



# INTEGRATING HUMAN RIGHTS IN NATIONALLY DETERMINED CONTRIBUTIONS (NDCs)

## TOOLKIT FOR PRACTITIONERS

The toolkit for practitioners was prepared by the Center for International Environmental Law (CIEL) and the Office of the High Commissioner for Human Rights (OHCHR), with the financial support of the German Federal Ministry for Economic Cooperation and Development (BMZ) and the technical support of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), in consultation with workshop participants and other relevant stakeholders.



November 2022



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## Acknowledgments:

This toolkit for practitioners is the outcome of the “*San José Workshop on the Integration of Human Rights in National Climate Commitments*,” which took place in the context of the PreCOP25 in Costa Rica in 2019 and brought together State climate negotiators, UN organizations, civil society organizations, and national human rights institutions. A similar workshop was held earlier in the year in Geneva.

The workshop was co-organized by the Center for International Environmental Law (CIEL), the Office of the UN High Commissioner for Human Rights (OHCHR), and the Inter-American Court of Human Rights, with support from the German Federal Ministry for Economic Cooperation and Development (BMZ), the Belgian Federal Public Service for Health, Food Chain Safety and Environment, the joint UN Development Programme (UNDP)-Swedish Environmental Protection Agency (EPA) Environmental Governance Programme (EGP), and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH.

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## Introduction

Climate change threatens ecosystems, wildlife, and human rights (e.g., rights to life, livelihood, and health). Many effects can already be seen today, including rising sea levels, glacial retreat, changes in precipitation patterns, and extreme weather events, such as heat waves, droughts, and heavy rain. According to the Intergovernmental Panel on Climate Change (IPCC), “limiting global warming to 1.5°C compared with 2°C would reduce challenging impacts on ecosystems, human health and well-being.”<sup>1</sup> The first part of the IPCC’s Sixth Assessment Report (AR6) finds that “unless there are immediate, rapid and large-scale reductions in greenhouse gas emissions, limiting warming to close to 1.5°C or even 2°C will be beyond reach.”<sup>2</sup> The second part highlights that rights-based approaches are critical for climate-resilient development that leads to more legitimate and effective outcomes.<sup>3</sup>

The adoption of the Paris Climate Agreement at the 21st Conference of the Parties (COP) to the UN Framework Convention on Climate Change (UNFCCC) in 2015 was a turning point in international climate policy. After many years of negotiations, the Paris Agreement represents the first global agreement that is binding under international law and contains obligations for all Parties. The Agreement calls for “holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.”<sup>4</sup>

In the years since the adoption of the Agreement, a growing consensus has emerged that the 1.5°C target in the Paris Agreement is more compatible with its ultimate objectives of protecting human health and welfare, the eradication of poverty, and the pursuit of sustainable development. Scientific evidence indicates that beyond 1.5°C, several ecological tipping points may be irreversibly crossed, leading to, inter alia, ice sheet collapse, death of tropical reefs, and melting of permafrost. From a human rights perspective, current levels of warming are already inconsistent with the obligations to respect, protect, and fulfill human rights. Every incremental increase in global temperature magnifies its human rights impacts. States, therefore, have a human rights obligation to limit warming to the greatest extent possible. The 1.5°C target, though still insufficient, is better aligned with State human rights commitments.

In order to limit warming and corresponding human rights impacts, Parties to the Paris Agreement are required to develop and implement nationally determined contributions (NDCs) to reduce greenhouse gas (GHG) emissions in order to meet the global warming target. NDCs are at the heart of the Paris Agreement and embody “efforts by each country to reduce national emissions and adapt to the impacts of climate change.”<sup>5</sup> Many countries, especially developing countries, which in comparison to developed countries cause less GHG emissions but are often more heavily affected by climate change, have also defined climate change adaptation measures in their NDCs.

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<sup>1</sup> [IPCC, 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 emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty \(2018\).](#)

<sup>2</sup> [IPCC, Working Group I Contribution to the IPCC’s Sixth Assessment Report on The Physical Science Basis \(2021\).](#)

<sup>3</sup> [IPCC, Working Group II Contribution to the IPCC Sixth Assessment Report on Climate Change Impacts, Adaptation and Vulnerability \(2022\).](#)

<sup>4</sup> Paris Agreement to the United Nations Framework Convention on Climate Change (Dec. 12, 2015), Article 2.1.a.

<sup>5</sup> [UNFCCC, 2021.](#)



Parties to the Paris Agreement shall submit their NDCs to the UNFCCC Secretariat every five years.<sup>6</sup> Before Paris, a first generation of intended nationally determined contributions (INDCs) was submitted in 2015. Most countries made their INDCs their first NDCs when they ratified the Paris Agreement. Under the Paris Agreement, NDCs can be updated to increase ambition at any time. The Agreement established an ambition cycle through which periodic updates are expected every five years, starting from 2022. Revisions of the NDCs and the progressive ambition-raising are aimed at achieving the necessary overall level of action to stay below the Agreement's global warming target. However, the NDCs submitted so far by the State Parties to the Agreement are insufficient to limit warming to no more than 1.5°C, and their implementation lags even further behind.<sup>7</sup> The world is far off-track. As a consequence, the COP26 outcome requested Parties to revisit and strengthen the 2030 targets in their NDCs to align with the Paris Agreement temperature goal by the end of 2022.<sup>8</sup>

## Human Rights and the Implementation of the Paris Agreement

The preamble of the Paris Agreement reiterates that Parties should “*respect, promote and consider their respective obligations on human rights*” when undertaking climate action and stresses the importance of public participation and access to information.<sup>9</sup> Additionally, the preamble of the Paris Agreement addresses specific human rights and human rights-related issues like poverty eradication, food security, gender equality, a just transition of the workforce, and the need to ensure ecosystem integrity. States also have obligations under human rights law to respect, protect, and fulfill human rights for all. Therefore, Parties' laws, policies, and actions related to climate change mitigation, adaptation, and loss and damage must respect and advance human rights. This includes the effects of their actions and their inaction. Such actions should not negatively impact the enjoyment of human rights, including the rights to a healthy environment, life, health, personal security, water and sanitation, housing, and development. The implementation of climate agreements should also be guided by State duties to promote substantive equality and to provide effective protection against discrimination.

Integrating States' human rights obligations as enshrined in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and other UN human rights instruments in the formulation and implementation of NDCs strengthens the effectiveness of climate action, and promotes policy coherence and synergies with other objectives, including the Agenda 2030 and its Sustainable Development Goals (SDGs). Ensuring that the NDC planning process and the NDC itself include human rights considerations empowers communities to contribute increasing public support for climate policies and ensure their effectiveness. Under international human rights law, all States have obligations to respect, protect, and fulfill the human rights to participation, access to justice, and access to information. Many Parties to the Paris Agreement also need to ensure compliance with specific provisions of regional legal instruments protecting procedural rights in environmental decision-making.<sup>10</sup>

<sup>6</sup> Paris Agreement, Article 4.2 and 4.9.

<sup>7</sup> [UNFCCC, 2021](#)

<sup>8</sup> [Decision 1/CMA.3, “Glasgow Climate Pact” \(Nov. 13, 2021\)](#).

<sup>9</sup> Paris Agreement, Preamble, para. 11.

<sup>10</sup> [Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters](#), “Aarhus Convention” (Jun. 25 1998); [Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean](#), “Escazú Agreement” (Apr. 22, 2021).

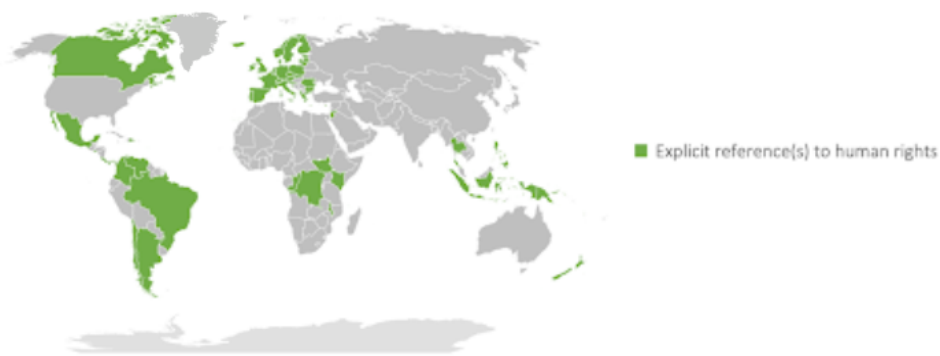


As the NDC process is a central mechanism for the Parties to the Paris Agreement to define their climate change mitigation and adaptation measures, its preparation, content, and implementation present an essential opportunity to address the human rights impacts of climate change and integrate human rights in climate action. An increasing number of Parties have included human rights in their NDCs. Only twenty-four States explicitly referenced human rights in their INDCs submitted prior to the Paris Climate Conference (COP21). However, sixty States have done so in updated NDCs submitted since then.<sup>11</sup> Unfortunately, the majority of these NDCs provide little information regarding how human rights were considered in the planning of the NDC and how they should inform its implementation.

