

Loss and Damage Fund: Towards a gender-responsive approach and climate justice for women in local communities in Africa

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Abstract: This article examines the critical role of the Loss and Damage Fund (LDF) in addressing the challenges and advancing gender equality and climate justice for women in African local communities. It highlights the current state of climate-induced loss and damage, the potential of the LDF, and the importance of a gender-responsive approach that will achieve equitable climate resilience and ensure climate justice. The article concludes that gender equality and climate justice in the context of the LDF may be achieved through several strategies, including a purposeful implementation of women's rights as guaranteed in the African Women's Protocol, access to climate finance and funding targeted at women and women projects, improved women's participation in climate decision making, and access to climate finance through gender-transformative decision-making and delivery procedures that are people-centred and human rights-focused.

Key words: climate finance; gender and climate justice; loss and damage; Loss and Damage Fund

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1 Introduction

Climate change is one of the greatest challenges of our time, with devastating consequences for ecosystems, economies and societies worldwide. This is due to its interwoven complexity with science and other socio-economic issues, such as poverty, climate-induced conflict, violence, forced migration and food security, and it is a threat to the attainment of sustainable development.¹ Climate change has a devastating effect across the world, causing loss and damage that adversely affect livelihoods, human health, ecosystems and cultural heritage.² However, the effect and impact are disproportionate. Many of the countries and communities experiencing severe loss and damage are developing countries that have contributed the least to human-induced climate change, and typically have low technical and financial capacity to address the impacts and build resilience to it.³ Several factors contribute to a lower adaptive capacity, including poverty, limited access to information, social inequality, weak governance and institutions, and lack of technology and infrastructure.

There is no formally-accepted definition of ‘loss and damage’.⁴ Loss and damage (non-capitalised) refer to the residual impact of climate change or the incurred impacts of anthropogenic climate change. Loss and Damage (capitalised) refer to the political debate on losses and damages and raises issues of responsibility and justice, and it refers to plans and policies focused on addressing loss and damage.⁵ According to Åberg and Jeffs, ‘loss and damage’ refer to one of three scenarios: all negative impacts of climate change; harms that occur after limits to adaptation have been reached; or the most critical and irreversible negative impacts of climate change.⁶ There is an emerging understanding that loss and damage relate to those impacts that cannot be avoided through mitigation and adaptation efforts. Loss is often understood as irreversible (for instance, loss of

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- 1 O Adejowo-Osho ‘Effective fulfilment, implementation, and supervision of the validation and registration requirements for clean development mechanism (CDM) projects: A missing link in the achievement of the sustainable development objective of the CDM’ PhD thesis, University of Dundee, 2012, <http://discovery.dundee.ac.uk/portal/en/theses/effective-fulfilment-implementation-and-supervision-of-the-validation-and-registration-requirements-for-clean-development-mechanism-cdm-projects-a-missing-link-in-the-achievement-of-the-sustainable-development-objective-of-the-cdm%28e66677ef-3954-466d-829e-d46194e8e340%29.html> (accessed 4 October 2023).
 - 2 P Bhandari and others ‘What is “loss and damage” from climate change? 8 key questions, answered’, <https://www.wri.org/insights/loss-damage-climate-change> (accessed 4 October 2023).
 - 3 As above.
 - 4 L Vanhala, M Robertson & E Calliari ‘The knowledge politics of climate change loss and damage across scales of governance’ (2021) 30 *Environmental Politics* 141-160, <https://doi.org/10.1080/0964401620201840227> (accessed 4 October 2023).
 - 5 T Chakma and others ‘Women confronting loss and damage in Africa: Feminist climate justice research from Kenya, Nigeria, Rwanda and Zambia’, <https://www.actionaid.org.uk/publications/women-confronting-loss-damage> (accessed 4 October 2023).
 - 6 A Åberg & N Jeffs ‘Loss and damage finance in the climate negotiations: Key challenges and next steps’ Chatham House Research Paper (4 November 2022), <https://www.chathamhouse.org/2022/11/loss-and-damage-finance-climate-negotiations> (accessed 4 October 2023); E Boyd and others ‘A typology of loss and damage perspectives’ (2017) 7 *Nature Climate Change* 723-729, <https://doi.org/10.1038/nclimate3389> (accessed 4 October 2023).

lives, species or habitats) while damages can be repaired.⁷ The most accepted use of the term ‘loss and damage’ is in reference to climate change impacts not avoided by climate change mitigation and adaptation.⁸ It is estimated that major climate and weather events in developing countries in 2022 caused more than US \$109 billion in losses.⁹

The article explores the role of the LDF in addressing the vulnerabilities of African communities, particularly women, to advance gender equality and climate justice. The article argues in favour of a gender-responsive approach to loss and damage as a means to achieve gender equality and climate justice for women in African local communities. The article highlights the climate disparity between developed and developing countries in Africa, the current state of climate-induced loss and damage in African communities, the potential of the fund, and the importance of a gender-responsive approach that will achieve equitable climate resilience and ensure climate justice. This article concludes that gender equality and climate justice in the context of the LDF and access to climate finance can be achieved through climate funding targeted at women and women projects, emphasising the need for gender-transformative decision-making and delivery procedures that are people-centred and human rights-focused.

2 Climate disparity between developed and developing countries and loss and damage¹⁰

The 2022 Intergovernmental Panel on Climate Change (IPCC)’s Sixth Assessment Report on climate impacts, adaptation and vulnerability estimates that the intensification of climate change is exceeding the capacity of human and natural systems to cope.¹¹ This results in unavoidable and, in some cases irreversible losses and damages. According to Chakma and others, many communities are close to reaching their adaptation limits and climate impacts can

7 Women and Gender Constituency ‘Loss and damage’ Issue Brief, 2021, https://womensgenderclimate.org/wp-content/uploads/2021/10/WGC_IssueBrief_LossDamage_EN.pdf (accessed 4 October 2023) (accessed 4 October 2023).

8 Åberg & Jeffs (n 6); E Roberts & M Pelling ‘Climate change-related loss and damage: Translating the global policy agenda for national policy processes’ (2018) 10 *Climate and Development* 4-17, <https://doi.org/10.1080/17565529.2016.1184608> (accessed 4 October 2023).

