



## **Contribution to the COP 30 Presidency Roadmap on the Transition Away from Fossil Fuels in a Just, Orderly and Equitable Manner;**

### **Submitted on behalf of the Climate Reparations Coalition**

The Climate Reparations Coalition—comprising of Latin-american non-governmental organizations, and social actors is committed to advancing climate justice & reparations for the protection of our right to a healthy climate—respectfully submits this contribution to the COP30 Presidency Roadmap on Transitioning Away from Fossil Fuels.

We welcome the roadmap's ambition and submit this input with the conviction that the transition away from fossil fuels must be grounded in responsibility, reparation, and justice to be both effective and legitimate.

### **(a) Critical Barriers Preventing a Transition Away from Fossil Fuels**

The transition away from fossil fuels is constrained by a set of interrelated legal, economic, and political barriers.

#### **1. Economic and Financial Barriers**

A central barrier to the transition is the persistent failure of major historical emitters to fulfill their legal obligations to redress climate harm and address climate debt. The magnitude of loss and damage—running into hundreds of billions of dollars annually—has significantly constrained the fiscal capacity of highly vulnerable countries and undermined their ability to plan, finance, and implement energy transitions. These costs have been systematically externalized onto communities least responsible for climate change, distorting global economic systems, and reinforcing structural dependency on fossil-based revenue. The accumulated harm and the cost of integral reparations have to be dealt with according to legal obligations for transitions away from fossil fuels to be just and sustainable. The debt of private and public actors that have profited from fossil fuel economic activities must be factored into the cost and governance of a transition for it to be complete. Restitution to ecosystems and people harmed by the carbon economy is the first step to move away from fossil fuels.



Furthermore, many states continue to maintain fossil fuel subsidies, incentives, and fiscal structures that anchor their economies in fossil fuel extraction. This entrenched profitability, reinforced by financial speculation within the sector, creates strong disincentives to phase out fossil fuels and hinders the redirection of capital toward sustainable, rights-based development pathways. Reparations needed for a just transition imply that there must be a systemic political, legal and economic change that ensures cessation of harm and no-repetition.

## **2. Institutional and Governance Barriers**

A major institutional barrier is the lack of coherence between climate governance, human rights obligations, and international legal responsibilities. Despite clear guidance from international courts on the duty of states to prevent climate harm, protect the climate and provide full reparation for damages caused, these obligations are insufficiently integrated into transition planning. This gap manifests in the omission of international responsibility, historical climate debt, and required reparation mechanisms from many national and multilateral transition agendas.

Additionally, most countries have not established national administrative or judicial mechanisms capable of delivering comprehensive redress for loss and damage caused by fossil fuels. Without these systems, harmful activities persist unchecked, and the burden of climate harm remains on affected communities, while fossil fuel actors retain disproportionate benefits. Reparations mechanisms have to be part of the transition to enable access to justice, finance, and social well-being.

## **3. Social and Justice Barriers**

The legacy of fossil fuel extraction has deepened social inequalities and territorial and ecological loss, particularly among rural, coastal, Indigenous, and marginalized populations. In many regions, climate impacts have already exceeded adaptive capacities, eroding trust in transition processes that fail to address ongoing harm.

Both fossil fuels and renewable energy economies depend on extraction of resources and can generate harm. A transition that does not explicitly incorporate responsibility, reparations, and climate justice risks being perceived as another iteration of extractivism—merely shifting profits from fossil fuels to new sectors without addressing past and continued harm. This undermines societal legitimacy, fuels social tensions, and threatens the equitable implementation of transition measures.



Climate change was caused due to economic activities that did not include the environmental cost, rights of people and purpose of socioeconomic activities. A transition that looks only into emissions, profit and technology is set to repeat the mistakes of the carbon economy. Legal obligations, people's rights and reparations of climate harm have to be a pillar of the transition away from fossil fuels.

