

The Human Rights Implications of Climate Policy Action in Ethiopia: The Case of Humbo Afforestation / Reforestation Clean Development Mechanism Project

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Abstract

The climate crisis is adversely affecting the full and effective enjoyment of a range of human rights such as the rights to life, health, water and adequate standard of living. Moreover, the crisis is characterized by uneven causes, vulnerabilities and impacts. This brings forth the climate justice concerns in which poor countries are subjected to disproportionate impacts of the problem which they hardly caused but are also obliged to shoulder inequitably distributed burden in mitigating the problem through policy instruments that are rife with human rights violations. The purpose of this article is to show the climate justice and rights implications of market-based climate policy drawing on empirical evidence from the implementation of Humbo Afforestation / Reforestation (A/R) Clean Development Mechanism (CDM) project in the Humbo Wereda of Wolayita Sodo Zone in the South Ethiopia Regional State. The article draws on in-depth interviews, Key Informant Interviews (KII), Focus Group Discussions (FGDs), survey questionnaire, observation checklist field notes and document analysis in the discussion and analysis of the human rights implications of the implementation of the CDM project. It is found out that the implementation of the project failed to respect such procedural rights as the rights to Free, Prior, and Informed Consent (FPIC), access to information, participation in decision making and getting remedies on the one hand and also both directly and indirectly violated such substantive right as the rights to adequate standard of living. The article concludes underlining that climate policy needs to recognize that the respect and protection of the right to a clean,

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healthy and sustainable environment and the right to development entails fundamental politico-economic transformation involving a shift away from reliance on fossil fuels as energy sources upholding the Human Rights-Based Approach to Climate Policy.

Keywords:- *Climate Injustice, Human Rights –Based Approach, A/R CDM Project, Kyoto Protocol, Flexibility Mechanisms, the Paris Agreement*

Introduction

The climate crisis, apart from being one of the greatest environmental challenges the global community is faced with, is characterized by uneven causes, vulnerabilities and impacts. Having been fundamentally and primarily caused by fossil fuel based industrial capitalism of the developed world, the problem has not only disproportionately threatened the full enjoyment of a range of human rights in poor countries and elsewhere but also curtailed their development efforts. The impacts of the crisis are documented as threatening, inter alia, the rights to life, health, food, water, adequate standard of life, means of subsistence, self-determination, and the right to development. (OHCHR 2009; Schapper 2018 ; McInerney-Lankford, Darrow and Rajamani 2011). Recognizing these threats to human rights from the adverse impacts of climate change, the global community devised strategies that would help “stabilize the climate at the level that would prevent dangerous anthropogenic interference with the climate system” as stated under article –two of the United Nations Framework Convention on Climate Change (UNFCCC). The convention operationalized its climate mitigation strategies via the Kyoto Protocol where it developed three market-based mechanisms of addressing the climate mitigation goals namely: Emission trading, Joint Implementation, and the Clean Development Mechanism. The mechanisms have also been de facto affirmed in the Paris Agreement. And they have been described as “the bedrock of the global carbon regime” (Mboya 2018).

Emission trading works on the basis of “cap and trade” where governments or intergovernmental bodies introduce caps to

companies in their territories specifying the amount of emissions reductions expected of them in a given year which these companies could either reduce or abide by them installing efficient technologies and sale their surplus allowances for others which have exhaustively used theirs or found efficiently running more expensive (Lohmann 2006; Gilbertson and Reyes 2009). Joint-implementation involves Annex-1 countries (industrialized countries) working jointly with countries in economies in transition (mostly Eastern Europe) where Annex-1 countries offset their pollution by funding clean projects in these countries (Yamin 2005; Bohm and Dahbi 2009). The Clean Development Mechanism (CDM) involves Annex-1 countries investing in developing countries in order to offset the emissions in their territories cheaply through their support of emission reduction projects in the developing countries (Yamin 2005). The CDM is believed to be generating a win-win-win solutions because it is seen as making available means of cheaply meeting emission reduction target of involved developed country, contributing to the realization of the ultimate objective of the UNFCCC and providing sustainable development support for the developing country hosting the project (Bohm, Misoczky and Moog 2012; Wilson 2011).

This article is about the climate injustice issues and human rights abuses linked with one of these market-based climate policies operationalized via the Kyoto protocol: the Clean Development Mechanism. The objective of the article is to show that the market-based climate mitigation mechanisms developed under the Kyoto protocol were formulated in a manner that does not address the climate injustice issues (unequal causes, vulnerabilities and impacts) and are rife with human rights violation through a synthesis of the critiques in relevant literature and relying on locally relevant empirical evidence from Humbo A/R CDM project in Wolayita Sodo Zone of South Ethiopia Region. Relying on survey questionnaires, individual interviews, FGDs, and document analysis, the article shows how unjustly developed climate policy fails not only to be effective in stabilizing the climate but also infringes upon the rights of local people hosting the project. The article is organized in such a way that part-I discusses the links between climate change and

human rights, part-II deals with the human rights implications of global climate policy, part-III delves into an assessment of rights implications of Humbo A/R CDM project which will be followed by concluding reflections.

Methodology

The article used both qualitative and quantitative data sources. The qualitative data were generated through in-depth individual interviews, FGDs, Key Informant interviews, document analysis, ratified treaties, and conventions, as well as employed a survey questionnaire. The sample kebeles were purposively chosen from Humbo Wereda on the basis of their adjacency to the project site: the three kebeles are adjacent to the project site and share its boundaries. It has also been considered that located being adjacent to a chain of mountainous project site, local people would naturally be expected to have been dependent on available forest based resources. Subsequently, 70 research participants were randomly chosen from each of the kebeles: Bosa Wanche, Abbala Longena and Hobbichaa Bada Kebeles of Humbo Wereda being reliant on lists of household numbers available in each of the Kebele administrations used as a sampling frame. Accordingly, about 210 participants were involved in the survey. The sample size was determined based on the widely held assertion that sample size should at least be 30 units if statistically significant claims about relations among or between variables is meant to be made about the study population drawing on sample statistics (Cohen et al. 2000; Delice 2010). In addition, a total of 6 FGDs, 20 in-depth interviews and 6 key Informant interviews were conducted. While convenience was considered in selecting participants of both FGDs and in-depth interviews, an attempt was made to ensure that members are heterogeneous demographically, and saturation of data determined the number of participants of in-depth interviews. Data collected via the survey questionnaire was organized and analyzed using descriptive statistics such as percentages, and frequencies and tabulation of analytical categories. Qualitative data were transcribed and organized into analytical themes and employed in argumentation. The employment of mixed

methods for generating different types of data for cross –referencing and triangulation along with the legal argumentation used in the analysis sets the research apart from other related research works .

