

Transnational Human Rights Advocacy for Local Claims in International Climate Agreements

Andrea Schapper

The relationship between climate change and human rights is complex: The consequences of climate change lead to adverse effects on the right to life self-determination, food, adequate housing and health. Climate policy implementation, however, can also infringe on the rights of local population groups. Against this background, transnational advocacy networks (TANs) advocate for an institutionalization of human rights in the international climate regime. In this article, I investigate the activities of TANs to explain why and how human rights become anchored in climate agreements. I argue that information delivery from local community groups to international state negotiations, persuasion mechanisms and the boomerang pattern explain increased institutional interaction between the human rights and the climate regime. This research is based on expert interviews, a content analysis of primary documents and participant observations at the Conferences of the Parties (COP) 19 in Warsaw (2013) and COP 21 in Paris (2015).

Introduction

Climate change can be understood as alterations in the composition of the global atmosphere directly or indirectly attributed to human activity (UNFCCC 1992). These alterations lead to climate impacts, such as global warming, rising sea levels, diminishing snow and ice and changes in precipitation (IPCC 2018). Climate impacts result in human impacts, including damages to infrastructure, agriculture, fisheries, tourism, homes, property and human life. The main purpose of the United Nations Framework Convention on Climate Change (UNFCCC), which is legally binding for 197 state parties, is the stabilization of greenhouse gases in the atmosphere and the prevention of dangerous anthropocentric interference with the climate system (UNFCCC 1992).

In the international climate regime, civil society organizations (CSOs) have considerable institutional access to the negotiations of the member states of the UNFCCC. The annual Conferences of the Parties (COP) are held to review the Convention's implementation, adopt legal instruments or to make additional institutional arrangements. CSOs can participate in UNFCCC negotiations as accredited observers representing the interests of particular societal groups. Whereas the UNFCCC has initially been characterized by strong engagement of business stakeholders and environmental organizations, other actors have entered the scene during the last decade, among them indigenous peoples, youth groups, trade unions, gender advocates and human rights activists often organized in transnational advocacy networks (TANs) (Keck and Sikkink 1998).

TANs can be understood as communicative structures, in which a range of activists guided by principled ideas and values interact. These ideas and values are central to the networks and determine criteria for policy criticism and advocacy, as well as evaluating whether established policies, actions, or outcomes are just or unjust (Ibid: 1). TANs create new

linkages, multiply access channels to the international system, make resources available to new actors, and help to transform practices of nation states. Within these networks, international and local CSOs, foundations, the media, churches, trade unions, academics, government agencies, and even members of regional or international organizations (IOs) collaborate. Their overall objective is to change the policies of states and IOs, as well as advocate for new norms, treaties or international laws, often implemented or overseen by IOs (Ibid: p. 9).

Strong TAN participation can make state negotiations more complex and difficult – introducing new themes and issues, such as the adverse human rights impacts of climate change and climate policies. Human rights concerns, especially the question of whether certain climate policies lead to rights infringements, complicate negotiations. These concerns cannot be easily ignored but require immediate political action (Hiskes 2009). States, therefore, have long refrained from applying a human rights language in climate negotiation processes (Wallbott and Schapper 2017).

Nevertheless, human rights have entered the preambulatory and operative clauses of the climate agreements made at COP 16 in Cancun, Mexico in 2010 and have again been institutionalized in the Preamble of the 2015 Paris Agreement at COP 21 in France. Their inclusion in the Paris Agreement is particularly meaningful as this is the first binding environmental treaty containing human rights (Atapattu and Schapper 2019). The Paris Agreement states that all climate change action should be undertaken while respecting, promoting and considering states' respective human rights obligations, including the right to health, as well as the rights of indigenous peoples, local communities and people in vulnerable situations (UNFCCC 2015).

Moreover, in the appendix of the non-binding Cancun Agreements 2010, procedural human rights, including respect for the knowledge and rights of indigenous peoples as well as participation of relevant stakeholders and local communities, have been installed for forest protection and management programs called Reducing Emissions from Deforestation and Forest Degradation (REDD+). Their introduction for projects under the Clean Development Mechanism (CDM), a flexible mechanism defined in the Kyoto Protocol providing for emission reduction projects, has been debated at COP 19 in Warsaw in 2013 and at subsequent negotiations with a view to revising the modalities and procedures of the CDM. Rights-based social and environmental safeguards to regulate global carbon markets under the Paris Agreement (part of the Paris implementation guidelines or Paris Rule Book) will be negotiated at COP 26 in Glasgow, Scotland (Article 6 negotiations) in 2021.

Procedural human rights are of particular importance in environmental law. They establish a link between the state and civil society by fostering transparency and participation in environmental decision-making (Gupta 2008). The most important procedural rights are the right to information, the right to participation in decision-making and the right to judicial and administrative recourse. All these rights are anchored in the 1948 *Universal Declaration of Human Rights*, the 1966 *International Covenant on Civil and Political Right* and the 1998 *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*.

In this article, I argue that the activities of TANs, including international human rights and environmental civil society organizations, representatives from youth groups and indigenous peoples as well as international organizations, explain why and how human rights have entered climate agreements. TANs use local experiences and case studies at the international

climate negotiations to demonstrate that both, climate change and climate policies, can have adverse effects on rights for the population on the ground. Simultaneously, TANs emphasize the need for observing existing rights obligations in all climate-related actions and for strengthening procedural rights in climate policies to protect the local population. By interacting very closely with state representatives, international non-state partners within TANs transmit local claims to the states' negotiation table. They sometimes persuade state actors that are receptive to human rights arguments to introduce text passages that include rights language. States in which rights infringements in climate policy implementation occur and that have an active domestic civil society can experience pressure from below (through civil society) and from above (through TANs). In this way, pressure exerted by state governments on their local population in the course of policy implementation can come back to these governments at the international climate conferences, and we can observe a boomerang pattern (Keck and Sikkink 1998; Risse, Ropp and Sikkink 1999 and 2013). This article will reveal new insights on the mechanisms and tactics employed by TANs, including information politics, symbolic politics, leverage politics and accountability politics, to foster institutional interaction between the human rights regime and the climate change regime.

This article is structured as follows. First, I explain the complex relationship between climate change, climate policies and human rights. Second, I review the literature on civil society participation and the activities of TANs at the international climate conferences. Third, I present a case study on the Human Rights and Climate Change Working Group (HRCCWG). I selected the HRCCWG because it continues to be the only TAN active at the COPs that is solely focusing on institutionalizing human rights in the climate regime. Moreover, the HRCCWG was the initiator and coordinator of a broader "super-network" (Schapper 2020) at COP 21, an inter-constituency alliance stipulating human rights in the Paris Agreement. My empirical assessment builds on a content analysis of primary documents, including observer submissions, press releases, network tweets, as well as reports from International Organizations (IOs) and CSOs. Additionally, I evaluated transcripts from expert interviews conducted at the international climate negotiations in Warsaw (Poland) in 2013 and in Paris (France) in 2015, and field notes from coordinating meetings of the HRCCWG, in which I participated as an observer. Finally, I will conclude with new insights on the social mechanisms explaining institutional interaction between the human rights and the climate regime.

