

3. United Nations Framework Convention on Climate Change

The United Nations Framework Convention on Climate Change (UNFCCC)¹ and its related agreements, the Kyoto Protocol² and the Paris Agreement,³ have created a complex web of subsidiary [bodies and processes](#) to address many diverse aspects of climate change and climate action. The eleventh preambular paragraph to the Paris Agreement⁴ recognises that its Parties should respect, promote and consider human rights when taking action to address climate change. Efforts to insert human rights in the implementation guidelines for the Paris Agreement (the Paris Rulebook) have had limited success up to and including at the 26th Conference of the Parties (COP 26) in 2021. Nonetheless, there are entry points for raising human rights concerns in some UNFCCC processes at the national and international levels. The UNFCCC processes can be used to pursue human rights nationally, and national efforts can be used for human rights advocacy internationally.

It is important that NHRIs engage strategically in the UNFCCC processes. For NHRIs to make best use of the UNFCCC processes will require insight, imagination and focus. While at the international level, the UNFCCC processes offer entry points for human rights advocacy and opportunities for networking and relationship-building, the main channels to apply human rights to the implementation of the Paris Agreement and the UNFCCC will probably be at the national level, principally through work aimed at influencing the positions of national governments. If NHRIs, working domestically and across countries with civil society, academia, business and other stakeholders can bring their respective national governments to take human rights into account in the fulfilment of their UNFCCC and Paris Agreement undertakings and obligations, they will contribute to breathing life into the eleventh preambular paragraph of the Paris Agreement.

There are at least four avenues for NHRI engagement with UNFCCC processes:

- as UNFCCC observers (or on delegations attached to observers);
- through formal submissions to UNFCCC processes;
- through participation in UNFCCC processes as experts; and
- through engagement with national governments and others at the national level in connection with UNFCCC processes.

¹ <https://unfccc.int/process-and-meetings/the-convention/what-is-the-united-nations-framework-convention-on-climate-change>

² https://unfccc.int/kyoto_protocol

³ <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

⁴ *Acknowledging* that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity

Organizations must be admitted by the UNFCCC Conference of the Parties (COP) as observers to the UNFCCC process before they can send representatives to attend any meetings of the UNFCCC principal and constituted bodies. Admission as an observer organization to the UNFCCC is a one-off decision and does not need to be repeated once observer status has been granted.⁵ Observers must register their representatives to attend a session or meeting of a UNFCCC body. The registration process for admitted observers is explained on the web pages for [admitted IGOs](#)⁶ and [admitted NGOs](#),⁷ respectively. Representatives of some NHRIs have been accredited to UNFCCC meetings as members of national governmental delegations or NGO delegations.

The criteria for accreditation as an observer are set out in article 7(6) of the UNFCCC.

"The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. **Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention**, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties."⁸ (Emphasis added.)

Guidance for the application of this provision was developed by the UNFCCC Secretariat and approved by the Subsidiary Body for Implementation.⁹ While that guidance does not specifically address national human rights institutions, it is broad enough to allow for the accreditation of GANHRI, regional networks and individual NHRIs.

8. In order to facilitate the implementation of Article 7, paragraph 6, working procedures have had to be developed. Mindful of the Convention, and drawing on general United Nations practice, the secretariat has developed procedures

⁵ How to obtain observer status at <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/overview/how-to-obtain-observer-status>. See also UNFCCC standard admission process for non-governmental organizations (NGOs) at https://unfccc.int/files/parties_and_observers/observer_organizations/application/pdf/unfccc_standard_admission_process_ngos.pdf

⁶ <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/admitted-igos>

⁷ <https://unfccc.int/process-and-meetings/conferences/side-events-and-exhibits/admitted-ngos>

⁸ United Nations Framework Convention on Climate Change, article 7(6). Considering preambular paragraph 11 of the Paris Agreement, human rights in connection with action to address climate change is credibly a matter covered by the UNFCCC.

⁹ Promoting effective participation in the Convention process, FCCC/SBI/2004/5, 16 April 2004 at: <https://unfccc.int/sites/default/files/resource/docs/2004/sbi/05.pdf>. A single process is used for the admission of observer organizations to sessions of the COP, the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement.

for the admission of IGOs and NGOs as observer organizations. These procedures are publicly available on the secretariat web site, and state that intending observer organizations shall provide, inter alia:

- (a) A statement of competence in Convention matters
- (b) Confirmation of independent juridical personality
- (c) Confirmation of non-profit and/or tax-exempt status in a State member of the United Nations, or of one of its specialized agencies or of the International Atomic Energy Agency, or in a State Party to the International Court of Justice.

10. The secretariat wishes to draw to the attention of the SBI a number of issues relating to the procedures for admission of observer organizations. For example:

- (b) Organizations which have been established by, and report to, governments and carry out government-mandated activities, but which cannot provide evidence of independence from government, are not considered eligible for admission. They are encouraged to participate as part of government delegations[.]¹⁰

As the admission of observers requires the consideration of the Conference of the Parties, it is done on an annual basis. The receipt of applications for COP27 was closed on 31 August 2021. Applications for observer status starting with the COP 28 review cycle closes on 31 August 2022.

In addition to being entitled to attend UNFCCC meetings, observers receive requests from UNFCCC bodies for written input (submissions) and information on various other issues.

As of December 2021, there were more than 2,900 NGOs admitted as observers to the UNFCCC. A system of nine constituencies that corresponds to the “Major Groups” of the 1992 United Nations Conference on Environment & Development brings together NGOs with similar interests or perspectives. They are Business and industry NGOs (BINGO), Environmental NGOs (ENGO), Farmers and agricultural NGOs (Farmers), Indigenous peoples organizations (IPO), Local government and municipal authorities (LGMA), Research and independent NGOs (RINGO), Trade union NGOs (TUNGO), Women and gender constituency (WGC), and Youth NGOs (YOUNGO). Each constituency has its own focal point. There are also three informal NGO groups that do not enjoy all privileges of an official constituency. They are Faith based organisations (FBOs), Education, communication and outreach stakeholders (ECOs), and Parliamentarians. Participation in a particular constituency is voluntary and is neither official nor binding. Constituency membership does not preclude direct communication with the secretariat by an observer organization. The potential benefits of participation in a constituency include access to the plenary floor, allocation of badges when site access is limited, receipt of informal advance information on up-coming sessions from the secretariat, timely information through constituency daily meetings, access to bilateral meetings with officials of the Convention bodies, and invitations by the secretariat to limited-access workshops. The

¹⁰ Idem.

UNFCCC Secretariat maintains a website that provides information for non-governmental organizations with observer status.¹¹

3.2 Submissions

UNFCCC subsidiary and constituted bodies regularly request written submissions of information and views from non-Party stakeholders, including admitted non-governmental organizations, and their submissions are made available on the UNFCCC secretariat website.¹² The UNFCCC Parties have also invited presiding officers of the subsidiary and constituted bodies to make greater use of inputs by non-Party stakeholders (NPS) through submissions.

Calls for submissions and statement are posted on the publicly accessible UNFCCC Submission and Statement portal.¹³ The rules for submissions by organisations with observer status and by non-Party stakeholders without observer status are set out at a different location on the UNFCCC website.¹⁴

For organizations with observer status, the Submission and Statement Portal provides a platform to upload submissions and statements. Before the first upload, an account must be created by the observer organization's Designated Contact Point.¹⁵

Non-Party stakeholders without observer status can make submissions in response to specific calls for submissions. However, such entities cannot use the Submission Portal for uploading their statements. Non-Party stakeholders without observer status are invited to send their submissions to the UNFCCC secretariat by email to submission-info@unfccc.int. Received submissions will go through a clearing process and cleared submissions will then be published in the Submission and Statement Portal.

3.3 Participation as Experts

Some UNFCCC processes envisage expert and other contributions. For instance, the rules of procedure for the Katowice Committee of Experts on the Impacts of the Implementation of Response Measures (KCI)¹⁶ provide that in performing its mandate, the KCI should draw upon outside expertise at its meetings. Its Co-Chairs may, in consultation with the Committee, invite representatives of international organizations, the private sector, academia and/or civil society to participate in a KCI meeting as

¹¹ <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/admitted-igos>

¹² According to the UNFCCC website, submissions and statements can be accessed through filters and a search function, which includes searching the documents' content. At: <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/submissions/submission-portal> and <https://www4.unfccc.int/sites/submissionsstaging/Pages/Home.aspx>

¹³ <https://www4.unfccc.int/sites/submissionsstaging/Pages/Home.aspx>

¹⁴ <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/submissions/submission-portal#eq-2>

¹⁵ Instructions for posting submissions are provided in the *UNFCCC Submission and Statement Portal user manual for observer organizations* at

https://unfccc.int/sites/default/files/resource/ssp_user_manual_for_observer_organizations_1.pdf.

¹⁶ See below at section 3.5.3.1.

expert advisers on specific issues under consideration at the meeting.¹⁷ ¹⁸ The workplan of the Paris Committee on Capacity-building for 2021-2024 envisages that the Committee will engage with various stakeholders in undertaking its work, including through inviting observers to meetings and opening working groups to the participation of external experts. The procedures established for the first global stocktake also envisage the participation of experts.¹⁹

3.4 Engagement at the National Level

States party to the UNFCCC, the Kyoto Protocol and the Paris Agreement are the principal actors in the UNFCCC bodies and process. This points to the importance of influencing national government positions in and contributions to the UNFCCC bodies and processes.²⁰ In addition, NHRIs can seek to hold their national governments accountable for respecting climate change commitments made in UNFCCC bodies and processes and use UNFCCC outcomes to encourage domestic climate action by their national government.²¹

3.5 UNFCCC Bodies

UNFCCC's bodies are divided into governing, process management, subsidiary and constituted bodies, in addition to those bodies that have already concluded their work.²² While human rights have not had a large place in them to date, some address human rights issues, and a few offer opportunities to raise human rights issues. Some processes offer opportunities to engage at the international or national levels or provide information and analysis that can be used for human rights advocacy at the national level.

¹⁷ Matters relating to the forum on the impact of the implementation of response measures, Revised rules of procedure of the Katowice Committee of Experts on the Impacts of the Implementation of Response Measures, Draft decision -CMP.16, Annex II, paras. 40-41.

