

Geneva/Glasgow, November 2021

Open Letter to State Parties to the UNFCCC attending COP26

Dear National Delegates,

The Global Alliance of National Human Rights Institutions (GANHRI) as a result of the COP26 NHRI Symposium - *The role of National Human Rights Institutions in bridging the accountability gap in the climate emergency*, which took place from 3-5 November 2021¹, and based on the national and regional experiences and work of NHRI's, calls on State Parties to the UNFCCC to strengthen climate action in line with their human rights obligations ahead of the critical discussions to be held at COP26.

GANHRI represents 117 independent National Human Rights Institutions (NHRIs), established by law to protect and promote human rights in accordance with UN Paris Principles. With member institutions in every region of the world, GANHRI is a large and diverse global human rights network and a trusted partner of the United Nations.

Concerned with the unprecedented human rights impacts of climate change, GANHRI member institutions have pledged to promote human rights-based climate action through their monitoring, reporting, advisory and awareness-raising functions, both domestically and internationally.

In following up on this commitment, GANHRI urges State Parties attending COP26 to:

- 1. Raise emissions reduction targets to close the gap between current nationally determined contributions and the reduction rates necessary to limit warming to 1.5°C. These targets should be implemented through realistic and specified reduction pathways.**

It is increasingly recognised that if global warming exceeds 1.5°C, the human rights impact on humanity associated with long-lasting or irreversible changes for current and future generations will increase significantly. In light of this, several national courts, human rights treaty bodies, have concluded that States have an obligation to reduce emissions within their jurisdiction or effective

¹ <https://ganhri.org/event/nhris-cop26-symposium/>

control in order to protect human rights. According to the IPCC, the window of opportunity to remain within 1.5°C, and thus ensure effective protection of rights from long-term irreversible climate harm, is quickly narrowing. Even if all current nationally determined contributions under the Paris Agreement are implemented, the planet will still warm by more than 2.7°C by the end of the century. State Parties should therefore raise emissions reduction targets while also detailing realistic and specified emissions reduction pathways to net zero to keep 1.5°C within reach. In line with the precautionary principle, reduction pathways should not rely on nascent technologies that are presently untested or unscalable.

2. Strengthen and scale up adaptation efforts to address the existing human rights impacts of climate change.

Already at the current level of 1.1°C of warming, climate change has severe and accelerating impacts on all fundamental rights, including civil, political, economic and cultural rights, such as the rights to life, health, and an adequate standard of living, including food, water, and housing. State Parties should therefore strengthen and scale up adaptation measures to protect human rights, while also improving States' collective understanding of the Global Goal on Adaptation as referred to in Article 7 of the Paris Agreement.

3. Ensure that any potential framework for emissions trading delivers an overall mitigation of global emissions.

GANHRI is concerned that emission trading mechanisms under Article 6 of the Paris Agreement could help disguise failures in emission cuts while serving to postpone mitigation measures within offsetting countries, thus effectively contributing to emissions-induced climate harm. GANHRI therefore stresses that State Parties must address whether such mechanisms will in fact deliver an "overall mitigation in global emissions" in accordance with Article 6.4 (d) of the Paris Agreement, keeping in mind the limited remaining carbon budget to achieve net zero emissions by 2050 (400 Gt CO₂).

4. Enhance cooperation to make additional financial and other resources available to respond to climate change.

GANHRI recalls the importance of developing countries and States directly and severely affected by climate change accessing additional financial and other resources, sharing of know-how and

best practices, as well as technology transfers for climate change mitigation and adaptation. The UN Charter and human rights law require States to cooperate in the realization of human rights. This duty extends to responding to the threat that climate changes pose to the enjoyment and realization of human rights. GANHRI encourages State Parties to enhance their cooperation in order to make additional financial and other resources available for climate change mitigation and adaptation particularly for less developed countries (LDCs). This cooperation should be based on the objectives and principles of the 1992 UNFCCC and the Paris Agreement, and the principle of common but differentiated responsibility.

State Parties should endeavor to develop specific policies and laws geared towards managing climate change mitigation and ensure that alternative and traditional means of livelihood are put in place and respected particularly for peasants, other persons living in rural areas and indigenous peoples especially in LDCs, so as to be able to get them from depleting forest reserves for commercial use as in the cutting down of trees to process charcoal or the cutting down of logs for timber use and to phase out fossil fuel-based projects and reroute financial resources into the development of environmentally sound renewable energy sources. All measures should employ strict human rights-based approach and inclusive processes of participation and consultation during evaluation, planning and implementation.

GANHRI calls on State Parties, to establish a system of accountability, compensation and the inclusion of a post-2025 new finance commitments, especially by wealthy states giving priority to concrete deliverables on loss and damage, particularly for more vulnerable people whose human rights have been negatively affected by activities of the biggest polluters including private businesses and those who do not fulfill their commitments under the Paris Agreement.

5. Respect, protect and fulfil human rights in any actions they take to address climate change.

State Parties should, respect, promote and consider all their respective international human rights obligations such as the protection of the right to life, right to health, right to food, right to housing and the recognized right to clean, healthy and sustainable environment (HRC Resolution 48/13), when taking action to address climate change by adaptation and mitigation measures, and include reference to the Sustainable Development Goals in recommendations adopted at the COP26. Such measures must comply with the duty of State Parties to protect both substantive and procedural human rights. This also applies to any measures taken pursuant to any emissions trading mechanism established under Article 6 of the Paris Agreement, particularly

in relation to the rights to access to information, public participation, and access to effective legal remedies for violations of human rights.

GANHRI calls on State Parties to guarantee the work and protection of environmental human rights defenders -volunteers, trade unionists, lawyers, journalists among others- and communities working on environmental issues individually or collectively, and recognize their contribution to the enjoyment of human rights, environmental protection and sustainable development (A/HRC/RES/40/11, 2019), and to prevent and investigate serious violations faced by environmental human rights defenders and communities, including forced displacement, killings, threats and arbitrary use of criminal proceedings against them.

State Parties should include efforts to protect climate migrants and refugees in their actions to address human rights violations related to climate change and take concrete actions for the prevention of migration in connection to the climate crisis.

GANHRI calls on State Parties to ensure that private companies, industries and other businesses respect human rights, including the right to a clean, healthy and sustainable environment, and to take appropriate measures to implement the UN Guiding principles on business and human rights to respect, protect and provide effective remedies.

6. Ensure the participation of non-state actors at COP.

State Parties should ensure that NHRIs and non-state actors -communities affected by climate change, NGOs, rural and indigenous communities, environmental human rights defenders are able to play an active and inclusive role in matters relating to meetings of the COP and its subsidiary and constituted bodies. This is important to ensure that all available knowledge is mobilised and different perspectives taken into account in the negotiation and implementation processes. As envisaged in Decision 19/CMA.1, this also applies to the role of non-state actors in the Global Stocktake of the Paris Agreement.

We stand ready to work with State Parties to support the implementation of these critical commitments. We wish you the best of luck for COP26 and hope the conference is a success.

Sincerely,

The Global Alliance of National Human Rights Institutions (GANHRI)