

ASIA PACIFIC: A Rights-Based Approach to Climate Change



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COVER PHOTO: Paul Jeffrey/ACT. Severe flooding due to the changing climate destroyed crops on the island home of this woman in the Brahmaputra River; Bangladesh. She carries mud from the river to raise her home in order to avoid future floods.

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ASIA PACIFIC REPORT:
A Rights-Based Approach to
Climate Change

actalliance
REPORT

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Scope of the project

PHOTO: Paul Jeffrey/ACT.

Leaves for sale in the market of the sprawling Kutupalong Refugee Camp near Cox's Bazar, Bangladesh.



This consultancy aims to investigate and develop a comprehensive understanding of a rights-based approach (RBA) to addressing adaptation, resilience-building, and loss and damage induced by climate change, particularly in the Asia Pacific region. Spearheaded by ACT Alliance, this endeavour seeks to bridge the gap between climate action and human rights obligations, ensuring that frontline and marginalised communities retain their rights to a safe, adaptive, equitable, and resilient present and future.

The first part of this report is the result of an in-depth literature review investigating the intersection of climate change and human rights in the Asia Pacific region. This segment then offers a framework and set of principles through which case studies, ranging from individual projects and national adaptation plans to interregional conventions, can be analysed through a Human Rights-Based Approach (HRBA) lens. These case studies will serve as illustrative models for understanding the efficacy and challenges associated with integrating human rights considerations into climate responses at a variety of levels.

Building on this, the second part explores the use and relevance of RBA to specific existing or completed climate adaptation projects affiliated with ACT Alliance. Ultimately, the goal of this report is to offer a comprehensive exploration of both the immediate and long-term purpose of deploying an RBA towards climate adaptation, from project implementation to policy advocacy, tailored to ACT Alliance's particular activity and roles in this process.

Objectives

The primary objective of this study is to provide a comprehensive understanding of a HRBA, its context within Asia Pacific, and the broader relationship between climate adaptation strategy and the realization of human rights. The investigation seeks to illuminate the intricate

dynamics and interconnectedness between climate change phenomena and the threats or challenges posed to the fulfilment of fundamental human rights in these geographical areas. By delving into this complex interplay, the study aims to contribute valuable insights that can inform discussions, policies, and actions addressing the intersection of climate change and human rights in the Asia Pacific region.

The study gathers qualitative data from various ACT Alliance-affiliated projects active across the Asia Pacific region. This data includes the objectives, practices, and methods employed in the field to mitigate risks and vulnerabilities in the context of climate change. This comprehensive approach facilitates the exploration of gaps and challenges associated with implementing a human rights-based approach on the ground while highlighting success and commendable practice. The insights gained from this investigation aim to foster a deeper understanding and facilitate the effective implementation of HRBA in ongoing and future climate-related initiatives by ACT Alliance and its members through a deeper understanding of project implementation.

Research approach

Our research adopted a comprehensive approach, combining academic research, institutional document analysis, and review of wider grey literature (reports, studies and evaluations produced by organisations) to construct a thematic outline encompassing the key components of a rights-based approach (RBA) to climate change. The investigation is structured with an introduction, defining and detailing the principles of a rights-based approach, followed by an examination of the foundations and rationale for RBA in the context of climate change, specifically exploring relevant human rights instruments. Subsequently, the study delves into the application of RBA in climate change adaptation, covering initiatives, national plans, local case studies, and challenges in implementation. The research addresses aspects of loss and damage, climate mobility, RBA's role in addressing loss and damage, and avenues for its integration into international migration frameworks. It concludes by identifying action entry points, emphasising the integration of policy and legal reforms.

A systematic literature review was conducted, shedding light on the most relevant and urgent issues concerning the realization of human rights. As a result, six core elements were identified as foundational for advancing the agenda on human rights for climate justice. These include programmatic activities on climate justice and human rights, actions to foster participation and inclusion in environmental governance, capacity-building for adaptation and resilience, integral approaches for reparation, recognition of collective rights, and international cooperation and financing. Each element presents a set of initiatives and strategies aimed at ensuring equity, justice, and protection of the rights of individuals and communities affected by climate change, with a particular focus on marginalised groups and vulnerable populations in the Pacific Asia region.

The second part of the report relays and details insights gained through a range of interviews conducted with ACT Alliance-affiliated project officers across the Asia Pacific. The projects are presented through an HRBA lens in which aspects of the projects are divided according to HRBA principles. The efficacy and relevance of the HRBA towards these projects is presented and generalisable recommendations are distilled based on these results. This segment, though heavily informed by the literature review, revolves around the information given by

the project officers and is not directly linked to the first segment of the report in terms of research and discussion. The content of the interviews calls for a separate analysis and set of recommendations tailored to ACT Alliance's capacities, as will be shown throughout this segment of the report.

Data: collection, analysis and presentation

Building upon the insights derived from the extensive literature review and the conceptual framework outlined in the proposed Human Rights-Based Approach, we developed a thematic questionnaire designed to capture the fundamental elements integral to a human rights-based approach. This questionnaire served as a comprehensive guide for conducting semi-structured interviews with key stakeholders overseeing diverse projects in both regions. The primary objective of these interviews was to gain an in-depth understanding of the extent to which each project, along with the individuals and organisations shaping them, integrates the principles of HRBA. The semi-structured format allowed for flexibility and depth in responses, enabling a nuanced exploration of how human rights considerations are woven into the fabric of each initiative.

The interviews were strategically structured to delve into various components of HRBA principles, to identify good practices, recognize existing gaps, and explore potential areas for improvement. By engaging with stakeholders directly involved in these projects, including officials and representatives from the organisations steering them, we sought to unravel the practical manifestations of HRBA within their initiatives. Through this qualitative exploration, we strived to identify valuable insights that could inform the ongoing discourse on integrating human rights considerations into climate-related projects, fostering a more robust and ethically sound approach to addressing the complex intersection of climate change and human rights in diverse contexts. Though this research process was defined by the literature review, given the data collected through the project officers it is not directly linked to the first segment of the report in terms of research and discussion.

Ethics

In preparation for the interviews, meticulous steps were taken to uphold ethical standards and foster an environment for open dialogue. Explicit informed consent was obtained from all participants to conduct each interview. A clear and detailed explanation of the research objectives, procedures, and the intended use of the gathered data was provided. Emphasis was placed on ensuring confidentiality, assuring participants that the information shared during these discussions would be safeguarded and utilised exclusively to advance the human rights agenda in the context of climate justice in the region.

To further enhance the privacy and comfort of participants, interviews were conducted in virtual private settings. This not only facilitated sincere conversations but allowed for a more profound exploration of the participants' projects and internal procedures.

The engagement was marked by a profound commitment to cultural sensitivity, acknowledging the richness of differences and recognizing that diverse perceptions, aspirations, and values contribute significantly to the advancement of human rights. This approach underscored the

importance of treating all participants as equals, fostering an atmosphere in which their unique perspectives could thrive and collectively contribute to the broader discourse on climate justice and human rights.

Key concepts

To effectively address the complex crises triggered or intensified by climate change, there is a crucial need for a comprehensive programming framework firmly grounded in human rights principles. Such a framework should prioritize and promote the rights of individuals and communities amid the escalating impacts of climate change. This practical approach must operate on various levels, incorporating mechanisms that protect and ensure the realization of human rights at local, regional, and international scales, all while considering the unique context of the region.

Articulated through a holistic methodology, a Human Rights-Based Approach not only empowers communities with resilience and capacity-building but fosters inclusivity and participation, particularly for the least represented, based on democratic principles. Policies and actions aligned with a HRBA, spanning humanitarian responses, adaptation, and reparation for losses and damage, possess the potential to drive transformative social change addressing issues such as gender equity and climate justice.

The proposed framework encompasses a foundation grounded in rights-based climate justice and is structured around four key pillars of action. First, it emphasises fostering inclusion and participation of marginalised groups – such as women, youth, Indigenous and rural communities, peasants, disabled people, and people of African descent – in environmental governance. Second, it focuses on transparent adaptation and resilience actions and policies, integrating capacity-building strategies to reduce vulnerability. Third, it highlights the promotion and enhancement of integral approaches for reparation, recognizing the transformative role of comprehensive reparation after loss and damage scenarios. Last, it underscores the importance of recognizing collective rights, including self-determination, collective (traditional) knowledge, and historical and cultural identities. These pillars are interconnected through an overall platform for international cooperation and climate financing. The framework operates based on principles of rights-based reparation, redistribution, and equity; rights-based decision-making; rights-based protection and safety; and community-based solutions, striving to address climate challenges comprehensively and inclusively.

PART A: LITERATURE REVIEW

I. Introduction

Climate change poses significant threats to both human and non-human life, making it one of the most pressing challenges of our time. Its impacts are far-reaching and extend to various aspects of human rights, such as health, housing, (clean) water, and (nutritious) food.¹ Moreover, climate change acts as a multiplier of threats, disproportionately impacting countries and populations already facing disadvantages.² Factors such as geographic location, poverty, gender, age, Indigenous or minority status, national or social origin, birth, social situation, and disability can further worsen the impact of climate change. Vulnerable and marginalised groups, including children, adolescents, Indigenous communities, and women, as well as migrants, displaced people, and involuntarily immobile populations, are particularly susceptible to the adverse effects of climate change. They experience physical, social, economic, and psychological hardships³ and lack the necessary resources to adapt and mitigate these effects.

Climate change acts as a catalyst, magnifying the threats posed by climate-related crises and surrounding conflicts. However, its impact is far from uniform; instead, it accentuates profound inequities. Structural factors such as poverty, historical and ongoing colonialism, and other forms of marginalisation compound the challenges encountered by low-income countries.⁴ Notably, the disproportionate burden of climate-related risks is most pronounced in these nations, which not only experience heightened exposure to climate-related hazards but also bear the least responsibility for the climate crisis. In this sense, the enduring effects of climate-related hazards have multifaceted consequences that demand careful consideration.

According to Romanello et al. (2022),⁵ the carbon intensity of the global energy system has experienced a meagre reduction of less than one percent since the establishment of the United Nations Framework Convention on Climate Change (UNFCCC). Fossil fuels still dominate global electricity generation, with renewable energy contributing only 8.2 percent to the overall energy mix. Unfortunately, total energy demand has increased by 59 percent. If current policies persist, the world is projected to experience a catastrophic temperature increase of 2.7°C by the end of the century, driving a future characterized by accelerated climate change, posing a severe threat to human survival.

A 2°C temperature rise could lead to sea-level increases exceeding one metre, putting crop production at risk, and thereby affecting global food security and the right to food.⁶ Additionally, critical ecosystems like the Arctic Sea ice and coral reefs face significant risks, affecting the fundamental rights to food and an adequate standard of living. For instance, communities directly dependent on coral reefs for their livelihoods and sustenance will be adversely affected, jeopardizing the standard of living for at least 30 million people, and undermining the rights of up to 500 million people.⁷ Particularly vulnerable are low-latitude, low-income countries in Latin America, Africa, and Asia, heavily reliant on wild capture and

aquaculture fisheries.⁸ In sum, food insecurity has become a global issue over the past six years. Heightened food insecurity, in turn, serves as a catalyst for democratic breakdowns and conflicts.⁹

In addition to the direct impact on individuals, climate change poses a risk to environmental rights and the rights connected to environmental degradation.¹⁰ Not only do the consequences of climate change affect human rights, but the measures taken to address it can potentially cause further harm to the natural environment and communities.¹¹ The existing climate law and policy can overlook historical injustices and persistent socioeconomic inequalities, which can exacerbate the violation of human rights.¹² Thus, recognizing the interdependence of climate change and human rights is essential to incorporate human rights principles and standards into climate policies. By doing so, we can better address historical socioeconomic disparities and strive for a more equitable and sustainable approach to combating climate change.

Human rights can lay the foundation for appropriate responses to human mobility in the context of climate change. Between 2010 and 2021, 200 million climate-related displacements were recorded in the Asia Pacific region, of which 95 percent were weather related.¹³ According to the Groundswell Report of the World Bank, the number of climate migrants in the Asia Pacific region will reach 49 million (two percent of the region's population) by 2050.¹⁴ Specifically, the lower Mekong subregion will see an estimated 3.3 to 6.3 million new climate migrants by 2050. It has also been shown that relocation programs overwhelmingly result in the impoverishment of the affected population. A HRBA can ensure the protection and safety of people displaced by climate change while protecting the prosperity of the migrant and host communities.

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Climate actions that overlook human rights can result in direct and indirect negative impacts, including conflicts and violations of human rights. For instance, mitigation policies and climate projects like reforestation, dams, renewable energy installations, and biofuel plantations inevitably change land use and cause competition between food and biofuel crops, all of which threatens the realisation of rights such as to housing, livelihood, access to water and food, and participation in cultural life.¹⁵ Thus, to address climate change effectively, it is crucial to involve local communities in decision-making and ensure that human rights are respected throughout the development and implementation of climate actions.

Despite the great threats and challenges that climate change poses to the realisation of human rights, the recognition of the human dimension of climate change is a relatively recent development. Initially, climate change was seen primarily as an environmental issue, and discussions within the international community revolved around that perspective. However, the unprecedented impact on human beings has not been fully appreciated. For instance, as conditions become increasingly harsh, entire countries – such as island states – may become uninhabitable due to rising sea levels and extreme weather events. It is estimated that as many as 850 million people could be displaced throughout this century due to climate change.¹⁶

In this context, the potential role that human rights law, principles, and institutions could play in response to climate change is gaining recognition, albeit slowly. Within the UNFCCC framework, explicit human rights arguments have not yet gained significant traction in climate change negotiations. To date, only a modest number of human rights proposals have been put forward

in the climate negotiations, with a notable exception being a proposal to include human rights protection as a new criterion or guiding principle in adaptation measures. Although a consensus resolution (10/4) from the Human Rights Council in 2009 garnered support from 88 UN member states, encouraging greater involvement by human rights expert bodies in the UNFCCC process, broader human rights considerations have not prominently featured in the negotiations.¹⁷

Despite these obstacles, human rights have been used as a means for transnational Indigenous groups to pursue self-determination and advocate for reform across various legal systems, international organisations, and bureaucracies. This strategy is based on the understanding that state legal systems may not adequately address rights claims. By invoking human rights, Indigenous peoples can present their claims to the broader public on a universal human level, setting aside the particularities of their Indigenous identity. This approach allows them to communicate with generic publics, emphasizing that their lives and livelihoods are under threat from climate change.¹⁸

Petitions and advocacy based on human rights principles appeal for the moral and ethical dimensions of climate change experiences. They serve as tools for communication, visibility, connection, and positive actions on behalf of marginalised and/or invisible groups, urging the public, media, scientists, and policymakers to expand their understanding of climate change beyond scientific conclusions and predictions. They call for recognition of climate change as a multifaceted issue that includes moral and ethical demands, Indigenous rights, aspirations for self-determination, and the potential physical impacts on Indigenous ways of life.¹⁹

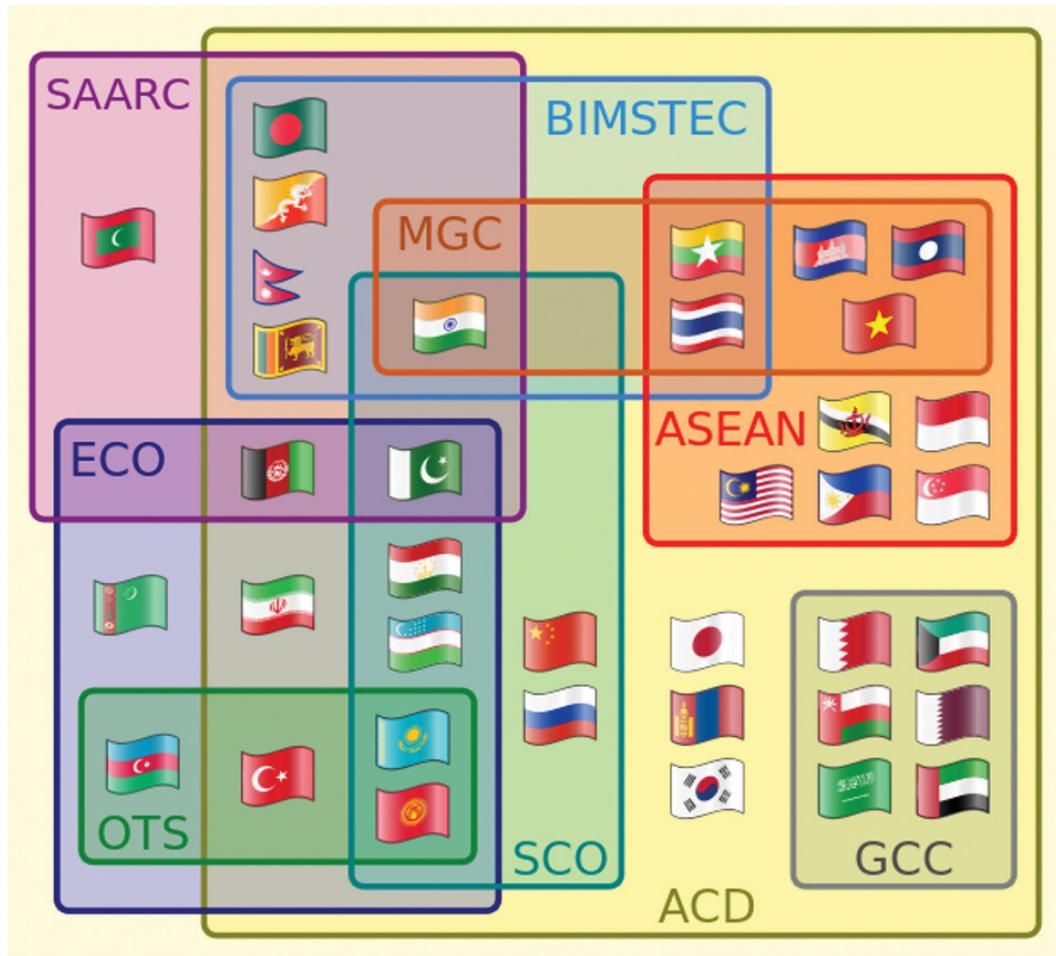
II. Geographic scope

Though global examples will be used to extract efficient or emblematic uses of RBA, this report delineates countries of the Association of Southeast Asian Nations (ASEAN) as one region and political network, as they share in judicial matters, and the South Asian Association for Regional Cooperation (SAARC) members as another.

The countries that belong to ASEAN are: Brunei Darussalam, Cambodia, Indonesia, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam. This intergovernmental organisation is led by the framework concretised by the ASEAN Vision 2020 and the institutions of ASEAN community such as the ASEAN Economic Community, the ASEAN Political-Security Community, and the ASEAN Socio-Cultural Community.²⁰

The countries that belong to SAARC are: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. Despite SAARC being established in 1985, member countries follow their individual economic and environmental plans aside from the very relevant SAARC Comprehensive Framework for Disaster Management and upcoming frameworks for migration in the region.²¹

Figure 1. Euler diagram of a number of Asian organisations



Source: Wikipedia, 2012.

As will be shown, it is crucial and revealing to study the ASEAN and SAARC context, as both areas are heavily and disproportionately affected by climate change in their own way and because RBA has already been deployed for a variety of legal and developmental procedures. These examples, as well of the legal intricacies of individual member states, will be looked at later in the report.

III. Rights Based Approaches in climate change

Principles

The conceptual framework of the human rights-based approach (HRBA) provides for the prioritisation, protection, and realisation of human rights throughout all types of socio-economic procedures from litigation and policymaking to project design and implementation. Correspondingly, the Office of the UN High Commissioner for Human Rights (OHCHR) defines a HRBA as “a conceptual framework that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.” In the development sector, HRBA ensures that plans, policies, and programmes adhere to the

principles of human rights and realise the corresponding obligations under international law such as the Universal Declaration of Human Rights. The HRBA recognizes the need to identify and address the rights-holders and their entitlements, as well as the entities responsible for fulfilling these rights.²²

Hence, integrating a human rights-based approach into national climate change laws and plans is crucial to address persistent socioeconomic inequalities and discriminatory practices. The HRBA, grounded in international law, provides legitimacy, imposes legal obligations, ensures accountability, and highlights the shortcomings of climate law and policy in addressing socioeconomic inequalities.²³

Relevant literature and guidance from organisations like the World Health Organization (WHO) and the UN High Commissioner for Human Rights outlines the key attributes of an approach that aligns climate action with human rights.²⁴ These attributes can be summarized as follows:

- The principle of equality and non-discrimination requires states to ensure that resources, facilities, and services are accessible to all individuals, especially those who are disadvantaged.
- The principle of availability, accessibility, acceptability, and quality (AAAQ framework) emphasises the need for adequate facilities to offer sufficient and geographically, physically, and economically accessible goods and services that are culturally appropriate, gender-sensitive, medically, and environmentally ethical, and of good quality.
- The principle of participation and transparency entails actively involving all rights-holders, especially those in vulnerable circumstances, to be actively involved in decision-making and, ensuring that all rights-holders have access to information.
- The principle of accountability involves monitoring conduct, performance, and outcomes; clarifying responsibilities of institutions; and establishing mechanisms for individuals and communities to understand and evaluate progress. Monitoring should involve the use of indicators and benchmarks to assess progress.

A human rights-based approach is necessary to address socioeconomic inequalities and combat discriminatory practices and unjust distributions of power. It requires an analysis of the extent to which these inequalities are considered in climate-related measures.²⁵ Furthermore, states ought to adopt and implement legal and institutional frameworks to protect individuals from environmental harm that interferes with or may interfere with the enjoyment of human rights. Thus, all strategies to address climate change, by means of mitigation, adaptation, and/or loss and damage, must integrate a human rights approach.²⁶

Foundations

Despite progress in procedural environmental rights, encompassing access to information and participation, obstructions posed by structural racism, unequal distributions of power,

and cultural norms often hinder the inclusion and participation of people and communities in climate actions.²⁷ All of which may contribute to violations of human rights. Thus, understanding the climate crisis from an intersectional perspective is vital, acknowledging the intertwined character of human rights violations and environmental issues within systems of oppression and opportunity. This is particularly important for individuals whose ways of life are intimately tied to the natural world.

For example, gender stereotypes frequently impede women and girls from effectively engaging and seeking justice in environmental matters. Moreover, climate insecurity intensifies women's vulnerability to climate hazards and violence during conflicts²⁸ and heightens risks of sexual violence for girls fetching water due to extended travel during droughts.²⁹ Similarly, Indigenous communities might face exclusion from funding opportunities and adaptation plans, and often find political barriers to self-governance and social emancipation in the context of the climate crisis.³⁰ This interrelation underscores that empowering women and Indigenous communities is inseparable from advocating for environmental rights.³¹

Various groups such as communities, Indigenous populations, and environmental advocates have played a pivotal role in pushing at local and national levels for legal norms that acknowledge the intricate connections between climate change and the infringement upon the rights of both current and future generations.³² Concurrently, women's organisations have been diligently working to secure legal acknowledgment of the intricate links between environmental and women's rights.

