



Human Rights Council, 57th session

**Interactive Dialogue on the UN Secretary-General's Analytical study on the impact of loss and damage from the adverse effects of climate change on the full enjoyment of human rights, exploring equity-based approaches and solutions to addressing the same**

**16 September 2024**

The Center for International Environmental Law (CIEL) and Earthjustice welcome the UN Secretary-General's crucial analytical study on loss and damage and human rights. The study is very timely: climate change is already posing an unprecedented threat to human rights - in particular to the rights of individuals and communities who have been made vulnerable through historical marginalization - yet, meaningful redress for those affected is lacking.

We especially welcome that the UN Secretary-General recognizes, through this report, that those who experience climate-related human rights violations are entitled to access effective remedies under international human rights law, including reparations, and that States should be accountable for their contributions to the climate crisis, including for failing to regulate corporate emissions.

The issue of climate accountability is of critical importance, given the ongoing climate advisory proceedings in international courts. We look forward to the advisory opinions being prepared by the Inter-American Court of Human Rights and the International Court of Justice on States' obligations in the context of climate change and the consequences of breaching those obligations to further clarify the duty of States to provide climate reparations.

As Parties to the United Nations Framework Convention on Climate Change (UNFCCC) are finally starting to address the impacts of the climate crisis through the creation of a dedicated Loss and Damage Fund, we are still witnessing an approach of voluntary contributions with a demonstrated history of underdelivering when it comes to climate finance. It is important that the UN Secretary-General recognizes that, while important, these UNFCCC mechanisms are not currently designed or intended to fulfill the human rights obligations of States to provide effective remedies for climate harms, implying that more is needed to fulfill these obligations.

In that context, the proposed human rights- and equity-based solutions to addressing loss and damage are welcome. We highlight specifically the importance of direct access to funding for frontlines communities, the effective regulation of the private sector, rights-based mobility pathways and remedies for displacement, universal social protection systems, novel sources of finance such as equity-based taxation guided by the polluter pays principle, creating fiscal space through debt restructuring and cancellation, and access to justice.

We call on States to explore all options to fulfill the right to remedy in the context of climate harm, and implement the recommendations made in the report.

While meaningfully addressing loss and damage is imperative, it is essential to tackle fossil fuels as the root cause of climate change. Without an effective, rights-based phase-out of fossil fuels, climate harm will only continue to mount.