9 J Richards and others ‘The loss and damage finance landscape’, https://us.boell.org/sites/default/files/2023-05/the_loss_and_damage_finance_landscape_hbf_ldc_15052023.pdf (accessed 2 March 2024). The policy brief projects that the estimate might be higher than this stated figure because it does not take into account smaller events that may have been devastating for a local community, slow onset impacts, nor non-economic loss and damage. Therefore, the policy brief estimates that the real loss and damage faced by developing countries in 2022 was considerably greater than US \$109 billion.

10 Climate disparity is used here to mean the unequal distribution of the impacts of climate change and the varying capacities of nations to adapt to and mitigate these effects. Several key factors contribute to this disparity, including historical responsibility, current emissions, access to clean energy, and loss and damage.

11 IPCC ‘Climate Change 2022: Impacts, adaptation and vulnerability, contribution of Working Group II to the Sixth Assessment Report, Intergovernmental Panel on Climate Change (2022).

no longer be addressed through mitigation such as cutting down greenhouse gas emissions or managing through adaptation such as changing practices to adapt to the environmental changes caused by climate change.¹²

African countries have contributed the least to climate change and they are disproportionately vulnerable to the impacts of climate change.¹³ The latest reports of the Intergovernmental Panel on Climate Change (AR6-IPCC)¹⁴ indicate that, even if global warming is kept within the 1.5°C limit as set out in the Paris Agreement,¹⁵ the impacts of climate change will become more pronounced in Africa and increase vulnerability across the continent. The contribution of countries to climate change and their capacity to prevent it and cope with its consequences vary enormously from developed to developing countries. There are significant disparities among countries in terms of their impact on climate change, their ability to mitigate it, and their capacity to deal with the consequences. The factors influencing these variations are often categorised into developed and developing countries. Developed countries, typically characterised by higher levels of industrialisation and technological advancement, have historically been major contributors to greenhouse gas emissions.¹⁶ This is primarily due to their extensive use of fossil fuels and their industrial activities.

Developing countries, on the other hand, contribute less to overall emissions. Developing countries often face challenges in adopting cleaner technologies due to several factors, including capacity and financial constraints. The cost of mitigating and adapting to climate change, especially in developing countries, is enormous.¹⁷ Developing countries often face challenges in adopting cleaner technologies due to financial constraints. They may prioritise economic development over environmental concerns, leading to a reliance on conventional, emission-intensive

12 Chakma and others (n 5).

13 J Hickel 'Quantifying national responsibility for climate breakdown: An equality-based attribution approach for carbon dioxide emissions in excess of the planetary boundary' (2020) 4 *The Lancet Planetary Health*, <https://www.sciencedirect.com/science/article/pii/S2542519620301960> (accessed 4 October 2023); H Ritchie 'Who has contributed most to global CO₂ emissions?' *Our World Data*, <https://ourworldindata.org/contributed-most-global-co2> (accessed 4 October 2023); IPCC (n 11) 11.

14 The IPCC was established by the World Meteorological Organisation and the United Nations Environment programme in 1988, following UNGA Resolution 43/53, Protection of Global Climate for Present and Future Generations of Mankind Resolution 43/53, UNGA 70th Plenary Meeting, 6 December 1988. For its comprehensive report on Africa and climate change adverse effects, see M Boko and others 'Africa' in ML Parry and others (eds) *Climate change, impacts, adaptation and vulnerability: Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* (2007) 433-467.

15 United Nations Framework Convention on Climate Change, 9 May 1992, S Treaty Doc 102-38, 1771 UNTS 107.

16 Hickel (n 13); Ritchie (n 9).

17 Climate change mitigation includes policies and programmes that reduce greenhouse gases that cause climate change. Adaptation refers to strategies, policies and programmes that reduce vulnerability to the adverse effects of climate change. See O Adejowo-Osho 'Nigeria's commitment under the climate change Paris Agreement: Legislative and regulatory imperatives towards ensuring sustainable development' in P Kamari-Mbote and others *Law/Environment/Africa* (2019) 61.

practices. Furthermore, they may face challenges in providing adequate health care, ensuring food security, and protecting vulnerable populations.

Africa is highly vulnerable to climate change, although the impacts across the different geographical zones vary in extent, severity and intensity.¹⁸ According to the Germanwatch 2021 Climate Change Vulnerability Index,¹⁹ global warming affects developing countries the most and they are most vulnerable to climate change.²⁰ Germanwatch estimates that eight out of the ten countries most vulnerable to extreme weather impacts in 2019 were low to lower-middle income countries and they also have a lower adaptive capacity for such events.²¹ The 2018 Global Climate Risk Index indicates that loss and damage from climate-related events is already having a significant impact on developing countries.²² It is instructive to note that the ten countries ranked with the most exposure to climate risk were all developing countries, thereby indicating that the need for loss and damage financing is already significant.

African local communities are particularly susceptible to climate-induced loss and damage due to their reliance on rain-fed agriculture, weak and limited infrastructure, poverty, unequal access to resources, and weak social safety nets.²³ As climate change leads to more frequent and severe weather events

