

Towards a Child-Rights-Based Approach to Climate Change Loss and Damage in the African human rights system

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Abstract*

The issue of climate-related loss and damage (L&D) has re-emerged and gained international pronouncement in international climate policy in recent years. At Sharm El Sheikh COP 27 held in Egypt, a monumental agreement was reached on L&D. However, many aspects remain unclear, including the issues of compensation, liability, and governance. It also remains unclarified how the special vulnerability of children will be addressed in the proposed L & D regime under regional and international discourse on climate change. With a focus on L & D, and the plight of children in that context, this article examines the effects of climate change on children in Africa and how the African human rights system (AHRS) may apply a child rights-based approach to advance the protection of children. By considering the specific risks children face due to L & D, the paper demonstrates the unique needs of the most vulnerable population across the continent. It reviews the challenges and opportunities related to governance, financial support, documenting, and implementing loss and damage mechanisms, and considers what role states should have in designing and implementing such strategies. The conclusions of this research suggest that a child right-based loss and damage approach is necessary and urgent to build a resilient climate future for African children.

Keywords: African human rights system, child-rights-based approach, climate change, human rights, Loss & Damage

1. Introduction

The climate change damages have implications touching on the globe's environmental, social, and economic aspects. It is widely predicted that these impacts will continue to be a major challenge due to its complex and pervasive nature as well as its long-term impact on the human environment.¹ Particularly, climate change loss and damage present an existential threat to many African countries.² African countries are highly vulnerable to rising sea levels, tropical cyclones, extreme weather changes, and other climate-related risks.³ Loss and damage have also been one of the most critical impacts of climate change posing a threat to the enjoyment of human rights of many communities.⁴ While the international community focuses on how to define and treat loss and damage, vulnerable countries and groups continue to face the negative climate impacts that threaten their livelihoods and statehood.

¹ Mechler R, Calliari E, Bouwer LM, Schinko T, Surminski S, Linnerooth-Bayer J, Aerts J, Botzen W, Boyd E, Deckard ND, Fuglestvedt JS. Science for loss and damage. Findings and propositions. Loss and damage from climate change: Concepts, methods, and policy options. 2019:3-7.

² Nand MM, Bardsley DK. Climate change loss and damage policy implications for Pacific Island Countries. *Local Environment*. 2020 Sep 1;25(9):725-40.

³ Various Reports from the Intergovernmental Panel on Climate Change (IPCC), 2015 to 2022.

⁴ Lees, E. Responsibility and liability for climate loss and damage after Paris. *Climate policy*. 2017 17(1): 59-70.

Particularly, children continue to suffer the impact of climate change now and will continue to face climate change impacts in the future. Children are particularly the most vulnerable members of any society. Chiefly, because of their status in society, their ages, gender, locations, and the lack of resources to prepare for and respond to climate change impacts. The long-term implications of climate change particularly L&D from near-term stressors such as changes in temperature and rainfall, disease transmission, food security, and immediate impacts on water resources and coastal systems also have severe implications for achieving sustainable development. With rising sea levels and extreme weather conditions, low-lying communities, including children are facing L&D of lands, homes, food security, and infrastructure, as well as the potential for the erosion of identities and cultures. Likewise, climate change impacts such as cyclones and floods to which animals and plants cannot adapt and lead them to migrate also affect the livelihood of the children, who are then forced to leave their homes and separated from their parents with great uncertainty for their future. They bear the loss of lives, forced separation, and property they have left behind, and other forms of damages arising thereto. More alarming is the fact that these groups of people who may be regarded as environmental refugees are left without any legal protection whatsoever.⁵ The lack of an international treaty to properly address and enforce loss and damage in favour of these environmental refugees as well as a clear and internationally agreed definition of L&D compounds this problem.⁶ Accordingly, how to repair, rebuild, and restore loss and damage raises a great deal of concerns. Some of these concerns are not only related to the cost attraction but also the implementation of good governance and policies to ensure victims' rights to appropriate and effective redress are guaranteed. Thus, the impact of loss and damage is beyond adaptation and requires not only a large amount of financing and governance regimes but also compensatory mechanisms.⁷ Therefore the analysis of loss and damages should start with the attribution or acceptance of responsibility by developed countries, payment of compensation, and development of appropriate frameworks for responding to L& D. However, the review of current narratives on L&D reveals a consistent unwillingness by developed countries to formalise approaches to attribute climate change responsibilities and develop governance regimes and compensatory mechanisms. This is despite several calls from developing nations for compensation and rehabilitation anchored on the argument that developed countries have both legal and moral obligations to assist poor and vulnerable countries in addressing climate change impacts.⁸ It is praiseworthy that the Twenty-seventh Conference of the Parties (COP27) to the United Nations Framework Convention on Climate Change (UNFCCC) has finally agreed to establish a L&D fund.⁹ The landmark decision by COP 27 to establish a loss and damage fund is welcomed and gives promises to compensate developing countries that continue to suffer the consequences of climate change. However, the question is how and whether this fund will be adequately