Rationale

Climate change poses substantial risks to the realisation of human rights protected by various international conventions. These include the International Convention on the Elimination of all Forms of Discrimination Against Women, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child, and the International Convention on the Rights of Persons with Disabilities. The adverse impacts outlined in the report jeopardize several rights, including the rights to life, adequate food, housing, health and water, and cultural rights.³³

Human rights and climate change interact in several ways, and an RBA aims to separate the political hyper-separation of humans and nature.³⁴ The most pertinent dimension here is cases whereby human rights are violated due to changes in the surrounding environment. This can take the form of superfluous greenhouse gas emissions, land degradation, overfishing, water contamination, etc. Though the negative impact on inhabitants affected by these actions is clear, hitherto they were often not assessed as directly infringing upon human rights. This is because human rights violations follow in a variety of ways, from corresponding financial difficulties to forced displacement. Applying an RBA approach allows us to study and establish the dynamic between climate change and human rights, which can be used to pursue the litigation of actions that tarnish the environment based on existing and ratified international law.

In that sense, the human rights approach possesses a unique appeal that the environmental law perspective lacks. It focuses on the individuals affected, bestowing a human dimension upon the issue. Considering the potentially severe impact on human wellbeing, tackling the multifaceted challenges of climate change necessitates adoption of holistic frameworks. A sole legal framework cannot adequately address the intricacies involved. Thus, the human rights framework functions in tandem with an eco-centric approach, working harmoniously to address the complex landscape of climate change, rather than replacing it.³⁵

In that sense, incorporating HRBA principles into national climate change laws and National Adaptation Plans (NAPs) is crucial to facilitate legal interpretations that address discriminatory practices and inequalities, as well as to protect vulnerable communities.³⁶ Integration of a human rights-based approach offers distinct advantages due to its grounding in international law, offering legitimacy through countries' agreement to adhere to these laws, establishing legal obligations and accountability mechanisms, and ensuring coherence across various policy sectors. Human rights principles and standards expose gaps in climate law and policy, particularly in addressing ongoing socioeconomic disparities.³⁷

Further understandings

An RBA also applies to how forms of human mobility caused by climate change – including displacement, migration relocation and the inability to move – are treated. In the ASEAN and SAARC context, migration is a great example of this. Often climate-related displacement, whether instigated top-down or bottom-up, is incorrectly categorised as climate adaptation rather than loss and damage.³⁸ This is pivotal because while International Refugee Law (IRL) does not explicitly recognize climate change as a standalone basis for granting international protection, numerous court cases have seen individuals fleeing climate-related circumstances being granted such protection, often in conjunction with other contributing factors. Additionally, it is crucial to acknowledge the relevance of significant regional instruments in this domain. Furthermore, the legal responsibilities of states extend beyond International Refugee Law to encompass a spectrum of instruments, including International Human Rights Law (IHRL) and International Humanitarian Law (IHL).³⁹

Based on several case studies revolving around resettlement in Vietnam, Miller and Dun argue that “there is a growing recognition amongst planners that the proximity of households to livelihoods and maintenance of social networks, as well as people’s agency in the decision-making process, are critical in determining successful restoration of people's lives after resettlement.” To elevate the attention to the harm and precarity of climate-related resettlement/displacement, this should not be categorised as adaptation but should always correctly be referred to as loss and damage.⁴⁰ An RBA approach follows from this in identifying the cultural and economic claims attached to Indigenous land and assuring that the financial and social security of displaced people is maintained. This case will be looked at in much detail, as it is possibly the most important dimension in the ASEAN context.

Another dimension of the RBA accounts for human rights violations due to inaction.⁴¹ Applying to either governments or private sector entities, lack of climate mitigation and awareness can lead to negative consequence.⁴² This dimension is probably the most effective when it comes

to protecting often unretrievable aspects of the environment and ultimately upholding human rights prior to their infringement.

Finally, to grasp what RBA means in a climate change context, the notion of environmental rights is very relevant. RBA denotes that the environment needs to be regarded as an entity with rights within and of itself. Though this leads to a slightly different policy space, the establishment of environmental rights, to be treated similarly to human rights, would allow for corporations to be legally pursued on an international level, particularly when specific populations, rather than the surrounding environmental landscape, are not under direct threat.

IV. Human rights and climate change instruments

Global

The most relevant document and instrument for the realization of human rights is of course the Universal Declaration of Human Rights, signed by all ASEAN and SAARC member states. Since these rights were promulgated in 1948, climate change matters are not factored into the document. It is more effective to look for mentions of human rights in recent declarations and conventions that cover climate change, and related topics such as migration and food safety.

The United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol, and the Paris Agreement establish provisions for public education, awareness, and participation in studying and addressing climate change. These measures, referred to as Climate Empowerment Action, prioritise six key areas:

- education
- training
- awareness-raising
- public access to information
- public participation
- international cooperation

The preamble of the Paris Agreement mentions calls for signatories to "respect, promote and consider their respective obligations on human rights," endorsed further by the Office of the United Nations High Commissioner for Human Rights.⁴³ It is not realistic to say that these agreements display a HRBA, however it is realistic that this approach will be integrated into upcoming protocols and agreements. Agreements display a HRBA, however it is realistic that this approach will be integrated into upcoming protocols and agreements.

Since 2015, following the Paris Agreement, the number of worldwide climate litigation cases have grown significantly (Figure 1).⁴⁴ However, this growth corresponds mainly to cases in Europe and North America (Figure 2). Nevertheless, the global frameworks and templates for the pursuit of climate-related judiciary matters clearly exist.

Different Special Procedures by the United Nations have also addressed the issue of climate change and environmental degradation. These include the Special Rapporteurs on:

- extreme poverty and human rights
- the human rights of migrants
- adequate housing
- the rights of Indigenous peoples
- cultural rights
- the human rights to safe drinking water and sanitation
- the right to food
- the human rights of internally displaced persons

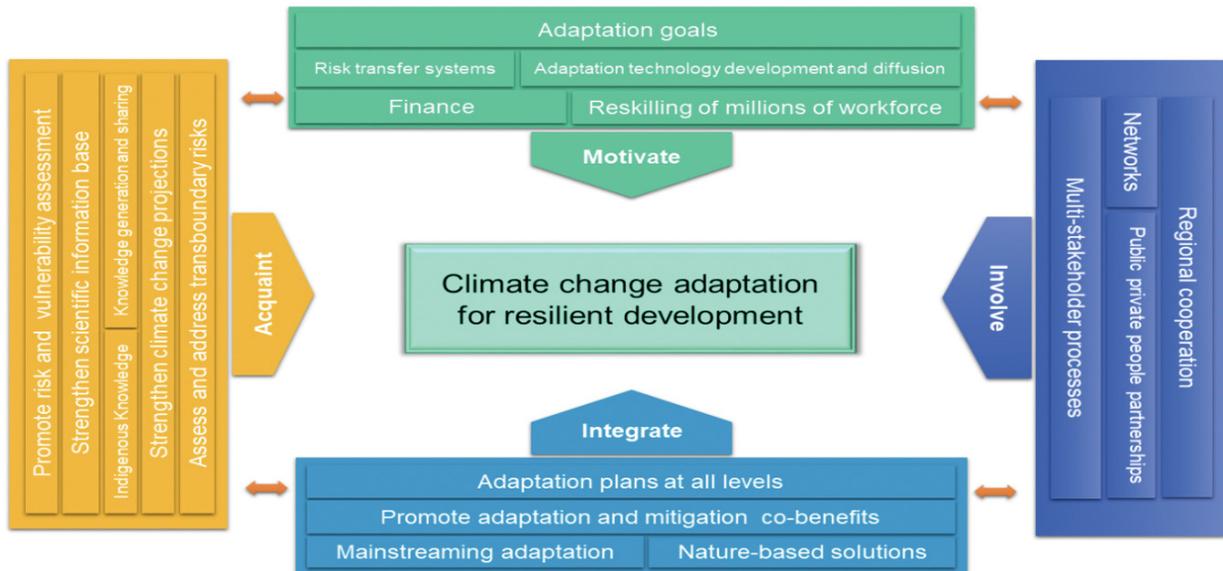
Their reports and activities have shed light on the impact of climate change on human rights and provided recommendations for effective climate change mitigation and adaptation strategies.⁴⁵ They continue to push for the integration of an RBA in climate agreements and policies.

ASEAN human rights

In 2015, all the ASEAN member states signed the Paris Agreement, committing themselves to ambitious climate targets. The ASEAN Strategic Plan on Environment for the years 2016 to 2025 specifically mentions harmonisation, elucidating that to realise ASEAN's environmental ambitions, the following are needed: "institutional strengthening, multi-stakeholder partnership, [and] harmonization of policies".⁴⁶

The most extensive climate change report, the ASEAN State of Climate Change Report (ASCCR) was initiated and coordinated by the ASEAN Secretariat in cooperation with the Institute for Global Environmental Strategies (IGES), the ASEAN Working Group on Climate Change (AWGCC) and ASEAN Senior Officials on Environment (ASOEN). It covers the work and aims of the ASEAN Climate Change and Energy Project, ASEAN Comprehensive Recovery Framework and ASEAN Plan of Action for Energy Cooperation. It also outlines recommendations for ASEAN climate change adaptation and mitigation looking forward to 2050. The framework for these targets and strategies revolves around an 'Acquaint, Motivate, Involve, Integrate' framework pictured below:

Figure 2. 'Acquaint, Motivate, Involve, Integrate' framework visualisation



Source: ASEAN State of Climate Change Report, 2021, p.98.

Human rights are not mentioned throughout the extensive report. Nevertheless, the framework outlined above coincides with a HRBA to some degree. Particularly the mentions of Indigenous knowledge and multi-stakeholder processes align with HRBA outcomes. The gender dimension of climate change and the position of vulnerable groups is mentioned only in passing.

The ASEAN Intergovernmental Commission on Human Rights (AICHR) was inaugurated in 2009 and represents ASEAN's main consultative human rights body. Article 28f of the declaration addresses "the right to a safe, clean and sustainable environment," aside from which no further mentions of climate-related areas are made.⁴⁷ Though this article could be deployed during climate litigation, it remains too vague to qualify as a HRBA. An AICHR thematic report published in 2018 established a clearer human rights connection as it focused on women in natural disasters. The report discussed the importance of applying a gender and human rights-based approach to natural disaster responses, and the need to integrate gender and disaster response into "the meta framework discourse of climate change, sustainability and national security in order to ensure women's human rights," concluding that "without the guidance of this framework ... there is a risk that the focus will be too narrow and the basic needs of the victims will not be integrated into a holistic planning process."⁴⁸ Experts argue that the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) is more effective and capable at addressing regional human rights issues than the AICHR.⁴⁹

The following tables were found in the ASCCR and detail the national instruments for climate change and projected climate action:⁵⁰

Table 1. Table of ASEAN National Instruments on Climate Change

Member States	Lead council	Chair (lead agency)	Responsible ministry for adaptation	Responsible ministry for mitigation	“Whole-nation” approach
Brunei Darussalam	Brunei Darussalam National Council on Climate Change (BNCCC)	Minister of Energy, Minister of Development	Deputy Permanent Secretary, Ministry of Home Affairs	Permanent Secretary, Ministry of Energy,	Yes (NGOs, youth group)
Cambodia	National Council for Sustainable Development (NCSD)	Minister of Environment	14 key ministries (each developed a sectoral Climate Change Action Plan (CCAP) 2014–18)	Minister of Environment	Yes (NGOs, youth group)
Indonesia	Directorate General of Climate Change (DGCC)	Ministry of Environment and Forestry	Ministry of Environment and Forestry	Ministry of Environment and Forestry	Yes
Lao PDR	National Steering Committee on Climate Change (NSCCC)	Deputy Prime Minister with Vice Chair (Minister for Agriculture and Forestry, Head of the Water Resources & Environment Administration), and Minister for Planning and Investment	The Ministry of Natural Resources and Environment (MoNRE)	MoNRE	Yes (NGOs)
Malaysia	National Steering Committee on Climate Change (NSCCC), Malaysia Climate Action Council (MyCAC) is being established	Ministry of Energy and Environment (KASA) with members from various ministries and key agencies. MyCAC will be chaired by the Hon. Prime Minister of Malaysia	KASA with various relevant ministries	KASA	-
Myanmar	National Environmental Conservation and Climate Change Central Committee (NECCCC)	Vice President, Ministry of Natural Resources and Environment Conservation (MONREC)	MONREC	MONREC	Yes (NGOs, CSOs)
Philippines	Climate Change Commission (CCC)	Departments on Energy, Environment and Natural Resources, and Agriculture	No indication of responsible department, but various departments related to adaptation planning and implementation	Departments of Energy, Environment and Natural Resources, and Agriculture	Yes (Dialogues among different stake holders for designing its NDC)
Singapore	Inter-Ministerial Committee on Climate Change (IMCCC)	Senior Minister and Coordinating Minister for National Security	Ministry of National Development, Ministry of Sustainability and the Environment	The Prime Minister's Office (PMO), Ministry of Trade and Industry and Ministry of Sustainability and the Environment	Yes
Thailand	National Committee on Climate Change Policy (NCCC)	Prime Minister and Vice-Chairpersons: Minister of Natural Resources and Environment (MONRE), Minister of Foreign Affairs	Ministry of Natural Resources and Environment	Ministry of Natural Resources and Environment	-
Vietnam	National Committee on Climate Change (NCCC)	Prime Minister with other Ministers including Ministry of Natural Resources and Environment (MONRE)	No indication of responsible ministry, but various ministries related to adaptation planning and implementation	MONRE	Yes (NGOs)

Table 2. Table of ASEAN DRR and CCA related policies

CC= Climate Change / DRM = Disaster Risk Management / CCA = Climate Change Adaptation

Green: actions are fully implemented.
 Grey: not fully implemented and under planning.
 White: no actions taken yet or not relevant.

Item	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Vietnam
1. Laws, regulations and policies										
Recognise CC in National Dev. Plans	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
DRM policy	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
DRM law	Grey	Green	Green	Grey	Grey	Green	Green	Green	Green	Green
DRM plan	Grey	Green	Green	Grey	Grey	Green	Green	Green	Green	Green
Focal agency for DRM	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
National DRM committee	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Sub-national DRM institutions	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
CCA policy	Grey	Green	Green	Green	Green	Green	Green	Green	Green	Green
CCA plan (National Adaptation Plans)	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey	Grey
Focal agency for CCA	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
National CC Committee	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
DRR and CCA integration in policies	Grey	Grey	Grey	Green	Green	Green	Green	Green	Green	Green
Guidelines for DRR and CCA integration	Grey	White	White	White	Grey	White	Grey	Grey	White	White
2. Risk assessments										
Disaster data systems	Grey	Green	Green	Grey	Grey	Grey	Green	Grey	Green	Green
Meteorological data systems	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Downscaled CC projections	White	White	Green	White	Green	White	Green	Green	Green	Green
Risk maps with CC impacts	White	Green	White	White	Grey	White	White	White	Grey	Green
3. Financial mechanisms										
Funding for DRM	Green	Green	Green	Green	Green	Green	Green	Green	Green	Green
Funding for CCA	Grey	Grey	Green	Grey	Grey	Grey	Green	Green	Grey	Grey

Source: ASCCR, 2021, p.64.

SAARC human rights

All SAARC members, as with the ASEAN states, signed the Paris Agreement in 2015. Aside from that agreement, the most relevant SAARC-specific frameworks when it comes to climate and environmental protection are:

- SAARC Agreement on Rapid Response to Natural Disasters (2011)
- SAARC Action Plan on Climate Change (2007)
- The Thiumphu Declaration on Climate Change (2010)⁵¹

Of these, the Thiumphu Declaration comes closest to deploying an RBA, though SAARC is clearly in need of an updated environmental report or common action plan. The Thiumphu Declaration “emphasises climate justice under the theme ‘Towards a Green and Happy South Asia’” and “highlights the importance of sustainable development, environmental conservation, and the promotion of low-carbon technology and renewable energy resources based on the principles of climate justice.”⁵² While climate justice coincides with the aims of an RBA, vulnerable groups and human rights are not a focus of the declaration.

The SAARC legal frameworks pertaining to human rights include:

- Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002
- Convention on the Promotion of Child Welfare in South Asia, 2002
- Social Charter, 2004
- Charter on Democracy, 2011⁵³

The SAARC Human Rights Foundation is South Asia's largest "voluntary, non-political, non-profitable organisation dedicated to the development and preservation of human rights, including the establishment of the rule of law in the country."⁵⁴ It has a specific focus on vulnerable groups and those deprived of human rights; though its mission mentions no specific relation to those affected by climate change, it is said to focus on all instances of human right violations.

HRBA legal climate case: Philippines

The famous National Inquiry on Climate Change (NICC) launched in 2015 by the Republic of the Philippines Commission on Human Rights (CHR) (with support from citizens, NGOs, and the wider civil society) is an important success in terms of HRBA climate litigation. Launched in order "to determine the impact of climate change on the human rights of the Filipino people and if the top fossil fuel producers of the world . . . are fuelling climate change," the success of this case was the "the first time globally that a national human rights institution had undertaken an investigation and assessment of the accountability of corporate actors for their climate change contributions and the resultant human rights impacts."⁵⁵ It can be used as a template for further civil society advocacy and use of domestic courts as a conduit for strengthening climate governance in the ASEAN context.

The CHR launched the process against a backdrop of Philippines' extremely high exposure to climate-disaster risks, and the nation's prioritisation of climate change adaptation. The incidence of climate disasters has increased consistently and will be exacerbated by the Philippines' projected temperature rise of 1.8°C to 2.2°C above pre-industrial levels by 2050.⁵⁶ Greenpeace Southeast Asia and other NGOs triggered the inquiry by submitting a formal inquiry aimed at investigating links between human rights, climate change and the world's largest greenhouse gas contributor companies (labelled Carbon Majors).⁵⁷ These companies were identified by the Climate Justice Programme and Greenpeace as responsible for "the lion's share of cumulative CO₂ and methane emissions since the industrial revolution."⁵⁸ Petitioners, experts, and practitioners submitted supporting briefs and documents that were later presented in court. When it came to investigating companies that did not have a legal presence in the Philippines, OHCHR documents stated that "[t]he obligations of States in the context of climate change and other environmental harms extend to all rights holders and to harm that occurs both inside and beyond [State] boundaries."⁵⁹ Though this was not well received by the companies in question, CHR determined that its mandate called it to "investigate and monitor all matters concerning the human rights of the Filipino people."⁶⁰ The NICC lasted three years. Preliminary findings in 2019 stated that "based on the evidence, Carbon Major companies could be found legally and morally liable for human rights violations arising from climate

change.” The inquiry reflected a fundamentally successful human-rights based approach and can be used as a template for further rights-based civil sector policy and litigation advocacy.

V. RBA in national adaptation and environmental action plans

i. Overview

Climate change laws and national adaptation plans (NAPs) serve as the foundation for translating climate adaptation planning into action. The adoption of national climate change laws and NAPs has become the primary measure for assessing countries' progress in adaptation. In the context of the UNFCCC, the Cancun Adaptation Framework promulgated at the COP 16 in 2010 instigated a NAP process.⁶¹ This had the aim of identifying long-term adaptation goals and inviting collaboration and accountability towards achieving these goals. This was furthered in the Paris Agreement, particularly Article 7 revolving around climate change adaptation, which stated the communal aim of “enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change.”⁶² To achieve this, a Global Stock Take reviews the progress towards goals on adaptation, whereby each country is encouraged to submit NAPs, as well as adaptation communications (ACs), national adaptation programmes of action (NAPAs, which are somewhat specific to Least Developed Countries), and their nationally determined contributions (NDCs).⁶³

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In general, the Asia Pacific region is meeting these requirements to an acceptable degree. As of September 2022, a total of 36 countries in the region have submitted their NDCs (some up to four times).⁶⁴ All the LDCs have submitted their NAPAs and all Small Island Developing States have submitted their NDCs.⁶⁵ The Philippines has had a National Climate Change Action Plan (NCCAP) since 2011; the plans within it extend till 2028, hence the state is not looking to develop a separate NAP.⁶⁶ China already has a National Strategy for Climate Adaptation and Indonesia is working on updating its National Action Plan for Climate Change Adaptation (RAN-API).⁶⁷ Of all countries categorised by the UN as Asia Pacific countries, 13 have submitted their official NAPs:

- Bangladesh (23.03.2023)
- Bhutan (22.09.2023)
- Cambodia (07.07.2021)
- Fiji (12.12.2018)
- Kiribati (21.01.2020)
- Kuwait (11.02.2021)
- Nepal (30.10.2021)
- Pakistan (15.08.2023)
- Papua New Guinea (11.04.2023)
- Sri Lanka (01.11.2016)
- Palestine (11.11.2016)
- Timor-Leste (31.03.2021)
- Tonga (27.10.2021)⁶⁸

Though this is not a short list, it includes a geographically large range of countries and some very small countries. Their contributions are of course important, but many big players and important countries in the ASEAN and SAARC context are missing. While these numbers are slightly disappointing, it could mean that many NAPs are still being developed and could be affected by effective RBA advocacy.

ii. SAARC national plans

Of the SAARC states that have submitted a NAP – Bhutan, Nepal, Bangladesh and Sri Lanka – aside from mentions of vulnerable groups, community participation, a focus on women and climate justice, none show a significant RBA approach. Human rights, AAAQ frameworks and accountability measures are rarely mentioned throughout these NAPs.⁶⁹ To complement a sole focus on NAPs, a recent study by the Central University of Punjab has analysed the most relevant national climate change policy documents of each SAARC country.⁷⁰ Though these do not focus on adaptation, they are regarded as the most significant documents leading climate action in the given country (and include climate adaptation strategies), making them relevant to this report. This segment is not necessary to understand the report as a whole; it is useful vis-a-vis a need for a closer look at a specific country depending on project and activity.

India: National Action Plan

The Indian National Action Plan on Climate Change was crafted in 2008, encompassing a comprehensive approach consisting of eight national missions and interconnected strategies. This framework tackles the intricacies of climate change, adhering to principles of climate justice, and simultaneously advancing developmental goals. These missions encompass the provision of equitable access to solar energy, enhancement of energy efficiency, advocacy for sustainable habitats with a particular focus on marginalised communities, assurance of impartial access to water resources, preservation of the fragile Himalayan ecology, and fostering a greener India. There is also a spotlight on the livelihoods of vulnerable farmers, and the promotion of awareness and strategic initiatives to address the impact of climate change on marginalised and disadvantaged communities.⁷¹ Despite lagging with its adaptation plan, India's action plan shows a clear focus on marginalised and vulnerable groups. Despite lacking a clear focus on rights, it aligns with the core values of an RBA approach. A renewed plan could see an even larger RBA influence.

Pakistan: Framework for Implementing Climate Change Policy

Covering the years 2014 to 2030, Pakistan's framework for implementing climate change policy shows a similar focus to India's. In terms of RBA, it underscores the imperative of addressing the unequal effects of climate change on marginalised groups, advocating for their wellbeing via the promotion of adaptation and mitigation strategies. Its aim is to empower marginalised communities, bolster their resilience against challenges, and encourage active involvement in shaping a more equitable, environmentally sustainable future. Climate justice is an important element throughout the report.⁷²

The Maldives: Climate Change Policy Framework

The Maldives' Climate Change Policy Framework, established in 2015, shows a proactive commitment to climate justice principles and a focus on climate mitigation. The document highlights the importance of fair and inclusive climate leadership and the promotion of climate resilience to safeguard the rights and wellbeing of vulnerable communities. The framework hence shows a stark RBA approach with a distinct focus on rights and the livelihood and participation of vulnerable communities.

