

# ECO

## THE NOT ALLOWED IN THE VENUE ISSUE

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## Filling Your Shopping Cart to Get Article 6 Right - Item 1: Human Rights

Dear Negotiators,

You've seen your Article 6 shopping list, now ECO's here to help you read the labels and understand exactly what it entails. Because you don't want to buy the wrong thing - and knowing the details will help you make the right purchase. In Article 6, it is crucial to get everything right before going forward, otherwise it could all go horribly wrong.

ECO wants to get you up to speed on human rights. "But why?" – you might ask – "when what we are discussing is markets?" Because ultimately, climate action is about people. And climate action, whether it's through Article 6 activities or other climate finance projects, must not harm people and the environment. We know Article 6 activities can lead to harm, and often to those on the frontlines of the climate crisis, because we've seen it before (think Kyoto Protocol markets). Climate action shouldn't lead to human tragedies. And climate action that displaces people, floods their lands, causes biodiversity loss, undermines ecosystem integrity, and infringes on their rights to food and water surely isn't sustainable development. But don't worry, ECO's here to help you not repeat these past mistakes, and to ensure that you have all the necessary rules for Article 6. So here's how to get Article 6 right on human rights.

First, prevent any harm from happening by requiring that activities meet robust social and environmental safeguards. Don't be afraid. These aren't new concepts and you don't have to reinvent the wheel. The UNFCCC's own operating entities under its financial mechanism, the GEF and the GCF, have them and they cover a wide range of issues including human rights, the rights of indigenous peoples, gender equality, and protection of biodiversity. All of these are critical and you won't be able to achieve sustainable development without them.

Second, talk to people. The Article 6 rules must include having meaningful participation of local communities and indigenous peoples, including ensuring respect for indigenous peoples'

right to free, prior and informed consent on the projects – not just once everything is already in place, but early on in the design of the activity and continuously throughout. This is good for markets too, because when people are involved in their planning, projects are more sustainable, provide multiple benefits beyond just mitigation, and protect biodiversity and ecosystem integrity.

Third, establish an independent grievance mechanism. Because even when you put in place rules and safeguards, things can go wrong (... Barro Blanco, Alto Maipo, Bujagali ...) and communities need a place to go to receive remedy when these harms occur. This is a massive gap in the Kyoto Protocol mechanisms and it must be addressed as a priority under the Paris Agreement. Now's the chance to make sure this gap doesn't persist. And make sure the grievance mechanism is independent from the proposed Supervisory Body. Independence is key to legitimacy and addressing the grievances in a real and meaningful way.

Article 6 activities that harm people and the environment aren't good for the market and certainly aren't sustainable development. It's not enough to have rules for Article 6, they have to be the right rules. Now is your opportunity.

### Essential elements to ensure that Article 6 mechanisms respect human rights



Meaningful stakeholder consultation and effective participation



Robust social and environmental safeguards



Independent grievance mechanism

# Are We Leaving Disabled Persons Behind in the Climate Crisis?

Today is the International Day of Disabled People, which revolves around the theme 'Promoting the participation of Persons with Disabilities and their leadership: taking action on the 2030 Development Agenda.' The latter is an agenda that involves leaving no one behind. Yet, disabled people are already being left behind in the climate crisis and the irony of this is not lost to us.

As COP25 begins, there is no better time to recognise the rights of the disabled - a community that needs to be at the forefront of our minds when discussing human rights under the UNFCCC process and the Paris Agreement, including, but not limited to Article 6, Loss & Damage, NDC development and implementation, COP location and relocation.

The disabled community is extremely knowledgeable and resourceful in designing adaptive solutions to complex problems: its experience and knowledge is thus extremely important as the world gathers to seek solutions to strengthen the resilience of our societies. Yet, the disabled community has no formal voices in the negotiations.

