CLIMATE REPARATION DUTIES AT COP31:

From Commitments to the Implementation of Restorative Justice



HEINRICH BÖLL STIFTUNG
CENTROAMÉRICA

Reparations Coalition

LaRutadelClima

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ISBN: 978-9930-646-10-6

ISBN: 978-9930-646-10-6

DOI: 10.5281/zenodo.23424914

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Published in San José, Costa Rica 1st edition, May 2026.

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Asociación La Ruta del Clima. San José, Costa Rica

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1. Let's Implement Reparation at COP31

The 31st Conference of the Parties (COP31) to the United Nations Framework Convention on Climate Change (UNFCCC) will take place in a context of high social inequality, militarism, neofascism, and a growing climate crisis. Constant extreme weather events and state neglect deepen economic and social gaps, particularly in Latin America. People and their communities are at risk and constantly suffer climate damage, affecting their human rights. State responses to counteract the climate crisis, within each country, have been insufficient due to lack of resources, infrastructure, public policy tools, and political irresponsibility. (Mackay et al 2025, p. 3). At the international level, cooperation among States to strengthen collective obligations to prevent climate damage is constrained by geopolitical and extractive interests over certain resources and territories, which makes it difficult to establish agreements to nurture public policies, and sanction the countries or third parties that emit the most emissions and create mechanisms to repair climate damage.

Paradoxically, the lack of responsibility regarding the prevention of climate damage means that GHG emissions in 2030 associated with the implementation of the Nationally Determined Contributions (NDCs) announced prior to COP26 would cause global warming to exceed 1.5˚C and make it difficult to limit warming to below 2˚C, if new commitments and measures are not adopted (IPCC 2023, p. 57). It is clear that the legal obligation to stabilize emissions and keep them below 1.5˚C will not be met, deepening the climate damage that thousands of communities in the Global South are forced to suffer.

Climate inaction in national and international settings leads to the violation of human rights, especially in emergencies in which certain regions have material difficulties in dealing with loss and damage. Islam and Winkel (2017, p. 6) point out that the relationship between social inequality and climate change lies in three factors: exposure to climate hazards, susceptibility to damage from climate hazards, and the ability to cope with damage. In turn, these factors are further shaped by multidimensional inequality, which encompasses differentiations in access to economic resources, quality education, public health services, etc. (p. 3); characteristics that condition regions and their institutions in the generation of responses to loss and damage. Data from the IPCC (2023, p. 51) reinforce the link, since, in regions of high vulnerability to climate hazards, between 2010 and 2020, mortality from floods, droughts, and storms was 15 times higher compared to regions with fewer threats.

For this reason, addressing Loss and Damage must be paramount for States Parties, which must allocate all available human and financial resources to prevent and repair climate damage. Despite the obvious urgency, the issues of Loss and Damage have not been adequately embraced by the international agenda, developed countries with climate debts due to their high greenhouse gas (GHG) emissions as a result of industrialization and excessive use of fossil fuels, have fostered governance structures that do not respond to their duty of due diligence.

For example, the exclusion of Loss and Damage from the New Collective Quantified Goal on Climate Finance, the voluntary and unfunded nature of the Fund for responding to Loss and Damage (FRLD), the absence of mechanisms based on the legal obligation to repair climate damage, and the lack of policy guidance for the creation of standardized reporting and monitoring mechanisms.

1.1 Latin America and Climate Damage

In Central and South America, the climate displacement of people has increased due to constant extreme weather events (IPCC 2023, p. 51), which cause material and non-economic losses that deepen inequality. Droughts are expected to be more likely in Latin America (IPCC 2023, p. 69), seriously affecting food systems and access to drinking water. In addition to this, the geopolitical violence of extractivism strategies such as the Donroe Doctrine in Latin America (Gilderhus 2006; Lossovskyi 2026a) that promotes the increase in fossil and mineral extraction or the indiscriminate use of force and militarism through the Shield of the Americas (Sazo 2026) increases the vulnerability of our territories.

These strategies of territorial and ecosystem domination are based on the erosion of the frameworks for the protection of rights guaranteed by environmental democracy and international law to facilitate schemes of subjection, exploitation, and environmental racism. These policies of a large historical emitter such as the United States contribute to the devastation of ecosystems and the increase in vulnerability in regions with significant exposure to climate risks. It is a strategy of biopower over Latin America that is developed in a context of governmental ideological submission, which enhances the low capacity to respond to the climate crisis and presupposes minimal resistance from Latin American states (Lossovskyi 2026b).

The situation in Latin America is not unique, and Loss and Damage must therefore become a priority on the international cooperation agenda. However, during COP31, the agenda will revolve around ten axes: Zero Waste, Oceans and Seas, Food Security, Climate Resilient Cities, Climate Action Implementation Mechanism, Youth and Education, Green Industrialization, Clean Energy Transition, Rio Synergies, and Dynamic and Resilient Health Systems. Once again, Loss and Damage have been relegated to the margins of the agenda, reflecting a lack of political will to increase financing, establish mandatory climate commitments, and pursue the international reforms needed to fulfill states' obligations to repair climate damage.

