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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Climate action at the national level

Report of the Special Rapporteur on the right to development

Summary

The present report, which is submitted to the Human Rights Council by the Special Rapporteur on the right to development, Saad Alfarargi, pursuant to Council resolutions 33/14 and 42/23, examines climate action at the national level from the perspective of the right to development, highlights good practices and reviews challenges in ensuring the meaningful participation of rights-holders. The Special Rapporteur concludes his report with recommendations on integrating the right to development into climate action.



I. Activities of the Special Rapporteur

1. The present report, submitted to the Human Rights Council pursuant to resolutions 33/14 and 42/23,¹ outlines the activities undertaken by the Special Rapporteur on the right to development since September 2020.
2. In October 2020, the Special Rapporteur presented a thematic report to the General Assembly,² in which he explored the international levels of financing for development policies and practices from the perspective of the right to development. The report concluded with recommendations on integrating the principles of participation, assessment and access, as well as on tackling the challenges in domestic and international resource mobilization, public-private partnerships and financial assistance in the context of both the global pandemic and the implementation of the 2030 Agenda for Sustainable Development.
3. In its resolutions 33/14 establishing and 42/23 extending the mandate of the Special Rapporteur, the Human Rights Council requested that he contribute to, and provide his views on, the work of the Working Group on the Right to Development. On 17 May 2021, the Special Rapporteur held an interactive dialogue with the Working Group on the first day of its twenty-first session, providing an update on his work since the twentieth session. In addition, the Special Rapporteur stressed the challenges and opportunities faced by the Working Group during the negotiations on the draft legally binding instrument on the right to development, the main agenda item of the twenty-first session, encouraged Member States to engage in constructive dialogue and noted the numerous positive aspects of the initial draft.
4. The Special Rapporteur participated in several online events related to the right to development, notably in a discussion organized by the Movement of Non-Aligned Countries (December 2020). In addition, the Special Rapporteur provided recorded statements for the Social Forum (Geneva, October 2020); the Regional Dialogue on the Pacific of the Permanent Forum on Indigenous Issues (January 2021); and the video event entitled “Feminist Climate Action by One and All: Generation Equality, Human Rights and Climate Justice”, held on the occasion of Earth Day (22 April 2021).³ He will also provide a statement for the meeting of the panel on “Financing for the Sustainable Development Goals, Economic and Environmental Rights” (2 July 2021).
5. On 23 February 2021, the Special Rapporteur delivered a statement, entitled, “Establishing synergies between human rights and the achievement of the Sustainable Development Goals: sharing of experiences and good practices”, at a side-event to the forty-sixth session of the Human Rights Council organized by the Permanent Mission of Morocco to the United Nations. The statement focused on the importance of sharing concrete experiences and good practices in integrating human rights into the implementation of the Sustainable Development Goals and how international cooperation, particularly South-South cooperation, and capacity-building in the field of human rights can contribute to the implementation of the 2030 Agenda. The Special Rapporteur outlined his recommendations on South-South cooperation and the implementation of the right to development and took part in the interactive discussion.
6. On 9 March 2021, the Special Rapporteur was a keynote speaker at the virtual meeting on “Supporting Human Rights-based Inclusive Resilience for All”, which took place during the seventh Asia-Pacific Adaptation Forum, held on the theme, “Enabling Resilience for All: The Critical Decade to Scale Up Action”. In his statement, he highlighted the urgent need to look at climate action and disaster risk reduction from a human rights perspective. He recommended that Governments promote channels of participation at all stages of the planning, implementation, evaluation and monitoring of disaster risk reduction and climate action policies and programmes on a continuous basis for all relevant stakeholders, in particular those who are most disadvantaged, including persons with disabilities, women,

¹ See “United Nations Special Rapporteur on the right to development: an introduction to the mandate”: www.ohchr.org/Documents/Issues/Development/SR/SRRightDevelopment_IntroductiontoMandate.pdf (2017).

² A/75/167.

³ www.empowerforclimate.org/en/events/2021/04/feminist-climate-action-by-one-and-all.

children and young people, minorities, indigenous peoples and members of other disempowered and marginalized groups.

7. On 17 March 2021, the Special Rapporteur spoke at a virtual side-event to the forty-sixth session of the Human Rights Council, entitled “The negative impacts of the non-repatriation of funds of illicit origin on the enjoyment of human rights”. In his statement, he highlighted that the illicit financial flows are an outstanding systemic problem leading to the outflow of massive sums of financial resources from developing countries, which restrict their ability to mobilize resources either for action on sustainable development or for the funding of their human rights agenda. He recommended that Member States empower and protect civil society organizations (CSOs) and defenders engaged in fighting corruption and financial crimes, seeking social justice, investigating illicit financial flows and documenting the adverse impacts of development policies and projects.

8. In July 2021, the Special Rapporteur will participate in the high-level political forum on sustainable development, the United Nations central platform for follow-up and review of the implementation of the 2030 Agenda and the Sustainable Development Goals. On 6 July 2021, at the meeting entitled “Ensuring that no one is left behind”, he will address the issues of how to build back from the setback in poverty, unemployment and exclusion caused by the COVID-19 pandemic and how to protect the poorest and most vulnerable from the crisis and empower them to realize the Sustainable Development Goals. The Special Rapporteur will also highlight the urgent need to include marginalized members of society, such as women, racial, religious and ethnic minorities, internally displaced people, migrants, people with disabilities and the poor, in decision-making processes related to the implementation of the 2030 Agenda.

II. Climate action and the right to development

A. Introduction

9. Under his mandate, the Special Rapporteur is charged with the responsibility to contribute to the promotion, protection and fulfilment of the right to development in the context of the implementation of the 2030 Agenda and other internationally agreed outcomes adopted in 2015, including the Paris Agreement on climate change. In implementing this mandate, the Special Rapporteur intends to examine further the intersection of climate action and the right to development.

10. In the present report, the Special Rapporteur expands on the guidelines and recommendations on the practical implementation of the right to development that he presented to the Human Rights Council in September 2019.⁴ Those guidelines emerged from worldwide consultations conducted in 2018 and 2019, as mandated by the Council in its resolution 36/9.⁵ The consultations brought together diverse participants who identified good practices in designing, implementing, monitoring and assessing policies and programmes that contribute to the realization of the right to development. The Special Rapporteur has also continued to review the challenges that stakeholders face and to make practical recommendations on ways to integrate a right to development-based perspective into climate action.

B. Policy and normative background on climate action and the right to development

11. Article 1 of the Declaration on the Right to Development⁶ states that: “The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and

⁴ A/HRC/42/38.

⁵ See also www.ohchr.org/EN/Issues/Development/SRDevelopment/Pages/RegionalConsultation.aspx.

⁶ General Assembly resolution 41/128.

political development ...”. The Declaration also outlines principles that should guide policy decisions on climate action, including that: (a) “The human right to development also implies the full realization of peoples to self-determination, which includes, subject to the relevant provisions of both International Covenants on Human Rights, the exercise of their inalienable right to full sovereignty over all their natural wealth and resources” (art. 1); (b) the benefits of development should be fairly distributed (art. 2); (c) “States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income”; (d) “Effective measures should be undertaken to ensure that women have an active role in the development process (art. 8)”; and (e) “States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights” (art. 8).

