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Reality Check: Human Rights and Climate Change

Today, on Human Rights Day, nearly 250 civil society organizations and 76 independent experts of the UN Human Rights Council are calling for human rights to be reflected in the UNFCCC process.

With human beings increasingly impacted by both the causes and the consequences of climate change, it's obvious that human rights are critical to an effective global solution for the current climate crisis. Yet Parties refuse to grasp what's needed to effectively protect human rights and achieve climate justice.

All Parties have existing obligations to protect human rights in the context of climate change and thus have duties to prevent further harm from climate change. This can only be done by applying a rights-based approach which ensures that human rights are taken into account in the development and implementation of climate policies, mechanisms and institutions.

Parties must also ensure civil society participation in the negotiating process, the development of national commitments and other national level policies, and the development and implementation of climate policies on the ground. Adequate access to information and effective participation increases support for climate policies and their public ownership, and

will lead to effective and sustainable outcomes at all levels.

The international community's failure to take necessary action to mitigate climate change threatens the rights – including the right to development – of vulnerable peoples and communities who are already experiencing the adverse impacts of climate change. In addition, policies such as those governing the Clean Development Mechanism, which do not include adequate safeguards or exclusion lists, have resulted in severe human rights abuses, as evidenced in the Sasan ultra mega coal power project in India, the Barro Blanco hydroelectric dam in Panama, and the Santa Rita hydroelectric dam in Guatemala.

To prevent further environmental and human harms, human rights must be taken into account in the development, implementation and monitoring of climate policies. Human rights must be embedded in the architecture of the climate regime in a manner that is consistent with Parties' existing obligations in the human rights regime. Failure to do so only undermines the quest for an effective future climate deal.

We have no time to lose: *protect human rights now.*

Let's Make

Pre-2020 Ambition Real

Keeping global warming below 1.5 °C compared to pre-industrial levels is critical for the survival of all Parties negotiating in Lima. That goes for the food and water security of all nations, as well as all our livelihoods. There can be no other conclusion from the new IPCC report.

To have a chance to stay under the 1.5 °C limit, we simply cannot delay action until 2020. Instead, we need to start the transition to a different and better energy future now. And that means stopping the lock-in of high-carbon infrastructure so we can phase out all fossil fuel emissions and phase in 100% renewable energy by 2050 at the latest.

Parties established ADP Workstream 2 because they know that the pre-2020 mitigation gap needs to be closed. Now we need a strong decision in Lima that will enable and ramp up this work rapidly to deliver really significant additional emissions reductions.

In this pre-2020 period, developed countries must not only deliver on their past commitments but further increase them. They also need to provide the support needed for more ambitious mitigation action in developing countries.

But we seem to be slowly losing sight of these crucial parts of WS2. There used to be a reminder in the draft text that urged Parties not to forget about those elements. But that disappeared, so developing country concerns about "shifting the burden" are increasing. ECO worries too that this could further undermine trust and make a meaningful outcome on

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Differentiation on New Common Ground

After many years of delay, the core topic of differentiation is finally arriving on the high level agenda when the ADP starts the ministerial meeting discussing differentiation. There is a chance this could be a defining moment.

The negotiating process seems destined to create deadlocks, so the presence of Ministers is needed to break them open. Every creative and transformative idea will run into many roadblocks and pitfalls before it is either driven into the ground, or, on rare occasions, actually gets a fair hearing and becomes reality.

In the lead-up to this meeting, Brazil and Bolivia have put forward a number of provocative and potentially game-changing ideas that could help the UNFCCC break free from its long-standing malaise and realize the true

potential of cooperative global action.

Now, Ministers should reflect on the recent Workstream 1 submissions from Brazil ("concentric differentiation") and Bolivia on a science and equity criteria-based framework.

Brazil's "concentric" idea has led to a lot of creative thinking and engagement on how to break out of the stale binary A1/NA1 division. The value of the proposal is not in resolving the differentiation issue, but putting the thinking about that on a new footing that could be a starting point for breaking the deadlock.

In addition, there is the South African Equity Reference Framework. ECO believes that the combination of these submissions offers interesting solutions. Conceptually, the

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science and equity framework of Bolivia and/or South Africa could define the entry point of a country in the “concentric circles”. In moving towards the center of the circle and more ambitious and comprehensive climate action, the Bolivian framework could provide a guideline. In this way, Brazil, Bolivia and South Africa have started defining a middle ground across the deep divide.

ECO is keen on an initial discussion focusing toward solutions which goes well beyond repeating positions and creatively addresses a way forward based on the Convention’s core equity principles – adequacy and the science of 2°/1.5°C; CBDR+RC; and equitable access to sustainable development.

Interesting ideas are emerging across the board– the LDC text in October contained many interesting ideas, and AILAC, South Africa and Brazil have innovative ideas for finance – that’s particularly important for success in Lima. We must make sure that the UNFCCC is not the place where good ideas die, but where they can prosper to create trust and a virtuous cycle of equity and ambition.

