**Input for 2022 UNGA77**

**Answers from CARAM Asia in response to the Special Rapporteur’s Call for input on Promotion and Protection of Human Rights in the Context of Migration, Adaptation and Financial Actions to Address Climate Change with Particular Emphasis on Loss and Damage**

1. What experiences and examples are you aware of that are being faced by particularly individuals and communities in vulnerable situations (as identified above) that have suffered loss and damage due to the adverse impacts of climate change?

According to the Climate Change and Migration Analysis in Nepal, climate change has caused fluctuations in the ecosystem and biodiversity in South Asia. Due to the Himalayas being the “water towers” of the region, rain pattern and water drainage systems are also affected. The result of climate change includes the change in temperatures, rising water levels, increased dry seasons in the winter, water scarcity, higher occurrences of natural disasters such as flood, typhoons, droughts and storms and increased risk of pests and diseases, that displaces natives from their land. These extreme climate conditions will cause an economic strain that affects agricultural production and food security.

Approximately 60% of South Asia's 1.8 billion citizens are dependent on agriculture as a major source of livelihood. Therefore, populations in the region that depend most on agriculture, forestry, fishing, and use of natural resources as a main source of livelihood will be adversely affected due to climate change. This will directly impact the rise in migration out of Nepal, as people search for other ways to provide and protect their livelihood.

Evidence of migration, displacement and economic strain is statistically clear in South Asia. The Internal Displacement Monitoring Centre (IDMC) estimated that the number of natural disasters doubled over the last two decades. An IDMC study has shown that more than 42 million people were displaced between 2010-2011 and one of the contributing factors is natural disasters such as typhoons, storms, floods, heat and cold waves, drought and sea-level rise, which are all caused by climate change. A 2011 census estimates about 2.6 million Nepalese travelled outside the country for work. The United Nation’s World Migration Report 2020 indicates that more than 40% (115 million) of all international migrants worldwide in 2020 were born in Asia, primarily originating from India, China, Bangladesh, Sri Lanka, Pakistan, the Philippines and Afghanistan.

Additionally, the trickle-down affect that climate change has on migration will further affect women, children and the elderly. Womenfolk will have to step up and manage village life activities such as farming and fetching water, and develop practices to adapt to this new lifestyle in the absence of male members of their family who migrated to earn a living. The increased workload on women will have negative effects on them and their dependants with regards to their health and welfare. Illiteracy will increase, as children will be removed from schools to help financially or to take care of livestock and younger and elderly family members. The number of single women will increase as there will be a shortage of men, the risk of sexual assault on women and children will rise in the absence of a family members and women of lower castes are at higher risk as they are more vulnerable to domestic violence, rape and harassment due to the risks of their new perceived social role.

1. What legislation, policies and practices do you think are necessary to provide redress for particularly individuals and communities in vulnerable situations that have suffered and will continue to suffer loss and damage due to the adverse impacts of climate change?

To combat the adverse effects of climate change, governments and policy makers around the world need to create sustainable and multi-faceted, international framework across regions and countries as the effects of migration spans across countries. Moreover, these laws, policies and framework need to aid vulnerable communities even in the most remote villages in the world. This can only be achieved by educating vulnerable communities what these laws and policies are, how it can benefit them, where they can receive more information and aid, and who they can approach to find a solution. These laws and policies should be preventive and reformative in nature, not only to reduce migration caused by climate change but also to help those who are affected by it.

Policies are needed to help vulnerable communities cope with the damage and loss, as well as strengthen social, financial, natural, human and political assets that will create a sustainable livelihood and provide security. These policies should also help migrants who need assistance in terms of adapting to living and working in a new country as many of them face prejudice, lack of knowledge on local laws, rules and customs, communication issues due to language barriers and fall victim to crimes such as slavery, human trafficking, fraud and assault.

Regional projects should also be available to provide training and awareness on safe migration practices and to prevent trafficking in persons. Safe migration process should be taught to all individuals at a community level to ensure that there is more awareness on the dangers of undocumented/irregular migration, and to educate the masses on their rights and how they can protect it.

