

**Mandate of the Special Rapporteur on the right to development**

**Call for input for the 2024 reports**

**Climate justice: Loss and damage**

**A submission by**

**CARITAS INTERNATIONALIS**

Caritas Internationalis is a global confederation of 162 national organisations and 7 regional offices which respond to humanitarian emergencies, as well as promote integral human development and integral ecology. Addressing the impacts of climate change on the full enjoyment of human rights of the poor is a priority for the confederation.

This submission includes inputs from the Caritas confederation and the two Caritas reports published last year:"[**Displaced by a Changing Climate - Caritas Voices: Protecting and Supporting People on the Move**](https://www.caritas.org/wordpress/wp-content/uploads/2023/10/caritas_climate_displacement.pdf)," and "[**Unheard, Uncharted: A Holistic Vision for Addressing 'Non-economic' Loss and Damage**](https://www.caritas.org/wordpress/wp-content/uploads/2023/11/NELD_L_D_Full_Report_original-1.pdf)**"**.

Underpinning the answers to the questions below is the notion of integral human development, a notion more holistic than that of the right to development promoted by the declaration on the right to development. Integral human development encompasses all spheres of life - including the transcendent - and respects traditional cultures, values and institutions. It also considers that being able to both enjoy and nurture the common good is essential to the self-fulfilment of each person.[[1]](#footnote-1),[[2]](#footnote-2)

1. ***How is the realisation of the right to development impacted by both economic and non-economic loss and damage from climate change? How do different individuals (e.g., children and women), groups (e.g., Indigenous Peoples) and States (e.g., Small Island Developing States) experience the impact differently and/or disproportionately?***

**Losses and damages from climate change can profoundly harm the realisation of the right to development** if we define losses and damages as “harm from observed impacts and projected risks of climate change”,[[3]](#footnote-3) and understand the right to development, as defined by the 1986 Declaration , as “an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised.“ a “process which aims at the constant improvement of the well-being of the entire population and of all individuals.”[[4]](#footnote-4)

When there is either perfect mitigation or perfect adaptation, then people’s well-being may increase over time and the right to development can be realised unhindered, granted the other conditions for this right to be fulfilled are in place. However, if there is no, or imperfect, mitigation and no, or imperfect, adaptation, then, when climate events hit, losses and damages are experienced and well-being may decrease either abruptly, as in the case of sudden-onset events, either progressively, as in the case of slow-onset events. Depending on the severity and on the type of losses and damages experienced, and whether people receive protection and support for restoration, they may be able to set back on a course where their well-being improves, or they may never manage to recover fully. The realisation of their right to development may be seriously compromised, including for generations to come. Worse even, it may set on a downwards course, affecting present and even future generations.

Projected risks of negative climate impacts also have detrimental effects on the realisation of the right to development. An awareness and understanding of possible risks of climate impacts may lead people to try to avoid them and therefore abstain from certain livelihoods and lifestyles. This reduction in their set of possible lifestyle and livelihood choices is responsible for losses and damages and has a negative impact on the right to development both on present and future generations.

While economic losses and damages can seriously hinder the realisation of the right to development, **Caritas Internationalis draws particular attention to the impact of non economic losses and damages** on this right. Indeed, while well targeted financial investments can allow recovery from economic losses and damage, addressing the many - and profound - non economic losses and damages experienced represents a serious challenge. While these damages can be enormous, and their cost sometimes infinite, they can go unnoticed. Further, while absolutely necessary, the best of restoration efforts can never be sufficient to fully address some types of non economic losses and damages - such as psychological trauma - negatively affecting the right to development of present and future generations.

