SOUNDING THE ALARM ON THE CLIMATE EMERGENCY
It’s been another year of civil society action to help avert the worst impacts of what’s increasingly being recognised as a triple planetary crisis, with the combined threat of climate change, biodiversity loss and pollution. But it’s also been another year of insufficient action by states, the private sector and the international system.

Civil society is engaging on every front possible: responses to mitigate the worst impacts of climate change and practical projects to improve adaptation, street protest and direct action, and advocacy, legal action and international-level engagement. All the urgency to prevent the worst impacts of the crisis continues to come from civil society.

A WORLD RAVAGED BY EXTREME WEATHER

Extreme weather events – made far more likely and severe by climate change – have continued to scar countries and bring tragic consequences.

Extreme heat struck India, bringing normal life to a halt. Floods left hundreds dead and thousands homeless in South Africa. At least 15,000 deaths were attributed to Europe’s record-breaking summer heatwave. And then record rainfall left one-third of Pakistan under water, causing over 1,700 deaths. These were just a few of many such events in 2022.

COP27: TOO LITTLE, TOO LATE

The plight of Pakistan, alongside many other countries, points to a great injustice: emissions have disproportionately been caused by global north countries, but impact disproportionately on the global south – on countries that have done the least to cause the crisis and have the fewest resources to respond. Pakistan, for example, produces less than one per cent of global greenhouse gas emissions but is among the 10 countries worst affected by climate change.

Local response is vital to alleviate human suffering, but global change is needed to tackle a problem that affects people and planet across borders. The annual COP climate summits represent the peak global opportunity, but the latest, COP27 held in November, yet again failed to deliver.
COP27 was unpromising even before it began. It was hosted by Egypt, an authoritarian state that ruthlessly represses civil society. This made it much harder for domestic and international civil society to exert pressure for ambitious agreements, as they typically do at COP summits. The UN’s decision to award the summit to Egypt reflected a lack of recognition of the vital role of civil society in driving climate action.

Holding a COP in a country with closed civic space such as Egypt is unacceptable and should not have happened. I have no idea how anybody could think a conference like this could be held in such a restricted environment."

Ahead of the summit, numerous activists who called for protests were arrested. Civil society participants complained of harassment and intimidation. But civil society also used the global spotlight to focus attention on the Egyptian government’s catalogue of human rights abuses and its thousands of political prisoners.

But while COP27 took tentative steps to respond to the damage already caused by climate change, it did little to prevent further harm. Most states failed to act on the promise made at COP26 to submit more ambitious plans to cut emissions consistent with capping temperature rises at 1.5 degrees above pre-industrial levels.

Progressive plans like those developed by Vanuatu, a Pacific Island state facing existential threats from climate change, were a rare exception. Developed through consultation with civil society, Vanuatu’s plan sets out both its intent to cut emissions and the need for international support to adapt. It sets a challenge for donors: will they back the ambition?

But in COP27’s rooms and corridors, the fossil fuel industry continued to exert its baleful influence. Some 636 fossil fuel lobbyists took part – and they got what they came for. The meeting’s final statement once again made no commitment to reduce fossil fuel use. It went no further than before on the most urgent need of all: to rapidly eliminate coal, the dirtiest fuel.

There remains a gap between what powerful states say and what they do. The fuel price hikes caused by Russia’s invasion of Ukraine has seen states react partly by acknowledging the need to accelerate the development of renewable energies – but also by pushing for greater fossil fuel extraction. US President Joe Biden unsuccessfully tried to persuade Saudi Arabia and its allies to pump more oil to lower prices. Germany’s new government – elected in 2021 after a campaign where climate change was a major issue, and which includes the Greens party – reopened coal power stations to make it through the winter. The UK government, one year on from pushing for the phase-out of coal as COP26 host, approved a new coalmine development. It’s little wonder many global south states accuse the global north of climate hypocrisy.

