underlines the urgency to rapidly transform energy systems to be more secure, reliable, and resilient, including by accelerating clean and just transitions to renewable energy during this critical decade of action”.<sup>26</sup> It is also positive that the decision stresses the “urgent need for immediate, deep, rapid and sustained reductions in global greenhouse gas emissions by Parties across all applicable sectors”.<sup>27</sup>

However, the fact that several outcome documents continue to provide **loopholes and explicit measures that could open the way for false solutions** that may even exacerbate the climate crisis is extremely concerning. In particular:

- The term “**low-emission energy**” used alongside “renewable energy”<sup>28</sup> is problematic as it is not defined and could be used to justify fossil fuel developments, such as of so-called “natural gas” that many states want to promote as a transition fuel, despite the clear indications from the International Energy Agency that any new fossil fuel development is incompatible with reaching zero emissions in 2050.<sup>29</sup>
- Activity 5 of the workplan of the Forum on the impact of the implementation of response measures<sup>30</sup> includes **several references to technologies that would enable the continued exploitation of oil and gas**, such as carbon

<sup>22</sup> Decision -/CMA.4, Matters relating to the work programme for urgently scaling up mitigation ambition and implementation referred to in paragraph 27 of decision 1/CMA.3, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_4\\_scaling\\_up\\_mitigation.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_4_scaling_up_mitigation.pdf), para 2

<sup>23</sup> IPCC, *The evidence is clear: the time for action is now. We can halve emissions by 2030*, 4 April 2022, <https://www.ipcc.ch/2022/04/04/ipcc-ar6-wgiii-pressrelease/>

<sup>24</sup> Climate Action Tracker, *Climate Target Update Tracker*, <https://climateactiontracker.org/climate-target-update-tracker-2022/>

<sup>25</sup> According to Climate Action Tracker, Australia and Norway submitted a higher 2030 target but it was still not aligned with 1.5C. Brazil, India, Indonesia and the United Kingdom submitted an updated NDC but failed to increase their 2030 target. See <https://climateactiontracker.org/climate-target-update-tracker-2022/>

<sup>26</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 13

<sup>27</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 12

<sup>28</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), paras 12 and 14

<sup>29</sup> International Energy Agency, *Net-Zero by 2050*, May 2021, <https://www.iea.org/reports/net-zero-by-2050>

<sup>30</sup> The Forum on the impact of the implementation of response measures is a mechanism adopted at COP24 in 2018 to minimize the negative and maximize the positive impacts stemming from the implementation of mitigation policies and actions. At COP27 parties carried out the midterm review of the forum and its six-year workplan, negotiating additional activities to be added.

capture, utilization and storage (CCUS). CCUS entails the collection of carbon dioxide generated by burning fossil fuels and its transportation to other sites where they are used for industrial processes or sequestered underground. The storage sites are typically located in low-income communities; the transport of carbon dioxide poses significant health and safety risks; and the use of CCUS prolongs our dependence on fossil fuels.<sup>31</sup> The activity mentions removing barriers and strengthening policy support for CCUS to drive innovation, and scaling-up deployment.<sup>32</sup> These measures are particularly concerning in the absence of a call to phase out oil and gas.

- The outcome of the negotiations on the operationalization of international **carbon markets under Article 6** of the Paris Agreement is concerning in a number of ways. The decision provides states with a licence to decide to keep details of carbon trading confidential, including what type and quantity of offsets have been traded, without even requiring a justification for confidentiality.<sup>33</sup> Moreover, while it is positive that the initial recommendation adopted by the Supervisory Body<sup>34</sup> on the definition of carbon removals was rejected,<sup>35</sup> it is problematic that states requested the Supervisory Body to develop new recommendations on the same issue by COP28 without requesting it to consider human rights, including the rights of Indigenous peoples, international law or best available science.<sup>36</sup>

On a more positive note, Amnesty International welcomes the numerous references in the Sharm el-Sheikh Implementation Plan to a **just transition**, particularly the recognition that that “sustainable and just solutions to the climate crisis must be founded on meaningful and effective **social dialogue and participation of all stakeholders**” and that a just and equitable transition includes **social protection**.<sup>37</sup> The creation of a dedicated **work programme on just transition**<sup>38</sup> is also a welcome step, which must result in a rapid and human rights-consistent transition to zero-carbon economies.

