

RESET,

REFORM,

REPAIR

COP30 OF THE PEOPLE

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1. COP30 in Belem

The 30th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP30) is being held this year in Belém do Pará, Brazil. COP30 returns to Latin America a decade after COP14 in Lima, Peru, in 2014, and 33 years after the 1992 Earth Summit. This has meant a loss of direct participation by the Latin American public in international decision-making spaces addressing the climate crisis.¹

It should be remembered that COP25, which was to be held in Chile, was canceled by the Chilean government and moved to Madrid due to the social unrest in the country over demands for social and environmental justice. This dramatic change of venue just days before the event allowed the Chilean government to escape the popular protests flooding its streets and hold a European-style COP25. However, this change came with significant costs and insurmountable barriers for civil society.²

COP14 in Peru was the prelude to the negotiation of the Paris Agreement, so the atmosphere was one of expectation, despite the strong challenges. A decade later, the climate crisis is a reality in our territories and the struggle for social justice has left its mark on the region. However, Latin America is threatened by armed violence, fascism, high inequality, and adverse climate effects. Issues such as compensation for damage and losses are no longer a myth

in the corridors of international climate governance but a tangible necessity and a right of communities. COP30 comes to a Latin America threatened by military intervention in the Caribbean, with countries such as the United States denying the existence of climate change and breaking with the international order, and a Paris Agreement that has not delivered on its promises.

The International Court of Justice has stated that “the 1.5°C threshold is the main temperature target agreed by the parties to limit the global average temperature increase under the Paris Agreement.”³ However, 1.5°C is no longer just a limit; we are living it and experiencing its negative consequences in our communities.

The World Meteorological Organization indicates that for the period between 2024 and 2028, the global temperature increase is forecast to range between 1.1°C and 1.9°C. There is an 80% probability that the 1.5°C limit will be exceeded between those dates⁴ For its part, the IPCC warns that as temperatures rise, the effectiveness of adaptation will decrease.⁵

When global warming exceeds 1.5°C, many ecosystems will have reached or exceeded their hard adaptation limits, meaning that some adaptation measures will not be sufficient to prevent risks materializing in damage and losses.

¹ LRC. (2019) “Chilean Presidency Attempts to Deliver at COP25 Amidst Controversies” Retrieved from Chilean Presidency Attempts to Deliver at COP25 Amidst Controversies

² LRC. (2019) “COP25 in Madrid: What does it mean for Latin America?” Retrieved from COP25 in Madrid: What does it mean for Latin America?

³ ICJ. (2025) “OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE” para 224 Retrieved from Advisory Opinion of July 23, 2025

⁴ WMO. (2024) “Global temperature is likely to exceed 1.5°C above pre-industrial level temporarily in next 5 years” Retrieved from Global temperature is likely to exceed 1.5°C above pre-industrial level temporarily in next 5 years

⁵ IPCC. 2023 “Climate Change 2023 Synthesis Report Summary for Policymakers” for B.4.1 Retrieved from IPCC_AR6_SYR_SPM.pdf

In this context, the third version of the NDCs should have been submitted before COP30. However, the outlook is not encouraging. According to Climate Watch, only 70 countries, representing just 30% of global emissions, have submitted their third version of the NDC.⁶

This reality, in which the Paris Agreement is being surpassed and the goal of the United Nations Framework Convention on Climate Change to **“stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system”** seems like a fantasy, forces us to rethink the direction of climate governance and the sincerity of this three-decade-long process.

This political task is what lies ahead of us at COP30: promoting a reform of the climate regime that is in line with our rights, state obligations, and the reality described to us by communities and science.

1.1 Action Agenda

The COP30 Presidency presents the Action Agenda as the central pillar of the COP30 political process.⁷ This agenda seeks to mobilize voluntary climate action by civil society, businesses, investors, cities, states, and countries.

Its goal is to intensify efforts to reduce emissions, adapt to climate change, and transition to sustainable economies, in line with the Paris Agreement. The action agenda involves actors who do not negotiate formal agreements but are essential to the implementation of climate commitments.

The COP30 Action Agenda for the Presidency is based on the results of the first Global Stocktake (GST-1) and seeks to accelerate the implementation of what has already been negotiated.

These results are translated into six thematic pillars and thirty key objectives, focusing on mitigation, adaptation, finance, technology, and capacity building.

These objectives seek to ensure that climate action is people-centered, addressing issues such as climate justice, hunger, poverty, and structural inequalities related to gender, race, and socioeconomic status.

Unfortunately, the action agenda does not directly mention reparations for damage and loss, leaving out one of the three pillars of climate action.

It is also unclear how the Presidency plans to address the legal obligations that have been clarified by the International Court of Justice and the Inter-American Court of Human Rights in the implementation process.

1.2 Letters from the Presidency

The letters from the Presidency have been official public communications conveying Brazil's vision for leading COP30.

