

# Submission by the Mary Robison Foundation – Climate Justice

25 July 2017

The Paris Committee on Capacity-Building (PCCB) is inviting submissions from Parties and other interested stakeholders on the following topics:

- a) Information on capacity-building activities for the implementation of nationally determined contributions in the context of the Paris Agreement
- b) Information and suggestions regarding the web-based capacity-building portal

## 1. Introduction

The Mary Robison Foundation – Climate Justice (the Foundation) is a centre for thought leadership, education and advocacy on the struggle to secure global justice for the victims of climate change who are usually forgotten – the poor, the disempowered and the marginalised across the world. The organisation is a platform for solidarity, partnership and shared engagement for all who care about global justice, whether as individuals and communities suffering injustice or as advocates for fairness in resource-rich societies. The Foundation provides a space for facilitating action on climate justice to empower the poorest people and countries in their efforts to achieve sustainable and people-centred development.

Climate justice links human rights and development to achieve a human-centred approach, safeguarding the rights of the most vulnerable people and sharing the burdens and benefits of climate change and its impacts equitably and fairly. Climate justice is informed by science, responds to science and acknowledges the need for equitable stewardship of the world's resources. Capacity building, participation, access to information, training and education are all critical to the achievement of climate justice.

The work of the Foundation is guided by its Principles of Climate Justice, which can be found on the Foundation's website <http://www.mrfcj.org/principles-of-climate-justice/>.

In our March 2016 submission under 14/CP.21 'Capacity-building under the Convention' the Foundation noted a number of capacity gaps in relation to the integration of human rights into climate action, as per the Paris Agreement, that may be relevant in the current context. For ease of reference the Foundation reiterates these points below, with relevant updates:

- There is currently a low level of reporting by Parties on the links between human rights and climate change, despite the guidance given to Parties in the Cancun Agreements to respect human rights in all climate related actions (1/CP.16, paragraph 8). Research<sup>1</sup> conducted by the Foundation found that only 60 countries made explicit references to human rights in their national communication or National Adaptation Programme of Action (NAPAs)<sup>2</sup>. Reasons identified for this low level of reporting on human rights includes a lack of capacity to address the human rights dimensions of climate change and the absence of guidelines for Parties. **The analysis of national reports suggests that Parties to the United Nations Framework Convention on Climate Change (UNFCCC) could benefit from a greater understanding of how to integrate human rights into the implementation of their commitments, including their Nationally Determined Contributions (NDCs).**
- The Foundation and the Office of the High Commissioner for Human Rights (OHCHR) have highlighted Resolution 18/22<sup>3</sup> of the UN Human Rights Council (HRC) which states that ‘human rights obligations, standards, and principles have the potential to inform and strengthen international and national policy-making in the area of climate change, promoting policy coherence, legitimacy, and sustainable outcomes’. Experience documented in the Foundation’s report [‘Rights for Action; Putting People at the Centre of Action on Climate Change’](#)<sup>4</sup> supports this statement and finds that the integration of human rights into climate change policies can improve effectiveness. Case studies from Costa Rica, Vietnam, Niger, Ecuador and the Arctic illustrate the value of rights-based approaches to climate action. These and other case studies can be used to raise awareness and share experiences amongst Parties thereby developing capacity in the area of human rights and climate change in their implementation activities.
- Experience documented in ‘Rights for Action; Putting People at the Centre of Action on Climate Change’ and in the United Nations Environment Programme report ‘Climate Change and Human Rights’<sup>5</sup> shows that a failure to integrate human rights into climate actions can undermine peoples’ rights and in places has led to conflict. **This highlights the need to build capacity to integrate human rights into climate action to ensure access to information, consultation, participation and access to justice for communities affected by climate-related activities, including through the implementation of NDCs.**

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<sup>1</sup> *Incorporating Human Rights into Climate Action* (Version 2 2016) Mary Robinson Foundation Climate Justice. Available at: <http://www.mrfci.org/wp-content/uploads/2016/05/Incorporating-Human-Rights-into-Climate-Action-Version-2-May-2016.pdf> (Accessed 07 July 2017).

<sup>2</sup> The research examined all National Communications submitted to the UNFCCC between 2010 and 2015 along with any National Adaptation Plans of Action (NAPAs) submitted by Least Developed Countries (LDCs) over the same period.

