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

**Call for input for the 2024 reports**

**Climate justice: Loss and**

 **damage**

Specific questions / issues

**How is the realisation of**

 **the right to development impacted by both economic and non-economic loss and damage from climate change? How is the impact experienced differently and/or disproportionately by different individuals (e.g., children and women), groups (e.g., Indigenous Peoples)**

 **and States (e.g., Small Island Developing States)?**

As a phenomenon induced through corporate practices and public policy (or the lack thereof), the effects of climate change impact human rights given that they limit or negate the full exercise of those rights. The right to development— “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 realized” is a broad right closely interrelated to other rights. It is denied when climate-change events destroy options and possibilities that would ordinarily have been available to people. Storms, droughts, floods, heat events and other disasters impact housing, the right to food and livelihoods and life itself.

As we see more events of this nature among the organizations of women we work with, it becomes clear that women assume a disproportionate burden of the impacts. Women bear the brunt of reproducing life and care in contexts of destruction, finding water and food for families, rebuilding community and caring for the sick and wounded where access to healthcare is restricted. We also see a disproportionate impact on children who also suffer the above and are affected in their right to live in families, in cases where parents are killed or forced to migrate, to a home in cases of displacement from climate change events, and in access to education and a healthy environment.

Indigenous peoples, who often retain ancestral productive practices in rural communities, suffer a greater impact due to the immediate effect of climate change on agricultural production and the impact on the quality and quantity of water available-- in areas where state services are scarce to compensate. Forced migration from devastated areas weakens cultural ties and teachings. The profound ties to the earth and their particular ecosystems are strained as the ecosystems change and cycles become less predictable and regular. This in turn affects ceremonies and rituals associated with seasons and cycles, access to medicinal and food plants and animals, and cultural expressions.

The groups mentioned above—women, children and Indigenous Peoples—are also disproportionately affected as marginalized groups that continue to be oppressed and marginalized by the impact and dynamics of capitalism, colonialism and patriarchy. This creates less access to aid following climate events, or to resources for mitigation and adaptation. From a geopolitical perspective, the disproportionate impact on the Global South where inequality is concentrated in an unjust system of distribution of goods and resources aggravates that inequality while providing less incentives for wealthy nations to slow climate change or address the damage it does. The result has been increased land grabs from native rural and indigenous populations to obtain control over the few resources left, such as fresh water, minerals and viable agricultural land, by wealthy nations and corporations.

It is important to mention the violent dynamics generated by the climate changed-induced scarcity. The women land and territory defenders we work with are facing increased pressures from extractive industries that increase climate change and seek to take control of resources on their lands. Assassinations and persecution are common in this context.

Finally, many national elites allied with corporate extractivism and polluters have responded to defense of land and environment by militarizing territories in dispute. The military is a major contributor to both climate change and violence against women, Indigenous Peoples and others defending their land and their right to development. There must be a process of demilitarization that accompanies the transition to a non-fossil fuel economy and energy plan.

**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)?**

There is no substitute for immediate measures to halt the emission of greenhouse gases, particularly by the wealthy nations that owe a planetary debt beyond measure. Without that, other measures appear hypocritical and will not work. The peoples who have conserved the land and its resources have far more knowledge of appropriate “green technologies” than outsiders. They should be listened to, and any mitigation and adaptation measures should respond to their petitions and formulations of what is needed. Women must be involved in these processes. Oftentimes it is simply to allow them to continue to do what they do.

Migration paths are certainly needed to accommodate people forced to migrate by climate change, and for other reasons. To enter into distinguishing “deserving” migrants by way of the direct impact of climate change from supposedly “undeserving” ones is to abandon a human rights approach and ignore the general principles of the right to development.

In other measures, it is imperative to continue to address the inequities of neo-colonialism by cancelling debt. This will allow nations, including island nations in danger of obliteration, to devote needed funds to mitigation and human needs, as well as development. It is also imperative to halt investment in false solutions such as carbon markets that allow polluters to continue to pollute and serve as a dangerous smokescreen to real solutions.

**How should a human rights-based**

 **approach to operationalise 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)?**

All of the above are important, however, they would not have to be “integrated” if *they* (women, discriminated sectors, disabled, marginalised communities, vulnerable countries) were the decision-makers in the first place. Decision-making power for the Fund should be inverse to contribution to climate change, with polluters putting more into the fund and having less say in its distribution. It should also respond to nations and sectors most heavily impacted. Equal representation in the World Bank-housed fund is a step in the right direction, but insufficient and still unfair. It does not assure that funds will go where most needed.

**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 2021, more than two/thirds of the resources developing countries received to address climate change came in the form of new debt. This is the opposite of empowering them to address climate change challenges, in the medium and long-term especially. The current proposal for grants and “concessional financing” (loans) is unclear. There is a need to create a more open and transparent system and to avoid creating new debt for developing countries. Many countries’ experiences have demonstrated the counterproductive nature of indebtedness to improving wellbeing for the majority and assuring the right to development. Austerity measures adopted to pay foreign debt have a disproportionate impact on women who, due to patriarchal roles, are forced to fill the gaps in care.