

THE IMPACT OF LOSS AND DAMAGE FROM THE ADVERSE EFFECTS OF CLIMATE
CHANGE ON HUMAN RIGHTS: INPUT FOR ANALYTICAL STUDY ON LOSS AND
DAMAGE

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The Republic of Trinidad and Tobago is a twin island country located at the southern end of the Caribbean archipelago. It is situated between 10° and 11.5° North Latitude and 60° to 62° West Longitude. Trinidad and Tobago is positioned just northeast of Venezuela and south of Grenada and the twin island republic shares coastal borders with Barbados to their northeast and Guyana to their southeast. The country's population according to the Central Statistical Office as of June 30th, 2023, is approximately 1.4 million.

Trinidad and Tobago's land space is portion where 44 percent is forested, 10 percent is allocated to agriculture and the remaining 45 percent is allocated to housing, business, industry and recreation amid added things. Even though the islands are known for their natural oil and gas sector, their ecosystem is interlinked directly with the human rights of its people and currently this ecosystem is in danger due to climate change.

Climate change is a worldwide epidemic. The impacts of loss and damage from the adverse effects of climate change on the full enjoyment of human rights within Small Island Developing States (SIDS) such as Trinidad and Tobago are significant. According to the vulnerability and Capacity Assessment (VCA) Report 2018 and Coastal Zone Vulnerability and Adaption Assessment 2020, listed several tangible impacts of climate change within Trinidad and Tobago. These impacts hinder the basic human rights to clean water and sanitation, the right to proper education, basic food, recreational activities and preservation of culture and heritage.

Within recent years due to climate change the El Nino effect usually brings a mix of extreme high temperatures thus causing drought or heavy rainfalls thus causing floods. Within Trinidad and Tobago, the El Nino effects impacts the citizens' rights to a few fundamental human rights. Firstly, the human right to clean water and sanitation is severely impacted, as recent as September 2023 residents of Union Village within Mayaro protested insufficient water supplies for it has been four weeks without pipe borne water. This has been an issue for a lot of citizens via the east-west corridors within the country. Citizens located within Morvant Laventille, Diego Martin and even certain areas in the Arima vicinity all complained of the lack of clean water and sanitation for three weeks or more. In addition, the temperature increase saw students and teachers battling with high temperatures between 10:00am and 3:00pm. The president of the

Trinidad and Tobago Unified Teachers Association (TTUTA) stated that learning is impossible to take place when temperatures are too high. The children will not retain any knowledge and will be distracted and uncomfortable. The classrooms are too hot for these children to access the fundamental human right to an education. Also due to high temperatures the basic enjoyment of recreational activities has become an issue. A group of young men was interviewed by a local newspaper where they stated, it was hard for them to even come out and enjoy playing a football game, some even complained it was hard for them to come watch others play football due to the heat and this was usually their method of relaxation. A doctor complained in another article that it was even difficult for him to do yard work which needed to be completed due to the high temperatures. Such simple daily tasks have become difficult for many. These are just a few examples of the impacts from climate change on human rights, there are many more such as heavy rain falls thus causing flooding which in adversely causes vector borne diseases, soil erosion thus causes slippage at heritage sites (affecting preservation of culture and identity to many) and much more.

The University of the West Indies (UWI) collaborated with the Caribbean Development Bank (CDB) and the European Union (EU) to produce a report which provides critical analysis and discussion on the Caribbean climate. This report evaluated the impacts of loss and damage of climate change within the Caribbean using relevant quantitative and qualitative data. The structure and content of this report facilitate provision and analysis of climate data and information in a way that takes into consideration the similarities and differences among each Caribbean nation inclusive of the effects on women, girls, children, youth, older persons, disable persons, Indigenous Peoples and those living in vulnerable situations. Another relevant report used is an annual report produced by the Environmental Management Agency (EMA) which is the statutory body within Trinidad and Tobago established to measure monitor and report on all environmental issues. The most recent report is that of annual year 2022. The content of this report pays close attention to the state of Trinidad and Tobago's environment and the changes that occur over time, the impacts of such changes on the economic and social aspects within all groupings of wider society.