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- 18 For example, according to Nigeria's First Nationally-Determined Contribution 2021 (NDC), '[t]he relative vulnerability of the six geopolitical zones of Nigeria indicates a general south-north divide. The three northern zones show higher vulnerability than those in the south. This reflects the higher rainfall and socio-economic development of the south. The south-south shows the highest relative variability among the three southern zones, reflecting the challenges of coastal flooding and erosion, as well as the impact of petroleum exploration and exploitation in that part of the country'. See 'Nigeria's Nationally-Determined Contribution' 2021 Update, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://climatechange.gov.ng/wp-content/uploads/2021/08/NDC_File-Amended_11222.pdf (accessed 4 October 2023).
- 19 A Climate Change Vulnerability Index is an evaluation of vulnerability to climate change. It may measure human populations, or plant or animal species. Eg, the Climate Change Vulnerability Index may assess the likelihood of a country's exposure to extreme climate events and other environmental factors that raise global risks. This may be measured against the capacity of the country to adapt to the impacts (their adaptive capacity). The result is a ranking or rating combining these factors and providing an estimate of risks from future climate change, <https://www.germanwatch.org/en/19777> (accessed 4 October 2023).
- 20 D Eckstein and others 'Global Climate Risk Index 2021' Germanwatch Briefing Paper (2021), <https://www.germanwatch.org/en/19777> (accessed 4 October 2023). The report evaluates 42 social, economic and environmental factors to assess national vulnerabilities across three core areas. These include exposure to climate-related natural disasters and sea-level rise; human sensitivity, in terms of population patterns, development, natural resources, agricultural dependency and conflicts; and future vulnerability by considering the adaptive capacity of a country's government and infrastructure to combat climate change. See also S Krefl & D Eckstein 'Global Climate Risk Index 2014: Who suffers most from extreme weather events?' Germanwatch Briefing Paper, <https://www.germanwatch.org/en/7659> (accessed 4 October 2023).
- 21 A lower adaptive capacity for climate change refers to the limited ability of a community, region or society to adjust to and cope with the impacts of climate change. It encompasses a range of factors, including social, economic, technological and institutional capabilities such as lack of technology and infrastructure, that enable communities to anticipate, prepare for, respond to, and recover from the adverse effects of climate change.
- 22 D Eckstein and others 'Global Climate Risk Index 2018: Who suffers most from extreme weather events? Weather-related loss events in 2016 and 1997 to 2016'; <https://www.germanwatch.org/sites/default/files/publication/20432.pdf> (accessed 4 October 2023).
- 23 S Harmeling 'Climate loss and damage in Africa: Massive costs on the horizon' (2022), <https://careclimatechange.org/climate-loss-and-damage-in-africa-massive-costs-on-the->

such as droughts, floods and storms, these communities face increased risks of food insecurity, displacements and economic loss.²⁴ Women being one of the most vulnerable groups are highly susceptible to these impacts.²⁵ Women often find themselves in the frontlines of climate-induced loss and damage, facing a multitude of challenges, including food insecurity, displacement and loss of income.²⁶ Agriculture is a primary source of income and nutrition in many African communities. Women are often responsible for farming and food production, making them particularly vulnerable to crop failures and reduced agricultural productivity caused by climate change.²⁷ Women in African communities are frequently engaged in informal and low-income sectors, making them more susceptible to economic losses resulting from climate impacts.

3 Gender-differentiated impact of loss and damage on women in African local communities²⁸

Climate change-induced vulnerabilities and their impacts on livelihoods and well-being are gendered.²⁹ Research indicates that women experience climate change and its associated impacts differently from men. Women have unequal access to decision-making power, knowledge, skills, assets and networks, which translates into gender-differentiated exposure and sensitivity.³⁰ Furthermore, even among women, their experiences vary, depending on access, opportunities and rights to assets or capital that are defined by institutions and gender roles in the context of socio-cultural norms.³¹

In the context of climate change, women are often disproportionately affected by the consequences of climate change, including extreme weather events, food

horizon/ (accessed 6 October 2023); WMO 'Africa suffers disproportionately from climate change' (2023), public.wmo.int/en/media/press-release/africa-suffers-disproportionately-from-climate-change (accessed 6 October 2023); M Schaeffer 'Loss and damage in Africa' A UNECA/ACPC report prepared by Climate Analytics 2014, <https://reliefweb.int/report/world/africa-suffers-disproportionately-climate-change> (accessed 6 October 2023).

24 F Otto 'Attribution of extreme weather events in Africa: A preliminary exploration of the science and policy implications' (2015) 132 *Climatic Change* 531-543.

25 Women and Gender Constituency (n 7); B Osman-Elasha 'Women ... In the shadow of climate change', <https://www.un.org/en/chronicle/article/women-in-shadow-climate-change> (accessed 4 October 2023).

26 Women and Gender Constituency (n 7).

27 J Duru and others 'The effects of climate change on the livelihood of rural women: A case study of Ilorin South, Nigeria' *Bulletin of the National Research Centre* Vol 46 165 (2022).

28 This article recognises that gender also includes gender-expansive identities such as genderfluid, genderqueer, non-binary or agender. This article's consideration on gender is not limited to male and female categorisation of gender. One critic to the use of 'gender' in climate governance and action is that gender tends to equate to women, leading to responses solely focused on women. It is important to highlight the following with regard to gender in this article: 'Gender' in this article also includes gender non-conforming individuals; the range of complexities and the power dynamics of vulnerability includes factors such as age, wealth, class and ethnic affiliation are often crucial when discussing vulnerabilities.

29 A Awiti 'Climate change and gender in Africa: A review of impact and gender-responsive solutions' (2022) 4 *Frontiers in Climate* 6.

30 As above.

31 Awiti (n 29).

scarcity and displacement.³² The unique challenges faced by women in the face of climate change include impact on agriculture and food security,³³ access to water resources,³⁴ access to clean energy,³⁵ migration patterns due to environmental degradation, and health in the context of climate change.³⁶

Loss and damage exemplify climate injustice. Loss and is now considered the ‘third pillar’ of climate change, the first being mitigation and the second adaptation.³⁷ This part will trace the development and trajectory of the LDF and will highlight its role in contributing to gender equality and climate justice for disadvantaged women in African communities. The term ‘loss and damage’ first appeared in the United Nations (UN) Climate Change Conference (COP13) texts during the 2007 international climate negotiations in Bali.³⁸ Loss and damage subsequently gained momentum in 2013 when parties to the United Nations Framework Convention on Climate Change (UNFCCC) agreed to establish the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (WIM).³⁹ The Mechanism is meant to facilitate dialogue, fill knowledge gaps, enhance action, promote the implementation of approaches to address loss and damage associated with the adverse effects of climate change, and support including finance, technology and capacity building for those experiencing loss and damage.