Explicit references to human rights in INDCs



Explicit references to human rights in updated NDCs / second NDCs



<sup>11</sup> These States are: Albania, Argentina, Brazil, Bulgaria, Canada, Chile, Colombia, Comoros, Costa Rica, the Democratic Republic of the Congo, Dominica, the Dominican Republic, El Salvador, Gambia, Iceland, Indonesia, Jordan, Kenya, Malawi, Marshall Islands, Mexico, the Federated States of Micronesia, Moldova, New Zealand, Norway, Panama, Papua New Guinea, the Philippines, the Republic of the Congo, South Sudan, Switzerland, Thailand, the United Kingdom of Great Britain and Northern Ireland, Vanuatu, and Venezuela, as well as the twenty-seven Member States of the European Union through their joint NDC.



## The Toolkit for Practitioners on Integrating Human Rights in NDCs

To effectively promote compliance with State human rights obligations, the linkages between human rights and climate change should be addressed explicitly and intentionally in all policy stages related to NDCs. The purpose of this toolkit for practitioners is to aid States, policymakers, development agencies, civil society, and other relevant stakeholders in integrating human rights in NDCs.

### Three Key Steps for Integrating Rights in NDCs

1. The **planning process for the NDC** should build on effective and inclusive public participation and be informed by the human rights obligations of the State.
2. Governments should **communicate how human rights informed the domestic planning processes** undertaken in the preparation of their NDCs, as suggested under the guidelines adopted by Parties for the communication of information to facilitate clarity, transparency, and understanding of NDCs.<sup>12</sup>
3. The human rights obligations of States should be reflected in and inform the **implementation, monitoring, and evaluation of the NDC**. Meaningful and informed public participation is crucial to achieving this objective, which should also be supported by national human rights institutions and other human rights mechanisms.

The toolkit consists of seven sections, which contain some or all of the following: introductory text, general recommendations, non-exhaustive checklists of key human rights considerations, relevant international instruments, and illustrative examples of State practices. The guiding questions can be applied and used as practical tools to inform the development and updating of NDCs in accordance with relevant international instruments. The seven sections of this toolkit focus on:

1. Human Rights Considerations Related to Ambition
2. Participatory Planning and Implementation of the NDC
3. Integrating Human Rights in the NDC
4. Mainstreaming Gender across the NDC
5. Integrating Indigenous Peoples' Rights and Traditional Knowledge
6. Land Tenure and Community-Based Natural Resource Management
7. Aligning the NDC with the Imperative of a Just Transition

A final annex provides a list of resources regarding the integration of human rights considerations in climate action and in NDCs more specifically.

<sup>12</sup> [Decision 4/CMA.1, "Further guidance in relation to the mitigation section of decision 1/CP.21"](#) (Dec. 16, 2018).



## Section 1: Human Rights Considerations Related to Ambition

The Paris Agreement calls for NDCs to (1) increase ambition relative to the Party's previous NDC, (2) reflect the highest possible ambition, and (3) reflect States' common but differentiated responsibilities and respective capabilities in the light of different national circumstances.<sup>13</sup> International human rights obligations complement these requirements. Climate action should be consistent with human rights obligations and informed by the best available science, including with respect to the likely impacts of climate change on human rights. According to the IPCC, rights-based approaches lead to more effective, sustainable, and legitimate outcomes. States should employ the highest level of ambition possible to limit the harmful effects of climate change, now and in the future, through mitigation, adaptation, and efforts to avert, minimize, and address loss and damage – including through the provision of means of implementation.

The Paris Agreement implementation guidelines provide further information regarding what is needed in NDCs to ensure clarity, transparency, and understanding.<sup>14</sup> These guidelines do not limit the type of information and the scope of commitments that can be contained in NDCs. Parties wishing to communicate how their mitigation ambition contributes to fulfilling their obligations under the Paris Agreement as well as under international human rights law can provide information in their NDCs beyond that strictly required under the Paris Agreement. While NDCs are a tool designed to report on and ratchet up climate change mitigation, they can also address adaptation and loss and damage. A truly ambitious NDC should address all facets of the climate action needed to respect, protect, and fulfill human rights.

To review the mitigation ambition of individual States, the UNFCCC and the Paris Agreement rely primarily on the accounting of territorial emissions, excluding emissions related to the military. However, States' human rights obligations require accountability for all sources of emissions, both public and private, subject to the State's jurisdiction or control. All emissions, regardless of where they occur, negatively affect the enjoyment of a wide range of human rights, including the rights to health and a healthy environment. Therefore, State action should address the full range of activities within their control that have a direct and foreseeable impact on the risk of harm from climate change, including but not limited to the combustion of fossil fuels and destruction of natural carbon sinks, regardless of where the resultant emissions occur. In this context, fulfillment of a State's obligations under the UNFCCC or the Paris Agreement is necessary but may not be sufficient to satisfy its international human rights obligations in the context of climate change mitigation, adaptation, and loss and damage. States should align the ambition of their NDCs with their human rights obligations.

### **Recommendation 1-1: Set human rights and science-based targets reflecting the highest possible ambition**

The preamble to the Paris Agreement calls for “an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific

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<sup>13</sup> Paris Agreement, Article 4.3.

<sup>14</sup> [Decision 4/CMA.1, “Further guidance in relation to the mitigation section of decision 1/CP.21”](#) (Dec. 16, 2018).



knowledge.” The IPCC has documented the current impacts of climate change on human health and well-being and found that warming of 1.5°C and beyond would magnify these impacts.<sup>15</sup> Acting in accord with the best available science, States should – at a minimum – pursue measures that are designed to prevent global warming of more than 1.5°C. IPCC reports indicate that there are viable pathways to limiting warming to 1.5°C, but they are rapidly slipping away. Keeping 1.5°C in reach requires that NDCs 1) include a long-term target that is sufficiently ambitious and 2) commit to near-term action leading to immediate and effective reduction of emissions. Reliance upon anticipated or hypothetical future technological breakthroughs to justify delaying mitigation action is inconsistent with State human rights obligations. Guaranteeing that individual NDCs reflect the highest possible ambition of the country based on the latest scientific knowledge is essential to deliver on the duty of the State to protect the human right to a clean, healthy, and sustainable environment.

The following independent scientific assessments review the adequacy of national climate commitments (up to 2025 or 2030):

- The [Climate Action Tracker](#), published by an international consortium of research organizations;
- The [Climate Change Performance Index](#), published by another consortium of research organizations; and
- The [Climate Equity Reference Calculator](#), which reviews these pledges primarily from the viewpoint of equity.

### **Recommendation 1-2: Tackle all sources of emissions, both public and private, subject to the State’s jurisdiction or control**

Under human rights law, States should take affirmative action to prevent foreseeable human rights harms caused by climate change. This includes taking effective measures to assess and limit anthropogenic emissions of greenhouse gases and to effectively regulate the conduct of all actors under their jurisdiction, including with respect to emissions that occur extraterritorially. For many States, this would include the need to mitigate emissions occurring as a result of the consumption of goods – those ultimately resulting from the export of fossil fuels or those associated with the conduct of businesses under its jurisdiction, even if such emissions occur abroad.

### **Recommendation 1-3: Mobilize financial resources and eliminate harmful incentives**

International human rights law requires States to mobilize and allocate the maximum available resources for the progressive realization of economic, social, and cultural rights, as well as for the advancement of civil and political rights and the right to development. Additionally, human rights obligations require States to refrain from taking actions that might harm human rights and to effectively regulate the private sector. States should therefore halt public subsidies and investments in activities that are incompatible with keeping temperature increases below 1.5°C and regulate private financial actors in order to discontinue such investments. They should mobilize the maximum available resources for rights-based climate change mitigation, adaptation, and loss and damage. Climate finance should be governed by effective safeguards and accountability mechanisms to ensure that it does not further contribute to human rights harms. Aligning finance with human rights obligations can contribute to fulfilling

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<sup>15</sup> IPCC, [Working Group II Contribution to the IPCC Sixth Assessment Report on Climate Change Impacts, Adaptation and Vulnerability, Summary for Policy Makers](#) (2022).





the third objective of the Paris Agreement: “making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.”<sup>16</sup>

### Guiding Questions

- Is the NDC consistent with a realistic, evidence-based pathway to less than 1.5°C of total warming above pre-industrial levels?
- Does the NDC address all forms of emissions under the control and jurisdiction of the government?
- Does the NDC include a commitment to mobilize adequate financial resources for climate change mitigation, adaptation, and loss and damage?
- Does the NDC include a commitment to eliminate harmful subsidies and incentivize climate-resilient development?

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<sup>16</sup> Paris Agreement, Article 2.1.c.