#### **4. Technological and Physical Barriers**

The accelerating physical impacts of climate change—driven by decades of fossil fuel dependence—are diminishing ecosystem resilience and increasing the cost and complexity of transition. At the same time, existing regulatory and technological frameworks often fail to internalize environmental and social externalities associated with new energy infrastructures, heightening risks of replicating extractive and harmful practices through renewable energy deployment. A transition away from fossil fuels is not just a switch of technology or economic transactions for energy, but a reconceptualization of the economy and its relation to people and nature.

#### **5. International Cooperation Barriers**

Global efforts are hindered by the absence of coherent multilateral mechanisms for addressing reparations, loss and damage, and strict liability for major emitters. International cooperation remains impeded by the persistent omission of climate debt and legal responsibility from climate change governance. These gaps erode trust, weaken climate diplomacy, and delay the coordinated phase-out of fossil fuels. A transition away from fossil fuel is the logical step to fulfill UNFCCC and Paris Agreement obligations. It is a step that is being taken late, when ecosystems no longer can naturally adapt and when the crisis to society is existential. A transition is a logical expression of the due diligence owe by states to protect the right to a healthy climate.

The most significant barrier to transitioning away from fossil fuels is the continued failure to integrate international legal responsibility, reparations for loss and damage, and historical climate debt into national and global transition strategies. Responsibility and reparation must be treated as structural pillars of the transition, rather than optional or supplementary considerations. Only by centering justice, accountability, and human rights can the global effort to transition away from fossil fuels proceed in a truly just, orderly, and equitable manner.



## **6. Solutions: Repair the Harm**

Implementing national administrative and judicial mechanisms for the comprehensive reparation of damages and losses caused by fossil fuels is an existing legal obligation of states, in accordance with Advisory Opinion OC32 of the Inter-American Court of Human Rights. This transition from one lucrative economic activity to another requires appropriate reparations. Adequate reparation must consider the circumstances of the people and the environment, and include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.

National comprehensive reparation mechanisms can be financed through national climate funds, such as those already established in many climate change framework laws. Furthermore, they can adopt financing instruments based on the strict liability of major emitters. This approach provides rapid access to financing for repairing damages and losses and emulates what has already been implemented at the subnational level in the United States, through the super-funds of New York and seven other states.

### **Necessary steps to Repair Harm**

National or subnational governments must adopt measures to stop loss and damage by ensuring that activities that harm the right to a healthy climate are not promoted or continued and by implementing national administrative or judicial redress mechanisms.

#### **Short term:**

- Stop the harm by repealing public policies and legislation that promote fossil fuels.
- Repair the harm through national remediation mechanisms funded on the basis of strict liability for major emitters.

#### **Medium term:**

- Multilateral agreement on financing reparations mechanisms based on common but differentiated responsibility for climate damage and debt.



This proposal is grounded in the Inter-American Court's Advisory Opinions OC32 on reparations mechanisms and human rights obligations. It responds to the analysis conducted by the International Court of Justice on the duty to redress internationally wrongful acts stemming from climate change.

**The Climate Reparations Coalition** expresses its appreciation to the COP30 Presidency for advancing a process that seeks to translate global commitments into real and transformative action. We respectfully urge the Presidency to ensure that the Roadmap fully integrates the principles of international legal responsibility, climate reparations, and CBDR as foundational elements of the global transition away from fossil fuels.

A transition that is just, orderly, and equitable cannot be achieved without addressing the harms already suffered, the obligations already established under international law, and the systemic inequalities that continue to shape climate vulnerability. By embedding responsibility and reparation at the core of the COP30 Roadmap, the Presidency has the opportunity to set a historic precedent—one that honors the lived experiences of affected communities, strengthens global cooperation, and aligns the transition with the principles of justice and human rights.

We stand ready to support the Presidency's efforts and to contribute our expertise, evidence, and collective commitment to ensuring that this transition delivers dignity, restoration, and a sustainable future for all.