Sri Lanka: 2012 National Climate Change Policy

The 2012 National Climate Change Policy aligns with global agreements, addressing local climate challenges with a focus on justice. It recognizes the international context, prioritising equitable strategies for adaptation and mitigation. Emphasising the needs of marginalised populations, it promotes awareness, reduces greenhouse gas emissions, and advocates sustainable practices for fair access to benefits. In this way it once again reflects some parts of an RBA approach. Sri Lanka is proactive and efficient when it comes to the submission of NAPs and other documents, hence local advocacy could be effective towards introducing an RBA throughout policy implementation.

Bangladesh: Mujib Climate Prosperity Plan

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Implemented in 2021 and delineating goals for 2030, the main sentiment of Bangladesh's Mujib Climate Prosperity Plan revolves around climate justice. It differs from the other plans through its focus on enhancing resilience and stability by "by reforming financial methods and models to support marginalised communities and small enterprises."⁷³ The proposed plan closely aligns with Bangladesh's already submitted NAP and sustainable development objectives. As will be shown by RBA approaches later in this report, the focus on funding for vulnerable and marginalised communities is forward thinking and essential to effective RBA policy implementation.

Nepal: 2020 National Climate Change Policy

This document builds on the previous policy enacted in 2011 and revolves mostly around climate resilience and addressing inequality. Specifically emphasised is the need to "to improve adaptability, allocate financial resources to address climate change-related inequalities, incorporate climate considerations into policies focusing on fairness, and prioritise gender equality and social inclusion."⁷⁴ The three main actionable strategies are:

- knowledge production through research
- finding innovative solutions
- empowering marginalised communities by enhancing their capabilities

Though the rights of communities are not specifically addressed, this document shows an RBA with a distinct focus on the empowerment of marginalised communities and tackling climate inequality.

Generally, the more recent climate action documents show an impressive level of RBA integration. Though rights are not specifically addressed in most documents, the overwhelming focus on climate justice and vulnerable communities leads to a strategy and approach like RBA. Though advocacy can further influence the development of new policies, this is promising as it shows a common ground through which RBA initiatives can be understood and developed in the SAARC context.

iii. ASEAN context

Of the ASEAN countries, only Cambodia has submitted its NAP.⁷⁵ The NAP sets the goals of “reducing vulnerability of most vulnerable groups,” “promoting awareness and participation of the public in climate change response actions,” and promoting “adaptive social protection and participatory approaches in reducing loss and damage due to climate change.”⁷⁶ These goals clearly resonate with RBA principles; despite a clear mention of the protection and safeguarding of rights, the emphasis on vulnerable groups and their participation remains.

Countries such as Malaysia and Philippines are not focused or planning on submitting an NAP due to their existing action plans.⁷⁷ The Philippines’ National Climate Change Action Plan (NCCAP) 2011-2028 shows a focus on gender integration: “gender-sensitive planning has been initiated in the Philippines through the development of Harmonized Gender and Development Guidelines, which are approaching the implementation phase.”⁷⁸ Another point of relevance is a consistent emphasis on monitoring and evaluation throughout the ASEAN climate action plans. In the Philippines and Thailand, Monitoring and Evaluation Frameworks have been integrated into NAP or NCCAP development. Finally, the Philippines has shown a focus on local solution and financing, as it has integrated adaptation into national budgeting and introduced the People’s Survival Fund, a strategy necessary to implement RBA adaptation measures.

Ultimately SAARC countries seem to take a more RBA-related approach than ASEAN countries. Climate action plans in ASEAN member states, aside from the Philippines, show a larger focus on carbon emission reduction goals than on justice and rights protective adaptation (not that these foci are mutually exclusive). NAPs are still in development and ASEAN summits have been highlighting the principles of RBA, suggesting forthcoming change in this direction.

VI. Loss and damage

Loss and damage, defined as the negative effects of climate change that people are unable to cope with or adapt to, can have various impacts on human rights. These include civil and political rights, economic, social, and cultural rights, as well as collective rights. The implications of climate impacts for the enjoyment of human rights have been studied, highlighting the threats posed to the rights to life, liberty, property, work, education, social security, health, food, housing, and a healthy environment, among others. Recognizing the link between loss and damage and the fulfillment of fundamental human rights provides a normative basis for adopting a HRBA to address this issue.

Loss and damage caused by climate change encompass a wide range of adverse effects, including both sudden extreme events and gradual, long-term changes such as sea level

rise and biodiversity loss. The magnitude and nature of losses resulting from disasters are contingent upon the type and intensity of the event. Various regions worldwide are increasingly vulnerable to recurring disasters, each with its own set of risks and impacts. For example, according to the latest Intergovernmental Panel on Climate Change (IPCC) report,⁷⁹ the following risks are identified with at least a medium level of confidence in specific regions:

Small Islands

- Loss of terrestrial, marine, and coastal biodiversity, leading to a decline in ecosystem services.
- Loss of lives and assets, and disruptions to food security and economy due to infrastructure and settlement destruction.
- Economic decline and livelihood failure in sectors such as fisheries, agriculture, and tourism, exacerbated by biodiversity loss in traditional agroecosystems.
- Decreased habitability of both reef and non-reef islands, resulting in increased displacement.
- Heightened risk to water security across nearly all small islands.

Asia Pacific

- Risks to food and nutritional security due to changes in agriculture, livestock, hunting, fisheries, and aquaculture productivity and accessibility.
- Risks to wellbeing, livelihoods, and economic activities arising from cascading and compounded climate hazards, including threats from sea level rise to coastal cities, settlements, and infrastructure.
- Increased prevalence of severe health issues, including vector-borne diseases, due to rising epidemics.
- Threats to food security resulting from frequent and extreme droughts.
- Damages to life and infrastructure due to floods, landslides, sea level rise, storm surges, and coastal erosion.
- Threats to freshwater resources, leading to ecosystem consequences, reduced surface water availability for agriculture and other human uses, and deteriorating water quality.

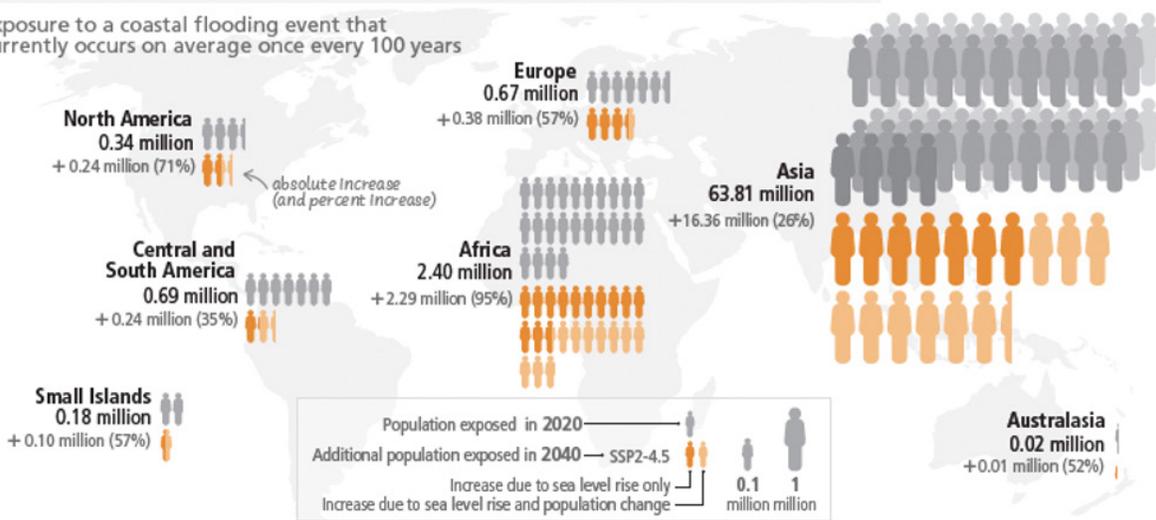
The impacts of climate change extend beyond mere physical manifestations, profoundly influencing human systems. To comprehend loss and damage, it is imperative to evaluate both the tangible effects and the susceptibility of human systems to these impacts, while also considering the perceptions and valuations of individuals and society. Losses and damages can often cascade, in which one event triggers a chain reaction of subsequent impacts. Climate change engenders both slow-onset events, which evolve gradually over time due to various factors, and extreme weather events, characterized by their rarity and severity at specific times and locations. These events, as defined by the UNFCCC and IPCC, encompass a broad spectrum of phenomena, each contributing to loss and damage in distinct ways.⁸⁰

Figure 3. Increase in sea level-exposed population

Every region faces more severe and/or frequent compound and cascading climate risks

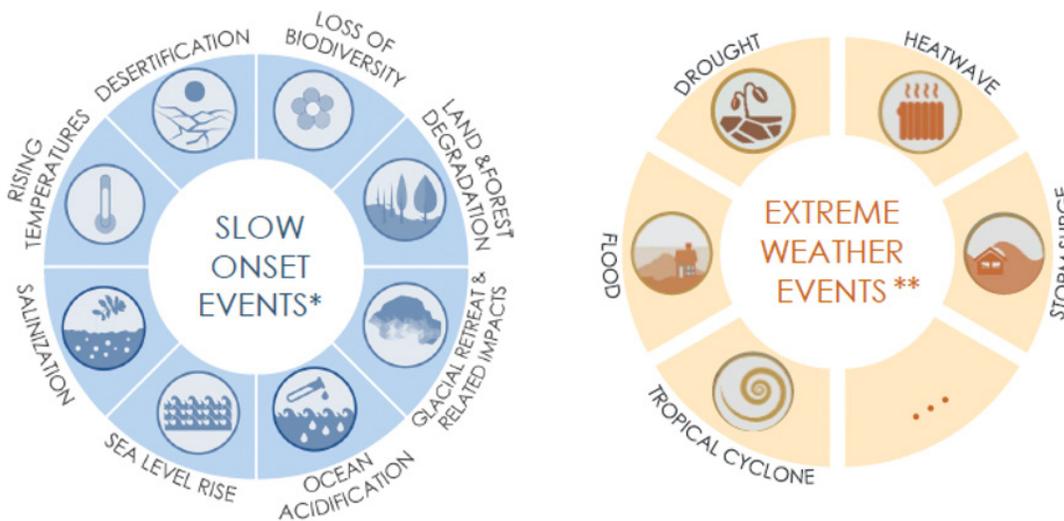
a) Increase in the population exposed to sea level rise from 2020 to 2040

Exposure to a coastal flooding event that currently occurs on average once every 100 years



Source: IPCC Full Report, 2023, p.65.

Figure 4. Example of Slow Onset Events and Extreme Weather Events



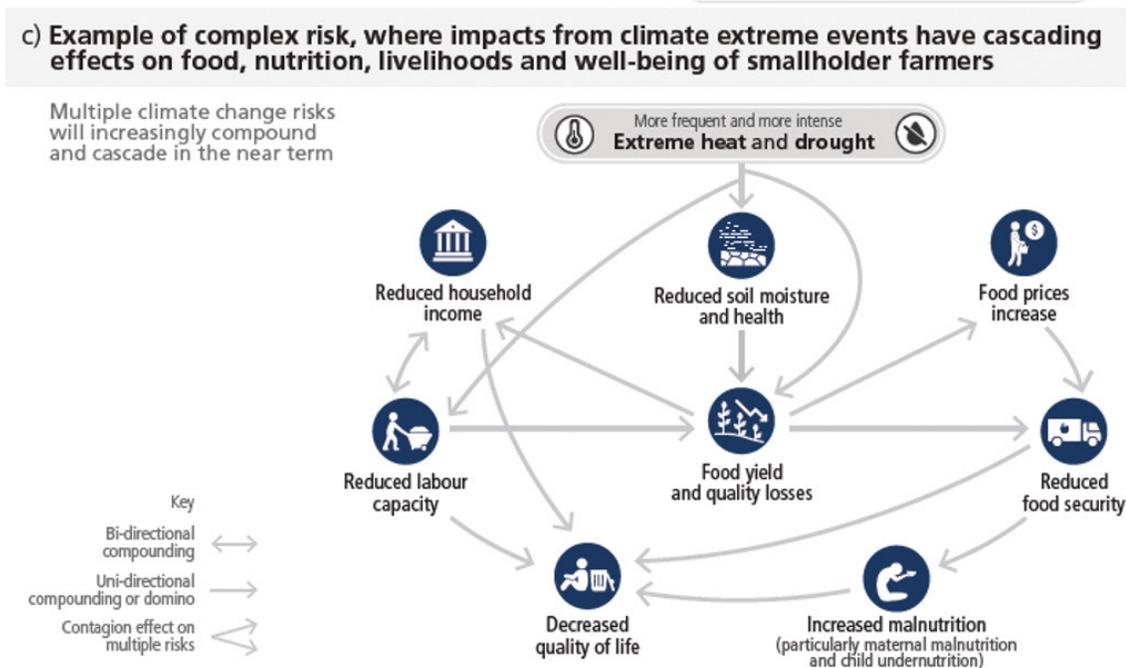
*As referred to in [Decision 1/CP.16](#)

** Those presented are examples

Source: IPCC Full Report, 2023, p.60.

Moreover, losses can display various characteristics, necessitating a comprehensive approach that includes both mitigation and adaptation measures. Losses can be divided into non-economic and economic categories, with non-economic losses often involving items not typically traded in markets. These losses may hold both economic and non-economic significance, resulting in various types of losses following a destructive event. Additionally, losses may trigger spillover effects, leading to additional losses that may differ in nature. Losses can be classified based on their direct or indirect association with a destructive event, distinguishing between losses directly caused by the event and those indirectly influenced by it.

Figure 5. Complex Risk Diagram



Source: IPCC Full Report, 2023, p.65.

Non-economic losses encompass aspects of loss and damage that go beyond conventional economic measurements, contrasting with economic losses that involve the measurable depletion of resources and services typically valued in market exchanges. Unlike economic losses, which are quantifiable and included in national accounting systems, non-economic losses lack market valuation due to the absence of tangible market transactions, making their evaluation more difficult. These losses encompass a broad spectrum of intangible or less tangible impacts on human wellbeing and societal welfare, including but not limited to factors such as loss of life, health, displacement, cultural heritage, biodiversity, and ecosystem services.⁸¹

Items affected by loss events may possess both economic and non-economic value, resulting in simultaneous economic and non-economic losses upon their destruction. For example, the salinisation of agricultural land leads not only to the economic loss of crops, but also to the non-economic loss of Indigenous knowledge associated with land stewardship. Non-economic losses can arise as direct consequences of climate events, such as loss of life during extreme

weather events, or as indirect consequences resulting from systemic changes triggered by these events, such as diminished health due to malnutrition resulting from food shortages and increased food prices. Although non-economic losses are inherently challenging to quantify, their significance in shaping human welfare and societal resilience cannot be overstated.⁸²

Table 3. Table of loss and damage examples

Examples of economic and non-economic loss and damage

<i>Economic losses</i>	<i>Non-economic losses</i>
Loss of wages	Loss of life
Loss of crops	Reduction in biodiversity
Reduction in tourism revenue	Destruction of items of cultural significance
Loss of economic revenue from coastal activity due to inundation	Loss of sovereignty due to inundation

Source: UNCC Online Guide, 2010.

i. Instruments for addressing loss and damage

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In 2013, the establishment of the Warsaw International Mechanism on Loss and Damage (WIM) formally recognized loss and damage, with Article 8 of the Paris Agreement in 2015 providing a legal foundation for the WIM. Enhanced understanding of both economic and non-economic losses and damages reveals gaps in current financial, governance, and institutional structures, particularly in vulnerable developing nations.⁸³ The Paris Agreement⁸⁴ outlines these key provisions regarding loss and damage associated with climate change:

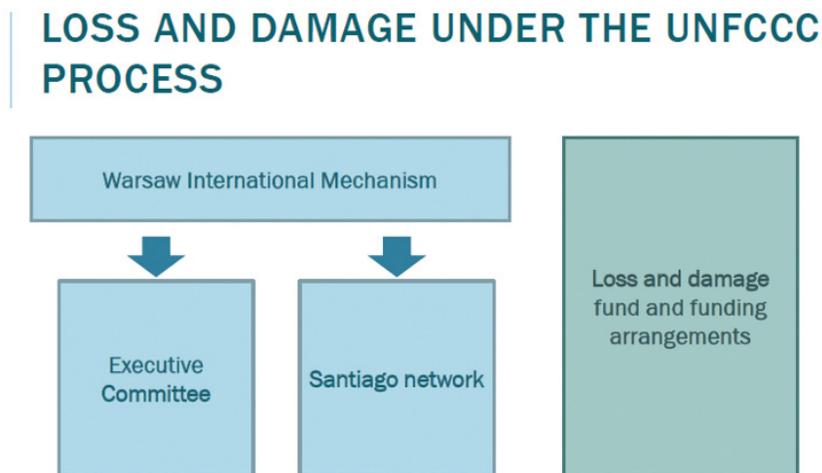
- Recognition of the importance of averting, minimising, and addressing loss and damage linked to climate change effects, including extreme weather events and slow-onset events, while emphasising the role of sustainable development in reducing such risks.
- Establishment of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts, under the authority and guidance of the Conference of the Parties, with provisions for its enhancement and strengthening as deemed necessary.
- Emphasis on enhancing understanding, action, and support for addressing loss and damage cooperatively and facilitatively through the WIM, covering areas such as early warning systems, emergency preparedness, slow-onset events, comprehensive risk assessment, and management.
- Collaboration of the WIM with existing bodies, expert groups, and relevant organisations both within and outside the agreement to address loss and damage effectively.

The Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (Loss and Damage Mechanism), established under the UNFCCC and Paris Agreement, is a pivotal instrument for addressing loss and damage, particularly in vulnerable developing nations.

Operating within the convention framework, it undertakes several key functions aimed at advancing comprehensive risk management strategies to mitigate loss and damage. First, it fosters knowledge and comprehension by addressing expertise gaps, facilitating data collection and sharing, and offering insights into best practices and lessons learned. Second, it promotes dialogue, coordination, and collaboration among relevant stakeholders, both within and outside the convention, to encourage cooperation across various initiatives and endeavours. Last, it facilitates action and support by providing technical guidance, facilitating financial and technological assistance, and mobilising expertise to bolster existing approaches and devise new strategies to tackle loss and damage arising from climate change impacts.⁸⁵

While the Mechanism lacks explicit human rights language in COP decisions and technical work, its Executive Committee's activities indirectly engage with the human rights aspects of loss and damage. Notably, the Task Force on Displacement (TFD) within the WIM has advanced policy integration efforts, with COP 24 endorsing the TFD's recommendations on displacement. These recommendations underscore the importance of incorporating human rights obligations and international standards into laws and policies concerning displacement, reflecting a significant step towards addressing the human rights implications of loss and damage within the framework of the WIM.⁸⁶

Figure 6. Loss and Damage Flowchart



Source: UNCC Online Guide, 2010.

The Santiago Network, established during COP 25/CMA.2 due to the second review part of the Warsaw International Mechanism, is designed to mobilise technical assistance from relevant organisations, bodies, networks, and experts to address loss and damage, particularly in developing countries highly susceptible to climate change impacts. Its functions, outlined in Decision 19/CMA.3, include contributing to the effective implementation of the Mechanism, identifying and communicating technical assistance needs, facilitating collaboration and

coordination among stakeholders, and disseminating knowledge on comprehensive risk management approaches. The network also aims to facilitate access to support, including finance, technology, and capacity-building, both within and outside the convention and the Paris Agreement, to address loss and damage associated with climate change impacts.⁸⁷

The Sendai Framework for Disaster Risk Reduction 2015-2030 is a comprehensive approach applicable to all forms of disasters, regardless of their scale, frequency, or nature. Its primary objective is to steer disaster risk management efforts across various developmental levels, sectors, and intersectoral domains with the goal of significantly reducing disaster risk and losses, including human lives, livelihoods, and assets.

Central to the framework is the emphasis on proactive measures to prevent new disaster risks and mitigate existing ones through integrated strategies spanning multiple domains. These strategies encompass reducing exposure to hazards, enhancing preparedness for response and recovery, and ultimately building resilience. Specific targets outlined in the framework include reducing global mortality, the number of affected individuals, and economic losses and damages to infrastructure by 2030, alongside initiatives to enhance international cooperation, early warning systems, and access to risk information. Guided by principles of shared responsibility, policy coherence, and human rights protection, the framework underscores the importance of understanding disaster risk, bolstering governance, investing in risk reduction, and strengthening preparedness and recovery efforts. Through inclusive decision-making and a multi-hazard approach, the framework aims to empower authorities and communities while fostering global partnerships for disaster resilience and sustainable development.⁸⁸

ii. RBA in loss and damage

Despite these efforts, the existing international approach to addressing loss and damage from climate change inadequately considers human rights, resulting in ineffective policies that do not adequately safeguard affected communities. Integrating human rights into climate governance frameworks is essential to more effectively address the human rights implications of loss and damage. A human rights-based approach can amplify the voices of those most impacted by loss and damage, particularly marginalised groups, offering stronger protection for their rights. By prioritising the human rights of affected individuals, a HRBA has the potential to significantly improve the international response to climate change loss and damage within the normative framework of human rights law.⁸⁹

International human rights bodies have increasingly emphasised the importance of considering human rights in the international response to loss and damage. Reports from the Office of the High Commissioner for Human Rights (OHCHR) have addressed human rights, climate change, and cross-border displacement, leading to a UN Human Rights Council (UNHRC) resolution on the issue. Similarly, the OHCHR and the UN Special Rapporteur on the Right to Food have recommended improving institutional arrangements and finance for addressing loss and damage, considering its long-term impact on development, human rights promotion, and the availability of development assistance. The Paris Agreement also mandates strengthening the response to climate change in the context of sustainable development and poverty eradication, including the reduction of risk and loss and damage.⁹⁰

Implementing a human rights-based approach to loss and damage under the climate change regime would involve monitoring and evaluating climate actions based on human rights standards, recognizing affected individuals as active participants in decision-making, assessing the capacity of rights-holders and duty-bearers, providing capacity-building and transparency, and ensuring that actions are informed by recommendations from human rights bodies. International human rights institutions will play a crucial role in implementing a HRBA to loss and damage, while the degree of support from states will vary based on their priorities and the enforcement of relevant international and regional human rights treaties.⁹¹

Successful RBA responses

The climate emergency represents a dual crisis – humanitarian and health – marked by extreme weather events, heat stress, declining air and water quality, food insecurity, and changes in vector distribution, posing a threat to global populations. Climate risks, exacerbated by planetary warming, are becoming more complex, frequent, and unpredictable, amplifying existing vulnerabilities and inequalities within communities. This complexity triggers emergencies that cascade across various systems and sectors, placing millions at immediate risk of famine and death. Moreover, climate change not only heightens the likelihood and severity of these threats but also complicates their containment, significantly affecting critical infrastructure and supply chains essential for humanitarian responses.⁹² Given this scenario, prompt, equitable, and transformative responses and measures are imperative to preserve lives amid the escalating climate crisis. These actions should incorporate a human rights-based approach to guarantee the safeguarding and advancement of human rights and justice.

