

Paris Committee on Capacity-building and the Office of the
United Nations High Commissioner for Human Rights

Technical Workshop on Building Capacity for Integrating Human Rights into Climate Action

Summary report



United Nations Climate Change
Paris Committee on Capacity-building



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Technical Workshop on Building Capacity for Integrating Human Rights into Climate Action

organized by the Paris Committee on Capacity-building and the Office of the United Nations High Commissioner for Human Rights

Summary report

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1. Mandate and workshop objectives

1.1 Mandate

1. Created in 2015, the Paris Committee on Capacity-building (PCCB) aims to address current and emerging gaps and needs in implementing capacity-building in developing countries and to further enhance capacity-building efforts. The PCCB was invited by the Conference of the Parties (COP), in managing the 2016–2020 capacity-building workplan,¹ to take into consideration cross-cutting issues, such as gender responsiveness, human rights and indigenous peoples' knowledge.² To implement this mandate, the PCCB has established a dedicated working group.³
2. The Office of the United Nations High Commissioner for Human Rights (OHCHR) is mandated to promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights laws and treaties. OHCHR is guided in its work by the mandate provided by the United Nations General Assembly by its resolution 48/141, the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments, the Vienna Declaration and Programme of Action, the 1993 World Conference on Human Rights, and the 2005 World Summit Outcome (resolution 60/1). The mandate of OHCHR includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, including at the UNFCCC, and strengthening and streamlining the United Nations system in the field of human rights.

1.2 Objectives

3. The Technical Workshop on Building Capacity for Integrating Human Rights into Climate Action, held on 26 June at the fiftieth session of the Subsidiary Body for Implementation (SBI), was jointly organized by the PCCB and OHCHR. It aimed to shed light on the importance of building the capacity of countries to integrate human rights into climate action, including in the process of developing and implementing nationally determined contributions (NDCs).
4. Following on from a side event at COP 24 organized by the PCCB, the OHCHR and the Mary Robinson Foundation – Climate Justice, the Technical Workshop focused on exploring existing capacity gaps and needs, as well as showcasing success stories, good practices and lessons learned. It also drew linkages to ongoing work under the gender action plan and the Local Communities and Indigenous Peoples Platform (LCIPP).
5. The Technical Workshop highlighted and discussed concrete capacity-building examples and tools in an interactive format. Participants were invited to actively share their experiences of building capacity for integrating human rights in climate actions, including actions in NDCs. The target audience comprised Party and non-Party stakeholders, including UNFCCC negotiators, government officials, representatives of non-government and intergovernmental organizations, academia and research institutions, and the private sector.

¹ Decision 1/CP.21, para. 73.

² Decision 16/CP.22, para. 4(a).

³ <https://unfccc.int/node/66790>.

2. Workshop structure

6. The first segment of the Technical Workshop comprised opening remarks provided by facilitators Jeniffer Hanna, PCCB and Benjamin Schachter, OHCHR, a keynote presentation by a representative of the Presidency of COP 25, and a panel discussion comprising experts in the areas of gender, indigenous peoples' rights, just transition and environmental law. The panel discussion drew from the practical experiences and work of the panellists and their respective organizations. It aimed to ensure that participants gained a clear overview of capacity-building needs and gaps for integrating human rights in climate action from different angles, and provided useful insights for the ensuing breakout group discussions.
7. During the second segment of the Technical Workshop, participants divided into three breakout groups focusing on just transition, integrating rights in NDCs, and indigenous peoples' rights, respectively. The breakout groups were facilitated by one subject-matter expert each who reported back on the outcomes and results from each group in plenary at the end of the session.

