



# ON CLIMATE JUSTICE AND HUMAN RIGHTS: REFLECTIONS FROM ESCR-NET MEMBERS



IMAGE

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# ABOUT THIS PUBLICATION:

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This report of the Networkwide Project on Environment & ESCR synthesizes the evolving analysis of ESCR-Net members at the intersection of climate justice and human rights, documented through more than 40 direct interviews with members, as well as analysis emerging from pilot actions and collective work. The report was facilitated by Joie Chowdhury, program coordinator of the Networkwide Project on Environment & ESCR and supported by Georgia Marman, Development and Learning Associate, as well as other secretariat staff.

This report does not represent a collective position of the Networkwide Project on Environment & ESCR, rather it reflects and maps the different viewpoints of member organizations as well as individual members, which often intersect or coalesce in powerful ways.

The Networkwide Project on Environment & ESCR would like to extend deep appreciation to members of the advisory group of the project, for their substantive contributions in guiding the framing of this report:

[Al-Haq](#), [Asia Pacific Forum on Women, Law and Development](#), [Asia Indigenous Peoples' Pact](#), [Comité Ambiental en Defensa de la Vida](#), [Dejusticia](#), [FIAN International](#), [Global Initiative for Economic, Social and Cultural Rights](#), [Green Advocates](#), [Human Rights Law Network](#), [Interamerican Association for Environmental Defense](#), [International Women's Rights Action Watch Asia Pacific](#), [Kairos- The Center for Religion, Rights and Social Justice](#), [Lok Shakti Abhiyan](#), [Movement for the Survival of the Ogoni People](#), [Pakistan Fisherfolk Forum](#), [World Forum of Fisher Peoples](#) and Layla Hughes (individual member). We also express our gratitude to all other members who contributed to this report.

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# I. INTRODUCTION- THE IMPACTS AND DRIVERS OF CLIMATE CHANGE

With CO<sub>2</sub> levels in the atmosphere higher today than levels present on the planet for the past 23 million years,[1] global temperatures have been steadily rising, with the planet registering its second hottest year on record in 2019.[2] Warming oceans are melting glaciers and raising sea levels faster than at any time in the last 2,800 years.[3] Climate change, primarily caused by human activity,[4] has altered the timing of the seasons and brought about more severe and unpredictable extreme weather patterns, including devastating bush fires, droughts, floods, cyclones, hurricanes, typhoons, earthquakes and other phenomena. We have also spurred an era of rapidly accelerating species extinction and are facing the irreversible loss of plant and animal species, habitats and vital crops. The climate crisis and biodiversity loss exacerbate each other.[5]

## Impacts of climate change

- Between 2030 and 2050, climate change is expected to cause approximately 250,000 additional deaths per year, from malnutrition, malaria, diarrhea and heat stress [**WHO (2018)**]. The climate crisis will have devastating consequences for people in poverty; even under the best-case scenario, hundreds of millions will face food insecurity, forced migration, disease and death [**Special Rapporteur on Extreme Poverty and Human Rights Report (2019)**]. In 2017, the number of undernourished people is estimated to have reached 821 million – around one person out of every nine in the world. Climate change is determined to be among the leading causes of rising global hunger [**FAO (2018)**]. It will affect the availability, quality and quantity of water for basic human needs, threatening the effective enjoyment of the human rights to water and sanitation for potentially billions of people [**World Water Development Report (2020)**]. In 2019, nearly 2,000 disasters triggered 24.9 million new internal displacements across 140 countries and territories... Most of the disaster displacements were the result of tropical storms and monsoon rains in South Asia and East Asia and Pacific [**Migration Data Portal (2020)**].
- When reviewing data on climate impacts, it is important to recognize that the impacts of climate change can be difficult to capture through statistics, and often are more devastating than numbers show. For example, Honduras lost 80% of their crops in 2018 and at the end of the year we saw the caravan with thousands of Hondurans and other Central Americans migrating to the US, many of them due to climate change, though it is not necessarily documented as such. **Astrid Puentes Riaño, Asociación Interamericana para la Defensa del Ambiente (AIDA), Mexico**
- There are water shortages because of the changing climate, the lands are desertified, our traditional plants are lost and the territories devastated. The melting of glaciers, the disappearance of lagoons and lakes... The lake mainly represents us women and is one of our deities and we see the lake disappear...and that takes away our knowledge, our worldview. There is also a great loss of biodiversity. Our children will no longer see these animals, these amphibians, these plants. **Toribia Lero Quipse, Coordinadora Andina de Organizaciones Indígenas, Bolivia**
- Due to climate change, there has been the loss of Indigenous Knowledge, language, culture and identity. Also, Indigenous Peoples who have been displaced, are losing their roots, as they have had to mix with other communities, and cultural assimilation has taken place. Indigenous Peoples are increasingly becoming ‘climate refugees.’ **Sushila Thapa, Asia Indigenous Peoples’ Pact, Thailand**
- There are two levels of vulnerabilities: The way our economy is set up is structurally designed to push the most vulnerable to the margins-those on the frontlines then bear the brunt of the devastating impacts of climate change (while contributing the least to the climate crisis). Then when, for example, food production is impacted, or extreme weather events hit, and communities are forced to migrate, there is no system that is set up to protect them. In fact, there is an active narrative in place against migrants. **Alfred Brownell, Green Advocates, Liberia**

[1] Ying Cui et al., A 23 m.y. record of low atmospheric CO<sub>2</sub>, *Geology*, 29 May 2020, p. 888.

[2] Jeff Masters, Earth Had its Second Hottest Year in Recorded History in 2019, *Scientific American*, 15 January 2020.

[3] Chris Mooney, Seas are now rising faster than they have in 2,800 years, scientists say, *The Washington Post*, 22 February 2016.

[4] Intergovernmental Panel on Climate Change (IPCC), The Synthesis Report of the 5th Assessment Report, Summary for Policymakers, 2014, pp. 4-5

[5] Sandra Diaz et al., The Global Assessment Report on Biodiversity and Ecosystem Services- Summary for Policymakers, The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), 2019, pp.12-13; Chelsea Harvey, Climate Change is Becoming a Top Threat to Biodiversity, *E&E News*, *Scientific American*, 28 March 2018.

This existential crisis is intensifying existing inequalities within and between countries, while intersecting[6] with other longstanding crises, such as impoverishment, systemic racism and patriarchy, to exact an incalculable toll on the environment and human life, posing severe threats to the ability of countless people – and their children -- to realize their human rights.

Many of those living in impoverishment and with long histories of oppression are already confronting the highest costs of ecological devastation and the climate crisis, despite having contributed the least to climate change. Indeed, they have often led in conserving biodiversity, embodying social and solidarity economies of necessity, and resisting environmental devastation impacting their communities, and yet they are seldom welcomed in international policy spaces as contributors to decision-making.

The climate crisis poses an enormous threat to the environment, human survival, and the enjoyment of all human rights for present and future generations, including the rights to life, health, housing, food, land, water and sanitation, livelihood, non-discrimination and development. Effective climate action is imperative to protect human rights. Similarly, effective protection and fulfillment of human rights can also lead to more effective and just climate mitigation and adaptation as well as measures to address loss and damage.

As scientists have urged,[7] States need to act urgently to ensure that global warming does not exceed 1.5 degrees Celsius above pre-industrial levels. Climate change is already devastating frontline communities; above 1.5 degrees Celsius, millions more

#### **On Human Rights and Climate Change**

Issues of human rights and issues related to climate are intrinsically connected. We clearly need to address the climate crisis to protect economic, social, cultural and environmental rights (ESCER). But we also need to advance ESCER to effectively address climate change.

We see land degradation as well as other impacts on land related rights happening due to climate change. Protecting land rights can positively address climate change. In Liberia, vast swathes of indigenous land are at stake, connected to the huge expansion of the oil palm industry and consequent deforestation of acquired land. Deforestation accelerates climate change. For mitigation measures, it is essential that we are able to protect Indigenous Peoples' rights and community rights to land, including through implementing the standard of free, prior and informed consent (FPIC). There is literature that shows the positive relationship between security of tenure and climate change. Our forests are important carbon sinks that are best protected by Indigenous Peoples and communities who know them, have lived on them for generations.

**Alfred Brownell, Green Advocates, Liberia**

will be at risk of potentially life-threatening heatwaves and poverty. Coral reefs upon which entire ecosystems rely across the world will be almost completely destroyed, and rising sea levels will devastate coastal habitats, among many other projected impacts.[8] Yet, despite incontrovertible scientific evidence, unprecedented mobilization by youth and other climate activists, and calls for action from several

regional and international bodies, there has been a stunning failure by governments to take action at the scale required, and emissions continue to rise sharply.[9] In fact, many governments are acting in ways that exponentially worsen the climate crisis. While scientists warn that there are currently nine active climate tipping points which could

[6] For example: in one case, a migrant worker, living in extreme poverty in India, was compelled to return home during the COVID-19 lockdown. He hitchhiked over 1,800 km to get to his home but by the time he reached, only half of his house was there. Cyclone Amphan, with clear links to the climate crisis, had taken the other half with it. Arun Dev, Migrant worker hitchhikes 1800 kms, Finds Home Damaged in Cyclone, The Quint, 23 May 2020.

[7] Valérie Masson-Delmotte et al. (eds), Special Report: Global Warming of 1.5 °C, IPCC, 2018.

[8] Ibid.

[9] Leaving aside temporary reductions in 2020 due to the COVID-19 pandemic. Simon Evans, Analysis: Coronavirus set to cause largest ever annual fall in CO2 emissions, Carbon Brief, 9 April 2020.

‘threaten the existence of human civilizations,” [10] our governments’ current plans for the coming decade involve the production of 120% more fossil fuels than would be consistent with limiting warming to 1.5 degrees Celcius.[11]

### *Considering the Structural Drivers of Ecological Devastation and the Climate Crisis*

Many members have reflected not just on the failures of governments to adhere to their legal obligations to act on climate change, but also on the structural causes driving the crisis. In their assessment, these drivers include, capitalism, racism, patriarchy and inherited colonial structures. Other important drivers of ecological devastation and the climate crisis highlighted by members are increasing authoritarianism and militarization, including the proliferation of the military-industrial complex,[12] which not only directly contribute to increased global warming, but also create conditions which clearly complicate addressing environmental degradation and climate change.