Greater progress at COP28 seems unlikely. It will be held in another state that, like Egypt, stops people organising, mobilising and making demands: the oil-rich United Arab Emirates (UAE), which in November publicly committed to extracting fossil fuels for as long as possible. The head of the state oil company has been put in charge of the summit. Plenty more expensive PR can be expected, as can little space for civil society to raise inconvenient truths.
A STEP FORWARD FOR BIODIVERSITY PROTECTION

COP27 wasn’t 2022’s only global summit of major environmental importance. COP15, the latest meeting under the UN Convention on Biological Diversity, was finally held in Montreal, Canada in December following pandemic delays. It led to the agreement of the Global Biodiversity Framework, which sets a target to conserve 30 per cent of land and sea by 2030. The agreement commits to reduce subsidies that cause environmental harm and, crucially, recognises the role of Indigenous groups in conservation: conservation projects often trample on their rights. But it’s weak on the crucial matter of the private sector’s responsibilities.

As with COP27, a key sticking point was funding. While the agreement is to mobilise US$30 billion in a year from ‘developed’ to ‘developing’ countries by 2030, several African states, notably the Democratic Republic of the Congo (DRC) – home to the world’s second-largest rainforest after the Amazon – urged the creation of a new biodiversity fund. When this didn’t arise it accused the summit’s leaders of forcing through an agreement against its wishes. Global south states will keep demanding adequate funding to enable all states to play their role in conservation.

PUSHING FORWARD AT THE INTERNATIONAL LEVEL

While high-level summits continue to frustrate, civil society keeps engaging at the global level because international bodies remain important sources of standards and norms. These provide yardsticks to measure the performance of states and rallying points for advocacy.

A small step forward came in March when the UN appointed its first ever Special Rapporteur on the promotion and protection of human rights in the context of climate change. Ian Fry, who takes up the role, is charged with making recommendations on the adverse human rights impacts of climate change and promoting the integration of human rights in climate change responses. This offers an important new focal point for civil society engagement.

The need is great, with research increasingly suggesting a mass extinction is underway, bringing the destruction of fragile systems that sustain human life and play a vital role in absorbing greenhouse gases. But the biggest challenge following COP15 is that no biodiversity targets arising from this process have ever been met. International agreements mean nothing if they go unimplemented. Civil society will keep up the pressure to do better this time.

A milestone was reached in July when UN member states passed a resolution recognising access to a clean, healthy and sustainable environment as a universal human right. This came after years of civil society campaigning. While the resolution is non-binding, it offers a norm that can be referenced in the push for stronger environmental regulation, in climate and environmental litigation, and in the ongoing campaign for a global convention on the right to a healthy environment.

The recognition of the right to a clean, healthy and sustainable environment as a universal human right makes environmental protection a core aspect of human rights protection. It is a major step towards a human rights-based approach in environmental litigation, as it integrates human rights norms into environmental matters.

If there is to be a new convention, developing it will take many years. The challenges in securing this kind of agreement could be seen at UN headquarters in August, when talks to develop an Oceans Treaty stalled. The treaty – to protect the two-thirds of seas that fall beyond national jurisdiction – has been under negotiation since 2017. These talks were supposed to be the final round, ending in the treaty’s adoption. But they broke up with no consensus. Key points of contention were fishing and marine genetic resources, dominated by a few powerful states.
A treaty was **finally agreed** following a fresh round of talks in March 2023. Now the challenge will be to encourage rapid ratification so it can enter into force. Civil society will work to urge adoption and implementation, which must be backed with adequate resources.

Cooperation has been lacking regarding many aspects of the treaty. However, the treaty process has seen a lot of success in convening discussions and negotiations. As of now, more than 100 states are highly committed to backing the treaty as it stands.

Another important process **started** in March at the UN environment summit in Kenya, when states agreed to develop a legally binding treaty on plastics. There’s a great need for stronger regulation given the ubiquity of plastic pollution. The treaty will cover the whole lifecycle of plastics and, significantly, acknowledges the role of Indigenous people and waste pickers. The treaty is due to be negotiated over two years and civil society will be urging states to meet the deadline.

