

Dear CDM Board Members:

I write in my role as the United Nations Special Rapporteur on the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.

On Human Rights Day last year, 10 December 2014, all 76 of the United Nations Special Rapporteurs, Independent Experts, and other Special Procedures of the UN Human Rights Council came together to issue a joint statement on climate change and human rights. We stated there that human rights obligations apply not only to the urgent need to mitigate and adapt to climate change, but also to measures taken to respond to climate change. This includes measures taken under the auspices of the Clean Development Mechanism.

Specifically, the joint statement includes the following:

“Climate change is one of the greatest challenges of our generation with consequences that transform life on earth and adversely impact the livelihood of many people. It poses great risks and threats to the environment, human health, accessibility and inclusion, access to water, sanitation and food, security, and economic and social development. These impacts of climate change interfere with the effective enjoyment of human rights. In particular, climate change has a disproportionate effect on many disadvantaged, marginalized, excluded and vulnerable individuals and groups, including those whose ways of life are inextricably linked to the environment. . . .”

“Human rights can also be threatened through mitigation and adaptation measures seeking to reduce, control and prevent climate change and its impacts. Where such measures are adopted without the full and effective participation of concerned individuals and communities, they can result in violations of human rights and may lead to the adoption of measures that are unsustainable and not responding to the needs of rights-holders. . . .”

“Climate justice sees the effect and causes of climate change in relation to the concept of justice, namely, whether the rights of most marginalized and vulnerable populations are taken into account when implementing response measures and whether such measures are fair, equitable and transparent.”

In this light, I urge you to give favorable consideration to the points made by the 98 civil society organizations and individuals who joined in the 9 October 2015 letter to you. In particular, I support their recommendations that you:

- develop a work programme to establish an independent accountability mechanism for the CDM;
- adopt international sustainable development safeguards consistent with international law, including international human rights law;

-- support engagement by the UNFCCC Secretariat with the Office of the High Commissioner for Human Rights and UN Special Procedures, especially in relation to potential human rights impacts of CDM projects; and

-- support the recommendations in the UNFCCC Secretariat concept note on improving stakeholder consultation processes.

Taking these steps would go a long way towards ensuring that CDM projects comply with human rights norms on information, transparency, and participation – and that, in turn, would help to ensure that the projects are both fair and effective.

I and the other Special Rapporteurs and Independent Experts of the Human Rights Council are available and willing to assist in any way we can as you undertake this important work!

Best regards,

John H. Knox

UN Special Rapporteur on Human Rights and the Environment  
Henry C. Lauer Professor of International Law, Wake Forest University