

CLIMATE CHANGE, ENVIRONMENT, ENERGY

A UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS & CLIMATE CHANGE?

Regional Perspectives

Clémence Billard Schachter, Francesca Mingrone
January 2021



This report builds upon the call from the Climate Vulnerable Forum and Pacific Island States to establish a mandate for a new UN Special Rapporteur on Human Rights and Climate Change.



It presents key recommendations from civil society and Indigenous Peoples experts on the creation of this mandate, collected through regional consultations across the world.



It is suggested that effective support from Member States will be essential for a UN Special Rapporteur to fulfil his important role in ensuring greater respect and protection of rights in climate action.

CLIMATE CHANGE, ENVIRONMENT, ENERGY

A UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS & CLIMATE CHANGE?

Regional Perspectives



Franciscans International
A voice at the United Nations

Other Partners: Asociación Interamericana para la Defensa del Ambiente (AIDA), Natural Justice, Pacific Island Students Fighting Climate Change (PISFCC), Pan African Climate Justice Alliance (PACJA), Vanuatu Climate Action Network (V-CAN)

Contents

1	INTRODUCTION	2
2	WORKING TOWARDS THE CREATION OF A NEW UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS AND CLIMATE CHANGE	2
3	REGIONAL CONSULTATIONS ON THE CREATION OF A UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS AND CLIMATE CHANGE	3
4	SYNTHESIS OF THE SIX REGIONAL CONSULTATIONS	4
4.1	Rationale	4
4.2	Priorities	5
4.3	Expectations	5
5	TAKEAWAYS FROM EACH REGION	6
6	GLOBAL TAKEAWAYS	7
7	CONCLUSION	8

1 INTRODUCTION

Climate change is an existential threat for people and our planet. Its harmful effects undermine the full enjoyment and realisation of all human rights, disproportionately affecting those who are already in vulnerable situations. States, as guarantors of human rights, have an obligation to protect people from the adverse impacts of climate change. Yet, despite the fact that the climate crisis is worsening and requires urgent attention, no dedicated mechanism at the Human Rights Council (HRC) – the United Nations inter-governmental body responsible for promoting and protecting human rights around the world – addresses climate change holistically.¹

Since 2008, climate change has been addressed by the Human Rights Council on an ad hoc basis through resolutions, annual discussions, analytical studies, and the work of its mechanisms, including the Universal Periodic Review. Existing UN Special Rapporteurs have also contributed to addressing how human rights obligations should inform climate responses through the prism of their respective thematic mandates. However, the accelerated pace at which the impact of climate change has been felt in recent years has made evident the need for a dedicated mechanism to ensure sustained and coordinated focus on the issue at the Council.² While no single mechanism will be sufficient to remedy the human rights harms caused by the climate crisis, the proponents of appointing a new UN Special Rapporteur on Human Rights and Climate Change believe that the position would ensure greater consistency in the way the Human Rights Council and other human rights institutions address human rights and climate change.

The appointment of a UN Special Rapporteur specifically focused on human rights and climate change has been a longstanding request from various civil society organisations (CSOs). It was first formulated by an alliance of CSOs at the 2010 Social Forum, following which the latter recommended that the HRC create a UN Special Rapporteur position to address the impact of climate change on human rights and study the responsibilities of state and non-state actors in relation to climate change adaptation and mitigation.³ The proposal to establish a mandate for a specific UN Special Rapporteur has recently gained traction amongst a growing group of states. During the 2019 Conference of the Parties

under the UN Framework Convention on Climate Change (UNFCCC), the then President of the Marshall Islands, H.E. Hilda Heine called for the creation of a dedicated UN Special Rapporteur on climate change on behalf of the Climate Vulnerable Forum (CVF).⁴ This call was reiterated by Bangladesh in its capacity as the 2020 Chair of CVF,⁵ the Marshall Islands and other developing states in July 2020,⁶ the Micronesian Pacific States in October 2020,⁷ and the Pacific Islands Forum (PIF) Foreign Ministers in October 2020.⁸ These political statements attest to the urgency of the climate crisis and of the need for the international community to rise to the existential challenge posed by climate change. The strong political will behind these calls has been demonstrated by the CVF's commitment to allocate \$50,000 for creating the new mandate,⁹ and the PIF Foreign Ministers' request to the PIF Leaders and Secretariat to pursue efforts to create a new UN Special Rapporteur on Human Rights and Climate Change in 2021.