12. In its formulation, the 2030 Agenda was guided by the purposes and principles of the Charter of the United Nations, including full respect for international law, grounded in the Universal Declaration of Human Rights and international human rights treaties, and informed by other instruments such as the Declaration on the Right to Development. The key principles of the Declaration on the Right to Development were reaffirmed throughout the 2030 Agenda, as were the principles of the Rio Declaration on Environment and Development and the principle of common but differentiated responsibilities (para. 12). In Sustainable Development Goal 13, Member States committed to undertake urgent action to combat climate change and its impacts.

13. Several targets established to achieve Goal 13 are of particular relevance to the right to development:

- (a) Target 13.1: Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries;
- (b) Target 13.2: Integrate climate change measures into national policies, strategies and planning;
- (c) Target 13.3: Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning;
- (d) Target 13.b: Promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing States, including focusing on women, youth and local and marginalized communities.

It is the Special Rapporteur’s conviction that none of the above targets can be effectively achieved without the informed and active participation of the affected communities in all processes and at all levels of decision-making with regard to the evaluation, planning, monitoring and implementation of climate action.

14. The goal of the Paris Agreement⁷ is to hold the increase in global average temperature rise to well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 degrees Celsius above pre-industrial levels over the course of the twenty-first century. The agreement also aims to strengthen the ability of countries to deal with the impacts of climate change through appropriate financial flows, a new technology framework and an enhanced capacity-building framework. In order to achieve those results, the Paris Agreement explicitly states, in its preamble, that “Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, [...] the right to development, as well as gender equality, empowerment of women and intergenerational equity”. The preamble also affirms, inter alia, the importance of public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in the agreement and recognized the importance of the engagements of all levels of government and various actors in addressing climate change. In article 7 (5), the Parties specifically acknowledged that adaptation action should follow a

⁷ FCCC/CP/2015/10/Add.1.

country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and that it should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems. In article 12 of the agreement, Parties recognized the importance, inter alia, of public awareness, public participation and public access to information with respect to enhancing climate action. The above commitments resonate with the commitment to ensure participation contained in the Declaration on the Right to Development.

C. Integrating the right to development into climate action: practical examples

15. To collect information about the extent to which rights-holders have been placed at the centre of decision-making processes on climate action, the Special Rapporteur issued a call for submissions from States Members of the United Nations and from relevant international organizations, practitioners, CSOs, non-governmental organizations (NGOs), think tanks and academics.⁸

16. A number of countries provided practical examples of ways in which they have integrated the right to development into national climate action, and several civil society actors also provided examples of participatory practices in the area of climate action. The Special Rapporteur is grateful to all of the countries and other stakeholders that provided inputs for the compilation of the report.⁹ The Special Rapporteur recognizes that as a result of the COVID-19 pandemic many stakeholders had to redirect resources, and he is grateful to all those who devoted their time and efforts in order to provide contributions, thus allowing him to provide examples that may be adapted and used in particular national circumstances. The Special Rapporteur is also grateful to the United Nations Environment Programme (UNEP) for its contribution and cooperation.

17. In its submission of 31 March 2021, the Government of Azerbaijan reported that it had joined the United Nations Framework Convention on Climate Change in 1995 and had ratified the Kyoto Protocol in 2000. Even though Azerbaijan is a non-annex I party to the Convention, it has nevertheless made commitments to reduce emissions. The main measures in the energy sector have involved switching from oil to natural gas, increasing the efficiency of power and heat generation processes and limiting methane leaks from oil and gas production. In 2016, the country ratified the Paris Agreement and set a target to reduce greenhouse gas emissions by 35 per cent below the 1990 levels by 2030. The Ministry of Ecology and Natural Resources, which coordinates environmental and climate change issues, has initiated the development of a national strategy for low carbon development and a national adaptation plan and has established working groups staffed by representatives of all relevant ministries and State agencies. The National Coordination Council on Sustainable Development, headed by the Deputy Prime Minister, brings together representatives from various ministries to ensure that the country's socioeconomic programmes and strategies conform with the Sustainable Development Goals. The Council has also established a working group on environmental issues, including climate change.

18. On 1 March 2020, by Presidential Decree, the State Commission on Climate Change was reorganized, including a working group consisting of representatives of relevant organizations under the coordination of the Ministry of Ecology and Natural Resources.

19. In its submission of 28 March 2021, the Government of Bahrain reported that global warming is accelerating environmental degradation and deterioration in multiple sectors of the country. As a vulnerable small island developing State, Bahrain dedicates special attention and resources to manage these challenges. The Constitution (art. 9.h) calls upon the State to take all necessary actions to protect the environment and preserve its natural and

⁸ The call for submissions is available at:

www.ohchr.org/EN/Issues/Development/SRDevelopment/Pages/SRDevelopmentIndex.aspx.

⁹ Submissions are available at:

<http://www.ohchr.org/EN/Issues/Development/SRDevelopment/Pages/SRDevelopmentIndex.aspx>.

wildlife resources. The National Action Charter (chap. 3.5) also calls for the protection of the environment and natural resources while safeguarding the health and ensuring the security of the population. The Bahrain Economic Vision 2030, launched in 2008, and subsequent Government action plans are aimed at ensuring a balance between the protection of the environment and economic development and prosperity.

20. An environment affairs institution, established in 1996, was upgraded in 2012 and renamed the Supreme Council of the Environment. The Supreme Council has set out a strategy to address environmental concerns, working in conjunction with several environment-related governmental institutions: the Joint Climate Change Committee (2007), which is mandated to set the national climate change policies and actions; the Water Resources Council (1982), which is responsible for devising the water policies in the country; and the Sustainable Energy Authority (2014), which is mandated to address energy sustainability and introduce renewable energy projects. The Supreme Council also works with other governmental bodies to ensure that climate change concerns are incorporated into government development plans and projects and to raise public awareness with regard to the importance of respect for the environment, as articulated in Legislative Decree No. 21/1996. Bahrain ratified the United Nations Framework Convention on Climate Change in 1992, the Kyoto Protocol in 2006 and the Paris Agreement adopted under the Convention in 2016.

21. Within the country, climate action is integrated into national policies and strategies, including the National Integrated Waste Management Strategy (2019) and the National Water Strategy (2021). Bahrain has initiated talks with different sectors, in particular the technology and academic sectors and civil society, about transforming the country based on the “Smart City” model, building on the use of technology to improve energy consumption and air quality, with the support of the members of the community, civil society and specialized institutions. The Third Smart Cities Symposium, hosted in September 2020 by the University of Bahrain, focused on information sharing and raising awareness about the emerging concept of Smart Cities.

22. The first voluntary national review of Bahrain (2018) on the implementation of the 2030 Agenda and the Sustainable Development Goals outlined progress on the Goals related to health, women’s empowerment, water and sanitation accessibility and energy affordability: reported outcomes on targets and indicators related to Goal 13 reflect improvements in climate change efforts as a result of well-placed mitigation strategies, particularly in the industrial, gas and oil sectors. The Supreme Council is in the process of preparing a national adaptation plan, including mechanisms empowering members of civil society to make a greater contribution to climate change.

