



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

Tools for Remediating Loss and Damage associated with Climate Change

Housing and Land Rights Network (HLRN) is the structure of Habitat International Coalition (HIC) specialized in the human rights dimensions of habitat. As such, HLRN is dedicated to developing, refining and popularizing arguments, tools and methods to promote a human rights-based approach (HRBA) to monitoring, policy analysis and development cooperation with local and central spheres of government.

Over three decades, HLRN has been an active contributor to standard setting on the human right to adequate housing and other codified and emerging human rights related to human habitat: water, land, food sovereignty and the environment. It encourages and supports the engagement of HIC Members and other civil society organizations to apply these norms in their programs and both local and international advocacy to meet the challenges associated with displacement, conflict, occupation, war, sustainable development, environmental hazards, climate change, food sovereignty, and economic disparity.

Engaged in all these fields, HLRN has developed multiple tools and techniques within its specialization for HIC Members and civil society allies to optimize their constructive roles. These include the encyclopedic [Housing and Land Rights Toolkit](#) (in Arabic, English and Spanish), the only reference for monitoring implementation of the Habitat II Agenda in its entirety; the publicly accessible and constantly updated [Violation Database \(VDB\)](#), capturing global cases on forced evictions, dispossession and destruction of housing and land; an [Urgent Action System](#) that mobilizes and channels the practical solidarity of HIC Members and allies to prevent and/or remedy violations of housing and land rights. These methodologies and tools have identified and filled many gaps in housing and land rights monitoring and reporting.

Quantification

One of the gaps identified in HLRN practice has been the need for data about the impacts that so many households and communities undergo from housing and land rights violations. In response, HLRN developed the all-purpose [Violation Impact-assessment Tool \(VIAT\)](#), an impact-quantification method that guides users to gather, analyze and report the material and nonmaterial values at stake consistent with the [UN reparations framework](#).

In some 30 cases around the world, HLRN has applied the VIAT before, during and after forced eviction, displacement, dispossession, and destruction, producing data in cases ranging from the effects on a single household, to the violent razing of entire communities. This versatile tool can be:

1. *Adapted to multiple contexts and communities*, as in a study of [gentrification impacts](#) in Boston's Chinatown and [punitive house demolitions](#) in occupied Palestine.
2. *Scaled up* to capture larger patterns of displacement in a country, revealing the enormity of land dispossessions and forced evictions resulting from Kenya's 2008 [post-election displacement](#) and the [war](#) in Yemen;
3. *Genderized* to capture women's expressed values at stake in what are often serial dispossessions in the course of a lifetime. (See "[Assessing Impacts of Women's Dispossession from Land and Home project](#)" in India, Kenya, Uganda, Zambia and Zimbabwe);
4. *Judiciable*, as in the [Muthurwa Estates case](#) (Nairobi), invoking the state's constitutional provisions and human rights treaty obligations toward court-ordered remedy.

This much-needed and underutilized quantitative-monitoring method can realize even greater potential.

Adapting VIAT amid Climate Change

Through 2022, HLRN also applied human rights and other international law criteria to develop a methodology for determining losses, costs and damage incurred as a result of an environmental disaster or climate event, with or without liable parties. That process involved HLRN updating VDB entries and compiling its evidence-informed 2022 World Habitat Day report: [In Pursuit of Climate Justice: Housing and Land Rights Violations in the Context of Environmental Hazards and Climate Change](#).

This timely publication was developed just before CoP27 announced the decision to establish a loss-and-damage (L&D) fund, a monumental gain toward survival of the communities most-vulnerable to climate change and its effects.

Its findings reveal how duty-holder failures to take timely and adequate adaptation measures often exacerbate destructive and displacing climate events, forcing marginalized groups and communities to assume the greatest risks. They can constitute violations by omission. Maladaptation—i.e., without a rights-compliant, holistic, policy-coherent and long-term perspective design—can further risk adverse climate-related impacts or entrench inequalities. Additionally, destructive actions by individuals, institutions or corporations may create liability for violations by commission. When such violations amount to forced eviction, that gross violation triggers victims' entitlements to full reparation.

Proposal

We welcome, in principle, the CoP27 decision to establish the L&D fund, as it promises to institutionalize progress toward realizing the human right to adequate housing in the context of climate change. However, to ensure that the fund be relevant and align with human-centered climate action, human rights based (HRB) methodologies are still needed to: (1) identify causal human factors of consequent costs, losses and damage, where possible; (2) support accountability for resulting human rights violations, particularly related to housing and land; and (3) ensure remedies are sufficient, properly targeted, transparently managed and sustainable. The HRB focus on victims compels all states to pursue remedies for those affected, applying the UN's reparation framework in cases of gross violations. Moreover, contemporary standards recognize the indispensability of policy coherence, aligning short-term emergency relief with longer-term and institutional-building development, within the overarching framework of preventive and remedial human rights obligations.

Building on the VIAT's development and use so far, HLRN proposes to work with partners to support remedy for the impacts associated with climate change where housing and land rights area at stake. HLRN proposes to develop and advocate the practical approaches needed to hit all these targets.

HLRN fact finding and the UN Special Rapporteur on adequate housing's [most-recent report](#) recognize that post-disaster reconstruction often favors elite interests, arbitrarily discriminates, and promotes privatization or land grabs, flouting building-back-better principles. A high proportion of climate-change mitigation and adaptation funding already favors the private sector. The 2004 Asian tsunami resettlement and reconstruction have delivered lessons of ostensible relief works by private parties, including external NGOs and charities, having violated adequate-housing criteria and other human-rights principles.

So far, a state-to-state approach dominates L&D discourse. However, administrative, government-driven compensation schemes can lack relevance and coherence with the affected people's values at stake. For relevant and effective human-centered climate action and climate-justice outcomes, democratic control and civil society participation are L&D implementation, management and oversight requirements. The question how L&D assistance would reach affected populations remains unanswered. Accordingly, HIC-HLRN offers the following actions with partner support to:

- **Facilitate and prioritize community-based quantification of values at stake with local VIAT applications;**
- **Ensure maximum of available resources through cost-effective operations, including non-market-based solutions, promoting, facilitating and assisting social production of habitat with climate-responsible solutions;**
- **Advocate all public-private partnership phases involve concerned people's meaningful participation (PPPP);**
- **Treat local and affected community data, including Indigenous Peoples' knowledge, as crucial for assessing L&D values;**
- **Avoid narrowly conceived remedies that actually may violate HRAH and cross-cutting substantive or process rights;**
- **Advocate suspending or canceling sovereign debt as part of states' L&D relief, especially during and after extreme climate events;**
- **Operationalize policy coherence, aligning emergency assistance to development approaches, with preventive and remedial human rights criteria;**
- **Respect, protect and fulfill the human rights of host communities in cases of resettlement;**
- **Ensure family unification throughout displacement and resettlement operations, including climate-change-related refugee processing;**
- **No climate justice without secure land tenure, and**
- **Document, present in relevant forums, and widely disseminate related developments on [hlrn.org](#), in the HLRN periodical *Land Times*/*أحوال الأرض* and elsewhere.**