



Photo by IISD/Kiara Worth (enb.iisd.org/climate/sb50/21jun.html)

This conference report summarizes key developments occurring during the SB-50 climate negotiations in June 2019 with regards to the integration of human rights in climate policies. The report provides a short analysis of the outcomes or negotiating drafts discussed in relation to agenda items particularly relevant to human rights – particularly in relation to mechanisms and approaches related to Article 6 of the Paris Agreement. The report also summarizes relevant work of key constituted bodies and provides an overview of the mobilization of civil society at the meeting for better integration of human rights under the Paris Agreement and at the COP-25. The report concludes with an indication of key opportunities for continued advocacy for the integration of human rights in the UNFCCC process.

Ten-thousand-foot view of the June 2019 Climate Negotiations (SB-50)

With the adoption of most of the implementation guidelines at COP-24 in Katowice, the June 2019 Climate Negotiations were primarily meant to achieve two purposes. First the meeting was expected to make progress on two key agenda items that were not concluded satisfactorily at the COP-24. These were the modalities for the mechanisms and approaches established under article 6 of the Paris Agreement and follow-up on the basis of the IPCC report on 1.5°C of warming. Additionally, the session was expected to make progress towards the renewal at COP-25 of key mandates under the UNFCCC – particularly in relation to the Warsaw International Mechanism for Loss and Damage and the Gender Action Plan. The agenda of the two subsidiary bodies meeting in Bonn comprised many additional items of a more technical nature from transparency rules and renewal of the budget for the UNFCCC Secretariat to expert-based workshops under specific workstreams such as the Koronivia Joint Work on Agriculture.

In December 2018, the inability of the COP-24 to embrace climate science by welcoming the IPCC report on 1.5°C constituted one of the main disappointments from the meeting – particularly given the fact that all UNFCCC Parties had adopted the report during the IPCC plenary in October 2018. In Katowice, Saudi Arabia, the United States, Kuwait, and Russia had rejected any wording that could be read as giving any credit to the IPCC findings. The same deadlock was repeated at the SB-50 as these countries continued to question the integrity of the report. This standoff served to illustrate the growing disconnect between climate science and public expectations on the one hand, and the implementation of climate policies by national governments on the other.

The negotiations related to article 6 mechanisms and approaches also resumed with a conundrum generated by the fact that COP-24 concluded these talks by forwarding two sets of negotiating documents to the June session. Consequently, much time was spent in Bonn seeking to merge all proposals into one single draft for all three mechanisms under Article 6. While this exercise was completed by the end of the two weeks, it confirmed that Parties' positions on these matters remain hardly reconcilable – thereby questioning the ability of the COP-25 to deliver any outcome

on these agenda items. While issues related the environmental integrity of the mechanisms remain the most divisive aspects of these talks (i.e. whether the mechanisms might create loopholes undermining rather than strengthening other provisions of the Paris Agreement), Parties also exposed in more length their divisions with regards to the relevance of social safeguards for the mechanisms.

Despite its supposed technical nature, the meeting in Bonn failed to provide the confirmation of a new cooperative spirit as governments move from rule-shaping to implementation of the Paris Agreement. Just three months before a critical Climate Action Summit hosted by the UN Secretary General, the resilience of political fault lines remains a challenge for the UN Climate Change process.

Promoting Access to Information & Participation in Climate Policies

The need to strengthen procedural rights in climate policies emerged during the session as a key priority for several civil society constituencies. Protecting and guaranteeing access to information, public participation, and access to legal remedies in relation to climate-related decision making intersects with key priorities for civil society including challenging the shrinking of civil society space and ensuring adequate protection for environmental defenders. This importance was further strengthened by the arbitrary measures adopted by Poland to prevent the participation of some civil society delegates to the COP-24. In this context, the importance of procedural rights was reflected in several civil society demands at the SB-50.

Linkages between the UNFCCC process and the Escazú Agreement

The adoption of the Escazú Agreement in spring 2018 and the fact that many Latin American countries are currently working on its ratification offers new momentum for the protection of public participation in environmental policies. The Escazú Agreement is a legally-binding treaty protecting procedural rights and environmental defenders in the Latin American and Caribbean region, building and expanding on the model of the Aarhus Convention adopted in 1998 by European and Central Asian States. Currently, the Agreement has been signed by 16 countries, and ratified by two: Guyana and Bolivia.

