SPECIAL PROCEDURES
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HUMAN RIGHTS COUNCIL

Statement by UN Special Rapporteur on human rights and climate change to t in anticipation of the 7th Meeting of the Board of the Fund for Responding to Loss and Damage

6 October 2025

In anticipation of the 7th Meeting (7–9 October 2025, Manila, Philippines) of the Board, I would like to share my view of the implications for the Board's work of the Advisory Opinions of the International Court of Justice and of Inter-American Court of Human Rights on State obligations on climate change, notably with regard to the expected adoption of the initial funding criteria, first call for proposals, and an initial results management framework by the Board.

The advisory opinions coincide in clarifying:

- the applicability of international human rights law to all climate action, to respect, protect and ensure the effective enjoyment of human rights in the context of climate change and take necessary measures to protect the climate system understood as part of all life-supporting systems on the planet;
- the applicability of international biodiversity law, the law of the sea and international law on land degradation, desertification and toxic pollution to all climate action, considering that negative impacts on biodiversity, the ocean and land further harm human rights;
- the obligation to restore ecosystems, which can also support protection of human rights and remedies for the negative impacts on human rights of climate change,
- the obligation to take into account the disproportionate human rights impacts of climate change on individuals in a situation of special vulnerability, such as children, Indigenous Peoples, rural communities, women, migrants, internally displaced persons, persons with disabilities, and older persons; and
- the obligation to pay due regard to the interests of future generations and the long-term implications of climate action.

Both tribunals emphasized that these are stringent due diligence requirements, in accordance with best available science, and respective capabilities and national circumstances.

In addition, I would like to emphasize the continued relevance of the advice provided in the letter I had sent to the Board together with the UN Special Rapporteurs on the right to development and on the right to a clean, healthy and sustainable environment (7 April 2025) on the importance of prioritizing projects that support community-led or co-led approaches, with communities being able to set the priorities and modalities for the support they receive, as opposed to being presented with a predetermined set of options.

The presence of a local expert in project teams and flexibility for adjustments during implementation to respond to iterative learning (to be specifically tracked as part of Monitoring, Evaluation and Learning) are also essential elements for a meaningful and effective start-up phase (as I have witnessed during my visit to Vanuatu in December 2024: A/HRC/59/42/Add.1). While the Board did not include opportunities for direct access by communities in the start-up phase of the Fund, the Barbados Implementation Modalities are expected to support *bottom-up* country-led approaches including through the building of national responses based on effective engagement of climate vulnerable people and communities in climate vulnerable countries.

Accordingly, I recommend that the Board should consider:

- develop funding criteria that refer to:
  - effectiveness in the protection of human rights and design of climate action at the nexus of water, food, nature and health, including restoration of ecosystems;[1]
  - innovation in supporting transformative change, including on the basis of the recognition of Indigenous science and the knowledge of peasants, small-scale farmers and other local communities, including the distinctive knowledge of women within these communities;[2]
  - innovation in, and transferability of, the approaches to the consideration of the disproportionate human rights impacts of climate change and the interests of future generations;
  - innovation in, and transferability of the methodologies for, co-developing needs assessments, proposals, project design, implementation, monitoring evaluation and learning with most affected human rights holders, with Indigenous knowledge holders, and with local knowledge holders, including women;
  - effectiveness and innovation in addressing conflict of interest and the exercise of undue commercial influence.

- develop the call for proposals and/or funding requests for activities so as to ensure:
  - the protection of human rights at the nexus of climate, water, food, nature and health;
  - full consideration of opportunities for ecosystem restoration;
  - consideration of the disproportionate human rights impacts of climate change and potential disproportionate risks of proposed action;
  - consideration of the interests of future generations and the long-term implications of proposed action;
  - technical and financial support to most affected human rights holders and community-based organisations to facilitate their inclusion in co-development of proposed action.

- develop a results management framework according to a Monitoring, Evaluation *and Learning* approach, that:
  - focuses on positive impacts on human rights and ecosystems, and on how these impacts are informed and supported by effective involvement of most affected human rights holders,

[1] IPBES *Nexus* Report (2024) : https://www.ipbes.net/nexus-assessment
[2] IPBES *Transformative Change* Report (2024): https://www.ipbes.net/transformative-change-assessment

- documents *iterative* learning of meaningful and transformative approaches and their impacts,
- supports *scaling deep and wide*, without assuming the benefits of *scaling up* activities. This is essential to maximize the sharing of transferable learnings across diverse contextual approaches, without expecting the same approach to work in different contexts or scales.

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