

7 January 2025

By Email and Fax

Attn.: Federica DONATI
Officer-in-charge
Special Procedures Branch
Office of the UN High Commissioner for Human Rights
OHCHR
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Re: Joint Communication from Special Procedures (Ref.: AL OTH 142/2024)

Dear Special Rapporteurs and Members of the Working Group:

I am writing on behalf of ClimateWorks Foundation (“ClimateWorks,” “us” or “we”) in response to the Joint Communication from the Special Procedures Branch of UN OHCHR (ref. AL OTH 142/2024) (the “Joint Communication”). ClimateWorks is a member foundation of the Climate and Land Use Alliance (“CLUA”), which is in receipt of a similar communication from the Special Procedures Branch (ref. AL OTH 141/2024).

While ClimateWorks is a member foundation of CLUA, it played no role in the issuance or management of the grant referenced in the Joint Communication. Given our lack of involvement in the issuance and accreditation of carbon credits in Guyana, ClimateWorks will not be submitting a response to the specific claims raised in the Joint Communication. Rather, we adopt by reference the response submitted by the CLUA Secretariat, to the extent that ClimateWorks shares with CLUA a common commitment to the foundational principles of universal human rights. This commitment is evidenced by our programs, principles and policies, including our Vulnerable People Safeguarding and Protection Policy, reproduced herein as Schedule 1, and our Justice, Equity, Diversity and Inclusion Values and Guiding Principles, reproduced herein as Schedule 2. We also share CLUA’s commitment to strengthening the rights of Indigenous peoples, Afro-descendants and local communities (IP, AD & LCs), including the right of self-determination of Indigenous peoples.¹

While ClimateWorks takes compliance with applicable laws and human rights standards seriously, we do not deem the business and human rights legal framework cited in the Joint Communication to be applicable to our charitable activities. ClimateWorks is neither a business nor a transnational

¹ As set forth in the ILO Indigenous and Tribal Peoples Convention (No. 169) and other sources of international human rights law, including, but not limited to, the UN Declaration on the Rights of Indigenous Peoples, the American Declaration on the Rights of Indigenous Peoples, the Charter of the United Nations and the International Covenant on Civil and Political Rights.


corporation. International guiding principles and regional frameworks governing business and human rights, including the UN Guiding Principles on Business and Human Rights (“UNGPs”), which were cited in the Joint Communication, have as their object the regulation of the operations of multinational corporations, not the operations of foundations such as ClimateWorks.

Although we do not believe that the UNGPs apply to our operations, we welcome the spirit and intent of the UNGPs and voluntarily comply with principles enshrined in the business and human rights field. We prioritize the need for meaningful engagement by our grantees with stakeholders, vulnerable populations, human rights defenders and civil society organizations to assess the potential human rights impact of projects that we fund. For example, a number of ClimateWorks programs include grantmaking that directly engages and connects with Indigenous communities or consults with representatives of Indigenous communities. Grantmaking is undertaken in culturally appropriate ways that respects basic standards and seeks free and prior informed consent (FPIC). We also provide funding to build the capacity of Indigenous communities to advocate directly, including supporting engagement between Indigenous leaders and philanthropies on some issues relevant to climate work.

Given our lack of involvement in the issuance and accreditation of carbon credits in Guyana, we would respectfully ask that the final report to be published by OHCHR’s Special Procedures Branch omit any reference to ClimateWorks Foundation and focus instead on the parties that participated in the issuance of carbon credits and the assessment of the human rights impact of the issuance. We would also request that, prior to the publication of the Joint Communication on the reporting website,² the Working Group provide us with a copy of the proposed publication and grant us five (5) business days to review, comment on and propose corrections to the report prior to its publication.

It is our sincere hope that your work under the mandates provided to you by the Human Rights Council will play a constructive role in strengthening the rights of Indigenous communities in Guyana and beyond. If we can offer further support to your assessment of this case, please do not hesitate to contact me at (415) 433-0566. We welcome the opportunity to work together towards closing out this inquiry in an expeditious manner.

