

Side event at COP20: Lima's chance to protect human rights in climate actions

10 December 2014, Lima, Peru

On 10 December 2014, as part of the COP20 in Lima, Carbon Market Watch organised a side event jointly with Center for International Environmental Law (CIEL), the Interamerican Association for Environmental Defense (AIDA), and the Peoples Council of Tezulutlán, Guatemala.

The event was inspired by the International Human Rights Day and the concern for climate projects which violate rights of directly affected communities and indigenous people. The moderator Abby Rubinson pointed out that it is the perfect date to indulge in debate on how to tackle these issues and what policy frameworks are needed to overcome them. John Knox, United Nations Independent Expert on human rights and the environment talked about obligations of the states under the international human rights law in relation to climate change and argued for a strong social safeguards system to be included into the CDM. Maximo Ba Tiul, Community representative of Peoples' Council of Tezulutlan in Guatemala shared the troubling story of his community which has been severely affected by development of a hydroelectric project under the CDM. Maria Jose Veramendi Villa from Interamerican Association for Environmental Defense (AIDA) presented another case which showcases the need for human rights approach in the CDM. Alyssa Johl from Center for International Environmental Law (CIEL) shared her concern with the weak sustainable development criteria, social safeguard system in the CDM, and the hibernating process of reaching an appeals procedure.

Below is a more detailed summary of the presentations:

John Knox, a United Nations Independent Expert on human rights and the environment presented examples of how environmental harm interferes with human rights and stressed that states have duties under the human rights law; e.g. to protect rights to speech in environmental issues, protect the most vulnerable, and protect environmental defenders when subjected to threats. Despite that, he pointed out that many countries have not yet included the right to environment to constitutional level, and 2 environmental defenders die every week. On the UNFCCC level, he marked that the COP16 introduced the requirement for Parties to fully respect human rights in all climate related actions. The call to ensure that the principle of climate justice is also at the core of the new agreement, was made a day ahead of Human Rights Day by 76 human rights experts. John Knox recommended strong social safeguards should be built into the CDM itself and argued that human rights in climate policies are only to make them more effective, increases investment in regulatory framework, and provide a better basis for climate finance.

Maximo Ba Tiul, Community representative of Peoples' Council of Tezulutlan in Guatemala shared his experience with the CDM project Santa Rita hydroelectric dam registered in June 2014. The community asked for the project not to be accepted as it wasn't clean – not environmentally, not in a way to respect human rights. He explained that despite no free, prior and informed consent, the government gave the green light to build a project which eventually took lives of people, including 2 children. Even after the registration, the oppression continued, communities escaped to the mountains and community leaders are being criminalized. Through his illustration Maximo raised the

shortcomings of the CDM safeguard system and questioned “who is the defender of their rights - is it an individual, or whose responsibility should it be?”

Maria Jose Veramendi Villa from AIDA stressed that there needs to be a link between climate change and human rights. She argued that CDM rules have not been implemented properly – still ‘bad’ projects are being approved. She pointed out that Santa Rita is just one of many registered projects that have experienced human rights violations. She highlighted the case of Barro Blanco hydroelectric dam project in Panama, which similarly faced oppositions of community fighting for their access to water and food. Nevertheless, despite improper consultation procedures and environmental impact assessment, the project was approved. These cases, according to Maria Jose, show why we need human rights protection within CDM through a strong safeguard system. She also pointed out that the hosting parties can be held accountable in international human rights courts.

Alyssa Johl from CIEL explained that over a decade ago there were no safeguards considered in the Marrakesh Accords. Still, there are no international do no harm safeguards. She underscored the shortcomings of sustainable development criteria in the CDM and expressed her remorse that the appeals procedure has been stalled for so long and found itself in the deadlock for the past two years, only to be postponed to 2016. She stressed that minimum standards for consultation procedure provide no clue on how they are to be conducted and that CDM has not been successful in delivering sustainable development. Alyssa expressed her not overly optimistic views on how criteria in the CDM are moving forward. She emphasized that not just response measures but procedural regulations are strongly needed to address the recurring issues of public participation, sustainable development and human rights violation.