Statement by UN Special Rapporteurs* in anticipation of the 5th Meeting of the Board of the Fund for Responding to Loss and Damage

7 April 2025

As the the 5th Meeting of the Board of the Fund for Responding to Loss and Damage (Board) is about to meet, we recommend that the Board fully considers the "importance of starting right" (A/79/168) and fully takes into account the long-standing criticisms that the World Bank has faced for not meaningfully considering the impacts of its policies and decisions on human rights and climate change.

We recommend a focus on modalities, frameworks and policies, including high-integrity environmental and social safeguards and fiduciary principles and standards, simplified criteria and procedures, and best-practice environmental and social safeguard policies, that are based on international human rights standards and evidence of meaningful and transformative approaches to protect people and planet in the context of the inter-twined planetary crises that we are facing.

We recall that the Special Rapporteur on the right to development in his 2024 report to the UN General Assembly (A/79/168) recommended that the Board prioritize, among others: creating conditions for an active, free and meaningful participation of climate-vulnerable countries and affected communities, as well as the civil society organizations representing them; mobilizing adequate resources for the Fund and offer mostly grants to climate vulnerable countries so as not to worsen their debt burdens; making the Fund directly accessible by affected communities; and establish an effective grievance mechanism to address complaints related to the Fund's projects.

We further wish to share that the Special Rapporteur on the promotion and protection of human rights in the context of climate change offered important insights on meaningful responses to loss and damage on the occasion of her first country visit to Vanuatu in December 2024. In her statement at the end of the visit, she highlighted the meaningful contributions of initiatives which were led by communities who could set the priorities and modalities for the support they receive, as opposed to being presented with a predetermined set of options by international partners. The presence of a local expert was also a defining feature of such meaningful initiatives, as it made open dialogue between the community and the funder possible. The Rapporteur heard that this community-led approach is still exceptional in international climate cooperation, as international partners see a community-led approach as more "risky". Even when they fund it, they may not provide the flexibility necessary for adjustments during implementation to respond to iterative learning. On the other hand, there is abundant

and incontrovertible evidence that externally-led projects are not "fit for purpose" and over-rely on international consultants that are not familiar with local contexts. The Rapporteur therefore recommended centring cultural rights and Indigenous knowledge and local knowledge, as well as relying on cultural experts and mediators, in any loss and damage, with a view to ensuring sustainable and contextualized solutions that contribute to the protection of human rights even in the face of climate-induced loss and damage. This would entail not only ensuring the recognition of Indigenous knowledge and local knowledge, subject to respect for the Free Prior Informed Consent of knowledge holders, but moving away from a mere safeguard or "add-on" in a logic of damage minimization. Such a move would rather aim for transformative change, by addressing loss and damage so as to also contribute to climate change mitigation and adaptation, and the protection of everyone's human rights to a clean, healthy and sustainable environment and to development.

As the Board at its 5th Meeting is considering the proposal for the start-up phase of the Fund, we respectfully call on the Board to prioritize the consideration of these recommendations on community-led approaches, and express our availability to share further insights and advice to support the operationalization of the Fund with a view to ensuring the protection and full realization of human rights in the context of climate change. Human rights norms contribute to identify effective and holistic climate solutions and meaningful responses to climate justice claims, thereby contributing to transformative change in the context of the planetary crises.

ENDS

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