¹⁸ For information about the KCI, see <https://unfccc.int/process-and-meetings/bodies/constituted-bodies/KCI>.

¹⁹ Information note on the first meeting of the technical dialogue of the first global stocktake under the Paris Agreement, 2 May 2022 at: <https://unfccc.int/documents/470475>.

²⁰ One area of where NHRIs have particular knowledge and expertise concerns the right of the public to access information on environmental issues and to participate in policymaking. For example, Costa Rica's Defensoria de Los Habitantes has recommended greater public participation in climate policy and access to information on positions taken by Costa Rica at the UNFCCC. German Institute for Human Rights and the Center for International Environmental Law, *Climate Change and Human Rights - The Contributions of National Human Rights Institutions: A Handbook*, 2020, pp. 37 and 29. At: <https://www.institut-fuer-menschenrechte.de/publikationen/detail/climate-change-and-human-rights#>.

²¹ Morocco's Conseil National des Droits de l'Homme co-hosted a workshop at COP22 on the role of NHRIs in monitoring the implementation commitments under the Paris Agreement. The workshop addressed the potential for NHRIs to cooperate with strategic partners on climate change and to encourage their states to push for a human rights-based approach to action in climate negotiations. *Idem*, p. 35.

²² A listing and summary descriptions of the various bodies can be found at: <https://unfccc.int/process-and-meetings/bodies/the-big-picture/what-are-governing-process-management-subsidiary-constituted-and-concluded-bodies>. Their calendar of meetings is found at: <https://unfccc.int/calendar/events-list>.

3.5.1 Conferences of the Parties (COP)

The Conference of the Parties (COP) is the supreme decision-making body of the UNFCCC. All States that are Parties to the UNFCCC are represented at the COP. There they review the implementation of the Convention and any other legal instruments that the COP adopts and take decisions necessary to promote the effective implementation of the Convention, including for its institutional and administrative arrangements. The COP also serves as the meeting of the Parties to the Paris Agreement (CMA)²³ and as the meeting of the Parties to the Kyoto Protocol (CMP).²⁴ All States that are Parties to the Paris Agreement are represented at the Conference of the Parties serving as the CMA, while States that are not Parties participate as observers. The CMA oversees the implementation of the Paris Agreement and takes decisions to promote its effective implementation.

States that are Parties to the Kyoto Protocol are represented at the CMP, while States that are not Parties participate as observers. The CMP oversees the implementation of the Kyoto Protocol and takes decisions to promote its effective implementation. The annual meeting of the COP is effectively three parallel meetings of the COP, CMA and CMP and resulting in three sets of outcomes.

3.5.2 Subsidiary Bodies

There are two permanent subsidiary bodies, the Subsidiary Body for Implementation (SBI)²⁵ and the Subsidiary Body for Scientific and Technological Advice (SBSTA).²⁶ The SBI assists the governing bodies in the assessment and review of the implementation of the Convention, the Kyoto Protocol and the Paris Agreement. In addition, the SBI is the body that considers the biennial work programmes for the secretariat, which provide the strategic direction to the secretariat. The SBI's work is at the heart of all implementation issues under the Convention, the Kyoto Protocol, and the Paris Agreement. In this respect, its agenda is shaped around the key building blocks of implementation of the three treaties and their related instruments: transparency, mitigation, adaptation, finance, technology and capacity-building. That work aims at enhancing the ambition of Parties on all aspects of its agenda. The SBSTA assists the governing bodies through the provision of timely information and advice on scientific and technological matters as they relate to the Convention, the Kyoto Protocol and the Paris Agreement. In addition, the SBSTA cooperates with relevant international organizations on scientific, technological and methodological questions.

The SBI and the SBSTA work together on cross-cutting issues that touch on both their areas of expertise. These include the vulnerability of developing countries to climate change and response measures, discussions under the Technology Mechanism, the Adaptation Committee and the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts. The SBI and the SBSTA have

²³ <https://unfccc.int/process/bodies/supreme-bodies/conference-of-the-parties-serving-as-the-meeting-of-the-parties-to-the-paris-agreement-cma>.

²⁴ <https://unfccc.int/process/bodies/supreme-bodies/conference-of-the-parties-serving-as-the-meeting-of-the-parties-to-the-kyoto-protocol-cmp>.

²⁵ <https://unfccc.int/process/bodies/subsidiary-bodies/sbi>

²⁶ <https://unfccc.int/process/bodies/subsidiary-bodies/sbsta>

traditionally met in parallel, twice a year. When they are not meeting in conjunction with the COP, the subsidiary bodies usually convene at the seat of the UNFCCC secretariat in Bonn, Germany.

3.5.3 Constituted Bodies

There are numerous UNFCCC constituted bodies.²⁷ As described below, some of them appear to offer opportunities to address the relevance of human rights to climate action. Many do not.

3.5.3.1 *Forum on the impact of the implementation of response measures and Katowice Committee of Experts on the Impacts of the Implementation of Response Measures*

In 2010, COP16 decided to establish the Forum on the impact of the implementation of response measures. Arguably the impact of the implementation of response measures under the Convention, the Kyoto Protocol and the Paris Agreement would include the impact of such measures on human rights. The Forum's current work programme includes areas of work where human rights are relevant, and its modalities offer entry points for raising human rights issues.

The Forum has a mandate to:

- (a) Provide a platform allowing Parties to share, in an interactive manner, information, experiences, case studies, best practices and views, and to facilitate assessment and analysis of **the impact of the implementation of response measures**,²⁸ including the use and development of modelling tools and methodologies, with a view to recommending specific actions; (Emphasis added.)
- (b) Provide recommendations to the subsidiary bodies on the actions referred to in paragraph 1(a) above for their consideration, with a view to recommending those actions, as appropriate, to the Conference of the Parties, the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement.
- (c) Provide concrete examples, case studies and practices in order to enhance the capacity of Parties, in particular developing country Parties, to deal with the impact of the implementation of response measures;
- (d) Address the effects of the implementation of response measures under the Convention, the Kyoto Protocol and the Paris Agreement by enhancing cooperation among Parties, stakeholders, external organizations, experts and institutions, by enhancing the capacity and the understanding of Parties of the impacts of mitigation actions and by enabling the exchange of information,

²⁷ <https://unfccc.int/process-and-meetings/-:4137a64e-efea-4bbc-b773-d25d83eb4c34:39cf4354-cdec-48f4-a5eb-3bc77eeaa024>

²⁸ Emphasis added.

experience and best practices among Parties to raise their resilience to these impacts;

(e) Respond and take into consideration the relevant outcomes of different processes under the Paris Agreement;

(f) Promote action to minimize the adverse impacts and maximize the positive impacts of the implementation of response measures.²⁹

The work programme of the Forum comprises the following areas of work to address the concerns of all Parties, particularly developing country Parties:

(a) Economic diversification and transformation;

(b) Just transition of the workforce and the creation of decent work and quality jobs;

(c) Assessing and analysing the impacts of the implementation of response measures;

(d) Facilitating the development of tools and methodologies to assess the impacts of the implementation of response measures.³⁰

In 2018, the COP, CMP and CMA established the Katowice Committee of Experts on the Impacts of the Implementation of Response Measures (the Katowice Committee on Impacts or KCI) to support the work of the Forum on the impact of the implementation of response measures in implementing its work programme. The KCI is the only constituted body under the Convention and Paris Agreement that deals with the impacts of the implementation of response measures.³¹ The KCI reports to the Forum, which in turn reports to the Subsidiary Body for Implementation.

The Forum and the KCI may use the following modalities, as appropriate and as decided on a case-by-case basis, to carry out the work programme of the Forum:

(a) Building awareness and enhancing information-sharing through the exchange and sharing of experience and best practices;

(b) Preparing technical papers, case studies, specific examples and guidelines;

(c) Receiving inputs from experts, practitioners and relevant organizations;

²⁹ Decision 7/CMA, Annex on “Modalities, work programme and functions under the Paris Agreement of the forum on the impact of the implementation of response measures,” para. 1 in Report of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement on the third part of its first session, held in Katowice from 2 to 15 December 2018 FCCC/PA/CMA/2018/3/Add.1, 19 March 2019.

³⁰ Idem, para 2.

³¹ Enhancing the capacity and understanding of Parties, through collaboration and input from stakeholders, on the assessment and analysis of the impacts of the implementation of response measures to facilitate the undertaking of economic diversification and transformation and just transition, Draft technical paper, KCI/2021/4/5, para. 54.

(d) Organizing workshops.³²

The KCI, in performing its mandate, should draw upon outside expertise at its meetings. Its Co-Chairs may, in consultation with the KCI, invite representatives of international organizations, the private sector, academia and/or civil society to participate in a meeting of the KCI as expert advisers on specific issues under consideration at the meeting.³³

The 2021 meeting of the Parties to the Paris Agreement:

decided that meetings of the KCI shall be open to attendance as observers by all Parties and accredited observer organizations, unless otherwise decided by the KCI. Observers may, with the agreement of the KCI, be invited to address the KCI on matters under consideration by it, and the KCI may request interventions from observers throughout the meeting, as appropriate;³⁴ requested the secretariat to hold a two-day workshop in conjunction with the fifty-sixth sessions of the subsidiary bodies (June 2022) to further advance the implementation of workplan³⁵ activities 3, 4 and 11;³⁶ and

³² Matters relating to the forum on the impact of the implementation of response measures, Revised rules of procedure of the Katowice Committee of Experts on the Impacts of the Implementation of Response Measures, Draft decision -CMP.16, Annex II, para. 3 at: <https://unfccc.int/documents/310496>.

³³ Idem, paras. 40-41.

³⁴ Idem, paras. 42, 45 and 46.

³⁵ Decision 4/CP.25, Annex II on the “Workplan of the forum on the impact of the implementation of response measures and its Katowice Committee of Experts on the Impacts of the Implementation of Response Measures” in Report of the Conference of the Parties on its twenty-fifth session, held in Madrid from 2 to 15 December 2019, FCCC/CP/2019/13/Add.1, 16 March 2020. On their face, many of the activities offer entry points for raising human rights issues. Activity 9 of the workplan appears to be particularly relevant.

Activity 9: Identify and assess the impacts of the implementation of response measures taking into account intergenerational equity, gender considerations and the needs of local communities, indigenous peoples, youth and other people in vulnerable situations.

