



## Questionnaire on Human Rights Council Resolution 53/6 on Human Rights and Climate Change

1. To answer this question, we contacted individuals in two Colombian Amazonian departments that have witnessed the consequences of climate change. On the one hand, Putumayo has experienced an exorbitant increase in rainfall, with major impacts. On the other hand, we talked to environmental defenders in Caquetá, a department with increasing livestock production that has generated deforestation in large portions of the territory and has led to the rise of desertification, landslides, among other impacts.

The testimonies of these individuals are as follow:

**Edusmildo Saldarriaga (16 January 2024, Caquetá):**

*"Here is an example from three years ago. I was in Puerto Arango. It was the night of 18 May 2021 and around 8 pm it started to rain very hard and the rain continued until 7 am. In my 63 years I had never experienced such a heavy downpour. The result was avalanches and landslides in the mountain range to the north. Before the rains were more moderate."*

**Soraida Chindoy Buesaquillo (19 January 2024, Mocoa, Putumayo)**

*"It is impossible to forget something so horrible, that night I spent together with my family. It was 31 March and it had rained a lot, all day. That night the rain began to fall even harder. The result of all that rain was an avalanche. More than six neighborhoods disappeared, more than 600 people died. I lost many neighbors, may they rest in peace, some have yet to be found. It is a miracle that my family and I are alive; the neighborhoods were covered in boulders and very large rocks. The message here is so important: the mountains must be left alone, our mother earth is giving us many lessons that we must protect her".*

We can also recommend some episodes of a podcast by Colombian journalists with the support of Climate Tracker, Heinrich Böll, and Censat Agua Viva, based on some conversations that were held in the context of a dialogue with journalists on Loss and Damage where we participated as panelists. Here are the links:

- [Clarena Fonseca.](#)
- [Las Frailejonas.](#)
- [The Peak Regional Natural Park.](#)

2. In Colombia, and in Latin American more broadly, data on loss and damage associated with climate change is not collected in a systematic or standardized manner. This means that we cannot truly measure the impacts in different regions of the subcontinent. Thus, responding to these crises in an urgent and accurate manner can be very complex for governments.

After the 2010-2011 La Niña phenomenon, detailed work was carried out in Colombia, before losses and damages were included in the discussions of the United Nations Framework Convention on Climate Change (UNFCCC) as a third pillar of the consequences resulting from the environmental crisis. Within this report, the Economic



Commission for Latin America and the Caribbean (ECLAC) produced very detailed information on the rain related economic consequences for the country. It used data on economic losses, victims and affected individuals, disaggregating the data by sex and age (ECLAC, 2012).

However, the document does not address the full range of complexities related to the concept of loss and damage, as it is not just a registry of obvious elements (bridges destroyed, houses destroyed or damaged, etc.), but also measures different dynamics. The economic consequences of a disaster do not occur and are not registered in a single moment as the repercussions last for a period of time. Therefore, they are difficult to fully measure during a single assessment (weeks, months, or years after the disaster), when it is not yet evident if the short-term losses have ended or will continue, or the kind of medium-term impacts that may occur, especially for certain high-impact sectors (agriculture, transportation) (ECLAC, 2012) and for the people who have been affected.

The document also fails to address non-economic loss and damage. These consequences are difficult to quantify and measure as they include, for example, the loss of biodiversity, the loss of languages, sacred sites, ingredients for traditional dishes, traditional medicine; and irreversible cultural impacts that are impossible to repair, such as people's physical, mental, and emotional health. This demonstrates how the lack of qualitative and quantitative information from Colombia that allow for deeper reflections, actions, and tools to face the loss and damage caused by climate change.

The report represented such an extreme, long, and intense event that it was necessary to carry out this exercise. It is not common for governments to produce this type of report given the many annual events.

The Ministry of Environment and Sustainable Development (MADS in Spanish) has indicated that floods, hurricanes, landslides, droughts, and forest fires are generating annual losses close to \$4.3 trillion in Colombia. It also mentioned that hurricane related damages generate projected losses of \$5.7 billion. In relation to droughts, it was determined that economic losses are close to \$22.9 billion, and affect the agricultural sector in particular, with products such as corn and rice. Losses from landslides on main roads amount to \$67.5 trillion and forest fire losses amount to over \$3.9 trillion (El Espectador, 10 November 2022).

