



**Oxfam Submission to the UN Special Rapporteur on the promotion and protection of human rights in the context of climate change to inform her report on “Access to information on climate change and human rights”**

Climate change negatively impacts the enjoyment of human rights. Similarly, poorly planned actions to tackle climate change could result in adverse impacts on human rights. For this reason, it is imperative that states respect, protect and fulfil the rights to access to information and participation in the context of the planning, design and implementation of plans for national climate action.

This submission focuses on the findings of the recent Oxfam’s Briefing Note, “Climate Plans for the People”<sup>i</sup> which analyses the challenges of inclusion in the context of the preparation or revision of Nationally Determined Contributions (NDCs) and calls for NDCs and all national climate plans to be inclusive, with people’s meaningful participation being a right, a strategic necessity and a matter of climate justice.

**THE right to access to information and participation in climate-decision making, particularly in nationally determined contributions**

The rights to access to information and to participation in public decision-making are recognized in international and regional treaties<sup>ii</sup> and through political commitments adopted by states.<sup>iii</sup> These rights apply also in the context of climate change. People have the right to be informed about the impacts of the climate crisis and the measures that the government and local authorities are planning to adopt to tackle it. They also have the right to have a say in how governments respond to the climate crisis and for their views to be taken into account in the plans which are made. The right to access to information is a right in itself and also instrumental for the fulfillment of the right to participation.

Ensuring access to information and participation to people, communities, Indigenous Peoples and civil society in national climate planning processes is also consistent with the Paris Agreement. It calls for enhanced public participation in the implementation of NDCs through

climate change education, training, public awareness, and public access to information.<sup>iv</sup> Moreover, “the Paris Rulebook”<sup>v</sup>, says that states should provide information on the planning process they follow, including “public participation and engagement with local communities and indigenous peoples, in a gender-responsive manner”. Participants should include civil society, the private sector, financial institutions, cities and other subnational authorities, local communities, and Indigenous Peoples. Farmers and rural communities, women and youth also have an important role to play in responding to climate change and meeting the goals of the Paris Agreement<sup>vi</sup>.

### **Oxfam’s findings on access to information and participation in previous NDCs revision processes**

According to Oxfam’s research on previous NDC revision processes in 11 countries,<sup>1</sup> these often failed to adequately involve a wide range of stakeholders. Often this was related to the process being inadequately resourced, or lack of information provided around NDC processes. In cases where some form of consultation did take place, it was often over-technical, rushed or limited in some other way, making it hard for stakeholders to process and engage effectively in planning discussions.

Information about the NDC process appears to flow mainly within a relatively limited circle of insiders, including government line ministries, bilateral donor governments, specialised UN agencies, and international or NGOs with climate expertise. Oxfam’s research revealed that other non-environmental national civil society actors (as well as private sector in many cases) tend not to be part of climate planning processes, such as organisations focusing on the rights of workers, women, youth, Indigenous Peoples and farmers. Despite the clear sectoral nature of national climate plans, there is usually limited engagement from parts of civil society working on land, forest and water rights. Communities and community-based organisations are generally excluded. These types of exclusion tend to happen even in cases where the government may (or claim to have) held a consultative process, owing to the often “elite” nature of climate policy discussion.

The main barriers for inclusion and participation that Oxfam identified in its research are:

- 1) Government attitude towards civil society and lack of understanding of civil society’s value:
  - Governments do not always have a clear picture of what civil society could contribute to NDC processes and therefore do not deliberately engage with civil society.

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<sup>1</sup> Bangladesh, Brazil, Burkina Faso Cambodia, Chad, Indonesia, Kenya, Mozambique, OPT, , Peru Senegal, Uganda, Zambia and Zimbabwe.

- Attitude that NDCs reflected existing government climate commitments and policy frameworks that had been developed with community needs in mind or with civil society input. As a consequence, further participation by civil society in NDCs is not considered necessary.

## 2) Restrictions to civic space:

- In all of 11 countries analysed, civic space was, to varying degrees, constrained. Restrictions on the ability of civil society to access information, gather or express opinions, or the explicit criminalisation of human rights defenders and civil society organisations limited the participation of civil society, Indigenous Peoples and communities in NDC processes and other areas of public policy.