That persistence pays was demonstrated when the Escazú Agreement held its first conference of parties in April. This is the environmental rights treaty for Latin America and the Caribbean, adopted in 2018 following extensive civil society
engagement. Globally it’s the first treaty to make specific provisions on the rights of environmental human rights defenders, a crucial need in a region that has the world’s highest number of killings of such activists.

Reflecting civil society’s positive role in the process, the summit was much more open than a typical intergovernmental meeting. Civil society advocacy focused on the development of strong compliance procedures. It is also urging stronger Indigenous representation in treaty processes and pushing for the numerous states that have not yet ratified to do so. Politically the first COP was very important because it renewed political commitment to the Escazú Agreement. There was a lot of commitment, and the rules adopted are very positive for civil society’s active participation. Civil society had a direct voice in the negotiations."

Civil society has instead urged a coordinated, EU-wide exit, along with the passing of an EU law to end the dispute settlement mechanism. That may be getting closer: in February 2023 the European Commission backtracked on reform plans and instead proposed a collective withdrawal, offering hope for stronger climate policies.

In all these processes, civil society encourages, promotes and monitors the implementation of international agreements. But in 2022, awareness grew about a pact that presents a powerful barrier against climate action: the Energy Charter Treaty.

The Energy Charter Treaty was agreed in 1994 to protect fossil fuel companies from political instability and policy changes. It allows them to sue states through a dispute settlement mechanism when their policies impact on fossil fuel projects. Multiple states have been sued for climate policies that seek to limit extraction.

European states – including France, the Netherlands and Spain – have said they’re pulling out of the treaty, but that doesn’t solve the problem: the treaty contains a sunset clause, which means companies can sue states for 20 years after withdrawal. The EU proposed amending the treaty to limit the sunset clause to 10 years while expanding its scope to other energy sources. But several states refused to agree.

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Street protest and direct action keep climate change high on the political agenda, heighten public awareness and communicate, through disruption, the chaos to come if climate change goes unchecked. 2022 saw the emergence of new, deliberately controversial tactics, including stunts involving priceless works of art.

In October, two young activists from the Just Stop Oil group caused a stir by throwing soup at a Van Gogh Sunflowers painting in the UK National Gallery. They’d taken pains to ensure the painting, covered in glass, wouldn’t be damaged. Their controversial act made headlines – and that was the point. It was one of several such actions in global north countries during the year. These stunts made the point that works of art receive far more protection and are apparently more valued than the essentials of a liveable planet. They cut through the news cycle in a way other protests and calls for action didn’t.

There’s no evidence these stunts backfired by causing people to see action on climate change as less important because they disagreed with
protest tactics. There are indications such tactics can rekindle debate and bring the issue back to prominence, and may encourage people to take part in other forms of climate action.

All the same, in January 2023, one influential group, Extinction Rebellion in the UK, announced it was abandoning disruptive tactics and shifting towards large-scale protests that could bring more people into the movement. But other groups will likely maintain more disruptive tactics. Given the enormity of the issue, the protest response will remain multifaceted, gaining strength from diversity and the complementary forms of activism.

Meanwhile, in the locales at the sharp end of the lethal fossil fuel industry – where oil and gas are extracted and transported – communities continue to resist, particularly when disaster strikes.

That’s what happened in Peru in January 2022, when a coastal oil spill brought severe hardship for small-scale fishers. Spanish oil giant Repsol was accused of being slow to take responsibility, making the impacts worse. The disaster exposed a history, under successive governments, of environmental regulations being minimised in the interests of big business. It brought protests to demand the company take responsibility and the government step up its environmental regulation, including by ratifying the Escazú Agreement.

This situation has encouraged civil society to prioritise the search for solutions. For almost a decade, environmental requirements have been reduced in Peru; it is necessary to walk back that path.
Civil society also spoke out over an oil spill in Gabon in April by French-British company Perenco, accusing the company of failing to maintain its facilities and demanding it be held to account.

And yet the thirst for further extraction is seemingly unending, however much it flies in the face of the commitments made under the Paris Agreement. The size of the challenge is indicated by the enormous profits fossil fuel companies have reaped.