According to the source, these values are from the country's Long Term Climate Change Strategy (E2050), an exercise that projects the 2050 national climate goals to achieve carbon neutrality and climate resilience. These values arise from the modeling and projection of national data from IDEAM's hydrometeorological stations and international databases such as those downloaded from Princeton University. However, the values do not reflect nor are they based on the losses and damages that have already been experienced in the different regions of the country in recent decades. Since the ECLAC report on the 2010-2011 rainy season no equally rigorous reports have been written on the impacts of subsequent meteorological events, as mentioned above.

In the INDC (2015) presented by Colombia, it was mentioned that 90% of Colombian emergencies between 1998 and 2012 were related to hydrometeorological phenomena (La Ruta del Clima, 2022). Even so, the 2020 update of Colombia's NDC does not mention



loss and damage or goals associated with this component, and there is no standardized data that would allow a comparison between countries and between years regarding this issue. The only aspect that was noted was that 11,000 people were reported as displaced that year due to disasters, mostly floods.

According to a former IDEAM employee who now works for the National Unit for Disaster Risk Management (UNGRD in Spanish), currently, there are not functional meteorological stations in all regions and departments of Colombia. For this reason, it is necessary to strengthen climate data collection and cross-check this information with demographic data, including data disaggregated by sex, ethnicity, and age (Euscátegui, 4 September 2023). In addition, as loss and damage are not only economic, it is also necessary to collect qualitative information through interviews and focus groups to understand the magnitude of impacts, which may be of different types (for example impacts on livelihoods, social dynamics, health, and sex). These tools are also interesting because they allow us to highlight the connections between the economic and non-economic impacts of climate change.

Finally, the loss and damage caused by climate change is known to feed into the vicious cycles of poverty in the Global South. Not only in terms of external debt as countries resort to loans to repair the damage caused by disasters, but also internally, as it is the impoverished who suffer most in these events. Climate change is known to be an aggravating factor that deepens poverty and is an obstacle to overcome poverty in both rural and urban areas (Castellanos et al, 2022). Climate change reduces the capacity for adaptive responses and limits options and opportunities that lead to sustainable development." (Birkmann et al., 2022. p.3). In fact, studies analyzing the distribution of impacts by economic level found that the poorest individuals accumulate up to 70% more damages and losses than those with average incomes (Birkmann et al., 2022. p.10). Poverty is also tied to the prevalence of food and nutritional insecurity. Hunger reported in the region is at its highest level in the last 15 years. Food insecurity also affects women more than men (FAO et al., 2021).

It is therefore relevant to produce data disaggregated by sex, age, and ethnicity. The following data reflects the setback in regional poverty reduction achievements. Regarding poverty distribution, the following trends can be observed (ECLAC, 2022):

- There are more women between the ages of 25 and 59 living in poverty than their male counterparts.
- Age is a determining factor in the distribution of poverty, since young people under 15 years of age are more likely to live in poverty than people between 15 and 39 years of age.
- Indigenous and/or Afro-descendant people are more likely to live in poverty than other people.

3. Colombia's NDC makes no major reference to loss and damage, i.e., there are no goals or concepts in relation to this issue. Furthermore, the UNFCCC has no standardized format to update NDCs that would allow for a continuous or comparative analysis of the data reported in different years on loss and damage. How reported hydrometeorological phenomena are defined is not uniform nor is the data taken into account for different events and countries. There is not criterion to clearly define how economic loss and damage is evaluated, much less non-economic loss and damage. Likewise, there is a gap



regarding indirect and secondary climate impacts, as well as material and/or immaterial impacts (The Climate Roadmap, 2022).

The rest of Colombia's climate policies were reviewed, and no mention of loss and damage was found. These policies include: National Climate Change Policy, National Disaster Risk Management Plan, CONPES 3700, DECREE 298 OF 2016, LAW 1931 OF 2018, and LAW 2169 OF 2021.

4. Two types of approaches were identified: first, tools rooted in international law that appeal to human rights compliance in the context of climate crisis; second, tools that can be applied nationally.

International	Tool
Inter-American Court of Human Rights (I/A Ct HR)	Damage to the environment may affect all human rights (Caldas et al., n.d., para. 64).
American Convention on Human Rights	Article 13: Right to information.
Escazú Agreement	Guarantees people's right to have timely and adequate access to information, to meaningfully participate in decisions that affect their lives and their environment, and to access justice when these rights have been violated.
IACHR-REDESCA Resolution 3/2021	Effective implementation of the procedural rights of access to information, public participation, and justice in environmental matters is an accelerator of climate action in the region.
Human Rights Council (HRC) Resolution Human Rights and the Environment A/HRC/RES/34/20	Urges States to adopt and enforce laws that ensure justice, "in particular effective remedies in relation to the environment."
UNFCCC and Article 2.2 of the Paris Agreement	States must restore what has been damaged and compensate what has been lost.
"Internationally wrongful act" (Responsibility of States for Internationally Wrongful Acts A/56/10, 2001 Art. 30)	Make full reparation for any damage, whether material or moral, caused by the internationally wrongful act of a State.