Best wishes,


Helen Mountford
President and Chief Executive Officer
ClimateWorks Foundation

² “Communication report and search,” Office of the UN High Commissioner for Human Rights, available at <<https://spcommreports.ohchr.org/>>.

Vulnerable People Safeguarding and Protection Policy

POLICY STATEMENT

ClimateWorks Foundation (the Foundation) is committed to recognizing, promoting, and protecting the rights of all children and vulnerable adults (vulnerable people). In line with the United Nations Convention on the Rights of the Child (UNCRC), we recognize that all children (meaning children under the age of 18 years) have a right to protection and freedom from abuse, including exploitation, regardless of age, gender, racial heritage, religious belief, sexual orientation or identity. We also recognize that vulnerable adults who, by reason of advanced age or mental or physical disability, are unable to take care of themselves also have a right to protection against significant harm or exploitation.

The Foundation requires that all Foundation personnel, during the performance of their work for the Foundation, uphold and demonstrate best practices in vulnerable people safeguarding and protection to ensure that vulnerable people who come in contact with Foundation personnel during the performance of their work are protected from any form of abuse or exploitation.

DEFINITIONS

- Abuse: physical, sexual, emotional abuse and/or neglect. Abuse can take place in person and online, by other vulnerable people and/or adults, including those in positions of trust.
- Safeguarding: proactive steps taken to prevent violence against vulnerable people including all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.
- Vulnerable person protection: responding to concerns and/or disclosures that a vulnerable person may be experiencing, or be at risk of physical and/or mental violence, injury and/or abuse, neglect and/or negligent treatment, maltreatment and/or exploitation, and/or sexual abuse.

SCOPE OF THIS POLICY

This policy applies to all Foundation employees, contractors, and volunteers (referred to in this policy as '**Foundation Personnel**').

FOUNDATION'S SAFEGUARDING COMMITMENT

Awareness:

At the Foundation, we commit to;

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- ensuring that Foundation Personnel who interact with vulnerable people during the performance of their work with the Foundation understand what safeguarding and vulnerable person protection are; what the risks to vulnerable people they work with are; what is expected from their behavior with vulnerable people and their responsibilities to prioritize the well-being of vulnerable people at all times;
 - ensuring that Foundation Personnel who have contact with vulnerable people during the performance of their work with the Foundation have reviewed and agreed to the Foundation's Code of Behavior (enclosed as Appendix A);
 - ensuring that all Foundation Personnel have read, understood and agree to uphold this policy; and
 - ensuring that Foundation Personnel know where to access this policy.

Prevention:

We commit to:

- have robust recruitment and selection processes to check that all Foundation Personnel who work with or have contact with vulnerable people are suitable to do so to the best of our knowledge, this includes appropriate background and reference checks on a candidate's suitability to work with vulnerable people, subject to applicable law;
- only consider criminal histories of Foundation representatives and job applicants in making hiring and personnel decisions as permitted by law;
- ensure that all Foundation Personnel are aware of, and abide by, this policy;
- take stringent measures against any Foundation Personnel who abuses a vulnerable person during the performance of their work for the Foundation, or who does not uphold this policy, including not taking action when they have reasonable grounds to suspect a vulnerable person might be at risk of harm by a Foundation representative while he or she performs work for the Foundation, which may include Foundation reporting the individual to the relevant authorities; and
- safe storage of all confidential material, including material with personal data, in line with Foundation policies.

Reporting:

We commit to:

- encouraging Foundation Personnel to report all vulnerable person protection concerns or disclosures that arise in connection with their performance of work for the Foundation to an immediate supervisor or the Foundation's HR Director; and
- reporting vulnerable person protection concerns to the applicable state or local law enforcement authorities when appropriate.

