Submission of

the Center for International Environmental Law (CIEL)

to

the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

on

the 2022 Report to the General Assembly on Climate and Racial Justice

(June 2022)

Racially, ethnically and nationally marginalized communities are more likely than other populations to be adversely affected by the primary drivers of climate change (namely: fossil fuels and deforestation), the impacts of the intensifying climate crisis, and measures taken in response to climate change. The latter is particularly true with regard to speculative technologies that prolong reliance on fossil fuels, incentivize land grabs, and pose new health, safety, and environmental risks. In the sections that follow, CIEL explores these disparate effects and underlying patterns of racial injustice, inequality, and colonialism in climate governance and action, addressing several of the topics identified in the Special Rapporteur's call for submissions[1] to inform her forthcoming report on climate and racial justice.

Experiences of 'environmental racism' and communities living in 'sacrifice zones'

The fossil economy disproportionately harms racially, ethnically, and nationally marginalized communities. The oil, gas, and petrochemical industries not only drive climate change; they also erode the resilience of fenceline and frontline communities to the ravages of climate change, through their impacts on the environment and public health, compounding climate vulnerabilities. Communities of color, marginalized and low-income communities are more likely to

[1] UN Human Rights Office of the High Commissioner, *OHCHR | Call for submissions: 2022 report on climate and racial justice to the General Assembly*

reside or work in proximity to polluting industrial facilities.[2] CIEL's report, *Formosa Plastics Group: A Serial Offender of Environmental and Human Rights*, profiles one of the world's largest petrochemical and plastics producers that has targeted a Black community in Louisiana for the buildout of a massive new facility, as a case study of the environmental, health, human rights, and climate risks that the industry poses to fenceline communities globally.[3] Indigenous communities across the world face elevated risks of pollution to their water and lands due to siting of landfills, pipelines, and toxic waste storage facilities.[4] In Canada's "Chemical Valley," for example, Indigenous communities are subject to some of the country's worst air quality due to petrochemical, oil-refining, and polymer facilities.[5] In Chile, the oil refineries, coal-fired power plants, and petrochemical facilities of the Ventanas industrial complex have poisoned the air of communities in Quintero-Puchuncavi.[6] These are just some among many examples of the environmental injustices the fossil economy poses on marginalized communities in sacrifice zones across the globe.

Negative impacts of existing climate mitigation interventions on Indigenous and other racially, ethnically, and nationally marginalized communities

Marginalized communities are not only most directly impacted by the fossil economy and by the effects of climate change.[7] They are also at heightened risk of harm from certain responses to climate change. States, human rights bodies, and scientific authorities

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[2] *See* Baskut Tuncak (Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes), *Rep. on Twenty-Five Years of the Mandate on Toxics*, ¶ 11, U.N. Doc. A/75/290 (Aug. 5, 2020); see also Center for Effective Government, Living in the Shadow of Danger (Jan. 2016).

[3] CIEL, *Formosa Plastics Group: A Serial Offender of Environmental and Human Rights (A Case Study)* (2021).

[4] Fernández-Llamazares, Á., Garteizgogeascoa, M., Basu, N., Brondizio, E. S., Cabeza, M., Martínez-Alier, J., McElwee, P., & Reyes-García, V. (2020). *A State-of-the-Art Review of Indigenous Peoples and Environmental Pollution.* Integrated environmental assessment and management, 16(3), 324–341.

[5] Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, *The right to a clean, healthy and sustainable environment: non-toxic environment*, UN Doc. A/HRC/49/53 at 43, (2022).

[6] *Id.* at 39.

[7] In the United States, for example, a recent study by the EPA shows that racial and ethnic minority communities are especially vulnerable to the impacts of climate change. US Envt'l Protection Agency, Climate Change and Social Vulnerability in the United States: A Focus on Six Impacts, EPA 430-R-21-003 (2021). Multiple studies document the heightened exposure of Black and low-income communities in the US to pollution from fossil fuel power plants and other industrial sources. *See, e.g.*, Maninder P. S. Thind et al., *Fine Particulate Air Pollution from Electricity Generation in the US: Health Impacts by Race, Income, and Geography*, Environ. Sci. Technol. 2019, 53, 23, 14010–14019; Mikati et al., *Disparities in Distribution of Particulate Matter Emission Sources by Race and Poverty Status*, Am. J. Public Health, 108, 480-485 (2018). In a report earlier this year, the Intergovernmental Panel on Climate Change (IPCC) recognized that "vulnerability to climate change is driven by "patterns of intersecting socio-economic development, unsustainable ocean and land use, inequity, marginalization, historical and ongoing patterns of inequity such as colonialism." Working Group II Sixth Assessment Report: Impacts, Adaptation & Vulnerability, SPM-11 (2021).