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- 32 UN Women ‘Fact sheet: Women, gender equality and climate change’ (2009), https://www.un.org/womenwatch/feature/climate_change/downloads/Women_and_Climate_Change_Factsheet.pdf (accessed 4 October 2023). It is important to note that while women do experience climate impacts differently and disproportionately, women are also agents of change, often at the forefront of climate action.
- 33 OECD ‘Gender equality in times of crisis’ SIGI 2023 Global Report, Social Institutions and Gender Index, OECD Publishing, Paris, <https://doi.org/10.1787/4607b7c7-en>; T McKulka ‘Women, gender equality and climate change’, http://www.un.org/womenwatch/feature/climate_change/ (accessed 4 October 2023).
- 34 R Wahaj & A Lubbock ‘Gender and water – Securing water for improved rural livelihoods: The multiple-uses system approach’ (2012), http://www.ifad.org/gender/thematic/water/gender_water.pdf (accessed 4 October 2023); McKulka (n 33).
- 35 McKulka (n 33).
- 36 As above.
- 37 J Richards ‘Climate and gender justice: What’s needed to finance loss and damage?’ (2018), <https://www.rosalux.de/en/publication/id/39802/climate-and-gender%20justice/> (accessed 4 October 2023). Richards suggests three criteria, or guiding questions, to help determine whether an impact is loss and damage: Was the impact likely caused, or made worse or more pronounced, by climate change? One measure would be if some or all impacts fall outside of normal, historical parameters or if they can be attributed either wholly or partially to climate change based on established science; does it involve losses, including livelihood assets, loss of something the community values and depends on, such as loss of fishing resource, loss of ancestral land; does the impact require a significant change in traditional or existing livelihoods or way of life, going beyond adjustments that could be considered to be adaptation and instead require an altogether different reaction outside of the realm of traditional approaches?
- 38 See Bali Action Plan, Decision 1/CP.13, FCCC/CP/2007/6/Add.1, <https://unfccc.int/resource/docs/2007/cop13/eng/06a01.pdf> (accessed 4 October 2023).
- 39 Decision 3/CP.18, <https://unfccc.int/documents/7643#beg> (accessed 4 October 2023); Decision 2/CP.19, <https://unfccc.int/documents/8106#beg> (accessed 4 October 2023); UNFCCC ‘Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts (WIM)’, <https://unfccc.int/topics/adaptation-and-resilience/workstreams/loss-and-damage/warsaw-international-mechanism#:~:text=The%20COP%20established%20the%20Warsaw,that%20are%20particularly%20vulnerable%20to> (accessed 4 October 2023).

Loss and damage gained further prominence at the United Nations Climate Change Conference (COP21), in Paris, France in 2015. Article 8 of the Paris Agreement to the UNFCCC states that parties recognise the importance of averting, minimising and addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow-onset events, and the role of sustainable development in reducing the risk of loss and damage.⁴⁰

The loss and damage mechanism continued to gain prominence in subsequent UNFCCC climate negotiations. At COP25 in Madrid in 2019, countries agreed to establish the Santiago Network on Loss and Damage.⁴¹ The Santiago Network aims to galvanise the technical assistance of relevant organisations, bodies, networks and experts, for the implementation of relevant approaches for averting, minimising and addressing loss and damage at the local, national and regional levels, in developing countries that are particularly vulnerable to the adverse effects of climate change.

The Glasgow Climate Pact is one of the significant outcomes of the UNFCCC Climate negotiations at COP26 in Glasgow in 2021.⁴² It includes a dedicated section on loss and damage that urged developed-country governments and relevant organisations to provide ‘enhanced and additional support’ for activities addressing loss and damage.⁴³ The Group of 77 (G77) and China, a negotiating bloc for developing countries, jointly called for the establishment of a dedicated loss and damage finance facility.⁴⁴ The proposal for a dedicated fund did not gain adequate support and was not included in the Glasgow Climate Pact.⁴⁵ However, the parties agreed to establish a ‘dialogue’ to discuss the arrangements for the funding of activities to avert, minimise and address loss and damage associated with the adverse impacts of climate change.⁴⁶ The UNFCCC climate negotiations at COP27 were held in Egypt in 2022 and closed with a breakthrough agreement to establish funding arrangements, including a dedicated fund for loss and damage funding for vulnerable countries hard hit by climate disasters. Known as the Sharm el-Sheikh Implementation Plan, parties expressed deep concern regarding the significant financial costs associated with loss and damage for developing

40 Art 8 Paris Agreement, https://unfccc.int/files/adaptation/groups_committees/loss_and_damage_executive_committee/application/pdf/ref_8_decision_xcp.21.pdf (accessed 4 October 2023).

41 Decision 2/CMA.2 para 43, <https://unfccc.int/documents/210477> (accessed 7 October 2023); Decision 19/CMA.3, <https://unfccc.int/documents/460952> (accessed 4 October 2023); L Siegle and H White, ‘Unpacking the Cop27 decision on the Santiago network’ (2023), <https://www.lossanddamagecollaboration.org/publication/unpacking-the-cop-27-decision-on-the-santiago-network> (accessed 7 October 2023).

42 UNFCCC, <https://unfccc.int/process-and-meetings/the-paris-agreement/the-glasgow-climate-pact-key-outcomes-from-cop26> (accessed 7 October 2023).

43 As above.

44 See the following: A Åberg ‘The historic loss and damage fund: What enabled the agreement of a fund for loss and damage at COP27?’ (2023), <https://www.chathamhouse.org/2023/02/historic-loss-and-damage-fund> (accessed 7 October 2023); S Sharma-Khushal and others ‘The loss and damage finance facility: Why and how’ (2022), <https://us.boell.org/en/2022/05/31/loss-and-damage-finance-facility-why-and-how> (accessed 7 October 2023).

45 Åberg & Jeffs (n 12).

46 As above. This ‘Glasgow dialogue’ will run until June 2024.

countries, resulting in a growing debt burden, and impairing the realisation of the Sustainable Development Goals (SDGs).⁴⁷ Parties also acknowledged the need for finance to respond to loss and damage associated with the adverse effects of climate change, and countries finally reached consensus to establish funding arrangements, including a dedicated fund for loss and damage.⁴⁸

Finally, the UN climate change negotiations at COP28) held at the United Arab Emirates opened with a historic launch of the LDF⁴⁹ and Decision-/CP.28-/CMA.5 operationalised the LDF as an as entity entrusted with the operation of the financial mechanism of the Convention, which would also serve the Paris Agreement.⁵⁰ The new fund will be hosted by the World Bank for an initial period of four years, and it aims to allocate resources to address loss and damage, with a minimum percentage allocated to least-developed countries and small islands developing states.⁵¹ Local communities in Africa are particularly susceptible to climate-induced loss and damage due to their reliance on rain-fed agriculture, limited infrastructure, and weak social safety nets. As climate change leads to more frequent and severe weather events such as droughts, floods and storms, these communities face increased risks of food insecurity, displacement, increased poverty and economic loss.

