

## **Side Event**

### **Building Capacity for Integrating Human Rights into Climate Action**

#### **Date and Venue:**

Friday, 7 December 2018, 13:15-14:45  
COP 24 in Katowice, Poland

#### **Organizers:**

Paris Committee on Capacity-building (PCCB)  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Mary Robinson Foundation – Climate Justice (MRF CJ)

#### **Event Summary**

This side event was aimed at highlighting 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). The focus was on determining existing capacity gaps and needs, as well as showcasing success stories, good practices and lessons learned.

Moderators **Jennifer Hanna, Paris Committee on Capacity-building (PCCB)**, and **Benjamin Schachter, Office of the United Nations High Commissioner for Human Rights (OHCHR)**, welcomed the panelists and the 120+ participants in the audience and broke the ice by asking the audience why they think building capacity to integrate human rights into climate action is important. Participants noted that climate change accentuates existing inequalities and underlined the urgent need to ensure that the issue of human rights forms a central pillar of adaptation and mitigation actions and to make climate justice a reality for vulnerable people around the globe.

In her scene-setting presentation via video link, **Tara Shine, Special Adviser at the Mary Robinson Foundation – Climate Justice (MRF CJ)**, pointed out that failure to integrate human rights into climate action can undermine people's rights and that the integration of human rights into climate change policies can improve effectiveness and result in benefits for people and the planet. The concept of climate justice links human rights and development to achieve human-centered approaches to climate change and, as noted by the presenter, the "*attention to human rights at the center of climate decision-making is fundamental to achieving climate justice.*"

MRF CJ launched a data portal to track the reporting by countries to the Human Rights Council and the United Nations Framework Convention on Climate Change (UNFCCC). In 2016, 12 countries reported on human rights and climate change linkages, and by the end of 2018 this number grew to 31 countries, more than 75 % of which are developing countries.

Besides governments, companies also play a crucial role in climate action. However, human rights policies in the private sector are not strong enough to ensure the transition is both fast and fair. A failure to respect human rights can result in project delays, legal procedures and additional costs for renewable energies. Companies and countries therefore need to strengthen human rights due diligence in renewable energy projects. Vietnam and Costa Rica were mentioned as good practice examples where human rights inform better climate action.

Towards the end of her remarks, Tara Shine underlined the need to address existing capacity gaps within countries and in the UNFCCC secretariat with regard to linking human rights and climate action, in order to ensure the rights-based implementation of NDCs and to integrate human rights into the next

round of NDCs. The establishment of a human rights focal point in the UNFCCC secretariat was proposed to support mainstreaming those efforts.

During the side event's panel discussion, **Ambassador Luis Alfonso De Alba, the UN Secretary General's Special Envoy for the 2019 Climate Summit**, noted that insufficient action has been taken so far on the issue of human rights-based climate action and that "*the longer we wait to find solutions, the greater the number of human rights violations that may occur.*" He pointed out that many delegates at UNFCCC climate conferences lack an understanding of the benefits and opportunities of linking climate action and human rights and that addressing this lack of capacity and knowledge should be a priority. Ambassador de Alba further noted the need for ideas and proposals from all actors and stressed that "*now is the time for action, not speeches*". Highlighting the inclusive process of preparing for the 2019 Climate Summit, he invited all stakeholder groups to participate and contribute with proposals or recommendations.

**Verona Collantes, Intergovernmental Specialist at UN Women**, focused her intervention on the integration of gender considerations in the UNFCCC process. She highlighted important progress achieved through the establishment of the Gender Action Plan, but also noted that its implementation remains work in progress. She further underlined that capacity-building is cross-cutting and an integral part of work to be conducted across all the priority areas identified in the plan. Moreover, it should not be considered a one-off activity but one that needs to be sustained and build on existing efforts. Capacity-building also requires resources, including not only financial resources but also skills or partnerships.

