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17 November 2023

Dear Mr Shachter,

We are pleased to provide a short submission in relation to your analytical study on the impact of loss and damage from the adverse effects of climate change on the full enjoyment of human rights, in relation to Human Rights Council resolution 53/6 of 7 July 2023 entitled 'Human rights and climate change'. Our submission relates to question 5 of your questionnaire and focuses on loss and damage related to human mobility, including displacement and relocation in the context of climate change.

Climate change and disasters are having far-reaching impacts on human mobility around the world. Sudden-onset hazards, slower-onset processes and the combination of the two may prompt people to move away from anticipated or actual harm.

Climate change does not cause movement on its own, but rather intersects with and exacerbates other social, economic, cultural and political factors that prompt people to leave their homes. Climate mobility is neither uniform nor linear, and individual, household and community decisions about movement will vary. Furthermore, scales and patterns of movement may alter over time as physical conditions change. In all its forms, climate mobility can have significant impacts on human rights and security and result in both tangible and intangible losses.

In November 2023, we published the [Kaldor Centre Principles on Climate Mobility](#). These Principles provide governments, affected communities, international organisations, civil society groups and other stakeholders with evidence-based, legally sound tools for addressing climate mobility. They draw on a wide range of international, regional and national laws, policies and standards to provide guidance that can be adapted to different contexts. They include tools to build communities' adaptive capacity to remain in their homes for as long as

possible; create safe and dignified pathways for movement where desired; and provide assistance, protection and durable solutions if displacement does occur. They acknowledge the needs of vulnerable and marginalised groups, and the importance of safeguarding people's human rights and security, including culture and heritage.

Below we have extracted Principle 11 from the Kaldor Centre Principles in the hope that it will assist you in identifying actions to be taken at country, regional and global levels by a range of stakeholders.

Please do not hesitate to contact us if we can be of further assistance.

Yours sincerely,

Professor Jane McAdam AO and Dr Tamara Wood

Principle 11: Address loss and damage associated with climate mobility

What?

In the spirit of international cooperation, equitable burden-sharing and climate justice, mechanisms for addressing loss and damage should recognise the economic and non-economic loss and damage that arises in the context of climate mobility.

Why?

Climate mobility can result in severe economic and non-economic loss and damage. Moving away from home can disconnect people from critical economic resources and irreversibly disrupt cultural networks, communities, language, social cohesion and traditional knowledges. As such, it may represent the greatest form of loss and damage for some communities. Loss and damage is likely to be most severe in situations where people's agency is limited, such as where they are displaced. Displacement itself may constitute a form of loss and damage in the context of climate change. Loss and damage is fundamentally an issue of climate justice.

Non-economic loss and damage is difficult, if not impossible, to quantify or compensate in monetary terms. Even economic loss and damage can be challenging to calculate, especially when predicting future costs associated with loss and/or damage to housing, infrastructure, livelihoods, goods and services, and the use of land and marine resources. The Warsaw International Mechanism for Loss and Damage establishes a framework for addressing these issues. Under its auspices, the Task Force on Displacement provides a forum for advocacy relating to loss and damage associated with climate mobility, while the Santiago Network aims to catalyse technical assistance to implement approaches to avert, minimise and address loss and damage associated with the adverse effects of climate change.

How?

Key priorities

1. Advance equitable allocation of costs associated with loss and damage, based on principles of climate justice, solidarity and responsibility-sharing
2. Recognise displacement in the context of climate change as a form of loss and damage
3. Take steps to reduce economic and non-economic loss and damage in the context of climate mobility

Sample actions

- a. Collaborate at the national, regional and international levels to advocate for:
 - i. equitable accountability and allocation of costs associated with loss and damage, based on relative responsibilities for climate change
 - ii. recognition of displacement in the context of climate change as a form of loss and damage
 - iii. people-centred, human rights-based approaches in all discussions and responses to loss and damage
 - iv. operationalisation of the Santiago Network
- b. Develop and implement loss and damage assessments that take into account:

- i. data and evidence relating to the impacts of climate mobility
 - ii. economic and non-economic losses arising from loss of, or restricted access to, land
 - iii. socio-economic, political and cultural dimensions of climate change impacts
- c. Establish equitable compensation schemes for loss of land and other assets
- d. Collaborate with affected communities to identify and address the physical, mental and communal impacts of loss of land and culture
- e. Document and share effective practices and policies for responding to, and working through, loss and damage
- f. Establish mechanisms for people to retain economic benefits generated from their land and/or marine entitlements