3. Summary of presentations and discussions

3.1 Opening remarks and keynote

8. During the opening remarks, Ms. Hanna and Mr. Schachter provided some context on the collaboration between PCCB and OHCHR on building capacity in the area of human rights and climate change, and a brief recap of the outcomes of the joint side event, held at COP 24.⁴
9. The facilitators emphasized the strong interlinkages between human rights and climate change. Noting that many stakeholders in the UNFCCC process are not aware of these linkages, the facilitators underlined the need for capacity-building and awareness-raising in this area. The Technical Workshop aimed to provide context and information on why these interlinkages are so important and to help operationalize the commitments related to human rights that are enshrined in the Paris Agreement. Climate change does affect the enjoyment of people's rights on a massive scale; for example, by displacing people, limiting access to water and food, or deepening inequalities and poverty. The other aspect the workshop looked at is how human rights can inform more effective climate action. The Intergovernmental Panel on Climate Change (IPCC) and the Human Rights Council have both found that participatory processes enable more informed climate action, and both the UNFCCC and the Paris Agreement emphasize the importance of public participation and access to information in their operative texts.
10. The opening remarks were followed by a keynote presentation from Iván José Véjar Pardo, representing the COP 25 Presidency. Mr. Véjar Pardo underlined Chile's conviction that climate change is a collective problem that must be resolved through the collaboration of all actors involved. For the Chilean Government, COP 25 is about more than negotiations, it is also about areas where countries should make additional efforts to increase ambitions and find opportunities to set higher standards for their climate actions. Mr. Véjar Pardo noted that actions should have real impact at the local level. Given the significant threats Chile is facing with regard to its economic and social

⁴ The side event summary is available at:
https://unfccc.int/sites/default/files/resource/Summary_Side%20event_PCCB-OHCHR-MRFCJ_7%20Dec.pdf.

development, including threats to food security and access to water, the Government has made adaptation to climate change a high priority. Traditional knowledge, knowledge of local communities and indigenous peoples, nature-based solutions and gender are considered important elements that need to be highlighted. Chile has made efforts to include the consideration of human rights in its NDC and the national action plan against climate change, and it was noted that these instruments also benefited from feedback and inputs from other public initiatives, including the law on public participation and the law on access to public information. At the time of the Technical Workshop the draft version of a new climate change law, which incorporates a gender principle, was undergoing consultation with citizens and organizations in Chile in an open process to ensure the inclusion of the human rights dimension as a key element. Mr. Véjar Pardo concluded with an invitation to all interested and committed actors to collaborate with the COP 25 Presidency to raise ambition on climate action.

3.2 Panel discussion

11. The keynote presentation was followed by a multi-stakeholder panel discussion focusing on capacity-building gaps and needs regarding integrating human rights into climate action. The first panellist invited to take the floor was Hindou Oumarou Ibrahim, former co-chair of the International Indigenous Peoples' Forum on Climate Change. To show how human rights and climate change are interlinked on the ground, she gave examples of climate-related human rights violations, such as the recent murders in Mali related to access to natural resources and land, or the destruction of a village of an indigenous community in Kenya to make way for the construction of a power line. Ms. Ibrahim noted that, although many people tend to think of such conflict as being of political nature, usually the core reason behind such conflicts is access to natural resources.
12. Despite the important recognition of human rights-based approaches in the Paris Agreement, the panellist noted that this in itself is insufficient and that there is a need for strong national and international legislation. It was noted that the NDC revision process represents an opportunity to integrate rights-based approaches in NDC planning and implementation. Ms. Ibrahim mentioned the newly established LCIPP under the COP as an important body for knowledge-sharing, noting, however, that local and indigenous knowledge is tied to the ecosystem and, if that ecosystem is not preserved, the knowledge of the people cannot be preserved either.
13. The second panellist making an intervention, Kamal Gueye, coordinator of the Green Jobs Programme at the International Labour Organization (ILO), provided a social justice and just transition perspective. He noted that when natural disasters occur, an economy's productive capacity also takes a hit. As a result of damage and the direct effects on people's health and lives, workers' productive capacity is also reduced and an economy's working potential is diminished. ILO estimates that as a result of natural disasters caused or enhanced by human activity (e.g. climate change related), 23 million working life years have been lost annually between 2000 and 2015. Heat stress will further reduce working hours in most regions.
14. According to ILO, job losses will occur as direct demand for fossil fuel-based energy decreases and as indirect demand for the inputs to this energy source also falls. However, ILO also found that achieving the 2-degree goal brings net employment gains in most regions and industries: 18 million net new jobs are waiting to be created by achieving sustainability in the energy sector, mostly in Asia and the Pacific.
15. ILO examined how governments are building capacity and preparing enterprises and the workforce to go through these structural transformations and how many countries have integrated capacity-building, skills development and climate education in their NDCs. ILO found that these factors are not being integrated in a systematic manner and more attention is needed in this area.