increasingly recognize that responses to climate change—both mitigation and adaptation measures—can have adverse impacts, particularly on vulnerable and marginalized communities. With the Paris Agreement, Parties recognized that climate change *and responses to it* can affect people and their human rights, and that safeguarding food security is essential.[8] Multiple Human Rights Council resolutions on climate change in recent years have reaffirmed this aspect of the Paris Agreement, acknowledging that states must respect human rights in all climate change-related actions, and coordinate responses to climate change to "avoid an adverse impact" on social and economic development.[9] The mandate of the newly appointed Special Rapporteur on human rights in the context of climate change includes making recommendations regarding the respect for and promotion of human rights in the design and implementation of mitigation and adaptation measures,[10] and the Council has requested its Advisory Committee to prepare a report on "the impact of new technologies for climate protection on the enjoyment of human rights."[11] As discussed further below, the Intergovernmental Panel on Climate Change (IPCC) has also recognized in its latest reports that responses to climate change generate risks, including from maladaptation and adverse consequences of measures intended to reduce emissions or mitigate the effects of climate change.[12]

One technology that the fossil fuel industry and some governments are heavily promoting as a "response" to the fossil fuel emissions driving climate change is carbon capture and storage (CCS). CCS refers to processes designed to collect or "capture" carbon dioxide generated by high-emitting industrial activities—such as coal-, oil-, and gas-fired power

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[8] United Nations, *Paris Agreement* (2015), at pmbl., see also UNFCCC Conference of the Parties, Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, pmbl., FCCC/CP/2010/7/Add.1 (Mar. 15, 2011) at para. 8 (providing the first recognition in a UNFCCC decision that human rights should be respected in all climate action by "Emphasiz[ing] that Parties should, in all climate change related actions, fully respect human rights").

[9] *See*, *e.g.*, Resolution adopted by the Human Rights Council on 1 July 2016, 32/33. Human rights and climate change, UN Doc. A/HRC/RES/32/33 (July 18, 2016), at p. 2; Resolution adopted by the Human Rights Council on 14 July 2021 47/24. Human rights and climate change, UN Doc. A/HRC/RES/47/24 (July 26, 2021) ("emphasizing that parties should, in all climate change-related actions, fully respect, promote and consider their respective obligations on human rights", "noting that the human rights obligations and responsibilities [require states and other duty bearers] to promote, protect and respect …human rights, including people in vulnerable situations, when taking action to address the adverse effects of climate change", and calling upon states to "develop, strengthen and implement policies for the protection of the right of people in vulnerable situations in response to climate change").

[10] Human Rights Council, Resolution 48/14 Mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, Resolution adopted by the Human Rights Council on 8 October 2021, UN Doc. A/HRC/RES/48/14 (Oct. 13, 2021), p. 3, para 2(b) (2021).

[11] *Id.* at p. 4, para. 6.

[12] *See*, e.g., IPCC Working Group II Sixth Assessment Report: Impacts, Adaptation and Vulnerability, SPM-19, SPM-28 (discussing how "maladaptive responses to climate change can create lock-ins of vulnerability, exposure and risks that are difficult and expensive to change and exacerbate existing inequalities"); IPCC Working Group III Sixth Assessment Report: Mitigation of Climate Change, SPM-57 (noting that many mitigation options "also have adverse environmental impacts, such as reduced biodiversity, when applied at very large scale").

production or plastics manufacturing—before they reach the atmosphere, and then transport those captured emissions to sites where they are used or stored underground. But CCS is neither necessary to avoiding catastrophic levels of warming nor feasible at scale, and poses significant risks to communities and the climate.[13]

No amount of investment in CCS can accelerate the needed transition to a fossil-free future—a transition essential to the health and rights of the marginalized communities on the frontlines of the climate crisis and the fencelines of the fossil economy. CCS locks in place the underlying polluting source, extending its operation while creating additional risks, impacts, and costs associated with the CCS infrastructure itself. At best, CCS prevents some CO2 generated by the combustion of carbon-based fuels from reaching the atmosphere—provided that the captured CO2 is not later released. In practice, however, the few CCS projects implemented to date have repeatedly failed to achieve promised capture rates.[14] Despite being hyped as a new technology, CCS has been used by the oil industry for decades—*not*, however, to curb climate-destroying emissions, but to pump more oil out of the ground through a process known as "enhanced oil recovery" (EOR).[15] By boosting oil production, EOR exacerbates global warming and the immediate harms of fossil fuel extraction and processing on frontline communities.