<sup>3</sup> United Nations Human Rights Council, Resolution 18/22 Human rights and climate change; A/HRC/RES/18/22 17 October 2011.

<sup>4</sup> *Rights for Action; Putting People at the Centre of Action on Climate Change* (2<sup>nd</sup> edition 2015) Mary Robinson Foundation – Climate Justice. Available at: <http://www.mrfci.org/wp-content/uploads/2015/11/MRFCJ-Rights-for-Action-edition-2.pdf> (Accessed 07 July 2017).

<sup>5</sup> *Climate Change and Human Rights* (2015) United Nations Environment Programme. Available at: [http://apps.unep.org/publications/index.php?option=com\\_pub&task=download&file=011917\\_en](http://apps.unep.org/publications/index.php?option=com_pub&task=download&file=011917_en) (Accessed 07 July 2017).

- The Foundation has identified areas where progress could be made in the coming years to assist climate policy makers to integrate human rights into their work. As noted in ‘Rights for Action; Putting People at the Centre of Action on Climate Change’, the majority of climate policy makers feel ill-equipped to understand and apply human rights standards and principles in their work. **Awareness raising, training and guidance will be needed to assist climate policy makers to implement rights based approaches.** The human rights community, the Human Rights Council, the Office of the High Commissioner for Human Rights and the Global Alliance of National Human rights Institutions (GANHRI) can all play an important role in providing guidance and tools to climate policy makers.

The Foundation notes that many of these capacity gaps remain and need to be addressed so that NDCs are implemented in a manner that respects human rights. The PCCB is now uniquely placed to address these capacity gaps in light of its mandate and work plan.

## **2. Information on capacity-building activities for the implementation of nationally-determined contributions in the context of the Paris Agreement**

The Foundation has utilised the numbering system for the PCCB mandates as per the call for submissions for ease of reference.

### **PCCB Mandate No. 1 - Identifying capacity gaps and needs and recommending ways to address them through developing information for how cross cutting issues can be included in the implementation of NDCs**

- i) As indicated in our previous submission (and referenced above) the lack of knowledge and skills amongst policy makers to integrate **human rights in climate action is a capacity gap which needs to be addressed to facilitate the effective implementation of NDCs.** It is critical to address this capacity gap for NDC implementation because:
  - a. Human rights-informed climate action is good for people as well as the planet.
  - b. Actions taken to adapt to the impacts of climate change and to reduce the emissions that cause global warming ultimately protect people’s rights as they strive to avoid dangerous climate change.
  - c. Climate actions designed and implemented without respect for human rights risk undermining people’s rights.

As a result, **building capacity to integrate human rights into NDC implementation should be an important focus for the PCCB.**

- ii) Integrating human rights into climate action enables governments to realise their obligations under the UNFCCC and human rights law. Incorporating existing human rights obligations and commitments into the design of climate action has the potential to inform and strengthen national and international policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes.
- iii) Reporting on national progress in linking climate change and human rights can help countries to enhance knowledge, exchange expertise and build capacity, at the international level. In addition, documenting national experiences in linking human rights and climate change can help to promote greater collaboration and coordination between climate change and human rights actors at the national level. However research undertaken by the Foundation<sup>6</sup> has shown that reporting on human rights in climate action is not universal in application, and only 60 countries made explicit reference to human rights in their national communications or NAPAs.

**Some ways of addressing this capacity gap include:**

- i) Developing guidance for national reporting under the UNFCCC on how human rights can be systematically considered in the design, implementation and reporting of climate action. Without effective guidance NDCs will follow the trend of National Communications and NAPAs and fail to adequately address the human rights considerations.
- ii) Conducting capacity building activities in the area of human rights and climate change (including in the implementation of NDCs). The preamble of the Paris Agreement makes it clear that all climate actions (including those undertaken to implement NDCs) should ‘respect, promote and consider ... respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situation and the right to development, as well as gender equality, empowerment of women and intergenerational equity.’ Parties will need capacity building, training and guidance to enable them to fulfil this commitment. The PPCB has highlighted human rights, gender responsiveness and the rights of indigenous people as cross cutting issue in its work and as a result is well placed to address this capacity gap.

