

To,
Human Rights Council
Office of the United Nations High Commissioner for Human Rights, United Nations
Office at Geneva, CH 1211 Geneva 10, Switzerland

Sub: Submission of inputs for the Secretary-General's analytical study on loss and damage.

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I welcome the Human Rights Council resolution 53/6 of 7 July 2023 entitled "Human rights and climate change" requested the Secretary-General to consult Member States and other relevant stakeholders to conduct and submit to the fifty-seventh session of the Human Rights Council an analytical study on the impact of loss and damage from the adverse effects of climate change on the full enjoyment of human rights, exploring equity-based approaches and solutions to addressing the same aiming for the state parties to enhance international cooperation and reiterated the urgency of scaling up action, in particular in the financing, the transfer of technology and capacity-building, for mitigation and adaptation measures and to assist developing countries in averting, minimizing and addressing loss and damage, especially those that are particularly vulnerable to the adverse effects of climate change.

As an academic and member of the civil society I am submitting my inputs highlighting *'The Intersection of Climate Change & Human Rights: Unravelling the Impact Of Loss & Damage'*

I also consent to my contribution being published on the OHCHR's website.

Submission prepared by,

The Centre for Human Rights Law and Policy,

School of Legal Studies,

REVA University, Bengaluru – India

email: chrlp_sols@reva.edu.in

Contributor from The Centre for Human Rights Law and Policy:

Arijit Chowdhury - Undergraduate Student; Core Committee Member, Centre for Human Rights Law and Policy, School of Legal Studies, REVA University.

THE INTERSECTION OF CLIMATE CHANGE AND HUMAN RIGHTS: UNRAVELLING THE IMPACT OF LOSS & DAMAGE

In UN climate negotiations, the term "Loss & Damage" is used generally to describe the effects of climate change that are more severe than the human capacity to adapt to, or when there are solutions, but a community lacks the means to take advantage of them. This can involve destroying historically significant coastal areas due to sea level rise or the loss of lives and property during severe flooding. There isn't yet a formal UN definition of loss and damage. Vulnerable groups continue to suffer the most from loss and destruction, thus tackling the problem becomes a question of climate justice. Extreme weather events like heat waves, droughts, and cyclones can cause loss and damage, as can gradual changes like sea level rise, desertification, glacier retreat, land degradation, ocean acidification, and salinization. Certain damages have the potential to permanently change a location; for instance, rising sea levels may encroach on low-lying islands, while drought may reduce freshwater supplies and render once-productive agriculture unusable. Though there is overlap between the two, the damages resulting from climate change can be classified as the following:

- *Economic Losses & Damages*, include things like supply chain interruptions, property damage, and damage to vital infrastructure that affect resources, products, and services that are often exchanged in markets. This may have effects on specific farms or towns, or it may be on a national or local level. *Example: Salt farming is a significant job source in Bangladesh's coastal regions. However, tidal surges, high rains, and frequent cyclones have hindered salt production in recent years, making the nation less self-sufficient and necessitating the import of salt to make up for the shortage on the market. While early warning systems in Bangladesh have helped drastically reduce fatalities from extreme weather events, people who leave storm shelters undoubtedly experience loss and damage as their homes and livelihoods are destroyed.*
- *Non-Economic Losses & Damages*, the most catastrophic losses might be those that are not financial, such as the unimaginable grief of losing a family member, the extinction of entire civilizations and lifestyles, or the pain of being uprooted from one's ancestral lands. *Example: The villages in Kosrae, Micronesia, which have lost their cemeteries because of rising sea levels causing coastal erosion. Similarly, Inuit tribes' hunting*

customs and sense of cultural identity have been impacted by the melting sea ice in the Arctic.

THE IMPACTS OF LOSS AND DAMAGE FROM THE ADVERSE EFFECTS OF CLIMATE CHANGE ON THE FULL ENJOYMENT OF HUMAN RIGHTS IN INDIA

- I. **Chennai Water Crisis (2019):** Chennai, a major city in India, faced an acute water crisis due to depleted groundwater levels, erratic monsoons, and deficient reservoir storage. This situation significantly impacted the right to clean and accessible water for its residents.
- II. **Cyclones:** India is vulnerable to cyclones, and events like Cyclone Fani (2019), which affected Odisha coastal areas especially cities like Puri and Bhubaneswar faced severe destruction of infrastructure, including houses, roads, and power lines and Cyclone Amphan (2020), struck the eastern states of West Bengal and parts of Odisha. In West Bengal, the districts of South 24 Parganas and North 24 Parganas, along with Kolkata, faced severe damage. The cyclone resulted in extensive flooding, destruction of homes, and uprooting of trees, caused widespread destruction, displaced communities, and affected their right to housing and a safe environment.
- III. **Frequent Floods:** Regions like Assam and Kerala (2018 Flood) have experienced devastating floods, causing displacement, loss of lives, property damage, and affecting the right to adequate housing and right to life for millions.
- IV. **Ganga and Brahmaputra River Systems:** Changes in precipitation patterns and glacial melt are affecting the flow of these major rivers, impacting the water rights, especially for agricultural, fishing & indigenous communities relying on these water sources.
- V. **Farmers' Suicides:** Climate change-induced erratic weather patterns, such as droughts and unseasonal rains, have severely affected agricultural yields leading to crop failures and farmer distress in states like Maharashtra, Karnataka, Andhra Pradesh, and Telangana. This has contributed to farmer distress, leading to suicides in various parts of the country.
- VI. **Island Erosion (e.g., Sundarbans):** Rising sea levels have led to the erosion of coastal areas, impacting farmers, agricultural, fisherfolk, and marginalized, vulnerable communities' also Indigenous & Tribal group's livelihoods, and forcing them to