23. In its submission of 11 May 2021, the Government of the Plurinational State of Bolivia reported that, since 2006, it has implemented a policy focusing on vulnerable sectors of the population in order to combat poverty, inequality, inequity and racism. The Constitution, in article 241, guarantees the participation of indigenous communities in social control in order to ensure the transparent use and management of information and resources in public management. Law 777 on the comprehensive planning system, which incorporates elements of climate change management using a sectoral and territorial articulation approach, governs the comprehensive planning system, which integrates a number of participatory processes.

24. The systematic incorporation of climate change risk management into development guidelines and into the national comprehensive planning system was made more effective through Law 300, on the framework of Mother Earth and the comprehensive development of “living well in harmony with nature”, and Law 777, on the comprehensive planning system. Under these two laws, the Government prepared the economic and social development plan (2016–2020), regulating medium-term planning. All public entities at the central and subnational governmental levels prepared and implemented comprehensive development plans, within which actions have been incorporated to advance issues related to the Sustainable Development Goals and the country’s commitments under the Paris Agreement.

25. In its submission of 31 March 2021, the Government of Brunei Darussalam reported that the involvement of youth was highly valued in the elaboration of the country’s first national climate change policy: 51 youth representatives from a range of local youth-led

NGOs were selected to participate in the drafting of the policy. As part of the drafting process, a youth review of climate change policy took place on 2 November 2019. To ensure accessibility to reliable, timely and easy-to-read information, the climate change policy has been shared in its entirety online.¹⁰ Since 2020, the Brunei Climate Change Secretariat, a government authority mandated to develop, implement, monitor and evaluate climate change policies, strategies and actions, hosted 10 youth apprentices who contribute a youth perspective to its work. The Climate Change Secretariat is the focal point for climate change matters and its broad responsibilities include planning, implementing, monitoring and reporting on progress in the implementation of the national climate change policy.

26. Brunei Darussalam has adopted a holistic approach to addressing adverse changing climate patterns. In particular, strategy 10 of the national policy focuses on increasing awareness and education among the public, students and stakeholders from the business sector about mitigation and adaptation responses against climate change. To achieve the objectives of strategy 10, the Climate Change Secretariat engages with stakeholders in establishing educational development and awareness programmes about the importance of reducing energy consumption and industrial emissions, encouraging community forestry actions and the minimalization of waste. The Secretariat also conducts outreach programmes, including through Instagram and Facebook, school talks and road shows across all four districts of the country to promote the national policy.

27. Following the launch of the national climate change policy in July 2020, a series of workshops were organized, including participation from the public and private sectors, NGOs, civil society associations, academia and youth, in order to gather input from all relevant stakeholders and to develop a detailed action plan to operationalize each of the 10 strategies of the policy.

28. In its submission of 5 February 2021, the Government of Chile reported that its national platform for disaster risk reduction, headed by the National Emergency Office of the Ministry of the Interior, has proven to be an effective governance mechanism for the formulation and implementation of the national policy for disaster risk reduction. The Ministry of Social Development and Family, through a participatory multisectoral process, led the design and implementation of a methodology to support the efforts of provincial and municipal governments to identify and address possible disaster risk scenarios, including those where poverty and vulnerability are key variables.

29. In 2014, the Ministry of Social Development and Family took on the role of carrying out a social diagnosis of families affected by emergencies, including fires, earthquakes, tsunamis, floods or water shortages. A survey methodology was created, allowing for a post-emergency self-assessment by the victims. This information is essential for the drafting of emergency plans, which are made available to the Ministry of the Interior, which is in charge of taking decisions on further interventions.

30. In the context of the implementation of the 2030 Agenda, as of 2020, the Under-Secretariat for Social Services of the Ministry of Social Development and Family created a social information system in emergencies, which expanded the ability of the Ministry to generate coordination mechanisms with other public or private actors, help affected families and propose improvements to cadastral instruments and to their application. To implement the nationally determined contribution, the Ministry of the Environment, through its Climate Change Division, was nominated as the focal point for the implementation of the United Nations Framework Convention on Climate Change and for proposing policies and formulating programmes and action plans on climate change.

31. In its submission of 25 March 2021, the Government of Ecuador reported that it has a national plan for adaptation to climate change aimed at reducing the vulnerability of human and natural systems and ensuring the integration of adaptation measures to climate change into development planning. Ecuador's fourth national communication on climate change and its second biennial update report both focus on national efforts and on progress in addressing climate change in between 2016 and 2020. Its nationally determined contribution sets general

¹⁰ www.climatechange.gov.bn/SitePages/Pages/Home.aspx.

objectives for the implementation of policies and actions to address the adverse effects of climate change.

32. Ecuador has elaborated a considerable number of strategic and policy documents aimed at preventing and mitigating the risks posed by climate change. In particular, the national climate change strategy (2015–2021) was drafted with contributions from every governmental sector, as well as the decentralized autonomous governments. The process of drafting the national adaptation plan brought together State entities, research institutes, local governments with experience in climate change issues and representatives of civil society. The elaboration of the national communication on climate change was cited as a good example of participatory process, mainly by the academic sector.

33. The current organic environmental code and its regulations allow for the establishment open-forum mechanisms to inform the population about climate risk studies, adaptation measures and development policies that address the potential negative effects of climate change. Furthermore, the Inter-Institutional Committee on Climate Change brings together representatives of sectors prioritized for climate change management and other key institutions to discuss all processes related to the management of climate change.

34. In its submissions of 26 March and 1 April 2021, the Government of Italy reported on its belief in the importance of public participation in decision-making process, including for the most vulnerable individuals. Tackling the challenges posed by climate change, both in terms of mitigation and adaption actions, can contribute significantly to sustainable development. The integrated national energy and climate plan (2020)¹¹ outlines the country's approach to addressing energy efficiency, renewables, the reduction of greenhouse gas emissions, research and innovation until 2030, with a perspective to 2050. The plan was evaluated through a strategic impact assessment in order to gauge the environmental implications of a range of climate change-related policies and programmes. Public consultations in the form of public debates on climate change are envisaged.

35. The draft of the national adaptation plan (2018), aimed at implementing the national adaptation strategy, is undergoing a strategic impact assessment. The plan contains dedicated instruments to promote participation and knowledge-sharing with civil society, such as a permanent forum and a national observatory.

36. The long-term strategy on climate change to 2050 (approved in 2020) considers how to address the climate challenge over the long run, as mandated by the Paris Agreement. The strategy identifies possible pathways to achieve “climate neutrality”. It has been approved after a public consultation, including hundreds of contributions from stakeholders.¹²

37. The strategy for sustainable development, initially approved in 1992, was revised in 2002 and 2017, through a multilevel consultation involving civil society. A new update is currently in process; a preparatory meeting with the main institutions, civil society and stakeholders was held in early 2021.