To explore one of the structural drivers in more depth, our dominant economic system which puts profits before people and the planet, has long treated nature as a commodity. The global economic forces that have broadened the divide between rich and poor have privatized and concentrated the world’s productive and natural resources in the hands of increasingly few. They have driven rising consumption as vital to ongoing economic growth and profit via, for example, the planned and perceived obsolescence of goods and technologies. This has led to the destruction of forests, rivers and parts of our oceans upon which many people depend for survival, as well as the contamination of air.[13] “The ability of the environment to sustain life is threatened by climate change, perhaps the clearest symptom of a system driven by private profit over public good.”[14]

As mentioned above, in the pursuit of so-called development in the context of this economic system, instead of acting to address the climate crisis, many States are ramping up activities that significantly increase greenhouse gas emissions. For example, they are supporting the fossil fuel industry through aggressive oil, gas and coal production and plans for expansion, [15] as well as permitting wide-scale deforestation in the interest of corporate activities.[16] The nexus here between States and corporations is evident. According to one study, only 100 companies cause up to 71% of greenhouse gas emissions.[17]

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[10] University of Exeter, Nine climate tipping points now ‘active,’ warn scientists, Phys.Org, 27 November 2019.

[11] Harro van Asselt et al., The Production Gap: The discrepancy between countries’ planned fossil fuel production and global production levels consistent with limiting warming to 1.5°C or 2°C, Stockholm Environment Institute, International Institute for Sustainable Development, Overseas Development Institute, Centre for International Climate and Environmental Research, Climate Analytics and the United Nations Environmental Programme, p. 4, 2019.

[12] See for example, Nick Buxton, Climate, capitalism and the military, Ecologist, 15 November 2018.

[13] ESCR-Net, Common Charter for Collective Struggle, 2016, p.6.

[14] Leonardo Pereira Xavier, Movimento Sem Terra, Brasil, Biloxi, MS, 15-19 September 2015, during the gathering that initiated ESCR-Net Common Charter for Collective Struggle.

[15] See generally, Harro van Asselt et al., The Production Gap: The discrepancy between countries’ planned fossil fuel production and global production levels consistent with limiting warming to 1.5°C or 2°C, Stockholm Environment Institute, International Institute for Sustainable Development, Overseas Development Institute, Centre for International Climate and Environmental Research, Climate Analytics and the United Nations Environmental Programme, 2019. It is also important to note the systemic decline in these industries: See, Steven Feit and Carroll Muffett, Pandemic Crisis, Systemic Decline: Why Exploiting the COVID -19 Crisis Will Not Save the Oil, Gas, and Plastic Industries, Center for International Environmental Law (CIEL), April 2020.

[16] Georgina Gustin, Deforestation is getting Worse, 5 years after Countries and Companies Vowed to Stop It, Inside Climate News, 13 September 2019.

[17] Dr. Paul Griffin, CDP Carbon Majors Report 2017, The Carbon Majors Database, July 2017, p. 8.

Corporations further add to the climate crisis through corporate capture, the means by which an economic elite undermines the realization of human and environmental rights by exerting undue influence over domestic and international decision makers and public institutions. While coal and oil companies knew about the impacts of climate change as early as the 1960s and 1970s respectively[18], the fossil fuel industry has spent billions to control the climate change conversation[19] in order to impede effective action to address the climate crisis.

Moreover, given the extent of their power, transnational fossil fuel companies have been able to mostly evade accountability[20] for grave human rights and environmental abuses while continuing to contribute to the climate crisis.[21] Meanwhile, our land, environmental and human rights defenders are facing escalating persecution and outright assassination, especially in resisting corporate actions destroying the environment and accelerating the climate crisis.[22] This is what we are up against.

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## Considering Drivers of the Climate Crisis

- Climate change is the crisis of the 21st century – the Ogoni people have been up against extractives. Companies like Chevron, Shell, Exxon are wreaking havoc. Corporate capture remains a serious concern even in the field of climate change response. Businesses have been given enormous latitude to take over most of the efforts. **Legborsi Saro Pyagbara, Movement for the Survival of the Ogoni People (MOSOP), Nigeria**
- One issue is how to protect the sea. India has now changed the law regarding the coastal regulation zone relating to construction along the coast – now you can build every 500 meters. Unregulated commercial activities in the sea accelerate the climate crisis and must be restricted. **Prafulla Samantara, Lok Shakti Abhiyan, India**
- One issue is how to protect the sea. India has now changed the law regarding the coastal regulation zone relating to construction along the coast – now you can build every 500 meters. Unregulated commercial activities in the sea accelerate the climate crisis and must be restricted. **Prafulla Samantara, Lok Shakti Abhiyan, India**
- Comité Ambiental works against mining projects. These projects are imposed in a very dictatorial way without considering the rights of, or consulting with the people affected. Mining emits 40% of greenhouse gases. Removal of soil and groundwater depletion, also due to mining, increase greenhouse gas emissions. The climate crisis is the product of, and exacerbated by an industrial world. Just consider how the emissions by just ten rich countries is responsible for so much global warming and have such massive negative impacts on so many poor countries.

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[18] Élan Young, Coal Knew, Too, HuffPost, 22 November 2019.

[19] Emily Holden, How the oil industry has spent billions to control the climate change conversation, The Guardian, 8 January 2020.

[20] See, for example, Amnesty International, Nigeria: 2020 could be Shell's year of reckoning, 10 February 2020; Stacy Feldman, Chevron Case Highlights Difficulty of Making Oil Companies Pay for Spills, Reuters, 20 March 2011.

[21] Matthew Taylor & Jonathan Watts, Revealed: the 20 firms behind a third of all carbon emissions, The Guardian, 9 Oct 2019.

[22] See, for example, Front Line Defenders Global Analysis 2019, 2020.

- We should see governments take responsibility and action. But instead we see China aggressively pushing this harmful economic model wanting to deepen it further. There is the rise of Bolsonaro who is actively taking steps that will destroy the Amazon which is so essential to protect in the context of climate change. Things are not sustainable. **Renzo Alexander García Parra, Comité Ambiental en Defensa de la Vida, Colombia**
- Structural drivers include continuation of colonial ideologies, as well as racist and sexist ideologies. We are trying to unpack all that and connect to the climate crisis. We need to connect the way our economic systems are structured, and power dynamics in society, clearly to the climate crisis. The role of multinational corporations is particularly important in this context. There is a lot of focus on individual change, on consumers, but we need to go deeper. Also, we need to consider historic use of natural resources and who benefited then. **Thomas Mc Donagh, TerraJusta, Bolivia**
- The military allies with corporations in many countries with authoritarian governments, and plays the role as a game changer, using the tactics of the divide and rule theory, enforcing draconian laws against movements organizing for rights and justice. If we cannot prevent military engagement with profit-based activities, and hold them accountable, it will be very challenging to advance our work on climate justice and human rights. **Binota Moy Dhamai, Asia Indigenous Peoples Pact (AIPP), Thailand**
- In Honduras, the State issues project permits that violate human rights. The extractive industry, palm oil industry, mining...they all have a major impact on the environment and cause destruction. An invasion of territories is occurring leading to the destruction of the commons. People are displaced so that resources can be exploited, instead of trying to ensure sustainability. We need to take on the State-corporate nexus. **Aurelia Martina Arzu Rochez, Organización Fraternal Negra Hondureña (OFRANEH), Honduras**
- The global food economy is contributing to both economic and environmental crises: as subsistence, indigenous and traditional ways of farming and fishing are replaced by corporate-controlled agribusiness that requires massive use of fossil fuels and agrochemicals, deforestation, and the displacement of farmers from land and water. Without challenging capitalism, we cannot back out of the climate crisis as the entire global capitalist system critically depends on fossil fuels in virtually every sector. And capitalism is not capable of providing alternatives because it exists only to generate profits and serve private wealth, not the general welfare. State power is controlled by concentrations of private power, i.e., by capitalists. This is why governments have not responded to the climate crisis, and work in opposition to saving the biosphere. **Muhammad Alishah, Pakistan Fisherfolk Forum (PFF), Pakistan**

- The unequal accumulation of wealth is actually driving the climate crisis because the systems that make this possible are heavily dependent on systemic discrimination, exploitation of labor, environmental destruction, and land and resource grabbing. In terms of drivers, we really need to challenge globalization, neoliberalism and capitalism and also the international financial institutions that are aggressively pushing for this neoliberalism that is fueling the climate crisis. Also, important to consider is the aggressive manipulation of the economic system by the corporate elites so that not only are they being an economic or political destabilizing force, but they are profiteering from greenwashing, and using the climate crisis to benefit themselves. **Kavita Naidu, Asia Pacific Forum on Women, Law and Development (APWLD), Thailand**
  - The logic of profits and the fixation on economic growth, which require the ever-expanding use of finite natural resources, are driving the planet and its people to extinction. **WoMin, IDAI statement, shared by Mela Chiponda (individual member), Zimbabwe**
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Members have emphasized that acting on climate in ways that would be politically sustainable and actually reduce emissions requires the primacy of human rights, including the human right to a healthy environment, grounded in a systemic understanding of the crisis. Many within the Network have foregrounded three key intersecting frameworks to guide collective advocacy and campaigning: a human rights approach; a climate justice perspective; and the transition away from fossil fuels to a regenerative, care economy. These three frameworks are explored in more detail over the transition away from fossil fuels to a regenerative, care economy. These three frameworks are explored in more detail over subsequent pages.



## II. THE VALUE OF A HUMAN RIGHTS FRAMEWORK

*"For me, the biggest systemic issue to consider is a structural lack of accountability. Without the ability to hold those in power, those contributing the most to the climate crisis, accountable, our ability to make transformative change is limited. So, we must fight to create effective systems of accountability."*—**Lorenzo Urbinati, Forum-Asia, Thailand**

States must urgently take action to address ecological devastation and the climate crisis, including by regulating corporate and financial actors, to meet their obligations to respect, protect and fulfill human rights, domestically and extraterritorially. In order to hold States accountable in this context, many members have emphasized the need to utilize and strengthen the human rights legal framework, alongside other relevant and intersecting legal frameworks. Additionally, they have prioritized the need to mobilize and organize in order to effectively confront systemic injustice and ensure the transformative change needed to fully realize human rights and environmental well-being.

The human rights framework offers potential parameters for common demands and alternative models, beginning with principles of transparency, accountability, and participation, but also insisting on substantive equality and the use of maximum available resources. While members acknowledge the normative value of human rights treaties and jurisprudence, they also understand human rights as having emerged from and primarily realized through people's demands for dignity, well-being and participation, with international standards providing political and moral legitimacy to – as well as concrete tools for – struggles for social justice across the world.

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### **What is the Human Rights Framework?**

#### **Considering International and Regional Frameworks:**

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States have an affirmative obligation to protect people from human rights harm and, thus, must address the human rights impacts of the climate crisis. Failure to adopt adequate measures to prevent ongoing and foreseeable human rights harm caused by climate change, including through reducing greenhouse gas emissions, breaches this obligation.[23]

Most clearly within international human rights law, States have substantive obligations to protect against the infringement of human rights due to the climate crisis, following from the nature of their obligations to protect against environmental harm generally. [24] "In principle, the content of the obligations of States to protect against environmental harm depends on the content of their duties with respect to the particular rights being threatened by the harm." [25]

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[23] United Nations Human Rights Office of the High Commissioner (OHCHR), Understanding Human Rights and Climate Change, 2015, p. 2.