The First Letter sets the tone for COP30 by stating that climate risk has become the climate emergency we are now experiencing. In this crisis, rich countries are isolating themselves with walls of climate resilience, while poor countries are left out, suffering the adverse effects of climate change. In the spirit of joining

⁶ Climate Watch, n/a "NDC Tracker" Retrieved de [Nationally Determined Contributions \(NDC\) Tracker | 2025 NDCs | NDCs 3.0 | Climate Watch](#)

⁷ COP30 Presidency, na. "Action Agenda" Retrieved from Action Agenda

forces to confront nihilism, cynicism, and denial of the climate crisis, a call is made for a “mutirão” against climate change, which is a community effort to work together.⁸

This multi-stakeholder effort seems to recognize that there are states that are absent and opposed to climate action, and that it will take the rest of the international community to address the climate emergency.

This letter establishes the “Circle of Presidencies” from COP21 to COP29 to advise on the political process and implementation. This circle was expanded to include the current presidencies of the conferences of the parties to the Convention on Biological Diversity and the Convention to Combat Desertification. In addition, an **“Indigenous Leadership Circle”** is created to integrate their traditional knowledge and wisdom.

Furthermore, a group of Special Envoys was selected to interact with key actors on climate challenges. Finally, the Presidency launched a **“Global Ethical Balance”** to hear from a geographically diverse group of thinkers, scientists, politicians, religious leaders, artists, philosophers, and traditional peoples and communities, among others, on ethical commitments and practices to address climate change.

These spaces for interaction are not a new phenomenon, and other presidencies have launched processes such as the Glasgow Dialogues (COP26-27), the Dialogue on Oceans and Climate Change (COP25), the Talanoa Dialogue (COP23), and many other spaces. The impact of these dialogues is

difficult to measure, but they are usually used as tools for managing the governance process, whether to manage expectations, conflicts, seek solutions, or obscure deficiencies.

The Second Letter recognizes the geopolitical, environmental, and socioeconomic challenges we face and calls on us to **“(1) strengthen multilateralism and the climate change regime under the UNFCCC, (2) connect the climate regime to people’s real lives, and (3) accelerate the implementation of the Paris Agreement by stimulating action and structural adjustments in all institutions that can contribute to it.”** ⁶ Additionally, the “Circle of Finance Ministers” is presented to advise the COP30 presidency.

In the Third Letter, the Presidency focuses on people-centered climate action, urging governments to design inclusive policies that reflect the realities of citizens. It highlights the importance of social justice, equity, and community participation in climate solutions.

The Fourth Letter calls for accelerated implementation of the Paris Agreement, urging countries to submit ambitious and feasible Nationally Determined Contributions (NDCs) for 2035. It also presents the six pillars of the Action Agenda: (i) Energy, industry, and transport transition; (ii) Forest, ocean, and biodiversity management; (iii) Agricultural and food systems transformation; (iv) Building resilience for cities, infrastructure, and water; (v) Promoting human and social development; and the final cross-cutting

⁸ Retrieved from: <https://cop30.br/en/brazilian-presidency/letters-from-the-presidency/letter-from-the-brazilian-presidency>

pillar of (vi) Unlocking enablers and accelerators, including finance, technology, and capacity building. For these pillars, the Presidency lists objectives to accelerate progress on climate action.

The Fifth Charter focuses on nature and biodiversity, with the Amazon as a symbol of planetary urgency. It advocates for the protection and regeneration of ecosystems and promotes nature-based solutions, emphasizing the leadership of indigenous peoples.

It reiterates the strong leadership of populations affected by climate change, such as women and girls, youth, indigenous peoples, communities, Afro-descendants, minorities, migrants, persons with disabilities, older adults, and persons living in poverty.⁹

The Sixth Letter acknowledges that the results of SB62 were not ideal, but suggests that there is an acceleration of work towards COP30. It also expresses concern that only a few countries had submitted their new NDCs. The Presidency says it has consulted with the parties and committed to making COP30 **"a fair, inclusive, transparent, and predictable process with a view to COP30."**¹⁰

The Presidency notes frustration with climate finance and the need for synergies with other environmental governance efforts. In particular, the Presidency acknowledges that it has been called upon to ensure that COP30 reflects issues such as the first Biennial Transparency Reports,

National Adaptation Plans, and Loss and Damage.

It is important to note that during SB62, a letter from civil society was delivered to the Presidency, calling for the inclusion of the issue of reparations for damage and loss.¹¹ This inclusion has not yet been reflected in the Action Agenda, and it remains to be seen whether it will have a real place at COP30.

Finally, the Seventh Letter is addressed to the private sector, positioning climate action as a decisive business opportunity. The letter emphasizes that implementation and accountability must be priorities, and urges companies to join COP30 in Belém to contribute to building a sustainable future.

1.3 SB62

SB62 took place in June 2025, against a backdrop of geopolitical tensions, armed conflicts, and the weakening of multilateralism (such as the US withdrawal from the Paris Agreement), which has affected climate cooperation.

SB62 provided a forum for discussion of several key issues, such as the Global Stocktake (GST) dialogue, which stalled due to a lack of consensus on how to move forward with the energy transition, the Sharm el-Sheikh Dialogue on Article 2.1 c, a workshop on BTR and the Baku-Belém Roadmap towards USD 1.3 trillion in climate finance, and negotiations for the development of a new gender plan.

