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CLIMATE REPARATIONS FIELD MANUAL

**AN ACTIVIST'S GUIDE TO LOSS AND DAMAGE
JUSTICE**

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Climate Reparations Field Manual

An Activist Guide to Loss and Damage Justice

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Climate Reparations Field Manual: An Activist Guide to Loss and Damage Justice

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Introduction

Responsibility to prevent transboundary harm predates the UNFCCC and it's a general principle of international law. Fossil fuels have been burned for profit and economic development by Global North countries for decades, at rates significantly higher than the rest of the world. The reckless use of resources by States and companies under their control has disrupted our climate, adversely affected the lives of millions and destroyed our climate. Despite scientific evidence and warnings, States did not take appropriate measures to prevent harm, and frontline communities around the world are suffering undue loss and damage.

The preamble of the UNFCCC reminds us that climate change is caused directly or indirectly by human activity. And, that the changes to our planet's climate and its adverse effects to natural ecosystems and the lives of millions of people across the world are a common concern.

Furthermore, States are reminded in the UNFCCC preamble that their exploitation of resources must comply with environmental policies and the United Nations Charter.¹ The UNFCCC preamble specifically states that States have the responsibility to "ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction². States thereby collectively placed the linkage between human exploitation of resources and the causality of climate change, as context to interpret in good faith the UNFCCC terms³. Thus, the UNFCCC as it was created contemplates that climate change inducing activities within a state's control or jurisdiction can cause damage to third parties and result in legal responsibility to repair the transboundary harm.

The State duty to protect people and the planet from undue and significant harm, including those outside their own territory

¹ UNFCCC, (1992) Preamble paragraph 8. Retrieved from [conveng.pdf](#)

² UNFCCC, (1992) Preamble paragraph 8. Retrieved from [conveng.pdf](#)

³ Vienna Convention on the Law of Treaties, (1969) Art 31. Retrieved from [Vienna Convention on the Law of Treaties \(1969\)](#)

is not solely dependent on the UNFCCC.⁴ Loss and damage that is disproportionately suffered by climate-vulnerable States and frontline communities is the result of harmful actions. These actions that have caused harm are unlawful due to the transboundary harm that it has caused, and those States responsible for preventing and controlling pollution must be held accountable. States' responsibility for the adverse effects of climate change must be upheld. If not, there will be no future for our communities and the foundations of our international community will crumble. Climate change is a common concern, and justice will benefit us all.

The basis for climate justice for loss and damage starts at the beginning with the general principles of law and the foundation of international climate law. Justice for people and the planet requires effective remedies, structural reforms, and safeguarding human rights and freedoms.⁵ Demanding coherence between law and policy from our

governments on defending our right to climate reparations, in the courts and in the international climate regime is the path to climate justice for affected communities. From this starting point, the Field Manual prepares activists to advocate and exercise their right to climate justice and reparations.

The concepts addressed in this Field Manual are drawn from the oral statements made by states during the oral hearings before the International Court of Justice during in the advisory proceedings relating to Obligations of States in respect of Climate Change.⁶ The written and oral submissions provided comprehensive insights on States' understanding of the application of the international law of state responsibility and how it applies to climate change. Grounded in international law, and on the record in front of the most authoritative Court, the arguments advanced by States and International Organizations demonstrate State's legal obligation to facilitate the provision of reparations

⁴ Sandrine Maljean-Dubois (2021) "The No-Harm Principle as the Foundation of International Climate Law" Retrieved from [Maljean-Dubois 7](#); Jervan, M (2014) "The Prohibition of Transboundary Environmental Harm. An Analysis of the Contribution of the International Court of Justice to the Development of the No-harm Rule." Pg 50 retrieved from [srm_id2486421_code1833176.pdf](#); Oral Statement: Saint Lucia, CR 2024-48 "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁵ Fiji, (2024) CR 2024-36. From here on, reference will be made to the various oral statements made during the session on the obligations of States in relation to climate change (Request for an advisory opinion submitted by the United Nations General Assembly). Retrieved from [INTERNATIONAL COURT OF JUSTICE](#).

⁶ ICJ, (2024) Obligations of States in respect of Climate Change. Retrieved from [Obligations of States in respect of Climate Change](#)

moving away from their voluntary and discretionary acting within the UNFCCC. The purpose of this text is to present well-articulated arguments developed through the understanding of international law and the perspective of a Global South resistance pedagogy to

equip climate justice activists, movement builders, and spokespeople to influence political decisions and for negotiators in multilateral fora including the UN climate negotiations to weave climate reparations and the language of harm and the duty to repair into legal texts.