Climate Change and Human Rights

The Inuit petition is cited as an event that marked the beginning of establishing the link between climate change and human rights. The petition was filed by the alliance of the Inuit from Canada and the United States, represented by Sheila Watt-Cloutier, to the Inter-American Commission for Human Rights (IACHR) alleging that the United States violated their rights and kept on further violating by failing to reduce its emission of greenhouse gases (GHGs) (Wagner and Goldberg 2004; Cameroon & Limon 2012). The petition states “the effect of global warming constitutes a violation of the human rights of the Inuit for which the United States is responsible” (Inuit Petition 2005). Though not accepted by the commission, the case introduced the idea that climate change is a human rights issue with demonstrable human causes and effects.

Later, vulnerable states and their communities worked to highlight that climate change threatens human rights. In November 2007, the Male Declaration on the Human Dimensions of Global Climate Change was issued. In March 2008, the UN Human Rights Council adopted Resolution 7/23, stating that climate change poses a serious threat to people and communities worldwide and impacts human rights. In January 2009, an unedited version of the analytical study on the relationship between climate change and human rights was published (OHCHR 2009). Different countries reacted differently to the analytical report. Canada, for instance, took the position that climate change does not directly infringe upon the human rights of people but via environmental degradation which is exacerbated by climate change. The UK recognized that climate change directly affects the full enjoyment of human rights within states’ territories. The US concurred that climate change impacts human rights, but viewed this as matter of factual observations rather than a matter of international law (Limon 2009; Knox 2009).

At the UN, the Office of High Commissioner for Human Rights (OHCHR) used information from the Intergovernmental Panel on Climate Change (IPCC)'s Fourth Assessment Report, which detailed the observed and projected impacts of climate change on human rights, in relation to the obligations of States under international human rights treaties to address the legal gap (OHCHR 2009). At the time, there was no internationally recognized right to a clean, healthy, and sustainable environment (UNGA 2022). They relied on the 1972 Declaration of the United Nations Conference on Human Environment where the interdependence and interrelatedness of human rights and the environment is recognized, in addition to the recognition by the UN human rights bodies of the intrinsic link between the environment and human rights (OHCHR 2009).

The OHCHR's analytical report established that the observed and projected negative impacts of climate change, as documented in the IPCC's Fourth Assessment Report, affect the enjoyment of human rights. These impacts relate to the obligations that States have under international human rights treaties (OHCHR 2009). The report affirmed that "global warming will potentially have implications for the enjoyment of a full range of human rights and that such rights as the right to life, adequate food, water, health, adequate housing, and the right to self-determination are most directly implicated by the adverse impacts of climate change". In addition, some geographic regions and sections of society such as age, gender, disability, and minority groups are more disproportionately impacted due to their vulnerabilities. Besides, it is not just the adverse impacts of climate change that have human rights implications; but government responses to climate change also impact human rights (Knox 2009, 21).

Later, on March 25, 2009, resolution 10/4 drew out certain conclusions from the OHCHR's report noting that "climate change related effects have a range of implications, both direct and indirect, for the effective enjoyment of human rights including, inter alia, the right to life, the right to adequate food, the right to the highest attainable standard of health, the right to housing and the right

to self-determination.” (UNHRC 2009). The resolution further recognized that these effects of climate change will be “most acutely felt by those segments of populations who are already in vulnerable situations owing to geography, gender, age, minority status, poverty and disability.” (OHCHR 2009).

Before UN treaty bodies recognized that climate change affects human rights, policy responses had already been developed through the UNFCCC negotiations. But these responses have turned out, over decades, to be ineffective and not genuine in addressing the problem (Bohm and Dabhi 2009; Gilbertson 2017; Dehm 2016; Bachram 2004). As a result, the warming of the planet and the adverse consequences of climate change-related impacts continued to threaten the enjoyment of human rights in the different corners of the world. In this connection, it is maintained that if all states with pledges to reduce GHGs under the framework of the Paris Agreement succeed in realizing their respective targets of emission reductions, it will not cumulatively prevent the Earth from warming in order of 2.7 to 3.5 degree centigrade, which is beyond what is regarded as a “dangerous threshold” (IPCC 2023, 57; Arezki, Bolton, El Aynaoui, and Obstfeld 2018; UNEP 2015). It seems to follow from this, therefore, that the adverse effects of climate change are still threatening the effective enjoyment of almost all human rights.

Subsequently, it has been argued that viewing climate change as a human rights issue could more effectively address the problem. This approach shifts the focus towards the sufferings of the lives and livelihoods of individuals and communities (Knur 2022), attends to the voices of most vulnerable and marginalized social groups (SIDA 2015), and effectively realizes a sustainable development in which human rights of both current and future generations are safely realized (Fisher 2014). It facilitates equity in international decisions making (Limon 2009), promotes principles of accountability and democratic decision making and emphasizes international cooperation (Mahadew 2021; Limon 2009). This is inherently because the human rights-based framing of climate policy is normatively based on the international human rights standards and

operationally directed towards promoting and protecting human rights (OHCHR 2009). Under the human rights framing of climate change which alternatively is known as the Human Rights -Based Approach to Climate Change (HRBA), obligations, inequalities and vulnerabilities are analyzed and discriminatory practices and unjust distribution of power that compromise rights are addressed (OHCHR 2009).

Under the HRBA, “plans, policies and programs are anchored in a system of rights and corresponding obligations established by international law” as can be discerned from the foregoing discussions (OHCHR 2009). In line with the human rights-based approach (HRBA) that UN agencies agreed to follow, the main objectives of policies and programs should be to fulfill human rights. Furthermore, the approach entails clearly identifying right holders and their entitlements, as well as duty bearers and their obligations. Additionally, capacities for claiming rights and fulfilling duties should be strengthened. (OHCHR 2009). Moreover, principles and standards derived from the international human rights treaties should guide all policies and programming in all sectors and in all phases of the process (OHCHR 2009). In the context of climate change, the HRBA allows States to respect, protect and fulfill human rights in the process of meeting their climate change obligations.