Moving forward, **Amnesty International calls on all UNFCCC parties to:**

- Ensure that the Mitigation Work Programme and other relevant COP27 decisions deliver actions which effectively close the emission and implementation gap, to keep the increase of global average temperatures below 1.5°C.
- Review their 2030 emission reduction targets and ensure they are fully aligned with the 1.5°C imperative and adopt and implement adequate sectoral policies.
  - Wealthy industrialized states must also decarbonize their economies more quickly than others, including by adopting ambitious emission reduction targets that reflect their historical responsibility for the climate crisis and their higher level of resources, and that would enable them to reduce greenhouse gas (GHG) emissions by 50% well before 2030 and reach zero carbon emissions by 2030 or as soon as feasible after then.
- Rapidly phase out the production and use of all fossil fuels – coal, oil and gas – and all fossil fuels subsidies, avoiding the use of carbon markets and carbon removal mechanisms.
  - Wealthy industrialized states must phase out fossil fuels more quickly and provide adequate climate finance to developing countries to achieve a managed, equitable and human rights-consistent phase out of fossil fuels.

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<sup>31</sup> Center for International Environmental Law, *Carbon capture and storage*, <https://www.ciel.org/issue/carbon-capture-and-storage/>

<sup>32</sup> Draft decision -/CP.27 -/CMP.17 Report of the forum on the impact of the implementation of response measures, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_agenda\\_item\\_12\\_RM.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_agenda_item_12_RM.pdf), para 28

<sup>33</sup> Carbon Market Watch: *Lacustre COP27 fails to bring clarity to carbon markets*, 20 November 2022, <https://carbonmarketwatch.org/2022/11/20/lacklustre-cop27-fails-to-bring-clarity-to-carbon-markets/>

<sup>34</sup> The Supervisory Body is a technical body established by COP26 and composed of 12 representatives of state parties to the Paris Agreement. It is charged with designing and regulating the global carbon market governed by Article 6.4 and called “Sustainable Development Mechanism”. See <https://unfccc.int/process-and-meetings/bodies/constituted-bodies/article-64-supervisory-body>

<sup>35</sup> After COP26, the Supervisory Body was tasked to define carbon removals and determine how they might be eligible as credits in the global carbon market mechanism. The definition of removals adopted just before the start of COP27 was very broad and could have paved the way to harmful and/or unproven technologies that have dubious impact on emission reductions and can result in massive human rights violations, such as bioenergy with carbon capture and storage, ocean fertilization and other types of marine geoengineering. Moreover, the recommendation had inadequate provisions to ensure that carbon removal mechanisms do not harm human rights.

<sup>36</sup> Draft Decision -/CMA.4, Guidance on the mechanism established by Article 6, paragraph 4, of the Paris Agreement, para 21

<sup>37</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), paras 50-51.

<sup>38</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 52.

- Establish concrete mechanisms to ensure carbon markets activities for emission reductions do not violate the human rights of affected people, as well as a fully independent, accessible, and transparent grievance process, before allowing for any market or non-market activities to take place.
- Adopt measures to ensure that market activities only include those that allow for rapid, genuine emission reductions and do not include unproven and potentially harmful technologies for carbon removal.
- Ensure the work programme on just transition adopted at COP27 and national just transition plans facilitate a rapid and human rights-consistent transition to zero-carbon economies, including access to clean, reliable, affordable energy produced in a manner consistent with human rights for all.
- Ensure the work programme translates into effective measures to protect workers and communities, including by being centred on human rights, including labour rights, prioritizing creation of decent work opportunities in affected areas and communities through appropriate investment, reskilling, training and other assistance for job seekers, as well as ensuring that social protection measures are sufficient both in terms of coverage and level of support to mitigate the negative impacts on local communities.

## INSUFFICIENT COMMITMENTS ON CLIMATE FINANCE FOR MITIGATION AND ADAPTATION

Amnesty International regrets that, once again, wealthy countries failed to take decisions aligned with their obligations under the Paris Agreement and human rights law to provide adequate finance and technical support to less wealthy countries to reduce their carbon emissions and to adapt to the impacts of climate change.