## Section 2: Participatory Planning and Implementation of the NDC

*“Civil society is to a great extent the only reliable motor for driving institutions to change at the pace required.”*

IPCC Special Report on 1.5°C (2018)

Public participation, access to information, freedom of expression, and freedom of assembly are human rights. Their application in climate-related decision-making helps ensure strong climate policies and the effective implementation of climate action. When local communities, Indigenous Peoples, and civil society are involved in planning and implementing climate change mitigation and adaptation, as well as measures to address loss and damage, this promotes public support for climate action, contributes to higher ambition, and improves the effectiveness and sustainability of those actions.<sup>17</sup> The COP25 decision on gender further recognizes that the full, meaningful, and equal participation and leadership of women in all aspects of the UNFCCC process and in national- and local-level climate policy and action is vital for achieving long-term climate goals.<sup>18</sup>

The IPCC has recognized that inclusive and participatory climate policy planning results in greater social co-benefits and more resilient and effective climate action. AR6 emphasizes that risks from climate change can be reduced through rights-based approaches that focus on capacity building, meaningful participation of people in vulnerable situations, and their access to key resources, including financing, to reduce risk and adapt.<sup>19</sup>

All people have the right to free, active, and meaningful participation, as called for in the 1966 International Covenant on Civil and Political Rights and other human rights instruments. General Comment 25 of the Human Rights Committee clarifies the right to participation in public policy. International environmental law also protects the right to public participation in relation to environmental decision-making. This right was recognized by States as an essential pillar of environmental governance through Principle 10 of the 1992 Rio Declaration on Environment and Development.<sup>20</sup> Two legally binding regional instruments have further elaborated the obligations of States with respect to procedural rights, including the right to participation in environmental matters (the Aarhus Convention and the Escazú Agreement). In its preamble, as well as in Articles 6 and 12, the Paris Agreement further emphasizes the importance of participation, including with respect to NDCs.

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<sup>17</sup> IPCC, [Working Group II Contribution to the IPCC Sixth Assessment Report on Climate Change Impacts, Adaptation and Vulnerability, Summary for Policy Makers](#) (2022), at 25, 28, and 29.

<sup>18</sup> [Decision 3/CP.25. “Enhanced Lima work programme on gender and its gender action plan”](#) (Dec. 15, 2020).

<sup>19</sup> IPCC, [Working Group II Contribution to the IPCC Sixth Assessment Report on Climate Change Impacts, Adaptation and Vulnerability, Summary for Policy Makers](#) (2022), para D.2.1.

<sup>20</sup> [Rio Declaration on Environment and Development](#) (Jun. 14, 1992), Principle 10.



## Recommendation 2-1: Guarantee the meaningful, informed, and effective participation of rights-holders in the design of the NDC

Effective participation of all rights-holders in planning processes related to NDCs helps ensure that climate commitments benefit from broad public ownership and are enriched by diverse perspectives and expertise. Transparent, participatory, and inclusive processes can identify opportunities for climate ambition beyond those identified by governments while promoting collective buy-in and effective implementation. They further contribute to addressing potentially conflicting needs and interests at an early stage in the planning process when changes are easier to make. Effective participation is inclusive and starts at the earliest stages of the planning process when all options are open.

## Recommendation 2-2: Commit to participatory implementation and monitoring of the NDC

NDCs should reflect a commitment to effective participation throughout the implementation and monitoring of national climate commitments and related policies. Participatory implementation builds on the processes used at the time of the design of the NDCs and includes all rights-holders. A clear commitment to participatory implementation that identifies specific milestones or modalities strengthens collective ownership of the NDC. Participatory and inclusive monitoring of the implementation of the NDC and access to related information promotes transparency and accountability.

## Recommendation 2-3: Implement specific measures to ensure free, active, and meaningful participation

Ensuring the free, active, and meaningful participation of all people, including the disadvantaged and marginalized, rural communities, and persons subject to discrimination, may require a range of specific policy measures designed to ensure access to information relevant to decision-making in a timely and effective manner. These measures include reasonable timeframes, allowing sufficient time for the public to participate effectively, and at an early stage of the process when all options are still open; appropriate modalities for submission of comments, analyses, or proposals by the public to be considered by decision makers; and accountability and transparency mechanisms so that decisions taken related to the NDC are promptly communicated to the public, together with how the public's comments, analyses, and proposals have informed those decisions. If members of the public feel they were not able to exercise their right to participate, they should have access to remedy.

### Guiding Questions

Has there been a mapping of the specific groups and peoples (including but not limited to Indigenous Peoples, local communities, ethnic and religious minorities, older persons, women, migrants, persons with disabilities, and children and youth) who may be affected by the NDC and whose participation will therefore be essential for the planning, development, and implementation of the NDC?

- Have **specific approaches** been considered for the effective participation of each of these groups, taking into account their **social, linguistic, geographical, and cultural context** (e.g., translation and interpretation in relevant languages and measures designed to overcome any barriers related to digital literacy or access)?



- Where members of the public have differentiated capacities, resources, socio-cultural circumstances, or economic or political influence, have **special measures** been taken to ensure a **balanced and equitable process** (e.g., processes designed to facilitate the effective participation of Indigenous Peoples, local communities, ethnic and religious minorities, older persons, women, migrants, persons with disabilities, and children and youth)?
- Have **processes** been designed to **promote transparency; minimize social, economic, and political inequality**; and avoid the exercise of undue economic or political influence in the design and implementation of the NDC (e.g., through the rigorous application of conflict of interest policies and registers)?
- **Has participation occurred early in the decision-making process when all options are open?**
- Has there been **timely, adequate, and effective notice** for specific groups and peoples of the opportunity to participate early in the planning and preparation of the NDC?
- Has all relevant information been made publicly available in an easily accessible and understandable manner, including detailed information related to any assumptions made about baselines and projected impacts?
- Was the public allowed to submit any comments, analyses, or proposals that they consider to be relevant to NDC decision-making?
- Has the **participatory process** been implemented within **reasonable timeframes** to ensure meaningful and effective participation?
- Has **due account been taken of the outcome of public participation in decision-making related to the NDC?** Have rights-holders been notified regarding how their input was taken into consideration?
- Have the decisions taken related to the NDC been promptly **shared with the public in an effective manner?**
- Does the NDC lay out mechanisms and/or processes (to be) established to **guarantee the effective participation** of the public in decisions related to the **implementation, monitoring, and evaluation** of the NDC?
- Is the role of different segments of society as *agents of change* identified and upheld by the NDC, as opposed to only addressing these populations as groups in vulnerable situations?

## Key International Instruments:

[International Covenant on Civil and Political Rights](#) (1966)

[Rio Declaration on Environment and Development](#) (1992)

[Agenda 21](#), Section III (1992)

[UNECE Aarhus Convention](#) (1998)

[UNEP Bali Guidelines on Principle 10](#) (2010)

[UN-ECLAC Escazú Agreement](#) (2018)



## Illustrative State Practice

### *Excerpts from a Nationally Determined Contribution Submitted to the UNFCCC*

#### Canada

### Updated Submission of the First Nationally Determined Contribution

#### (page 15) **Public participation and engagement**

Under the Canadian Net-Zero Emissions Accountability Act, the Minister is required to provide opportunities for the public (including provincial governments and Indigenous Peoples) to make submissions when the government is setting its emissions target or emissions reduction plans under the Act. Furthermore, the target, emission reduction plan and any amendments, progress reports, and assessment reports will all be tabled in Parliament and made available to the public.

In March and April 2021, the Government of Canada held a public engagement process to seek Canadians' views on enhancing Canada's NDC and how Canada can continue to increase its action on climate change. 1,134 respondents participated in the process, 95% of which participated as individuals. 95% of the respondents supported Canada in enhancing its NDC. Respondents also suggested that Canada take additional climate action such as pursuing renewable energy, supporting climate-smart agriculture and conserving, expanding and enhancing natural areas. The engagement's results cannot be projected on to the Canadian population at large, since participation was determined by a self-selection approach with inherent limits to its representativeness.

#### (page 16) **Collaboration with Indigenous Peoples**

Following the joint commitments made in 2016 by the Prime Minister and the National Leaders of the Assembly of First Nations, Inuit Tapiriit Kanatami and the Métis National Council, the Government of Canada collaborated with First Nations, Inuit, and the Métis Nation to establish three distinctions-based senior bilateral tables based on the recognition of rights, respect, co-operation, and partnership. These tables have helped foster a collaborative approach to ongoing engagement with Indigenous Peoples and have helped reflect Indigenous climate leadership in Canada's climate plan. In addition to these three tables, the Government of Canada continues to work to better support Indigenous Peoples as leaders to advance their self-determined priorities while contributing to national and global efforts to address the impacts of climate change, reduce their carbon footprint, promote wellbeing, and move towards energy sustainability.



## Section 3: Integrating Human Rights in the NDC

The negative impacts caused by climate change are global, contemporaneous, and subject to increase exponentially according to the degree of climate change that ultimately takes place. Climate change, therefore, requires a global rights-based response. The Human Rights Council (HRC), its special procedures mechanisms, and the Office of the UN High Commissioner for Human Rights (OHCHR) have sought to bring renewed attention to human rights and climate change through a series of resolutions, reports, and activities on the subject, and by advocating for a human rights-based approach to climate change. According to the HRC, climate change both directly and indirectly impacts a broad range of human rights and “human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes.”<sup>21</sup>

The universal recognition of the human right to a clean, healthy, and sustainable environment (HRC resolution 48/13 and GA resolution 76/300) affirms that a safe and stable climate is a right in and of itself that should be respected, protected, and fulfilled. The preamble of the Paris Agreement affirms that all States “should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights.” Efforts to implement the Paris Agreement should honor this commitment by integrating human rights, including the right to a healthy environment, throughout. In this regard, NDCs should:

### **Recommendation 3-1: Commit to respecting, protecting, and fulfilling human rights across all actions related to the development and implementation of the NDC**

Under international human rights law, all States have obligations to respect, protect, and fulfill human rights for all. NDCs should highlight priorities, implementation, and support needs for addressing relevant human rights obligations, including efforts to fulfill the rights of children to education on matters related to climate change; the right to an adequate standard of living (housing, food security, water, sanitation, livelihoods, and health); the right to a clean, healthy, and sustainable environment; the right to development; the right to life; and cultural rights.

