

## SUMMARY OF RIGHTS-RELATED DEVELOPMENTS AT COP19

23 December 2013

This briefing paper analyzes key human rights issues addressed during the negotiations and in the decisions adopted at COP19 in Warsaw, Poland. Members of the Human Rights & Climate Change Working Group contributed to this paper, focusing in particular on: ambition (short-term mitigation); Clean Development Mechanism (CDM); gender; Green Climate Fund (GCF); public participation; and Reducing Emissions from Deforestation and Forest Degradation (REDD+).

### *Ambition (Short-term mitigation)*

*(contribution by Alyssa Johl, Center for International Environmental Law and Sébastien Duyck, University of Lapland)*

Although we recognize the need for long-term mitigation action, there is a general consensus among high-level policymakers, scientists, and financial actors alike that a legally binding agreement in 2015 is not enough to prevent “dangerous” climate change. Failure to take urgent action to mitigate climate change will significantly affect our right to a safe climate, particularly for those most vulnerable to but least responsible for climate change.

In Warsaw, the Parties agreed to launch a process that would help to identify practical and innovative mitigation actions that are “substantial, scalable and replicable” (see [Decision - /CP.19, Further advancing the Durban Platform](#), para. 5). The Secretariat also highlighted the preparatory work that will be undertaken in the lead-up to the June 2014 ministerial roundtable, during which Parties to the Kyoto Protocol will discuss options to enhance their short-term ambition. If Parties show leadership by investing the necessary time and resources in these processes and by implementing mitigation actions at the national level, these initiatives could help drive transformative change and minimize further environmental and human harms.

Related to discussions on the need for urgent and ambitious mitigation action, the review of the adequacy of the long-term global goal continued in Warsaw. Parties considered whether the current objective of limiting temperature increase by two degrees is sufficient to avoid “dangerous” climate change as defined by the Convention. Parties and observers are invited to provide guidance regarding the next stages of the review by March 26, 2014, in particular by providing additional sources of information and identifying ways in which the outcomes of the review will inform the work under the ADP.

### *Clean Development Mechanism*

*(contribution by Eva Filzmoser, Carbon Market Watch)*

In Warsaw, Parties were expected to conclude the review of the Clean Development Mechanism’s (CDM) policies and procedures (known as “modalities and procedures”) for the

first time since the CDM was established. Despite significant work undertaken over the past two years, countries postponed further consideration of the modalities and procedures to the next session of the Subsidiary Body for Implementation (June 2014), with a view to adopting revised modalities and procedures at CMP10 (December 2014). The [consolidated \(but non-exhaustive\) list of proposed changes](#) – which will be the basis for negotiations on the CDM modalities and procedures in June – includes proposals to strengthen the stakeholder consultation requirements as well as two references regarding the need to ensure that CDM activities respect human rights. Parties and observers are invited to make submissions on the proposed changes to the modalities and procedures by April 30, 2014.

Parties also adopted their annual guidance on the CDM, which sets forth next year’s work plan for the CDM Executive Board. Although the countries did not agree to establish international rules that would strengthen transparency and accountability in the CDM, they did acknowledge the need to provide the necessary tools and resources to assist countries (through their designated national authorities) in monitoring sustainable development benefits and in developing guidelines for local stakeholder consultation (see [Decision -/CP.19, Guidance relating to the clean development mechanism](#), paras. 8 and 20). With respect to the proposed CDM appeals procedure, countries postponed negotiations on this issue to the next SBI session (June 2014) without any discussion.

## ***Gender***

***(contribution by Kate Cahoon, GenderCC)***

In Warsaw, the UNFCCC held its first in-session workshop on gender as a follow up to the “Gender Decision” adopted at COP18. Around 200 people attended the workshop, where both observers and parties made proposals on ways to improve gender balance and strengthen gender-sensitive climate policy and capacity-building. Following the workshop, members of the Women & Gender Caucus produced a two-page document summarising the workshop outcomes and proposing recommendations, many of which were included in the draft text and ultimately moved to an annex to the [SBI's draft conclusions on gender and climate change](#). The document also foresees the establishment of a two-year work programme on gender balance, capacity-building for female delegates participating in the UNFCCC process, and monitoring of gender balance, gender budgeting and gender-sensitive climate policies and actions by Parties.

Progress in other areas remained modest. Despite much discussion, gender provisions were not included in the ADP and finance decisions. However, the decision on loss damage mentions the need for gender-disaggregated data; the decision on the Nairobi Work Programme recognizes the importance of gender-sensitive approaches and tools for adaptation to climate change, and calls for activities under the Nairobi work programme to integrate gender issues; and the decision on modalities and procedures of the Climate Technology Centre and Network refers to gender balance and gender considerations in relation to technology transfer. For additional information, WEDO has prepared a [compilation of gender-related provisions](#) in the Warsaw outcome.