Among many others, a huge new development is planned in East Africa to carry crude oil from Uganda to the Tanzanian coast. Both states are backing the project and talking up the economic opportunities, but for many locals the plan threatens displacement, pollution and health hazards.

Civil society is campaigning to stop the harm, but because it’s standing up to powerful interests, it’s being met with severe backlash. Several activists have been arrested, detained and threatened. A broad civil society coalition, #StopEACOP, is mobilising to provide support to embattled activists and pressure investors to pull out. Several potential financiers, including in France and South Africa, have responded by committing to not fund the project.

Shortly after hosting COP26, the UK passed a law giving police wider powers to restrict and break up protests, including on grounds of disruption and noise, something politicians have justified with reference to disruptive climate protests. In January the government announced its intention to give police further powers to pre-emptively stop protests.

In Finland in March 2022, 12 activists from Elokapina, the Finnish Extinction Rebellion movement, were convicted of insubordination for staging roadblock protests. In Denmark, over 110 activists were arrested in two days of Extinction Rebellion protests in May. In Germany, when people protested against a coalmine expansion in January 2023, police violently dragged people away, reportedly used batons, pepper spray and water cannon and briefly detained several campaigners, among them Greta Thunberg.

Numerous US states have also introduced laws making it harder to protest near pipelines and mines.

As in Germany, Australia’s May election was dominated by climate change, following several years of extreme weather in a country that is one of the world’s highest per capita greenhouse gas emitters. A government characterised by climate denial lost, and in September the new government passed Australia’s first climate change legislation in a decade, committing to cut emissions by at least 43 per cent by 2030.

But at the same time, Australian activists are being criminalised. In 2022, three Australian states passed anti-protest laws targeting climate activists. In December, climate activist Deanna ‘Violet’ Coco fell foul of the new laws, receiving a 15-month jail sentence for blocking a lane of traffic on Sydney Harbour Bridge. Following widespread outrage, she was released on bail pending an appeal. Climate
activists are looking for the Australian government to not just say the right thing, but also enable civil society to play its proper role, which includes protesting.

Sweeping new laws were rushed through recently in a chilling and knee-jerk response to ongoing peaceful protests. These laws threaten to silence not only climate activists like Coco, or environmental and humanitarian organisations like ours, but every single one of us."

The restriction of civil society campaigning pays a backhanded compliment to its effectiveness. Despite often constrained civil space, civil society is achieving breakthroughs in stopping projects that cause climate harm. In just one example, in June the Japanese government pulled out of financing coal-fired power projects in Bangladesh and Indonesia, which it was funding from development aid. This was a direct result of civil society pressure that had already seen a Japanese contractor withdraw from building the plant. Now civil society is pushing for renewable energies as a replacement.

Civil society made a lot of efforts to stop Japan financing the Matarbari coal project, and hard advocacy work finally paid off. Environmental CSOs were able to put pressure on key stakeholders with the help of research institutions that studied and tracked global finance and investments.

Even climate transition brings extractive dangers: there’s a global rush to mine the metals used in electric vehicle batteries, such as lithium.

The biggest lithium deposits are in Argentina, Bolivia and Chile. There, communities living close to current and potential sites of extraction, many of them Indigenous groups, are calling for much more consultation over decisions that will affect their lives.

In Serbia, home to important lithium deposits, campaigners won a reprieve in January when the government gave into pressure, withdrawing licences for a vast mining project that would have devastated a major agricultural region. Civil society remains on guard however, fearing the unpopular plan could be revived now the country’s election has passed.

In the face of many displeased people mobilised in an election year, the government reacted. It revoked the decree greenlighting Rio Tinto’s project and backtracked on the spatial plan for the special-purpose area designed for the project’s implementation, which had been illegally introduced."

Civil society is also increasingly taking to the courts to hold states and fossil fuel companies and financiers to account for failures to respect international human rights standards and commitments like the Paris Agreement. The UN’s Intergovernmental Panel on Climate Change has recognised the role climate litigation is playing in increasing climate ambition and improving outcomes.