The approach is also in tandem with the precautionary principle as stated under article 3(3) of the UNFCCC where states are urged to take “precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects” (UNFCCC 1992, 9). HRBA to climate change “rests on ensuring a just transition for all and upholds the rights of communities most affected including Indigenous Peoples and the traditional knowledge, minorities, migrants, older persons, those living with disabilities, informal workers, as well as women, girls, and the youth” (OHCHR n.d., 1). It also includes the promotion and protection of social and economic rights and their related international labor standards (OHCHR, n.d.). This approach emphasizes human rights obligations relevant to climate mitigation projects. It uses human

rights standards to guide project planning and implementation, engages with rights implications as obligations, builds the capacity of right-holders and duty bearers, enables the fulfillment of rights for the most vulnerable, and allows access to justice and redress for violations (IUCN 2008). This is true, for example, in the context of climate mitigation strategies such as the CDM (Olawuyi 2013). The HRBA to carbon markets and international cooperation under article -6 of the Paris Agreement emphasizes that projects are better designed and more sustainable when affected people are fairly consulted as well as safeguards and accountability mechanisms including monitoring and evaluation are in place (OHCHR n.d.). Human rights obligations of States in the context of cooperative approaches to climate action, commitment to inclusive and participatory approaches and the establishment of redress mechanisms have all been affirmed and committed to by states at COP26. In this connection, Filzmoser et al. (2015), argue that HRBA to the CDM is directly relevant and instrumental in terms of ensuring the sustainable development contribution of mitigation projects, ascertaining public participation in decision making and rights protection via the provision of grievance redress mechanism which they show the CDM rules and procedures are lacking. So HRBA could be more effective by ensuring that local people secure co-benefits other than the reduction in GHGs via the provision of accountability mechanism and safeguarding their indiscriminate participation in the determination and fulfillment of the benefits. Probably a very important contribution of HRBA to CDM projects is the provision of a grievance redress mechanism where rights violations could be adjudicated and project proponents could be held accountable before they have their projects registered by the CDM Executive Board.

The other key advantage of HRBA to climate mitigation is the provision of access to institutions where compliance with inter-States obligations to climate mitigation horizontally as stipulated by the climate treaties (the UNFCCC and the Paris Agreement) and human rights obligations in the context of the implementation of climate mitigation projects such as the CDM are “adjudicated”

(Mayer 2021; Mahadew 2021). This is true as the mechanisms of the Human Rights Council and the Committees provide platforms where issues of obligations to climate mitigations could be debated, and the Universal Periodic Review (UPR) and individual complaint procedures could be used to resolve issues of non-compliance with obligations as set both in the climate treaties and the human rights law. And finally, the HRBA also makes available a legal framework for citizens to hold non-state actors such as project proponents or multinational corporations that fund climate change projects accountable for human rights violations. It also allows the public to demand transparency and accountability from corporations that sponsor and benefit from mitigation projects that violate human rights (Olawuyi 2013). Endorsing the benefits of the HRBA to climate change, this article also argues that reliance on the international human rights standards recognized in the respective human rights treaties and their principles does not only sufficiently address the climate justice concerns in climate policy development but also prevent human rights violations in the context of implementation of strategies thereof. In light of the foregoing discussions, the article uses, more specifically, the universal declaration on the right to development and the international human right to a clean, healthy and sustainable environment as available theoretical tools to address the injustice in the climate policy development and generally the HRBA as a solution to deal with rights violations of local people where CDM projects are implemented.

Human Rights Implications of Carbon Trading

The Kyoto protocol to the UNFCCC introduced what are called “market-based flexible mechanisms” of meeting the legally binding GHGs emission reduction targets assigned to 38 industrialized countries in the commitment period of 2008-2012. And inherent in the “flexible” nature of the emission reduction commitments is the allowance of buying pollution permits either from companies or governments which have not exhaustively used their allowances or saved it through installations of efficient technologies under the “cap and trade” system or investing in projects in other countries

which are meant to offset the domestic emissions via enhancement of carbon sinks or sequestrations under “carbon offsetting” system (Gilbertson and Reyes 2009). Carbon trading is, thus, a market-based mechanism for trading pollution credits encompassing a range of policy instruments aimed at assisting industrialized countries (Annex-1 countries) to achieve their emission reduction targets by allowing reductions to take place via the cheapest means (Reddy 2011).

These policy instruments are emission trading taking place under the “cap and trade system” and Joint Implementation and CDM being implemented as “carbon offsetting” mechanisms (Castro 2014). Joint Implementation is different from the CDM in that it involves an annex -1 country investing in clean projects in countries with economies in transition or another industrialized country to offset its pollution through saved emissions resulting from the clean projects in hosting countries (Laurence, Yvan and Sebastien 2014; Bachram 2004). The CDM involves Annex-1 country investing in clean projects or enhancement of carbon sinks in developing country to compensate for its pollution within its territories. Both Joint Implementation and CDM projects are meant to generate results -based payments for saved GHGs emissions in host countries. Accordingly, it is the carbon credits generated through adoption of clean technologies or conservation of carbon sinks in the case of Afforestation / Reforestation CDM projects that are exchanged for results-based payments. A unit of CO₂ e (carbon dioxide equivalent) is used to measure the amount of carbon credits

that projects generate and prices are calculated in carbon markets (Pearse and Bohm 2014).

Carbon trading was introduced to the Kyoto negotiations by the US negotiators not motivated by the need to introduce a just mechanism of distributing obligations among states globally to mitigate climate change but to create enabling conditions for industries and companies in the US to continue profitably growing by avoiding strict compliance to emission reduction commitments under the protocol (Reyes 2012; Lohmann 2006; Pearse and Bohm

2014; Cabello 2022). It was designed in such a way that industries and companies could cheaply buy GHG emission permits without harming their profitability and productivity thereby providing them with flexibility in meeting their targets (Roht-Arriaza 2010).

The Kyoto Protocol's ruling to reduce greenhouse gas emissions by 5.2% based on 1990 levels created an unfair distribution of climate mitigation responsibilities. This approach ignored the principle of sovereign equality of states (Reyes 2012; Althor, Watson and Fuller 2016), compromised the right to development for poor developing states (Mboya 2018), and favored neoliberal approaches that perpetuate inequality and human rights violations (Bohm et al. 2012; Lohmann 2006). As has already been indicated, "the United States wrote carbon markets into the 1997 Kyoto protocol but then famously failed to ratify the treaty" (Gilbertson and Reyes 2009, 9-12). In disregard to the principles of sovereign equality of states of the UN Charter, and the principle of Common but Differentiated Responsibilities and Respective Capacities of States enshrined under the UNFCCC (Dehm 2016), the negotiation process fell under United States influence which forced market-based flexible mechanisms into a climate mitigation strategy in the face of potentially "fair" proposals from developing countries like Brazil (La Rovere et al. 2002).