**Michael Windfuhr, Deputy Director of the German Institute for Human Rights and member of the Committee on Social Economic and Cultural Rights**, shared four arguments with the participants of the side event, the first one being that understanding the impacts of climate change from a human rights perspective needs capacity-building. Second, national human rights institutions need to systematically increase their own capacity with regards to addressing linkages between climate change impacts and human rights. Third, capacity-building, particularly ex-ante capacity-building, needs to take place in the countries affected by climate change so that governments are better able to mitigate impacts of climate change, including through setting up preventive adaptation policies. In this context, he noted that it is key that governments consult all stakeholders affected by climate change in a country and do not discriminate against certain groups. Fourth, he noted that institutions within the human rights protection system have begun to systematically explore and address the linkages between human rights and climate change, including by asking governments how particular impacts of climate change are affecting the people living in their respective countries. Michael Windfuhr concluded by reaffirming that the development of national climate policies and plans needs to be rights-based and proposed that regular roundtables be set up at national level with the participation of civil society and vulnerable stakeholders, including women and indigenous peoples, to help governments understand the impacts of climate change and enable them to undertake preventive analyses and actions.

**Agnes Leina, Executive Director of the Illaramatak Community Concerns Kenya**, voiced her support for indigenous people, including pastoralist communities, who are amongst those most affected by climate change. She lamented that the issue of human rights has been ignored in the UNFCCC process and called for the establishment of a focal point on human rights under the UNFCCC and the strengthening of capacity-building action. Furthermore, she pointed out that all over the world the "*transition from fossil fuels to clean energy has caused a lot of damage to indigenous communities*" citing examples of renewable energy developments which have displaced indigenous communities. In concluding her remarks, Agnes Leina further noted that participation of indigenous communities in clean energy projects is often lacking and that the fact that these projects do not yield returns for the communities constitutes a human rights issue.

**Sebastien Duyck, Senior Attorney at the Center for International Environmental Law**, noted that the inclusion of references on human rights in the Paris Agreement constitutes a breakthrough. While agreeing with the previous speaker that caution is warranted given that these references are only included in the preambular section, he underlined that it is nevertheless notable that the Paris Agreement spells out some of the key concepts such as gender equality, indigenous peoples' rights and knowledge, the imperative of a just transition and providing for food security, and the importance of access to information and public participation.

With no existing blueprint for countries to develop low carbon and climate-resilient economies while promoting and guaranteeing human rights in the process, the transition that countries are currently undergoing constitutes an opportunity to learn from each other. Referring to the messages in the recent IPCC report, Sebastien Duyck highlighted that *“if you want climate action that delivers, you need public participation, you really need to have the public ownership of your policies”*, and urged that *“we do not have the luxury of avoiding these questions around the importance of policy coherence, the importance of placing people-centered and human-rights based action at the core of any implementation of the Paris Agreement.”* He further noted that capacity-building can play an important role in demystifying the concepts, looking beyond legal terminology, and helping to identify and replicate solutions that are working, whether it is Georgia's renewable energy policy that is based on full empowerment of women, or the experience of many Latin American countries in designing their NDCs in a very participatory manner.

During the question and answer session, participants discussed the limits of existing laws and norms around dealing with climate-related internally displaced populations and the possible solutions to address this problem. Panelists emphasized the need for strong rights-based national adaptation policies and, with regard to work undertaken under the UNFCCC, referred to the Task Force on Displacement which operates under the Executive Committee of the Warsaw International Mechanism for Loss and Damage and explores practical solutions and opportunities of human-rights based approaches.

***Building on the discussions and outcomes of the side event jointly convened at COP 24, the PCCB and OHCHR plan to deepen their collaboration by co-organizing a technical workshop on building capacity for integrating human rights into climate action at the upcoming UN climate change conference in June 2019 in Bonn. Further information on this event will be published on the PCCB's webpage in due course.***

### *About the event organizers*

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 has, inter alia, been mandated by the COP, in managing and overseeing the capacity-building workplan 2016-2020,<sup>1</sup> to take into consideration cross-cutting issues, such as gender responsiveness, human rights and indigenous peoples' knowledge.<sup>2</sup> To implement this mandate, it has established a dedicated working group.<sup>3</sup>

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 General Assembly in 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 Document. OHCHR's mandate 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.

The **Mary Robinson Foundation – Climate Justice** is a centre for thought leadership, education and advocacy on the struggle to secure global justice for those people vulnerable to the impacts of climate change who are usually forgotten – the poor, the disempowered and the marginalised across the world. It 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.

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<sup>1</sup> 1/CP.21, paragraph 73.

<sup>2</sup> 16/CP.22, paragraph 4(a).

<sup>3</sup> <https://unfccc.int/node/66790>.