2 WORKING TOWARDS THE CREATION OF A NEW UN SPECIAL RAPPOREUR ON HUMAN RIGHTS AND CLIMATE CHANGE

Building upon states' call for the establishment of a UN Special Rapporteur on Human Rights and Climate Change, during the second half of 2020 the Friedrich-Ebert-Stiftung (FES) Geneva Office provided support for a series of activities in close cooperation with the Center for International Environmental Law (CIEL) and Franciscans International (FI). These activities aimed to assess how a new UN Special Rapporteur mandated to address this issue could effectively support the work of civil society and Indigenous Peoples organisations already working on these issues. This project mobilised, engaged with, and gathered input from civil society, Indigenous Peoples, and local communities from across the world, with the view to building a global network that would be able to support and collaborate with a new UN Special Rapporteur in the future.

The series of activities kicked off with a virtual briefing on 8th September 2020, during which high-level representatives of Bangladesh, the Marshall Islands and Fiji to the UN in Geneva, as well as the UN Special Rapporteur on Extreme Poverty and Human Rights, held a discussion with civil society, Indigenous Peoples and local community organisations

¹ The Human Rights Council is the United Nations body responsible for the promotion and protection of all human rights worldwide. It meets in Geneva at least three times a year to discuss thematic human rights issues and country situations that require its attention. When a specific human rights issue requires an increased level of attention and remedies, the Council can establish various mechanisms called Special Procedures (in most cases, the nomination of a UN Special Rapporteur) to report and advise the Council from a thematic or country-specific perspective.

² See https://www.fes-geneva.org/fileadmin/user_upload/documents/2020/2020_09_28_UNSR-Climate_Rights.pdf (last accessed on 23.10.2020).

³ See <https://www.ohchr.org/EN/NewsEvents/Pages/2010SFClimat-echangeaHR.aspx> (last accessed on 23.10.2020), and <https://www.oikoumene.org/resources/documents/ngo-declaration-on-climate-change-human-rights> (last accessed on 23.10.2020).

⁴ See <https://thecvf.org/our-voice/statements/president-heine-statement-to-the-cvf-partners-leaders-event-at-unfccc-cop25/> (last accessed on 23.10.2020).

⁵ See <https://thecvf.org/wp-content/uploads/2020/06/CVF-Presidency-Announcement-from-Bangladesh-Final.pdf> (last accessed on 23.10.2020).

⁶ See <https://www.docdroid.net/Q1a31FF/hrc44-jst-on-climate-short-check-against-delivery-pdf> (last accessed on 23.10.2020).

⁷ See <https://drive.google.com/file/d/1SuuxPljzXByz8q4Lql-9j2RAQmGCO4K/view> (last accessed on 23.10.2020).

⁸ See <https://www.ciel.org/news/ministers-of-the-pacific-islands-forum-join-the-growing-chorus-calling-for-a-new-un-special-rapporteur-on-human-rights-and-climate-change/> (last accessed on 23.10.2020).

⁹ See supra note 3.

on the merits of the proposal to establish a dedicated UN Special Rapporteur on Human Rights and Climate Change mandate.

Subsequently, CIEL and FI coordinated six regional consultations in order to examine the opportunities appointing a new UN Special Rapporteur presents in terms of the priorities and day-to-day realities of actors engaged in climate change and human rights advocacy in different regions. The consultations sought to gather and share information amongst communities affected by both climate change and climate responses across the world about their respective needs and expectations regarding the future mandate of the UN Special Rapporteur.

3 REGIONAL CONSULTATIONS ON THE CREATION OF A UN SPECIAL RAPPORTEUR ON HUMAN RIGHTS AND CLIMATE CHANGE

The regional consultations gathered climate and human rights experts from Asia; Africa (both English- and French-speaking experts); Europe, the Arctic, and North America; Latin America and the Caribbean; and the Pacific, and were conducted through both web-based live consultations and online questionnaires.

The six web-based consultations were conducted by the following focal points:

- Natural Justice for the consultation in Africa (in English)
- Pan African Climate Justice Alliance (PACJA) for the consultation in Africa (in French)
- Kranti L.C., independent lawyer for the consultation in Asia
- Asociación Interamericana para la Defensa del Ambiente (AIDA) for the consultation in Latin America and the Caribbean
- Vanuatu Climate Action Network (V-CAN) with the support of the Pacific Island Students Fighting Climate Change (PISFCC) for the consultation in the Pacific
- Franciscans International (FI) and the Center for International Environmental Law (CIEL) for the consultation in Europe, the Arctic and North America