³⁶ Draft decision -CMP.16, para. 3 and Workplan of the forum on the impact of the implementation of response measures and its Katowice Committee of Experts on the Impacts of the Implementation of Response Measures, Decision 4/CP.25, Annex II.

Activity 3: Facilitate the development, enhancement, customization and use of tools and methodologies for modelling and **assessing the impacts of the implementation of response measures**, including identifying and reviewing existing tools and approaches in data-poor environments, in consultation with technical experts, practitioners and other relevant stakeholders.

Activity 4: Enhance the capacity and understanding of Parties, through collaboration and input from stakeholders, on the **assessment and analysis of the impacts of the implementation of response measures to facilitate the undertaking of economic diversification and transformation and just transition**.

Activity 11: Facilitate, exchange and share experiences and best practices in the assessment of the environmental, **social and economic co-benefits of climate change policies and actions** informed by the best available science, including the use of existing tools and methodologies. (Emphasis added.)

adopted the KCI's recommendations³⁷ pertaining to activity 1³⁸ of the workplan and invited Parties to implement them, as applicable.

The UNFCCC Secretariat is tasked with drafting technical papers for the KCI, and these suggest additional entry points for addressing human rights issues. One such technical paper prepared for the KCI's meetings in May and June 2021 included the following passages:³⁹

22. Environmental, **social and economic impacts** are assessed and analysed using specific methods. However, they are complementary and sometimes overlapping and are usually assessed together with a focus on a specific area [...]. For example, the economic impact of a climate policy that results in changes to jobs or wages may lead to social impacts, such as migration and increasing inequality. It should also be noted that impacts on the workforce, including on job opportunities and wages, are often viewed as social impacts.

³⁷ Draft decision -CMP.16, Annex I.

1. Encourage Parties to engage relevant stakeholders at each step of the process of designing and implementing climate mitigation policies and policies to achieve sustainable development including through social dialogue, when possible and subject to national circumstances. The relevant stakeholders, among others, include workers, employers, organizations, academia, public and private sectors, women, and civil society.
2. Encourage Parties to explore complementary policies, such as economic policies, social protection, and labour policies, to help strengthen the outcomes of the implementation of mitigation strategies, plans, policies and programmes including nationally determined contributions and low-emission development strategies.
3. Encourage Parties to strengthen international and regional cooperation as it contributes towards planning and implementation of mitigation policies with environmental and socioeconomic benefits, for example to help facilitate technology development and transfer in accordance with Article 10 of the Paris Agreement, and strive towards harmonized regional approaches.
4. Encourage Parties to use existing qualitative and quantitative assessment methodologies and tools to understand social, economic and employment effects of proposed mitigation measures as a way to inform and guide climate policies and to maximize the positive and minimize the negative effects of the implementation of response measures. More analysis of impacts, including, inter alia, sectoral, national, subnational, domestic, and cross border, would be useful for informing climate policies and understanding how to maximize the positive and minimize the negative effects of the implementation of response measures.
5. Encourage the forum and its Katowice Committee on Impacts to enhance the capacity of Parties, particularly developing country Parties, through training and capacity-building efforts, including the existing initiatives. This will enable Parties to carry out their own assessments and analyses of the impacts of response measures.

³⁸ Workplan of the forum on the impact of the implementation of response measures and its Katowice Committee of Experts on the Impacts of the Implementation of Response Measures, Decision 4/CP.25, Annex II.

Activity 1: Explore approaches to informing the development and implementation of climate change mitigation strategies, plans, policies and programmes, including nationally determined contributions and/or long-term low greenhouse gas emission development strategies, that maximize the positive and minimize the negative impacts of response measures.

³⁹ Facilitating development, enhancement, customization and use of tools and methodologies for modelling and assessing the impacts of implementation of response measures, including identifying and reviewing existing tools and approaches in data-poor environments, in consultation with technical experts, practitioners and other relevant stakeholders, Work in progress by the Working Group as of 25th May 2021, KCI/2021/4/5 at https://unfccc.int/sites/default/files/resource/TP_capacity%20building.pdf

23. Other indicators that can be used for climate policy assessments include impacts on energy security, diversification of energy supply, **job opportunities** and their distribution, wages (individual or family income), **income inequalities**, **poverty**, economic opportunities for rural areas, **cultural heritage**, air quality, noise, **gender inequality** and disparity, **impacts on indigenous peoples and local communities**, as well as changes in the landscape, technological changes and **potential displacement of communities**. It is also important to note that indicators for a specific study on the impacts of a policy are usually designed and decided based on the policy or specific issue being assessed and the objective or scope of the study (e.g., indicators to assess the impacts of a policy on a rural population will be very different from those to assess the impacts on firms and business). (Emphasis added.)

36. With respect to enhancing capacity on assessing and analysing the impacts of the implementation of mitigation policies and actions geared toward undertaking of economic diversification and transformation and just transition, the following stakeholders are of strategic relevance:

- Organizations that support data generation and maintain databases related to the indicators used to assess the impacts of policies;
- Organizations involved in developing methodologies and tools for impact assessment;
- Organizations that generate knowledge through technical or empirical studies, case studies, assessment guidance documents, good practice guides, etc.;
- Organizations that offer learning opportunities, including hands-on training on the assessment, analysis and use of tools to undertake assessments.

Although the constituent documents for the Forum and the KCI do not use human rights language, their mandate and issues addressed within that mandate suggest that some of the work of the KCI and the Forum offers opportunities to raise human rights issues and to draw on in connection with work on climate action.⁴⁰

⁴⁰ An illustration of this can be found in the submission of the Quaker United Nations Office, an NGO with observer status, to the KCI - *QUNO Exploratory Note - The Just Transition: a human-rights-based approach towards the low-carbon economy*, at https://unfccc.int/sites/default/files/resource/Inputs%20from%20Quaker%20United%20Nations%20Office_Note.pdf.

3.5.3.2 *Local Communities and Indigenous Peoples Platform⁴¹ and Facilitative Working Group of the Local Communities and Indigenous Peoples Platform⁴²*

The Local Communities and Indigenous Peoples Platform was created at COP23 in 2017.⁴³ The overall purposes of the Platform is to strengthen the knowledge, technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change, to facilitate the exchange of experience and the sharing of best practices and lessons learned related to mitigation and adaptation in a holistic and integrated manner and to enhance the engagement of local communities and indigenous peoples in the UNFCCC process.⁴⁴

The Platform performs the following functions:⁴⁵

- (a) Knowledge: the platform should promote the exchange of experience and best practices with a view to applying, strengthening, protecting and preserving traditional knowledge, knowledge of indigenous peoples and local knowledge systems, as well as technologies, practices and efforts of local communities and indigenous peoples related to addressing and responding to climate change, taking into account the free, prior and informed consent of the holders of such knowledge, innovations and practices;
- (b) Capacity for engagement: the platform should build the capacity of indigenous peoples and local communities to enable their engagement in the UNFCCC process and the capacity of Parties and other relevant stakeholders to engage with the platform and with local communities and indigenous peoples, including in the context of the implementation of the Paris Agreement and other climate change related processes;
- (c) Climate change policies and actions: the platform should facilitate the integration of diverse knowledge systems, practices and innovations in designing and implementing international and national actions, programmes and policies in a manner that respects and promotes the rights and interests of local communities and indigenous peoples. The platform should also facilitate the undertaking of stronger and more ambitious climate action by indigenous peoples and local communities that could contribute to the achievement of the nationally determined contributions of the Parties concerned.

The Facilitative Working Group (FWG) of the Local Communities and Indigenous Peoples Platform was established at COP24 to further operationalise the Local

⁴¹ <https://unfccc.int/LCIPP>

⁴² <https://unfccc.int/LCIPP-FWG>

⁴³ Decision 2/CP.23, Report of the Conference of the Parties on its twenty-third session, held in Bonn from 6 to 18 November 2017, FCCC/CP/2017/11/Add.1, 8 Feb. 2018. See also Decision 1/CP.21, para. 135. The Platform's website is at: <https://lcipp.unfccc.int/>.

⁴⁴ Idem, para. 5.

⁴⁵ Idem, para. 6.

Communities and Indigenous Peoples Platform and facilitate the implementation of its functions.⁴⁶ Its mandate was continued at COP26.

The second three-year workplan of the Local Communities and Indigenous Peoples Platform for 2022–2024⁴⁷ was welcomed at COP 26. Among the continuing needs that were identified by the FWG as the basis for the development of the workplan activities is:

- (b) Fostering and promoting a **human-rights-based approach** to ensure recognition and safeguarding of the knowledge of indigenous peoples and local knowledge systems and practices in relation to climate change.⁴⁸

The workplan envisages contribution to some of its activities from bodies outside the UNFCCC. The FWG reports to the Subsidiary Body for Scientific and Technological Advice.

3.5.3.3 *Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (WIM)*

COP19 established the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (Loss and Damage Mechanism), to address loss and damage associated with impacts of climate change, including extreme events and slow onset events, in developing countries that are particularly vulnerable to the adverse effects of climate.⁴⁹ The Mechanism is anchored in article 8 of the Paris Agreement. It fulfills the role of promoting implementation of approaches to address loss and damage associated with the adverse effects of climate change in a comprehensive, integrated and coherent manner.⁵⁰

The implementation of the functions of the Loss and Damage Mechanism is guided by the Executive Committee of the Warsaw International Mechanism for Loss and Damage.⁵¹ Five thematic expert groups play a major role in carrying out the activities of the Executive Committee's workplan:

- Expert group on slow onset events;
- Expert group on non-economic losses;
- Technical Expert Group on Comprehensive Risk Management;
- Task Force on Displacement;

⁴⁶ Decision 2/CP.24 at:

https://unfccc.int/sites/default/files/resource/cp24_auv_SBSTA7%20LCIPP_rev.pdf. The Facilitative Working Group's website is at: <https://unfccc.int/LCIPP-FWG>.

⁴⁷ FCCC/SBSTA/2021/1, annex IV at

https://unfccc.int/sites/default/files/resource/sbsta2021_01E.pdf?download.

⁴⁸ See also activities 2 and 5 under the workplan.