[24] John Knox, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/31/52, 1 February 2016, para. 37; David Boyd, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/74/161, 15 July 2019, para. 62.

[25] John Knox, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/31/52, 1 February 2016, para. 65.

Deeply relevant are the duties of States to protect the rights of the most vulnerable who are disproportionately impacted by the climate crisis. In addition, States have procedural human rights obligations in the context of climate-related policies and action, including in relation to participation, transparency, environmental and human rights impact assessments, as well as the accessibility of information regarding the causes and consequences of the global climate crisis.[26] Given the global nature of

#### **The value of a human rights approach**

A human rights-based approach is important because it brings a human face to climate change and really illuminates the human dimensions of an issue that has been seen as very much a scientific discussion and about harming the environment and animals.

Rights approaches help us to highlight the impacts on specific groups, particularly groups who are marginalized or already facing systemic discrimination or systemic rights impairments. And finally, the human rights approach can be useful in the context of difficult policymaking choices, where we see competing demands on resources. In the transition to a carbon free society, a rights-based approach can provide a framework for that decision making, which will help us find solutions that do not impair rights and do not leave groups behind or further exacerbate inequality. **Lucy McKernan, Global Initiative for Economic, Social and Cultural Rights (GI-ESCR), Switzerland**

The IPCC has recognized that to limit warming to 1.5 degrees Celcius above pre-industrial levels we need systemic change. But this is not reflected in the main solutions proposed for climate action. Including a human rights perspective can counter the economic perspective that has so far dominated the agenda and move us towards advancing the transformative change needed to effectively address the climate crisis. **Astrid Puentes Riaño, AIDA, Mexico**

ecological devastation and climate crisis, human rights obligations relating to international assistance and cooperation are particularly important. As highlighted above, States also have extraterritorial human rights obligations[27] in relation to regulating and holding accountable corporate and financial actors operating beyond their borders.

Neither the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, nor the eight other international human rights treaties include direct provisions relating to State obligations in relation to climate change. However, in their interpretation of specific treaties, the **United Nations (UN) treaty bodies** (particularly the International Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination Against Women) have used the State reporting procedure, statements, general comments/recommendations and communications procedures to clearly articulate that States have domestic and extraterritorial obligations in the context of climate change.

This includes taking measures to prevent human rights harm and foreseeable human rights harm caused by climate change, or to regulate activities contributing to such harm.[28] For example, in one statement several UN treaty bodies clarified that States must take measures to decrease emissions reflecting the highest possible ambition; implement effective regulations to hold corporations accountable for any harms occurring domestically and extraterritorially, as well as ensure that any public or private investment is compatible with global climate objectives. [29]

[26] John Knox, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/31/52, 1 February 2016, paras. 50-64; David Boyd, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/74/161, 15 July 2019, para. 64.

[27] See, for example, the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights, 2013; See also, ESCR-Net, Global Economy, Global Rights- A practitioners' guide for interpreting human rights obligations in the global economy, Aug 2014.

[28] See, for example, Sébastien Duyck & Lucy McKernan, States' Human Rights Obligations in the Context of Climate Change, CIEL & GI-ESCR, 2018; as well as the 2019 & 2020 Updates.

[29] Committee on the Elimination of Discrimination Against Women, Committee on Economic, Social and Cultural Rights, Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, Committee on the Rights of the Child, Committee on the Rights of Persons with Disabilities, Joint Statement on "Human Rights and Climate Change", OHCHR, 16 September 2019.

The normative regime is also being strengthened by the **Human Rights Council** and **UN Special Procedures** (particularly the UN Special Rapporteur on Environment & Human Rights), which are urgently calling on States to fulfill their obligations in relation to

**UN human rights bodies, State obligations and climate activism**

State specific recommendations from UN human rights bodies can be useful in national climate campaigns for increasing the pressure on States, reinforcing national civil society messages in their climate campaigns, and also influencing the development of jurisprudence on States' human rights obligations with respect to climate change.

**Lucy McKernan, GI-ESCR, Switzerland**

*(A useful resource for climate activists in this context: CIEL & GI-ESCR, Leveraging the UN Human Rights Treaty Bodies for Climate Campaigning: A Toolkit for Activists & Campaigners, 2020, <https://bit.ly/2Z7KlxE>)*

climate change and detailing the scope and content of these obligations.[30] While the right to a healthy environment is fundamentally important in the climate context and enshrined in many national constitutions, we do not yet have global recognition of this right. There are advocacy efforts at the global level to push for this standard[31] and members have underlined its importance in holding states accountable for inaction in the face of

environmental degradation and the climate crisis. This right is already recognized at the regional level within the Inter-American and African human rights systems.[32] At the national level, "...at least 155 States are legally obligated, through treaties, constitutions, and legislation, to respect, protect, and fulfil the **right to a healthy environment**.”[33]

**Corporate accountability** is crucial given the role of corporations and their investors in accelerating the climate crisis. In line with their binding obligation to protect against abuse by third parties in international human rights law, States have a duty to prevent and punish abuse by companies through effective regulation and remedy. While 'soft' forms of regulation applicable to corporations already exist, such as the United Nations Guiding Principles on Business and Human Rights, there are serious gaps and ambiguities at the international level in terms of a strong regulatory framework that effectively holds corporations accountable for human rights abuses.[34] A strong group of members is engaged in the negotiation process for a **binding treaty on business and human rights** and related advocacy at the national and regional level to strengthen corporate accountability for human rights and the environment.

[30] See, for example Human Rights Council, Resolution on the rights of persons with disabilities in the context of climate change, A/HRC/RES/41/21, 12 July 2019;

David Boyd, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/74/161, 15 July 2019.

[31] Global Call for the UN to Recognize the Right to a Healthy Environment, 2020, <https://bit.ly/3gFnFmh>; UN expert calls for the global recognition of the right to a safe and healthy environment, OHCHR, 5 March 2018.

[32] Inter-American Court of Human Rights, Advisory Opinion OC- 23/17, 15 November 2017 (Members [Interamerican Association for Environmental Defense \(AIDA\)](#), [Center for International Environmental Law \(CIEL\)](#), and [Centro Mexicano de Derecho Ambiental \(CeMDA\)](#) were among the

organizations that provided input on the legal questions under consideration by the Court.); This was further reinforced by the Inter-American Court of Human Rights, Indigenous Communities of the Lhaka Honhat Association (Our Land) v. Argentina, Series C No. 400, Judgment of February 6, 2020. ([Center for Justice and International Law](#) and the [Centro de Estudios Legales y Sociales](#) were litigators in this case, and other members joined the effort before the Court with an amicus brief); African Charter on Human and Peoples' Rights, Article 24.

[33] David Boyd, Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, A/HRC/40/55, 8 January 2019, para. 16.

[34] See generally, David Bilchitz, The Necessity for a Business and Human Rights Treaty, Business & Human Rights Journal, Cambridge University Press, 2 May 2016.

This section has provided just a brief overview of a selection of applicable standards. In their climate-related advocacy, members draw on several other areas of applicable human rights law, including the **UN Declaration of the Rights of Indigenous Peoples (UNDRIP, 2007)** and the **UN Declaration on the Rights of Peasants and Other Peoples Working in Rural Areas (UNDROP, 2018)**. One agreement which members have highlighted in particular, given the direct persecution they face, is the **UN Declaration on Human Rights Defenders (1998)**. Moreover, the human rights treaty regime intersects with other treaty/legal regimes, including labor law and humanitarian law, in ways relevant to the climate change context.[35]

**At the regional level**, the **Inter-American Court of Human Rights** has held that the right to a healthy environment is a fundamental human right, including reference to the adverse impacts of climate change affecting enjoyment of this right. [36] Similarly, the **African Commission on Human and Peoples' Rights** has adopted multiple resolutions on climate change and human rights.[37]

### **Environmental Law Frameworks Relevant for Human Rights**

**The Paris Agreement** is of central significance in terms of State obligations to act on climate. This agreement within the **United Nations Framework Convention on Climate Change (UNFCCC)** was adopted in 2015 and is the first legal instrument (a hybrid of

binding and non-binding provisions), to undertake ambitious efforts to address climate change and adapt to its effects, with enhanced support to developing countries to do so. The primary aim is to strengthen the global response to the threat of climate change by holding the increase in the global average temperature to well below 2 degrees Celsius above pre-industrial levels, as well as to pursue

“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.” **Paris Agreement, Preamble**

efforts to limit the temperature increase even further to 1.5 degrees Celsius. In addition, the Paris Agreement aims to strengthen the ability of countries to deal with climate change impacts including through appropriate financial flows, a new technology framework and an enhanced capacity- building framework. It addresses State building framework. It addresses State obligations in relation to climate change, including as relates to mitigation, adaptation, loss and damage and climate finance. All State parties are required to report on their emissions and convey their efforts to implement the agreement through nationally determined contributions (NDCs).

There is no reference to human rights in the articles of the Paris Agreement. However human rights are mentioned in the preamble, which provides guidance on interpretation and a basis for calling on States to consider human rights when implementing the Paris Agreement in their national contexts. Due to largely to

[35] For example, the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) is relevant in the climate change context. See generally, Rishabh Kumar Dhir et al., *Indigenous Peoples and Climate Change: from victims to change agents through decent work*, 2017.

[36] Inter-American Court of Human Rights, *Advisory Opinion OC- 23/17*, 15 November 2017.

[37] See, for example, African Commission on Human and Peoples' Rights (ACHPR), *Resolution on Climate Change and Human Rights and the Need to Study its Impact in Africa*, ACHPR/Res.153(XLVI)09, 25 November 2009; ACHPR, *Resolution on Climate Change in Africa - ACHPR/Res.271(LV)2014*, 2014; ACHPR, *Resolution on Climate Change and Human Rights in Africa - ACHPR/Res.342(LVIII)2016*, 20 April 2016.

### On NDCS

- We need to disaggregate the discussion of what does it mean to have a fair and ambitious NDC in the context of the Global South, a discussion that ideally transcends carbon budget arguments and incorporates the role of solutions based on nature, adaptation, loss and damage and different means of implementation to meet the long-term goals of the Paris Agreement. **Maritza Florian, Dejusticia, Colombia**
- In 2020, the majority of governments are expected to revise and enhance their NDCs, so it's a critical opportunity to have a conversation on the role of human rights, including economic, social and cultural rights, in the context of national climate action. We are seeking that NDCs reflect human rights obligations of States, that they mention these explicitly, so we can use the national climate commitments afterwards to hold governments accountable, including on human rights dimensions. **Sébastien Duyck, Center for International Environmental Law, Switzerland**

cross-constituency civil society advocacy, more actors – including governments – now speak about human rights in the climate negotiations, demonstrating an important shift in the accepted narrative.[38] This is significant since, for a long time, climate was not seen as a human rights issue. The clear recognition of this linkage enables advocacy for people-centered policies and action on climate.