CIEL and FI deferred to the leadership of the regional focal points to select participants. The focal points also organised and facilitated consultations in their respective regions. They strove to include key constituencies (women, youth, Indigenous Peoples and local communities, trade unions, etc.) among the participants in order to bring together a diverse group representing the perspectives and interests of different segments of civil society and Indigenous communities. Several global civil society organisations based in Europe joined the consultation for Europe, the Arctic and North

List of countries represented by region

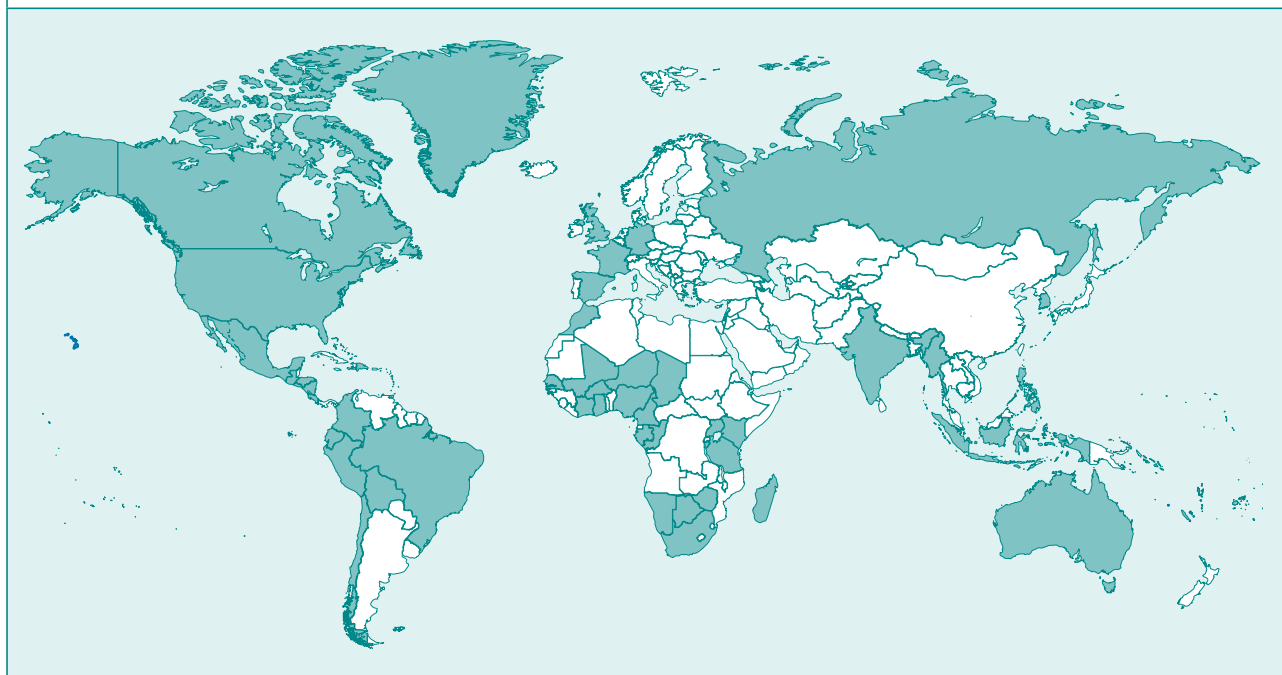
Africa: Botswana, Burkina Faso, Burundi, Cameroon, Chad, Congo, Côte d'Ivoire, Ethiopia, Gabon, Ghana, Kenya, Madagascar, Malawi, Mali, Morocco, Namibia, Nigeria, Senegal, South Africa, Tanzania, Uganda, Zimbabwe.

Asia-Pacific: Australia, India, Indonesia, Malaysia, Myanmar, Philippines, South Korea.

Europe, the Arctic and North America: Belgium, Canada, France, Germany, Palestine, Russia, Spain, Switzerland, United Kingdom, United States.

Latin America and the Caribbean: Belize, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Peru.

Pacific: Fiji, United States (Hawaii), Solomon Islands, Vanuatu.



America and their views were reflected in the outcome of the discussions.

In total, the regional consultations convened a diverse group of 157 participants across 55 countries from civil society, Indigenous Peoples and local communities active in the environmental, climate justice and human rights movements. The pool of participants was limited due to capacity issues and to allow for interactive discussion amongst participants.