Responding:

We commit to:

- ensuring the safety of the vulnerable person is always the first priority and, to the extent possible, that action is taken to support and protect vulnerable people who are the subject of concerns regarding possible abuse;

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- applying the principle of 'best interests of the vulnerable person' to all vulnerable person safeguarding protection concerns and disclosures;
 - taking all concerns and disclosures seriously and fully supporting any Foundation Personnel who in good faith raises his or her concerns; no form of coercion, intimidation, reprisal or retaliation against any Foundation Personnel who reports any suspected form of abuse or exploitation is tolerated;
 - handling all concerns and disclosures in a confidential manner, with information shared on a 'need to know' basis; and
 - all incidents being dealt with promptly, and all cases relating to Foundation Personnel being investigated and reported to the Executive Team within one month of being reported to the Foundation's HR Director.

Investigating:

- If a concern or disclosure relates to Foundation Personnel, the Foundation will form a Vulnerable Person Protection Investigation Committee consisting of at least the President & CEO, the HR Director, and an external protection expert.
- Where an allegation is made about Foundation Personnel, the individual may be immediately suspended from their employment or contract without prejudice, while the investigation takes place. Where feasible, a decision as to whether the individual can return to work, be dismissed, or whether further time to make a decision is required, will be made by the Foundation's President & CEO within 28 days. In some cases, particularly where local authorities are involved, more time may be required before a decision can be made.
- Should an allegation of abuse or other breach of this Policy be substantiated, the individual will be subject to disciplinary action in accordance with the Foundation's disciplinary procedures, which may include dismissal or termination of contract and reporting the concern/disclosure to relevant authorities.
- The Foundation will consider criminal histories of Foundation representatives and job applicants in making hiring and personnel decisions as permitted by law.

Training and Education:

We commit to:

- Provide vulnerable person protection and safeguarding training to all new Foundation Personnel that may come into contact with vulnerable people during their work with the Foundation; and
- Provide annual refresher vulnerable person protection and safeguarding training to Foundation Personnel that may come into contact with vulnerable people through their role with the Foundation.

Monitoring and Review:

The Foundation will:

- monitor compliance of this policy within the Foundation and evaluate the effectiveness of this policy through annual checks, including an annual report to the President detailing the number of incidents or concerns of safeguarding reported; and
- commit to review this Policy every two years or sooner where there are changes in legislation or within the organization that affect this policy.

This policy has been approved by the ClimateWorks Foundation Board of Directors and is effective from June 1, 2019.

JEDI Values and Definitions

Our commitment to advancing justice and equity requires a shared understanding of key related terms. The following definitions and value statements will inform and guide our work, and ensure clarity in ClimateWorks' communications when we use these terms. We recognize that language is nuanced, varying by country and context, and commit to the ongoing work of translating these themes to the most fitting language and approaches for the particular locations in which we work.

Justice

We define justice as the duty to identify and support systemic and transformational change to foster fair and equitable treatment, opportunities, and outcomes for all people. Climate action without justice is not a solution but contributes to ongoing injustices. Justice manifests differently depending on the context, group, country, and region, and whether applied within a national context or across countries. Justice requires understanding and acknowledging existing power imbalances and systems of oppression that disproportionately impact specific groups and countries.

We seek to deepen our understanding of the root causes of injustice (systemic racism, discrimination, neocolonialism, exploitation of territories and natural resources, unequal distribution of wealth, etc.) and how we may contribute to addressing them as part of our work to achieve our climate goals.

Our model for justice prioritizes strengthening power through the allocation of resources as well as fair, equitable, and inclusive processes and policies that center oppressed and marginalized communities.

Equity

Equity is the achievement of equal outcomes for all, realized through access to power, resources, and knowledge. We strive to co-create systems and solutions – internally, through our convenings, and in our programs and grantmaking – that yield equitable outcomes and correct power imbalances across individuals, organizations, institutions, and countries.

