**Human Rights Council Panel Discussion on Human Rights & Climate Change**

**Statement by:**

**Dan Bondi Ogolla**

**Coordinator & Principal Legal advisor**

**United Nations Framework Convention on Climate Change**

1. The articulation between human rights and climate change is at three levels:
2. Climate change directly impacts the enjoyment of human rights – e.g. loss of land impacts the right to self-determination; reduction in quantity and quality of water resources impacts the rights to food and health;
3. Response measures to climate change may violate human rights – e.g. CDM project activities implemented in lands occupied by indigenous and local communities may impact their rights to property, culture and housing; similarly, adaptation strategies involving forced relocations may impact the rights to culture, self-determination and property;
4. Human rights principles such as public participation, access to information and to justice inform climate change policy development and implementation.
5. The climate change regime has elaborate provisions relating to the human and social dimensions of climate change:
6. The definition of “adverse effects” includes impacts on “socio-economic systems” and to “human health and welfare”;
7. Substantive obligations require Parties to (i) minimize the impact of response measures on economy and public health; (ii) take into consideration the socio-economic consequences of response measures; and (iii) promote and facilitate educational and public awareness programs, access to information, and public participation in addressing climate change and its effects.
8. These elements have been further elaborated in COP decisions addressing issues such as adaptation, response measures and reducing emissions from deforestation and forest degradation (REDD). These decisions provide guidance to Parties on how to implement their obligations at the national level and represent best practices in addressing the human and social dimensions of climate change:
9. Responses to climate change should be coordinated with social and economic development in an integrated manner (2/CP. 11);
10. All stakeholders and major groups should be engaged in the development and implementation of policies on climate change (11/CP. 8 & 15/CP. 18);
11. Enhanced action on adaptation and the development of NAPs should follow a participatory approach, taking into account vulnerable groups and communities (5/CP. 17);
12. Undertake impact, vulnerability and adaptation assessments as well as economic, social and environmental evaluation of adaptation options (1/CP. 16);
13. Undertake measures to enhance understanding, coordination and cooperation with regard to climate induced displacement, migration and planned relocation at the national, regional and international levels (1/CP. 16).
14. Two of the key challenges in the climate change/human rights interface are, first, how to integrate the human rights dimension into international and national climate change policy frameworks and, secondly, how to ensure the full and effective protection of human rights in the implementation of climate related actions. At the international level, it is not a question of replicating international human rights obligations in the international climate change legal instruments. The issue is the recognition by those instruments of the human rights dimension of climate change and promoting mutual supportiveness in the implementation of the two international regimes.
15. Recent developments in the international climate change regime underline attempts by Parties to the UNFCCC to address these issues. Explicit recognition of the “human rights” dimension, in its strict sense, in the UNFCCC framework emerged out of the Cancun Conference in 2010. The Cancun Agreements emphasize both respect for substantive human rights obligations and full implementation of procedural rights. In this regard, decision 1/CP. 16:
16. Notes the UNHRC resolution 10/4 that recognizes that the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights;
17. Emphasizes that Parties should, in all climate related actions, fully respect human rights;
18. Recognizes the need to engage a broad range of stakeholders at multiple levels.
19. The Agreements go even much further with regard to REDD activities. Appendix I to Decision 1/CP. 16 establishes guidance and safeguards for policy approaches and positive incentives relating to REDD. Parties are enjoined to promote and support a number of safeguards when undertaking REDD activities:
20. The actions complement or are consistent with the objectives of national forest programs and relevant international conventions and agreements;
21. Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the UNGA has adopted the UN Declaration on the Rights of Indigenous peoples;
22. The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities in such activities.
23. Decisions 12/CP. 17 and 12/CP. 19 require Parties to provide information in their national communications and through a web platform on the UNFCCC website on how all the safeguards are being addressed and respected throughout the implementation of REDD activities.
24. The Negotiating Text adopted by the Ad Hoc Working Group on the Durban Platform in Geneva this February contains Parties ideas on how to reflect this interface in the 2015 Paris agreement. Options in the preamble, inter alia, stress the need for all actions to address climate change to respect human rights and reaffirm the importance of public awareness, public participation and access to information. In the operative paragraphs there are options enjoining Parties to respect, protect and promote human rights in the implementation of the agreement, in climate related actions, and in decision-making processes.
25. In effect, within a very short period of time Parties to the UNFCCC have become fully engaged in the process of integrating the human rights dimension not only in the international climate change regime but also in the implementation of climate change policies.

- - - - -