

The Paris Agreement defines a vision for rights-based and people-centered climate action. As Parties are entering the final stages of the preparation for the COP-24, it is crucial that this vision informs the drafting of the Paris Agreement Implementation Guidelines so that the implementation of the Agreement can truly deliver on the vision embraced by all Parties in 2015. This would ensure that Parties fulfill their existing human rights obligations as they tackle climate change and would strengthen the effectiveness of, and public support for, climate action. Parties should consequently promote the integration of human rights in relevant aspects of the guidelines during the Bangkok session of the Subsidiary Bodies (September 2018).

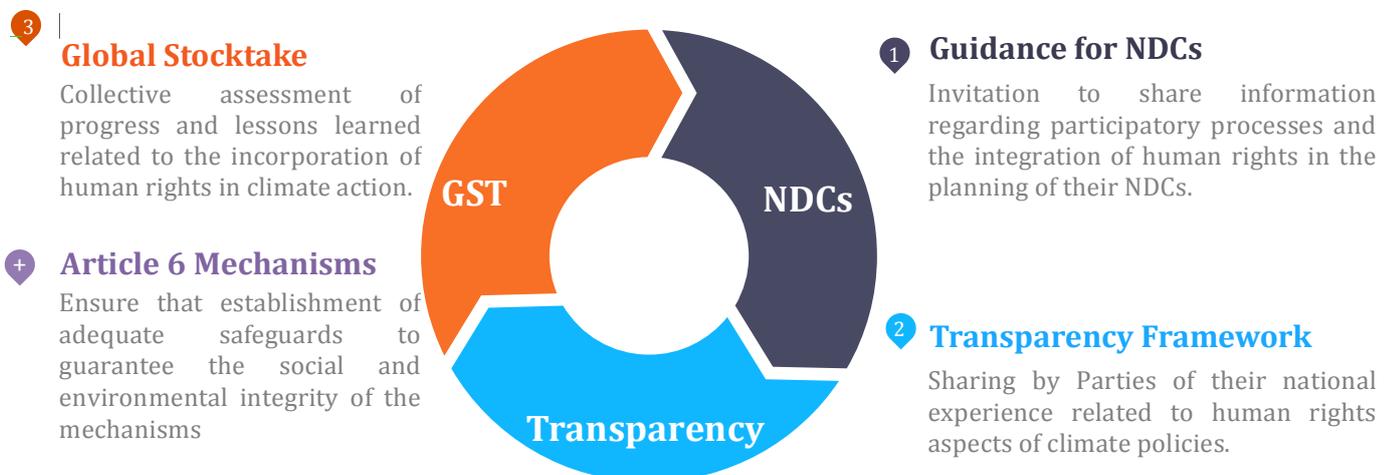
This briefing note elaborates the rationale for the integration of human rights in relevant sections of the implementation guidelines and provides wording suggestions to strengthen specific aspects of the APA co-chairs' additional tools in relation to NDCs, the Transparency Framework, and the Global Stocktake, and of the SBSTA informal notes related to Article 6.

Delivering on the Paris Promises: Promoting a Virtuous Circle for the Sharing of Experience and Lessons Learned

The Paris Agreement stressed that Parties should, when taking action to address climate change, respect, promote, and consider their respective obligations on human rights, including the rights of indigenous peoples, as well as gender equality, food security, just transition, public participation and access to information, ecosystem integrity and protection of biodiversity, and intergenerational equity.

The Implementation Guidelines offer a unique opportunity to promote this vision throughout the implementation of the Paris Agreement consistent with the nationally-driven nature of the implementation of the Agreements and in a manner that does not create new obligations for Parties or new conditionalities for climate finance.

By including specific references to human rights-related considerations in relevant sections of the guidelines, the Parties could promote the integration of human rights and associated principles in the design of climate policies, enhance the sharing of experience and enable a collective assessment of good practices and of lessons learned. Integration of these principles in the implementation guidelines would enable committed Parties to opt-in, thereby creating a virtuous circle through the 5-years cycles defined in the Paris Agreement.



The guidelines must also guarantee that projects implemented under the mechanisms established by the Agreement respect the human rights obligations of the host country.

