

Briefing Note: May 2018 Bonn Climate Negotiations

Integrating Human Rights to Climate Action

The Paris Agreement reaffirmed that states must, when taking climate action, respect, promote, and take into consideration their human rights obligations. Adequate climate action in line with the objective to keep temperatures below 1.5°C and with equity is necessary in order to ensure that the rights of the most vulnerable are not infringed and that the right to development is guaranteed.

Additionally, governments must ensure that their existing human rights obligations guide their climate policies to promote co-benefits and prevent adverse social impacts of projects and policies.

This briefing note identifies specific entry points for the integration and consideration of human rights in key items on the agendas of the Subsidiary Bodies at their May 2018 sessions, however it does not represent a comprehensive view of other areas that are critical to equity and ambition. The note identifies four main complementary approaches:

1. Integrating human rights in the Paris Agreement Implementation Guidelines
2. Promoting the rights of the people disproportionately impacted by climate change
3. Promoting climate action in coherence with Parties' human rights obligations
4. Ensuring accountability of actors taking climate action within Article 6 mechanisms

1. Integrating human rights in the Paris Agreement Implementation Guidelines (Rulebook)

This session is a critical moment to make progress on developing the Paris Rulebook in a way that ensures human rights effectively guide implementation of the Paris Agreement. Parties must work now to include references to the human rights and other cross-cutting principles reaffirmed in the Agreement in the modalities for the NDCs, transparency framework, global stocktake, and adaptation communications.

- In developing their **Nationally Determined Contributions (NDCs)**, parties should be invited to include information related to how they have considered during the planning process of the NDC human rights, public participation, rights of indigenous peoples, gender equality, food security, the imperatives of a just transition, intergenerational equity, and ecosystem integrity and the protection of biodiversity (APA Agenda Item 3).
- The modalities of the **Transparency Framework** should include opportunities for civil society to provide complementary information to those provided by the State, including information regarding how climate policies are implemented in the country. Civil society should be invited to participate actively to the Facilitative, Multilateral Consideration of Progress (APA Agenda Item 5).
- The modalities of the **Global Stocktake** should include an assessment of collective progress on the overall implementation of the objectives of the Paris Agreement, in light of equity and science, in a manner that is consistent with human rights and other cross-cutting principles. It should include opportunities for inputs by civil society and intergovernmental organizations (APA Agenda Item 6).
- The scope and preparation of **Adaptation Communications** should build on the recognition that adaptation must be participatory and take into consideration vulnerabilities and societal benefits by integrating cross-cutting principles (APA Agenda Item 4).

2. Promoting the rights of people disproportionately impacted by climate change

The agenda for this session allows Parties to build on the momentum from prior decisions that allow them to better consider how the rights of specific groups, including women, indigenous peoples, migrants, and communities in vulnerable situations can be promoted and protected.

- The Parties should build on past decisions to move towards the effective operationalizations of the **Indigenous Peoples' Platform** in a manner consistent with the rights of indigenous peoples and in line with the indigenous peoples' principles recognised at the COP-23 (SBSTA Agenda Item 7).
- Parties must build on the adoption of the first **Gender Action Plan** by moving to implement it in a way that contributes fully to the ambitious revision of NDCs, both in terms of increased of climate objectives and promotion of human rights and gender equality. The gender workshops provide an opportunity to share knowledge on the differential impacts of climate change on women and men; the ways in which States integrate gender into their policies; and for States to indicate how they do or plan to encourage civil society contributions to define these policies.
- The **Suva Expert Dialogue on Loss and Damage** offers an opportunity to make progress on loss and damage finance, including establishing a more specific working definition, which should be separate from finance for adaptation, development, or "normal" humanitarian and disaster response needs, and a target for amount. Parties must also agree on overarching principles for all loss and damage finance, including on gender equality and human rights, among others.

3. Promoting climate action in coherence with Parties' human rights obligations

Parties should leverage capacity building and other cooperation opportunities to create an environment that helps governments integrate human rights into climate action.

- This year, the annual meetings of the **Durban Forum on Capacity Building** and of the **Paris Committee on Capacity Building** will consider opportunities to support most effectively developing countries with the integration of human rights, gender equality and indigenous knowledge throughout their climate policies. These meetings should identify concrete actions to address these critical issues.
- The new **Koronivia Joint Work on Agriculture** presents a critical opportunity for Parties to advance climate action in the agriculture sector that respects human rights. The outcomes of the KJWA must include guidelines for climate action in the agriculture sector to ensure it adheres to and advances food security, gender equality, and human rights (SBI Agenda Item 10; SBSTA Agenda Item 8).
- The Parties should build on the **Action for Climate Empowerment (ACE)** workshop to ensure that public participation, access to information, and education are reflected throughout the implementation guidelines of the Paris Agreement in a manner consistent with the relevant international instruments addressing procedural rights in environmental decision-making and with the right to education on environmental matters (SBI Agenda Item 18).

4. Ensuring accountability of actors taking climate action within Article 6 mechanisms

To prevent adverse impacts of climate action on the rights of indigenous peoples and local communities, the accountability of all actors, both public and private, must be promoted and enforced – including in the context of the mechanisms developed under Article 6 of the Paris Agreement (SBSTA Agenda Item 12).

- The **Sustainable Development Mechanism (SDM)** must include provisions to ensure environmental integrity and promote sustainable development. The Paris Rulebook should include detailed rules on how to conduct local stakeholder consultations prior to the implementation and registration of any SDM activity and should include rules for a transparent, rights-based SDM grievance mechanism.

*This is the Human Rights and Climate Change Working Group's **Briefing Note for the May 2018 Climate Negotiations in Bonn**. The **Human Rights and Climate Change Working Group** advocates for climate policies that effectively promote and respect human rights. For additional information, please visit climaterights.org or contact info.climaterights@gmail.com.*