

RIGHTS IN A CHANGING CLIMATE

Human Rights Under the UN Framework
Convention on Climate Change



30 YEARS
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ACKNOWLEDGEMENTS

This report was authored by Erika Lennon, with support from Sébastien Duyck, Jolein Holtz, and Amanda Kistler, and contributions from Nathaniel Eisen and Nicholas Cross. Marie Mekosh and Taylor Black edited the report. This report was made possible through the generous financial support of the Climate and Energy Fund of the Government of the Grand Duchy of Luxembourg. Errors and omissions are the sole responsibility of CIEL.



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RIGHTS IN A CHANGING CLIMATE

HUMAN RIGHTS UNDER THE UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

DECEMBER 2019



FOREWORD

Government of Luxembourg

Climate change, biodiversity loss, and pollution are clearly some of the biggest challenges of our time. They are closely linked, reinforce inequalities, and represent a huge threat to security, safety, and peace. In order to turn these crucial issues into opportunities, we need to change everything: the way we live, our consumption pattern and production modes, our social systems, and our economic models. This systemic change can only succeed if we make it together. We need to endorse a holistic approach to build a safer and fairer world for all. In order to do this, we have to reconsider our values and principles and strengthen the respect we have for each other and for our environment.

Consequently, the promotion and protection of human rights and gender equality in the context of climate action are particularly important to me. The integration of climate justice in climate mitigation and adaptation actions can no longer remain a “plus” but has to become a binding obligation in countries’ strategy and policy developments. When you look at the preamble of the Paris Agreement, this is something Parties already signed on to do.

We need to make sure that when taking climate action, our focus is on the needs and protection of the most vulnerable, women and children, indigenous peoples, and local communities. The empowerment of women is at the heart of behavioral change. Women play a key role in the education of children and the implementation of grassroots knowledge on food and nutrition, and they should participate in decision-making processes. We also need to ensure full and effective access to information and participation of civil society in future climate action planning.

The climate crisis that the world is facing right now has impacts on several areas, including nature, air and water quality, and biodiversity, but above all, it is a humanitarian crisis. It affects lives, livelihoods, health, economies, and cultural heritage. Further, we humans are the only ones who can solve it. There is a lot to be done, and it has to be done now. This is urgent! Therefore, we all need to work together to achieve the goals we committed to under the UNFCCC, the 2030 Agenda, and the Paris Agreement. However, we can only do this if everyone has the same voice, the same opportunities, the same duties, and the same rights.

I hope this report will give you the insight needed to discuss the realization of human rights in the context of climate change in your home countries. It should give you the guidance needed to further deepen the reflection on human rights and encourage you to adopt a human-rights-based approach in your future climate action planning.

I would like to thank the Center for International Environmental Law for the completion of this report and wish you all a pleasant reading.



Carole Dieschbourg
Minister for the Environment, Climate and Sustainable Development
Government of the Grand Duchy of Luxembourg



FOREWORD

Government of Costa Rica

The past decades have seen heated debates about the correlation between human rights and the environment. There is no doubt that for this generation, climate change is one of the utmost threats to human rights, jeopardizing the fundamental rights to health, food, life, and an adequate standard of living for all people. When addressing climate change from a human rights perspective, there is less consensus on the corresponding obligations of governments and private actors to address this reality.

In this context, some countries are adopting and developing comprehensive approaches to recognize the importance of the principles of universality and non-discrimination, intending to ensure the fulfillment of human rights for all persons.

It is under this logic that Costa Rica has promoted an ambitious rights-based agenda. Costa Rica is looking to accelerate action while ensuring that all people, particularly those most vulnerable and marginalized, including women, indigenous peoples, and children, have the instruments to request respect for their fundamental rights.

In this regard, and as part of its commitment related to the promotion of human rights in climate action, Costa Rica, along with more than 30 other countries, established the Geneva Pledge for Human Rights in Climate Action. This initiative

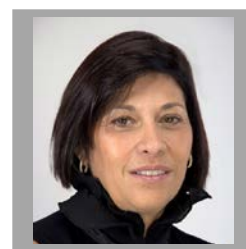
intends to facilitate the exchange of expertise and best practices between human rights and climate experts to build collective capacity to deliver responses to climate change that benefit people and the planet.

Additionally, in September 2018, Costa Rica launched its initiative For All Coalition in New York during the 73rd United Nations General Assembly. The coalition looks forward to highlighting the need to harmonize and adequately articulate messages and positions that recognize and promote gender equality, women's empowerment, and human rights in all Multilateral Environmental Agreements. It also stresses the importance of acknowledging that these topics are vital for maximizing the effectiveness, efficiency, and inclusiveness of policies and efforts aimed at reducing the loss of biodiversity and fighting against climate change, desertification, and land degradation. Similar events took place during the Convention of Biological Diversity (COP-14) in November 2018, UNFCCC COP-24 in December 2018, and UNEA-4 in March 2019. Countries from different continents and international organizations, including UN Women, OHCHR, UN Environment, and UN Habitat, are part of the coalition, which also counts with the support of the UN Secretary-General, António Guterres.

Costa Rica was deeply involved in the negotiation process of the first Gender Ac-

tion Plan in the framework of the UNFCCC during COP-23. Furthermore, for the first time ever, gender equality was one of the main political topics during the UNFCCC Pre-COP-25 on October 8-10 in San José. This is an important precedent for the promotion and effective integration of human rights in the high-level discussions on climate change.

This description of initiatives and commitments only intends to demonstrate that political will has a crucial role to play in the active promotion of human rights. By being effective in climate action, countries will be able to support and implement an inclusive global agenda, which is needed to achieve international goals, including the Sustainable Development Goals and the 1.5° goal of the Paris Agreement. This is critical for a real tomorrow and to fulfill the transformations so desperately needed.



Lorena Aguilar Revelo
Vice-Minister of Foreign Affairs
Government of Costa Rica



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Acronyms and Abbreviations

°C	Degrees Celsius
ACE	Action for Climate Empowerment
ACHR	American Convention on Human Rights
AFOLU	Agriculture, Forestry, and Other Land Use
CBDR	Common but differentiated responsibilities
CEDAW	Committee on the Elimination of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
CFS	Committee on World Food Security
CMA	Conference of the Parties Serving as the Meeting of the Parties of the Paris Agreement
CMP	Conference of the Parties Serving as the Meeting of the Parties of the Kyoto Protocol
COP	Conference of the Parties
CRC	Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
GAP	Gender Action Plan
GCF	Green Climate Fund
GEF	Global Environment Facility
General Recommendation 37	General recommendation on gender-related dimensions of disaster risk reduction in the context of climate change
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
IPCC	Intergovernmental Panel on Climate Change
LCIP-P	Local Communities and Indigenous Peoples Platform
NAPA	National Adaptation Programme of Action
NDC	Nationally Determined Contribution
PCCB	Paris Committee on Capacity-Building
REDD	Reducing Emissions from Deforestation and Forest Degradation
SBI	Subsidiary Body on Implementation
SBSTA	Subsidiary Body on Scientific and Technological Advice
SDG	Sustainable Development Goal
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNFCCC	United Nations Framework Convention on Climate Change
WHO	World Health Organization
WIM	Warsaw International Mechanism on Loss and Damage
YOUNGO	Youth constituency of the UNFCCC



Introduction

Over the last twenty-five years, the international climate regime has evolved significantly. Since its signing in 1992, the United Nations Framework Convention on Climate Change (UNFCCC) has triggered two subsequent legally binding agreements and several financial mechanisms to advance climate action. Under the Convention, several major international climate conferences have been convened, which have built global awareness about the imperative for a collective response to the climate crisis. As the regime has evolved, so too has the thinking behind it; countries have increasingly recognized that climate change is not solely about emissions reductions, but that it has a social dimension. As recognized by the United Nations (UN) High Commissioner for Human Rights, the climate crisis is the greatest-ever threat to human rights. Adequate climate responses are required to protect human rights in the twenty-first century, which means avoiding climate responses that would negatively impact the realization of human rights. Indeed, a human-rights-based approach to climate action increases both the ambition and sustainability of climate action.

The last ten years have brought increasing recognition of the link between human rights and climate change, both within

and outside the UNFCCC, with the connection also being made in courts and human rights bodies. In Paris, the Parties acknowledged that climate change was a common concern and that human rights obligations should be considered when taking climate action. Too often, however, this connection has been made only in relation to adaptation actions. This present report provides an overview of the increasing linkages between human rights and climate change, with a particular emphasis on the growing inclusion of human rights in decisions taken by the Conference of the Parties (COP) of the UNFCCC and in decisions of established subsidiary bodies under the UNFCCC. By demonstrating this link between climate change and human rights, this report seeks to build momentum for the further inclusion of human rights in COP decisions and for human rights to guide climate action.

With the adoption of the Paris Agreement in 2015 and the subsequent adoption of most of its Implementation Guidelines (the so-called “Paris Rulebook”) at the 24th COP in December 2018, Parties will now begin to implement this agreement. This implementation should be guided by human rights. As the Intergovernmental Panel on Climate Change (IPCC) has put into stark relief, the need for urgent and

ambitious climate action to keep global temperature rise under 1.5°C is pressing, as the impacts at 1°C of warming already threaten the realization of human rights. With each additional degree of warming, the impacts become more severe. Taking a rights-based approach to climate action will not only help fulfill human rights obligations, but also help achieve the long-term goal of the Paris Agreement. As highlighted in the IPCC Special Report on the impacts of global warming of 1.5°C, human rights provide a pathway for the increased ambition necessary to address the climate crisis.

This report begins with a general introduction on the linkages between human rights and climate change. It then turns to the UNFCCC, providing examples of both explicit and implicit references to human rights in COP decisions. Lastly, the report looks at the incorporation of human rights in the implementation of the UNFCCC and its subsequent protocols and agreements at the national level, including how Parties have incorporated human rights into their intended nationally determined contributions (NDCs) under the Paris Agreement or national communications submitted to the UNFCCC.

PART 1

Interlinkages between Human Rights and Climate Change

Human rights and climate change are inextricably linked. Not only does climate change significantly threaten the realization of human rights, but human rights are also the key to enhancing the effectiveness of climate responses and providing a pathway to the ambition needed to keep global temperature rise below 1.5°C. Taking a rights-based approach leads to more effective climate action because it incorporates the voices and knowledge of indigenous peoples, women, youth, and local communities, ensures their full and effective participation, and considers how best to avoid negative environmental and social impacts.¹ Climate change is already negatively impacting human rights, including, among others, the right to food, clean water, health, housing, culture, equality, self-determination, development, and even the right to life,² through more frequent, longer, and more severe weather events such as hurricanes, heatwaves, droughts, and flooding. Similarly, sea level rise due to climate change has begun to displace communities and threatens to submerge entire countries, leading to internal displacement or migration internationally, which can impact various rights, including the right to housing or culture. In addition to the direct impacts of climate change, measures to address it can also have negative consequences and impacts. Responses to climate change, such as new infrastructure to adapt to rising seas or hydropower projects to generate non-fossil-fuel-based energy, can displace people or disrupt livelihoods and ecosystems, if done without respect for rights.

Climate change is not only a technical issue about how to reduce greenhouse gas emissions; it is increasingly understood to be a social issue, interconnected with peo-

ple's lives and inseparable from people's daily realities. In its 2018 *Special Report: Global Warming of 1.5°C*, the Intergovernmental Panel on Climate Change found that each degree of additional warming increases the risks to human lives.³ Additionally, the IPCC stated that these are not just future concerns, since "Impacts on natural and human systems from global warming have already been observed (*high confidence*). Many of the land and ocean ecosystems and some of the services they provide have already changed due to global warming (*high confidence*)."⁴ At a rise of 1°C, these impacts are already observable in increased extreme weather events, flooding, and droughts, among other impacts.⁵ All of these impacts will be more severe with greater global temperature increase. Current projections in a business-as-usual world indicate that global temperature rise will be over 4°C, and projections based on

current targets and pledges in NDCs indicate warming of 2.6–3.2°C.⁶ Both projections would have disastrous impacts.

Moreover, those who have contributed the least to the climate crisis are often the most vulnerable to and most impacted by climate change. Historically, developed countries have contributed the most to climate change, as they have the highest historical emissions.⁷ In contrast, those facing the most severe impacts of climate change — such as people living on low-lying islands who are facing internal displacement or forced migration due to loss of their country — have contributed and are contributing the least to the crisis. Equity, an established international environmental principle and a core principle of the UNFCCC, states that "Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance



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with their common but differentiated responsibilities and respective capabilities.⁹⁸ Equity is therefore at the heart of the climate regime. This principle recognizes that countries have differentiated responsibility for climate change and a differentiated capacity to act. It thus emphasizes that countries can and should take different steps to address the global climate crisis, with developed countries taking the lead.⁹ This is supported by the IPCC, which indicated that if collective efforts to combat climate change take equity into account, they can help achieve sustainable development and eradication of poverty.¹⁰ Equity also requires that climate action benefit those already marginalized or vulnerable, as well as those countries that are most affected by and least responsible for climate change.¹¹

Fundamentally, equity and ambition are key to effective climate action and are closely linked principles necessary to safeguard human rights in the context of climate change. Increasing ambition is fundamental to the realization of human rights, and human rights are fundamental to raising ambition. The IPCC has indicated that the higher the degree of warming, the greater the risks to people and the environment.¹² It also found that current ambition levels, as measured in countries' NDCs, do not create a pathway to limit global temperature rise to 1.5°C or even to 2°C.¹³ Thus, more adequate NDCs¹⁴ are

required to meet the goals of the Paris Agreement and ensure the realization of human rights.¹⁵

Respecting and promoting human rights will also increase ambition and lead to more effective climate action. Studies¹⁶ have shown that respecting land rights, listening to local communities and indigenous peoples, and ensuring public participation in the development of climate action projects and programs leads to more effective climate action that does not cause or exacerbate social and environmental harms.¹⁷ The IPCC has also highlighted that including stakeholders, particularly women, indigenous peoples, and other local and vulnerable communities, in the development of climate action plans increases their likelihood of success.¹⁸

Both mitigation and adaptation projects and policies have the potential to threaten the realization of human rights as they can lead to, for example, forced resettlement and negative impacts on food, water, clean air, and indigenous peoples' rights. For example, the Alto Maipo hydroelectric project in Chile, which is intended to produce "cleaner" electricity not generated from fossil fuels, violates human rights. The construction of this project includes violations of the right to adequate housing, as a town has been surrounded by a barrier wall due to 24/7 construction noise and traffic, as well as violations of the rights to water, food, health, and life, as the project is affecting, and diminishing, the flow of

the impacted rivers. It also threatens cultural heritage as the project threatens monuments, natural sanctuaries, and protected heritage sites in the Cajón del Maipo, among other impacts.¹⁹

A rights-based approach to climate action, however, can mitigate these harms as it ensures that from the beginning of project design, through development and implementation, rights considerations drive decision-making, and adequate environmental and social safeguards are implemented. It also requires that impacted people are able to participate in this process without fear of retaliation for criticizing a proposed climate project or advocating for enhanced climate action. In this way, it is imperative that environment and human rights defenders are protected in climate action.²⁰ Such a rights-based approach can mitigate potential risks to human rights posed by climate action. Integrating human rights into climate action also ensures policy coherence across international instruments to which States are Parties and that climate action respects, protects, and promotes human rights.

Both international and domestic laws widely recognize human rights as a set of basic rights and freedoms that belong to every person. These human rights are broadly defined by three core human rights instruments,²¹ as well as specialized international agreements²² and regional human rights agreements.²³ These rights

include both substantive rights, including the right to food, water, housing, culture, and life, as well as procedural rights, such as the right to access to information and participation in environmental matters.²⁴ All Parties to the UNFCCC have ratified at least three of these legally binding instruments, so while the scope of Party obligations differ, all Parties have legal obligations related to human rights.

Since the adoption of the UNFCCC in 1992, the climate regime has evolved significantly with respect to human rights and social issues, as discussed in detail below. This evolution is not limited to the UNFCCC alone, but instead reflects a growing recognition of the intersections between the environment, climate change, and human rights by Parties to the UNFCCC in their domestic laws,²⁵ as well as in international reporting²⁶ and academic literature.²⁷ This intersection is also recognized by various human rights bodies, including treaty bodies,²⁸ UN special procedures mandate holders,²⁹ courts,³⁰ and national human rights institutions.³¹

Further, the last decade has seen significant developments in the UN human rights system as the Human Rights Treaty Bodies have increasingly engaged in the climate context. In 2015, the mandate for a UN Special Rapporteur on Human Rights and the Environment was created.³² In addition, since 2008, the Human Rights Council has almost annually dedicated a resolution to the issue of human rights and climate change. These resolutions not only highlight the impacts of climate change on human rights, but also emphasize that existing human rights obligations can “inform and strengthen international, regional and national policy-making in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes.”³³ The resolutions have also called on States to integrate human rights in their climate actions.³⁴

Recent reports from special procedures mandate holders have also focused on climate change and its links to human rights, including the devastating impacts of climate change on people and their rights.³⁵

In his 2019 report, the UN Special Rapporteur on Human Rights and the Environment concluded that meeting the 1.5°C target will save millions of lives and that “a safe climate is a vital element of the right to a healthy environment and is absolutely essential to human life and well-being.”³⁶ In this report, the Special Rapporteur details countries’ obligations to protect human rights from environmental harm, including from climate change, comprised of procedural and substantive obligations related to mitigation, adaptation, finance, and loss and damage, as well as the duty to regulate businesses and other actors so that they do not contribute to human rights violations.³⁷ The report also notes that countries have a duty not to cause transboundary environmental harm.³⁸ Additionally, on the eve of the 2019 UN Climate Action Summit, a group of UN Special Rapporteurs issued a joint statement regarding the devastating impacts of climate change on human rights. They reiterated that a safe climate is essential to the right to a healthy environment and human life and that States have an obligation to act in order to meet their obligations to respect, protect, and fulfill human rights.³⁹

As mentioned, human rights treaty bodies have increasingly recognized the threats that climate change poses on human rights through General Comments and Recommendations, as well as through the State Reporting Procedure. These bodies are tasked with monitoring the implementation of their corresponding treaties by assessing States’ compliance with their human rights obligations and by elaborating on the interpretation of these instruments. General Comments issued by treaty bodies provide authoritative statements on the interpretation of a specific right or theme in relation to the respective Covenant. In 2018, the Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights (ICCPR), issued its General Comment on the right to life including that “[e]nvironmental degradation, climate change and unsustainable development constitute some of the most



Climate Change & Human Mobility

Climate-induced changes in human mobility, such as migration and internal displacement, are already occurring and will become a more significant problem as the climate crisis develops. Without ambitious climate action, it is estimated that by 2050 over 143 million people will be at risk of being internally displaced in Sub-Saharan Africa, South Asia, and Latin America due to slow-onset impacts of climate change, such as sea level rise, glacial retreat, desertification, and land and forest degradation.ⁱ Meanwhile, extreme weather events will continue to grow in frequency and intensity, driving millions more from their places of residence, in some cases across borders.ⁱⁱ Combined, these phenomena are leading some countries to plan for the relocation of vulnerable communities as an adaptation strategy to minimize harm.ⁱⁱⁱ As people move within and across borders in each of these situations, their full set of human rights must be respected, protected, and fulfilled. However, as it stands, the international system lacks a comprehensive rights-based approach to climate-induced human mobility.^{iv} Several existing international efforts have already pointed to the serious gaps in the international legal framework that increase the risks for climate-displaced persons.^v

Within the UNFCCC, discussions have dealt with only a small number of aspects of this growing challenge. To date, issues related to climate change and human mobility have primarily been discussed in the work of the Executive Committee of the Warsaw International Mechanism on Loss and Damage, which addresses loss and damage occurring due to the adverse effects of climate change, including extreme weather and slow-onset events, as well as migration, displacement, and relocation.^{vi} Its Task Force on Displacement looks at climate-induced displacement specifically.^{vii} In 2018, the Task Force recognized not only that displacement was a human rights challenge, but also that any work to avert, minimize, and address displacement due to climate change impacts “needs to be done in a manner that is consistent with respective human rights obligations, and should take into account principles such as non-discrimination, participation and inclusion, gender; and the significance of non-economic