At the national level, many of ECO's members implore COP attendees to ensure that "disabled people cannot be the expected casualty of the climate crisis". Thus reminding us all that "this fight belongs to disabled people too, but we don't have a focal point." Many disabled people are asking, and rightly so, "Will people with disabilities actually be involved in the discussion that will disproportionately affect us?" The reality is that disabled communities are already on the front line.

When disasters hit, we are literally left behind, and it is no surprise that we are the first to die in fires, floods, heat waves, black-outs caused by climatic events and other climate impacts.

To be able to assert our leadership in climate action we need a space to participate and ensure that our rights are met within the UNFCCC. One way to address this would be to form a Disabled Persons Constituency. The disabled community is recognised as a legitimate stakeholder group in other UN processes, so why not here? The creation of such a group must be conducted in a way that ensures disability rights and disability justice that is in line with the UN Convention on the Rights of Persons with Disabilities ratified by 181 Parties to the Paris Agreement.

Disability led climate action is sorely needed if we are to be successful in staying below 1.5°C and ensuring a just transition.

To this end, we must uphold the preamble in the Paris Agreement and fight to uphold human and disability rights in these negotiations. The International Day of Disabled Persons is a great way to celebrate all that the disabled community has achieved and all that we must still fight for. We call upon our allies in other constituencies, and in COP parties to support the disabled community in establishing a Constituency so that our voice can finally be heard in these halls, and to join us with an action today at 13.00 outside hall 10.

Nothing About, Us Without Us.

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## Voices From the Front Lines

PAPUA

'For all life' – this was the cry echoed across the opening of both the Indigenous People's Pavilion and the Plenary on day one of COP25. 'For the lives of our children, our grandchildren, and future generations.' This seems a simple sentiment, but for those defending environmental justice and human rights on the frontlines, this sentiment continues to go unheard – and indigenous lives are the price being paid. Yesterday the Indigenous People's caucus stood in solidarity with the Papuan people for the raising of the Morning Star Flag, a symbol of Papuan independence from the occupying state of Indonesia. On December 1st, four Papuan people were arrested for raising this flag in Papua, which is illegal in the Indonesian occupied territories.

In 1962 the United Nations facilitated the transfer of administration of West Papua from the Dutch colonisers to Indonesia. Following that, in 1969 the United Nations oversaw the so-called "Act of Free Choice" referendum, in which West Papuan leaders would vote for or against Papuan independence. Around a thousand tribal representatives were escorted at gunpoint and forced to vote in favour of Indonesian sovereignty. Since the 1970s, the extraction of minerals, especially gold, within Papua has been a key part of Indonesian economic growth. The logging of Kwila for global export has been equally important. An estimated 100,000 Papuans have since been killed by the Indonesian government, as they stand in protection of their lands, resources and their sovereignty. Strong military acts of violence and repression continue to inhibit free speech, free media, and free internet access.

Violence towards indigenous people continues to be facilitated by states and international bodies on behalf of extractive industries. Free West Papua is just one of a myriad of frontlines across the globe including Standing Rock in the United States, the Amazon rainforest, Djab Wurrung in Australia, Ihumātao in Aotearoa and beyond. These communities continue to put their lives on the line in protection of the environment and their sacred relationships with place and people. The need to address systemic violence against indigenous people and the environment by extension must be at the forefront of all climate justice. For all life – for the life of our lands, our waters, our forests, our ice and our people – that is the basis of true climate justice.

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# How Much Longer Can We Ignore Loss and Damage?

The Warsaw International Mechanism (WIM) was set up to address the devastating loss and damage in the most vulnerable developing countries. But 6 years later, it is clear that this international mechanism has become little more than a talk shop with minimal on-the-ground benefit to the most vulnerable.

When Typhoon Idai swept through Mozambique, the WIM was not delivering for those on the front lines, those keeping the storm shelters open and battling flood water to deliver lifesaving supplies to people. Instead, a few Executive Committee (ExCom) members and technical experts were planning their next meeting in Bonn to formulate workplans and review papers.

