The Special Rapporteur is therefore, seeking input from States, business enterprises, civil society organisations and intergovernmental organisations on what actions are necessary with respect to financial support, remedies and redress for particularly individuals and communities in vulnerable situations suffering loss and damage as a consequence of climate change.

The study complements the [**review**](https://www.ohchr.org/en/special-procedures/sr-environment/safe-climate-report) undertaken by the Special Rapporteur on human rights and the environment in 2019 on “safe climate” ([**A/74/161**](https://undocs.org/Home/Mobile?FinalSymbol=A%2F74%2F161&Language=E&DeviceType=Desktop&LangRequested=False)).

The Special Rapporteur invites and welcomes your answers to the following questions:

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?

The network of federations that we work with have reported vulnerability of their habitats to flooding. Flooding in monsoons in the event of heavy and continuous downpour, coupled with high tide in the sea, does cause severe flooding in Mumbai. This is a commonly occurring phenomena almost every year.

The network in the state of Odisha have reported facing multiple cyclones which are followed by loss of habitat, poor access to essentials post cyclones, as well as loss of identity documents which are often pre requisites for accessing loss and damage compensation.

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?

First and foremost, it is important to recognise that people often lose their identification documents during many extreme weather events and therefore post disaster relief policy frameworks need to accommodate not just provision of blanket relief, but also more robust methodology of compensation which insures no vulnerable person is left behind.

Secondly, many citizens remain under-documented in cities, that is they have migrated to cities looking for work and therefore unlikely to have formal tenure, and more likely to be living in habitats that are vulnerable due to their location, material, design and density. Policies trying to develop climate change adaptation to reduce impact of disasters need to acknowledge the informal ecosystem, which is largely kept outside of the purview of formal policy making.

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.

India does have disaster management plan, and invests massive funds towards providing relief, and compensation for losses. However its implementation is patchy due to several reasons which means many could remain excluded from receiving the entitlements. In an ideal scenario, cities and Governments need to invest into vulnerability databases of people, their identities, socio economic conditions, and their assessed vulnerabilities. However, dynamic nature of cities’ expansion, high levels of informality will deter such efforts. However developing vulnerability databases and using local community knowledge in information collection, assessment and relief and compensation distribution are crucial to insure no one is left out. Comprehensive databases will pre-empt any gaps.

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.

India for example does have a disaster management act which legally binds state institutions to protect lives and prevent damage to property of people impacted by a catastrophic natural disaster. However, while loss and damage is not particularly compensated via specific guidelines, but the state institutions maintain relief funds, from which compensation is awarded through competent authorisation. State institutions however, may or may not have policy guidelines on qualifications for compensation, amount of compensation etc.

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?

Cities in the global south present deep socio-economic equities which are exacerbated by increasing informality in both habitats and livelihoods. Both, impact of climate change, as well as exclusion from relief and compensation increases with the increase in urban inequities. These urban issues are legacy challenges that require large scale urban transformation, and therefore the issues of climate change have deep intersection with them. They need to be as much a part of the discourse on climate change, its impact, and its adaptation.

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.
   2. 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 loss and damage fund dispensation setup needs to be local, where loss and damage evaluation and categorisation is a locally owned process. Inclusion of its framework in policies is essential, where state response to disaster includes action towards compensating for loss and damage. Policy guidelines need clear documentation to avoid ambiguity and most importantly, delinking of compensation with tenure status. Perhaps state institutions may consider developing taxation methods to increase income, but use existing legislated measures to compensate loss of life and damage to property and enhance them to include new and local knowledge on loss and damage and terms of compensation.

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?

It has to be acknowledged that, while the impact of climate is felt by the most vulnerable living in the global south, their own consumption is extremely low and therefore their contribution to climate damage is low. Such societies are also marked with deep socioeconomic divide, and therefore two things are important to consider. One, blanket approaches to cutting down GHG emissions will produce uneven pressures on the poor, two state investments are necessary to provide green infrastructure for the poor, that will reduce their own emissions.

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?

Often the most climatically vulnerable communities (in urban areas) are the communities that live in informal settlements or places that are on vulnerable lands as they can afford only those. Their tenure is not guaranteed, and their dwelling and living rights in the city which are governed by many formal forms of identification are not necessarily accessible to them. In such a situation, if programs of state and non-state actors do not have blanket approach that accommodates all citizens irrespective of their tenure security, such measures will sift away many, most of whom would be the most vulnerable people in the city. The most vulnerable in cities are those with minimum state backed identification.

Largely, loss and damage policy making and implementation requires a lot of local power that enables local action, but is aggregated to larger levels. The policy framework needs to develop pre-worked databases of vulnerabilities, both at individual and at a more geographical level, and therefore graded provision of relief, rehabilitation and resettlement. Acknowledgement, identification and enumeration of informality remains the most important step to insure no one is left behind. Decision making at local level is important to reduce non-inclusion of the most vulnerable, as local knowledge becomes crucial in proper assessment of loss and damage.

About Us:

SPARC is a NGO based in Mumbai , India working with network of organised federations of Urban Poor. Together, over the past three decades, we have worked towards tenure security and access to basic services for the most marginalised urban residents, through negotiation with state agencies and other duty bearers. We believe that existing urban inequities still form the core of urban issues and require resolution without which, addressing challenges with climate change will be impossible. To know more about us, please visit our website:- <https://sparcindia.org>