



This conference report summarizes key developments occurring during the COP25 climate negotiations in December 2019 with regards to the integration of human rights in climate policies. The report provides a short analysis of the outcomes of COP25 in relation to agenda items with particular relevance to human rights. It also provides an overview of the ongoing mobilization efforts and context that serves as the backdrop for these negotiations. Lastly, the report provides an overview of upcoming opportunities for advocacy for the integration of human rights in the UNFCCC process in 2020.

Backdrop of the Madrid Climate Conference

COP25 was filled not only with negotiations and side events, but an increasing number of protests both inside and outside the COP itself demonstrating that people are increasingly angry at the lack of progress by governments to address the climate crisis. COP25 took place at a critical moment for the climate movement. Throughout 2019, the urgent need for climate action was highlighted by the global movement of youth and activists taking to the streets in staggering numbers, and demonstrated by the increased frequency and intensity of climate-related natural disasters including wildfires, hurricanes, and cyclones around the world. Building off their work with the Special Report on 1.5°C, the IPCC provided continuing critical scientific analysis in 2019 with the release of Special Reports on land and climate change and on oceans and the cryosphere. The growing wave of climate litigation throughout 2019 also came to COP25 in the form of side events, and the much anticipated announcement of the findings of the Philippines Human Rights Commission inquiry into the role of the Carbon Majors in the human rights violations stemming from Typhoon Haiyan.

While 2019 seemed to be a year of urgency and increased calls for climate action, this was not reflected in the COP25 outcomes. This conference confirmed the dangerous disconnect between this urgency as reflected by mass mobilizations outside of the walls of the conference center, as well as by civil society inside in attendance, and the lack of urgency reflected by Parties inside the negotiation rooms. Reports from COP25 are almost unanimous: this COP failed to answer to the global call to act on the urgency of the climate crisis and increase ambition, with even the UN Secretary General noting that “the international community lost an important opportunity to show increased ambition on mitigation, adaptation & finance to tackle the climate crisis”.

Reflecting a long-term trend, the COP saw an increase in events, interventions, and manifestations addressing the linkages between human rights and climate change. The presence of key UN human rights officials contributed to human rights being addressed in many high level conversations while negotiators and civil society delegates discussed the importance of rights-based climate responses in a wider range of agenda items.

A Latin American COP?

COP25 took place against the backdrop of civil unrest in the COP Presidency’s home country. Just weeks before the COP was set to begin, this unrest led the Chilean President to choose to withdraw from hosting the conference in Santiago. With a little more than five weeks to go, Spain offered to

step in and host the conference in Madrid, with Chile maintaining the Presidency. However, this sudden change of venue posed several problems in particular in relation to maintaining the Latin American character of COP25 and imposed barriers to the public participation of small States, as well as for civil society organizations, grassroots organizations, and indigenous peoples' representatives, particularly from Chile and Latin America. It also inhibited the ability of Chileans to highlight the problems they face due to both climate change and climate action (for example the impacts facing communities in so-called sacrifice zones or in the Cajon del Maipo due to the Alto Maipo hydroelectric project, which is verified under the Clean Development Mechanism).

This led groups to continue with plans for two summits to be held in Santiago, Chile: the Sociedad Civil por la Acción Climática and the People's Summit. Groups worked to connect these summits to the COP even though it was a world away. During parallel events in Santiago and Madrid, the former released a Latin American Manifesto for Climate Action containing the participants' demands related to climate action. This manifesto underlines the importance of human rights in climate action, containing chapters on women's rights, indigenous peoples' rights, human rights and climate change, and climate justice.

In Madrid, civil society groups tried to ensure the Latin American nature of the COP was not lost. Relatedly, several side-events on the Escazú Agreement on environmental democracy in Latin American and Caribbean countries further underlined the Latin American character of the COP. These events were aimed towards contributing to a more rapid ratification by the 11 States necessary for the Agreement to enter into force. During a side-event on Monday 9 December, Panama again reiterated its intent to sign the Agreement.

Answering the Call to Increase Ambition

Although not an official agenda item, Parties were expected to deliver on the need to increase ambition through Decisions 1/CP.25 and 1/CMA.2, which are the general, overarching decisions reflective of the political will of Parties. The initial draft of decision 1/CP.25, published on 10 December, included language recognizing the urgency of the climate crisis and calling for enhancing ambition, welcoming the recent IPCC reports on land and oceans, respectively, referencing ecosystem integrity, and stressing the need for participatory, including the participation of indigenous peoples, and gender-responsive Nationally Determined Contributions (NDCs). This language was, however, progressively watered down during the second week.