16. Mr. Gueye gave several examples of social protection measures that can support mitigation and adaptation efforts while contributing to social justice, including unemployment benefits, cash transfers, public employment programmes (PEPs) or payment for ecosystem services (PES). An ILO review of data sets on PEPs and PES suggested that PEPs are critical policy tools combining social and environmental objectives. Half (50 per cent) of the 86 reviewed PEPs across the world were found to have an environmental component. Successful PEPs combining both social and environmental outcomes include:
- a) The Mahatma Gandhi National Rural Employment Guarantee Act in India;
 - b) Working for Water programme in South Africa;
 - c) Productive Safety Net Programme in Ethiopia.
17. On PES, 32 per cent of the 94 reviewed PES schemes have a poverty alleviation objective. PES schemes financed by government and non-profit organizations are more likely to include a pro-poor objective than privately funded PES schemes.
18. Mr. Gueye's intervention concluded with a brief overview of the 2016 ILO guidelines for a just transition towards environmentally sustainable economies and societies for all, prepared by a tripartite meeting of experts (24 experts nominated by representatives of governments, workers and employers' organizations). The guidelines offer a policy framework and practical tool to promote a just transition to low-carbon, climate-resilient and inclusive economies. They cover nine policy areas of critical importance to a just transition.⁵
19. Fleur Newman, UNFCCC Gender Affairs Officer then took the floor to highlight some important gender-related issues and developments. Her remarks focused on a report by the secretariat, which synthesizes information provided in submissions and was prepared by the secretariat for SBI 50.⁶ One of the topics of the synthesis report was the differentiated impacts of climate change on women and men, paying special attention to local communities and indigenous peoples. The report found that impacts differ between women and men and this is more pronounced in developing countries, in situations of impoverishment, and for some local communities and indigenous peoples. In the submissions, differentiation was widely considered to be based on pervasive, historical and existing inequalities and multidimensional social factors rather than on the issue of biological sex. The information in the submissions is also consistent with the IPCC's Fifth Assessment Report which recognized that the differentiated impacts of climate change are due to, among other factors, discrimination based on gender, class, ethnicity, age and ability or disability. The IPCC considers that women are not inherently vulnerable to climate change impacts because of their biological sex, and that focusing on such ignores the complex dynamic and intersecting power relationships and other structural and place-based causes of inequality.
20. Ms. Newman highlighted that climate change creates a significant risk that gains made in advancing gender equality and the empowerment of women and girls, as well as other aspects of human rights, will be reversed as the impacts of climate change worsen. She was of the view that awareness-raising and capacity-building are undoubtedly needed for policymakers but also for development practitioners to ensure that they address underlying discriminatory laws, customs and power structures, such as those that prevent women from owning land or other assets or opening a bank account, or those that permit child marriage or deny girls an education, to ensure that policy and climate action is gender-responsive and, ideally, transformative.
21. Capacity-building is included in the first of five priority areas of the UNFCCC gender action plan. Ms. Newman noted that, at SBI 50, Parties were discussing the possibility

