



Submission to the ADP by the Mary Robinson Foundation – Climate Justice

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The ADP has the important job of shaping a climate agreement by 2015 that is applicable to all Parties. The universality of the outcome requires broad based engagement with the process and equity in the way the work of the ADP is planned and progressed. The principles of equity and Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC), both enshrined in the Convention, must inform all aspects of this work.

The challenges associated with applying these principles in practice across the Convention has for too long been used as a reason for inaction or to avoid taking responsibility. Nevertheless, Parties to the Convention have found ways to operationalize the principles in a range of contexts including mitigation commitments, adaptation finance and reporting. There are lessons to be learned from these experiences and from other multilateral processes. The [Mary Robinson Foundation – Climate Justice](#) is engaged in a research programme with the World Resources Institute, through the *Climate Justice Dialogue*, on Equity and CBDR-RC which is exploring these lessons in more detail and initial findings are presented in WRI's submission to the ADP.

The principles of the Convention – paving the way for an equitable agreement in 2015

The following section examines the principles of the Convention in the context of climate justice and with a view to informing an equitable and ambitious climate agreement in 2015.

Article 3.1: The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.

This first principle of the Convention enshrines the concept of inter-generational equity which is central to sustainable development and climate justice. In designing a new climate agreement the need to address current injustices and guarantee no further injustice must be paramount.

Article 3.1 also focuses on protecting the climate system to benefit people, humankind. The benefits and burdens associated with climate change and its resolution must be fairly allocated. This involves acceptance of common but differentiated responsibilities and respective capabilities in relation to reduction of greenhouse gas emissions. Those who have most responsibility for greenhouse gas emissions and most capacity to act must take the lead in reducing emissions. In addition, those who have benefited and still benefit from emissions in the form of on-going fossil-

fuel based economic development and increased wealth, mainly in industrialised countries, have an ethical obligation to share benefits with those who are today suffering from the effects of these emissions, mainly poor and vulnerable people in developing countries.

People in low income countries must have access to opportunities to adapt to the impacts of climate change and embrace low carbon, climate resilient development. This is consistent with the right to development which is enshrined in article 3.4 of the Convention and has been discussed in the context of the [workshop on Equitable Access to Sustainable Development](#). Access to sustainable energy, alternative livelihoods and risk management solutions are all benefits which need to be targeted to those with the greatest need and who are typically left out of mainstream development processes.

Article 3.2: The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration.

Article 3.2 of the Convention recognises the disproportionate or asymmetrical impacts of climate change on those who are most vulnerable and who have contributed least to the causes of the problem. Climate justice acknowledges this injustice and safeguards the rights of the most vulnerable. The international human rights framework provides a reservoir for the supply of legal imperatives with which to frame morally appropriate responses to climate change, rooted in equality and justice. A rights-based approach to climate change draws on internationally agreed values around which common action can be negotiated and then acted upon. Human rights deliver valuable minimal thresholds, legally defined, and widely supported, on which to build a new climate agreement.

The impact of climate change on human rights was acknowledged in the Cancun Agreements in 2010 and emphasised “that Parties should, in all climate change-related actions, fully respect human rights”. Human rights must be included in the new climate agreement in order to guarantee basic rights rooted in respect for the dignity of the person.

Climate change amplifies gender inequalities, with many of those most vulnerable to the impacts of climate change being women. The gender dimensions of climate change have been highlighted again and again in recent years and most recently at Gender Day events on the 27th November at COP18.

Women’s voices must be heard and their priorities supported as part of climate justice. In many countries and cultures, women are at the forefront of living with the reality of the injustices caused by climate change. They are critically aware of the importance of climate justice in contributing to the right to development being recognized and can play a vital role as agents of change within their communities.

The new decision on gender balance adopted at COP 18 in Doha paves the way for the greater representation of women in all aspects of the work of the Convention and sets in train a process for more gender-sensitive climate policy, all with the aim of strengthening gender equality. The work of the ADP should be informed by this decision but must also address, more broadly, the goals of gender equality and gender-responsive climate policy.

Article 3.3: The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.

The precautionary principle has long signalled the need for the international community to act with the urgency to solve the climate crisis. However, the effects of collective inaction have meant that the vulnerable are already suffering the impacts of climate change with direct effects on their rights to food, to water, to life and to health.

Urgent action on climate change requires action on all aspects of the climate problem. So mitigation, adaptation, technology transfer, climate finance and capacity building all have a role to play and the emphasis on one aspect over another varies according to the needs and level of development of each country. Equity has a role to play here too, as in order to achieve the level of ambition needed to solve the problem, the effort of all countries, across the full range of climate policies and actions, will need to be acknowledged. So equity applies to adaptation, mitigation and the means of implementation and if applied across the full range of measures should be a driver of ambition.

Article 4.4: The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change.

This principle is consistent with the right to development. The vast gulf in resources between rich and poor, within and between countries, results in the global inequalities that frame the climate change negotiations. Climate change both highlights and exacerbates this gulf in equality. It also highlights our true interdependence and the need for inclusive and equitable sustainable development. A new climate agreement can help to inform and shape this future – enabling those living in poverty to benefit from climate compatible development while those who have reaped the benefits of fossil fuel powered growth provide support and lead the transition to low carbon development.

This will mean that different countries will take different actions in different time frames – but all need to act, all have responsibility to protect human rights and all can benefit from the transition to a new type of development.

Article 3.5: The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

Climate justice requires effective action on a global scale which in turn requires a pooling of resources and a sharing of skills across the world. Cooperation and partnership, including partnership with those most affected by climate change and least able to deal with its impacts, must be the foundation of an international agreement. Effective action on climate change requires a collective sense of solidarity in the face of a global problem. By approaching climate change in solidarity, with all countries and people represented as equals, with equal voice – the dialogue on climate action can be transformed to one of shared urgency, collective responsibility and moral duty.

The opportunity to participate in decision-making processes which are fair, accountable, transparent and corruption-free is essential to an effective response to climate change. Participation in the work of the ADP by all countries, civil society, business interests and those most vulnerable to climate change, including particular women, youth and indigenous peoples, will be vital in creating an equitable and ambitious agreement.

Transparency in decision-making at international, national and local levels is essential for trust building, to incentivise action and to enable accountability. Effective systems for transparency and accountability will be central tenants of a successful climate regime.

Conclusion

The principles of equity and CBDR-RC are not about sharing failure – they are about sharing responsibility and sharing the benefits of the transition to low carbon, climate resilient development. These principles ensure that the Convention addresses the needs of all Parties, regardless of their state of development.

The 2015 agreement will have to be ambitious enough to keep warming below 2°Celsius and preferably below 1.5° Celsius, while also enshrining ambitious action on adaptation, climate finance, transfer of technologies and capacity building. The application of the principles of equity, common but differentiated responsibility and respective capabilities and the right to sustainable development, can help to incentivise action across all building blocks of the Convention, allow for differentiated and varied action by countries and ensure transparency of action to facilitate accountability and drive ambition.

The Mary Robinson Foundation looks forward to further opportunities to contribute the outputs of the Climate Justice Dialogue to the work of the ADP, with a view to shaping an equitable and ambitious international climate agreement in 2015.