With the upcoming pre-COP taking place in Costa Rica and COP-25 in Chile, there is an opportunity to emphasize the importance of this Agreement and encourage States to ratify it, ensuring the eleven ratifications necessary for the Agreement to enter into force. Both Costa Rica and Chile played key roles spearheading the negotiations of the agreement and UN-ECLAC – the UN agency that supports the negotiation of the Agreement and will serve as its Secretariat – is based in Santiago. During the SB-50, several civil society constituencies stressed that Chile, as the upcoming COP presidency, should sign and initiate the ratification process of the Escazú Agreement prior to COP-25 to demonstrate its commitment to these principles.

Action for Climate Empowerment

The principles of access to information and public participation are reflected most specifically in article 6 of the UNFCCC and article 12 of the Paris Agreement, which are primarily implemented through the Doha Work Programme (DWP) on Action for Climate Empowerment (ACE). During the 7th Dialogue of the DWP held during the SB-50, the importance of approaching these principles as human rights related was raised in multiple instances through the break-out groups. However the overall format of the Dialogue limited the opportunities for interactions given that it was largely dominated by formal presentations by a large number of pre-selected panelists.

During the SB-50, the SBI also adopted terms of references for the review of DWP next year – a review expected to result in the adoption of another multi-year work programme. The terms of reference provide for an inclusive and participatory process next year to which both NGOs and

IGOs will be able to contribute and therefore will be able to stress the need for the future work programme to better reflect the nature of environmental education, access to information, and public participation as human rights with corresponding duties-bearers and rights-holders.

Human Rights and Social Safeguards in the context of Article 6 Mechanisms

Article 6, which includes market and non-market approaches, is one of the few outstanding components of the Paris Agreement Work Programme following COP-24, and therefore is a key focus area for 2019 and saw significant attention at SB50. The guidelines for Article 6 relate to using internationally transferred mitigation outcomes (ITMOs) (6.2), a "Sustainable Development Mechanism" (6.4), and non-market approaches (6.8) as potential modes of international cooperation. As can be seen from the experience of Kyoto Protocol mechanisms, in particular the Clean Development Mechanism (CDM), it is critical that new mechanisms have in place human rights-based social and environmental safeguards, including requirements for local stakeholder consultation, and an independent grievance mechanism where communities can seek redress if they are harmed by a project that qualifies under the new 6.4 mechanism. The CDM has no such requirements and this has resulted in a history of projects that have severely impacted indigenous peoples, communities, and their environment by displacing people and destroying biodiversity. Now is the chance for Parties to learn from the past and put in place rules designed to prevent these harms and provide redress if they do occur.

Following the lengthy but unsuccessful negotiations at COP-24, the June negotiations began with several draft decision texts, including texts from both the SBSTA Contact Group on these matters as well as text presented by the COP-24 President. Thus, throughout SB-50 Parties would reference one or the other text or introduce concepts or suggestions not in either document.

These negotiations saw an increase in number of countries highlighting the importance of human rights in relation to the article 6 mechanisms. Prior to SB-50, only a couple of countries had mentioned the importance of human rights-based social safeguards and grievance redress with most countries primarily concentrating on other technical aspects related to environmental integrity, double counting, share of proceeds going to the Adaptation Fund, and transition from the Kyoto Protocol mechanisms, among others. However, during SB-50 multiple countries, including Switzerland, Mexico, Tuvalu, Costa Rica, Norway, and the EU, made interventions highlighting the need to include human rights.

Article 6.2- Internationally Transferred Mitigation Outcomes

The discussions on article 6.2 focused largely on developing guidance for accounting for ITMOs. As such, it focused significantly on environmental integrity, double-counting, and corresponding adjustments. However, incorporating human rights and environmental protection as well as ensuring sustainable development was raised in the discussion of safeguards for both 6.2 and 6.4. In the draft negotiating text going forward, there remains reference to respect for human rights in the section on safeguards and that participating Parties shall provide information how the activities it participates in are consistent with their human rights obligations. However, this text remains in brackets and some Parties questioned the need for it.