38. Following its ratification of the Convention on the Rights of Persons with Disabilities, Italy established a national observatory on the condition of persons with disabilities, which is responsible for promoting the principles of the Convention. The observatory participates in the elaboration of policies to improve access to information and services, works to ensure the involvement of people with disabilities in the programming of interventions in the rescue and emergency context and promotes the inclusion of persons with disabilities in the national plan against pandemics.

39. In its submission of 28 March 2021, the Government of Kenya reported that it has enacted a Climate Change Act (2016) for the development, management, implementation and regulation of mechanisms for the enhancement of climate change resilience. Its guiding values and principles include equity and social inclusion in the allocation of costs and benefits in order to cater to a range of special needs, vulnerabilities, capabilities, disparities and responsibilities. Under the Act, the Government established the National Climate Change

¹¹ An unofficial (courtesy) translation of the executive summary is available at: https://ec.europa.eu/clima/sites/its/its_it_sum_en.pdf.

¹² Ibid.

Council as the overarching coordination mechanism in this field; the Council includes a member who represents a marginalized community.¹³ Under the Act, public entities at each level of government are required, in developing climate strategies, laws and policies, to raise public awareness and conduct public consultations.

40. The Climate Change Act also requires the National Climate Change Council and the Climate Change Directorate to publish and publicize all important information on climate change. Anyone can request information from the Council and the Directorate. The Council publishes an annual public engagement strategy on climate change action and encourages suggestions for the objectives of future action plans. The Act also imposes a requirement for public consultations on matters relating to climate change policy, strategy, programming, plans or actions: the initiating entity must publish a notice inviting written comments in the national Gazette and in at least two newspapers with national circulation and must broadcast it on at least one local radio station.

41. The Public Participation Bill (2019) obligates State bodies to convene public participation forums, to ensure that the holding of such forums is widely publicized to enable wide participation, including of women, youth, persons with disabilities and marginalized groups, and to ensure that members of the public are accorded a reasonable time to make their oral or written presentations without interruption or influence by State/public officials. The participation of women, youth and persons with disabilities in decision-making processes is a guiding principle of the Bill. In the light of this commitment, Kenya has developed a web-based climate change knowledge- and information-sharing portal.

42. The Constitution guarantees the right to a clean and healthy environment. The Climate Change Act provides for the formulation of a national climate change action plan to guide the country towards the achievement of low-carbon and climate-resilient sustainable development. The development of the action plan is inclusive, involving the prioritization of a range of climate change actions.

43. One of the goals of the Climate Change Act is the mainstreaming of intergenerational and gender equity into all aspects of climate change responses. The National Climate Change Council is also mandated to formulate a national gender and intergenerationally responsive public education and awareness strategy and to set out procedures to ensure gender and intergenerational equity in access to funds from the national climate change fund. Kenya works closely with several CSOs in advocating and supporting the implementation of human rights-driven climate change action. These organizations are also represented at the top levels of climate change governance and are involved in the development and implementation of climate action.

44. The national climate finance policy (2018), which promotes the establishment of legal, institutional and reporting frameworks for climate finance, aims at furthering national development goals through the enhanced mobilization of climate finance and provides for adoption of a climate finance strategy and the establishment of appropriate funding mechanisms.

45. In 2016, Kenya ratified the Paris Agreement and deposited its nationally determined contribution to the global response to climate change (updated in 2020), in which it committed to mainstreaming climate change adaptation into medium-term plans and to implementing climate adaptation actions. Kenya has also developed a national adaptation plan (2015–2030) and adopted the use of the environmental impact assessments as a tool to help decision makers improve the environmental outcomes of their management decisions and ensure inclusion of environmental human rights.

46. In its submission on 15 April 2021, the Government of Lebanon reported that it has prioritized gender-responsiveness in its climate relevant policies to ensure the optimized implementation of mitigation and adaptation actions and to account for vulnerabilities. The Ministry of the Environment and the National Commission for Lebanese Women have put forward a set of standard operating procedures to assist ministries in integrating the gender perspective into policies and strategies, providing steps and actions to integrate gender into

¹³ The submission does not specify which community or how the representative is elected.

climate planning and reporting, including the collection of related data. The procedures include background information on climate change and gender, an overview of the gender integration process and the main actors involved, a guide on planning and reporting, as well as analysis and the provision of practical examples.

47. Lebanon provides regular updates on mitigation and adaptation actions and options and data on greenhouse emissions on the website of the Ministry of the Environment and through newsletters. Videos and infographics are disseminated through social media to raise climate awareness among all segments of the society. Climate consultations regularly include women's organizations and other CSOs.

48. The national sustainable development strategy (2015) was developed to enhance the concept of the right to development and to ensure economic growth that does not hinder social growth or environmental integrity. The draft strategy was posted on the website of the Council of Ministers to allow stakeholders to provide feedback; it is pending finalization and adoption.

49. An analysis was carried out to assess the impacts of climate change on the Sustainable Development Goals, including a synchronization exercise, demonstrating that climate action has an impact on the achievement of food security, the alleviation of poverty, well-being and good health, economic prosperity, gender equality and the quality of all life on land and in the water.

50. The Access to Information Law (28/2017) allows rights-holders access to the data of public institutions, thus enhancing the transparency of decision-making and the implementation of strategies and climate-related plans. The law enshrines the right to appeal Government decisions related to climate change and development policies before the State Council.

51. The Government reported on several policies and strategies that contribute to reducing greenhouse gas emissions and vulnerabilities to climate change and on a financial recovery plan (2020) mandating the implementation of the Paris Agreement through the issuance of decrees and the nationally determined contribution. The Government prioritized the launch of the Lebanese "green investment facility", a financial tool to enhance investments, and the development of a national sustainable development strategy, in conjunction with a low-emission development strategy. The financial recovery plan proposes a fiscal reform package accompanied by social safety net measures to protect the most vulnerable segments of the population, including cash transfers for poor households to cover basic needs.

52. In its submission of 1 March 2021, the Government of Maldives reported that its main policy document mainstreaming climate action is its climate change policy framework, which includes "Ensuring intergenerational equitability" as one of its guiding principles. The public is encouraged to participate and to share concerns in the planning stage of all development projects through the elected island councils. Public consultations are carried out by the Environmental Protection Agency during the assessment process for environmental impact assessment reports, which developers are obligated to submit under the Environment Protection and Preservation Act. Community groups, including women and the elderly, are consulted during the preparation of all such reports, and the approval process for major development projects requires that the reports be published. The public is invited to submit any concerns; the Environmental Protection Agency takes such comments into consideration in making its decisions. If impact assessments are not approved by the Agency, projects are discontinued.

53. The chapter on "resilient communities" of the strategic action plan 2019–2023 contains a policy for strengthening adaptation actions and building a climate-resilient infrastructure and communities. The plan was formulated through wide consultations with CSOs, representing vulnerable populations. Other policies to prevent and mitigate climate change risk are included in the 2015 nationally determined contribution and its 2020 update. A draft climate change bill, aiming to enhance the implementation of climate action, is under discussion in Parliament. With international aid, Maldives is on track to achieve net-zero emissions by 2030. While stakeholders are consulted in the preparation of climate-related plans and policies, the Government acknowledges the need for wider community discussions and seeks to enhance community participation during the evaluation stages.