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losses, including loss of cultural heritage and social capital” and that this would require broad consultations with impacted communities.^{viii} As a result, the Task Force recommended that the WIM submit a recommendation to the COP inviting Parties to develop domestic policies, laws, and strategies to address displacement that recognize the need for integrated approaches to this issue and that take into consideration human rights obligations and other relevant international laws and standards. Further, it recommended that information on these measures be included in NDCs, National Adaptation Plans, and Adaptation Communications, as appropriate.^{ix} In response, the Warsaw International Mechanism (WIM) for Loss and Damage did include these recommendations from the Task Force on an integrated approach and the consideration for human rights in its report to the COP.^x

The UNFCCC should continue to build on this work, as climate-induced movement of people is likely to increase and pose risks to the full realization of human rights.

pressing and serious threats to the ability of present and future generations to enjoy the right to life.”⁴⁰ Similarly, the Committee on Economic, Social and Cultural Rights (CESCR) recently stated that “climate change constitutes a massive threat to the enjoyment of economic, social and

cultural rights” and noted that climate change is impacting these rights, including already affecting “the rights to health, food, water and sanitation; and it will do so at an increasing pace in the future.”⁴¹ The Committee on the Elimination of Discrimination Against Women

(CEDAW) dedicated an entire General Recommendation to climate change with its General recommendation on gender-related dimensions of disaster risk reduction in the context of climate change (General Recommendation 37).⁴²



This has also extended to threats that are likely to become more common in coming years, such as climate-induced migration, which will be accompanied by threats to a variety of human rights. Sea level rise and other climate impacts will increasingly lead to both internal displacement and international migration.⁴³ In its General Recommendation 37, CEDAW recommended that States should ensure migration policies are gender-responsive and should “recognize disasters and climate change as important push factors for internal displacement and migration.”⁴⁴ Similarly, in a recent list of issues for Paraguay to address, the Committee on Migrant Workers requested information on how

they are addressing causes of irregular migration, including climate change.⁴⁵

In addition to recognizing the threats, these bodies have also noted that States need to take action on climate change to protect and respect these rights. In a Joint Statement on Human Rights and Climate Change, five human rights treaty bodies — the CEDAW, CESCR, Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, Committee on the Rights of the Child (CRC), and Committee on the Rights of Persons with Disabilities — highlighted that States’ human rights obligations in light of climate change include

preventing the harm caused by climate change through mitigation, adaptation, accountability, regulation of the private sector, and international cooperation, among others.⁴⁶ The Human Rights Committee stated in its General Comment that the obligation to ensure the right to life “depends, *inter alia*, on measures taken by States parties to preserve the environment and protect it against harm, pollution and climate change caused by public and private actors.”⁴⁷ Additionally, CEDAW’s General Recommendation 37 noted that “any measures to mitigate and adapt to climate change should be designed and implemented in accordance with the human rights principles of participation, accountability, non-discrimination, empowerment, transparency and rule of law.”⁴⁸ In addition to these general comments and recommendations, human rights treaty bodies including the CESCR, CEDAW, and CRC increasingly issue recommendations related to climate change to States as part of their reviews.⁴⁹ A number of issues have been raised, including in relation to adaptation, procedural rights, and mitigation. There is a slight observable shift from a more adaptation-focused approach to human rights obligations, to one that more clearly identifies States’ mitigation obligations under the human rights treaties. However, obligations regarding climate adaptation remain the subject of most climate-related recommendations. For mitigation, a number of aspects are covered, including deforestation, renewable energy, and regulation of the private sector. The most coverage thus far is on human rights obligations in relation to the reduction of emissions, with addressing the climate-related impacts of fossil fuels the second most covered.⁵⁰

As evidenced above, human rights and climate change are deeply intertwined, and the climate crisis is increasingly being understood to be a human rights crisis. As such, human rights can and should inform climate action, which is necessary to fulfill human rights obligations and meet the goals of the Paris Agreement.



PART 2

Methodology

All of the Parties to the Paris Agreement are also Parties to at least three international human rights agreements and therefore have international obligations to respect, protect, and fulfill the human rights of people, including the most vulnerable. Among the international human rights treaties, the following instruments are particularly relevant to climate change:

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination Against Women
- Convention on the Rights of the Child
- Convention on the Rights of Persons with Disabilities
- International Labour Organization (ILO) Convention 169

Additionally, many of the Parties to the Paris Agreement are also Parties to relevant regional instruments that provide for the protection of human rights. Forty-seven European countries are Party to the European Convention on Human Rights, which was adopted in 1950.⁵¹ Nearly 20 years later, the American Convention on Human Rights (ACHR) was adopted in 1969 and includes 23 Member States across North and South America.⁵² Subsequently, in 1981, the African States adopted the African Charter on Human and Peoples' Rights, to which 54 countries are

Party. Thus, the majority of countries in these three regions are all Parties to a regional human rights agreement. Additionally, in both Europe and the Americas, countries have come together under the auspices of the UN Economic Commission for Europe and the UN Economic Commission for Latin America and the Caribbean, respectively, to adopt regional agreements on ensuring the right to public participation in environmental decision-

making. Forty-seven Parties from Europe, including the European Union, and Central Asia are members of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.⁵³ More recently, in 2018, countries in Latin America and the Caribbean adopted the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin Amer-





ica and the Caribbean (the Escazú Agreement), which has been signed by 21 Parties and will enter into force following ratification by 11 States.⁵⁴ Notably, the Escazú Agreement is the first treaty to include specific provisions on protecting environmental and human rights defenders.⁵⁵

States have the duty to ensure that they fulfill their human rights obligations within their policies, including those on climate change. This report explores the evolution of the explicit and implicit references to and inclusion of human rights within the framework of the UNFCCC, including subsequent agreements and decisions made by the Parties under these agreements. As the primary forum in which States' climate obligations are defined and monitored, the UNFCCC plays a significant role in shaping climate action. This report highlights all explicit references to human rights within this climate regime and provides further information about the increasing recognition of the importance to integrate specific social dimensions in climate policies. While it does not include references to every decision made by the Parties, it does provide details of certain decisions that demonstrate advanc-

es or highlight the evolution over the 27 years that the UNFCCC has been in existence.

However, the climate regime itself has not explicitly incorporated references to all rights in its decisions over time. The fact that some rights are not explicitly included in this report does not indicate that they are not important; nor does it mean that they are not impacted by climate change (i.e., the right to water) or that they could not be beneficial to addressing climate change (i.e., respecting land rights). Rather, those rights are not included here because they largely have not been explicitly included in the UNFCCC and subsequent agreements and decisions.⁵⁶

This report provides details on specific substantive rights, procedural rights, and rights related to vulnerable groups, including women, indigenous peoples, youth, and persons with disabilities, to provide an overview of how social dimensions have been considered in the climate regime. These rights have had substantial treatment or advancements within the climate regime and demonstrate how the UNFCCC, its subsequent agreements, and related decisions by the COP have evolved

to address social dimensions over time. The rights and social dimensions included in this report are:

- The Right to Access to Information and Public Participation
- The Right to Education
- The Right to Food
- The Rights of Indigenous Peoples
- Just Transition
- Right to Development
- Gender Equality
- Right to Health
- Empowering and Addressing the Impacts Affecting Specific Groups

Looking beyond the decisions made by States in the context of the COP, this report reviews how States have incorporated or addressed human rights in their national context as demonstrated through submissions to the COP, including NDCs and national communications to the UNFCCC.

PART 3

Human Rights Dimensions of UNFCCC Decisions

The 2015 adoption of the Paris Agreement is the first time a global environmental agreement explicitly mentioned human rights. The UNFCCC itself, while not explicitly embracing human rights, includes many provisions that address the social dimensions of climate change. For example, while it does not mention the right to food or development explicitly, it does state that greenhouse gases should be stabilized in a way that “ensure[s] that food production is not threatened” (art. 2) and acknowledges that “Parties have a right to, and should, promote sustainable development” (art. 3(4)). It also embraces public participation in responding to climate change by acknowledging that “Parties shall: (a) Promote and facilitate at the national and, as appropriate, sub-regional and regional levels, and in accordance with national laws and regulations, and within their respective capabilities: ... (ii) Public access to information on climate change and its effects; (iii) Public partici-

pation in addressing climate change and its effects and developing adequate responses” (art. 6). The UNFCCC also recognizes the principle of equity and acknowledges the vulnerability of specific groups and countries, including the need to “protect the climate system for the benefit of present and future generations of humankind” (art. 3(1) and preamble). Thus, the origin of the international climate regime recognized related social dimensions, in alignment with human rights considerations.

As the climate regime evolved, so did the linkages between human rights and climate action. In particular, the past decade has seen an increase in implicit and explicit references to human rights in COP decisions, agreements, and the work of constituted bodies. However, these references within the UNFCCC and in countries’ national actions (discussed later) are made disproportionately in conjunction with adaptation actions alone. Explicitly refer-

encing human rights in COP decisions, which guide Parties’ actions to fulfill their obligations under the UNFCCC and Paris Agreement, as well as their overall climate action, helps to promote policy coherence since all Parties are party to at least three human rights treaties and therefore have international obligations to respect, fulfill, and protect human rights.

Decision-making within the climate regime happens in numerous bodies, with the three main bodies comprised of the Member States that are party to each agreement, namely: the Conference of the Parties to the UNFCCC; the Conference of the Parties Serving as the Meeting of the Parties of the Kyoto Protocol (CMP); and the Conference of the Parties Serving as the Meeting of the Parties of the Paris Agreement (CMA). Additionally, under the COP, there are two subsidiary bodies that help with the organization of the work: the Subsidiary Body on Implementation (SBI) and the Subsidiary Body on



Scientific and Technological Advice (SBSTA), which meet and make decisions that are forwarded to the COP for adoption. Parties can also create additional bodies to address specific topics, such as the Paris Committee on Capacity-Building or the Standing Committee on Finance. Lastly, there are financial mechanisms, such as the Green Climate Fund (GCF), that have been created under the auspices of the UNFCCC for the provision of financial resources related to fulfilling obligations of the COP.⁵⁷ They report to and receive guidance from the COP, but primarily conduct their functions outside of the UNFCCC negotiating space.

Explicit References to Human Rights in the UNFCCC

The adoption of the 2010 Cancun Agreements was a watershed moment, marking the first UNFCCC decisions to emphasize the importance of integrating human rights in climate action and to highlight the impact of climate change on human rights. The preamble linked the agreements to the UN human rights system by noting a Human Rights Council resolution recognizing the negative effects of climate change on the enjoyment of human rights, particularly on those of vulnerable populations. Following the preamble, the decision called on Parties to fully respect human rights in all of their actions.⁵⁸ It also elaborated on the importance of respecting the rights of indigenous peoples in response measures, including by establishing safeguards for approaches for reducing emissions from deforestation and forest degradation (the Cancun or REDD safeguards). Beyond these explicit references to human rights, the Cancun Agreements embraced and demonstrated that not only does climate change impact human rights, but that Parties also need to fully integrate rights into climate action. This is the first and only time that a UNFCCC decision reflected both the human rights impacts of climate change and that human rights should be respected in all climate action.



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Cancun Agreements, Decision 1/CP.16 (2010), pmb.; para. 8; para. 88 pmb.; appendix 1

- Preamble: *Noting* resolution 10/4 of the United Nations Human Rights Council on human rights and climate change, which recognizes that the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights and that the effects of climate change will be felt most acutely by those segments of the population that are already vulnerable owing to geography, gender, age, indigenous or minority status, or disability,
- Para. 8: *Emphasizes* that Parties should, in all climate change related actions, fully respect human rights
- Para. 88, preamble: *Taking note* of relevant provisions of the United Nations Declaration on the Rights of Indigenous Peoples,
- Appendix I: REDD safeguards
 - Para. 2(c): Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;

The integration of human rights and climate change was further emphasized five years later with the adoption of the Paris Agreement. Twenty-three years after the UNFCCC was adopted, the Paris Agreement represented a significant step forward for the climate regime and for the integration of human rights within that regime, as it included an explicit reference to human rights and related principles in its preamble.

Paris Climate Agreement and Decision, Decision 1/CP.21 (2015), preamble

- *Acknowledging* that climate change is a common concern of humankind, 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 the adoption of the Paris Agreement, Parties have included the need to consider human rights in relation to climate action in several UNFCCC work areas and mandated several constituted bodies to also consider the interlinkages between the issues. In 2016, the year following the Paris Agreement, the Parties explicitly mandated the Paris Committee on Capacity-Building (PCCB), which was

created to address gaps and needs in enhancing capacity-building in developing countries, to consider cross-cutting principles, including human rights, in its four-year workplan.

Third comprehensive review of the implementation of the framework for capacity-building in developing countries under the Convention, Decision 16/CP.22, para. 4(a) (2016)

- *Also invites* the Paris Committee on Capacity-building, in managing the 2016–2020 workplan: (a) To take into consideration cross-cutting issues such as gender responsiveness, human rights and indigenous peoples' knowledge

In 2017, Parties further integrated human rights through the adoption of a Gender Action Plan (GAP), which emphasized the relevance of human rights, and the operationalization of a Local Communities and Indigenous Peoples Platform (LCIP-P) that highlighted the importance of the UN Declaration on the Rights of Indigenous Peoples and consequently indigenous peoples' rights.

Establishment of a gender action plan, Decision 3/CP.23, preamble (2017)

- *Also recalling* that Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights as well as gender equality

Local Communities and Indigenous Peoples Platform, Decision 2/CP.23, preamble; para. 6(c) (2017)

- Preamble: *Recalling* the United Nations Declaration on the Rights of Indigenous Peoples, decision 1/CP.21 and the Paris Agreement, *Acknowledging* that Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on the rights of indigenous peoples and local communities
- Para 6(c): Climate change policies and actions: the platform should facilitate the integration of diverse knowledge systems, practices and innovations in designing and implementing international and national actions, programmes and policies in a manner that respects and promotes the rights and interests of local communities and indigenous peoples. The platform should also facilitate the undertaking of stronger and more ambitious climate action by indigenous peoples and local communities that could contribute to the achievement of the nationally determined contributions of the Parties concerned

The following year, in 2018, Parties reaffirmed the commitment to ensure that the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was essential to consider in the operationalization of the LCIP-P.

Local Communities and Indigenous Peoples Platform, Decision 2/CP.24, preamble (2018)

- *Also emphasizing*, in its entirety, the United Nations Declaration on the Rights of Indigenous Peoples in the context of the implementation of the functions of the Local Communities and Indigenous Peoples Platform involving indigenous peoples





Parties at the 2018 COP-24 in Katowice also referenced human rights in the context of loss and damage. In the COP decision related to the Warsaw International Mechanism (WIM) for Loss and Damage, Parties welcomed the report of the WIM Executive Committee, which included considering human rights obligations in adopting policies and strategies to address displacement.

Report of the Executive Committee of the WIM for Loss and Damage associated with Climate Change Impacts, Decision 10/CP.24, annex para. 1(g)(i) (2018)

- Invite Parties: (i) To consider formulating laws, policies and strategies, as appropriate, that reflect the importance of integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change and in the broader context of human mobility, taking into consideration their respective human rights obligations and, as appropriate, other relevant international standards and legal considerations

Thus, since the adoption of the Cancun Agreements, there has been an increase in explicit references to human rights in COP decisions.

Implicit References to Human-Rights-Related Dimensions of Climate Change in UNFCCC COP Decisions

In addition to explicit references to human rights, Parties have adopted various decisions under the UNFCCC that recognize the need to address the dimensions of climate change and climate action that are directly relevant to human rights. Some references directly address these dimensions including, among others, public participation and access to information, education, food security, health, indigenous peoples, a just transition, right to development and eradication of poverty, and gender.⁵⁹ Human rights norms provide useful guidance to many of these decisions.

These indirect references have also come in the form of broad references to international conventions, rather than to specific rights themselves. For example, in adopting the guidelines for adaptation communications under the Paris Agreement, Parties noted that “An adaptation communication may include information on the following elements ... (g) How adaptation actions contribute to other international frameworks and/or conventions.”⁶⁰ These would include human rights regimes.

Right to Access to Information and Participation

Procedural rights are critically important in the context of climate action, as they provide the foundation for ensuring the meaningful participation of people — including indigenous peoples, women, children, the elderly, persons with disabilities, local communities, and others who are often at the frontlines of the climate crisis — in developing climate mitigation and adaptation policies.

Protecting procedural rights is a key obligation in the international human rights framework, as well as a core principle of international environmental law.⁶¹ Participation in public affairs is included as a right in both the Universal Declaration of Human Rights⁶² and the International Covenant on Civil and Political Rights.⁶³ In international environmental law, these procedural rights were firmly established at the 1992 Earth Summit, which coincided with the adoption of the UNFCCC, where countries adopted the Rio Declaration on Environment and Development. Principle 10 of the Rio Declaration stressed the critical nature of access to information and participation in environmental decision-making.⁶⁴ These rights have been subsequently strengthened through regional agreements, including the Aarhus Convention⁶⁵ and the Escazú Agreement.⁶⁶

Further, both the voluntary Bali Guidelines of the UN Environment Programme⁶⁷ and Sustainable Development Goals (SDGs) incorporate these procedural rights. SDG 16 promotes access rights; for example, target 16.7 calls on governments to “ensure responsive, inclusive, participatory and representative decision-making at all levels.”⁶⁸ Embracing this right in the context of climate action includes ensuring the participation of people not only within international negotiations, but also in ensuring a meaningful and fully participatory process when developing climate mitigation and adaptation policies. It further requires ensuring that people are able to participate in a manner that is free from retaliation, which



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entails protecting environment and human rights defenders.⁶⁹ The ability to participate meaningfully also requires access to information in a manner that is understandable by people.⁷⁰

From its inception, the UNFCCC has included public participation and access to information as core commitments of Parties.⁷¹ Article 4 of the UNFCCC set out in paragraph 1(i) that “All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall: ... (i) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations.”

This was elaborated on by Article 6 of the UNFCCC, which states:

- “In carrying out their commitments under Article 4, paragraph 1(i), the Parties shall: (a) Promote and facilitate at the national and, as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capabilities: ... (ii) Public access to information on climate change and its effect; (iii) Public participation in addressing climate change and its effects and developing adequate responses; ...”

As the climate regime has evolved, Parties have continuously emphasized the importance of public participation in the UNFCCC processes, as well as in climate action at the local and national levels. As early as the COP-2, Parties emphasized the role of the public in national communications.⁷²

Over the last 20 years, public participation, access to information, and the inclusion of civil society in decision-making processes have been increasingly referenced in COP decisions. They have been addressed in decisions on capacity-building, decisions related to the financial mechanisms of the UNFCCC, loss and damage, response measures, technology, mitigation and adaptation plans and actions, and the enhancement of UNFCCC Article 6. Beginning in 2002, to further the implementation of Article 6, the Parties have adopted a series of work programs, expanding on the six key elements of the article: public participation, public awareness, education, training, access to information, and international cooperation.⁷³

These work programs, beginning with the New Delhi Work Programme and continuing through to the Doha Work Programme and its Action for Climate Empowerment (ACE) dialogues, are the primary vehicles for implementing Article 6. The evolution of these work programs demonstrates that ensuring public participation and access to information, along with the other priority areas, is critical to

effective implementation of climate action, and further, that it is essential to include women, youth, and vulnerable groups.

Through the New Delhi Work Programme adopted in 2002, Parties recognized that fully implementing Article 6 would help meet the Convention’s objectives of stabilizing emissions to prevent climate change.⁷⁴ The work program was designed to help countries develop, share, and support ways to implement Article 6. Thus, the Parties recognized the value of promoting public participation and the other five elements for developing adequate responses to climate change.⁷⁵

Building on this, in 2007, Parties adopted an Amended New Delhi Work Programme, recognizing the importance of continuing the implementation of these rights.⁷⁶ This amended program expanded on the original by acknowledging that facilitating access to information was not satisfied merely by disclosing information on the internet, but also meant that Parties should consider local context, including literacy rates, internet access, and languages understood in the area.⁷⁷ The amended program also specified that full public participation included “facilitating feedback, debate and partnership in climate change activities and in governance,”⁷⁸ adding that implementation of public participation could include ensuring the participation of “youth and other groups.”⁷⁹

After the second five-year term of the New Delhi Work Programme, and acknowledging that it is critical to involve stakeholders to develop and implement more effective policies, Parties adopted the Doha Work Programme on Article 6 of the Convention.⁸⁰ Like its predecessor, the Doha Work Programme emphasized the implementation of Article 6 and expanded on the previous programs by including a “gender and intergenerational approach,”⁸¹ indicating that Parties could also seek participation of women and civil society organizations.⁸² The Doha Work Programme also established the ACE dialogue, designed as an annual dialogue of Parties and non-party stakeholders to discuss enhancement of the implementation of the six priority areas of Article 6, with each year focusing on one or more of these areas. Following the adoption of the Paris Agreement, these dialogues have been extended to include how to strengthen implementation of its Article 12, which is its equivalent of the UNFCCC’s Article 6.⁸³ While these dialogues have been highlighted and are emphasized as a way to strengthen implementation of these articles, they often merely have been sessions focused on highlighting best practice alone without further discussion of the elements of Article 6 in the context of their status as human rights obligations or how

to enhance rights-based implementation of these elements through COP rules and guidance.