⁴⁹ Decision 2/CP.19, FCCC/CP/2013/10/Add.1, 31 January 2014. See also Decision 3/CP.18, FCCC/CP/2012/8/Add.1,28 Feb. 2013. <https://unfccc.int/topics/adaptation-and-resilience/workstreams/loss-and-damage-ld/warsaw-international-mechanism-for-loss-and-damage-associated-with-climate-change-impacts-wim>

⁵⁰ The Loss and Damage Mechanism is described in detail in and Online Guide at:

https://unfccc.int/sites/default/files/resource/Online_Guide_June_2021.pdf. The Online Guide does not reflect the most recent developments at COP26.

⁵¹ <https://unfccc.int/wim-excom>

- Expert group on action and support.

The Executive Committee acts under the guidance of the COP.^{52 53}

In 2019, the CMA (COP25) established the WIM Santiago Network for averting, minimizing and addressing loss and damage associated with the adverse effects of climate change and to catalyse the technical assistance of relevant organizations, bodies, networks and experts, for the implementation of relevant approaches at the local, national and regional level, in developing countries that are particularly vulnerable to the adverse effects of climate change.⁵⁴ At CMA3 (COP26) in 2021, the Parties to the Paris Agreement decided on the functions of the Santiago Network.⁵⁵ The UN Office of the High Commissioner for Human Rights has encouraged the integration of human rights in efforts to operationalize the Santiago Network⁵⁶

3.5.3.4 *Adaptation Committee (AC)*

The Adaptation Committee⁵⁷ was established by COP16 to promote the implementation of enhanced action on adaptation in a coherent manner under the UNFCCC.⁵⁸ It also serves the Paris Agreement. Its functions include providing technical support and guidance to the Parties; sharing of relevant information, knowledge, experience and good practices; promoting synergy and strengthening engagement with national, regional and international organizations, centres and networks; providing information and recommendations for consideration by the COP when providing guidance on means to incentivize the implementation of adaptation actions; and considering information communicated by Parties on their monitoring and review of adaptation actions and support provided and received.

⁵² Paragraphs 37-45 of the Glasgow Climate Pact address loss and damage, including by noting that without prejudice to further consideration of the matter, discussions related to the governance of the Warsaw International Mechanism on Loss and Damage associated with Climate Change Impacts did not produce an outcome. 1/CP.26.

⁵³ In addition to the WIM, the Santiago Network exists to catalyze the technical assistance of relevant organizations, bodies, networks and experts, for the implementation of relevant approaches for averting, minimize and addressing loss and damage at the local, national and regional level, in developing countries that are particularly vulnerable to the adverse effects of climate change (Decision 2/CMA.2, para 43). Although there is no indication that the Santiago Network has considered human rights, environmental and social impact assessment would be relevant to averting, minimize and addressing loss and damage. At: <https://unfccc.int/santiago-network/about>

⁵⁴ Decision 2/CMA.2, para 43 at: <https://unfccc.int/documents/209506>. See also: <https://unfccc.int/santiago-network/about>.

⁵⁵ Draft decision -/CMA.3, FCCC/PA/CMA/2021 at: https://unfccc.int/sites/default/files/resource/cma2021_L02E.pdf

⁵⁶ OHCHR views on Santiago network for averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, March 2022 at: [https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202204051108---OHCHR%20Submission%20on%20Santiago%20Network%20for%20Loss%20and%20Damage%20\(March%202022\).pdf](https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202204051108---OHCHR%20Submission%20on%20Santiago%20Network%20for%20Loss%20and%20Damage%20(March%202022).pdf).

⁵⁷ <https://unfccc.int/Adaptation-Committee>

⁵⁸ Decision 1/CP.16, FCCC/CP/2010/7/Add.1, 15 March 2011 at para. 20, <https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>.

3.5.3.5 The Paris Committee on Capacity-building (PCCB)

The Paris Committee on Capacity-building was established by COP 21 in 2015 as part of the adoption of the Paris Agreement to address gaps and needs, both current and emerging, in implementing capacity-building in developing country Parties and further enhancing capacity-building efforts, including with regard to coherence and coordination in capacity-building activities under the Convention.⁵⁹ The PCCB was requested by the COP to take into consideration cross-cutting issues such as gender responsiveness, human rights and indigenous peoples' knowledge in managing its first workplan, and it will continue taking cross-cutting issues into consideration in managing and implementing its second workplan for 2021-2024.⁶⁰ The PCCB will engage with various stakeholders in undertaking its work, including through inviting observers to meetings and opening working groups to the participation of external experts.⁶¹ With the support of OHCHR, the PCCB and the UNFCCC Secretariat have developed an online training module on climate change and human rights which was launched at the Durban Forum on Capacity-building in June 2021.⁶² In June 2019, a technical workshop on building capacity for integrating human rights into climate action was organized by the PCCB and OHCHR during 50th session of the UBFCCC Subsidiary Bodies.⁶³

The informal coordination group for capacity-building under the Convention and the Paris Agreement (ICG) provides a space for representatives of constituted bodies, operating entities and relevant processes under the Convention and the Paris Agreement to coordinate climate change related capacity-building plans and activities, and allow for better sharing of information, coherence, and identification of opportunities. The larger segment of PCCB stakeholders, which covers developed and developing country Parties, NGOs, the private sector, civil society and academia and includes those convened under the PCCB Network, would have an interest in the work of the group but limited interaction with it.⁶⁴

The PCCB has developed a toolkit to serve as a resource for developing country officials and their implementing partners in the assessment of relevant capacity needs, and in the determination of gaps, to implement the Paris Agreement. Unfortunately, although unsurprisingly, the only mention of human rights in the Toolkit is a single passing mention in connection with women's human rights in the section on gender, transparency, and other cross-cutting issues.⁶⁵

⁵⁹ <https://unfccc.int/pccb>

⁶⁰ Workplan of the Paris Committee on Capacity-building for 2021–2024, para 9 at: <https://unfccc.int/sites/default/files/resource/Workplan%20of%20the%20Paris%20Committee%20on%20Capacity%202021-4.pdf>

⁶¹ *Idem*, para. 16.

⁶² <https://www.unitar.org/event/full-catalog/introduction-climate-change-and-human-rights>

⁶³ Summary Report of the Technical Workshop on Building Capacity for Integrating Human Rights into Climate Action at: https://unfccc.int/sites/default/files/resource/Report_PCCB-OHCHR_2019_Technical_Workshop.pdf. See also: https://unfccc.int/sites/default/files/resource/Report_PCCB-OHCHR%202019%20Technical%20Workshop.pdf

⁶⁴ Concept note on establishing an informal coordination group for capacity-building under the Convention and the Paris Agreement, FCCC/SBI/2020/13 at https://unfccc.int/sites/default/files/resource/ICG_concept_note.pdf.

⁶⁵ *PCCB Toolkit to assess capacity building gaps and needs to implement the Paris Agreement*, January 2022 at

3.6 Processes

3.6.1. Nationally determined contributions

Nationally determined contributions (NDCs)⁶⁶ are at the heart of the Paris Agreement and the achievement of its long-term goals in articles 2 and 4(1). NDCs embody efforts by each country to reduce national emissions and adapt to the impacts of climate change. The Paris Agreement⁶⁷ requires each Party to prepare, communicate and maintain successive NDCs that it intends to achieve.⁶⁸ Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions. NDCs for individual countries can be consulted on the UNFCCC website.⁶⁹

Collectively, NDCs will determine global progress in achieving the long-term goals of the Paris Agreement.⁷⁰ The Paris Agreement is premised on achieving those long-term goals progressively over time and builds on a ratcheting up of aggregate and individual mitigation ambition over time. NDCs are submitted every five years to the UNFCCC secretariat. Each successive NDC is to improve on the State party's previous NDC and reflect its highest possible ambition. Parties had been requested to submit new NDCs or updated NDCs by 2020 and every five years thereafter (e.g., by 2020, 2025, 2030), regardless of their respective implementation time frames. At its 2021 meeting the CMA requested Parties to Paris Agreement to revisit and strengthen the 2030 targets in their nationally determined contributions as necessary by the end of 2022 to align with the Paris Agreement temperature goal. It also requested the secretariat to update annually update the synthesis report on NDCs for each session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement.⁷¹

https://unfccc.int/sites/default/files/resource/220126_BLS21379%20UCC%20PCCB%20Toolkit.v04.pdf

⁶⁶ <https://unfccc.int/process-and-meetings/the-paris-agreement/nationally-determined-contributions-ndcs/nationally-determined-contributions-ndcs>

⁶⁷ Article 4(2).

⁶⁸ Guidance for the preparation of NDCs is found in Adoption of the Paris Agreement, Decision 1/CP.21, para. 27, FCCC/CP/2015/10/Add.1, 29 January 2016 and Decision 4/CMA.1, Further guidance in relation to the mitigation section of decision 1/CP.21, FCCC/PA/CMA/2018/3/Add.1, 19 March 2019. While the guidance naturally focusses on the accuracy and consistency of information about commitments to greenhouse gas emission mitigation and carbon removal, it also requests information about the NDC planning processes, including domestic institutional arrangements, public participation and engagement with local communities and indigenous peoples, in a gender-responsive manner and about contextual matters, including national circumstances, such as geography, climate, economy, sustainable development and poverty eradication. Where the NDC consists of adaptation action and/or economic diversification plans resulting in mitigation co-benefits, it should include information on how the economic and social consequences of response measures have been considered in developing the NDC. Decision 4/CMA.1, Annex I, para. 4(a) and 4(d)(i).