⁵ Handmer J, Nalau J. Understanding loss and damage in Pacific Small Island developing states. *Loss and Damage from Climate Change: Concepts, Methods and Policy Options*. 2019:365-81.

⁶ Boyd E, James RA, Jones RG, Young HR, Otto FE. A typology of loss and damage perspectives. *Nature Climate Change*. 2017 Oct 1;7(10):723-9.

⁷ Kreienkamp J, Vanhala L. Climate change loss and damage. *Global Governance Institute*. 2017 Mar 29:1-28.

⁸ Nand MM, Bardsley DK. Climate change loss and damage policy implications for Pacific Island Countries. *Local Environment*. 2020 Sep 1;25(9):725-40.

⁹ Twenty-seventh Conference of the Parties (COP27) to the United Nations Framework Convention on Climate Change (UNFCCC), Sharm-el-Shem

financed given the bottlenecks of the past challenges. The uncertainty of the path ahead for developing an effective funding and accountability structure remains the most contentious financing and legal framework issue and will likely become increasingly problematic in the absence of an accountability regime. It is therefore expedient to assess how the African human rights system (AHRs) may apply a child rights-based approach to advance the protection of the rights of children in Africa. For a foreseeable conclusion on the need to establish an African child-based approach to climate change loss and damage, the research starts by exploring the concept of a child rights-based approach to understand the contours of a child rights-based approach in the African human rights system. Before deploying a rights-based approach as a response to LD under the African Human rights system, the research considers the loss and damage, issues, and vulnerability of African children. The challenges and opportunities related to governance in implementing loss and damage mechanisms for the protection and promotion of children's rights are also taken into account.

2. Understanding the Contours of a Child Rights-Based Approach

The African Charter on Rights and Welfare of the Child (ACRWC), uniquely within international human rights law, notes with concern the situation of most 'African children remains critical due to several factors including their socio-economic, cultural, traditional, and developmental circumstances, natural disasters, armed conflicts, exploitation, and hunger'.¹⁰ Therefore, the ACRWC provides a framework that recognises children's fundamental human rights to provision such as non-discrimination, best interest, survival and development, freedom of expression, effective education and duty to work, serve, strengthen, and contribute to the development of their societies. These substantive rights underline both the legitimacy and the urgency of their claim. At present, most African countries are disproportionately ranked as extremely high risk for children, thus the climate crisis is the African child crisis.¹¹ Albeit almost every child on Earth is exposed to at least one of the major climate and environmental hazards, shocks, and stresses, including air pollution, vector-borne diseases, water scarcity, riverine flooding, cyclones, and heat waves.¹² African children crisis has been exacerbated by pre-existing structural vulnerabilities in the region.¹³ The continent is exposed *inter alia* to extreme weather and natural disasters; water scarcity and food insecurity; air pollution; vector-borne and infectious diseases, and mental health.¹⁴ The study is also alive to the fact that loss and damage due to climate change have induced migration or displacement of

¹⁰ African Charter on Rights and Welfare of the Child. Adopted in Addis Ababa, Ethiopia on 11 July 1990 and entered into force on 29 November 1999. The African Children's Charter is similar to the UN Convention on the Rights of the Child. However, persons under the age of 18 years are protected to a higher level under the African Children's Charter, which also provides an individual complaint procedure. The African Children's Charter has its own monitoring body, the Committee on the Rights and Welfare of the Child.