54. The Government listed several legal avenues through which rights-holders can ensure accountability and seek remedies for the potential negative effects of climate change and development policies or to influence developmental and environmental projects.

55. In its submission of 29 April 2021, the Government of Mexico reported that its main mechanism for public participation is public consultations. In July 2020, eight regional consultation forums were held on environmental issues, with responses to climate change among the main topics. The General Law on Climate Change recognizes social participation as a priority in all processes of climate change mitigation and adaptation.

56. Governmental agencies and state governments were involved in the process of updating the country's nationally determined contribution, including consultations with the private sector and civil society groups, as well as public-private dialogues with representatives of each of the relevant sectors. In addition, online consultations were established to ensure wider participation in the elaboration of the national climate policy.

57. The National Institute of Indigenous Peoples is in charge of organizing consultations with indigenous communities prior to the implementation of any governmental or private project located in indigenous territory, in recognition of their right to free, prior and informed consultation. The consultations involve a five-step process, involving prior-agreement, informational, deliberative, consultative and agreement stages.

58. The National Forestry Commission is in charge of public consultations with indigenous communities on the development of activities the forestry sector. Its work has resulted in the building of a culturally, socially and environmentally relevant and viable national strategy, derived from the participatory, voluntary, open, free and inclusive process for indigenous and Afro-descendant peoples and communities.

59. The National Water Law established a mechanism to incorporate the participation of citizens in decision-making on water rights and access through the "basin councils". The National Water Commission, which is responsible for water management at the national level, promotes the development and strengthening of the councils.

60. An example of good practices being carried out in natural protected areas is the creation, functioning and strengthening of consultative councils, which promote citizen participation, including the representation of communities that interact and live in natural protected areas and make use of their biodiversity. The Advisory Council, a consultative body bringing together representatives of the different sectors of the population, advises the Director of the National Commission on Natural Protected Areas and promotes the organized participation of the people who live in such areas.

61. In its submission of 23 April 2021, the Government of Namibia reported that it has established a Climate Change Unit as the national designated authority under the United Nations Framework Convention on Climate Change: the Unit is mandated to plan, formulate, coordinate, implement and evaluate progress in addressing the negative impacts of climate change, including by providing advice on which segments of the population require focused interventions based on a risk and vulnerability criteria developed through the reporting process under the Convention. The Ministry of Environment, Forestry and Tourism coordinates the drafting of project proposals for funding by organizations such as the Green Climate Fund or the Adaptation Fund, which require the participation of the most vulnerable segments of the population. The Government also provides information on projects funded by the national Environment Investment Fund. To facilitate the participation of communities, adaptation toolkits have been introduced that are tailored to the populations of each region within the country and translated into local languages. In addition, programming raising public awareness of climate change is broadcast on the radio and strategic engagement with representatives of local communities is maintained.

62. In its submission of 5 April 2021, the Government of Romania reported that it ratified the Paris Agreement in 2017 and has undertaken measures to reduce greenhouse gas emissions, resulting in emissions lower than its annual targets between 2013 and 2017. The national legal framework includes: legislation on the installation of infrastructure for alternative fuels; promotion of e-mobility; environmental impact assessments for certain public and private projects; air quality regulation; and reduction of illegal logging.

63. In November 2018, the Government adopted its national strategy for sustainable development, the result of a broad consultative process involving the ministries and other central institutions, local authorities, regional development agencies, academic and university forums, national institutes of research and development, employer associations and trade unions, the private sector, NGOs, CSOs and interested citizens.

64. The Interdepartmental Committee for Sustainable Development (2019), which is chaired by the Prime Minister and composed of members of the Government, seeks to integrate the principles and objectives of sustainable development into all national policies, programmes, plans and strategies: the Committee reports annually to Parliament on the implementation of the national strategy. A consultative council for sustainable development has been set up to ensure that representatives of academia, research and civil society are always engaged in the monitoring of developments in the field of sustainable development, from the first stages through the elaboration of programmes and methodological documents. The national strategy adapts the 2030 Agenda to the domestic challenges, proposes sustainable policies to meet the Sustainable Development Goals, focuses on accessibility and promotes stakeholder involvement.

65. Romania places significant emphasis on mechanisms that enhance partnerships among different stakeholders and on the role of young people as actors in the field of sustainable development. Romania is party to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention). Domestically, the law on transparency over decision-making in public administration grants citizens the right to participate in decision-making processes on environmental matters.

66. The website of the Ministry of Environment, Waters and Forests, the primary source of intelligence on environmental developments in the country, provides information on laws, reports, assessments, national strategies and plans, the membership of various commissions and committees and public announcements. A dedicated section of the site, entitled “Access to environmental information”, provides the text and implementation guide of the Aarhus Convention and decisions on national compliance with it. The 2005 directive on public access to information on environmental matters, a guide for public authorities in accessing environmental information (2020) and a brochure on procedure to access environmental information are also available to the general public. Law No. 292/2018 on the assessment of the impact of projects on the environment regulates public participation in related processes.

67. In its submission of 30 March 2021, the Government of Saudi Arabia reported that it has been implementing a comprehensive set of reforms known as “Vision 2030” since 2015. In this process, the most vulnerable segments of society have been positioned at the centre of reforms to ensure their social protection, and a citizen account fund has been set up to provide social security for this sector of the population. Vision 2030 also includes projects that feature 100 per cent renewable, low-carbon technologies and advanced transportation options, including programmes that aim to advance the country from twenty-sixth to tenth ranking in the Social Capital Index.¹⁴

68. Saudi Arabia has one of the most advanced Internet networks in the world. Information relevant to Vision 2030 is regularly provided through digital and mainstream media. Citizens, including the vulnerable segments of the population, are provided with access for raising their concerns through e-government channels.

69. Disaster risk resulting from climate change, including, notably, rising sea levels in coastal settlements, requires the incorporation of large-scale adaptation measures in development projects. In this regard, it is the role of local authorities to conduct stakeholder consultation processes to ensure that the views of affected communities are taken into account.

70. The impact of development programmes, including climate change mitigation and adaptation measures, on local communities are considered through communication channels

¹⁴ See <https://solability.com/the-global-sustainable-competitiveness-index/the-index/social-capital>. In 2020, the country was listed in 46th position in the Social Capital Index.

put in place by the central government. These channels are made available through e-government technologies as well as through more traditional grievance procedures, notably local representative bodies of the authority of the central Government.

71. In 2021, in order to address the challenge of losses caused by dust storms, the country initiated the “Saudi Green Initiative” and the “Middle East Green Initiative”, which, combined, aim to reduce carbon emissions by more than 4 per cent of global contributions, thus advancing progress towards the goal of limiting the degradation of lands/fungal habitats and 1 per cent towards the global target of planting 1 trillion trees.

72. All development programmes under Vision 2030 consider their possible adverse effects on vulnerable segments of the population. To compensate unemployed persons, persons with disabilities and other vulnerable groups which have experienced an increase in their cost of living as a result of tax reforms, the Government has introduced direct social assistance measures.