Humanitarian responses

The Global Humanitarian Overview (GHO) projected that 274 million individuals would require humanitarian assistance and protection in 2022, marking a significant increase from the already elevated figure of 235 million in the previous year – the highest in decades. This surge is attributed to the substantial impact of the COVID-19 pandemic, which intensified food insecurity for 811 million people and pushed an additional 20 million into extreme poverty in 2021. The pandemic especially strained health systems, particularly in low-income countries, where almost half of all deaths result from communicable diseases, maternal, perinatal, and nutritional conditions.⁹³

The anticipated rise in the frequency of extreme events leading to disasters and subsequent humanitarian action will vary by region and type. Overall, a modest increase of about 20 percent is expected over the next two decades, which is less than the annual variation in humanitarian funding. However, when considering the potential impact of increased intensity, estimated humanitarian spending on cyclones may see a 67 percent increase (assuming a 15 percent intensity rise). If factors such as heightened vulnerability to disasters are considered, these figures could escalate further. Considering how disasters may intersect with economic and political processes to trigger complex crises, cost estimates could reach into the billions.⁹⁴

In that sense, humanitarian responses to climate change span a spectrum of actions. For instance, there are activities acknowledging that, despite mitigation efforts, many people will

still face exposure to climate-related risks. The emphasis then, is to enhance their resilience and reduce vulnerability, often encapsulated in terms such as adaptation, resilience building, Disaster Risk Reduction (DRR), and preparedness.⁹⁵

Disaster Risk Management is central to humanitarian emergency response, encompassing life-saving measures enacted during or immediately following a disaster. The effectiveness and timeliness of assistance and protection hinge on emergency preparedness, emphasising the need to enhance the humanitarian community's capacity to identify potential crises and swiftly deploy an efficient response as situations unfold.⁹⁶ Activities like income generation or healthcare provision aim to enhance overall resilience, enabling communities to withstand various risks. Further along the spectrum are targeted efforts to strengthen defences against specific shocks, such as flood defence projects or the introduction of drought-resistant crops.⁹⁷

Despite the variety of responses required in the face of multiple crises, humanitarian funding is predominantly directed toward immediate crisis response rather than prioritising resilience, Disaster Risk Reduction, and preparedness activities integral to an overarching climate disaster strategy. Some argue that given resource constraints, emphasis should be on life-saving response in humanitarian funding, sidelining other crucial activities. The transitory nature of most humanitarian funding poses challenges for implementing resilience and DRR efforts, which typically unfold over longer timeframes.⁹⁸

There is a notable shortfall in directing funds to local organisations and frontline responders, despite consensus on the vital role these entities play in addressing the threat of climate change.⁹⁹ While humanitarian needs escalate, global funding covers only 52 percent of the unprecedented demand, with appeals for increased funding in 2020 facing setbacks due to governments reallocating priorities amid the economic repercussions of the COVID-19 pandemic, resulting in international humanitarian assistance plateauing at \$30.9 billion.¹⁰⁰

Preparedness

Reducing risk and vulnerability alone will not protect everyone from the diverse impacts of climate change. Numerous people will endure direct disaster effects and require support to cope. Moving further along the spectrum, efforts to save lives and safeguard livelihoods in disaster situations become essential. These actions involve preparedness activities before an event, response activities immediately before, during, and after an event, encompassing diverse measures such as evacuation and preserving economic assets during early phases of a drought. The terminology used for these activities varies, leading to confusion and sometimes perceived competition for funding. However, experts emphasise that these approaches are not mutually exclusive and should be employed in tandem to comprehensively address the challenges posed by climate-related crises, avoiding gaps in support.¹⁰¹

Given the escalating humanitarian crises, there has been a heightened emphasis on a specific aspect of preparedness: early warning and anticipatory action. Early warning systems, employed for years in disaster management, have proven instrumental in preventing casualties by enabling pre-emptive measures. However, instances of decision-makers disregarding warnings and delaying action until emergencies unfold underscore the need for improved

strategies. In response, humanitarian organisations are investing in anticipatory systems, coupling early-warning mechanisms with pre-determined financing for agreed-upon activities.¹⁰²

Anticipatory action, encompassing emergency warning and preparedness for multi-hazard events, is crucial to mitigating the impacts and enhancing the management of complex emergencies. However, its implementation has faced various barriers, including inadequate coordination between national responses and local communities, a predominant focus on sector-specific rather than systemic adaptation, unpredictable and challenging funding mechanisms, and gaps in the current understanding of how climate-related risks impact health systems.¹⁰³

"Preparedness" is a medium-term planning activity involving the development and testing of disaster management plans, implementation of early warning systems, resource stockpiling, agency coordination, and ensuring effective evacuation plans. These responses occur during or just before a hazard, involving real-time disaster response, assessment, coordination, and relief efforts. However, while these elements are crucial for effective disaster risk reduction, they may not inherently bring about long-term development. An alternative perspective, structural, emphasises integrating agency and behavioural change with concurrent changes to economic and political structures for disaster risk reduction.¹⁰⁴

In addressing this issue, rehabilitation, for example, prioritises recovery while considering long-term planning objectives. To achieve more comprehensive and enduring positive outcomes, it is essential that disaster management organisations be flexible, capable of learning, adapting to changing conditions, and adjusting their governance structure as necessary. The establishment of strong relationships with stakeholders, fostering their commitment, is a key factor in successfully attaining goals. Actions to reduce general social vulnerability are deemed necessary, and the synergy between disaster risk reduction and structural reform presents a significant opportunity for long-term effectiveness. Understanding both best practices and limitations of disaster risk reduction should facilitate evaluating climate change hazards in terms of their impact on risk and deep-rooted vulnerability.¹⁰⁵

Community-based approaches involving training initiatives often conducted in schools, and the support of community disaster-management committees have yielded positive evaluations when implemented by agencies. To achieve success, such activities must be collaboratively designed with the community, require sustained support for long-term sustainability, and benefit from integration with local and national government preparedness planning. Conversely, short-term, standalone projects are less likely to be successful. Evidence suggests that early warning and early action offer value for money and are more cost-effective than responsive action. However, these findings are often based on predictive models, relying on assumptions about people's behaviour and prices rather than empirical data.¹⁰⁶

VII. Migration and climate displacement instruments

The concept of migration as adaptation holds significance only when it occurs within frameworks that uphold the agency and dignity of the migrants concerned. However, it is often observed that such conditions are not met, even in contexts labelled as "adaptive migration" by certain UN agencies and governments aiming to encourage migration for diverse objectives such as economic advancement. Hence, climate-related migration flows are a pertinent issue in the Asia Pacific context and need to be incorporated in legitimately into climate adaptation strategies. The Pacific Islands and parts of South Asia have extremely high percentages of populations living in low-lying deltaic areas; about 75 percent of the world's population living in such areas are in Asia.¹⁰⁷ Of the top 10 countries with the largest proportion of people living in low coastal zones, eight are in Asia, with Vietnam and Bangladesh presenting the largest proportion (53 and 39 percent respectively).¹⁰⁸

In the region, about 700 million people in the past 10 years have been affected by climate disasters.¹⁰⁹ This results in projections that, according to the Groundswell Report of the World Bank, the number of climate migrants in the Asia Pacific region will reach 49 million (two percent of the region's population) by 2050.¹¹⁰ Specifically, the lower Mekong subregion will see an estimate of 3.3 to 6.3 million new climate migrants between now and 2050.¹¹¹ Finally, several studies have shown policy responses have used the threat of climate change as a rationale for justifying measures threatening the human rights of affected populations in various ways, including in the context of non-consensual resettlement and migration.¹¹²

Despite these numbers there is no specific legal framework for the protection of climate migrants. They have often not been granted refugee status (though this is changing in some jurisdictions), unless their displacement has occurred in the context of a political crisis linked to one of the five grounds for defining persecution under the 1951 Refugee Convention. This leaves climate migrants, amongst whom forcibly displaced Indigenous people are a significant group, with no specific legal protection framework. The question of human mobility in the context of climate change is thus a crucial HRBA policy space, and particularly in the ASEAN and SAARC regions exists at the crux of their purpose of protecting rights amidst climate adaptation and loss and damage.

i. Global frameworks

Few legally binding global conventions exist to protect climate-related migrants/displacees. This is partly since the term "climate displaced" (or "climate migrants") has not been officially defined.¹¹³ However, parts of different declarations and frameworks can be synthesised, even if they do not directly refer to climate change, to evaluate current rights and what can be advocated for.

The 1951 Refugee Convention and its 1967 Protocol (collectively, the "Convention") are the two foremost documents that define a refugee. However, as mentioned, these were developed prior to modern modalities including climate change. Article 1 of the 1951 convention defines a

refugee as someone who "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of [their] nationality and is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country; or who, not having a nationality and being outside the country of [their] former habitual residence, is unable or, owing to such fear, is unwilling to return to it."¹¹⁴ Member states, as well as the UNHCR, the UN agency entrusted with safeguarding the international refugee protection regime, are usually reluctant to amend this convention to avoid additional obligations and interpretation debates.¹¹⁵ In addition, most Asian countries are not signatories to the 1951 Refugee Convention, even in its current form, which has traditionally made safeguarding protection standards throughout the region challenging.

Some conventions for internally displaced people (IDPs) have included references to climate displacement while also being more robust. The UNHCR's Guiding Principles on Internal Displacement ("Guiding Principles") compile all existing state obligations vis-a-vis internally displaced people to demonstrate that IDPs are entitled to the same rights and freedoms as other members of the population. They resonate with the Universal Declaration of Human Rights in affirming that people have an inherent right to liberty, security, and life, and are vested in human rights law. In this sense, IDPs have the right to request humanitarian assistance, and "[n]ational authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction. Of course, instruments like the Guiding Principles and the Kampala Convention (see below) focus on protection at the national level, which is based on national law. However, due to their cross-border character, matters of climate change will also require appropriate conventions defining regional/international cooperation regarding climate displacement.

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The conventions that together provide some basic measure of protection for climate displacement are the UDHR in combination with the International Covenant on Economic, Social, and Cultural Rights and the International Convention on Civil and Political Rights.¹¹⁶ The ICESCR guarantees adequate food and housing while the ICCPR includes the right to freedom of movement. Often, though not always, these are the primary rights that climate displacement endangers. Many Asian countries have signed both conventions.

There has been an additional effort by the International Law Commission (ILC) to develop a relevant normative framework through the Draft Articles on the Protection of Persons in the Event of Disasters,¹¹⁷ which were presented to the UN General Assembly in 2016 with a recommendation that a convention be elaborated based on them.¹¹⁸ The Draft Articles attempt to lay the groundwork for an effective response to disasters, detailing both the rights and obligations of affected states and other international actors, and providing a broad definition of disasters.¹¹⁹ They would be relevant not only for internal displacement per se but also for the actions of international actors to respond to such cases.¹²⁰ There have been several rounds of comments; most recently, a working group of the Sixth Committee convened to discuss the Draft Articles in October 2023 during the United Nations General Assembly's 78th session, and will meet again at the 79th session.¹²¹

The Global Compact for Safe, Orderly and Regular Migration (GCM), adopted in 2018, reaffirms the importance of international cooperation and directly recognizes cross-border climate-induced migration.¹²² The GCM is the first inter-governmentally negotiated UN agreement on

a common approach to managing international migration. It contains 23 objectives covering a wide array of aspects of migration, with related possible actions that states are encouraged to draw from when implementing their national migration policies. While not legally binding, the GCM's guiding principles, objectives, and actions are rooted in established obligations and principles, underpinned by the Universal Declaration of Human Rights, the 2030 Agenda for Sustainable Development, and international law.

Regarding climate-induced migration, the GCM explicitly refers to the UNFCCC, the Paris Agreement, the Sendai Framework and the 2030 Agenda, as well as the Nansen Protection Agenda and the work of the Platform on Disaster Displacement (PDD) for relevant guidance. Objectives 2, 5, 21, and 23 of the GCM are of particular importance in relation to the impacts of climate change. Objective 2 calls for states to minimise the adverse drivers and structural factors that compel people to leave their country of origin, including climate change-related drivers linked to slow- and sudden-onset events, contained in a subsection on “natural disasters, the adverse effects of climate change, and environmental degradation,” which draws in part on recommendations from the 2015 Protection Agenda proposed by the Nansen Initiative (now the Platform on Disaster Displacement).¹²³ Objective 5 calls for enhancing the availability and flexibility of pathways for regular migration, including practices for admission and stay based on “compassionate, humanitarian or other considerations.” This explicitly includes climate-affected migrants in both sudden- and slow-onset scenarios, and provision of planned relocation and additional visa options for those who cannot return because of the effects of climate change. Objective 21 focuses on voluntary return, including the commitment to respect the prohibition of returning migrants to situations of irreparable harm, which is also relevant for migrants crossing international borders due to the impacts of climate change. Objective 23 invokes the need to strengthen international cooperation for the achievement of all objectives.¹²⁴

Implementation of the GCM is reviewed at global level every four years at the International Migration Review Forum (IMRF), interspersed with regional reviews, also every four years, two years prior to the IMRF. Only 21 states of 78 that issued a Voluntary National Reports (VNR, prepared for the regional reviews) explicitly referenced climate-related issues.¹²⁵ However, the progress declaration issued at the first IMRF in 2022 acknowledged that, “efforts to mitigate and adapt to the adverse effects of climate change have been insufficient, including in climate finance,” and contained a commitment by states to, “strengthen our efforts to enhance and diversify the availability of pathways for safe, orderly and regular migration, including in response to demographic and labour market realities, and for migrants in vulnerable situations, as well as those affected by disasters, climate change and environmental degradation.”¹²⁶

A baseline mapping carried out by the Platform on Disaster Displacement in preparation for the IMRF found that policy development among states has focused more on addressing drivers (in line with GCM objective 2 than on facilitating human mobility (as per objective 5), with most relevant instruments relating to climate change governance and disaster management, rather than making progress on admission and stay, and on regular pathways.

The analysis also revealed differences in regional priorities. While many of the instruments identified in African countries focus on pastoralism and sustainable land management issues, the focus in Asia and the Pacific includes overseas employment, labour migration and planned

relocation. States in Latin America and the Caribbean have so far prioritised temporary protection, disaster preparedness and response, and regional cooperation, whereas Europe and North America have focused on civil protection, temporary protection, and border management.¹²⁷

The Global Compact on Refugees (GCR) is a framework for more predictable and equitable responsibility-sharing, affirmed by the UN General Assembly in 2018 following consultations led by UNHCR with member states and other stakeholders. It contains four core objectives: easing pressures on host countries; enhancing refugee self-reliance; expanding access to third-country solutions; and supporting conditions in countries of origin for return in safety and dignity.¹²⁸ While the GCR itself does not address climate-induced displacement with the same specificity as the GCM, it does note that “averting and addressing large-scale refugee situations is also a serious concern for the entire international community and requires early efforts to address their causes and triggers, as well as improved cooperation among political, humanitarian, development and peace actors.”¹²⁹ The GCR text carefully avoids the term “climate change,” noting instead that, “while not in themselves causes of refugee movements, climate, environmental degradation and natural disasters increasingly interact with the drivers of refugee movements.”¹³⁰

More concrete and containing specific guidance for states developing their normative frameworks for climate-induced displacement are UNHCR's 2020 “Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters.” The document aims to support the development of jurisprudence to enhance the protection of people displaced in the context of climate change by detailing the applicability of existing frameworks, including the 1951 Refugee Convention, regional instruments such as the Organisation of African Unity Convention, and the Cartagena Declaration, and broader protections under International Human Rights Law such as Articles 6 (right to life) and 7 (prohibition of torture and cruel, inhuman or degrading treatment or punishment) of the International Covenant on Civil and Political Rights. Recent cases using these instruments, such as the Teitiota case against New Zealand, are being referenced.¹³¹ As such, the paper is an important milestone for consolidating legal protections on climate-induced displacement.

Taken together, these documents contain important building blocks for a HRBA to human mobility in the context of climate change, as they include both specific references to human rights and related frameworks, which have codified states' legal obligations (see, for example, the GCM's guiding principles¹³²) and concrete suggestions for additional discretionary measures to develop tailored legal and policy responses.

ii. Regional frameworks

The ASEAN member states do not have a specific regional migration framework that includes climate mobility but will need to establish one to make up for a lack of global agreements and to cope with the large increase of climate-related human mobility. Similarly, the SAARC member states have established migration frameworks with the aim of protecting workers. but have yet to include climate mobility in a declaration or convention. The Pacific Regional Framework on

Climate Mobility, Brazil Declaration, and the Kampala Convention can be used as templates to inform policy and advocacy work in this direction.

Pacific Regional Framework on Climate Mobility

In response to escalating climate change impacts heightening displacement risks, Pacific governments by the end of 2023 endorsed the Pacific Regional Framework on Climate Mobility.¹³³ Developed over two years by the Joint Working Group on Climate Mobility, co-chaired by the governments of Tuvalu and Fiji, this framework aims to strengthen understanding, coordination, and cooperation among Pacific nations regarding climate-related human mobility.

A key focus is on upholding the rights of Pacific peoples to remain in their ancestral homes while addressing legal, policy, and practical issues related to climate mobility. It marks a significant milestone in comprehensively addressing migration, displacement, and planned relocation, aligning with the region's long-term strategic policy document, the 2050 Strategy of the Blue Pacific Continent.

Emphasising diverse perspectives, including those of marginalised groups, the framework prioritises human rights protection, cultural preservation, and regional collaboration. By safeguarding migration as a choice rather than a necessity, it seeks to ensure the wellbeing of all individuals affected by climate mobility.

Supported by key partners including the International Organization for Migration (IOM), the UN Economic and Social Commission for Asia and the Pacific (ESCAP), and others, this framework reflects a collaborative effort to address the pressing challenges posed by climate change-induced human mobility in the Pacific region.

Though on a comparatively small scale, this framework serves as an exemplary model for further regional endeavours addressing climate mobility. Its comprehensive approach, informed by diverse perspectives and supported by robust collaboration among Pacific nations and key partners, sets a high standard for addressing the need for regional cooperation in terms of climate mobility. By prioritising the rights and wellbeing of affected individuals, preserving cultural identities, and fostering regional cooperation, the framework offers valuable insights and strategies applicable to other regions grappling with similar challenges. Its success underscores the importance of inclusive, participatory processes and collective action in developing effective responses to climate-induced human mobility. All this ultimately, whether explicit or not, resonates with the fundamental principles of a HRBA (participation, cultural identity, and self-determination). Though this framework is recent and has not yet seen any consequential results, it marks an important step in defining distinctly climate mobility-framed regional frameworks.

Brazil Declaration

The Brazil Declaration¹³⁴ was an agreement among 28 countries and three territories in Latin America and the Caribbean, developed with support from UNHCR, to “strengthen the

international protection of refugees, displaced and stateless persons” in the region, building on the Cartagena Declaration of 1984, and adopted on the latter’s 30th anniversary. The declaration is significant for “recognize¹³⁵ the challenges posed by climate change and natural disasters, as well as by the displacement of persons across borders that these phenomena may cause in the region” and calling for further research on this issue. It also takes a HRBA throughout most of the document. It urges for the participation of refugees in composing repatriation programmes, calls for dignified treatment of refugees in accordance with human rights and, promotes “the adoption of comprehensive public policies and their inclusion in national development plans that address the needs of refugees.”¹³⁶

A study commissioned to support the implementation of the associated Brazil Plan of Action found that “the response by these regions [LAC] to disaster displacement is among the most highly developed of any part of the world. Particularly in the field of immigration law and policy, there are numerous positive examples of national and regional approaches by States that recognise and respond to some part of these dynamics.”¹³⁷ It nevertheless recommended a more concerted regional response, as well as development of more precise and targeted national measures.¹³⁸

The decade since the adoption of the Brazil Declaration has seen positive developments in these regards. For example, several additional countries in the region have addressed cross-border movement in the context of climate change and disasters through their respective migration legislation, creating entry visas or stay permits, generally under the humanitarian category, for persons displaced due to disasters.¹³⁹ The Inter-American Commission on Human Rights (IACHR) recently adopted two important resolutions: Resolution 04/19 (in 2019) on Inter-American Principles on the Human Rights of all Migrants, Refugees, Stateless Persons and Victims of Human Trafficking, which recognizes that “migration movements require differentiated and individualized forms of protection that cater to people at all stages of international displacement, including persons migrating for humanitarian, economic, or environmental reason”; and in 2021, Resolution 03/21 on Climate Emergency: Scope of Inter-American Human Rights Obligations, which called on states to guarantee the human rights – such as protection against non-refoulement – of persons who move for reasons directly or indirectly associated with climate change, pending determination of their status.¹⁴⁰

Kampala Convention

The Kampala Convention focuses internal displacement in Africa but provides a remarkable HRBA useful for other cross-border climate displacement frameworks. The convention is also legally binding and establishes responsibilities for state parties. The convention begins with the definition of internally displaced people as:

“... persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”¹⁴¹

Though disasters do not encompass climate-related reasons for displacement, it is a start, and levels climate with conflict and violence. Article 4 states that human rights must be maintained throughout climate adaptation and mitigation measures as it calls for the creation of:

"early warning systems, in the context of the continental early warning system, in areas of potential displacement, establish and implement disaster risk reduction strategies, emergency and disaster preparedness and management measures and, where necessary, provide immediate protection and assistance to internally displaced persons . . . "

Article 5 states that not only are convention signees obliged to provide humanitarian assistance for those displaced by natural or human-made disasters, but that members must cooperate in this process.¹⁴²

All in all, the Kampala Convention takes on an explicitly HRBA, and could be exemplary for an ASEAN and SAARC regional climate migration network. Especially due to shared river systems such as the Mekong River, a regional framework similar but more daring than the Kampala Convention could be essential towards protecting the environment, protecting climate migrants and avoiding further climate displacement. This could be taken as an advocacy front for ACT Alliance.

PART B: ACT ALLIANCE INTERVIEW-BASED RESEARCH

VIII. Case studies

This part of the report evaluates the outcomes of interviews conducted with project officers overseeing five distinct climate resilience and adaptation initiatives affiliated with ACT Alliance. The analysis encompasses various dimensions:

- Project summary
- Research and information collection
- HRBA and human rights strengthened by the projects
- Advocacy
- Participation and inclusion
- Adaptation methods

In examining these projects, it was observed that, despite variations in the explicit adoption of a formal HRBA, all projects consistently prioritised advocacy, participation, and inclusion. The convergence of results and priorities with HRBA principles, even in projects without a formal adoption, forms a key aspect of this discussion.

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A recurrent theme across all projects is the pressing need for a robust advocacy component, especially at governmental and potentially regional levels. This observation aligns with the collective advice to ACT Alliance to strengthen its advocacy efforts. The findings of each project aim to provide nuanced insights into the diversity, challenges, and successes embedded in climate resilience and adaptation initiatives within the ACT Alliance. A full overview of the commonalities, differences and learning points will be summarized after the findings of each interview are presented.

This part of the report serves as a pragmatic resource, offering a comprehensive analysis to guide strategic decision-making for ACT Alliance and relevant stakeholders.

i. Church World Service: DREAM 1 and 2, Indonesia

Project summary

DREAM was first implemented in Tana Toraja in South Sulawesi between July 2017 and June 2020, while DREAM 2 was active at Palu in Central Sulawesi, Indonesia, from July 2020 through June 2023. Generally, both projects worked towards building the adaptive and resilience capacity of vulnerable and affected communities while reducing risks continuously exacerbated by climate change. Implemented by the Church World Service (CWS), the projects were seen as complementing local government and local community work by adding adaptation components and enhancing a community-based approach and capabilities.