⁶⁹ <https://www4.unfccc.int/sites/NDCStaging/Pages/All.aspx>

⁷⁰ <https://unfccc.int/process-and-meetings/the-paris-agreement/nationally-determined-contributions-ndcs/nationally-determined-contributions-ndcs> and <https://www4.unfccc.int/sites/ndcstaging/Pages/LatestSubmissions.aspx>

⁷¹ Glasgow Climate Pact, paras. 29-30, at:

https://unfccc.int/sites/default/files/resource/cma3_auv_2_cover%20decision.pdf

The UNFCCC secretariat prepared a synthesis report on 165 NDCs representing 192 Parties⁷² submitted up to 12 October 2021, which presents the synthesized information for all the represented Parties taken together.⁷³ Of course, the report focusses on greenhouse gas emission reductions, but it also includes some information about processes involved in preparing the NDCs. It notes that many Parties referred to formal arrangements in place for domestic stakeholder consultation, and most indicated that they conducted consultations and engagement in an inclusive and participatory manner, with some Parties specifically referencing gender-sensitive consultations.⁷⁴ It summarizes information provided about adaptation and links between adaptation efforts and efforts towards SDG realization. The report includes references to just transition, gender (including a section at paras 106-113) and Indigenous peoples and rights, (including a section at paras 114-115). However, it makes no mention of “human rights”.⁷⁵ The report notes that almost all Parties provided information on using one or more ACE elements to promote implementation of mitigation and adaptation activities. The report’s summary of issues raised around adaption covers many issues with links to human rights, such as access to water and food and health standards, but no link is made with corresponding human rights.

Information provided in the NDCs can be used to monitor whether national governments are meeting their procedural and substantive human rights obligations and to identify possible entry points for human rights advocacy. Individual NDCs can be found in the searchable UNFCCC interim NDC registry.⁷⁶

3.6.2. Global Stocktake

Article 14 of the Paris Agreement establishes the global stocktake (GST) and sets out its purposes. The GST is a process for assessing the implementation of the Paris Agreement and the world’s collective progress towards achieving the purpose of the Agreement and its long-term goals.⁷⁷

The GST will be comprehensive and facilitative and will assess collective progress on mitigation, adaptation, finance flows, and means of implementation and support. It can take account of efforts to address the social and economic consequences of response measures and to avert, minimize and address loss and damage associated with the adverse effects of climate change. The collective assessment should take into consideration inputs on equity and make use of the best available science.

⁷² The European Union and its 27 member States communicated one joint NDC, which was counted as one NDC representing 28 Parties.

⁷³ https://unfccc.int/sites/default/files/resource/cma2021_08r01_E.pdf

⁷⁴ Idem at para. 20-23.

⁷⁵ An online NDC Explorer provides country-specific information about NDCs that covers a variety of topics such as stakeholder consultation in NDC preparation, fairness and equity, gender and human rights. <https://klimalog.die-gdi.de/ndc/#NDCExplorer/worldMap?NDC??income???catIncome>. United Nations Economic Commission for Latin America and the Caribbean has described how human rights are reflected in NDCs made prior to 2019. See, Climate Change and Human Rights: Contributions by and for Latin America and the Caribbean, 2019, pp. 43-45 at https://repositorio.cepal.org/bitstream/handle/11362/44971/1/S1900999_en.pdf

⁷⁶ <https://www4.unfccc.int/sites/ndcstaging/Pages/Home.aspx>

⁷⁷ <https://unfccc.int/topics/global-stocktake>

The outcome of the GST aims to inform countries on updating and enhancing, in a nationally determined manner, their climate actions and support, as well as on enhancing international cooperation for climate action.

It is important to note that while the GST is expected to lead to an increase in the overall ambition of actions and support for addressing climate change, it will be collective and not focus on individual countries or groups of countries. Its outputs will not be policy-prescriptive, but will consist of key political messages and recommendations, best practices, new opportunities and lessons learned for all thematic areas.

The modalities for the GST and its sources of information for the stocktaking are established in [decision 19/CMA.1](#).⁷⁸ The CMA has the overall responsibility for the GST, which is to be conducted with the assistance of the Subsidiary Body for Implementation (SBI) and the Subsidiary Body for Scientific and Technological Advice (SBSTA). The Chairs of the SBI and the SBSTA have provided guidance to organize the GST in a flexible and appropriate manner and developed guiding questions for all components of the global stocktake, including specific thematic and cross-cutting questions.⁷⁹

The GST is a three-step process that consists of information collection and preparation; a technical assessment of that information to take stock of the implementation of the Paris Agreement and assess the collective progress towards achieving the purpose and long-term goals of the Paris Agreement; and consideration of outputs to inform Parties in updating and enhancing their NDCs as well as international cooperation for climate action. The first GST started in 2021 and will conclude in late 2023, and the process will be repeated every 5 years thereafter.⁸⁰

The co-facilitators of the GST have set out their vision for the first GST in an information note.⁸¹ There was a first opportunity for non-party stakeholders to submit information to the GST, and from the information note there appears to be (limited) opportunity for participation/observation by non-party stakeholders in the GST Technical Dialogue, the first session of which runs from 9-14 June at the 56th session of the UNFCCC Subsidiary Bodies.

⁷⁸ Matters relating to Article 14 of the Paris Agreement and paragraphs 99–101 of decision 1/CP.21, FCCC/PA/CMA/2018/3/Add.2, 19 March 2019. See also: Sources of input for the global stocktake under the Paris Agreement at https://unfccc.int/sites/default/files/resource/sbsta2021_L04E.pdf.

⁷⁹ Preparing for the First Global Stocktake Revised Non-Paper by the Chairs of the SBSTA and SBI, at: https://unfccc.int/sites/default/files/resource/REV_Non-paper_on_Preparing_for_GST1_forSBs_15Sept.pdf and Guiding questions by the SB Chairs for the Technical Assessment component of the first Global Stocktake: Revised questions, 18 February 2022 at https://unfccc.int/sites/default/files/resource/Draft%20GST1_TA%20Guiding%20Questions.pdf.

Note question 19 related to preambular paragraph 11 (human rights) of the Paris Agreement.

⁸⁰ OHCHR made a submission to the global stocktake with information and materials on climate change and human rights, available at:

[https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202203311411---OHCHR%20GST%20submission%20\(March%202022\).pdf](https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202203311411---OHCHR%20GST%20submission%20(March%202022).pdf).

⁸¹ Information note on the first meeting of the technical dialogue of the first global stocktake under the Paris Agreement, 2 May 2022 at: <https://unfccc.int/documents/470475>.

The provision for the GST to address the social and economic consequences and impacts of climate response measures offers an opportunity to raise human rights issues.^{82 83}

3.6.3. National Adaptation Programmes of Action

National Adaptation Programmes of Action (NAPAs) provide a process for the Least Developed Countries (LDCs) to identify priority activities that respond to their *urgent and immediate* needs regarding adaptation to climate change - those needs for which further delay could increase vulnerability or lead to increased costs at a later stage. Once a NAPA has been submitted to the UNFCCC secretariat, the LDC Party is eligible to access funding under the Least Developed Countries Fund (LDCF), which is managed by the Global Environment Facility (GEF), for the implementation of the NAPA.⁸⁴

3.6.4. National Adaptation Plans

Article 7 of the Paris Agreement aims to strengthen the global climate change response by increasing the ability of all Parties to adapt to adverse impacts of climate change and foster climate resilience. It defines a global goal on adaptation of enhancing adaptive capacity and resilience and reducing vulnerability, with a view to contributing to sustainable development and ensuring an adequate adaptation response in the context of the goal of holding average global warming well below 2 degrees C and pursuing efforts to hold it below 1.5°C.

The national adaptation plan (NAP) process enables Parties to formulate and implement NAPs as a means of identifying *medium- and long-term* adaptation needs and developing and implementing strategies and programmes to address those needs.⁸⁵ The objectives of the NAP process are:

- (a) to reduce vulnerability to the impacts of climate change, by building adaptive capacity and resilience; and
- (b) to facilitate the integration of climate change adaptation, in a coherent manner, into relevant new and existing policies, programmes and activities, in particular development planning processes and strategies, within all relevant sectors and at different levels, as appropriate.⁸⁶

⁸² Idem. Note in particular, question 19 of the Guiding questions by the SB Chairs for the Technical Assessment component of the first Global Stocktake: Revised questions, which addresses how climate action respecting is, promoting and considering Parties' respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity. Some other questions are also relevant to human rights.

⁸³ CIEL, Promoting Human Rights in Climate Action: A Global Stocktake Informed by Human Rights. 2022 at https://www.ciel.org/wp-content/uploads/2022/02/2022_2_2_CIEL_Briefing_A-Global-Stocktake-Informed-by-Human-Rights.pdf

⁸⁴ <https://unfccc.int/topics/resilience/workstreams/national-adaptation-programmes-of-action/introduction>

⁸⁵ <https://unfccc.int/topics/adaptation-and-resilience/workstreams/national-adaptation-plans>

⁸⁶ Decision 5/CP.17, para. 1, FCCC/CP/2011/9/Add.1, 15 March 2012 at <https://unfccc.int/documents/42171>.

The process is a continuous, progressive and iterative process, which should be based on nationally identified priorities, including those reflected in relevant national documents, plans and strategies, and coordinated with national sustainable development objectives, plans, policies and programmes.⁸⁷ It should follow a country-driven, gender-sensitive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems.⁸⁸

National Adaptation Plans from developing countries are posted on the UNFCCC website at: <https://www4.unfccc.int/sites/NAPC/Pages/national-adaptation-plans.aspx>

A variety of databases related to adaptation and resilience are located at: <https://unfccc.int/topics/resilience/resources/adaptation-databases>

Adaptation communications submitted pursuant to article 7(1) of the Paris Agreement⁸⁹ are accessible at: <https://unfccc.int/topics/adaptation-and-resilience/workstreams/adaptation-communications>

Information in NAPs and adaptation communications will be relevant to identifying and advocating for links between human rights and adaptation measures.⁹⁰

3.6.5. Knowledge-to-Action Hub for Climate Adaptation and Resilience

The UNFCCC Knowledge-to-Action Hub for Climate Adaptation and Resilience (also called the Nairobi work programme (NWP)) is an inclusive network of over 400 organizations committed to bridging knowledge gaps and scaling up climate adaptation action in countries.⁹¹ The Adaptation Knowledge Portal is a searchable online resource of the Knowledge-to-Action Hub that provides free and open access to adaptation knowledge resources and information on the Hub's partner organizations. The Portal builds on the contributions of policy makers, practitioners and researchers to offer informed and credible adaptation knowledge and learning.⁹² Information about how to become a partner of the Knowledge-to-Action Hub is available on the UNFCCC website.⁹³

A search of the portal for "human rights" yields one result, which is a UN Habitat set of cross-cutting checklists used to ensure that gender, youth and human rights issues are considered at the project development stage and the checklist is required for project approval.⁹⁴

⁸⁷ Idem, para 2.