⁹ COP30 Presidency, n/a "Fifth Letter from the Presidency" Retrieved from <https://cop30/en/brazilian-presidency/letters-from-the-presidency/fifth-letter-from-the-presidency>

¹⁰ Retrieved from Sixth Letter from the Presidency

¹¹ Retrieved from COP30 Letter: Repairing the Damage

Among the main outcomes of SB62, progress was made on the Global Goal on Adaptation (GGA) in developing indicators to measure progress in adaptation, with a target set to reduce the number of indicators to 100. Indicators on financing, access, and quality were also included.

Climate finance was a contentious issue, with developed countries reluctant to commit sufficient resources. The global south maintained pressure for compliance with obligations under Article 9 of the Paris Agreement, and the NCQG continues to be a source of conflict in the negotiating rooms.

SB62 highlighted existing geopolitical tensions, which were reflected in the negotiating rooms, and led many sectors to question multilateralism and the lack of ambition and results.

1.4 UNGA 80

During UNGA80, the issue of reparations took on a more visible place in the international debate. Several states—especially in the Caribbean and Africa—and civil society organizations emphasized that one cannot talk about climate justice without recognizing the historical debts derived from colonialism, slavery, intensive resource extraction, and accumulated pollution by industrialized countries. This call did not come in isolation: it was part of a coordinated effort to position reparations as a structural component of the global climate response.

In this context, Secretary-General António Guterres publicly reiterated the urgency of recognizing and addressing historical injustices and their current impacts, including those related to the climate crisis.

However, despite the strength of these interventions, no binding commitments were adopted, nor has a formal reparations mechanism yet been integrated into official negotiation processes.

The issue remains in the political and moral sphere, without concrete translation into the multilateral climate architecture. This represents both a challenge and an opportunity: carrying the momentum of UNGA80 into spaces such as COP30 can turn an emerging debate into a regional and international advocacy agenda with concrete proposals, diverse alliances, and coordinated pressure.

Resuming this conversation is especially important on the road to COP30, which will take place in Latin America: a region historically marked by colonization, dispossession, and environmental inequality.

Positioning reparations in Belém is not only a matter of historical justice, but also a key political strategy for rebalancing global responsibilities, recognizing accumulated damage, and amplifying the voices of communities that have been on the front lines of climate impacts without being responsible for their cause.

Articulating this debate can help give new impetus to the regional climate agenda, generating alliances and opening up spaces that have so far remained marginal in formal negotiations.

1.5 People's Summit

The People's Summit will be held in parallel with COP30, as a call to action for a just and solidarity-based transition, where no one is left behind.¹² More than 1,100 civil society organizations have joined this initiative.

The summit is backed by a manifesto that states its objective as “strengthening popular construction and converging agendas of unity: socio-environmental, anti-patriarchal, anti-capitalist, anti-colonialist, anti-racist, and rights-based, respecting their diversity and specificities, united for a future of good living.”¹³

The issue of damage and loss is not clearly visible in the areas of action, but in its manifesto, the summit does call for reparations measures to be taken. To achieve this goal, the People's Summit calls for broad pressure and effective participation from civil society to **“mobilize public opinion, strengthen participatory and popular democracy, denounce and halt setbacks, and put pressure on decision-makers in Brazil and around the world.”**¹⁴

¹² Retrieved from People's Summit

¹³ Retrieved from Manifesto – People's Summit

¹⁴ Retrieved from Manifesto – People's Summit

2. Advisory Opinions

COP30 is taking place in a strange context where international law and human rights exceed in consistency and ambition what international climate governance has offered us for decades.

From the perspective of international law, the International Court of Justice (ICJ), in its Advisory Opinion on the Responsibilities of States in Relation to Climate Change, clarifies the legal standard for international governance of the climate crisis. The ICJ noted with great concern the widespread adverse impacts and damage and loss to nature and people. The consequences of climate change are profound and severe, affecting natural systems and the human population.¹⁵

The Inter-American Court of Human Rights (IACHR) addressed in its Advisory Opinion No. 32 the obligations of States with respect to the right to a healthy environment. The advisory opinion makes clear that a State has a responsibility with respect to the collective or individual rights of persons within or outside its territory who have been harmed by the failure to adequately protect the climate system. State irresponsibility also gives rise to the right of individuals to claim climate reparations for the damage and losses suffered.

These two advisory opinions provide us with a clear vision of what we can demand from our States and of the legal relationships

between them. Obligations and rights as a baseline for State conduct have implications for what will be negotiated at COP30. These obligations and rights also serve to question and call for reform of the mechanisms, processes, and decisions that have been made in the climate regime, based on political will and power, but not on international law and human rights. The actions or omissions of states within the negotiations are not exempt from the rules of law, but can now be judged in the full light of day.

2.1 International Responsibilities

The ICJ made it clear that, under the rules of state responsibility, any injured state can claim reparations.¹⁶ States have always been under an obligation to take all measures to prevent harm to other states.¹⁷ Preventing harm implies fulfilling the duty of cooperation between states, and failure to do so may not produce effective results.¹⁸

The primary obligation of States with regard to climate change is to prevent significant damage to the climate system and the environment as a whole.¹⁹ Failure to take all available measures to prevent damage is an internationally wrongful act and gives rise to State responsibility.

