

Strategy for Engagement with the 26th Conference of the Parties to the UNFCCC by the EMG Issue Management Group on Human Rights and the Environment

In the lead-up to COP26, the EMG IMG on human rights and environment and its members have agreed to work together to advance rights-based climate action. This document includes strategic priorities, relevant timelines, key resources and potential joint activities. The IMG will develop a joint briefing note on priorities for rights-based climate action at COP26 and will coordinate to effectively integrate human rights in joint UN system activities, including the SDG themed joint UN system side events, that normally take place at each COP. It will promote policy coherence and peer learning, and also raise awareness of and seek to engage and contribute to possibilities for engagement with the UNFCCC constituted bodies.

The IMG will focus on the following 5 strategic priorities:

1. Ambition / NDCs
2. Article 6 mechanisms
3. Participation
4. Loss and damage
5. Climate finance

1. Ambition / NDCs

Enhanced ambition is needed to mitigate the impacts of climate change on the effective enjoyment of human rights. The EMG IMG will support a human rights based approach to renewing, revising and implementing nationally determined contributions through participatory processes that align climate action with efforts to eradicate poverty, protect human health and welfare and preserve the ecosystems upon which humanity depends. It will further engage with the process to implement the first global stocktake to ensure that the best available science, including as it pertains to the human rights impacts of climate change, informs global climate action.

Key resources

- [High Commissioner for Human Rights Open Letter on priorities for human rights-based climate action](#) (2019)
- Synthesis report of NDCs [to be released in the lead-up to COP26](#)
- [Global stocktake](#) 2021-2023
- UNECE, Aarhus, [Maastricht Recommendations on Public Participation in Decision-making](#) (2015) provide step by step guidance aiming to assist officials carrying out public participation procedures and policymakers, legislators and public authorities in their daily work of engaging the public in decision-making processes in effective and inclusive way. The Recommendations contributes to Government efforts to tackle poverty and inequality by ensuring that all persons, including the poorest segments of society and rural communities, are given the opportunity to participate in decisions that affect them.
- UNECE, Aarhus Convention and the Protocol on PRTRs, Budva Declaration on Environmental Democracy for Our Sustainable Future ([Eng](#), [Fre](#), [Rus](#))

Potential activities

- Develop, in coordination with focus area 1, a document that describes opportunities for integrating human rights in NDCs and NAPS by no later than 15 September 2021.
- Develop 2-3 internal common talking points for internal use on ambition and human rights to include in joint internal briefing note on rights-based climate action to be prepared by the IMG by no later than 15 October 2021.
- Joint event on integrating human rights in national climate policies including NDCs at or before COP26 (tbc)

2. Article 6 mechanisms

The rules for Article 6 should include basic human rights protection measures common to most forms of development cooperation such as stakeholder consultations based on suitable, readily accessible information, environmental and social safeguards, and an independent grievance / redress mechanism. Projects are better designed and more sustainable when affected people, local communities and indigenous peoples are consulted, and safeguards and accountability mechanisms are in place. Individual members of the EMG IMG may advocate and raise awareness related to these measures at COP26 as befits their respective mandates.

Key resources

- OHCHR, [Modalities for implementation of the Paris Agreement and the Sustainable Development Mechanism](#) (2016)
- [High Commissioner for Human Rights Open Letter on priorities for human rights-based climate action](#) (2019)
- CIEL Report, [Rights, Carbon, Caution: Upholding Human Rights under Article 6 of the Paris Agreement](#) (February 2021)
- UNECE, [Maastricht Recommendations on Public Participation in Decision-making](#) (2015)
- UNECE, Aarhus Convention and the Protocol on PRTRs, Budva Declaration on Environmental Democracy for Our Sustainable Future ([Eng](#), [Fre](#), [Rus](#))

Potential activities

- Develop 2-3 common talking points on article 6 and human rights to include in joint briefing note on rights-based climate action to be prepared by the IMG by no later than 15 October 2021.
- Coordinate opportunities for joint advocacy to promote integration of human rights in Article 6 negotiations (e.g. through developing one-pager outlining the human rights implications of Article 6 and events at COP26)

3. Participation in international decision-making

The human right to public participation is a key underlying element of many COP decisions and agenda items including Action for Climate Empowerment (ACE), the Local Communities and Indigenous Peoples Platform and the Gender Action Plan. Observer access to intergovernmental meetings is also key and of particular concern in the context of COVID-19 and its potential impacts on modalities of participation at COP26.