Beyond the work programs, public participation and engagement of stakeholders has long featured in guidelines on adaptation. In 2001, the guidelines for preparing national adaptation programs of action included being guided by “a participatory process involving stakeholders, particularly local communities,” as well as by “gender equality.”⁸⁴ With the adoption of the Cancun Agreements in 2010, Parties expanded on these guidelines by recognizing “the need to engage a broad range of stakeholders at the global, regional, national and local levels, be they government, including subnational and local government, private business or civil society, including youth and persons with disability, and that gender equality and the effective participation of women and indigenous peoples are important for effective action on all aspects of climate change.”⁸⁵ Thus, Parties particularly recognized the importance of engaging vulnerable populations in climate action. The Cancun Agreements also referenced stakeholder engagement in numerous other provisions related to adaptation, capacity-building, and REDD.

The Paris Agreement built on Article 6 of the UNFCCC and repeatedly referenced the importance of public participation and access to information, including in the preamble,⁸⁶ Article 7(5),⁸⁷ Article 11(2),⁸⁸ and its own dedicated article, Article 12.

- Preamble: *Affirming* the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in this Agreement,
- Article 12: Parties shall cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under this Agreement.

Building on this, in 2018, the Parties to the Paris Agreement adopted rules guiding its implementation, also known as the “Paris Rulebook.” This rulebook emphasized the importance of public participation and access to information through



the adoption of several provisions for the implementation of the Paris Agreement beyond Article 12. Critically, the guidance related to NDCs stipulates that Parties can provide information on how they prepared and plan to implement their NDCs, including in relation to “public participation and engagement with local communities and indigenous peoples, in a gender-responsive manner.”⁸⁹ As noted above, not only is there a right to public participation, but having public participation at all stages of decision-making, starting with planning and developing NDCs and extending all the way through implementation, provides for better-informed policies and plans and therefore better climate action. It also ensures that decisions are tailored to local circumstances and that there is greater public support and ownership of the plan, which is ultimately more sustainable. The Paris Committee on Capacity-Building has acknowledged this, noting the need to help enhance Parties’ consultation processes to engage all stakeholders, including indigenous peoples, women,

youth, and workers, among others.⁹⁰ Relatedly, the decision on the Transparency Framework included that Parties shall provide information on stakeholder engagement related to achieving their NDCs.⁹¹ It also recognized that the information necessary for assessing the effectiveness and sustainability of action, specifically, in this instance, adaptation action, includes stakeholder engagement.⁹²

One of the first decisions finalized as part of the Paris Agreement Work Programme concerned “Ways of enhancing the implementation of education, training, public awareness, public participation and public access to information so as to enhance action under the Paris Agreement.” It reaffirmed the role of stakeholders in climate action by encouraging Parties to promote access to information and participation as they develop climate policies, and to include information on these elements as they relate to preparing and implementing climate action.⁹³

- Para. 5: *Also encourages* Parties to continue to promote the systematic integration of gender-sensitive and participatory education, training, public awareness, public participation, public access to information, and regional and international cooperation into all mitigation and adaptation activities implemented under the Convention, as well as under the Paris Agreement, as appropriate, including into the processes of designing and implementing their nationally determined contributions, national adaptation plans, long-term low greenhouse gas emission development strategies and climate policies;
- Para. 8: *Encourages* Parties to include, as appropriate, information on how education, training, public awareness, public participation, public access to information, and regional and international cooperation are considered in the preparation and implementation of the actions under the Paris Agreement;
- Para. 9: *Considers* that Parties and stakeholders may, as appropriate, take into account actions to enhance climate change education, training, public awareness, public participation, public access to information, and regional and international cooperation in the context of Article 14 of the Paris Agreement;
- Para. 10: *Encourages* Parties to foster public participation and collaborate with, inter alia, regional as applicable and local authorities, the scientific community, universities, the private sector, civil society organizations and youth to scale up the implementation of Action for Climate Empowerment;



Additional aspects of the Paris Agreement Work Programme related to making sure information was accessible, for example in the public registry,⁹⁴ as well as ensuring public participation, as it relates to, for example, response measures,⁹⁵ the technolo-



gy framework,⁹⁶ the periodic assessment,⁹⁷ the Transparency Framework,⁹⁸ and the Global Stocktake.⁹⁹

The Right to Education

Within the UNFCCC, public participation and access to information are discussed along with the need to enhance climate change education. Climate education can help facilitate people's participation in climate action. The Convention on the Rights of the Child recognizes that children have their own rights.¹⁰⁰ Critically, Article 28 recognizes "the right of the child to education" and Article 29(1)(e) further specifies that the "States Parties agree that the education of the child shall be directed to ... (e) The development of respect for the natural environment."¹⁰¹ Climate change impacts children's right to education because the effects of climate change can result in children not being fully able to attend school. The CRC has regularly underlined that children's education should include climate change and respect for the natural environment. For example, the CRC recommended including "climate change adaptation and disaster-risk reduction in the school curriculum."¹⁰²

Youth face significant climate impacts and are the generation most affected by its impacts. Education has been a key component in the UNFCCC and has been included in the work of the Parties since the

first COP, as well as in Article 12 of the Paris Agreement and Article 6 of the UNFCCC. Climate change education has also been identified as a program priority for the financial mechanism (primarily the Global Environment Facility (GEF)).¹⁰³ Moreover, education has long been featured as a priority for capacity-building¹⁰⁴ and as a component that should be included in national communications.¹⁰⁵ As in the case of public participation, the New Delhi Work Programme and Doha Work Programme are the primary vehicles for enhancing climate change education within the UNFCCC.¹⁰⁶ One of the primary outcomes of the work programs has been the establishment of the ACE dialogues, which focus on education and training every other year. Though these dialogues have provided little more than sharing best practices, they have led to the elevation of climate change education as a fundamental part of Parties' climate action. This can be seen through the 2018 ACE Youth Forum, which was an initiative of the youth constituency of the UNFCCC (YOUNGO) and the COP presidency. While the Forum highlighted the need to enhance ACE national focal points, it primarily focused on elevating education as a key part of ACE.¹⁰⁷ Thus, it recommended that Parties ensure climate education is integrated into curricula at all levels of education, integrate climate education into all materials, and develop online materials and courses.¹⁰⁸

The importance of enhancing and expanding climate change education has also been highlighted by ministers with the 2014 Lima Ministerial Declaration on Education and Awareness-Raising, in which the heads of delegations at the COP recognized the importance of education as critical for adapting to climate change.¹⁰⁹ That Declaration "encourage[d] governments to develop education strategies that incorporate the issue of climate change in curricula" and "to give increased attention, as appropriate, to education ..."¹¹⁰

The Paris Agreement Work Programme issued a decision on the implementation of Article 12, in which Parties were encouraged to include information on how education is considered in preparing and implementing actions under the Paris Agreement, and to take account of actions to enhance climate change education in the Global Stocktake, among other activities.¹¹¹

The Right to Food

The changing climate impacts food security.¹¹² The right to food was first mentioned in the Universal Declaration of Human Rights (UDHR), which states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food..."¹¹³ The International Covenant on Economic, Social and Cultural

Rights (ICESCR) adopted similar language, adding “adequate” before food and expanding on the right to recognize the right to be “free from hunger.”¹¹⁴ It also linked the right to be free from hunger with the acknowledgement that this would entail the adoption of measures related to the means of production to achieve this.¹¹⁵ Subsequently, CESCR elaborated on this right through a General Comment on the right to food, including that the right will be realized when everyone has actual access to adequate food or ways to obtain it,¹¹⁶ and it acknowledged that achieving this would be different for different countries.

In 2009, the World Summit on Food Security declared that the “four pillars of food security are availability, access, utilization, and stability,”¹¹⁷ thus emphasizing that, not only does food need to be available, it also needs to be accessible, useable, and obtainable over time. The Committee on World Food Security (CFS), a multi-stakeholder platform to address food security, has also produced recommendations related to food security and climate change.¹¹⁸ It has incorporated these recommendations and a discussion of the relationship between climate change and food security in its Global Strategic Framework for Food Security and Nutrition.¹¹⁹

Within the climate regime, Parties have long recognized the links between food production and climate change. In the objectives of the UNFCCC itself, Parties included a reference to food: “Such a level should be achieved within a time-frame sufficient ... to ensure that food production is not threatened...”¹²⁰ Parties continued to acknowledge these linkages, and at the second COP in 1996, the Geneva Ministerial Declaration, which was meant to demonstrate commitment to addressing climate change at the Ministerial level, stated, “The projected changes in climate will result in significant, often adverse, impacts on many ecological systems and socio-economic sectors, including *food supply* and water resources, and on human health...”¹²¹



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However, as the IPCC has noted, climate change impacts both food production and food security.¹²² While the early references are on food production, in 1999, Parties recognized the impacts of climate change on food security.¹²³ Two years later, they elaborated on this with a series of decisions, including those related to capacity building¹²⁴ and adaptation,¹²⁵ and discussed both food security and access to food, as well as the associated rights to water and health. In this evolution, Parties also acknowledged that one of the ways to address the problems related to access to food, water, and adequate health is to look at the synergies between the UNFCCC and the other two Rio Conventions.¹²⁶

In 2015, the Paris Agreement, going beyond the references in the UNFCCC, incorporated both food security and food production. This included a reference to food security in the preamble, as well as food production once again in the Agreement’s objectives.¹²⁷

- *Recognizing the fundamental priority of **safeguarding food security and ending hunger**, and the particular vulnerabilities of food production systems to the adverse impacts of climate change,*¹²⁸

Since the recognition of food security in the Paris Agreement, Parties have continued to build on the increased recognition of the impacts of climate change on the right to food and the need for the climate regime to ensure food security. In 2017, Parties created a joint work program under SBI and SBSTA that explicitly highlights the need to address food security. This work program, the Koronivia Joint Work on Agriculture, requested these subsidiary bodies “to jointly address issues related to agriculture, including through workshops and expert meetings, working with constituted bodies under the Convention and taking into consideration the vulnerabilities of agriculture to climate change and approaches to addressing food security.”¹²⁹

Thus, as the climate regime has evolved, so have the decisions to acknowledge that the changing climate impacts the right to food and that climate action needs to address not only its production, but also the issue of food security. This right should also be considered in climate mitigation and adaptation action because poorly designed measures, such as converting land to develop biofuels or generate negative emissions, can threaten food security as they risk impacting land used for food production.

Rights of Indigenous Peoples

Respecting the rights of indigenous peoples and their traditional knowledge is essential to climate action. It has long been acknowledged that given their close relationship with the land and ecosystems, indigenous peoples have specific and unique knowledge that makes their participation in environmental management and decision-making vital, in particular as it relates to understanding and reacting to climate change and its impacts.¹³⁰ Indigenous peoples are among the first to experience the impacts of climate change. Plans and actions to mitigate or adapt to climate change can pose a threat to indigenous peoples, and they are often not meaningfully consulted nor are their rights respected in climate action. This violation of rights occurs despite the fact that indigenous peoples have, for centuries, contributed to the preservation of their land and adapted to changes in the environment.

After years of negotiations with indigenous peoples, the UN General Assembly adopted the UN Declaration on the Rights of Indigenous Peoples, which recognizes the inherent rights of indigenous peoples and serves as a comprehensive international instrument on their rights.¹³¹ These inherent rights include, among others, self-determination,¹³² collective

rights,¹³³ the right to development,¹³⁴ the right to their lands,¹³⁵ and the right to free, prior, and informed consent.¹³⁶ Similarly, ILO Convention No. 169 forms a cornerstone of the international framework related to the rights of indigenous peoples.¹³⁷

Climate change impacts all of these rights. As the climate regime has evolved, so has recognition of the importance of the participation of indigenous peoples in addressing climate change and the importance of respecting their rights.¹³⁸ The importance and value of indigenous peoples' traditional knowledge has also received significant recognition.¹³⁹

Parties began to meaningfully address the role of indigenous peoples in climate action and the need to respect their rights in the context of developing the framework for Reducing Emissions from Deforestation and Forest Degradation (REDD). This culminated in 2010 with the Cancun Agreements and REDD safeguards, as discussed above, but began in 2007 with early discussions of REDD, including the recognition that indigenous peoples' needs should be addressed in REDD actions by including a reference to UNDRIP.¹⁴⁰ Then, in 2009, Parties recognized the importance of and need for the full participation and engagement of indigenous peoples related to REDD.¹⁴¹ These critical ad-

vancements acknowledged that climate action, particularly in this instance around forest management, would have an impact on indigenous peoples and that indigenous peoples also had significant knowledge that would be beneficial to these actions.

The 2010 Cancun Agreements referenced the importance of the participation of indigenous peoples and incorporated the REDD safeguards, which included promotion of, and support and respect for, the rights of indigenous peoples. They also referred to the UN Declaration on the Rights of Indigenous Peoples.¹⁴²

Following 2010, Parties continued to recognize indigenous peoples' rights and the importance of indigenous peoples' knowledge in decisions related to adaptation.¹⁴³ As noted above, indigenous peoples, who are often on the frontlines of climate change, have a long history of adapting to changes to their land and knowledge of how to do so. As a result, indigenous knowledge was highlighted in decisions on national adaptation plans,¹⁴⁴ and the Adaptation Committee recommended that Parties treat indigenous knowledge the same way they treat science. It also recommended that financial mechanisms of the Convention enhance how they consider indigenous knowledge and practices.¹⁴⁵



The Paris Agreement marked a significant step forward in ensuring the rights of indigenous peoples. It explicitly states that Parties should consider the rights of indigenous peoples in climate action.¹⁴⁶ In line with earlier decisions, Parties, in Article 7(5), recognized the importance of indigenous peoples' traditional knowledge in adaptation action.¹⁴⁷

- Parties acknowledge that adaptation action (...) should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.

In addition, in the decision adopting the Agreement, Parties called for the establishment of a platform for local communities and indigenous peoples, where they can share experiences and good practices.¹⁴⁸ Following these developments, subsequent COP decisions have operationalized the Local Communities and Indigenous Peoples Platform in a manner that is consistent with and respects the rights of indigenous peoples.¹⁴⁹

Climate Change & Land

The land sector has a critical role to play in ambitious climate action.^{xi} Climate change puts stress on land, but land also holds the key for effectively combating and responding to climate change. Emissions from Agriculture, Forestry, and Other Land Use (AFOLU) account for roughly 22 percent of global anthropogenic greenhouse gas emissions in the most recent period with data,^{xii} primarily through systems related to production of food, raw materials, and energy. These systems lead to soil degradation, artificial fertilizer application, and land clearance. Concomitantly, changes in land-use practices, including slowing deforestation, changing agricultural practices, and pursuing reforestation, were expected to contribute 25 percent of greenhouse gas mitigation by 2025-2030 in early NDCs submitted.^{xiii}

There are important human rights norms that relate to the need to respect customary systems of land tenure.^{xiv} Securing access to land is also essential to the realization of many human rights, including the right to food, water, adequate hous-

ing, family life, and participation in cultural life.^{xv} As made clear by the IPCC's Special Report on Climate and Land, climate change affects land's continued ability to help fulfill these rights.^{xvi} Furthermore, improving land security, including through recognition of customary systems of land tenure, is essential to combatting climate change.^{xvii} In the Brazilian state of Acre, extensive indigenous community land titling, combined with participatory zoning and incentives for sustainable livelihoods, has resulted in much lower rates of emissions from deforestation than in the Amazon as a whole.^{xviii}

Despite this significant land-climate nexus, there has been limited work done on land-related issues under the UNFCCC. Most notably, the UNFCCC has established the requirements for developing country Parties to receive results-based financing for avoided emissions from deforestation and degradation, or REDD+.^{xix} More recently, Parties established the Koronivia Joint Work Programme on Agriculture, under which they have requested the SBI and SBSTA to begin addressing agricultural systems' vulnerability to climate change, as well as issues contributing to desertification and climate change, such as soil fertility and cropland management.^{xx}

Further, various UNFCCC decisions and mandates have recognized that even though land use plays a crucial role in climate mitigation and adaptation, rights tied to land must also be respected. For example, the Cancun Safeguards require countries implementing REDD+ activities to "[r]espect...the knowledge and rights of indigenous peoples and members of local communities."^{xxi}

The UNFCCC should build on the work it has done and heed the message of the recent IPCC report. Parties should pursue climate action that recognizes not only the role land can play in combating climate change, but also the necessity of strengthening land tenure and supporting practices that ensure ecosystem integrity and the protection of biodiversity.



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After the adoption of the Paris Agreement, subsequent COP decisions have built on the importance of respecting and considering the knowledge of indigenous peoples in climate action. Along with human rights, indigenous peoples' knowledge is one of the cross-cutting issues that forms the basis of the PCCB workplan.¹⁵⁰ Through this, the PCCB has emphasized the need to build the capacity of Parties to address indigenous peoples' knowledge in climate action and better enhance consultation processes.¹⁵¹ It has also expressed that it will continue to address cross-cutting issues, including indigenous peoples' knowledge, as they relate to the implementation of NDCs.¹⁵² Additionally, considering "knowledge from local communities and indigenous peoples" has been highlighted as future work of the Technology Mechanism.¹⁵³

The Paris Rulebook also recognizes the important role of engaging indigenous peoples and respecting their rights and knowledge in both mitigation¹⁵⁴ and adaptation¹⁵⁵ actions, as well as in the technology framework.¹⁵⁶

However, despite this long history of considering the rights of indigenous peoples and their traditional knowledge, there is still progress needed to mainstream indigenous peoples' rights and knowledge into all climate action because this recognition has mostly focused on adaptation thus far.

A more comprehensive rights-based approach needs to integrate these rights in all aspects of climate action.

A Just Transition for Workers and Decent Work

Limiting global temperature rise to 1.5°C requires a fundamental transformation of how people around the world live, including how and where they work, as well as a transformation of the energy sector in order to shift away from fossil-fuel-dependent societies. Naturally, this transition will impact people, including workers. Employment is a critical pillar of societies, as "poverty anywhere constitutes a danger to prosperity everywhere."¹⁵⁷ As such, the ILO has long affirmed that everyone has the right to "pursue their material well-being ... in conditions of ... economic security and equal opportunity" and that this should be an aim of national and international policy.¹⁵⁸ However, there does not need to be a trade-off between a clean, healthy environment and a healthy economy. Taking a rights-based approach to climate action necessitates ensuring that this transition is just and equitable and that it does not unfairly impact vulnerable communities.

Thus, a human-rights-based, just transition is one that guarantees social protections and livelihoods for workers and

communities. It ensures that losses are compensated, and it reduces tensions between protecting existing jobs and combating climate change to ensure that communities and workers have both a healthy environment and opportunities for employment in a sustainable, green economy. Further, it addresses prevailing inequalities and ensures that the communities and workers most impacted by climate change play a leading role in creating the solutions, plans, and policies for the transition. Thus, a just transition can also accelerate ambition, as it is based on participatory decision-making in which communities and workers are not further harmed but instead have a leading role in shaping future development for a healthier environment.

