

**Inputs for OHCHR's Analytical Study on the Impacts of Climate Change on the
Enjoyment of the Right to Health (Human Rights Council Resolution 29/15)
Contribution by UNFCCC**

**Human rights in the context of the United Nations Framework Convention on Climate
Change (UNFCCC)**

Information note

A. Scope

The information provided in this note contains **initial reflections on interlinkages between climate change and human rights**. Given the status and work of the UNFCCC, the reflections contained below focus on the status of the interplay between the two **areas at the international level** and, in particular, the intergovernmental process, rather than at the situation at the national level. In our view, national authorities of the relevant States and other stakeholders involved in the implementation of climate change policies and human rights initiatives at national level would constitute a more appropriate source of information on the implementation of national commitments, legislative, policy and institutional frameworks and mechanisms.

The note, therefore, focuses primarily on the following issues: (i) the relationship between climate change and human rights, including right to health, in the context of the intergovernmental processes; and (ii) the existing mechanisms and measures at the international level to address human rights aspects in climate change.

B. The relationship between climate change and human rights at the international level

There has been a *growing recognition of the interlinkages between climate change and human rights* at the international level, including in the relevant intergovernmental processes, both in the context of the UNFCCC and in the work of the UN Human Rights bodies.

There are several dimensions in the interrelationship of climate change and human rights, including, *the impacts that the changing climate could have on the enjoyment of human rights* (e.g. the potential adverse impacts of the reduction in quantity and quality of water resources on the rights to water and health; the increasing frequency of extreme weather events could affect rights to life, health and housing); *the potential impact on human rights of measures to mitigate climate change and to adapt to its effects* (e.g. projects aimed at reducing carbon emissions, such as production of biofuels or construction of alternative energy installations, could affect rights to food, property or land rights). At the same time, the *development and implementation of climate change policy*, both at international and at national level, is often *framed by human rights principles and concepts* such as participation, access to information and justice.

Certain important elements of this relationship have been recognized already in the text of the Convention through recognition of human and social dimensions of climate change:

- Definition of "adverse effects" (Article 1) refers, inter alia, to impacts on "**socio-economic systems**", and to "**human health & welfare**";
- Substantive obligations require Parties to:
 - Minimize the impact of response measures on **economy and public health** (Article 4);
 - Take into consideration the **socio-economic consequences** of response measures (Article 4);
 - Promote & facilitate **educational and public awareness programs, access to information, and public participation** in addressing climate change and its effects (Article 6).

The Convention's governing body, the Conference of the Parties (COP), further elaborated on issues related to *social and economic dimensions and participation of stakeholders* in decisions addressing issues like adaptation, response measures and Reducing Emissions from Deforestation and Forest Degradation (REDD):

- The COP reaffirmed that response to climate change should be coordinated with **social & economic development** in an integrated manner (decision 2/CP.11);
- It recognized the importance of **engaging all stakeholders and major groups** in the development and implementation of policies on climate change (decisions 11/CP.8 and 15/CP.18 on Art. 6);
- The Nairobi Work Programme on impacts, vulnerability and adaptation placed great emphasis on **stakeholder participation, access to information and the role of indigenous local communities** and traditional knowledge (decisions 2/CP.11 and 17/CP.19);
- It agreed that enhanced action on adaptation and development national adaptation plans should follow a country-driven, **gender-sensitive, participatory and fully transparent approach**, taking into consideration vulnerable groups, communities and ecosystems (decision 5/CP.17); and
- It invited Parties to undertake **economic, social and environmental evaluation** of adaptation options and build resilience of socio-economic systems (decision 1/CP.16).

The first *direct reference to human rights in the UNFCCC context was made in* 2010 in decision 1/CP.16 in which the COP:

- *Noted* UNHRC resolution 10/4 that **recognizes that the adverse effects of climate change** have implications for the effective enjoyment of human rights;
- Emphasized that **Parties should fully respect human rights in all climate related actions**;
- Recognized the **need to engage a broad range of stakeholders** at multiple levels.

More recently, the issue of human rights was also discussed *in the context of the ongoing negotiations on the new agreement* under the Convention as part of the Ad-Hoc Working Group on the Durban Platform. Submissions have been made by a number of Parties which propose language addressing human rights for either the substantive or the the preamble provisions, including elements such as:

- Social and economic development;
- Full respect for human rights,
- Reference to the right to development and the rights of youth and indigenous peoples,

- Gender equality/gender-responsive approach,
- Intergenerational equity in all climate action;
- Recognition that action to address climate change contributes to the attainment of health;
- Direct reference to the UN 2030 Agenda for Sustainable Development.

C. Existing mechanisms and measures at the international level to address human rights aspects in climate change

The information below contains examples of mechanisms and processes agreed on by the COP which provide for the recognition of rights, particularly in relation to participation of stakeholder in policy- and decision-making. The examples are not meant to be exhaustive but rather provide an illustration of how aspects related to the protection of human rights have been integrated in the Convention's framework. While no specific reference has been made to substantive human rights, such as right to health, the facilitation of stakeholder engagement and participation in the implementation of the Convention serves as the means of promoting and safeguarding the respect for human rights in this context.