migrate. This has implications for the right to livelihood and a standard of living. The rising sea levels in the Sundarbans, a delta region shared by India and Bangladesh, are causing salinity intrusion. This adversely affects agriculture and the right to food for communities in the region.

- VII. **Delhi's Air Quality Crisis:** Air pollution, worsened by factors such as crop burning, vehicular emissions, and industrial pollution, has led to severe health problems for residents. This affects the right to a healthy environment and the right to health.
- VIII. **Indigenous Communities in the Himalayas:** Climate change has significantly impacted indigenous communities like Sherpas residing mainly in the mountainous regions of Nepal, particularly in the Everest and Khumbu regions whose traditional practices, include mountaineering, herding, and agriculture, and the Lepchas inhabit parts of Sikkim and West Bengal, Bhotia/Bhotiya spread across regions in India, Nepal, Bhutan, and Tibet have historically relied on trans-Himalayan trade and herding practices, The Apatani people inhabit the Ziro Valley in Arunachal Pradesh, India their traditional agricultural practices, including unique terrace farming methods living in the Himalayan region, affecting their traditional lifestyles, access to natural resources, and cultural rights.
- IX. **Heatwaves:** Rising temperatures due to climate change have led to more frequent and intense heatwaves, especially in urban areas impacting the right to life and health causing heat-related illnesses and deaths. In 2015, an intense heatwave in India claimed thousands of lives, particularly in the states of Telangana and Andhra Pradesh.

QUANTITATIVE, QUALITATIVE DATA TOOLS & MECHANISMS, MONITORING & REPORTING THE IMPACTS OF LOSS & DAMAGE

Quantitative Data:

- i. *Climate Risk Assessments:* Conduct risk assessments that integrate climate science with socioeconomic data to quantify the impacts of extreme weather events and slow-onset events. This includes tools like the [World Bank's Climate Change Knowledge Portal](#), which provides climate data and risk information.
- ii. *Economic Assessments:* Estimating the economic costs of loss and damage due to climate change, which can indirectly reflect impacts on human rights. Organizations

like the [UNFCCC](#) provide methodologies for economic analysis in climate change adaptation and mitigation projects.

- iii. *Agricultural and Food Security Data:* Crop yields, changes in growing seasons, and food security indices based on Agricultural statistics, [FAO \(Food and Agriculture Organization\) reports](#), and global food security assessments.
- iv. *Water Scarcity and Quality Data:* Changes in water availability, frequency of water-related disasters, and water quality based on Water management agencies, [UN-Water reports](#), and global water scarcity databases.
- v. *Displacement and Migration Data:* Number of climate-induced displacements, migration patterns, and population movements through the [International Organization for Migration \(IOM\)](#), [UNHCR \(United Nations High Commissioner for Refugees\)](#), and national migration reports.
- vi. *Energy Consumption and Access Data:* Energy consumption patterns, access to clean energy, and impacts on energy infrastructure relying upon the National energy reports, [International Energy Agency \(IEA\) data](#), and renewable energy statistics.
- vii. *Energy Consumption and Access Data:* Energy consumption patterns, access to clean energy, and impacts on energy infrastructure based upon National energy reports, [International Energy Agency \(IEA\) data](#), and renewable energy statistics.
- viii. *Human Rights Indices and Surveys:* Human rights indices, survey data on access to education, healthcare, and basic services through Human rights organizations, [UN Human Rights Council reports](#), and global human development indices.
- ix. *Gender-Disaggregated Data:* Gender-disaggregated data on education, employment, and health, with a focus on how climate impacts affect women and girls based on Gender-specific reports, national statistical offices, and [UN Women databases](#).