The transition to a low-carbon society will likely include a transformation of existing jobs, with both the creation of new jobs and the elimination of others. Involving workers in this transformation is key to ensuring support for the climate action necessary to limit global temperature rise.¹⁵⁹ The International Covenant on Economic, Social and Cultural Rights specified that States recognize the right to work and that, to realize this right, States should have training programs that help "achieve steady economic, social and cultural development and full and productive employment" and that everyone has the right to "just and favourable conditions of work."¹⁶⁰ The ILO has issued "Guidelines for a just transition towards environmentally sustainable economies and societies for all," which sets forth a vision, principles, and policies for ensuring a just transition that incorporates moving to an environmentally and socially sustainable economy in a manner that drives job creation, social justice, and poverty eradication.¹⁶¹ It also notes that the "four pillars of the Decent Work Agenda—social dialogue, social protection, rights at work and employment—are indispensable building blocks of sustainable development."¹⁶² In addition, it highlights that in this transition, "policies must respect, promote and realize fundamental principles and rights at work"¹⁶³ and that rights and core labor



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standards can help address the challenges that will arise in transitioning to a green economy, thereby helping ensure a just transition.¹⁶⁴

The concept of a just transition first made its way into the UNFCCC in 2010:¹⁶⁵

Cancun Agreements, Decision 1/CP.16 (2010): Para. 10:

- *Realizes* that addressing climate change requires a paradigm shift towards building a low-carbon society that offers substantial opportunities and ensures continued high growth and sustainable development, based on innovative technologies and more sustainable production and consumption and lifestyles, while ensuring a just transition of the workforce that creates decent work and quality jobs;

This need to ensure a just transition for workers, including the creation of decent work and quality jobs, has been discussed primarily in relation to response measures and avoiding or minimizing negative impacts of responses on social and economic

sectors.¹⁶⁶ In recognition of this linkage, Parties included a reference to a just transition of the workforce when they established a work program on the implementation of response measures in 2015.¹⁶⁷

A growing recognition of the vulnerability of workers and the need to consider how to create decent work culminated in the inclusion of a paragraph on a just transition in the opening paragraphs of the Paris Agreement.¹⁶⁸ Following this inclusion, Parties built on this recognition through subsequent decisions¹⁶⁹ and the adoption of a Solidarity and Just Transition Silesia Declaration in 2018.¹⁷⁰ While a COP decision noted the Silesia Declaration,¹⁷¹ the declaration itself was not adopted by the COP, though it was endorsed by some Heads of State and some of the Parties to the UNFCCC.¹⁷² The Silesia Declaration stressed the imperative of a just transition for achieving the goals of the Paris Agreement, and noted the importance of having a participatory process and social dialogue to involve all partners in promoting adequate social protection, labor standards, and the wellbeing of workers and their communities when developing climate action.¹⁷³

Right to Development and Other Social Issues

Addressing climate change will impact how countries are able to use their resources and develop. The African Charter on Human and Peoples' Rights was the first agreement to recognize the right to development.¹⁷⁴ Subsequently, the UN General Assembly adopted the Declaration on the Right to Development, which recognized the linkages between this right and rights embodied in the ICCPR and ICESCR, among others, and declared that "the right to development is an inalienable human right."¹⁷⁵ Further, it recognized that development encompasses the economic, social, cultural, and political dimensions of development.¹⁷⁶ This interlinking of the right to development and other rights was also clear at the Earth Summit in Rio, where States focused on the linkages between the environment and development and noted that fulfilling the right to development must be done in a way that "equitably meet[s] developmental and environmental needs of present and future generations."¹⁷⁷ Similarly, the UNDRIP recognizes this right as one belonging to indigenous peoples and that

they have the right to be involved in determining and developing the strategies for achieving it.¹⁷⁸

The right to development further reinforces the principle of common but differentiated responsibilities (CBDR). While all countries must take action to combat climate change and no country can hide behind this right to justify not taking action, how this transition to low-carbon and climate-resilient societies occurs will differ. Under Article 3(3), States have a “duty to cooperate with each other in ensuring development and eliminating obstacles to development.”¹⁷⁹ Thus, in the context of CBDR, developed countries have the responsibility to take the lead in climate action so that developing countries require less drastic changes, while also providing the support that developing countries need to be able to develop.

The UNFCCC, as well as its Kyoto Protocol and Paris Agreement, recognize that climate change is not a problem that is divorced from other development, economic, and social concerns. From its inception, the UNFCCC has recognized the linkages to sustainable development and poverty eradication. Parties have expanded on the original language in the UNFCCC — that “Parties have a right to, and should, promote sustainable development”¹⁸⁰ — in the Paris Agreement preamble by recognizing the right to development.¹⁸¹

As the UN climate regime and climate action have evolved, so have COP decisions and Parties’ recognition of the connections between climate change and social impacts.¹⁸² An example of this is the 2002 Delhi Ministerial Declaration on Climate Change and Sustainable Development.¹⁸³ This recognition has evolved into COP decisions emphasizing the need to consider the social consequences of response measures,¹⁸⁴ including on vulnerable groups, women, and children,¹⁸⁵ and when assessing approaches to loss and damage.¹⁸⁶

This has also manifested itself in relation to REDD and the financial mechanisms, where Parties have included the need for

environmental and social safeguards to be considered in regards to climate action.¹⁸⁷ Subsequently, the financial mechanisms have developed safeguard policies.¹⁸⁸ These safeguards help ensure that climate action is effective and does not otherwise harm people or their environment. Recently, Parties have also noted the importance of safeguards in the context of the work related to technology under the UNFCCC.¹⁸⁹

As noted above, the Paris Agreement embraced the right to development and the need to consider the social consequences of response measures,¹⁹⁰ as well as recognizing that climate action can have social and environmental benefits¹⁹¹ and that there is value in ensuring plans and projects are socially viable.¹⁹² Subsequent decisions have built on these themes and further integrated social concerns and inclusion into the implementation of the UNFCCC and Paris Agreement.¹⁹³ Naturally, decisions that address the loss and damage suffered by vulnerable populations due to

climate change have included social dimensions, as they directly focus on those most vulnerable to climate change.¹⁹⁴ These decisions highlight the need to develop “social protection instruments, including social safety nets” as part of the response to increasingly severe climate-related disasters.¹⁹⁵ The Executive Committee of the Warsaw International Mechanism on Loss and Damage has incorporated social dimensions into its recommendations, specifically here on approaches related to addressing and minimizing displacement, including through participation of communities most affected and likely to be displaced in activities such as data collection, research, and risk analysis, among others.¹⁹⁶

References to the social consequences of both climate change and climate action can be found throughout the Paris Rulebook. The guidance related to NDCs includes consideration of contextual matters in planning processes, including “[n]ational circumstances, such as geography,



climate, economy, sustainable development and poverty eradication¹⁹⁷ and how “social consequences of response measures have been considered” in the development of the NDC.¹⁹⁸ Similarly, the decision on adaptation communications notes the relationship between climate action, sustainable development, and poverty eradication.¹⁹⁹ This also means that the Parties are requested to provide information on social impacts of response measures,²⁰⁰ climate change itself,²⁰¹ and “[h]ow adaptation actions influence other development goals”²⁰² as part of the Transparency Framework. Within the Global Stocktake, Parties consider what has happened related to “the social and economic consequences and impacts of response measures.”²⁰³

Ensuring the right to development is a central component of ensuring climate justice, as it places people at the center and guarantees everyone has the right to participate in and benefit from development. Climate action encompassing the right to development can help promote the realization of human rights and ensure that climate action does not exacerbate other problems, such as inequality and poverty, but instead helps address them comprehensively.

Gender Equality

Women and girls are disproportionately impacted by climate change, while at the same time possessing significant knowledge on how to mitigate climate change and create gender-just solutions. Building on the UDHR, the Convention on the Elimination of All Forms of Discrimination Against Women defines what constitutes discrimination against women and sets forth the responsibilities of States to take measures to eliminate such discrimination. Further, in its General Comment on Article 2, the CEDAW has specified that to achieve their responsibilities under the Convention, States must “[r]efrain from making laws, policies, regulations, programmes, administrative procedures and institutional structures that directly or

indirectly result in the denial of the equal enjoyment by women of their civil, political, economic, social and cultural rights.”²⁰⁴ This includes taking steps to ensure that climate change does not disproportionately impoverish women or undermine equality.²⁰⁵ Further, Sustainable Development Goal 5 acknowledges that ending discrimination against women is critical to achieving sustainable development and helps drive economic growth.²⁰⁶

Within the UNFCCC, gender equality has increasingly been incorporated in its decisions, beginning with Decision 36/CP.7.²⁰⁷ This decision focused on improving the participation of women in the representation of Parties in bodies established under the UNFCCC or the Kyoto Protocol and in the UNFCCC itself, underlining the importance of having gender balance in its constituted bodies.²⁰⁸ Additionally, Parties have increasingly recognized the importance of gender equality and of considering gender aspects, including gender disaggregated data, in climate action.²⁰⁹ Parties have also stated that in taking climate action, Parties should take a “gender-sensitive” approach.²¹⁰ This has been integrated into the plans for implementing Article 6²¹¹ and into the work programs of the financial mechanisms²¹² serving the UNFCCC.

The consideration of gender has led to the development of the Lima Work Programme on Gender, a Gender Action Plan as discussed above, and specific decisions on gender and climate change, including Decision 21/CP.22 (2016), which explicitly references the Convention on the Elimination of Discrimination Against Women.²¹³ The Paris Agreement’s preamble, as previously cited, also incorporates gender equality, and gender considerations have been further incorporated in the Agreement in Articles 7(5) and 11(2).²¹⁴

As noted in other sections, decisions related to the implementation of the Paris Agreement, specifically in regards to mitigation²¹⁵ and adaptation communications,²¹⁶ mention the potential

inclusion of information on how actions can be taken in a gender-responsive manner. The PCCB is also explicitly mandated to address gender-responsiveness, among other cross-cutting issues,²¹⁷ and it has recommended that Parties enhance their capacity to address gender-responsiveness in climate action and to expand the consultation process for engaging women.²¹⁸ Decisions following the adoption of the Paris Agreement have also included gender considerations related to finance,²¹⁹ adaptation,²²⁰ and technology.²²¹ Additionally, Parties have recognized the need to specify the critical nature of “promot[ing] the systematic integration of gender-sensitive” and participatory approaches in all activities.²²² Further, the PCCB has highlighted the importance of increasing Parties’ capacities to ensure gender-responsiveness in implementation of the NDCs.²²³ Despite this history of recognizing the need to ensure gender equality and gender responsiveness, there remains a need to integrate gender considerations more systematically, as it has tended to be mentioned more in the context of adaptation than mitigation or other areas.

The Gender Action Plan, which was adopted in 2017, is designed to further enhance the meaningful participation of women and to promote gender-responsive climate policies. It is also intended to better mainstream gender in the implementation of the climate regime at every level. Among other aspects, it prioritizes capacity-building, as well as improving gender-responsive implementation by ensuring the “respect, promotion and consideration of gender equality and the empowerment of women in the implementation of the Convention and the Paris Agreement.”²²⁴

A gender-just approach to climate action will not only help fulfill Parties’ international human rights obligations, but will also help to create better, more sustainable climate action and acknowledge the value of women and girls’ knowledge to contribute to climate solutions.



Right to Health

Climate impacts like extreme heatwaves can lead to direct and indirect impacts on people's lives and health. The World Health Organization (WHO) first laid out the fundamental right to the enjoyment of the highest attainable standard of physical and mental health (or "right to health") in its 1946 Constitution.²²⁵ Two years later, the UDHR stated, "Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services..."²²⁶ Numerous other international human rights conventions have also included the right to health,²²⁷ including the International Covenant on Economic, Social and Cultural Rights, which states, "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health," and sets forth steps to be taken to realize that right.²²⁸ In General Comment 14, the CESCR provided more detail on the right to health, including its four "interrelated and essential elements" — availability, accessibility, acceptability, and quality.²²⁹ In addition, the Human Rights Council has recognized that climate change impacts the right to health.²³⁰

Parties to the UNFCCC have long recognized the impacts of climate change on human health, beginning with the Geneva Ministerial Declaration in 1996, which recognized that climate change would have significant impacts on human health, among other socio-economic sectors.²³¹ This was followed by ministerial declarations in 2001 and 2002, both of which recognized health as a key global issue and therefore important to address through interlinkages with the UNFCCC and other international environmental conventions, as well as in sustainable development planning.²³² Parties have primarily recognized health as an area to be addressed in adaptation activities²³³ and as an element that should be supported by the transfer of financial resources to developing countries.²³⁴

Linking adaptation and health continued with the Nairobi Work Programme on impacts, vulnerability, and adaptation to climate change. This work program requested that SBSTA consider health, among other topics, in its work.²³⁵ In the lead-up to the Paris Agreement, the Lima Call for Action included the importance of seizing opportunities with both high mitigation potential and "adaptation, health and sustainable development co-benefits."²³⁶ Subsequently, the Paris Agreement said that in taking climate action, Parties should "respect, promote and consider their respective obligations on... the right to health."²³⁷

Empowering Specific Groups and Addressing the Impacts Affecting Those Groups

The UNFCCC has long acknowledged that climate change disproportionately impacts vulnerable countries and groups.

It has also recognized the need for Parties to understand vulnerabilities so that they can make better informed decisions on how to address climate change in a way that does not exacerbate them.²³⁸ At the same time, the UNFCCC has acknowledged that steps need to be taken to address the rights of members of vulnerable groups and to empower specific groups to participate in climate action. This section focuses on how the climate regime has addressed a few specific vulnerable groups, namely persons with disabilities and youth, which provide an example of how the regime has tended to address vulnerable groups overall.

International human rights law has addressed vulnerable groups, both generally, in the sense that all people have certain rights (i.e., the right to life), and specifically, including through dedicated instruments on the rights of women, children, persons with disabilities, and migrant workers and their families.²³⁹ These in-





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struments have acknowledged that specific groups of people are particularly vulnerable and need special safeguards to ensure the realization of their rights. For example, the Convention on the Rights of Persons with Disabilities (CRPD)²⁴⁰ recognized the additional barriers to persons with disabilities for the realization of their human rights. It sets forth the prohibition of discrimination against persons with disabilities,²⁴¹ as well as obligations to consult with them; rights related to education,²⁴² health,²⁴³ and life; the right to an adequate standard of living, including food, housing, and clean water;²⁴⁴ and obligations to protect persons with disabilities in situations of risk and natural disasters.²⁴⁵ Similarly, the Convention on the Rights of the Child acknowledged the specific circumstances of children and set forth obligations to respect and ensure their rights and to eliminate discrimination against children,²⁴⁶ including the rights to education,²⁴⁷ health and sanitation,²⁴⁸ and life and the right to an adequate standard of living, including food, water, and housing.²⁴⁹ In addition, it stipulates that acting in the best interests of the child must be a main consideration.²⁵⁰

Over the last ten years, the COP has increasingly referenced vulnerable groups, and in the preamble of the Paris Agreement, explicitly stated that Parties need to respect, promote, and consider their obligations related to the rights of these groups, including migrants, children, persons with disabilities, and people in vulnerable situations. Indicative of this is the explicit inclusion of persons with disabilities and youth in COP decisions, often alongside women and indigenous peoples. The Cancun Agreements included persons with disabilities and youth in the list of people who were more likely to acutely feel the impacts of climate change on their human rights,²⁵¹ and they explicitly mentioned persons with disabilities and youth in the list of stakeholders that should be engaged to achieve more effective climate action.²⁵² Similarly, their concerns were listed alongside other already vulnerable groups that warranted specific consideration related to loss and damage in Decision 3/CP.18 (2012): “*Acknowledges* the further work to advance the understanding of and expertise on loss and damage, which includes, inter alia, the following: ... (iii) How loss and damage associated with the adverse effects of climate change affects those segments of the population

that are already vulnerable owing to geography, gender, age, indigenous or minority status, or disability, and how the implementation of approaches to address loss and damage can benefit those segments of the population.”²⁵³

COP decisions incorporating specific references to vulnerable groups have often been related to ensuring their participation. For example, youth participation and the enhancement of youth engagement have been particularly highlighted in decisions related to Article 6 of the Convention.²⁵⁴ Persons with disabilities have also been incorporated into decisions related to Article 6 of the Convention.²⁵⁵ Participation of vulnerable groups has been highlighted in relation to the planning of climate action. For example, the 2018 Report of the Adaptation Committee “encourage[d] Parties to take a participatory approach to adaptation planning and implementation so as to make use of stakeholder input, including from the private sector, civil society, indigenous peoples, local communities, migrants, children and youth, persons with disabilities and people in vulnerable situations in general.”²⁵⁶

PART 4

Countries' References to Human Rights in National Reports and Commitments Communicated to the UNFCCC

The integration of human rights and climate change is not happening only at the international policy level, but at the national level as well. This section explores national activity through the lens of country reports and commitments communicated to the UNFCCC. The references in Parties' NDCs and national reports demonstrate the considerable amount of work that is being done at the national level. By referencing these activities in national reports, countries are contributing to creating a body of work and practice around the integration of human rights in climate action across different countries and regions. Unfortunately, as can be seen in what follows, in many instances these references prove too limited to provide concrete examples for other countries to replicate.

Under the UNFCCC, Parties have obligations to report to the COP on national climate action, including through national communications and national adaptation plans. Additionally, under the Paris Agreement, each Party committed to developing and sharing its NDC every five years, which include its plans for implementing climate action under the Agreement.²⁵⁷ In all of these communications, Parties have

an opportunity to include information on how human rights is guiding or being integrated into climate action. To date, numerous Parties have explicitly referenced human rights in the communications to the UNFCCC Secretariat, both in their reports on national climate policies and in their national commitments as expressed in their NDCs. Twenty-four countries explicitly referred to human rights in their intended NDCs, which were submitted prior to the adoption of the Paris Agreement. Moreover, as of December 2017, 76 Parties had explicitly referenced human rights in their national reports (either their national communications or their National Adaptation Programmes of Action (NAPAs)).

Examples in Nationally Determined Contributions (NDCs)

NDCs form the core of climate action under the Paris Agreement, as they collectively form the yardstick with which to measure progress towards achieving the goals set out under the Agreement. Because of their central role in guiding climate action, they are essential for integrat-

ing human rights in climate action. This integration can be achieved in a variety of ways, as can be seen in different countries' NDCs.²⁵⁸ The intended NDCs were indicative of a growing momentum for greater integration of human rights in climate action. Most of these NDCs were submitted prior to the adoption of the Paris Agreement, its Work Programme, and the guidelines for what to include in NDCs.²⁵⁹ Twenty-four countries, predominantly from Latin America and the Caribbean, explicitly referenced human rights in their intended NDCs.²⁶⁰ Of those, seventeen Parties referred to human rights as a principle guiding the implementation of their NDCs, while seven referred to human rights in the description of their domestic legal frameworks. Additionally, in November 2018, the Republic of the Marshall Islands submitted a second NDC, which expanded on its commitment to integrating human rights in the planning, programming, and implementation of its NDC.²⁶¹

This inclusion demonstrates not only that, at the national level, human rights and climate action are linked and seen as related, but also that countries consider human rights a critical component to include in NDCs along with more quantitative in-



formation, such as the reduction of specific greenhouse gases. It also indicates that, at the national level, human rights are seen as part of the context of climate action, even though countries' approaches to incorporating rights vary.