CCS entrenches polluting activities that are already disproportionately concentrated in Black, Brown, Indigenous and low-income communities. Adding carbon capture to a fossil fuel-burning facility only prolongs the facility's operations, and with it, the use of fossil fuels.[16] Energy-intensive industrial facilities, like petrochemical plants, are being targeted for a buildout of carbon capture facilities, pipelines, and storage infrastructure.[17] For example, many CCS plans in the United States are focused on areas already overburdened by the heavy concentration of toxic

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[13] *See* CIEL, *Confronting the Myth of Carbon-Free Fossil Fuels: Why carbon capture is not a climate solution* (2021) [hereinafter Confronting the Myth of Carbon-Free Fossil Fuels].

[14] *See*, e.g., Nichola Groom, Problems plagued U.S. CO 2 capture project before shutdown: document, Reuters (Aug. 6, 2020); Carlos Anchondo, CCUS 'red flag?' World's sole coal project hits snag, E&E News (Jan. 10, 2022); Jonathan Hettinger, Despite hundreds of millions in tax dollars, ADM's carbon capture program still hasn't met promised goals, Midwest Center for Investigative Reporting (Nov. 19, 2020); Graham Readfearn, Australia's only working carbon capture and storage project fails to meet target, The Guardian (Nov. 11, 2021).

[15] *See Testimony of Carroll Muffet* before the U.S. House Committee on Natural Resources Subcommittee on Energy and Mineral Resources (2022). In the United States, for example, more than 95% of all CCUS capacity is designed for EOR. See Global CCUS Institute, Global Status of CCUS 2021 62-63 (2021). Globally, that figure is 80%. Global CCS Institute, Global Status of CCS 2020 (2020).

[16] *See* IPCC, *Climate Change 2022: Mitigation of Climate Change, Working Group III Contribution to the Sixth Assessment Report* (2022) at TS-53, TS 5.1 ("CCS can allow fossil fuels to be used longer"); *see also id.* at SPM-36, SPM C.4.4; *id.* at 6-118, 6.7.4 ("CCS deployment will increase the shares of fossil fuels" used for mitigation); *id.* at SPM-37, SPM C.4.6. ("Implementation of CCS currently faces technological, economic, institutional, ecological-environmental and socio-cultural barriers.").

[17] *See*, e.g., Energy Futures Initiative, *Building to Net-Zero: A U.S. Policy Blueprint for Gigaton-Scale CO2 Transport and Storage Infrastructure*, (2021).

industrial pollution, such as the US Gulf South and the Ohio River Valley.[18] The risk that CCS provides cover for business-as-usual fossil fuel and petrochemical production, or subsidies for expansion, and an excuse to delay the needed energy transition, has prompted mounting public opposition.[19]

CCS also introduces new environmental, safety, and health risks to marginalized communities at each stage of the CCS process.[20] At the capture phase, for example, CCS can increase the emission of harmful air pollutants such as fine particulate matter, ammonia, and hazardous VOCs,[19] both because of the increased energy required to power the capture equipment (the "energy penalty") and the toxic chemicals, like lye and ammonia, used to "capture" carbon.[20] CCS can increase the underlying facility's energy use by 20-30% or more,[21] raising lifecycle greenhouse gas emissions associated with upstream production and combustion of fossil fuels, as well as criteria pollutants. **At the transport phase**, the compression and piping of CO2 poses hazards to people and animals. CO2 is an asphyxiant that can be fatal at high concentrations.[22] Because CO2 must be transported at very high pressure and extremely low temperatures,[23] leaks or ruptures, including potentially catastrophic running fractures, can be extremely dangerous.[24] As the IPCC has recognized, "carbon dioxide leaking from a pipeline forms a potential physiological hazard for humans and animals."[25] Residents of Yazoo County, Mississippi, learned this in 2020 when a Denbury Enterprises CO2 pipeline ruptured, causing 300 people to evacuate and sending 45 to the hospital, including some whom authorities found near the scene acting like "zombies."[26] At the **injection and storage phase**, CO2 deposited underground could displace brine, migrate into nearby aquifers, and alter pressure in geologic formations, potentially triggering seismic events.[27]

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[18] Energy Futures Initiative, *Building to Net-Zero: A U.S. Policy Blueprint for Gigaton-Scale CO2 Transport and Storage Infrastructure* 55 (2021); Princeton University, *Net-Zero America: Potential Pathways, Infrastructure, and Impacts* at 238-44 (2020); *Carbon Capture Ready,* Great Plains Institute.