**The Foundation recommends**

- **that the PPCB recognises human rights as a capacity gap for NDC implementation**

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<sup>6</sup> *Incorporating Human Rights into Climate Action* (Version 2 2016) Mary Robinson Foundation – Climate Justice. Available at: <http://www.mrfcj.org/wp-content/uploads/2016/05/Incorporating-Human-Rights-into-Climate-Action-Version-2-May-2016.pdf> (Accessed 07 July 2017).

- that one of the outcomes of the PCCB’s thematic work is guidance on the incorporation of human rights into climate action, with a focus on NDCs and their implementation.

## **PCCB Mandate No. 2 - Promotion of the development and dissemination of tools and methodologies of capacity-building**

The Foundation has a number of resources that could help to address the capacity gap related to human rights and climate change. We would like to draw the Committee’s attention to the following publications:

- [Incorporating Human Rights into Climate Action](#)<sup>7</sup>

Published research on gaps in the current understanding of the links between human rights and climate change, through a reporting lens. The research is the product of an extensive survey commissioned by the Foundation to assess the extent to which countries are reporting on the links they are making between human rights and climate change.

The research considered all national communications submitted to the UNFCCC between January 2010 and December 2015. The research also considered all National Adaptation Programmes of Action (NAPAs) submitted by Least Developed Countries (LDCs) – this amounted to 50 NAPAs. To further understand the landscape of human rights and climate change, the research also considered reports to the Universal Periodic Review (UPR) under the Human Rights Council (HRC).

- [Rights for Action; Putting People at the Centre of Action on Climate Change](#)<sup>8</sup>

This published research explores the linkages between human rights and climate change, specifically:

- i) The implications of climate change for the full range of human rights, particularly for people living in situations of poverty, marginalisation and vulnerability.
- ii) That failure to integrate human rights into climate action can undermine people’s rights.
- iii) That integration of human rights into climate change policies can improve effectiveness and result in benefits for people and the planet.

The document provides supporting information and case studies to illustrate how a people-centred, developmental approach to climate action can more effectively address the impacts of climate change and secure climate justice.

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<sup>7</sup>Ibid.

<sup>8</sup> *Rights for Action; Putting People at the Centre of Action on Climate Change* (2<sup>nd</sup> edition 2015) Mary Robinson Foundation – Climate Justice. Available at: <http://www.mrfci.org/wp-content/uploads/2015/11/MRFCJ-Rights-for-Action-edition-2.pdf> (Accessed 07 July 2017).

- [The Full View: Ensuring a comprehensive approach to achieve the goal of gender balance in the UNFCCC process \(second edition\)](#)<sup>9</sup>

This report, co-authored by UN Women, outlines recent developments in international norm-setting that reflect important gains for gender equality and the empowerment of women and girls, as well as an overview of the global normative frameworks for women's full and equal participation, including within the decision-making processes to achieve sustainable development.

The report applies this understanding to trends in gender balance within the UNFCCC process, and applies good practices in other international policy-making spheres to address identified capacity gaps. The research also discusses regional and national measures and mechanisms to enable the participation of women in decision-making, including contributions made by civil society organisations to enable women to have a voice in decision-making. Lastly, it provides recommendations for Parties, the Secretariat and other relevant stakeholders to the UNFCCC including in relation to the implementation of NDCs.

- [Women's Participation: An Enabler of Climate Justice](#)<sup>10</sup>

This resource demonstrates the positive impacts of women's participation on the design, planning and implementation of climate policy and in doing so highlights the benefits of supporting women's participation in the development of gender-responsive climate action. Overall the evidence base on the benefits of women's participation in the design and implementation of gender-responsive climate policy and climate action is limited. There are two conclusions to be drawn from the lack of evidence, firstly that there are not enough efforts to enable women's participation in climate actions and secondly that not enough is being done to document best practice where actions are taking place to enable women's meaningful participation in climate actions. The resource thereby makes the case for more training and capacity building to enable women's participation in the implementation of NDCs.

### The Foundation recommends

- **that the PCCB collates existing resources, guidance and best practice for the integration of gender responsiveness, human rights and indigenous people's knowledge in climate action and make these available through the capacity building portal.**

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<sup>9</sup> *The Full View; Ensuring a comprehensive approach to achieve the goal of gender balance in the UNFCCC process* (2016) UN Women and the Mary Robinson Foundation – Climate Justice. Available at: <http://www.mrfcj.org/wp-content/uploads/2016/11/MRFCJ-Full-View-Second-Edition.pdf> (Accessed 07 July 2017).

