

Human Rights Accountability of Climate Action

November 2015



Not only man-made climate change, but also certain actions to address climate change can directly result in adverse impacts on human rights. While well intentioned, certain climate mitigation actions implemented under the UNFCCC have caused harm to the environment and people—even infringing on rights to life, health, food, water and sanitation, housing, and culture, among others.

Case study: The Sasan coal power project, CDM project number 3690

The Sasan project has had major impacts on the local population. Houses have been bulldozed and property destroyed before clearance and acquisition was completed. Without permission of the locals, personal belongings were demolished and affected people forcibly displaced to rehabilitation areas. Residents were not compensated or were compensated at levels below the legal requirement. Moreover, fly ash generated by the project activity pollutes the water and poisons the harvest which makes it unsafe to consume food and causes an increase of diseases in the affected area, with harsh impacts on the health situation in the project area.

Recommendations

To promote climate change mitigation that does not harm human rights, the Paris agreement should:

- State in the operative section (Art. 2), Parties' commitment to respect, protect, and fulfill their human rights obligations in all climate change-related actions.
- Establish an institutional safeguard system under the UNFCCC, including a safeguard system as well as a robust grievance mechanism and monitoring system (Art.3ter).

We recommend the following language to be incorporated in the Paris climate treaty, Art. 2

“while ensuring the respect, protection, promotion and fulfillment of human rights, including the rights of indigenous peoples; gender equality and the full and equal participation of women; intergenerational equity; a just transition of the workforce that creates decent work and quality jobs; food security; and the integrity and resilience of natural ecosystems.”

Accountability of climate finance

Paris will set the framework for a wave of climate adaptation and mitigation activities to be implemented in developing countries. These activities are expected to be financed through various public and private finance flows. The need for accountability mechanisms to ensure that climate finance meets the needs of future generations and does not conflict with human rights is widely recognized in international financial institutions (IFIs). However, it is unclear how the complex and evolving landscape of climate finance will meet the challenges to mitigate possible environmental or social risks.

Experience with climate finance projects to date has shown a policy gap in protecting human rights in all climate actions. The lack of harmonised guidance has resulted in a fragmentation of criteria and standards across mechanisms with current mechanisms applying very heterogeneous approaches to the promotion of sustainable development, the consultation of local communities and access to redress mechanisms.

The expected large amounts of climate finance to flow from 2020 onwards will make it even more important to have the right safeguard policies in place before the Paris climate treaty will enter into force. Given the increasing focus on leveraging private investment, there is a need to strive for ambitious accountability and compliance to ensure that integrity and human rights are safeguarded in all efforts to tackle climate change.

The Paris negotiation text foresees the establishment of a “mechanism to support sustainable development” under a new article 3ter which as it stands might open doors for the continuation of the Clean Development Mechanism (CDM) or a similar mechanism. In parallel and as the basis for this mechanism, international sustainable development criteria or safeguards should be adopted, which are consistent with international obligations, including human rights standards.

Lessons to be learnt for UNFCCC climate instruments

UNFCCC instruments need to catch up with leading financing institutions and build on their experience in order to strengthen the integrity of their actions, and increase public trust and acceptance as a key driver for sustainable investments. In that respect, robust human rights language in the operative part (Art. 2) of the Paris treaty is needed that would guarantee the effective integration of human rights in all climate related actions. eria or safeguards should be adopted, which are consistent with international obligations, including human rights standards.



This project action has received funding from the European Commission through a LIFE grant. The content of this section reflects only the author's view. The Commission is not responsible for any use that may be made of the information it contains.

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