The Relationship between Climate Change and Human Rights

The relationship between human rights and climate change flows in two directions. On the one hand, the consequences of climate change can entail adverse effects on the enjoyment of human rights. On the other hand, the implementation of climate policies can lead to rights infringements of local communities, in particular indigenous peoples and pastoralist groups.

In the face of climate change, all three dimensions of human rights - civil and political rights, economic, social and cultural rights, and collective rights - (Krennerich 2010, 7) are at risk. Climate impacts, including heat waves, floods, storms, droughts and exceptional weather events can – in extreme cases – threaten civil and political rights, first and foremost, the *right to life*. It is a non-derogable right in the *International Covenant on Civil and Political Rights* (1966) and the *Convention on the Rights of the Child* (1989). Sea level rise, floods, droughts, extreme weather events and changes in precipitation can, at the same time, negatively affect the right to food, the right to water, the right to health, the right to adequate housing or the right

to education (OHCHR 2009, 13). All of these social rights are an integral part of the 1966 *International Covenant on Economic, Social and Cultural Rights* (ICESCR). At the same time, these rights are also anchored in several core treaties of the United Nations Human Rights System, such as the 1979 *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), the 1989 *Convention on the Rights of the Child* (CRC), the 1990 *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (CMW), as well as the youngest human rights instrument, the 2006 *Convention on the Rights of Persons with Disabilities* (CRPD, OHCHR 2009, 8-14). Cultural rights are also affected by climate change. Human rights arguments in this area are raised to strengthen international cooperation programs for adaptation and mitigation strategies, which will protect world heritage from changed weather conditions, temperature increases, floods, heavy rain, storms and droughts (Maus 2014).

The implications of climate change, however, are not only a matter of individual entitlements, they also affect collective rights. A relevant binding collective right is the right to self-determination which is a fundamental principle of international law. The right to self-determination is the first article in both, the 1966 ICESCR and the 1966 *International Covenant on Civil and Political Rights* (ICCPR). It states that people(s) should be able to freely determine their political status and their economic, social and cultural development (ICCPR 1966, Art.1; ICESCR 1966, Art.1). The right to self-determination is at risk for people who are forced to leave their state territories due to environmental challenges and who become environmental refugees. Moreover, the right to self-determination is threatened by rising sea levels and extreme weather events endangering the territorial existence of low-lying island states. It can also be threatened when indigenous peoples or pastoral communities lose their traditional habitat as source of subsistence due to environmental challenges. In all cases in which human beings have to abandon their state territory, their legal status and protection in the international system is unsettled (OHCHR 2009, 14-15).

Moreover, climate impacts like sea level rise, temperature increase, extreme weather events and changes in precipitation adversely affect the collective right to a healthy environment. Such a right is not yet binding in the international human rights system of the United Nations but has been discussed in the 2021 Human Rights Council Sessions. Furthermore, it has found entrance into regional conventions, such as the 1981 *African Charter on Human and Peoples' Rights*, the 2003 *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*, the 2004 *Arab Charter on Human Rights* or the 1988 *Additional Protocol to the American Convention on Human Rights*. Thus, it can be considered to be a binding human right in several world regions like Africa, several Arab states and the Americas. In Europe, there is no collective human right to a healthy environment. The 1998 Aarhus Convention, however, emphasizes that appropriate information, participation in decision-making and access to justice in environmental matters must be guaranteed (Aarhus Convention 1998: Art.1). Regional bodies including the European Committee on Social Rights (ECSR), the Inter-American Commission on Human Rights (IACHR) and the African Commission on Human and Peoples' Rights (ACHPR) have concluded that environmental challenges can lead to infringements of economic, social and cultural rights like the right to health, water and food (Knox 2009, 177-8). There are also several cases, in which the European Court of Human Rights (ECHR) has enforced social rights with respect to environmental matters and demanded compensation even by private polluters (Humphreys 2012, 35-38). In addition, there is a global trend to adopt environmental

rights into national or federal constitutions in order to guarantee healthy air, water and land (Boyd 2012; May and Daly 2014).

Table one summarizes the adverse effects climate change can have on the enjoyment of human rights.

Table 1: The Adverse Effects of Climate Change on the Enjoyment of Human Rights

Climate Impact	Human Impact	Rights Affected*	Regions Concerned**
Sea Level Rise <ul style="list-style-type: none"> • Flooding • Sea surges • Erosion • Salination of land and water 	<ul style="list-style-type: none"> • Loss of land • Drowning, injury • Lack of clean water, disease • Damage to coastal infrastructure, homes and property • Loss of agricultural lands • Threat to tourism, lost beaches 	<ul style="list-style-type: none"> • Life (ICCPR, 6) • Self-determination (ICCPR, ICESCR, 1) • Health (ICESCR, 12) • Water (ICESCR 11,12) • Means of subsistence (ICESCR, 11) • Adequate housing (ICESCR, 11) • Culture (ICCPR, 27) • Property (UDHR, 17) 	Coastal (Low-lying) Areas Low-lying Island States Arctic Region
Temperature Increase <ul style="list-style-type: none"> • Change in disease vectors • Coral bleaching • Impact on fisheries • Impact on agriculture 	<ul style="list-style-type: none"> • Spread of disease • Change in fisheries • Change in agriculture • Lost diversity • Threat to tourism 	<ul style="list-style-type: none"> • Life (ICCPR, 6) • Health (ICESCR, 12) • Means of subsistence (ICESCR, 11) • Adequate standard of living, food (ICESCR, 11) 	Sub-Saharan Africa Northern Africa South-Asia Latin America Middle East
Extreme Weather Events <ul style="list-style-type: none"> • Higher intensity storms • Sea surges 	<ul style="list-style-type: none"> • Dislocation of populations • Contamination of water supply • Damage to agriculture (food crisis) • Psychological distress • Increased transmission of disease • Disruption of education • Damage to tourism • Property damage 	<ul style="list-style-type: none"> • Life (ICCPR, 6) • Health (ICESCR, 12) • Water (ICESCR, 11,12) • Means of subsistence (ICESCR, 11) • Adequate standard of living (ICESCR, 11) • Adequate housing (ICESCR, 11) • Education (ICESCR, 13) • Property (UDHR, 13) 	South-East Asia South Asia Caribbean Coastal Zones Island States
Changes in Precipitation <ul style="list-style-type: none"> • Change in disease vectors • Erosion 	<ul style="list-style-type: none"> • Outbreak of disease • Depletion of agricultural soils 	<ul style="list-style-type: none"> • Life (ICCPR, 6) • Health (ICESCR, 12) • Means of subsistence (ICESCR, 11) 	Sub-Saharan Africa South-East Asia South Asia Latin America

*These rights are additionally anchored in more specialized targeted treaties of the UN Human Rights Edifice.