While there is no reference to human rights in the implementation guidelines for the Paris Agreement,

there are references, for example, to how adaptation has to take into consideration a gender dimension, to respect Indigenous Knowledge, and to be participatory.[39] In terms of encouraging States to consider their human rights obligations in the context of the Paris Agreement, there are various areas members have identified as important, including mechanisms related to loss and damage; carbon market and non-market mechanisms (Article 6); inclusion of human rights in NDCs and other related mechanisms, including as relate to climate finance and Action on Climate Empowerment (ACE).

Another relevant framework is the **Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazu Agreement, 2018)**[40] which strengthens the connections between environmental protection and human rights in Latin America and the Caribbean, particularly in terms of participatory rights. In terms of participation rights, the **United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the Aarhus Convention, 1998)**, which is applicable in the European context, and the Rio Declaration on Environment & Development (the Rio Declaration, 1992) (Principle 10) are also significant.

Given the extent of the biodiversity crisis and the clear linkage with the climate crisis, as well as continued and serious violations of Indigenous Peoples' rights, several members have highlighted their engagement with the **Convention on Biological Diversity (CBD, 1993)** and named it as a treaty we should center in our collective work.

[38] Sébastien Duyck, Webinar on Climate Justice & ESCR: Considering Frameworks; Challenging Systems, 16 March 2020. "This was an effort that started way before the Paris Agreement. At COP16, a group of civil society actors worked to include human rights in the climate negotiations. In the end, the Cancun Agreements (<https://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>) took note of a HRC resolution and also mentioned respect for the rights of Indigenous Peoples and local communities." - Astrid Puentes Riaño, AIDA, Interview, August 2020.

[39] Sébastien Duyck, Webinar on Climate Justice & ESCR: Considering Frameworks; Challenging Systems, 16 March 2020.

[40] For more information on the Escazu Agreement, please see, ESCR-Net, Members help advance regional agreement on environmental justice, 2018, <https://bit.ly/3eQCjvN>

While beyond the scope of this report to examine, there are of course other areas of environmental treaty law and overarching principles in environmental law that are relevant to the human rights framework.[41]

### **Climate and Human Rights Litigation**

Climate litigation using human rights arguments is increasingly being undertaken to hold States and corporations accountable, increase ambition of States, and facilitate political mobilization in response to the climate crisis.[42] For example, in the Urgenda case, the Supreme Court of the Netherlands drew on international human rights law in directing the State to reduce the country's greenhouse gases by an absolute minimum to comply with its legal obligations.[43] Members, in their own organizational capacities, have been involved in various strands of climate litigation. In addition, many member-led cases substantially impact climate change, though they may not foreground climate arguments. Nevertheless, these are key human rights cases with precedent setting potential that contribute to climate mitigation and adaptation (including by countering mining or other extractive projects, challenging deforestation and biodiversity loss, protecting indigenous land rights, or reducing air pollution). Other cases challenge human rights violations resulting from climate-related action, such as fortress conservation.[44]

Members have expressed that ground realities can change when litigators bring cases to court systemically and strategically, ideally in collaboration with movements and often as one among multiple strategies to put pressure on governments and private actors. While climate litigation is still nascent and evolving, the moment is ripe for litigators across legal jurisdictions to integrate more climate arguments into their human rights litigation work, given the greater general awareness of the intersection of climate and human rights, the urgency of the climate crisis, and the increased accessibility of scientific data. It will be important to monitor the impact that this type of litigation has on climate action and document corresponding learnings. Likewise, it will be critical to contemplate a multi-pronged strategy to advance climate justice which includes litigation as one element.

Finally, in terms of the rights framework, rights identified by members as particularly important, include the human right to **self-determination** (particularly as pertains to the autonomy of Indigenous Peoples to take climate action based on their knowledge); **substantive equality** (given the multiple and intersecting forms of discrimination facing those hardest hit by climate change); the human right to a healthy environment; **land and ocean related rights**; and **participation rights, particularly the right of Indigenous Peoples to free, prior, informed and continuous consent (FPIC)**.

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[41] Including the UN Framework Convention on Climate Change (UNFCCC), 1992, and the Montreal Protocol on Substances That Deplete the Ozone Layer, 1987, among others, or in terms of principles, for example, the precautionary principle or the principle of polluter pays. In terms of human rights under the UN Framework Convention on Climate Change, see Erika Lennon, Rights in a Changing Climate: Human Rights under the UN Framework Convention on Climate Change, CIEL, 2019.

[42] See for example, Tessa Khan, The Next Frontier in the Fight against Climate Change, TedxUCLWomen, 2 January 2019, [https://www.youtube.com/watch?v=Eg6SM1\\_o8rY](https://www.youtube.com/watch?v=Eg6SM1_o8rY)

[43] The State of the Netherlands (Ministry of Economic Affairs and Climate Policy) v. Stichting Urgenda, Number 19/00135, 20 December 2019, <https://bit.ly/2Nr2YNc>

[44] Lara Domínguez & Colin Luoma, Decolonising Conservation Policy: How Colonial Land and Conservation Ideologies Persist and Perpetuate Indigenous Injustices at the Expense of the Environment, Land, MDPI, , Volume 9, Issue 3, pp.1-22, February 2020.

Participatory rights provide a means to safeguard and foreground the knowledge of Indigenous Peoples, as well as other often marginalized communities, as an essential element in designing effective prevention, mitigation and adaptation strategies.

Members have highlighted the value of the human rights framework in the climate context as one that prioritizes the interests of people and the environment, clarifies State obligations vis-à-vis ecological devastation and the climate crisis, and as a universal set of standards by which to hold governments and corporations accountable whether through direct legal action, advocacy or mobilization. They have also, however, emphasized the lack of implementation of relevant laws and cases, and the urgent need to strengthen compliance.

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## Reflections on human rights standards, the climate crisis, and issues of accountability

**“We need to establish the supremacy of human rights over everything else”**  
**Renzo Alexander García Parra, Comité Ambiental en Defensa de la Vida, Colombia**

### Corporate Accountability

- We are up against extractive industries that are responsible for destructive mining and deforestation. Yet, it is a reality that the legal framework to hold corporations accountable is extremely weak. **Legborsi Saro Pyagbara, MOSOP, Nigeria**
- The climate crisis makes clear that a binding treaty on business and human rights is needed to address corporate liability for climate change. **Nathalie Rengifo Alvarez, Corporate Accountability, USA**
- It will be important to emphasize the need to embed the precautionary principle in the draft treaty on business and human rights, given the kind of development corporations engage in. As another key issue relevant to corporate accountability, it is vital to recognize that extraterritorial obligations can be difficult to establish in courts. This will be an essential area to explore further in relation to holding MNCs liable for their role in the climate crisis. **Daniel Cerqueira, Due Process of Law Foundation (DPLF), USA**
- Corporate capture is a key cause of climate change. Corporations prioritize making maximum profits, and this happens through exploitation of natural resources which in turn accelerates climate change. When we campaign for example..., everything becomes ineffective in the face of corporate capture. We have to be able to influence the State for structural change, but we cannot because the State is controlled by corporations. We have to strongly campaign against corporate capture to prevent climate change and demand strong standards and policies to eliminate this practice. **Prafulla Samantara, Lok Shakti Abhiyan, India**

## Participation Rights

- We need to have effective rights which are enforced in practice, on consultation, participation by the citizenry, access to information, the environment and HRDs. The recent capture of the Constitutional Court in Colombia was very problematic, as it reduced avenues for participation. **Renzo Alexander García Parra, Comité Ambiental en Defensa de la Vida, Colombia**
- The right to consultation is not fulfilled, has never been fulfilled. The State tries to take advantage of its power; they say they consult communities, so the ILO says that it seems like they consult communities, but they do not. OFRANEH helped to disprove one of their claims and proved that there was no consultation. **Aurelia Martina Arzu Rochez, OFRANEH, Honduras**
- Implementing FPIC is one way to protect land rights of indigenous people, which in turn impacts climate change, for example through the higher likelihood of reduced deforestation. But FPIC is not being respected in many different contexts. We need to act collectively to hold governments accountable. **Alfred Brownell, Green Advocates, Liberia**

## Human Rights Defenders

- Effective, urgent protections and substantive support for women, human rights and environmental defenders are vital and a priority as these defenders are directly confronting powerful actors who particularly contribute to the climate crisis, for example, the extractive industry. **Maritza Florian, Dejusticia, Colombia**
- To speak of human rights defenders is to speak of death. They are criminalized and killed; Miriam Miranda, OFRANEH coordinator, has been detained and charged. If people protest, they are subject to anti-terrorism laws. It is a very unequal struggle, but we have a purpose that is moving us forward. **Aurelia Martina Arzu Rochez, OFRANEH, Honduras**

## Land

- We must recognize land related rights of Indigenous Peoples and local communities and promote indigenous and local knowledge which are appropriate and relate to sustainable use and management of land resources. This is vital in addressing the climate crisis. (**Informal Consultation, Grassroots Women Leaders' Exchange on Land, Housing and Natural Resources, Thailand, July 2019**) This has been reinforced by **the 2019 IPCC Report on Land and Climate Change** which has emphasized the importance of well-defined land tenure being critical to address climate change and identified that in areas where local communities have been legally recognized and their forest rights enforced, both deforestation and carbon emissions were significantly lower compared to areas outside of community forests. **The 2019 Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Global Assessment Report** found that conservation status in Indigenous territories is better than in State-controlled forests.
- Climate policy and action must not violate human rights relating to land. For example, there must be no land grabbing or forced eviction in relation to renewable energy sources. (**Informal Consultation, Grassroots Women Leaders' Exchange on Land, Housing and Natural Resources, Thailand, July 2019**)

## Others

- Human rights offer a solid framework for accountability in the face of the climate emergency. Human rights-based arguments can be deployed both to force action now to address the existential crisis, as well as to address historical responsibility for serious “climate crimes against humanity.” **Sofia Monsalve, FIAN International, Germany**
  - Climate justice must start from a fair and harmonious relationship with nature. Constitutional frameworks, laws and public policies must be generated that guarantee a just energy transition and decent access for all the population to essential services. **Martha Sedeida Devia Grisales, Comité Ambiental en Defensa de la Vida, Colombia**
  - Governments must urgently adapt disaster management laws and policies in the context of the climate crisis, prioritizing, in line with human rights, those who are the most marginalized in our societies. **Mehwish Laghari, PFF, Pakistan**
  - In the context of the climate crisis, centering economic and social rights must serve as a central tool to tackle a fundamental injustice: the unequal forms in which wealth is appropriated and distributed. **Mihir Mankad, Center for Economic and Social Rights, USA**
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## Climate Action Must Not Violate Human Rights

In the words of the Intergovernmental Panel on Climate Change, “People who are socially, economically, culturally, politically, institutionally or otherwise marginalized are especially vulnerable to climate change and also to some adaptation and mitigation responses”.[45]

Many members have emphasized strongly that climate action must not violate human rights and highlighted how false solutions implemented in the name of climate action can threaten human rights, including carbon markets, carbon offsets, fortress conservation, geoengineering technologies, amongst others. Even with regard to positive solutions, how these are implemented is important. Companies engaged in the production of renewable energy have been documented to be violating human rights in the process. For example, 87% of top global companies mining key minerals for a low-carbon economy have been linked to human rights abuse allegations since 2010.[46] Land grabs have also been documented across regions in relation to setting up wind farms that require many acres of land. Forest dwellers have been evicted in the name of conservation even though conservation and the rights of Indigenous Peoples are not in contradiction with one another. In fact, Indigenous Peoples have an important role as custodians of the environment. Moreover, participatory rights, including FPIC, are often not respected in the implementation of climate mitigation and adaptation measures or projects tied to carbon trading.[47]

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[45] Christopher B. Field et al., AR5 Climate Change 2014: Impacts, Adaptation & Vulnerability, Summary for Policymakers, 2014, p. 6.