Diversity

Diversity is the presence of different identities, expression of thought, and positions within systems. Examples of diversity in identities may include representation of different races, ethnicities, nationalities, classes, genders, religion, sexual orientation, ages, body size, disabilities, and neurodiversities. Diversity allows us to leverage a broad spectrum of

experience, perspectives, and knowledge to realize solutions to our goals and intentionally underpins our thinking, processes, and evaluations. Diversity is critical to the effectiveness of our organization, Board, grantee portfolio, and broader ecosystem, and an accelerant to identifying and implementing solutions to end the climate crisis. When diversity of perspectives and goals results in disagreement, we commit to working through the differences guided by our understanding of justice and equity.

Inclusion

Inclusion is the act of creating room for and inviting individuals and their diverse human experiences and perspectives, in every aspect of our work. We are building and sustaining an inclusive culture – by supporting different voices and a diverse array of stakeholders in our convenings, co-creating grantmaking strategies with grantees as well as funders, designing workspaces that meet all physical needs, and engaging in transparent communication and collaborative decision-making. This generates an ecosystem of shared power, normalizes and encourages representation and participation by all, and amplifies the voices of those who have historically been and continue to be excluded.

Belonging

Belonging is the feeling of acceptance, as well as psychological and physical safety through which an individual or group feels welcome and able to show up authentically to an environment. We strive to build a culture of belonging, in both our organization and the spaces we influence, which recognizes that when we show up transparently, genuinely, and authentically it strengthens our work. We also acknowledge that the legacy of colonialism and white supremacy heavily influence how many societies function. We oppose these influences and commit to actively contributing to a field where people can bring their true selves to work, allowing their experiences to be reflected in the solutions we support.

JEDI Guiding Principles

At ClimateWorks Foundation, we are driven by our vision of creating a thriving planet for all living beings for generations to come. ClimateWorks is committed to learning, listening, and deepening our efforts on justice, equity, diversity, and inclusion (J EDI) across all dimensions of our Global Intelligence, Global Collaborations and Global Programs and Grantmaking, and Operations, internally and externally; in the U.S. and globally. The convergence of the pandemic, economic upheaval, growing social justice movements, and the escalating impacts of climate change profoundly influenced how we and others in the broader climate community view and approach our work to end the climate crisis and ensure a healthy future for all people and the planet.

The following principles, definitions, values, and their applications are a resource for providing strategic guidance to our staff to help advance our collective work. Our approach will evolve as we apply these principles and learn from their application.

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- **Understanding geographic context:** We are guided by in-country partners to ensure our approach is culturally and politically appropriate.
 - **Developing our staff:** We support equitable policies, strive for staff representation reflective of where we work, invest in trainings to support inclusion and belonging, and more.
 - **Investing in a culture of belonging:** We strive to make every individual feel respected and treated fairly in an inclusive work environment and address inequitable power dynamics.
 - **Evolving our strategic approach:** We aim to support more intersectional work, build relationships with groups whose focus may fall outside the traditional climate space, center voices and expertise of those most impacted, and more.
 - **Expanding and diversifying our networks and partnerships:** We explicitly recognize diversity in how we design our work. We are increasing our funding to groups that pursue climate justice and equity; examining our definition of experts to be more inclusive; and more.
 - **Shifting power through our grantmaking:** We strive to communicate transparently; streamline the grantmaking process; provide core funding where possible and relevant; experiment with participatory approaches; and more.
 - **Tackling unintended consequences:** We listen to our staff and partners regarding any concerns related to our actions; consult with grantees; and take action to adjust if we find we are perpetuating harm.
 - **Engaging funders for collective impact:** We work closely with funders and the broader climate funding community to realize these principles; shift our fundraising approaches; and more.
 - **Continuing to learn:** We engage in learning partnerships without being extractive; learn from successes and failures; and share our learnings as we go.
 - **Holding ourselves accountable:** We will continue to be transparent with our progress and seek feedback in order to hold ourselves accountable.