2022 saw multiple success stories. Ahead of Brazil’s pivotal election, civil society won a landmark Supreme Court victory that recognised the Paris Agreement as a human rights treaty, a ruling that places it above ordinary legislation.

As well as action on the streets and international-level advocacy, climate activists are engaging with governments to strengthen climate and environmental regulations. In February, efforts paid off in Italy when the constitution was amended to make environmental protection one of its fundamental principles, with the aim of protecting the interest of future generations. Civil society is now pushing for environmental regulations to be strengthened to reflect the revised constitution.

It has been a long road to reach today’s great consensus on environmental issues. And consultations with environmental CSOs in the amendment process were a key factor in that they helped put pressure on political parties to make the right decision."
Approval for a gas drilling project in the Timor Sea off Australia was suspended when a court ruled the company behind the project, Santos, hadn’t consulted Indigenous communities adequately. The judgment came in response to a legal challenge brought by islanders. Oil giant Shell was held to account in South African courts, when a ban was upheld on its use of seismic waves to explore for Indian Ocean oil and gas. But the need for ongoing vigilance was made clear in January 2023 when a second application for exploration was approved, requiring fresh civil society action.

South Africa has good environmental legislation, but much of it is lacking in implementation, so that is what the environmental movement focuses on. The law is very clear; our constitution says we have the right to a safe and healthy environment.”

New lawsuits are being brought in response to the revelation that Exxon knew about and accurately predicted climate change in the 1970s. And more court victories are coming. In July, a lawsuit filed by six young Portuguese activists against 33 European states was fast-tracked at the European Court of Human Rights. The activists, who are crowdfunding their case, are seeking recognition that their human rights are being impacted on by the failure of governments to cut emissions sufficiently. The court will also hear climate cases brought by a French farmer and a Swiss group, Senior Women for Climate Protection Switzerland.
Many other cases are working their way through the courts, showing how civil society is using every means available to insist on action sufficient to avert catastrophe.

**IDEAS FOR ACTION**

1. Street mobilisation and direct action are key tactics in sounding the alarm on climate change but are coming under attack, including in democratic states that claim to be climate champions. Civil society must make a concerted effort to raise awareness of the importance of protest rights, including the right to take part in disruptive non-violent protests.

2. Civil society efforts to raise awareness about the reality of climate change and the need to address it are having some success in influencing public opinion to call on decision makers to act. Civil society should embed climate justice in all of its work and make clear the multiple ways in which climate change impacts on human rights.

3. Disinformation is a key barrier to climate action. Civil society should work with the media and scientists to counter inaccuracies and help win support for action. As part of its influencing strategy, civil society should develop stronger media and science literacy.

**A CHANGE AGENDA**

Awareness of the climate emergency and environmental crises is growing, thanks to civil society’s efforts. Around the world, people are starting to see climate change as the defining issue of our time.

Civil society’s struggles are making clear that responding to climate change has to go beyond replacing one form of energy with another. There are many challenges, such as how to phase out subsidies while protecting people from economic shocks, how to make energy prices affordable and how to replace extractive jobs with other forms of good-quality employment.

There’s a need to take on the myths spread by fossil fuel companies and those beholden to them that fossil fuel phase-out entails economic downturn. There’s also a need to foster peace where there are conflicts, since conflicts and militarisation are by their nature destructive: Russia’s war on Ukraine has seen a significant emissions spike. Policy-makers need to respect rights and engage positively with civil society in the search for solutions.

That change can happen was shown by the January 2023 news that the once-vanishing ozone layer, a potential environmental catastrophe, is healing. The problem with the ozone layer was identified in the 1980s. States listened to scientists, forged an international treaty, the Montreal Protocol – which imposed limitations on businesses – and stuck to it. Effective international cooperation solved a looming environmental problem. This proves that destructive habits can be reversed. It also shows that change takes much political will, resources and ongoing pressure. The latter, at least, can be counted on: civil society will continue to do its job.
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