[46] Kate Hodal, ‘Most renewable energy companies’ linked with claims of abuses in mines, The Guardian, 5 September 2019.

[47] See, for example, European Center for Constitutional and Human Rights (ECCHR), Civil society space in renewable energy projects-A case study of the Unión Hidalgo Community in Mexico, December 2019 (members ProDESC and ECCHR are involved in this case context); Dr. Armel Gouritin, Extractivism and renewable energies: human rights violations in the context of socio-environmental conflicts, Heinrich Böll Stiftung, European Union, 2018. Joint statement of Indigenous Peoples of Mexico on the inauguration day of the COP 13, Mexico, December 4, 2016. (including by member Otros Mundos AC); See also, International Work Group for Indigenous Affairs (IWGIA) & Asia Indigenous Peoples Pact (AIPP), Open Letter of Appeal to the Prime Minister of India, on the Supreme Court Order of 13th February 2019 on FRA 6 March 2019; REDD-Monitor, UN experts call on Kenya to “halt the evictions of the Sengwer community” and urge the European Union to suspend funding for climate project, 16 January 2018.

### Climate action must not violate human rights

- Confronting this idea of carbon trading is also important – it results in human rights violations. And this idea that if you can pay, you can do as you like, is problematic and must be challenged. This is also an issue of equity. **Renzo Alexander García Parra, Comité Ambiental en Defensa de la Vida, Colombia**
- Our communities are facing human rights violations in the name of climate crisis response measures from States. Displacements and forced evictions commonly follow the declaration of conservation areas, without any consent from the community, and without providing any alternatives for their livelihoods. Women are also experiencing disproportionate impacts of land and ocean grabbing in relation to renewable energy sources. **(Informal Consultation, Grassroots Women Leaders' Exchange on Land, Housing and Natural Resources, Thailand, July 2019)**
- We have protested the recent Indian Supreme Court decision to evict 2 million forest dwellers in the name of conservation (which conservation groups have also opposed). For now, the order is stayed. The fight will continue as needed by us the indigenous people. **Prafulla Samantara, Lok Shakti Abhiyan, India**
- Preventing greenwashing is vital. As despite all the false discourse, rights violations continue, and it can be hard to secure accountability. **Mehwish Laghari, PFF, Pakistan**

With absolute clarity that climate action must center human rights, members have cautioned that we need to frame this issue and advocacy with care, mindful that those who oppose action on climate altogether can coopt this narrative or create false narratives that might impede our ability to advance climate justice.

Mechanisms related to carbon markets/carbon trading/carbon offsets lead to rich countries not reducing emissions in practice.[48] Given the scale of the climate crisis, we need actual reductions in

First and foremost, we need to make sure that we don't create any new mechanisms under the Paris Agreement that actually create new violations of human rights that would not be there in the first place. **Sébastien Duyck, Center for International Environmental Law, Switzerland**

emissions, not net reductions. All countries must do their fair share. Carbon markets are also putting developing countries in a precarious position of giving away credits from low hanging fruit (less expensive and easily implemented means of reducing carbon emissions reduction) and needing to increasingly account for more expensive carbon reductions. The carbon trading mechanism (the Clean Development Mechanism) established under the Kyoto Protocol does not have any human rights or social safeguards and has, in some cases, led to serious violations of human rights.[49] While civil society advocated against the inclusion of carbon markets in the Paris Agreement, these were included under Article 6, and the proposals for mechanisms to implement Article 6 do not contain any human rights or social safeguards either. While members oppose carbon markets, there is recognition that if there are mechanisms functioning in this context, inclusion of safeguards is essential.

[48] For a basic run down on carbon trading, see, Carbon Market Watch, Carbon markets 101, 31 July 2020; See also: ActionAid et al., The Dangers of Carbon Markets, Climate Justice Briefs #8, November 2010.

[49] For more on carbon markets and related mechanisms, see: CIEL, Introducing Human Rights in the Modalities Related to Carbon Markets Established under Article 6 of the Paris Agreement, November 2019; Friends of the Earth International et al., Carbon Markets at COP25 Madrid-A Threat to People, Politics and Planet, 2019.

Ensuring climate action does not violate human rights and advances social justice is the right thing to do. For most States, given existing international human rights agreements, this is also a legal obligation.

Respecting, protecting, and fulfilling human rights as we address the climate crisis is of inherent value in and of itself. However, approaches that do not take rights into consideration or include social safeguards, often do not even reduce emissions as illustrated by our experience with carbon markets.[50]

The IPCC has recognized, “Social justice and equity are core aspects of climate-resilient development pathways... Attention to power asymmetries and unequal opportunities for development, among and within countries, is key to adopting 1.5 degrees Celcius-compatible development pathways that benefit all populations...Re-examining individual and collective values could help spur urgent, ambitious and cooperative change.”[51]

### **Beyond Norms**

*“This is a question of power. Power needs to shift.”* **Adam Barnes of Kairos and the Poor Peoples’ Campaign, USA**

In terms of accountability, alongside legal standards, it is important to mobilize and organize to ensure states to act on their legal obligations. Members have spoken of the need to dismantle structural systems of exploitation and discrimination to create the necessary environment for the full realization of human and environmental rights. A human rights approach allows those affected to link their struggle with the struggles of others and build coalitions of allies. By recognizing, understanding, and articulating their claims as part of a larger struggle for equality and dignity, human rights can provide a powerful organizing tool, inspiring communities to expose abuses and demand real change.

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[50] See, for example, Friends of the Earth International et al., Carbon Markets at COP25 Madrid-A Threat to People, Politics and Planet, 2019.  
[51] Valérie Masson-Delmotte et al. (eds), Special Report: Global Warming of 1.5 °C, IPCC, 2018, pp. 448-449.

### III.

## ADOPTING A CLIMATE JUSTICE APPROACH: CONSIDERING INTERSECTIONALITY & EQUITY

Many ESCR-Net members are clear on the importance of adopting a climate justice approach, an approach which considers roots causes and advances systemic solutions in addressing the climate crisis, which centers social justice and human rights – racial justice, gender justice, economic justice and intergenerational justice – and foregrounds equity. This is not a new approach, but rather, has been a pillar of advocacy by global south-led movements for decades.

Profound global inequalities and inequities within and between countries are rooted in our economic, political and social systems, underpinning ecological devastation and the climate crisis. Members have emphasized that there is an urgent need to recognize and address these structural causes and pursue globally equitable solutions to mitigation and adaptation led by social movements, Indigenous Peoples and local communities disproportionately impacted by climate change and also actively resisting the drivers of the climate crisis.

A minority of the world's wealthiest countries and companies hold primary responsibility for the climate crisis. Philip Alston, the former Special Rapporteur on Extreme Poverty and Human Rights, expressed concern that “while people in poverty are responsible for just a fraction of global emissions, they will bear the brunt of climate change, and have the least capacity to protect themselves,” further emphasizing that “[w]e risk a ‘climate apartheid’ scenario where the wealthy pay to escape overheating, hunger, and conflict while the rest of the world is left to suffer.” [52]

Without valuing the inherent human dignity of each person and our communities, we cannot hope to address the climate crisis in any meaningful way. Not only are more vulnerable communities the most severely impacted by the climate crisis because of systems that normalize structural discrimination, but the very crisis is rooted in these systems. The capitalist system, valuing profit over people, has driven extraction in the ancestral lands of Indigenous Peoples, while intertwined colonial, neocolonial and racist systems have justified the outright theft of land, natural resources and labor.

As outlined below, members have emphasized two important elements of the climate justice framework.

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[50] See, for example, Friends of the Earth International et al., Carbon Markets at COP25 Madrid-A Threat to People, Politics and Planet, 2019.

[51] Valérie Masson-Delmotte et al. (eds), Special Report: Global Warming of 1.5 °C, IPCC, 2018, pp. 448-449.

[52] OHCHR, UN expert condemns failure to address impact of climate change on poverty, 25 June 2019.

## 1. *Understanding Differing Impacts: Taking an Intersectional Approach*

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Although ecological devastation and the climate crisis are global problems affecting everybody, certain groups of people are disproportionately affected, including women and girls, Indigenous Peoples and local communities, people living in poverty and people living in coastal areas.

To consider one group in particular, women and girls face different and disproportionate barriers to the enjoyment of their human rights in the context of the climate crisis, even while women in the same society are differently positioned due to intersecting issues of class, citizenship status, sexual identity, race or other issues.

According to data released in 2019, there were 10,733 deaths and over 60 million people affected and/or displaced by climate-related disasters globally in 2018; 80 percent of those 60 million were women.[53] In terms of economic, social and cultural rights, impacts on reproductive health are a key example. Research demonstrates that climate change-related impacts, including worsening air pollution and rising temperatures, pose serious risks to pregnant women and developing fetuses. Research also shows women living in poverty or more marginalized communities are at risk of higher levels of air pollution and other toxic exposure from fossil fuel companies that further worsen pregnancy outcomes, and women in these communities have less access to quality reproductive healthcare as well.[54] More generally, women's roles as primary caregivers and providers of food, water and fuel make women more vulnerable when flooding and drought occurs. Due to patriarchal systems across the world, women are also more likely to live in poverty, so it is more difficult for them to recover after climate-related and other disasters.[55] However, just as women and girls are most impacted by ecological devastation and the climate crisis, they are also leading climate action. Studies show that women are more likely to promote climate action, from women at the grassroots to women presidents/prime ministers.[56] This reality has been reinforced by grassroots women leading the discussions on a feminist intersectional approach to climate action within ESCR-Net.