### **Recommendation 3-2: Commit to ensuring that climate action benefits those most affected by climate change**

Under international human rights law, States have obligations to guarantee equality and non-discrimination for all.<sup>22</sup> NDCs should include information about efforts to protect the rights of those in particularly vulnerable situations from the adverse effects of climate change and ensure that they are the primary beneficiaries of climate action. This could include human rights and environmental impact assessments; social and environmental safeguards; a clear commitment to respect, protect, and fulfill human rights in the context of any cooperative approaches (e.g., mechanisms under Article 6,

<sup>21</sup> See e.g., [Human Rights Council Resolution 32/33, “Human Rights and Climate Change”](#) (Jul. 1, 2016).

<sup>22</sup> See e.g., [International Covenant on Civil and Political Rights](#) (Dec. 16, 1996), Article 26.



REDD+); and efforts to promote access to justice and effective remedy (e.g., independent grievance mechanisms).

### **Recommendation 3-3: Commit to creating an safe and enabling environment for effective climate action**

States have human rights obligations to protect human rights defenders; to mobilize resources and cooperate internationally for the realization of human rights; and to guarantee accountability, access to justice, and effective remedy for human rights harms. NDCs should help establish a safe and enabling environment for human rights defenders, mobilize resources to prevent the negative human rights impacts of climate change, and hold all actors accountable for their actions, including businesses.

### **Recommendation 3-4: Ensure the inclusion of national human rights institutions and other government structures with human rights mandates in the development and implementation of NDCs**

In most States, there are diverse institutions and structures with specific human rights mandates, including with respect to non-discrimination and public participation. These institutions can include national human rights institutions, ministries, inter-ministerial committees, and mechanisms mandated to promote gender equality and the rights of women, the rights of persons with disabilities, and the rights of children. Such institutions possess unique experience and expertise with regard to the effective integration of human rights across governmental policies. The active engagement of these mechanisms in the planning and implementation of NDCs, including the development of appropriate consultative processes, can support the effective integration of human rights in NDCs. Other coordination mechanisms and frameworks, such as those mandated to implement the SDGs and commissions mandated to ensure public participation in national policies, can also play a role in fostering policy coherence and contributing to the effective integration of human rights in domestic climate policies – in particular in the design and implementation of NDCs.

## **Guiding Questions**

- Does the NDC include a **clear commitment to respect, protect, and fulfill human rights** when taking climate action?
- Does the NDC commit to **respecting human rights and environmental and social safeguards** in the context of any cooperative approaches (e.g., mechanisms under Article 6 of the Paris Agreement, REDD+, etc.)?
- Does the NDC reflect the duty of States to effectively regulate all public and private actors under its jurisdiction to prevent threats to human rights?
- Does the NDC commit to the protection, respect, and fulfillment of specific rights that are particularly affected by climate change, such as:
  - The right to a clean, healthy, and sustainable environment;
  - The right to an adequate standard of living;
  - The right to housing;
  - The right to health;
  - The right to food;
  - The rights to water and sanitation;
  - The right to decent work;
  - The right to education, including with respect for nature;
  - The right to development;



- The right to life;
  - The right to self-determination; and
  - Cultural rights, including heritage, traditional knowledge, and ways of life.
- Does the NDC address potential issues related to the **situation of persons who may be disproportionately affected by climate change, including, inter alia, migrants, children, women and girls, Indigenous Peoples, and persons in vulnerable situations?**
  - Does the NDC include a **commitment to mobilizing the maximum available resources** to prevent the adverse impacts of climate change from undermining the realization of human rights, including through international cooperation in line with the principles of equity and common but differentiated responsibility?
  - Does the NDC identify and designate a **complaints mechanism and ensure access to remedy** for those whose human rights are negatively affected by climate action?
  - Does the NDC prioritize **climate action that benefits those most affected by climate change**, e.g., through needs and impact assessments and promoting actions with co-benefits for, inter alia, health, sustainable development, food security, and the eradication of poverty?
  - Does the NDC identify and designate **mechanisms for the protection of human rights defenders** who work on climate change/environment-related matters?

### Key International Instruments:

[Universal Declaration of Human Rights](#) (1948)

[International Covenant on Civil and Political Rights](#) (1966)

[International Covenant on Economic, Social and Cultural Rights](#) (1966)

[Convention on the Rights of the Child](#) (1989)

[Convention on the Rights of Persons with Disabilities](#) (2006)

[UN Declaration on Human Rights Defenders](#)





## Illustrative State Practice

*Excerpts from a Nationally Determined Contribution Submitted to the UNFCCC*

### Mexico

## Updated First Nationally Determined Contribution

### (page 9) Introduction

The adverse effects of climate change threaten the exercise of fundamental human rights: access to a healthy environment, health, food, drinking water, adequate housing, education, and culture, as well as the right to self-development and to life itself. With this awareness, the inseparable link between the protection of human rights and action against climate change is becoming increasingly evident. The consequences of the adverse effects of this global phenomenon are even more serious for individuals and groups in vulnerable social, economic and environmental situations, including women, indigenous and Afro-Mexican communities, children, youth, migrants, people with disabilities, sexual minorities, low-income groups, and the elderly.

(...) The Mexican Government ratifies its commitment to implement the NDC respecting human rights, integrating a gender equality approach, prioritizing the needs of vulnerable groups, and promoting the inclusion and recognition of science and traditional knowledge of native indigenous communities under the principle of intergenerational equity. Reports on the progress of the NDC's implementation will incorporate the objectives and goals of the Lima Work Program on Gender and the UNCCD Gender Action Plan. As a signatory of the Escazú Agreement, Mexico will abide by the objectives of the Universal Declaration of Human Rights, under the principle of equal rights between women and men, as well as the elimination of all forms of discrimination against women.

### Adaptation Component

#### (page 14) **Axis A. Prevention and management of negative impacts on the human population and the territory**

This section contributes towards the fulfillment of strategic issues related to 15 SDGs and 45 of its goals. Amongst the most salient are the following: Cities and human settlements adopting and implementing comprehensive policy and plans for climate adaptation; resilience of personas in climate vulnerability and reduction of their exposure; preventive health, considering gender equality criteria intersectionality and human rights, to mention a few elements.

#### (page 15) **Axis B. Resilient production systems and food safety**

Food is a fundamental human right that is warranted when people have timely and permanent physical, economic, and social access to food in sufficient quantity and quality for adequate consumption. This right contributes both to their well-being and to the satisfaction of their dietary and cultural needs.

#### (page 17) **Axis C. Conservation, restoration and sustainable use of biodiversity and ecosystem services**

Human rights, such as the right to potable water and access to food, the right to health and a healthy environment are strongly dependent on ecosystems and the diversity they provide. This biodiversity is an intrinsic part of the traditions and culture of indigenous communities and, as such, it should be preserved. (...) Additional conservation schemes are considered based on mutual respect for the collective rights and common goods belonging to the communities that inhabit them.

#### (page 18) **Axis D. Comprehensive water resources management with a focus on climate change**

Water is one of the most valuable resources required for the integral and sustainable development of the country. Life and health, as well as the balance of ecosystems depend directly on water. This resource is crucial for social and economic development. Having access to water in sufficient quality and quantity is a human right that serves as a precondition for the exercise of other rights such as access to healthcare, food, a healthy environment, adequate housing and education. The adverse conditions generated by climate



change can severely affect the availability of this resource.

(page 19) **Axis E. Protection of strategic infrastructure and tangible cultural heritage**

Strategic infrastructure provides the technical means, necessary facilities, and services for the development of essential activities. Furthermore, it is a fundamental framework to guarantee human rights to health, security, physical integrity, well-being, and sustainable development of the population. (...) Actions undertaken to protect tangible cultural heritage from the effects of climate change will consider the respect for spiritual or religious beliefs, as well as for the roles of women and men. They will seek to ensure the right to enjoy existing heritage and guarantee its accessibility and to promote the positive influence that culture, heritage and traditional knowledge provides for our society.

**NDC Synthesis in compliance with the Katowice Rulebook**

(page 32) **Domestic institutional arrangements, public participation and engagement with local communities and indigenous peoples, in a gender-responsive manner**

During this NDC's update, government agencies and state governments were involved, along with the private sector and social organizations. Public and private discussions were conducted with representatives of each of the sectors included in the NDC, comprising human rights, gender perspective and youth associations. In addition, online consultation procedures were implemented, in order to engage society as a whole in the process of developing climate policy and updating the NDC.

(page 34) **Information regarding the extent to which the economic and social consequences of the response measures have been addressed in developing the nationally determined contribution**

Mexico recognizes that climate change affects different groups within a community in unequal ways which often exacerbate social, economic, gender and resource access inequalities. In this sense, the country integrates adaptation and mitigation approaches across the country's strategic systems and sectors, in coordination with the three levels of government, the academia, the private sector, and social organizations. In particular, in the area of adaptation, an analysis of vulnerability to climate change was performed to identify the social inequalities and the benefits of the reduction of these problems to help decide in the design and implementation of the actions to be undertaken. This approach also responds to human rights protection.