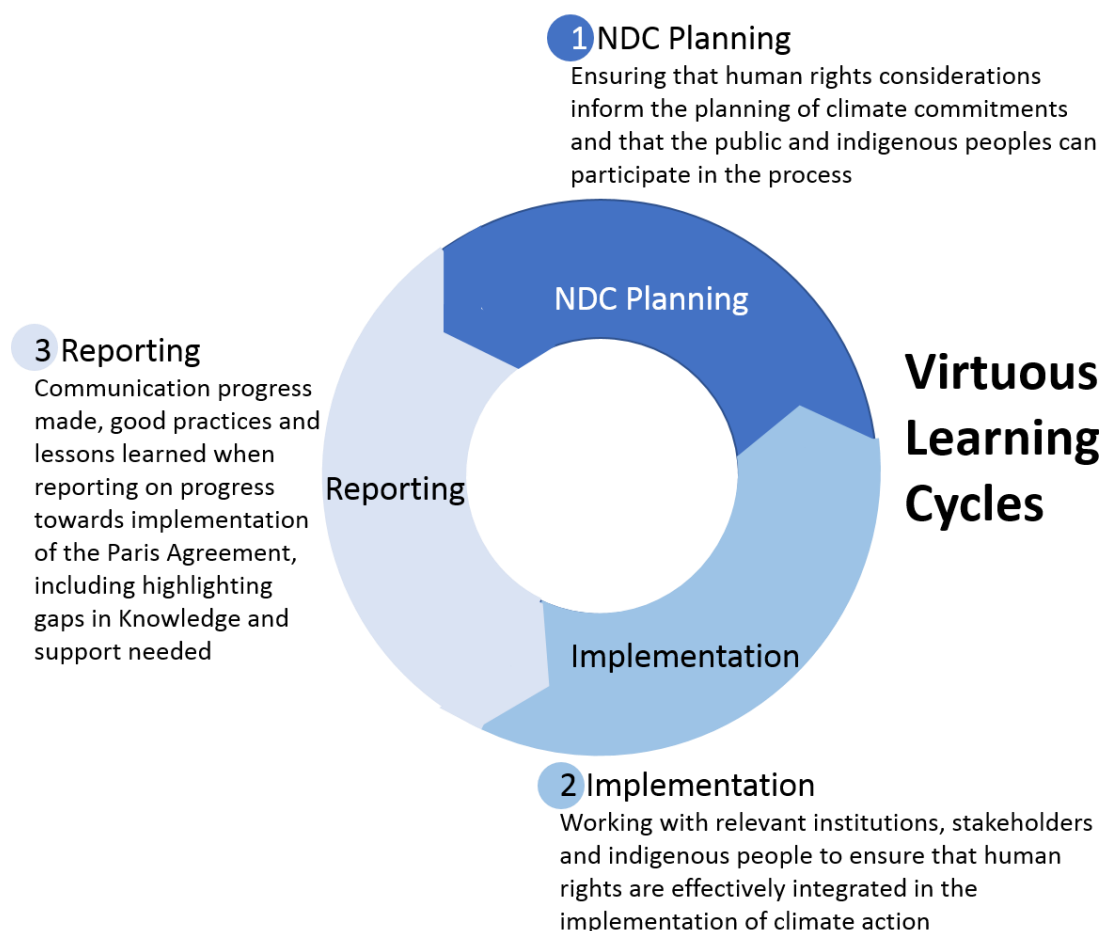
⁵ https://www.ilo.org/global/topics/green-jobs/publications/WCMS_432859/lang--en/index.htm.

⁶ FCCC/SBI/2019/INF.8.

to further elevate the issue of capacity-building in the gender action plan, given that it is so critical to the plan's implementation. Her remarks concluded with the statement that capacity-building is a critical component for implementation and it is being taken into account by countries in their consideration of next steps with regard to implementing the gender action plan.