¹¹ 25 African countries out of the 33 countries that have been ranked as "extremely high risk" for children: Central African Republic, Chad, Nigeria, Guinea, Guinea-Bissau, Somalia, Niger, South Sudan, Democratic Republic of Congo, Angola, Cameroon, Madagascar, Mozambique, Benin, Burkina Faso, Ethiopia, Sudan, Togo, Cote d'Ivoire, Equatorial Guinea, Liberia, Senegal, Sierra Leone, Malia, and Eritrea. <https://www.unicef.org/media/105376/file/UNICEF-climate-crisis-child-rights-crisis.pdf> (2021) 120

¹² <https://data.unicef.org/resources/childrens-climate-risk-index-report/> UNICEF, "The climate crisis: Climate change impacts, trends and vulnerabilities of children in Sub Saharan Africa

¹³ Morris JN, Martini A, Preen D. The well-being of children impacted by a parent with cancer: an integrative review. *Supportive Care in Cancer*. 2016 Jul; 24:3235-51.

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children in Africa. Climate change impact such as cyclones and floods to which plants and animals cannot adapt and lead them to migrate also affects the livelihood of the children, who are then forced to leave their homes and separated from their parents with great uncertainty for their future.¹⁵ They bear the loss of lives, forced separation, and property they have left behind, and other forms of damages arising thereto. These groups of people who may be regarded as environmental refugees are left without any legal protection whatsoever.¹⁶ The lack of an international treaty to properly address and enforce loss and damage in favour of these environmental refugees as well as a clear and internationally agreed definition of L&D compounds this problem.¹⁷ Besides their heightened behavioural, developmental, socioeconomic, and physical vulnerabilities, African children are among the least empowered to exercise their rights to development, information, freedom of expression, and be heard as well as be redressed when their rights have been violated.¹⁸ However, it is praiseworthy to observe a trend where climate justice or litigation has become increasingly associated with children's rights for economic and social justice.¹⁹ These requirements flow directly from Articles 12 and 7 of the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on Rights and Welfare of the Child (ACRWC) which states a child's right to express their opinion and have it respected in processes that affect them; and to be assured the right to express his opinions freely in all matters, respectively. These articles constitute a plea for developing approaches that are centered on children's rights. Thus, a child-based approach to climate change loss and damage is not only a financial-related issue or cost attraction but also the issue of implementing good governance and policies to ensure children's rights to appropriate and effective redress are guaranteed. The review of current narratives on L&D reveals financing and legal frameworks remain contentious issues and will likely become increasingly problematic in the absence of clear and transparent reporting mechanisms of climate finance commitments. This issue has been regarded as a potential threat by some developed parties, fearing that such reporting may in turn result in binding bi-yearly financial commitments.²⁰ Marginalized groups of children, including those subjected to violence as a result of armed conflict and climate change as well as those in displacement as a result of climate change or armed conflict will continue to bear a disproportionate burden of inaction on the environment, implicating the principle of discrimination. Therefore, it would not be off the mark to argue that climate actions are urgently needed and must be centered on children's rights and count for the entire climate change impact. Developing an African child-based approach to climate change loss and damage implies a comprehensive assessment of the rights of the child in the context of climate change and the vulnerability of

¹⁵ Hanna JR, McCaughan E, Semple CJ. Challenges and support needs of parents and children when a parent is at end of life: a systematic review. *Palliative medicine*. 2019 Sep;33(8):1017-44; See also Kelly M, Jones S, Wilson V, Lewis P. How children's rights are constructed in family-centered care: a review of the literature. *Journal of Child Health Care*. 2012 Jun;16(2):190-205.

¹⁶ Handmer J, Nalau J. Understanding loss and damage in Pacific Small Island developing states. *Loss and Damage from Climate Change: Concepts, Methods and Policy Options*. 2019:365-81.

¹⁷ Boyd E, James RA, Jones RG, Young HR, Otto FE. A typology of loss and damage perspectives. *Nature Climate Change*. 2017 Oct 1;7(10):723-9.

