**“Input for 2022 UNGA77”**

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**1.What experiences and examples are you aware of that are being faced by particularly individuals and communities in vulnerable situations (as identified above) that have suffered loss and damage due to the adverse impacts of climate change?**

The problem of climate change in Turkey shows has been effectly seen in the last 10 years. The study called *The Perception of Climate Change in Turkiye* reveals that "one out of every 2 people feel the effects of climate change". According to the results of the research on irregular weather events such as floods, storms, extreme temperatures and droughts have seen in Turkey in recent years, it is seen that these irregular weather conditions increase for 7 out of 10 people in Turkey and it is thought that climate change has a role in this.

When we examine the period 1970-2018 in five periodic periods in the light of the data published by the General Directorate of Meteorology, it is possible to say that there has been a continuous increase in the average temperature in Turkey since 1970. As can be seen in the table, Turkey's average temperature rose from 12.7 ºC to 14.0 ºC over a period of approximately 50 years.

All these will bring along a serious decrease in our country's water resources, drought and desertification, loss of agricultural productivity, increase in the number and effect of forest fires and loss of biodiversity. Based on all, vulnerable individuals and communities have been affected by floods, overflows and landslides, especially in the Black Sea region. In addition, forest fires in the Mediterranean region in the summer of 2021 consecutively occurred in hundreds of ha. It caused the destruction of the forest area, the ecosystem was destroyed, and a large sink area was lost.

As a result of the increase in drought, there has been a decrease in agricultural areas, and people who make a living with it have been affected by this process.

As an example, the Konya Plain, located in Central Anatolia, faced another problem due to the heavy rainfall in the region after the drought in recent years, and the melting snow in the mountainous areas and plains left the agricultural lands under water. The damage to the farmers was huge.

1. **What legislation, policies and practices do you think are necessary to provide redress for particularly individuals and communities in vulnerable situations that have suffered and will continue to suffer loss and damage due to the adverse impacts of climate change?**

In order to eliminate the adverse impacts of climate change, I think that the following should be done first.

a. It should be clearly demonstrated that protection from the effects of climate change is a legal norm. Especially considering that Article 56 of the Turkish Constitution regulates the right to the environment, its upper norm is ready.

b. It is necessary to reflect in all legislation and policy instruments that the impacts of climate change are a fundamental “human right” issue.

c. Within the scope of scientific data and the right to environment, the national reduction target should be clearly stated and this issue should be opened to public awareness. In this way, the reduction target will be followed. It should be aimed to embed this in all plans, projects and legislative arrangements. This is extremely important for a transparent and accountable public administration approach.

d. State support mechanisms should be activated for damages resulting from climate change and should be included in the legislation. Loans, incentives for restructuring, coverage of the insurance agency on climate change should be regulated in the legislation.

e. The main principles of environmental law, especially the polluter pays and precautionary principle, should be focused on, and this issue should be clearly stated in policy tools and strategy documents in order to prevent harm before it occurs. In addition, the form of sanction should be rearranged for the damage caused, and the issues of control and sanction should be given a clearer place in the relevant legislation.

f. The state has the most important responsibility for climate change. However, responsibility should be distributed in this regard. The private sector is also responsible for this loss. Therefore, the legal and criminal dimensions of this responsibility should be re-evaluated in the legislation.

1. **Please provide examples of policies and practices (including legal remedies) and concepts of how States, business enterprises, civil society and intergovernmental organisations can provide redress and remedies for individual and communities in vulnerable situations who have suffered loss and damage to the adverse impacts of climate change.**

Ensuring that relevant legal instruments are in place to respond to environmental and other harm caused by climate change; In this context, it is essential for States to provide access to judicial remedies both for the prevention and compensation of damages caused by the actions or omissions of natural and/or legal persons due to climate change.

Ensuring that non-governmental organizations working for the protection of the environment and the protection of human rights have the right to sue states and private organizations for behavior that may have an impact on climate change;

To provide a conducive environment for environmental human rights defenders and to avoid any act of intimidation or retaliation against them;

By determining the duty of companies to be vigilant, their activities that affect the environment, etc. strengthen corporate responsibility by asking them to elaborate on climate change;

Providing the corporate community, taking into account all responsibilities for the prevention and recovery of environmental damage in procurement contracts and the allocation of public funds;

To ensure that people have effective access to appropriate information on environmental issues and risks related to climate change.

1. **Please provide examples of ways in which States, the business enterprises, civil society and intergovernmental organisations have provided redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse effects of climate change.**

Climate change and the harm caused by it is actually a human rights crisis. It is debatable how much States and other actors try to find solutions for vulnerable individuals to compensate for the harms incurred. As a matter of fact, cases in international platforms show these.

