

Loss and Damage amid Climate Change

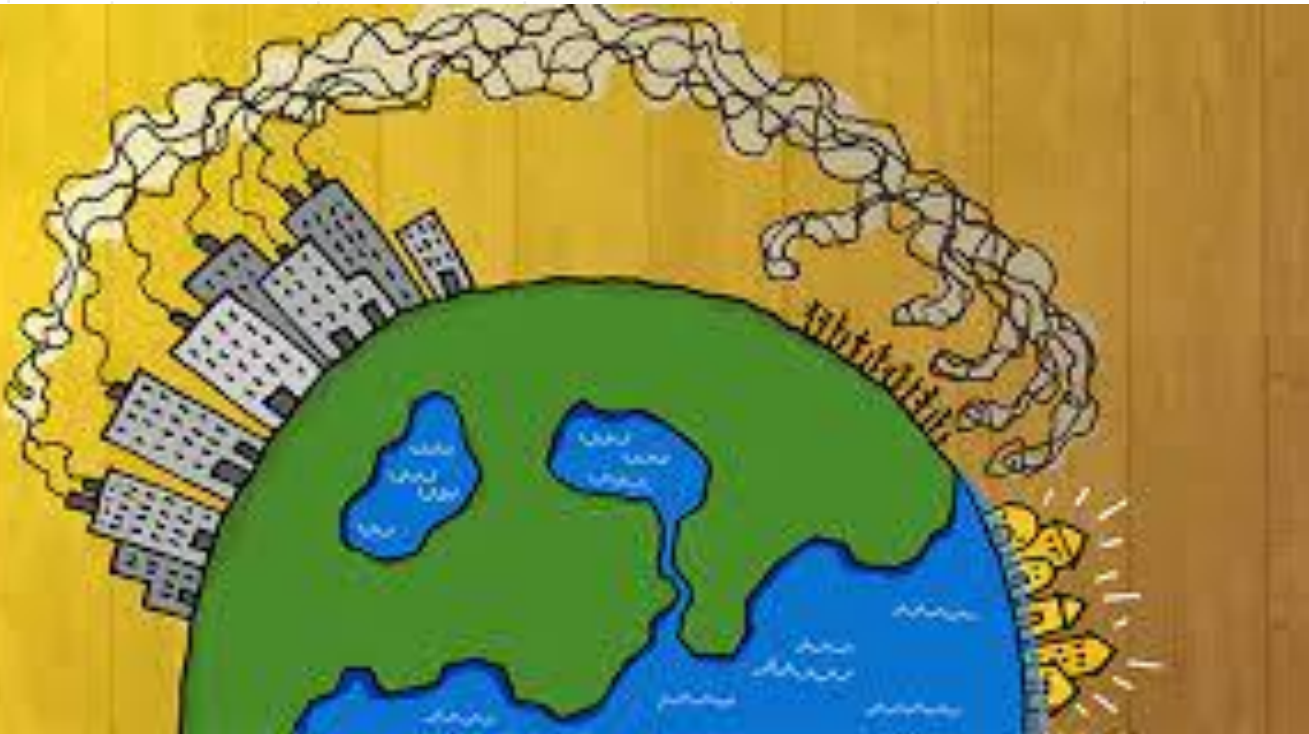


Joseph Schechla, coordinator
Housing and Land Rights Network –
Habitat International Coalition



Normative framework

- **Respect, protect [and fulfill] human rights**
- **Support the right to development**
- **Share benefits and burdens equitably**
- **Ensure that decisions on climate change are participatory, transparent and accountable**
- **Gender equality and equity**
- **Harness the transformative power of education for climate stewardship**
- **Use effective partnerships to secure climate justice**



“Climate Justice /S a Human

Right” *Adriana Allen, HIC President*



- ➔ **Profound economic redistribution (democratic control of climate finance and support for SPH, ending forced evictions, displacement)**
- ➔ **Recognition of differences and invisibilities (convergence, globalism and nondiscrimination)**
- ➔ **Gender parity in political participation (climate action, remedies)**
- ➔ **Make human rights habitat, not war (rural and urban peace)**
- ➔ **Mutual care, solidarity and social responsibility (ESG)**