2. What are the issues on the agenda?

The COP31 Presidency Letters have focused on reiterating that this must be an "Implementation COP", focused on translating existing climate commitments into concrete and measurable results. (COP31 Türkiye Presidency 2026) Guided by the principles of dialogue, consensus and action, the Presidency seeks to strengthen confidence in multilateral climate cooperation while accelerating the implementation of measures on mitigation, adaptation, climate finance, Loss and Damage, and energy transition. The Presidency also highlights resilience, sustainable development and international cooperation as essential elements to maintain the objectives of the Paris Agreement and preserve the possibility of achieving the goal of limiting global warming to 1.5˚C.

References to Loss and Damage remain limited, posing a challenge for communities seeking reparation for the loss and damage they have suffered. The Presidency does mention that there must be concrete progress on Loss and Damage, including the initial financing process of the FRLD, support to the Santiago Network and the Executive Committee of the Warsaw Mechanism. Unfortunately, there is little space to deepen the actions needed for remedial international governance of Loss and Damage.

The Parties need to create a permanent agenda item where the issue is continuously addressed, debates are held on the scale of financing required, and the necessary reforms are promoted for a response in accordance with what is clarified by the advisory opinions of international courts on the legal obligation to repair climate damage. At present, none of the mechanisms established under the international climate regime are equipped with the instruments or financing required to ensure reparation for the loss and damage suffered by communities.

2.1 Just transition

For COP31, the issue of just transition is expected to become relevant in the negotiation spaces, following the COP30 agreement on developing a just transition mechanism (BAM).

During COP30, the need to have a mechanism that would allow countries to have technical assistance and resources available to be able to carry out just transition processes in their respective contexts and according to their specific realities was discussed. Civil society maintained a strong position on the urgency of this mechanism having a strong human rights basis and the need for the mechanism not only to act as a space for coordination and voluntary cooperation, but also to focus on mobilizing financing to carry out just transition plans at the national and local levels.

This has been one of the main points of discussion as northern countries have focused on rejecting proposals that involve the mention of any additional financial commitments (ESCR-Net 2026). This discussion continued during SB64 where elements of the design of this mechanism were discussed with respect to its scope, objective, functions, working modalities and governance. In addition, they focused on the terms of reference for the review of

the Just Transition Work Programme to be held at COP31 (FARN 2026).

Any discussion of a just transition must include mechanisms that place international accountability, climate debt and redress at the heart of the transition. In the publication "A Restorative Transition", we address our position on how fossil fuel-based economies are the root cause of climate change and the persistent reason why carbon emissions have not stabilized. Decades of sustained increase in the extraction and uncontrolled use of fossil fuels, without a mechanism to introduce negative externalities through remediation mechanisms, have led to climate impacts exceeding the adaptive capacity of our ecosystems. Speculation in fossil fuels by the private sector and some states has caused widespread damage to our climate and human rights. This is why repairing these illicit acts is intertwined with actions to eliminate dependence on fossil fuels and transition to a new relationship with socio-nature.

The just transition mechanism must respond to these responsibilities in terms of loss and damage that have been caused by the fossil fuel industry. We need to ensure that the discussions that will take place at COP31 have as a principle the comprehensive reparation of the damage that our communities have suffered because of the extractive industry of fossil fuels; otherwise, we will continue in a process destined to repeat their mistakes in a continuous cycle of damage and suffering, without really aiming towards true climate justice. The just transition must represent the interests of peasants, indigenous peoples and fishing communities who see their livelihoods destroyed by the adverse effects of climate change. There can be no just transition if those who depend on the land for their livelihoods are forced to bear the loss and damage caused by the fossil fuel industry. This is why we must push for a mechanism that really contributes to the transition processes from technical assistance, additional financing and without debt creation, comprehensive reparation for the territories and defense of the human rights of the communities involved.

2.2 Mechanisms for Loss and Damage

2.2.1. Fund for responding to Loss and Damage (FRLD)

The UNFCCC has generated various mechanisms to allocate resources to address the consequences of the environmental crisis, including the FRLD created in 2022 at the twenty-seventh Conference of the Parties (COP27) as part of Decision 2/CP.27 and the Paris Agreement. The fund has 26 voluntary contributing States such as Japan, the United Kingdom, Spain, Germany, France, Australia, Korea, the United Arab Emirates, according to the interim Trustee's Report on the Status of FRLD Resources from the fund's ninth meeting (FRLD/B.9/4). The World Bank (2026) reports $629.52 million in signed contributions to the fund.

The FRLD created the Barbados Implementation Modalities (BIM), an initial phase for the implementation of the fund and the selection of applications for projects. Of the total contributions, $250 million was allocated to be executed during 2025 and 2026, according to FRLD/B.5/13, each selected project will obtain initial funding of between $5 million and $20 million from the trust. However, this scale of funding is

not at the scale needed to respond to the severe loss and damage that the territories are already suffering. The BIM application process took place from December 15, 2025 to June 15, 2026 and the fund's Board reported in FRLD/B.9/7 that they received 198 requests for project funding and budgeting, of which only 176 complied with BIM's request.

Least developed countries (LDCs) and small island developing states (SIDS) submitted the largest number of applications equivalent to 1.7 trillion dollars, including Côte d'Ivoire, Nepal, Jamaica, Tanzania, Benin, Brazil, Sudan, and El Salvador.

Final approval of the projects is still pending from the Board, however, the eligibility of some has already been confirmed and the tenth meeting of the Board is scheduled to take place from 15 to 18 December 2026 to continue strengthening the fund in terms of the work plan and ways of measuring BIM results.