## Illustrative State Practice

*Excerpts from a Nationally Determined Contribution Submitted to the UNFCCC*

### Vanuatu

#### Revised and Enhanced Nationally Determined Contribution

**(page 24) Human Rights and Climate Justice**

Climate change can and does have differing social, economic, public health, and other adverse impacts on underprivileged populations. Global warming is an ethical and political issue, not purely environmental or physical in nature. In Vanuatu, the government recognises the need to relate the causes and effects of climate change to concepts of environmental justice and social justice. There are real concerns about the inequitable outcomes for different people and places associated with vulnerability to climate impacts, loss and damage. Climate change is fundamentally an issue of human rights that connects the local to national to the global, with those who are most affected having contributed least to climate change. Climate change is one of the greatest threats to human rights of our generation, posing a serious risk to the fundamental rights to life, health, food and an adequate standard of living of individuals and communities across Vanuatu.

**Commitments:**

- Vanuatu commits to make climate justice a part of the mandate of government programming, including directing line agencies to develop programmes, policies, and activities to address the disproportionate health, environmental, economic, cultural and social impacts of climate change on disadvantaged communities and individuals.
- Vanuatu commits to calling for the UN General Assembly to adopt a resolution requesting the International Court of Justice to provide an Advisory Opinion on the obligations of states under international law to protect the rights of present and future generations against the adverse effects of climate change.



## Section 4: Mainstreaming Gender across the NDC

The rights of women and girls in all their diversity are human rights. The Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) specifically prohibits discrimination against women and demands their inclusion in relevant decision-making processes.<sup>23</sup> In its General Recommendation 37 on gender dimensions of disaster risk reduction in the context of climate change, the Committee on the Elimination of all forms of Discrimination Against Women clearly articulates State obligations with respect to women’s rights and gender equality in the context of climate change and climate action.<sup>24</sup> The preamble to the Paris Agreement specifically references gender equality and women’s empowerment. By calling for gender-responsive adaptation, Article 7 of the Agreement further emphasizes the importance of mainstreaming women’s rights and gender equality in climate action.

Starting with the Lima Work Program on Gender, the Conferences of the Parties to the UNFCCC have adopted a series of key decisions on gender equality and climate change. At COP25, the Parties noted that “gender-responsive implementation and means of implementation of climate policy and action can enable Parties to raise ambition, as well as enhance gender equality.” In their NDCs, States should commit to mainstreaming gender equality and the rights of women and girls throughout climate action, and identify specific, gender-related actions that they will carry out. These should include:

### **Recommendation 4-1: Commit to mainstreaming gender equality and the rights of women and girls in all their diversity across all policy areas covered by the NDC**

States have an obligation under international human rights law and the Paris Agreement to mainstream women’s rights and gender equality in climate action. Linkages between national climate commitments and national gender action plans, programs, and policies should be clearly identified in NDCs to promote policy coherence and gender-responsive action in all areas. In particular, women, girls, gender-diverse persons, gender focal points, institutional gender equality frameworks, and coordination mechanisms should have a clearly defined role in the design and implementation of NDCs.

### **Recommendation 4-2: Recognize and support the role of women, girls, and gender-diverse persons as agents of change and key stakeholders**

Participation is a core element of rights-based approaches to addressing discrimination and marginalization. Projects and programming aimed at supporting communities affected by climate change become more effective when women, girls, and gender-diverse persons are fully included. When they are not included in climate action, their needs are less likely to be addressed, and inequalities are more likely to be perpetuated. For effective climate action, decision makers should prioritize the

<sup>23</sup> See e.g., [Convention on the Elimination of all Forms of Discrimination Against Women](#) (CEDAW), (Dec. 18, 1979), Preamble and Articles 7-8.

<sup>24</sup> [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](#) (Mar. 7, 2018).



meaningful and effective participation of women, girls, and gender-diverse persons, recognizing them as agents of change with unique perspectives, expertise, and problem-solving capabilities. NDCs should promote capacity development to advance women's rights and gender equality for communities, women's organizations, and government officials at the national and sub-national levels.

### **Recommendation 4-3: Commit to gender budgeting and supporting gender-responsive climate finance mechanisms through national and global climate funds as well as innovative climate financing tools**

States should ensure that climate funds benefit the countries and people most affected by climate change and systematically integrate gender equality and the rights of women and girls into governance structures, project approval, implementation processes, and public participation mechanisms. This should include ex ante and ex post gender and human rights impact assessments; regular reporting on implementation of gender policies based on quantitative and qualitative indicators, gender-disaggregated data collected throughout the project cycle, and active engagement of women and gender-diverse persons in participatory project monitoring; developing guidance for gender-responsive stakeholder consultation; facilitating the participation of national and local organizations working on gender equality and climate change, including through increased funding to support grass-roots organizations; and mandatory gender budgeting and gender financial audits.

### **Recommendation 4-4: Support gender-responsive, evidence-based decision-making through effective monitoring and sex-disaggregated data and indicators**

All States should commit to increasing the effectiveness of climate action by funding and developing an improved understanding of the differentiated human rights impacts of climate change on women, including through gender impact assessments; disaggregated data collection that pays particular attention to gender and its intersections with characteristics such as age, disability, and ethnicity; development of gender-specific indicators; mapping the effects of climate change upon the disadvantaged, women, and girls; and identifying priority areas of action to support women and enhance access to benefits.

## **Guiding Questions**

- Is **gender equality effectively mainstreamed** across all policy areas covered by the NDC?
- Are **linkages between the NDC and national gender action plans, programs, and policies** identified in the NDC?
- Does the NDC identify practical and cultural barriers to the participation of women, girls, and gender-diverse persons in climate action, as well as means to overcome them?
- Is the **role of women and girls as agents of change** and key stakeholders recognized and advanced by the NDC?
- Is support for **capacity development related to gender diversity and the rights of women and girls in all their diversity** for affected persons, women's organizations, and government officials at the national and sub-national levels addressed in the NDC?



- Does the NDC describe how it was informed by **existing institutions, frameworks, and government structures mandated to promote gender equality and commit to their effective inclusion in its implementation?**
- Does the NDC commit to **gender budgeting** and gender-responsive climate finance?
- Does the NDC commit to supporting and developing **gender-responsive climate finance mechanisms** through national and global climate funds, as well as innovative climate financing tools?
- Does the NDC commit to effectively monitoring the gendered impacts of its implementation, including through the use of gender-disaggregated data and indicators?

## Key International Instruments:

[Convention on the Elimination of All Forms of Discrimination Against Women](#) (1979)  
[Beijing Declaration and Platform for Action](#) (1995)  
[Agenda 2030, Sustainable Development Goal 5](#) (2015)

### Illustrative State Practice

*Excerpts from a Nationally Determined Contribution Submitted to the UNFCCC*

#### Marshall Islands

#### Second Nationally Determined Contribution

##### (page 16) Gender and Human Rights Section

37. Social considerations – including the differentiated impacts of climate change and the response initiatives on women, men and youth – should be systematically integrated into all climate change policy, planning and implementation. Women are disproportionately affected by the impacts of climate change due to their marginalized status in global society which limits their access, use and control over resources and services.

38. [The Tile Til Eo 2050 Climate Strategy] finds there to be a need to mainstream gender considerations and a human rights-based approach in all aspects of RMI's policy and legislative development, adoption and implementation in relation to climate change. An initial step is to increase gender-differentiated and disaggregated data collection to identify gaps, needs and opportunities for women, men, youth and marginalized and vulnerable groups to address gender and social inequities, particularly in rural remote communities. Further expert input should be sought to further improve these aspects – including in future revisions of this 2050 Strategy. A strategy should be developed to progressively ensure RMI's full compliance with its human rights obligations.

39. Women, men, and youth should be included and engaged as valuable stakeholders in identifying and addressing the climate change concerns of their communities and to share knowledge for responses to ensure their strengthened resilience. Further support should also be commissioned from gender organizations in RMI, as well as gender and human rights experts in advocacy, engagement and capacity building, and for enhancing sector-specific gender considerations.



## Section 5: Integrating Indigenous Peoples' Rights and Traditional Knowledge

The planning and implementation of NDCs should fully respect the rights of Indigenous Peoples, as articulated in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP),<sup>25</sup> including in the context of any decisions related to Indigenous Peoples' traditional lands, resources, territories, and knowledge. ILO Convention 169 on Indigenous and Tribal Peoples offers further guidance in this respect. Decisions that may affect Indigenous Peoples' rights must not be taken without their free, prior, and informed consent (FPIC). The preamble to the Paris Agreement calls for Parties to respect, promote, and consider the rights of Indigenous Peoples when taking climate action, and its Article 7 references the importance of participatory adaptation guided by traditional knowledge.

The Local Communities and Indigenous Peoples' Platform established under the Paris Agreement and its facilitative working group offer guidance related to the use of Indigenous Peoples' traditional knowledge in the context of climate change. The latest reports of the IPCC highlight the importance of rights-based approaches and affirm that respect for Indigenous Peoples' traditional knowledge and inclusion of Indigenous Peoples in climate action leads to more effective and sustainable climate-resilient development.