The fact that the US literally wrote the Kyoto climate solution substantiates a breach of both the sovereign equality of states principle enshrined in the UN Charter as the resultant global climate policy development did not involve equal participation of sovereign States which are parties to the UNFCCC. Furthermore, in the context in which poor member states contributed insignificantly to the problem but are the hardest hit by the climate impacts, those with the greatest contribution to the problem and most resilient to adverse impacts succeeded in determining the mechanisms of distributing obligations globally in a manner that allowed their economies triumph while perpetuating inequity and curtailing development efforts of countries in the global South. In this connection, Mboya (2018) maintains that "the purchases,

by the developed world, of additional emissions space from the developing ones through CDM and JI projects, even though providing developing country with income they could potentially use for development, effectively amounts to developing countries selling off their right to development” (Mboya 2018, 64). She argues that by trading away their carbon spaces for other countries, they are limiting their ability to industrialize using the cheapest form of energy from fossil fuels (Mboya 2018).

The problem that the poor developing states are faced with, in such a context, relates to affordability of clean technologies that will enable them industrialize at a pace that will not prolong the poverty they are currently faced with. This is key because many of such countries “face huge economic challenges realizing basic rights - food, clean water, education, and basic sanitation to name a few” (Burke 2012). So, the money they make goes to such priorities instead of supporting the processes of industrialization. In the meantime, Agarwal (2002) argues, in the face of the underdevelopment of cost-effective alternatives to fossil fuel-based industrialization and the need to limit GHGs emissions from these energy sources in the future climate regime, non-industrial states that are selling-off their emission space today will find their development options limited in the future.

The other critique of carbon trading maintains that carbon trading is a neoliberal political-economic tool that is designed to work on the climate mitigation target set under the UNFCCC without harming economic growth and expansion of the capitalist world (Bohm et al. 2012). In this connection, the critiques of carbon trading argue that carbon trading is based on two fundamental assumptions: 1) that free trade regimes and high economic growth rates are not only compatible with but are important preconditions for environmental sustainability, and 2) that market-based tools are the most appropriate instruments to apply in effort to achieve that goal (Bernstein 2002, 101).

Having identified its fundamental assumptions, they maintain that carbon trading is ineffective and corrupt, apart from its negative

social, economic and environmental outcomes (Lohmann 2006), that it creates perverse incentives for exploiting the under -privileged (Bond 2007) and identify it as neo-colonialism or CO2 onialism (Bachram 2004). It is ineffective for two important reasons: 1) there is no scientific evidence verifying the claim that “biotic carbon” is the same as “fossil carbon” and also that “emission by sources” is verifiably compensated by “removal by sinks” of GHGs which is the underlying principle of A/R CDM and REDD+ projects (Cabello 2022; Lohmann 2006). It is very difficult to establish the “additionality” of A/R CDM and REDD+ projects (Voigt 2008). Additionality is the environmental integrity requirement of both A/R CDM and REDD+ projects. A project is said to have effectively met the additionality requirement when it actually brings about a reduction in GHGs emission relative to a business as usual scenario at the project site (Reyes 2009, 275). This means that a project is considered additional if it leads to actual emission reductions that would not have occurred without the project’s implementation. This has often been said to be almost impossible to verify (Campbell, Klaes and Bignell 2010; Voigt 2008).

Moreover, grassroots indigenous and climate activists critiqued carbon trading mechanisms such as REDD+ as “land grabbing false solutions to climate change” that privatizes air, “use forests, agriculture and water ecosystems in the Global South as sponges for industrial countries pollution”, “will bring trees, soil and nature into a commodity trading system.” (IEN 2015, 11). They see it as a new form of neo-colonialism or CO2 onialism that appropriates land in the global South and shifts the material responsibility and site of climate mitigation in the South for ostensible environmental ends. On a different front, the very architecture of the governance of carbon trading has been criticized as lacking accountability mechanisms where complaints are addressed and human rights abuses are adjudicated. It is well -substantiated that the CDM EB (Executive Board) has often decried allegations of human rights abuses associated with the implementation of CDM projects saying that it doesn’t have the mandate to address human rights abuses in the context of the implementation of CDM projects (Eva et

al,2015; Carbon Markets Watch, 2013). Neither were human rights considerations incorporated in the modalities and procedures of CDM policy. This seems to explain the fact that many CDM projects had been documented to have violated the human rights to life, security of a person, housing, means of livelihoods, land, culture and development (Schade and Obergassel 2014; Obergassel et al. 2017). An example of such human rights infringements associated with the implementation of CDM projects in Ethiopia is documented as follows.

The Human Rights Implications of Carbon Offsetting Projects: The Case of Humbo A/R CDM Project.

Humbo is a wereda⁵¹ level administrative hierarchy of the Welayita zone of the South Ethiopia Regional State. It is bordered by Kindo Kosha district in the East, Sodo Zuria district in the North, and Boloso Bombe district in the South. Humbo wereda is located 25 km from the regional capital Sodo, and about 430 km from Addis Ababa (the capital of Ethiopia). Astronomically, the district is located between 6°46′ 48.47 North and 6° 41′ 04.28 North Latitudes and 73° 48′ 35.44 to 73° 55′ 14.5 East Longitudes.⁵²

The Humbo community-managed reforestation and natural regeneration of forestry development project is located in Humbo district some 5-10km South-east of Tebella town, the capital of Humbo district and lies surrounded by seven rural Kebele⁵³ administrations which are Abela Longena, Hobicha Badda, Bola Wanche, Bosa Wanche, Hobicha Bongota, Abella Gefeta, and Abella Shoya. The enclosed site of the project area extends over 2,728 hectares. Massive mountain and chains of hills interspersed with small valleys, gullies, rocks, and flat plains characterize the topography of the area.

⁵¹ An administrative hierarchy, in Ethiopia, that is larger than a Kebele and lower than a Zonal administration.

⁵² Project Design Document (PDD) of the Humbo Project

⁵³ Kebele is the lowest tier of the Ethiopian government administrative hierarchy

The project participants are the Federal Democratic Republic of Ethiopia, the Governments of Canada, Spain, Japan, Italy, France, Luxemburg, World Vision Ethiopia and the International Bank for Reconstruction and Development as a trustee of Bio Carbon Fund.⁵⁴ The project began in 2006 with the proposed contribution to the sustainable development of the host country in the regeneration of the native forests, enhancement of GHGs removals by sinks, promotion of native vegetation and biodiversity, reduction in soil erosion and flooding, maintaining water supply from subterranean streams, and provision of income stream for communities through sustainable harvesting of forest resources.⁵⁵ The project sought to achieve these via restoration of the bio-diverse natural forest over 2,728 hectares of land in the Humbo Wereda using indigenous and naturalized species, community management of public land with multiple objectives of promoting natural resource management, poverty alleviation, and biodiversity enhancement, development of a model of community land use that would enhance GHGs removal by sinks from regenerating native vegetation, and formation of cooperatives and granting them legal titles to manage the land by developing constitution and bylaws⁵⁶. Furthermore, the project is said to have established an institutional structure with the right to Certified Emission Reduction (CERs), a system to monitor the carbon stocks and the environmental and social issues associated with the project.