In September 2026, Nepal requested $20 million to offset the $5 billion worth of loss and damage resulting from the flood in Rasuwa, Nuwakot, and the border with Tibet in August of the same year.

The country requested an extraordinary meeting of the FRLD Board to consider the advance allocation of funding based on studies linking the disaster to the melting of glaciers in Langtang Lirung as a result of climate change (Ewe and Singh 2026). In a September press release, the FRLD (2026) indicated that it will accept the request respecting due process.

The government of Nepal noted that the FRLD will provide them with $20 million in funding corresponding to a pre-disaster application, however, it is not enough to guarantee a full recovery (ICN 2026).

The fund's performance will be discussed at COP31 with recommendations from the Parties resulting from COP30, in accordance with the Executive Secretary's provisional agenda (2026). Decision 8/CMA.7 states that it must establish an operating model with rapid and long-term disbursement.

In addition, by 2027 it is expected that the process of replenishing the fund will have begun to ensure the continuity of the fund. Along the same lines, Decision 4/CP.30 also states that COP31 should assess whether the fund has made progress in relation to the work plan, strategy and fundraising plan.

It is no secret that the level of FRLD funding is grossly meagre, compared to the hundreds of billions of dollars needed annually to respond to loss and damage. This imbalance is starkly illustrated by the 198 requests for BIM funding competing for only $277.5 million in available resources. Clearly, there is not enough money even for this "experimentation" phase of the FRLD, which calls into question the good faith of the parties in creating it with these structural constraints.

2.2.2 Santiago Network

The Santiago Network is a space for technical support at the regional, national, and local levels in processes of prevention and reduction of loss and damage through risk, damage, and loss assessments, data generation, creation of plans and frameworks, monitoring, early warning systems, prior preparedness for climate emergencies, training, and assistance to civil society. The Santiago Network has approximately US$40 million

in contributions for technical assistance financed by various voluntary contribution agreements from Austria, Denmark, the European Union, Ireland, Germany, Luxembourg, Switzerland, Spain, and the United States (Santiago Network, n.d.). According to the 2025 report of the Santiago Network, five years after the creation of the network, the Republic of Vanuatu, which requested technical assistance in 2023, became the first country to receive support.

According to SNAB/2026/07/02/Add.1, there are currently 16 requests for technical assistance at different levels of approval. Haiti, the Dominican Republic and the Kyrgyz Republic are currently developing proposals. Niue, Bhutan, Nepal, Rwanda, Zambia, Palau, Fiji and Iraq are at the evaluation and selection stage, while the Cook Islands, Iraq, Yemen and Namibia are in implementation. Only Vanuatu is in the closing phase.

The process of consolidating the Santiago Network is still ongoing and during COP31, the WIM's annual report will be discussed in item 7 of the general agenda, according to the Executive Secretary (2026) and considerations on the WIM will continue to be discussed. In addition, in Decisions 4/CP.30 and 8/CMA.7, they indicate that the Santiago Network is expected to collaborate closely with the FRLD. In agenda item 5 of SBSTA 65 and agenda item 12 of SBI 65 according to FCCC/SB/2026/3. These agenda items seek to assess the impacts and effectiveness of the mechanism.

2.3 New NDCs and Loss and Damage

Based on the need to critically follow up on national commitments, it is important to observe the place of Loss and Damage within the new round of Nationally Determined Contributions for Latin America and the Caribbean. According to the UNFCCC, 132 countries had submitted their new NDCs 3.0 by February 2026 (UNFCCC, 2026a).

In Latin America and the Caribbean, as of 28 September 2026, our review identifies 25 of the 33 states in the region with a new contribution corresponding to this cycle. Not all countries use the same name. Some are presented as NDC 3.0, others as Second NDC, NDC 2025, or NDC 2025–2035. For this reason, we include the contributions corresponding to this new round regardless of the denomination used by each state.

Figure 1. Countries of Latin-America and the Caribbean who have presented their NDC 3.0 by September 2026