Article 6.4 - Sustainable Development Mechanism

The discussion of human rights, public participation, and grievance redress largely took place in relation to the rules, modalities, and procedures for the article 6.4 "sustainable development mechanism". In addition to Parties highlighting human rights in the discussion on safeguards, the discussion around activity design included numerous Parties mentioning that

human rights are an issue of national prerogative. Further, other than Brazil mentioning they wanted more understanding about it, there was almost no discussion of the potential grievance process, though the text no longer reflects suggestions from last year's meetings in Bangkok that the process be independent, accessible, equitable, transparent, legitimate, efficient, and rights-based. Additionally, the text about the grievance process is further bracketed. The draft decision text also proposes ongoing work to further develop rules, modalities, and procedures on specific topics, including as relates to the grievance process and human rights provisions.

Article 6.8 - Non-Market Approaches

Discussions on the work programme for non-market approaches continue to lag behind the discussions of 6.2 and 6.4, though several Parties, notably Bolivia, continue to emphasize its importance. During SB-50, there was no discussion of human rights in relation to article 6.8. Further the draft text going forward includes mention of negative social and economic impacts as well as sustainable development and poverty eradication and in recalling the Paris Agreement explicitly references the preamble. However, there are no explicit mentions of human rights in relation to article 6.8 or its guiding principles.

Ultimately, SB50 concluded with Parties accepting new non-consensus draft negotiating texts on each sub-article and agreeing to use these texts when negotiations continue at COP-25. However, they rejected the notion of official work between sessions or having the UNFCCC Secretariat produce any technical papers. The numerous brackets and options in these texts underscore the deep divisions among Parties when it comes to article 6.

Looking ahead to COP-25, where there is pressure to complete this aspect of the rulebook, it is important to remember that as these rules are likely to be in place for decades to come, it is critical to get them right, not just get them done.

Building key decisions to be adopted at the COP-25

Warsaw International Mechanism on Loss & Damage

COP-25 is expected to complete the review of the Warsaw International Mechanism on Loss & Damage (WIM) that was initially established at the COP-19. Supporting countries dealing with loss and damage is critical to addressing the protection gap occurring for communities whose rights can no longer be protected by adaptation alone. Since its establishment, the WIM has facilitated the sharing of knowledge and expertise on relevant issues such as dealing with non-economic losses or with human mobility. For instance, the WIM task force on displacement has been the expert group established under the UNFCCC that most actively has embraced human rights aspects of climate impacts throughout its work. On the other hand, the WIM has not been in a position to address effectively the lack of means of implementation and climate finance for loss and damage, which impairs the ability of the countries most impacted to deal with these impacts effectively.

At the SB-50, the Parties began the review with the adoption of terms of reference for this process. The discussions revealed the diverging views among countries regarding how the review could contribute to strengthening international cooperation on loss and damage, including, among other issues, taking into consideration more specifically the needs of the most vulnerable countries, reviewing institutional arrangements and the linkages with other processes under the Paris Agreement, and how to consider forward-looking perspectives through the review. Some Parties proposed explicitly mentioning in the terms of reference the need to consider gender, vulnerable communities, and indigenous peoples through the review. The ToR as adopted by the SBs stress the importance to "taking into account those segments of the population that are already

vulnerable". In their conclusions, the SBs invited the submissions of views by Parties and stakeholders on the review prior to the COP-25.

Gender Action Plan

The SB-50 also began the review of both the Lima Work Programme (LWP) and the Gender Action Plan (GAP). The review was initiated by a four-day workshop, reflecting on achievements under the GAP, identifying good practices, lessons learned, gaps, and needs. The workshop considered the implementation of gender in the various UNFCCC processes and constituted bodies. Moreover, it reflected on the importance of incorporation of gender under the Paris Agreement, for example by integration in the NDCs. Among other key themes stressed throughout the workshop, the importance of continuing efforts to integrate gender considerations throughout the implementation of climate policies was highlighted – including through the participation of women, particularly grassroots women and indigenous women, in related decision-making. The importance of clear targets and indicators to measure progress towards gender mainstreaming was also emphasized. The review is expected to be finalized at the COP-25 with the adoption of an updated work programme and action plan.

Work of the mandated bodies and thematic workstreams in relation to Human Rights-Related Dimensions of Climate Action

With the progressive shift from rule-making to implementation management (illustrated by the fact that the SB-50 was the first UNFCCC session since 2005 taking place without the convening of a negotiating body in the form of an "ad-hoc working group"), constituted bodies and thematic workstreams established under the UNFCCC and the Paris Agreement will be called on to play an increasing role in supporting countries' implementation.