In particular, the Sharm el-Sheikh Implementation Plan adopted at COP27:

- Failed to mandate that countries prepare a roadmap to achieve and surpass the **goal set at COP26 to at least double adaptation finance from 2019 levels by 2025**. Instead, the COP27 decision only requests the Standing Committee on Finance to prepare a report on the doubling of adaptation finance.<sup>39</sup>
- Highlights that the needs of developing countries to meet their NDCs are currently estimated at USD 5.8–5.9 trillion for the pre-2030 period and “notes with concern” the growing gap between the needs of developing countries, in particular due to the increasing impacts of climate change and their increased indebtedness, and the support provided.<sup>40</sup>
- “Expresses serious concern” that **the goal of developed countries to mobilize jointly USD 100 billion per year between 2020 and 2025 has not yet been met** and “urges” developed countries to meet the goal.<sup>41</sup> However, the decision fails to specify a timeline for meeting the goal. It is also particularly concerning that wealthy states opposed the request of developing countries for them to commit paying the existing shortfall and therefore providing the cumulative amount of 600 billion USD over the period 2020-2025.
- While it notes that “scaled-up public grants for mitigation and adaptation for vulnerable regions, in particular sub-Saharan Africa, would be cost-effective and have high social returns in terms of access to basic energy”,<sup>42</sup> it **fails to establish a clear commitment for wealthy countries to provide climate finance to low-income countries primarily in the form of grants**, not loans. This threatens poorer countries – the least equipped to cope with the climate crisis - with unsustainable levels of debt.

The negotiations on the adoption of a **new higher annual collective and quantified goal** for international climate finance from 2025 onwards did not produce any significant outcome, only procedural decisions, pushing important discussions to next year.

Interestingly, the Sharm el-Sheikh Implementation Plan adopted at COP27 included a call on states who act as shareholders of multilateral development banks and international financial institutions to **reform multilateral development**

<sup>39</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 42.

<sup>40</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 56.

<sup>41</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 57.

According to the most recent estimates, climate finance from developed countries amounted to USD 83.3 billion in 2020. See OECD, *Aggregate Trends of Climate Finance Provided and Mobilised by Developed Countries in 2013-2020, 2022*, <http://oecd.org/climate-change/finance-usd-100-billion-goal/aggregate-trends-of-climate-finance-provided-and-mobilised-by-developed-countries-in-2013-2020.pdf>

<sup>42</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 58.

**bank practices and priorities** with a view to mobilizing more funds for climate action, aligning financial flows to the goals of the Paris agreement and facilitating access to funding. It also encouraged multilateral development banks to deploy a broad set of instruments “from grants to guarantees and non-debt instruments, taking into account debt burdens”.<sup>43</sup> The decision also launched an official dialogue process on Article 2.1c of the Paris Agreement which refers to “making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development”.<sup>44</sup>

Moving forward, **Amnesty International calls on all UNFCCC parties** to:

- Agree on clear and human rights-consistent principles to guide the adoption, by 2024, of a new higher annual quantified goal for international climate finance from 2025 onwards. At COP28, states should also adopt a decision that clarifies that the new goal will cover not just mitigation and adaptation measures, but also loss and damage.
- As part of the planned reform of multilateral development bank practices and priorities and of the dialogue process on Article 2.1c of the Paris agreement, establish clear accountability mechanisms to ensure financial institutions stop financing and investing in new projects, activities and industries that drive fossil fuel expansion and phase out existing fossil fuel funding and investments on a timeline aligned with the 1.5°C imperative. The reform processes should also allow the mobilization of additional grants-based climate finance for mitigation, adaptation and loss and damage.

In addition, Amnesty International calls on wealthy states to:

- Present a clear plan to achieve and surpass the goal set at COP26 to at least double adaptation finance from 2019 levels by 2025, taking into account that a doubling of 2019 adaptation finance would still be insufficient to enable developing countries to adequately support people to adapt to climate change.
  - Individual wealthier states should back up the plan with concrete adaptation finance commitments.
- Commit new and additional climate finance to less-wealthy countries for human rights-consistent mitigation and adaptation measures in order to reach the 100 billion USD annual goal this year and provide the cumulative amount of 600 billion USD over the period 2020-2025 to make up for earlier gaps.
- Make a clear commitment at COP28 to provide climate finance to low-income countries primarily in the form of grants, not loans, to ensure that climate finance does not force them into fiscally unsustainable debt levels.

