

COP 22 Side event report - Human rights and climate change: what's next after Paris?

Carbon Market Watch
November 2016



In a historic step, the Paris agreement recognized the interconnectivity of climate change and human rights, specifying in its preamble that “Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights.” The priority is now to ensure that this preamble is operationalized and translated into actions that will effectively protect the rights of those most vulnerable but least responsible for climate change.

Speakers reflected on the provisions of the Paris Agreement and on how past experiences and lessons learnt from mitigation projects must inform the design of climate finance rules. Looking ahead, they also stressed the importance of a just transition and of the involvement of all constituencies.

Below is a more detailed summary of the respective presentations:

Kelly Stone from Action Aid started her presentation by giving an overview of the provisions of the Paris Agreement, notably its mention of the role of carbon sinks (forests). She then highlighted why the goal of limiting global warming to 1.5C was not negotiable, underlining the already very negative impacts on the environment and the communities of current +1C global warming.

Another problem comes from the fact that some technologies or processes, seen as solutions to reduce or capture CO₂, also have negative impacts on human rights, such as geoengineering. The IPCC

scenario is giving a role to Bio-energy with carbon capture and storage, saying 500 million hectares of land will be needed. This represents a bit more than the overall territory of India and 1/6 of overall Africa. Using so much land would have significant risks of land grabbing and negative impacts on the food sovereignty.

Another source of concern are biofuels which have already proven to be harmful for the climate and local communities' rights. The massive demand for corn ethanol were felt globally, including in developing countries. Expanding biofuel production has had concrete impacts on the environment (loss of biodiversity, water sources pollution, land use change) and on human rights (food price, water quality, land grabs).

Kimaren Ole Riamit, on behalf of the International Indigenous Peoples' Forum on Climate Change, recalled that the Green Climate Fund (GCF) has the goal to reduce emissions, enhance resiliency and adaptation within the context of sustainable development. The GCF's role is to finance transformational change and a paradigm shift, in the context of both adaptation and mitigation.

Indigenous peoples exhibit low carbon footprint, they have contributed to ecosystem integrity. Yet, although they are the least responsible of climate change, they pay the highest price. They were also impacted by false solutions to mitigate climate change, such as biofuels or the clean development mechanism.

The Paris Agreement mentions human rights in the Preamble, as well as indigenous knowledge is also recognized in Article 7. The GCF receives guidance from the COP and is a product of these decisions. However, despite a few mentions, the GCF has no clear policy on the subject, nor does it recognize indigenous peoples as a constituency, as it is the case under the UNFCCC. Even worse, a number of projects already approved under the GCF have affected indigenous people. To avoid this, the rights recognized in the Paris Agreement should be reflected in the way the GCF deals with indigenous people. Moreover, Kimaren called the GCF to ensure direct access of indigenous people to its funding.

Alyssa Johl, from Carbon Market Watch, presented a few case studies of projects registered under the Clean Development Mechanism. She showed how climate mitigation projects can have negative impacts on the local environment and communities' rights.

Those projects were implemented because of the absence of adequate safeguards in the clean development mechanism. For example, there are no clear guidelines on how the project developer should consult the local affected stakeholders. As a consequence, Alyssa called for new rules that would ensure an effective participation of the communities. Likewise, Alyssa underline the importance to implement a grievance mechanism that would allow affected people to redress opportunities in the case where a registered project is harmful. She added the necessity to have clear criteria in place to evaluate and monitor the project's contribution to sustainable development.

The Paris Agreement created a new mechanism that is likely to function in a similar way to the CDM. Parties are now discussing its modalities and procedures. Alyssa stressed the importance to learn from the lessons of the CDM.

In reaction **Mahesh Pandya**, from Indian grassroots NGO Paryavaran Mitra, indicated that at the Indian level, the CDM has failed to be transparent. Local communities do not know how much money is

received under the carbon credits and there is a lack of public concertation. It is also key to hold companies that are developing the projects accountable

Alison Tate, from the International Trade Union Confederation, recalled that the Paris Agreement's Preamble makes a reference the just transition. This echoes to the key consideration on if the transition to the low carbon economy will deliver justice or more inequality.

Fundamental workers' rights are currently being clawed back in many countries. As we transition to a new economy, we need to ensure that those rights, such as the right to a decent, safe and secure work but also the right to know and to participate in decision making, are taken into account.

Every industry will need to transform to be greener. To shift of the production mechanism and of the way in which industrial capacity is financed, structured, managed is a challenge that humanity has never faced. It is important that this urgent action to address climate change is guided by the concept of a just transition. In all countries, we need to ensure that the transition doesn't leave workers and communities behind.

A just transition is about investing in jobs in sectors that reduce emissions and help communities adapt to climate change. It's also about respecting the workers contribution in the fossil fuel industries: they have made today's prosperity possible. We need to provide them with support, retraining, pensions. We must invest in communities' renewal to gain trust and hope. The shift to a new economy must formalize jobs and respect an encompassing social dialogue.