The Procedural Rights Implications of the Implementation of Humbo A/R CDM project

In the context of the implementation of climate policies, states are duty bound to respect, protect and fulfill such procedural rights as the right to get access to information, public participation in environmental decision making, and access to administrative, judicial and other remedies (UNEP 2015). Articles 19 of both the ICCPR and the UDHR recognize the right of all persons to “seek,

⁵⁴ PDD of Humbo A/R CDM Project

⁵⁵ Ibid

⁵⁶ PDD of Humbo A/R CDM project

receive and impart information.”⁵⁷ The right is also recognized under Article 9 of the African Charter on Human and Peoples Rights (ACHPR) and Article 29(3) of the Ethiopian constitution. General Comment No. 34 of the Human Rights Committee (a treaty body for the ICCPR) further underlines that at a minimum, the ICCPR and the UDHR require states to provide public access to any government information of public interest.⁵⁸ It is contended that the rights to public participation in environmental decision making and access to remedies are dependent upon or conditioned by the right to access information (UNEP 2015). Apart from this, the right of citizens to public participation “in the government of his/ her country or conduct of public affairs” that includes environmental decision making is also recognized under article 21 of the UDHR and article 25 of the ICCPR. The right is also recognized under Article 13 of the ACHPR and Article 38(1) (a) of the FDRE’s constitution. They recognize the fundamental right of everyone to take part in the government of their country and conduct of public affairs.

On top of this, governments are duty-bound to facilitate public participation in environmental decision-making to make sure that the human rights of their citizens are protected from environmental harms.⁵⁹ Otherwise, the UNFCCC obliges states to promote and facilitate “public participation in addressing climate change and its effects and developing adequate responses.”⁶⁰ Furthermore, the right to get access to administrative, judicial and other remedies in the context of human rights violations resulting from environmental harms is recognized under the international human rights law where States are obliged to provide “effective remedies” in cases of rights violations.⁶¹ In this regard, article 37 of the FDRE Constitution recognizes the right of everyone to bring a justiciable matter before the court of law and have the matter adjudicated.

⁵⁷ Articles -19 of both the ICCPR and the UDHR

⁵⁸ Human Rights Committee (HRC), General Comment No. 34, pp.18-19, UN doc. CCPR/C/GC/34 (Sept.12, 2011).

⁵⁹ See CESCR, General Comment No. 15, p.56, UN doc. E/C.12/2002/11 (January 20, 2003).

⁶⁰ Article -6 of the UNFCCC

⁶¹ Article -2(1) of the ICCPR ; Article -8 of the UDHR and Article -2 of the ICESCR

On the other hand, indigenous peoples are endowed with the right to free, prior and informed consent prior to the approval of any project that affects their land, territories and resources under the UN Declaration on the Rights of Indigenous Peoples.⁶² An important question, here, relates to whether or not local people in Humbo Wereda qualify the definition of Indigenous People. Article 1 (1) and (2) of the Indigenous and Tribal Peoples Convention, 1989 (No.169) qualify ;

*people in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community with their status being regulated by their own traditions or customs or special laws, or people in independent countries who are regarded as indigenous on account of their descent from their populations which inhabited the country or its geographical region to which the country belongs at the time of ...establishment of the present state boundaries retaining some of their distinctive social, economic, political and cultural institutions as indigenous peoples.*⁶³

In accord with the convention, therefore, local people in Humbo Wereda clearly qualify the second definition of indigenous people since more than 90% of the research participants replied that they are descendants of their forefathers or claim ancestral origins in the area when they are asked to describe the nature of their settlement during field research⁶⁴. Hence, “they are entitled to the right to a free, prior, informed consent prior to the approval of a project affecting their land, territories or other resources particularly in connection with the development of ...resources”.⁶⁵ Below will be discussed the procedural rights implications of the plan and implementation of Humbo A/R CDM projects.

⁶² Art.32 (2) of the UN Declaration on the Rights of Indigenous Peoples.

⁶³ Article -I sub-articles 1& 2 of Indigenous and Tribal Peoples Convention, 1989 (No.169)

⁶⁴ Survey research tool

⁶⁵ Article-32(2) of the UN Declaration on the Rights of Indigenous Peoples

Implications for the Right to Get Access to Information, Public Participation and Free, Prior Informed Consent (Fpic).

The Humbo A/R CDM project was introduced in 2006 to the local people of Humbo Wereda of Wolyita Sodo zonal administration of South Ethiopia Regional State. As regards getting access to information about the plan of implementing the project, divergent responses have been obtained from field research. The survey questionnaires asked local residents if they were informed about the plan of the project. The result shows that 98.5%, 97% and 95% of the residents in Bosa Wanche, Abela Longena, and Hobbicha Badda respectively said that they were informed about the plan of the project.⁶⁶ This shows that residents of Humbo Wereda were well aware about the plan of implementing the project. In-depth interviews and FGDs held with residents, cooperatives established under the project and people at different levels of the administrative hierarchies of the Wereda elicited information contrary to what was found out via the survey method. An in-depth interview with the Kebele administrative leader of Abela Longena who took part in the initial steps of communicating the plan of the project with his Kebele residents along with World Vision Ethiopia's project coordinators and expert staff recollected how fierce the opposition of the local people was against the plan of the project. He recapitulates:

When the project idea was introduced to the local people, it was met with fierce resistance because it entailed enclosure of 2,728 hectares of mountainous land the local people used to use for various purposes. For instance, the opposition to the project idea in Abela Longena was so fierce that in the initial meetings held with the Kebele residents, the residents came with local swords (locally called Gejera) in trying to kill the World Vision Ethiopia expert who only managed to escape with my help in which I facilitated his safe way out of the Kebele. The threat was not only to his life but also to my life. Having heard that the project involved enclosure of the area,

⁶⁶ Survey Questionnaire

*the residents got angered, left a meeting hall, tried to block our way out of the Kebele and tried to kill us. I had to sleep hiding in nearby banana plantations for six days in trying to save my life before I left the Kebele safely.*⁶⁷

According to the above account, while local people and residents were aware of the plan of the project, they fiercely opposed its implementation since it entailed enclosure of the 2,728 hectares of a chain of mountainous land which they had traditionally relied on as a grazing field, a site for collecting fuel woods, a place where they find woods for making charcoal and woods for the construction of houses. Therefore, it cannot be said that local people were informed about the plan of the project. FGDs held with the cooperative leaders of Bosa Wanche Kbeble elicited that there had to be conducted three repeated discussion sessions with the residents of the Kebeles to convince the community about the goals of the project.⁶⁸ After these discussions, individuals who accepted the project ideas and were willing to take part in the initiatives were threatened with their lives and even told to leave the Kebele suggesting that the majority of the population didn't agree with the project idea.⁶⁹ When not all residents agreed with the project plan, World Vision Ethiopia made early attempts to recruit and train "pioneers". These pioneers were intended to convince other residents about the "benefits" of implementing the project.⁷⁰ In addition, it has also been learnt that World Vision Ethiopia used church leaders, community elders, senior people and the youth in trying to have local people be convinced about the project and its importance.⁷¹

In addition, in-depth interviews held with women in Bosa Wanche Kebele and FGDs held with high school students of Abela

⁶⁷ In-depth interview held with the then *Abela Longena Kebele Administration leader*.