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[53] Climate change is a feminist issue, What works to prevent violence, 20 September 2019.

[54] Bruce Bekkar et al., Association of Air Pollution and Heat Exposure with Preterm Birth, Low Birth Weight, and Stillbirth in the USA: Systematic Review, JAMA Network Open, 18 June 2020; Christopher Flavelle, Climate Change Tied to Pregnancy Risks, Affecting Black Mothers Most, New York Times, 18 June 2020.

[55] Mary Halton, Climate change 'impacts women more than men', BBC News, 8 March 2018.

[56] Victoria Brownworth, Climate Change is a Feminist Issue, Dame, 2 April 2019.

### **The differentiated impacts of climate change on women**

- The Committee on the Elimination of Discrimination Against Women is the only human rights treaty body to elaborate a General Comment dedicated to climate change through its General Recommendation number 37 on the gender-related dimensions of disaster risk reduction in the context of climate change. That document articulates the relationship between women's rights and climate change and provides a very clear message that climate impacts are not gender neutral. It is a useful instrument for advocates to insist that climate change is a women's rights issue and must be prioritized as such by States. **Lucy McKernan, GI-ESCR, Switzerland**
- Peasant women already have to negotiate the inequalities associated with patriarchal societies, such as dual labour in agriculture as well as looking after the household; restrictions on mobility; lack of participation in decision-making etc. The effects of climate change then exacerbate these inequalities. Climate change is deepening the food crisis for women and their families. Women are the majority of the world's small-scale farmers and produce most of the world's food. For example, because of their role in farming, women depend upon local natural resources in land, water, forests. These are the very resources that get adversely impacted by climate change and consequent extreme weather events. **Mehwish Laghari, PFF, Pakistan**
- Women leaders stressed how climate change is deeply affecting their autonomy regarding their livelihoods and increasing poverty. They also highlighted how this is leading to the disintegration of communities or prompting them to abandon their ancestral land and migrate to cities or to other areas with better conditions to obtain their livelihoods. Progressively, peoples depending on land are becoming climate refugees, and women are particularly affected by this. **(Informal Consultation, Grassroots Women Leaders' Exchange on Land, Housing and Natural Resources, Thailand, July 2019)**
- In the climate crisis, there are droughts, and droughts are long. They can be five years, seven years long. The men have to go to look for resources in other cities, and we are the women who stay in the communities to take charge as heads of households. So, all that work falls on the women, and they have to manage everything. That is the big impact. The other issue, when there are long droughts, is that women have to travel long distances to get water...the routes are further as water sources dry up and you also have to carry the water on your back or drag it in your arms. But all this time we need to spend, limits us to exercise political rights; it limits, for example, our right to education, because girls, who have to help their mothers, are no longer going to school. So, this climate crisis restricts many of your rights. As women, we must have clear and precise information and that also has to do with making a diagnosis, doing research to see how the impacts of the climate crisis affect women differently. Right now, we have no data. There is data for example about urban women, rural women... It is something we, indigenous women, have been always demanding, because indigenous women have identity, identity of nationalities. **Toribia Lero Quipse, Coordinadora Andina de Organizaciones Indígenas, Bolivia**

Clearly, standards, policies and actions to address the climate crisis must proactively address the mutually reinforcing relationships amongst systems of oppression including racism and patriarchy in terms of intersectional impacts, and accordingly foreground the human rights principles of substantive equality<sup>[57]</sup> as well as international cooperation. Centering the needs of the most vulnerable, those disproportionately affected by and directly resisting the impacts and drivers of ecological devastation and the climate crisis, needs to be at the heart of our climate work. Not only is this at the core of a human rights approach, but only in this way can we build enough strength across movements to demand the accountability of States and the corporations driving the climate crisis in order to achieve climate justice.

[57] Committee on Economic, Social and Cultural Rights, General Comment 20, Non-Discrimination in Economic, Social and Cultural Rights, E/C.12/GC/20, 2009, may provide guidance on advancing substantive equality.

## 2. Accounting for Historic Responsibility

Several members have emphasized that the countries both most responsible for ecological devastation and climate crisis and with the most available resources must substantively contribute in practice to mitigation and adaptation, as well as loss and damage-related financing to rapidly meet the needs of those most vulnerable to (and often least responsible for) the climate crisis. This is in line with the common, but differentiated responsibility and respective capabilities principle in the Paris Agreement and has been framed by social justice movements as climate debt. [58]

As another proof of how the climate crisis impacts countries unequally, low-lying, small islands and less developed countries are already suffering the most, despite contributing the least to the climate crisis. Developing countries – impacted by legacies of colonialism and imperialism – will bear an estimated 75 to 80 percent of the costs of climate change.[59]

Alongside mitigation measures, there is an urgent need for adaptation strategies to build resilience and to cover loss and damage costs which are already wrecking economies and devastating the lives of millions who are being pushed to the brink. Climate breakdown played a key role in at least 15 weather-related events in 2019, which cost more than 1 billion dollars in damage. In January, floods in both Argentina and Uruguay forced 11,000 people from their homes. Cyclone Idai killed 1,300 people in Zimbabwe, Mozambique and Malawi in March, and Cyclone Fani hit India and Bangladesh in May and June.[60] Countries are being forced into a dire crisis which they had little part in causing. This is, at its core, an issue of justice.

In light of intersecting crises, another issue of concern raised by ESCR-Net members is the issue of the climate debt trap. For instance, countries like Mozambique, post-Cyclone Idai, are facing the devastation of extreme weather events worsened by the climate crisis. Unlike many rich, industrialized nations, they need to accept crippling loans from international financial institutions in order to build back their nations. These loans lead to structural restrictions on their economic and social agenda, which in turn further reduce a nation's capacity to deal with inevitable future impacts of the climate crisis. Some members are thus actively advocating for debt cancellation.

### On Historic Responsibility, Climate Debt and Climate Finance

- We must claim the climate debt owed by the north to south and rich to poor. **Muhammad Alishah, PFF, Pakistan**
- Lots of frustration with climate finance; States are not making funds available – it is imperative that we build climate resilience in the remotest of communities. **Legborsi Saro Pyagbara, MOSOP, Nigeria**
- We need to place demands to the highly developed countries who have led us to this situation. They need to help us promote the process of protecting human dignity. Preserving human dignity means changing policy and entrenched power structures. **Renzo Alexander García Parra, Comité Ambiental en Defensa de la Vida, Colombia**

[58] On climate debt: 'The Bolivian proposal, in specific, is climate debt. What do I mean and what does Bolivia mean by that? It's basically that developed countries have over-consumed atmospheric — common atmospheric space. Twenty percent of the population have emitted more than two-thirds of the emissions, and as a result, they have caused more than 90 percent of the increase in temperatures. As a result, developing countries, we are suffering. Bolivia's glaciers are melting between 40 to 55 percent. We have extended droughts. We have in the lowlands more flooding. And we are losing between four to 17 percent of our GDP in the worst years. That is climate debt. And what we are asking is repayment. We are not asking for aid. We are not asking — we are not begging for aid. We want developed countries to comply with their obligation and pay their debt.' Bolivia's chief climate negotiator, Angelica Navarro, 2009; Nicola Bullard, Climate Debt-A subversive political strategy, Transnational Institute, 21 April 2010.

[59] Phillip Alston, Report of the Special Rapporteur on extreme poverty and human rights, Climate Change and Poverty, A/HRC/41/39, 17 July 2019, para. 11.

[60] Fiona Harvey, Climate crisis linked to at least 15 \$1 billion-plus disasters in 2019, The Guardian, 27 December 2019.

Given their historical responsibility and greater financial capacity, highly industrialized countries must ambitiously reduce emissions domestically, targeting zero emissions by 2030. However, they must also contribute their fair share to climate finance for prevention, mitigation, adaptation and loss and damage. There is a formal commitment on the part of advanced economies of up to 100 billion dollars per year [61] on which there has been no adequate progress,[62] while various estimates calculate fair shares as being much higher.[63] Industrialized countries must also support a just transition within developing countries through finance, but also technology transfer, among other measures. At the twenty-fifth session of the Conference of the Parties (COP 25), there was no renewed pledge on climate finance, nor commitments to support loss and damage. UNFCCC mechanisms relevant in this context include the Global Environment Facility, the Green Climate Fund and the Warsaw International Mechanism for Loss and Damage. Applicable human rights principles include accountability, international cooperation and maximum available resources and participation. The question remains what advocacy and organizing strategies will be necessary to advance on the issue of climate debt.

While the human rights framework and a climate justice approach have been considered separately in this report, these are not disconnected from one another, rather they are and should be closely intersecting struggles.

“A climate justice framing is demanding to act with a systemic approach on the structural drivers of ecological devastation and climate crisis. This poses an interesting and fruitful challenge for the further development of the human rights framework, especially when it comes to addressing historic responsibility and just transitions. Given the multiplicity of spaces where civil society must contest the structural causes of ecological devastation and climate crisis, human rights offers a cross-cutting narrative and a vision of the just and equitable world that can uphold freedom, equality, dignity and a healthy planet for all.”- **Sofia Monsalve, FIAN International, Germany**

Members have expressed that an approach to our work that positions climate justice and human rights as inextricably connected will be essential to advancing the kind of transformative change needed to effectively address the climate crisis. They have also emphasized that social movements and politically organized communities must be central to analysis and action. Movements themselves have clearly said, “Nothing about us, without us.”

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[61] Resource mobilization, Green Climate Fund, <https://www.greenclimate.fund/about/resource-mobilisation>

[62] Mike Ives, Rich Nations Vowed Billions for Climate Change. Poor Countries are Waiting, NY Times, 9 September 2018.

[63] Friends of the Earth International, Fair Shares.

# IV. A JUST AND EQUITABLE TRANSITION AWAY FROM FOSSIL FUELS TO A REGENERATIVE CARE-BASED ECONOMY

*“We need to advocate for just transition that goes into detail of the different implications of climate action (adaptation and mitigation) and its implications for human rights, emphasize on transparency of action and accountability for their environmental and social impacts.”* **Maritza Florian, Dejusticia, Colombia**

In order to both limit global warming to 1.5 degrees Celsius by achieving zero emissions by 2030 and avert irreparable harm to people and the environment, there is an urgent call from several members for rigorous collective action to ensure the rapid, equitable, ecologically sustainable and just transition away from fossil fuels to a zero-carbon, regenerative care economy that centers human rights and environmental

well-being. The term ‘just transitions’, originating from the trade union movement, now has different and more broad framings. In its original form, a just transition usually referred to “ensuring justice for workers displaced by environmental or climate policy changes.” Over time, however, there has been a call for a more transformative approach to just transitions, one that addresses “the injustices embedded within neoliberal capitalism.”[64]

We will demand a just, fair and inclusive transition away from fossil fuels and towards sustainable agriculture and renewable energy that empowers Indigenous Peoples, workers, peasant farmers, pastoralists, fisherfolk, and communities, rather than disenfranchises them. We will seek measures to ensure that all people, particularly those facing discrimination, have access to climate education and to the resources, training, knowledge, and decent jobs required for a people-powered transition to a decarbonized and resilient society.