## 3) Government process and resourcing:

- In the context of often very limited human & financial resources allocated to NDC processes, governments did not have sufficient funds to support the logistics needed for wide participation, especially beyond capital cities.
- Processes were often hurried, and consultations conducted with little prior notice. There was therefore little time for review of information and preparation.
- Online consultation processes did not necessarily allow for meaningful engagement and were not accessible to those with limited internet access or limited financial means.
- NDC processes were often too technical. This was hampered by a lack of adequate information (such as draft documents) shared prior to and during consultations.
- NDC processes often lacked clear mechanisms or guidelines to guarantee effective, inclusive and meaningful participation by civil society, Indigenous Peoples and communities. Public consultation sometimes appeared fragmented and segmented, or influenced by personal connections. There was no way for stakeholders to know how they can engage in advance.
- There was little consistency over time in how governments engaged with civil society as engagement was discretionary, and sometimes changed as the responsibility for developing a NDC shifted within government.

## 4) Rights-holders' knowledge, capacity and resources:

- Rights-holders often have limited knowledge of the nature and significance of NDCs. This is the case even in countries where civil society is actively engaged on climate issues. This limited the ability of civil society, Indigenous peoples and communities to engage in NDC processes or even demand to be included.

- In some contexts, awareness of climate change, and the economic and social impacts of climate change response measures, is limited, especially among groups and organisations not focussed on climate issues.
- Limited human and financial resources can limit civil society organisations' (CSOs) ability to engage in NDC processes. For example, CSOs may not have the funds to travel to meetings, or the staff to engage in consultation processes or coordinate with their members or community partners.
- In some countries, there is minimal collaboration, networking and communication among civil society, or distrust, which limits their ability to be effective in NDC processes.
- The CSOs most engaged in NDC processes will have climate change knowledge and experience but may lack knowledge and experience in human rights and gender equality – both of which are clearly linked to issues of climate justice

The exclusion of civil society from NDC processes has negative consequences, as it often results in less ambitious plans, measures that are not always adapted to the needs of marginalized groups and those most affected by the climate crisis, and policies that can aggravate existing inequalities.

For example, under the government of President Jair Bolsonaro, there was no civil society participation in the revision of Brazil's NDC. The national Climate Change Forum, a participatory and consultative body of over 650 actors, was paralysed, and its operation restricted to a few people. This significantly delayed Brazil's climate mitigation, adaptation and resilience agenda. With their absence from official spaces, social movements and CSOs felt that their access to relevant information about the country's environmental policy was undermined. Decisions made behind closed doors by managers were seen, for example, to have negatively affected the measures taken to combat fires and deforestation in sensitive biomes like the Amazon forest, Pantanal, and Cerrado.

### **Oxfam's recommendations for inclusive NDCs**

Oxfam has put forward the following recommendations:

#### **Recommendations for the UNFCCC**

- As part of decision making on NDC features at COP29 in 2024<sup>vii</sup>, require that all NDCs are genuinely and demonstrably participatory in order to help build the ambition called for by the GST, champion locally led solutions, and ensure the needs of the most impacted by climate change are prioritised.
- Require that NDCs demonstrably reflect the expressed needs of those most impacted by climate change in their plans and budgets to feed into a more credible global finance goal (NCQG).

#### **Recommendations for governments**

- Improve the transparency of NDC decision making processes in the run up to the 2025 deadline for revised NDCs and beyond in the implementation process. Report on the design

and implementation of NDCs and their impact on the country's development goals.

- Establish mechanisms or guidelines<sup>viii</sup> in line with the Paris Agreement and the Paris Rulebook to ensure the inclusion and meaningful participation of Indigenous Peoples, local communities, women, youth and other marginalised groups. These must guarantee and demonstrate that NDC processes are participatory and inclusive and can include:
  1. facilitating access to information, engagement and participation, either directly or through civil society;
  2. identifying barriers to access to information and participation related to gender norms, disability, language, economic status, cultural factors, poverty, age, conflict, and other factors, and making adjustments to overcome those barriers;<sup>ix</sup>
  3. Showing how civil society and community inputs were considered in the process.
- Ensure that policies and strategies are designed to address existing inequalities and prioritize people in vulnerable situations. Incorporate human rights, principles of equity and social justice into the development of NDCs by considering the needs, specific rights and perspectives of marginalized communities, especially those impacted by climate change, and by measures to tackle climate change.
- Provide adequate resources and capacity building to enable all stakeholders to access information and participate effectively in the NDC process, especially in climate-impacted areas, and among constituencies potentially impacted by measures to tackle climate change.
- Strive to ensure a whole of society approach in national climate planning, monitoring and implementation, recognising that measures being considered will have different impacts, based on ethnicity, gender, geographic location, economic status and other factors.
- Ensure commitments made in each country's NDC help achieve climate justice and reduce inequality, including addressing issues of racial, gender and socioeconomic injustices.