The WIM review event of 1 December showed that the current flagship mechanism from the UNFCCC on loss and damage has not yet been fully operationalized and is far from being fit for purpose. In reality, the event confirmed that the WIM has performed very poorly.

The Loss & Damage review at COP25 is critical to ensure that we enhance the WIM to tangibly respond to climate impacts in the real world and support those most affected in vulnerable developing countries. The coming days of negotiations are intended to review how the WIM has performed since its inception, and decide on how it must be enhanced and strengthened.

ECO applauds the open and inclusive approach of the Secretariat for the review, and appreciates that civil society and observers were not only invited to listen but also to participate on an equal platform with the Parties present.

Positively, developing and developed countries agreed that loss and damage is far greater than the WIM, and that the WIM is much more than just the ExCom.

Unfortunately, most of the Review discussion focused on the ExCom and its expert groups, and failed to consider how the WIM can actually

enable action in communities or how it can mobilise the finance necessary to support the poorest and most vulnerable to avert, minimise and address loss and damage.

ECO heard that right at the start and end of the meeting it was made very clear that Finance, Action & Support is the most critical area for improvement for the WIM.

Interventions from Parties and observers emphasized that the ExCom has failed to recognise that the people paying the price for inaction are those who are least responsible for causing the crisis. The review should have dedicated more time to discuss the availability (or the lack) of finance to address loss and damage.

Developing countries, especially those communities on the front lines of climate change, are already on the edge. If they do not see any progress under the WIM then it is understandable that they may start exploring alternative pathways to seek compensation and climate justice.

Vanuatu stated that it is “not afraid of the word ‘compensation’” and is already being pushed, due to WIM inaction on Loss & Damage, to explore legal justice pathways for climate finance.

It is vital that here in Madrid, the Parties take the difficult decisions necessary to strengthen the WIM, and strengthen the multilateral climate regime.

This includes establishing a Loss and Damage Finance Facility under the WIM, setting up a task force on action and support under the ExCom, establishing an implementation arm for the WIM to reach the national level, and ensuring that loss and damage has a permanent agenda item under both the COP and CMA. Loss and damage is a manifestation of the failure of the climate negotiations and a grim reflection of global inaction. How much longer can the most vulnerable hold hope, while we wait for developed countries to go beyond rhetoric and start supporting developing countries in their efforts to respond to the climate emergency?

## A #StepUp for Ambition Means a Giant Leap for Humankind

Here at the “People’s COP” it is the people’s position that all Parties should be shooting for the stars by at the very least signalling their intention to increase ambition to their fair share, in line with 1.5°C. With developed countries taking the lead.

The scientific reality lit up the sky over Katowice last year with the IPCC’s special report on the impacts of 1.5°C detailing the task ahead for reducing emissions. That task has become even more clear in 2019, with publications such as the 2019 *UNEP Emissions Gap Report* and *The Production Gap Report* detailing specific goals to meet, and actions to take.

And what are those goals and actions? Next year, we must begin cutting greenhouse gas emissions by 7.6% *per year* through 2030, reaching 25 GtCO<sub>2e</sub>. In 2030, global fossil fuel production, especially coal, must be at least 120% less than the amount governments are currently planning to extract and burn.

It’s time to shoot for the moon on ambition instead of burying ourselves deeper into the ground with fossil fuels. Submitting revised and enhanced Nationally-Determined Contributions by 15 September 2020 at the latest is the most effective way to blast off. Governments should develop enhanced NDCs that reflect their fair share of a 1.5°C trajectory, and do so through transparent and participatory processes that respond directly to people’s demands for social and economic justice. Policies should accelerate the phase-out of fossil fuel production, including

phase-out of subsidies for fossil fuels. These policies must provide participatory processes and platforms for communities and workers on the frontlines of the fossil fuel economy to determine how their governments can best assist their transition with dignity. For developed countries, enhanced NDCs must also specify adequate support to be made available for others. And remember, even adaptation actions can be transformative!