**Most vulnerable regions.

Source: Own Compilation (based on data from Orellana and Johl 2013 & supplemented with data from OHCHR 2009)

On the other hand, there are initial, systematic empirical studies demonstrating that climate policy programs, i.e. political answers to address and reduce the climate impacts

outlined above, have led to severe human rights violations (Schapper and Lederer 2014; Human Rights Watch 2015; Schapper 2021a). This particularly concerns mitigation measures, such as *Reducing Emissions from Deforestation and Forest Degradation* (REDD+) programs (Faustino and Furtado 2014), *Clean Development Mechanism* (CDM) projects (Schade and Obergassel 2014) and activities under the umbrella of *Green Economy* (GE) strategies (Human Rights Watch 2012, Schapper 2021a). This strand of research highlights that, in particular, the transition process to alternative energy and consumption patterns and to a low-carbon economy can lead to human rights violations of local communities, indigenous peoples and pastoral groups (Bratman 2015).

Rights infringements resulting from climate policy implementation often occur in the context of conflicts around property, land and resources. This means that in very extreme cases, violations to the right to life have been reported, particularly when violent relocations were undertaken (Human Rights Watch 2012). Furthermore, the right to property specified in Article 17 of the *Universal Declaration of Human Rights* (UDHR), and the right to development, stipulated in the *Declaration on the Right to Development* (Orellana 2010, 5-6), are non-binding human rights that are often neglected when it comes to implementing climate policies (Human Rights Watch 2012, 2-4). Similarly affected is the right to self-determination set forth in the *International Covenant on Economic, Social and Cultural Rights* (ICESCR 1966, Art.1.2), as well as social rights, among them, the right to adequate housing, the right to food, the right to water and the right to health. Thus, human rights are at risk as a result of climate change itself and as a consequence of how climate policies are implemented. Hence, these two perspectives cannot be treated in isolation. From a human rights point of view, those people who are the least responsible for greenhouse gas emissions are also the ones most negatively affected by, and most vulnerable to, climate change consequences and climate policy impacts and, simultaneously, have the fewest resources to adapt (Robinson 2014). This situation of injustice is championed by transnational human rights advocacy networks at the international climate conferences.

Civil Society and Human Rights Advocacy at the Climate Conferences

The 1992 Rio Conference on Environment and Development marked, among other substantive themes, the strengthening of civil society participation in decision-making processes within the UN system. Civil society participants can bring expertise and credibility to international organizations (IOs) and negotiations within their fora (Brühl 2003, 186). In open and transparent negotiation processes, states increasingly take up non-state demands (Steffek and Nanz 2008). Environmental and climate politics can be regarded as unique policy fields facilitating advanced institutional mechanisms for access and participation of civil society actors (Bäckstrand 2012).

In climate politics, the focus of CSOs in negotiations is on addressing justice concerns or employing a climate justice frame (della Porta and Parks 2013). Climate justice is a fluid framework that is diversely utilized, but it broadly embraces the observation that those people who have contributed the least to climate change are those who are most affected by it (Görg and Bedall 2013, 88-89). The climate justice movement is characterized by a dominant antagonism between a moderate wing, accepting capitalism and lobbying for change within established institutions and a radical wing demanding change to capitalism as a root cause for climate challenges (della Porta and Parks 2013, 47). This results in cooperative and conflictive activities of TANs within and outside of the UNFCCC process (Brunnengräber 2013, 366).

At the international level, shaping climate policies can be best realized through CSOs' participation in international climate conferences (Bernauer and Betzold 2012, 63). CSOs can become part of the official UNFCCC process by acting as accredited organizations (Görg and Bedall 2013, 94-95). In some cases, civil society actors even become members of national delegations and are "formally granted a 'seat at the table'" (Bernauer and Betzold 2012, 63). This increases their opportunities to influence governmental decisions since it provides them with access to closed sessions, official state documents and the possibility to present their own proposals (Böhmelt, Koubi and Bernauer 2014, 19). Governmental delegations are interested in including CSOs because they provide expertise (Betsill and Corell 2008) and can enhance the legitimacy of their decisions (Bernauer and Betzold 2012, 63). CSOs, in contrast, use their close interaction with governments to exert pressure for negotiating, ratifying and complying with international environmental agreements (Bernauer, Böhmelt and Koubi 2013). Hence, relations between IOs and CSOs are changing; state and society are no longer entirely separate entities; they are in flux; and their specific interactions are evolving.

One important concept that helps to understand how justice and human rights claims are transported from civil society to state negotiators is that of transnational advocacy networks. CSOs are core members of and organize themselves within TANs together with other actors, like representatives of international organizations, foundations, churches, academics, etc. There are some particulars about TANs active at the international climate conferences: their networks are characterized by a particular hybridity – actors may only join for a short period of time – and participating organizations can be quite diverse (Reitan 2011, 52). Although groups of the global south are usually underrepresented in these networks (Brunnengräber 2013), local CSOs from developing countries are increasingly funded by foundations and international CSOs to present their case studies and voice the concerns of local people adversely affected by climate policies at international venues (Atapattu and Schapper 2019). Consequently, actors work at various scales: they differ in their degree of institutionalization and in their positioning toward the UNFCCC process (inside/outside). Newer (and still evolving) network structures engage very closely with the UNFCCC and sometimes even invite governmental delegates to bring information from closed (intergovernmental) sessions, or to introduce draft texts prepared by CSOs in inter-governmental sessions (Görg and Bedall 2013, 94-95).

The Human Rights and Climate Change Working Group

Network Building and First Successes

One important example of a transnational advocacy network promoting human rights within the UNFCCC is the *Human Rights and Climate Change Working Group* (HRCCWG). The group first participated in COP 15 in 2009 in Copenhagen, Denmark (Interview Coordinator HRCCWG 2013). The HRCCWG can be described as a hybrid link of predominantly civil society and some state actors operating at various scales – from the local to the global (Interview Indigenous Rights Organization 2013) – with the common objective of institutionalizing human rights in the climate regime. Among the networks' members are prominent international CSOs, such as the Center for International Environmental Law (CIEL), Earthjustice, Friends of the Earth and Carbon Market Watch, Human Rights Watch, Amnesty International, but also local CSOs from various developing countries, gender advocates, indigenous peoples' representatives, academics, representatives from IOs, like the Office of the High Commissioner for Human Rights (OHCHR) and UNICEF, as well as single

actors from state delegations (Interview Human Rights Watch 2015). Membership in the network is rather informal; participants can be present at one negotiation meeting joining the group's activities there, and then miss out on the next one (Interview HRCCWG Activist 2015). Simultaneously, they can be part of another TAN active at the international climate conferences, including Climate Action Now (CAN), the REDD+ Safeguards Working Group or the Indigenous Caucus (Ibid.).

At COP 16 in Cancun (Mexico) and at COP 21 in Paris (France), the (so far) most significant successes in institutionalizing human rights in the climate regime were achieved. The Human Rights and Climate Change Working Group, among other TANs, was strongly involved in both. The most important successes in rights institutionalization until today are the following. *First*, in the preambulatory clauses of the Cancun Agreement, the UNFCCC member states emphasized Human Rights Council Resolution (HRC 10/4) on 'human rights and climate change' stating that:

[...] the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights and that the effects of climate change will be felt most acutely by those segments of the population that are already vulnerable owing to geography, gender, age, indigenous or minority status, or disability (UNFCCC/CP 2010, 2).