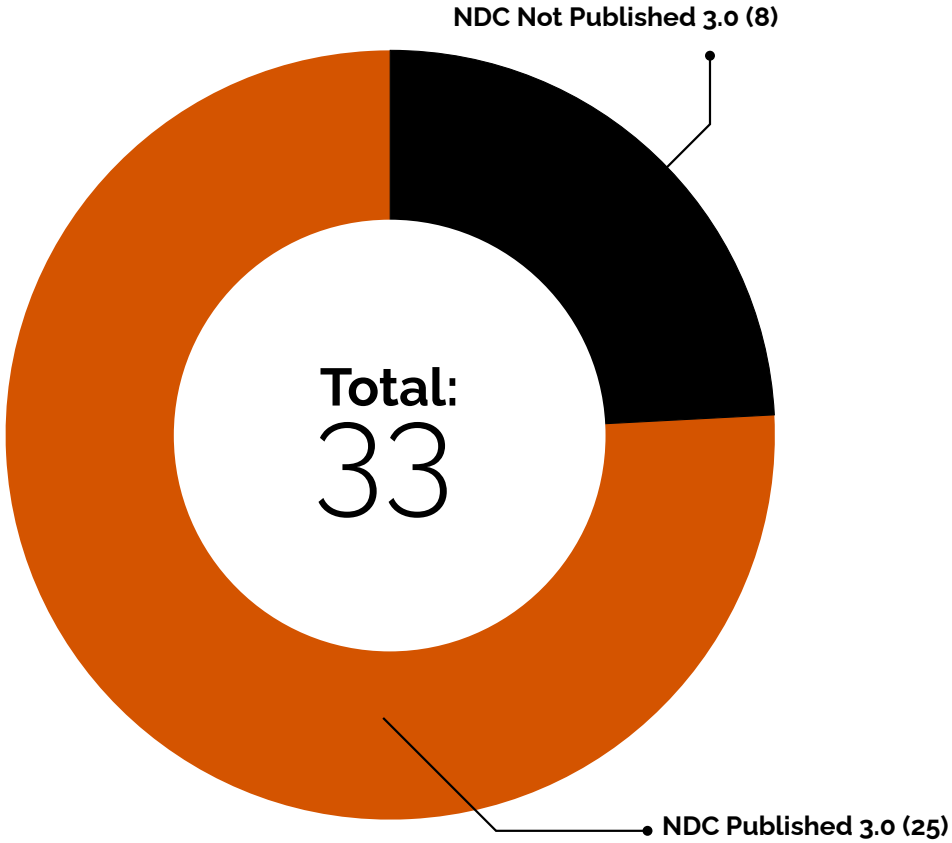


Chart: La Ruta del Clima - Source: UNFCCC - NDC Registry - Created with Datawrapper

Of the 25 contributions analysed, 23 explicitly incorporate Loss and Damage, 15 have a specific section or component, and 10 include at least one quantified or time-bound commitment. The gap between these figures shows that including Loss and Damage within an NDC does not necessarily mean translating them into concrete commitments. In several cases, the approach remains limited to qualitative measures, general guidelines or references to financing needs, cooperation and institutional strengthening. Guyana, Trinidad and Tobago, and Cuba, on the other hand, do not establish any specific commitment to Loss and Damage, although in the case of Cuba the issue is mentioned in the document.

Figure 2. Inclusion of Loss and Damage in the NDC 3.0 of countries of Latin-America and the Caribbean

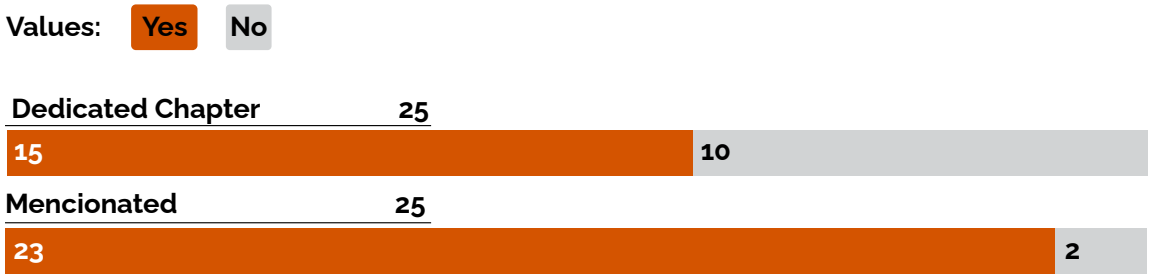


Chart: La Ruta del Clima - Source: UNFCCC - Created with Datawrapper

Our review, then, does not seek to count only mentions of Loss and Damage. We are interested in what kind of response accompanies their recognition and to what extent commitments move from a general formulation to actions that can be implemented and monitored. To do this, we differentiate between general orientations, qualitative measures, time-bound commitments, and quantified targets. This classification also does not seek to establish a direct comparison of ambition between countries, since NDCs have very different structures. The same line of action may appear divided into several commitments in one country and concentrated in a single goal in another. The objective is to identify regional patterns and the gaps that remain between the recognition of Loss and Damage and the existence of concrete instruments to respond to them.

Some of the progress and gaps that we find at the national level also appear in other contributions from Latin America and the Caribbean. From this perspective, the challenge does not end with incorporating Loss and Damage into an NDC. It also matters what happens after that recognition, what capacity exists to implement the commitments, and how they can respond to the impacts that communities and territories are already facing. For COP31, the debate should pay attention both to the commitments presented and to the conditions necessary to implement and follow up on them.

A profoundly unequal regional incorporation

Behind these figures there are very different ways of incorporating Loss and Damage. In some contributions, the issue is mainly associated with needs for financing, cooperation or institutional strengthening, without yet translating into specific commitments. Other NDCs include dedicated sections, time-bound targets or indicators that make it possible to track specific actions. Giving a specific space to Loss and Damage implies greater political recognition, but it does not in itself guarantee that there are mechanisms capable of responding to damage when it occurs. Of the 15 countries that have a specific section or component, seven also include at least one quantified or time-bound commitment. This means that eight of the 15 countries, or

approximately 53%, have a specific space for Loss and Damage, but do not include any quantified or time-bound commitments. At the same time, Paraguay, Chile and Panama show that such commitments can also appear without their own Loss and Damage section.

Costa Rica is among the countries that have incorporated a specific space for Loss and Damage. Costa Rica's C12 contribution establishes concrete commitments that go beyond a general reference to the problem. This opens up a question that is also central to regional analysis, about the extent to which these commitments translate into real response capacities. Having its own section is a relevant step, but the discussion does not end there. It is also necessary to observe what mechanisms, resources and institutional structures accompany this recognition and what they can really offer to the affected communities and territories.