The intersectional nature of human rights was cited by a number of countries in their NDCs. For example, Mexico indicated that its policies were based on a cross-cutting human rights and gender perspective and re-emphasized this approach as the basis for its adaptation section and as fundamental to capacity-building.²⁶² Costa Rica, in its section on equity and ambition, indicated that climate policies and subsequent actions will be based on its commitment to human rights and gender equality.²⁶³ Similarly, Uganda noted that its NDC contributions include “crosscutting respect for human rights and gender-responsive climate actions.”²⁶⁴

Several countries put people at the heart of climate action in their NDC. For example, Honduras' NDC was built on the premise that combating climate change requires a focus on people and that actions must be based on improving peoples' lives. It also included that actions should be guided by human rights and gender equality by ensuring full and meaningful participation throughout.²⁶⁵ Relatedly, Chile and the Philippines recognized that climate change is having significant impacts on people, especially on vulnerable populations, and that climate action should therefore include the protection of human rights.²⁶⁶ In addition, several countries focused on the importance of incorporating human rights in the context of adaptation planning.²⁶⁷

Other countries included rights in the framing of their NDCs in relation to their national constitutions, including referencing a constitutional right to a healthy environment.²⁶⁸ For example, Zimbabwe highlighted that its constitution “gives every person environmental rights,” including the right to an environment that is not harmful to their health and the duty to protect the environment for the benefit of future generations. It emphasized that the government is required to take measures

to ensure the realization of these rights. It indicated that, in addition to aiming to contribute to limiting temperature rise to below 1.5°C, it would do so in a way that promotes sustainable development and builds resilience.²⁶⁹ Venezuela provided similar framing, discussing its constitution and the inclusion of environmental rights, including the duty to protect the environment for future generations.²⁷⁰ Ecuador also discussed numerous rights including its constitutional right to live in a healthy environment, while invoking the Magna Carta in emphasizing that it is the responsibility of the State to guarantee the enjoyment of rights in the constitution.²⁷¹ Similarly, Bolivia framed its NDC in the context of its constitution and the rights of Mother Earth, as well as on the concept of “Living Well” which includes both the rights of Mother Earth and peoples' economic, social, and cultural rights.²⁷²

Several countries took a slightly different approach to framing their NDCs in the context of human rights. Morocco's NDC set forth its vision on climate change, embracing a vision of implementing its NDC in an integrated manner, including respect for human rights and gender equality, which are also part of its constitution.²⁷³ Malawi included a section on human rights and gender in the context of its implementation considerations and noted that “[h]uman rights and gender issues are

enshrined in the Malawi Constitution” and that “[c]onsideration of these cross-cutting issues is critical in the design and implementation of mitigation and adaptation actions.”²⁷⁴ Guyana took a broader approach than just national policies and the constitution and emphasized that in realizing its contributions, it would respect both national and international human rights commitments.²⁷⁵ Guatemala indicated that the contributions in its NDC incorporate human rights,²⁷⁶ Indonesia included human rights in its strategic approach,²⁷⁷ and both Brazil²⁷⁸ and Chad²⁷⁹ emphasized respecting human rights as a consideration in the implementation of their NDCs.

At the time of writing, there is one country that can be looked at in relation to assessing the evolution of a human rights approach in NDCs, as the Marshall Islands is the only country that has submitted a second NDC. Notably, in doing so, the Marshall Islands expanded on its commitment to human-rights-based climate action. In its initial NDC, the Marshall Islands only referenced human rights in the context of adaptation by indicating its commitment to safeguarding human rights in the face of climate impacts, such as on food security, water, and health.²⁸⁰ However, in its second NDC, submitted in 2018 prior to the COP-24, the Marshall Islands said it was “commit[ted] to a



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gender-responsive and human rights-based approach in all NDC-related planning, programming and implementation.”²⁸¹ Additionally, in its Annex, thus not part of its NDC, the Marshall Islands provided its “*Tile Til Eo* 2050 Climate Strategy,” which elaborates on its commitment to mainstream human rights into all aspects of developing and implementing its policies, laws, and projects related to climate change.²⁸²

Additionally, a large number of countries included implicit human rights references in their NDCs, by including references to the human-rights-related principles expanded upon previously. Procedural rights, specifically public participation, in relation to climate action were mentioned in 72 NDCs. A just transition was included in nine NDCs. Numerous NDCs emphasized the importance of specific groups in relation to climate action, with gender equality or the role of women included in 59 NDCs, intergenerational equity mentioned in 21, and the rights of indigenous peoples highlighted in 19. The right most often mentioned in NDCs was food security, which appeared in 99 NDCs.

Examples in National Communications

Under Article 12 of the UNFCCC, Parties are required to submit national communications to the COP that contain information about how they are implementing the Convention. These national communications provide information about what countries are doing to combat climate change and how they are implementing the Paris Agreement. Thus, the national communications provide information on specific aspects of the UNFCCC, such as mitigation, providing technological and financial support through international cooperation, and promoting education and public awareness. They provide contextual information that they deem relevant to indicate how they are implementing the Convention. The COP has provided guidelines to both Annex I²⁸³ and non-Annex I countries²⁸⁴ for the preparation of their national communications.

According to the guidelines, information on activities related to education and public awareness can be included as part of the other information considered relevant to achieving the objectives of the Convention, but the guidelines do not include reference to human rights explicitly or implicitly beyond mentioning education.²⁸⁵ Given this lack of guidance related to human rights, Parties that have included reference to human rights explicitly or implicitly have done so in a variety of ways and in a variety of sections of the national communications, with some referencing human rights sections on national context; education, training, and public awareness; vulnerability, impacts of climate change, and adaptation; or international cooperation, among others. This lack of harmonized approach can make it difficult for countries to know where to include human rights and difficult for countries to learn from one another as there is not necessarily a model to follow. And as can be seen from the discussion of COP decisions above, there are numerous rights related to the implementation of the Convention. Having clearer guidance or examples on how and in which sections to include human rights references could help encourage others to incorporate rights more fully in their communications.

Even without explicit guidance, human rights have been included in the national communications that Parties submit to the UNFCCC. Seventy-eight Parties have referenced human rights in their most recent national communications. These references include, for example, highlighting the impact of climate change on the realization of human rights among the population, which is the case with the European Union’s national communication,²⁸⁶ and referencing Parties’ domestic laws or constitutions including human rights, such as in the national communications of Angola, Brazil, Costa Rica, Niger, and Turkey.²⁸⁷ Uganda specifies that its Constitution includes that “Every Ugandan has the right to a clean and healthy environment.”²⁸⁸ Similarly, India’s national communication indicates that the judicial process has led to the recognition

of the right to a clean environment as a component of the right to life.²⁸⁹ Others, like Somalia, reference domestic legislation that focuses on ensuring environmental rights.²⁹⁰ In a slightly different approach, China's 2019 national communication notes goals for the future, including ensuring people's human rights and right to participate.²⁹¹ Providing information about domestic laws that incorporate human rights or the right to a healthy environment in national communications demonstrates that Parties consider this relevant information related to climate action.

A number of national communications also reference specific rights. Cambodia, Liberia, Peru, and Suriname all highlight land tenure rights, either indicating the need for these rights or efforts to strengthen them.²⁹² Various national communications also reference the rights of indigenous peoples, women and gender mainstreaming, and the rights to food, health, and water.

Procedural rights appear in numerous national communications, including references to access to information and to participation in decision-making. How this is referenced differs. Kiribati, for example, highlights that using a community-based approach allows for and promotes participation.²⁹³ Similarly, Slovenia highlights the positive role of civil society in developing and implementing human rights approaches to climate action.²⁹⁴ Both Afghanistan and Somalia take a more direct approach by underlining that their environmental law includes the right to participate.²⁹⁵ In a different approach, the Czech Republic and Iceland specifically mention the Aarhus Convention as the basis for their policies on public participation and access to information.²⁹⁶

Further, given that the guidelines for national communications mention providing information about education and raising awareness, a number of Parties have discussed the right to education or education programs that include references to human rights.²⁹⁷ For example, Bangladesh's most recent national communica-

tion includes references to a child's right to education and the government's policies and laws to protect it.²⁹⁸ Denmark also explicitly referenced having a curriculum that helps students develop the necessary skills and knowledge to contribute to "global citizenship," sustainable development, and human rights.²⁹⁹ Similarly, Slovenia's section on education discusses global education, which includes sustainable development, human rights, combating racism, social justice, and environmental awareness, among other topics.³⁰⁰

Additionally, several countries demonstrated their commitment to human rights in climate action through references to human rights in relation to international cooperation. Mexico's most recent national communication highlights the role it has played in promoting human rights and gender equality in international fora, including the international climate negotiations and development of the Montevideo Strategy.³⁰¹ Belgium's most recent national communication similarly frames its commitment to upholding human rights in the context of international cooperation and minimizing the impacts of response measures. It states that "the respect and promotion of human rights is and remains a priority for Belgium, both at the national level and in relation with other countries."³⁰²

Other countries have highlighted human rights in their international cooperation policies and practices, primarily as it relates to providing financial and technical support to other countries. For example, Luxembourg's national communication includes a sub-section on Gender Equality and Human Rights in the Context of Climate Change in its section on minimizing the adverse effects of their policies and measures in other countries. In this section, Luxembourg highlights its commitments to human rights through adherence to the European Convention on Human Rights and the Geneva Pledge, as well as underscoring that international cooperation and finance activities assessment include looking at social issues, such as human rights and gender equality.³⁰³ Sweden similarly includes a focus on ensuring that human rights are part of its efforts to minimize the adverse effects of its policies and measures and highlights human rights and gender equality in its section on bilateral aid.³⁰⁴

Though taking different approaches, countries from different regions demonstrate through their national communications' references to human rights that they see the importance and relevance of human rights in the implementation of climate action under the UNFCCC.



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PART 5

Conclusion

Human rights cannot be separated from climate change, as climate change impacts the realization of every single human right, and human rights are increasingly relevant for climate action. With greater frequency, these concepts are being discussed together, especially as extreme weather events exacerbated by climate change — such as devastating hurricanes, fires, draughts, and floods — occur more often and with greater intensity and result in ever greater impacts on human rights. A growing number of actors from both the human rights community and environmental community are discussing climate change and human rights together.

This momentum can be seen both inside and outside the UNFCCC. As demonstrated, at both the international level through COP decisions and at the national level, there are an increasing number of explicit and implicit human rights references. This is a positive trend that hopefully will continue as additional COP decisions are made, countries move into the implementation phase of the Paris Agreement, and develop new NDCs. This integration can, however, be improved and integrated more systematically.

Going forward, there is a need for greater consistency to ensure that human rights are referenced not only in relation to adaptation, but consistently in all climate action. Human rights are not just relevant in adapting to climate change, but also in mitigation action. Thus, there is a need to foster human-rights-based approaches, including ensuring that rights are protected for all people in the context of climate change. Parties can and should develop frameworks and processes on how to integrate rights-based approaches more systematically than by referencing individual countries or policies for good practices.

Further, addressing the climate crisis cannot be done solely through the UNFCCC, as this effort is connected to other goals, including poverty eradication and sustainable development. Increasing synergies across international agendas, such as the Sustainable Development Goals, can help countries individually and collectively achieve both their development and climate goals. Additionally, this integrated approach can help the global community more systematically embrace human rights as the pathway for increasing ambition to meet the goals of the Paris Agreement while meeting their obligations to ensure the realization of human rights. It will also help ensure that climate action does not exacerbate human rights abuses while trying to combat or adapt to climate change, including by securing better protections for environment and human rights defenders.

Creation of a more systematic human-rights-based approach to climate action can also be streamlined with support of the UNFCCC. The Paris Committee on

Capacity-Building is already mandated to explore capacity-building needs related to integrated human rights approaches, and through its work, it can continue to help develop the tools needed for countries to integrate a rights-based approach. Similarly, focal points at the UNFCCC can help streamline a rights-based approach to climate action by providing guidance and support to Parties.

While this report focuses on the assessment of how human-rights-related dimensions have been better integrated in the implementation of the UNFCCC and the Paris Agreement, the greatest threat to human rights is climate change itself. As the climate crisis worsens, so do the threats to the realization of human rights. Parties must therefore urgently increase ambition to fulfill their legal obligations under human rights law. To ensure that Parties do not undermine human rights in doing so or act on climate at the expense of the rights of local communities, they should build on this momentum and place human rights at the center of climate action.



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Endnotes

1. See Note by the Secretary-General, *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean and healthy environment*, U.N. Doc. A/74/161, at para. 62 (July 15, 2019) (noting that States have obligations to protect human rights from environmental harm and to comply with international human rights obligations, they should apply a rights-based approach to climate action as doing so “catalyses ambitious action”) [hereinafter UN Special Rapporteur, *Safe Climate Report*]; Five UN human rights treaty bodies issue a joint statement on human rights and climate change, *Joint Statement on “Human Rights and Climate Change”* (Sept. 16, 2019), https://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24998&LangID=E#_edn5 [hereinafter *Joint Statement on “Human Rights and Climate Change”*].
2. See, e.g., *Joint Statement on “Human Rights and Climate Change,”* *supra* note 2. The UN Special Rapporteur on Human Rights and the Environment (officially UN Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment) has emphasized the links between climate change and human rights, for example, noting the “. . . greater the increase in average temperature, the greater the effects on the right to life and health . . .”. *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, at paras. 23-39, 65, 68, U.N. Doc. A/HRC/31/52 (Feb. 1, 2016).
3. Intergovernmental Panel on Climate Change (IPCC), *Summary for Policymakers, in Global Warming of 1.5°C: An IPCC Special Report on the Impacts of Global Warming of 1.5°C Above Pre-Industrial Levels and Related Global Greenhouse Gas Emissions Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty*, B.5 (V. Masson-Delmotte et al. eds., 2018), <https://www.ipcc.ch/sr15/> [hereinafter *Summary for Policymakers, in IPCC Special Report on 1.5°C*] (stating “Climate-related risks to health, livelihoods, food security, water supply, human security, and economic growth are projected to increase with global warming of 1.5°C and increase further with 2°C.”).
4. *Summary for Policymakers, in IPCC Special Report on 1.5°C, supra* note 3, at A.3.1.
5. *Id.* at B.1.
6. See Climate Action Tracker, Temperatures, <https://climateactiontracker.org/global/temperatures/> (providing projections of what temperature rise will be in 2100 based on various scenarios including baseline, current NDCs, etc.); Hannah Ritchie & Max Roser, *CO2 and Greenhouse Gas Emissions*, <https://ourworldindata.org/co2-and-other-greenhouse-gas-emissions#the-long-run-history-cumulative-co2> (last visited Sept. 9, 2019).
7. See Ritchie & Roser, *supra* note 6; Climate Watch, Global greenhouse gas emissions database, www.climatewatchdata.org/ghg-emissions; Johannes Friedrich & Thomas Damassa, *The History of Carbon Dioxide Emissions* (May 21, 2014), <https://www.wri.org/blog/2014/05/history-carbon-dioxide-emissions>.
8. United Nations Framework Convention on Climate Change, art. 3(1), May 9, 1992, 1771 U.N.T.S. 107 [hereinafter UNFCCC]; see also U.N. Conference on Environment and Development, *Rio Declaration on Environment and Development*, U.N. Doc. A/Conf.151/26/Rev.1 (Vol. 1), principle 7 (Aug. 12, 1992) [hereinafter *Rio Declaration*]; Gita Parihar & Kate Dooley, *Human Rights, differentiated responsibilities? Advancing equity and human rights in the climate regime, in Routledge Handbook of Human Rights and Climate Governance* 266-67 (Duyck, et al. eds., 2018).
9. See, e.g., Parihar & Dooley, *supra* note 8, at 271, 275; CSO Equity Review Coalition, *Fair Shares: A Civil Society Equity Review of INDCs* (2015), civilsocietyreview.org/report.
10. IPCC Special Report on 1.5°C, *supra* note 3, sec. D.7.4 (stating “Collective efforts at all levels, in ways that reflect different circumstances and capabilities, in the pursuit of limiting global warming to 1.5°C, taking into account equity as well as effectiveness, can facilitate strengthening the global response to climate change, achieving sustainable development and eradicating poverty (high confidence).”).
11. See generally Parihar & Dooley, *supra* note 8, at 266-78.
12. *Summary for Policymakers, in IPCC Special Report on 1.5°C, supra* note 3, at A.3 (stating “climate-related risks for natural and human systems are higher for global warming of 1.5°C than at present, but lower than at 2°C (high confidence).”).
13. See generally United Nations Environment Programme (UNEP), *Emissions Gap Report 2018: Executive Summary* (Nov. 2018).
14. See generally *id.* (noting that the emissions gap needs to be addressed by increasing ambition prior to 2030).
15. See, e.g., *Joint Statement on “Human Rights and Climate Change,” supra* note 2; Joint Statement of Special Procedures Mandate Holders, UN Climate Action Summit, *Our addiction to fossil fuels causes climate emergency, say human rights experts* (Sept. 17, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25003&LangID=E> [hereinafter *Special Procedures Mandate Holders Joint Statement*].
16. See generally Climate, Land, Ambition and Rights Alliance (CLARA), *Missing Pathways to 1.5°C: The role of the land sector in ambitious climate action* (2018), www.climateandambitionrightsalliance.org/report.
17. See, e.g., Special Procedures Mandate Holders Joint Statement, *supra* note 15; Intergovernmental Panel on Climate Change, *Summary for Policymakers, in Climate Change and Land: An IPCC Special Report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems*, C.4 (A. Arneth et al. eds., 2019), <https://www.ipcc.ch/report/srcccl/> [hereinafter *Summary for Policymakers, in IPCC Special Report on Climate Change and Land*].
18. See, e.g., *Summary for Policymakers, in IPCC Special Report on Climate Change and Land, supra* note 17, at C.4; Joyashree Roy et al, *Sustainable Development, Poverty Eradication and Reducing Inequalities, in Global Warming of 1.5°C: An IPCC Special Report on the Impacts of Global Warming of 1.5°C Above Pre-Industrial Levels and Related Global Greenhouse Gas Emissions Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty* (V. Masson-Delmotte et al. eds., 2018).
19. See, e.g., Press Release, Center for International Environmental Law (CIEL), International complaints highlight looming environmental disaster of Alto Maipo Hydroelectric Project, Chile (Jan. 24, 2017), <https://www.ciel.org/news/international-complaints-highlight-looming-environmental-disaster-alto-maipo-hydroelectric-project-chile/>; Letter of Complaint to the Compliance Advisor/Ombudsman regarding Alto Maipo Hydroelectric Project (Jan. 2017), available at http://www.cao-ombudsman.org/cases/case_detail.aspx?id=1255.