The front line of Loss and Damage

Climate change loss and damage is rooted in the profiteering activities of a minority group of people and companies with high economic power and political support of governments. The lack of governmental control of economic activities that generate excessive burning of fossil fuels, pollution, and massive production of waste have created an existential crisis for us all. These polluters have consistently sought evasion of all responsibility for environmental and climate harms. The UNFCCC structure disregards liability and compensation due to loss and damage and is an example of structural injustice and responsibility dodging.⁷

Loss and damage is the result of an international wrongful act by Global North

countries which disproportionately harms Global South communities. The harm to the same people that historically have been impacted by the violence of domination and territorial dispossession by the Global North. Global North countries and the companies under their control are responsible for the majority of accumulative historical emissions of anthropogenic CO₂.⁸ Current scientific developments allow us to determine, with incredible accuracy, the current and historical emissions of different countries and their corresponding contributions to the increase in the global average surface temperature.⁹

The growing continuum of climate impacts countries of the Global South has led the political positioning of various

⁷ UNFCCC, (2015). Decision 1/CP.21 Adoption of the Paris Agreement. Paragraph 51. Retrieved from [Report of the Conference of the Parties on its twenty-first session, held in Paris from 30 November to 11 December 2015. Addendum. Part two: Action taken by the Conference of the Parties at its twenty-first session.](#)

⁸ Oral Statement: Chile, CR 2024-38: 10. Retrieved from: <https://www.ici-cij.org/sites/default/files/case-related/187/187-20241203-ora-02-00-bi.pdf>

⁹ The History of Carbon Dioxide Emissions. (World Resources Institute, 2024). <https://www.wri.org/insights/history-carbon-dioxide-emissions>

States to focus on highlighting historical inequality in climate matters. As an example, the Science of Climate Change and the Caribbean - Report points out that greenhouse gas emissions tracked since 1850 show wide disparities between states.¹⁰ Small Island Developing States (SIDS) contributed approximately only 0.5% of total historical emissions, Grenada's share of global greenhouse gas emissions is only 0.01%.¹¹

The most vulnerable countries are exposed to the greatest damage and loss. It is often marginalized communities within these countries that are particularly affected, as is the case of women in the Cook Islands. They are concerned about losses beyond the economic considerations, such as the damage suffered by the ecosystems that source the raw materials for their cultural goods. This harm influences the breakdown of family traditions, cultural identity, and the practice of the Maori language.¹²

These unequal situations are undoubtedly replicated in other parts of

the world, for example Central America. This region is additionally characterized by high exposure to geophysical and hydrometeorological threats due to its geographical location and topography. Unhinged carbon emissions have led climate threats to a turning point in the socio-climatic crisis, which converges with humanitarian crises, and tertiary economies that are dependent on atmospheric conditions.¹³

The Central American Dry Corridor has seen an exponential increase in temperatures and rainfall variation.¹⁴ These changing conditions have caused an agricultural productivity decrease. Floods and storms, hurricanes, surge waves, river flooding and a loss of rainfall patterns have also become more intensive due to climate change. Testimonies from local communities are clear, for example in Honduras: "Hurricane Mitch was in 1998. Entire communities were lost; I remember a community called El Chaparro, and not even a house remained."¹⁵

¹⁰ IPCC, (2024) "Science of Climate Change and the Caribbean – Report." Retrieved from [Annex 1](#)

¹¹ Oral Statement: Grenada, CR 2024-41: 3. Retrieved from: <https://www.icj-cij.org/sites/default/files/case-related/187/187-20241205-ora-01-00-bi.pdf> "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹² Oral Statement : Cook Islands, C4 2024-42: 6. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹³ Yamamoto and others. La Movilidad Humana Derivada de Desastres y el Cambio Climático en Centroamérica. (OIM, 2021). Retrieved from: <https://publications.iom.int/books/la-movilidad-humana-derivada-de-desastres-y-el-cambio-climatico-en-centroamerica>

¹⁴ Note: The Central American Dry Corridor is a geographical area that spans across El Salvador, Guatemala, Honduras, and Nicaragua. It is characterized by long periods of drought alternating with heavy rainfall, which significantly affects the livelihoods and food security of its residents.

¹⁵ Interview Man from the community of El Venado, 2024

In the Central American context, which is already vulnerable to climate change, there are social groups that cannot cope with the intensifying climate impacts. Family members are forced to cross borders or move to the cities, to work and generate income to financially support those who remain. This has been evident since 2014 in the municipalities of Cabricán, in the Quetzaltenango region of Guatemala, and in Matagalpa, Nicaragua, to mention just a few cases.¹⁶

There are also cases where the effects of climate change result in more intense heat waves, as is the case in the departments¹⁷ of Choluteca, Valle, El Paraíso, Francisco Morazán, La Paz and Ocotepeque in Honduras. These communities experienced severe droughts from late June to early September.¹⁸ People leave to protect their lives, return to rebuild and then see their effort destroyed again by new and stronger climate impacts.¹⁹ As a result, frontline communities are fighting for the right to remain in their territories, taking

autonomous and self-financed measures to adapt or respond to loss and damage.

Climate change directly affects the livelihoods of Indigenous Peoples, leading to the loss of ancestral culture and violating the right to self-determination of Indigenous Peoples.²⁰ Climate impacts are limiting the possibility to continue practising ancestral knowledge, social traditions and agricultural practices.²¹ Loss and damage go beyond the economic dimension as it breaks the cultural fabric communities.

In their oral submission to the ICJ, Palestine highlighted the environmental impact of armed conflict and state that the ongoing genocide in addition to a blatant violation of the right to life and human rights, causes destruction of arable land and infrastructure, housing, furthering local and global climate impacts.²² The ongoing Israeli attacks is responsible for the emission of between 420,000 and 650,000 tons of carbon

¹⁶ Yamamoto and others. *La Movilidad Humana Derivada de Desastres y el Cambio Climático en Centroamérica*. (OIM, 2021). Retrieved from: <https://publications.iom.int/books/la-movilidad-humana-derivada-de-desastres-y-el-cambio-climatico-en-centroamerica>

¹⁷ Note: it is a type of geographical political distribution like cantons, or provinces.