This means that there is a consensus that rights are adversely affected by climate change impacts. *Second*, in the operative part of the Cancun Agreement, member states announced that: "[...] parties should, in all climate-change related actions, fully respect human rights" (UNFCCC/CP 2010, 4). These actions, of course, refer to all climate policy initiatives introduced under the legal framework of the UNFCCC and the Kyoto Protocol. *Third*, the first procedural rights, also known as safeguards, were institutionalized as a requirement for the implementation of REDD+ programs in Annex one of the Cancun Agreement. This means that the rights to participation, information, transparency and free prior and informed consent need to be respected for local communities affected by the realization of REDD+ programs. The rights, knowledge and (land) ownership of indigenous peoples are particularly emphasized here (UNFCCC/AWG-LCA 2010, 52-59). *Fourth*, a review of the modalities and procedures of the CDM is underway. During COP 19 in 2013 in Warsaw and during the Intersessional Negotiations in 2014 and 2015 in Bonn, states (and CSOs) discussed stronger stakeholder consultation requirements and several references stating that activities under the CDM have to be carried out in accordance with human rights (Filzmoser 2013, 2). *And finally*, human rights have again been anchored in the preambulatory clauses of the Paris climate treaty in 2015. It stipulates that state parties should:

(...) when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity (...). (UNFCCC 2015).

Following up on the Paris agreement, rights-based social and environmental safeguards will be negotiated to regulate global carbon markets as part of the Paris implementation guidelines. These negotiations center around Article 6 of the Paris Rule Book and will take place at COP 26 in Glasgow, Scotland in 2021.

Members of the HRCCWG consider these developments as progressively evolving success in their effort to institutionalize human rights norms in the climate regime (Interview UNICEF 2016). Thus, one can argue that CSOs and their networks play an important role when it comes to advancing human rights in the climate regime.

Network Strategies

The most successful strategy the HRCCWG has employed for achieving its objectives was to build friendly relations with the decision-makers at the climate negotiations, i.e. with the state representatives. Making use of these receptive relations, the network receives access to negotiating texts and attempts to include human rights language in respective drafts by asking state parties to introduce these in closed negotiation sessions as explained by a representative of a women's rights organization:

Most of the actual negotiating meetings have been closed to me because I'm civil society but a lot of times I'll go and network with parties [...] and we're staying outside the door and if we have position papers on different things, we'll ask parties to introduce an item [...]. One of our [...] points is actually looking at the text, examining it, seeing places that we think could be improved to better support the issues that we want them to support and then actually suggesting language. And parties actually take it up and are really excited about it. [...] I know several parties that I can just ask for: 'What happens in that meeting?' or 'could you possibly pass on to me the text?' [...] so that part is really through the relationship that you have with the parties (Interview Women's Rights Organization 2013).

Relations with state parties of the UNFCCC are particularly well-established if the negotiators are open to human rights arguments due to their own liberal democratic state identity, increased pressure by domestic CSOs, or if they rely on the network's expertise and capacities which is done by a number of developing countries with limited capacities. If the latter is the case, network members provide their expert knowledge and attend sessions on behalf of small delegations that cannot afford to travel to the negotiations with many staff members. This means that civil society actors become officially registered as a member of a respective state delegation and they can introduce draft texts in meetings that are officially closed for non-state observers, as pointed out by a women's rights advocate:

Many parties have so little capacities to follow half of the issues that it's actually very helpful to them if there is something drafted, and they can either redraft it, interpret it or be able to kind of introduce it as it is. Their country position goes well with the language, they just didn't know, and so we are advocates but at the same time [...] technical experts on gender issues, this has helped to influencing the agenda (Ibid.).

To justify the use of human rights language in climate agreements, the HRCCWG frequently works with case studies emphasizing the adverse effects of climate change and climate policies on local people from Asia, Latin America, and Africa (Interview Environmental Think Tank 2013). At the climate negotiations, case studies are usually presented during so-called side events (Interview Indigenous Rights Organization 2013) that run parallel to the meetings of state parties and are accessible to all governmental delegations, as well as non-state observer groups. Cases on problematic rights situations are sometimes presented by locally affected people, e.g. representatives from indigenous or pastoralist groups. The international partners of the HRCCWG sponsor representatives of affected

groups so that they are able to join these international meetings and voice their experiences, arguments, and corresponding demands. TANs help to process these cases demonstrating that there are severe drawbacks in the body of rules and regulations of climate policies, such as REDD+ and the CDM, leading to rights infringements in the implementation process. They use local experiences to voice their demands for change in the modalities and procedures of climate instruments in order to support the pleas of the affected populations for more information, transparency, and participation opportunities. In this way, local claims are fed into the international negotiation process. A representative from Human Rights Watch summarized its objective of transporting local claims to the international negotiation table:

The way we do our research is really go into the field and speak with the people on the ground, do many interviews, speak with everyone, not only the communities that are affected but of course also, you know, government and, [...] especially in a context where not everyone is able or, financially able or just generally can participate in these kind of high-level discussions. Of course, in a COP like here there are many groups from different countries but still if you think about representation, these won't be the most disadvantaged people that will make it to these international negotiations. So I think this is also what we are trying to do with our work generally but also in this context is kind of bringing the voices of those that are not usually being heard to the international negotiations (Interview Human Rights Watch 2015).

The initial focus of the HRCCWG was on framing emission reductions as a human rights obligation. Later, this TAN placed a clear emphasis on response measures and their impacts on local populations in developing countries (Interview HRCCWG Activist 2013). Thus, procedural human rights, and especially the right to participation in developing and implementing climate policies, lie at the heart of the network's activities (Interview Coordinator HRCCWG). Altogether, we can find a two-way-process here. Local advocates inform the policy-making process of states within the forum of an IO and their decisions can, in return, change climate policy implementation at the local level.

The "Super-Network"

At COP 21 in Paris, the two coordinators of the HRCCWG initiated an inter-constituency alliance in order to combine the strengths of several civil society networks at the negotiations of a new climate treaty. This inter-constituency alliance can be understood as a "super-network" (Schapper 2020, 2021b), i.e. a network above several networks, sharing the same objectives in shaping the Paris agreement. The constituencies at the UNFCCC negotiations are clustered groups of officially registered CSOs sharing certain interests and acting as observers in the process. As of 2015, the UNFCCC Secretariat reports more than 8,000 admitted CSOs (UNFCCC 2021) are organized in nine constituencies, among them environmental CSOs (ENGO), business and industry CSOs (BINGO), indigenous peoples' organizations (IPOs), youth CSOs (YOUNGO), women and gender (WOMEN AND GENDER), trade union CSOs (TUNGO) and research and independent CSOs (RINGO). Participation in a constituency comes with several advantages: it allows observers to make interventions at certain points in the state negotiation process, it facilitates the use of focal points for better coordination with the UNFCCC Secretariat, and it enhances flexible information-sharing (UNFCCC 2014).

