

**EFFECTIVE
MITIGATION
AND
ADAPTATION**

ACTION RIGHTS - BASED APPROACHES TO CLIMATE

Human rights

Namati, Community Paralegals - Communities trained in basic law and mediation participate in governance. They handle thousands of cases for communities' rights on health, livelihoods, and local environment, to counter unjust practices and environmental degradation.

Gender

Rural and Indigenous women document their own practices and author their own research to promote democratic participation in policy making, increasing access to highly skilled aspects of environmental work that normally excludes them².

Just Transition

Spanish Transition from coal production - On coal mine closure, the Spanish government and labour unions negotiated a fair transition for workers, including early retirement, retraining and redundancy payment. The Government also plans to redevelop affected areas for future employment opportunities³.

Intergenerational equity

Climate Tracker: The Gambia aligns its Nationally Determined Contribution (NDC) to a 1.5C limit, including enacting new renewable energy systems. Vision and ambition are essential to intergenerational equity, committing to urgent, ambitious climate action to protect future generations.

Food security

Malawi Agroforestry Food Security Programme Addressing desertification, increasing food security and biodiversity with technical assistance and training for farmers. Agro-ecological production is more resilient to climate change. Productivity is increased under small-scale methods.

Displacement and peacebuilding: Vanuatu⁴.

Government and non-governmental partners working together to mainstream displacement and migration considerations into national policies, prioritizing public participation and the role of women with their positive peacebuilding affect.

Public Participation

IUCN & IIED published a paper on their work with communities to stop illegal wildlife trade in Kenya through participatory action research to develop perceived fairness of laws and ensure that Indigenous Peoples and local communities have robust protection in their area.

Indigenous Peoples

Lumos Energy - Collective land rights of Indigenous peoples and communities are upheld. Direct involvement of Indigenous peoples ensures fair benefit and protection what of matters to them. The results include publicly available clean energy, reduction of potential harm to Indigenous peoples, and the avoidance of lawsuits and protests.

Biodiversity and ecosystems

Handover of public forests to traditional users¹, Nepal. Indigenous peoples and local communities manage, use products and protect the forest from encroachment. From 1976-2000 the highest net improvement and gain in forest cover against deforestation occurred in these forests.

HUMAN RIGHTS BASED APPROACHES FOR EFFECTIVE MITIGATION AND ADAPTATION

WHAT? Incorporating human rights in climate policies and actions is known as a rights-based approach¹. This leads to public inclusion, greater policy acceptance and more successful mitigation and adaptation outcomes². Rights-based approaches, including the rights of Indigenous Peoples, involve the full range of rights and protections to which States are already committed, and include them in policies which affect citizens. If a rights-based approach is adopted from the outset, it can improve lives, realize policy coherence with legitimate and sustainable outcomes³, and thus increase mitigation success.

WHY? Based on the experience of countries that have adopted constitutional rights to a healthy environment, recognition of this right has proved to have real advantages⁴, including access to mitigation approaches that can be both equitable and cost-effective⁵. Effective rights-based action is fairer to those who may bear the brunt of the policy implementation. Fairness brings community support and leads to more effective policy. Failure to incorporate rights can result in ambitious projects failing if communities reject them, increasing the likelihood of legal challenges due to rights violations and abuses. A rights-based approach can transcend these challenges, aligning projects with existing obligations.

WHO & HOW? Any decision maker or organisation which is carrying out projects that affect people has the power to take a rights-based approach. A robust impact assessment⁶ is the first step in identifying whose rights would

need to be taken in to account in any given project and why. With the correct information, a project can be anchored in and strengthened by the body of relevant international and national law. Approaching development from a rights perspective involves informing people of their legal rights and entitlements and empowers them to achieve those rights⁷. Enabling communities to participate without discrimination in the design and implementation of these projects can prevent violations which could otherwise delay implementation and frustrate long-term success⁸. Environmental decision-making obligations include: assessment of environmental impacts; making environmental information public; facilitating participation and protecting the rights of expression and association; and access to remedies for harm⁹.

WHEN? Now. Countries integrating a rights-based approach into their constitutions have a better environmental record¹⁰. Three quarters of countries already have legal recognition of a right to a healthy and sustainable environment¹¹. Efforts to reduce poverty and gender inequalities, and to enhance food, health and water security, can reduce vulnerability to climate change¹². The Rio Declaration on Environment and Development¹³ recognised that environmental issues are best handled with public participation¹⁴. As outlined in the Aarhus Convention, participation means arrangements by public authorities to enable public comment, and for these comments to be considered in decision-making with reasons for final decisions available¹⁵.

For further information, contact lfcook@quono.ch

IN CONCLUSION: People whose lives are affected by climate change policy are more likely to support climate action when rights are promoted, respected and protected, creating more fair and successful mitigation and environmental action.

References

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- 2 Feminist Participatory Action Research (FPAR) for Climate Change A project run by Asia Pacific Forum on Women, Law and Development (APWLD) more at <https://apwld.org/>
- 3 Further information available on the Gobierno Espana website
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