#### **Recommendations for UN agencies, technical cooperation agencies and donors**

- Support governments at all levels with technical assistance and capacity building specifically to develop and implement participatory, inclusive and people-centred NDCs.
- As part of ongoing support for NDC processes, whether revision, monitoring or implementation, support the participation of all stakeholders, especially marginalized communities, Indigenous peoples, youth, and women, and take steps to remedy the situation where this does not happen.
- Facilitate knowledge sharing and peer learning among countries to promote best practices in inclusive NDC development and implementation.
- Providing funding to support local civil society to participate in climate planning, and NDC processes specifically, including to do the things contained in the 'recommendations for civil society' below.
- In countries with Humanitarian Response Plans, ensure these are aligned with NDCs.

#### **Recommendations for civil society and other rights-holders**

- Advocate that governments establish mechanisms or guidelines that guarantee access to information and participatory and inclusive NDC processes, both in revising plans, and in monitoring and implementing them.
- Monitor the design and implementation of NDCs to ensure that they are inclusive, and

people-centred.

- Seek innovative ways to partner with governments to make NDC processes more inclusive and people centred.
- In advance of NDC discussions, engage across networks and alliances to prepare for NDC processes, including to develop shared positions on the actions needed for mitigation and adaptation and to advance the interests of the diverse and vital parts of society collectively represented by these networks.
- CSOs should partner with community-based organisations, human and women’s rights groups, Indigenous Peoples, farmers, fishers and their communities, among others, to ensure inputs to NDC processes reflect the needs of those most vulnerable to climate change and promote human rights and gender equality.
- Where knowledge in climate-impacted communities and civil society beyond environmental groups is low, support increased awareness on climate change, the implications of the impending climate transition, and points for consultation and engagement in NDCs, National Adaptation Plans (NAPs) and other relevant climate processes.

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<sup>i</sup> Oxfam, Climate Plans for the People: civil society and community participation in national action plans on climate change, March 2024, <https://policy-practice.oxfam.org/resources/climate-plans-for-the-people-civil-society-and-community-participation-in-natio-621594/>

<sup>ii</sup> Article 21, Universal Declaration of Human Rights; Article 25, International Covenant on Civil and Political Rights, Article 12 Convention on the Rights of the Child, Article 7 Convention on the Elimination of All Forms of Discrimination against Women, Art 29 Convention of the rights of persons with disabilities. Also the 1998 Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, commonly known as the Aarhus Convention, and the 2018 Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, also known as the Escazú Agreement.

<sup>iii</sup> <https://sdgs.un.org/goals/goal16>

<sup>iv</sup> Paragraphs 9, 116, 158 in UNFCCC. (2023). Outcome of the first global stocktake. <https://unfccc.int/documents/631600>

<sup>v</sup> Decision 4/CMA.1, or the Paris Rulebook [https://unfccc.int/sites/default/files/resource/4-CMA.1\\_English.pdf](https://unfccc.int/sites/default/files/resource/4-CMA.1_English.pdf) , Annex 1

<sup>vi</sup> UNFCCC. (2023c). Summary of the intersessional workshop to develop elements and inform the work of the joint contact group of the first global stocktake under the Paris Agreement.. <https://unfccc.int/documents/632959>

<sup>vii</sup> Paragraph 20, Decision 4/CMA.1 , or the Paris Rulebook [https://unfccc.int/sites/default/files/resource/4-CMA.1\\_English.pdf](https://unfccc.int/sites/default/files/resource/4-CMA.1_English.pdf)

<sup>viii</sup> Useful resources include the “People’s NDC” tool from the CLARA alliance, designed to help civil society and Indigenous Peoples understand and get involved in national climate change response plans. See <https://peoplesndc.org/>. The NDC Partnership’s “Climate Toolbox” is also a rich resource of helpful materials for government and civil society. See <https://ndcpartnership.org/knowledge-portal/climate-toolbox/about>

<sup>ix</sup> Detailed guidance can be found in United Nations Human Rights. (2022). Integrating Human Rights In Nationally Determined Contributions A Toolkit For Practitioners. [https://www.ohchr.org/sites/default/files/documents/issues/climatechange/publications/2022-12-09/Integrating-Human-Rights-in-Nationally-Determined-Contributions\\_Toolkit-for-Practitioners.pdf](https://www.ohchr.org/sites/default/files/documents/issues/climatechange/publications/2022-12-09/Integrating-Human-Rights-in-Nationally-Determined-Contributions_Toolkit-for-Practitioners.pdf)