A Pro-poor and People-centered Response to Climate Change
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Work relates to
Adaptation x Mitigation x

1. What is your organization doing to advance pro-poor and people-centered climate change?

CIEL has been a leader in developing and utilizing human rights arguments in the climate change debate. By using a rights based approach we hope to achieve the following: 1) increase the pressure on the climate change regime to deliver effective and equitable solutions to climate change mitigation and adaptation; 2) level the power imbalances between those who stand to gain (in the short term) and those who will lose from climate change by providing them with strong leverage to discuss mitigation and adaptation commitments; 3) engage NGO, who may not otherwise consider environmental issues within their portfolio, and thereby strengthen civil society’s ability to participate in the climate change negotiations.

To build the human rights discourse around climate change, CIEL has worked closely with the Maldives Government to prepare the Male’ Declaration on the Human Dimension of Climate Change, which was adopted in November 2007 during a meeting of Small Island States. CIEL is also preparing a paper for the International Union for the Conservation of Nature (IUCN) on A Rights-Based Approach to Climate Change Mitigation. In the next year, we will follow up and contribute to the study on human rights and climate change that will be conducted by the Office of the United Nations High Commissioner for Human Rights. The study by the OHCHR on human rights and climate change presents an opportunity to significantly impact the climate change regime. By recasting the substantive issues under discussion, the OHCHR study can compel effective and equitable solutions from the climate change regime, including with respect to the Bali negotiations and the implementation of the resulting instrument.

CIEL also looks to explore the use of accountability mechanisms, including within the human rights system, to hold those countries that fail to act accountable and provide redress for those that suffer the harm. For example, CIEL worked with two partner organizations, Earthjustice and the Inuit Circumpolar Conference (ICC), to prepare a human rights petition on behalf of the Inuit, which was filed with the Inter-American Commission on Human Rights in December 2005. Recently, CIEL helped to draft a complaint to the Office of the Compliance Advisor Ombudsman of the International Finance Corporation regarding a $55 million loan to Nicaragua Sugar Estates Limited to intensify its sugarcane production and construct an ethanol plant.

The human rights arguments developed outside of the climate change negotiations must then be fed into the drafting of rules for the new international regime, scheduled to be finalized by the end of 2009. CIEL will be central in providing legal analysis and support during the negotiations to ensure that the result will be consistent with the parties’ obligations under international human rights law. CIEL will continue to work with its NGO partners around the world and developing country governments to ensure that their voices are heard in an increasingly crowded field.
2. **What is, in your view, the most critical gap or unaddressed issue in the international negotiations towards a pro-poor climate regime?**

As described above, there is a need to emphasize the moral and human dimension of climate change. To do this, however, will require a detailed understanding of the negotiations in order to identify and develop concrete proposals for how the new regime can incorporate human rights concerns. These proposals should be sensitive to overall objectives of sustainable development, at the same time addressing climate change mitigation, adaptation to its impacts, financial considerations and support for technology transfer, and other aspects of assistance to developing nations.

3. **Do you plan to address this issue? If yes, how?**

Described above. Additionally:

- **Environmental Justice** – protect the procedural and substantive rights of indigenous and other local communities in avoided-deforestation efforts or other mitigation actions that affect natural resources on which they are dependent;
- **Financing Mitigation** – ensure that mitigation finance mechanisms are adequate and effective and that other international financial institutions and export credit agencies do not undermine mitigation efforts;
- **Technology Transfer and Intellectual Property** – enable needed technology transfer so that developing countries, especially, can adequately mitigate climate change;
- **Transparency and Public Participation** – ensure that the negotiation process and the resulting regime’s compliance mechanism, dispute settlement procedures and treaty bodies are transparent and provide meaningful opportunity for public participation;
- **Compliance** – achieve an effective compliance regime; and
- **Trade and Investment** – achieve sufficient policy space for governments, particularly developing countries, to carry out climate change mitigation measures.

4. **What are the challenges you see in addressing this gap?**

There will be a strong push-back to taking a rights based approach; it will be difficult to negotiate approaches that are effective and equitable; it will be difficult to ensure that other international agreements are compatible with and mutually supportive of climate change measures.