Decision 1/CP.25 includes a reference to the "urgency of enhanced ambition in order to ensure the highest possible mitigation and adaptation efforts by all Parties" and expresses its appreciation for recent IPCC reports, inviting Parties to make use of its results. In addition, it reiterates the importance of a just transition and of ocean and ecosystem integrity. Interestingly the Decision mandates the convening of two dialogues in June 2020 on the issues addressed by the IPCC in 2019. The dialogue on land and climate change could for instance offer an opportunity for Parties and stakeholders to discuss the importance of land tenure and collective rights in effective climate responses.

Decision 1/CMA.2 retained the reference to the Preamble of the Paris Agreement and recognized "the growing urgency of enhancing ambition and responding to the threat of climate change". It also refers to the successive nationally determined contributions of Parties, underlining that these should entail a progression from Party's initial NDCs, and reflect the highest possible ambition and Parties' common but differentiated responsibilities and respective capabilities – thereby recalling critical wording of the Paris Agreement. This final outcome reflects the fact that to a large extent many of the struggles in Madrid sought to preserve principles of the Paris Agreement from being watered down, with very little ambition to build upon the treaty's provision in order to strengthen its implementation.

Article 6 on the Modalities Related to Carbon Markets

Throughout COP25, one of the main focus areas was the negotiations around the guidance and rules for the cooperative approaches specified in Article 6 of the Paris Agreement. As the last major remaining piece of the Paris Rulebook that remained incomplete following COP24 in Katowice, there was a tremendous amount of pressure on the Chilean Presidency and Parties to deliver on the guidance and rules for these market mechanisms and a workplan for the non-market approaches set out in article 6.8. This pressure brought with it heightened attention from the media as well as civil society and made many in civil society worry that Parties would end up creating bad rules for the sake of getting a deal.

COP25 saw an incredible mobilization from civil society groups including environmental NGOs, the women and gender constituency, indigenous peoples organizations, trade unions, and youth NGOs who worked together to advocate for the inclusion of the protection and respect for human rights and the rights of indigenous peoples in the rules for Article 6. This increased pressure saw an increase in the number of Parties calling explicitly for the inclusion of human rights and the rights of indigenous peoples during the negotiations including from Switzerland, Mexico, Costa Rica (AILAC), Tuvalu (LDCs), Norway, Australia, New Zealand, Canada, and the European Union. Other negotiating blocks such as the LDCs and Arab Group remained resistant to this inclusion. However, despite these calls the final texts developed by the Chilean Presidency did not include critical elements related to human rights and the rights of indigenous peoples, such as robust social and environmental safeguards (which were missing entirely), consultation of local communities (which was heavily caveated in the final version of the text), and an independent grievance redress process (the final text included a grievance process, but not an independent one). Given the lack of inclusion of these critical elements to ensure that these market mechanisms do not repeat past mistakes and lead to communities being negatively impacted, a common refrain from civil society and indigenous peoples organizations was to call upon Parties to reject any rushed-through modalities at COP25 but rather seek an extension of the negotiations next year as bad rules for Article 6 would be significantly worse than not having an outcome at COP25.

In the end, and given key differences that remained on several aspects of the rules, COP25 ended without agreement on Article 6, which was the best outcome for the protection of human rights and the environmental integrity of the Paris Agreement. And during the closing plenary, Tuvalu, Costa Rica, Switzerland, Canada, New Zealand, and Australia all mentioned that the final rules for Article 6 must include protections for human rights and the rights of indigenous peoples. Going forward, Parties will continue the discussion of the guidance and rules for article 6 at SB52 in June in Bonn with the goal of finalizing them at COP26 in Glasgow. Additionally, they agreed to go forward with the last three iterations of the text from the Chilean Presidency, all of which did not reference human rights or the rights of indigenous peoples. Thus, 2020 will see the continued struggle to ensure that Article 6 rules incorporate critical human rights and environmental provisions so that the cooperative approaches it contains do not undermine the social and environmental integrity of the Paris Agreement.

During the final hours of the Conference, Costa Rica launched the "San José Principles for High Ambition and Integrity in International Carbon Markets" as a benchmark for countries seeking to preserve environmental integrity in carbon markets. Thirty-two countries endorsed the principles before the conclusion of the COP. This set of principles is presented as laying out how any decision on Article 6 should ensure that carbon markets contribute to enhancing the ambition under the Paris Agreement. Additionally, signatory countries are encouraged to abide by these principles in any bilateral carbon trading occurring prior to the finalization of the Article 6 guidelines. Regrettably the San José principles include reference neither to human rights and the rights of indigenous peoples nor to the importance of social safeguards.