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enhancing the technical expert process much more difficult to achieve.

The technical process under WS2 is quite innovative, making it possible for Parties to work together in ways which are common in the “real world” but less common within the COP walls. Let’s consider how much we all enjoy working together to achieve common objectives.

There is so much “awesome stuff” on energy efficiency and renewable energy going on out there! We can highlight the best of those initiatives – informed by clear criteria that allow us to select out the most ambitious action.

Well crafted criteria can also help avoid serious unintended consequences by building on solid technology assessment. With the proposed annual high-level meetings, we can move from merely enumerating new technical developments to tracking and promoting them. The ADP’s technical process can provide input to political decisions, which will then help boost up the best initiatives, policies and measures. The urgency of reaching scale and maintaining integrity in our climate efforts requires no less.



Good Ideas for GCF Guidance

If ECO may be so bold, here’s a wonderful idea. The COP should take advantage of the opportunity to give guidance to the Green Climate Fund, as it aims to begin distributing money by the second half of 2015. The COP could play a most helpful role in providing the following guidance, requesting the GCF Board:

- Increase the transparency and accessibility of its proceedings by immediately implementing live webcasts of all future Board meetings.
- Adopt an exclusion list policy, as part of the Investment Framework, that clearly defines what the GCF will not finance, including any direct or indirect support for fossil fuels.
- Ensure a decision-making process in the absence of consensus that is one-person-one-vote, to maintain balanced governance of the GCF, thus rejecting any link between decision-making power and the size of contributions.
- Expedite the pilot program for enhanced direct access with an view to reaching local communities, including indigenous peoples.
- Reaffirm that contributors may not target

their contributions to specific windows, in line with the Board’s discussion at its last meeting in Barbados.

- Request the Secretariat to reflect geographic and gender balance in its staffing.

It’s particularly welcome that the G77 and China are supporting webcasting of GCF Board meetings, while the US and Japan have inexplicably led a charge to block that from being included in the guidance.

ECO is disappointed and confused by this. It is unacceptable for these countries to oppose increased transparency of an important international body.

All other Parties should support the common-sense measure of live webcasting, especially the 47 signatories to the Aarhus Convention. Otherwise, perhaps they prefer to explain to the Aarhus compliance committee how their silence on this important matter complies with their legal obligation to promote participation and access to information in international forums.

Crazy, Crazy Canada

Yesterday in the Canadian Parliament, Prime Minister Stephen Harper called regulating the largest source of carbon emissions in the country, the oil and gas sector, “crazy” – twice!

What seems crazy to ECO is to expect that Parties would somehow not see the massive bait and switch the Canadian government is trying to pull.

In Warsaw a year ago, the environment minister promised during the High Level Segment that oil and gas emissions would be regulated in Canada.

During yesterday’s speech, this promise was forgotten and instead the main targets mentioned were HFCs. For the record, the oil and gas sector emits 25% of Canadian emissions, and growing quickly; HFCs contribute just 1%.

Canada’s independent environment watchdog has said that, without regulations on Canada’s oil and gas sector, the country’s Copenhagen target is officially out of reach.

Crazy indeed!

Australia Cooks the Books

As everybody is getting excited about a new climate deal, let’s not forget that we still need to ratify Kyoto’s second commitment period. Negotiations on these KP issues are technical and few people have been paying attention to them.

So dear old Australia, proud winner of multiple Fossil of the Day awards here, we are watching you! And we have noticed that you would like to redefine what “emission” means to help determine your baseline under the (in) famous Doha paragraph 3.7ter. And that you are trying to convince other Parties to agree to this little accounting trick.

Ladies and gentlemen, let’s do the numbers: This “little” accounting trick would get Australia an additional 80 million tonnes which it could emit. Add these to the more than 100 million tonnes Australia has left over from the first Kyoto period – and a whole bunch of LULUCF credits – and hey presto! Australia can significantly increase its emissions and still meet its Kyoto target.

May we remind Australia and everybody else once again that the atmosphere does not see accounting tricks, only real emissions.

*This is getting bizarre . . . **Australia** wins the Fossil of the Day Award . . . again!*

Is it lack of sleep? Is it the heat? They are making some very telling statements at this COP, statements that slip into the realm of willful ignorance.

Here in Lima, Australia says that they don’t understand the concept of a ‘long-term temperature limit’.

Continuing their slapstick approach, Australia has also stated it doesn’t really understand the idea of ‘global solidarity’ either.

Here’s a newsflash: we live in a single biosphere and we are all in this together when it comes to climate impacts.

We all do silly things, but not all the time. Now is the time for Australia to shape up and take these negotiations seriously – perhaps a refresher on the Cancun agreement on the global temperature threshold. Then their Prime Minister could visit some of the vulnerable islands off the coast of Australia and the drought and wildfire-stricken districts in their very own country.