**The limitations of the notion of development become evident when attempting to capture the impact of non economic losses and damages** - such as those described by Caritas Oceania -[[5]](#footnote-5) on the evolution of the state of well-being in populations. **Here the notion of Integral Human Development promoted is clearly better suited.** Indeed, Integral Human Development, as described above, values all that matters to people’s self-fulfilment, including that which cannot be quantified in economic terms. This approach is therefore ideally suited to enable people to identify and then deal with their non economic losses and damages.[[6]](#footnote-6)

**It is Caritas’ experience that all groups which tend to be vulnerable - such as people in situations of poverty, women, children - and people whose lives are deeply connected to their environment and community - indigenous people and local communities - are more severely affected by losses and damages from climate changes and see their right to development disproportionately affected.**

For example, many people who have had to leave their place of usual residence are impoverished and end up having to join camps or construct precarious dwellings in informal settlements in the context of a lack of urban planning. Typically such camps and settlements are located on low value land, often prone to hazards. As a result, due to the increase in intensity of extreme weather events observed by Caritas over the past years, these millions of - already impoverished - people lose everything when they strike, yet again: their homes, their means of subsistence and all that makes their everyday lives.[[7]](#footnote-7) Their right to development is violated.

Another example is the effect of prolonged drought and the impact of its losses and damages on the right to development of indigenous people, particularly the women and children.

Caritas has observed cases where acute malnutrition caused by drought seriously affects the physical and mental development of children. It has also been observed that severe drought can cause the unity of families to be greatly affected as men end up having to migrate to try to earn a living, leaving women to take on their agricultural and pastoral tasks in addition to their own. As a result, overburdened and overstretched, the women’s life expectancy decreases.

Many women also abandon their areas of origin as a result of drought, but find it next to impossible to access land to farm, water and other resources, especially if they are from an ethnic group different from that prevailing in the area. They often try to survive doing underpaid, precarious and difficult jobs or on support from the government, churches and civil society groups.

Drought also causes children to leave their communities when their parents can no longer support them. As they have no access to education or training many are abused and exploited and end up joining the underworld of theft, criminality, drug use and prostitution.

Further adding to their trauma, ethnic groups uprooted by drought are typically unable to maintain the collective memory of their people and celebrate the rites and rituals so important to their family and community lives.[[8]](#footnote-8)

***3. What is the legal and/or moral basis for States and other actors including businesses to contribute to the Fund for climate change-related loss and damage?***

The basis for contributing to the Loss and Damage Fund lies in the recognition of the profound impacts on the full enjoyment of human rights of the climate crisis. Indeed, **today, the individual people least responsible for climate change - those who are marginalised - are the most vulnerable to climate change, yet they are mostly left to bear on their own the cost of losses and damages caused by an economic model they hardly benefit from.[[9]](#footnote-9)** The imperative to contribute to the Fund is rooted in principles of responsibility, equity and solidarity as highlighted in the[theological reflection on Loss and Damage](https://www.sciaf.org.uk/assets/000/001/924/Responding_to_the_Signs_of_the_Times_-_A_Theological_Reflection_on_Loss_and_Damage_original_original_original.pdf?1694771968) developed by Caritas Scotland (SCIAF).

**From an economic and legal standpoint, losses and damages are externalities from the prevailing carbon intensive economic model of wealthy states and large businesses. According to the polluter pays principle, society as a whole is best off when producers of pollution internalise the full cost of their pollution**. Therefore, any costs imposed on society due to pollution must be shifted back onto those who produce it. When this happens emitters have an incentive to reduce pollution at the source and society is best off. Ensuring that contributions made to the Loss and Damage Fund are in proportion to one’s net emissions is one way of contributing to this outcome in the case of climate change. Caritas Internationalis would like to point out that the costs imposed on populations victims of climate change by some non-economic losses and damages are typically not accounted for, yet they are often infinite such as the cost of trauma due to the death of loved ones. No restoration effort can ever fully compensate for such costs. This, in the framework of the polluter pays principle, points to the urgent need for radical action on mitigation.

**From a moral standpoint, the climate crisis originated in the industrial revolution which was sustained by colonial exploitation. As Pope Francis puts it, the Global North has an “ecological debt” towards the Global South.[[10]](#footnote-10)** Responsible stakeholders must provide reparation for this legacy. States can apply restorative justice and uphold the “common but differentiated responsibilities” principles found in the Paris Agreement through contributions to the Loss and Damage Fund.