In order to make the discussions as comprehensive as possible, participants addressed a set of questions on (i) the rationale behind establishing a mandate for a new UN Special Rapporteur on Human Rights and Climate Change, including the added value of a human rights-based approach to climate action, as well as potential concerns regarding the creation of this new mandate; (ii) the priorities that should guide the work of the UN Special Rapporteur, both in terms of topics and communities; and (iii) expectations for the new mandate, including the role that the UN Special Rapporteur could play in facilitating access to justice and interacting with other mandate-holders and human rights institutions.

4 SYNTHESIS OF THE SIX REGIONAL CONSULTATIONS

This section summarises in greater detail the key discussions that were conducted within each regional consultation, across each of the themes discussed (*»rationale«*, *»priorities«*, and *»expectations«*).

4.1 Rationale

Across the different regional consultations, participants noted the threat that climate change poses to a variety of human rights issues including the rights to food, water, life, sanitation, health, housing, healthy environment, self-determination, as well as to gender equality, land tenure, displacement, access to energy, and jobs. In Africa, emphasis was placed on the rights to lands, territories and natural resources, while the consultation for Latin America and the Caribbean focused on access to information and justice, free speech, and the differentiated risks faced by environmental defenders. A central element of the discussion in the Asia and the Pacific consultations revolved around internal displacement, as the region's key capital cities and populations are located in coastal areas. In the consultation for Europe, the Arctic and North America, it was highlighted that conversations around human rights and climate change are deeply connected to the right to a healthy environment.

Participants also discussed the benefits that would emerge in their respective regions from a rights-based approach to climate change supported by a UN Special Rapporteur. Those in the Africa consultations felt that the figure of the UN Special Rapporteur would help better protect Indigenous Peoples and create safer conditions for environmental defenders, as well as helping to hold states accountable for

their contribution to climate change. The importance of addressing the inadequate measures to combat climate change that have furthered inequalities, including the displacement, criminalisation, and marginalisation of communities most affected by climate change, such as Indigenous Peoples and rural communities emerged as a salient issue in the Asian consultation. Participants in Europe, the Arctic and North America perceived a rights-based approach as essential to tackling ongoing issues of systemic oppression, discrimination, unequal distribution of resources, and colonialism, which must all be addressed before the climate crisis can be solved.

While a consensus was reached on the need to clarify the links between climate change and human rights across all regional consultations, each region brought forward different arguments in support of a new UN Special Rapporteur. For those in Africa, such an expert could reduce gaps in capacity-building and holistic advocacy, address climate justice – including climate debt, the adverse impacts of business activities and of climate responses on local communities – and advocate for an independent and specialised remedy mechanism to hear cases of human rights violations resulting from climate change or climate responses. A UN Special Rapporteur could also help ensure that development measures are just and ethical, and are not implemented at the expense of the environment or the development of others.

For experts from Asia, a new UN Special Rapporteur could further examine the interaction between human rights and climate change, and in doing so help prevent atrocities and encourage further research on this topic. The Pacific consultation highlighted how the new position could be used to address the lack of policies or concrete plans of some states to deal with climate displacement, local communities' difficulties accessing funds available from international mechanisms, and the lack of access to resources and information to adapt to climate change. The need for capacity building to increase the ability of human rights defenders to carry out effective advocacy was also stressed, and respondents highlighted the importance of youth integration in climate change and human rights work.

It was the view of experts in Europe, the Arctic and North America that a new UN Special Rapporteur would play an important role in increasing accountability, as well as awareness of the type of protection mechanisms and remedies that are available. The need for a better legal framework in order for national laws to set adequate standards for future resilience and redress for existing damages, as well as to identify how victim status can be substantiated for climate-affected populations and people in Europe was also highlighted. Another issue that emerged was the need for capacity building for non-indigenous people, to better understand how they can support Indigenous Peoples in their fights.

The role of a new UN Special Rapporteur in promoting better public participation and access to information, as well as supporting states as they adopt stronger regulations

and improve the implementation of their policies featured prominently in the Latin America and the Caribbean consultation. An opportunity was also perceived for a new UN Special Rapporteur to help identify models of renewable, distributive, community-based, and sustainable energy, and advocate for fossil fuel divestment in states' recovery plans.

Several participants shared concerns about the creation of a new UN Special Rapporteur. Some stressed the importance of strengthening synergies amongst existing UN Special Rapporteurs in light of the excellent work accomplished on climate change by past and current UN Special Rapporteurs on Human Rights and the Environment. While some participants worried that a new UN Special Rapporteur might prioritise interaction with states and actors who already are relatively empowered, others argued that a new UN Special Rapporteur could ensure people on the ground are better listened to and work with both states and right-holders to develop practical approaches, especially for contentious contexts like loss and damage and remedies.

