

Integrating Human Rights in Climate Action

A dinner discussion at the June 2019 Climate Negotiations

BACKGROUND NOTE

All of the UNFCCC Parties have recognized a number of human rights obligations by ratifying three or more UN human rights treaties. And, the protection of human rights is one of the three pillars of the United Nations. Integrating human rights in climate action ensures that States comply with these obligations and promotes policy coherence across domestic policies.

Adopting a human rights approach to climate action is essential to ensure that the rights and interests of those on the frontlines of climate impacts are respected and taken into consideration in policy planning – guaranteeing that no one is left behind. Such an approach also ensures that climate policies are not implemented to the detriment of local communities and indigenous peoples but that they are fully included in the planning and implementation of such policies. As emphasized by the IPCC in its latest report, integrating human rights in climate action contributes to **more effective and resilient climate responses**, ensuring that local and traditional knowledge inform the development of policies as well as reinforcing public support for response measures.

Recognition of the Importance of Human Rights under the UNFCCC

Since 2010, the Parties to the UNFCCC have progressively recognized the importance of the human rights implications of climate change and climate responses. The imperative of integrating human rights in climate policies was emphasized in 2010 through several references in the **Cancun Agreements (Decision 1/CP.16)**, which recognized that climate change has human rights impacts and stressed the need for all Parties to respect human rights in their climate action – noting the importance of protecting indigenous rights when reducing emissions from deforestation.

The importance of integrating human rights in climate action was reiterated in 2015 with a dedicated paragraph in the preamble of the **Paris Climate Agreement** stressing that “Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”.

Since then, the UNFCCC Parties have stressed explicitly the importance of human rights in the context of several work areas or constituted bodies through decisions adopted by the COP, including in relation to the **Paris Committee on Capacity Building** (Decision 16/CP.22), the implementation of the **Gender Action Plan** (Decision 3/CP.23), the operationalization of the **Local Communities and Indigenous Peoples Platform** (Decision 2/CP.23 and 2/CP.24), and the recommendations of the Warsaw International Mechanism on **Loss and Damage** (Decision 10/CP.24). In addition, a wide number of decisions adopted under the UNFCCC refer explicitly to the importance of human-rights-related principles for the effective implementation of the Convention. This includes in relation to equity and to the right to development, public participation and access to information, the need to protect those most vulnerable to the impacts of climate change, the importance of gender equality, the rights and knowledge of indigenous peoples, food security, and the imperatives of a just transition.

Integrating Human Rights in the Implementation of the Paris Agreement

With the adoption of most of the implementation guidelines for the Paris Agreement at COP-24 (with the exception of those related to the Article 6, see below), the primary

focus of the international climate change process is shifting back from the development of common rules to supporting national implementation. In this context, the primary role that the UNFCCC process can now play to promote policy coherence, is supporting national planning and implementation.

The communication of updated and/or enhanced **Nationally Determined Contributions** by 2020 offers an opportunity for cooperation with regards to the role that human rights can play in informing the design of these commitments, as well as concerning how to best communicate the experience of countries with regards to this integration. In Katowice the Parties agreed that they should seek, when communicating their NDCs, to provide information regarding public participation and engagement with local communities and indigenous peoples, in a gender-responsive manner.

Overview of some of the Relevant Agenda Items and Events at the SB50

At SB50, the importance of respecting human rights when taking climate action will be discussed in the context of the continuation of negotiations on the modalities and procedures for the **mechanisms under Article 6 of the Paris Agreement**. The experience of the Clean Development Mechanism established under the Kyoto Protocol demonstrated the risks associated with the absence of adequate social safeguards in the modalities governing such mechanisms as several projects were implemented despite their infringements on the rights of local communities and indigenous peoples. To prevent such adverse impacts, Parties have the opportunity to consider the establishment of adequate social and environmental safeguards in the context the modalities related to the Article 6 mechanisms, including the establishment of grievance mechanism, building on relevant precedents such as the REDD+ safeguards.

At the SB50, Parties are also expected to initiate the review of three areas of work with a particular relevance for the protection and promotion of human rights. First the adoption of terms of references for the periodic review of the **Warsaw International Mechanism on Loss and Damage**. The work of the WIM on non-economic losses and on displacement (among other themes) addresses matters of high relevance for the rights of those directly impacted by climate change. Second, the SB50 is also mandated to initiate the review of the **Gender Action Plan** as well as of the **Doha Work Programme on Action for Climate Empowerment** which focuses on climate education, public participation, and access to information. These reviews offer an opportunity to consider how these areas of work can contribute to supporting the implementation of climate actions informed by the respective human rights obligations of each Party.

Third, the Secretariat has been mandated to organize several events that address matters of relevance for the promotion of human rights in climate action. Additionally several constituted bodies will meet in conjunction to the SB50. Such meetings include: the meeting of the **Katowice Committee of Experts** on the Impacts of the implementation of response measures, the Facilitative Working Group of the **Local Communities and Indigenous Peoples Platform** and associated events, the **Gender workshops**, the **Dialogue on Action for Climate Empowerment**, the **Koronivia workshop** on agriculture co-benefits, and the meeting of the Paris Committee on Capacity Building. These meetings provide opportunities to promote the consideration of human rights in specific aspects of climate responses.