[19] *See, e.g.*, Letter from Center for International Environmental Law et al. to Joseph Biden, Nancy Pelosi & Chuck Schumer re: Carbon capture is not a climate solution (July 19, 2021); Climate Action Network Int'l, CAN Position: Carbon Capture, Storage, and Utilization, at 9 (2021); Climate Justice Alliance, Carbon Capture and Storage, A Clear and Present Danger (2020); Washington Post ad: *It's Time to End Carbon Capture of Climate Policy* (2021); Real Solutions, Not 'Net Zero'.

[20] CIEL, *Carbon Capture and Storage: An Expensive and Dangerous Plan for Louisiana - Center for International Environmental Law* (2021).

[21] IPCC, WGIII, Ch. 6, at 6-38 (noting that the energy penalty from CCUS "increases the fuel requirement for electricity generation by 13– 44%"); Budinis, S., Krevor, S., MacDowell, N., Brandon, N., Hawkes, A. (2018). An assessment of CCUS costs, barriers and potential. Energy Strategy Reviews, Vol. 22, November 2018, pp. 61-81, at 67-68 (discussing energy and efficiency penalty estimates for coal and gas), https://doi.org/10.1016/j.esr.2018.08.003.

[22] *See* U.S. EPA, Appendix B: Overview of acute health effects associated with carbon dioxide (2015).

[23] IPCC, *Transport of CO2*, Special Report on Carbon Dioxide Capture and Storage (2018) at 186-187.

[24] *See* CIEL, *Confronting the Myth of Carbon-Free Fossil Fuels*, at 10-11.

[25] IPCC, *Transport of CO2*, Special Report on Carbon Dioxide Capture and Storage (2018), at 181.

[26] *See* Dan Zegart, *The Gassing of Satartia*, Huffington Post (Aug. 26, 2021); see also CIEL, *Carbon Capture and Storage: An Expensive and Dangerous Plan for Louisiana - Center for International Environmental Law* (2021).

[27] *See* IPCC SR 1.5, Chapter 2, Section 2.3.4.2 (pointing out that "DACCS and BECCS rely on CCS and would require safe storage space in geological formations, including management of leakage risks and induced seismicity"). See also Center for International

Other experimental or speculative technologies proposed in response to climate change, such as novel and unproven geoengineering approaches, also introduce significant new risks to frontline communities already overburdened by environmental harms and climate injustice. Geoengineering refers to a diverse array of approaches, strategies and technologies that involve deliberate large-scale intervention in the Earth's climate system.[28] Such technologies can broadly be divided into two classes: those that purport to remove carbon dioxide from the atmosphere (carbon dioxide removal or CDR, also known as "negative emission technologies"), and those that aim to alter the Earth's balance of solar radiation (solar radiation modification or SRM).[29] While CCS alone is not considered geoengineering, it is an enabling technology for these geoengineering approaches, such as bioenergy with CCS (BECCS) and Direct Air Capture with CCS (DACCS). Most CDR approaches rely on CCS to manage, utilize, or otherwise dispose of the captured carbon dioxide in underground storage sites.

Geoengineering interventions pose significant risks to a wide range of human rights, including the rights to life, health, water, food, culture and Indigenous Peoples' rights, as well as the right to a healthy environment.[30] First, large-scale CDR and SRM may prove ineffective in combating climate change, making reliance on them to "correct" overshoot of 1.5°C a dangerous gamble. But they may also cause significant adverse impacts of their own, such as termination shock, rainfall disruption, water depletion, and the erosion of human and ecological resilience.[31] The potentially devastating effects on land, water, biodiversity, ecosystem health, and energy sources threaten the communities that depend on those resources for survival. IPCC Working Group I (on the physical science of climate change) found that "deployment of CDR, particularly on land, can … affect water quality and quantity, food production and biodiversity (high confidence)."[32] The IPCC Working Group II Report on impacts, adaptation and vulnerability highlighted the potential unintended consequences of CDR, noting that bioenergy can "compound

Environmental Law, Confronting the myth of carbon-free fossil fuels: Why carbon capture is not a climate solution, Environmental Working Group, pp. 10-11 (2021); Flatt, Victor B., *Paving the Legal Path for Carbon Sequestration From Coal*, (2020).