¹⁸ UNICEF. (2020). History of child rights. <https://www.unicef.org/child-rights-convention/history-child-rights>

¹⁹ Children Environmental Rights Initiative <https://ceri-coalition.org/wp-content/uploads/2022/11/COP27-Position-Paper-Incorporating-Child-Rights-into-Climate-Action.pdf> (2022)

²⁰ (Corsi 2018).

the child in relation to climate change loss and damage. It also seeks to understand the nature of State parties' obligations and, ultimately devise the necessary legal, administrative, and other measures for upholding the rights of the child in the context of climate change. In addition, a child-based approach implies respect for children's rights, as persons able to contribute to their families and communities, and for their capacity to shape their own lives as well as those around them. Such an approach should explicitly reflect the commitment of states under the ACRWC and the UN Convention on the Rights of the Child as well as other binding international human rights instruments to act in the best interests of the child. A child rights-based approach to climate change loss and damages is, therefore, called for by the intersections of human rights instruments, development processes, disaster risk reduction, and climate justice and finance. These various aspects are inextricably linked and require states' affirmative actions to protect and ensure respect, promote, and fulfil the rights of all children.

It is therefore unfortunate that existing approaches to mitigating the impacts of climate change have not been adequately tailored to address these impacts. The review of the literature provides insight into the existence of a human rights-based approach to climate change. This paper suggests a child rights-based approach to addressing climate change loss and damage, by recognizing the rights of the child as a subset of human rights. This approach is based on the identification of four main areas of intervention based on a child-friendly climate change adaptation strategy and some are in line with the UNCRC and ACRWC frameworks: (1) incorporating rights-based approaches into climate change policy or developing child-sensitive policies; (2) conducting state led litigations of major carbon polluters to cover significant gaps in the cost associated with losses and damages; (3) insurance coverage and establishment of disaster relief funds for the unpredictable risks and high cost of climate change impacts;²¹ and (4) increasing children awareness and participation. In other words, a child-based approach to climate change loss and damage requires a viable combination of legislation, litigation, taxation, compensation, mitigation, adaptation, and insurance that can better prepare member states for managing the high costs associated. The proposed areas of intervention are expected to provide a more equitable approach that better reflects the needs of children and provides a framework for protecting and promoting their rights in relation to climate change loss and damage. At present, children are disproportionately affected by climate change, and existing approaches to mitigating the impacts of climate change have not been adequately tailored to address these impacts.

Private insurance coverage and disaster relief funds

At its core, private insurance coverage is about transferring risk to insurers. While there is an increasing trend in incorporating human rights obligations into climate change instruments, there are still serious gaps in child action-oriented. States can encourage proactive actions on climate change by establishing private insurance coverage and disaster relief funds.²² Both

²¹ Dwyer E. Insurance Coverage in a Climate Changed Canada: How Can Canada Pay for Loss and Damage from Anthropogenic Climate Change. *Dalhousie J. Legal Stud.* 2019; 28:61. IPCC, 2014: Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II, and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, RK Pachauri and LA Meyer eds] IPCC, Geneva, Switzerland, at 2.

²² *Ibid.*

insurers and disaster relief funds raise premiums, impose requirements on future coverage, and mitigate costs of loss and damage by imposing requirements about how and where homes get rebuilt or adding strict exclusions.²³ This is because insurers are continually exposed to unpredictable and variable risks of loss and damage from both the predicted and unforeseen effects of climate change.

The lack of strategies to address loss and damage, during to Freddy cyclones and floods in Africa has resulted in children and communities being left without any state remedies.²⁴ Church Leaders, such as Dr. Prophet Sheperd Bushiri of the Enlightened Christians Gathering (ECG) The Jesus Nations have demonstrated how private actors or insurers can effectively cover L&D.²⁵ Dr Prophet Sheperd Busiri adopted eight camps in Mulanje west constituency and provided not only relief items to the affected families but also arranged special financial package to these families so that they can get off from the camps and start over and rebuild their lives.²⁶ The Prophet of the Most High God, Major 1 ended up shouldering the responsibilities of lack of a national fund or schemes when public services failed or did not have the necessary resources. Private Churches schemes have impacted in particular those most disadvantaged and marginalised. Prophet TB Joshua of the Synagogue Church of All Nations assisted more than four countries, including the Philippines, and Columbia where Emmanuel TV Partners mobilise worldwide to provide humanitarian aid to displaced and distressed communities.²⁷ Churches have demonstrated that loss and damage require support from private insurers or sectors as many states are unable to respond or cover the high costs associated with L&D. These interventions have proven to be effective but also led to significant gaps in coverage.