### Recommendation 5-1: Integrate obligations articulated by UNDRIP in the preparation and implementation of the NDC

UNDRIP establishes a universal framework of *minimum* standards related to the rights of Indigenous Peoples, many of which are directly relevant to climate-related policymaking. UNDRIP, for example, recognizes the rights of Indigenous Peoples to their lands, territories, resources, and traditional knowledge, as well as to the conservation and protection of the environment. UNDRIP also protects the cultural rights of Indigenous Peoples that might be affected by climate change and the potential adverse impacts of climate policies, including the right to maintain and strengthen their distinctive spiritual relationship with their lands, territories, waters, and coastal seas, and to uphold their responsibilities to future generations in this regard.<sup>26</sup> These rights must be respected, protected, and fulfilled throughout the implementation of the NDC.

### Recommendation 5-2: Respect the free, prior, and informed consent of Indigenous Peoples

The planning and implementation of the NDC should uphold the free, prior, and informed consent of Indigenous Peoples. FPIC entitles Indigenous Peoples to give, withhold, and withdraw consent to any project that may affect them or their territories. FPIC also informs the conditions under which projects can be designed, implemented, monitored, and evaluated. In the case of proposed activities and policies in the NDC that would impact collectively held land and territories, the NDC should demonstrate how participation has met international human rights standards on FPIC.<sup>27</sup>

<sup>25</sup> [United Nations Declaration on the Rights of Indigenous Peoples \(UNDRIP\)](#) (Sept. 13, 2007), Article 1.

<sup>26</sup> UNDRIP, Article 25.

<sup>27</sup> UN REDD, [Guidelines on Guidelines on Free, Prior and Informed Consent](#) (Nov. 13, 2012).



## Recommendation 5-3: Integrate and respect traditional knowledge in the preparation and implementation of the NDC

The IPCC and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) have recognized that climate policymaking can benefit substantially from the integration of traditional knowledge in the context of both mitigation and adaptation policies.<sup>28</sup> The Paris Agreement reaffirmed the Parties' commitment to ensuring that climate responses are informed by traditional knowledge. The integration of traditional knowledge should fully respect FPIC and be accompanied by appropriate safeguards to prevent any misuse of this knowledge.

### Guiding Questions

- Does the NDC describe how **Indigenous Peoples**, including Indigenous women, youth, persons with disabilities, and traditional knowledge holders, have been informed about and **consulted in the planning** of the NDC?
- Does the NDC establish or designate **mechanisms and processes** to guarantee the **effective participation** of Indigenous Peoples, especially women, in the implementation and monitoring of the NDC?
- Does the NDC commit to ensuring the **free, prior, and informed consent of Indigenous Peoples** in climate action?
- Does the NDC recognize the **important role of traditional knowledge** for effective mitigation and adaptation policies and commit to respecting, protecting, and fulfilling the rights of Indigenous Peoples with respect to their traditional knowledge?
- Does the NDC commit to **capacity building for local government representatives, civil servants, Indigenous Peoples, and other relevant stakeholders** in order to guarantee the meaningful and effective participation of Indigenous Peoples in the preparation and implementation of climate action?
- Does the NDC identify or seek to establish a **complaints mechanism and guarantee remedy** for Indigenous Peoples in case their rights are negatively affected by climate change and/or climate action?

### Key International Instruments:

[ILO Convention No. 169 on the Rights of Indigenous and Tribal Peoples](#) (1989)

[UN Declaration on the Rights of Indigenous Peoples](#) (2007)

[Outcome Document of the World Conference of Indigenous Peoples](#) (2014)

<sup>28</sup> 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](#) (2020); IPBES, [Biodiversity and Climate Change – Workshop Report](#) (2021).





## Illustrative State Practice *Excerpts from a Nationally Determined Contribution Submitted to the UNFCCC*

### Nepal

#### Second Nationally Determined Contribution

(page 5) **Targets: Agriculture, Forestry and Other Land use:**

- Forests under community-based management will comprise at least 60% of Nepal's forest area; management committees will have 50% women representation and proportional representation of Dalits and Indigenous People in key posts.
- By 2030, institutional mechanisms and structures in place and adequate provision of budget to ensure social and environmental safeguards including Free, Prior and Informed Consent (FPIC); forest tenure and access to finance and technology for Local Communities, women and Indigenous People.
- Ensure fair and equitable benefits (carbon and non-carbon) from sustainable forest management, watershed management, and biodiversity-conservation among Local Communities, women and Indigenous People.
- Ensure increased access of climate-smart agricultural technologies to women, Indigenous People, smallholder farmers and marginalized groups.

(page 8) **Gender Equality and Social Inclusion (GESI):**

By 2030, develop an Action Plan for integrating GESI in achieving NDC targets:

- Develop specific programs with dedicated resources (human and financial) to ensure full, equal and meaningful participation of women, children, youth, Indigenous Peoples and marginalized groups in climate change-related policy development; and during the planning, monitoring and implementation processes at local, provincial and national levels.
- Promote the leadership, participation and negotiation capacity of women, Indigenous Peoples and youth in climate change forums.
- Ensure gender-disaggregated data when reporting on progress and achievements.

(page 10) **Planning Process:**

The NDC was developed through an inclusive and participatory process, with a series of consultations at national and provincial levels.

Nepal's NDC formulation was a country-driven process following the principle of Leave No One Behind (LNOB). A team of experts reviewed overarching and sectoral policies, strategies and programs; and coordinated the process of gathering data and performing analysis. These assessments were later verified through in-person and virtual consultations both at national and provincial levels with line ministries, experts, Local Peoples, women, Indigenous Peoples and youth.

By 2030, all 753 local governments will prepare and implement climate-resilient and gender-responsive adaptation plans. The plans will address climate change and disaster vulnerability and risks and prioritize adaptation and disaster risk reduction and management measures focusing on... Indigenous Peoples...

(page 19) **Means of Implementation**

Nepal will prepare a detailed NDC implementation framework/roadmap/plan to ensure the targets will be achieved in a systematic matter. The key elements of this framework/roadmap/plan include:

- Institutional mechanism: Implement the NDC through federal, provincial and local governments, in collaboration with other relevant stakeholders including youth, women and Indigenous People.
- Communication and Coordination: Develop clear lines of communication between different levels of governance and across different sectors and stakeholders, including women, Indigenous Peoples and youth.



## Illustrative State Practice

*Excerpts from a Nationally Determined Contribution Submitted to the UNFCCC*

### Costa Rica

## Second Nationally Determined Contribution<sup>29</sup>

#### (page 12) **Just transition, social justice and climate justice**

Costa Rica recognizes that the social, economic and historical conditions of some populations increase their vulnerability to the impacts of climate change. Among the most vulnerable groups are people with disabilities, transgender people, the elderly, women, youth and children, Indigenous Peoples and Afro-descendant communities.

At the same time, Indigenous Peoples and Afro-descendant communities safeguard invaluable knowledge and traditions based on their respective worldviews and the relationships with nature that these entail, which should be the basis for addressing climate action with these populations.

#### (page 40) **Forests and terrestrial biodiversity**

By 2030, Costa Rica will have managed actions, including the strengthening of the cultural indigenous conservation system, which will allow it to maintain or increase the capacity to capture and/or reduce emissions from terrestrial ecosystems such as forest ecosystems, agroforestry and peatland ecosystems, among others.

(...) By 2030, Costa Rica executes the Territorial Forest Environmental Plans will be in place, jointly with the indigenous territories, as an instrument implementation of the measures established in the National REDD+ Strategy. These plans will be built through the consultation process in accordance with the framework established national and international legislation.

#### **Action for climate empowerment**

During the period of implementation of this contribution, the country will have implemented communication, participation and citizen empowerment actions to promote the integration of the perspectives of different groups, including young people, Indigenous Peoples and Afro-descendants in a manner appropriate to the realities and worldviews of the different communities.

(page 50) Starting in 2021, the country will develop spaces for dialogue and participation, both virtual and face-to-face, for groups particularly vulnerable to climate change, including the Afro-descendant community, organized women's groups, youth, transgender community, Indigenous Peoples, people with disabilities and the elderly, in a manner appropriate and accessible to the realities, worldviews and traditions of the different communities and populations.

(page 52) By the year 2030, the country will monitor the indicators required to ensure gender equality and the empowerment of the Afro-descendant community, organized women's groups, youth, the transgender community, Indigenous Peoples, persons with disabilities and the elderly in the climate agenda in the sectors of action.

#### **Transparency and continuous improvement**

(page 54) By 2030, the country will have differentiated data on the reality of historically excluded groups and those most vulnerable to the effects of climate change, including at least the Afro-descendant community, organized women's groups, youth, the transgender community, Indigenous Peoples, people with disabilities and the elderly.

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<sup>29</sup> Translated by the authors of the toolkit.



### **Priorities of the communication on adaptation**

(page 78) Guideline 7 - By 2030, ecosystem-based adaptation has been promoted within and outside the natural heritage of the State, through biodiversity conservation in biological corridors, private reserves, indigenous territories, agricultural and livestock farms, and integrated management of natural and cultural heritage, among others.