¹⁸ Maria Paula Calvo and others, 'Loss and Damages Monitoring' (La Ruta del Clima, October 2024) Retrieved from: www.larutadelclima.org

¹⁹ La Ruta del Clima, (2024) *Climate Change Loss and Damage in Rural Communities in Honduras and*

Colombia. Retrieved from [LRDC_OUTPUT-3.-Narrative-Case-Study-Reports-Honduras-and-Colombia.pdf](#)

²⁰ Oral Statement: Guatemala, CR 2024-41:6. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

²¹ Maria Paula Calvo and others, 'Loss and Damages Monitoring' (La Ruta del Clima, October 2024) Retrieved from: www.larutadelclima.org

²² Palestine Case Study Climate Refugees Othering & Belonging Institute Retrieved from: <https://belonging.berkeley.edu/climatedisplacement/case-studies/palestine> accessed May 30, 2025

dioxide and other greenhouse gases in just the first 120 days.²³The destruction without return of the cultural heritage, memory, lives and territory of hundreds of thousands of Palestinians, leads to denunciations of terracide, a concept that alludes to the annihilation of life in the territories, taking into account the multiscale of living beings and ecosystems.²⁴

The oral statement submitted by Kiribati before the ICJ highlighted the intergenerational injustice that their children and young people are experiencing a socio-climatic crisis, forced to lose their homes, their belongings, their personal ties and to find themselves in the need to move elsewhere within the country. Sea level has eaten away the shores on which in their homes are built and forces relocation to higher grounds.²⁵ The people of Kiribati did not contribute to sea level rise, as countries in the Global North did, but they are forcibly displaced.

The fact that loss and damage is a phenomenon with asymmetrical and

unequitable repercussions for the countries of the Global South, makes the international climate regime fester with injustice. Up until now, Global North countries responsible for the harm refuse liability, and specifically exclude this wherever possible. The UN climate regime is yet to provide an effective mechanism for climate reparations. Existing funding schemes are based on voluntary contributions rather than on legal obligations, and do not have available the scale of financial resources that are required to effectively address loss and damage. Inequity, gross human rights violations and structural injustice cannot continue any further; Frontline communities have a right to access justice, and their rights to be upheld. We need climate reparations and the rule of law.

"The cardinal principle is crystal clear. Responsible States are required to make full reparation for the injury they have caused" Vanuatu²⁶

²³ Palestine, CR 2024-46: 2 "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

²⁴Repensar el sur (Consejo Latinoamericano de Ciencias Sociales - CLACSO, 2020) Retrieved from: <https://biblioteca-repositorio.clacso.edu.ar/bitstream/CLACSO/8792/1/Repensar-el-sur.pdf> accessed May 16 2025

²⁵ Oral Statement: Kiribati, CR 2024-43: 3. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

²⁶ Oral Statement: Vanuatu, CR 2024-36. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

Foundation for Loss and Damage Justice

This section provides a foundational list of legal and political concepts for activists to articulate their rights while advocating for climate reparations in legal and political spaces. The foundations for loss and damage justice take as reference many of the oral statements made by States during the oral proceedings before the International Court of Justice on the Advisory Opinion process on climate obligations.

International Legal Obligations

The obligation to protect the environment is not an exhortation or a philosophical principle, but a strictly legal obligation.²⁷

The obligation of States is to “control the implementation of measures taken in response to climate change” and non-State actors must obey these regulations to protect the climate and the environment.²⁸

²⁷ Oral Statement: Senegal, CR 2029-49. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

²⁸ Oral Statement: Serbia, CR2024-50. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

²⁹ Oral Statement: Serbia, CR2024-50. "Oral Proceedings - Obligations of States in respect of Climate

This implies that States are under the obligation regulate and hold non-state actors, including fossil fuel companies, responsible for their actions and omissions that have caused harm. Therefore, if a company does not follow the law regarding climate change, then the State must take measures to hold them accountable.²⁹ For example, if a company is actively developing new fossil fuel projects in or outside the country's jurisdiction, despite regulations on of fossil fuel phase out, this opens pathways for corporate accountability for contributions to climate change and to the harm caused.

States have a clear legal obligation regarding the activities that have caused climate change since the industrial revolution.³⁰ The global warming limits of 1.5°C are not being fulfilled by many States.³¹ The obligation to prevent harm

Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

³⁰ Oral Statement: Ghana, CR 2024-41. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

³¹ Oral Statement: Ghana, CR 2024-41. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

and protect people and planet has been breached.

No Harm

There is a longstanding international obligation to prevent damage to the environment and to reduce, limit, and control activities that cause damage³².