Developing child-sensitive policies or Incorporating rights-based approaches into climate change policy to allow State-led climate litigation of major carbon polluters

The significant gaps in the cost associated with losses and damages may require a state to adopt additional measures including the need for litigation of major carbon polluters.²⁸ State-led climate litigation is preferable to civil litigation as it may overcome some of the litigation obstacles.²⁹ Loss and damage from both the predicted and unforeseen effects of climate change are almost infinitely variable, communities will continually be exposed to unpredictable risks. States must therefore be at the task of adopting various interventions to mitigate and adapt climate change impacts. Part of mitigation interventions may require states or insurers to impose requirements about how and where homes must be rebuilt.³⁰

²³ Brown C, Seck S. Insurance law principles in an international context: Compensating losses caused by climate change. *Alta. L. Rev.* 2012;50:541.

²⁴ UN Environnement Programme : In Malawi, cyclone devastation casts a spotlight on climate change <https://www.unep.org/news-and-stories/video/malawi-cyclone-devastation-casts-spotlight-climate-change>. 14 June 2023. Overall, the cyclones killed at least 1,434 people: at least 1,216 people were killed in the onslaught of Freddy in Malawi (with 537 people missing and presumed dead), 198 in Mozambique, 17 in Madagascar, 2 in Zimbabwe, and 1 in Mauritius, making it the first tropical cyclone globally to claim at least 1,000 lives since.

²⁵ <https://www.maravipost.com/malawis-cyclone-freddy-impact-prophet-bushiri-adopts-eight-mulanje-survivors-camps/>

²⁶ Ibid.

²⁷ <https://emmanuel.tv/content/colombia-charity-event-with-t-b-joshua/>

²⁸ Ibid.

²⁹ Dwyer E (as n 11 above).

³⁰ James Bagnall, "The Great Flood of 2017: Aftermath Finds Many in Limbo", *Ottawa Citizen* (2 July 2017), online <<http://ottawacitizen.com/news/local-news/the-great-flood-of-2017-aftermath-finds-many-inlimbo>>.

Thus, the importance of legislation to assist not only state-led litigation against major carbon polluters but also encourage proactive actions on climate change by incorporating children's rights, development, and disaster risk reduction and management into human rights instruments. Protecting the rights of children to climate change loss and damages means addressing the adverse effects of loss and damage as emphasised in international and regional instruments. This approach consists of incorporating human rights obligations into climate change instruments. Such an approach is rooted in the recommendations of the UN Committee on the Rights of the Child. The Committee urges states to develop "rights-based, coordinated, multi-sectoral strategies in order to ensure that children's best interests are considered for service planning and provision".³¹ The Committee also recommends states be guided by human rights principles in all phases of their programme planning, including conducting initial assessments and analyses to identify not just the relevant rights and duties but also the underlying and structural causes of their non-realisation.³² A human rights child-based approach has been used by many UN agencies and international non-governmental organisations.³³ For instance, UNICEF and UNESCO have adopted this approach in relation to children in general and in education in particular.³⁴ The human rights-based approach to loss and damage provides the basis for a strategic child-based approach for member states or policymakers to strengthen the regional and international response to loss and damage. The approach should be built on the existing obligations of Parties under international and regional human rights treaties and provide standards for systematically integrating loss and damage across most aspects of children's issues.³⁵ It goes beyond mere mainstreaming of child rights. It considers the integration of losses and damages in the work of relevant duty bearers such as institutions, private and public, ministries or departments (Women and Children), Committees, and human rights bodies.³⁶ Most, if not all obligations under human rights instruments, particularly the African Charter on the Rights and Welfare of the Child ACRWC and the UN Convention on the Rights of the Child (UNCRC) are placed on state and non-state institutions.³⁷ Although the primary obligation rests upon the states to ensure the implementation of international instruments, in the context of loss and damage, States Parties are responsible for ensuring that non-state service providers operate in accordance with its provisions, thus creating indirect obligations on such private actors. The role of civil society cannot be overemphasised and should be complementary to that of the State.³⁸ Thus, the