4.2 Priorities

Participants from all regions agreed on the importance of further raising awareness about climate change and its human rights impacts and clarifying the ways in which the two are interrelated. For participants in the Pacific consultation, it was important to stress how empowering this work would be for local communities and that a new UN Special Rapporteur should help them conduct advocacy, access funds and other opportunities to increase their resilience to climate change and address human rights issues such as access to clean water, health, education, etc.

The importance of ensuring that state and non-state actors which contribute to climate change or severely affect the environment are held accountable was also a common thread across the regions. In Africa, emphasis was placed on guaranteeing compensation from and liability of major carbon emitters, as well as making sure that Nationally Determined Contributions (NDCs)¹⁰ are sufficiently ambitious and adequately implemented. Experts in the Asia consultation felt that the core role of a new UN Special Rapporteur should be to review the human rights dimension of strategies adopted by states and corporations to address and mitigate climate change, and to set out norms for the causation and attributability of climate change's adverse impacts. In the consultations in both Asia and Latin America and the Caribbean, participants suggested that the UN Special Rapporteur should help develop and refine Member States' obligations and standards for corporate accountability. The consultation groups in Latin America and the Caribbean and Europe, the Arctic and North America discussed the need

to address the impact that businesses, financial institutions, market-based measures, geoengineering projects, and fossil fuel extraction have on human rights.

In Europe, the Arctic and North America, participants viewed contributing to climate litigation, by preparing amici briefs and facilitating access to justice for climate activists, as part of the role of the new UN Special Rapporteur. Public participation and access to information also emerged as a priority. In the Latin America and the Caribbean consultation the consensus was that this would contribute to ensuring that relevant climate and energy policies incorporate human rights, effective participation, and consultation processes, in line with the Escazú Agreement. Assessing climate change frameworks in developing countries from a human rights perspective and securing authoritative legal opinions emerged as central for the future mandate in the Pacific consultation. In Africa, experts discussed the need for an ethical approach to climate responses and for a new UN Special Rapporteur to initiate legislative proposals to limit the harmful effects of extractive industries and defend the right to a healthy environment. Monitoring the fiscal aspects of combating climate change and reporting on the adverse human rights impacts of green economic measures and climate funds were considered key pillars of the new position by those in Asia.

Participants across regional consultations sought to identify key groups that a UN Special Rapporteur should prioritise. Special emphasis was placed on Indigenous Peoples, whose lands are intrinsically linked to their culture and for whom climate change can have a genocidal impact due to the loss of land and disruption to cultural heritage. Other groups to prioritise included people with disabilities, youth, people living in conflict areas, poor and marginalised communities, rural women, coastal fisherfolk, peasants, nomadic pastoralists, displaced and migrant communities, and all populations directly affected by deforestation, agro-industry, mining, hydrocarbon exploration in protected areas, and water resource pollution by mining or industrial activities.

4.3 Expectations

All regions stressed that a UN Special Rapporteur should have close contact and hold consultations with communities on the ground in order to gather relevant information and amplify their voices. Importance was given to information sharing, through country visit reports and other approaches. For instance, French-speaking participants in Africa suggested setting up a commission to collect information on the needs of communities in relation to climate change and human rights. English-speaking participants in the Africa consultation and those in Europe, the Arctic and North America suggested that a UN Special Rapporteur could create channels of communication between civil society and communities on the ground and their governments, national human rights institutions, regional and international bodies. Out of the Pacific consultation came the suggestion that the UN expert act as the high-level representative of climate-affected communities.

¹⁰ Nationally Determined Contributions (NDCs) are the emission reduction commitments that States Parties to the Paris Agreement must communicate to the UNFCCC Secretariat and update every 5 years. For more information on NDCs, see <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement/nationally-determined-contributions-ndcs> (last accessed on 17.11.2020).

Experts in Asia, Europe, the Arctic and North America, Latin America and the Caribbean, and the Pacific agreed that a UN Special Rapporteur could help affected communities access UN mechanisms and judicial bodies.

With regard to specific themes that a new UN Special Rapporteur should focus on in the short term, English-speaking participants in Africa mentioned investment and other financial flows' compliance with human rights principles and climate-related legislation, as well as the protection of human rights in climate responses. Participants in Asia stressed the issue of criminalisation of environmental defenders and the displacement of communities. It was felt by those at the consultation in Latin American and the Caribbean that a new UN Special Rapporteur should apply innovative approaches, tools and perspectives to the issue of human rights and climate change, given that this topic has been already discussed by others.