22. The fourth panellist to make an intervention was Sebastien Duyck, Senior Attorney at the Center for International Environmental Law (CIEL), who underlined the importance of including human rights in climate policies, making reference to the IPCC's special report of 2018 on Global Warming of 1.5 °C. Mr. Duyck presented recent research on land tenure rights and carbon sequestration as an example of how securing rights can help combat climate change. The research found that:
- When indigenous peoples and local communities have no or weak legal rights, their forests tend to be vulnerable to deforestation and thus become the source of carbon dioxide (CO₂) emissions;
 - Legal forest rights for communities and government protection of their rights tend to lower CO₂ emissions and deforestation;
 - Indigenous peoples and local communities with legal forest rights maintain or improve their forests' carbon storage.
23. Turning then to the importance of human rights in the implementation of the UNFCCC and of the Paris Agreement, Mr. Duyck presented opportunities for virtuous learning cycles for NDC planning, implementation and reporting (see figure 1, below).

Figure 1-Virtuous learning cycles nationally determined contribution planning, implementation and reporting



Source: CIEL presentation at the Technical Workshop.

24. According to Mr. Duyck, integrating human rights considerations in the planning and implementation of NDCs would not create new obligations beyond those already provided in the human rights framework recognized by each individual country. Instead, it would:
- a) Strengthen the effectiveness of climate action and empower communities to contribute to policies;
 - b) Promote policy coherence and synergies between climate action and the promotion of other social objectives and existing legal obligations;
 - c) Enhance public support for climate policies.
25. CIEL, in collaboration with OHCHR, is developing a blueprint to guide civil servants, implementing agencies and civil society throughout the NDC planning process. This blueprint will be developed on the basis of expert workshops to build on the expertise and experience of governments, intergovernmental organizations, civil society and indigenous peoples' representatives, as well as exchanges at COP 25, to broaden perspectives and build on the experiences of a broader range of actors. Furthermore, it will build on synergies with existing initiatives that are focusing on support for the planning and implementation of NDCs or on civil society engagement.
26. The blueprint will include key questions, with specific benchmarks towards an inclusive NDC planning process informed by human rights, covering effective and meaningful public participation and institutional arrangements. Substantive issues covered by the blueprint include gender equality; economic and social rights; participatory implementation; indigenous peoples' rights and "free, prior and informed consent";⁷ and just transition and land tenure.
27. During the ensuing discussion, a question was raised regarding the relationships between climate change, human rights and business, and what practical action governments could take to pay greater attention to human rights and climate change in a business context. Mr. Duyck responded that in multi-stakeholder consultations organized, for example, in the context of NDC planning and implementation, it is very important to be aware of the different interests of the people at the table – rights holders on the one side and economic entities on the other – and to ensure transparency and accountability. Mr. Gueye (ILO) added to that, noting that his organization looks at what enterprises can do to comply with labour conventions, such as those relating to rights at work and social protection. Governments may also look at an instrument ILO is using, called Tripartite Plus, which is a social dialogue comprising enterprises, workers and governments but also communities and indigenous peoples and vulnerable groups.
28. A second intervention from the floor pointed out that it is mostly developing countries that referred to human rights in their NDCs and asked why developed countries, which have achieved human rights many developing countries are still struggling to achieve (including, for example, those related to access to water and food) are not sharing more experiences and lessons learned with developing countries. Responding to this comment, Mr. Duyck highlighted that human rights organizations based in Geneva do put forward recommendations to developed countries because no single country can claim to have the perfect understanding of what a rights-based, people-centered response to climate change looks like. He further noted that national human rights institutions can also support developed countries in advancing human rights integration on climate action and expressed the wish for all countries to take part in discussions, because every country is facing challenges and there are lessons to be learned for all countries.

⁷ Free, prior and informed consent is a specific right that pertains to indigenous peoples and is recognised in the United Nations Declaration on the Rights of Indigenous Peoples. It allows indigenous peoples to give or withhold consent to a project that may affect them or their territories.

