

World's climate fight needs fundamental reform, UN expert says: 'Some states are not acting in good faith'



Elisa Morgera.

Photograph: Laurie Lewis

Special rapporteur Elisa Morgera criticizes 'ineffective' status quo and says focus must be on 'deep, systemic inequalities'

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The international effort to avert climate catastrophe has become mired by misinformation and bad faith actors, and must be fundamentally reformed, according to a leading UN climate expert.

Elisa Morgera, the UN special rapporteur on climate change, said the annual UN climate summits and the consensus-based, state-driven process is dominated by powerful forces pushing false narratives and by tech fixes that divert attention from real, equitable solutions for the countries least responsible and most affected.

“The current climate regime was built in a way, maybe unconsciously, that locked in an ineffective approach that is blind to the disproportionate harms of climate change – and increasingly climate solutions – and the disproportionate benefits that the current situation is accruing to very few states and very few individuals,” said Morgera, in an exclusive interview with the Guardian.

“We can observe that some states are not acting in good faith in very clear ways, which is the basis of any international regime. There is widespread disregard for the rule of international law, and also a very clear pushback on the science, and shrinking of civil spaces at all levels. Basically, the truth is out of the conversation. That is the problem – there is no space at Cop for the truth,” said Morgera.

“Fundamental reform is possible, if there is a willingness by the states and the secretariat, but it’s hard to see that at the moment.”

Special rapporteurs are independent human rights experts appointed by the UN to investigate, report on and advise on specific themes or countries.

The annual UN climate summit, known as the conference of the parties, or Cop, is where states who are signed up to the principal climate treaty, the United Nations Framework Convention on Climate Change (UNFCCC), come together to make consensus-based decisions on climate action. The 2015 Paris agreement, negotiated at Cop21, requires all states to reduce greenhouse gas emissions to help curtail global heating.

But Cop has limited scope for Indigenous experts or ordinary people with lived experience and evidence of climate effects and culturally driven local solutions to participate in the negotiations in any meaningful way – which Morgera argues is among the major weaknesses that could be fixed.



The aftermath of flash floods in the Sedaví area of Valencia in October last year. Photograph: David Ramos/Getty Images

She said: “The dominating assumption in the current process assumes that mass behavioral change is the solution, that this is as much a consumer issue as a production issue – which is a misrepresentation of the causes and the solutions. We’re still not looking at deep, systemic inequalities as the root causes, while also entrenching inequities and worsening negative human rights impacts of climate change – and climate solutions.”

Morgera, a professor of global environmental law at the University of Strathclyde in Glasgow, said: “This is not a blanket condemnation of the whole regime, but if the experiences and evidence of what climate change is doing around the world and how it is affecting people in differentiated ways is not made central to the decision-making, then it’s really hard to see how this process can meaningfully contribute.”

Open sessions should be the norm at Cop – and Indigenous people, UN agencies and others from civil society with different knowledge systems and evidence should be able to make textual suggestions for states to consider in real time, Morgera says. The UNFCCC could also ensure total transparency over corporate interests including the thousands of fossil-fuel, big ag and plastics lobbyists who participate in the annual climate summits, she argues.

After almost three decades, the UN climate summits have failed to come up with a meaningful, fair agreement or plan to transition away from oil, gas and coal – despite overwhelming scientific evidence that this must be done to avoid climate catastrophe. As fossil-fuel expansion continues apace, hopes of keeping global heating to below 1.5C above pre-industrialization levels have been all but crushed.

As a result, extreme weather events such as wildfires, drought, heatwaves and floods, as well as slow-onset climate disasters like sea level rise and desertification, have intensified over the past decade. The communities and countries hit first and hardest are those that have contributed least to global greenhouse gases and are least able to adapt and rebuild from climate impacts, 2024 was the hottest year on record and extreme weather events devastated communities across the world, yet four multilateral climate summits – Cop29, the biodiversity summit, the drought conference and the plastics treaty – ended in failure.