Participants in all regions highlighted the fact that a new UN Special Rapporteur should collaborate with various UN institutions, including the UNFCCC, the Convention on Biological Diversity, UNEP, United Nations Environmental Assembly, and the United Nations Convention to Combat Desertification. Participants agreed that it would be crucial for a new UN Special Rapporteur to work in synergy with the UN Special Rapporteur on Human Rights and the Environment, alongside others, such as the UN Special Rapporteurs on water, food, Indigenous Peoples, and people with disabilities, as well as the Working Group on Business and Human Rights. Experts in the Pacific suggested joint country visits, and that a new UN Special Rapporteur should ensure that other UN experts address climate change within their respective mandates, given the cross-cutting nature of the issue. There was consensus on the need for a UN Special Rapporteur to work with national and regional human rights institutions. Participants in Europe, the Arctic and North America suggested that a new UN Special Rapporteur could help national and regional judges understand the links between climate change and human rights, as this would help them better address the claims that are presented before them.

Finally, participants in all regions concurred that a UN Special Rapporteur should monitor and provide guidance on states' compliance with their climate and human rights obligations. In that regard, experts in Europe, the Arctic and North America suggested that the UN expert develop indicators that could guide just transition efforts, as well as the drafting and implementation of Nationally Determined Contributions or, more broadly, the implementation of the Paris Agreement, in line with human rights obligations.

5 TAKEAWAYS FROM EACH REGION

A new UN Special Rapporteur on Human Rights and Climate Change should ...

ASIA-PACIFIC

- Be equipped with a broad intersectional mandate and sufficient resources to be able to conduct meaningful consultations and facilitate access to justice for communities affected by climate change and climate responses
- Monitor the activities of business actors in order to combat and mitigate the adverse impacts of climate change in the region
- Emphasise the need for states and non-state actors to address adverse impacts of climate responses on communities in vulnerable situations

AFRICA (CONSULTATION IN ENGLISH)

- Cooperate with regional institutions in Africa, given the continent's unique situation in terms of climate change
- Address climate change holistically as a human rights issue due to its far-reaching impacts on a variety of human rights
- Receive strong political support and sufficient resources from members of the Human Rights Council

AFRICA (CONSULTATION IN FRENCH)

- Address the issue of the climate debt
- Amplify the voices of women, Indigenous Peoples and local communities, especially those affected by the adverse impacts of business exploitation of natural resources
- Focus on the protection of environmental defenders

LATIN AMERICA AND THE CARIBBEAN

- Support rights-based approaches to climate policy-making by further studying the links between human rights and climate change
- Support the implementation of the Escazú Agreement as an effective regulatory framework essential to protecting human rights and environmental defenders
- Facilitate civil society participation in climate policy-making at local and international level

EUROPE, THE ARCTIC AND NORTH AMERICA

- Monitor states' compliance with their climate and human rights obligations, and develop indicators on just transition and human rights-based approaches to climate action
- Address issues that require further exploration, such as extraterritorial obligations, geoengineering, corporate accountability, market-based measures and the financial drivers of climate change
- Strengthen synergies with other UN Special Procedures, and work with a wide range of UN agencies and bodies

PACIFIC

- Facilitate access to justice and participation in UN mechanisms for climate-affected communities
- Provide vulnerable communities and human rights defenders with capacity building for conducting advocacy, accessing funds, and other opportunities to increase their resilience to climate change
- Develop guidance and best practices for states to better protect affected communities, implement the Paris Agreement, and weave a human rights-based approach into national legislation

6 GLOBAL TAKEAWAYS

It is possible to identify common elements that emerged across all six regional consultations, in terms of reasons for establishing a new mandate, concerns about it, priorities of this potential new UN Special Rapporteur, and expectations regarding the mandate-holder's engagement with other stakeholders. This suggests that, despite regional specific circumstances, a range of issues are perceived as pressing across different constituencies and locations, and should thus be taken into account by Member States when establishing the mandate for a new UN Special Rapporteur on Human Rights and Climate Change. Below are some of the key common elements that emerged.

Reasons for creating a UN Special Rapporteur on Human Rights and Climate Change:

- **Need for more ambitious climate action and a stronger human rights-based approach to climate change:** Gaps still exist in conceptual understanding and implementation. A human rights-based approach should underpin national and regional climate policies. It is essential to have a dedicated expert acting as a focal point and repository of information for climate change and its various human rights impacts to ensure that the issue is addressed holistically.
- **Human rights impact of climate responses:** Not enough attention is given to the harmful impact on human rights of measures to mitigate or adapt to climate change, including climate finance, carbon trading, and policies at the interplay between nature conservation and climate action.