Qualitative Data:

- i. *United Nations Reports*: The United Nations bodies like the UN Human Rights Council (UNHRC), UN Women, UNICEF, and others often include qualitative assessments of the impacts of climate change on vulnerable groups' human rights.
- ii. *Intergovernmental Panel on Climate Change (IPCC)*: Assessment reports often include qualitative data from various global regions, discussing the impacts of climate change on different demographic groups.
- iii. *Human Rights Watch (HRW), Amnesty International, Oxfam, etc.*: These organizations conduct fieldwork and produce reports highlighting the qualitative impacts of climate change on human rights, emphasizing vulnerable groups.
- iv. *World Health Organization (WHO) Reports*: Reports on climate change and health may include qualitative assessments of how vulnerable populations, including women, children, and persons with disabilities, are affected.
- v. *International Organization for Migration (IOM) Publications*: IOM publications on migration and climate change often include qualitative data on how climate-induced displacement affects migrants' human rights.
- vi. *International Labour Organization (ILO) Reports*: Reports on the impacts of climate change on labor rights and livelihoods may include qualitative data on vulnerable groups.

Tools and Mechanisms:

- a. *Human Rights Impact Assessments*: Applying human rights-based approaches to assess the impacts of climate change on different vulnerable groups. Tools such as the [Office of the United Nations Human Rights Commissioner's](#) human rights impact assessments can help integrate human rights considerations into climate policies.
- b. *Vulnerability Assessments*: Using vulnerability assessments and indices ([like the ND-GAIN Index or the Climate Vulnerability Index](#)) to understand the susceptibility of various demographic groups to climate change impacts.
- c. *Gender and Social Inclusion Analysis*: Implementing gender and social inclusion analyses to understand how climate change disproportionately affects women and other marginalized groups. Tools like the [Women's Environment and Development Organization's \(WEDO\) Gender Climate Tracker](#) offer guidance.

Monitoring & Reporting:

- *Indicators for Sustainable Development Goals (SDGs):* Utilization of SDG-related indicators to track progress in addressing climate-related impacts on human rights, particularly those related to [poverty \(SDG 1\)](#), [health \(SDG 3\)](#), [gender equality \(SDG 5\)](#), and [climate action \(SDG 13\)](#).
- *National and International Reporting:* Reporting mechanisms to track progress in addressing climate-related human rights impacts. This includes national reports to the [UNFCCC](#) and specific human rights reports submitted to the [United Nations Human Rights Council](#).

POLICIES, LEGISLATIONS, PRACTICES, STRATEGIES, OR INSTITUTIONAL ARRANGEMENTS

India has made several legislative, institutional, and public policy initiatives to alleviate loss and harm while upholding international human rights norms which are as follows:

- I. The [National Climate Change Action Plan \(NAPCC\)](#) is a strategy, which was unveiled in 2008, consists of eight missions that address different facets of mitigating and adapting to climate change.
- II. The [National Adaptation Fund for Climate Change \(NAFCC\)](#) was created to provide funding for initiatives and plans that help communities that are at risk of climate change adjust.
- III. The [National Disaster Management Authority \(NDMA\)](#) develops plans, strategies, and standards for disaster management, which includes handling damage and loss brought on by natural catastrophes that are linked to climate change.
- IV. [Climate Change Adaptation policies:](#) To address the effects of climate change and reduce related loss and damage, the Indian government has created policies tailored to industries including agriculture, water resources, forestry, and health.
- V. The [Disaster Management Act, 2005](#) establishes a framework for managing catastrophes and preventing loss and damage brought on by them.
- VI. The [Environment Protection Act, 1986](#) reduces possible loss and harm by focusing on protecting the environment and addressing climate change-related concerns.

- VII. [Ministry of Environment, Forest and Climate Change \(MoEFCC\)](#): Responsible for managing conservation efforts, environmental regulations, and climate change-related initiatives.
- VIII. [State Disaster Management Authorities \(SDMAs\)](#): In India, each state has a disaster management authority that oversees putting disaster risk reduction plans into action and dealing with localized loss and damage.

PROMISING PRACTICES ITS CRITICAL CHALLENGES, SOLUTIONS & MULTILATERAL COOPERATION AND EQUITY- BASED APPROACHES

Climate Change can be dealt with in three ways *Reduction, Adjustment and Resolving*. Countries agreed to acknowledge the significance of "*averting, minimizing, and addressing*" loss and damage within the terms of the Paris Climate Agreement. By reducing greenhouse gas emissions (*mitigation*) and adopting proactive measures to shield populations from the effects of climate change (*adaptation*), loss and damage can be "averted" and "minimized." Climate adaptation strategies include:

- Assisting people to relocate to higher land to protect them from sea level rise,
- Investing in early warning systems to prepare for extreme weather events,
- Safeguarding food supply,
- Planting drought-resistant crops, and much more.