In addition to these international law tools, we have identified the following national tools:

In the Mitigation MRV System, the Adaptation Monitoring and Evaluation System, and the Climate Finance MRV System that have been designed and updated in recent years, there



is no independent platform, mechanism, strategy, or standard that measures and evaluates loss and damage. Developing standards and mechanisms for exclusive and independent monitoring, analysis, and reporting on loss and damage, including non-economic, is vital to ensure information and adjust measures. Countries such as Panama have been working on this, so there is already a foundation that can be built upon in the region.

What is determined to be damage and loss is dependent on the context in which it occurs and usually requires an investigation into what a community values and feels should be protected (Tschakert et al., 2017). States must recognize this to protect the cultural rights of vulnerable and historically marginalized populations. Without considering their perceptions, the response to climate change consequences would be incomplete. Developing methodologies with a community-based approach to damage and loss assessment (including interviews and focus groups to include this primary source) should be undertaken to achieve standardized and comparable information.

Finally, we believe it is important that there is international momentum behind these tools. Standardizing the data to be reported in the NDCs and making it easier for countries to include the same information on loss and damage, to have comparable data, is a task for the UNFCCC.

5. Latin American countries lack the tools or do not recognize the urgency to document, analyze, and report the seriousness of loss and damage experienced in the region. Despite a threatening context for development and social welfare, Latin America's Nationally Determined Contributions (NDCs) have scant information on damage and loss. This lack of monitoring, analysis, and reporting presents the greatest challenge for an adequate, fair, and human rights-based response to damage and loss (La Ruta del Clima, 2022).

The information currently available on loss and damage is testimonial and anecdotal; little has been systematized or analyzed in a way that can be used to generate reports to inform decision making in the face of this climate change pillar. As mentioned in previous responses, this also makes it difficult to compare data between years and between countries. Therefore, justifying a block response to the negotiations becomes more complex (without regional data).

On the UNFCCC side, there is no formal process to collect national information on loss and damage. While economic and descriptive data on damages and losses were found in the first NDCs and INDCs, there was less information in the NDCs updates or in their second versions (La Ruta del Clima, 2022).

Another challenge is the fact that the loss and damage is not only economic or material (such as damage to public and private infrastructure, housing, work equipment, vehicles, merchandise, crops, and production systems); there are also non-economic losses (sites of local importance, human displacement due to climatic events, biodiversity, species of cultural, economic, or spiritual importance, use of languages, music, festivities, artistic practices, traditions, which could imply the rupture of emotional ties with the environment and among community members who have experienced the disaster) as previously



mentioned. One of the great challenges is to reflect on whether non-economic loss should be quantified in order to monitor and redress those losses.

Another challenge is how to categorize health: is it an economic or immaterial damage? While there are already indicators and parameters that can quantify the effects on physical health (increased temperatures, heat waves, and changes in the distribution of vector-borne diseases, respiratory diseases, infections, cardiovascular problems) and mental health (uncertainty about the future, loss of material goods, disruption of livelihoods and sources of employment, and exposure to extreme weather events can cause stress and anxiety, among others) as a result of climate change and its causes; how do we redress impacts on someone's health? It is then that we realize how many ethical debates we are confronted with due to climate change, and how there is not just one right answer.

Loss and damage is closely related to the right to access natural resources and the principle of reparation, which includes restitution, compensation, and rehabilitation for damages suffered. How can you address loss and damage with a climate justice approach based on rule of law? Since Colombia has experienced an armed conflict lasting over five decades, which is currently in a restorative peace process, could the lessons learned from this process be used to implement restorative strategies for loss and damage caused by climate change?

Avoiding causing harm in climate change is an iconic principle of international negotiations that must be applied in different instances. What are emitting countries doing to reduce their environmental and climate impact? What is the State doing to adapt as a vulnerable society and country? What is the Colombian State doing to ensure that polluting countries comply with their duty to do no harm? What are the implications of negligence and inoperativeness in this context? It is another challenge to understand the limits and benefits of international climate commitments such as the Paris Agreement (Article 8), the United Nations Framework Convention on Climate Change - UNFCCC (Article 3.1), and the Nationally Determined Contributions.

These last paragraphs are just a few questions that call for reflection and a conceptualization of principles before creating tools to address loss and damage from a human rights approach.

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