Guidance for NDCs (APA, Agenda Item 3)

Recalling the importance of human rights and associated principles in the guidance related to the NDCs is particularly important given that the NDCs are the main tool for the domestic implementation of the Paris Agreement. The information provided in the NDCs will define to a large extent the range of issues that mechanisms and processes established under the Paris Agreement will be mandated to address. The priority should therefore be to ensure that the NDC guidance invites the Parties willing to do so to provide information regarding how human rights-considerations have been considered in the planning of the NDCs.

In 2015, many developing countries had included references to human rights and associated principles in their Intended Nationally Determined Contributions submitted before the Paris Conference – thereby demonstrating the relevance of such information in these documents. As several Parties have stressed this opportunity in their inputs to the APA, the informal note related to NDCs guidance includes a reference to this proposal, thereby offering a good basis for the effective integration of human rights in this guidance as reflected in the following text box.

Proposals in response to the Additional Tool under Item 3 of the APA Agenda (NDCs)

The features for the NDCs should include “coherence with domestic *sustainable* development and poverty eradication” as currently suggested (line 53).

Pages 9 and 11 of the additional tool on APA item 3 contain an initial basis for the inclusion of human rights considerations in the guidance related to the communication of the NDCs. Parties could improve this basis by differentiating between process- and substance-related information that Parties should be invited to provide related to NDCs planning.

In relation to procedural aspects, the guidance addressing “planning processes” should invite Parties to provide information regarding how stakeholders, including indigenous peoples, local communities, elders, youth, and women, have been consulted in the planning of the NDC.

In relation to substantive aspects, the guidance addressing “planning processes” should invite Parties to provide information related to how human rights, including indigenous peoples rights, just transition, gender equality, food security, ecosystems integrity and protection of biodiversity, and intergenerational equity have informed the preparation of the NDC (the latter three concepts are currently missing from the co-chairs’ additional tool).

Transparency Framework (APA, Agenda Item 5)

To promote transparency and the sharing of lessons learned, the guidance for the Transparency Framework should invite Parties to provide information related to the integration in climate action of considerations related to human rights, gender equality, indigenous and traditional knowledge, just transition, public participation, food security, and ecosystems integrity. Including such invitation in the reporting guidelines would contribute to remind Parties of the importance to consider these aspects throughout the implementation of the Agreement.

Such an inclusion would also mobilize constituted bodies and intergovernmental organizations to provide further guidance regarding how to increase synergies between the reporting obligations under the UNFCCC and the Paris Agreement and those existing under other international frameworks. Additionally, the modalities for the Transparency Framework should reflect the principle of public participation provided in the Paris Agreement by providing meaningful opportunities for civil society to contribute to the Framework.

Proposals in response to the Additional Tool under Item 5 of the APA Agenda (Transparency Framework)

In Section A related to “overarching considerations and guiding principles”, the guidelines should mention, among other guiding principles, that the Transparency Framework should contribute to “promote policy coherence and enhance synergies with existing international reporting obligations” – such language could be included in section A.1.2, option 2.4).

In Section C related to “tracking progress in implementing and achieving the NDCs”, Parties should be invited to provide relevant information when describing their “national circumstances and institutional arrangements” (section C.2). This invitation should refer to “public participation and stakeholders engagement” instead of simply referring to “stakeholders engagement” (para. C.2.5). Additionally, Parties should also be invited to provide information regarding their efforts to ensure a just transition when reporting on the social and economic impact of response measures (para. C.2.6).

In Section D related to “Impacts and Adaptation”, Parties should be invited to share information regarding “consideration of the Parties’ respective human rights obligations and food security” in the context of “Adaptation policies, strategies, plans and action” (Section D.4) and of the “monitoring and evaluation of adaptation actions” (Section D.8). Such language could be included to complement existing references to “participation, gender [equality] and indigenous, traditional and local knowledge” (D4.2.f and option D.8.2). Similarly, Parties should be invited to address “ecosystem integrity” in complement to the existing invitation to provide information related to “sustainable management of natural resources” (D.4.2.e).

In Section E related to “support provided”, the reference to “gender responsive processes” among the principles guiding the provision of support should be retained (E.1, option 1.2.2.3, para. K).

In section F related to “support received”, the reference to “processes for enhancing public awareness, public participation and access to information” among the information provided in the assessment of needs should be retained (F.8.1.f). Developing countries should also be invited to provide information regarding any needs for capacity-building in relation to “gender responsive climate policies and the promotion of a just transition” (F.8.1).