Review of Work Programmes and Mechanisms

Addressing Loss and Damage

The Warsaw International Mechanism on Loss and Damage associated with Climate Change Impacts (WIM) was up for review at COP25. Negotiations were slow, as the divide between developed and developing countries on this issue, especially related to the need for new and additional finance, was vast. In particular the U.S. and Australia blocked progress on establishing additional finance, arguing it would better fit included in humanitarian aid. Australia also opposed any language related to science, as well as to the social dimension of the issue. AOSIS and the LDCs sought progress on both the issues of new and additional finance, as well as taking into account particular vulnerabilities. In relation to the latter they were supported by numerous countries, such as Mexico, Canada, Kuwait, and Korea. While the initial draft text included a paragraph on incorporating gender and human rights-based approaches, this ultimately was removed and replaced by a more general reference to the preamble of the Paris Agreement in the preamble of the decision.

The final decision on the review of the WIM acknowledges the need to mobilize support and finance for countries and communities facing loss and damage from climatic events. The decision also cites the preamble of the Paris Agreement and includes a paragraph on those countries and communities who are particularly vulnerable and the importance of the WIM integrating these vulnerabilities in its work. Finally, in an effort to strengthen support for implementation, the decision established a “Santiago network for averting, minimizing and addressing loss and damage associated with the adverse effects of climate change” to catalyze the initiatives already taking place.

However, Parties failed to come up with any new and additional finance and the decision instead refers to scaling up of climate finance more generally. This results in the risk that money to compensate for loss and damage might be taken out of existing development assistance, meaning that instead of new and additional money, there will only be a change of labels and the money will be taken from other aid and development programmes, such as humanitarian aid or money for climate mitigation and adaptation activities.

Gender and Climate Change

One of the positive outcomes of COP25 was the adoption of the enhanced Lima work programme (LWP) and a new gender action plan (GAP). These negotiations proved particularly challenging as some parties sought to undermine the work accomplished so far on gender under the UNFCCC rather. However after much advocacy and thanks to the strong resolve of Mexico, a five-year renewed LWP was adopted. This GAP includes human rights language, as well as a reference to a just transition. Further, it recognizes the need for increased capacity-building, as well women’s participation in decision-making and empowerment, and notes the relevance of the Sustainable Development Goals for its implementation. The decision also contained important statements that are surprisingly progressive for a text adopted under the auspices of the UNFCCC as the parties recognized that “climate change impacts on women and men can often differ owing to historical and current gender inequalities and multidimensional factors”. This is the first ever reference to both discrimination and intersectionality in any decision adopted in the context of the UN climate talks. However, the Work Programme does not include clear targets and indicators to advance the work identified.

The Local Communities and Indigenous Peoples Platform (LCIPP)

Immediately prior to the start of COP25, a meeting of the Facilitative Working Group (FWG) of the Local Communities and Indigenous Peoples Platform took place, during which the members of the FWG adopted their first two-year workplan. This workplan subsequently was adopted by the SBSTA and provides an opportunity to strengthen the role of indigenous peoples’ traditional knowledge, as well as the need to respect the rights of indigenous peoples in climate action.

Whether the LCIPP delivers on its promises will depend of its capacity to inform climate policies and processes related to the implementation of the Paris Agreement. Linkages with other UNFCCC constituted bodies and financial instruments as well as relations with ongoing national processes related to the planning and implementation of NDCs will be critical to ensure that traditional knowledge and indigenous peoples' rights are duly integrated in climate policies as committed under the Paris Agreement.

Integration of Human Rights in Other Relevant Outcomes

Finance

Many of the discussions on finance focused on the long-term finance goal as well as financing for loss and damage (discussed above). In addition to that, Parties reviewed the work of and discussed the guidance to the Convention's financial mechanism, which includes the Global Environment Facility (GEF) and the Green Climate Fund (GCF). Though the Parties did not provide guidance related to human rights, they did acknowledge both the GEF's and GCF's implementation and adoption, respectively, of gender policies. Additionally, the Parties invited the GCF Board to continue financing of activities related to "averting, minimizing and addressing loss and damage." Lastly, Parties considered the work of the Standing Committee on Finance (SCF). In doing so, it acknowledged the SCF's work towards openness and incorporating people, including through plans to enhance stakeholder engagement and to enhance efforts on ensuring gender responsiveness in implementation of its work. Additionally the SCF decided that its 2020 topic will be the financing of nature-based solutions.