⁸⁸ Idem, para. 3.

⁸⁹ Decision 9/CMA.1 on Further guidance in relation to the adaptation communication, FCCC/PA/CMA/2018/3/Add.1, 19 March 2019 at <https://unfccc.int/documents/193407>.

⁹⁰ A submission by the Stockholm Environment Institute to the Global Stocktake identifies the incorporation of human rights principles as an overlooked issue in National Adaptation Plans. SEI, *Submission to the First Technical Dialogue of the Global Stocktake*, February 2022, pages 3 and 12 at <https://unfccc.int/documents/461581>.

⁹¹ <https://unfccc.int/topics/adaptation-and-resilience/workstreams/the-nairobi-work-programme-the-unfccc-knowledge-to-action-hub-for-climate-adaptation-and-resilience>

⁹² <https://www4.unfccc.int/sites/nwpstaging/Pages/Home.aspx>

⁹³ <https://www4.unfccc.int/sites/NWPStaging/Pages/Join.aspx>

⁹⁴ Search of 10 November 2021.

3.6.6. Action for Climate Empowerment

Action for Climate Empowerment (ACE) denotes work under Article 6 of the UNFCCC and Article 12 of the Paris Agreement. The over-arching goal of ACE is to empower all members of society to engage in climate action, through education, training, public awareness, public participation, public access to information, and international cooperation on these issues.⁹⁵ National focal points for ACE are posted on the UNFCCC website.⁹⁶

At COP 26, the COP and the CMA adopted the ten-year Glasgow work programme on Action for Climate Empowerment.⁹⁷ In a submission made in February 2020, the Office of the High Commissioner for Human Rights and other UN entities had described the basis for a rights-based approach to Action for Climate Empowerment.⁹⁸ In 2022, OHCHR made a further submission on how the new work programme on Action for Climate Empowerment should promote the rights to access to information, education, participation and justice in environmental matters.⁹⁹ Although the Glasgow work programme does not mention human rights, elements dealing with public access to information and public participation and education offer entry points for raising human rights standards. In addition, the Glasgow Climate Pact urges Parties to “swiftly begin implementing the Glasgow work programme on Action for Climate Empowerment, respecting, promoting and considering their respective obligations on human rights, as well as gender equality and empowerment of women”.¹⁰⁰

3.6.7. Enhanced Lima Work Programme on Gender and Gender Action Plan

The Lima work programme on gender was established in 2014¹⁰¹ and an enhanced work programme and related gender action plan were adopted in 2019.¹⁰² That gender action plan was based on a secretariat report on the implementation of the original Lima work programme on gender and its gender action plan.¹⁰³ It sets out objectives and activities under the following five priority areas: Capacity-building, knowledge management and communication; Gender balance, participation and women’s

⁹⁵ <https://unfccc.int/topics/education-youth/the-big-picture/what-is-action-for-climate-empowerment>

⁹⁶ <https://unfccc.int/topics/education-youth/national-ace-focal-points>

⁹⁷ See the Annex to FCCC/SBI/2021/L.18 of 6 Nov. 2021. Although the Glasgow work programme makes no mention of human rights, paragraph 91 of the Glasgow Climate Pact “urges Parties to swiftly begin implementing the Glasgow work programme on Action for Climate Empowerment, respecting, promoting and considering their respective obligations on human rights, as well as gender equality and empowerment of women.” At:

https://unfccc.int/sites/default/files/resource/cma3_auv_2_cover%20decision.pdf

⁹⁸ https://www.ohchr.org/Documents/Issues/ClimateChange/OHCHR_ILO_UNWomen_UNESCO_UNEP_ECLAC_UNICEF_UNECE_JSubmission_ACE.pdf

⁹⁹ OHCHR views on Action for Climate Empowerment – February 2022 at:

[https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202203030921---OHCHR%20submission%20Action%20for%20Climate%20Empowerment%20\(February_2022\).pdf](https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202203030921---OHCHR%20submission%20Action%20for%20Climate%20Empowerment%20(February_2022).pdf)

¹⁰⁰ Glasgow Climate Pact, para. 91 at

https://unfccc.int/sites/default/files/resource/cma3_auv_2_cover%20decision.pdf

¹⁰¹ Decision 18/CP.20, FCCC/CP/2014/10/Add.3, 2 February 2015.

¹⁰² Decision 3/CP.25, Enhanced Lima work programme on gender and its gender action plan, FCCC/CP/2019/13/Add.1, 16 March 2020

¹⁰³ Implementation of the Lima work programme on gender and its gender action plan, Synthesis report by the Secretariat, FCCC/SBI/2019/15/Add.1, 21 Oct. 2019.

leadership; Coherence; Gender-responsive implementation and means of implementation; and Monitoring and reporting.¹⁰⁴ These aim to advance knowledge and understanding of gender-responsive climate action and its coherent mainstreaming in the implementation of the UNFCCC and the work of Parties, the secretariat, United Nations entities and all stakeholders at all levels, as well as women's full, equal and meaningful participation in the UNFCCC process.¹⁰⁵

Although there is no mention of human or women's rights in the enhanced Lima work programme on gender and gender action plan, other than in the reproduction of preambular paragraph 11 of the Paris Agreement in the preamble to Decision 3/CP.25, the many references to human and women's rights in the secretariat report suggest that the Lima work programme offers opportunities to raise human rights issues and to draw on the programme in connection with work on climate action.¹⁰⁶

3.6.8. Emissions Trading (Voluntary cooperation in the implementation of nationally determined contributions)

Article 6 of the Paris Agreement aims to give substance to the objective of facilitating voluntary cooperation in the implementation of Parties' nationally determined contributions to allow for higher ambition in their mitigation and adaptation actions and to promote sustainable development and environmental integrity. Article 6 envisages market and non-market approaches to that cooperation.¹⁰⁷

Article 6(2) establishes the possibility of trading emission reduction credits between Parties, with the aim of linking carbon pricing across Parties and resulting in the greater mitigation of greenhouse gas emissions¹⁰⁸ than what would be possible domestically or nationally. Article 6(4) creates a new international mitigation mechanism to help Parties reduce emissions and promote sustainable development. The mitigation engendered under this mechanism can be used by Parties other than the Party where the emissions mitigation takes place to fulfil their NDCs. This provision allows for offsetting through the trading of emission reduction credits. COP 26 (CMA3) adopted rules, modalities and procedures for the Article 6(4) mechanism and designated a newly created Supervisory Body to oversee the mechanism, under the authority of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA).¹⁰⁹ The Supervisory Body's initial task to make the article 6(4) mechanism operational.

Experience with emission credits trading under the Clean Development Mechanism of the Kyoto Protocol, has demonstrated risks of human rights violations associated with

¹⁰⁴ Decision 3/CP.25, Annex, Action Plan, paras. 4 to 8.

¹⁰⁵ <https://unfccc.int/topics/gender/workstreams/the-gender-action-plan>

¹⁰⁶ See also the COP26 (CMA3) decision on Gender and climate change at: https://unfccc.int/sites/default/files/resource/cop26_auv_13%20gender_and_climate_change.pdf

¹⁰⁷ *What are Market and Non-Market Mechanisms?* <https://unfccc.int/topics/what-are-market-and-non-market-mechanisms>

¹⁰⁸ Mitigation involves reduction of greenhouse gas emissions or carbon removal, see: <https://unfccc.int/topics/mitigation/the-big-picture/introduction-to-mitigation>.

¹⁰⁹ Rules, modalities and procedures for the mechanism established by Article 6, paragraph 4, of the Paris Agreement at: https://unfccc.int/sites/default/files/resource/cma3_auv_12b_PA_6.4.pdf

traded credits.¹¹⁰ Against that background, it is noteworthy that the CMA has imported preambular paragraph 11 of the Paris Agreement¹¹¹ into its decisions on Article 6(2)¹¹² and 6(4)¹¹³. The Supervisory Body is tasked with establishing the requirements and processes necessary to operate the mechanism, relating to, inter alia, the eleventh preambular paragraph of the Paris Agreement. The development of human rights safeguards for the article 6(4) emissions trading mechanism is thus a work in progress. It is also noteworthy and welcome that the CMA decision related to article 6(4) provides that Stakeholders, activity participants and participating Parties may appeal decisions of the Supervisory Body or request that a grievance be addressed by an independent grievance process.¹¹⁴

Article 6(8) creates a framework for non-market approaches mechanism. Just as the details of the article 6(4) market mechanism need to be developed, Parties must also agree on how the new framework for non-market approaches mechanism will function. The non-market approaches mechanism could potentially cover a wide range of activities, provided they are not market-based. CMA3 (COP 26) created a programme of work led by the Glasgow Committee on Non-market Approaches, under the Subsidiary Body for Scientific and Technological Advice, to flesh out the non-market approaches mechanism.¹¹⁵ The CMA has required that non-market approaches facilitated under Article 6(8) are conducted in a manner consistent with the eleventh preambular paragraph of the Paris Agreement.¹¹⁶

¹¹⁰ For illustrations, see Carbon Market Watch, *The Clean Development Mechanism: Local Impacts of a Global System*, October 2018 at: <https://carbonmarketwatch.org/wp-content/uploads/2018/10/CMW-THE-CLEAN-DEVELOPMENT-MECHANISM-LOCAL-IMPACTS-OF-A-GLOBAL-SYSTEM-FINAL-SPREAD-WEB.pdf>.

¹¹¹ “*Acknowledging* that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”.

¹¹² CMA decision on *Guidance on cooperative approaches referred to in Article 6, paragraph 2, of the Paris Agreement*, preamble and Annex, paras. 18(i)(ii) and 22(g) at: https://unfccc.int/sites/default/files/resource/cma3_auv_12a_PA_6.2.pdf.

¹¹³ CMA decision on Rules, modalities and procedures for the mechanism established by Article 6, paragraph 4, of the Paris Agreement, preamble and Annex, para. 24(a)(ix) at: https://unfccc.int/sites/default/files/resource/cma3_auv_12b_PA_6.4.pdf

24. The Supervisory Body shall, in accordance with relevant decisions of the CMA:

(a) Establish the requirements and processes necessary to operate the mechanism, relating to, inter alia:

(ix) The eleventh preambular paragraph of the Paris Agreement, acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity;

(x) The application of robust, social and environmental safeguards[.]