**Further, the moral responsibility for contributing to the fund encompasses a broader ethical imperative to consider the well-being of all people.**  This applies especially to those who are most vulnerable and least equipped to adapt to the impacts of climate change but also to future generations, whose right to development will be severely affected if losses and damages are not fully addressed. By acknowledging and embracing this moral responsibility, States and businesses can uphold fundamental principles of justice, solidarity, and human dignity, fostering a collective sense of duty to address the climate crisis with urgency and compassion. Thus, contributing to the Fund becomes a tangible manifestation of ethical leadership and a commitment to building a more just and sustainable world for present and future generations. It gives hope we may advance towards more unity, as one human family, in the spirit of Pope Francis’ encyclical, *Fratelli Tutti.[[11]](#footnote-11)*

Nevertheless, while according to Catholic Social Teaching every person is called to “seek the common good together”, “it is the role of the state to defend and promote the common good” and globalisation calls for “an organisation of the community of nations” to defend and promote a “universal common good”.[[12]](#footnote-12),[[13]](#footnote-13) Therefore Caritas Internationalis believes **states bear the collective duty to ensure stakeholders responsible for emissions, including businesses, actually contribute their fair share to the Fund.**

***4. In addition to making a financial contribution to the Fund, what non-financial components may be relevant from a climate justice perspective (e.g., transfer of green technologies, building of capacity and relocation pathways for climate-induced migrants)?***

In line with the approach taken by Pope Francis in [*Laudato Si*](https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html), Caritas Internationalis promotes a form of justice which is restorative, in other words that seeks to repair the harm done to people and relationships and involves the participation of all of the parties. In the case of the harm done by climate change, **fully acknowledging the impacts and respective responsibilities and some form of apologies would be a first step.**

Beyond this preliminary step, **technology transfer and capacity building** **are relevant from a justice perspective. Because the impacts of climate change are intensifying, the capacity to adapt urgently needs to improve in order to mitigate loss and damage, as well as the capacity to recover from events which have caused losses and damages.** This means rapid innovation and changes in lifestyles and livelihoods are required. Marginalised people need to be as best informed as possible on how climate change is likely to affect them over time and to understand the principles of adaptation. Capacity building and technological transfer from wealthy countries can help enable this process of adaptation and capacity to recover. Nevertheless, to be effective, capacity building and technology transfer need to be processes that are fully participatory and value traditional knowledge. To contribute to restorative justice and allow for the realisation of the right to development they must enable local populations to take ownership of their situations and of the solutions to their difficulties, in line with the principles of Integral Human Development.[[14]](#footnote-14)

**Another non-financial contribution states most responsible for climate change can make towards restoring climate justice would be to provide** **legal, safe and regular pathways for cross-border immigration** for people compelled to migrate due to the losses and damages caused by climate change in their countries.[[15]](#footnote-15) Indeed, there are cases where the usual place of residence becomes uninhabitable and people need to cross borders to realise their right to development. A striking example of this is the case of small island states in the Pacific which are at risk of disappearing in the coming years due to sea level rise.

At present, disruptions due to climate change are not recognized as grounds for receiving the status of refugee under the ‘51 Geneva Convention, regional agreements have yet to be applied for this purpose, and legal pathways for marginalised people to migrate from countries most affected by climate change are very few. As a result increasing numbers of people resort to taking the risk of crossing borders without proper documentation and in very precarious conditions. This puts them in situations where they experience disintegration of their households, discrimination, abuse, exploitation, trafficking, conflict, violence, successive moves and are even forcibly returned to the place they initially had to flee being left with no other option but to leave again.[[16]](#footnote-16)

Nevertheless, offering **legal, safe and regular pathways for crossing borders will truly contribute to climate justice only if**:

* **they are in addition to** - instead of in replacement of - **mitigation, adaptation and Loss and Damage funding** provided in levels corresponding to actual needs;
* **migrants are welcomed**, are given the means to integrate and their human rights are protected;

and **if people can**:

* **migrate together** with their kin;
* access the pathways **regardless of their abilities to contribute to the workforce;**
* **voluntarily return to their country of origin and re-enter their host country;**
* **choose or plan to migrate proactively,** while they still have agency, rather than wait until there is no other option.[[17]](#footnote-17)