Human Response

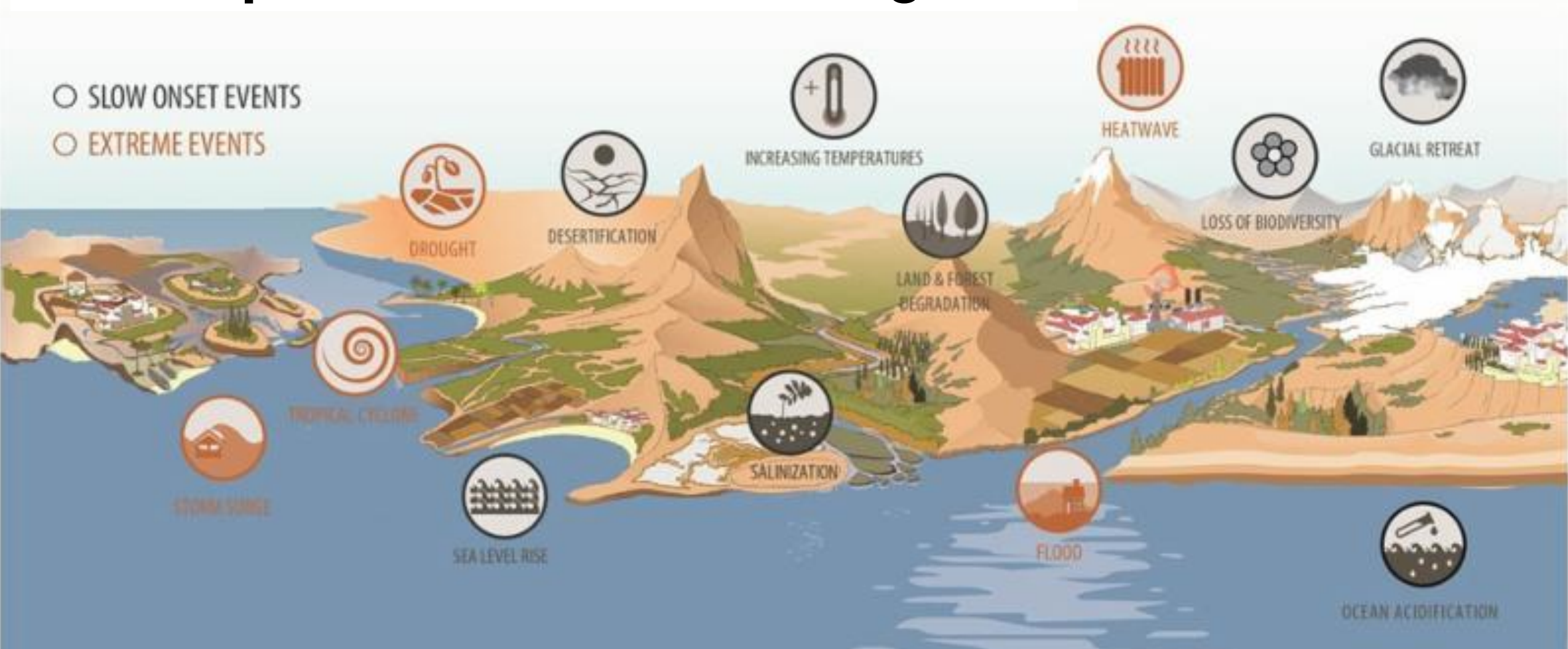
- **Diagnostics**
- ~~Preventive measures~~
- **Response:**
 - **Adaptation**
 - **Mitigation**
- **Remedial measures**
 - **Humanitarian responses**
 - **Loss and damage (potential)**
 - **State-to-state compensation**
 - **Human-centered reparation**



Human Rights-based Solutions

- **Human Rights Treaty-based obligations**
- **Human rights related to development commitments**
- **Coherence (relief. Dev., HR)**
- **Obligations & accountability**
- **Victims' rights to remedy and reparation**

Loss and Damage Associated with Impacts of Climate Change





Paris Agreement (2015) Article 8

Ensured that the WIM would be maintained in the post-2020 climate regime on:

- (1) slow-onset events (SOE);
- (2) noneconomic losses (NEL);
- (3) comprehensive risk management approaches (CRM);
- (4) human mobility (HM); and
- (5) WIM finance, action and support (FAS).