States are required to ensure that actions on their territory and/or under their control do not cause significant harm to other States.³³

States do not have absolute discretion to dispose of natural resources, such as fossil fuels, if they are causing harm to the climate system.³⁴

"No State is really independent if it must suffer injury without consequences to the States causing the injury".³⁵

This duty of prevention and due diligence is triggered by the risk of causing transboundary harm. Identification of the specific harm is not a prerequisite to establishing a State's liability for the violation of their prevention obligation.³⁶

³² Oral Statement: Marshall Islands, CR 2024-42 Retrieved from: <https://www.icj-cij.org/case/187/oral-proceedings>

³³ Oral Statement: Marshall Islands, CR 2024-42 Retrieved from: <https://www.icj-cij.org/case/187/oral-proceedings>

³⁴ Oral Statement: Kiribati, CR 2024-43. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

³⁵ Oral Statement: Palau, CR 2024-47. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

³⁶ Oral Statement: Marshall Islands, (2024) CR 2024-42 "Oral Proceedings - Obligations of States in respect of

Breaches of legal obligations by Global North States have involved a series of actions and omissions over time which have caused, individually and collectively, significant harm to the climate system as a part of the environment.³⁷ The obligation to prevent significant harm to the environment and its due diligence applied to the conduct responsible for climate change has existed "well before the climate treaties entered into force and has continued to apply since then".³⁸

Therefore, big carbon emitting States had the obligation to prevent transboundary harm, and conduct activities with due diligence, which can be translated into an obligation to prevent loss and damage. Now they must take responsibility for the harm caused.

Every State is obliged to not allow its territory to be used for acts contrary to the rights of other States.³⁹ An independent State should be able to freely build its own future and be responsible for the

Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

³⁷ Oral Statement: Saint Lucia, CR 2024-48. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

³⁸ Oral Statement: Saint Lucia, CR 2024-48. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

³⁹ Oral Statement: Nauru, CR 2024-46. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

security, safety and well-being of its people. This freedom also means to have responsibility towards its neighbors and ensure that the activities allowed within its territory do not cause significant harm to other nations.⁴⁰ Sovereignty is not a valid argument to justify harm caused to other States⁴¹. Global North countries seem to forget this basic duty, by not acknowledging their responsibility for causing climate change and for the loss and damage that it has caused their neighbors.

The principle of transboundary harm and State responsibility is foundational for every State independence.⁴² The obligation of a State not to cause transboundary harm is not limited by proximity between States; rather it depends on whether a state's actions or omissions cause harm outside its territory. It is irrelevant whether this harm is a few meters or thousands of kilometers away.⁴³

Furthermore, there is no difference between harming another States' territory and harming the atmosphere with

unsustainable levels of Greenhouse Gas emissions.⁴⁴ Harming the atmosphere directly and predictably harms other States' land and peoples.⁴⁵

Frontline communities and Global South States have a right to not be harmed, this right can't be obscured nor disregarded in the courts nor is up to be negotiated at the UNFCCC Climate Conferences. The international wrongful acts that harm planet and people through climate change must be stopped and its harm repaired.

International Wrongful Acts

An international wrongful act implies an act or omission by a State that has breached an international legal obligation.⁴⁶ States that have "displayed the conduct responsible for climate change have violated their international obligations and they must face the consequences of their wrongful actions."⁴⁷

"Article 1. Responsibility of a State for its internationally wrongful acts. Every internationally wrongful act of a State entails the international responsibility of

⁴⁰ Oral Statement: Palau, CR 2024-47. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁴¹ Oral Statement: Papua New Guinea, CR-2024: 12-13.

⁴² Oral Statement: Palau, CR 2024-47. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁴³ Oral Statement: Costa Rica, CR 2024-39. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁴⁴ Oral Statement: Kiribati, CR 2024-43: 3. "Oral Proceedings - Obligations of States in respect of Climate

Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁴⁵ Oral Statement: Kiribati, CR 2024-43: 3. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁴⁶ Responsibility of States for Internationally Wrongful Acts, [Responsibility of States for internationally wrongful acts:](#)

⁴⁷ Oral Statement: OACPS, CR 2024-53. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

that State." ⁴⁸Where there has been significant harm to the climate system and the environment due to the omissions or actions of States, it constitutes a breach of international obligations. Therefore, responsibility must be applicable to those States who are in breach, and the legal consequences of the harm caused must be determined.⁴⁹ There is an overarching legal framework governing State responsibility due to breaches in the climate obligations which cannot be ignored.⁵⁰

Climate change is "not a distant threat or an abstract notion, it is an existential threat that has already resulted in immense harm."⁵¹ Global South countries that have been affected by internationally wrongful acts of Global North States due to climate change induced loss and damage, are legally entitled to the enforcement of remedial actions, including cessation, satisfaction and/or reparations.⁵² As Viet Nam submitted, to

make provide effective remedies and full reparations due to harm caused by international wrongful acts is a general principle of international law.⁵³ The current absence of climate reparations for a breach of climate obligations is morally inadmissible and contrary to international law.⁵⁴

Loss and Damage

From a conceptual perspective, damages due to climate change are considered "negative impacts in relation to which repair or restoration is possible". While losses are "negative impacts in relation to which repair or restoration is impossible", in both cases.⁵⁵

These concepts have both economic and non-economic dimensions, the latter being: cultures, traditions, languages, the historical memory of a community and even the processes of human displacement outside their territories.