3.1 Impact of climate change on women in African communities

Decision -/CP.28-/CMA.5 acknowledges that, when taking action to address climate change, parties should respect, promote and consider their respective obligations on gender equality, empowerment of women and inter-generational equity.⁵² Therefore, the LDF should play a pivotal role in advancing gender equality and climate justice across African local communities.⁵³ Patriarchy reinforces gender imbalance against women by preserving certain benefits in favour of men.⁵⁴ This is a major factor for the disproportionate effect of climate change on women because it exacerbates their vulnerability, and acts as a threat

47 The Sharm el-Sheikh Implementation Plan, <https://unfccc.int/documents/6244444> (accessed 5 October 2023).

48 As above; UNFCCC 'Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts' (n 16); Siegele & White (n 41).

49 The UAE Consensus, <https://www.cop28.com/en/> (accessed 7 October 2023). On the first day of COP28, unprecedented early action was taken on loss and damage with a landmark adoption of an agreement on the operationalisation of loss and damage, and almost \$792 million was pledged to the fund and funding arrangements.

50 <https://unfccc.int/loss-and-damage-fund-joint-interim-secretariat> (accessed 5 October 2023).

51 As above.

52 Decision -/CP.28 -/CMA.5 (n 50).

53 H Djoudi and others, 'Beyond dichotomies: Gender and intersecting inequalities in climate change studies' (2016) 45 *Ambio* 248-262; Richards (n 37).

54 See the following: I Dankelman 'Climate change, human security and gender' in I Dankelman (ed) *Gender and climate change: An introduction* (2010) 55-77; G Terry 'No climate justice without gender justice: An overview of the issues' (2009) 17 *Gender and Development, Climate Changes and Climate Justice* 5-18; P Alexander, A Nabalamba & M Mubila 'The link between

multiplier to already-existing issues associated with gender inequality.⁵⁵ Women generally face challenges that are common to women across the world. For example, women face challenges in accessing education, suffer disproportionately from the effects of poverty, and experience discrimination in many spheres, including at work and in accessing land.⁵⁶ Regrettably, climate change magnifies all these challenges, and its impacts are felt most acutely in vulnerable regions such as Africa, where women often bear the brunt of the consequences, including extreme weather events, food scarcity and displacement.⁵⁷

Women in local communities in Africa are in a more vulnerable position to climate change as they depend on environmental resources for their sustenance such as water, fire wood and other forest products and agriculture. Women often are responsible for tasks such as collecting water and fire wood, tending to crops, and caring for their families.⁵⁸ These responsibilities become even more challenging as climate change leads to resource scarcity, forcing women to walk longer distances or find alternative resources, which can expose them to dangers, including sexual and gender-based violence (SGBV).⁵⁹ Women in African communities have restricted access to land ownership, credit and technology, hindering their ability to adapt to changing environmental conditions or engage in income-generating activities that can help them mitigate and adapt to climate-related challenges.⁶⁰ Climate change has the potential to disrupt agricultural activities, thereby undermining women's ability to provide a livelihood for themselves and their families.⁶¹ Furthermore, women's lack of decision-making power and access to information often leave them more vulnerable to climate hazards.⁶² For instance, they may not receive early warnings about extreme weather events or have the authority to decide when to evacuate.

climate change, gender and development in Africa' (2011) 12 *African Statistical Journal* 119-140; CJ Onwutuebe 'Patriarchy and women vulnerability to adverse climate change in Nigeria' (2019) 9 *Sage Open* 1.

55 Dankelman (n 54); Terry (n 54).

56 O Adejonwo & S Belemsobgo 'Towards an integrated gender-sensitive approach to climate change governance in pursuit of environmental sustainability in Africa' in J Ashukem & S Sama (eds) *Domestic and regional environmental laws and policies in Africa* (2023) 492.

57 Terry (n 54). It is also important to point out that men are also impacted (albeit differently), and so are gender non-conforming, and members of the LGBTQIA+ community.

58 World Meteorological Organisation 'State of the climate in Africa' 2019 (WMO-No 1253), (WMO 2020). See also World Meteorological Organisation 'State of the climate in Africa' 2021 (WMO-No 1300), (WMO 2022).

59 O Adejonwo 'Addressing sexual and gender-based violence against women and girls in the context of climate mobility in Africa' (2023) Insights Policy Brief 3/2023, <https://www.cmarnetwork.com/insightsen> (accessed 5 October 2023).

60 See the following: T Ajala 'Gender discrimination in land ownership and the alleviation of women's poverty in Nigeria: A call for new equities' (2017) 17 *International Journal of Discrimination and the Law* 51-66; Y Aluko 'Patriarchy and property rights among Yoruba women in Nigeria' (2015) 21 *Feminist Economics* 56-81; NN Chinwuba 'Ending inequality in Nigeria: A refreshing approach from the nation's judiciary' (2015) 29 *International Journal of Law, Policy and the Family* 341-350; Onwutuebe (n 54); *Ukeje v Ukeje* (2014) 11 NWLR (Pt 1418) 384.

