TO: Office of the United Nations High Commissioner for Human Rights

RE: Resolution A/HRC/38/4—Human Rights and Climate Change, adopted July 2018

Thank you for this opportunity to comment on Resolution A/HRC/38/4.

Please consider the suggestion that the human rights of land and environment protectors are significantly at risk globally and warrant explicit consideration in Resolution A/HRC/38/4.

 Please consider recognizing that:

1. protectors are significant agents of climate mitigation,
2. close relationships between large-scale resource production and government put rights of land and environment protectors at risk globally,
3. indigenous protectors in the global South are especially vulnerable, and
4. women protectors are at risk for and suffer gender-specific threats and harms.

1. RECOGNIZING LAND AND ENVIRONMENTAL PROTECTORS AS CLIMATE MITIGATION AGENTS OF CHANGE

Land and environment protectors defend against:

1. oil and gas extraction industries. These fossil fuel industries threaten land and water because of spills, but also are a carbon-intense energy source of greenhouse emissions.
2. agribusiness. Large-scale, industrial agriculture, e.g. palm oil plantations, appropriate and pollute land and destroy forests. Concentrated animal feed operations (CAFOs), e.g. dairy farms, also generate significant methane as well as nitrate waste that contaminates groundwater and downstream water supplies. In protecting their land from appropriation, pollution and deforestation by agribusiness, defenders are also preserving carbon sinks that mitigate atmospheric GHG content.
3. hydroelectric dams. Hydroelectric power may be an alternative to fossil fuels, but it creates significant methane. Protectors defending against hydroelectric projects that threaten access to their land and damage or destroy their livelihood are also mitigating methane production.

Regardless of whether protectors identify themselves as engaged in climate mitigation, their activities do contribute to mitigation efforts in that success would mean preventing fossil fuels from entering the energy pool, preventing methane emissions from flooding by hydroelectric dams, and reducing destruction of carbon sinks through deforestation. Land and environment protectors accordingly deserve to be recognized as mitigating climate change in their activities as defenders, and their efforts warrant explicit attention in a Resolution on climate change and human rights.

Please consider explicitly recognizing the rights of environmental protectors as agents of change in the struggle for not just transition away from fossil fuels but for *a just transition* to a carbon-neutral, sustainable future.

2. ACKNOWLEDGING RELATIONSHIPS BETWEEN LARGE-SCALE RESOURCE PRODUCTION AND GOVERNMENT.

In 2016 and 2017, land and environment protectors were killed on average at a rate of four per week (Watts 2018). This rate appears to have been maintained throughout 2018 (Global Witness 2018).

Your office is well aware of human rights violations, including loss of livelihood, persecution or shooting by police, threats to self and family, and murder by assassins with ties to the military, as well as ties between resource extraction or energy production and financial institutions. The case of Berta Isabel Cáceres Flores’s murder in Honduras is a prime example of ties between the Agua Zarca Dam (whose President, charged in March 2018 with masterminding her murder, was former military intelligence), Honduran bankers, and government offices, e.g. the former justice minister on the Board, and according to Cáceres Flores’s daughter, the attorney general’s office that ‘tried everything possible to cover up the truth’ and ‘the entire murderous, criminal structure behind the assassination’ (Lakhani 2018; cf. Glazebrook and Opoku 2018, 86-88).

A Resolution explicitly noting that governments are responsible for protecting the rights of defenders is consistent with your affirmation ‘that human rights obligations, standards and principles have the potential to inform and strengthen international, regional and national policymaking in the area of climate change, promoting policy coherence, legitimacy and sustainable outcomes’ (A/HRC/RES/38/4, 2). A statement on climate change and human rights that does not explicitly remind governments of this obligation to make, implement and enforce national policy to protect environmental defenders is deficient in neglecting the part corruption plays in breaching protectors’ human rights.

Please consider specifically acknowledging states’ obligation to protect environmental defenders.

3. INDIGENOUS PROTECTORS’ VULNERABILITY

According to the 2016 Global Witness Report (Global Witness 2017), 2016 was the worst year in record for murder of protectors—over 200 were recorded. Forty per cent were indigenous. The Report notes that numbers are likely higher as not all are reported, especially in rural areas where land struggles most often take place. That is to say, indigenous people are likely the most under-reported of protectors murdered for their efforts.