Loss and damage suffered can be quantified and its causality determined.⁵⁶

⁴⁸ Responsibility of States for Internationally Wrongful Acts, [Responsibility of States for internationally wrongful acts](#):

⁴⁹ Oral Statement: Uruguay, CR 2024-52. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁵⁰ Oral Statement: Grenada, CR 2024-41. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁵¹ Oral Statement: Papua New Guinea, CR 2024 – 43. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁵² Oral Statement: Philippines, CR 2024-37. "Oral Proceedings - Obligations of States in respect of Climate

Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁵³ Oral Statement: Vietnam, CR 2024-52. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁵⁴ Oral Statement: México, CR 2024-45. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁵⁵ Oral Statement: Maria Paula Calvo and others, 'Loss and Damages Monitoring' (La Ruta del Clima, October 2024) [7]

⁵⁶ Oral Statement: Seychelles, CR 2024-49. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

The loss and damage caused by economic activities related to climate change are not the responsibility of the whole international community, but of big historic carbon emitters.⁵⁷ Developed countries have benefited for decades from carbon emissions to lead their industrialization, yet developing countries have not and are now facing the most severe impacts of climate change.⁵⁸ A legally grounded and just response to loss and damage is required through conceptualizing and facilitating climate reparations.

Human Rights

The international obligation to meet the 1.5-degree temperature target of the Paris Agreement Article 2 also arises under international human rights law.⁵⁹

States have human rights obligations to persons inside and outside their territory regarding their actions or omissions to cause climate change and its adverse effects. In addition to cooperation obligations and the obligation to bring about compliance with human rights imperiled by climate change, States must also repair the human rights harms caused by climate change.⁶⁰

⁵⁷ Oral Statement: Seychelles, CR 2024-49. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁵⁸ Oral Statement: Sudan, CR 2024-50. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁵⁹ Oral Statement: Sierra Leone, CR 2024-41. "Oral Proceedings - Obligations of States in respect of Climate

Under human rights law, victims of human rights violations are entitled to effective redress. Global North States's actions and omissions have caused human rights violations, to which the victims of these are now entitled to effective remedies.

Common But Differentiated Responsibilities and Respective Capabilities (CBDR-RC)

Many states and international organizations in the ICJ climate proceedings recognized Common but differentiated responsibilities and respective capabilities (CBDR -RC) as a well-established principle in international climate change law.⁶¹

CBDR-RC states that "while all States share the obligation to prevent, address and mitigate environmental degradation, the responsibility is not shared equally. The disparity of economic development and industrialization requires developed States to take the lead and assume a greater burden. Likewise, the circumstances of developing States must be given full consideration, especially those that are particularly

Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁶⁰ Oral Statement: Jamaica, CR 2024-43. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁶¹ Oral Statement: Guatemala, CR 2024-41. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

vulnerable to the adverse effects of climate change.⁶²

This principle recognizes the historical inequities in carbon emissions.⁶³ The reason there is a differential set of State obligations is the fact that there have been different contributions made by States to cause the current state of environmental degradation and climate crisis.⁶⁴ Responsibility for causing climate change is not shared evenly among all States but informed by historical carbon emissions, climate vulnerability and capacity to address climate change.⁶⁵ Therefore, if the contribution “to the global environmental degradation is unequal, the responsibility should also be unequal”.⁶⁶

Developed States obligation regarding CBDR-RC and climate change have three main components (a) financial support, (b) transfer of technology and (c) capacity-

building.⁶⁷ Furthermore, CBDR-RC requires to consider the needs and special circumstances of those that are particularly vulnerable to climate impacts and that bear a disproportional or abnormal burden due to this human made crisis.⁶⁸ However, States that have breached their international legal obligations are attempting to dilute the normative content of CBDR-RC and thereby absolve industrial states from responsibility. This effort was evident in the ICJ hearings and is a consistent pattern at the UNFCCC negotiations. For example, the US has made statements at the UNFCCC COPs and before the ICJ disagreeing with CBDR.⁶⁹

Climate Reparations

General International Law is clear, the obligation of responsible States is to “erase all consequences of its illegal act and to re-establish the situation as it

⁶² Oral Statement: Guatemala, CR 2024-41. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁶³ Oral Statement: México, CR 2024-45. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁶⁴ Oral Statement: India, CR 2024-42. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁶⁵ Oral Statement: Myanmar, CR 2024-45. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁶⁶ Oral Statement: India, CR 2024-42. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁶⁷ Oral Statement: Iran, CR 2024-42. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁶⁸ Oral Statement: Perú, CR 2024-47. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁶⁹ Carbon Copy, (2022) “COP27: US claims to disagree with principles of UN climate convention” Retrieved from [COP27: US claims to disagree with principles of UN climate convention - CarbonCopy](#); Oral Statement: United States of America, CR 2024-36. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

would in all probability have existed if that act had not been committed."⁷⁰ Reparations are central to the regime of State responsibility which governs the international community and is essential in the climate change framework.⁷¹ For Global South countries, and particularly to those that have low or very low carbon footprint but are severely affected by climate impacts, climate reparations are of critical importance.⁷²

Climate reparations are the legal consequence of States breaching obligations in general international law, customary international law, international human rights law and their obligations under the climate change regime.⁷³

States are required to make full reparations for the injury they have caused, and it must be proportionate to historic carbon contributions.⁷⁴
Responsibility and liability of Global North countries are greater because of their current and past contributions to the problem.⁷⁵