⁶⁸ FGDs held with cooperative leaders of *Bosa Wanche Kebele*

⁶⁹ In-depth interview with the previous leader of *Abelan Longena Kebele Administration*. ⁷⁰ In-depth interview with an environmental and climate change risk specialist serving World Vision Ethiopia as a liaison officer in *Wolayita Sodo of the South*

Ethiopia Regional State. ⁷¹

Ibid

Longena⁷² elicited information about how participatory the public discussions were. A woman in Bosa Wanche Kebele, for example, said that she did not have any idea about what was happening and nobody told her planned public discussion on Humbo A/R CDM project.⁷³ The same was the response received from FGDs held with the high school students of Abela Longena who said they had not known about such event happening in their Kebele.⁷⁴ This shows that the public discussion and consultation processes didn't include important segments of the public.

Furthermore, asked about their assessment of public participation in giving their consent to the implementation of the forest rehabilitation and development project, 64.4 % of the respondents said all Kebele residents were adequately informed and gave their consent for the project while about 34.3% of them said it was only those who were selected to take part in the public discussion that gave their consent.⁷⁵ The percentages of those who said all Kebele residents had adequate information and gave their consent in Abela Longena and Hobbicha Bada are 66 and 63 respectively⁷⁶ Whereas those who said "it was only those who were chosen to participate that gave their consents to the scheme" constituted about 34 % and 37 % in Abela Lonegna and Hobbicha Bada respectively.⁷⁷ Thus, one thing is clear from these responses: the public participation in the environmental decision making procedure that World Vision Ethiopia and Kebele leaders employed did not include all residents of the Kebeles substantiating the fact that the procedure did not adequately comply with the right to public participation in environmental decision making in violation of article -21 of the

⁷² Most of the highschool students of *Abela Longena* , who took part in the FGDs, were older than the age that would have been expected of a regular high school student. The oldest being about 49 years of age and most are in their late 20s.

⁷³ In- depth interview with a resident of *Bosa Wanche Kebele*.

⁷⁴ FGDs with high school students of *Abela Longena*

⁷⁵ Survey questionnaire

⁷⁶ Ibid

⁷⁷ Ibid

UDHR and 25 of the ICCPR.⁷⁸ Thus, it is difficult to say that the implementation of the project is rooted in the informed consent given not all households actually took part in the public discussions about hosting the project. Needs be mentioned, here, is that several of the sporadic conflicts between Kebele residents and leaders of primary cooperatives established under the project in the Kebeles and resultant measures of setting fire to the forested space effectively signal the fact that the project is rather imposed upon the local people instead of being willfully embraced.⁷⁹ Hence, it is difficult to say that the project respected the right of the local people to a free, prior and informed consent recognized under the UN Declaration on the Rights of Indigenous People.⁸⁰

Implications for the Right to Get Access to Administrative, Judicial and Other Remedies

During the implementation of the project, the local people faced serious challenges that compromised their right to adequate standard of living (specifically their right to food). This happened due to the restoration of forests in the enclosed project site and the resultant restoration of wildlife including monkeys, baboons, pigs, hyena, lions and the like. Households near the edges of the project

⁷⁸ Human Rights Law entitles all human beings with the right to participation in environmental decision making processes . In depth interview with the previous project coordinator elicited that there were called on assemblies of all Kebele residents in the discussions held about the project and its approval and this has also been verified with the response to the KII held with the National Coordinator of REDD+ program . Thus, it is expected that the public consultations include all affected residents and failure not to include any number of residents , in the Kebele assemblies , would clearly amount to excluding their voices and interests.

⁷⁹ In -depth interview held with a forest -resources management and mobility specialist in EPA office of *Humbo Wereda* reveals that local residents often come in conflict with cooperative leaders of primary cooperatives in each of the Seven Kebeles involved when residents let their cattle graze in the enclosed forested space which the project prohibits.

⁸⁰ Article- 32(2) of the UN Declaration on the Rights of Indigenous and Tribal People -169 (1989). In the light of strong evidences involving Kebele residents threatening project proponents with their lives , attempting to block their way out of meeting halls , repeatedly observed deliberately set forest fires and consistently observed problem of the youth entering into the forest and making charcoal for sale, it is difficult to say that the project is implemented having obtained the free, prior and informed consent of the residents .

site couldn't harvest their crops because wild animals from the jungle destroyed them.⁸¹ According to a Kebele agriculture and rural development officer, in Bosa Wanche alone, about 316 households have suffered from destruction of crops they cultivated and the resultant food insecurity since the enclosure of the project site.⁸² In this connection, 15 elderly households were forced to abandon their farm fields and engage in livelihoods as daily laborers, as guards of Wolayita Sodo University in Sodo and even became street beggars.⁸³

As the problem worsened, residents of the Kebeles (numbering 490 households) near the project site met and decided to present their complaints to Welayita Sodo Zonal Office of EPA and the Administration of the Zone. However, they only received "solutions" like planting fruits trees such as banana, mango and avocado in the nearby forest to provide food for the destructive wild animals as monkeys and baboons.⁸⁴ They were also advised to build fences using a dense growth of a specific tree species around the project site to keep the animals away from their farm fields.⁸⁵ These have been dubbed by the environmental and climate change risks specialist serving as the liaison officer of World Vision Ethiopia(WVE) as "agro-ecological solutions" to the problem.⁸⁶ In this connection, it has been learned that when the local farmers presented the complaint to people in WVE, they were promised solutions that were never fulfilled, i.e., to build fences around the project site.⁸⁷

⁸¹ In-depth interview with an agricultural and rural development officer at *Bosa Wanche Kebele of Humbo Wereda*.

⁸² Ibid

⁸³ Ibid. While wildlife destruction of crop harvests is a problem indiscriminately faced by households that share boundaries with the fringes of the enclosed mountainous project site, different households respond differently to the problem with the significant number of them (316 in *Bosa Wanche* alone) seriously affected, these elderlies make up those segments of the residents who are the hardest hit, others forced to change the seeds they sow, or the vegetables they grow while the rest of the residents compelled again to protect their harvests throughout the night. So wildlife destructions of crop harvests conspicuously a major problem that residents face as an indirect consequence of the enclosure of the project site.