20. See Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, *opened for signature* Sept. 27, 2018, C.N.195.2018, http://repositorio.cepal.org/bitstream/handle/11362/43583/1/S1800428_en.pdf [hereinafter *Escazú Agreement*].
21. See, e.g., G.A. Res. 217 (III) A, Universal Declaration of Human Rights (Dec. 10, 1948) [hereinafter UDHR]; International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 [hereinafter ICESCR]; Int'l Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR].
22. See, e.g., Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13; Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.
23. See, e.g., African Charter on Human and Peoples' Rights, June 27, 1981, 21 I.L.M. 58 (1982); American Convention on Human Rights, Nov. 22, 1969, 1144 U.N.T.S. 123; European Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, E.T.S. 5, www.echr.coe.int/Documents/Convention_ENG.pdf.
24. See Rio Declaration, *supra* note 8, at principle 10; Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, June 25, 1998, 2161 U.N.T.S. 447 [hereinafter *Aarhus Convention*]; *Escazú Agreement*, *supra* note 20.
25. See generally James R. May & Erin Daly, Global Environmental Constitutionalism (2015) (noting that the majority of constitutions around the world recognize the human right to a healthy environment); Note by the Secretary-General, *Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment*, para. 54, U.N. Doc. A/73/188 (July 19, 2018).
26. See Mary Robinson Foundation – Climate Justice, *Incorporating Human Rights in Climate Justice* (May 2016), <https://www.mrfcj.org/wp-content/uploads/2016/05/Incorporating-Human-Rights-into-Climate-Action-Version-2-May-2016.pdf>.
27. See, e.g., The Routledge Handbook of Human Rights and Climate Governance (Sébastien Duyck, Sébastien Jodoin & Alysia Johl eds., 2018).
28. See Center for International Environmental Law (CIEL) & The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR), *States' Human Rights Obligations in the Context of Climate Change: 2019 Update* (Mar. 2019), <https://www.ciel.org/reports/states-human-rights-obligations-context-climate-change-2019-update/>; CIEL & GI-ESCR, *States' Human Rights Obligations in the Context of Climate Change: Synthesis Note on the Concluding Observations and Recommendations on Climate Change* (Jan. 2018), <https://www.ciel.org/reports/states-human-rights-obligations-context-climate-change/>.
29. See, e.g., Special Procedures Mandate Holders Joint Statement, *supra* note 15; Office of the United Nations High Commissioner for Human Rights, "A new climate change agreement must include human rights protections for all" (Oct. 17, 2014), www.ohchr.org/Documents/HRBodies/SP/SP_TO_UNFCCC.pdf; Special Rapporteur on Extreme Poverty and Human Rights, U.N. Doc. A/HRC/41/39 (June 25, 2019) [hereinafter *Alston report*]; U.N. Doc. A/74/161, *supra* note 1; Report of the Special Rapporteur on the rights of indigenous peoples, U.N. Doc. A/HRC/36/46 (Sept. 15, 2017).
30. See, e.g., *Solicitada por la República de Colombia, Medio Ambiente y Derechos Humanos, Opinión Consultiva* [2017] OC-23/17 IACtHR (consultative opinion 2017), http://www.corteidh.or.cr/docs/opiniones/seriea_23_esp.pdf; *Official Summary Issued by the Inter-American Court: Environment and Human Rights*, IACHR Advisory Opinion OC-23-17 (Nov. 15, 2017).
31. See Commission on Human Rights, Republic of the Philippines, National Inquiry on Climate Change, <http://chr.gov.ph/nicc-2/>.
32. In March 2012, the Human Rights Council established a mandate on human rights and the environment and created the position of Independent Expert on Human Rights and the Environment, which was then followed by the creation of the Special Rapporteur on human rights and the environment in 2015. See Special Rapporteur on human rights and the environment, Overview of the Mandate, <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/Overview.aspx>. The previous Special Rapporteur has also called for the further recognition of the right to a healthy environment, which is critical given "the importance of ... a stable climate to the ability of both current and future generations to lead healthy and fulfilling lives." U.N. Doc. A/73/188, *supra* note 25, at para. 59. The current Special Rapporteur's recent report concludes that "a safe climate is a vital element of the right to a healthy environment and is absolutely essential to human life and well-being." U.N. Doc. A/74/161, *supra* note 1, para. 96.
33. See generally Human Rights Council (HRC), Res. 38/4 Human rights and climate change, U.N. Doc. A/HRC/RES/38/4 (2018); see also HRC, Res. 34/20, Human Rights and the Environment, U.N. Doc. A/HRC/34/20 (2017); HRC, Res. 32/33, Human Rights and Climate Change, U.N. Doc. A/HRC/RES/32/33 (2016); HRC, Res. 29/15, Human Rights and Climate Change, U.N. Doc. A/HRC/Res/29/15 (2015); HRC, Res. 26/27, Human Rights and Climate Change, U.N. Doc. A/HRC/Res/26/27 (2014); HRC, Res. 18/22, Human Rights and Climate Change, U.N. Doc. A/HRC/Res/18/22 (2011); HRC, Res. 10/4, Human rights and climate change, U.N. Doc. A/HRC/RES/10/4, pmb. (2009); HRC, Res. 7/23, Human Rights and Climate Change, U.N. Doc. A/HRC/Res/7/23 (2008).
34. U.N. Doc. A/HRC/Res. 32/33, *supra* note 34, at para. 9; U.N. Doc. A/HRC/Res. 34/20, *supra* note 34, at para. 5.
35. See, e.g., *Alston report*, U.N. Doc. A/HRC/41/39, *supra* note 29 (highlighting the devastating impacts of climate change on people living in poverty and that it will exacerbate existing inequalities, as well as pointing out the need for governments, the private sector, and others to act to address the crisis and uphold their obligations under human rights law); U.N. Doc. A/74/161, *supra* note 1.
36. U.N. Doc. A/74/161, *supra* note 1, paras. 95-96.
37. *Id.* at paras. 62-70.
38. *Id.* at para. 66.
39. Special Procedures Mandate Holders Joint Statement, *supra* note 15.
40. Human Rights Comm., General Comment No. 36 on article 6 of the ICCPR, on the right to life, para. 62, CCPR/C/GC/36 (Oct. 30, 2018) [hereinafter *General Comment No. 36*].
41. Committee on Econ., Soc. & Cultural Rights, *Climate change and the International Covenant on Economic, Social and Cultural Rights*, paras. 1, 4 (Oct. 8, 2018), <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23691&LangID=E>.
42. Committee on the Elimination of Discrimination against Women, General Recommendation No. 37 on Gender-related dimensions of disaster risk reduction in the context of climate change, para. 14, U.N. Doc. CEDAW/C/GC/37 (Feb. 7, 2018), http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_GC_37_8642_E.pdf [hereinafter *General recommendation 37*].
43. See, e.g., John Podesta, *The climate crisis, migration, and refugees* (July 25, 2019), <https://www.brookings.edu/research/the-climate-crisis-migration-and-refugees/>.
44. General recommendation 37, *supra* note 42, at para. 78(a).
45. Committee on Migrant Workers, List of issues prior to reporting - Paraguay (Apr. 20, 2018), <http://docstore.ohchr.org/Self-Services/FilesHandler.ashx?enc=6Qk-G1d%2fPPRiCAqhKb7yhsvXEO%2fBvnpuXAX7mMAgZcSXAsguEcNo1cxwDFZ-W0SXaPjGMMXTKOs1xFM8JbBwaHsTlG0UoOuUIGqx5GzGXdf9qjeDSdxcl%2f5ofjYtalZ>.
46. See, e.g., *Joint Statement on "Human Rights and Climate Change"*, *supra* note 1; see also Office of the UN High Commissioner for Human Rights, *Understanding Human Rights and Climate Change 2-5* (2015) (submission to the 21st Conference of the Parties of the UNFCCC).
47. General Comment No. 36, *supra* note 40, at para. 62.
48. General Recommendation No. 37, *supra* note 42, at para. 14.
49. See CIEL & GI-ESCR, *States' Human Rights Obligations in the Context of Climate Change: 2019 Update*, *supra* note 28.
50. See *id.*
51. See European Convention for the Protection of Human Rights and Fundamental Freedoms, *supra* note 23.
52. See American Convention on Human Rights, *supra* note 23.
53. See Aarhus Convention, *supra* note 24.

54. See Escazú Agreement, *supra* note 20 (as of November 2019, the Escazú Agreement has been ratified by 5 Parties and signed by 21. It requires 11 ratifications to enter into force. For more information, <https://www.cepal.org/en/escazuagreement>).
55. Escazú Agreement, *supra* note 20, at art. 9.
56. Though there may be passing references to some of these rights, they have not been consistently addressed in decisions by the Parties.
57. These include the Global Environment Facility (GEF), which operates the Special Climate Change Fund (SCCF) and the Least Developed Countries Fund (LDCF), the Green Climate Fund (GCF), and the Adaptation Fund (AF).
58. UNFCCC Conference of the Parties, Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, para. 8, FCCC/CP/2010/7/Add.1 (Mar. 15, 2011) [hereinafter Cancun Agreements].
59. Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Decision 9/CMA.1, annex, para. g, FCCC/PA/CMA/2018/3/Add.1 (Mar. 19, 2019) ("An adaptation communication may include information on the following elements ... (g) How adaptation actions contribute to other international frameworks and/or conventions.").
60. *Id.*
61. Access to information and public participation are included in numerous international and regional treaties. See, e.g., UNFCCC, *supra* note 8, at art. 6; United Nations Convention to Combat Desertification in those countries experiencing serious drought and/or desertification, particularly in Africa, pmbl., arts. 3(a), 5, 10(f), 17(f), 19, Oct. 14, 1994, 1954 U.N.T.S. 3; Convention on Biological Diversity, pmbl., art. 13, June 5, 1992, 1760 U.N.T.S. 79; Aarhus Convention, *supra* note 24; Escazú Agreement, *supra* note 20; Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention), art. 9, Sept. 22, 1992, 2354 U.N.T.S. 67 (containing a provision only on access to information); Convention on Environmental Impact Assessment in a Transboundary Context, Feb. 25, 1991, 30 I.L.M. 800.
62. UDHR, *supra* note 21, at arts. 19, 21 (with article 19 guaranteeing the "right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas ..." and article 21(1) stating that "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.").
63. ICCPR, *supra* note 21, at art. 25 ("Every citizen shall have the right and the opportunity ... (a) To take part in the conduct of public affairs, directly or through freely chosen representatives.").
64. Rio Declaration, *supra* note 8, principle 10 (stating "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available.").
65. Aarhus Convention, *supra* note 24.
66. Escazú Agreement, *supra* note 20.
67. See, e.g., UNEP, Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (2011) [hereinafter Bali Guidelines].
68. Sustainable Development Goal 16, <https://sustainabledevelopment.un.org/sdg16>.
69. See, e.g., Escazú Agreement, *supra* note 20.
70. See Bali Guidelines, *supra* note 67, at guideline 10 (stating that "States should ensure that all information relevant for decision-making related to the environment is made available, in an objective, understandable, timely and effective manner, to the members of the public concerned.").
71. UNFCCC, *supra* note 8, at arts. 4(1)(i), 6 (1992).
72. UNFCCC Conference of the Parties, Decision 9/CP.2, Annex, para. 48, FCCC/CP/1996/15/Add.1 (Oct. 29, 1996).
73. UNFCCC Conference of the Parties, Decision 11/CP.8, New Delhi Work Programme on Article 6 of the Convention, FCCC/CP/2002/7/Add.1 (Mar. 28, 2003) (amended 2007); UNFCCC Conference of the Parties, Decision 15/CP.18, Doha Work Programme on Article 6 of the Convention, FCCC/CP/2012/8/Add.2 (Feb. 28, 2013) (including establishment of the annual dialogue process known as Action for Climate Empowerment (ACE)).
74. Decision 11/CP.8, *supra* note 73, at annex, para. 1.
75. *Id.* at annex, para. 14.
76. UNFCCC Conference of the Parties, Decision 9/CP.13, Amended New Delhi work programme on Article 6 of the Convention, FCCC/CP/2007/6/Add.1 (Mar. 14, 2008).
77. *Id.* at annex, para. 14.
78. *Id.* at annex, para. 15.
79. *Id.* at annex, para. 17(k).
80. Decision 15/CP.18, *supra* note 73.
81. *Id.* at annex, para. 14(d).
82. *Id.* at annex, para. 22(i) under "Tools and activities."
83. The Action for Climate Empowerment and its associated dialogues will continue in the implementation of the Paris Agreement. See UNFCCC, Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Decision 17/CMA.1, Ways of enhancing the implementation of education, training, public awareness, public participation and public access to information so as to enhance action under the Paris Agreement, paras. 10, 12(d), FCCC/PA/CMA/2018/3/Add.2 (Mar. 19, 2019).
84. UNFCCC Conference of the Parties, Decision 28/CP.7, annex para. 7(a)(e), FCCC/CP/2001/13/Add.4 (Jan. 21, 2002).
85. Cancun Agreements, *supra* note 58, at para. 7.
86. Paris Agreement pmbl., Dec. 15, 2015, T.I.A.S. No. 16-1104 (quoted *supra* in the section on Explicit References to Human Rights in the UNFCCC).
87. Paris Agreement, *supra* note 86, at art. 7(5) ("Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach ...").
88. *Id.* at art. 11(2).
89. UNFCCC Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Decision 4/CMA.1, Further guidance in relation to the mitigation section of decision 1/CP.21, Annex I, para. 4(a)(i), FCCC/PA/CMA/2018/3/Add.1 (Mar. 19, 2019) (specifying in Annex I on information to facilitate clarity, transparency and understanding of NDCs that Parties can include "Planning processes: (a) Information on the planning processes that the Party undertook to prepare its nationally determined contribution and, if available, on the Party's implementation plans, including, as appropriate: (i) Domestic institutional arrangements, public participation and engagement with local communities and indigenous peoples, in a gender-responsive manner").
90. Annual technical progress report of the Paris Committee on Capacity-building, para. 9(i)(j), FCCC/SBI/2018/15 (Sept. 21, 2018).
91. UNFCCC Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Decision 18/CMA.1, annex para. 62, FCCC/PA/CMA/2018/3/Add.2 (Mar. 19, 2019).
92. *Id.* at annex, para. 114(a).
93. UNFCCC Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Decision 17/CMA.1, paras. 5, 8, 10, FCCC/PA/CMA/2018/3/Add.2 (Mar. 19, 2019).
94. UNFCCC Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Decision 5/CMA.1, para. 4(b), Annex, paras. 5, 8(b) FCCC/PA/CMA/2018/3/Add.1 (Mar. 19, 2019); UNFCCC Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Decision 10/CMA.1 (2018), para. 4(b), Annex, para. 5, FCCC/PA/CMA/2018/3/Add.1 (Mar. 19, 2019).
95. Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Decision 7/CMA.1, Annex, paras. 1(d), 4(h), 5(c), FCCC/PA/CMA/2018/3/Add.1 (Mar. 19, 2019).
96. Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Decision 15/CMA.1, Annex paras. 3(b), 4(d), 17-20, FCCC/PA/CMA/2018/3/Add.2 (Mar. 19, 2019).
97. Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Decision 16/CMA.1, para. 2; Annex, paras. 2(j), 8(a), 9(d), FCCC/PA/CMA/2018/3/Add.2 (Mar. 19, 2019).
98. Decision 18/CMA.1, *supra* note 91, at annex paras. 106(b), 109(h), 128(d), 139(c), 141(c).

99. Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, Decision 19/CMA.1, para. 10, 37(j), FCCC/PA/CMA/2018/3/Add.2 (Mar. 19, 2019).
100. See Convention on the Rights of the Child, *supra* note 22.
101. Convention on the Rights of the Child, *supra* note 22, at arts. 28, 29(1)(e).
102. Committee on the Rights of the Child, Concluding observations on the second and third periodic reports of the Solomon Islands, CRC/C/SLB/CO/2-3, para. 43(a) (Feb. 28, 2018); Committee on the Rights of the Child, Concluding observations on the second periodic report of Palau, CRC/C/PLW/CO/2, para. 49(a) (Feb. 28, 2018); Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of the Marshall Islands, CRC/C/MHL/CO/3-4, para. 34(b) (Feb. 27, 2018); see also CIEL & GI-ESCR, *States' Human Rights Obligations in the Context of Climate Change: 2019 Update*, *supra* note 28, at p. 12.
103. UNFCCC Conference of the Parties, Decision 11/CP.1, para. 1(b)(i), FCCC/CP/1995/7/Add.1 (June 6, 1995); see also UNFCCC Conference of the Parties, Decision 4/CP.9, para. 2(a), FCCC/CP/2003/6/Add.1 (Apr. 22, 2004); Decision 11/CP.8, *supra* note 73, para. 5 fn. 2; UNFCCC Conference of the Parties, Decision 6/CP.7, para. 1, FCCC/CP/2001/13/Add.1 (Jan. 21, 2002); UNFCCC Conference of the Parties, Decision 5/CP.7, para. 7, FCCC/CP/2001/13/Add.1 (Jan. 21, 2002); UNFCCC Conference of the Parties, Decision 2/CP.4, para. 1(f), FCCC/CP/1998/16/Add.1 (Jan. 25, 1999).
104. UNFCCC Conference of the Parties, Decision 16/CP.22, para. 5, FCCC/CP/2016/10/Add.2 (Jan. 31, 2017); Cancun Agreements, *supra* note 58, at para. 130 (including that capacity-building should be enhanced including through education); UNFCCC Conference of the Parties, Decision 3/CP.10, paras. 1, 6, FCCC/CP/2004/10/Add.1 (2004); UNFCCC Conference of the Parties, Decision 10/CP.5, no. 3, FCCC/CP/1999/6/Add.1 (Feb. 2, 2000).
105. UNFCCC Conference of the Parties, Decision 9/CP.2, annex paras. 2, 48, FCCC/CP/1996/15/Add.1 (Oct. 29, 1996); UNFCCC Conference of the Parties, Decision 10/CP.2, annex, para. 15(a), FCCC/CP/1996/15/Add.1 (Oct. 29, 1996).
106. Decision 15/CP.18, *supra* note 73; Decision 11/CP.8, *supra* note 73.
107. ACE Youth Forum Outcomes (2018), https://unfccc.int/sites/default/files/resource/180505_Outcomes%20AYF%20-%20Final.pdf.
108. *Id.*
109. UNFCCC Conference of the Parties, Decision 19/CP.20, pmb., FCCC/CP/2014/10/Add.3 (Feb. 2, 2015).
110. *Id.* at paras. 3-4.
111. Decision 17/CMA.1, *supra* note 83, at paras. 8-9.
112. See *Summary for Policymakers*, in IPCC Special Report on Climate Change and Land, *supra* note 17, at A.2.
113. UDHR, *supra* note 21, at art. 25.
114. ICESCR, *supra* note 21, at art. 11(1)(2).
115. *Id.* at art. 11(2).
116. Committee on Economic, Social and Cultural Rights, General Comment No. 12: The Right to Adequate Food, para. 6, E/C.12/1999/5 (May 12, 1999).
117. Food and Agriculture Organization (FAO), World Summit on Food Security, *Declaration of the World Summit on Food Security* (Nov. 2009).
118. Committee on World Food Security, *Food Security and Climate Change* (2012), <http://www.fao.org/3/a-av035e.pdf> (containing policy recommendations excepted from the CFS39 Final Report).
119. Committee on World Food Security, *Global Strategic Framework for Food Security and Nutrition* (2017), <http://www.fao.org/3/MR173EN/mr173en.pdf>.
120. UNFCCC, *supra* note 8, at art. 2.
121. Geneva Ministerial Declaration, para. 2, FCCC/CP/1996/15/Add.1 (Oct. 29, 1996) (The report on the Second Conference of the Parties of the UNFCCC contained a ministerial declaration that was not an official decision of the COP).
122. See *Summary for Policymakers*, in IPCC Special Report on Climate Change and Land, *supra* note 17, at A.2; *Summary for Policymakers*, in IPCC Special Report on 1.5°C, *supra* note 3, at B.5.
123. UNFCCC Conference of the Parties, Decision 12/CP.5, pmb., FCCC/CP/1999/6/Add.1 (Feb. 2, 2000) (stating in the preamble: "Having considered the report of the above-mentioned workshop regarding the specific needs and concerns of developing country Parties, and the specific needs and special situations of the least developed countries where widespread poverty limits adaptive capacity, particularly in relation to the impacts of the adverse effects of climate change on socio-economic conditions, including, *inter alia*, water resources, agriculture and food security ...").
124. See UNFCCC Conference of the Parties, Decision 2/CP.7, para. 9, FCCC/CP/2001/13/Add.1 (Jan. 21, 2002).
125. Decision 28/CP.7, *supra* note 84, at Annex, para. 16 (stating "These criteria for prioritization will be applied to, *inter alia*: (a) Loss of life and livelihood; (b) Human health; (c) Food security and agriculture; (d) Water availability, quality and accessibility; ... (f) Cultural heritage; (g) Biological diversity;"). This link between adaptation and food security was also noted nine years later in the 2010 Cancun Agreements. Cancun Agreements, *supra* note 58, para. 14(a), fn. 1.
126. UNFCCC Conference of the Parties, Decision 1/CP.7: The Marrakech Ministerial Declaration, para. 3, FCCC/CP/2001/13/Add.1 (Jan. 21, 2002). The two other Rio Conventions are the Convention on Biological Diversity and UN Convention to Combat Desertification.
127. Paris Agreement, *supra* note 86, at art. 2(1) (b) (stating "Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production;").
128. *Id.* at pmb.
129. UNFCCC Conference of the Parties, Decision 4/CP.23, Koronivia Joint Work on Agriculture, para. 1, FCCC/CP/2017/11/Add.1 (Feb. 8, 2018). They also invited parties and observers to submit information on "food security dimensions of agriculture." *Id.* at para. 2(f).
130. See Rio Declaration, *supra* note 8, at principle 22; G.A. Res. 69/2, Outcome Document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, U.N. Doc. A/Res/69/2, at para. 36 (Sept. 22, 2014).
131. See G.A. Res. 61/295, United Nations Declaration on the Rights of Indigenous Peoples (Sept. 13, 2007) [hereinafter UNDRIP].
132. *Id.* at art. 3.
133. *Id.* at art. 1.
134. *Id.* at arts. 23, 32.
135. *Id.* at art. 26.
136. *Id.* at arts. 10, 19, 32(2).
137. International Labour Organization (ILO), Indigenous and Tribal Peoples Convention (No. 169) (1989) [hereinafter ILO 169].
138. For a comprehensive list of UNFCCC decisions related to Indigenous Peoples and Traditional Knowledge, see International Indigenous Peoples' Forum on Climate Change (IIPFCC) and Center for International Environmental Law (CIEL), *Indigenous Peoples and Traditional Knowledge in the Context of the UN Framework Convention on Climate Change: Compilation of Decisions and Conclusions Adopted by the Parties to the Convention – 2019 Update* (Aug. 2019), <https://www.ciel.org/wp-content/uploads/2019/08/Indigenous-Peoples-and-Traditional-Knowledge-in-the-Context-of-the-UNFCCC-2019-Update.pdf>.
139. See, e.g., UNFCCC Conference of the Parties, Decision 11/CP.9, pmb., FCCC/CP/2003/6/Add.1 (Apr. 22, 2004) (recognizing "the value of indigenous knowledge in supplementing regional and national climate monitoring systems").
140. UNFCCC Conference of the Parties, Decision 2/CP.13, pmb., FCCC/CP/2007/6/Add.1 (Mar. 14, 2008) ("Recognizing also that the needs of local and indigenous communities should be addressed when action is taken to reduce emissions from deforestation and forest degradation in developing countries, ...").
141. UNFCCC Conference of the Parties, Decision 4/CP.15, pmb., para. 3, FCCC/CP/2009/11/Add.1 (Mar. 30, 2010).
142. Cancun Agreements, *supra* note 58, appendix I (laying out the REDD safeguards).
143. UNFCCC Conference of the Parties, Decision 6/CP.17, para. 4, FCCC/CP/2011/9/Add.2 (Mar. 15, 2012); UNFCCC Conference of the Parties, Decision 17/CP.19, pmb., para. 7, FCCC/CP/2013/10/Add.2/Rev.1 (Sept. 25, 2014) (stating in the preamble "Also recognizing the importance of indigenous and traditional knowledge and practices, and gender-sensitive approaches and tools for adaptation to climate change," and paragraph 7 stating, "Decides that activ-