The support of civil society organisations (CSO) and enhancing their advocacy capabilities was an important dimension to both DREAM projects. This support worked by strengthening democratic forum and exchange possibilities while enhancing the technological abilities of communities to assess and analyse their vulnerabilities and capacities, and to develop new livelihood strategies such as climate-adaptive agriculture and women's savings groups.

This project was implemented with local organisations because CWS, an international organisation, did not have the specific knowledge and social diligence for each region. The local organisations ran the projects day to day, and there were several coordination meetings with the local government (details further in this document).

Target population

DREAM 1 was implemented in South Sulawesi, and though like DREAM 2, it revolved around slightly different climate challenges. Landslides were a major issue specific to South Sulawesi. Particularly important is that DREAM 1 spanned an earthquake in Sulawesi. The government's focus on rehabilitation called for DREAM's focus on increasing resilience.

The area where DREAM 2 was implemented was often affected by floods and earthquakes. The area could be regarded as dangerous to live in; however, the CWS treated the decision to live there as a choice, and adaptation was then made of choices that enhance resilience rather than migration and resettlement.

The target populations were the most vulnerable and affected communities, which were determined to be women, farmers, families, and disabled people. In this way the target population was diverse. The population of Sulawesi is generally Indigenous to the island, hence an extra focus on Indigenous peoples was not necessary.

Research methods

The DREAM projects saw a distinct focus on collecting qualitative data. These were accumulated through the trifecta of interview, observation, and description. Interestingly, and this shall be repeated in the section focused on participation, the community was trained to partake as interviewers throughout this research process. For this the Participatory Rural Appraisal (PRA) method was used.

The last ten years of environmental history relating to disasters and impact was also collected. This information was then related to and discussed with the local community to provide the social experience of these events. Another type of data is specifically about people with disabilities. Since the government has its own information for people with disabilities, the CWS did further research and linked its information with that of government, complementing and building on its work.

The focus of the research and way in which it was conducted follows the principles of a Human Rights Based Approach to climate adaptation, as it focuses on identifying and gathering information about vulnerable members of the community as well as pursuing highly

participatory methods. However, the interviewees did not mention human rights or HRBA in their description of these methods.

Human rights

The CWS does not explicitly use human rights terminology. However, the project officers made clear that they try to address all aspects of human rights throughout their projects. This follows naturally from their needs and foci; it does not follow from an explicit HRBA. They also emphasised that Indonesia does not have pressing human rights violation issues and that this could be a reason for a lack of discussion regarding human rights. Ultimately, the officers' conclusion regarding HRBA was "Is it needed? No, it is not needed. The action is more important than the jargon itself." One officer emphasised, however, that HRBA is more relevant when it comes to projects that include migration and resettlement. All officers were knowledgeable on several international conventions and the HRBA itself, but their work was led by priorities as opposed to more theoretical or academic frameworks.

During a monitoring visit in 2022, an officer noted that "there was one person with disabilities that made me realise that social stigma and genuine understanding of different disabilities is important. We need to make sure the spectrum of disabilities is covered to enhance social access and combat the lack of engagement with multi-stakeholders." She argued that these projects can fulfil the **rights of people with disabilities** particularly in terms of participation, decision-making and autonomy.

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In general, the DREAM projects end up enhancing many rights at once. Most important, the support of livelihoods, economic freedom, and right to participation are thoroughly strengthened. In addition, the resilience and DRR strategies contributed to the protection of rights vis-a-vis future risks and dangers to housing, nourishment and safety. In this sense the right to shelter and food was also protected and strengthened by these projects.

Participation

Participation of vulnerable communities was not just seen as important when it came to adaptation strategising but was regarded as a tool to enhance adaptation itself. As mentioned earlier, a PRA method (originally developed by international development academia in the 1990s) was implemented in the early stages of the DREAM projects for precisely this reason. PRA can include metrics such as "participatory mapping and modelling, transect walks, matrix scoring, well-being grouping and ranking, seasonal calendars, institutional diagramming, trend and change analysis, and analytical diagramming, all undertaken by local people."¹⁴³ The PRA approach certainly aligns with the principles of a HRBA.

The DREAM projects focused on facilitated and strengthening the participation and decision-making process. To this end they supervised the local level biweekly Disaster Forum. These forums entailed discussions among groups of women, farmers, and other vulnerable society members to monitor the development of adaptation strategies, pertinent environmental issues, and DRR management. The CWS does not influence these discussions nor the results, but rather supports the forum in the implementation or advocacy of their communal decisions. The

meetings are managed and run by the groups themselves, i.e., women or farmers. An example was the large-scale planting of trees along riverbanks to enhance resilience capabilities, an idea and strategy that had been developed by the forum. CWS was needed, however, in order to consult on how funding and legal permission for this project could be achieved. The part of this project in which CWS is most actively involved is probably the advocacy of these projects and representation of these groups towards district governments.

Another specific group whose participation is supported by the DREAM project is the youth. As an officer explained, “In the last year of the implementation, we had DRR in classes in school for children while the youth are also involved in the different groups we had, like women's and agriculture groups... We also had a partnership with the local university so the students could work and learn with the farmers and women's groups and people with disabilities because we knew the university was important and identified it as a relevant stakeholder and partner.” The officer explained that in Indonesia there are highly prevalent Kara Karuna (youth groups) that were consistently involved in the organisation of DRR meetings and were involved in the disaster forums.

One officer pointed out that when talking about a rights-based approach it is useful to mention that one of these projects was implemented during the COVID-19 pandemic, “so we tried our best to strategise the implementation of the project to adapt to the pandemic to try and fulfil the needs created by the pandemic.” To this end they organised online meetings and promoted strategies that were able to conform to the distinct situation.

Advocacy and Disaster Risk Reduction

Strengthening the advocacy capabilities of the local communities and advocating on their behalf was a pivotal component to the DREAM projects. A huge focus of this advocacy was arguing in favour of DRR budgets on a district level, to be distributed on a local level. Project officers explained that the government focused on rehabilitation and emergency response but had a small budget dedicated to risk prevention and reduction. In their direct words:

“The advocacy is based around what should be paid attention to and making it a subject of discussion – for example DRR budgets – and while the budget is still not there, we put the discussion forward in the government. The government, for example, does not support the local level DRR, and we can advocate that this needs to be incorporated.”

Advocacy was also deployed towards gaining support for specific projects. For example, in the agricultural sector, collaboration with the government was necessary to strategise for large-scale issues and projects such as areas of land being covered by sand and overall infertility of land due to climate change and disaster. On the other hand, CWS advocacy was also necessary to support women in their goal of running big businesses and running large-scale entrepreneurship. For local matters the structures within the community were strengthened.

However, for such large-scale projects CWS directly advocated to more district level institutions. As one officer said, “we do not fund the activities on the village level, but they have their own systems for these discussions and measures. If they need support from CWS we jump in and

help them make plans happen.” This was the case when they were advocating for Paraja’s village disaster response plan, which was developed by the villagers but advocated by CWS.

Adaptation and resilience

The components of promoting adaptation were varied and plentiful. As an officer explained,

“There are many components that contribute to climate change adaptation, particularly in the rural and affected areas. Before we started our project, we did climate vulnerability and adaptation capability assessment, and we saw there are many components that affect this: differing for women, farmers and people with disabilities. From what we could see, they had some strength in terms of knowledge but limited information to disaster reduction and access to information, which is why information was one of the important components. To strengthen the capacities of the local community, especially of vulnerable people, and the self-management of the locals to think, propose and decide on interventions was a priority... In principle, all our work is complementing the government of Indonesia’s work. All our projects are based on a community-based approach, so we adjust our activities as per need assessment and we design the projects based on community needs and wants.”

To this end, the DREAM did not create adaptation projects but rather strengthened the infrastructure for locals to create and implement such projects. This participatory focus on strengthening capabilities resonates with a HRBA, however it was made clear that HRBA principles were never a focus or priority of the project officers.

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ii. YAKKUM/IDEAKSI: CLIP

Summary

Project Duration: April 2020 to March 2025.

The Community-Led Innovation Partnership Program (CLIP) is a project supported by Elrha, Start Network, and the Asia Disaster Reduction and Response Network (ADRRN) that is carried out in different countries such as the Philippines and Guatemala. It is funded by the United Kingdom’s Foreign, Commonwealth and Development Office (FCDO). This project aims to increase accessibility, accountability, and inclusion of people with disabilities and older people in disaster management (preparedness, risk reduction, and emergency response) through supported community-led innovation.

Another goal is to involve minorities in crisis management. And there is a gender dimension to all projects, focusing on:

- Understanding grassroots women’s perspectives on the long-term impacts of climate change and experiences on the losses and damages, through surveys and local dialogues (research project in collaboration with the Huairou Commission and the International Institute for Environment and Development/IIED)

- Identifying structural barriers to gender-equitable approaches in project development and implementation with a focus on climate financing, through interviews with Gender and Climate Focal Points in Indonesia (research project in collaboration with Women Engage for a Common Future).

In implementing this activity, YAKKUM Emergency Unit launched IDEAKSI (ide inovasi aksi inklusi/idea innovation action inclusion) to seek and support inclusive innovation ideas in disaster management and climate change adaptation while considering the problems faced by persons with disabilities, older people, and other at-risk groups. Actively considering local knowledge and wisdom, the project's activities and innovations are based in community-led and -owned mechanisms, financial support, ongoing mentorship, training, and tools on innovation methods, scalability, and business development support to solutions, multi-stakeholder, and partnership support, evidence generation and sharing of learning, and access to networks of community innovators. Ultimately, the project focuses on a community-oriented interplay of identifying which climate issues and disaster-related needs are most pertinent to various vulnerable groups, and what innovations these groups can offer to tackle these issues.

Implementation

The IDEAKSI 1 in the period of March 2021 to March 2023 has been completed, with these activities having been followed through:

Exploration

- Consultation with representatives of local communities in disaster-prone areas with a thorough discussion of the 12 hazards to Yogyakarta identified by the Yogyakarta Resilience study.
- Scoping study, in collaboration with a consultant partner, to provide an overview of the humanitarian system in Indonesia including policy, structure, coordination mechanism, and resources in addressing humanitarian needs. Additional assessment of the inclusivity approach that has been applied in the humanitarian system in Indonesia hitherto.

Discovery

- Build collaboration with a mentoring innovation hub for YEU, a local innovation advisor, technical reviewers, and an inclusion advisor.
- Call for applications from local innovators and the idea selection process.
- Series of innovation webinars and workshops on IDEAKSI and community research.

Development

- Selection of local innovators for development stages and provision of innovation grants.
- Monitoring and mentoring of the local innovators.
- Selection of local innovators for the growth phase.

Growth

- Support grants for four local innovators.
- Marketing the innovations.
- Dissemination of learnings.
- Relevant mentoring and capacity-building.

The first IDEAKSI cohort, from 2021 to March 2023, had supported grants for nine local innovators, four of whom were supported by grants into the growth phase. All nine received relevant capacity-strengthening and mentoring support in both development and growth stages. Currently YEU is running the second IDEAKSI cohort, from May 2023 to March 2025, in similar stages as the first cohort. IDEAKSI cohort 2 has a total of 28 local innovations, of whom 11 are also supported by CWS Indonesia.

For this project the priority social groups are women and female farmers, people with disabilities, youth, seniors, male farmers, and people affected by disaster in their area. The prevalent disasters are volcanic eruptions and floods.

Research

The officer interviewed said primary information was primarily collected through a roadshow that went from village to village, talking to communities that the local government identified as prone to disasters. “This roadshow compiles the first data we gather on which we can base further steps of the projects.” During this roadshow “we are specifically gathering data revolving around the disasters they are facing and who is the most affected – we gather them and talk to them to see what is needed and what they are missing and how they are affected.”

Due to the large presence of Indigenous societies in these areas, “keeping traditional knowledge is a priority of the project. When they need scientific support, we can offer that to validate their work.” In this way Indigenous knowledge is incorporated alongside the traditional data gathered by the project officers.

Human rights application and outcomes

The project officer interviewed explained that though they did not follow an exact HRBA, the humanitarian code of ethics was a prevalent framework for their work, which was also passed on to the communities they worked with through workshops and classes. They also closely adhered to the Sphere standards in humanitarian aid and the Sendai Framework. The latter is particularly relevant to emergency response work conducted by the project. The frameworks YEU followed were always passed on to the communities that worked with these projects, a knowledge transfer that the interviewee accentuated.

In this sense a HRBA is being followed. As the officer explained, ensuring human rights is part and parcel of following humanitarian ethic codes and the Sendai framework, so in this sense it protected and implemented the realisation of human rights.

In terms of HRBA, the officer explained that the non-discrimination principle was prevalent. She said YEU focuses on women, disabled people, and other vulnerable groups, as their rights are most endangered during emergencies. The emergency response then ensured rights such as access to shelter and water.

This attitude permeated different aspects of their project. “We also implement the support of reasonable accommodation. We make sure everything is accessible, (including a) sign language interpreter, caretaker and other support measures for women and (the) elderly, for example, with nursery/caregiver support systems so that truly everyone can participate in the knowledge distribution and classes.”

Though the officer did not say that YEU or CLIP follows a HRBA, the strategies show a close alignment with the principles of a HRBA. Overall, if several global frameworks such as Sphere and Sendai are followed, this almost always results in protection and implementation of human rights. In this sense, analysing for HRBA goes hand in hand with identifying the frameworks underlying project strategy.

Participation

The project places a high priority on the inclusion of vulnerable groups, ensuring their representation and active involvement in decision-making. Monetary tools are utilized to increase their capacities, and engagement in local and regional events and workshops further augments their skills. Following workshops and training, participants become ambassadors of the knowledge gained, effectively disseminating information within their communities. The project's "Roadshow" emphasises inclusivity by providing a platform for individuals to discuss climate change issues and disasters affecting them directly. The community's collective decision-making is evident in the ideas submitted, which are determined through consensus and support from the local government.

The CLIP project also promotes gender inclusivity by placing women in crisis management roles and officially establishing an innovation group for disabled individuals, enabling them to access government funds. The emphasis on local solutions and design ensures full ownership by the community, fostering sustainability. Communities submit multiple concept maps, allowing them to prioritize projects based on their specific needs, as demonstrated by a case in which food security took precedence over other projects due to the local communities expressing this as their priority. The project also empowers young groups, exemplified by a team focused on tree planting, who are elevated to the status of innovators and given the opportunity to share their insights at conferences such as a recent presentation by such a group in Bangkok.

In terms of decision-making related to reparations, environmental restoration, or justice initiatives, the CLIP project highlights the importance of supporting local solutions. By demonstrating that local communities possess valuable knowledge, the project generates evidence to advocate for their initiatives. The project actively engages with civil society organisations to build their capacities, enabling them to access more funding and contribute to an enabling environment. As put simply by the officer, “When we have solutions from the communities, but no one supports it, the enabling environment becomes really important” so that they can access more funding and realise their solutions.

Particularly in land and resource management, the project works collaboratively with local communities to preserve the land, ensuring knowledge transfer about disaster risk reduction (DRR). Overall, the CLIP project in Indonesia adopts a participatory and inclusive approach, empowering communities and individuals to actively contribute to and lead environmental initiatives. The project officer put it in these words: “By supporting local solutions, local design, they have full ownership of their projects, so they do not depend on us, and that makes it sustainable. Their idea, their execution – they face the challenges they know best.”

Advocacy and Disaster Risk Reduction

The project actively advocates for shelter accessibility, particularly highlighting the challenges faced by people with disabilities, who encounter difficulties accessing shelters during disasters. Collaborating with local emergency response actors, the CLIP project strives to influence disability access policies. Local teams are instrumental in gathering data to support this advocacy, ensuring that evidence-based solutions contribute to meaningful changes in infrastructure and systems. Additionally, the project extends its advocacy efforts to water management, emphasizing the importance of water access in the face of disaster and climate change. All the advocacy revolves around promoting and implementing a more inclusive DRR from a higher governmental level, with the aim of reducing the consequences of disasters.

Collaboration with the provincial disaster management agencies and the support received from the Emergency Response (ER) branch of ACT Alliance have been instrumental in effecting positive change in Indonesia. The project collaborates within ACT Alliance's community of practice groups, using case studies and evidence to strengthen collective advocacy. While acknowledging the positive impact, there is recognition that further strengthening of collective and partnered advocacy is essential for more impactful initiatives at a regional level.

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Adaptation and resilience

The adaptation measures and innovations produced by the local innovators were effective; one was given an award by the government as a local leader last year.

Not all innovations depend on technology as a major system. What contributed to resilience was a volunteer system that focused on identifying signs of upcoming flood and natural disasters. This innovation depended solely on community involvement and knowledge transfer.

Throughout all the projects Indigenous knowledge was highly important. “The Indigenous people are the locals here, so they have the ancient wisdom and superstitions, like protecting trees and not being able to cut trees to make them angry. Our local groups are maintaining these ideas and wisdoms.”

Overall, all the procedures related to innovations above contributed and are still enhancing the adaptation and resilience capabilities of the regions within which IDEAKSI was and is active. As the process resonates with HRBA, it is able to contribute to adaptation levels as knowledge and discussion is promoted, which happens even prior to implementation of the innovations. To innovate, the issues need to be identified, and locals need to discuss and learn from one another, which is a major step towards enhancing resilience.

iii. GIZ: GRAPE, Nepal

Project summary

The Green Resilient Agricultural Productive Ecosystems project, initiated in March 2023 with funding from GIZ (German Development Cooperation), aims to promote climate resilience and smart agricultural techniques through knowledge-focused and free schools. The project targets 525 farmers and 21 schools catering to these farmers. Activities include learning sessions, testing and control of commodities, establishing Climate Free Schools (CFS), using pesticides and bio-testing, introducing vaccines, and promoting micro-irrigation.

The project addresses the impact of climate change on agriculture and livelihoods in areas prone to natural disasters, particularly plains and hilly mountains, with landslides and forest fires being the main concerns. While not specifically an emergency response project, it concentrates on enhancing agricultural practices for resilience.

The primary focus is on farmers, particularly rural farmers, with special attention given to vulnerable groups such as Dalit communities, single women, and disabled individuals. Although not exclusively youth-oriented, the project involves young farmers. Additionally, it incorporates a component for engaging young people in scholarships, writing about the project, creating compelling news content, and developing the project's website. The project places a strong emphasis on gender sensitivity, with a particular focus on supporting women in agriculture.

The officer interviewed spoke on behalf of the Rupantar project, which worked in collaboration with the GRAPE project.

Research

Rupantar was focused on creating climate groups, so it gathered new and existing qualitative data about the dynamics between different social groups, and made farmer groups based on these assessments. These assessments involved field visits, consultations and value chain analysis. In this way the most vulnerable people in society and their relationships to one another could be identified.

Human rights application and outcomes

The interviewed project does not explicitly reference the use of international human rights standards. However, it actively adopts a RBA in the development of projects, emphasizing the inclusion of all stakeholders, particularly the 'rights-holders' or beneficiaries. The RBA process begins during project development, involving dialogue and understanding of the rights-holders' perspectives and needs. This inclusive approach follows participatory and non-discriminatory guidelines. Specifically, interventions are tailored to strengthen the livelihoods of the beneficiaries, with a special focus on women and their unique needs.

The project maintains an ongoing engagement with the beneficiaries through biannual feedback sessions and complaint mechanisms, ensuring a continuous dialogue to understand

and address their concerns. Furthermore, the project aims to capacitate the beneficiaries, enhancing their understanding of their rights and fostering active participation in project activities. By incorporating these participatory elements and rights-focused interventions, the project contributes to the enhancement of human rights, particularly by empowering the 'rights-holders' to actively participate in decisions that affect their livelihoods. Through lawn strategies as well as gender and disabled accessibility, specific rights are ensured and furthered.

Participation and advocacy

The project engages in policy-making and advocacy through the development of advocacy plans, not only formulating its own advocacy initiatives but also supporting rights-holders in creating their plans and organizing advocacy events at the local government level. These events are initiated by farmers to draw attention to their livelihood challenges, technological needs, and the importance of funding for climate-resilient practices. By involving the local community in advocating for their rights, the project empowers farmers to articulate their needs and concerns effectively.

The priorities of the advocacy efforts in the given context focus on highlighting the needs of the farming community, including essential technologies and financial support for climate-resilient practices. These priorities are informed by the direct input and perspectives of the rights-holders or beneficiaries. The advocacy initiatives are driven by the grassroots community, ensuring that the priorities align closely with the actual needs and concerns of those directly affected by the project. This participatory approach is crucial and consistent throughout the advocacy dimension.

The officer added that only recently “did the government itself start a loss-and-damage claim platform. But the funds are low and they do not do a lot, so we focus more on resilience.” The implementation of the projects is regularly monitored and evaluated by field staff. They ensure and are responsible for smooth development.

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iv. Christian Commission for Development in Bangladesh: PCRCB, Bangladesh

Project summary

The Promoting Climate Resilient Community in Bangladesh (PCRCB) project, led by the Christian Commission for Development in Bangladesh (CCDB), has been under way since 2012 and is currently in its second phase. Operating across five districts, the initiative covers 6271 households and focuses on both coastal and drought-prone areas. The project aims to establish centres that act as hubs for community members to access resources related to adaptive measures, including water management and information dissemination. This approach, termed local adaptation, emphasizes community autonomy in planning and resource mobilization.

During its tenure, the project has successfully set up approximately 14 Climate Resilience Centres, strategically interconnecting communities with climate-resilient livelihoods. A notable

component is the establishment of the Climate Knowledge Hub in South Asia, intended as a resource for climate education and capacity enhancement. The project includes the production of organic fertilizer, with the centres playing a role in market identification and distribution. Additionally, the initiative involves managing cyclone shelters during disasters, serving as a resource for affected populations. The PCRCB project, while addressing climate challenges, emphasises decentralised solutions and community connectivity within the region.

Research

The research component of this project involves the use of assessment tools and on-site gathering of information to establish comprehensive data on living conditions, challenges, and human rights violations experienced by diverse populations. The tools are designed to capture information on various aspects, including livelihoods, road conditions, water access, and other essential details for each of the over 6000 households involved in the project. This extensive data collection encompasses economic aspects such as income and expenditure, as well as details about the housing structure and sheltering systems during disasters. The focus extends to examining vulnerabilities in specific sectors, such as water accessibility during dry periods. The households are categorised into three risk levels – high, medium, and low – to assess their vulnerabilities.

Furthermore, the project conducts an annual review, scoring and analysing the categorized households to track changes in their conditions over time. This iterative process helps evaluate the effectiveness of interventions and identify areas that require further attention. The research methodology involves direct engagement with each household, utilizing Management Information Systems (MIS), and requiring project personnel to be physically present in the households to activate global positioning (GPS) activation during data collection. This meticulous approach ensures a nuanced understanding of the living conditions and challenges faced by the diverse populations targeted by the project.

Human rights application and outcomes

Regarding a human rights framework, the officer explained that “We focus more on freedoms than on any specific right. We focus on the opinion and self-directing of the locals in what they do. We are not really guided by any specific human rights standards.” In this sense, if the locals are not actively using a HRBA, then the officers do not either.