Potential concerns and challenges regarding the mandate:

- **Need for political support and resources:** UN mechanisms are sometimes perceived as inefficient in influencing states' behaviour and policies. Thus, a new mandate can only have real impact if it enjoys strong political support and adequate financial resources from HRC Member States.
- **Synergies with the UN Special Rapporteur on Human Rights and the Environment and other UN experts:** The new human rights and climate change mandate should not be established in a manner that undermines the past and future work of the UN Special Rapporteur on Human Rights and the Environment and of other Special Procedures, and should instead build upon and expand this work. It should also develop synergies with other Special Procedures in order to address gaps that have not yet received sufficient attention.

Suggested priorities for a UN Special Rapporteur:

- **Awareness raising and documentation of human rights violations:** A new UN Special Rapporteur should

raise awareness of and document the human rights impacts of climate change and climate responses through country visits, reports, and amicus briefs.

- **Normative work and capacity building:** The new mandate-holder should help further clarify states' obligations and responsibilities in terms of climate change and human rights, and develop guidance and indicators for national law-making processes (e.g. in relation to Nationally Determined Contributions, just transition, etc.).

Specific issues and groups a UN Special Rapporteur should focus on:

- **Wide range of themes that need further study:** Business responsibility vis-à-vis climate change and human rights, human rights impacts of climate responses, public participation and access to information, and access to justice and accountability.
- **Groups and communities in vulnerable situations:** Indigenous Peoples, local communities, climate migrants, women, children and youth, environmental defenders, persons with disabilities, farmers and pastoralists. A UN Special Rapporteur could build on existing work regarding the climate impacts affecting these groups by promoting an intersectional approach.

Stakeholders a UN Special Rapporteur should interact with:

- **Affected communities, Indigenous Peoples and civil society:** A UN Special Rapporteur should systematically conduct consultations with communities in vulnerable situations, Indigenous Peoples and civil society at large, in order to provide relevant inputs and build on their knowledge base.
- **UN institutions and other HRC mandate-holders:** A UN Special Rapporteur should exchange views and information with a wide range of UN institutions, including the UNFCCC, in order to promote a human rights-based approach in the context of climate governance. Part of the role would also be to expand synergies with other UN experts with relevant mandates, including those on the environment, Indigenous Peoples' rights, extreme poverty, development, food, housing, water, and migrants.
- **Governments:** A UN Special Rapporteur should interact with governments and monitor their climate policies in order to provide technical advice and promote better participation of civil society in national processes.
- **Other human rights institutions:** A UN Special Rapporteur should engage with National Human Rights Institutions (NHRIs) as well as regional human rights bodies.

7 CONCLUSION

The regional consultations on the establishment of a UN Special Rapporteur on Human Rights and Climate Change mandate have shown the wide range of expectations of civil society organisations and Indigenous Peoples with regard to the potential new mandate-holder. Specifically, participants from all the regions stressed how important it would be for a new UN Special Rapporteur to consult with them in order to address the specific issues that different regions and groups are facing. To achieve this, it will be essential for states to set aside enough resources for a UN Special Rapporteur on Human Rights and Climate Change to work in a participatory and effective manner.

As mentioned above, the Foreign Ministers' Meeting of the Pacific Islands Forum called for the Human Rights Council to establish the mandate for a new UN Special Rapporteur on Human Rights and Climate Change at the HRC session in June 2021. This is also in line with the Climate Vulnerable Forum's expectations. The great number and varied nature of countries involved lends the proposal to create a new UN Special Rapporteur weight and legitimacy. All members of the Human Rights Council should thus engage constructively with the proponents and interact with and listen to the hopes and expectations of civil society and Indigenous Peoples organisations. Only by engaging all the relevant parties in a fair and open conversation will it be possible to achieve an outcome that helps address the human rights harms and challenges that the most vulnerable people and communities are facing in the context of climate change and climate action, and also contributes to finding solutions to this global crisis.

ABOUT THE AUTHORS

Clémence Billard Schachter is a Junior Advocacy Officer at Franciscans International, supporting the organisation's advocacy work on environmental justice, business & human rights, and sustainable development. Prior to joining Franciscans International, she worked for a business & human rights consulting firm, advising institutional investors on responsible business conduct, sustainable investments, and the management of environmental and human rights risks in their portfolios and operations. She holds a Law Degree from Jean Moulin Lyon III University and a dual Master's Degree in International Law and Human Rights from the Human Rights Institute of Lyon and Pierre Mendès France University.