Prior to the Paris negotiations, the inter-constituency alliance was established because most observer organizations shared some common concerns. Among them were the protection

of human rights, indigenous peoples' rights and sustainable development; a just transition of the workforce; and the creation of decent jobs, equal participation of women as well as inter-generational equity. During the Intersessional Negotiations in Bonn in June 2015, the alliance managed to place all of these aspects in the operative part of the negotiation text in Article two determining the objective of the ultimate Paris Agreement. Thus, including human rights there would have meant acknowledging that the purpose of the agreement is the protection of basic rights in the face of a changing climate. However, the entire Article two was still in brackets after Bonn and almost during the entire Paris conference. This means that this part of the text was still subject to further negotiations. Two days before the Paris Agreement was adopted, human rights were removed from the operative part of the text and only remained in the preambulatory clauses. This happened despite strong advocacy by the super-network. Nevertheless, human rights and all the other related aspects the inter-constituency alliance advocated for remained part of the Preamble. This success resulted from the super-network coordinating its activities and harmonizing its strategies among the sub-networks to lobby specific state partners (Schapper 2021b).

Several legal experts of the inter-constituency alliance as well as the former UN Special Rapporteur on Human Rights and the Environment, John Knox, underscored that all climate-relevant action has to be in accordance with existing human rights obligations (Interview AIDA 2016). Additionally, the institutionalization of human rights in the legally binding Paris agreement can be understood as advancement compared to previous accords.

Enhanced Outreach on the Road to Paris

Besides initiating and coordinating the inter-constituency alliance, there were also other changes to the HRCCWG strengthening its advocacy efforts. After it had commenced working mainly with environmental law organizations, representatives from indigenous peoples' and women's rights CSOs, the big non-governmental human rights players, Human Rights Watch (HRW) and Amnesty International (AI), came on board at the COP in Lima in 2014. A common Greenpeace-Amnesty statement as well as a widely spread common press release by HRW and AI marked the arrival of the big human rights CSOs in the network. An active collaborator in the group commented this with the following words:

To get that bridging and to see for example the Amnesty-Greenpeace statement, which talked about zero emissions and 100% renewable energy as a human rights issue, for me this was like a real turning point. For me [...] this is great in terms of new steps going forward (Interview UNICEF 2016).

In addition to these new non-governmental partners from the human rights regime, state actors also joined the working group. Among them were mainly international organizations, like the OHCHR and UNICEF. Both took an active part in the network, further developed its strategy at the coordination meetings, and engaged in awareness-raising of state delegates. A representative of the OHCHR summarized their objectives at the COP and in relation to establishing the link between the human rights and climate regime, as the following:

We think this is an issue of consistency and policy coherence that it is important that these two legal frameworks are brought together and in fact should complement each other. So the international human rights framework is a legally binding commitment made by the states and we think that commitment should be recognized in the context of environmental laws and we are pushing hard to see that be the case. [...] I have been in contact with many, many states by email, by speaking to delegates on

the floor, in the plenary, by walking to the different offices they have here [...]. We are here to really make sure that the Office of the High Commissioner for Human Rights has a clearly articulated position that human rights is important in these negotiations, that climate change is a human rights issue and that everyone here is aware that that is the position of the UN Office of the High Commissioner for Human Rights (Interview OHCHR 2015).

Besides IOs, there were also some states taking an active part in the promotion of human rights in the climate agreement. Prior to the negotiations, eighteen governments took action and initiated the Geneva Pledge for Climate Action calling for enhanced institutional interaction between the UNFCCC and the OHCHR and emphasizing that human rights obligations need to be observed in all climate-relevant actions. The most committed states were Latin American countries (e.g. Mexico, Peru, and Costa Rica), many small island states (e.g. Maldives, Kiribati and Samoa), and some European countries (e.g. France, Sweden and Ireland).

Another great push for human rights in the climate regime came from increased media attention and a successful Twitter campaign. Under #Stand4Rights the HRCCWG and several of their partners disseminated information regarding new versions of the negotiating text, spread the word on further awareness-raising actions and pressured governments arguing against rights protection. An interesting example for the latter is the use of the #Stand4Rights to tweet a joint press release by Amnesty International and Human Rights Watch that attempted to name and shame those countries that were severely blocking human rights language in the climate accord at that point, notably the USA, Saudi Arabia and Norway. The press release quoted Ashfaq Khalfan, Law and Policy Programme Director at Amnesty International, with the following sentences:

Norway, Saudi Arabia, United States are at risk of being labelled ‘human rights deniers’ in addressing climate change. [...] Norway is claiming to be a bridge builder on the issue of human rights, but rather seems intent on blowing up an essential bridge between environmental protection and human rights (Amnesty International and Human Rights Watch 2015).

The wide public attention around this, led to immediate reactions of the opponents. Norway, for instance, released an official statement emphasizing that it supports human rights in the operative part but not in Article two, which sets out the purpose of the agreement.

Thus, prior to and in Paris, the network was profiting from an enhanced outreach including combined strengths in the inter-constituency alliance, active participation of IOs as well as increased press and social media coverage. All these efforts led to an at least partial success – an institutionalization of human rights in the Preamble of the new climate agreement.

A Boomerang Effect in Climate Negotiations?

What representatives of the HRCCWG have described as first successes in institutionalizing human rights in the climate regime can best be explained by the research program on institutional interaction or regime interplay (Young 2002; Oberthür and Stokke 2011). Institutional interaction means that the institutional development or effectiveness of one institution becomes affected by another institution (Gehring and Oberthür 2006, 6). Interaction can also occur across policy fields leading to both, conflict and synergy. So far, the literature has predominantly focused on investigating cases of inter-institutional conflict

(Andersen 2002; Zelli 2011). Instances of interaction with synergetic effects have received less attention. One focus in the research program on institutional interaction is to identify causal mechanisms of influence exerted from one source institution to a specific target institution (Gehring and Oberthür 2006, 6-7). These comprise, *first of all*, cognitive interaction, or learning. Here, the source institution provides insights that it feeds into the decision-making process of the target institution (Gehring and Oberthür 2009, 133). *Second*, interaction through commitment, meaning that the member states of a source institution have agreed upon commitments that are relevant for the members of the target institution as well. If there is an overlap of membership, the commitments made in the source institution can lead to differing decision-making in the target institution (ibid: 136). *Third*, behavioral interaction comes into play if the source institution has obtained an output initiating behavioral changes that is meaningful for the target institution. In these cases, the initiated changes in behavior can foster further behavioral changes (ibid: 141-142). *Fourth*, impact-level interaction is based on a situation of interdependence, in which a “functional linkage” (Young 2002) between the governance objectives of the institutions can be observed. If the source institution obtains an output that has an effect on its objectives, this impact can also influence the objectives (and effectiveness) of the target institution (Gehring and Oberthür 2009, 143-144).

To develop a better understanding of institutional interaction between the human rights and the climate regime, the micro-macro link (Buzan, Jones and Little 1993) - the mechanisms at play between the micro-level of actors and the macro-level of institutions - needs to be further established. Here, constructivist International Relations scholarship, like insights on TANs and the boomerang pattern, highlighting the mutually constitutive character of actors and structures might be able to enrich rational choice-oriented institutionalist theories, i.e. scholarship on institutional interplay. Research on TANs provides useful insights that help understand how CSOs use information and established frames in one policy field to motivate (more powerful) IOs and their member states in a different policy field to change their actions.