Warsaw International Mechanism on Loss and Damage Associated with Climate-change Impacts (WIM)

Three key functions:

- i.** Enhancing knowledge and understanding of comprehensive risk-management approaches;
- ii.** Strengthening dialogue, coordination, coherence and synergies among relevant stakeholders; and
- iii.** Enhancing action and support to address loss and damage.





Housing & Land Rights Network
Habitat International Coalition



Regional Programs | Solutions & Tools | Projects | People under Occupation | Publications | Habitat Library | Activities | News Archive

GO

Housing and Land Rights Violation Database

About VDB

Explore VDB

Types of Violation

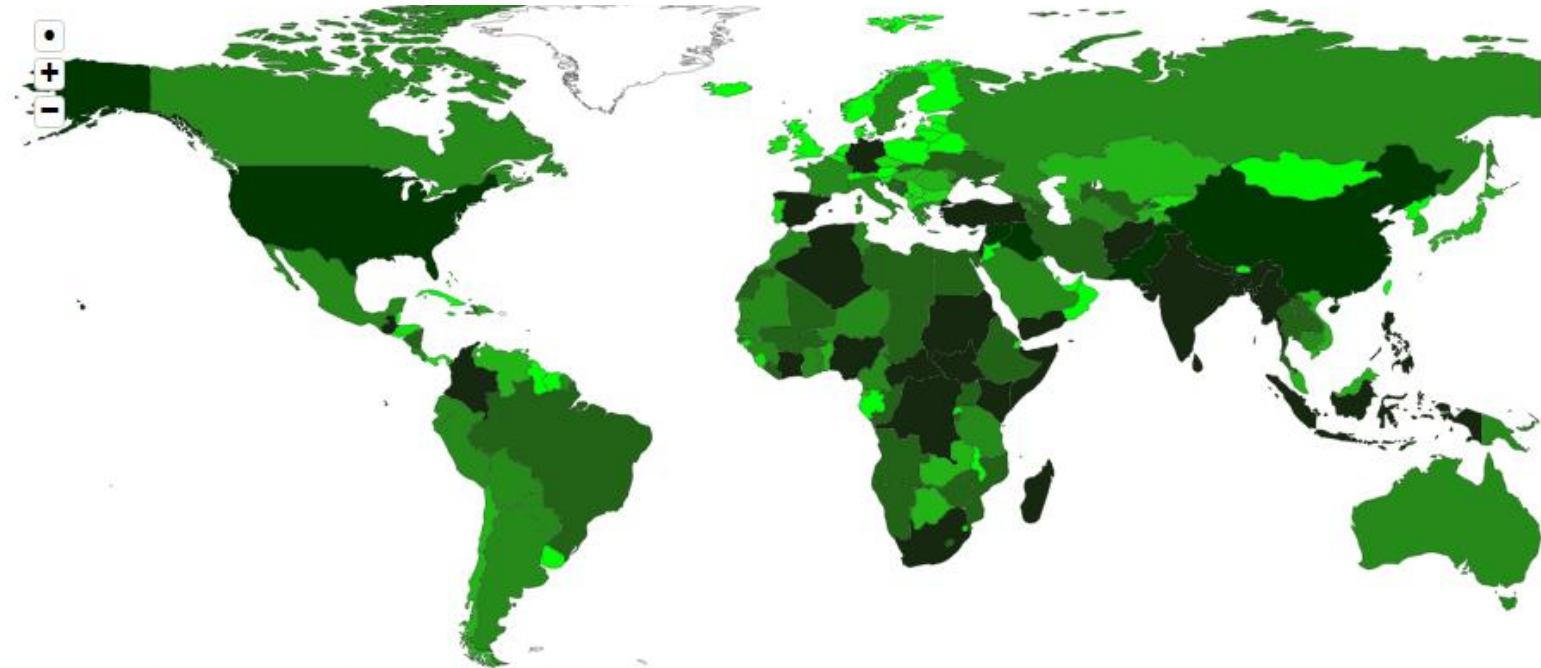
- Forced eviction
- Demolition/destruction
- Dispossession/confiscation
- Privatization of public goods and services
- Environmental/climate event

Regional navigation

Annual reports

your search

Report a violation



0 - 99
 100 - 999
 1000 - 9999
 10000 - 99999
 100000 - 999999
 1000000 - 9999999
 > 10000000