## **INCLUSION OF THE RIGHT TO HEALTHY ENVIRONMENT BUT LIMITED MEASURES TO SECURE INCLUSION AND PARTICIPATION OF MOST AFFECTED GROUPS IN CLIMATE DECISION-MAKING**

Amnesty International welcomes that the Sharm el-Sheikh Implementation Plan not only repeats the paragraph of the Paris Agreement that refers to states’ obligations to respect, protect and promote human rights in climate action, but expands it by adding the **right to a clean, healthy and sustainable environment**.<sup>45</sup> This right, already recognized by many states in their constitutions and laws as well as in regional human rights instruments, was recognized by the UN General Assembly in July 2022 and previously by the UN Human Rights Council in October 2021.<sup>46</sup> This is the first time that an environmental negotiation process has referenced this right, providing for greater coherence between environmental and human rights policies and promoting human rights-consistent approaches to environmental policies. The inclusion of this right in the final version of the decision, after having been deleted from a previous iteration, is also the result of sustained pressure from a diverse group of civil society organizations and Indigenous peoples.

Amnesty International also welcomes that at COP27, for the first time, **states recognized children, not just youth, as agents of change** in addressing and responding to climate change. In particular, recognizing the importance of intergenerational equity and maintaining the stability of the climate system for future generations, the Sharm el-Sheikh Implementation Plan

<sup>43</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 61.

<sup>44</sup> Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 68.

<sup>45</sup> Decision -/CP.27, Sharm el-Sheikh Implementation Plan and Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, preamble.

<sup>46</sup> UN General Assembly, Resolution Nr 76/300, UN Doc. A/RES/76/300; UN Human Rights Council, Resolution Nr 48/13, UN Doc. A/HRC/RES/48/13.



*encourages* states to include children and youth in their processes for designing and implementing climate policy and action, and to consider including young representatives and negotiators into their national delegations.<sup>47</sup>

At COP27, states also adopted a **four-year Action Plan**<sup>48</sup> that includes a set of activities at the national and international level to implement the Glasgow Work Programme on **Action for Climate Empowerment (ACE)** which is aimed at enhancing climate change education, training, public awareness, public participation, public access to information and international cooperation. Disappointingly, the action plan failed to include activities explicitly aimed at fulfilling the rights to access to information; participation in public affairs; freedoms of expression, association, and peaceful assembly; as well as the right of Indigenous peoples to free, prior and informed consent. It also failed to recognize the role of environmental human rights defenders in promoting effective and ambitious climate action and to include activities aimed to protect them in line with the UN Declaration on Human Rights Defenders. However, more positively, the action plan includes:

- A recognition that actions should be implemented in an inclusive, intergenerational and gender-responsive manner.
- An activity aimed at identifying good practices for integrating the human rights considerations included in the preamble of the Paris Agreement into national climate change policies, plans, strategies and action.
- Activities that foster education and capacity-building of youth in climate change decision-making at national and international level and youth participation in international forums.
- The mapping and collating of existing guidelines and good practices with respect to child education on, and empowerment in, climate action, “with special consideration given to gender equality and inclusion of persons with disabilities”.

However, Amnesty International is concerned that, compared to the COP26 decision, the Sharm el-Sheikh Implementation Plan contains **fewer references to the role and rights of Indigenous peoples**. In particular, while similarly to the previous year it recognizes the important role of indigenous peoples, alongside local communities, cities and civil society, including youth and children, in addressing and responding to climate change, it failed to reaffirm the specific recognition, included in COP26 decision, of “the important role of indigenous peoples’ and local communities’ culture and knowledge in effective action on climate change”.<sup>49</sup> Worryingly, the call for states “to actively involve indigenous peoples and local communities in designing and implementing climate action” included in the COP26 political decision was also not included. The COP26 formulation itself fell short of international standards as it failed to re-state the obligation of states and the responsibility of companies to respect the right of Indigenous peoples to free, prior and informed consent. However, the fact that even this imprecise and limited formulation was not repeated in the COP27 decision is concerning. Similarly, the ACE Action Plan includes only one deliverable that relates to Indigenous peoples and is limited to organizing a session “to discuss ways of enhancing understanding of the role of children and youth and indigenous peoples in accelerating ACE implementation and promoting intergenerational knowledge-sharing in the context of their work”.