## ***Green Climate Fund***

***(contribution by Andrea Rodriguez, Interamerican Association for Environmental Defense)***

The COP provided its initial guidance to the Green Climate Fund (GCF) on various issues. It requested the GCF to balance the allocation of financial resources between mitigation and adaptation; to take into account the urgent needs of countries most vulnerable to the impacts of climate change when allocating funds for adaptation; and also to pursue a country-driven approach. In addition, the COP confirmed that all developing countries to the Convention are eligible to access financial support from the GCF. With respect to the resource mobilization process, the COP requested the GCF Board to finalize as soon as possible the essential requirements to receive, manage, programme and disburse financial resources. Furthermore, the COP requested the GCF Board to consider experiences of other funds in ensuring a country-driven approach, and to take into account the “institutions already accredited by relevant institutions covered by the Board’s agreement on the best practice fiduciary standards, principles and environmental and social standards.”

Generally speaking, the COP guidance to the GCF is very weak. It does not provide any specific timeframe by when the GCF must become operational. In addition, the guidance makes no reference to the need to strengthen civil society participation and improve accountability in the GCF – this outcome may be because many UNFCCC negotiators do not follow the GCF process closely, and therefore are unfamiliar with civil society observers’ concerns. Civil society observers are constantly challenged by the lack of effective opportunities to participate in and access information related to the GCF negotiating process. Finally, the GCF Board presented its 2014 work plan for adoption – despite what was discussed at its meeting in October 2013, next year’s work plan does not identify the need to revise its earlier decision against live webcasting.

## ***Loss and Damage***

***(contribution by Andrea Simonelli, Many Strong Voices)***

At COP 19, Parties convened with a mandate to establish “institutional arrangements” on loss and damage, and ultimately established the [“Warsaw Mechanism”](#) to address loss and damage associated with impacts of climate change, including extreme events and slow onset events. The Parties created an executive committee of the Warsaw Mechanism, which will report annually to the COP through the subsidiary bodies. The first meeting of the executive committee will be held in March 2014, at which the committee will develop a two-year work plan for the Warsaw Mechanism.

Considering that loss and damage is recognized as ‘beyond adaptation’, a point of controversy was that the Parties did not establish loss and damage as a third pillar but rather placed it under the Adaptation Framework (that said, it is important to note that the mechanism reports directly to the COP). While it is significant that the Parties launched this process and acknowledged that loss and damage “in some cases involves more than, that which can be reduced by adaptation” (preambular para. 4), the substance of the agreement delivers the bare minimum considered acceptable by developing countries.

## ***Public Participation***

***(contribution by Sébastien Duyck, University of Lapland)***

Participation of civil society in policy making related to climate change was an issue on the SBI agenda and in the relations between some NGOs and the UNFCCC secretariat. This year, the SBI discussed the modalities for the work under the Doha Work Programme on Article 6. Parties had to agree to the timing of a workshop on public participation and access to information in domestic climate policy. Despite strong concerns raised by many countries with respect to the level of civil society participation in a workshop if it were held during the June session, the African Group refused to consider hosting the workshop during COP20. An in-session workshop under the Doha Work Programme will thus be convened at the SBI session in June 2014. The secretariat will also draw from previous outcomes from and inputs to the Work Programme to produce a technical paper on best practices in public participation and access to information.

The main issue at the COP in relation to the participation of civil society related to the exclusion of three young activists on the first day of the conference for having participated in a non-obstructive action. Since the secretariat did not communicate the reasons for their exclusion and did not respond to an inquiry on this matter after a week's time, the situation raised concerns beyond the case of the three young persons as a case of unjustified sanctions by the UNFCCC secretariat.

## ***REDD+***

***(contribution by Allie Silverman, Center for International Environmental Law)***

Parties moved forward on REDD+ at COP 19, namely “completing” the main rules for REDD+ mandated in 2010. They agreed on seven key aspects of REDD+ including: measurement, reporting, and verification; national forest monitoring; finance; a national coordination system; accounting rules (reference levels); safeguards information systems; and drivers of deforestation. A relatively positive outcome is that countries are now required to report on how safeguards are addressed and respected before receiving funding for REDD+ activities. In the same decision, Parties also recognized that non-carbon benefits are important for REDD+ to be sustainable and that the Green Climate Fund will play a key role in channeling REDD+ finance to host governments, which in turn must set up national agencies to oversee the money.

Despite these positive gains, there is still a need for clear guidance for countries trying to implement REDD+ at the national level. The safeguards fight is not over. For example, while countries have to report on safeguards implementation, there is little guidance on the quality and nature of that information. Moreover, the frequency with which they need to report is not robust enough to ensure meaningful compliance. Finally, with regards to drivers of deforestation, the decision is weak and ambiguous, and does not address the impacts of external drivers of deforestation on indigenous and local livelihoods appropriately.