Statistics **Total victims : 813,629,819** **No. of countries : 30**

Violation cases

- **State as principal duty bearer**
- **Other liable parties**

In Pursuit of Climate Justice

Housing and Land Rights
Violations in the context of
Environmental Hazards
and Climate change



Housing and Land Rights Network
- Habitat International Coalition

Contexts and factors

- **Conflict situations**
- **Cross-border effects**
- **Development-induced displacement**
- **Environmental racism/discrimination**
- **Extractivism**
- **Governance**
- **Industrial pollution/contamination**
- **Large-scale agriculture/livestock farming**
- **Megaprojects**
- **Neglect**
- **Tourism**
- **Urbanization**
- **Other human factors**



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Forced Evictions

**Committee on Economic, Social and Cultural Rights resolutions:
General Comment No. 7 “Forced eviction,” (1997)**

“the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”

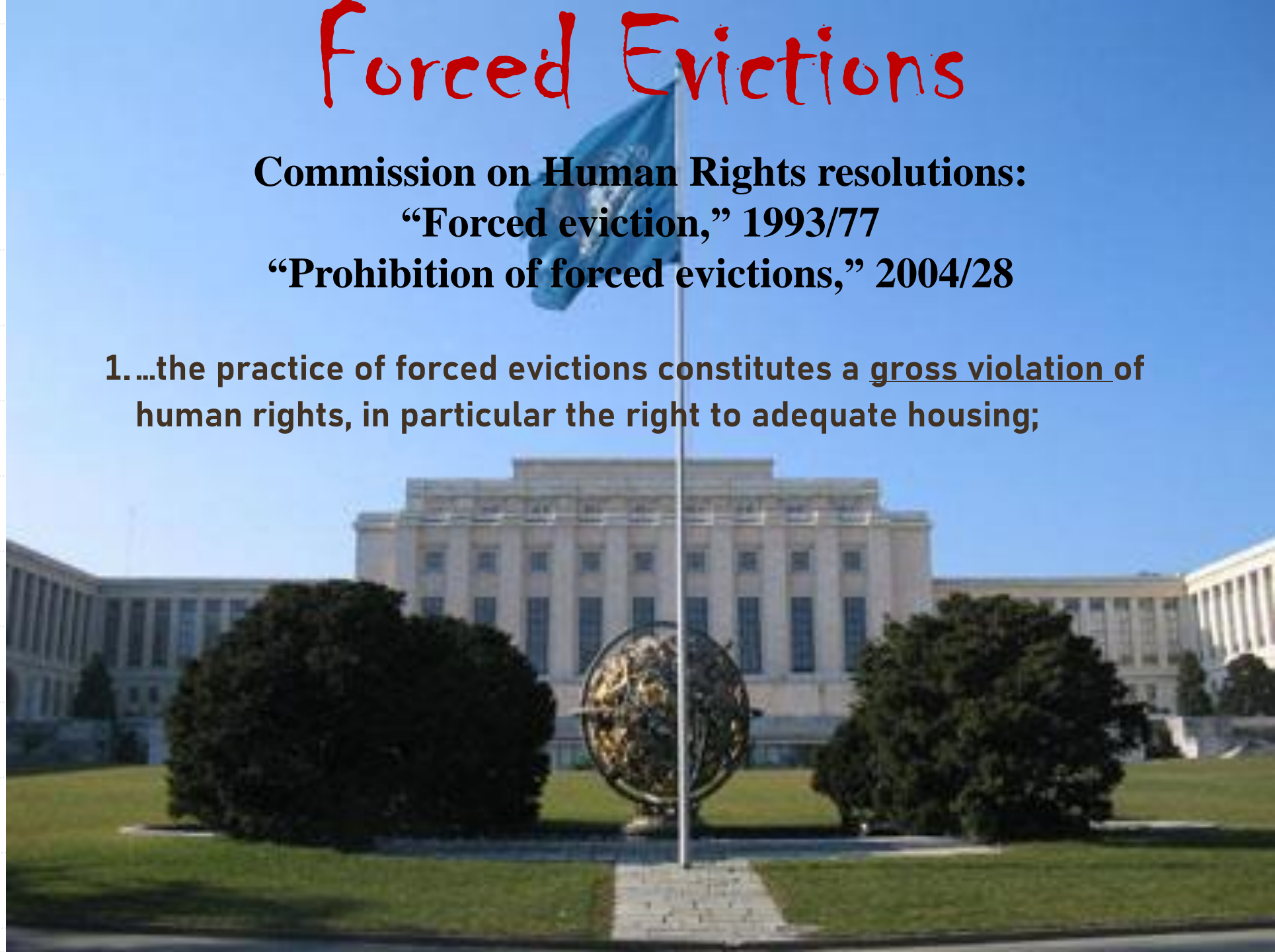
Forced Evictions

Commission on Human Rights resolutions:

“Forced eviction,” 1993/77

“Prohibition of forced evictions,” 2004/28

1....the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing;





General Assembly

Distr.: General
21 March 2006

Sixtieth session

Agenda item 71 (a)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/60/509/Add.1)]

- 60/147. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**

Restitution:

- **Return,**
- **Resettlement,**
- **Rehabilitation: all aspects;**

Compensation;

Nonrepetition;

Satisfaction;

Nonrefoulement (crossborder).

HLRN's Violation-impact Assessment Tool

 [Tool Story](#)

 [Violation Impact-assessment Tool](#)

 [Methodology](#)

 [Applications](#)

 [Annexes](#)



- Restitution
- Return
- Resettlement
- Rehabilitation
- Compensation
- Non-repetition
- Satisfaction

Reparations

include

Reparative Justice

to attain

Redress

Violations

Habitat-related Human Rights

Impacts

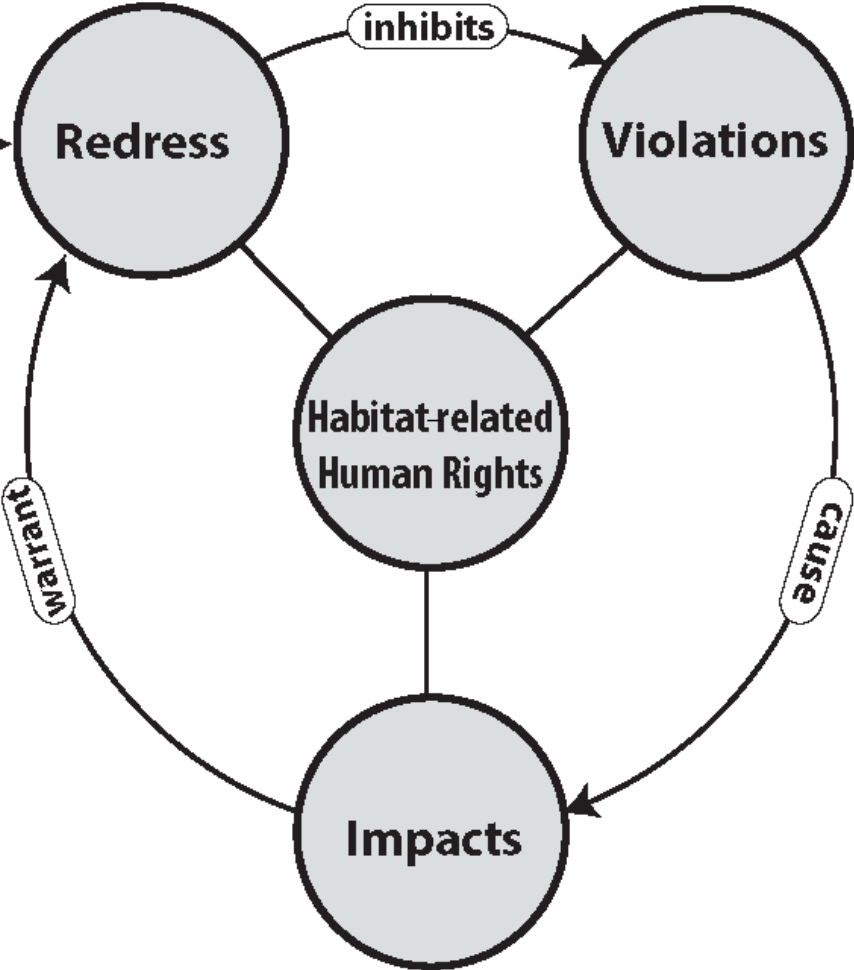
inhibits

warrant

cause

Habitat-related Human Rights violations cause impacts, impacts warrant redress and redress may inhibit future violations.

