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The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and Other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and would like to refer to the note verbal dated December 21, 2023. In relation to the call of inputs for the upcoming reports of the Special Rapporteur on the right to development on the following themes: (a) Climate justice: Loss and damage; and (b) The right to development of children and future generations.

In that regard, the Permanent Mission has the honor to attach herewith contribution of the Kingdom of Saudi Arabia to the afore-mentioned reports.

The Permanent Mission of the Kingdom of Saudi Arabia avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurance of its highest consideration.



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Response to the Survey Requested by the Special Rapporteur on the Right to Development

Climate justice: Loss and damage

1. Economic and non-economic loss and damage:

In line with the United Nations declaration on the right to development, development is considered from an economic perspective but also from social and cultural perspectives as well. Therefore, economic and non-economic loss and damage arising from climate change have a direct impact on a given State's ability to pursue development in those areas unless otherwise addressed.

From an economic loss and damage perspective, climate-events that have a quantified impact on the economy result in development losses, within which economic development regresses albeit temporarily. Countries that suffer these impacts would need to regain lost economic development through an initial rapid response and a follow through with rehabilitation and restoration in the longer term.

An example of a climate impact that will result in both economic and non-economic loss and damage is extreme heat. In the Eastern Mediterranean and Middle East region (EMME), for every degree of global warming, parts of the region will experience robust regional warming of 1.4°C–1.8°C. Meaning that if the world reaches 1.5°C by 2100, parts of the region will pass 2°C with ease, highlighting the vulnerability of the EMME region under the best-case scenario the world is planning for.

Extreme heat disrupts daily activities in manner that results in loss in economic activity. In addition, calculations of the heat index corroborate that several areas across the EMME region may reach temperature levels critical for human survivability, which may result in migration and loss of natural or cultural heritage. These projected impacts emphasize the need for robust and context-specific adaptation measures and for scaled up adaptation action and support globally. By enhancing adaptive capacity, countries can avert loss and damage resulting from the adverse effects of climate change.

2. Role of different actors in relation to addressing climate change:

To mitigate the impacts of climate-related loss and damage, States are expected to fulfil their obligations under the United Nations Framework Convention on Climate Change (UNFCCC) and its



Paris Agreement. The UNFCCC and its Paris Agreement are the international agreements that govern the global response to climate change, therefore States' obligations in relation to climate change are defined within them. The full and effective implementation of such agreements, in accordance with their provisions and principles, will facilitate the minimization and aversion of climate-related loss and damage.

Businesses and development finance institutions are not obligated to prevent, mitigate and remediate the impacts of climate-related loss and damage directly. Rather, these actors are obligated to comply with the climate-related regulations of the jurisdictions within which they operate. The Paris Agreement follows a bottom-up approach, in which countries define their Nationally Determined Contributions to the Paris Agreement in line with their national circumstances, pathways and approaches. Therefore regulations, policies and climate action plans differ from country to country reflecting their different needs and priorities. Businesses and development finance institutions that operate within a given country are obligated to comply with their national regulations. They are also encouraged to take part in advancing national climate action plans further.

While mitigation is important, ensuring that adaptation gaps are filled in developing countries is critical to minimizing loss and damage in the future. International cooperation on adaptation, including support to developing countries, needs to be scaled up significantly in the coming years.

3. Sources of funding for the Loss and Damage Fund:

The issue of loss and damage was considered extensively by the international community in 2023 in the lead up to COP28 in Dubai. After thoughtful discussions throughout the year, and considering the feasibility of different options, countries agreed that the most suitable approach is to establish a fund that is able to receive resources in line with the United Nations Framework Convention on Climate Change and its Paris Agreement. In relation to sources of funding, the COP28 decision:

Also urge[s] developed country Parties to continue to provide support and encourage other Parties to provide, or continue to provide support, on a voluntary basis, for activities to address loss and damage;

Invite[s] financial contributions with developed country Parties continuing to take the lead to provide financial resources for commencing the operationalization of the Fund;



While businesses and other actors are not obligated to provide support for loss and damage, many of them are providing support voluntarily in the spirit of solidarity. Businesses and other entities operating within a given jurisdiction are obligated to follow the climate-related regulations of the jurisdictions within which they operate, which could also include climate considerations.

It is important to note that the international community set guiding principles in discussions relating to climate change, such as the principles of equity and common but differentiated responsibilities and respective capabilities, in light of different circumstances as well as the principle of historical responsibility. These principles form the bedrock of international cooperation on climate change, and should continue to inform these discussions moving forward.

4. Non-financial contributions towards addressing loss and damage:

The loss and damage Fund is only effective if developing countries are able to access its resources efficiently and consistently. Therefore, capacity building to enhance developing countries' abilities to access the aforementioned Fund would be critical once it is fully operational. Additionally, technical support to developing countries on how to access broader resources for addressing loss and damage such as those included in the funding arrangements would also be important.

Knowledge transfer is a key component to enhancing the understanding of potential climate impacts and ways to respond to them. The loss and damage Fund is expected to co-convene dialogues, which can serve as platforms for the exchange of views and experiences related to loss and damage. The understanding of loss and damage is dynamic and evolving, therefore the international community would benefit from these discussions.

5. Operationalization of the loss and damage fund:

It is important to remain cognizant of the impact that climate-related loss and damage has on lives and livelihoods in developing countries. The needs, priorities and vulnerabilities of people and communities differ from country to country due to a variety of factors. The aforementioned Fund must be able to consider the unique circumstances of developing countries and cater to their needs to be effective in assisting them to respond to loss and damage.

In that line, it is key to emphasize that the most effective way to account for the varying needs of developing countries is to adopt a bottom-up approach to addressing climate change, including loss and damage. Within the loss and damage fund Fund specifically, the allocation framework should be



designed to account for the wide variety of impacts that developing countries face. The right to development can be addressed in particular by ensuring that all developing countries have the ability to benefit from the Fund referenced above.

6. Debt sustainability and climate finance:

Support to dedicated to address loss and damage should not exacerbate fiscal pressures and negatively impact debt sustainability. Many developing countries are making difficult choices between supporting education, healthcare and investments due to obligations to service their debts. The issue of debt sustainability has therefore been moved to the forefront of global discussions across many areas, including climate change.

Climate finance can be provided or mobilized to developing countries on a grant or concessional basis to ensure that support does not negatively impact a given recipient's debt sustainability. Instruments and approaches, such as blended finance, can be used to increase the grant-equivalent values of funding and alleviate fiscal pressures. Loss and damage, in particular, does not stand to provide returns to investors or generate revenues to assist recipients in servicing loans over long periods. Therefore, the loss and damage Fund should operate, to the largest extent possible, on a grant-equivalent basis.