73. The national post COVID-19 economic recovery plan includes a series of programmes, including the goal of achieving 50 per cent of renewables in the energy mix by 2030, building the world’s largest green hydrogen facility and expanding the world’s largest carbon-capture and utilization project. These projects incorporate climate mitigation and further economic diversification.

74. In its submission of 22 March 2021, the Government of Sri Lanka reported that it considers the interests of all vulnerable groups when developing projects on climate change, thus ensuring equal protection and the sharing of benefits. In accordance with the Right to Information Act, all citizens may request information from relevant authorities, which use multiple modes of communication to transmit climate change-related information. Article 27 (14) of the Constitution guarantees citizens the right to a healthy environment. The country has adopted a national adaptation plan (2016–2025), which identifies the most vulnerable sectors, communities and areas in order to ensure their participation in implementing climate action. In the preparation of the national sectoral policies, the issuance of draft documents is publicly announced and time is allocated for comments from the public. In disaster-prone areas, early warnings are routinely issued to guarantee social protection and disaster relief committees have been established, with community participation. When providing disaster relief, priority is given to vulnerable groups such as children, older persons and persons with disabilities.

75. In its submission of 4 March 2021, the Government of Thailand reported that public participation in environmental management and decision-making is embraced in its laws, policies and plans, including the Constitution, section 43 (2) of which guarantees the rights of individuals and communities to participate in the balanced and sustainable management, maintenance and utilization of natural resources, the environment and biological diversity. Sections 57 (2) and 58 of the Constitution stipulate that the rights of people affected or likely to be affected by business plans or projects shall be protected by the Constitution. A public participation process/stakeholder consultation must take place before permission to implement a project is granted.

76. In Thailand, regulations on public hearings have been in place since 1996 in order to give the public the opportunity to provide comments as part of decision-making processes. The National Strategies Preparation Act of 2017 established public participation processes in the formulation, implementation, monitoring and evaluation of national strategies. The Enhancement and Conservation of National Environmental Quality Act of 1992 ensured public participation in environmental impact assessment procedures prior to approval of development projects. The Official Information Act of 1997 granted people the right to request the disclosure of information from related governmental agencies. The proceedings for public participation are regulated in accordance with Royal Decree on the Criteria and Procedures of Good Governance of 2003 and the Regulation on Public Consultations issued by the Office of the Prime Minister in 2005.

77. In 2015, Thailand adopted its climate change master plan (2015–2050). It has also adopted a national adaptation plan as the framework for guiding adaptation efforts in the following six sectors: water management; agriculture; natural resources management; tourism; public health; and human settlements. The key principles set out in the national plans

focus on human rights and gender responsiveness, taking into account vulnerable groups (the elderly, the disabled, women and children), and a community-based adaptation approach, which emphasizes the development of community capacities to respond to climate change.

78. A national committee on climate change policy, chaired by the Prime Minister and comprising representatives from governmental agencies, the private sector and academia, has been appointed to develop climate change policies, plans and strategies. The setting of the reduction target for greenhouse gas emissions in the nationally determined contribution was determined through the establishment of interministerial working groups and public consultations, including representatives from relevant sectoral agencies, academia and the private sector.

79. In its submission of 8 April 2021, the Government of Togo reported on the development of its national climate change adaptation plan, including: a guide for integrating adaptation into sectoral planning; the development of the nationally determined contribution; the implementation of an integrated land and disaster management project; and the implementation of a climate change support project to ensure the participation of marginalized groups in climate action. The Government also listed the following documents as relevant to climate action and participation of communities: the framework law on the environment; the national climate change adaptation plan; the disaster risk management contingency plan; the national development plan 2018–2022; and the road map 2020–2025.

80. In its submission of 21 February 2021, the Government of Ukraine reported that it has reduced its emissions by 63.99 per cent since 1990. After ratifying the Paris Agreement in 2015, Ukraine, by Decree No. 980-r of the Cabinet of Ministers, adopted its nationally determined contribution and a number of other documents to address climate change. At present the country is preparing its second contribution, which will set a new target for reduction of greenhouse gases until 2030. As part of preparation of the upcoming contribution, governmental agencies have conducted assessments of possible scenarios of economic development over the medium- and long-term, the dynamics of greenhouse gas emissions and the amount of required investment. Assessments indicate the possibility of setting a more ambitious goal for the reduction of greenhouse gas emissions by 2030 than the one established in the current nationally determined contribution and the possibility of reaching a carbon-neutral economy in line with article 4 of the Paris Agreement.

81. The country is preparing a framework strategy for eco-security and adaptation to climate change in order to coordinate the process of data collection, scientific assessment and research and to ensure the coordination of the activities of various authorities at the national and local levels. To engage the wider public in the discussions on the formation of climate policy, several working groups have been established with various stakeholders. Documents of national importance undergo a mandatory public discussion to coordinate the position of and inform the public about regulatory acts adopted by the Government.

82. In its submission of 29 March 2021, Maat for Peace, Development and Human Rights, an NGO, provided information regarding several projects that it considered to be good examples of climate action, such as: efforts to improve air quality through a national network of ambient air quality monitoring stations; methods of improving water quality; waste and residues management legislation; introduction of financial incentives for the private sector to invest in waste processing; the integration of workers in the informal sector in the field of collecting and recycling waste into the official waste management system; and reforestation projects.

83. Another organization, Environnement Ressources Naturelles et Développement, a member of the International Land Coalition, in its submission of 9 April 2021, provided information regarding the right to development of an indigenous population in relation to climate change, describing the adoption of an integral approach on the preservation of its forests, including the integration of the principle of free, prior and informed consent.

84. In its submission of 29 February 2021, Associazione Comunità Papa Giovanni XXIII, an NGO, provided examples of its climate change-related projects in one African, one South American and one European country. These experiences exemplify the positive impact that even small community-based projects can have on the climate and provide examples of how

the right to development can be pursued simultaneously with the protection of the environment.

D. Challenges within countries

85. The Special Rapporteur welcomes the examples set out in section C above, which provide a selection of good practices that can be used to design and implement climate action in line with the right to development. The Special Rapporteur presents the following challenges that he has identified in the process of consultations preceding the preparation of the present report.

86. The Special Rapporteur has already identified climate change in his initial “vision” report as one of the adverse global trends that poses a challenge to the implementation of the right to development.¹⁵ The global climate crisis, the increasing number of natural disasters and new global pandemics all have the potential to undo decades of development. The effects of climate change are not an environmental or economic issue; they impact the enjoyment of the rights to health care,¹⁶ education,¹⁷ housing,¹⁸ culture¹⁹ and food;²⁰ and they destroy property and eradicate livelihoods and employment opportunities in affected communities²¹ and, in some instances, in entire countries.²² Indigenous peoples,²³ internally displaced persons,²⁴ persons with disabilities²⁵ and women in vulnerable situations²⁶ are among the groups disproportionately affected by climate change. However, the communities and populations most affected by climate change are oftentimes the ones that do not participate in decision-making processes on actions that address the consequences of climate change.