Finally, climate justice demands that any non-financial components, additional to financial contributions to the Fund, take into account:

* **social equity and inclusion:** responses must prioritise marginalised and vulnerable communities - including indigenous peoples, women, children, and the elderly - and ensure their voices are heard;
* **cultural heritage and identity**: climate change is threatening cultural practices, languages, and traditional knowledge systems. Protecting and preserving cultural heritage is essential for maintaining the identity and resilience of communities facing climate impacts;
* **human rights and dignity:** these principles, including the right to life, health, food, water, and housing must be upheld for all people, with special attention to those most affected by losses and damages;
* **inter-generational equity:** recognizing that the impacts of climate change will affect future generations, it is imperative to consider the long-term consequences of current actions or lack thereof. Intergenerational equity requires sustainable decision-making that safeguards the well-being of future populations and preserves the planet for generations to come.

***5. How should a human rights-based approach to operationalize and administer the Fund look like (e.g., integration of considerations such as accessibility, non-discrimination, fair representation in decision-making, gender responsiveness, and accommodation for marginalised communities and countries especially vulnerable to the adverse effects of climate change)?***

From the Caritas perspective, the operationalisation and administration of the Fund must be **human rights based, underpinned by the principle of subsidiarity, and empower affected communities** to be masters of their own future. Therefore, it should

* **be restorative:** based on grants instead of loans, in line with the polluter pays principle.
* **be comprehensive:** support restorative actions for
  + both economic and non-economic losses and damages. While non economic losses and damages - such as psychological or physical trauma - are less visible and can easily be overlooked, their negative impact on realising the right to development can actually be immense and must absolutely be addressed.
  + both extreme weather events and slow-onset events. Slow onset events tend to be overlooked as their effects gradually unfold over time.
* **be governed** **by a representative and equitable board:** acting for the common good and with a transparent governance structure.
* **be accountable:** have clear accountability mechanisms and opportunities for redress in case of grievances.
* **be efficient and effective:** provide rapid response when disasters strike and long-term support to protect from future damages.
* **be participatory[[18]](#footnote-18) and accessible:** ensure that communities across the Global South, in particular the most marginalised and vulnerable, as well as local organisations supporting and working with them, can actually
  + access the funds they require to implement recovery actions
  + participate meaningfully in decision-making processes
  + receive the capacity building they need and are empowered
    - to create and conduct assessments of losses and damages based on what they actually value
    - to administer these funds
    - and to plan and implement projects that address their specific needs, recognizing the importance and interconnectedness of local social, economic, cultural, and environmental factors.

***6. How to ensure that the Fund and/or climate finance (including for mitigation and adaptation) does not result in a debt trap for developing countries?***

In light of the polluter pays principle and of the ecological debt of the global north towards the global south and **considering many of the most climate vulnerable countries are also debt vulnerable and states have very little fiscal space to deal with the impacts of climate change** one should:

* **prioritise grants over loans**: states not historically responsible for climate change should not have to go into debt to address its impacts. If debt must be incurred, commercial rates should be avoided at all costs and concessional rates favoured.
* **radically increase absolute levels of grant funding:**  in particular for adaptation and losses and damages - which are currently vastly underfunded -**[[19]](#footnote-19)** to avoid countries in need having to turn to loans, and even worse to loans at commercial rates.**[[20]](#footnote-20)** Funding should cover actual needs as acknowledged at COP28 by the Global Stocktake.**[[21]](#footnote-21)**
* **ensure climate funding is new and additional:** to avoid countries ending up having to further incur debt to cover needs in other areas from which funding may have been shifted.
* **explore debt relief mechanisms**: debt payment suspension, debt cancellation and in the wake of a disaster and debt relief or debt swaps can enable governments to finance climate action instead of servicing their debt.[[22]](#footnote-22), [[23]](#footnote-23)
* **enhance transparency and accountability**: strengthen mechanisms for monitoring and ensuring transparency in the allocation and utilisation of climate finance.[[24]](#footnote-24)
* **increase accessibility to funding and empower civil society and indigenous peoples**: to prioritise the needs of those most affected by climate change as well as to ensure effective utilisation of funds and avoid financing ill-conceived projects which risk pushing the state into further borrowing. Institutional donors should particularly target locally led initiatives, increase the participation in decision-making processes of affected people - including indigenous peoples, local communities and civil society organisations - as well as simplify and facilitate their direct access and use of funds.[[25]](#footnote-25)