- ities under the Nairobi work programme should integrate gender issues, indigenous and traditional knowledge, and the role of and impacts on ecosystems”).
144. UNFCCC Conference of the Parties, Decision 3/CP.20, para. 3, FCCC/CP/2014/10/Add.2 (Feb. 2, 2015).
 145. UNFCCC Conference of the Parties, Decision 4/CP.20, Annex: Recommendations for the Conference of the Parties, para. 5, FCCC/CP/2014/10/Add.2 (Feb. 2, 2015) (encouraging the integration of indigenous, traditional, and local knowledge in the NAP process and encouraging the financial mechanisms to enhance their consideration of indigenous and traditional knowledge in adaptation planning and monitoring projects).
 146. Paris Agreement, *supra* note 86, at pmb. (“Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider (...) the rights of indigenous peoples, ...”).
 147. *Id.* at art. 7(5).
 148. UNFCCC, Conference of the Parties, Decision 1/CP.21, para. 135, FCCC/CP/2015/10/Add.1 (Jan. 29, 2016) (establishing a platform for the sharing of indigenous peoples’ and local communities’ traditional knowledge in the decision adopting the Paris Agreement).
 149. See *infra* section on Explicit References to Human Rights in the UNFCCC.
 150. Decision 16/CP.22, *supra* note 104, at para. 4.
 151. FCCC/SBI/2018/15, *supra* note 90, at para. 9(i)(j).
 152. *Id.* at paras. 20(b), 21(a) (stating the PCCB also agreed to “continue to address capacity-building gaps related to cross-cutting issues, such as human rights and a just transition, gender responsiveness and indigenous peoples’ knowledge, in the context of implementation of NDCs”).
 153. UNFCCC Conference of the Parties, Decision 15/CP.23, para. 2, FCCC/CP/2017/11/Add.2 (Feb. 8, 2018).
 154. Decision 4/CMA.1, *supra* note 89, at para. 4(a)(i).
 155. Decision 9/CMA.1, *supra* note 59, at Annex: Elements of an adaptation communication (stating “An adaptation communication may include information on the following elements ... (h) Gender-responsive adaptation action and traditional knowledge, knowledge of indigenous peoples and local knowledge systems related to adaptation, where appropriate”); Decision 18/CMA.1, *supra* note 91, at para. 109(c).
 156. Decision 15/CMA.1, *supra* note 96, at Annex, para. 16(h).
 157. International Labour Organization (ILO), Declaration of Philadelphia, para. I(c)(d) (May 10, 1944).
 158. *Id.* at para. II.
 159. See *id.* at para. I(d).
 160. ICESCR, *supra* note 21, at arts. 6, 7.
 161. International Labour Organization (ILO), *Guidelines for a just transition towards environmentally sustainable economies and societies for all* (2015).
 162. *Id.* at para. 1.
 163. *Id.* at para. 13(b).
 164. *Id.* at para. 14, annex 1(A).
 165. Cancun Agreements, *supra* note 58, at para. 10, pmb. to para. 88.
 166. *Id.* at pmb. to para. 88; UNFCCC Conference of the Parties, Decision 8/CP.17, para. 1(g), FCCC/CP/2011/9/Add.2 (Mar. 15, 2012) (stating “Just transition of the workforce, and the creation of decent work and quality jobs”); UNFCCC Conference of the Parties, Decision 1/CP.18, pmb. to para. 54, FCCC/CP/2012/8/Add.1 (Feb. 28, 2013) (stating “Also reaffirming the importance of avoiding or minimizing negative impacts of response measures on social and economic sectors, promoting a just transition of the workforce, the creation of decent work and quality jobs in accordance with nationally defined development priorities and strategies, and contributing to building new capacity for both production and service-related jobs in all sectors, promoting economic growth and sustainable development,”); see also UNFCCC Conference of the Parties, Decision 2/CP.17, para. 88, FCCC/CP/2011/9/Add.1 (Mar. 15, 2012).
 167. UNFCCC Conference of the Parties, Decision 11/CP.21, para. 5(b), FCCC/CP/2015/10/Add.2 (Jan. 29, 2016).
 168. Paris Agreement, *supra* note 86, at pmb.
 169. UNFCCC Conference of the Parties, Decision 3/CP.23, Establishment of a gender action plan, pmb., FCCC/CP/2017/11/Add.1 (Feb. 8, 2018) (“Taking into account the imperative of a just transition of the workforce when implementing the gender action plan,”).
 170. UNFCCC Conference of the Parties, Decision 1/CP.24, para. 48, FCCC/CP/2018/10/Add.1 (Mar. 19, 2019).
 171. Solidarity and Just Transition Silesia Declaration (2018), https://cop24.gov.pl/fileadmin/user_upload/Solidarity_and_Just_Transition_Silesia_Declaration_2_.pdf.
 172. List of Signatories of the Solidarity and Just Transition Silesia Declaration, https://cop24.gov.pl/fileadmin/user_upload/files/The_List_of_Leaders_and_Parties_endorsing_the_Solidarity_and_Just_Transition_Silesia_Declaration.pdf.
 173. See Solidarity and Just Transition Silesia Declaration, *supra* note 171, at paras. 1, 5.
 174. African Charter on Human and Peoples’ Rights, *supra* note 23, at art. 22 (stating “All peoples shall have the right to their economic, social and cultural development ...” and that “States shall have the duty, individually or collectively, to ensure the exercise of the right to development”).
 175. G.A. Res. 41/128, Declaration on the Right to Development, art. 1 (Dec. 4, 1986).
 176. See generally Declaration on the Right to Development.
 177. Rio Declaration, *supra* note 8, at principle 3.
 178. UNDRIP, *supra* note 131, at arts. 23, 32.
 179. Declaration on the Right to Development, *supra* note 175, at art. 3(3).
 180. UNFCCC, *supra* note 8, at art. 3(4).
 181. Paris Agreement, *supra* note 86, at pmb.
 182. See, e.g., UNFCCC Conference of the Parties, Decision 13/CP.7, para. 3(b), FCCC/CP/2001/13/Add.1 (Jan. 21, 2002) (stating “Facilitate information sharing on ways Annex I Parties have striven to implement policies and measures in such a way as to minimize adverse effects, including the adverse effects of climate change, effects on international trade, and social, environmental and economic impacts on developing country Parties, ...”).
 183. See, e.g., UNFCCC Conference of the Parties, Decision 1/CP.8, Delhi Ministerial Declaration on Climate Change and Sustainable Development, pmb., FCCC/CP/2002/7/Add.1 (Mar. 28, 2003); see also UNFCCC Conference of the Parties, Decision 17/CP.8, annex, paras. 38, 41, FCCC/CP/2002/7/Add.2 (Mar. 28, 2003).
 184. UNFCCC Conference of the Parties, Decision 1/CP.13, Bali Action Plan, para. 1(b)(vi), FCCC/CP/2007/6/Add.1 (Mar. 14, 2008).
 185. Decision 2/CP.17, *supra* note 166, at para. 90 (“Further urges Parties to give full consideration to the positive and negative impacts of the implementation of response measures to mitigate climate change on society and on all vulnerable groups, in particular women and children;”).
 186. UNFCCC Conference of the Parties, Decision 3/CP.18, para. 7(a)(iii), FCCC/CP/2012/8/Add.1 (Feb. 28, 2013) (stating “How loss and damage associated with the adverse effects of climate change affects those segments of the population that are already vulnerable owing to geography, gender, age, indigenous or minority status, or disability, and how the implementation of approaches to address loss and damage can benefit those segments of the population;”).
 187. See, e.g., Cancun Agreements, *supra* note 58, at Appendix III, para. 1(h)(j) (2010); UNFCCC Conference of the Parties, Decision 3/CP.17, annex, paras. 18(e), 65-66, 69, FCCC/CP/2011/9/Add.1 (Mar. 15, 2012) (establishing in the GCF’s Governing Instrument that there must be environmental and social safeguards and an avenue to seek redress); UNFCCC Conference of the Parties, Decision 7/CP.20, para. 17, FCCC/CP/2014/10/Add.2 (Feb. 2, 2015) (encouraging the GCF to enhance stakeholder participation); UNFCCC Conference of the Parties, Decision 8/CP.20, para. 6, FCCC/CP/2014/10/Add.2 (Feb. 2, 2015) (encouraging the GEF to provide access to information and remedy); UNFCCC Conference of the Parties, Decision 7/CP.21, FCCC/CP/2015/10/Add.2 (Jan. 29, 2016) (urging the GCF to operationalize the Independent Redress Mechanism).
 188. See, e.g., Adaptation Fund, Environmental and Social Policy (Mar. 2016), <https://www.adaptation-fund.org/document/environmental-and-social-policy-approved-in-november-2013/> (originally adopted in 2013); Green Climate Fund, Environmental and Social Policy (2018), <https://www.greenclimate.fund/documents/environmental-social-policy>; Global Environment Facility, Policy on Environmental and Social Safeguards (June 13, 2019), https://www.thegef.org/sites/default/files/documents/gef_environmental_and_social_policy.pdf.

- mental_social_safeguards_policy.pdf.
189. UNFCCC Conference of the Parties, Decision 14/CP.18, para. 20, FCCC/CP/2012/8/Add.2 (Feb. 28, 2013) (stating that the Climate Technology Centre and Network, which is the operational arm of the technology mechanism, should develop safeguards).
 190. Decision 1/CP.21, *supra* note 148, at para. 94(f); *see also* Decision 11/CP.21, *supra* note 167, at pmbl. (“Reaffirming the relevant principles and provisions of the Convention related to the economic and social consequences of response measures, in particular its Articles 2, 3, and 4”).
 191. Decision 1/CP.21, *supra* note 148, at para. 108 (“Recognizes the social, economic and environmental value of voluntary mitigation actions and their co-benefits for adaptation, health and sustainable development”).
 192. *See, e.g., Id.* at para. 109(d).
 193. *See, e.g.,* UNFCCC Conference of the Parties, Decision 9/CP.24, para. 10, FCCC/CP/2018/10/Add.1 (Mar. 19, 2019).
 194. UNFCCC Conference of the Parties, Decision 3/CP.22, para. 8, FCCC/CP/2016/10/Add.1 (Jan. 31, 2017) (“Invites constituted bodies under the Convention, as appropriate, as those bodies undertake their work, to continue or to initiate, as appropriate, the integration of efforts to avert, minimize and address loss and damage associated with the adverse effects of climate change in particularly vulnerable developing countries, vulnerable populations and the ecosystems that they depend on;”).
 195. UNFCCC Conference of the Parties, Decision 5/CP.23, pmbl., paras. 14, 19(a), FCCC/CP/2017/11/Add.1 (Feb. 8, 2018) (stating in the preamble, “Noting the concerns raised by Parties on the increasing frequency and severity of climate-related disasters that have affected many countries, including heatwaves, drought, floods, tropical cyclones, dust storms and other extreme weather events, as well as the increasing impacts associated with slow onset events, and the urgent need to avert, minimize and address these impacts through comprehensive risk management approaches, inter alia, through early warning systems, measures to enhance recovery and rehabilitation and build back and forward better, social protection instruments, including social safety nets, and transformational approaches,” and in para. 19(a) requesting the “... Executive committee ... (a) To consider, when updating its five-year rolling workplan, cross-cutting issues and current, urgent and emerging needs related to extreme weather events and slow onset events, including but not limited to drought and floods, in developing countries that are particularly vulnerable to the adverse effects of climate change, vulnerable populations and the ecosystems that they depend on”).
 196. UNFCCC Conference of the Parties, Decision 10/CP.24, Annex: Recommendations from the Report, paras. 1(d), 1(g)(i)(ii), FCCC/CP/2018/10/Add.1 (Mar. 19, 2019).
 197. Decision 4/CMA.1, *supra* note 89, at Annex I, para. 4(a)(ii).
 198. *Id.* at Annex I, para. 4(d)(i).
 199. Decision 9/CMA.1, *supra* note 59, at pmbl. (“Emphasizing the intrinsic relationship that climate change actions, responses and impacts have with equitable access to sustainable development and eradication of poverty.”).
 200. Decision 18/CMA.1, *supra* note 91, at annex, paras. 78(b), 90.
 201. *Id.* at annex, para. 107(b).
 202. *Id.* at annex, para. 113(d)(iii).
 203. Decision 19/CMA.1, *supra* note 99, at para. 6(b)(i).
 204. Committee on the Elimination of Discrimination Against Women, General Recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, para. 9, UN Doc. CEDAW/C/GC/28 (2010).
 205. General Recommendation No. 37, *supra* note 42, at para. 28 (stating “States parties have obligations under article 2 of the Convention to take targeted and concrete measures to guarantee equality between women and men, including the adoption of participatory and gender-responsive policies related to disaster risk reduction and climate change strategies and programmes across every sector. Article 2 of the Convention identifies specific core obligations of States parties to ensure substantive equality between women and men in all areas covered by the Convention and to take legislative, policy-based and other measures to this effect.”).
 206. *See* Sustainable Development Goal 5, <https://sustainabledevelopment.un.org/sdg5>.
 207. *See* Women’s Environment and Development Organization (WEDO), *Pocket Guide to Gender Equality Under the UNFCCC: 2018 Edition* (Jan. 2018), https://wedo.org/wp-content/uploads/2018/04/2018-Edition-of-Pocket-Guide-to-Gender_1.pdf.
 208. UNFCCC Conference of the Parties, Decision 36/CP.7, FCCC/CP/2001/13/Add.4 (Jan. 21, 2002).
 209. *See, e.g.,* Decision 28/CP.7, *supra* note 84, at Annex, para. 7 (“The preparation of NAPAs will be guided by the following: ... (e) gender equality”); Decision 2/CP.17, *supra* note 166, at pmbl. to para. 144 (2011); UNFCCC Conference of the Parties, Decision 13/CP.17, pmbl., FCCC/CP/2011/9/Add.2 (Mar. 15, 2012) (“Also reaffirming the importance of taking into account gender aspects in capacity building activities.”); UNFCCC Conference of the Parties, Decision 12/CP.17, para. 2, FCCC/CP/2011/9/Add.2 (Mar. 15, 2012); Decision 3/CP.18, *supra* note 186, at annex para. 7(b) (“Strengthening and supporting the collection and management of relevant data, including gender-disaggregated data, for assessing the risk of loss and damage associated with the adverse effects of climate change”); UNFCCC Conference of the Parties, Decision 2/CP.19, para. 5(a)(ii), FCCC/CP/2013/10/Add.1 (Jan. 31, 2014).
 210. UNFCCC Conference of the Parties, Decision 12/CP.18, pmbl., FCCC/CP/2012/8/Add.2 (Feb. 28, 2013); UNFCCC Conference of the Parties, Decision 8/CP.19, Annex, para. 3(c), FCCC/CP/2013/10/Add.1 (Jan. 31, 2014); Decision 17/CP.19, *supra* note 143, at pmbl., para. 7 (para. 7 stating: “Decides that activities under the Nairobi work programme should integrate gender issues”); UNFCCC Conference of the Parties, Decision 25/CP.19, para. 5(a), FCCC/CP/2013/10/Add.3 (Jan. 31, 2014); Decision 3/CP.20, *supra* note 144, at para. 3.
 211. Decision 15/CP.18, *supra* note 73, at annex paras. 8, 14(d), 16 (Annex, para. 8 stating: “Gender is a cross-cutting issue in all six elements of Article 6 of the Convention”; para. 14(d): “The Doha work programme shall be guided by ... (d) Gender and an intergenerational approach ...”; para. 16 “Education ... Cooperate in, promote, facilitate, develop and implement formal and non-formal education and training programmes focused on climate change at all levels, targeting women and youth in particular, ...”).
 212. Decision 8/CP.20, *supra* note 187, at paras. 7-8 (welcoming the GEF’s gender mainstreaming policy).
 213. UNFCCC Conference of the Parties, Decision 21/CP.22, FCCC/CP/2016/10/Add.2 (Jan. 31, 2017) (“Underscoring the importance of coherence between gender-responsive climate policies and the balanced participation of women and men in the Convention process and the provisions of international instruments and outcomes such as the Convention on the Elimination of All Forms of Discrimination against Women, the Beijing Declaration and Platform for Action and the 2030 Agenda for Sustainable Development”).
 214. Paris Agreement, *supra* note 86, at arts. 7.5, 11 (stating in art. 7.5 “Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems,” and in art. 11(2) that “Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties, in particular, for developing country Parties, including at the national, subnational and local levels. Capacity-building should be guided by lessons learned, including those from capacity-building activities under the Convention, and should be an effective, iterative process that is participatory, cross-cutting and gender-responsive.”).
 215. Decision 4/CMA.1, *supra* note 89.
 216. Decision 9/CMA.1, *supra* note 59 (“An adaptation communication may include information on the following elements ... (h) Gender-responsive adaptation action and traditional knowledge ...”).
 217. Paris Committee on Capacity-Building, Rolling workplan (2017 to 2019), https://unfccc.int/sites/default/files/pccb_rolling_workplan.pdf.
 218. FCCC/SBI/2018/15, *supra* note 90, at para 9(i)(j).
 219. UNFCCC Conference of the Parties, Decision 4/CP.24, annex para. 51, FCCC/CP/2018/10/Add.1 (Mar. 19, 2019); UNFCCC Conference of the Parties serving as the meeting of the Parties to the Paris