### **Planning process**

(page 100) To strengthen this public consultation process, the Climate Change Directorate [CCD] organized a series of conversations in November and December 2020 with communities and groups made vulnerable by the climate crisis and who are less representation in decision-making spaces. (...) The CCD organized conversations with the Afro-descendant community, organized women's groups, youth, transgender community, Indigenous transgender community, Indigenous Peoples, people with disabilities and senior citizens.

### **Considerations of fairness, including a reflection on fairness**

(page 111) At the same time, it is recognized that Indigenous Peoples and Afro-descendant communities safeguard knowledge and traditions based on their respective cosmovisions and the relationships with nature that these entail, which are invaluable and should be the basis for addressing climate action with these populations.

### **How the Party has addressed Article 4 paragraph 3 of the Paris Agreement**

(page 112) It is recognized that the social, economic and historical conditions of some populations increase their vulnerability to the impacts of climate change. Among the most vulnerable groups are people with disabilities, transgender people, the elderly, women, youth and children, Indigenous Peoples and Afro-descendant communities, and specific efforts are made to integrate them in appropriate ways in the design of climate action instruments and the NDC in particular.



## Section 6: Land Tenure and Community-Based Natural Resources Management

Access, use, and control of lands, waters, and natural resources affect the enjoyment of many human rights, including, inter alia, the rights to life, property, food, adequate housing, water, sanitation, development, freedom of movement, and a clean, healthy, and sustainable environment. NDCs should address issues such as tenure, resource management, protected areas, and ecosystem restoration on land and underwater. These are particularly important issues for Indigenous Peoples and local communities. The UN Declaration on the Rights of Peasants articulates human rights obligations related to land and resource management, emphasizing the need to protect these rights, in particular for people in vulnerable situations. Supporting strengthened land and resource rights for, inter alia, peasants, women, youth, Indigenous Peoples, and local communities will enhance their access to nutritious food, advance gender equality, and reduce conflicts over resources. Land and resource rights can also help reduce poverty by providing predictable sources of income.

Land and natural resource governance has a critical role to play as an essential component of NDCs – both to curb emissions from deforestation, drought, and other forms of ecosystem degradation and to restore and enhance the role of natural ecosystems to act as a carbon sink. Good environmental governance can provide significant adaptation benefits in improving the resilience of ecosystems and communities. Research demonstrates that empowering Indigenous Peoples and protecting their collective rights is a particularly effective approach to protecting forests and natural ecosystems.<sup>30</sup> Comparative studies have further demonstrated that securing community land rights and Indigenous forestlands tenure are cost-effective mitigation policies.<sup>31</sup> To reduce emissions from forestry and land use while promoting the rights of rural communities, NDCs should include commitments to strengthen the land and resource rights of, inter alia, women and girls, Indigenous Peoples, local communities, and peasants.

### **Recommendation 6-1: Include rights-based and gender-responsive approaches to land tenure and community-based natural resource management in the NDC**

NDCs should recognize the role played by land tenure and community-based natural resource management in mitigating emissions and enhancing the resilience of ecosystems and include a clear commitment to gender equality and strengthening Indigenous Peoples' and local communities' tenure systems. Conservation and sustainable use objectives adopted in consultation with affected people and informed by the best available scientific knowledge will support climate-resilient development. To ensure that human rights are effectively protected, effective legal frameworks that ensure the enforceability and judicial protection of tenure are needed.

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<sup>30</sup> IPCC, [Working Group II Contribution to the IPCC Sixth Assessment Report on Climate Change Impacts, Adaptation and Vulnerability, Summary for Policy Makers](#) (2022), page 21.

<sup>31</sup> World Resources Institute (WRI) and Rights and Resources Initiative (RRI), "[Securing Rights, Combating Climate Change](#)" (2014).



## Recommendation 6-2: Promote sustainable land and resource use, including the conservation and restoration of forests and other natural systems, through equitable, gender-responsive climate finance

International climate and development finance offers an opportunity to accelerate and to support the effective protection of individual and collective land and resource rights. Donor countries should commit, through their NDCs, to enable direct access to a portion of their contribution to climate finance to, inter alia, women and girls, peasants, local communities, and Indigenous Peoples to support their investments and practices that contribute to healthy ecosystems. Additionally, donors could increase support to government agencies mandated to secure and protect community land and resources.

### Guiding Questions:

- Does the NDC recognize **specific, measurable, and robust tenure and natural resource rights** for Indigenous Peoples and local communities?
- Does the NDC commit to recognizing and strengthening **community-based natural resource management and tenure systems**?
- Does the NDC **guarantee the equal rights of women and girls** to lands and resources?
- Does the NDC ensure **transparency in decision-making** related to the management of land and resource rights, including in relation to forestry, mining, farming, fisheries, and extractive industries?
- Does the NDC **harness synergies with potentially relevant frameworks and policies** at the national and international levels related to land tenure and natural resource management?
- Does the NDC prioritize **funding and capacity building** for tenure reform, promoting safeguards, and ensuring effective monitoring of community-based natural resource management?
- Does climate finance committed to land and natural resource management include funds to **empower peasants, women and girls, Indigenous Peoples, and local communities**?

### Key International Instruments:

[Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security](#) (2012)

[United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas](#) (2018)

[UN Declaration on the Rights of Indigenous Peoples](#) (2007)



## Illustrative State Practice

*Excerpts from a Nationally Determined Contribution Submitted to the UNFCCC*

### Bolivia (Plurinational State of)

#### Second Nationally Determined Contribution

##### (page XIV) **Executive Summary**

The NDC proposes to reduce deforestation, carry out afforestation and reforestation actions, increase the areas with integrated and sustainable forest management, implement adaptive measures inside and outside protected areas, promote greater control of forest fires, among others, with a strong role and participation of indigenous peoples and local communities, intercultural communities and Afro-Bolivian people.

##### (page 5) **2. National Circumstances**

The risk of climate change in Bolivia is particularly high for vulnerable groups such as indigenous peoples, people living in extreme poverty, women, children, people with disabilities, people living in rural areas and people with limited access to decision-making and resources. More than 2.7 million children and adolescents (24% of the population) live in areas at high risk of floods and droughts. Rural poverty affects 54% of the population (98% indigenous), which, given their dependence on natural resources and agricultural production, makes them particularly vulnerable to climate variability.

##### (page 10) **Related aspects**

Complementarity of rights. In accordance with Law No. 300 Framework of Mother Earth, Integral Development for Living Well, climate planning and management must be developed respecting the rights of Mother Earth, the rights of the Bolivian people to their integral development, the rights of the indigenous native peasant nations and peoples, and the right of the population to live without material, social or spiritual poverty. Likewise, the State guarantees to all persons and collectivities, without any discrimination whatsoever, the free and effective exercise of the rights established in the laws and international human rights treaties.

##### (page 18) **Forestry sector goals**

(..) This is why the NDC proposes a goal to reduce deforestation and increase the integrated and sustainable management of forests, within the framework of a policy to strengthen access to natural resources by small rural indigenous and aboriginal peasant producers and intercultural communities.

##### **Agricultural sector goals**

(page 29) **Goal (26) The number of rural and peri-urban inhabitants with high food insecurity will have been reduced by 75% by 2030.**

*Baseline 2020:* 1.1 million inhabitants of rural areas and peri-urban sector, with high food insecurity.

*Conditionality:* With national effort up to 60% would be reduced and with international cooperation up to 75% of inhabitants in rural areas and peri-urban sector, with high food insecurity.

*Description:* The actions will make it possible to reduce the number of inhabitants identified in the category of high food insecurity in rural areas and peri-urban sectors of cities through the implementation of public policies, programs and comprehensive projects aimed at improving the availability, access and use of the food. Strategic actions that will improve the food security and sovereignty of Bolivians; improving and strengthening the resilience and adaptation of small, medium, community and vulnerable indigenous native peasant producers through practices that contemplate balanced life systems in the face of the significant effects of climate change. This goal also contributes directly to the reduction of the number of producers in the extreme poverty category by increasing economic income and thus improving the quality of life of producers.



These multidimensional actions will require greater investment in productive infrastructure that will increase production, improve yields and reduce losses caused by adverse climatic events resulting from climate variations. Likewise, this implemented productive infrastructure will optimize production and product transformation costs, guaranteeing the necessary means of production and improving competitiveness in internal and external markets.

*Contribution to the SDGs:* The goal will contribute to SDGs 1, 2, 3, 8 and 12.

(page 30) **Goal (27): 100% of agrarian land titling will be completed, with at least 43% of land ownership rights for women by 2030.**

*Baseline 2020:* 641 thousand (31%) women with identified legal land tenure rights.

*Conditionality:* With national effort 100% of the national land titling goal will be achieved.

*Description:* Rural women represent 40.4% of the total population of women in the country.

They carry out many of the agricultural productive tasks, and even more so in the current context of climate change, as they are responsible for many of the productive tasks. The gender issue has gained more strength in recent years, as is the case of women's political participation in the different territorial political and decision-making spaces. The defined goal is to reach 100% of productive land regulation at the national level of which women with the right to legal land tenure will increase to 43% through processes of access, regulation and titling of land, guaranteeing the distribution and redistribution of land with productive aptitude, and regulating the land market. Avoiding latifundia and guaranteeing the technical security of ownership rights in favor of women.