1. <https://www.sciaf.org.uk/assets/000/002/050/Resource_leaflet_original_%281%29_%281%29_original.pdf?1708527032> [↑](#footnote-ref-1)
2. This notion has been repeatedly promoted by the Catholic Church in the context of the Declaration on the Right to Development and of the draft International Covenant on the Right to Development. [↑](#footnote-ref-2)
3. <https://apps.ipcc.ch/glossary/> [↑](#footnote-ref-3)
4. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-development> [↑](#footnote-ref-4)
5. “Vabea, Waisomo and Narikoso villages in the island of Ono in Fiji were all devastated by cyclone Harold in April 2020. Hundreds of houses, community centres and cultural heritage and sacred sites were damaged or washed away by coastal erosion. Today people are still having difficulty adapting to their new lives. The experience of social disruption and loss has led to frustration, withdrawal, family fragmentation and difficulty maintaining important traditional practices. They are unwell and stressed, both mentally and physically. There is a sense of despair about the future. The people who were displaced are losing their individual and collective sense of identity. They feel negative about their role and place in society.” (from <https://www.caritas.org/wordpress/wp-content/uploads/2023/10/caritas_climate_displacement.pdf> ) [↑](#footnote-ref-5)
6. <https://www.caritas.org/wordpress/wp-content/uploads/2023/11/NELD_L_D_Full_Report_original-1.pdf> [↑](#footnote-ref-6)
7. <https://www.caritas.org/wordpress/wp-content/uploads/2023/10/caritas_climate_displacement.pdf> [↑](#footnote-ref-7)
8. Adapted from <https://www.caritas.org/wordpress/wp-content/uploads/2023/10/caritas_climate_displacement.pdf> [↑](#footnote-ref-8)
9. <https://www.caritas.org/wordpress/wp-content/uploads/2023/10/caritas_climate_displacement.pdf> [↑](#footnote-ref-9)
10. Paragraph 51 in: <https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.pdf> [↑](#footnote-ref-10)
11. <https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20201003_enciclica-fratelli-tutti.html> [↑](#footnote-ref-11)
12. No. 168 in <https://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html> [↑](#footnote-ref-12)
13. Nos. 1905, 1910 and 1911 in <https://www.vatican.va/archive/ENG0015/__P6K.HTM> [↑](#footnote-ref-13)
14. This point is well illustrated by Caritas Oceania which describes how communities in the region combine traditional practices with science to develop locally relevant adaptation strategies. These include experimenting with drought tolerant crops, revegetating coastlines with native salt-tolerant plants, revitalising traditional wells and a range of other nature-based solutions such as establishing marine protected areas where coral gardening helps to restore the coral reefs and fish population.For example, the island of Taveuni in northeast Fiji was severely affected by Cyclone Winston in 2016 and Caritas’ partner, the Tutu Rural Training Center, suffered widespread losses of its yagona crop. However, early warning systems, emergency preparedness and some novel agricultural techniques enabled Tutu, its staff and farmers to recover well from Winston. Before it arrived, Tutu put most of their seedlings in shipping containers. One farmer stripped back most of the leaves on his yagona plants, so they would be less susceptible to damage. It probably set back growth by one to two years, but they survived. (adapted from: *Caritas Oceania State of the Environment Report 2016* and *Caritas Internationalis, 2022. At your Side: The Protection of People Displaced within STates and Across Borders in the Context of Climate Change and Environmental Degradation. Unpublished*) [↑](#footnote-ref-14)
15. Drawing from Caritas' experience, we recognize that when governments invest not only in mitigation and adaptation, but also in proactive migration, human rights can be safeguarded and associated losses and damages from climate change can be minimised. This necessitates comprehensive planning, investments in social and physical infrastructure, and robust policy and legal frameworks. In this ideal scenario, legal pathways enable individuals to move freely in anticipation of or in response to climate impacts, receiving support to integrate fully into host communities. Caritas advocates for a proactive approach that ensures a safe, regular, and orderly migration process, contributing to effective adaptation and protection of human rights amidst climate challenges. (See <https://www.caritas.org/wordpress/wp-content/uploads/2023/10/caritas_climate_displacement.pdf> ) [↑](#footnote-ref-15)
16. <https://www.caritas.org/wordpress/wp-content/uploads/2023/10/caritas_climate_displacement.pdf> [↑](#footnote-ref-16)
17. <https://www.caritas.org/wordpress/wp-content/uploads/2023/10/caritas_climate_displacement.pdf> [↑](#footnote-ref-17)
18. The point is well illustrated with the case of the relocation of the Narikoso village on the island of Ono in Fiji pointed out by Caritas Oceania. Indeed, following the devastation caused by Cyclone Harold in 2020, “issues associated with the government relocation of the Narikoso village eventually led to drawing up national guidelines which are community centric.” See <https://www.caritas.org/wordpress/wp-content/uploads/2023/10/caritas_climate_displacement.pdf> [↑](#footnote-ref-18)
19. * Average finance needs for **adaptation**, according to submitted NAPs and NDCs, are actually estimated at USD 387 billionper year by 2030, well above the proposed goal of USD 50 billion (see <https://www.unep.org/resources/adaptation-gap-report-2023?gclid=CjwKCAjwkY2qBhBDEiwAoQXK5ZiH_EYFpm8DGbSsWcA94iPq6ZTFy_N6Sg-38SNo-y6yBJLLbY6IKxoCSs8QAvD_BwE>). Considering only a minority of these declared plans make concrete provisions to support proactive migration, adaptation funding should be even higher.
    * Total **losses and damages** for developing countries may reach USD 580 billion per year by 2030 (see <https://link.springer.com/chapter/10.1007/978-3-319-72026-5_14>). This is completely out of proportion to the total USD 700 million in pledges announced at COP28 for the new Loss and Damage Fund. Pledges will need to increase from millions to billions in order to also address the economic and non economic losses and damages due to displacement inflicted on those who have to move, their hosts and the wider society through urgently needed financial and non-financial restorative actions.