3.3 Breakout groups

29. The three breakout groups focused on just transition, integrating rights in NDCs, and indigenous peoples' rights, respectively. The 60-minute discussions addressed the following questions:
 - a) How does the integration of human rights and related themes contribute to more effective climate policies and to higher ambition in terms of mitigation and/or adaptation with respect to the topic (i.e. just transition, NDCs and indigenous peoples' rights)?
 - b) What are the key capacity-building needs and gaps of different stakeholders?
 - c) What capacity-building solutions and good practices exist that could be replicated and what lessons learned can be shared?
30. The first breakout group discussion on the topic of just transition was facilitated by Patrick Rondeau, Union Counselor for La Fédération des travailleurs et travailleuses du Québec, and representing the International Trade Union Confederation at the Technical Workshop.
31. The group discussed the importance of the right to public participation. Participation is needed to ensure the effective engagement of all stakeholders, including those who might be often overlooked. Participation in decision-making processes was also recognized by the group to be very important to prevent conflict between different groups, and between citizens and the government, as well as to increase the legitimacy of proposed policies, regulations or actions.
32. The group agreed on the need for good governance, which requires building the capacity of governments to more effectively engage stakeholders. Organizing dialogues and consultations at different levels was seen as conducive to engaging more actors. However, in order to ensure equal voice for all participants in the dialogues, the group further noted that it is important to identify, and address, power asymmetries among participants which are usually derived from asymmetric societal structures. In this regard, the need for governments to build the capacity to empower all relevant stakeholders, including civil society actors, environmental non-governmental organizations and communities, was seen as essential for ensuring meaningful participation.
33. In the context of just transition processes, it was further noted that it is crucial to ensure the right to social security and social protection for people under all circumstances, including when they raise their voices or when they lose their jobs or relocate because of the creation of new jobs elsewhere. One participant noted the lack of substantive and disaggregated scientific data that would ensure greater accountability and transparency, and support more informed policies. The need to enhance research and innovation and to link scientific data on climate change and on the economy and the labour market was regarded as crucial. Greater access to examples of what has worked and not worked in terms of just transition processes undertaken so far (e.g. through a database), was also seen as a possible way for governments and other stakeholders to focus on solutions that work.
34. Concerning people's empowerment, another key point made was about the importance of education and capacity-building and to rethink both in order to transform societies. For example, training programmes for new jobs should be designed to target equally all relevant actors, instead of just a specific group of people. Participants also agreed that awareness-raising and education are key to help people to better understand and express their rights, and to feel empowered to fight for those rights.
35. The second breakout group discussion on integrating rights in NDCs was facilitated by Erika Lennon, CIEL.
36. The group discussed that the integration of human rights into climate actions, particularly NDCs, is an obligation, and helps to create legal certainty and legitimacy

for climate policies. As with the first breakout group, participants of group two also discussed the need to bring more voices and the meaningful participation of all stakeholders into the process, for example, by providing dialogue platforms or incorporating all actors into the decision-making process, in order to increase mitigation and adaptation ambitions. Further suggestions in this regard made by members of the group included the need to decrease people's tension and fears (e.g. those related to economic risks) when taking climate actions, in order to raise ambitions. Integrating human rights into NDCs must be considered as an element of raised ambition, because it empowers civil society to participate in implementation of the NDCs. There was also a call for identifying ways to measure the impact of integrating human rights into NDCs.