*Contribution to the SDGs:* The goal will contribute to SDGs 3, 5, 8, 10 and 16

(page 36) **Implementation Guide**

Coordination mechanisms will be the basis for intersectoral, multilevel and multi-stakeholder articulation, integrating coordination channels with the productive sector, the academic sector, indigenous and aboriginal peasant nations and peoples, youth, women's organizations and civil society in general.



## Section 7: Aligning the NDC with the imperative of a Just Transition

Meeting the objectives of the Paris Agreement requires major economic and social transformation, including in the world of work. Fully decarbonizing the global economy will require the transition of large segments of workers from one industry to another, with potential impacts on the geographic distribution of labor and entire communities. A just transition will ensure that this evolution is as fair and inclusive as possible and that it promotes the agency of the workers involved; respects, protects, and fulfills their rights; and leaves no one behind. In its preamble, the Paris Agreement explicitly emphasizes the imperative of a just transition for workers and the creation of decent work and quality jobs. Ensuring that the NDC contributes to a just transition of the workforce is essential to society-wide support for the policies and measures required to implement national climate commitments and the fulfillment of human rights for all.

### Recommendation 7-1: Respect labor rights in the NDC

Labor rights contribute to social justice by promoting opportunities for all people to obtain decent and productive work in conditions of freedom, equity, security, and dignity. States have committed to common minimum international standards through a package of “fundamental conventions” adopted under the International Labour Organization (ILO), which have been widely ratified.<sup>32</sup> These common standards protect, for instance, the freedom of association and the effective recognition of the right to collective bargaining, the elimination of all forms of forced or compulsory labor, the effective abolition of child labor, and the elimination of discrimination. NDCs should contribute to fulfilling labor rights, including through effective regulation of businesses and specific measures to address potentially disproportionate impacts of the economic transformation envisioned as a consequence of national climate policies on affected segments of the workforce.

### Recommendation 7-2: Design and implement the NDC on the basis of social dialogue

Tripartite social dialogue is a form of decision-making involving representatives of governments, employers, and workers on issues of common interest relating to economic and social policy. It promotes consensus building and democratic involvement among the main stakeholders – including workers and their legitimate representatives – in the world of work. To ensure that the views and needs of workers are duly considered in the context of the decarbonization of the economy, the planning and implementation of NDCs should foster social dialogue and recognize the critical role of trade unions.

### Recommendation 7-3: Ensure a just transition for all

A just transition to a low-carbon economy will ensure that no one is left behind and that workers in declining industries have the ability to find decent jobs and livelihoods. The employment needs of emerging industries, such as renewable energy and energy efficiency, can provide job opportunities to those who might lose their jobs as a result of the shift away from climate-damaging industries, provided that adequate policies, planning, and retraining opportunities are in place to ensure that such workers can

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<sup>32</sup> See the list of these Conventions and Recommendations on the [webpage of the ILO](#).





access jobs in the green economy. NDCs should provide for retraining in a manner that is accessible to all and does not place any burden on workers, including by ensuring adequate social protection measures for all.

## Guiding Questions

- Does the NDC refer to and include plans for the **creation of decent work and quality jobs, including for youth and people in vulnerable situations**?
- Does the NDC commit to measures that will **respect, protect, and fulfill core labor rights**, including through effective regulation of the private sector?
- Have **trade unions and workers been consulted** throughout the planning of the NDC?
- Are there mechanisms to ensure that **trade unions and workers are involved in participatory processes** related to the implementation of the NDC?
- Does the NDC recognize the **importance of and call for inclusive social dialogues**?
- Does the NDC **commit to workforce re-education and a just transition**?
- Does the NDC establish processes to **fulfill the rights of communities** impacted by climate action?
- Does the NDC call for **building climate resilience and ensuring a just transition** by guaranteeing social protection for all?

## Key International Frameworks:

[ILO's eleven fundamental instruments related to principles and rights at work Philadelphia Declaration \(1944\)](#)

[ILO Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All \(2015\)](#)

### Illustrative State Practice

*Excerpts from a Nationally Determined Contribution Submitted to the UNFCCC*

#### Chile

#### Updated First Nationally Determined Contribution

(page 24) **Social Pillar: Just Transition and Sustainable Development in Updating and Implementing Chile's NDC**

[...] In addition, the incorporation and integration of the concept of just transition appears as an enabling condition for the implementation of an ambitious NDC, aligned with global and national goals. Essentially, the just transition is a future-oriented framework focused on action that identifies opportunities for public and private investment in both sustainable and inclusive economic development. The just transition is based on global consolidated frameworks on climate change, human rights, labor standards and inclusive growth.

(page 25) **Implementation of the just transition and sustainable development social pillar in Chile's NDC**

This NDC is based on the just transition and sustainable development social pillar. To ensure adequate implementation, the following criteria will be considered in the design, application and monitoring of each commitment:

[...] b) Just transition: Focused mainly on the decarbonization of the power generation matrix,



the challenges and needs of the most vulnerable shall be analyzed, recognizing, respecting and promoting the obligations related to a just transition towards a low carbon and climate resilient economy.

(page 27) **Commitments in the application of the social pillar for updating and implementing the NDC**

- Social Pillar 1) Ensure the application of the criteria mentioned in Section 3.2 [addressing implementation of the just transition and sustainable development social pillar in Chile's NDC] in the processes of update, elaboration and implementation of the NDC.
- Social Pillar 2) Establish a mechanism to measure, report and verify the application of the criteria mentioned in section 3.2.
- Social Pillar 3) Develop by 2021 a "Strategy for Just Transition" that protects the rights of the most vulnerable in the process of decarbonizing the energy matrix, ensuring active participation of citizens in its design and implementation.



## Toolbox

### RESOURCES REGARDING THE INTEGRATION OF HUMAN RIGHTS CONSIDERATIONS IN CLIMATE ACTION AND IN NDCS MORE SPECIFICALLY

#### Human Rights and Climate Change

- [Key Messages on human rights and climate change](#)  
OHCHR
- [Online Course: An Introduction to Climate Change and Human Rights](#)  
UN CC e-Learn with OHCHR
- For additional resources, please visit:  
<https://www.ohchr.org/en/climate-change/information-materials>

#### Human Rights in the NDCs

- [Derechos Humanos y perspectiva de género en las contribuciones nacionalmente determinadas \(NDC\) en América Latina](#)  
AIDA
- [The Integration of Human Rights in the Nationally Determined Contributions in Asia-Pacific to the Paris Agreement on Climate Change](#)  
Raoul Wallenberg Institute (RWI) and Stockholm Environment Institute (SEI)

#### Labor Rights

- [User's manual to the ILO's Guidelines for a just transition towards environmentally sustainable economies and societies for all](#)  
International Labour Organization
- [Scorecards: NDCs - #JustTransition for Climate Ambition](#)  
International Trade Union Confederation
- [Workers need action on climate change: The ABCs of NDCs](#)  
International Transport Workers' Federation

#### Public Participation

- [Civil Society Engagement for Ambitious NDCs](#)  
Bund
- [Stakeholders Participation Guide: Supporting stakeholder participation in design, implementation and assessment of policies and actions](#)  
Initiative for Climate Action Transparency
- [Civil Society Engagement in the NDC Review Process](#)  
SLYCAN Trust
- [Integrating action for climate empowerment into nationally determined contributions: a short guide for countries](#)  
United Nations Educational, Scientific and Cultural Organization (UNESCO)
- [Making Climate and Environment Policies for & with Children and Young People](#)  
UNICEF
- [Progress Report: NDCs and Inclusivity](#)  
UNDP Climate Promise

#### Gender

- [Gender and national climate planning - Gender integration in the revised Nationally Determined Contributions](#)  
International Union for Conservation of Nature (IUCN)
- [Building Gender-Responsive NDCs](#)  
NDC Partnership



- [Gender Equality in National Climate Action: Planning for Gender-Responsive Nationally Determined Contributions](#)  
UNDP
- [Gender Analysis and NDCs: Short Guidance for Government Stakeholders](#)  
UNDP NDC Support Programme
- [Gender and Climate Change Analysis of Intended Nationally Determined Contributions \(INDCs\)](#)  
WEDO

## Indigenous Peoples' Rights

- [Nationally Determined Contributions in Asia: Are governments recognizing the rights, roles and contributions of Indigenous Peoples?](#)  
*Asia Indigenous Peoples Pact (AIPP), Forest Peoples Programme (FPP)*
- [Sink or swim: How Indigenous and community lands can make or break nationally determined contributions](#)  
*Forest Declaration Assessment*
- [Recognition of Indigenous Peoples in Nationally Determined Contributions](#)  
*International Work Group for Indigenous Affairs (IWGIA)*
- [Indigenous Peoples and Local Community Tenure in the INDCs](#)  
*Rights & Resources Initiative*

## Land Tenure

- [The CLARA Guide to Nationally Determined Contributions](#)  
*Climate, Ambition, Land, and Rights Alliance (CLARA)*
- [Beyond Commitments: how can NDCs contribute to forest governance and resilient local communities?](#)  
FERN