In section H providing the modalities for the “Facilitative, Multilateral Consideration of Progress”, the active participation of observers to this process should be preserved, with opportunities to both submit written questions and raise questions during the workshops (respectively H.4.2.a and H.4.3.d).

Global Stocktake (APA, Agenda Item 6)

The Global Stocktake is called to play a crucial role in galvanizing action, assessing lessons learned, and promoting climate ambition on a periodic basis. To deliver on this ambitious mandate, it should build upon inputs provided by, and establish opportunities for the meaningful participation of, both Parties and non-Parties Stakeholders.

Additionally, the modalities for the Global Stocktake should highlight the importance of inputs related to the social dimensions of climate action, including human rights, food security, gender equality, the integration of indigenous and traditional knowledge, and a just transition.

Proposals in response to the Additional Tool under Item 6 of the APA Agenda (Global Stocktake)

Section I on “Modalities” should, while recognizing that the Global Stocktake will remain a Party-driven process, allow non-Party stakeholders to provide input and to participate effectively to the process (see para. 13, question in box 6, para 29 option 1, para. 32 option 2, para. 42 option 1).

Section II on “Sources of Input” should retain the reference to input provided by non-Parties stakeholders (para. 62.g). Additionally, the list of information needs should refer to “SDGs, poverty eradication, food security, job creating, social justice, climate refugees and displaced people” as currently listed as well as include a reference to “human rights, gender equality, just transition, ecosystem integrity” (para. 63.m).

Article 6 Mechanisms (SBSTA, Agenda Item 12)

Article 6 mechanisms, like their predecessors, allow for the use of cooperative approaches to meet mitigation commitments. However, these approaches should not repeat the mistakes of their predecessor, the Clean Development Mechanism, or other development finance institutions. Instead the Article 6 mechanisms should, from the beginning with these implementation guidelines embrace the need for safeguards to prevent harm.

The Article 6 mechanisms should be guided by the Parties' respective human rights obligations and should not facilitate projects undermining existing human rights obligations in the name of climate mitigation. Specifically, the Sustainable Development Mechanism established by Article 6.4 should include that projects that qualify for the SDM comply with a set of environmental and social safeguards, procedures for meaningful public consultation with indigenous peoples and local communities throughout the lifecycle of the project beginning with project preparation, and an avenue for seeking redress.

Proposals in response to the Revised Informal Notes (May 2018) under SBSTA Agenda, item 12 of (Article 6)

Article 6.2

Section V on Definitions should maintain that "Cooperative approaches are to be consistent with respect of and do not represent a threat to human rights" (para. 6(e)(v)(h))

Section VIII on Participation Requirements should maintain "It has a process to ensure that ITMOs created and first/only transferred and/or used do not result in environmental harm {*further development may be required for implementation*}; (iii) It has a process to ensure that ITMOs created and first/only transferred and/or used do not adversely affect human rights {*further development may be required for implementation*}" (para. 25(m)(ii)-(iii))

Section XI on Reporting should require that ITMOs towards achieving NDCs can only be used if they avoid environmental harm and human rights abuses (para. 60(d)(viii)-(ix))

Article 6.4

Section II on Principles should be maintained as described in Option A with principles related to human rights (para. 1(g)) and environmental integrity (para. 1(k)). Additionally the principles should respect indigenous peoples' rights, gender equality, and public participation.

Section VI on the Supervisory Body should maintain that there be gender-balanced representation (para. 13). It should also include in relation to governance that the Supervisory Body will develop environmental and social safeguards that the SDM projects must meet (subsection C).

Section VIII(B) on the Responsibilities of host parties must continue to include that they must report on how activities conform to their human rights obligations (para. 29(h)), on stakeholder consultations (para. 29(k)), and respect the safeguards (para. 29(l)). Though safeguards should be modified to say "environmental and social safeguards."

Similarly Section VIII(C) on Responsibilities of Using Parties must maintain the details in Option A requiring reporting on the use of A6.4ERs not violating human rights or leading to social impacts (para. 40(e-f)).

Section XII(B) on general requirements for mitigation activities should continue to include stakeholder consultation and fostering sustainable development, and should also include that projects will respect human rights, indigenous peoples' rights and traditional knowledge, and gender equality (para. 54).

Section XIII(J): It is critical that the reference to a grievance redress mechanism that can be used by communities is included in the modalities as something that should be developed (para. 72). Additionally, it should maintain that alleged human rights violations can be reported to the Supervisory Body (para. 73).