The Resolution explicitly references indigenous people in four places. It notes the vulnerability of indigenous people to climate impacts, values their knowledge for the 2016-2020 workplan and in the important work of climate scientists and the UNFCCC, and acknowledges that parties should respect, promote and consider their obligations to indigenous rights. In these statements, indigenous people are respectively included in a list of the vulnerable, a list of cross-cutting issues, a list of what scientists and the IPCC consider beyond science, and a list of what specific rights should be addressed when parties respond to climate change.

Given that appropriating land, damaging or destroying livelihoods and food sovereignty, and violence against indigenous protectors violate at least six Articles of UNDRIP, issues concerning indigenous rights and climate change warrant separate address rather than only four mentions as one group in a list of several or many. Such separate treatment might resolve the point made in 2 above by *Recalling* and *Reaffirming* that Article 22 of UNDRIP calls for state protection of indigenous peoples from violence. This would be most effective if protectors are recognized as mitigating climate change through protection activities that expose them directly to persecution and violence.

Please consider giving indigenous protectors’ rights separate, dedicated treatment that connects their rights with respect to their role in climate mitigation to UNDRIP.

4. GENDER-SPECIFIC THREATS AND HARMS TO WOMEN PROTECTORS.

The UNFCCC has long been known to limit its recognition of women’s roles in addressing climate change (CC) to adaptation while failing to recognize their role in mitigation. This fact has been used to explain UNFCCC reticence to promote gender-inclusion and develop gender-sensitive policy (Lambrou and Piana 2006). This gender bias has been addressed in significant (if not ideal) ways in consequence of Decision 23 at COP 18 in Doha 2013 that has been more impactful than previous Decisions at COP 7 and COP 13 (Glazebrook 21-23).

Replication of this gender bias in Resolution A/HRC/38/4 occurs in failure to recognize the mitigation impacts of women protectors of land and environment whose activities render them at significant risk of human rights violations. Women protectors in the global South are especially vulnerable to violent breach of their human rights.

As your office has noted, women protectors face ‘gender-specific threats including sexual violence, harassment of their children, and discrimination in their communities’ (Global Witness 2017a, 8), ‘public defamation … depicted as “bad women,” “bad mothers,” or threats to morality or traditional values … attacks against their credibility and integrity, physical attacks and judicial harassment,’ and physical violence when pregnant (OHCHR 2018). Your office has also noted that murder of women protectors ‘sadly illustrates an appalling backlash against women human rights defenders and, especially against environmental activists… Women human rights defenders are generally further exposed to retaliation, harassment and violence as they usually challenge the patriarchal culture and deep-rooted gender stereotypes about the role of women in society’ (OHCHR 2016). All protectors face risks; but women face misogynistic brutality.

This Resolution recognizes ‘that women are not only victims but also agents of change, and that the integration of a gender-responsive approach into climate policies, including by conducting gender analysis, ensuring women’s right to participate, access to education and training and access to and control over adequate resources, such as clean energy and technology, would increase the effectiveness of climate change mitigation and adaptation’ (A/HRC/RES/38/4, 3). Recognizing women as agents of change for *work they are already doing* *to mitigate* climate change is a strategy for protecting their rights in contexts where they put themselves as protectors at risk in activities that are climate mitigating.

Moreover, given that limited access to technology and resources, and in some places also education, remain well-documented inequities for women in the global South, thus recognition of women as agents of change does a disservice to women in the global South, especially indigenous women, who are already agents of change at great sacrifice and risk to themself and their family. Failure to recognize and acknowledge their efforts is a reinscription of the marginalization that has hampered women’s participation in climate policy and response since incipience of the UNFCCC.

Please consider acknowledging women protectors as agents of change in mitigation activities.

Thank you.

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A/HRC/RES/38/4 (2018). Human Rights and climate change. United Nations Human Rights Council 38th session, 18 June-6 July 2018, Agenda item 3.

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