Reparations are owed by Global North States if they fail to discharge their mitigation and adaptation obligations, and especially if the adverse effects of climate change led to displacement, migration and relocation.⁷⁶

Global North States are also obliged to take actions to ensure cessation and non-repetition of the harm suffered by countries and communities adversely affected by climate change. In addition to ceasing the harmful act, Climate reparations must take the form of restitution, compensation, and satisfaction. Full reparations should include redress for the whole population of an affected area, especially for SIDS.⁷⁷

Equitable and transformational climate reparations must include genuine and sincere apologies. Holistic climate reparations are needed to repair trust between States and Peoples, to lead to relationships based on "reciprocity and

⁷⁰ Oral Statement: Jamaica, CR 2024-43. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁷¹ Oral Statement: México, CR 2024-45. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁷² Oral Statement: Ecuador CR 2024-36. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁷³ Oral Statement: Sri Lanka, CR 2024-50. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁷⁴ Oral Statement: Vanuatu, CR 2024-36. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁷⁵ Oral Statement: El Salvador, CR 2024-39. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁷⁶ Oral Statement: Cook Islands, CR 2024-42. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁷⁷ Oral Statement: Papua New Guinea, CR 2024-43. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

care, rather than domination and oppression".⁷⁸

A degree of uncertainty is not a valid argument to void the existence of a duty to make reparations.⁷⁹ The UNFCCC states that climate actions should be taken, "where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures", this principle is equally applicable to enable reparations due to loss and damage.⁸⁰ Furthermore, there is no doubt as to the basic chain of causation, leading from developed and industrialized countries carbon emissions to the devastation suffered by developing countries due to loss and damage.⁸¹ "A mandatory loss and damage reparation scheme can provide effective and adequate funds" to respond to the suffering of millions of people in vulnerable countries.⁸² This would imply to reset and reform the existing governance of loss and damage to include mandatory obligations regarding harm, which will change how existing

mechanisms work and how they are funded. For example, the existing Fund to Respond to Loss and Damage is not provisioned with resources based on States duties but on fundraising.

In addition to this, as Sierra Leone mentions, material and non-material damage must be unquestionably repaired by the State or States that caused the damage. Because reparation goes beyond international responsibility, it implies being able to access an ecologically balanced environment in order to live a dignified life and, at the same time, to have the right to self-determination⁸³, which has been systematically taken away from the countries of the Global South in terms of their inability to manage their public resources, as they have had to repair the damage and losses caused by disasters that were not caused by these countries.

For example, in early 2024, the Panama Canal basin suffered the third worst drought in its 110-year history, which resulted in: a decrease in transits, a

⁷⁸ Oral Statement: Cook Island, CR 2024-42. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁷⁹ Oral Statement: Antigua and Barbuda, CR 2024-36. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁸⁰ UNFCCC, (1922) "United Nations Framework Convention on Climate Change" Art. 3.3 Retrieved from: [conveng.pdf](#)

⁸¹ Oral Statement: Zambia, CR 2024-52. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁸² Oral Statement: Thailand, CR 2024-51. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁸³ Oral Statement: Sierra de Leone, CR 2024-41. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

reduction in revenue, and prolonged delays in commercial shipments⁸⁴, which jeopardizes the right to self-determination and the use of public resources that are already scarce in developing countries. Thus, without climate responsibility, the countries of the Global South will continue to be the "sacrifice zones" of the richest countries⁸⁵.

Cessation

States that have generated harm by their non-compliance with climate obligations are obliged to end ongoing violations.⁸⁶

As Uruguay affirms, the legal consequences of violations of international law include the obligation to put an end to any continuing violation of international law, **the obligation to offer adequate guarantees and assurances of non-repetition if circumstances so require, and the obligation to fully repair the damage caused by the internationally wrongful act.** Cessation

of harmful activities such as excessive greenhouse gas emissions are fundamental under international law.⁸⁷ Cessation is needed because "if greenhouse gas emissions are not stopped, we are not just risking our future - we are welcoming its demise".⁸⁸

Cessation requires States to "immediately reduce greenhouse emissions in line with scientific recommendations".⁸⁹ Therefore, cessation should include dismantling the systemic structures that drive climate change emissions, which states before the IC interpreted to include national legislation which govern the granting of new fossil fuel exploration licenses, fossil fuel subsidies and voluntary weak mitigation target Cessation "requires a suite of regulatory measures capable of achieving immediate and deep emission cuts".⁹⁰ Geoengineering and the reliance on other un-tested technologies (so called false solutions) is not considered cessation.⁹¹ Frontline communities and

⁸⁴ Oral Statement: Panama, CR 2024-47: 13. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁸⁵ Oral Statement: Ghana, CR 2024-41: 4. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁸⁶ Oral Statement: Colombia, CR 2024-38. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁸⁷ Oral Statement: Colombia, CR 2024-38. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁸⁸ Oral Statement: Pacific Community, CR 2024-53. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁸⁹ Oral Statement: Fiji, CR 2024 -36. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁹⁰ Oral Statement: Vanuatu, CR 2024-36. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁹¹ Oral Statement: Vanuatu, CR 2024-36. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#); Oral Statement: Kiribati, CR 2024-43: 3. "Oral

vulnerable countries are already suffering an existential crisis; therefore, climate change-inducing conduct must cease.⁹²

The obligation to cease the damage is paramount. In particular when countries are heavily dependent on agriculture or service-based economies, such as fishing, because a constant threat in these areas, such as river pollution, will have a collateral effect on their undiversified economies.⁹³

The duty of assurance of non-repetition could include training programmes, truth and reconciliation commissions, judicial reforms and reformed domestic accountability mechanisms.