In addition, there should be laws and policies to address the issues these vulnerable community face locally, in order to reduce migration due to climate change and prevent trafficking in persons. These laws and policies should teach vulnerable communities eco-friendly practices, ecosystem management, reducing their carbon footprint, energy efficiency and establishing a green economy. Education is a key factor in enabling illiterate and impoverished communities to be more conscious about climate change and its effects. Laws should be made to protect defenceless communities against the main causes of migration such as lack of job opportunities, lack of education and poverty.

Moreover, monetary compensations should be available for vulnerable communities, victims of climate change and migrants who lack finance to improve their livelihood. Financial aid should also be offered to organisations that help to educate, counsel and provide aid to victims in an effort to protect these vulnerable communities.

1. Please provide examples of policies and practices (including legal remedies) and concepts of how States, business enterprises, civil society and intergovernmental organisations can provide redress and remedies for individual and communities in vulnerable situations who have suffered loss and damage to the adverse impacts of climate change. What can be done

Redress and remedies can be provided through raising awareness on safe migration practices and trafficking in person; increased funding to provide training and counselling to victims to help them live a secure livelihood; free legal resources, and enhance access to justice and compensation to individuals and communities who have fallen victim to the adverse effects of climate change and consequently experienced exploitation, forced labour, trafficking in persons and irregular migration.

Business enterprises and local governments should provide job opportunities and training to the affected community to help them learn new trade skills and entrepreneurships. This in turn will help create a more secure livelihood for individual victims and communities to earn a living wage and not resort to returning to migration as an only option to earn an income. People have right to mobility and look for opportunities around the globe. Those who wish to migrate for work need to be given basic education on their rights as migrants, entry level English language training and basic knowledge on the laws and customs of the country they are going to work in. The trainings must include information on prevention of HIV & AIDS, Sexually Transmittable Infections, Reproductive Health, Coronavirus etc. This training should be fully subsidised and conducted by the government to ensure full participation of all migrants and a standardised framework that is followed by all. The training curriculums must be developed in consultation with NGOs who are working on climate change and migration issues.

1. Please provide examples of ways in which States, the business enterprises, civil society and intergovernmental organisations have provided redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse effects of climate change.

An example of said policy is the United Nations Compensation Commission (UNCC) that awarded approximately $5 billion in remunerations to 109 claims of damages to pure (non-marketable) environmental resources as a result of the Iraq invasion. Moreover, a civil court in Netherlands ruled that SHELL must cut its CO2 emissions by 45%, which will force a change in the long run and set a precedent for other legal claims for damages caused by climate change.

Organisations like CARAM Asia, work to raise awareness on safe migration with its regional partners across Asia and Middle East. The organisation works at a community level by providing talks, training, legal resources, frameworks and toolkits to educate and raise awareness with a limited resource. Their work may be enhanced with additional resources and aid vis international funds from donor organizations and government initiatives.

1. What international, regional and national policies and legal approaches are necessary to protect current and future generations and achieve intergenerational justice for particularly for individuals and communities, from the adverse impacts of climate change?

There needs to be an improvement in energy efficiency, more usage of ‘Green’ energy, such as wind and solar power and biofuels from recycled organic waste, decreased usage of plastic, innovative solutions for recyclable wastes and overall mindfulness of the environment; which can only be achieved through educating the population.

Additionally, laws should be implemented with harsh penalties to deter civilians and large organisations from contributing to climate change. As an example, laws should be brought forth to increase the price on carbon, banning deforestation, illegal waste management practices and even littering. Sanctions should be handed down to countries that still allow large corporations to engage in deforestation, oil spills and cause significant damage to the environment by a neutral international governing body. Said corporations should be punished by the law and forced to pay remunerations to the affected parties and engage in efforts that will aid in reversing climate change.

Furthermore, research and development should be funded and undertaken by countries and organisations with the single objective of creating a renewable energy source, zero-emission fuel, eco-friendly and biodegradable products, for both commercial and industrial use. On a more basic level, every country should plant more trees in an effort to reduce the Greenhouse effect and reduce the carbon emission in the world.