³¹ UN (2005). Committee on the Rights of the Child, General Comment No. 7 (2005): Implementing child rights in early childhood (UN/CRC/GC/7). Geneva: United Nations. See also UNICEF/UNESCO (2007). A human rights-based approach to education for all. New York: UNICEF/UNESCO.

³² UN (2003). Statement of common understanding on a human rights-based approach to development co-operation. Geneva: United Nations.

³³ O'Neill K, editor. Getting it Right for Children: A Practitioners' Guide to Child Rights Programming. Save the Children UK; 2007.

³⁴ UNICEF. (2007). UNESCO (2007) A Human Rights Based Approach to Education for All: A Framework for the Realization of Children's Right to Education and Rights Within Education.

³⁵ Toussaint P. Loss and damage and climate litigation: The case for greater interlinkage. Review of European, Comparative & International Environmental Law. 2021 Apr;30(1):16-33.

³⁶ Killkelly U, Lundy L. Children's rights in action: using the UN Convention on the Rights of the Child as an auditing tool. Child & Fam. lq. 2006;18:331.

³⁷ UN (2003a). Committee on the rights of the child. General Comment No. 5 (2003) Implementation (UN/CRC/GC/2003/1). Geneva: United Nations para. 43

³⁸ UN (2005). Committee on the Rights of the Child, General Comment No. 7 (2005): Implementing child rights in early childhood (UN/CRC/GC/7). Geneva: United Nations para. 32

impact of loss and damage is beyond adaptation and requires not only a large amount of financing regime but also governance and compensatory mechanisms.³⁹

An effective child-based approach to climate change loss and damage should include issues on the attribution or acceptance of responsibility by the polluters and payment of compensation. This is also in line with the UN Committee's views that children's rights "is in a large measure dependent on the well-being and resources available to those with responsibility for their care."⁴⁰ A compelling view emerging from the UN Committee's requirement for financial assistance is that developed countries should pay compensation to vulnerable countries to enable them to support those with the responsibilities of children. Implicating parents and enabling services to parents, legal guardians, and other caregivers to support children in need should be translated into a rights-based outcome. The landmark decision by COP 27 to establish a loss and damage fund is welcomed and gives promises to compensate developing countries that continue to suffer the consequences of climate change.⁴¹ However, many questions arise. Firstly, how and whether this fund will be adequately financed given the bottlenecks of the past challenges. Secondly, many African countries are already in debt and are often forced to accelerate or venture into pursuing extractive economic policies which in turn exacerbates the climate crisis.⁴² This is referred to as the "vicious cycle" where climate-related loss and damage often force African countries to borrow externally with a view to rebuilding, and since such access to finance is often provided on commercial terms further burdening countries.⁴³ Thirdly, since the assessment of climate risks has become a routine part of debt sustainability analysis, the majority of African countries that are vulnerable to the climate crisis are made even more prone to a debt crisis.⁴⁴ In other words, African countries that are most vulnerable to the climate crisis are also facing a debt crisis. Therefore, the need to service external debt in foreign currency has become a major accelerator of the climate crisis. Thus, in Africa, debts and climate crises are reinforcing one another. It is therefore important to contextualise the importance of traditional knowledge for the purpose of climate change mitigation and adaptation.⁴⁵

Development of appropriate frameworks for children's participation

The traditional perspectives from developmental psychology and sociological understanding of children as a product of socialisation continue to undermine children's rights to participation as persons able to contribute to their families and communities and for their capacity to shape their own lives as well as those around them.⁴⁶ The trend to undermine children's rights and capabilities as people able to shape their own destinies and contribute to their communities is also common among traditional researchers who have considered

³⁹ Kreienkamp J, Vanhala L. Climate change loss and damage. Global Governance Institute. 2017 Mar 29:1-28.