Article 8 of the Paris Agreement never excluded States from their obligation to prevent harm. States merely agreed to promote a collaborative approach to addressing damage and loss, which in itself

¹⁵ ICJ, (2025) "OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE" para 75 Retrieved from Advisory Opinion of July 23, 2025

¹⁶ ICJ, (2025) "OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE" para 109 Retrieved from Advisory Opinion of July 23, 2025

¹⁷ ICJ, (2025) "OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE" para 135 Retrieved from Advisory Opinion of July 23, 2025

¹⁸ ICJ, (2025) "OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE" para 141 Retrieved from Advisory Opinion of July 23, 2025

¹⁹ ICJ, (2025) "OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE" para 409 Retrieved from Advisory Opinion of July 23, 2025

is an additional obligation to cooperate that can be enforced and whose failure to comply can also cause damage. This additional obligation did not exclude States from the rules of state responsibility and, therefore, from their duty to repair the damage when warranted.

Attribution and causation with respect to damage and loss can be addressed in court. Attribution refers to the actions or omissions of a state that caused it to fail to act with due diligence, using all means to prevent climate damage. The ICJ considers that it is feasible to attribute responsibility to a State even if there are multiple responsible or injured States.²⁰ It is feasible for States to claim responsibility from each State that has committed an internationally wrongful act with respect to the climate, even if the damage is not proven.²¹

A State may demand that unlawful activities cease and that they not be repeated. Ending an unlawful act may include revoking administrative measures, legal norms, and any other measures that have encouraged non-compliance with obligations.²² Failure to comply with an obligation does not exempt a State from having to comply with it diligently.

Causality is the connection between the unlawful act of one State and the harm suffered by another and others. Once it

has been verified that a climate impact is related to climate change and it has been proven that there is harm linked to the actions of one or more States, causality can be established.²³ Causality allows for claims for full reparation for the harm and losses suffered.²⁴

Reparation involves removing or eliminating all the consequences of the unlawful act and returning things to their previous state. Full reparation can be obtained through restitution, compensation, satisfaction, or a combination of these.^{25 26}

Advisory Opinion OC-32/25 on Climate Emergency and Human Rights of the Inter-American Court of Human Rights (IACHR) mentions that the third pillar of climate action is "reparation, aimed at addressing the losses generated as a result of these effects."²⁷ Reparation, together with mitigation and adaptation, revolves around an obligation of cooperation by all States.

The IACHR observed that even if the temperature limits of the Paris Agreement were met, it would not be enough to prevent the impacts of climate change on human rights, and therefore **"effective response mechanisms are necessary to provide redress for the damage caused as a result of climate impacts."**²⁸

20 ICJ, (2025) "OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE" para 141 Retrieved from Advisory Opinion of July 23, 2025

21 ICJ, (2025) "OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE" para 433 Retrieved from Advisory Opinion of July 23, 2025

22 ICJ, (2025) "OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE" para 447 Retrieved from Advisory Opinion of July 23, 2025

23 ICJ, (2025) "OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE" para 437 Retrieved from Advisory Opinion of July 23, 2025

24 ICJ, (2025) "OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE" para 449 Retrieved from Advisory Opinion of July 23, 2025

25 ICJ, (2025) "OBLIGATIONS OF STATES IN RESPECT OF CLIMATE CHANGE" para 450 Retrieved from Advisory Opinion of July 23, 2025

26

27 International Court of Justice, (2025) "Obligations of States with respect to Climate Change" for 125 Retrieved from Advisory Opinion of July 23, 2025

28 International Court of Justice, (2025) "Obligations of States with regard to Climate Change" for 198 Retrieved from Advisory Opinion of July 23, 2025

The Inter-American Court mentions that the human right to a healthy climate is an independent right derived from the right to an environment.²⁹

In the collective sphere, the right to a healthy climate protects **“the collective interest of present and future generations of human beings and other species in maintaining a climate system capable of ensuring their well-being and balance among them, in the face of the serious existential threats arising from the effects of the climate emergency.”**³⁰

In the individual sphere, the right to a healthy climate is protected by **“the possibility for each person to develop in a climate system free from dangerous anthropogenic interference.”**³¹

Climate damage is transboundary in nature, and every State has an obligation to provide prompt, adequate, and effective redress to the persons or States that are victims.³² This obligation to redress transboundary damage results from activities that have been carried out in its territory or under its jurisdictional control.