<https://franciscansinternational.org>

Francesca Mingrone is a Staff Attorney for the Climate and Energy Program at the Center for International Environmental Law (CIEL). In this capacity, she works on the ways in which human rights and climate change are interlinked, focusing on accountability, intergovernmental processes, and public participation. Before joining CIEL, she worked as a Policy Officer at Independent Diplomat, advising the Republic of the Marshall Islands on climate diplomacy. She holds a Law Degree from LUISS University in Rome, and a Master's Degree in Development Studies from the Graduate Institute of International and Development Studies (IHEID) in Geneva.

<https://www.ciel.org/>

The authors would like to acknowledge the contribution of Sébastien Duyck (Center for International Environmental Law – CIEL), Sandra Epal-Ratjen and Budi Tjahjono (Franciscans International), Astrid Puentes and Javier Davalos Gonzales, (Asociación Interamericana para la Defensa del Ambiente- AIDA), Kranti L.C. (independent lawyer), Melissa Groenink, Gino Cocchiaro and Pooven Moodley (Natural Justice), Solomon Yeo (Pacific Island Students Fighting Climate Change – PISFCC), Augustine Njamnshi (Pan African Climate Justice Alliance – PACJA), Stephanie Stephens, George Koran and Willy Missak (Vanuatu Climate Action Network – V-CAN).

IMPRINT

Friedrich-Ebert-Stiftung | Global Policy and Development
Hiroshimastr. 28 | 10785 Berlin | Germany

Friedrich-Ebert-Stiftung | Geneva Office
Chemin du Point-du-Jour 6bis | 1202 Geneva | Switzerland

Responsible:

Hajo Lanz | Director | FES Geneva

Phone: +41-22-733-3450 | Fax: +41-22-733-3545

<https://geneva.fes.de>

To order publications:

Christiane.Heun@fes.de

Commercial use of all media published by the Friedrich-Ebert- Stiftung (FES) is not permitted without the written consent of the FES.

FES GENEVA

The FES office in Geneva serves as a liaison office between UN agencies, other Geneva-based international organizations and FES field offices as well as partners in developing countries to strengthen the voice of the Global South. It contributes to the debates in »International Geneva« on trade and sustainable development, decent work and social policies, human rights, economic and social rights in particular, as well as on peace and security.

A UN SPECIAL RAPPOREUR ON HUMAN RIGHTS & CLIMATE CHANGE?

Regional Perspectives



In 2019, the Marshall Islands, on behalf of the Climate Vulnerable Forum (CVF), called upon the Human Rights Council to establish a mandate for a new UN Special Rapporteur on Human Rights and Climate Change. Member States of the CVF and Pacific Island States have since echoed this demand, calling for the mandate to be instituted in 2021 to better protect the rights of those on the front line of climate impacts. These calls reiterate demands made by civil society organisations as early as 2010.

In autumn 2020, the Asociación Interamericana para la Defensa del Ambiente (AIDA, Interamerican Association for Environmental Defence), the Center for International Environmental Law (CIEL), Franciscans International (FI), Natural Justice, the Pacific Island



Students Fighting Climate Change (PISFCC), the Pan African Climate Justice Alliance (PACJA), and the Vanuatu Climate Action Network (V-CAN) conducted regional web-based consultations with 157 civil society and Indigenous Peoples experts across 55 countries with the support of the Friedrich-Ebert-Stiftung (FES) Geneva Office. The objective was to collect views on the idea of the Human Rights Council establishing a mandate for a new UN Special Rapporteur on Human Rights and Climate Change. This report aims to channel their perspectives in order to inform discussions on the issue.

The outcomes of the consultations show that there is very strong support for the creation of this new position, which would be vital in furthering the



understanding of the links between human rights and climate change, would mitigate the risk of harms caused by climate policies, improve the UN's ability to support and work with vulnerable groups and communities, monitor and provide guidance to states to better integrate human rights in climate policies, contribute to better accountability, and address emerging issues. A new UN Special Rapporteur would need to work in synergy with other UN human rights mechanisms and climate governance institutions in order to reinforce and build upon each other's mandates. The new mandate would need full political support and sufficient resources from the Human Rights Council and states, and the UN Special Rapporteur should work closely with civil society and Indigenous Peoples.

For further information visit:
<https://geneva.fes.de/>