87. The guidelines and recommendations on the practical implementation of the right to development presented to the Human Rights Council at its forty-second session underscore the centrality of the meaningful participation of rights-holders in economic, social, cultural and political development and state that Governments should widen the civic space to allow the democratic and meaningful participation of all stakeholders in multilateral processes, including those related to climate change.²⁷

¹⁵ A/HRC/36/49, para. 30 (c).

¹⁶ <http://www.who.int/news-room/fact-sheets/detail/climate-change-and-health>.

¹⁷ See, for example, www.newsecuritybeat.org/2019/05/climate-change-weaken-childrens-education-tropics/; and http://www.thecommonwealth-educationhub.net/wp-content/uploads/2016/02/Climate-Change-Policy-Brief_Draft_140416_v4.pdf.

¹⁸ A/HRC/43/43, guideline 13.

¹⁹ See A/75/298.

²⁰ See A/70/287.

²¹ According to the United Nations Office for Disaster Risk Reduction, during the period 2000–2019, there were 7,348 major recorded disaster events, claiming 1.23 million lives and affecting 4.2 billion people, resulting in approximately \$2.97 trillion in global economic losses. This is a sharp increase over the previous 20 years and the difference is explained by a rise in climate-related disasters, including extreme weather events: from 3,656 climate-related events (1980–1999) to 6,681 climate-related disasters in the period 2000–2019 (see <https://reliefweb.int/report/world/human-cost-disasters-overview-last-20-years-2000-2019>).

²² See for example “Small islands: Climate change 2014: impacts, adaptation, and vulnerability. Part B: regional aspects. Contribution of working group II to the fifth assessment report of the intergovernmental panel on climate change”, Nurse, Leonard A.; McLean, Roger F.; Agard, John; Briguglio, Lino; Duvat-Magnan, Virginie; Pelesikoti, Netatua; Tompkins, Emma; and Webb, Arthur (www.um.edu.mt/library/oar/handle/123456789/42142).

²³ See A/HRC/36/46.

²⁴ See A/75/207.

²⁵ See A/HRC/44/30.

²⁶ <http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/sdg-report-gender-equality-in-the-2030-agenda-for-sustainable-development-2018-en.pdf?la=en&vs=4332>, pp. 119–120; www.globalcitizen.org/en/content/how-climate-change-affects-women/; and <http://www.nrdc.org/stories/how-climate-change-impacts-women>.

²⁷ A/HRC/42/38, para. 43.

88. According to the United Nations Framework Convention on Climate Change,²⁸ women commonly face higher risks and greater burdens resulting from the impacts of climate change in situations of poverty, and the majority of the world's poor are women. Women's unequal participation in decision-making processes and labour markets compound inequalities and often prevent women from fully contributing to climate-related planning, policymaking and implementation. A look at women's inclusion in nationally determined contributions across the world²⁹ reveals that, out of 190 contributions, only 64 include a reference to women or gender, and of those, some only mention gender in the context of broader national sustainable development strategies rather than specifically in relation to climate change policies. In 34 nationally determined contributions women are referred to as a "vulnerable group"; in 21 women are characterized as beneficiaries of policies or projects; and in only four are women recognized as decision-makers or stakeholders in the context of climate change policymaking. The Special Rapporteur stresses that ensuring that "No one is left behind" requires a dedicated focus on the equal rights of women and on ensuring their participation in decision-making, including in relation to climate action. Women need genuine opportunities to meaningfully participate in national development planning, policy design, implementation and budgeting, including for climate action.

89. Environnement Ressources Naturelles et Développement provided the example of an indigenous community in an African country that had been evicted from its land in the name of natural preservation without any compensation, leaving the community homeless. Furthermore, the country has a property law that does not allow indigenous communities to question the implementation of projects that affect them, nor to share in the benefits from the exploitation of resources. These communities are not provided with sufficient information: oftentimes media outlets do not reach them and, even when they do, people may not be able to make use of the reporting as they speak different languages or may not be able to read. Lack of property rights poses particular challenges during the implementation of projects aimed at reducing carbon emissions, as such projects may dispossess residents who lack recourse to seek compensation for their loss. Further concerns were raised about the fact that the rights of indigenous peoples are poorly protected since their communities are not informed about mechanisms through which they can assert their rights. In addition, access to legal services is generally expensive, such services are generally located far from indigenous reserves and may use languages that the indigenous peoples do not understand. This example, unfortunately, is not an isolated one.

90. In its submission of 2 March 2021, Solidarity for Indigenous Papuans, a network of NGOs, raised concerns regarding the suppression not only of the rights of indigenous peoples, but also the rights of lesbian, gay, bisexual, transexual, queer and intersex (LGBTQI) people, people with disabilities and minorities, as well as environmental destruction resulting from development projects. While the Government of Papua New Guinea has developed a guideline for multi-stakeholder partnerships to implement the Sustainable Development Goals that ensures participation from all segments of the society, including indigenous peoples, women, youth, persons with disabilities and other minority groups, in reality the views of these groups are not always accommodated in the implementation of projects. In many cases the authorities appoint ex officio representatives of affected communities to participate on their behalf in discussions, while the actual members of the communities are not informed of ongoing processes. Moreover, indigenous peoples in Papua New Guinea are not familiar with the development of implementation procedures nor with the Sustainable Development Goals set out in the 2030 Agenda.

91. Currently, neither the Kyoto Protocol nor the Paris Agreement provide a judicial mechanism for persons claiming to have their rights violated by projects aimed at reducing carbon emissions. In its submission of 26 March 2021, the Accountability Counsel, a legal organization working with communities affected by internationally financed development projects, provided examples of how to use accountability tools to address issues of mismanagement or rights abuse related to climate financing in cases when investments involve development finance institutions. Such tools include independent accountability

²⁸ See <https://unfccc.int/gender>.

²⁹ See <http://www.genderclimatetracker.org/gender-ndc/quick-analysis>.

mechanisms, which receive complaints directly from communities that are most affected by project impacts, thus helping to identify where efforts aimed at harm prevention and remedy are needed. Independent accountability mechanisms typically resolve community grievances through a compliance review to determine whether development finance institutions have followed their stated environmental and social policies in carrying out projects and/or through a dispute resolution process to reach a mutually agreed upon solution. They can also identify system-level issues in climate financing that require attention, often through a change in policy or practice. Examples included the functioning of the accountability mechanisms of the Inter-American Development Bank, the International Finance Corporation and the United Nations Development Programme (UNDP).

92. While, in the examples provided, positive solutions were reached for the affected communities, concerns were raised that for private actors and emerging market public entities that are investing in renewable energy and other climate infrastructure without public co-financing, few avenues for independent community feedback currently exist.

III. Conclusions and recommendations

93. The Special Rapporteur recommends that States identify methods to effectively collect data and conduct assessments on the environmental impacts of development policies and projects from their inception in order to inform their design and programming. Such assessments should ensure that the concerns of affected communities are taken into account and should be repeated periodically in order to monitor change and evaluate progress. Specifically, States should only allow development projects to go ahead if environmental impact assessments have been conducted and their results taken into account.