Taken from UN General Assembly Resolution 60/147 (2006): Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.



Versatility

Baseline survey (inventory of assets under threat),

- 1. Assessment of losses/costs as result of eviction notice,**
- 2. Assessment of losses/costs @ time of violation,**
- 3. Assessment of losses/costs > post-violation :**
 - A. Transit camps or temporary intermediate shelter**
 - B. Resettlement site**
 - C. No resettlement**
 - D. Compensation**



التحالف الدولي للموئل
شبكة حقوق الأرض والسكن

التعويل على كفاءة العدالة

العواقب التي تواجه ضحايا انتهاكات حقوق الأرض
ومشروع دعم العدالة الانتقالية وجبر الضرر في اليمن

From Deprivation to Destitution

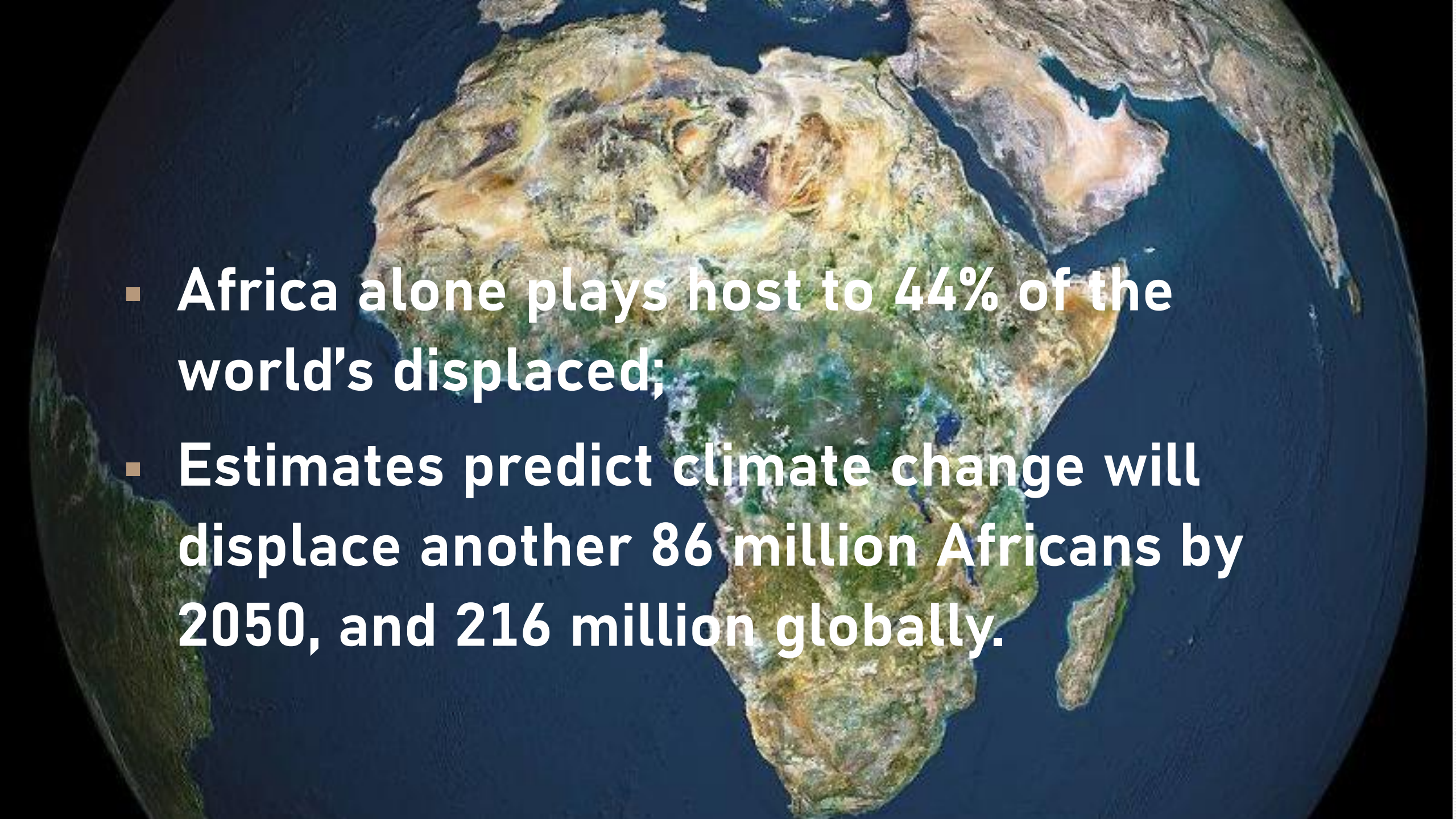


THE IMPACT OF FORCED EVICTION
IN TOPSIA, KOLKATA



Applications of HLRN's Violation Impact-assessment Tool

Incident/Case	Context	Stage/Phase			Type of Violation						Accountability, Liability	Redress				Monitoring	
		Pre	During	Post	Eviction	Dispossession	Destruction	Privatization	Lost inheritance	Other		Juridical	Admin.	Other	Redress status	Materials	Capacity building
A-104 Road, Nairobi, Kenya	Infrastructure project	✓			✓				✓		Nairobi City County planners					Questionnaires	Training materials
Abu Ghalib, Egypt	Infrastructure project		✓	✓			✓			Environmental damage	Natl. Gas Co., World Bank					Questionnaires	Training materials
Aden, Yemen, UN	Political corruption, Positive (political discrim.), Land grabbing.			✓		✓					Militias, police, tribal leaders, judiciary		Provide model for future TJ processes	Reparations		Questionnaires	Training materials
Ambedhkar Nagar, Mumbai, India	Infrastructure development project		✓	✓	✓						Municipal Development Corporation		Public hearing, information on plans, include locals as project/dev. beneficiaries		Questionnaires	Training materials	
Amuru, northern Uganda	Conflict, gender-based violence			✓		✓			✓						Questionnaires	Normative Technical	
Bainsiria Village - Odisha, India	Disaster (flood)			✓	✓					Unjust compensation, environment			Disaster mitigation (disaster resistant houses, preparedness)	Legislative reform, media campaign	partial	Questionnaires	Training materials
Baljeet Nagar - Delhi, India	Development project	✓	✓	✓	✓	✓	✓			Physical injury		reparations, in situ upgrading, secure tenure, judges diligence	Seeking regularization of the settlement, nondiscrimination	Long-term loss survey in 8 mos.		Questionnaires	Training materials