The State must ensure that there are domestic remedies that guarantee access to justice in order to obtain effective reparation for damage. Reparation must seek **“full restitution (restitutio in integrum), which consists of restoring the previous situation.”**³³ The Inter-American

Court of Human Rights has established in its jurisprudence different measures of reparation, apart from compensation, measures of restitution, rehabilitation, satisfaction, and guarantees of non-repetition.³⁴

The Inter-American Court of Human Rights states that States must provide effective administrative and judicial mechanisms that allow victims to access comprehensive reparations for climate damage. These mechanisms and measures must be tailored to the nature of the damage and the circumstances of the affected persons or nature.³⁵

This mandate should motivate States to seek means within international climate governance to comply with these human rights obligations and distribute State responsibility fairly. This is necessary due to the transboundary nature of the damage and the scale of the cost/magnitude of the reparations required. More information on this discussion can be found in La Ruta del Clima's publication **“The Third Pillar: Repairing the Damage.”**

²⁹ International Court of Justice, (2025) “Obligations of States with regard to Climate Change” for 300 Retrieved from Advisory Opinion of July 23, 2025

³⁰ International Court of Justice, (2025) “Obligations of States with regard to Climate Change” for 302 Retrieved from Advisory Opinion of July 23, 2025

³¹ International Court of Justice, (2025) “Obligations of States with regard to Climate Change” for 303 Retrieved from Advisory Opinion of July 23, 2025

³² International Court of Justice, (2025) “Obligations of States with regard to Climate Change” for 551 Retrieved from Advisory Opinion of July 23, 2025

³³ International Court of Justice, (2025) “Obligations of States with regard to Climate Change” for 556 Retrieved from Advisory Opinion of July 23, 2025

³⁴ International Court of Justice, (2025) “Obligations of States with regard to Climate Change” for 556 Retrieved from Advisory Opinion of July 23, 2025

³⁵ International Court of Justice, (2025) “Obligations of States with regard to Climate Change” for 557 Retrieved from Advisory Opinion of July 23, 2025

3. Transformative advocacy

This section will present different spaces for negotiation and advocacy opportunities that will be developed during COP30, with the aim of understanding the current state of the negotiating lines in order to identify some avenues for strengthening and promoting the positioning of climate reparations as a priority both within and outside the UNFCCC structure:

3.1 GGA / Adaptation

Decision 2/CMA.5 launched the United Arab Emirates–Belém Work Program, with the aim of identifying and developing indicators for what we know as the Global Goal on Adaptation (GGA). These indicators seek to measure the incidence of a negative consequence (infections, suicides, or admissions to health centers), based on the fact that there was an impact and it is attributable to climate change³⁶.

In early September, a final list of possible indicators for the GGA was published, which have been developed and reviewed during the meetings and workshops of the UAE–Belém Work Program³⁷. These indicators are still under review, there are differing opinions on their content, and there is much anticipation about what will happen with the Means of Implementation indicators, as these will determine what measures will be taken not only to implement adaptation actions but also to ensure that

they are designed and implemented in a fair and equitable manner for the most vulnerable communities.³⁸ In addition, it is extremely important to mention how the implementation of these adaptation measures will be measured according to each country's capacities and resources, ensuring that the necessary resources, technology, and financing are provided so that the most vulnerable countries are not left behind in the implementation process.

During October, further revisions of these indicators will be made, which will also be discussed during COP30. This will be a topic of great importance in the negotiations, as the way in which the adaptation indicators are defined will also guide the way in which we understand the scope of the definition of damage and loss at the UNFCCC level. The GGA indicators are important in demanding climate reparations in response to the damage and loss suffered. More information on this discussion can be found in La Ruta del Clima's publication **"The Third Pillar: Repairing the Damage."**

³⁶ UNFCCC, (2023) "Decision 2/CMA.5" para 39 Retrieved from Report of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement on its fifth session, held in the United Arab Emirates from November 30 to December 13, 2023. Addendum. Part two: Action taken by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement at its fifth session | UNFCCC

³⁷ UNFCCC, (2025) "Final list of potential indicators, UAE–Belém work programme on indicators" Retrieved from: Final list of potential indicators, UAE–Belém work programme on indicators | UNFCCC

³⁸ Climate Action Network, (2025). "Initial analysis of the final list of potential Global Goal on Adaptation indicators" Retrieved from: <https://docs.google.com/document/d/1SeM2XagXFDWEFk2imw-hxr0r3vcKgA4DaTFza2ThJIE/edit?tab=t.0>

3.2 Damage and Loss Response Fund

Expectations for the Damage and Loss Response Fund (DRRF) in 2025 focused mainly on ensuring that the fund would be ready to begin operating in the period 2025-2026. Throughout this year, these expectations were transformed into what is known as the Barbados Implementation Modalities (BIM), which established the basic operating conditions for the fund's initial phase³⁹.

The BIM has established that funds of up to \$5 million will be provided through national governments for actions to respond to damage and loss. The main criticism from civil society is that the fund did not include direct access to financing from communities and focused solely on national government levels, which severely dilutes the funds and limits the possibilities of access to financing from local actions.

In addition, a major problem is that the fund does not have sufficient resources for its long-term operation. Many of the resources promised by large countries have not been disbursed to the FRLD, and the amount currently available is not sufficient to meet the financing needs of the most vulnerable countries.

During COP30, a call for funding applications for the BIM will be launched, which is expected to clarify the requirements for submitting applications and the application process for countries. This will be an important moment for the most vulnerable countries, which will be able to receive financial support to repair the damage

and losses their territories have suffered. However, the problem does not end there, as the FRLD will not be sustainable over time if it continues with its current structure.

As long as the FRLD lacks resources and developed countries refuse to provide their share of funding, serious damage and losses will continue to be caused in the most vulnerable regions. In other words, a fund without resources continues to cause damage and increases the share of responsibility of large countries.