61 UN Women (n 32).

62 As above.

The costs of climate losses and damage are estimated to rise to US \$400 billion per year by 2030, rising to US \$1 to \$1,8 trillion a year by 2050 for low-income countries alone.⁶³ These costs may be classified as economic and physical losses and non-economic impacts such as gender-based violence and deteriorating mental health. It is estimated that losses and damages are estimated to cost developing countries between US \$290 billion and US \$580 billion annually by 2030, rising to between US \$1 132 billion and US \$1 741 billion by 2050.⁶⁴

3.2 Economic and physical loss and damage

Climate change-induced loss and damage affect everyone, but not equally. In particular, women living in rural communities, who are least responsible for greenhouse gas emissions, are experiencing the worst impacts of the climate crisis and the greatest losses and damages.⁶⁵ This is due in part to their dependency on natural resources for their income, sustenance and health. It is also the result of pre-existing gender and other structural inequalities that prevent women from accessing the resources they need and from participating in decision-making spaces.⁶⁶

The economic loss and damage that women in rural communities in Africa experience include loss of livelihood, threat to food security, famine due to drought, infrastructure damage and loss. Non-economic loss and damage include climate-induced forced migration, increased social burdens placed on women, loss of safety and security leading to gender-based violence, shrinking educational opportunities for girls and a rise in negative coping mechanisms, and damage to women and girls' health and well-being. For women, this devastation is more pronounced because they are the burden bearers of their families and the community.⁶⁷

A study of the impact of loss and damage on the livelihoods of women in four countries, namely, Kenya, Nigeria, Rwanda and Zambia, finds that women

63 H Stiftung 'Unpacking finance for loss and damage', <https://us.boell.org/en/unpacking-finance-loss-and-damage> (accessed 5 October 2023).

64 European Parliament Research Services 'Understanding loss and damage addressing the unavoidable impacts of climate change' (2022), [https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI\(2022\)733598](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2022)733598) (accessed 5 October 2023). See also M Pill 'Towards a funding mechanism for loss and damage from climate change impacts, climate risk management' (2022) 35 *Climate Risk Management* 1; Climate Change 2022: Impacts, Adaptation and Vulnerability, Contribution of Working Group II to the Sixth Assessment Report, Intergovernmental Panel on Climate Change, 2022.

65 S Bhatasara and others. 'Loss and damage action research: Case studies of Malawi, Mozambique and Zimbabwe' (2023). <https://oxfamilibrary.openrepository.com/handle/10546/621555> (accessed 10 January 2024); N Chalifour 'Equity considerations in loss and damage' in M Doelle & S Seck (eds) *Research handbook on climate change law and loss and damage* (2021) 24.

66 Chakma and others (n 5).

67 As above. See also F Steady 'Women, climate change and liberation in Africa' (2014) 21 *Race, Gender and Class* 312-333; A Allen and others 'Kenyan women bearing the cost of climate change' (2021) 18 *International Journal of Environmental Research and Public Health* 12697.

experience loss of livelihood due to droughts, floods, irregular rainfall and seasonal shifts in weather patterns.⁶⁸ Communities are experiencing damage to crops, as well as damage to infrastructure including houses, buildings, schools, roads, bridges and markets, which in turn lead to financial insecurity. Women, particularly women in rural communities in Africa, are heavily reliant on small-scale agriculture and rain-fed farms. With climate change loss and damage, these communities are experiencing droughts, floods, and lack of rain during the planting period, thereby disrupting their livelihoods, and creating precarious situations for women and girls.⁶⁹ Flooding has a disproportionate impact on women, and also creates a domino effect. The destruction of farm lands means that they must go further to collect fire wood, exposing them to various forms of violence, including SGBV. It also affects the way in which women perform their domestic and income-generating activities and threatens their sources of income from their farming activities.⁷⁰ The impact of loss and damage on women is aggravated by the fact that women have limited access to land ownership and credit.⁷¹ Households headed by women are further impacted due to their reliance on agriculture and the limited alternative livelihood options open to them.⁷²

3.3 Non-economic loss and damage

Non-economic loss and damage include trauma, mental distress, physical health issues, loss of a sense of belonging, risk to reproductive health, and increased risk of gender-based violence.⁷³ There is a non-economic dimension to the impact of loss and damage on women. Case studies of the lived experiences of loss and damage survivors in Malawi, Mozambique and Zimbabwe propose the following as the non-economic dimensions of loss and damage from climate impacts: psychological, cultural, social, ecological and biophysical.⁷⁴ Psychological distress includes trauma and mental distress that is experienced due to the death or injury of family or community members, often in chaotic and frightening circumstances.⁷⁵ Cultural identity may be disrupted due to loss of and damage to cultural heritage.⁷⁶ Social connections are impacted if those connections are broken due to the deaths of family and community members, displacement, and loss and damage to social structures such as schools.⁷⁷

68 Chakma and others (n 5).

69 As above. See also Adejonwo & Belemsobgo (n 56) 492.

70 Chakma and others (n 5).

71 Adejonwo & Belemsobgo (n 56) 492.

72 As above.

73 Bhatasara (n 65).

74 As above.

75 Bhatasara and others (n 65).

76 As above.

77 Bhatasara and others (n 65).

Human mobility that occurs in the context of climate change, including displacements and migration, is further fuelled by loss and damage.⁷⁸ Loss and damage are made more pronounced due to dwindling natural resources, causing forced and placed migration in search of sustenance and results in escalating inter-community conflicts.⁷⁹ For women and girls, emerging evidence indicates that the adverse impacts of climate change exacerbate all types of gender-based violence, including physical, sexual, psychological and economic violence.⁸⁰ In several parts of Africa, the combined impacts of environmental degradation, scarce natural resources and conflicts have increased human mobility and further exposed women and children to SGBV.⁸¹ Several countries along the Sahel and West Africa are experiencing the impacts of climate change and the consequent aggravation of existing vulnerabilities. While not all these risks are climate induced, many of the challenges are, and the challenges of climate change serve to aggravate pre-existing social and geographical vulnerabilities.

The UN Commission on the Status of Women has acknowledged that climate change, environmental degradation, and more frequent and intense disasters caused by natural hazards often result in the loss of homes and livelihoods, and the displacement of women and girls and their families and communities. It has also recognised that, because of displacement (including protracted displacement), women and girls face specific challenges, including separation from support networks, homelessness, and increased risk of all forms of violence, including SGBV.⁸² There is emerging evidence of the linkages between climate change impacts, girls' education and declining educational opportunities for girls, and early marriage as a negative coping mechanism.⁸³ Research indicates that poverty, community resettlement due to climate change, and the destruction of educational infrastructure by extreme weather events were pushing children out of school, with girls being the first to be removed.⁸⁴

78 Adejonwo (n 59). See also UN Commission on the Status of Women 'Agreed conclusions: Achieving gender equality and the empowerment of all women and girls in the context of climate change, environmental and disaster risk reduction policies and programmes' (2022) UN Doc E/CN.6/2022/L.7 para 26.