The boomerang pattern describes a situation in a repressive state, in which channels between domestic CSOs and the norm-violating state are blocked and these CSOs decide to bypass the state government and provide information on rights violations to a TAN. Thereupon, the network mobilizes the human rights regime, including democratic states and IOs, using persuasion mechanisms. The regime, eventually, exerts pressure on the respective state to initiate a human rights change. Hence, what has departed from within a state, i.e. pressure and rights infringements by the government, comes back like a boomerang from outside, i.e. TANs and the human rights regime, and motivates the state government to institutionalize rights (Risse, Ropp and Sikkink 1999).

Keck and Sikkink have developed a typology of tactics TANs use when employing persuasion, socialization and pressure mechanisms. In this context, they highlight information politics understood as strategically using information, symbolic politics as to draw on symbols and stories to highlight a situation to a target audience that might be geographically distant, leverage politics as network actors being able to gain moral or material leverage over state actors and IOs, and accountability politics referring to formerly adopted norms and policies of governmental actors and obligations to comply with them (Keck and Sikkink 1998, 16-25).

At the climate conferences, a pattern which is similar to Keck and Sikkink’s boomerang effect can be observed. Local CSOs provide information on rights infringements in climate policy implementation in certain states to advocacy networks. TANs, like the HRCCWG, use this information to mobilize other actors of the human rights regime (*information politics*). At

side events, for example, TANs encourage local actors to share their cases and stories from home countries to raise awareness about adverse human rights effects of both climate change and climate policies (*symbolic politics*). These cases are presented as instances of climate injustice in which local population groups, who have contributed little to greenhouse gas emissions and have few resources to adapt, cannot fully enjoy their human rights due to climate impacts, or experience severe rights infringements due to climate policies. This creates moral leverage over states that have historically contributed to emissions and that are implementing climate policies in developing countries (*leverage politics*). Moreover, TANs persuade states to vote for an incorporation of human rights into climate agreements, and more particularly procedural rights into climate policies. Mechanisms of persuasion (and discourse) function according to a logic of appropriateness (or a logic of arguing) and are particularly successful with (often liberal democratic) states' governments (Risse and Ropp 2013, 16-17) that have already legally committed to human rights, understanding them as part of their state identity, e.g. European states like France, Sweden and Ireland (*accountability politics*). Actively engaged and in favor of rights institutionalization are also those states that are pressured from above through TANs and from below through domestic civil society organizations. These often are Latin American countries with strong CSO movements representing local community's and indigenous peoples' concerns. Among them are Mexico, Peru, Costa Rica, Guatemala and Uruguay. Especially in those countries, a boomerang pattern can be observed as domestic CSOs pressure the government to change the modalities and procedures of climate policy implementation from inside, while TANs and the human rights regime exert pressure on the government from outside the country. Also, small states, such as the Maldives, Kiribati, Samoa, or the Philippines, are in favor of rights institutionalization, fearing severe climate change consequences for the citizens living on their territory. Some states (together with CSOs, IOs and other actors of the human rights regime) also try to pressure less democratic states to vote in favor of rights institutionalization claiming that they will not fund climate policies with adverse right effects anymore, such as REDD+ and CDM programs. Thus, they use negative incentives or sanction mechanisms that function according to a logic of consequences (Risse and Ropp 2013, 14).

At least three aspects in this scenario are completely new to International Relations research emphasizing the boomerang pattern. *First*, the COP is a transnational arena, in which states closely interact with CSOs. This might accelerate the boomerang pattern since information can be quickly and informally exchanged and strategically used. *Second*, due to very close interaction between TANs and states, civil society actors can offer important text passages in final agreements that are being negotiated. This means boundaries between states and civil society at the international negotiations become increasingly blurred contributing to further transformation of state practices in this context. And *third*, in contrast to what empirical analyses on the boomerang pattern suggest so far, an institution can adopt these rights (and not the state itself). This could slow down the process because a consensus between different state actors has to be found. However, it could also lead to a transfer of, for instance, procedural rights to states that would not adopt them otherwise. Thus, integrating procedural rights into climate policies might also become a booster for improving the human rights situation of a particular state or it can lead to "democratic empowerment" (Kaswan 2013, 161) and foster further democratization processes in certain states (May and Daly 2014).

Cost-benefit calculations of state actors are an important mechanism explaining why states refrain from supporting human rights in the climate regime. Governments like the

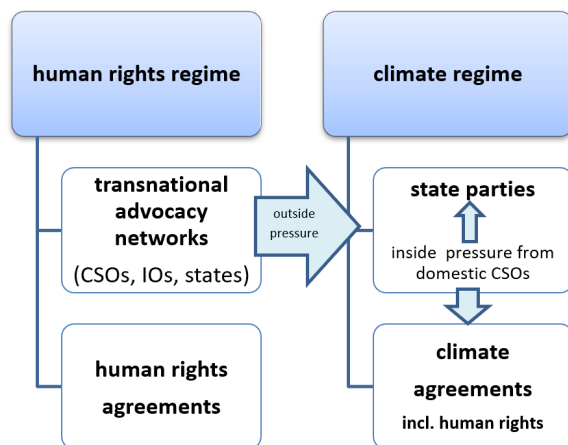
United States, for instance, have remained opposed to rights institutionalization in the operative part of the Paris Agreement¹ (and in previous negotiations) because they fear costly obligations and demands for compensation:

And the US, for example, it's like they refuse to talk about human rights. Refuse. It's a non-starter. It's like a totally toxic kind of issue to bring to them. [...] If you follow the Human Rights Council discussions and dialogues, the US refuses to talk about climate change in the human rights regime as well. For exactly the same reason. It's like the loss and damage negotiations are playing out here for a reason, they won't talk about climate change in a human rights context because they don't want to be held liable for historic contributions to climate change (Interview Coordinator HRCCWG 2013).

The strong emphasis on economic, social and cultural rights in the context of climate change impacts also leads to the United States remaining highly skeptical regarding rights institutionalization in the climate regime (see also Alston 2008). African countries rather fear that conditionalities are being imposed on them when implementing climate policies funded by Annex I parties (i.e. developed states). They emphasize their state sovereignty and are concerned that deficiencies in their domestic rights situation could be exposed, and that the international community would interfere in their domestic affairs with the help of procedural rights in climate policies (Wallbott and Schapper 2017). These opposing states prevented the inclusion of human rights in the operative part of the Paris Agreement.

In sum, actors like TANs, and mechanisms, such as information delivery, the boomerang pattern and persuasion, help us understand institutional interaction between the human rights and the climate regime. They explain how cognitive interaction and interaction through commitment can be initiated. Behavioral interaction and impact-level interaction can probably be observed at later stages such as when the Paris Agreement with its commitment to human rights is being implemented. And here, compliant state action will be most necessary.

Figure one displays the boomerang pattern fostering institutional interaction between the human rights and the climate regime.