Briqueterie, Laoundé, Cameroon	Development projects		✓	✓									Policy reform, public	International advocacy		Questionnaires	Training materials
Chilla Khadar, Delhi, India	Land grab		✓	✓	✓						Delhi Development Authority			Assess the status of education, employment, livelihood sources		Questionnaires	Training materials
Chinatown - Boston, USA	Gentrification	✓								Gentrification	Private sector, City Council					Questionnaires	Training materials
Delhi Commonwealth Games, India	Mega-event	✓			✓		✓				Delhi Development Authority					Questionnaires	Training materials

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- A satellite-style image of the Earth, centered on the African continent. The landmasses are shown in various shades of brown, tan, and green, indicating different terrain and vegetation. The surrounding oceans are a deep blue. The image is used as a background for a text overlay.
- **Africa alone plays host to 44% of the world's displaced;**
 - **Estimates predict climate change will displace another 86 million Africans by 2050, and 216 million globally.**



REALIZING WOMEN'S RIGHTS TO LAND AND OTHER PRODUCTIVE RESOURCES



Subsidiary Body for Implementation

Fifty-sixth session
Bonn, 6–16 June 2022
Item 17 of the provisional agenda
Gender and climate change

Dimensions and examples of the gender-differentiated impacts of climate change, the role of women as agents of change and opportunities for women

Synthesis report by the secretariat

Summary

This report, prepared on the basis of submissions from Parties and observer organizations, a review of the contributions of Working Groups II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change and a desk review of academic literature, synthesizes information on gender-differentiated impacts of climate change, the role of women as agents of change and opportunities for women in the context of climate change. It highlights the interplay of gender and social norms resulting in women experiencing greater vulnerability to the impacts of climate change than men, while emphasizing the significant role that women and marginalized groups can play in mitigating and adapting to climate change. It discusses how providing opportunities for women and marginalized groups to participate in decision-making can contribute to the development and implementation of efficient and long-lasting climate-resilient policies, providing examples of ongoing initiatives and projects and emphasizing the importance of continued efforts in this regard.



Human-centered norms and practice