79 Chakma and others (n 5).

80 A Vithanage 'Addressing correlations between gender-based violence and climate change: An expanded role for international climate change law and education for sustainable development' (2021) 38 *Pace Environmental Law Review* 327; Adejonwo (n 59).

81 Adejonwo (n 59).

82 As above.

83 Chakma and others (n 5); Steady (n 67); Allen (n 67); The Kvinna Till Kvinna Foundation 'Gender, women's rights, environment and climate change in Rwanda' (2021), <https://kvinnatillkvinna.org/publications/gender-womens-rights-environment-and-climate-change-in-rwanda/> (accessed 7 October 2023).

84 Chakma and others (n 5).

4 Role of the LDF and the importance of a gender-responsive approach

Equity remains one of the core foundations of the framework conventions and protocols guiding the climate change process. It is crucial that loss and damage finance is provided in line with these principles, including equity, historical responsibility, polluter pays, and respective capability.⁸⁵ Furthermore, funding should be new, additional, predictable, precautionary, adequate, and provided in response to needs and best available science.⁸⁶ The LDF recognises that climate change can result in irreversible loss and damage, and it aims to enable vulnerable countries to respond to and recover from climate change impacts.⁸⁷

The LDF aims to provide financial assistance to countries that are most vulnerable to the adverse effects of climate change by providing financial resources, enabling these countries to recover from losses incurred due to extreme weather events and to adapt to future climate challenges. The fund embodies the principles of climate justice by acknowledging the historical responsibility of developed countries in contributing to climate change. It advocates compensation and support to those who are unfairly bearing the brunt of climate impacts, empowering African nations to rebuild and strengthen their resilience. By addressing the economic loss and damage caused by climate change, the fund contributes to sustainable development in Africa. It helps nations adopt resilient practices, invest in climate-smart technologies, and promote environmentally-sustainable policies, fostering long-term resilience and prosperity.

The LDF is an essential instrument in addressing the intersection of gender inequality and climate change in local communities in Africa.⁸⁸ A good starting point is acknowledging linkages with the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (African Women's Protocol). The LDF can contribute to the fulfilment of the rights of women as contained in the Women's Protocol.⁸⁹ A responsive and transformational approach is needed that will shift power relations, safeguard women's rights, and enable women to participate in climate decision making. Despite challenges, women on the frontlines of the climate crisis are leading climate change responses and are central to effective climate action. When disasters strike, women often are the first responders and play a critical role in rehabilitating their communities.

85 Richards and others (n 9).

86 As above.

87 The Sharm el-Sheikh Implementation Plan (n 47).

88 S Sellers 'Gender and climate change: A closer look at existing evidence', <https://wedo.org/wp-content/uploads/2016/11/GGCA-RP-FINAL.pdf> (accessed 2 March 2024); M Williams *Gender and climate financing: Coming out of the margin* (2015); E Roberts & M Pelling 'Climate change-related loss and damage: Translating the global policy agenda for national policy processes' (2018) 10 *Climate and Development* 4-17.

89 Arts 18, 19 and 9 can be situated within this context.

The fund can contribute to advancing gender equality and climate justice for women in several ways, such as providing financial resources to communities affected by climate-induced losses and damages. These resources can be allocated to projects that directly benefit women, such as building climate-resilient infrastructure, improving water access, or supporting women-led sustainable agricultural practices.⁹⁰ The fund can support capacity-building initiatives that empower women in these communities by funding training programmes on climate adaptation, disaster risk reduction, and financial literacy, enabling women to take on leadership roles and make informed decisions about their livelihoods.⁹¹ The fund can also play a crucial role in raising awareness about the gender-specific impacts of climate change and highlight gender-responsive approaches to climate adaptation and mitigation strategies.⁹²

The LDF established a transitional committee (TC), tasked with providing recommendations on the institutional arrangements, elements of the funding arrangements, and sources of finance for the fund. According to Schultheiß and others, the terms of reference of the TC raise two pivotal questions: How can the LDF learn from existing funds and enable comprehensive responses to loss and damage? How can the fund best serve the needs and priorities of vulnerable and marginalised communities facing loss and damage?⁹³

4.1 LDF and gender-responsive solutions to climate change impact

An integrated gender-responsive approach to climate governance will allow the LDF to serve the needs of vulnerable women in marginalised communities facing loss and damage due to climate change. An integrated gender-responsive approach involves gender mainstreaming, which is the process of assessing the implications for girls and women of any planned action, including legislation, policies and programmes on climate change. It is a strategy for making women's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of climate change policies and programmes to prevent that inequality is perpetuated.⁹⁴

90 See the following: B Dahiya & M Okitasari 'Accessing the loss and damage climate fund' (2022) 378 *Science* 1285; H Singh & L Schalatek 'New LDF must deliver climate justice' (2023), <https://climatenetwork.org/2023/08/29/new-loss-and-damage-fund-must-deliver-climate-justice/> (accessed 5 October 2023); A Dinshaw & S Tye 'How community-led funding can unleash the potential of the loss and damage fund' (2023), <https://www.preventionweb.net/news/how-community-led-funding-can-unleash-potential-loss-and-damage-fund> (accessed 5 October 2023); United Nations Environment Programme 'What you need to know about the COP27 Loss and Damage Fund' (2023), <https://www.unep.org/news-and-stories/story/what-you-need-know-about-cop27-loss-and-damage-fund> (accessed 5 October 2023).

91 As above.

92 Dahiya & Okitasari (n 90).

93 L Schultheiß and others 'Operationalising the Loss and Damage Fund: Learning from the funding mosaic' (2023) Germanwatch, www.germanwatch.org/en/88557 (accessed 5 October 2023).

94 See the following: Adejonwo & Belemsobgo (n 56) 221; UNICEF 'Gender equality: Glossary of terms and concepts' (2017), <chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/>

There is an increasing awareness of the importance of gender mainstreaming into climate change policies and various development strategies at regional, state and local levels. It is imperative for the LDF to be gender responsive and implement programmes and decisions with gender-specific mandates. Research indicates that the implementation of climate policies and programmes with gender-specific mandates has been uneven and implemented in a superficial manner or as an add-on activity.⁹⁵ Policies aimed at developing the adaptive capacity at the community level, especially among agricultural and pastoral communities, often fail to recognise and respond to the gendered nature of women's experiences.⁹⁶ The LDF presents another opportunity for intentional response and approach that will engender the implementation of decisions with gender-specific mandates.