Loss and damage are related to adaptation and mitigation because they arise from under-ambitious emission reduction efforts as well as from ineffective or impractical adaptation attempts. Published in February 2022, the second part of the [IPCC's 6th Assessment Report](#) recognizes that the probability of surpassing adaptation limitations rises with the degree of climate change. These restrictions are especially severe in communities that are at risk and do not have the means to put appropriate adaptation strategies into place. One excellent example of where adaptation is probably going to run its course is in coral reefs. *According to the IPCC, even if temperature change is kept to 1.5 degrees Celsius (2.7 degrees Fahrenheit), 70% to 90% of tropical coral reefs would perish by the middle of the century, with almost all of them dying at 2.5 degrees Celsius (3.6 degrees Fahrenheit) or less.* This will cause lasting

biodiversity losses and have a significant effect on coastal populations that depend on the sale and consumption of fish that reside near reefs.

On behalf of the [Alliance of Small Island States](#), the island nation of Vanuatu suggested developing an *Insurance Programme to give financial support to nations affected by sea level rise during the initial stages of the United Nations Framework Convention on Climate Change's drafting in 1991*. As per its plan, the allocation of money to each nation would be determined by their respective portion of the world's gross national product and their contribution to global emissions. As part of the [Bali Action Plan](#), which was *developed as part of the 2007 UN climate negotiations, loss and damage were first included*. However, it wasn't until 2013 that the [Warsaw International Mechanism on Loss and Damage](#) *was established by parties to prevent, minimize, and rectify loss and damage that the problem began to take center stage in UN climate discussions*. The purpose of the Warsaw Mechanism was to improve action and assistance for loss and damage by strengthening stakeholder conversations, exchanging information, and mobilizing experts. However, financing is not provided by the Warsaw Mechanism or any other recognized mechanism to assist nations in managing loss and damage. *Developing countries successfully pushed for the inclusion of an item on loss and damage as well as a target to keep global warming to 1.5 degrees Celsius (2.7 degrees Fahrenheit) in the* [2015 Paris Agreement](#). Developed nations succeeded in getting a clear statement that loss and damage “does not involve or provide a basis for any liability or compensation” included in the subsequent Conference of Parties resolution. A sizable coalition of nations susceptible to climate change urged the establishment of a new fund or institution specifically for loss and damage at [COP26](#). A [two-year Glasgow Dialogue was created by COP26](#) nations to explore potential solutions for compensating for loss and damage. The governments also decided to support [the Santiago Network on Loss and Damage \(SNLD\)](#), whose goal is to offer technical help to poor nations to tackle loss and damage; however, the decision to define the specifics was deferred until [COP27](#). A few EU members have committed more than €30 million to the network during [COP26](#). *The Glasgow Dialogue was first held in June 2022 during the UN climate talks in Bonn, Germany*. Developing countries continued to voice their concerns in the [COP27](#) following a stressful fortnight of negotiations, nations eventually achieved a historic consensus by deciding to set up financial mechanisms to deal with loss and damage, including a fund for such purposes. *A Transitional Committee was also formed by the governments to work through the specifics of the fund's architecture before it can start operating at COP28*. The final [COP27](#) decision also acknowledged other avenues and activities that are part of the

mosaic of solutions to alleviate loss and damage, including some that are not affiliated with the [UNFCCC or the Paris Agreement](#).

For instance, Pakistan needs both long-term help for reconstruction and immediate humanitarian relief following the disastrous floods. As the water heats, Palau is worried that tuna is leaving its fishing grounds. Some Pacific Island nations could lose an average of 37% of their government revenue if they are unable to fish for tuna.

After close observation, it has been found that while addressing climate change-related issues affecting human rights it has been found that there is an *ambition gap* between the developing & developed nations regarding setting targets to effectively combat climate change. Neither the developed nor the developing nations can reach a mutual understanding in the implementation of policies to prevent climate change. Leading to a *lack of robust enforcement mechanisms and repercussions for non-compliance* undermining the effectiveness of agreements. *No equal or balanced responsibilities* between developed & developing nations. The developing nations *lack financial & technological facilities* whereas developed nations after having the required facilities still *lack the will* to enforce or follow the climate agreements. Absence of adaptation and resilience, the factors on which focus should be given are avoided for example focus should be not only on mitigation of the effect of climate change but also on helping communities to adapt to the climate change. The solution to all these challenges involves a blend of strong political will, financial support, technical advancement, and equitable frameworks to address these challenges effectively.

The [International Warsaw Mechanism for Damage and Loss \(WIM\)](#): The WIM was created under the UNFCCC to address loss and damage related to climate change consequences. It places a strong emphasis on aiding communities and nations in need.

The goal of the [Green Climate Fund \(GCF\)](#) is to assist poor nations in their efforts to combat climate change. It prioritizes the most disadvantaged groups and focuses on initiatives that advance the idea of climate justice.

[Regional Collaborations](#): Recognising issues and promoting collective action, programmes such as the [Pacific Islands Forum](#) and the [African Union's](#) climate change activities address loss and damage within regional settings.
