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**Statement by Mr Surya Deva
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Madam Chair, Excellencies and distinguished delegates,

I am honoured to present to the General Assembly my thematic report on “Climate justice: Loss and damage”. This report is significant because climate change-related loss and damage poses one of the most pressing challenges to realising the right to development, especially in developing countries. It is also significant because the report recommends a fundamental shift by framing climate change-related loss and damage as an instance of remediation.

Madam Chair

My report proposes a climate justice framework comprising four pillars and 12 overarching principles. The framework is both innovative and transformative because it brings together the relevant norms of international human rights law, international environmental law and international climate law. A climate justice framework is needed because the countries and people that are the least responsible for climate change are the most affected by it.

States and all other stakeholders should see climate justice in terms of four pillars, namely, mitigation, adaptation, remediation and transformation. These four pillars are interrelated: the more ambitious the world community is in terms of mitigation and adaptation, the less will be the loss and damage and the consequent need for remediation for affected individuals and communities.

While mitigation and adaptation should remain two important pillars of climate justice, greater attention should be paid to the pillar of remediation. All affected individuals and communities should be able to seek remedies for past, current and future climate change-related loss and damage. Remediation in the context of climate change should mean full reparation, comprising restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Moreover, a transformation is needed in the current economic order, business models and lifestyles, as they are merely promoting cumulative economic growth, creating inequalities both within and among countries and destroying the planet. The reform of the current international financial architecture must be part of such a transformation because it systemically discriminates against developing countries and their peoples’ right to development. Nor should the world community tolerate a system in which the super-rich 1%

are responsible for the same global carbon emissions as the emissions of the poorest 66% of humanity.

We should also bear in mind that climate change does not affect countries or people equally. Least developed countries and small island developing States that have contributed the least to climate change are the most exposed to its impacts. Similarly, climate change affects people differently and disproportionately: the impacts experienced by children, women, peasants, migrants, older persons, persons with a disability and Indigenous Peoples are a case in point.

There are moral, legal, historical and economic reasons why developed countries and large corporations have a duty to prevent, mitigate and remediate climate change-related loss and damage. In my report, I recommend a rainbow of measures that States, international financial institutions, multilateral development banks and businesses must take to address loss and damage.

Distinguished delegates

I commend States taking decisive actions to establish and operationalise a Fund for Responding to Loss and Damage to assist developing countries that are particularly vulnerable to the adverse effects of climate change. However, it will be critical that the Fund – in order to be “fit for the purpose” – is administered by its Board and the World Bank as an interim trustee in line with international human rights law.

Let me briefly mention some of these principles outlined in my report:

- ✓ **Adequacy:** Since the Fund is meant to remediate adverse human rights impacts of climate change-related loss and damage, it should have additional adequate resources to provide support to affected individuals and communities.
- ✓ **Equity:** Major contribution to the Fund should come from historical polluters (that is, developed countries, large corporations and super-rich people) and the Fund should mostly offer grants, so as not to worsen the existing debt burden of climate vulnerable countries.
- ✓ **Inclusive coverage:** The Fund should cover all climate change-related adverse impacts as well as responses required to manage such impacts.

- ✓ **Accessible:** The Fund should be directly accessible to affected communities and local civil society organizations in terms of availing grants.
- ✓ **Gender-transformative:** Due to the intertwined nature of climate change and inequality, the Fund should be leveraged to change patriarchal norms and unequal power relations that underpin discrimination, gender-based violence and gender stereotyping.
- ✓ **Participatory:** The Fund's decision-making process should involve active, free and meaningful participation of climate vulnerable countries, affected communities and civil society organizations.

Madam Chair

In the recently adopted Pact for the Future, States commit to striving for a world that is safe, peaceful, just, equal, inclusive, sustainable and prosperous. Achieving such a goal will require States and other actors to take multiple transformative actions. My report provides concrete recommendations to do so and in turn realise the right to development of everyone everywhere amidst the climate crisis. In this context, it will also be critical to build broad consensus around the draft Covenant on the Right to Development and adopt it as soon as possible.

Thank you very much for your kind attention and I look forward to the interactive dialogue.