[28] CIEL, *Fuel to the Fire: How Geoengineering Threatens to Entrench Fossil Fuels and Accelerate the Climate Crisis* (2019), at 4 n.4 [hereinafter *Fuel to the Fire*].

[29] *Fuel to the Fire*, at 9 (explaining the two classes of technologies and acknowledging the few techniques that do fall into either CDR or SRM). In addition to afforestation and reforestation, the most widely discussed CDR techniques include bioenergy with carbon capture and storage (BECCS), direct air capture with carbon capture and storage, enhanced weathering, ocean alkalization, and ocean fertilization. SRM includes such technologies as atmospheric aerosol injection, marine cloud brightening, and modifying the reflectivity of polar ice.

[30] CIEL, *Response to Questionnaire on the impact of new technologies for climate protection on the enjoyment of human rights*, at 8 (2022).

[31] CIEL, *Beyond the Limits: New IPCC Working Group II Report Highlights How Gambling on Overshoot is Pushing the Planet Past a Point of No Return*, Feb. 28, 2022, at 1.

[32] IPCC Working Group 1, *Technical Summary*, Sixth Assessment Report, at 100, (2021).

climate-related risks to biodiversity, water and food security, and livelihoods, especially if implemented at large scales, especially in regions with insecure land tenure (high confidence)."[33] The IPCC's repeated warnings about the danger of overreliance on unproven technologies like CCS and technological CDR are downplayed in the negotiated summaries of the reports' findings, deflecting attention from the human and environmental consequences of policy choices predicated on such speculative techno-fixes.[34]

Experimental geoengineering interventions like SRM and CDR could disproportionately harm communities in the Global South.[35] The impacts of SRM on rainfall patterns, for example, could hit countries in the tropics hardest, affecting food security, livelihoods, and habitability.[36] Geoengineering strategies also could divert resources and efforts away from the phaseout of fossil fuels, increased investment in renewables, energy demand reduction, and community-driven adaptation strategies, which the IPCC recognizes are critical to human rights and climate justice.[37] Because these risks to human rights fall disproportionately on already vulnerable and marginalized groups, they must be at the center of any decision-making about geoengineering.

The lack of transparency in many discussions regarding the development, deployment and governance of geoengineering approaches, deprives affected or potentially affected populations—including Indigenous Peoples who may strongly oppose proposed projects[38]—of essential information and opportunities for meaningful participation in decision-making. Such exclusion and the denial of core environmental democracy rights in the context of geoengineering reflect broader patterns of systemic colonialism and racism in approaches to climate action.[39]

Failure of international climate and environmental frameworks to respond to the specific concerns of UNFCCC party groupings

While climate injustice has affected vulnerable communities, international climate and environmental frameworks have failed to adequately respond to concerns of affected populations.

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[33] IPCC Working Group II, *Climate Change 2022: Impacts, Adaptation and Vulnerability, Summary for Policymakers*, at B.5.4 (2022). (There is no proven bioenergy approach that doesn't raise these risks, particularly when coupled with CCS (BECCS) and the independent risks that it introduces.)
[34] CIEL and Heinrich Boll Stiftung, *IPCC Unsummarized: Unmasking Clear Warnings on Overshoot, Techno-fixes, and the Urgency of Climate Justice*, April 21, 2022.
[35] IPCC Working Group II, *Technical Summary,* Sixth Assessment Report, at TS-59 (2022).
[36] *See* ETC Group, Solar Radiation Management Geoengineering and Climate Change: Implications for Africa (Nov. 2018).
[37] CIEL, *Beyond the Limits: New IPCC Working Group II Report Highlights How Gambling on Overshoot is Pushing the Planet Past a Point of No Return*, Feb. 28, 2022, at 9.
[38] *See, e.g.*, Saami Council, *Indigenous Peoples Call on Harvard to shut down SCoPEx project*, April 6, 2021.
[39] *See* Abimbola *et al.*, *Racism and Climate (In)Justice: How Racism and Colonialism shape the Climate Crisis and Climate Action*, Heinrich Boll Stiftung, March 2021.