    [↑](#footnote-ref-19)
20. <https://www.caritas.org.au/media/jfjjzcsu/twin-clouds-on-the-horizon-caritas-oceania-and-jubilee-australia-joint-report.pdf> [↑](#footnote-ref-20)
21. <https://unfccc.int/sites/default/files/resource/cma2023_L17_adv.pdf> [↑](#footnote-ref-21)
22. <https://www.imf.org/en/Publications/WP/Issues/2022/08/11/Debt-for-Climate-Swaps-Analysis-Design-and-Implementation-522184> [↑](#footnote-ref-22)
23. The International Institute for Environment and Development has written extensively on this topic: <https://www.iied.org/search/type/publication?k=debt> [↑](#footnote-ref-23)
24. For example, in the Caritas Oceania report on [Twin clouds on the horizon: averting a combined climate and debt crisis in the Pacific through locally-delivered climate finance](https://www.caritas.org.au/media/jfjjzcsu/twin-clouds-on-the-horizon-caritas-oceania-and-jubilee-australia-joint-report.pdf), Caritas Tonga reports that, from 2010 to 2018, the vast majority of climate finance went to mitigation projects on the ground. Once energy supply projects are removed from being counted as “adaptation projects”, the proportion of finance actually spent in Tonga on adaptation drops to less than 12% of climate-related Overseas Development Assistance. Additionally, adaptation finance often is merged into broader development programs and ends up not addressing actual adaptation needs. To avoid biases towards mitigation and large-scale infrastructure projects, there should be more funding specifically dedicated to locally led adaptation efforts. [↑](#footnote-ref-24)
25. as evidenced by Caritas in Bangladesh and in Oceania, see <https://www.caritas.org/wordpress/wp-content/uploads/2023/10/caritas_climate_displacement.pdf> [↑](#footnote-ref-25)