Moving forward, **Amnesty International calls on all UNFCCC parties to:**

- Put people and their human rights, including labour rights and the rights of Indigenous peoples, at the centre of UNFCCC negotiations and decisions. All decisions must reference relevant human rights law, principles and standards, and ensure the promotion, respect, protection and fulfilment of human rights.
- Ensure that the references to human rights included in COP27 and previous COP decisions are translated into effective measures to respect, protect and fulfil human rights in climate action, including ambitious measures to limit global warming and the provision of adequate finance from wealthy countries to support developing countries in reducing emissions, adapting to climate change and addressing loss and damage.

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<sup>47</sup> UNFCCC, Decision -/CMA.4, Sharm el-Sheikh Implementation Plan, Advance Unedited Version, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_2\\_cover\\_decision.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_2_cover_decision.pdf), para 87.

<sup>48</sup> Decision -/CMA.4, Action plan under the Glasgow work programme on Action for Climate Empowerment, [https://unfccc.int/sites/default/files/resource/cma4\\_auv\\_ACE.pdf](https://unfccc.int/sites/default/files/resource/cma4_auv_ACE.pdf)

<sup>49</sup> UNFCCC, Decision 1/CMA.3 Glasgow Climate Pact, para 93, UN Doc. FCCC/PA/CMA/2021/10/Add.1, [https://unfccc.int/sites/default/files/resource/cma2021\\_10\\_add1\\_adv.pdf](https://unfccc.int/sites/default/files/resource/cma2021_10_add1_adv.pdf)

- Include and fully consult experts in human rights, gender and Indigenous peoples' rights in all parties' delegations to UNFCCC meetings.
- Facilitate the meaningful participation in, and full and equitable access to UNFCCC meetings for representatives of Indigenous peoples, children, youth, and civil society organizations, including human rights and social justice groups

## **SURVEILLANCE AND HARASSMENT OF OBSERVERS AND RESTRICTIONS ON PEACEFUL PROTESTS DURING COP27**

COP27 took place amid an ongoing human rights crisis in Egypt, as the authorities have severely repressed the rights to freedom of expression, association, and peaceful assembly since President Abdel Fattah al-Sisi took power.<sup>50</sup> They have effectively closed down civic space in the country and criminalized any form of peaceful dissent. Thousands are arbitrarily detained in cruel and inhuman conditions simply for peacefully exercising their human rights or following grossly unfair trials. The authorities have failed to address discrimination and sexual and gender-based violence against women, girls and LGBTI people. Street protests have been eradicated through a gamut of repressive measures.

On the first day of COP27, Egyptian-British activist Alaa Abdel Fattah started a water strike, in protest at his unjust imprisonment and denial of consular visits, after being on hunger strike since April 2022. The Egyptian authorities held him incommunicado for two weeks, barring all visits and written correspondence. Security forces prevented his lawyer from seeing him on three occasions between 10 and 14 November ignoring authorizations from the public prosecution. During those days he attempted self-harm, was restrained by security officials, and fed intravenously.<sup>51</sup> Despite a chorus of voices calling for his unconditional release, he continues to be arbitrarily detained together with human rights lawyer Mohamed Baker, who was also arrested in September 2019.

Before COP27, the Egyptian authorities excluded all independent human rights groups from its process to provide accreditation to COP27 Egyptian civil society organizations that had not been able to secure accreditation under the UNFCCC. Ahead of and during COP27, Egyptian security forces arrested hundreds in relation to calls for protests during COP27; most continue to be arbitrarily detained pending investigations into unfounded terrorism-related accusations.

Authorities also sought to intimidate and defame Egyptian activists within the UN space at COP27. Human rights defenders attending COP27 reported being followed by Egyptian security forces inside the Blue Zone. The German embassy in Cairo raised concerns about Egyptian security agents monitoring and filming events at the German Pavilion. At least two European parliamentarians were stopped at Cairo's airport and questioned over their pins calling for the release of prisoners held for political reasons in Egypt. At least one human rights defender scheduled to attend COP27 was denied access to the country.<sup>52</sup> Similar concerns regarding intimidation and harassment of civil society were expressed by UN Special Rapporteurs, who noted that they had received "multiple reports and evidence of civil society actors, including Indigenous peoples, being stopped and interrogated by Egyptian security officers, and local security and support staff repeatedly monitoring and photographing civil society actors inside the COP27 venue".<sup>53</sup>

The Egyptian authorities designated a small and remote area for protests outside of the COP venue, which civil society actors refused to accept as it did not meet the requirements for the exercise of their right to freedom of peaceful assembly. This decision, together with the effective criminalization of the right to freedom of peaceful assembly imposed by the government since 2013, meant that acts of peaceful protest outside the COP27 venue were not possible, including the traditional climate march that typically occurs on the first Saturday of COP in the streets of the host city, bringing COP27 participants together with local climate movements. Due to these repressive conditions, civil society gatherings were only able to take place inside the COP27 venue.