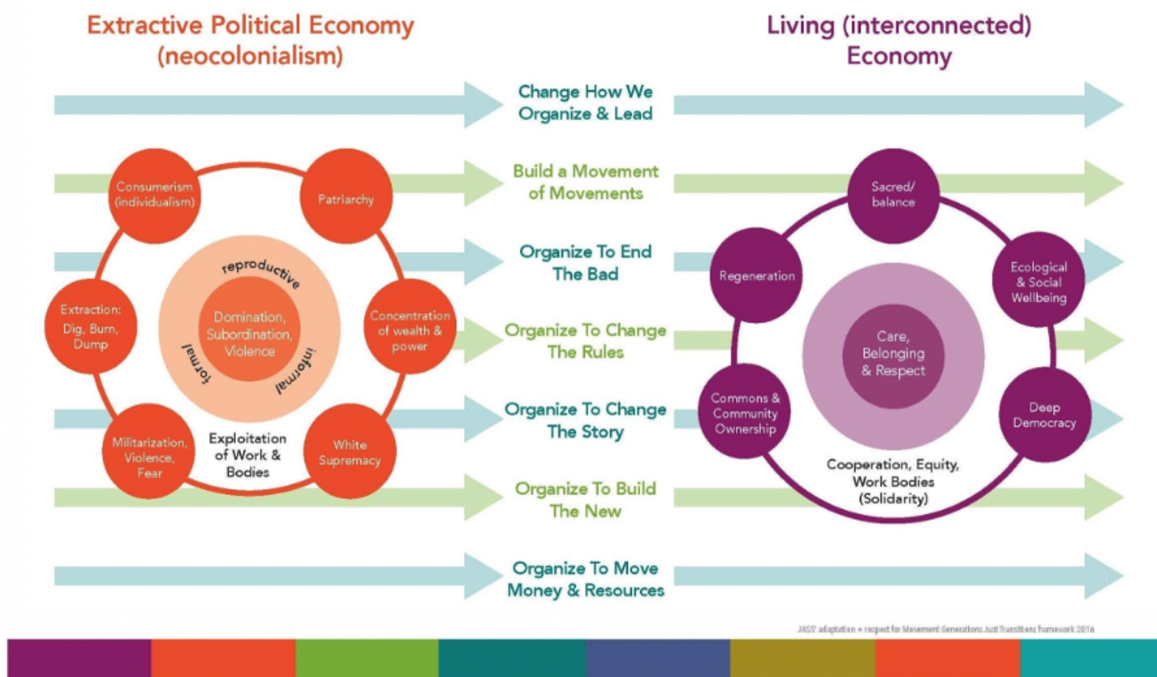
[Peoples’ Summit Declaration on Climate, Rights and Human Survival, 2019](#)

Multiple members have cited the Movement Generation [framework](#): “A just transition requires moving from a globalized capitalist industrial economy to linked local living participatory economies that provide well-being for all. It involves shifting from dirty energy to energy democracy, from funding highways to expanding public transit, from incinerators and landfills to zero waste, from industrial food systems to food sovereignty, from gentrification to community land rights and from rampant development to ecosystem restoration. Workers and communities impacted first and worst must lead the transition to ensure it is just.”[65] Based on the movement generation framework, Just Associates (JASS) offers the diagram below: “This can be developed into what makes sense in different contexts but contains threads and elements that could start the discussion.”[66]

[64] APWLD, A feminist interpretation of Just and Equitable Transitions in the context of Climate Change, 2017.

[65] Movement Generation Just Transition Framework Resources, <https://movementgeneration.org/movement-generation-just-transition-framework-resources/>

[66] Zephania Repollo, JASS, Webinar Discussion on Just Transition towards a sustainable, equitable and just economy, ESCR-Net, 31 Oct 2018, <https://bit.ly/2VBrgZb>.



According to ESCR-Net member APWLD, a “just and equitable transition” represents “the transition demanded through calls for ‘system change, not climate change’, a transition away from a consumption-based, extractive and exploitative economy. A truly transformative transition requires systemic shifts in global economic governance ...Transitioning to new economies should also feature moves to energy democracy and restoration of public goods, public services and public sector employment that has been demonstrated to advance women’s human rights as well as safeguard the environment. A transformative transition must challenge the primacy of money as the driving value in organising our economy and could even enable shifts from waged labour to workers cooperatives and other forms of social solidarity economies.”[67]

Other members have foregrounded additional elements key to just and equitable transitions context, including the need to, *inter alia*:

[67]Asia Pacific Forum on Women, Law and Development (APWLD), A feminist interpretation of Just and Equitable Transitions in the context of Climate Change, 2017; For more analysis on just transitions from members, watch: ESCR-Net, Webinar Discussion on Just Transition towards a sustainable, equitable and just economy, 31 Oct 2018, <https://bit.ly/2VBrgZb>.

- Phase out the fossil fuel industry (and related industries) – production and infrastructure – through time-bound measures in ways that are compliant with a climate justice and human rights approach and interrogate who is bearing the cost (financial and social), as well as whose needs and solutions are prioritized[68]. This would include, for example, no new exploration and the phasing out of existing production. This phase-out would also mean taking on entrenched power structures to dismantle the fossil fuel corporate infrastructure, promoting transformative alternatives like a proposed [global green new deal](#).
- Ensure a just and human rights-based transition for workers and communities dependent on fossil fuel companies or related industries in some way, generally accounting for the needs of both urban and rural workers and communities.
- Support the transition to decentralized, decommodified and human rights compliant renewable energy systems that are accessible to all and owned by the public sector and local communities. In parallel, reduce energy demand overall and reject untested technologies or ones we know have the capacity to create harm, such as geoengineering.
- Support the transition by ensuring those governments with the economic ability and historic responsibility take on their fair share of the cost.
- Curb excessive consumption in the Global North and pockets of the Global South, particularly by the elite given their outsized contribution to the climate crisis.[69] As articulated by Prafulla Samantara of Lok Shakti Abhiyan, “[w]e need to also focus on excessive consumption which is accelerating the climate crisis and is clearly linked to how our capitalist system functions. How do we present this issue of consumption as not an individual but also a structural issue driven by market forces? We need to influence the people. We need to simultaneously address issues of consumption and production. Unless we can break people’s dependence on the market, it will be difficult to take on the market.” (**Prafulla Samantara, Lok Shakti Abhiyan, India**).
- Elevate and implement people-led human rights-based alternatives to fossil fuels, including fossil fuel-reliant industries, for example, industrialized agriculture, and foreground agroecology and food sovereignty.

Members have also raised critical questions regarding the just transition framework, including as raised by Mela Chiponda, an individual member and an eco-feminist from Zimbabwe[70]: “Is it possible to have a global just transitions framework? Who is going to inform how we get there? And how do we get there? Is just transitions not just another Eurocentric concept? How is the concept understood in the various contexts, does it mean the same thing? What does this framework mean for human rights?”

[68] In line with member analysis, a recently published study considers how to equitably manage the social dimensions of a rapid transition away from fossil fuel extraction: Greg Muttitt & Sivan Kartha, Equity, climate justice and fossil fuel extraction: principles for a managed phase out, Climate Policy, 31 May 2020.

[69] Reinforcing member analysis on this issue, is this study: Yannick Oswald, Anne Owen, & Julia Steinberger, Large inequality in international and intranational energy footprints between income groups and across consumption categories, Natural Energy, 5, pp. 231–239, 16 March 2020; See also, Oxfam, Extreme Carbon Inequality, 2 December 2015.

[70] Webinar Discussion on Just Transition towards a sustainable, equitable and just economy, 31 Oct 2018, <https://bit.ly/2VBrgZb>

In terms of alternatives, members have proposed transformative changes to the dominant economic system, prioritizing people and the planet; redistribution of wealth within and between countries, including reparations; energy democracy;<sup>[71]</sup> food sovereignty,<sup>[72]</sup> including practices like agroecology; widescale ecological restoration; and the use of traditional knowledge pertinent for climate change prevention, mitigation and adaptation. ESCR-Net's Common Charter for Collective Struggle suggests that the foundation for alternatives is uniting seemingly diverse struggles facing common global conditions, including the climate crisis, with the leadership of resisting communities and movements drawing on their generations of experience with alternatives of cooperation, solidarity, care and sustainability of necessity.

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## On alternatives

- We need to become more concrete in how we talk about alternatives. If we are critiquing a system, we bring credibility when we can clearly and concretely offer feasible alternatives. If we want to authoritatively advocate with states; if we want to bring about change; this is everything: the ability to take our vision; our alternatives and make them real. On an alternative model of development, we need to lobby and advocate for one that seeks to fundamentally replace the neoliberal emphasis market driven growth that is heavily dependent on extractivism, overconsumption and eroding social safeguards. **Kavita Naidu, APWLD, Thailand**
- We have to see how we can visibilize a different view of what is human dignity and alternatives to capitalism. We need to start stepping away from a purely individualized way of being. Also, we need to look to the agroecological practices of the Afro-Colombian and Indigenous Peoples and learn. We want to encourage these family-based agricultural practices that regenerate forests. **Renzo Alexander García Parra, Comité Ambiental en Defensa de la Vida, Colombia**
- The development model in the name of progress is built on high technology and the dominant economic system of capitalism. This is all then pursued via the government. At another level but related is the World Bank and IMF, without which this kind of development is not possible. And this kind of development contributes heavily to the climate crisis. The mode of development has not been diversified. More and more, it is concentrated on profit-making. We must have some alternative to development models. We need also alternative investment. How to bring this shift? This is what we need to bring our collective power to. **Prafulla Samantara, Lok Shakti Abhiyan, India**

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[71] APWLD, Reclaim Power for Energy Democracy, 12 October 2015.

[72] For more on this concept, see, La Vía Campesina, Food Sovereignty, 15 January 2003.