<sup>10</sup> *Women's Participation; An Enabler of Climate Justice* (2015) Mary Robinson Foundation – Climate Justice. Available at: <http://www.mrfcj.org/wp-content/uploads/2015/11/MRFCJ-Womens-Participation-An-Enabler-of-Climate-Justice-2015.pdf> (Accessed 07 July 2017).

## **PCCB Mandate No. 4 - Identifying opportunities to strengthen capacity at the national, regional and subnational level**

At the national level the Foundation proposes that closer working between climate policy makers and human rights experts and practitioners, including National Human Rights Institutions (NHRIs), would build capacity for rights informed climate action. The Geneva pledge is one initiative that aims to promote this approach.

At the sub-national level, the Foundation places an emphasis on the right to participation of all stakeholders in climate action (including NDC implementation) and highlights the value of local knowledge and grassroots women's participation in climate decision-making. The opportunity to participate in decision-making processes which are fair, accountable, open and corruption-free is essential to the growth of a culture of climate justice. The voices of those most vulnerable people to climate change must be heard, their knowledge valued and their participation enabled in climate decision-making at all levels.

The Foundation recognises that the PCCB can provide a supportive role to developing countries to build the capacity of local and grassroots communities, in particular local and grassroots women to participate in climate decision-making.

At COP22 in Marrakech the decision on Gender and Climate Change (Decision 21/CP.22) 'encourages Parties to integrate local and traditional knowledge in the formulation of climate policy and to recognize the value of the participation of grassroots women in gender-responsive climate action at all levels'.

As noted above, the Mary Robinson Foundation – Climate Justice, in conjunction with UN Women, produced the '[Full View Second Edition - Ensuring a comprehensive approach to achieve the goal of gender balance in the UNFCCC process.](#)' This research looks at the measures to build capacity and enable the participation of grassroots women in climate decision-making. It makes 5 recommendations, all of which should inform capacity building activities at the national, regional and subnational level:

1. Enable regular consultations between women's organisations / grassroots women and Party delegations at national level and in the context of the UNFCCC to inform climate policy;
2. Establish an online platform under the UNFCCC to share views, knowledge and experiences related to local and traditional knowledge, needs and concerns;
3. Request the secretariat to maintain a roster of representatives of local women's organisations, including grassroots and indigenous women, which is periodically updated and used to facilitate grassroots women's participation;
4. Organise dedicated events to allow for the exchange of information, best practices and experiences in local and grassroots participation in and gender-responsive approaches (co-organised, for example, by the Women and Gender Constituency (WGC), the Global Gender Climate Change Alliance (GGCA) and the UNFCCC secretariat);

5. Establish a voluntary fund to facilitate participation and capacity building for local and grassroots women to engage in the UNFCCC.

#### The Foundation recommends

- **that the PCCB promotes collaboration between human rights and climate change experts and practitioners at the national level including in the implementation of NDCs**
- **that the PCCB highlights the need for capacity building and training to enable the participation of grassroots women in climate decision-making at all levels.**

#### **PCCB Mandate No. 6 - Consideration of cross-cutting issues such as gender responsiveness, human rights and indigenous people's knowledge**

The PCCB has been mandated to take into consideration several cross-cutting issues in managing its 2016-2020 work plan. These include gender responsiveness, human rights and indigenous peoples' knowledge.

The Foundation considers that the PCCB can make an important impact on ensuring that climate action (including implementation of NDCs) in developing countries is people-centred and is undertaken with a human rights-based approach, consistent with the preamble of the Paris Agreement. The work of the PCCB must be informed by an in depth understanding of gender responsiveness, human rights and indigenous people's knowledge.

Given the capacity gaps identified in relation to human rights in particular (gender responsiveness is being addressed under the Lima Work Programme and Indigenous peoples' rights through the Local Communities and Indigenous Peoples' Platform), the Foundation recommends that the PCCB address human rights as a focus of its work.

The PCCB should hold a workshop to strengthen capacity to address human rights in climate action, including in the implementation of NDCs. This workshop could draw on existing tools and guidance and bring in the expertise of human rights institutions at the international, regional and national level. The workshop could also be informed by other relevant work streams of the UNFCCC including gender, the Local Communities and Indigenous Peoples' Platform and ACE to share experiences and establish the synergies between the cross cutting issues identified by the PCCB.