The focus on participation and local autonomy as well as livelihoods in terms of water access, nutrition, and shelter are all basic principles that align with a HRBA. The words are not used but the strategies at hand enhance human rights, prevent the future violation of human rights and align with the principles of a HRBA.

Participation

The participation element of the project is at the forefront of priorities and is systematically ensured through a representative selection process. In the climate assessment phase, medium- and high-risk households are identified, and as Community-Based Organisations (CBOs) are formed, a structured system allows women to determine their representatives

within the executive groups. These representatives span various professional groups, including farmers and Indigenous people, fostering diverse and inclusive decision-making bodies.

The establishment of centres is a key element in facilitating direct participation, in which every household becomes a member of the CBO. The executive body comprises representatives from different demographics, including women, youth, elders, and Indigenous communities. Together, they collaboratively develop a village plan, gathering information from various parts of the community during annual meetings, where plans are presented, discussed, and refined. This participatory approach ensures that the support provided aligns with the identified needs. While recognizing the limitation of project scope, the local community is empowered to develop its plans. For instance, where there is insufficient water the community members decide through their own deliberations who the most vulnerable individuals are. This participatory model probably empowers the local population to actively shape and govern the development and implementation of plans tailored to their specific needs and circumstances.

Adaptation and resilience

The adaptation and resilience component of the interviewed project highlights its evolution from an initial focus on climate-vulnerable populations to a more inclusive approach, specifically incorporating Indigenous communities. Recognizing the social underprivilege of Indigenous people and the rise of less laborious mango gardening, the project addresses the challenge of job displacement for Indigenous labourers. Long-term drought has led landowners to convert their land into mango gardening, reducing the need for Indigenous labour. To address this, the project promotes agriforest practices, ensuring sustainability and exploring better irrigation methods for labour-intensive crops, aiming to create job opportunities for Indigenous groups.

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The support and protection efforts are adapted to address the specific vulnerabilities of different groups, including women, girls, children, people with disabilities, the elderly, and Indigenous people. In cyclone shelters, separate facilities are provided for women and disabled people to ensure inclusivity during disasters. Measures are taken to prioritise elderly people and children, moving them to safe spaces before potential disasters.

With 70 percent of beneficiaries being women, efforts are made to involve them in economic activities, represent them in Community-Based Organisations, and ensure their representation in local governments. The project also addresses traditional gender roles, such as women collecting water, by implementing sustainable water solutions, including pressure water points, rainwater harvesting, and water desalination plants. Community participation is crucial in the maintenance and administration of these systems, with a focus on women running these operations.

Examples of improved project effectiveness through community participation underscore the importance of building community capabilities for long-term project sustainability. The officer pointed out that in contrast to some NGOs that may focus on short-term solutions, this project recognizes the necessity of community engagement to ensure the projects can run independently and effectively.

Reparation and advocacy

The loss and damage reparation component of the interviewed project involved several strategies to ensure affected communities and individuals contributed to decision-making related to reparations, environmental restoration, and justice initiatives. The project conducted research on loss and damage, with plans to present findings at COP 28 in Dubai, leveraging lessons learned for advocacy at the local government level. In collaboration with farming households, the project initiated the Agriculture Production Scheme, in which farmers deposited a small amount of their crops with a Community-Based Organisation (CBO). The CBO sold these crops when market prices were high, providing financial support to farmers in case of crop destruction due to climate-related events.

The Agriculture Production Scheme, driven by farmers within the CBO, acted as a collective strategy to mitigate the impact of climate-related vulnerabilities. While there have been no recent extreme events, farmers continue to deposit their products, strengthening the CBO and providing a safety net for farmers in the event of future crop losses. This approach empowers affected communities to actively participate in decision-making related to reparations and financial support, offering a self-sustaining mechanism.

Regarding groups displaced by climate adaptation programs, the project acknowledges the difficulty of providing new housing to those who lose their homes. Instead, the focus is on enhancing the capabilities of the community-based organisation to engage in advocacy efforts. The aim is to empower the CBO to advocate for government support in addressing the financial and social security needs of displaced groups.

v. Lutheran World Foundation Myanmar: Rights-Based Empowerment Project, Myanmar

Project summary

The Rights-Based Empowerment Project, implemented by the Myanmar Lutheran World Foundation from 2022 to 2024, operates in Southeast Asia with a central and distinct focus on a Human Rights-Based Approach. The project emphasises three key thematic areas: livelihood, social protection, and social cohesion. Grounded in international frameworks such as the Universal Declaration of Human Rights, Sustainable Development Goals (SDGs), Child Protection, and Women's Rights, the initiative seeks to bridge the gap between communities and the government.

Field reports indicate the project's positive impact, engaging approximately 30 partner farmers and influencing more than 250 farmers, who are actively applying acquired knowledge. However, due to unstable conditions in the project area, some farmers have migrated to other locations, affecting the overall number of practising farmers. The project's climate-smart practices include the adoption of short life-span paddy seedlings and changes in crop varieties for sesame and paddy cultivations to better adapt to climate change.

An integral part of the initiative is the Human Rights-Based Approach, with a focus on self-reliance groups (SRGs). These groups, comprising farmer groups, women's groups, child groups, and parents' associations, play a crucial role in fostering community resilience. In Rakhine state, despite challenges from conflict, the farmer group within the SRG has demonstrated resilience. Some community members, however, have sought livelihood opportunities in Thailand due to the prevailing conflicts.

Through advocacy efforts and facilitated farmer markets, the project aims to empower community members, positioning them as rights-holders in society. The overall objective is not only to address immediate challenges but also to establish a foundation for sustainable and resilient communities with a strong emphasis on human rights principles.

Research methods

Baseline data collection

Immediately following the cyclone, the project initiated baseline data collection for and from the affected communities. This included information on the number of people, children, and their ages. The data collection process is participatory, involving the community directly. Working closely with the Department of Disaster Management, the project identifies specific areas where intervention is required.

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Needs assessment and community involvement

The second stage involves living with the community, engaging in open dialogue, and asking essential questions about needs and deficiencies. This participatory approach is facilitated by Self-Reliance Groups (SRGs), enabling them to articulate their needs effectively. From the gathered information, a development plan is formulated in collaboration with the community.

Risk and resource assessment

The project also conducts a comprehensive risk and resource assessment in each specific village. This involves identifying potential risks and vulnerabilities, as well as recognizing the strengths and resources within the community. This dual perspective allows for a more nuanced understanding of the challenges faced by the community and the potential avenues for sustainable development.

Human rights application and outcomes

International human rights standards

The project aligns its decisions and actions with international human rights standards. Key frameworks guiding the project include Universal Human Rights (UHR), Child Protection, Sustainable Development Goals (SDGs), and Women's Rights. These standards serve as the foundation for the project's commitment to promoting and safeguarding human rights.

Strengthening human rights awareness

One significant aspect of the project is the empowerment of individuals to understand their basic rights. The community is provided with pamphlets and information about their rights, enabling them to assert their entitlements. This gradual process empowers individuals to claim their rights, such as the right to free education, the right to vote, and the right to voice complaints when their rights are not met. Simultaneously, the project engages in advocacy efforts with the government to actualise these rights and build the capacities of the community.

Group-specific support

Within the community, different groups have unique advantages and challenges. Disabled individuals, irrespective of their specific challenges, are collectively included in the disabled group, demonstrating an inclusive approach. The project follows the priorities set by the Lutheran World Federation to involve the most vulnerable people in decision-making, even if they are youth. This ensures that all members of the community, regardless of their status, have agency in shaping the efforts of the project.

Empowering women and marginalised groups

The project actively contributes to strengthening the capacities of women and other marginalised groups. Under LWF Myanmar, several projects embrace a Human Rights-Based Approach. Women are empowered to generate income and gain control over their budgets, challenging historical male dominance. The project fosters principles of equality, enabling women to take leadership roles in families, local government, and community decision-making. Education, both mental and physical, is facilitated to empower women to manage their homes, educate their children, and participate in broader decision-making.

Participation and inclusion

Encouraging involvement of vulnerable groups

Through the implementation of the Lutheran World Federation initiatives, a platform is established within each Self-Reliance Group to include the most vulnerable members. This approach not only encourages the participation of physically vulnerable or economically disadvantaged individuals but also builds a platform for them to practise decision-making and public speaking, fostering confidence and a sense of empowerment within the community.

Consultation and consent

Robust feedback mechanisms, including consent and complaint processes, are in place. Communities can express their satisfaction through thank-you letters or raise concerns and grievances through complaint letters, with a designated complaint response officer

ensuring fair and unbiased resolution. This approach aligns with LWF Myanmar's zero-tolerance policy for abuse of power and corruption. Transparency is maintained by informing communities about these mechanisms, establishing a trust-based relationship and fostering a culture of accountability.

Integration of cultural perspectives

The project recognizes the importance of cultural heritage in shaping the identity, pride, and sense of belonging among Indigenous and marginalised communities. To protect traditions and cultural identity, the project integrates perspectives on cultural heritage. Building a trust relationship is foundational to this process. The development organisations, positioning themselves as non-profit entities, engage in open communication, explaining their visions and missions to the community. Through this transparent dialogue, mutual understanding is established, enabling collaborative efforts. The project acknowledges the significance of learning from the community's cultural insights and traditions, fostering a relationship built on trust and collaboration.

Advocacy

The main thrust of advocacy efforts revolves around ensuring that Self-Reliance Groups can sustainably claim their rights, recognizing the project's finite duration in Myanmar. Given the weakness of government departments in addressing the concerns of marginalised and Indigenous people, advocacy prioritises strengthening the capacity of SRGs to assert their rights independently. Access to healthcare is identified as a fragile aspect, prompting concurrent efforts to train health givers and inform communities about their right to health. Overcoming the prevalent fear of government departments is a crucial advocacy focus, enabling individuals to stand up against perceived injustices.

The primary advocacy target is the Indigenous population in Rakkei, encompassing various ethnic tribes residing in rural areas. These communities, often challenging to reach, form the focal point of the Lutheran World Federation Myanmar's work. The advocacy aims to empower these Indigenous communities, recognizing their vulnerability and addressing the unique challenges they face, particularly during the difficult rainy seasons and in remote areas accessible only by motorbike or foot.

ACT Alliance and advocacy

ACT Alliance's presence could further enhance and strengthen advocacy efforts by positively influencing policy-making at the regional level. While the Alliance already provides substantial support, there's a potential for increased collaboration in navigating complex advocacy landscapes. One way to strengthen the impact of ACT Alliance is through installing community practices that develop resilience and human capital in a sustainable manner. This involves consistent and focused work in tandem with the communities.

Government engagement

Acknowledging the challenges of advocacy in the current context, the project sees an opportunity for the ACT Alliance to assist by engaging with government counterparts. This involves facilitating dialogue, addressing systemic issues, and advocating for policies that better serve the needs of marginalised and Indigenous communities. By leveraging the ACT Alliance's existing support and engaging in strategic conversations with government entities, the advocacy agenda can be furthered and strengthened.

Adaptation and resilience

Budget

Rather than providing the budget directly to the community, the project establishes a Village Development Committee comprising all Self-Reliance Groups (SRGs). Democratically elected members, including a chairman and leader, represent each group in the committee. This committee is responsible for all implementations and works closely with various organisations. After assessing the budget, the committee develops a detailed proposal, presenting it to LWF Myanmar. This proposal outlines the community's contributions and the assistance required, fostering a sense of ownership and responsibility.

Funding

The budget allocation follows a staged approach, with communities receiving 25 percent in the first stage. The success of this initial implementation determines whether the funds are increased to 50 percent, ensuring a gradual and sustainable release of financial resources. This staged process encourages effective utilization and allows for adaptations based on the success and challenges encountered during implementation.

Community participation

The project's bottom-up implementation system has led to notable improvements in project effectiveness through increased community participation. Empowering individuals to own and design their budgets actively engages communities in decision-making. The linkage between villages, the nurturing of relationships to township and union levels, and the establishment of institutional and political strength contribute to the overall resilience of the communities.

Examples of enhanced effectiveness through community participation include initiatives like chai club meetings for students. These meetings involve assigned roles such as presenting, chairing, and minute-taking, fostering leadership skills and collaboration. Similarly, women's groups have dedicated spaces to meet, exchange experiences, discuss challenges, and leverage their collective strengths.

IX. Findings and recommendations summary

The projects under discussion significantly contribute to the enhancement of various human rights, with a particular emphasis on the right to food, water, shelter, and a healthy environment. These fundamental rights are systematically addressed through the implementation of diverse initiatives aimed at ensuring the wellbeing and security of community members. By prioritising these rights, the projects not only align with broader human rights principles but also directly address the essential needs of the individuals and communities they serve.

A distinctive hallmark of these projects lies in their resolute commitment to community-based decision-making, information-sharing, and local autonomy in advocacy and adaptation strategies. This commitment is operationalised through a deliberate and participatory approach, involving communal assemblies, consultations, participatory risk assessments, workshops, and the establishment of climate adaptation centres. Through these mechanisms, the projects empower communities to actively engage in shaping decisions that directly affect their lives, fostering a sense of ownership and agency. The consistent identification and prioritisation of vulnerable members within society underscore a dedication to inclusivity and social equity.

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The projects adopt a gender-specific approach, ensuring the unique needs and voices of women are considered, while recognizing and incorporating the perspectives and knowledge of Indigenous communities, and vulnerable groups where applicable. Many projects also had a highly effective and sophisticated research period that used many assessment tools to identify the most vulnerable members of society in the face of a variety of climate challenges. This nuanced framework reinforces the projects' effectiveness in addressing the multifaceted dimensions of livelihoods, human rights, and community wellbeing.

Finally, all projects had a significant advocacy component whereby the decisions and needs claimed by the region in question were presented and advocated to local governments. An officer mentioned that the unique position of ACT Alliance could be used to aid larger advocacy processes, particularly on national and regional policy levels. This is significant advice, particularly as many of the Asia Pacific countries are rapidly writing up new policies to tackle climate change and Disaster Risk Management.

Several projects did not focus on human rights as guiding principles, nor adhere to a HRBA. In some cases, this idea was waved aside as academic jargon. Ultimately, although they ended up aligning with many of these principles and enhancing human rights, their priorities were led by the needs of the local and vulnerable communities and/or the decisions and statements made by these communities. Of course, it would be helpful to provide information and sources related to Human Rights documents, including treaties, frameworks, and reports, though there might be a slight dissonance between these documents and the need to meet dire issues in the context of these projects. However, it could be particularly useful in informing the advocacy and legal knowledge of these organisations. As they are active in supporting the advocacy and representation of vulnerable society members, it would be effective for these aspects of their work to be informed by a HRBA. As shown in our report, this can be an effective legal angle to

litigate and succeed in court, particularly when facing larger corporations and entities. It also would strive to augment the legal knowledge and capacities of organisations and the affected population to pursue justice.

X. Other successful regional HRBA initiatives

Aside from interviewing and researching ACT Alliance-affiliated projects, this report sought successful projects that implemented RBA in the Asia Pacific region. To this end, the recent discussion paper by Swedbio and Soka Gakkai International was of great use and is a recommended resource to anyone wishing to delve further into questions of biodiversity.

KESAN Case Study, Kawthoolei, Myanmar¹⁴⁴

Kawthoolei

Kawthoolei is the homeland of Indigenous Karen people, a population historically oppressed by Myanmar's past and current military's regimes. Climate change is increasing threats to the Indigenous Karen communities, causing disruptions. Investment projects without free, prior, informed consent (FPIC) – such as mining, roads, and mega-dams – have threatened the environmental integrity of these territories.

Kaw Thay Ghu

Kaw Thay Ghu is a group of 13 Indigenous Sgaw Karen villages inhabited by over 2,500 people in the mountains and high valleys of northern Kawthoolei, in Luthaw township, Mutraw District (Hpapun), Karen State.

In recent years the communities of Kaw Thay Ghu have invigorated their governance systems. “They have established [a] 14,606-acre community forest called Khesthorter, revitalised communally managed customary land (Kaw) fish conservation zones, developed holistic and integrated watershed management, and documented their biodiversity with community-led and women-led research that combines Indigenous wisdom with scientific methods.”

The Karen Environmental and Social Action Network (KESAN) is supporting these developments and the overall empowerment of the Karen communities. For example, to strengthen advocacy for land rights, KESAN has supported using GPS technology to map Karen territories so that these could be communicated to the local Kawthoolei government and allow for a formal Kaw committee to be established.

Overall, KESAN focuses on connecting the local government and communities by advancing grassroots government systems that can advocate and inform policy development.¹⁴⁵ Several policies have been established through precisely this type of advocacy, such as the Kawthoolei Land Policy, the KNU Forest Policy, the KNU Mining Policy, the KNU Development Project Review Policy, and the KNU Agriculture Policy.¹⁴⁶ KESAN can guide Indigenous people and systems to be formalised through local registration, making sure that sacred sites and systems are not overwritten in the process, but rather legally protected.¹⁴⁷

Throughout these processes KESAN actively deploys HRBA principles, “recognising Indigenous Karen communities as both rights-holders and agents of their own development” while deploying a meaningful FPIC process led by the Karen communities. In their words effective participation and a free and informed consent procedure “considers not just “what” is proposed but also the “how,” “when,” and “by whom””.¹⁴⁸ This approach can be generalised for every climate adaptation project and stands as an exemplary RBA based initiative.

Nusantara Fund: Case Study, Indonesia

This case study exemplifies the collection of resource and finance mobilisation to support locally led action. It showcases a dimension of RBA that is less discussed or implemented throughout RBA work. Based on the research conducted for this report, fund mobilisation for vulnerable groups, when advanced with HRBA principles, can have positive outcomes that lie at the core of HRBA values, as power dynamics skewed against vulnerable groups can be fundamentally altered through financial empowerment. In this case, Swedbio argues that decision-making power was able to shift in favour of the local level as local priorities could be implemented independently without the need for extensive and exhaustive advocacy.

Background

Launched 8th of May 2023 to support initiatives led by Indigenous peoples and local communities to manage land and avoid forest degradation. Managed by:

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- WALHI, the Indonesian Forum for the Environment/FoE Indonesia, the country's largest environmental group
- AMAN, an organisation representing 20 million Indonesians and 2,449 communities
- KPA, Consortium for Agrarian Reform – Indonesia's largest agrarian reform movement/people-based organisation

Starting fund of USD 3 million from international philanthropies. Main missions of the funds include to:

- Implement reliable and direct financial support for locally led initiatives.
- Empower resources of individuals within the local communities.
- Strengthen the collective socio-economic strength of Indigenous peoples in Indonesia.

The fund is now able to provide local communities with direct funding for their initiatives and is guided by fundamentally RBA principles such as:

- A “people-based” principle, prioritising women, youth, and communities in areas experiencing emergencies and a lack of support.
- “Diversity and equality by upholding the customary system of cultural diversity and local rules, ensuring access for benefits sharing for all.”¹⁴⁹
- Respect for human rights by ensuring orientation towards the protection, promotion, and fulfilment of the basic freedoms and the human rights contained in international human rights treaties, both as individuals and as a group.

- “Agrarian sovereignty by making sure that planning and implementation of activities must ensure the full ownership and control of agrarian resources by Indigenous Peoples and local communities.”¹⁵⁰

In overseeing the newly established fund, appointed representatives from the three organisations will form an advisory board alongside respected members of Indigenous and local communities. The selection of projects to receive funding is meant to be influenced by a commitment to uphold human rights, all while adhering to customary norms. The successful execution of this initiative hinges on trust, recognizing the high integrity and first-hand field experience of Indigenous peoples and local communities. A knowledge of this fund and how it functions can be directly useful for ACT Alliance projects in Indonesia.

The Indigenous Navigator

The Indigenous Navigator is a comprehensive framework and toolkit crafted by and for Indigenous peoples, designed to methodically track the acknowledgment and enforcement of their rights. The tool provides access to high-quality data, used for monitoring human rights and sustainable development across various scales: local, national, regional, and international. Through these tools, Indigenous communities can autonomously generate precise data about their circumstances, fostering a heightened consciousness about their rights while concurrently enhancing their understanding and visibility.

The initiative is active in: Bangladesh, Cambodia, Nepal, Philippines, Bolivia, Colombia, Peru, Suriname, Cameroon, Kenya, Tanzania, Japan, Brazil, Argentina, Finland, Norway, and Sweden.

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The tools included in the Indigenous Navigator are:

- A database and matrix that show how the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) articles link to other international human rights and labour standard instruments, making it possible to track provisions of the UNDRIP to these instruments.
- Two comprehensive questionnaires converting indicators into questions that Indigenous communities can use to can use to amass human rights related information and data, both on a quantitative and qualitative scale.
- Indigenous Navigator Index: “serves to rank countries’ performance with regard to recognizing and implementing Indigenous Peoples’ rights.”¹⁵¹
- Indicators framework: can measure aspects of the SDGs and commitments made during the 2014 World Conference on Indigenous Peoples (WCIP). The indicators also allow for the detection of gaps in implementation, exercising accountability and strategising further implementation.

XI. Action entry points

The human rights legal framework provides criteria for guiding negotiations and decision-making in climate change policy.¹⁵² Active and informed participation, particularly from disadvantaged or vulnerable groups, not only offers crucial inputs to decision-making but also

contributes to the legitimacy and sustainability of outcomes. Employing ex ante human rights impact assessments within environmental assessments can aid decision-makers in identifying potential winners and losers, aligning with the "do no harm" principle. Regardless of the specific outcomes, the human rights legal framework emphasises the need for effective and accessible redress mechanisms to compensate individuals whose human rights may have been overlooked or traded off during negotiations or policy-making.¹⁵³

Advocacy for binding regional migration frameworks within ASEAN and SAARC is paramount in shaping a robust climate adaptation strategy. Based on the project interviews, this type of regional-level advocacy would be welcomed by ACT Alliance. These frameworks, integral to addressing climate-displaced individuals, should be anchored in a human rights-based approach, prioritising consent and informed resettlement as well as climate-displaced protection. By actively promoting the participation and wellbeing of affected communities, these regional organisations can ensure that climate adaptation measures go beyond mere relocation and truly safeguard the livelihoods of those impacted. Consensual and informed resettlement practices not only respect the inherent dignity of individuals but also foster sustainable and resilient communities. Supporting this approach, ACT could help position ASEAN and SAARC as leaders in climate adaptation and would underscore their commitment to human rights principles in the face of environmental challenges.

Alternative institutional frameworks are emerging from resistance movements, based on community organisation and structure. Grassroots initiatives and community movements play a crucial role in raising awareness, advocating for change, and denouncing injustices in these conflicts. For instance, conflicts over water involve not only disputes over territory and resources but also challenge the social, political, cultural, and spiritual implications of how space is organised. These conflicts question traditional notions of democracy, citizenship, and development. To understand these conflicts, it is important to listen to the voices and perspectives that emerge from the affected territories, and to incorporate suppressed and marginalised knowledge, drawing on "epistemologies of the South."¹⁵⁴ In practice, this is being followed by the ACT Alliance projects interviewed, and should be a norm across all projects in the Asia Pacific area. It has also shown success across several surveyed projects.