From Recognition to Responsiveness

In several of the contributions analysed, Loss and Damage no longer appear only as an issue to be recognised, but are accompanied by more concrete national instruments. Among the codified topics, data-related measures appear in 12 of the 25 contributions analysed, equivalent to 48%, and those related to governance in 11, equivalent to 44%.

Overall, 19 contributions include at least one measure classified in one of these two areas, which represents 76% of the NDCs analysed. There are also commitments related to risk preparedness, capacity building, and access to finance. Many of these actions aim to identify, measure, document or prevent damage and to create the conditions needed to implement and subsequently evaluate commitments.

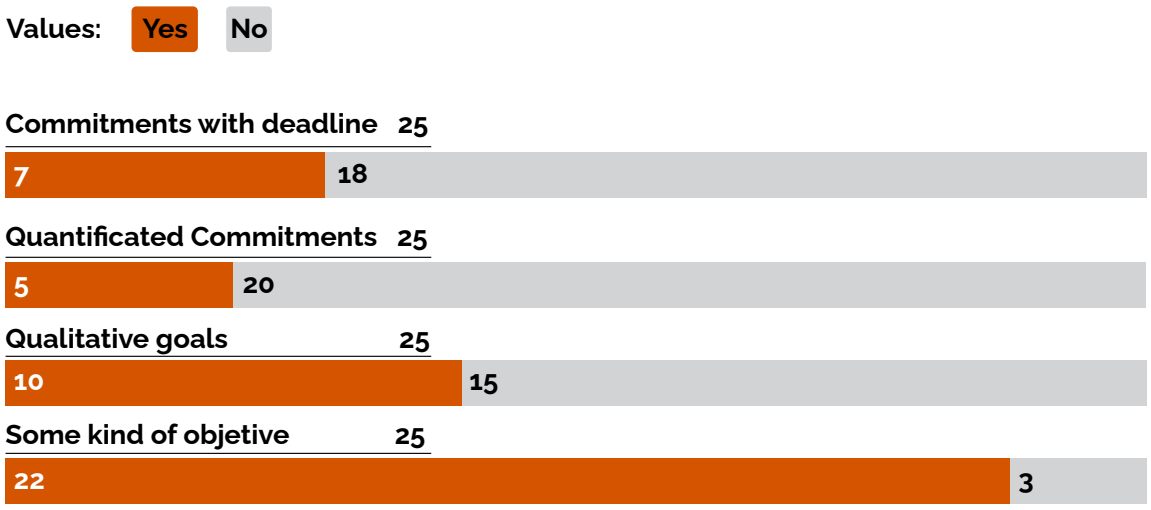


Chart: La Ruta del Clima - Source: UNFCCC - Created with Datawrapper

Figure 3. Contributions regarding Loss and Damage in the NDC 3.0 of countries of Latin-America and the Caribbean

Costa Rica reflects several of these trends. The C12 contribution brings together six commitments, two quantified and four time-bound, related to technical assistance from the Santiago Network, access to the FRLD, the development of assessment methodologies, capacity building and municipal reporting. In other countries we find different instruments. Colombia establishes goals related to damage assessment, Peru incorporates a time-bound Roadmap, and Suriname includes institutional mechanisms and quantified goals. Although these approaches differ, they show how some NDCs are beginning to link Loss and Damage to actions whose progress can be measured more clearly.

At the same time, this realization reveals another gap. Generating information and strengthening institutions are necessary steps to build a response to Loss and Damage, but they do not respond on their own to the effects that communities are already experiencing. The ability to record or evaluate damage is one part of the response. It remains to be analyzed which dimensions of damage are being considered and which continue to have a minor place within national contributions.

A response still focused on managing risk and economic losses

When reviewing what type of instruments accompany these commitments, an important limitation appears. In several of the NDCs analyzed, Loss and Damage are still closely linked to adaptation and risk management. These tools are necessary to avoid and minimize impacts, but they do not necessarily cover everything that happens when the limits of adaptation are exceeded. The problem is not their presence within the contributions, but that a response focused mainly on risk prevention and economic impacts can leave out other effects that also have a central weight for communities.

Costa Rica shows this gap quite clearly. The NDC itself recognizes that the information systematised by the National Emergency Commission currently focuses on economic losses, while there is no equivalent report on non-economic losses. The available information on disasters also mainly registers economic costs and damages associated with hydrometeorological events. This limitation does not appear only in Costa Rica. In several of the contributions reviewed, the non-economic dimensions are less developed than the instruments related to information, risk management, or institutional strengthening. In addition, risk management and the reparation of Loss and Damage are distinct approaches, with important conceptual, scientific and legal differences.

Some NDCs are beginning to broaden this view. Mexico incorporates a specific Loss and Damage component that includes economic and non-economic losses, human mobility, and the protection of tangible and intangible cultural heritage. Peru, for its part, explicitly recognizes non-economic impacts and slow-evolving risks within its National Roadmap for Loss and Damage Management. Panama also includes planned relocation linked to rights, livelihoods, and basic services. These examples show ways to broaden the response beyond what can be recorded only as an economic loss.