<sup>50</sup> Amnesty International, "Egypt: COP27 should not overshadow human rights crisis in the country" (Index: MDE 12/5638/2022), 23 May 2022, <https://www.amnesty.org/en/documents/mde12/5638/2022/en/>

<sup>51</sup> Amnesty International, "Egypt: Prominent activist in critical condition: Alaa Abdel Fattah" (Index: MDE 12/6235/2022), 21 November 2022, <https://www.amnesty.org/en/documents/mde12/5638/2022/en/>

<sup>52</sup> Amnesty International, Egypt: Prominent Italian Human Rights Activist Banned from Entering Egypt to Participate in COP 27 10 November 2022, <https://www.amnesty.org/en/documents/mde12/6194/2022/en>

<sup>53</sup> OHCHR, *Egypt: UN experts alarmed by harassment of civil society actors at COP27 climate summit*, 18 November 2022, <https://www.ohchr.org/en/press-releases/2022/11/egypt-un-experts-alarmed-harassment-civil-society-actors-cop27-climate>

While climate justice and human rights activists refused to be silenced and used the UN-managed spaces in the Blue Zone to exercise their freedom of expression and peaceful protest, the civic space restrictions existing in Egypt and the harassment and intimidation of COP27 civil society participants by Egyptian officials considerably restricted activist capacity to mobilize and have their voices heard in support of more ambitious and human rights-consistent climate action.

Civil society and Indigenous peoples' representatives could face similar challenges at COP28 in the United Arab Emirates in December 2023. The Emirati government does not respect the right to freedom of expression or peaceful assembly and has cracked down on Emirati dissidents since 2012. For example, the Emirati authorities continue to imprison at least 26 people for peacefully criticizing the government. The new UAE Penal Code, which went into effect in 2022, designates peaceful criticism of the government an imprisonable offence.<sup>54</sup>

Moving forward, **Amnesty International calls on the Egypt COP27 President and other Egyptian authorities** to:

- Immediately and unconditionally release all those arbitrarily detained solely for the peaceful exercise of their human rights or for reasons of discrimination on any grounds including religion, gender identity and sexual orientation.
- Avoid any act of reprisal towards Egyptian human rights defenders who participated at COP27 or used the opportunity of the conference to demand meaningful and effective human rights reforms in Egypt; and guarantee a safe and enabling environment for human rights organizations including by amending Law No. 149/2019 on NGOs to bring it in line with international human rights law and standards on the right to freedom of association.
- Lift censorship of independent media, human rights and other websites by removing the arbitrary blocks preventing access.

**Amnesty International also calls on the United Arab Emirates, as the incoming Presidency of COP28** to:

- Immediately and unconditionally release all those arbitrarily detained solely for the peaceful exercise of their human rights or for reasons of discrimination.
- Ensure the timely provision of visas to all participants, and particularly those from the global south, requiring visas in advance to enter the UAE.
- Facilitate the organization of parallel events by CSOs and Indigenous peoples ahead and during COP28, both inside and outside the COP28 venue.
- Ensure all persons can freely express themselves and peacefully demonstrate ahead, during and after COP28 inside and outside the COP28 venue.

**Amnesty International calls on the UNFCCC Secretariat** to:

- Promptly carry out an investigation into the instances of surveillance and harassment of climate and human rights activists inside the COP27 venue and to make the findings public in a timely manner.
- Establish clear and transparent processes to ensure accreditation of national civil society organizations by COP host countries.
- Develop clear human rights principles and criteria for host countries which should be taken into account in the selection of COP presidencies.

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<sup>54</sup> Human Rights Watch, *UAE: Sweeping Legal 'Reforms' Deepen Repression*, 5 June 2022, <https://www.hrw.org/news/2022/06/05/uae-sweeping-legal-reforms-deepen-repression>