The structure of the fund does not address climate debt or guarantee human rights. At COP30, it is possible to demand that the governance and structure of the fund be reformed to comply with international obligations to cooperate adequately and protect the right to a healthy environment.

This may involve demanding that it be financed in a manner commensurate with the magnitude of the issue addressed through cooperation and that its performance ensure the human rights of individuals. It can be argued that failure to diligently implement the FRLD as a cooperation measure under Article 8 of the Paris Agreement may give rise to state liability and damage. More information on this discussion can be found in La Ruta del Clima's publication **"The Third Pillar: Repairing the Damage."**

³⁹ Schalatek, L. (2025). "What to expect for the Fund for responding to Loss and Damage in 2025" Retrieved from: <https://us.boell.org/en/2025/03/27/what-expect-frld-2025>

3.3 WIM and the Santiago Network

During COP29, the review of the WIM and the Santiago Network report were postponed and it was agreed to discuss them during COP30. At SB62, some progress was made on the texts and a draft of the 2025 joint annual report of the WIM and the Santiago Network was published, which again mentions the importance of separating the mandates of both initiatives to strengthen their objectives, recognizing that their functions are complementary in conjunction with the FRLD⁴⁰. Among the topics of discussion in view of COP30 are issues such as the need for technical guidelines to reinforce the request for technical assistance through the Santiago Network, as well as the need for costing tools to facilitate the processes of accessing funds for response to Loss and Damage, which will be launched shortly.

For both issues, the problem remains the same as when we talk about the FRLD: the amount of funding is insufficient, and these instances are currently facing an uncertain future in terms of their implementation. The time it takes to make these initiatives functional in order to provide support and tools to the most vulnerable countries is time in which the most affected countries will continue to suffer serious damage and loss. As part of the obligations of large countries, it must be recognized that adequate resources must be provided so that true reparations can be accessed for the damage and losses suffered. We cannot continue to wait for these mechanisms to function properly without adequate resources. Failure to provide adequate

financial resources may result in a breach of state responsibilities.

On the other hand, the WIM remains anchored in the COP, having been created by Decision 2/CP.19. This means that some of its functions are not subject to the obligations under Article 8.2 of the Paris Agreement or to the approach of cooperative obligation that guides paragraph 51 of Decision 1/CP.21. This enables the WIM to explore, under the mandate of the COP, how to address or develop mechanisms based on state responsibility for the adverse effects of climate change.

This line of implementation could eventually support the development of national or international mechanisms or measures for comprehensive redress. It is important that activism for the right to redress challenges current governance structures and paves the way for states to fulfill their international responsibility for damage to the climate system.

3.4 Just transition

One of the main themes for COP30 is Just Transition, which is not only about making a transition away from fossil fuels, but must also be accompanied by a discussion to ensure that this process has a justice-centered and people-centered approach.

It is essential to include socioeconomic, labor, and social protection dimensions, among others, to ensure that the transition process does not leave vulnerable individuals and groups behind, that it truly benefits working people, and that it does not give priority to large industries.

⁴⁰ UNFCCC. (2025). "2025 joint annual report of the WIM Executive Committee and Santiago network." Retrieved from: <https://unfccc.int/documents/647665>

During SB62, a text was agreed upon that describes some of the current challenges facing countries in their national transition processes, including issues related to social protection and skills development, among others⁴¹.

This text will continue to be discussed during COP30, where it is expected to address issues related to the clarity of meanings of just transition (or different forms of transition) according to the different local contexts of each country.

In addition, the text under discussion opened the conversation to a global and structured mechanism for just transition processes. The objective of this structure and its details have not been defined, but it may be a possible topic for discussion during COP30.⁴²

A very important detail when talking about just transition is that it is not a definition that applies equally to all countries. In other words, we cannot ask an industrialized country to take the same transition actions as a country dedicated to economic activities that already generate low greenhouse gas emissions.

This is where the importance of tailoring these transition processes to the needs of each country or region becomes apparent.

Furthermore, it is extremely important to remember that although many greenhouse gas mitigation actions and alternatives to fossil fuel use involve the use of technology, this should not exclude the creation of jobs

for workers. In other words, the transition process must guarantee labor rights and decent development opportunities, without causing further harm to communities that are already vulnerable⁴³.

Furthermore, it is necessary to ensure that these transition processes protect ecosystems and guarantee their care, ensuring that they are not further damaged, as is the case with various false solutions currently being developed as false promises of development.

This is where the urgency of guaranteeing access to climate reparations linked to just transition processes also comes in, where ecosystems and people have suffered serious damage from climate change so far and it is urgent to repair this damage and ensure that it is not continued in the processes to be implemented.

A transition approach must address the needs of communities that have seen the ecosystem services of their territory damaged or their economic livelihoods destroyed by the adverse effects of climate change. A just transition must recognize that these communities have the right to decent conditions to remain in their territory, considering that they are transitioning to the socio-environmental realities that climate change has imposed.

One tool for the just transition of communities made vulnerable by the adverse effects of climate change is comprehensive compensation for damage and losses.