⁴⁰ UN (2005) n 27.

⁴¹ The Twenty-seventh Conference of the Parties (COP27) to the United Nations Framework Convention on Climate Change (UNFCCC) at Sharm el Sheikh in Egypt,

⁴² Action Aid (April 2023) "The vicious cycle: Connections between the debt crisis and climate crisis" 3.

⁴³ Action Aid (April 2023) "The vicious cycle: Connections between the debt crisis and climate crisis" 3.

⁴⁴ Action Aid (April 2023) "The vicious cycle: Connections between the debt crisis and climate crisis" 3

⁴⁵ James, Rachel, Friederike Otto, Hannah Parker, Emily Boyd, Rosalind Cornforth, Daniel Mitchell, and Myles Allen. "Characterizing loss and damage from climate change." *Nature Climate Change* 4, no. 11 (2014): 938-939.

⁴⁶ Handel, Gerald, Spencer E. Cahill, and Frederick Elkin. *Children and society: The sociology of children and childhood socialization*. Roxbury Publishing Co, 2007.

children as “objects” rather than “subjects” of research.⁴⁷ In the process, children continue to suffer the disproportionate burden of inaction and are deprived of contributing as social actors capable of causing changes in their environment.⁴⁸ However, what is observed now is a shift towards acknowledging children’s rights and abilities and increasingly children are taking part in participatory research methodologies, including the design, analysis, and dissemination of data as core searchers.⁴⁹ The participatory approach is underpinned by Articles 12 and 31 of the UNCRC and ACRWC respectively. Particularly, article 31 imposes an obligation on children to work for the cohesion of families, serve their community, preserve through consultation, and dialogue the moral well-being of the society, and contribute to the best of their abilities to the promotion and achievement of African Unity.⁵⁰ The model underlines in these provisions suggest that states and those responsible for the children's programme must take proactive measures to create a safe and conducive space where children are free and able to express their views without fear of rebuke or reprisal.⁵¹ Increasing children's awareness and participation in the context of loss and damage allows children to contribute, strengthen, serve, and work to preserve and promote African unity, cultural values, and integrity. The fact that Africa contributes less than 4% of global GHG emissions but is the victim of the disproportionate impact of climate change. African children have the duty to contribute to the well-being of their societies. Particularly, in the context where the ACRWC notes with “concern that the situation of most African children remains critical due to the unique factors of their socio-economic, cultural, traditional, and developmental circumstances, natural disasters, armed conflicts, exploitation, and hunger.” It is thus profoundly contradictory that the same children are not part of or participate in activities and programme affecting them the most. The guidance that is to be provided based on the African Children’s Charter should also be alive to what is dubbed “just transition” and its outcomes. A "just" transition to a low-carbon economy implies a throughout assessment of the consequences of the processes on the livelihoods of millions of people in developing countries, especially children- for example in respect of investments in education, health care, and social protection rather than just mitigation.⁵²

Conclusion

A child right-based loss and damage approach is necessary and urgent to build a resilient climate future for African children. By considering the specific risks children face due to L & D, the paper demonstrates the unique needs of the most vulnerable population across the continent. Africa faces a complex and It reviews the challenges and opportunities related to governance, financial support, documenting, and implementing loss and damage mechanisms, and considers what role

⁴⁷ (Greene & Hill, 2005 p. 1).

⁴⁸ Greene, Sheila, and Diane Hogan, eds. *Researching children’s experience: Approaches and methods*. Sage, 2005.

⁴⁹ Kellett, Mary. "Children as active researchers: a new research paradigm for the 21st century?" (2005).

⁵⁰ African Charter on the Rights and Welfare of the Child (1990/1999)

⁵¹ Lundy, L., 2007. ‘Voice’ is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33(6), pp.927-942.

⁵² A Green Africa Is the Key to a Greener World

The United States won’t be a global leader in climate change until it works with African nations. (March 29, 2021) By **Tariye Gbadegesin**

states should have in designing and implementing such strategies. The conclusions of this research suggest that a child right-based loss and damage approach is necessary and urgent to build a resilient climate future for African children.