Activists at Cop29 in Baku, the capital of Azerbaijan, in November. Photograph: Maxim Shemetov/Reuters

“I’m still a deep believer in multilateralism – and consensus is a kind of DNA feature of multilateral environmental treaties – but we’re seeing how it is being misused,” she said.

“We all have an interest in understanding what are the real barriers for high-emitting countries not to mitigate in more effective ways, and why they can’t provide more financing. But if there is no good faith in sharing what the real issues are, and no real engagement in finding meaningful ways to come together, then the whole process is devoid of meaning.”

For her first major report as a special rapporteur, Morgera focused on the right to and importance of access to “quality, trustworthy and evidence-based” information on climate change and human rights amid increasing concerns about misinformation, AKA the dissemination of misleading or false information.

Morgera said that her concerns about how and what information is shared within the UN climate negotiations was underscored at Cop29 in Baku, Azerbaijan.

“At the opening plenary, the self-portrait of the work that’s been done, the progress and the overly congratulatory terms in which the [UNFCCC] secretariat represents their work, I find extremely problematic. I mean, it couldn’t be further from the reality of the impacts we see, and the little action that’s been taken,” she said.

Then, late on the first day, rules that will govern carbon markets – a polarizing climate-mitigation measure – were adopted without any discussion or input from the states, in violation of the rules.



Jesus Hernandez guides his granddaughter Angelina through a flooded street after Hurricane Helene, in Batabanó, Cuba. Photograph: Ramón Espinosa/AP

Morgera and a UN expert on foreign debt issued a strong statement condemning the decision to fast-track and prioritize carbon markets over other, more effective climate solutions, and without transparency or proper consideration of the negative human rights impacts.

“After 30 years, evidence that carbon markets are contributing to mitigation or helping mobilize finance is just not there. I found the lack of transparency, and the overly congratulatory way that the secretariat responded, extremely problematic and a symptom of the broader issues around misinformation and disinformation,” Morgera said.



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“Little, if any, progress was made on mitigation and finance at Cop29 ... [but] insufficient climate action does not shield states from other international obligations and responsibility from breaching these,” she added.

Later this year, the international court of justice will issue its historic advisory opinion on what obligations states have to tackle climate change and what the legal consequences could be if they fail to do so. At the hearings in the Hague in December, the US, Australia, China and other polluting countries argued in favor of preserving the current consensus-based voluntary regime, while island nations like Vanuatu and other climate-vulnerable countries called for transformative change and for those most responsible for climate breakdown to be held legally responsible.

“High-emitting states argued that only the Paris agreement is relevant, showing complete oblivion or disregard for what the international tribunal for the law of the sea [Itlos] said earlier this year ... they were contradicting the science on climate and even basic notions of international law,” Morgera said.

In a landmark case in May, Itlos ruled that states have a legal obligation to control the greenhouse gases that are wrecking the marine environment – and wealthy nations must cut their emissions faster than their developing peers.



Members of emergency services work on a devastated street after flash floods in Letur, Spain. Photograph: Óscar del Pozo/AFP/Getty Images

Morgera recently visited Vanuatu, the Pacific archipelago of 80 islands and more than 100 languages, which in 2023 was hit by three major hurricanes – one out of season, another two within the same week – compounding the ongoing challenges caused by the 2015 category 5 cyclone Pam.

“Climate change has created impossible conditions for one of the most resilient people in the world ... there are amazing culturally driven initiatives on the ground, but supporting projects where communities set priorities and call the shots is still considered too risky for donors – and the sectors of their societies who benefit from that international cooperation economically.”

But the recent surge in climate disasters in Europe, Australia and North America has shown that no country is safe – not even the wealthy polluting countries pushing to maintain the status quo. Resistance to change could be, Morgera believes, in part down to a generation of good faith climate lawyers and negotiators who still believe in incremental change and that tickling with the system might work, as well as a problem of imagination.

“It’s hard to re-imagine a system that’s been so long in the making and the dominating views are so embedded ... especially by those who have been privileged enough not to bear the brunt of climate change yet or have more trouble seeing the bigger picture. Whereas for the countries most impacted, it’s just so obvious what’s not working and what we need to do,” she said.