Climate impacts can also transform territories, livelihoods, heritage, community relations, and cultural elements. Reducing

the response to what can be quantified economically leaves out a significant part of what people and communities stand to lose. From a climate justice perspective, a more comprehensive response would have to recognize these dimensions and consider affected communities as rights-holders in the face of climate damage, and not just as recipients of assistance when an emergency occurs. In addition, national commitments must address compliance with domestic and international obligations to repair climate damage, as recognized in the advisory opinions of international courts. (Inter-American Court of Human Rights 2025; International Court of Justice 2025)

From written commitment to an effective response

Turning these commitments into effective responses also depends on the resources available to implement them. Financing appears as an issue in 11 of the 25 contributions analyzed, equivalent to 44%, although with very different levels of specificity. In some cases, this need is formulated in a general way. In others, more defined steps appear to access technical or financial support. The difference is relevant, because recognizing a need for financing is not equivalent to having access to mechanisms and does not guarantee that resources will finally reach the affected people and territories.

Costa Rica incorporates some of these steps into its NDC by requesting technical assistance from the Santiago Network and submitting a request to the FRLD. Suriname also includes more specific financial mechanisms. These commitments connect with the discussion on the Fund developed earlier in this document, but raise an additional issue. The existence of international financing alone does not ensure an adequate response when resources are insufficient, difficult to access, or do not reach affected communities.

For COP31, discussions on financing must also consider the conditions under which these resources can be accessed and whether they are sufficient to respond to the scale of the damage. The regional question thus shifts to the capacity of national commitments to change the response that people and communities receive once the damage occurs. A Loss and Damage policy cannot stop at identifying risks, producing information or seeking sources of financing. It also has to address what happens after the damage and what response those who are already experiencing its consequences receive.

From recognition to reparation

Progress within the NDCs also shows an important limit. Recognizing, measuring or managing damage does not mean repairing it. Even when there are monitoring mechanisms, warning systems or ways to access finance, the question remains open of what response people and communities receive once the damage has already occurred and how the losses they have suffered are fully recognized. From a climate justice perspective, addressing Loss and Damage therefore requires going beyond their recognition within national commitments. It also implies discussing what mechanisms can respond to the damage suffered and what it means to repair when the effects reach livelihoods, territories, community ties or dimensions that cannot be recovered through economic compensation alone. This question directly opens the discussion on reparation of climate damage.

2.4 Global Stocktake (GST)

During COP28, the first Global Stocktake – GST1 was held, which was a moment of review of the state of progress in climate action, including reports from countries on their work to reduce their emissions, stop using fossil fuels and adapt to new climate conditions. However, this first report demonstrated a clear urgency to increase the ambition of the actions that are being implemented worldwide, since the results are not even close to the real scale of emission reductions needed to keep the planet in stable conditions in the face of the climate crisis we are facing.

According to SLYCAN Trust (2023, p. 6), the GST included Loss and Damage in its consideration of both conditional and unconditional elements of NDCs, including the reporting of non-economic loss and damage and the potential allocation of financial resources through mechanisms such as the FRLD.

Following the results of GST1, countries worked on preparing Biennial Transparency Reports (BTRs) and, based on the gaps identified in GST1 and the actions reported in the BTRs, updating their NDCs for the 3.0 cycle. This is in order to respond to the scale of ambition that should be worked on to obtain effective results.

As part of this process, work is currently underway on the structure of GST2, which will end during COP33 and will have 3 stages of implementation:

- Gathering and preparing information, with emphasis on collecting, compiling, and synthesizing information, as well as preparing to conduct technical evaluation.
- Technical assessment, with an emphasis on taking stock of the implementation of the Paris Agreement to assess collective progress towards achieving the long-term purpose and objectives of the Paris Agreement, as well as opportunities to scale up action and support to achieve its purpose and objectives.
- Analysis of the results, focusing on discussing the implications of the conclusions of the technical evaluation with a view to reaching the outcome of the GST.

Currently, the process is in the information collection and preparation phase, so it is of utmost importance to follow up on the information reported from our region and ensure that our governments continue to increase the ambition of their climate actions and plans.

However, it is not only about having ambitious goals, but that these are actually met, for example in 2025 from La Ruta del Clima we carried out an analysis of the BTR presented by Costa Rica at the end of 2024, "Analysis of the BTR and contributions 2.0" (Martínez and Cordero 2025) in this analysis, we reported how unfortunately there had been many information gaps in the progress report and a transparency gap in the presentation of results of compliance with the previous NDC. It is not enough for countries to present BTRs, but as civil society we must follow up on the commitments and progress that have been made by our governments. In this way we ensure that we are really moving towards effective goals and results. The GST process must go hand in hand with a strong movement on the part of civil society that demands clear and effective results, not only during COP31 but continuously and consistently.

3. Questions and Answers:

We spoke with Dr. Elisa Morgera, United Nations Special Rapporteur on the promotion and protection of human rights in the context of climate change, about her expectations for COP31. In this regard, she noted that the credibility of the Conference of the Parties will depend on its ability to achieve meaningful results in mitigation, food systems, and governance of carbon markets. In particular, she highlighted the following:

"The credibility of the UN Climate COP as a whole depends on COP31 achieving significant results on both mitigation and food systems, as well as a major reassessment of the role of carbon credits under Article 6 of the Paris Agreement (A/81/217).