- Agreement, Decision 12/CMA.1, Annex: Types of information to be provided by Parties in accordance with Article 9, paragraph 5, of the Paris Agreement, FCCC/PA/CMA/2018/3/Add.1 (Mar. 19, 2019).
220. Decision 9/CP.24, *supra* note 193, at para. 7.
221. Decision 15/CMA.1, *supra* note 96, at paras. 6, 16(c).
222. Decision 17/CMA.1, *supra* note 83, at para. 5 (2018).
223. FCCC/SBI/2018/15, *supra* note 90, at paras. 20(b), 21(a).
224. Decision 3/CP.23, *supra* note 169, at annex para. 10.
225. Constitution of the World Health Organization, pmbl. (1946) (stating that “health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being ...”).
226. UDHR, *supra* note 21, at art. 25(1).
227. See International Convention on the Elimination of All Forms of Racial Discrimination, art. 5(e)(iv), Dec. 21, 1965, 660 U.N.T.S. 195 [hereinafter ICERD]; Convention on the Elimination of All Forms of Discrimination Against Women, *supra* note 22, at arts. 11(1)(f), 12, 14(2)(b); Convention on the Rights of the Child, *supra* note 22, at art. 24; Convention on the Rights of Persons with Disabilities, art. 25, A/RES/61/106 (Jan. 24, 2007) [hereinafter CRPD]; International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, arts. 28, 43(e), 45(c), A/RES/45/158 (Dec. 18, 1990).
228. ICESCR, *supra* note 21, at art. 12.
229. Committee on Economic, Social and Cultural Rights, Doc. E/C.12/2000/4, para. 12 (2000).
230. Human Rights Council, Resolution 10/4 (2009).
231. Geneva Ministerial Declaration, *supra* note 121, at para. 2.
232. Decision 1/CP.7, *supra* note 126, at para. 3 (recognizing the problem of human health as a focus of global attention and the synergies among international environmental treaties); Decision 1/CP.8, *supra* note 183, at para. (c) (stating that “national sustainable development objectives should integrate more fully climate change objectives in key areas such as ... health ...”).
233. Decision 28/CP.7, *supra* note 84, at Annex, para. 16 (providing guidance for selecting priority activities in preparing NAPAs); Cancun Agreements, *supra* note 58, at para. 14(a), fn. 1 (encouraging all Parties to take adaptation action including in areas of health).
234. See Decision 12/CP.5, *supra* note 123, at pmbl.; Decision 5/CP.7, *supra* note 103; UNFCCC Conference of the Parties, Decision 5/CP.9, FCCC/CP/2003/6/Add.1 (Apr. 22, 2004).
235. Decision 17/CP.19, *supra* note 143, at para. 5(d).
236. UNFCCC Conference of the Parties, Decision 1/CP.20, Lima Call for Action, para. 19, FCCC/CP/2014/10/Add.1 (Feb. 2, 2015).
237. Paris Agreement, *supra* note 86, at pmbl.
238. See, e.g., Decision 6/CP.17, *supra* note 143.
239. See International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, *supra* note 227 (providing protections for migrant workers including related to non-discrimination, health, life, housing, and education among others). As climate change displaces more people, there likely will be increased migrant workers because of it.
240. See CRPD, *supra* note 227.
241. *Id.* at arts. 4, 5.
242. *Id.* at art. 24.
243. *Id.* at art. 25.
244. *Id.* at arts. 10, 29.
245. *Id.* at arts. 11.
246. Convention on the Rights of the Child, *supra* note 22, at art. 2.
247. *Id.* at art. 28.
248. *Id.* at art. 24.
249. *Id.* at arts. 6, 27.
250. *Id.* at art. 3.
251. Cancun Agreements, *supra* note 58, at pmbl.
252. *Id.* at para. 7 (“Recognizes the need to engage a broad range of stakeholders at the global, regional, national and local levels, be they government, including subnational and local government, private business or civil society, including youth and persons with disability, and that gender equality and the effective participation of women and indigenous peoples are important for effective action on all aspects of climate change;”).
253. Decision 3/CP.18, *supra* note 186, at para. 7.
254. See, e.g., UNFCCC Conference of the Parties, Decision 17/CP.22, pmbl., para. 13(e), FCCC/CP/2016/10/Add.2 (Jan. 31, 2017) (looking at the effectiveness of the Doha Work Programme, Parties reaffirmed the key role of youth and encourage the Secretariat to continue their activities to enhance youth involvement in article 6); Decision 17/CMA.1, *supra* note 83, at para. 7 (encouraging the Parties to consider activities to enhance Action for Climate Empowerment (ACE) such as the ACE youth forum).
255. Decision 15/CP.18, *supra* note 73, at pmbl., para. 9; Decision 19/CP.20, *supra* note 109, at pmbl.; UNFCCC Conference of the Parties, Decision 15/CP.21, pmbl., FCCC/CP/2015/10/Add.3 (Jan. 29, 2016).
256. See Decision 9/CP.24, *supra* note 193.
257. Paris Agreement, *supra* note 86, at art. 4.
258. Currently, NDCs can be found in the Interim NDC Registry, <https://www4.unfccc.int/sites/ndcstaging/Pages/Home.aspx>.
259. Decision 4/CMA.1, *supra* note 89, at annex I (providing additional guidance on the information countries can provide to facilitate clarity, transparency and understanding of NDCs). However, Indonesia’s First NDC did mention that it was in line with the Paris Agreement and that Indonesia respects, promotes and considers its obligations on human rights. First Nationally Determined Contribution Republic of Indonesia, pg. 7 (Nov. 2016), <https://www4.unfccc.int/sites/ndcstaging/Pages/All.aspx#collapseIDNFirst>.
260. These countries include Bolivia, Brazil, Chad, Chile, Costa Rica, Cuba, Ecuador, El Salvador, Georgia, Guatemala, Guyana, Honduras, Indonesia, Malawi, the Marshall Islands, Mexico, Morocco, Nepal, the Philippines, South Sudan, Uganda, Venezuela, Yemen, and Zimbabwe.
261. See generally The Republic of the Marshall Islands Nationally Determined Contribution (Nov. 22, 2018), <https://www4.unfccc.int/sites/ndcstaging/Pages/All.aspx#collapseMHLSecond> [hereinafter Marshall Islands Second NDC].
262. México Intended Nationally Determined Contribution, pgs. 4, 6, 8 (Mar. 2015), <https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Mexico%20First/MEXICO%20INDC%2003.30.2015.pdf>.
263. Government of Costa Rica Ministry of Environment and Energy, Costa Rica’s Intended Nationally Determined Contribution, pg. 8 (Sept. 2015), <https://www4.unfccc.int/sites/ndcstaging/Pages/All.aspx#collapseCRIFirst> (page listed is from the English translation of the NDC).
264. Ministry of Water and Environment, Uganda’s Intended Nationally Determined Contribution (INDC), pg. 2 (Oct. 2015), <https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Uganda%20First/INDC%20Uganda%20final%20%2014%20October%20%202015.pdf>.
265. Gobierno de la República de Honduras, Contribución Prevista y Determinada a Nivel Nacional, pg. 1 (Sept. 2015), https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Honduras%20First/Honduras%20INDC_esp.pdf.
266. Intended Nationally Determined Contribution of Chile towards the Climate Agreement of Paris 2015, pg. 9 (Sept. 2015), <https://www4.unfccc.int/sites/ndcstaging/Pages/All.aspx#collapseCHLFirst> (page cited is from English translation); Republic of the Philippines, Intended Nationally Determined Contribution, pg. 2 (Oct. 2015).
267. Georgia’s Intended Nationally Determined Contribution Submission to the UNFCCC, pg. 6, https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Georgia%20First/INDC_of_Georgia.pdf (stating that “it is fundamental to incorporate a gender- and human rights-sensitive approach in adaptation planning capacity building ...); Republic of South Sudan Intended Nationally Determined Contribution, p. 5 (Nov. 2015) (emphasizing that for people living in poverty adapting to climate change is difficult and they are often in high risk areas and that adaptation should take into account gender equality and human rights); Republic of Yemen Intended Nationally Determined Contribution (INDC) under the UNFCCC (Nov. 2015), <https://www4.unfccc.int/sites/submissions/INDC/Published%20Documents/Yemen/1/Yemen%20INDC%2021%20Nov.%202015.pdf> (in relation to adaptation matters emphasizing the importance of the rights of people to decent living conditions).

268. Of note, over 100 states have incorporated the right to a healthy environment in their national constitutions. *See* U.N. Doc. A/73/188, *supra* note 25, at para. 54; *see generally* May & Daly, *supra* note 25.
269. Zimbabwe's Intended Nationally Determined Contribution (INDC) Submitted to the United Nations Framework Convention on Climate Change (UNFCCC), pg. 1 (Aug. 2017), <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx#collapseZWEFirst>.
270. Primera Contribución Nacionalmente Determinada de la República Bolivariana de Venezuela para la lucha contra el Cambio Climático y sus efectos, pg. 3 (July 2017), <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx#collapseVENFirst>.
271. República del Ecuador, Primera Contribución Determinada a Nivel Nacional Para El Acuerdo de París Bajo La Convención Marco De Naciones Unidas Sobre Cambio Climático, pg. 7 (Mar. 2019), <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx#collapseECUFirst>.
272. Intended Nationally Determined Contribution from the Plurinational State of Bolivia, pg. 2, [https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Bolivia%20\(Plurinational%20State%20of\)%20First/INDC-Bolivia-english.pdf](https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Bolivia%20(Plurinational%20State%20of)%20First/INDC-Bolivia-english.pdf) (link is to the translation, though the official NDC was submitted in Spanish and is also available).
273. Morocco, Nationally Determined Contribution under the UNFCCC, pgs. 1-2 (June 5, 2015), <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx#collapseMARFirst>.
274. Republic of Malawi Intended Nationally Determined Contribution, pg. 12, <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx#collapseMWIFirst>.
275. Guyana's Revised Intended Nationally Determined Contribution, pg. 4, <https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Guyana%20First/Guyana%27s%20revised%20NDC%20-%20Final.pdf>.
276. República de Guatemala, Contribucion Prevista y Determinada a Nivel Nacional, pg. 2 (Sept. 2015), <https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Guatemala%20First/Gobierno%20de%20Guatemala%20INDC-UNFCCC%20Sept%202015.pdf>.
277. First Nationally Determined Contribution Republic of Indonesia, pg. 7, https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Indonesia%20First/First%20NDC%20Indonesia_submitted%20to%20UNFCCC%20Set_November%20%202016.pdf.
278. Federative Republic of Brazil, Intended Nationally Determined Contribution: Towards Achieving the Objective of the United Nations Framework Convention on Climate Change, pg. 1, <https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Brazil%20First/BRAZIL%20iNDC%20english%20FINAL.pdf>.
279. Intended Nationally Determined Contribution (INDC) for the Republic of Chad, pg. 15, <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx#collapseTCDFirst> (NDCs available in French and English and citation is made to the English translation).
280. Republic of the Marshall Islands Intended Nationally Determined Contribution, pg. 8 (July 21, 2015), <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx#collapseMHLFirst>.
281. Marshall Islands Second NDC, *supra* note 266, at pg. 2.
282. *Id.* at annex, pgs. 9, 16-17, 57-60.
283. Review of the Implementation of Commitments and of Other Provisions of the Convention, FCCC/CP/1999/7 (1999).
284. *See* Decision 17/CP.8, *supra* note 183.
285. *See infra* Section on Right to Education.
286. *See* European Commission, 7th National Communication & 3rd Biennial Report from the European Union under the UN Framework Convention on Climate Change (UNFCCC), pg. 111 (Dec. 2017).
287. *See e.g.*, First National Communication of Angola, pg. 133 (2012); Third National Communication of Brazil to the United Nations Framework Convention on Climate Change: Volume II, pg. 28 (2016); Costa Rica, Tercera Comunicación Nacional, Convención Marco de las Naciones Unidas sobre Cambio Climático, pg. 58 (2014); Niger, Troisième Communication Nationale à la Conférence des Parties de la Convention cadre des Nations Unies sur les Changements Climatiques, pg. 148 (2016); Togo, Second National Communication to the United Nations Framework Convention on Climate Change, pg. 55 (2011).
288. *See* Uganda Second National Communication to the United Nations Framework Convention on Climate Change, pg. 184 (Oct. 2014).
289. *See* India Second National Communication to the United Nations Framework Convention on Climate Change, pgs. 41, 198 (2012).
290. *See, e.g.*, Federal Republic of Somalia, The Initial Communication for Somalia to the United Nations Framework Convention on Climate Change (UNFCCC), pg. 57 (2018) (highlighting a new Draft Environmental Policy that includes environmental rights, right to development, and public participation, among others).
291. *See* The People's Republic of China Third National Communication on Climate Change, pgs. 19, 22 (2019) (unofficial English translation).
292. *See, e.g.*, Cambodia's Second National Communication, pgs. 68-70 (2015); Liberia Initial National Communication, pgs. 73-74 (2013); El Perú y el Cambio Climático: Tercera Comunicación Nacional del Perú, pgs. 113-14, 122 (2016); Republic of Suriname, Second National Communication to the United Nations Framework Convention on Climate Change, pgs. 218, 251 (2016).
293. *See* Kiribati government, Second Communication under the United Nations Framework Convention on Climate Change, pg. 88 (2013).
294. *See* Republic of Slovenia, 7th National Communication & 3rd Biennial Report from Slovenia under the United Nations Framework Convention on Climate Change, pg. 206 (2018) [hereinafter Slovenia's 7th National Communication].
295. *See* Islamic Republic of Afghanistan, Second National Communication under the United Nations Framework Convention on Climate Change, pgs. 23-24 (2017); Initial Communication for Somalia to the United Nations Framework Convention on Climate Change (UNFCCC), *supra* note 295, at pg. 57.
296. *See* Iceland's Seventh National Communication and Third Biennial Report under the United Nations Framework Convention on Climate Change, pg. 140 (2018); Ministry of Environment of the Czech Republic, Seventh National Communication of the Czech Republic under the United Nations Framework Convention on Climate Change including Supplementary Information pursuant to Article 7.2 of the Kyoto Protocol, pgs. 201, 203 (2017).
297. *See, e.g.*, Italy Ministry for the Environment, Land, and Sea, Seventh National Communication under the UN Framework Convention on Climate Change, pg. 318 (2017) (referencing in Initiatives related to education a program that includes presentations on climate change and human rights).
298. *See* Ministry of Environment, Forest and Climate Change, Government of the People's Republic of Bangladesh, Third National Communication of Bangladesh to the United Nations Framework Convention on Climate Change, pgs. 180-81 (2018).
299. *See* Danish Ministry of Energy, Utilities and Climate, Denmark's Seventh National Communication and Third Biennial Report under the United Nations Framework Convention on Climate Change, pg. 40 (2017).
300. *See* Slovenia's 7th National Communication, *supra* note 299, at pg. 200.
301. *See* México, Sexta Comunicación Nacional y Segunda Informe Bienal de Actualización ante la Convención sobre el Cambio Climático, pgs. 20, 24 (2018).
302. *See* Belgium's Seventh National Communication and Third Biennial Report on Climate Change under the United Nations Framework Convention on Climate Change, pg. 58 (2017).
303. Luxembourg Ministry of Sustainable Development and Infrastructure – Department of the Environment, Seventh National Communication of Luxembourg under the United Nations Framework Convention on Climate Change, pgs. 212-213 (2018).
304. *See* Sweden's Seventh National Communication on Climate Change, pgs. 97, 100-02 (2017).

Endnotes from Text Boxes

- i. Kanta Kumari Rigaud et al, *Groundswell: Preparing for Internal Climate Migration* (World Bank, 2018), available at <http://hdl.handle.net/10986/29461>.
- ii. Intergovernmental Panel on Climate Change (IPCC), *Summary for Policymakers, in Global Warming of 1.5°C: An IPCC Special Report on the Impacts of Global Warming of 1.5°C Above Pre-Industrial Levels and Related Global Greenhouse Gas Emissions Pathways, in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty*, B.5 (V. Masson-Delmotte et al. eds., 2018), <https://www.ipcc.ch/sr15/> [hereinafter *Summary for Policymakers*, in IPCC Special Report on 1.5°C].
- iii. International Organization for Migration, *IOM Outlook on Migration, Environment and Climate Change* 66 (2014), https://publications.iom.int/system/files/pdf/mecc_outlook.pdf.
- iv. The Nansen Initiative, *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change* 18 (2015).
- v. See, e.g., Human Rights Council, *The Slow Onset Effects of Climate Change and Human Rights Protection for Cross-border Migrants*, U.N. Doc. A/HRC/37/CRP.4, at 19-24 (Mar. 22, 2018); The Nansen Initiative, *supra* note iv, at 18.
- vi. The Warsaw International Mechanism on Loss and Damage (WIM) was established in 2013. See also Paris Agreement art. 8, Dec. 15, 2015, T.I.A.S. No. 16-1104.
- vii. An expert group established under the Executive Committee of the WIM.
- viii. Task Force on Displacement, Report of the Task Force on Displacement, paras. 20, 22 (Sept. 17, 2018), https://unfccc.int/sites/default/files/resource/2018_TFD_report_17_Sep.pdf.
- ix. *Id.* at paras. 32, 33(a); see also UNFCCC Conference of the Parties, Decision 10/CP.24, annex, FCCC/CP/2018/10/Add.1 (providing the report of the WIM including the recommendations from the Task Force on Displacement).
- x. See generally Decision 10/CP.24, *supra* note x.
- xi. See generally CLARA, Missing Pathways Report, <https://www.climatelandambition-rightsalliance.org/report>.
- xii. Intergovernmental Panel on Climate Change (IPCC), Climate Change and Land: An IPCC special report on climate change, desertification, land degradation, sustainable land management, food security, and greenhouse gas fluxes in terrestrial ecosystems 2-4 (A. Arneeth et al. eds., 2019), <https://www.ipcc.ch/report/srcl/> [hereinafter IPCC Special Report on Climate Change and Land].
- xiii. See *id.* at 2-91.
- xiv. See G.A. Res. 73/165, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, , art. 17 (Dec. 18, 2018); G.A. Res. 61/295, United Nations Declaration on the Rights of Indigenous Peoples, art. 26 (Sept. 13, 2007).
- xv. See, e.g., Office of the United Nations High Commissioner for Human Rights, *Land and Human Rights: Standards and Applications* (2015), https://www.ohchr.org/Documents/Publications/Land_HR-StandardsApplications.pdf; Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (Art. 11(1) of the Covenant, E/1992/23 (Dec. 13, 1991) (referring to legal security of tenure as critical to the right to adequate housing); African Commission on Human and Peoples' Rights, *The Social and Economic Rights Action Center and the Center for Economic and Social Rights v. Nigeria*, Communication No. 155/96 (Oct. 27, 2001) (finding forced evictions to be a deprivation of the rights to food and adequate housing).
- xvi. Intergovernmental Panel on Climate Change, *Summary for Policymakers*, in IPCC Special Report on Climate Change and Land, *supra* note xiii, at 3.
- xvii. IPCC Special Report on Climate Change and Land, *supra* note xiii, at 5-96-5-97; 7-111-7-112 (Cross-Chapter Box 6).
- xviii. See generally Rainforest Foundation Norway, *Sustainable Rainforest Management: Local Initiatives Meet Supporting Policies in Acre, Brazil* (2017), <https://d5i6is0eze552.cloudfront.net/documents/Publikasjoner/Andre-rapporter/Rapport-Acre-lavopplost-oppslag-ID-43389.pdf?mtime=20170928112428>; Amazon Deforestation Satellite Monitoring Project (PRODES), <http://www.obt.inpe.br/OBT/assuntos/programas/amazonia/prodes> (providing updated data).
- xix. Notably Parties made a series of decisions related to REDD+ at the 19th Conference of the Parties that is collectively known as the "Warsaw Framework for REDD+." UNFCCC Conference of the Parties, Decision 9/CP.19, FCCC/CP/2013/10/Add.1 (Jan. 31, 2014); UNFCCC Conference of the Parties, Decision 10/CP.19, FCCC/CP/2013/10/Add.1 (Jan. 31, 2014); UNFCCC Conference of the Parties, Decision 11/CP.19, FCCC/CP/2013/10/Add.1 (Jan. 31, 2014); UNFCCC Conference of the Parties, Decision 12/CP.19, FCCC/CP/2013/10/Add.1 (Jan. 31, 2014); UNFCCC Conference of the Parties, Decision 13/CP.19, FCCC/CP/2013/10/Add.1 (Jan. 31, 2014); UNFCCC Conference of the Parties, Decision 14/CP.19, FCCC/CP/2013/10/Add.1 (Jan. 31, 2014); UNFCCC Conference of the Parties, Decision 15/CP.19, FCCC/CP/2013/10/Add.1 (Jan. 31, 2014).
- xx. UNFCCC Conference of the Parties, Decision 4/CP.23, Koronivia Joint Work on Agriculture, para. 2, FCCC/CP/2017/11/Add.1 (Feb. 8, 2018).
- xxi. UNFCCC Conference of the Parties, Decision 1/CP.16, appendix I, para. 2(c), FCCC/CP/2010/7/Add.1 (Mar. 15, 2011).



RIGHTS IN A CHANGING CLIMATE

Human Rights Under the UN Framework Convention on Climate Change

Rights in a Changing Climate: Human Rights Under the UN Framework Convention on Climate Change provides a comprehensive review of how human rights have been addressed under the UNFCCC to date. It compiles human rights references in formal outcomes of the negotiating process and in the work of subsidiary bodies, as well as maps additional references, such as those included in nationally determined contributions and national reports to the UNFCCC.

After a brief overview of the deep connection between human rights and climate change, it highlights the growing number of explicit and implicit references to human rights, both in international climate agreements and in national communications. The report demonstrates the increasing momentum to integrate human rights in climate policies in specific areas of work under the UNFCCC and how the UNFCCC has evolved to better address the social dimensions of the climate crisis. It concludes with an urgent call to action to further increase rights-based climate ambition in order to limit global temperature rise to 1.5°C and effectively address the greatest threat to the realization of human rights.



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