Non-repetition

The Law of State Responsibility includes the obligation to assure non-repetition of the unlawful activity, which in the context of climate change means harmful level of greenhouse gas emissions.⁹⁴ **Historical emitters must provide appropriate assurances and guarantees of non-repetition of the actions that caused the**

harm.⁹⁵ If violations persist, states have a duty to take all necessary measures to end the harm.⁹⁶

In the context of climate change, this includes legislative changes on a national regional and international level to ensure that transboundary harm does not re-occur. This could include the ratification of the Fossil Fuel Non-Proliferation Treaty, a democratization of energy systems or the criminalisation of ecocide.

Furthermore, as mentioned by the Democratic Republic of Congo, the first consequence is environmental damage, and the obligation is non-repetition. Therefore, all the major emitting States, at least since the UNFCCC, have shown negligence, knowing the consequences of their cumulative actions and omissions. **DRC submitted that the obligation not to repeat the act is even more imperative when pollution remains a systemic phenomenon.**⁹⁷

Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁹² Oral Statement: Marshall Islands, CR 2024 – 42. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁹³ Oral Statement: Uruguay, CR 2024-52: 6. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁹⁴ Oral Statement: México, CR 2024-45. "Oral Proceedings - Obligations of States in respect of Climate

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⁹⁵ Oral Statement: Uruguay, CR 2024-52. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁹⁶ Oral Statement: Colombia, CR 2024-38. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁹⁷ Oral Statement: Democratic Republic of Congo, CR 2024-47. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

Restitution

Restitution should be given priority, then be followed by compensation and satisfaction when compensations is not feasible.⁹⁸ Restitution must be the primary remedy and monetary compensation reserved only to when that is not possible. Restitution actions can include the rehabilitation and restoration of areas harmed by carbon emissions.⁹⁹

Therefore, full reparations through restitution implies to "as far as possible, wipe out all the consequences of the illegal act and re-establish the situation which would, in all probability, have existed if that act had not been committed".¹⁰⁰

While complete restitution maybe impossible to achieve, it must be pursued to the greatest possible result. Restitution could come in the form of restoring damaged ecosystems, such as coral reefs and mangroves, or finance, capacity building and technology transfer.¹⁰¹

Restitution in the context of climate change may seem impossible to achieve completely, but striving for it to

⁹⁸ Oral Statement: Ghana, CR 2024-41. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

⁹⁹ Oral Statement: Micronesia, CR 2024-45. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹⁰⁰ Oral Statement: Maldives, CR 2024-44. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹⁰¹ Oral Statement: Saint Lucia, CR 2024-48. "Oral Proceedings - Obligations of States in respect of Climate

the greatest extent possible is essential for the recovery of various damaged ecosystems, such as coral reefs and mangroves, as is the case with Helen's in Saint Lucia.

Restitution must also include significant financial and technological assistance from the responsible States to support transformative adaptation and mitigation measures in small island developing States.¹⁰²

Restitution includes the restitution of rights of right holders, which is especially relevant in the case of human rights harm due to climate impacts. This can include disaster relief, the provision of housing, infrastructure and schools, employment opportunities and public administration buildings (which deal for example with passports and wedding certificates to enable people to realize their right to citizenship, free choice and family life).

Restitution includes the reinstatement of Indigenous Peoples to their lands, resources.¹⁰³ Restitution includes the

Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#); Oral StatementGhana, CR 2024-41. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹⁰² Oral Statement: Saint Lucia, CR 2024-48. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹⁰³ Written Statement: Albania, CR-2024. Retrieved from <https://www.icj-cij.org/sites/default/files/case-related/187/187-20240321-wri-07-00-en.pdf>

recognition of states' sovereignty over their territory, especially relevant for low-lying atoll nations where the land above water is succeeding.¹⁰⁴ Restitution could include the restitution of citizenship or VISA arrangements for victims of climate harms.¹⁰¹ Restitution actions due to the loss and damage, is not the result of charity but of legal obligations.¹⁰⁵

Compensation

Reparations for wrongful acts harmful to the climate system may take the form of compensation for loss and damage.¹⁰⁶

Compensation can involve monetary payments (installments or lump sum) by responsible States to those who have suffered harm.¹⁰⁷ Current climate finance does not displace or replace the obligation to compensate.¹⁰⁸

Compensation by itself won't be enough to provide relief for affected populations. It must be accompanied by measures such as technology transfer on fair and equitable terms, capacity-building, support for regional scientific research on

climate change, including reasonable access to such financing which are all essential parts of reparations due by the responsible States.¹⁰⁹ Simultaneously compensation must cover past actions and harm that has already occurred, including the damage suffered by internally displaced people.¹¹⁰

Compensation for climate harms should be open-ended (to include cumulative harms that will only materialize in the future and to compensate for human rights violations experienced by future generations).

Compensation must cover both economic and non-economic losses and damages, including damages done to the environment, environmental goods and services.