#### The Foundation recommends

- **that the PCCB holds a training and capacity building workshop on human rights and climate change in conjunction with SB 48, bringing together Parties and observers, and national, regional and international actors with expertise in human rights and climate change.**



## **PCCB Mandate No. 7 - Promotion and exploration of synergies for enhanced collaboration with institutions outside the Convention and the Paris Agreement engaged in implementing capacity-building activities**

The Foundation notes that there is potential for greater synergies between the PCCB and the international human rights architecture. The PCCB should collaborate with, for example, the OHCHR and GANHRI. Both these bodies have engaged with the UNFCCC to varying extents in the past, and could be invited to participate in meetings of the PCCB or the workshop mentioned in point 6. For example:

- OHCHR hosted an expert meeting on climate change and human rights from 6 - 7 October 2016. This two-day meeting brought together States, civil society organisations, UN Agencies and experts to consider the implications of recent State commitments, including in the Paris Agreement to the United Nations Framework Convention on Climate Change, related to human rights and climate change. **A similar meeting could be held in collaboration with the PCCB to better identify capacity gaps in relation to climate change and human rights in the implementation of NDCs, possible in conjunction with the training workshop recommended under topic 6.**
- GANHRI hosted an international meeting on "What role can NHRIs play in monitoring sustainable development goals and commitments under the Paris Agreement on Climate Change" to coincide with COP22 in Marrakech. **The PCCB could explore ways that it could work with this institution on developing collaboration between national human rights institutions and policy implementers of climate action.**

### **3. Information and suggestions regarding the web-based capacity-building portal**

The Foundation is of the view that the capacity building-portal is an important platform for gathering and disseminating information from non-Party stakeholders that support capacity development for the implementation of the Convention and the Paris Agreement in developing countries.

The Foundation believes that the portal will operate most effectively where the maximum range of information is available, including information specific to the cross-cutting issues 'gender responsiveness, human rights and indigenous peoples' knowledge. Making this information available will enable Parties, and the PCCB itself, to identify how the cross-cutting issues can be incorporated into climate action and to share experiences and emerging good practice.

**The Foundation suggests a new field within the 'activity details' screen (displayed at figure 1) is included in the Capacity Building Portal called 'cross-cutting considerations'. The portal should also include an explanatory note to guide non-party stakeholders in detailing**

the information required. This would make it possible for resources, such as those highlighted in this submission, to be made available through the portal.



Fig 1: Current Capacity Building Portal Window

The inclusion of such a field will have a two-fold application:

1. It will operate as a prompt for non-state actors submitting information to include information on the integration of gender responsiveness, human rights and indigenous peoples' knowledge
2. It will provide an 'at a glance' reference for portal users who are looking for best practice examples for replication in new capacity building activities

While the inclusion of such information may not be mandatory it is hoped that this information can promote a better understanding of how to address gender responsiveness, human rights and indigenous peoples' rights in climate action.

## 4. Conclusion

In summary, the Foundation's recommendations are that:

- The PCCB recognises human rights as a capacity gap for NDC implementation
- One of the outcomes of the PCCB's thematic work is guidance on the incorporation of human rights into climate action, with a focus on NDCs and their implementation
- The PCCB collate existing resources, guidance and best practice for the integration of gender responsiveness, human rights and indigenous people's knowledge in climate action and make these available through the capacity building portal
- The PCCB undertakes specific measures to

- i) Promote collaboration between human rights and climate change experts and practitioners at the national level, including in the implementation of NDCs
  - ii) Highlight the need for capacity and training to enable the participation of grassroots women in climate decision-making at all levels
- The PCCB hold a training and capacity building workshop on human rights and climate change in conjunction with at SB 48, bringing together Parties and observers, and national, regional and international actors with expertise in human rights and climate change
  - The PCCB collaborates with international human rights institutions, including OHCHR and GANHRI
  - In relation to the capacity building portal, the Foundation suggests that a new field on cross cutting considerations be added and used to invite stakeholder to upload resources related to gender responsiveness, human rights and indigenous peoples' rights.

Incorporating these elements into the Paris Committee's work over the 2017/18 period will help to build capacity to address the cross cutting issues in climate action, including through the implementation of NDCs.