Mitigation

On mitigation, a meaningful outcome should include clear commitments to phase out fossil fuels and related subsidies, including:
Specific timelines reflecting the responsibilities, capacities and highest level of ambition of historically high-emitting countries and current large emitters, in accordance with the principles of intergenerational equity and precaution.
Concrete and targeted forms of international cooperation that enable developing countries to make the leap towards renewable energy economies, while respecting their self-determination and avoiding any form of debt-related or technologically constrained dependence on fossil fuels (see also this report).
A transparent and participatory follow-up process that fosters mutual learning on transformative practices based on actions undertaken at all levels (A/HRC/59/42).

Food systems

In relation to food systems, a significant outcome should include an explicit recognition that industrialized food systems, both terrestrial and marine, are driving climate change, deforestation, fossil fuel expansion, and damage to the health of present and future generations.

Accordingly, a decision should include specific commitments to:

Decarbonize, defossilize, and detoxify food systems.
Urgently regulate and phase out subsidies to large food companies (agriculture, meat and dairy, aquaculture, and fisheries) that sustain and expand a fossil fuel-based economy and harm the climate system.
Prioritize legal protection and financial support for agroecology and ecosystem-based fisheries, led by indigenous peoples, peasants, and women (A/HRC/62/44).

In these three areas of work at COP31, States should commit to the human right to effective remedies in the face of the harms caused by climate change. In the context of carbon credits, for example, "criticisms of neocolonialism should be addressed substantively, and historically high emitting States should explore the potential of carbon credits (A/81/217)... to provide climate reparations (such as support for defossilization, combined with infrastructure reconstruction and ecosystem restoration integrated into decentralized renewable energy and agroecology).

This could contribute to reclaiming spaces within economies to develop regenerative devevlopment models based on local priorities, indigenous science and peasant knowledge, and could lead to the exchange of learnings with urban communities and supply chains that are also moving along a path of defossilization (A/80/188 and A/HRC/62/44)."

4. Reparations Mechanisms

From political commitment to legal obligation

In 2025, the terrain on which the climate crisis is negotiated changed. Advisory Opinion OC-32/25 of the Inter-American Court of Human Rights (IACtHR), issued on May 29 and notified on July 3, and the advisory opinion of the International Court of Justice (ICJ) of July 23, agree that preventing climate damage, cooperating, and acting with due diligence are legal obligations of States, not voluntary gestures.

The International Court of Justice establishes that non-compliance constitutes a wrongful act that requires the conduct to cease, ensure that it is not repeated, and make full reparation, including through compensation when the causal link between the conduct and the damage is demonstrated (ICJ 2025, paras. 446-455).

The Inter-American Court, for its part, obliges States to guarantee affected individuals and communities mechanisms of access to justice and reparation (Inter-American Court of Human Rights 2025, paras. 556-559). Together, they cover the two levels that the Reparations Coalition defends: the responsibility of States for climate damage and the right of communities for climate reparation.

Requests to the Inter-American Court of Human Rights and the ICJ to clarify state obligations to prevent harm were made by Chile, Colombia and Vanuatu, developing countries with high vulnerability to climate hazards, and helped cement a political commitment to position reparations on the political agenda. These advisory opinions have shown that repairing climate damage is a state duty and a right of the people affected. Climate reparation, which for decades was dismissed as an illusion, was consolidated as a general principle of public international law and human rights.

This would make its implementation enforceable within the process of international governance of climate change as well as through judicial or administrative means.

A mechanism for reparation, not just financing

Climate finance does not currently address compliance with the obligation to repair climate damage. The Inter-American system offers a proven framework of five dimensions: restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition, as part of general aspects of comprehensive reparation (Inter-American Court of Human Rights 2021) that should be included in the governance of Loss and Damage in contexts of climate crisis.

However, mechanisms such as the FRLD or the Santiago Network do not accept the duty to make reparations, but are voluntary and of a very limited scale.

The reparation of Loss and Damage in its legal conception is comprehensive, addressing economic and non-economic dimensions, it is also mandatory.

To achieve comprehensive reparation, the guarantee of non-repetition is essential. According to the Inter-American Court of Human Rights (2021, paras. 100, 193 and 237), is understood as all those measures that prevent the replication of damage through public recognition of responsibility,

modification of legal frameworks and awareness-raising.

In the climate context, non-repetition is to eliminate fossil fuel subsidies, exploration and exploitation permits, comply with the obligation to stabilize emissions and reverse climate change.

The guarantee of non-repetition is the link to the just transition, there is no possible reparation if the damage continues or is left behind with the affected communities. In South America this has two concrete expressions. The first is the expansion of the fossil frontier, which prolongs the model that caused the crisis.

The second is the race for critical minerals, in the lithium triangle between Argentina, Bolivia and Chile, the demand for the energy transition threatens to reproduce on salt flats, water and indigenous territories, the same extractive logic that is sought to be left behind. A transition that replaces one extractivism with another does not repair, it transfers the damage.

In Central America, a reparative transition must address the restoration of the livelihoods of peasants, indigenous peoples and fishing communities. In addition, this transition must address repairing ecosystems to restore ecosystem services disturbed by climate impacts.

5. What can we really expect from these negotiations?

Ingrid Hausinger, Regional Director for the Heinrich Böll Foundation in Central America, shares her thoughts on the expectations for these upcoming negotiations:

"COP31 arrives with several issues still to be resolved: climate finance, the Global Goal on Adaptation, the Mitigation Work Programme, just transition and the start of the second Global Stocktake (GST2), which will undoubtedly once again highlight the gap between what countries are doing and what is really needed in mitigation, adaptation and financing to meet the objectives of the Paris Agreement. But just as important as looking at the issues that are on the agenda is to ask ourselves which ones still do not have the same centrality and which ones are still practically out of it. For Central America, there are two particularly important discussions: Loss and Damage and, above all, climate reparations.