⁸⁴ In-depth interview with the leader of *Humbo Wereda*

⁸⁵ Ibid

⁸⁶ In-depth interview with the environmental and climate change risk specialist of WVE.

⁸⁷ FGDs held with high school students of *Abela Longena Kebele* Administration.

Two key points emerge from the discussions. First, the project's governance lacks ongoing monitoring and built-in complaint redress mechanisms. Second, state agencies failed to meet their human rights obligations by not providing administrative remedies during the implementation of the climate policy tool. This violates Article 2(1) of the ICCPR, Article 8 of the UDHR, Article 2 of the ICESCR, and Article 37 of the FDRE's constitution.

In another instance, members and leaders of primary cooperatives asked about the management and saving of administrative and emergency funds from the sale of carbon credits. Their inquiries were not answered in a transparent and trustworthy manner.⁸⁸ The previous leader of Humbo agro-forestry and forestry development union explained that at the start of the project, local people were told that of the total revenue that would be obtained from the sale of carbon credits, 15% would be deducted for covering the project administration cost and 5 % of the revenue would be deposited on behalf of the local people for covering emergency costs.⁸⁹ The money meant for covering possible emergency costs was promised to be saved annually. But, after more than 10 years of the project's life span, the local people via their representatives asked about the whereabouts of the accumulated emergency funds, but they were not given a clear response.⁹⁰

In fact members of the local people and leaders of the primary cooperatives who repeatedly asked these questions were intimidated in meetings and also were labelled as those with negative attitudes about the project.⁹¹ Whenever they asked for clarity on why revenues from carbon credits varied across different protected forestry areas and where the accumulated emergency fund was, they did not receive clear justifications or adequate responses.⁹² In addition, local people were told that each unit of carbondioxide equivalent sold

⁸⁸ In-depth interview with the previous *Humbo agro-forestry and forestry development union* and leader of *Abela Longena Kebele administration*.

⁸⁹ Ibid

⁹⁰ Ibid

⁹¹ Ibid

⁹² Ibid

at “the international but fixed market” is sold for initially \$4, later \$10, and later \$11.⁹³ This shows that, according to the CDM project design document, the primary cooperatives of the Kebeles were the owners of the income from the sale of carbon credits. However, they were unaware of how, at what price, and to whom their carbon credits were being sold. They also did not have the opportunity to negotiate the prices with the buyers of the carbon credits. The primary cooperatives were unable to seek remedies fearing that if they pursued formal litigation against the implementer (which is Word Vision Ethiopia) that the NGO will cease all the agreements altogether and the annual revenues from the sale of carbon credits will be stopped.⁹⁴ The same fear was shared by the Zonal EPA office leader in *Wolayita Sodo*. This demonstrates that the government is unable to effectively protect the rights of local people to seek remedies for the loss of their rights to carbon benefits.

Implications for the Right to Adequate Standard of Living of Local People of the Humbo A/R Cdm Project

The right to adequate standard of living is recognized under the UDHR, ICESCR and FDRE’s constitution. Article 25 of the UDHR states that “everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family including food, clothing, housing, medical care and necessary social services and the right to security in the event of ...lack of livelihood in circumstances beyond his control.”⁹⁵ Article 11 of the ICESCR extends the recognition of this right to “...the continuous improvement of living conditions...” and also adds that every individual has the right to freedom from hunger. The African Charter on Human and Peoples’ Rights (ACHPR) protects the right to an adequate standard of living through its protection of the right to life, health, property, the protection accorded to the family, liberty and work and the right to economic and social development (ACHP, n.d.). In Ethiopia, the

⁹³ In -depth interview held with an environmental and climate change risk specialist serving as a liaison officer of WVE.

⁹⁴ Interview with the leader of Zonal EPA office of *Wolayita Sodo*.

⁹⁵ Article -25 of the UDHR

FDRE Constitution recognizes the right under Article 41 (1) stating that “Every Ethiopian has the right to engage freely in economic activity and to pursue a livelihood of his choice anywhere within the national territory.”⁹⁶ Sub-article 2 of the same article further states that “Every Ethiopian has the right to choose his or her means of livelihood, occupation and profession.”⁹⁷ So both international and national human rights instruments protect the right to an adequate standard of living including the right to food, clothing, and housing. The right is how the life, security and dignity of human beings are guaranteed and human survival secured, and is, therefore, fundamental to all human beings. Thus, it is indispensable that all kinds of policy responses that aim at protecting the climate be guided by and orientated to realize it.

In this connection, the implementation of Humbo A/R CDM project has been found out violating the rights of local people to adequate standard of living both directly by enclosing the 2,728 hectares of land and indirectly as a result of wild animal destructions of crops located along the mountainous project site. In this regard, the majority of respondents indicated that before the project site was enclosed, they used the area for various purposes: as a source of fuel wood (89.7%), a grazing field (91.9%), a source of wood for making charcoal (89.9%), a farm field (1.4%), and a place to collect construction wood (86.8%).⁹⁸ The level of dependence on the forest based resources of the enclosed project site is the same also for residents of Abela Longena and Hobbicha Bada Kebeles. In Abela Longena, 82%, 79%, 94% and 72% percent of respondents replied they used the land as a source of fuel wood, woods for making charcoal, as a grazing field and woods for constructing houses respectively.⁹⁹ In Hobbicha Bada, 80% of the respondents reported collecting fuel woods from the land, 79% used to making charcoal, 95% utilized it as a grazing field, and 70 % collected construction

⁹⁶ Article -41 (1) of FDRE’s Constitution

⁹⁷ Article -41 (2) of FDRE’s Constitution

⁹⁸ Survey Questionnaire

⁹⁹ Ibid

wood from the enclosed land.¹⁰⁰ Here, it is important to note that the respondents used to use the enclosed project land for many purposes at the same time. This shows how enclosure of the mountainous site compromised livelihoods of local residents without adequately compensating for their loss. This is also in direct violation of article 2(1) of the right to development where the human person is viewed as “the central subject of development and should be the active participant and beneficiary of the right to development” (UDRD, 1986). As discussed earlier, the implementation of Humbo A/R CDM project, apart from violating the right to adequate standard of living, prioritized the generation of carbon credits over respecting the local people’s means of livelihood. This approach disregarded the centrality of human beings and their needs in the project’s implementation. The violation of article 2(1) of the universal declaration on the right to development becomes illuminated when considering the critique that carbon offsetting projects are bent on false premises (there isn’t such a commodity called emission reduction credits) and that they cannot be verified.