National Adaptation Plans

The Decision on National Adaptation Plans (NAPs) asked both the Least Developed Countries Expert Group (LEG) and the Adaptation Committee to include needs and gaps in relation to adaptation in their work and reports and invited other organizations and constituted bodies to provide information in support of this work. This is designed to enhance the effectiveness and coherence between constituted bodies, also in relation to the Local Communities and Indigenous Peoples Platform and engagement with the Gender Action Plan. However, the decision fails to include more specifically elements laid out in Article 7.5 of the Paris Agreement on gender-responsive, participatory, and fully transparent adaptation taking into consideration vulnerable groups, communities, and ecosystems. The mandate of the LEG, therefore, remains very general and fails to recognize the gaps and needs identified by the LEG itself, including the effective engagement of various stakeholders and the identification of vulnerabilities.

Forum on the Implementation of Response Measures

During COP25, Parties adopted the rules of procedure for the Katowice Committee on Impacts (KCI) and the workplan for the Forum on the impacts of the Implementation of Response Measures and its Katowice Committee of Experts. The workplan of the Forum includes activities related to identifying best practices on a just transition as well as promoting guidelines and policy frameworks as well as regional, country, and sector-specific case studies on just transition. Further, the workplan includes "identify[ing] and assess[ing] the impacts of the implementation of response measures taking into account inter-generational equity, gender considerations and the needs of local communities, indigenous peoples, youth and other people in vulnerable situations." Thus, the forum on response measures provides an opportunity going forward to promote under the Paris Agreement a truly just transition that is inclusive and respects human rights.

Capacity-Building

In Madrid, Parties renewed the mandate of the Paris Committee on Capacity-Building (PCCB) and decided that it will serve the Paris Agreement. The PCCB has been a leader in the promotion of

human rights in climate policies. At COP25, Parties invited the PCCB to work with other constituted bodies to address gaps and needs and to strengthen capacity-building activities. They also acknowledged the value of strengthening the participation of stakeholders, including non-State actors. As such, Parties decided that the PCCB's priority areas should include: enhancing coherence and coordination of capacity-building activities of bodies both within and outside the UNFCCC process; identifying gaps and needs; and promoting awareness-raising, knowledge and information sharing, and stakeholder engagement.

Koronivia Joint Work on Agriculture

The work under the Koronivia Joint Work on Agriculture (KJWA) largely consisted of a workshop as part of the ongoing workshops they are having on specific topics. Very few concrete recommendations or decisions were taken related to the KJWA, only to further the work moving forward and to organize a workshop at the June session in Bonn. The KJWA will conclude at COP26 in Glasgow and therefore 2020 will be an important year to see Parties making strides to clearly link climate action and agriculture using a rights-based approach.

Moving forward: promoting human rights under the Paris Agreement in 2020

The upcoming year provides a number of important opportunities for integrating human rights in climate action, including:

1. Ensuring that NDCs are enhanced through participatory processes to reflect the need to keep temperature increase below 1.5°C and to integrate human rights and climate action.
2. Advocating for robust human rights and environmental safeguards in any modalities that might be adopted in relation to carbon trading.
3. Enhancing the work programme on Action for Climate Empowerment to guarantee public participation, access to information, and the right to climate education under the Paris Agreement.

Selected Calls for Submissions	Deadline	Body	Document
Recommendations and views on future work to enhance Action for Climate Empowerment	15 February 2020	SBI	FCCC/SBI/2019/L.3/Add.1 ToRs for the review of the Doha work programme
Views on the agenda for the 8th in-session Dialogue on Action for Climate Empowerment	15 February 2020	SBI	FCCC/SBI/2019/L.3/Add.1 ToRs for the review of the Doha work programme
Input on the dialogue on the relationship between land and climate change adaptation related matters	31 March 2020	SBSTA	FCCC/CP/2019/L.10, Chile Madrid Time For Action
Submissions on lessons learned among Parties that have integrated gender into national climate policies	31 March 2020	SBI	FCCC/CP/2019/L.3, Lima Work Programme
Views on improved livestock management systems and socioeconomic and food security dimensions of climate change in the agricultural sector	20 April 2020	SBI/ SBSTA	FCCC/SB/2019/L.5, Koronivia Joint Work on Agriculture
Submissions for the in-session workshop on lessons learned and actions taken in any updates	SB52 2020	SBI	FCCC/CP/2019/L.3, Lima Work Programme
Recommendations on the role of the national gender and climate change focal point	SB52 2020	SBI	FCCC/CP/2019/L.3, Lima Work Programme

For additional submissions deadlines, see:

<https://www4.unfccc.int/sites/submissionsstaging/Pages/Home.aspx>