INDCs

At COP 19, Parties were invited to initiate or intensify domestic preparations for their intended nationally determined contributions (INDCs) and to communicate them well in advance of COP 21 **in a manner that facilitates the clarity, transparency and understanding of the INDCs.**

Decision 1/CP.20 further specifies that in order to facilitate **clarity, transparency and understanding**, the information to be provided by Parties communicating their INDCs may include, as appropriate, inter alia, quantifiable information on the reference point (including, as appropriate, a base year), time frames and/or periods for implementation, scope and coverage, planning processes, assumptions and methodological approaches including those for estimating and accounting for anthropogenic greenhouse gas emissions and, as appropriate, removals, and how the Party considers that its INDC is fair and ambitious, in light of its national circumstances, and how it contributes towards achieving the objective of the Convention as set out in its Article 2.

In responding to this invitation, a number of Parties included extensive consultation with stakeholders at national level in the preparation of INDCs.¹

CDM

CMP 9 requested the Clean Development Mechanism (CDM) Executive Board, with the support of the secretariat, to collaborate with the Designated National Authorities Forum on collecting and making available on the CDM website information on practices conducted for local stakeholder consultations, and to provide technical assistance to designated national authorities, upon their request, for the **development of guidelines for local stakeholder consultation (LSC)** in their countries.

¹ Examples: Mexico, Morocco, Bolivia

<http://www4.unfccc.int/submissions/INDC/Submission%20Pages/submissions.aspx>

<http://www4.unfccc.int/submissions/INDC/Published%20Documents/Bolivia/1/INDC-Bolivia-english.pdf>

The CDM Executive Board agreed to work on improving LSC (EB70 report, paragraphs 92-94), with some stakeholder consultations being subject to verification by third parties entities, which also **contributes to a more transparent and participatory process.**

NAPAs

Decision 28/CP.7 contains **guidelines for the preparation of national adaptation programmes of action (NAPAs).** The guiding elements in the preparation process of NAPAs include **indicators for supporting a participatory process involving stakeholders, particularly local communities.**

GCF

In 2010, the COP established the Green Climate Fund (GCF) as a mechanism to assist developing countries in adaptation and mitigation practices to counter climate change. The Fund operates within the framework of the Convention and, while not formally affiliated with the United Nations, it is placed under the authority of the COP.

Decision 1/CP.17 which sets out the governance framework of the Fund provides for the development of mechanisms to promote the participation of stakeholders, including private-sector actors, civil society organizations, vulnerable groups, women and indigenous peoples, in the design, development and implementation of the strategies and activities to be financed by the Fund.

The initial guiding framework for the Fund's accreditation process proposes the adoption, on an interim basis, of the Performance Standards (PS) of the International Finance Corporation (IFC), which will also serve as a basis for the development of the Fund's own environmental and social safeguards (ESS).

Following discussions on using recognized and comprehensive environmental and social standards as the basis for the Fund's ESS, **the recommendation was put forward to utilize the IFC's PS as the interim ESS of the Fund until the Fund's own ESS has been developed.**² These include: assessment and management of environmental and social risks and impacts; labour and working conditions; resource efficiency and pollution prevention; community health, safety and security; land acquisition and involuntary resettlement; biodiversity conservation and sustainable management of living natural resources; indigenous peoples; cultural heritage.

REDD-plus

Reducing emissions from deforestation and forest degradation and sustainable management of forests (REDD-plus) are among the key areas of activities under the Convention.

In 2010, Parties took a significant stride in recognizing the role of safeguards in implementing REDD-plus projects at COP16 in Cancun, Mexico³. Appendix I to the decision contains Guidance and safeguards for policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing

² http://gcfund.net/fileadmin/00_customer/documents/MOB201406-7th/GCF_B07_02_Guiding_Framework_for_Accreditation_fin_20140512_16.30_hrs.pdf

³ <http://reddplussafeguards.com/what-is-redd-safeguards/#sthash.EdFTHCEi.dpuf>

countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries.

The Cancun Agreements delineated the following safeguards for REDD-plus initiatives:

- Actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements,
- Transparent and effective national forest governance structures, taking into account national legislation and sovereignty,
- 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 General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples,
- Full and effective participation of relevant stakeholders, including, in particular, indigenous peoples and local communities,
- Actions that are consistent with the conservation of natural forests and biological diversity, ensuring that actions are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits,
- Actions to address the risks of reversals,
- Actions to reduce displacement of emissions.⁴

The REDD-plus safeguards encompass environmental, social, carbon and governance standards to be applied to all types of REDD-plus activities. These safeguards are the core minimum performance requirements for REDD-plus projects.

Article 6 of the Convention

The implementation of Article 6 of the Convention on promoting education, **public awareness and participation** in the implementation of the Convention has been in the focus of the COP action over a number of years. In 2012, through Decision 15/CP.18, the COP adopted the eight-year Doha Work Programme on Article 6 to facilitate the enhancement of the role of the stakeholders in the implementation of the Convention at national and international level.

The Work Program notes that the implementation of education, training, public awareness, public participation and access to information as well as international cooperation will contribute to meeting the objective of the Convention and need to be integrated into sectoral strategies and plans. In particular, as part of their national programmes to implement the Convention, and taking into account national circumstances and capacities, Parties are encouraged to, inter alia, provide public access to information and data and promote public participation in addressing climate change and its effects and in developing adequate responses, by facilitating feedback, debate and partnership in climate change activities and in governance, noting the important role that social media platforms and strategies can play in this context.

⁴ The Cancun Agreements also include the importance of addressing land tenure, gender rights, drivers of deforestation and forest degradation and forest governance issues in national strategies.