From the perspective of textual interpretation, one must wonder about the meaning of the distinction that appears to be made between the safeguards covered by the contents of preambular paragraph 11 and the expression “social safeguards”, which is used frequently in UNFCCC decisions.

¹¹⁴ *Idem* at para. 62. The modalities for appealing decisions and addressing grievances have not been established.

¹¹⁵ Work programme under the framework for non-market approaches referred to in Article 6, paragraph 8, of the Paris Agreement at: https://unfccc.int/sites/default/files/resource/cma3_auv_12c_PA_6.8.pdf

¹¹⁶ Annex to the CMA decision on “Work programme under the framework for non-market approaches referred to in Article 6, paragraph 8, of the Paris Agreement, paragraph 3(e).

The introduction of preambular paragraph 11 of the Paris Agreement into the CMA decisions governing emissions trading and other voluntary cooperation under article 6 provides a basis for advocacy at the national and international levels aimed at ensuring that such cooperation is carried out consistent with relevant human rights obligations and that this is borne in mind by the Supervisory Body as it makes the article 6(4) mechanism operational.

3.6.9. Enhanced Transparency Framework

The Paris Agreement establishes an Enhanced Transparency Framework (ETF) designed to build trust and confidence that all countries are contributing their share to the global effort.¹¹⁷

CMA1 (COP24) fleshed out a transparency framework for greenhouse gas emissions and removals that is applicable to all countries by adopting a detailed set of modalities, procedures and guidelines that make it operational.¹¹⁸ The modalities, procedures and guidelines are based on a set of guiding principles¹¹⁹ and define the reported information to be provided, the technical expert review, transitional arrangements, and a facilitative multilateral consideration of progress.¹²⁰

Through the detailed guidance on the reporting, review and consideration processes for the information to be submitted and by making these reports publicly available, the ETF will make it possible to track the progress made by each country. In this way, it will be possible to compare a country's actions against its plans and ambitions as described in its Nationally Determined Contributions. With the aim of making that

3. Each non-market approach facilitated under the framework, in the context of Article 6, paragraph 8:

(e) Is conducted in a manner that respects, promotes and considers respective obligations of Parties on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity, consistent with the eleventh preambular paragraph of the Paris Agreement.

At: https://unfccc.int/sites/default/files/resource/cma3_auv_12c_PA_6.8.pdf.

¹¹⁷ <https://unfccc.int/process-and-meetings/transparency-and-reporting/reporting-and-review-under-the-paris-agreement>

¹¹⁸ Decision 18/CMA.1, Modalities, procedures and guidelines for the transparency framework for action and support referred to in Article 13 of the Paris Agreement, FCCC/PA/CMA/2018/3/Add.2, 19 March 2019.

Previously reporting was required only of the Annex I Parties to the UNFCCC and to the Kyoto Protocol, see: <https://unfccc.int/preparation-of-ncs-and-brs#eq-2>. The ETF under the Paris Agreement builds on that measurement, reporting and verification system under the Convention.

¹¹⁹ <https://unfccc.int/process-and-meetings/transparency-and-reporting/reporting-and-review-under-the-paris-agreement/reporting-and-review-under-the-paris-agreement/guiding-principles-for-mpgs>

¹²⁰ FAQs on the operationalization of the Enhanced Transparency Framework https://unfccc.int/sites/default/files/resource/ETF%20FAQs_redesign.pdf. See also Reference Manual for the Enhanced Transparency Framework under the Paris Agreement: Understanding the enhanced transparency framework and its linkages to nationally determined contribution accounting <https://unfccc.int/sites/default/files/resource/ETFReferenceManual.pdf>.

transparency as robust and accurate as possible, the Parties agreed to common reporting tables at CMA3 (COP26).¹²¹

Parties to the Paris Agreement are required to submit their first biennial transparency report and national inventory report, if submitted as a stand-alone report, in accordance with the ETF modalities, procedures and guidelines, at the latest by 31 December 2024.

The enhanced transparency framework represents an important component of the ambition cycle in the global climate regime established by the Paris Agreement by building trust and confidence that countries are taking action to meet their national climate targets and actions defined in their Paris Agreement NDCs. In addition to scientific research and findings by the IPCC, information reported in biennial transparency reports¹²² will be considered at a collective level as an important input into the global stocktake with the aim of leading to stronger climate action.

The biennial transparency reports are to include information related to climate change impacts and adaptation under Article 7 of the Paris Agreement,¹²³ which could be used in assessing the human rights impacts of adaptation measures.

3.7. Intergovernmental Panel on Climate Change (IPCC)¹²⁴

The Intergovernmental Panel on Climate Change was created in 1988 by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP). It is an organization of governments that are members of the United Nations or WMO and currently has 195 members. Its purpose is to provide governments at all levels with scientific information that they can use to develop climate policies. IPCC reports are also a key input into international climate change negotiations.

The IPCC prepares comprehensive Assessment Reports about knowledge on climate change, its causes, potential impacts and response options. The IPCC also produces Special Reports, which are an assessment of a specific issue, and Methodology Reports, which provide practical guidelines for the preparation of greenhouse gas inventories.

In preparing the Assessment Reports, IPCC scientists assess the thousands of scientific papers published each year to provide a comprehensive summary of what is known about the drivers of climate change, its impacts and future risks, and how adaptation and mitigation can reduce those risks. The IPCC does not conduct its own original research. An open and transparent review by experts and governments around the world is an essential part of the IPCC process, to ensure an objective and complete assessment and to reflect a diverse range of views and expertise. Through

¹²¹ Decision -/CMA.3, Guidance operationalizing the modalities, procedures and guidelines for the enhanced transparency framework referred to in Article 13 of the Paris Agreement, https://unfccc.int/sites/default/files/resource/cma3_auv_5_transparency_0.pdf

¹²² Idem, Annex IV.

¹²³ Idem, Annex IV.

¹²⁴ See also, section 9.2.1 under general information below.

its assessments, the IPCC identifies the strength of scientific agreement in different areas and indicates where further research is needed.

The IPCC is currently in its [Sixth Assessment cycle](#), during which the IPCC will produce the Assessment reports of its three Working Groups,¹²⁵ three Special Reports,¹²⁶ a refinement to the Methodology Report and a Synthesis report.¹²⁷ ¹²⁸ The Synthesis Report will be the last of the Sixth Assessment Report products. It is due for publication in September 2022 in time to inform the 2023 Global Stocktake under the UNFCCC as mandated by [Decision 1/CP.21](#). The Synthesis Report of the Sixth Assessment Report (AR6) will provide an overview of the state of knowledge on the science of climate change, emphasizing new results since the publication of the Fifth Assessment Report (AR5) in 2014.¹²⁹ It will be composed of two parts, a Summary for Policymakers (SPM) and a Longer Report, and it will be published in the six official UN languages.

On 28 February 2022, IPCC Working Group II published its contribution to AR6, *Climate Change 2022: Impacts, Adaptation and Vulnerability*.¹³⁰ The Summary for Policymakers that accompanies the full report, makes clear the dire consequences of ongoing failure to take the measures necessary to limit global warming to 1.5°C above pre-industrial levels by 2050. In its discussion of the need to adapt to climate change and avoid maladaptation and to pursue climate resilient development, the Summary for Policymakers presents a compelling case for the relevance of human rights standards and processes and notes that rights-based approaches, participation and

¹²⁵ [WGI – The Physical Science Basis](#), [WGII – Impacts, Adaptation and Vulnerability](#), [WGIII – Mitigation of Climate Change](#). The Working Group I contribution to the Sixth Assessment Report, *Climate Change 2021: The Physical Science Basis*, is the most up-to-date physical understanding of the climate system and climate change, bringing together the latest advances in climate science. It was finalized on 6 August 2021. See:

<https://www.ipcc.ch/report/sixth-assessment-report-working-group-i/>

Working Group II is probably most relevant to discussion of issues related to human rights. Among other matters, it considers:

- Ethics and equity: climate change, sustainable development, gender, poverty eradication, livelihoods, and food security.
- Perception of risks and benefits of climate change, adaptation and mitigation options, and societal responses, including psychological and sociological aspects.
- Epistemology and different forms of climate related knowledge and data, including indigenous and practice-based knowledge.

The Working Group II contribution to the Sixth Assessment Report is scheduled to be finalized in February 2022.

¹²⁶ Special Reports on [Global Warming of 1.5°C](#), on [Climate Change and Land](#), and on the [Ocean and the Cryosphere in a Changing Climate](#).

¹²⁷ IPCC Procedures for the preparation, review, adoption and approval of the SYR can be found at <https://www.ipcc.ch/site/assets/uploads/2018/09/ipcc-principles-appendix-a-final.pdf>.

¹²⁸ According to [IPCC procedures](#) the Synthesis Report (SYR) should “*synthesise and integrate materials contained within the Assessment Reports and Special Reports*” and “*should be written in a non-technical style suitable for policymakers and address a broad range of policy-relevant but policy-neutral questions approved by the Panel*”.

¹²⁹ <https://www.ipcc.ch/about/> and AR6 Synthesis Report (SYR), <https://www.ipcc.ch/ar6-syr/>

¹³⁰ *Climate Change 2022, Impacts, Adaptation and Vulnerability*, IPCC WGII Sixth Assessment Report https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_FinalDraft_FullReport.pdf. The full report is over 3600 pages long. It is accompanied by a 36-page Summary for Policymakers which brings out the principal conclusions at https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_SummaryForPolicymakers.pdf.

inclusion can contribute to reducing structural vulnerabilities to climate change and advance climate resilient development.¹³¹

IPCC Working Group III published its contribution to AR6, Climate Change 2022: Mitigation of Climate Change, on 4 April 2022.¹³² The report provides an updated global assessment of climate change mitigation progress and pledges and examines the sources of global emissions. It explains developments in emission reduction and mitigation efforts, assessing the impact of national climate pledges in relation to long-term emissions goals. Human rights are addressed in some detail in chapter 14, International Cooperation, of the full report. However, this attention to human rights is not expressly reflected in the Working Group III Summary for Policymakers, which does not use the term “human rights”.