The monitoring tool used by the EMA to measure, monitor, report on and evaluate the impacts economically and socially of loss and damage, including extreme weather to slow-onset events

caused by climate change is the Assessment of the State of the Environment (ASOE). The ASOE is a simple monitoring tool using indicators to look at these changes in the environment. The ASOE is structured to reflect the six (6) Priority Areas and the 24 Thematic Areas of the National Environmental Policy (NEP) 2018 and report on environmental indicators as well as environmental projects, initiatives and programmes. These priority areas range from the protection of the environment to human health, managing natural assets, planning and human settlement, managing heritage, cultural and archaeological sites, addressing climate change and environmental and natural disasters, addressing climate change mitigation and adaptation and most of all addressing comprehensive environmental and natural disaster management.

Within Trinidad and Tobago, the importance of policies, legislation, practices, strategies and institutional arrangements were often overlooked until recent years. Within the most recent years government established a goal for both policy and legislation to achieve the objectives of any governmental or non-governmental organizations, institutions or business which are found to be in compliance with applicable international human rights law, to avert, minimize and address loss and damage, including equity-based approaches and solutions.

Currently within Trinidad and Tobago the main piece of governing legislation for disaster management is called the Disasters Measures Act Chapter 16:50 (Act 47 of 1978). This legislation briefly addresses the following;

- i) Compensation to those who suffered damage or loss in accordance with the Act.
- ii) The authority and powers given to those responsible or appointed to act in response to a disaster and
- iii) The Presidential proclamation of a disaster area.

Currently there are a few policies drafted by the government, however, the main governmental policy is the Disaster Relief Policy. This policy aims to facilitate a cohesive approach to relief management in the twin island state. It advocates standards for implementing the quick delivery of relief supplies to assist the needs of the affected population in the aftermath of a disaster.

There are other national policies which are drafted by the disaster management system, such as;

- i) The Comprehensive Disaster Management Policy Framework
- ii) The Critical Infrastructure Policy Framework

- iii) The Hazard Mitigation Policy
- iv) The Shelter Management Policy and
- v) The Volunteer Policy.

All policies work together at all levels to minimize and address loss and damage which are applicable to human rights law. These policies and legislation ensure accountability and give the means to implement such policies and legislation.

One of the most promising practices that the Trinidad and Tobago government has undertaken in the promotion, protection, and fulfillment of the full enjoyment of human rights in context of loss and damage is the partnering with international bodies, private sector and non-governmental organizations to do their part to remedy environmental issues. The government aims to promote such practices within Trinidad and Tobago to consider not just the impacts of economic environmental issues but more so the social factors that affects human rights. Multilateral Environmental Agreements were signed in their plight not just for promoting but protection and fulfillment and enjoyment of these rights within three general categories: climate change and ozone, biodiversity and waste, all representing mechanisms through which global environmental issues are addressed. The government further promoted practices of making sure the private sector as well as non-governmental agencies are held accountable to do their part as well. Advice is provided along with input, actions and strategies in respect to the role and function each of these institutions is obligated to implement in order to maintain operation.

One main critical challenge in the protection and fulfillment of the full enjoyment of human rights in the context of loss and damage for the Trinidad and Tobago government is the Disaster Measures Act Chapter 16:50 (Act 47 of **1978**). The immediate challenge is the year to which this major governing legislation was passed, **1978**. This legislation is the fundamental law to which national policies are formed. Creating modern policies to remedy the current environmental impacts not just on economics but also on human rights based on old legislation has been tedious and difficult for policymakers and legislators within Trinidad and Tobago.

Addressing this challenge faced by policymakers and legislators is much more complex. Their challenge is based off obsolete law which requires constitutional amendment which can often be very challenging especially when legislators may deem such issue as least pressing than others. This Act, which was meant to act often fails to Act in accordance with all modern societal issues

caused by climate action and justice that promotes full enjoyment of human rights in context of loss and damage. Therefore, policy makers and legislators can create sub policies that can somehow co-exist with the outdated yet still current legislation to meet modern day mandate.

Climate action and justice that promotes the full enjoyment of human rights in the context of loss and damage should be supported fully. Climate change affects how people live their life, for it causes lives to be lost, the risk of food and water shortage. It affects the livelihoods of people, loss of culture and heritage and can also trigger human displacement thus causing conflict and, in some cases, triggering war.

Advocating for climate action and justice is essential as it goes beyond just ecological concerns. We are advocating for social equity, human rights, and creating an equitable and sustainable future for all. We are advocating for women and girls, children, youth, older persons, persons with disabilities, Indigenous Peoples, migrants, persons living in poverty and other in vulnerable situations ensuring the equitable allocation of indispensable resources to people who are often overlooked, making sure everyone's human rights are being accounted for in context of loss and damage.

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