Case Study:

The case of Nepal clearly illustrates how compensation is intrinsic when analyzing cases of damage and loss. In 2024 alone, disasters caused by climate change have

¹⁰⁴ Oral Statement: Sri Lanka, CR 2024-50. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹⁰⁵ Oral Statement: Ghana, CR 2024-41. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹⁰⁶ Oral Statement: Kenya, CR 2024-43. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹⁰⁷ Oral Statement: Micronesia, CR 2024-45. "Oral Proceedings - Obligations of States in respect of Climate

Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹⁰⁸ Oral Statement: Marshall Islands, CR 2024-42. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹⁰⁹ Oral Statement: Jamaica, CR 2024-43. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹¹⁰ Oral Statement: Marshall Islands, CR 2024-42. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

resulted in economic losses worth more than US\$1.3 billion dollars. This damage has mainly affected infrastructure related to drinking water, roads, energy and irrigation, as well as the loss of agricultural products. Therefore, compensation involves more than monetary compensation; it involves social and technological support. However, this country, like others in the Global South, believes that the establishment of a fund to respond to the loss and damage mechanism should be examined from the perspective of compensation for internationally wrongful acts.¹¹¹

Satisfaction

Satisfaction is needed to repair spiritual, dignitary and other types of injuries that loss and damage have caused in our Peoples, which cannot be cured by restitution or compensation.¹¹²

Satisfaction regarding loss and damage implies the recognition that the activities of States and corporations under their control have caused climate harms, and the terrible loss and damage suffered in the global south are recognized as

unlawful and -at least in parts- irreparable.

Under international law, the objective of reparation by the responsible State is to eliminate all the consequences of its wrongful act and restore the situation as it would in all probability have been if the act had not been committed. In this case, satisfaction involves recognition of environmental damage, restitution and compensation for communities, which is why this process is so crucial for Jamaica and other small island developing states, which deserve full satisfaction for historical processes of colonisation, plunder and environmental extractivism.¹¹³

A formal acknowledgment of wrongdoing by the responsible state is essential to restore dignity and demonstrate genuine accountability.¹¹⁴ To provide satisfaction to harmed communities is critical to address the moral, historical and structural dimensions of the climate crisis. Satisfaction can involve a wide range of measures that could include acknowledgment of harm, commemorations and tributes to the victims.³⁸ Furthermore, satisfaction can be

¹¹¹ Oral Statement: Nepal, CR 2024-46. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹¹² Oral Statement: Vanuatu, CR 2024-36. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹¹³ Oral Statement: Jamaica, CR 2024-43. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹¹⁴ Oral Statement: Saint Lucia, CR 2024-48. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

enforced by disciplinary actions against individuals and entities by the responsible State.¹¹⁵

Satisfaction in the context of climate change includes debt cancellation (e.g.

suggested by the African Union in their oral submissions). Satisfaction could include awareness-raising and educational programs in schools and for communities.

Our Climate Justice

***"We insist on liability, and we demand reparations"*¹¹⁶**

Climate change is rooted in injustice; economic activities disproportionately benefiting Global North countries companies and the super-rich, while severely injuring those most vulnerable through climate change and stealing a livable planet from the majority of people.

The current asymmetrical and anomic approach of the international climate regime to obligations represents a violation of international law that require immediate reform and reset of structural responses, particularly from the Global North toward the Global South. The rule of law and not the will of geopolitical powers, must be the baseline for climate actions. Eliminate carbon emissions,

remove the harm and repair loss and damage.

Climate reparations are about the defense of human rights. Human-driven climate change generates harm to human and natural systems; it threatens our life and communities. The current lack of climate reparations for non-compliance with legal obligations is morally and ethically unacceptable and contrary to international law. International wrongful acts behind climate change have caused not only economic losses, but also spiritual damage, damage to dignity, and loss of culture, that must be repaired.

Small island states face territorial extinction due to rising sea levels, while

¹¹⁵ Oral Statement: Micronesia, CR 2024-45. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

¹¹⁶ Oral Statement: Bahamas, CR 2024-36. "Oral Proceedings - Obligations of States in respect of Climate Change" Retrieved from [INTERNATIONAL COURT OF JUSTICE](#)

farming communities in Sub-Saharan Africa suffer from extreme droughts and accelerated desertification. Communities in Central America struggle with survival amid precarious conditions and the increasingly frequent impacts of floods, sea level rise, storms, hurricanes, and droughts. These realities reflect how the most vulnerable populations—those least responsible for the climate crisis—are bearing the heaviest burden. At the same time, countries in the Global North maintain levels of energy consumption and generate greenhouse gases (GHGs) that are unsustainable for the planet, on an unlawful path of further climate destruction and loss and damage.

The urgency of these measures lies not only in the magnitude of the damage

already caused, but also in the rapidly closing window of opportunity to avoid irreversible climate tipping points. Current mechanisms for international cooperation, while valuable, have proven inefficient in the face of continuous profit driven fossil fuels consumption. Enforceable legal obligations need to be implemented in the core structure of the climate regime. A reset and reform of the international climate regime based on the rule of law that includes drastic emission reduction and elimination, effective technology transfer, people led-processes, human rights, climate financial flows based on science and duties, and a climate reparations mechanism for loss and damage.

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