Figure 1: The Boomerang Pattern Fostering Institutional Interaction

Conclusions

The objective of this article was to demonstrate how close state-society interaction can foster human rights institutionalization in the international climate regime. Those civil society actors and transnational advocacy networks collaborating intensively with state actors are much more likely to make at least moderate human rights changes in climate politics. With the help of information dissemination, persuasion as well as inside and outside pressure mechanisms, they have convinced state representatives to recognize human rights in the climate regime. The empirical evidence gathered mainly from expert interviews at the international climate negotiations in Warsaw 2013 and in Paris 2015, follow-up personal correspondence and primary documents, suggests that in particular constellations, a boomerang pattern can be observed. This is the case when information about local rights infringements in climate policy implementation is released by domestic civil society groups and pressure comes back like a boomerang to the norm-violating government at the international conferences. To date, this has led states at these conferences to assert that human rights should be protected in any effort to reduce climate change. The preambulatory clauses of the Cancun Agreements in 2010, for example, led to unanimous commitment that all climate-related actions need to be carried out in accordance with human rights norms and an inclusion of procedural rights in REDD+ policies (UNFCCC/CP 2010). In Paris 2015, participating states agreed to respect, promote and consider human rights in climate-relevant action in the Preamble (UNFCCC 2015). This article has revealed new insights on the mechanisms and tactics employed by TANs, including information politics, symbolic politics, leverage politics and accountability politics, to foster institutional interaction between the human rights and the climate change regime.

The focus on procedural rights upheld by many CSOs and TANs – compared to earlier attempts that have framed emission reductions as a human rights obligation – demonstrates that civil society operating within the UNFCCC process has become pragmatic aiming at moderate changes and reforms in climate policies. The fact that civil society representatives even become registered as parts of state delegations shows that demarcations between state and non-state activities at the climate conferences become blurry and that state-society relations are in flux.

REFERENCES

- Aarhus Convention (1998): *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters*.
- Amnesty International/ Human Rights Watch (2015): *Human Rights in Climate Pact Under Fire*, <https://www.hrw.org/news/2015/12/07/human-rights-climate-pact-under-fire> [17 June 2016].
- Andersen, Regine (2002): “The Time Dimension in International Regime Interplay” *Global Environmental Politics*, 2 (3): 98–117.
- Atapattu, Sumudu and Andrea Schapper (2019): *Human Rights and the Environment: Key Issues*, London: Routledge.
- Bäckstrand, Karin (2012): *Democracy and Global Environmental Politics*, in Peter Dauvergne (ed.): *Handbook of Global Environmental Politics*, Cheltenham, UK: Edward Elgar Publishing: 507-519.
- Bernauer, Thomas and Carola Betzold (2012): “Civil Society in Global Environmental Governance” *The Journal of Environment and Development*, 21 (1): 62–66.
- Bernauer, Thomas, Böhmelt, Tobias, and Vally Koubi (2013): “Is There a Democracy-Civil Society Paradox in Global Environmental Governance?” *Global Environmental Politics*, 13 (1): 88–107.
- Betsill, Michele Merrill and Elisabeth Corell (eds.) (2008): *NGO Diplomacy: The Influence of Nongovernmental Organizations in International Environmental Negotiations*, Cambridge: MIT Press.
- Boyd, David R. (2012): *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment*, Vancouver: University of British Columbia Press.
- Böhmelt, Tobias, Koubi, Vally and Bernauer, Thomas (2014): “Civil Society Participation in Global Governance: Insights from Climate Politics” *European Journal of Political Research*, 53 (1): 18–36.
- Bratman, Eve (2015): “Passive Revolution in the Green Economy: Activism and the Belo Monte Dam” *International Environmental Agreements*, 15 (1): 61-77.
- Brunnengräber, Achim (2013): “Zwischen Pragmatismus und Radikalisierung: NGOs und soziale Bewegungen in der internationalen Klimapolitik“, in Dietz, Matthias and Heiko Garrelts (eds.): *Die internationale Klimabewegung: Ein Handbuch*, Wiesbaden: VS Springer.
- Brühl, Tanja (2003): *Nichtregierungsorganisationen als Akteure internationaler Umweltverhandlungen. Ein Erklärungsmodell auf der Basis der situationsspezifischen Ressourcennachfrage*, Frankfurt and New York: Campus.
- Buzan, Barry, Jones, Charles and Richard Little (1993): *The Logic of Anarchy: From Neorealism to Structural Realism*, New York: Columbia University Press.
- Daly, Erin (2014): *The Untapped Potential of Procedural Environmental Rights*, Paper presented at the 3rd UNITAR-Yale Conference on Environmental Governance and Democracy, New Haven: Yale University, 6 September 2014.
- della Porta, Donatella and Louisa Parks (2013): „Framing-Prozesse in der Klimabewegung: Von Klimawandel zu Klimagerechtigkeit“, in Dietz, Matthias and Heiko Garrelts (eds.): *Die internationale Klimabewegung: Ein Handbuch*, Wiesbaden: VS Springer.