3.8 Green Climate Fund (GCF)

The Green Climate Fund ¹³³ is a global platform to respond to climate change by investing in low-emission and climate-resilient development. It was established at COP 16 (Cancun) as an operating entity of the Financial Mechanism of the Convention.¹³⁴ The relationship between the COP and the GCF is stipulated in the arrangements between the two contained in decision 5/CP.19.¹³⁵ The Fund is governed by the GCF Board, and it is accountable to and functions under the guidance of the COP to support projects, programmes, policies and other activities in developing country Parties using thematic funding windows. The GCF also serves the Paris Agreement in accordance with Article 9, paragraphs 8 and 9 of the Paris Agreement.

The GCF endeavours to ensure that the climate finance it allocates does not harm local communities or ecosystems. GCF standards include equitably managing environmental and social risks in relation to its activities,¹³⁶ as well as implementing an Indigenous People’s Policy ¹³⁷ to reflect the importance of fully and effectively engaging with indigenous peoples in the design, development and implementation of the strategies and activities to be financed by GCF, all while respecting their rights.¹³⁸ GCF is also the first climate finance mechanism to mainstream gender perspectives

¹³¹ Climate Change 2022, Impacts, Adaptation and Vulnerability: Summary for Policymakers, IPCC WGII Sixth Assessment Report, PMM.D.2.1, p. 32 at https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_SummaryForPolicymakers.pdf. The Summary for Policymakers addresses human rights largely in terms of equity and justice.

¹³² IPCC “Working Group III Contribution to the IPCC Sixth Assessment Report (AR6)” at <https://www.ipcc.ch/report/ar6/wg3/> and <https://www.ipcc.ch/report/sixth-assessment-report-working-group-3/> and <https://www.ipcc.ch/report/ar6/wg3/resources/press/press-release>. See also: Five takeaways from the IPCC’s report on limiting dangerous global heating, Climate Home News, 4 April 2022 at <https://climatechangenews.com/2022/04/04/five-takeaways-from-the-ipccs-report-on-limiting-dangerous-global-heating/>.

¹³³ <https://www.greenclimate.fund/>

¹³⁴ Decision 1/CP.16 at <http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf#page=17>

¹³⁵ <https://unfccc.int/resource/docs/2013/cop19/eng/10a01.pdf#page=13>

¹³⁶ Revised Environmental and Social Policy, <https://www.greenclimate.fund/sites/default/files/document/revised-environmental-and-social-policy.pdf>

¹³⁷ <https://www.greenclimate.fund/sites/default/files/document/ip-policy.pdf>

¹³⁸ <https://www.greenclimate.fund/projects/safeguards/ip>

from the outset of its operations as an essential decision-making element for the deployment of its resources.¹³⁹

GCF's Environment and Social Management System (ESMS) is made up of processes and procedures which help GCF identify, analyse, avoid, minimise, and mitigate any potential adverse environmental and social impact of climate finance activities. The ESMS is designed not only to avoid harm, but to improve the environmental and social performance of GCF and the activities it finances consistently over time.

Accredited Entities are at the frontline of these safeguards. GCF accredits a broad range of international, sub-national, national and regional organizations to propose and implement GCF-approved climate initiatives. The accreditation process aims at ensuring these institutions are not only capable of strong financial management, but that they can safeguard GCF projects against any unforeseen environmental or social harm. Accredited Entities need to put in place environmental and social management systems that incorporate institutional policies, processes and safeguards standards. Where gaps or weaknesses exist, GCF requires Accredited Entities to address them. This aims at ensuring an effective environmental and social management system is in place before GCF-financed activities are implemented. Once projects have begun to be implemented, GCF will continue to evaluate the environmental and social performance of the Accredited Entities and supported activities. All GCF-financed activities, including those affecting Indigenous Peoples, are required to establish a grievance redress mechanism at the project level to address any project-related concerns, in consultation with the affected or potentially affected communities.

When allegations of environmental and social harm are raised in association with GCF activities, it is possible for affected parties to contact the Independent Redress Mechanism (IRM).¹⁴⁰ The IRM operates outside of the GCF Secretariat and reports directly to the GCF Board, which oversees GCF management. The IRM responds to complaints by people who feel they have been adversely affected, or may be affected, by GCF projects or programmes, including issues related to GCF's environmental and social safeguards. The IRM helps project-affected people by facilitating dispute resolution processes to seek joint solutions, or by conducting independent compliance investigations and recommending redress where appropriate. Complainants can approach the IRM confidentially if necessary.

3.9 Global Environment Facility (GEF)

The Global Environment Facility¹⁴¹ serves as a financial mechanism for several environmental conventions including as an operating entity of the Financial Mechanism under the UNFCCC.¹⁴² The relationship between the Conference of

¹³⁹ <https://www.greenclimate.fund/sites/default/files/document/gcf-gender-policy.pdf>

¹⁴⁰ See OHCHR's Comments on the Review of the Terms of Reference of the Independent Redress Mechanism of the Green Climate Fund, 2 February 2017 at: <https://www.ohchr.org/Documents/Issues/ClimateChange/GCF2Feb2017.pdf>

¹⁴¹ <https://www.thegef.org/>

¹⁴² The GEF and the GFC are both operating entities of the Financial Mechanism for the UNFCCC and receive guidance from the UNFCCC Conferences of the Parties. They are independent of one another but have arrangements in place since 2018 to pursue complementarity and coherence in their activities.

Parties (COP) of the UNFCCC and the GEF Council was agreed in a memorandum of understanding (MOU).¹⁴³ As outlined in the MOU and pursuant to Article 11.1 of the Convention, the COP provides guidance to the GEF, as an entity entrusted with the Financial Mechanism of the Convention, on policies, programme priorities and eligibility criteria for funding.

Furthermore, the GEF, as well as the Least Developed Countries Fund (LDCF) and the Special Climate Change Fund (SCCF) administered by the GEF, serve the Paris Agreement, in accordance with Article 9, paragraph 8, of the Paris Agreement.¹⁴⁴ Guidance to the GEF on the policies, programme priorities and eligibility criteria related to the Paris Agreement is provided by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) and is transmitted by the COP. The COP decided that the guidance to the entities entrusted with the operations of the Financial Mechanism of the Convention in relevant decisions of the COP, including those agreed before adoption of the Paris Agreement, shall apply mutatis mutandis.

The GEF has several key roles to play under the Paris Agreement.¹⁴⁵ The GEF's climate change mitigation strategy, which is financed through the GEF Trust Fund, supports developing countries as they make transformational shifts towards low emission development pathways with three fundamental objectives:

- Promoting innovation and technology transfer for sustainable energy breakthroughs
- Demonstrating mitigation options with systemic impacts, by strengthening interaction and integration between climate change mitigation and the other GEF focal areas¹⁴⁶
- Mainstreaming mitigation concerns into sustainable development strategies through the continuous support of enabling conditions in developing countries.

The GEF's climate change adaptation strategy, which is financed through the Least Developed Countries Fund¹⁴⁷ and the Special Climate Change Fund,¹⁴⁸ aims at supporting developing countries to move to a climate resilient development pathway while reducing exposure to the immediate risks posed by climate change. The GEF adaptation strategy hinges upon three main pillars:

- Reduce vulnerability and increase resilience through innovation and technology transfer for adaptation
- Mainstream adaptation and resilience for systemic impact
- Foster enabling conditions for effective and integrated adaptation.

Towards a Long-Term Vision on Complementarity GEF and GCF Collaboration: Joint between paper between the secretariats of GEF and GCF, 3 May 2021; <https://www.greenclimate.fund/sites/default/files/document/gcf-gef-complementarity-vision.pdf>

¹⁴³ Decision 12/CP.2 <https://unfccc.int/resource/docs/cop2/15a01.pdf#page=55> and Decision 12/CP.3 <https://unfccc.int/resource/docs/cop3/07a01.pdf#page=43>.

¹⁴⁴ Decision 3/CMA.1 paragraph 7, https://unfccc.int/sites/default/files/resource/cma2018_3_add1_advance.pdf

¹⁴⁵ <https://www.thegef.org/what-we-do/topics/climate-change>

¹⁴⁶ Biodiversity loss, chemicals and waste, climate change, international waters, and land degradation.

¹⁴⁷ <https://www.thegef.org/what-we-do/topics/least-developed-countries-fund-ldcf>

¹⁴⁸ <https://www.thegef.org/what-we-do/topics/special-climate-change-fund-sccf>

The GEF has adopted policies that must be respected in GEF-financed projects and programs, including on Environmental and Social Safeguards,¹⁴⁹ Gender Equality,¹⁵⁰ Stakeholder Engagement,¹⁵¹ and Indigenous Peoples.¹⁵² The Policy on Environmental and Social Safeguard sets out the GEF's approach to anticipating and then avoiding, preventing, minimizing, mitigating, managing, offsetting or compensating any adverse impacts that GEF-financed projects and programs may have on people or the environment throughout the project or program cycle, thereby enhancing the environmental and social outcomes of such projects and programs. It addresses environmental and social assessment, management and monitoring; grievance and conflict resolution; restrictions on land use and involuntary resettlement; indigenous peoples; cultural heritage; labour and working conditions; and community health, safety and security. GEF requires that each GEF partner agency responsible for implementing GEF-funded projects and programs, has in place a Grievance and Accountability System to respond to complaints from project-affected people and communities, including on potential policy non-compliance. Complaints related to GEF-financed projects and programs and other issues of importance to GEF operations can also be made to the GEF Conflict Resolution Commissioner.¹⁵³ The Commissioner facilitates actions among relevant parties, including complainants, partner agencies, recipient countries and other stakeholders.

149

https://www.thegef.org/sites/default/files/documents/gef_environmental_social_safeguards_policy.pdf and

https://www.thegef.org/sites/default/files/documents/guidelines_gef_policy_environmental_social_safe_guards.pdf

¹⁵⁰ https://www.thegef.org/sites/default/files/documents/Gender_Equality_Policy.pdf and

https://www.thegef.org/sites/default/files/documents/Gender_Equality_Guidelines.pdf

¹⁵¹ https://www.thegef.org/sites/default/files/documents/Stakeholder_Engagement_Policy_0.pdf

¹⁵² https://www.thegef.org/sites/default/files/publications/Indigenous_Peoples_Principle_EN.pdf

¹⁵³ <https://www.thegef.org/projects-operations/conflict-resolution-commissioner>