The success of the LDF will depend on its ability to implement gender-responsive measures. Some traditional financing instruments such as social protection, contingency finance, catastrophe risk insurance and catastrophe bonds, and climate finance sources and instruments such as green bonds, concessional loans, grants and donations, could be used to deal with loss and damage.⁹⁷ However, it is doubtful if these funds are geared toward a gender-responsive approach. Others have called for equitable financing instruments such as windfall taxes on fossil fuel companies for people struggling with rising food and energy prices and to countries suffering loss and damage caused by the climate crisis; debt for loss and damage swaps;⁹⁸ international taxes; community window, which is a mechanism for funds to reach the local communities at local level without going through national, regional or global intermediaries and more easily respond to local needs;⁹⁹ and a dedicated finance facility for loss and damage under the UN Framework Convention on Climate Change.¹⁰⁰ A broadened donor based and innovative finance tool would be needed to respond to the magnitude of loss and damage.

A gender-responsive approach to implementing the LDF will include a gender-sensitive legal and institutional framework; gender-responsive financial services and opportunities for women; women's representation and participation in decision making; climate information services for women; and sex-disaggregated data and relevant gender indicators. These measures will ensure that the LDF serves the needs of vulnerable women in marginalised communities facing loss and damage due to climate change. An integrated gender-responsive approach includes the full involvement and participation of women in energy

<https://www.unicef.org/rosa/media/1761/file/Genderglossarytermsandconcepts.pdf> (accessed 5 October 2023).

95 Y Glemarec and others *Leveraging co-benefits between gender equity and climate action for sustainable development* (2016); Adejonwo & Belemsobgo (n 56); Awiti (n 29).

96 Awiti (n 29).

97 United Nations Environment Programme (n 90).

98 As above.

99 Dinshaw & Tye (n 90).

100 United Nations Environment Programme (n 90).

transition, agriculture, social economy, environmental health and biodiversity protection. Reports and studies have stressed that gender equality and women's empowerment are fundamental tools for improving economic, social and political conditions, reducing poverty, and encouraging economic growth.¹⁰¹ A gender-responsive approach aligns with the objective of the LDF which aims to provide new, additional, predictable and adequate financial support to assist developing countries and communities that are particularly vulnerable to the adverse effects of climate change by providing finance for economic and non-economic loss and damage. To key into the aim of the LDF, African countries must adopt strategies to strengthen the role of women in response to climate change and in reducing their vulnerabilities to its effects.

5 Recommendations and conclusion

5.1 Recommendations

Both the LDF and a gender-responsive approach are integral components of effective climate response and action in Africa. The fund provides crucial financial support to communities in Africa that suffer irreversible and severe damage as a result of climate change, helping them cope with the aftermath, while a gender-responsive approach ensures that climate policies are inclusive, equitable, and considerate of the specific vulnerabilities and strengths of women in the continent. Together, they contribute to building a more resilient and sustainable future for Africa in the face of climate change. To advance gender-responsive approach to the implementation of the LDF, this article offers the following recommendations.

A gender-sensitive legal and institutional framework starts with a national policy on gender and a dedicated national action plan on gender and climate change. A national action plan on gender and climate change focuses on effective strategies for integrating gender into the implementation of national climate change initiatives including loss and damage. It ensures that gender considerations are mainstreamed into climate change processes to guarantee inclusivity in the formulation and implementation of climate change initiatives, programmes and policies.

A gender-responsive financial service and opportunities for women will ensure that policies and financing for loss and damage are gender transformative. Micro-finance and insurance schemes should be introduced that specifically cater for women engaged in climate-sensitive sectors such as agriculture and enable women to access funds for climate-resilient technologies and practices. The LDF should

101 International Monetary Fund, African Dept *Pursuing women's economic empowerment* (2008) 4.

be flexible, readily accessible to women by working to remove the barriers that impede women, particularly those in local communities in Africa from accessing climate finance and funds. For example, small-scale funding ensures that locally-appropriate funding is available to enable communities to address the loss and damage they are facing. Small-scale funding will ensure greater accessibility at the local level and enable greater local ownership. This approach allows for simplified due diligence requirements and greater funding flexibility, and it ensures lower levels of risk for funders. Such funds may be channelled through community-based organisations that already have strong connections to local communities. National policies should improve women's access to resources such as land, water and finance. It is also important that such policies improve access and other means to enable women to implement sustainable agricultural practices and improve their income. Discriminatory customs and traditions that perpetuate gender inequality, such as restricted access to land, finance, participation and technology, should be discouraged at the regional, state and local levels.

To ensure inclusivity and active participation of women at community levels, climate information services tailored for women are essential for addressing the unique vulnerabilities and challenges that women may face in the context of climate change. These include local weather and agricultural advisory services, livelihood diversification guidance that provides opportunities and information for alternative livelihood options that are climate-resilient, including training programmes and resources for women to acquire new skills and diversify their income sources. Community-based adaptation programmes are also essential to facilitate women in decision-making processes and to promote women's participation in identifying and implementing climate-resilient solutions at the community level.

5.2 Conclusion

Climate justice can only be achieved when based on the foundations of gender justice. A systemic and transformational approach is needed that will shift power relations, safeguard women's rights, and enable women to lead. The LDF, through its financial support, capacity-building initiatives, advocacy and research, can play a pivotal role in advancing gender equality and climate justice for women. More importantly, the LDF can tackle the gaps that current climate finance institutions such as the Green Climate Fund and Adaptation Fund do not fill by recognising the unique challenges that women face, particularly those in rural communities, and directly addressing these, to adequately address climate change. It is imperative to build an effective response, effective implementation of existing gender policies, strengthening relevant institutions, and ensuring effective institutional coordination among relevant agencies to tap into the fund once it comes into operation. The LDF should contribute to building resilient, sustainable and equitable communities in the face of a changing climate. It is imperative to prioritise and support women to achieve gender equality and climate justice in local communities in Africa.