Loss and Damage will have a formal point at this COP, through the Warsaw International Mechanism and the Santiago Network. However, it remains a scattered and marginal discussion, despite the fact that climate impacts already exceed in many places what can be solved with adaptation alone. And reparations continues to be a taboo in the negotiations, although the recent advisory opinions of the ICJ and the IACtHR have reinforced that preventing damage, cooperating, protecting rights and acting with due diligence are not only political commitments, but obligations of States. And when these obligations are breached, the obligation to repair can also arise.

Therefore, in addition to continuing to demand financing, including for the FRLD, it is essential to explicitly open the discussion on climate reparations and continue to ask who is responsible for the damage, who suffered it and what consequences should follow from it. Climate finance is not a substitute for that discussion.

For Central America, a region facing droughts, water and food insecurity, floods, coastal erosion and displacement, it is of little use to agree on new indicators to measure progress, including in adaptation, if there are no resources to implement it or if these resources are mobilized in the form of private investment or credits that end up increasing foreign debt. Likewise, it is of little use to address the climate crisis if the exit from fossil fuels is not linked to a process of transformation. For Central America, above all, it is important that not only a fossil extractive model is replaced by another based on critical minerals that continues to weigh on the territories and peoples of the region.

That is why, in Antalya, governments and society in the region should, in addition to demanding implementation, demand its link with responsibility and not stop pressing and asking: who should do more, who should finance it and who is responsible for the damage that can no longer be avoided. That remains one of the most important conversations that the climate agenda has not yet fully taken on."

6.Reparations Coalition's demands for COP31

The Reparations Coalition is an alliance of political articulation to position the urgency of reparation of Loss and Damage on the global agenda.

As the Reparations Coalition, we demand that States assume responsibility and trace a clear course of action to repair climate damage.

Every day, the crisis deepens due to the extractivist logics of the market and development, claiming human life and ecosystems.

The struggle for life needs a political muscle that guarantees a real transformation in decision-making spaces so that human rights and the non-repetition of ecosystem destruction are contemplated.

In defense of life and territories, the Coalition demands:

To all Parties:

- that reparation for climate damage is explicitly contemplated as a permanent item of the UNFCCC climate negotiation agenda
- to take note of the advisory opinions of international courts and to recognize that there are legal obligations regarding the prevention and reparation of harm that are not optional.

To Parties, in the guidance that COP31 will provide to the FRLD:

- The provision of a financing window with direct access to communities,
- that their financing is in the form of a donation and that they never generate debt,
- that their eligibility criteria recognize non-economic losses and be flexible for community organizations,
- that a financing goal be established that complies with the duty of enhanced due diligence and the scale of the damage suffered, which is estimated at hundreds of billions of dollars annually,
- that the fund be reformed to meet the duty to repair climate damage in accordance with existing legal obligations,

To the contributing developed countries:

- to convert their pledges into predictable, mandatory annual contributions,
- that their contributions are proportional to their historical responsibility
- to reform the New Collective Quantified Goal on Climate Finance to include financing targets for Loss and Damage, including specific items for remediation of climate damage,
- to take effective measures of non-repetition of harm by eliminating fossil fuel subsidies, implementing the polluter pays principle, prohibiting the exploration and exploitation of fossil fuels,
- to recognize their historical responsibility for climate damage and to cease efforts to hinder the establishment of international mechanisms to remedy climate damage within the framework of the UNFCCC,

- that interventionism cease in our territories, weakening environmental democracy and its efforts to maintain extractivism schemes.

To the Parties, on the Santiago Network:

- that the Santiago Network responds to requests for assistance with defined deadlines, transparency on the use of its resources and an increase in funding that responds to the scales of annual loss and damage that are estimated at hundreds of billions of dollars per year.

To the States of Latin America and the Caribbean:

- to incorporate in their NDCs and negotiating positions the obligations recognized in OC-32/25, including communities' access to justice and reparation,
- to enable national administrative and judicial redress mechanisms for climate damage,
- that no energy transition financed with climate resources advances without consultation and free, prior and informed consent, and that it does not generate harm.
- that recognizes that the transition must be restorative and not leave the cost of loss and damage to vulnerable communities,

To follow up on these requirements, we propose to evaluate any Loss and Damage mechanism from the perspective of reparation with the following indicators and disclosure of information to follow up:

- PProportion of financial resources used that do not generate debt.
- Have a human rights-based approach and international law obligations regarding climate protection.
- Provide a significant and proportional percentage of financial resources to the impacts suffered through direct access for local and community actors.
- Explicit inclusion of non-economic losses in NDCs and in requests to the FRLD.
- Existence of binding mechanisms for the participation of affected communities in the design and monitoring of decisions on Loss and Damage in all instances.
- Generation of information disaggregated by gender, age, socioeconomic level and other variables on the loss and damage suffered.
- Compliance with the obligation of consultation and free, prior and informed consent in energy transition projects and critical minerals financed with climate resources.
- Carry out the necessary reforms to guarantee the implementation of the advisory opinions of the ICJ and the Inter-American Court.

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