94. To assess the efficiency of measures to contribute to climate adaptation or mitigation, the Special Rapporteur recommends conducting systematic periodic evaluations to determine if such measures may have caused harm to local communities, or if the communities have been denied participation, the ability to consent or compensation. Data collected in the context of the implementation of Sustainable Development Goal 13 and related targets should also be used to inform climate action planning and policymaking. Data disaggregation methodology should draw on a human rights-based approach to data.

95. States should conduct comprehensive and independent assessments of the environmental, social and human rights impacts of transboundary policies and projects in order to address any possible negative impacts that projects may have in multiple countries. Such assessments should be embedded in the design of the policies or projects, with their costs budgeted in advance. In addition, assessments should either be led by the communities concerned or have their full and effective participation or approval. The outcomes of the assessments should be publicized.

96. States should enhance international cooperation for capacity-building activities aimed at improving data collection, based on the collection of comprehensive demographic data in developed and developing countries.

97. To efficiently assess the consequences of climate change, it is first necessary to identify what sectors of society are the most affected, how they are being affected and which responses they find to be the most appropriate. Civil society organizations are well placed to gather qualitative information in this regard. The Special Rapporteur recommends that the capacity of CSOs to gather disaggregated data be enhanced, including through close cooperation with national statistical institutes, and that innovative approaches be developed to bridge gaps in data collection.

98. States should review the rules regulating access to public funds in order to make them more inclusive and should finance projects that are geared towards reducing emissions and promoting clean energy solutions and projects that promote climate adaptation measures.

99. States reporting on their commitments and action under the Paris Agreement, Sustainable Development Goal 13 and its targets should provide explicit information on ways they have implemented the right to development.

100. Environmental safeguards should be enforceable, and States should have a role in setting such safeguards, gathering the necessary information and determining whether enterprises and other partners implementing development projects are complying with them.

101. Development financial institutions should respect environmental safeguards and include respect for such safeguards in their basic criteria. They should adopt explicit environmental and social safeguarding policies and mechanisms and make them accessible to the public, including to persons with disabilities.

102. If policies, plans and programmes related to climate action are to be effective, it is crucial that the individuals and communities concerned be well informed of the processes for their creation and outcomes. States should establish mechanisms that provide easy access to information in all development policies and processes related to climate action and should enact legislation guaranteeing the public the right to access such information, including information about financing. Legal remedies should be provided to ensure that access to information is not denied. States should provide information in public spaces in relevant languages and accessible formats, such as images and posters, including the use of larger fonts and audio transmission. The gender and diversity dimensions of how and where such information is displayed should be taken into consideration.

A. Participation

103. The examples provided in the present report and the concerns raised highlight the importance of participation as the basis for assessing the interests of rights-holders and ensuring that those interests are met. Ensuring participation in realizing the right to development involves more than merely consulting individuals and communities; it implies meaningfully placing rights-holders at the centre of decision-making affecting their own economic, social, cultural and political development.

104. In order to integrate the right to development into climate action, Governments should consistently promote open channels for participation at all stages of the planning, implementation and monitoring of climate-related policies and programmes for all relevant stakeholders. Opportunities should be provided for equal and meaningful participation in all relevant planning and decision-making processes of the most disadvantaged sectors of society, including persons with disabilities, women, children and young people, minorities, indigenous peoples, peasants, persons of African descent and members of other disempowered and marginalized groups.

105. In order to ensure the genuine and informed participation of persons with disabilities in climate action, States should strengthen the capacity and resources of organizations representing persons with disabilities and actively involve them in all stages of climate action-related planning and management. States should develop systems to identify existing risks regarding the participation of organizations representing persons with disabilities and caregivers.

106. Building and rebuilding the physical environment affected by climate change must be done in a way that ensures accessibility, including the removal of previous physical barriers and ensuring that new ones are not erected. The input of persons with disabilities should be sought to ensure that their expertise is included in the design of the physical environment. Special measures should be established in order to provide equal access to persons with disabilities, irrespective of the nature of their disabilities, and to persons of all backgrounds who wish to participate in disaster reduction or relief efforts. Programmes specifically targeting the reduction of disaster risks for children with disabilities should be put in place and input from caregivers should be included in their design. Adequate resources should be budgeted to implement such measures.

107. In order to ensure a gender-equitable and universally accessible response to climate change, States must ensure the equal participation of women in decision-making, monitoring and evaluation at the national and local levels. In addition, a gender-sensitive approach should be systematically integrated into evaluation processes. States must ensure the proportional representation of women in decision-making processes at all levels, including in community-based disaster risk reduction activities. As part of their gender-oriented planning, States should realize that women are not a homogeneous group and should therefore pay particular attention to women with multiple vulnerabilities, who may be harder to reach, including: rural women living in remote areas; migrant women; and women from indigenous or minority groups who do not receive information in languages that they understand. Adequate resources should be budgeted for that purpose.

B. Accountability

108. In his report providing guidelines and recommendations, the Special Rapporteur concluded that it is only possible to give effect to the right to development if there are adequate accountability mechanisms and remedies in cases of violations.³⁰ The Special Rapporteur also emphasized in that report that available mechanisms should be reliable, prompt and guarantee remedy.³¹

109. States should adopt legal provisions making environmental rights and the right to development justiciable and should enact legislation enabling public interest litigation on environmental rights issues and/or provide additional avenues, including quasi-judicial mechanisms, through which to claim economic, social and cultural rights. States should make the working of accountability mechanisms transparent and ensure that they are accessible, including to persons living in remote areas, persons speaking minority languages and persons with disabilities.

110. Parliamentary committees tasked with addressing climate change/environmental issues should provide oversight and employ inquiries and public hearings as additional means of accountability.

111. States should put into place effective mechanisms to guarantee that development projects are carried out according to international transparency standards and in line with the Rio Declaration on Environment and Development. When projects are carried out without or in violation of environmental safeguards, avenues of recourse must be provided.

112. National human rights institutions should, inter alia, pursue environmental rights and climate justice claims, as well as claims related to the right to development. In addition to playing a stronger role in promoting and protecting those rights, national human rights institutions should advocate making violations of such rights justiciable within their countries. When national human rights institutions have signed a declaration agreeing to monitor the implementation of the Sustainable Development Goals in their own countries, they should specifically refer to climate-related Goals in case analyses.

113. States should provide a safe environment that protects environmental rights/climate justice defenders and CSOs documenting the adverse impacts of development policies and projects on climate change and the right to development. Projects put in place to mitigate carbon must adhere to human rights and should not increase the vulnerability of local communities. States and intergovernmental organizations should consult and collaborate with environmental defenders, recognizing the role they play in advancing the right to development, especially in the defence of land, natural resources and the environment more generally.³²

³⁰ A/HRC/42/38, para. 136.

³¹ Ibid., para. 138.

³² A/71/281.

114. States should respect the claims of indigenous peoples for land and associated rights, taking into consideration the impact of climate change on the enjoyment of such rights, and thus preserving their interests, and should seek their free, prior and informed consent in all development processes.