In accordance with the Kyoto Protocol to the UNFCCC, a CDM project is said to have triple goals: allowing annex -1 countries to live up to their GHGs reduction targets cheaply, contributing to the ultimate objective of the convention, and promoting sustainable development in project hosting countries. So, it is the sustainable development contribution of the Humbo project that is meant to compensate for the loss of livelihoods of residents due to the enclosure of the land. The Humbo project is designed to compensate for the loss of livelihoods by providing income streams from the annual sale of carbon credits. Field research revealed that the income from these sales has been used for various purposes: constructing grain mills and grain storage houses, building shops owned by primary cooperatives established under the project, paying the salaries of guards to protect the forest against “illegal” intrusions, and serving as a revolving fund for loans to cooperative members..¹⁰¹ Here, it is

¹⁰⁰ Ibid

¹⁰¹ FGDs held with the cooperative *Bosa Wanche Kebele*

important to note that the grain mills, at least in two of the *Kebeles* were presently not functional, guards often complained that their salaries got delayed, non -members of primary cooperatives did not benefit from the income, and that even those who got access to loans are relatives and were favored by leaders.¹⁰² Otherwise, the project claims to compensate for the lost livelihoods by providing job opportunities (which have been found to be temporary), and provision of technical training both related to forest rehabilitation and conservation as well as those that enable residents to develop entrepreneurial skills.¹⁰³

As has already been indicated, the job opportunities the project created are temporary involving the local youth in planting seedlings, watering seedlings, weeding, and building sheds for seedlings in nurseries.¹⁰⁴ The local youth have been engaged in these activities beginning from January through July.¹⁰⁵ The daily payments for engagement in such type of works in the year 2006 was eight birr/day which later became 13 in 2008 and 15 in 2010.¹⁰⁶ These temporary jobs were available during the first six years of the project's life time. On the other hand, the project tried to develop entrepreneurial skills among local residents by providing technical training for selected members of primary cooperatives under the project whose maximum number was fifteen young people. On average, 10-15 people were chosen from each of the *Kebeles* involved in the project, and they were given technical trainings in the areas of tailoring, business, animal ranching, bee keeping, and agro-forestry.¹⁰⁷ Having received the training, the people were given "initial capital" both in kind and cash to engage in their respective businesses. However, it was learned from field research that those

¹⁰² FGDs held with the high school students of *Abela Longena Kebele*

¹⁰³ In-depth interview with an environmental and climate change risk specialist serving world vision Ethiopia as liaison officer in *Wolayita Sodo*.

¹⁰⁴ FGDs with members of the committee of the leading team of *Bosa Wanche* Primary cooperative

¹⁰⁵
Ibid ¹⁰⁶

Ibid

¹⁰⁷ In-depth interview with the leader of *Humbo* forest rehabilitation and development union

who received sewing machines gave away the machines for their relatives, those who received initial capital to run businesses were struggling, and those engaged in animal ranching have not succeeded in expanding their businesses.¹⁰⁸ The only area where success stories were being told is in the area of bee-keeping where several farmers have succeeded in continuously earning income from their products.¹⁰⁹

As can be understood from the foregoing discussion, the CDM climate policy tool being implemented in Humbo Wereda of Wolayita Sodo Zone does not adequately compensate for the foregone livelihood strategies of the local people. It rather provided only ostensible alternative livelihood strategies to few members of primary cooperatives in Kebeles and even these apparently alternative livelihood strategies were, by and large, not successful and, therefore, do not meet the sustainable development contribution required of the CDM project. Human rights are entitled to everyone. They are not exclusive. But the local people in Humbo had to lose their traditional livelihood strategies, as households are restricted from entering the enclosed forested space for any of the uses it traditionally provided. This restriction violets Article 25 of the UDHR, Article 11 of the ICESCR, and Article 41 (1) and (2) of FDRE Constitution. The local residents' right to adequate standard of living has also been indirectly infringed upon, as previously discussed, due to the destruction of cultivated crops by wild animals along fringes of the mountainous project site. This has, in turn, compromised the rights of 316 households in *Bosa Wanche Kebele* only to an adequate standard of living, as they were unable to harvest their crops due to monkeys, baboons, and wild boars. This problem is well-known among all households sharing boundaries with the mountainous project site indirectly violating the local residents' right to an adequate standard of living.

¹⁰⁸ In-depth interview with an agricultural and rural development officer of *Bosa Wanche Kebele*

¹⁰⁹ Ibid

Conclusion

This article discussed how carbon trading, unjustly devised and adopted as a climate mitigation solution, allows those primarily responsible for the problem to evade their obligations to stabilize the climate. And this often happened in a context in which the implementation of carbon offsetting projects in the global South compromised both procedural and substantive human rights. The article argued, that the negotiating processes that led to the development of the climate mitigation solution were undemocratic and not observant of the principles of sovereign equality of states enshrined in the UN Charter. These processes were characterized by the influence of powerful States in determining substantive contents of “climate solution” in violation of Article 5 of the UDRD and produced climate strategies that rewarded the businesses of their industries and companies while at the same time producing rights violations where they are implemented.

In addition, this article made an effort to show that carbon trading provides an ineffective solution. Many of the CDM projects are not “additional” and it is very difficult to establish the additionality of a CDM project. Furthermore, the “CDM governance architecture does not have mechanisms for addressing human rights abuses associated with the implementation of CDM policy tools”, as would have been the case had the climate policy upheld the right-based approach in its development. The article also substantiated the fact that market-based climate solutions such as A/R CDM projects are associated with violations of both procedural and substantive human rights.

Thus, rights violations both at the level of the development of global climate policy and the implementation of specially the climate mitigation mechanisms in the global South, as highlighted in the foregoing discussions, do concurrently constitute compromises of article -1(2) and article -2(3) of the declaration on the right to development.

On the other hand, the critique that carbon offsetting provides false solution and has proved to be ineffective in terms of bringing about climate stabilization as shown in the foregoing discussions implies a breach by States of the international human right to a clean, healthy and sustainable environment. In this connection, though Ethiopia abstained in voting for the adoption of the international human right to a clean, healthy and sustainable environment, its adoption by the majority of the states and its constitutional recognition in Ethiopia via article -44(1) makes the duty of the state to respect, protect and fulfill the right a matter of customary international law internationally but forcefully binding the Ethiopian state as it is anchored in its constitution. Thus citizens could legitimately call on their respective States to comply with their duty to fulfill their right to a clean, healthy and sustainable environment by way of introducing deeper and meaningful cuts in the emission of GHGs in the short run and gradually switching away from reliance on fossil fuels as energy sources in the long run.

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