41 UNFCCC. (2025). "United Arab Emirates just transition work program." Retrieved from: <https://unfccc.int/documents/648554>

42 Climate Action Network. (2025) "Debrief from UN Climate talks Bonn: Just transition progress, but EU must step up to avoid COP30 failure in Belém". Retrieved from: <https://caneurope.org/bonn-reaction-2025/>

43 Demand Climate Justice. (2025). "Civil society calls on Brazil's COP30 Presidency: Deliver a Just Transition in Food and Agriculture." Retrieved from: <https://demandclimatejustice.org/2025/06/03/deliver-a-just-transition-in-food-and-agriculture/>

3.5 NDC

Countries are currently in the process of updating their NDCs, which represents an important moment to define ambitious goals and appropriate actions to respond to the climate impacts that their territories are suffering. Many countries have yet to launch their NDC 3.0, but some have already completed it in recent months.⁴⁴

Among the countries that have submitted their NDC 3.0s, few mention Loss and Damage as a category within their NDCs, but rather refer to it as a climate impact, without including specific actions in their planning.

For example, Bolivia, in the section on “Means of Implementation,” does mention the importance of having financing measures in place and even emphasizes “the need to strengthen international financing mechanisms for loss and damage, including the fund created under the UNFCCC, and to establish national management and compensation mechanisms that coordinate the state's response with social and community protection.” It also specifies that this financing must be predictable, concessional, and non-debt-creating at the international level⁴⁵.

The case of Chile is similar, where Loss and Damage is mentioned in the sections on Mitigation and Adaptation. There is also a section on Means of Implementation that refers to the need to build capacity and strengthen financing for climate action.⁴⁶

In the case of Colombia, its NDC presents national priorities for the three pillars of climate action, including Damage and Losses. Among these priorities, it mentions the need to recognize Damage and Losses in their different dimensions, recognize human mobility as a climate impact, and highlight the efforts made by the Colombian government in this area, such as the development of the National Framework for Losses and Damage.

In addition, its NDC also mentions the importance of international Loss and Damage mechanisms for both technical and financial support, referring to the FRLD as a tool that could provide access to “financing to address adverse effects such as displacement, planned relocation, and climate-induced migration”⁴⁷.

This update to the NDCs is expected to reflect greater ambition on the part of countries, where specific targets and indicators can be set in line with the urgency with which we must respond to the climate crisis. However, we continue to see that the issue of damage and loss is still not playing a major role in the development of these goals for several countries.

This is concerning because if damage and loss are not measured, reported, or quantified, it will create difficulties for decision-making processes related to responses and reparations for these impacts. That is why we emphasize that specific goals for loss and damage are

44 UNFCCC. (2025). “NDC Registry.” Retrieved from: <https://unfccc.int/NDCREG>

45 Government of Bolivia. (2025). “NDC 3.0.” Retrieved from: https://unfccc.int/sites/default/files/2025-09/Bolivia_NDC3.0_2026-2035%20final%2029.09.2024.pdf

46 Government of Chile. (2025). “NDC 3.0.” Retrieved from: <https://unfccc.int/sites/default/files/2025-09/NDC-2025-220925%201.pdf>

47 Government of Colombia. (2025) “NDC 3.0”. Retrieved from: <https://unfccc.int/sites/default/files/2025-09/NDC%203.0%20Declarativa%20Colombia%20Transformaciones%20para%20la%20Vida%20V.25.09.2025%20Gob.%20Nacional.pdf>

still needed in the climate action planned through the NDCs. It is urgent to take action on this issue in order to ensure and demand climate reparations. At COP30, attention must be drawn to the systemic absence of the third pillar of climate action in the NDCs: redress for damage and loss. Without this element, there can be no climate justice, nor can the necessary ambition be achieved.

3.6 NCQG

The NCQG decision taken at COP29 was not what was expected, as the financing targets set fell far short of the real needs of the most affected countries. Although the financing targets were not ambitious, the disbursement of these funds has not been effective either. Taking this situation into account, the COP30 Presidency established as one of its priorities in its first letter to work with the COP29 Presidency on the “Baku to Belém Roadmap for 1.3T” in order to increase climate finance for developing countries. The objective of this roadmap is to urgently address the need for developed countries to contribute financing, technology, and international cooperation for climate action⁴⁸.

There is great concern about the lack of resources and financing for climate action. During SB62, Bolivia presented a document referring to the urgency of receiving financing from developed countries as an obligation established in Article 9.1 of the Paris Agreement. This document also referred to the fact that this is a mandatory obligation of developed countries and that

failure to comply with this obligation causes delays and setbacks in the development of actions to respond to the climate crisis.⁴⁹ Furthermore, this discussion is linked to that related to Article 2.1c of the Paris Agreement, which establishes the need to make financial flows consistent with low greenhouse gas emissions and climate-resilient development. In recent financing discussions, it has been argued that this article also refers to the urgency of limiting the global temperature increase to 1.5°C and that, therefore, public and private finances must contribute to achieving this goal.⁵⁰

However, these negotiations have not yet reached an agreement, and discussions continue on the next steps for financing in the context of the NCQG.