Women, who bear the brunt of violations of the right to water, play a crucial role in resisting and fighting against extractive projects. Their active involvement in these initiatives, rooted in diverse experiences and strong community bonds, has brought visibility to their own demands and crafted new narratives about the care of life and the environment, particularly in contexts dominated by patriarchy. In addition to leading opposition and condemnation of corporate projects, women play a vital role in the management and protection of water resources in territories. In recent examples, women have played pivotal roles in community resilience. In the aftermath of Typhoon Haiyan in the Philippines in 2013, women took lead roles in rebuilding efforts, showcasing their resilience and resourcefulness. During the COVID-19 pandemic, women throughout Asia Pacific have been at the forefront of local responses, demonstrating the significance of their roles in crisis management, which should be reflected throughout projects and institutions. Despite their valuable contributions, women face discrimination and significant challenges fighting against an unsustainable development model and patriarchy.¹⁵⁵ As mentioned earlier, the projects surveyed all supported women to take on decision-making

and management roles for climate adaptation and disaster risk reduction (DRR) planning. This is exemplary for a successful HRBA to climate adaptation.

Different forms of resistance represent a reclaiming of living spaces and social territories, redefining democracy and fostering collective and diverse alternatives to protect communities and common goods. These processes involve the construction of new political identities and participation methods. Community organisation, often based on self-management and collective responses, showcases alternative practices that address social needs beyond the limitations of legal, state, or market frameworks.¹⁵⁶ In that sense, the principle of participation is fundamental to human rights, representing both a key principle and a distinct human right. From a human rights perspective, the significance of participation extends to both the process and the outcome, which can yield positive outcomes in climate actions.¹⁵⁷ This is the most developed and consistent feature across all projects that were part of this report. Particularly the establishment of self-reliance groups and village councils seems to be an effective means of supporting participation in the political and local sphere.

Likewise, effective education and information campaigns are essential for communities to implement preventive measures and reduce their vulnerability to disease vectors. It is also a valid argument that states should seek assistance from the international community to address the spread of diseases. The increase in periods of drought and rainfall, coupled with more frequent extreme weather events and ecosystem changes, contributes to the expansion of vector habitats. Consequently, diseases spread, posing a threat to health and life, with individuals from low-resource areas facing the highest risk.¹⁵⁸ The project officers interviewed did not give an insight into the specific teachings but mentioned this as an important component of their work. It is important that ACT Alliance works across projects to establish the best possible methods of disseminating this type of information.

Critical insights into climate-related vulnerabilities necessitate region-specific analyses to identify the most at-risk subpopulations. Unfortunately, most existing studies on temperature and mortality have primarily concentrated on high-income countries or included only a limited number of cities in the Global South. Hence, the Asia Pacific region urgently requires a heightened focus on formal research from a rights-based perspective, as currently there is a notable deficiency in understanding vulnerable livelihoods in areas already being devastated by climate change, particularly when these livelihoods are not specifically affected by disaster. Prioritising comprehensive research in these contexts is vital as it unravels the nuanced challenges faced by marginalised communities and a better scientific understanding of their environment. Such research allows for the identification of specific needs and adaptive capacities, enabling the formulation of targeted policies that respect fundamental rights and address social inequalities. By bridging this knowledge gap, informed rights-based climate adaptation strategies can be developed that account for future changes in climate.

To address this shortfall, there is an urgent need for comprehensive regional analyses that can inform targeted policies, emergency response plans, and climate adaptation strategies tailored to the specific challenges faced by diverse communities worldwide.¹⁵⁹ Thus, enhanced risk management capacity should prioritise sustained collection of quality data, analysis, and policy formulation. Active research, especially testing and evaluating adaptation measures, is crucial

for supporting adaptive responses and policies.¹⁶⁰ ACT Alliance is in a unique position to push the boundaries of this area of research due to a distributed and supra-national access and understanding of local communities. This avenue can without doubt be pursued further and would position ACT Alliance as an important pioneer in this area.

Effective responses to the cascading effects of crises necessitate transdisciplinary collaborations and the active involvement of local communities in tailoring adaptation and mitigation efforts. Interdisciplinary research, particularly in the context of climate change, holds potential for ensuring that vulnerable populations actively participate in shaping national adaptation responses and upholding socio-economic rights obligations. This approach contributes to the qualitative dimension of equity in sharing international burdens and enhances transparency and performance monitoring in donor activities, contingent on the evolving nature of positive extra-territorial human rights obligations under international law.¹⁶¹

Equally important is transversality within and between institutions. Effectively addressing the humanitarian challenge posed by climate change necessitates collaboration across organisational boundaries. Combining development, disaster risk reduction, preparedness, and response activities is essential to tackle the multifaceted nature and scale of the threat. To achieve this, building effective working relationships with actors beyond the conventional realm of disaster management is crucial. Engaging with academia, civil society, and the private sector is essential for a comprehensive response. The nature of these relationships may vary based on the context, and in many instances, humanitarian actors will play a supporting role rather than taking the lead.¹⁶² This was important in the Indonesian context and is something worth being aware of for the chapter of ACT Alliance that is involved with those projects.

When it comes to humanitarian settings, there is a pressing need for enhanced political solutions and a paradigm shift in approach, focusing particularly on the implementation of anticipatory action. Anticipatory action, employed by the United Nations and its partners, involves short-term interventions based on early hazard warnings to alleviate the most severe consequences of emergencies. This strategy aims to soften the impact of crises, reduce suffering, and maximise the long-term benefits of funding. The Food and Agriculture Organization (FAO) has compiled data indicating the effectiveness of anticipatory action, showing that pre-crisis investments led to improved food security in countries like Sudan and Mongolia. Notably, investments grew to seven times the original value, mitigating the risk of famine amid escalating climate change and conflict. The potential for even stronger outcomes exists with the additional implementation of the climate charter, championed by the United States Agency for International Development (USAID).¹⁶³ The project officers largely explained that these anticipatory measures were not championed in their region and that they felt the need to make up for this through their own projects. This is worth noting for ACT Alliance, as it shows a forward-looking project management approach that could be expanded across ACT Alliance's network.

Literature indicates that enhancing household resilience in humanitarian settings may be more effectively achieved through the sustained provision of essential welfare services (e.g., health, social protection, and education) rather than income-based approaches. Moreover, the emphasis on processes over outcomes is crucial, with community-driven initiatives fostering

relationships and resilience being pivotal.¹⁶⁴ Recognizing the significance of anticipatory and preparedness measures, particularly those incorporating a gender lens, is underscored to strengthen community resilience against future shocks, aligning human rights and humanitarian action with broader global climate adaptation endeavours.¹⁶⁵ This is useful information for any HRBA project design.

In essence, while there isn't a universal guide for human rights, the key elements suggested by McInerney-Lankford et al. (2011) encompass various crucial aspects in conducting a human rights impact assessment:

- a. explicitly integrating internationally recognized human rights as the assessment's subject;
- b. identifying indicators consistent with relevant international human rights standards;
- c. concentrating on marginalised individuals and responsible actors, going beyond state entities, to assess the impact on human rights enjoyment and obligation fulfilment;
- d. aiming to enhance the capacities of relevant national stakeholders, referred to as rights-holders and duty-bearers in human rights terminology;
- e. ensuring the assessment process aligns with "good process" principles, both as a general policy and in adherence to established principles in international human rights law applicable to the concerned country; and
- f. seeking the involvement of human rights mechanisms and actors, such as national human rights institutions, to the extent possible, considering their mandated functions and capacities.¹⁶⁶

i. Policy and legal reform integration

The following segment aims to inform ACT Alliance advocacy across the board, from local to regional governance. It is mainly informed by the literature review and the needs flagged by project officers across the survey. As mentioned previously, results have shown that ACT Alliance can take an important role in strengthening the advocacy efforts of individual projects and organisations, as well as stepping in on a regional level. The following paragraphs denote socio-legal avenues that can inform and support precisely this advocacy.

For states to appropriately address climate change, environmental degradation, and natural disasters as drivers of migration, it is key to ensure that state responses to these factors do not impede the human rights of migrants and their families.

Several recommendations not explicitly mentioned yet in this regard could promote good HRBA action:

- Complementary protection mechanisms and temporary or flexible stay arrangements for those affected by climate related displacement.
- Increasing the availability and flexibility of regular pathways for migration, including for people compelled to move by disasters, the adverse effects of climate change and environmental degradation.¹⁶⁷
- Incorporating human rights due diligence in climate change response, environmental conservation, including ecosystem rehabilitation, and protection and facilitating access to environmental education through awareness programmes.

- Centring needs and rights of migrants in decision-making by fostering effective public participation mechanisms.
- Accentuating the need to safeguard the rights of environmental human rights defenders, including women, Indigenous individuals, and child environmental defenders.¹⁶⁸

States parties to international conventions like the International Convention on the Elimination of all Forms of Discrimination Against Women, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Rights of the Child, and the International Convention on the Rights of Persons with Disabilities, have explicit obligations, including extra-territorial responsibilities, to uphold, safeguard, and fulfil all human rights. Failure to implement measures preventing foreseeable human rights harm caused by climate change or to regulate activities contributing to such harm may be deemed a violation of a state's human rights obligations.¹⁶⁹

It is imperative for states to regulate private actors, holding them accountable for both domestic and extraterritorial harm they generate. States should cease providing financial incentives or investments in activities and infrastructure misaligned with low greenhouse gas emissions pathways, irrespective of whether undertaken by public or private entities. In the process of reducing emissions and adapting to climate impacts, states must address all forms of discrimination and inequality. This includes promoting substantive gender equality, safeguarding the rights of Indigenous peoples and persons with disabilities, and prioritising the best interests of children.¹⁷⁰

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Courts are increasingly turning their attention to climate litigation, with notable cases such as the Nigerian Gas Flaring Case, in which the High Court of Nigeria ruled that gas flaring in the Niger Delta violated constitutional rights. Tort and administrative law cases have also had national-level impacts, such as the U.S. Supreme Court recognizing carbon dioxide as an air pollutant, leading to regulations concerning automobile emissions. Australia and Germany have seen rulings connecting planning decisions to climate impacts, and there are ongoing legal battles, such as the lawsuit in the United States against oil companies by Inuit peoples in Alaska.¹⁷¹

Likewise, environmental tribunals in Latin America have been actively involved in shaping norms for environmental protection, further solidifying the constitutional right to a healthy environment. This has allowed plaintiffs to invoke this right to safeguard specific ecosystems, such as the Amazon, by arguing that the degradation of these ecosystems contributes to climate change. The prevalence of the right to a healthy environment in domestic constitutions, the level of acceptance and prioritisation of international law within domestic legal systems, and the availability of amparos or constitutional injunctions play significant roles in creating opportunities for environmental protection.¹⁷²

Public hearings of the Inter-American Commission on Human Rights have witnessed the expansion of collective action and the formation of regional networks, ethnic organisations, citizen groups, and NGOs working in coordination with local organisations over the past two

decades. These groups present cases demanding that states take responsibility for protecting their rights. Through participation in local environmental democracy, the interconnection between human rights and the protection of ecosystems has been established, ensuring the preservation of nature's goods and services for present and future generations. The capabilities resulting from collective action have led to institutional transformations throughout the region.¹⁷³

However, while legal accountability mechanisms are the focus, administrative mechanisms, particularly Environmental Impact Assessments (EIAs), play a crucial role. EIAs, informed by human rights concerns, align with international law principles and can be viewed as an application of the "do no harm" rule. Integrating human rights considerations into responses to climate change through EIAs draws from existing experiences, such as the IFC Guide to Human Rights Impact Assessment and the UNFCCC's Compendium of Methods and Tools. These resources offer established frameworks, eliminating the need for a technical or methodological reinvention.¹⁷⁴

The increasing emphasis on individual rights in water issues, for example, detached from collective community water rights and obligations, challenges traditional water cultures rooted in agricultural rituals. This trend towards individualisation weakens the communal organizing of water, replacing it with structures responding to state law and private rights. There's a danger of decontextualising and depoliticising local rules and rights, reducing their perceived suitability, relevance, and fairness in specific cases, while freezing or fossilizing customary rights by incorporating them into static state law in which local principles lose their functionality and capacity for renewal.¹⁷⁵ Formalisation may also subject local rights frameworks to expert-dominated redefinition or assimilation, leading to marginalisation when legally recognized.¹⁷⁶ For this reason, it is imperative to incorporate collective rights through formal policies that grant autonomy. Instead of passively accepting formalisation programmes, communities may strategically embrace, selectively modify, or advocate for legal acknowledgment of increased autonomy to facilitate their independent management.

Since progress in addressing climate change relies significantly on active private sector engagement, involving business leaders, investors, financial institutions, and corporations is of fundamental importance. For instance, the private sector plays a crucial role across the four pillars of the 2007 Bali Action Plan, namely mitigation, adaptation, financing, and technology transfer. Industries like fossil fuels, agribusiness, forestry, and manufacturing have faced criticism for environmental and social impacts, emphasising fossil fuels over renewable energy.¹⁷⁷

In this line, the Special Representative of the UN Secretary-General on Business and Human Rights, John Ruggie, has proposed a policy framework for transnational corporations (TNCs), asserting their responsibility to respect international human rights laws. States, in turn, have a duty to protect human rights by establishing regulatory regimes addressing TNCs' human rights obligations and to remedy any violations. This framework, endorsed by the United Nations Human Rights Council, is being applied at the national level in several countries. Although the Special Representative has not extensively explored the links between human rights and climate change, further clarification on business human rights responsibilities can help

establish normative and operational connections between these two domains. Emphasising due diligence obligations associated with the responsibility to respect provides a practical entry point with existing practice and methodology development. Another avenue for consideration is practical accountability mechanisms, including judicial or administrative remedies, whereby existing experiences within TNCs and business entities can offer valuable insights.

Governments, as per Article 6 of the UNFCCC, have pledged to educate, empower, and engage all stakeholders to enhance understanding of the challenges and solutions related to climate change. Education holds transformative power, reinforcing other principles and fostering a deeper awareness of human rights and climate justice within cultures. Achieving climate stabilisation requires radical lifestyle and behavioural changes, and education can equip future generations with the necessary skills and knowledge. Effective environmental education, whether in formal institutions or through public and virtual activities, can increase awareness of climate change at scientific, sociological, and political levels. Recognizing climate change in justice terms is a lifelong commitment that extends beyond schools and universities.¹⁷⁸

To navigate away from the current climate injustice scenario and move towards a more equitable future, often termed climate justice, it's essential to examine the ethical implications of climate change. This involves scrutinising the role of those who benefit materially from overconsumption and colonial legacies, both of which contribute to the current state of climate injustice.¹⁷⁹ Justice in the context of climate change extends to various dimensions, encompassing relationships among present individuals (intragenerational), justice among states (international), among people from different states (global), and between community members or citizens (communitarian or nationalist). The concept of intersectional justice considers the interplay of multiple social identities (e.g., gender, race, age, class, and health) that underlie inequality, vulnerability, and the ability to respond. Scholars have highlighted intersectional injustice, exemplified by higher pollution levels in poor and black neighbourhoods.¹⁸⁰

In addressing harm, denied access, or procedural shortcomings, justice principles can guide the response to wrongs. These justice options may take retributive forms, where the wrongdoer is punished (e.g., substantial fines for water pollution), corrective forms, where the wrongdoer must reduce harm and compensate, if possible (e.g., reducing emissions and compensating for negative impacts from greenhouse gas emissions), or restorative forms, where the wrongdoer contributes to problem-solving through reconciliation (e.g., a mutual reconciliation process without explicit compensation). These principles have been extensively discussed in climate and biodiversity scholarship, negotiations, and court cases. Climate justice, for instance, can be approached through principles such as equal per capita responsibility, responsibility for cumulative or current harm, or reparations and compensation for historical responsibility.¹⁸¹

XII. Bibliography

Anschell, N., A. Salamanca, V. Bernard, and S. Aryani. (2022). Human Rights in the Process of National Adaptation Planning: Insights from a Review of Submitted NAPs. Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Jakarta, Indonesia.

ASEAN. Human Rights Declaration. (2012). <https://asean.org/asean-human-rights-declaration/> — State of Climate Change Report. (2021). Institute for Global Environmental Strategies.

Atapattu, Sumudu. Human Rights Approaches to Climate Change: Challenges and Opportunities. London: Routledge, 2015. <https://doi.org/10.4324/9781315849683>.

Auz, Juan. "Human Rights-Based Climate Litigation: A Latin American Cartography." SSRN Scholarly Paper. Rochester, NY, February 17, 2022.

Baxter, Louisa, Catherine R. McGowan, Sandra Smiley, Liliana Palacios, Carol Devine, and Cristian Casademont. "The Relationship between Climate Change, Health, and the Humanitarian Response." *The Lancet* 400, no. 10363 (November 5, 2022): 1561–63. [https://doi.org/10.1016/S0140-6736\(22\)01991-2](https://doi.org/10.1016/S0140-6736(22)01991-2).

Callison, Candis. *How Climate Change Comes to Matter: The Communal Life of Facts. Experimental Futures: Technological Lives, Scientific Arts, Anthropological Voices.* Durham, NC: Duke University Press, 2014.

Cambodia Climate Change Strategic Plan 2014-2023, National Climate Change Committee, Royal Government of Cambodia, 2013

Chinkin, Christine, and Keina Yoshida. "Women's Human Rights and Climate Change: State Obligations and Standards." SSRN Scholarly Paper. Rochester, NY, July 16, 2020.

Dawson, G., and R. Laut. (2022). *Humans on the Move: Integrating an Adaptive Approach with a Rights-based Approach to Climate Change Mobility.* Brill Nijhoff.

EUVP Alumni. (2021, July 26). "Establishment of a South Asian Human Rights Mechanism" | <https://visitors-programme.europa.eu/alumni/story/establishment-south-asian-human-rights-mechanism#:~:text=Key%20instruments%20and%20initiatives%20of,Social%20Charter%2C%202004>

FitzGerald, E. (2022). "Nowhere to Go: A Regional Human Rights-Based Approach to Climate Displacee Protection in Southeast Asia." *Washington International Law Journal*.

Gasparri, G. (2021). "Children, Adolescents, and Youth Pioneering a Human Rights-Based Approach to Climate Change." *Health and Human Rights Journal*.

Gupta, Joyeeta, Diana Liverman, Klaudia Prodani, Paulina Aldunce, Xuemei Bai, Wendy Broadgate, Daniel Ciobanu, et al. "Earth System Justice Needed to Identify and Live within Earth System Boundaries." *Nature Sustainability* 6, no. 6 (June 2023): 630–38. <https://doi.org/10.1038/s41893-023-01064-1>.

Greenpeace Southeast Asia (Philippines) et al v Chevron (USA) et al [2016] Republic of the Philippines Commission on Human Rights Petition requesting for investigation of the responsibility of the Carbon Majors for human rights violations or threats of climate change

Hagen, I., C. Huggel, L. Ramajo, N. Chacón, J. P. Ometto, J. C. Postigo, and E. J. Castellanos. "Climate Change-Related Risks and Adaptation Potential in Central and South America during the 21st Century." *Environmental Research Letters* 17, no. 3 (February 24, 2022): 033002. <https://doi.org/10.1088/1748-9326/ac5271>.

Heede, Richard. "Carbon Majors: Accounting for Carbon and Methane Emissions 1854-2010 Methods & Results Report." *Climate Mitigation Services*, 2014.

Hincapié, Sandra. "Global Environmental Governance, Human Rights and Socio-State Capacities in Latin America." CIDOB, June 2022. https://www.cidob.org/en/articulos/revista_cidob_d_afers_internacionals/130/global_environmental_governance_human_rights_and_socio_state_capabilities_in_latin_america.

International Organization for Migration. (2015). "Disaster Risk Reduction and Climate Change Adaptation in IOM's Response to Environmental Migration." <https://publications.iom.int/books/disaster-risk-reduction-and-climate-change-adaptation-ioms-response-environmental-migration>.

IPCC, "AR6 Synthesis Report." Intergovernmental Panel on Climate Change, 2023
Jodoin, S., A. Savaresi, and M. Wewerinke-Singh. (2021). "Rights-based Approaches to Climate Decision-making." *Current Opinion in Environmental Sustainability*, 52, 45–53. <https://doi.org/10.1016/j.cosust.2021.06.004>

Karen Environmental and Social Action Network (KESAN). (n.d.). <https://kesan.asia/>

Keller, H., & Gurash, V. (2023). "Expanding NGOs' Standing: Climate Justice Through Access to the European Court of Human Rights." *Journal of Human Rights and the Environment*, 14(2), 194–218. <https://doi.org/10.4337/jhre.2023.02.04>

Knox Clarke, P. "Climate Change & Humanitarian Action 2021 - World | ReliefWeb." Oxford: ADAPT Initiative., November 29, 2021. <https://reliefweb.int/report/world/climate-change-humanitarian-action-2021>.

Kurtzer, Jacob, Nicolas Jude Larnerd, and Hareem Fatima Abdullah. "The Global Humanitarian Overview 2022: Climate, Gender, and Humanitarian Response," January 27, 2022. <https://www.csis.org/analysis/global-humanitarian-overview-2022-climate-gender-and-humanitarian-response>.

Lenin Raghuvanshi. "AICHR discuss rights-based framework for effective environmental impact assessment". (2019). <https://asean.org/aichr-discuss-rights-based-framework-for-effective-environmental-impact-assessment/>

Mackinnon Webster, Justin Ginnetti, Peter Walker, Daniel Coppard, and Randolph Kent. "The Humanitarian Costs of Climate Change." Feinstein International Center Tufts University, 2008. <https://fic.tufts.edu/publication-item/the-humanitarian-costs-of-climate-change/>.

Mary Robinson Foundation. "Climate Justice | Rights for Action – Putting People at the Centre of Action on Climate Change." Accessed July 20, 2023. <https://www.mrfcj.org/resources/rights-for-action-putting-people-at-the-centre-of-action-on-climate-change/>.

Matsuo, A. (n.d.). Status of Adaptation Planning in the Asia-Pacific. IGES Fact Sheet - Adaptation and Water Area, the Institute for Global Environmental Strategies .

McMillan, R., J. Kocsis, and A. Daniere. (2021). "Rights, Justice and Climate Resilience: Lessons from Fieldwork in Urban Southeast Asia." *Environment and Urbanization*, 34(1), 170–189. <https://doi.org/10.1177/0>

McInerney-Lankford, Siobhan, Mac Darrow, and Lavanya Rajamani. *Human Rights and Climate Change: A Review of the International Legal Dimensions*. World Bank, 2011. <https://doi.org/10.1596/978-0-8213-8720-7.9562478211035644>

Meason, Braden, and Ryan Paterson. "Chikungunya, Climate Change, and Human Rights." *Health and Human Rights* 16, no. 1 (June 14, 2014): 105–12.

Miller, F. (2019a). "Climate-related Displacement in the Asia Pacific: Justice, rights and culture." *Asia Pacific Viewpoint*, 60(2), 111–117. <https://doi.org/10.1111/apv.12243>

Miller, Fiona, and Olivia Dun. "Resettlement and the Environment in Vietnam: Implications for Climate Change Adaptation Planning." *Asia Pacific Viewpoint* 60, no. 2 (July 22, 2019): 132–47. <https://doi.org/10.1111/apv.12228>.

Moe-Lobeda, Cynthia D. "Climate Change as Climate Debt: Forging a Just Future." *Journal of the Society of Christian Ethics* 36, no. 1 (2016): 27–49.