So, who is on the launch pad, ready to achieve one of the greatest achievements in human history? ClimateWatch lists 68 countries that have stated their intention to enhance ambition or action in an NDC, but only a few of those are actively advocating for enhancement. And, of course, only the Marshall Islands has submitted a new, enhanced NDC - even though many countries stated their intention to do so at the UNSG Climate Action Summit a few months ago.

On Monday morning ECO heard a few Heads of State/Heads of Government make strong statements. Week one offers opportunities such as the SBSTA-IPCC Special Event and pre-2020 Stocktake. Parties should extend the Marrakech Partnership/Global Climate Action Agenda to ensure that non-state actors are integrated into ambition-raising. And finally, a strong and fair Article 6 should be adopted that ensures actual emission reductions, not just a reshuffling of existing emissions.

It may seem like a ‘moonshot’ but we sent humans to the moon, didn’t we?

# We Burn, You Pay: Brazil's Brand New Negotiation Tactic

Brazil's Environment minister Ricardo Salles is taking a two-week break from all the trouble back home and enjoying the good wine and tapas in Madrid. In his spare time, he embarrasses his country's professional diplomats by trying to play negotiator. His tactic: to blackmail richer countries into paying Brazil for burning down the Amazon rainforest.

Minister Salles has said he is coming to the COP to demand big money in return for environmental protections after the current government has systematically dismantled forest protection programs and the existing funding channels that involve any control and oversight systems, such as the Amazon Fund and other bodies that involve civil society and other stakeholders.

The minister calls his management strategy "results-based environmentalism". The results couldn't be clearer: deforestation, which makes up the lion's share of Brazil's carbon emissions, has sharply increased this year – rising by 29% for the one-year period ending in July. Assassinations of indigenous and community leaders are increasingly common throughout the Amazon region, when they get in the way of the land-grabbers, ranchers and illegal miners who are feeling newly empowered by the efforts of President Bolsonaro and Minister Salles to support unsustainable economic expansion in the Amazon and dismantle the already fragile regulatory

## What will happen to the four firefighters arrested and released in Santarem?

- Will be subject to further charges, arrests and harassment from the Brazilian legal system;
- Be exempt from further formal charges because of a "lack of evidence" but remain under a cloud of suspicion and subject to further police action with little or no evidence;
- Be completely exonerated and given a formal apology, and invited to continue their exemplary service to Amazonia.

and enforcement systems. The latest case of violence happened this weekend, while the minister took his executive class flight to Madrid: Alessandra Munduruku, an indigenous activist against wildcat mining, had her house broken into and her computer stolen - in the very town where four firefighters were unjustly arrested last week, with Salles' blessing.

In the current environment, potential donors must get clarity on the beneficiaries of any funding and systems of oversight and monitoring. There is a high risk of any funding being channeled to those very ranchers and land-grabbers who are busy illegally invading and deforesting parks, indigenous reserves and protected areas.

The current government has only acted to protect the environment or maintain even a pretense of controlling deforestation and greenhouse gas emissions when forced to, by overwhelming international pressure, particularly related to access to international markets for commodities like beef and soybean.

This COP is an opportunity for even stronger messages from diplomats and market forces. And to prevent any kind-hearted naive government to be bewitched by any "Pay me big for slashing and burning rainforests" narrative.

## How will Minister Ricardo Salles respond here in Madrid to the arrest and release of the firefighters in Santarem:

- Apologize for the blatant abuse of police authority and admit that it was a tragic miscarriage of justice;
- Plead ignorance, stonewall, and defer to the police, courts and Brazilian justice system for a definitive response;
- Continue to feed fake news, conspiracy theories and baseless attempts to incriminate NGOs to his social media followers and any media gullible enough to accept fake news and conspiracy theories.

## NOT-SO-FUN FACT ON ARTICLE 6

### FACT #1

Allowing Clean Development Mechanism (CDM) units into the Paris Agreement could flood the system with 4 billion credits, i.e. 4GtCO<sub>2</sub>e. **Do not transition any Kyoto Protocol units into the Paris Agreement.**