Facilitative Working Group, Local Communities and Indigenous Peoples Platform

At the COP-24, the Parties finalised the operationalization of the Local Communities and Indigenous Peoples Platform (LCIP-P) with the establishment of a Facilitative Working Group (FWG) mandated to lead the work of the Platform. The FWG is composed of 14 members, half of whom are nominated by indigenous peoples' organizations. The FWG held its first meeting in Bonn prior to the SB-50 to consider the adoption of a two-year work plan for the platform. The draft work plan agreed upon by all members of the FWG at the SB-50 identifies a range of activities for the LCIP-P in line with the three key functions of the platform: knowledge, capacity for engagement, and climate change policies and actions. The work plan suggests, among other activities, a compilation of information related to existing rights of indigenous peoples related to the exchange and safeguarding of traditional knowledge.

During the session, the Parties noted in the SBSTA conclusions that the co-production of knowledge may strengthen research related to addressing and responding to climate change, including through the possible engagement of the research community in the relevant activities of the Local Communities and Indigenous Peoples Platform.

Paris Committee on Capacity Building

At the SB-50, the Paris Committee on Capacity Building (PCCB) and the Office of the High Commissioner for Human Rights (OHCHR) jointly organized the first formal workshop ever held in the climate negotiations to address issues related to human rights. The workshop looked not only at rights-based NDCs, but also at building capacity for a just transition and indigenous peoples' rights. It explored synergies to further expand this work with, for example, the Local Communities and Indigenous Peoples Platform and in relation to the Gender Action Plan (GAP). The workshop was held due to the mandate provided by the COP to the PCCB to take into consideration cross-cutting issues, such as gender responsiveness, human rights, and indigenous peoples' knowledge.

The workshop explored issues related to capacity building for the just transition, the integration of indigenous peoples' rights and knowledge in climate action, and the role of human rights in NDCs in more depth. During the event, the PCCB reiterated its commitment to develop an online tutorial to support the capacity of governments to integrate human rights in climate responses.

Katowice Committee of Experts on the Impacts of the Implementation of Response Measures

The Katowice Committee of Experts (KCI) also held its first meeting prior to the opening of the SB-50 to consider the development of a six-year rolling work plan for the Forum on the Impact of the Implementation of Response Measure. The KCI is expected to be the leading UNFCCC body mandated to promote the just transition of the workforce and creation of decent work and quality jobs under the Paris Agreement. Among many other activities currently suggested in the rolling work plan, the FWG suggested addressing trade-offs associated with the implementation of response measures and other policy objectives (job creation, health, and environment) as well as considering impacts on women and men, with special attention paid to local communities and indigenous peoples. The extent to which the KCI will be able to fully reflect on the relevance of human rights frameworks in this work will depend to some extent on the role played by key institutions such as the International Labour Organization and the OHCHR.

Koronivia Joint Work on Agriculture

Additionally, the Koronivia Joint Work on Agriculture continued at the SB-50 with the organization of the first two substantive in-session workshops dedicated to "methods and approaches for assessing adaptation, adaptation co-benefits and resilience" and to "improved soil carbon". During the workshop, the importance of the participation and empowerment of farmers and local communities was stressed as critical for climate-resilient agriculture as was the value of agroecology as a key to ensure delivery of climate, biological, and social benefits through the agriculture sector.

Additionally, the Parties welcomed New Zealand's offer to host an inter-session workshop in the first half of 2020 to address matters related to the "vulnerabilities of agriculture to climate change and approaches to addressing food security" noting the importance of "issues, including but not limited to farmers, gender, youth, and local communities and indigenous peoples".

Upcoming Submissions Opportunities prior to COP-25

Selected calls for Submissions in 2019	Deadline	Body	Document
Information on the implementation of the gender action plan, identifying areas of progress, areas for improvement and further work to be undertaken	31 August 2019	SBI	FCCC/SBI/2018/L.22/
Views on the 4 th comprehensive review of the implementation of the framework for capacity-building in developing countries under the Convention	30 Sept 2019	SBI	FCCC/SBI/2019/L.15
Views on the review of the Warsaw International Mechanism on the basis of the terms of reference for consideration at SB 51	16 Oct 2019	SBI/ SBS TA	FCCC/SB/2019/L.3
Views on the review of the PCCB	31 Oct 2019	SBI	FCCC/SBI/2019/L.15

For additional submissions deadlines, see: <https://www4.unfccc.int/sites/submissionsstaging/Pages/Home.aspx>