37. With respect to the capacity-building needs and gaps of stakeholders, the group discussed the many challenges at different levels. At the individual level, the group agreed that there is still a lack of knowledge and awareness among stakeholders about the links between human rights on the one hand and climate change and climate action on the other. Better access to information, including on the Paris Agreement and NDCs, is needed. At the institutional level, there is a lack of common language between implementing agencies and other stakeholders. Furthermore, participants discussed the need for the private sector to better understand its role and actions and how these actions may infringe on human rights, and noted the lack of laws to hold private sector actors accountable. Participants also noted a lack of awareness of public agencies on stakeholders' rights. The capacity to conduct more effective national consultations that are culturally appropriate, contextually responsive and safe, needs to be strengthened. At the systemic level, with respect to creating enabling environments for implementing climate actions in NDCs, the group highlighted the need for governments to understand the appropriateness and effectiveness of the integration of human rights into NDCs. The development and use of policy guidelines was seen as one possible solution in this area.
38. Concluding the discussion, many good practices and solutions were suggested by the members of the group. One suggestion was for NDC processes to include the indigenous peoples' and traditional knowledge and best practices that are emerging from the work of the newly established LCIPP. Dialogues, events or workshops, such as this one, focused on interlinkages between climate change and human rights, can also help to make progress on integrating human rights into NDCs. The need for mapping good practices, for example from NDC or national adaptation programmes of action processes, in order to share lessons, was also highlighted. Working with national human rights commissions was seen as another good way forward. Another point stressed was the important role the PCCB is playing in enhancing the integration of human rights into NDCs, including by ensuring greater coherence and coordination across relevant capacity-building actors or establishing a network of relevant stakeholders focused on cross-cutting issues such as human rights.
39. The third breakout group discussion on indigenous peoples' rights was facilitated by Estebancio Castro Díaz, member of the LCIPP facilitative working group.
40. There was consensus in the group that indigenous people are among the first to face the direct consequences of climate change. Therefore, in order to enhance mitigation and adaptation ambition, it is crucial to enhance and support the adaptive capacity of indigenous people as well as to make effective use of their knowledge and contributions. In that regard, participants of the group highlighted the importance of the establishment of the LCIPP and the need to ensure the continuing and effective contribution of indigenous peoples by means of this platform.

41. With respect to capacity-building needs and gaps, the group discussed some gaps regarding the implementation of existing legislation, such as the Escazú Agreement⁸ or the Nagoya Protocol on Access and Benefit-sharing⁹. Another point noted by the group was that there was a lack of engagement of indigenous peoples' representatives in the development of the first round of NDCs and international forums on this issue, something that needs to be changed during the next round. It was noted that mere representation of indigenous peoples in such processes or forums is not sufficient; rather, their full and effective participation and engagement needs to be ensured and they need to be given the space to share their knowledge and views. The need for effective conflict resolution with the public and the need to make greater use of risk indexes as a policy planning tool in the future were also highlighted.
42. A number of possible next steps to effectively integrate indigenous peoples' rights into climate action were discussed by the group, including awareness-raising targeted at all stakeholders and establishing a close link between the work of PCCB and LCIPP and its facilitative working group to enhance coherence and coordination among bodies under and outside the Convention. In this regard, the organization of a future joint workshop between PCCB and LCIPP on cross-cutting issues was suggested.

4. Next steps

43. The co-facilitators concluded the workshop by thanking the invited experts and the workshop participants for their active participation. They noted that the urgent need to enhance public participation in the planning and implementation of climate actions had been mentioned frequently across the different discussions at the workshop and is one of the key messages of the event. Public participation will be key to raising ambition and ensuring that climate actions do not have harmful impacts on people.
44. Ms. Hanna, as lead of the PCCB working group 2 on cross-cutting issues, thanked OHCHR for the successful collaboration to date and for being a critical partner for the PCCB in its work on cross-cutting issues.
45. Regarding next steps, OHCHR and CIEL will continue their work on the development of the blueprint on integrating human rights in NDCs.
46. Furthermore, the PCCB and OHCHR with the support of the secretariat will develop an online training tool to raise awareness and build capacity to integrate human rights into climate actions.
47. Finally, the PCCB agreed to consider the outcomes of the Technical Workshop when developing its recommendations for consideration by COP 25.

⁸The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean was adopted on 4 March 2018 in Escazú, Costa Rica. The text of the Regional Agreement is available at: <https://www.cepal.org/en/subsidiary-bodies/regional-agreement-access-information-public-participation-and-justice/text-regional-agreement>.

⁹The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity entered into force on 12 October 2014. The text of the Nagoya Protocol is available here: <https://www.cbd.int/abs/text/default.shtml>.



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