NAP Central. (n.d.). Submitted NAPs from developing country parties. <https://napcentral.org/submitted-naps>

NAP Central. Least Developed Countries Expert Group, National adaptation plans. (n.d.). <https://www4.unfccc.int/sites/NAPC/Pages/national-adaptation-plans.aspx>

NAP-GSP "Regional briefing on National Adaptation Plans: ASIA-PACIFIC IN FOCUS", 2023.

Phillips, S.K., and N. Anschell, (2022). "Building Business, Human Rights and Climate Change Synergies in Southeast Asia: What the Philippines' National Inquiry on Climate Change Could

Mean for ASEAN.” *Journal of Human Rights and the Environment*, 13(1). <https://doi.org/10.4337/jhre.2022.01.10>

Nu CEPAL. “Cambio Climático y Derechos Humanos: Contribuciones Desde y Para América Latina y El Caribe: Observatorio Del Principio 10.” *Cambio climático y derechos humanos: contribuciones desde y para América Latina y el Caribe | Observatorio del Principio 10*. Accessed September 5, 2024. <https://observatoriop10.cepal.org/es/documento/cambio-climatico-derechos-humanos-contribuciones-america-latina-caribe>.

OHCHR. *Applying a human rights-based approach to climate change negotiations, policies and measures*, 2011.

Plan International, AYCC, and Oaktree. (2020). *Children, Young People and Climate Change*.

Prajapati, N. (2023). “Climate Justice and Human Rights in the SAARC Region: Flooring the Route Towards a Sustainable Future.” *Asia Pacific Law & Policy Review*, 9.

Rajan, S. I., and A. Kumar. (2023). “Migration, Development within the SAARC Framework: Towards a Migration Governance Model of the Future.” *IMISCOE Research Series*, 215–226. https://doi.org/10.1007/978-3-031-34194-6_15

Romanello, Marina, Claudia Di Napoli, Paul Drummond, Carole Green, Harry Kennard, Pete Lampard, Daniel Scamman, et al. “The 2022 Report of the Lancet Countdown on Health and Climate Change: Health at the Mercy of Fossil Fuels.” *The Lancet* 400, no. 10363 (November 5, 2022): 1619–54. [https://doi.org/10.1016/S0140-6736\(22\)01540-9](https://doi.org/10.1016/S0140-6736(22)01540-9).

South Asian Association for Regional Cooperation Disaster Management Centre. (2007). *SAARC Comprehensive Framework on Disaster Management*.

— SAARC Human Rights Foundation. (n.d.). <https://saarchumanrights.org/>

Savaresi, A. (2022, August 2). “A First Global Mapping of Rights-Based Climate Litigation Reveals a Need to Explore Just Transition Cases in More Depth.” *Grantham Research Institute on climate change and the environment*. <https://www.lse.ac.uk/granthaminstitute/news/a-first-global-mapping-of-rights-based-climate-litigation-reveals-a-need-to-explore-just-transition-cases-in-more-depth/>

Savaresi, A., & J. Setzer. (2022). “Rights-Based Litigation in the Climate Emergency: Mapping the Landscape and New Knowledge Frontiers.” *Journal of Human Rights and the Environment*, 13(1). <https://doi.org/10.4337/jhre.2022.01.01>

Schäfer, L. (2020). “A Human Rights-based Approach to Climate and Disaster Risk Financing.” *Germanwatch*.

Sulistiwati, L.Y. “Environmental Rights as Human Rights in ASEAN: Why Not?” *FULCRUM* (2023, June 8). <https://fulcrum.sg/environmental-rights-as-human-rights-in-asean-why-not/>
Swangiang, K. “Comparative Review of EIA in the Association of Southeast Asian Nations.”

Environmental Impact Assessment Review, 72 (2018), 33–42. <https://doi.org/10.1016/j.eiar.2018.04.011>

Swedbio, S., and Soka Gakkai International. (2023). “Adopting a Human Rights Based Approach to Biodiversity & Climate Action”. Discussion paper.

Tauli-Corpuz, V., J. Alcorn, A. Molnar, C. Healy, and E. Barrow. (2020). “Cornered by PAS: Adopting Rights-based Approaches to Enable Cost-effective Conservation and Climate Action.” World Development, 130, 104923. <https://doi.org/10.1016/j.worlddev.2020.104923>

Terton, A. (2018). “The Role of the NAP Process in Advancing the Implementation of the Adaptation Goals Under the Paris Agreement.” NAP Global Network Secretariat.

UNDRR, “Framework Marco de Sendai para la Reducción del Riesgo de Desastres 2015-2030.”, 2014.

UN Environment Programme (UNEP). “Key Messages: Human Rights and the Environment.” The Office of the United Nations High Commissioner for Human Rights, 2021. <https://www.unep.org/resources/policy-and-strategy/key-messages-human-rights-and-environment>

UNFCCC, “Non-economic losses in the context of the work programme on loss and damage.” Framework Convention on Climate Change, 2013

Vij, S., E. Moors, B. Ahmad, Md. Arfanuzzaman, S. Bhadwal, R. Biesbroek, G. Gioli, A. Groot, D. Mallick, B. Regmi, B.A. Saeed, S. Ishaq, B. Thapa, S.E. Werners, and P. Wester. (2017). “Climate Adaptation Approaches and Key Policy Characteristics: Cases from South Asia.” Environmental Science & Policy, 78, 58–65. <https://doi.org/10.1016/j.envsci.2017.09.007>

Viveros-Uehara, Thalia. “Health Care in a Changing Climate: A Review of HHR_final_logo_alone. Indd 1 10/19/15 10:53 AM Climate Change Laws and National Adaptation Plans in Latin America.” Health and Human Rights Journal 23, no. 2 (December 2021).

Wallace, Ryan. “New Reasons for Forced Displacement: A Multimodal Discourse Analysis of the Construction of Refugee Identity.” Journalism Practice 16, no. 2–3 (March 16, 2022): 244–61. <https://doi.org/10.1080/17512786.2021.1981153>.

Whyte, Kyle. “Justice Forward: Tribes, Climate Adaptation and Responsibility.” Climatic Change 120 (January 14, 2013). <https://doi.org/10.1007/s10584-013-0743-2>.

Webber, Sophie and Gareth Bryant. “A Missed Opportunity for Climate Transitions.” The University of Sydney. (n.d.). RBA Review. <https://www.sydney.edu.au/sydney-environment-institute/news/2023/05/09/the-rba-review--a-missed-opportunity-for-climate-transitions.html>

Wikimedia Foundation. (2023, December 15). “South Asian Association for Regional Cooperation.” Wikipedia. https://en.wikipedia.org/wiki/South_Asian_Association_for_Regional_Cooperation

Young, Helen, Anna Taylor, Sally-Anne Way, and Jennifer Leaning. "Linking Rights and Standards: The Process of Developing 'Rights-Based' Minimum Standards on Food Security, Nutrition and Food Aid." *Disasters* 28, no. 2 (2004): 142–59. <https://doi.org/10.1111/j.0361-3666.2004.00249.x>.

Zafarullah, H., and A.S. Huque. (2018). "Climate change, Regulatory Policies and Regional Cooperation in South Asia. *Public Administration and Policy*, 21(1), 22–35. <https://doi.org/10.1108/pap-06-2018-001>

ENDNOTES

- 1 UNEP – UN Environment Programme, “Key Messages: Human Rights and the Environment.”
- 2 Comisión Económica para América Latina y el Caribe/Alto Comisionado de las Naciones Unidas para los Derechos Humanos (CEPAL/ACNUDH), “Climate Change and Human Rights.”
- 3 Gasparri et al., “Children, Adolescents, and Youth Pioneering a Human Rights-Based Approach to Climate Change”; CEPAL/ACNUDH, “Climate Change and Human Rights.”
- 4 Baxter et al., “The Relationship Between Climate Change, Health, and the Humanitarian Response.”
- 5 Romanello et al., “The 2022 Report of the Lancet Countdown on Health and Climate Change.”
- 6 Robinson and Shine, “Achieving a Climate Justice Pathway to 1.5 °C.”
- 7 Robinson and Shine.
- 8 Myers et al., “Messiness of Forest Governance.”
- 9 Baxter et al., “The Relationship between Climate Change, Health, and the Humanitarian Response.”
- 10 Auz, “Human Rights-Based Climate Litigation.”
- 11 Hincapié, “Global Environmental Governance, Human Rights and Socio-State Capacities in Latin America”; Domínguez and Luoma, “Decolonising Conservation Policy.”
- 12 Hincapié, “Global Environmental Governance, Human Rights and Socio-State Capacities in Latin America”; Domínguez and Luoma, “Decolonising Conservation Policy”; Davis and Robbins, “Ecologies of the Colonial Present”; Auz, “Human Rights-Based Climate Litigation.”
- 13 “Climate Displacement & Migration in South East Asia - Viet Nam,” ReliefWeb, February 28, 2023, <https://reliefweb.int/report/viet-nam/climate-displacement-migration-south-east-asia>
- 14 Ibid.
- 15 Robinson and Shine, “Achieving a Climate Justice Pathway to 1.5 °C.”
- 16 Atapattu, Human Rights Approaches to Climate Change.
- 17 McInerney-Lankford, Darrow, and Rajamani, Human Rights and Climate Change.
- 18 Callison, How Climate Change Comes to Matter.

19 Callison.

20 Phillips and Anschell, "Building Business, Human Rights and Climate Change Synergies in Southeast Asia: What the Philippines' National Inquiry on Climate Change Could Mean for ASEAN" 250.

21 Rajan and Kumar, "Migration, Development within the SAARC Framework: Towards a Migration Governance Model of the Future."

22 Comisión Económica para América Latina y el Caribe/Alto Comisionado de las Naciones Unidas para los Derechos Humanos (CEPAL/ACNUDH), "Climate Change and Human Rights."

23 Viveros-Uehara, "Health Care in a Changing Climate."

24 Viveros-Uehara.

25 Viveros-Uehara.

26 Comisión Económica para América Latina y el Caribe/Alto Comisionado de las Naciones Unidas para los Derechos Humanos (CEPAL/ACNUDH), "Climate Change and Human Rights."

27 Whyte, "Justice Forward."

80

28 Chinkin and Yoshida, "Women's Human Rights and Climate Change."

29 Chinkin and Yoshida.

30 Whyte, "Justice Forward"; Acuña, "Coloniality and Indigenous Territorial Rights in the Peruvian Amazon."

31 Chinkin and Yoshida, "Women's Human Rights and Climate Change."

32 Auz, "Human Rights-Based Climate Litigation."

33 Chinkin and Yoshida, "Women's Human Rights and Climate Change."

34 Fiona Miller, "Exploring the Consequences of Climate-Related Displacement for Just Resilience in Vietnam."

35 Atapattu, Human Rights Approaches to Climate Change.

36 Viveros-Uehara, "Health Care in a Changing Climate."

37 Viveros-Uehara.

38 Miller, "Climate-related Displacement in the Asia Pacific."

39 FitzGerald and Toth, "Nowhere to Go," p. 220.

40 Ibid.

41 Phillips and Anschell, p.241

42 Ibid.

43 Integrating rights at the UNFCCC - <https://www.ohchr.org/en/climate-change/integrating-human-rights-unfccc>

44 Savaresi and Setzer, "Rights-Based Litigation in the Climate Emergency," 10.

45 Comisión Económica para América Latina y el Caribe/Alto Comisionado de las Naciones Unidas para los Derechos Humanos (CEPAL/ACNUDH).

46 ASEAN Joint Statement on Climate Change to the 26th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC COP26).

47 ASEAN Human Rights Declaration 2012.

48 AIHR Annual Report 2018.

49 Phillips and Anschell, "Building Business, Human Rights and Climate Change Synergies," p.248.

50 ASEAN State of Climate Change Report 2021, p.60-68.

51 "Establishment of a South Asian Human Rights Mechanism" | EUVP Alumni. p.62

52 Prajapati, N. (2023). "Climate Justice and Human Rights in the SAARC Region," 9.

53 "Establishment of a South Asian Human Rights Mechanism" | EUVP Alumni. (2021, July 26).

54 Home. SAARC. (n.d.). <https://saarchumanrights.org/>

55 Phillips and Anschell, p.243.

56 Ibid.

57 Greenpeace Southeast Asia (Philippines) et al v Chevron (USA) et al [2016] Republic of the Philippines Commission on Human Rights Petition requesting for investigation of the responsibility of the Carbon Majors for human rights violations or threats of violations resulting from the impacts of climate change

58 Richard Heede, 'Carbon Majors: Accounting for Carbon and Methane Emissions 1854-2010 - Methods and Results Report' (2014) 5.

59 Phillips and Anschell.

60 Ibid.

61 Anschell, Salamanca, Bernard, and Aryani, (2022). "Human Rights in the Process of National Adaptation Planning.

62 Ibid.

63 Ibid.

64 NAP-GSP "Regional briefing on National Adaptation Plans: ASIA-PACIFIC IN FOCUS" (2023).

65 Ibid.

66 Ibid.

67 Ibid.

68 National Adaptation Plans. <https://www4.unfccc.int/sites/NAPC/Pages/national-adaptation-plans.aspx>

69 This is based on my personal analysis of the NAPs

70 Prajapati.

71 Ibid. p.59

72 Ibid.

73 Ibid.

74 Ibid.

75 "Establishment of a South Asian Human Rights Mechanism" | EUVP Alumni. (2021, July 26). <https://visitors-programme.europa.eu/alumni/story/establishment-south-asian-human-rights-mechanism#:~:text=Key%20instruments%20and%20initiatives%20of,Social%20Charter%2C%202004>

76 Cambodia Climate Change Strategic Plan 2014-2023, National Climate Change Committee, Royal Government of Cambodia

77 NAP-GSP "Regional briefing on National Adaptation Plans: ASIA-PACIFIC IN FOCUS" (2023)

78 Ibid.

79 IPCC, "AR6 Synthesis Report."

80 Executive Committee of the Warsaw International Mechanism for Loss and Damage (WIM ExCom), "Loss and Damage Online Guide | UNFCCC."

81 UNFCCC, "Non-economic losses in the context of the work programme on loss and damage."

82 UNFCCC.

83 IPCC, "AR6 Synthesis Report."

84 UNFCCC, "The Paris Agreement."

85 UNFCCC, "Warsaw International Mechanism for Loss and Damage Associated with Climate Change Impacts | UNFCCC."

86 Toussaint and Martínez Blanco, "A Human Rights-Based Approach to Loss and Damage under the Climate Change Regime."

87 UNFCCC, "About the Santiago Network | UNFCCC."

88 UNDRR, "Framework Marco de Sendai para la Reducción del Riesgo de Desastres 2015-2030."

89 Toussaint and Martínez Blanco, "A Human Rights-Based Approach to Loss and Damage under the Climate Change Regime."

90 Toussaint and Martínez Blanco.

91 Toussaint and Martínez Blanco.

92 Baxter et al.

93 Kurtzer, Larnerd, and Abdullah, "The Global Humanitarian Overview 2022."

94 Mackinnon Webster et al., "The Humanitarian Costs of Climate Change."

95 Knox Clarke, P., "Climate Change & Humanitarian Action 2021 - World | ReliefWeb."

96 International Organization for Migration.

97 Knox Clarke, "Climate Change & Humanitarian Action 2021 - World | ReliefWeb."

98 Knox Clarke.

99 Ibid.

100 Mackinnon Webster et al., "The Humanitarian Costs of Climate Change."

101 Knox Clarke.

102 Knox Clarke.

103 Baxter et al., "The Relationship between Climate Change, Health, and the Humanitarian Response."

104 Tompkins, Lemos, and Boyd, "A Less Disastrous Disaster."

105 Tompkins, Lemos, and Boyd.

106 Knox Clarke, P., "Climate Change & Humanitarian Action 2021 - World | ReliefWeb."

107 Relief Web.

108 Ibid.

109 Ibid.

110 Groundswell Report of World Bank 2021

111 Ibid.

112 Climate-related displacement in the Asia Pacific: Justice, rights and culture - Fiona Miller Sydney 2019

113 Evan M. FitzGerald & Gregory G. Toth, *Nowhere to Go*

114 The 1951 refugee convention. UNHCR. (n.d.). <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention>

115 Ibid.

116 Ibid p. 226

117 International Law Commission, Draft articles on the protection of persons in the event of disasters (2016) https://legal.un.org/ilc/texts/instruments/english/draft_articles/6_3_2016.pdf

118 International Federation of Red Cross and Red Crescent Societies (IFRC), "Position paper on the Draft Articles on the Protection of Persons in the Event of Disasters" (2023) <https://disasterlaw.ifrc.org/node/959>

119 "[D]isaster' means a calamitous event or series of events resulting in widespread loss of life, great human suffering and distress, mass displacement, or large-scale material or environmental damage, thereby seriously disrupting the functioning of society." See Draft Articles, op. cit. at n. 121, Art. 3(a).

120 Elizabeth Ferris, 'Climate Change, Migration, Law and Global Governance', 44 N.C. J. INT'L L. 427 (2019). <https://scholarship.law.unc.edu/ncilj/vol44/iss3/3>

121 Permanent Mission of the Philippines to the United Nations, UN Office for Disaster Risk Reduction, Asian-African Legal Consultative Organization, "20 Years After the Tsunami: Revisiting the International Law Commission's Draft Articles on the Protection of Persons in the Event of Disasters." Concept note for a panel discussion at UNHQ in New York on 17 April 2024. <https://teamup.com/17186452/attachment/01HVHDA4VDRWC0JK0JHX2JZKMD/240417-tsunami.pdf?hash=25789e20b953eee6181496b08390dd9326b8a280ba259b09994bce19898b200b>

122 United Nations, Global Compact for Safe, Orderly and Regular Migration (A/RES/73/195) https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/a_res_73_195.pdf

123 The Nansen Initiative, The Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (2015). https://disasterdisplacement.org/wp-content/uploads/2014/08/EN_Protection_Agenda_Volume_I_low_res.pdf. The Agenda was endorsed by 109 member states in 2015. On its significance for the inclusion of climate change issues in the GCM, see also "Five questions to Prof. Walter Kaelin, Envoy of the Chair, about the Global Compact for Migration" <https://disasterdisplacement.org/perspectives/the-global-compact-for-migration-a-breakthrough-for-disaster-displaced-persons-and-the-beginning-of-a-long-process/>

124 Adapted from Katherine Braun, et. al., Addressing the Protection Gap - Human Mobility and the Climate Crisis in International Frameworks. (2023) Berlin: Bread for the World, ACT Alliance https://www.brot-fuer-die-welt.de/fileadmin/mediapool/downloads/fachpublikationen/analyse/Addressing_the_Protection_Gap.pdf

125 Ibid., 32.

126 United Nations, 'Progress Declaration of the International Migration Review Forum' (A/RES/76/266), at paras 27 and 59, respectively. https://migrationnetwork.un.org/system/files/resources_files/Final-%20IMRF%20Progress%20Declaration-%20English.pdf

127 Daria Mokhnacheva, Implementing the Commitments Related to Addressing Human Mobility in the Context of Disasters, Climate Change and Environmental Degradation: A Baseline Analysis Report Under the Global Compact for Safe, Orderly and Regular Migration. (2022) Geneva, Platform on Disaster Displacement.

128 United Nations, Global Compact on Refugees (A/RES/73/151) <https://www.unhcr.org/us/media/resolution-adopted-general-assembly-17-december-2018>

129 K, Braun (op. cit. n.129), p. 31.

130 See n.133, at para. 8.

131 Teitiota v. New Zealand (advance unedited version), CCPR/C/127/D/2728/2016, UN Human Rights Committee (HRC), 7 January 2020, www.refworld.org/cases,HRC,5e26f7134.html.

132 GCM, op.cit.n. 127, at para. 15.

133 Pacific Regional Framework on Climate Mobility <https://disasterdisplacement.org/wp-content/uploads/2024/05/Pacific-Regional-Framework-on-Climate-Mobility.pdf>

134 Brazil Declaration and Plan of Action (2014) <https://www.refworld.org/legal/resolution/rri/2014/en/102557>

135 Ibid.

136 Ibid.

137 David J. Cantor, *Cross-border Displacement, Climate Change and Disasters: Latin America and the Caribbean* (2018) Geneva: UNHCR and PDD; 69.

138 Ibid., 70-71.

139 UNHCR, *Brazil Plan of Action final Implementation Report 2014-2024* (2023) <https://www.acnur.org/sites/default/files/2023-12/Brazil-Plan-of-Action-final-implementation-report%202014-2024.pdf>; 151-153.

140 Ibid., 154.

141 Kampala Convention 2009 <https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>

142 FitzGerald, E. (2022). *Nowhere to Go: A Regional Human Rights-Based Approach to Climate Displace Protection in Southeast Asia*. *Washington International Law Journal*.

143 Robert Chambers

144 Swedbio, S., & Soka Gakkai International. (2023). "Adopting a human rights-based approach to biodiversity & climate action." Discussion paper.

145 Ibid.

146 Ibid. 17

147 Ibid.

148 Ibid. 18

149 Ibid.

150 Ibid. 12

151 Ibid.

152 This segment is almost identical to the equivalent in our HRBA report about Latin America (adapted to the Asia Pacific situation).

153 McInerney-Lankford, Darrow, and Rajamani, Human Rights and Climate Change.

154 Luis Romero, "Defender el derecho al agua."

155 Luis Romero.

156 Luis Romero, "Defender el derecho al agua."

157 Young et al., "Linking Rights and Standards."

158 Meason and Paterson, "Chikungunya, Climate Change, and Human Rights."

159 Kephart et al., "City-Level Impact of Extreme Temperatures and Mortality in Latin America."

160 Hagen et al., "Climate Change-Related Risks and Adaptation Potential in Central and South America during the 21st Century."

161 McInerney-Lankford, Darrow, and Rajamani, Human Rights and Climate Change.

162 Knox Clarke, P., "Climate Change & Humanitarian Action 2021 - World | ReliefWeb."

163 Mackinnon Webster et al., "The Humanitarian Costs of Climate Change."

164 Knox Clarke, P., "Climate Change & Humanitarian Action 2021 - World | ReliefWeb."

165 Kurtzer, Larnerd, and Abdullah, "The Global Humanitarian Overview 2022."

166 McInerney-Lankford, Darrow, and Rajamani, Human Rights and Climate Change.

167 United Nations Network on Migration, "Guidance Note: Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability". July 2021 https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/guidance_note-_regular_pathways_for_admission_and_stay_for_migrants_in_situations_of_vulnerabilty_final.pdf

168 OHCHR, "Five UN Human Rights Treaty Bodies Issue a Joint Statement on Human Rights and Climate Change."

169 OHCHR.

170 OHCHR.

171 McInerney-Lankford, Darrow, and Rajamani, Human Rights and Climate Change.

172 Auz, "Human Rights-Based Climate Litigation."

173 Hincapié, "Global Environmental Governance, Human Rights and Socio-State Capacities in Latin America."

174 McNerney-Lankford, Darrow, and Rajamani, Human Rights and Climate Change.

175 Boelens and Seemann, "Forced Engagements."

176 Boelens and Seemann.

177 McNerney-Lankford, Darrow, and Rajamani, Human Rights and Climate Change.

178 Mary Robinson Foundation. "Climate Justice | Rights for Action – Putting People at the Centre of Action on Climate Change."

179 Moe-Lobeda, "Climate Change as Climate Debt."

180 Gupta et al., "Earth System Justice Needed to Identify and Live within Earth System Boundaries."

181 Gupta et al.

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