1. In 2021 at 26th session of the UN Climate Change Conference (COP26), some Parties and civil society organisations proposed a new financial facility to support loss and damage.
   1. Please provide ideas and concepts on how a new facility would operate and how the funds needed to underwrite this fund would be established and maintained.

A new financial will need to be free of all political influence, and still be an international body, governed by a committee with representatives from all countries. All legal, financial, administrative documentation and transactions must be available to the public. The amount of funds allocated by each country should be fair and proportionate, whereby richer first world countries need to pay a higher amount and extremely poor and smaller countries can pay a smaller percentage. Individuals and organisations may also privately donate funds. Division of funds should be based on the most critical issues and must be submitted to a majority vote by members of the financial facility committee. As an example, the largest victims of climate change suffer from hunger, that has affected over 42 million people around world, therefore funds should be allocated to provide clean food and water as well as medical aid to those affected.

* 1. Please provide ideas and concepts on how a new financial facility for loss and damage could provide redress and remedies for individuals and communities in vulnerable situations who have suffered loss and damage due to the adverse impacts of climate change.

The new financial facility needs to have allocated funds to heal the communities that have loss and damages due to climate change. There needs to be a guideline for the amounts of remunerations that will be provided to the affected communities. The amount provided will need to be standard, regardless of race, gender and economic class. Though loss cannot be quantified, there should be a sustainable amount provided to the community to help them continue a sustainable and secure livelihood.

1. What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisations to dramatically increase efforts to reduce emissions of greenhouse gases, including through support to developing countries, in particular small island developing States, least developed countries and landlocked developing States, to limit the human rights impacts on particularly individuals and communities in vulnerable situations to the adverse impacts of climate change?

Due the need for equity, developing countries must be allowed to emit more carbon until they have developed enough that they no longer need to rely on carbon intensive industries. To encourage this, more job opportunities, education, training, and investments must be conducted in developing countries to drastically see a change in the near future. Moreover, developing countries should look into harvesting solar and wind energy to reduce carbon emissions while working towards becoming a developed country, right from the start thus adapting and creating a developed nation, without having to waste resources in the future trying to become more ‘Green’, as seen in developed countries. This can also be achieved by creating policies that will shift their economy away from carbon-intensive industries.

1. What actions are necessary to enhance actions by States, business enterprises, civil society and intergovernmental organisation to increase efforts to ensure that actions to adapt to the impacts of climate change contribute to reducing, and not exacerbating, the vulnerabilities of individuals and communities in vulnerable situations to the adverse impacts of climate change?

States, business enterprises, civil society and intergovernmental organisations should focus on educating vulnerable communities as it is the most important factor in the success of any program, policy, framework, law and organisation. People from communities that are poor, illiterate, unable to access basic needs and live in remote locations need to understand that they have rights and those rights are protected by the law; that justice and aid is provided to victims of climate change and that can be their last option.

To ensure the actions taken are enforced and adapted, there needs to be continuous funding and educating to ensure the sustainability of actions taken by the state, business enterprises, civil society and intergovernmental organisation. The public needs to be reminded constantly of the negative effect of climate change. Fines and penalties need to be imposed by local governing bodies to ensure negative behaviour that cause climate change does not reoccur. Education on the effects of climate change and various ways to combat it needs to be taught to children in schools and all educational institutions to ensure people understand the impacts of climate change, therefore empowering them with skills, knowledge, attitudes and values that will act as proxies of change in the long run.

Moreover, the above bodies should invest in regional research to enable migrants and their communities. As migrant issue is an international problem, countries from all regions should work together to create an international framework that works directly with the affected communities. This regional research should empower migrants and their communities to create a better livelihood; and collect data and information that can be used by governments and private organisations to aid and understand the issues that affect migrants.

An example of this research is the Participatory Action Research (PAR) by CARAM Asia which has collected data in the span of 15 years and used it to create many programs, toolkits, reports and manuals on how to better aid and educate migrants and impoverished communities in Asia, with a focus on migrant’s health and HIV related rights.