The Paris Agreement arguably let countries in the Global North "off the hook" for their contributions to historical emissions, while simultaneously increasing pressure on the Global South.[40] Climate negotiators identifying as Black, Indigenous, or People of Color (BIPOC) have expressed concern that the UNFCCC fails to provide adequate avenues for the representation of Indigenous Peoples and to address racism.[41] The international processes under the UNFCCC operate according to rules that prevent representation of Indigenous Peoples as autonomous from the nation states in which they live, allowing participation for Indigenous People as observers, but limiting direct input except through the Local Communities and Indigenous Peoples Platform.[42] There are also structural barriers to participation of marginalized communities, civil society representatives, and less well-resourced delegations at international negotiations, such as costs of attendance, travel, and lodging, and staffing.

Efficacy of existing remedies provided for in the existing international climate change framework.

Continued shortcomings on climate finance take the greatest toll on the most marginalized communities. Countries in the Global North have not yet met their commitments to support both mitigation and adaptation, and address loss and damage in the Global South, as agreed in the international negotiation process under the UNFCCC.[43] Wealthy countries have not fulfilled their promise to provide $100bn per year in finance for mitigation and adaptation in developing countries from 2020 on, and funding for adaptation—especially critical to prevent climate impacts from causing human rights harm—remains dramatically low. The proliferation of climate finance delivery vehicles has not necessarily resulted in more finance or greater access to it. Across climate finance vehicles, access to available funding, especially at the local level, remains a critical challenge.[44]

Developed countries have systematically and repeatedly blocked demands of the most vulnerable countries and communities for anything resembling compensation and reparation for climate harm. Before establishment of the UNFCCC, small island nations

[40] *Flatt* at 14.
[41] *Abimbola* at 10.
[42] *Abimbola* at 14.
[43] UNFCCC, *Report of the Conference of the Parties*, on its Sixteenth Session, held in Cancun from 29 November to 10 December 2011, FCCC/CP/2010/7/Add.1.
[44] CIEL (2021). *Funding our Future: Five Pillars for Advancing Rights-Based Climate Finance*, at 1, 10.

advocated for a mechanism to compensate them for loss and damage incurred as a result of sea level rise.[45] However, the proposal was not incorporated into the UNFCCC text, despite the UNFCCC's recognition that the Global North bears historical responsibility for the impacts of climate change.[46] More than 30 years later, a demand by all developing countries (G77+China) to establish a Finance Facility for Loss and Damage at COP26 in Glasgow was blocked by developed countries. While institutional progress on loss and damage under the UNFCCC has been made with the establishment of the Warsaw International Mechanism on Loss and Damage (WIM), and the Paris Agreement recognized loss and damage as the third pillar of climate action, up until today, actual action and support for people and communities whose human rights have been harmed by climate-related loss and damage has been woefully neglected. Based on the duty of international cooperation and assistance, and the right to remedy, high-emitting, wealthy countries with historic responsibility for emissions have an obligation to provide new and additional, needs-based, and rights-based finance for loss and damage.[47]

Climate experts have also likened the operation of larger international climate institutions to indirect colonization, in terms of their approach to obtaining and distributing funding.[48] Projects are often spearheaded by white-led international institutions that may sometimes privilege Global North perspectives over Global South contributions. As international climate and environmental frameworks have failed to respond to the specific concerns of UNFCCC party groupings, and existing remedies provided for in the existing international climate change framework have yet to prove effective or efficient, the SR's report provides an opportunity to highlight the shortfalls experienced by marginalized communities in the Global North and communities in the Global South, while illuminating the urgent necessity of states and financial institutions in the Global North to honor and uphold their commitments and legal duties.

[45] Roberts, E. and S. Huq, *Coming full circle: the history of loss and damage under the UNFCCC.* International Journal of Global Warming 8(2):141-157, (2015).
[46] United Nations, *Framework Convention on Climate Change*, (1992).
[47] Amnesty International and CIEL (2022). *Submission in response to the call for input by the Special Rapporteur on the promotion and protection of human rights in the context of climate change on 'Promotion and protection of human rights in the context of mitigation, adaptation, and financial actions to address climate change, with particular emphasis on loss and damage'.*
[48] *Abimbola* at 14.