The lack of financing is also related to a limitation in climate action processes, which in turn implies an increase in the impacts suffered and increasingly devastating damage and losses. In other words, the longer it takes to receive financing, the more damage communities and ecosystems suffer, which gives them the right to demand climate reparations for the damage done to them.

3.7 Gender

The Gender Action Plan (GAP) seeks to guide countries in adopting climate measures and policies that take gender issues into account, seeking to promote the full, equitable, and meaningful participation of women. During SB62, work was done on a draft document,

48 COP30 Presidency. (2025). “First letter from the presidency.” Retrieved from: <https://cop30.br/es/presidencia/cartas-de-la-presidencia/carta-de-la-presidencia-brasilena>

49 Bolivia. (2025). “Submission by Bolivia on behalf of the Like-Minded Developing Countries (LMDC) June 3, 2025.” Retrieved from: https://unfccc.int/sites/default/files/resource/Submission_Bolivia_on_behalf_LMDC.pdf

50 GFLAC. (2025) “Sustainable finance platform.” Retrieved from: <https://plataformafinanzassostenibles.gflac.org/>

which resulted in a 21-page proposal for discussion during the COP.⁵¹

In addition, during Africa Climate Week, another technical workshop was held with the aim of facilitating the design of gender action plan activities based on the SB62 discussions.⁵²

The goal for COP30 is to achieve a GAP that will be valid for 10 years, since the Lima Work Program has now been renewed for 10 years, but without the GAP it is more difficult to maintain a solid agenda for negotiations in the coming years. Therefore, the focus during COP30 will be on consolidating a GAP that accompanies the implementation of the Lima Work Program in the coming years.⁵³

In addition, in recent discussions, the G77 raised concerns about the need for funding for the implementation of gender-responsive policies. This request is of utmost importance, as the necessary funding must be available to implement actions and plans that ensure a gender perspective in climate action processes. However, countries in the global North argued that this should be financed through national budgets or multilateral banks, without referring to their countries' financing obligations.

This is the same dynamic of evading responsibility that is seen in other negotiations, where the North seeks to avoid providing the necessary resources to take action on the climate crisis. This action

demonstrates that the rights of countries in the South continue to be ignored, causing increasingly serious damage. This is why climate reparations must also have a gender focus, as we cannot talk about justice without a gender focus.

3.8 Transformation of the UNFCCC

The structure of the UNFCCC is not meeting the real needs of the countries most affected by the climate crisis. Currently, the scale of the impacts, damage, and losses being suffered around the world exceeds the discussions and negotiations taking place within the UNFCCC. It is necessary to consider reforming this structure to generate real and adequate solutions for those who are suffering the most from this crisis.

The negotiations have included discussions on the Agreements for Intergovernmental Negotiations (AIM) process, where issues related to improving the effectiveness of the UNFCCC process and the participation of observers have been discussed. However, so far there is no starting point for reforming this structure. Nevertheless, it could be an opportunity in the future to discuss the reforms and changes needed to ensure that the convention is efficient in meeting current needs.

When we think about reforms, we need to base our decisions on the advisory opinions of the ICJ and the IACHR. This issue has been discussed among civil society, but

⁵¹ UNFCCC. (2025). "Informal note by the co-facilitators on SBI 62 agenda item 18." Retrieved from: https://unfccc.int/sites/default/files/resource/Gender_dt_sb62.pdf?download

⁵² UNFCCC. (2025) "Additional Technical Workshop to facilitate the design of gender action plan activities." Retrieved from: <https://unfccc.int/event/additional-technical-workshop-to-facilitate-the-design-of-gender-action-plan-activities>

⁵³ UN Women. (2025) "COP30 on the horizon: How to achieve gender equality in climate governance and planning?". Retrieved from: <https://lac.unwomen.org/en/stories/noticia/2025/07/cop30-en-el-horizonte-como-aterizar-la-igualdad-de-genero-en-la-gobernanza-y-planificacion-climaticas>

so far it has not been prioritized within the convention. This reform needs to gain momentum and be taken seriously and urgently in order to achieve real results.

Reparations and the State's obligations regarding loss and damage must be a fundamental element of this reform. We must ensure that all negotiations, discussions, and decision-making processes are based on principles of legal responsibility and prioritize the well-being of historically vulnerable countries, ensuring an end to damage and defending the right to climate reparations.

It is constantly repeated that we have already moved on to the implementation stage, which makes reforming structural aspects seem a distant prospect. However, climate governance must be adaptive and learn from its mistakes. The past 30 years of governance based on the will of the strongest has been a mistake, and we must return to climate decisions based on human rights and international responsibility.

4. Call to action

At La Ruta del Clima, we call on civil society to exert pressure from our respective spaces for the right to climate reparations, so that our communities receive the responses and solutions they deserve and have been denied for years.

We cannot allow such a serious problem to continue to be ignored. It is urgent that we pressure decision-makers to bring about changes in the structure of the UNFCCC and ensure that its mechanisms do not continue to cause harm by denying support and funding to the most affected countries.

Let us be spokespersons for climate reparations, taking the advisory opinions of the ICJ and the Inter-American Court of Human Rights as a starting point for demanding that the countries responsible repair all the damage they have caused. Let us join our voices to demand our right:

Climate reparations now!

LaRutadelClima