In the Grootboom Case, which was held in South Africa, it was decided that there was State negligence about the person who lost his home and life due to climate change, due to the obligation to protect his right to shelter and life.

Again, the state's negligence in monitoring the plants emitting greenhouse gases was emphasized.

The Dutch Government found the State policies that did not aim at a decisive reduction with the Urgenda decision unlawful. As a result, it adopted the Climate Plan.

The trial of the century in France accepted the issue as ecological damage at the national level and emphasized the responsibility of the administration.

There are applications regarding the climate issue pending before the ECtHR. The aim here is to restructure the understanding of public administration, which does not see that the issue is an urgent matter.

Therefore, first of all, necessary legislative arrangements have to be made in order to establish this understanding for the compensation of these damages.

1. **What international, regional and national policies and legal approaches are necessary to protect current and future generations and achieve intergenerational justice for particularly for individuals and communities, from the adverse impacts of climate change?**

As I tried to explain briefly above, what is currently being done at the international level is to try to demonstrate that climate change is a human right. The infrastructure for this is available in international conventions and declarations, but studies have to be done at the level of reducing these abstract principles to concrete.

The climate change agreement, the Kyoto protocol, the paris agreement, the Green deal and the accompanying European climate law are the means of this concretization. These approaches are seen within the scope of the climate law and the adaptation process of the nations begins.

1. **In 2021 at 26th session of the UN Climate Change Conference (COP26), some Parties and civil society organisations proposed a new financial facility to support loss and damage.**

**Please provide ideas and concepts on how a new facility would operate and how the funds needed to underwrite this fund would be established and maintained.**

* 1. **Please provide ideas and concepts on how a new financial facility for loss and damage could provide redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse impacts of climate change.**

COP 26 recognizes the important role of all stakeholders in preventing, minimizing and addressing the loss and damage associated with the adverse effects of climate change. It also noted the urgency of increasing action and support, as appropriate, including funding, technology transfer and capacity building, for the implementation of approaches to prevent, minimize and address the loss and damage associated with climate change in developing Parties that are particularly vulnerable to the adverse effects of climate change.

Developed country Parties, operating organizations of the Financial Mechanism, United Nations agencies, intergovernmental organizations, non-governmental organizations and other bilateral and multilateral organizations, including private sources; to provide enhanced and additional support for activities that address the loss and damage associated with the adverse effects of climate change.

However, it is seen that COP 26 has not put forward a concrete plan in this regard. It is expected that this financial mechanism will be carried out through projects, as in carbon trading. Otherwise, it is thought that there will be no concrete, transparent and measurable support. The details of this appear as a detailed subject that needs to be studied separately.

1. **What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisations to dramatically increase efforts to reduce emissions of greenhouse gases, including through support to developing countries, in particular small island developing States, least developed countries and landlocked developing States, to limit the human rights impacts on particularly individuals and communities in vulnerable situations to the adverse impacts of climate change?**

First of all, protecting human rights should be the primary objective as policies and plans are developed, implemented and supervised. It should not be forgotten that the climate crisis directly affects the right to life, the right to meet basic needs, the right to shelter, the right to health, the right to property and the right to the environment, and it should be constantly emphasized in every text.

Obligations of the parties in the formation and prevention of climate change damages should be clearly defined.

The principles and norms of international law should be followed carefully, and it should not be forgotten that the issue can be resolved through international cooperation.

Countries must set an ambitious greenhouse gas emission reduction target and make it accessible information. It should not be forgotten that the public's access to information is also a fundamental right.

The issues of liability and compensation law for activities that cause harm should be reconsidered.

In order to increase the sink areas, the duties and authorities of the relevant institutions should be reviewed, and missing duties, if any, should be added to the legislation, plans and strategy documents.

Insurance law, incentive arrangements and models that will increase livelihood opportunities should be developed to compensate the losses of the injured.

1. **What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisation to increase efforts to ensure that actions to adapt to the impacts of climate change contribute to reducing, and not exacerbating, the vulnerabilities of individuals and communities in vulnerable situations to the adverse impacts of climate change?**

What to do about this is actually simple.

1. Climate change impact map

2. Planning (agriculture, settlement, industry, forest…..)

3. Clearly define the powers and responsibilities of all parties

4. Correct implementation of the planned

5. Accurate and timely inspection

6. Sanction at the end of the inspection

7. Easy access to the right to information

8. Access to justice

9. Effective participation of the public in every process

10. Recognition of the issue as a priority in public policies

11. A transparent, participatory and accountable management approach