- Faustino, Cristiane and Fabrina Furtado (2014): *The Green Economy, Forest Peoples and Territories: Rights Violations in the State of Acre, Fact-finding and Advocacy Mission Preliminary Report, Rio Branco*.
- Filzmoser, Eva (2013): “Clean Development Mechanism”, in Human Rights and Climate Change Working Group (ed.): *Summary of Rights-Related Developments at COP 19*.
- Gehring, Thomas and Sebastian Oberthür (2006): “Introduction”, in Oberthür, Sebastian and Thomas Gehring (eds.): *Institutional Interaction in Global Environmental Governance: Synergy and Conflict among International and EU Policies*, Cambridge: MIT Press.
- Gehring, Thomas and Sebastian Oberthür (2009): “The Causal Mechanisms of Interaction between International Institutions” *European Journal of International Relations*, 15 (1): 125–156.
- Görg, Christoph and Philip Bedall (2013): “Antagonistische Positionen: Die Climate-Justice-Koalition vor dem Hintergrund der Theorie gesellschaftlicher Naturverhältnisse“, in Dietz, Matthias and Heiko Garrelts (eds.): *Die internationale Klimabewegung: Ein Handbuch*, Wiesbaden: VS Springer.
- Gupta, Aarti (2008): “Transparency Under Scrutiny: Information Disclosure in Global Environmental Governance” *Global Environmental Politics*, 8 (2): 1–7.
- Hiskes, Richard P. (2009): *The Human Right to a Green Future: Environmental Rights and Intergenerational Justice*, Cambridge: Cambridge University Press.
- Human Rights Watch (2012): *What Will Happen if Hunger Comes? Abuses Against the Indigenous Peoples of Ethiopia’s Lower Omo Valley*, New York: Human Rights Watch.
- Human Rights Watch (2015): *There is No Time Left: Climate Change, Environmental Threats, and Human Rights in Turkana County, Kenya*, New York: Human Rights Watch.
- Humphreys, Stephen (2012): “Climate Change and International Human Rights Law”, in Rayfuse, Rosemary and Shirley V. Scott (eds.): *International Law in the Era of Climate Change*, Cheltenham: Edward Elgar.
- ICESCR (1966): *International Covenant on Economic, Social and Cultural Rights*, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966.
- ICCPR (1966): *International Covenant on Civil and Political Rights*, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966.
- IPCC (2018): *Global Warming of 1.5: Summary for Policy-Makers*, Switzerland: Intergovernmental Panel for Climate Change.
- Kaswan, Alice (2013): “Environmental Justice and Environmental Law” *Fordham Environmental Law Review*, 24: 149–179.
- Keck, Margaret and Kathryn Sikkink (1998): *Activists Beyond Borders*, Ithaca: Cornell University Press.
- Kingdon, John W. (1995): *Agendas, Alternatives and Public Policies*, New York: Longman.
- Knox, John (2009): “Climate Change and Human Rights Law” *Virginia Journal of International Law*, 50: 163–218.
- Krennerich, Michael (2010): “Menschenrechte – ein Einstieg“, in Utz, Britta (ed.): *Handbuch der Menschenrechtsarbeit*, Berlin: Friedrich-Ebert-Stiftung.
- Maus, Silvia (2014): “Hand in Hand Against Climate Change: Cultural Human Rights and the Protection of Cultural Heritage” *Cambridge Review of International Affairs*, 27 (4): 699–716.
- May, James R. and Erin Daly (2014): *Global Environmental Constitutionalism*, Cambridge: Cambridge University Press.
- Oberthür, Sebastian and Olav S. Stokke (eds.) (2011): *Managing Institutional Complexity: Regime Interplay and Global Environmental Change*, Cambridge: MIT Press.
- OHCHR (2009): *Report of the Office of the United Nations High Commissioner for Human Rights on the Relationship between Climate Change and Human Rights*, Human Rights Council, A/HRC/10/61, 15 January 2009.
- Orellana, Marcos A. (2010): “Climate Change and the Millennium Development Goals: The Right to Development, International Cooperation and the Clean Development Mechanism” *SUR: International Journal on Human Rights*, 7 (12): 145–171.
- Orellana, Marcos A. and Alyssa Johl (2013): *Climate Change and Human Rights: A Primer*, Washington: The Center for Environmental Law.
- Reitan, Ruth (2011): “Coordinated Power in Contemporary Leftist Activism”, in Olesen, Thomas (ed.): *Power and Transnational Activism*, London: Routledge.
- Risse, Thomas, Ropp, Stephen C. and Kathryn Sikkink (eds.) (1999): *The Power of Human Rights. International Norms and Domestic Change*, Cambridge: Cambridge University Press.
- Risse, Thomas and Stephen C. Ropp (2013): “Introduction and Overview”, in: Risse, Thomas, Ropp, Stephen C. and Kathryn Sikkink (eds.): *The Persistent Power of Human Rights: From Commitment to Compliance*, Cambridge: Cambridge University Press.
- Risse, Thomas, Ropp, Stephen C. and Kathryn Sikkink (eds.) (2013): *The Persistent Power of Human Rights: From Commitment to Compliance*, Cambridge: Cambridge University Press.
- Robinson, Mary (2014): “Social and Legal Aspects of Climate Change” *Journal of Human Rights and the Environment*, 5: 15–17.
- Schade, Jeanette and Wolfgang Obergassel (2014): “Human Rights and the Clean Development Mechanism” *Cambridge Review of International Affairs*, 27 (4): 717–735.
- Schapper, Andrea (2020): “From the Local to the Global: Learning About the Adverse Human Rights Effects of Climate Policies” *Environmental Politics*, 29 (4): 628–648.
- Schapper, Andrea (2021a): “Climate Justice Concerns and Human Rights Trade-Offs in Green Economy Transition: Evidence from Ethiopia” *European Journal of Development Research*, doi: 10.1057/s41287-020-00340-6.
- Schapper, Andrea (2021b): “The “Super-Network”: Fostering Interaction Between Human Rights and Climate Change Institutions” *Complexity, Governance and Networks*, 6 (1): 32–45.
- Schapper, Andrea and Markus Lederer (2014): “Climate Change and Human Rights: Mapping Institutional Inter-linkages” *Cambridge Review of International Affairs*, 27 (4): 666–679.
- Snow, David and Robert Benford (1992): “Master Frames and Cycle of Protest”, in Morris, Aldon D. and Carol McClurg Mueller (eds.): *Frontiers of Social Movement*, New Haven: Yale University Press.
- Steffek, Jens and Patrizia Nanz (2008): “Emergent Patterns of Civil Society Participation in Global and European Governance”, in Steffek, Jens, Kissling, Claudia and Patrizia Nanz

- (eds.): *Civil Society Participation in European and Global Governance*, Houndmills: Palgrave Macmillan, 1–29.
- UNFCCC (2014): “Nongovernmental Organization Constituencies”, available at: https://unfccc.int/files/parties_and_observers/ngo/application/pdf/constituency_2011_english.pdf, accessed 24 June 2016.
- UNFCCC (2015): *Paris Agreement*, Adopted at the 21st Conference of the Parties (COP), 12 December 2015, Paris.
- UNFCCC (2021): “Statistics on Admission”, available at: <https://unfccc.int/process-and-meetings/parties-non-party-stakeholders/non-party-stakeholders/statistics-on-non-party-stakeholders/statistics-on-admission>, accessed 14 July 2021.
- UNFCCC/AWG-LCA (2010): *United Nations Framework Convention on Climate Change/ Ad Hoc Working Group on Long-term Cooperative Action under the Convention: Negotiating Text* (FCCC/AWGLCA/2010/14).
- UNFCCC/CP (2010): *United Nations Framework Convention on Climate Change/ Decision 1/CP.16, The Cancun Agreements: Outcome of the Work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention* (FCCC/CP/2010/7/Add.1).
- Wallbott, Linda and Andrea Schapper (2017): “Negotiating By Own Standards? The Use and Validity of Human Rights Norms in UN Climate Negotiations” *International Environmental Agreements*, 17 (2): 209–228.
- Young, Oran R. (2002): *The Institutional Dimensions of Environmental Change: Fit, Interplay, and Scale*, Cambridge: MIT Press.
- Zelli, Fariborz (2011): “The Fragmentation of the Global Governance Architecture” *Wiley Interdisciplinary Reviews: Climate Change*, 2 (2): 255–270.

ENDNOTE

- i. At the Paris negotiations, the US actually spoke in favor of human rights but did not agree to them being included in Article two outlining the purpose of the agreement.

INTERVIEWS

- Expert Interview, Coordinator of the Human Rights and Climate Change Working Group, 16 November 2013, COP 19 in Warsaw.
- Expert Interview, Representative of an Indigenous Rights Organization, 16 November 2013, COP 19 in Warsaw.
- Expert Interview, Representative from Human Rights Watch, 8 December 2015, COP 21 in Paris.
- Expert Interview, Academic and Activist, 17th November 2013, COP 19 in Warsaw.
- Expert Interview, Representative from UNICEF, via Skype after COP 21 in Paris, 4 February 2016.
- Expert Interview, Representative of a Women’s Rights Organization, 15 November 2013, COP 19 in Warsaw.
- Expert Interview, Representative of an Environmental Think Tank, 16 November 2013, COP 19 in Warsaw.
- Expert Interview, Representative from AIDA (Interamerican Association for Environmental Defense), via Skype after COP 21 in Paris, 4 February 2016.
- Expert Interview, Representative of the OHCHR, at COP 21 in Paris, 10 December 2015.