- Due to climate change, the sea is rising or “erupting” and “eating” communities. However, in the northern part of Honduras, where we are, there are tropical plants that can stop these “eruptions” – cacao, grape trees, etc. We have these in communities, and as an organization, we are operating garden centers with women. We are matrilocal and informs our struggles, and our way forward. In Vallecito, we have 1200 hectares of land and we have so many plans in relation to that land and advancing food sovereignty, women’s rights etc. We are teaching kids how to plant, about the production process... about the earth. **Aurelia Martina Arzu Rochez, OFRANEH, Honduras**
- Indigenous Knowledge and traditions can be part of the solution or alternatives to consider widely for climate change. For me, climate justice is to follow and promote Indigenous Knowledge and traditions. **Chandra Tripura, Chittagong Hill Tracts (CHT) Headman Network, Bangladesh**

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There is a need to carefully consider how to strengthen the integration of human rights into both discourses and action related to a just and equitable transition[JCI] . While there must be human rights compliance at all stages of any transition, we must also work towards strengthening human rights systems and frameworks more generally. This includes, for example, the rights to education, housing, health, food security and work (including making schools, hospitals, and roads disaster proof and providing various livelihood options, as well as tools for climate resilient agriculture). This is key to building resilience in societies that may be already experiencing the impacts of the climate crisis or may in the future, and meeting peoples’ fundamental economic, social and cultural rights.

Notably, the COVID-19 pandemic has exposed and intensified grave systemic injustices all over the world and shown us how we are not well-positioned to take on a crisis of this scale, let alone multiple and compounding crises, without significant systemic restructuring. This is the moment for long-needed systemic transformations, including a just and equitable transition to a fossil fuel free future in which human and environmental rights and social justice are a reality for all.

## V. CONCLUSION: TOWARDS COLLECTIVE ACTION

*"The climate crisis is the greatest threat that humanity faces, affecting the enjoyment of all human rights, as recognized by the High Commissioner for Human Rights. The solution to this crisis involves changing all systems globally, which requires complex, systemic and profound actions. The climate crisis brings together and highlights other existing crises, such as deep inequality, colonialism, patriarchy, impunity, corporate capture, loss of biodiversity, discrimination at all levels. Resolving this climate crisis in depth requires reinventing the world as we know it, which is a historic task that also requires an unprecedented massive effort of collaboration and coordination."*

**Astrid Puentes Riaño, AIDA, Mexico**

In conclusion, diverse members are reflecting on how to ensure that our vision and our demands are realized. Essential and foundational steps are to integrate the human rights and climate justice frameworks; build power through reinforcing and connecting peoples' movements; and influence international policy while foregrounding solutions emerging from affected and organized communities, rooted in traditional knowledge and climate science, and grounded in a systemic analysis of existing injustices. As key to each of these three steps, improving and deepening our coordination and, thus, our impact, will be vital.

A wide range of members identified the following overlapping themes as priorities to consider in relation to advancing collective action on climate justice: a just and equitable transition with a focus on alternatives; land and oceans (including addressing land & ocean grabbing; securing the land related rights of indigenous and local communities; countering fortress conservation; and challenging the particular paradigms of green and blue economies devastating communities; ); corporate accountability with a focus on corporate capture; loss and damage; protecting human and environmental rights defenders; ensuring climate related policies and action do not violate human rights; and strengthening the normative framework underpinning climate change and human rights. Other themes that were raised during consultations include: the human right to water, climate related migration and addressing the climate crisis in conflict settings.

In order to work on these issues, members identified tools such as advocacy, campaigning, monitoring and litigation. Platforms for engagement include spaces relating to the UNFCCC, Sustainable Development Goals, UN and regional human rights systems, and various relevant spaces at the national and regional level.

In the face of all the intersecting crises we confront, members continue to explore and advance horizontal and inclusive democratic practices to build a new world, one where we put people and the planet first.

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## Annex I:

# Selected reflections on strategies/action towards realizing Climate Justice & Human Rights

**Selected reflections from members on strategies/action towards realizing climate justice and human rights**

### **On solidarity and mutual learning:**

- We need to build relationships, learn about each other's struggles, build and deepen alliances. **Aurelia Martina Arzu Rochez, OFRANEH, Honduras**
- There is so much overlap in climate and human rights work – we should not be working in silos but come together. There is a technical aspect to climate work that it would be good to connect on. **Daniel Cerqueira, DPLF, USA**

### **On political education:**

- We must engage in political education – people are hungry for deeper analysis. **Adam Barnes, Kairos Center for Religion, Rights and Social Justice, USA**
- It is important to participate at various levels, including in political advocacy spaces...to strengthen the capacity of new leaders within our movements. This is now our strength, as we managed to support two strong representatives of Comité Ambiental to take governmental positions where they have been transforming and influencing determinations through debates [JC1] in favor of life and against the extraction and violation of rights. Unfortunately, the assassination of leaders and activists is a reality and that is why all of us must be prepared to assume responsibilities with character and capacity. **Martha Sedeida Devia Grisales, Comité Ambiental en Defensa de la Vida, Colombia**
- We need to think about issues of inequality in any kind of political education that we do around the climate crisis. **Prafulla Samantara, Lok Shakti Abhiyan, India**

### **On influencing the narrative:**

- We need to build narratives of climate change emerging from communities, given that climate change-related discussions are usually very technical. We need different tools to communicate and engage. **(Informal Consultation, Grassroots Women Leaders' Exchange on Land, Housing and Natural Resources, Thailand, July 2019.)**
- We need to create a collective consciousness and live with a different mindset. We need to more seriously take up communications. How can we disseminate and amplify who we are and what we are doing? **Renzo Alexander García Parra, Comité Ambiental en Defensa de la Vida, Colombia**

## **On Advocacy and Campaigns:**

- We need to advocate and campaign for climate justice. Climate justice includes a focus on the root causes of climate change and making the systemic changes that are therefore required to prevent the disproportionate burden of the climate crisis on the poor and marginalized. A demand for participatory democracy in changing these systems which require dismantling the fossil fuel corporate power structure, and a commitment to reparations and thus a fair distribution of the world's wealth.  
**Muhammad Alishah, PFF, Pakistan**
- We need to strongly advocate for the human right to a healthy environment.  
**Saro Legborsi Pyagbara, MOSOP, Nigeria**
- We need to monitor and document. We need clear evidence; evidence-backed advocacy is imperative. **Ravadee Prasertcharoensuk, Sustainable Development Forum, Thailand**
- Governments in Bolivia and in the rest of Latin America are drawing up laws to be able to monopolize production of certain seeds: produce a single variety, produce a single variety of quinoa, produce a single variety of potatoes because it has a market, because it adapts to different climates and the harvest is not lost even with the impacts of climate change. But we are losing wisdom with it. We are losing hundreds of varieties of potatoes, dozens of varieties of quinoa that have different types of nutritional properties. Each seed has a different nutritional property that also does a lot to the body and a single variety, for example, this one we are currently eating produces diabetes because it has more starch, more sugar. So those are the things we are experiencing: loss of knowledge, loss of seeds, public policies based more on large markets and us, the small producers, we are being forgotten as they are forcing us to leave and go to the cities. We need to document to understand the loss and what alternatives are needed as the climate crisis deepens. We have begun to look for seed varieties, document and register the plants and animals we still have. We have to look for other seeds because the ones we have used no longer produce. We have been adopting bioindicators. Monitoring and documenting loss will be important for all of us, and for effective advocacy.  
**Toribia Lero Quipse, Coordinadora Andina de Organizaciones Indigenas, Bolivia**
- The extractive industry which is driving the climate crisis is also decimating our rights. One of the findings in Nigeria by an UNEP report on Ogoni lands (2006-2011) – on extractives – our drinking water was polluted more than 900 times than what is acceptable. As Ogoni, we have seen years of intense struggle. We need to move into action – we need to take up campaigns using the human rights framework. **Legborsi Saro Pyagbara, MOSOP, Nigeria**
- We need to build power – think in terms of mass mobilization, mass demonstrations.  
**Misun Woo, APWLD. Thailand**

- We can launch a campaign to protect and defend ESCR in a climate context. With a focus on both mitigation and adaptation. **Alfred Brownell, Green Advocates, Liberia**
- We would like to propose that the climate crisis has various dimensions – local, national, regional, international -- and therefore requires global, national and local action addressing all of these dimensions, so we need to consider a global campaign as a vehicle for harnessing local, national and regional strengths. Action must intensive, coordinated, focused, massive, effective, grassroots and movements-based. **Mohammad Ali Shah, PFF, Pakistan**
- We need to raise our voices through campaigns. We need to consider campaigns against corporate capture of the State, which is responsible for exponentially increasing global warming, by among other things, blocking policies and laws we need to achieve climate justice and creates an environment that facilitates approval for large scale extractive projects. At the same time, we have to identify major violations by the national governments in relation to the Paris Agreement and create a global campaign to hold them accountable.  
**Prafulla Samantara, Lok Shakti Abhiyan, India**
- We must be more belligerent and direct in exposing corporations and companies that are causing the destruction of the environment, that are violating human rights and taking away our territorial autonomy. We need to fight for the rights of the peasantry and Indigenous Peoples to be respected. We must propose other alternatives to extractive development that aligns with our different perspectives, capacities and territorial conditions. On the other hand, we must demand a fair and participatory energy transition. We must strengthen the processes of food sovereignty from the base of family, peasant and community agriculture that allows the planet to cool, with the aim of guaranteeing the universal right to food. We must limit the development of polluting mining projects in high biodiversity ecosystems and supply of ecosystem goods and services. We need a global campaign that is not reduced to a single collective action at a specific time.  
**Martha Sedeida Devia Grisales, Comité Ambiental en Defensa de la Vida, Colombia**
- The COVID-19 global pandemic has also left in its trail a huge economic crisis with some countries already facing a recession. For most countries, particularly in the third world, such as Nigeria, the post-COVID economic recovery plans include the intensification of hydrocarbon exploitation and the increased focus on agriculture. Both activities are going to lead to more deforestation and emission of more carbon into the atmosphere thereby affecting the climate change campaign. We must call for a just recovery guided by human rights and environmental well-being. **Legborsi Saro Pyagbara, MOSOP, Nigeria**

### **On the leadership of social movements and affected communities:**

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- It is important that we really foreground in practice the social movements of the Network, allowing them to manage resources and the implementation process. We need to re-educate ourselves as a Network, create horizontal spaces and address root causes. We should always avoid formalistic approaches that tend to exclude movements. Social movements will be key in moving forward alternatives. **Renzo Alexander García Parra, Comité Ambiental en Defensa de la Vida, Colombia**
- Local peoples' movements are the most important. From my experience, it is clear that to realize our vision we need leadership from grassroots activists. In everything we do, whether campaigns or other forms of advocacy or direct action, we need to connect with the grassroots. **Prafulla Samantara, Lok Shakti Abhiyan, India**
- We need to focus on the impacts of the climate crisis. The climate crisis is impacting the most marginalized. We must ensure then that the most marginalized have a seat at the table – not in a tokenistic way, but as key players who must be consulted on needs and solutions. **Alfred Brownell, Green Advocates, Liberia**