At COP26, the ACE negotiations are particularly important to ensure meaningful and informed participation. Many of the underlying elements of ACE such as education, participation and access to information are human rights. A joint submission of 8 UN entities to the UNFCCC has suggested that there is a need to more effectively communicate recommendations and outcomes on ACE to the COP in order to

inform and improve deliberations under Article 12 of the Paris Agreement. Discussions around the strengthening and extension of ACE currently reflect this suggestion, including human rights as a guiding principle and considering ideas like a potential taskforce or committee of experts on ACE to ensure effective and inclusive action.

Key resources

- [High Commissioner for Human Rights Open Letter on priorities for human rights-based climate action](#) (2019)
- Joint submission by 8 UN entities on ACE available [here](#) (2020).
- Under the auspices of the [UN Secretary-General's Call to Action on Human Rights](#), a [joint commitment](#) from heads of UN agencies has been issued to promote child and youth participation in decision-making at all levels as part of the action area on the rights of future generations and climate justice.
- UNFCCC [technical paper](#) on opportunities and options for enhancing adaptation action through education and training, and public and youth participation and the related series of [policy briefs](#)
- UNECE, [Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums \(2005\)](#) is a practical tool for policymakers, legislators and public authorities for their daily work of engaging the public in international decision-making processes relating to the environment in an effective and inclusive way. The Guidelines contributes to Government efforts to tackle poverty and inequality by ensuring that all persons, including the poorest segments of society and rural communities, are given the opportunity to participate in decisions that affect them.
- UNECE, Aarhus Convention and the Protocol on PRTRs, Budva Declaration on Environmental Democracy for Our Sustainable Future ([Eng](#), [Fre](#), [Rus](#))

Potential activities

- Support efforts by children and youth to increase opportunities for their engagement with the UNFCCC process including a potential event on the rights of children and youth in the context of ACE at the Youth Climate Summit or [Conference of Youth](#).
- Develop 2-3 common talking points on ACE and human rights to include in joint briefing note on rights-based climate action to be prepared by the IMG by no later than 15 October 2021.
- Co-lead the organization of joint UN system side event on SDG16 at COP26 (tbc).

4. Loss and damage

Safeguarding the rights of those currently affected by climate change and at greatest risk of future harms should guide climate action. Under human rights law, those who suffer human rights harms because of climate change are entitled to protection and effective remedy. An equitable loss and damage regime will ensure effective international cooperation to mobilize adequate resources for climate action that benefits the most vulnerable first, in line with the commitment of the 2030 Agenda to leave no one behind. It will also reflect the human rights impact of non-economic losses, such as loss of traditional territory and cultural knowledge.

Key resources

- [High Commissioner for Human Rights Open Letter on priorities for human rights-based climate action](#) (2019)
- OHCHR technical inputs to the meeting of the Executive Committee of the Warsaw International Mechanism on loss and damage (2020).

Potential activities

- Develop 2-3 common talking points on loss and damage and human rights to include in joint briefing note on rights-based climate action to be prepared by the IMG by no later than 15 October 2021.
- Engagement with the Warsaw International Mechanism (WIM) and its Task Force on Displacement, e.g. coordinate engagement with the 14th Meeting of WIM Executive Committee of the Warsaw International Mechanism (October 2021) and support to the Santiago Network on Loss and Damage.

5. Climate finance

A human rights-based approach pro-actively shapes the way climate finance is programmed, and guards against the risk that climate finance is used to support projects that result in human rights violations and the exacerbation of social and economic inequalities. Integrating human rights considerations into the policies, processes and actions of climate funds ensures policy coherence, including coherence with existing human rights obligations and principles in key international instruments concerning sustainable development. A human rights-based approach improves the sustainability and equitability of the outcomes of climate change policies and helps to unpack the rights and responsibilities of the different actors involved in climate finance, including governments, international and national financial institutions, financial intermediaries, businesses, workers, and other affected individuals and communities. It also emphasizes the critical importance of the effective participation of individuals and communities in decision-making processes and policies that affect their lives.

Key resources

- OHCHR Conference Room Paper on Promoting rights-based climate finance for people and planet, A/HRC/WG.2/19/CRP.4 ([Word](#) | [PDF](#), English only) (2018)
- CIEL, [Funding Our Future: Five Pillars for Advancing Rights-Based Climate Finance](#) (March 2021)

Potential activities

- Develop 2-3 key messages/points regarding climate finance and human rights, including private climate finance, to include in joint briefing note on rights-based climate action to be prepared by the IMG by no later than 15 October 2021.
- Develop joint submission/one-pager regarding climate finance and human rights in connection to the launch of the synthesis report on climate finance and the [Fourth High-level Ministerial Dialogue on Climate Finance](#) to be held at COP26.
- Co-lead or support the organization of joint UN system side event on SDG17 at COP26 (tbc).