



Open Letter on Reparations for Loss and Damage at COP30

TO THE COP30 PRESIDENCY AND STATE PARTIES:

WE, THE UNDERSIGNED CLIMATE JUSTICE AND HUMAN RIGHTS ORGANIZATIONS, WRITE TO YOU AT THIS CRITICAL MOMENT IN HISTORY TO DEMAND THAT COP30 DELIVER ON A FUNDAMENTAL TRUTH: **REPAIRING LOSS AND DAMAGE IS NOT OPTIONAL—IT IS A BINDING HUMAN RIGHTS AND INTERNATIONAL LAW OBLIGATION.**

THIS OBLIGATION IS AFFIRMED BY THE **INTERNATIONAL COURT OF JUSTICE ADVISORY OPINION** AND **OC32 OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS**, WHICH RECOGNIZE THAT STATES MUST ACT WITH DUE DILIGENCE TO PREVENT HARM AND PROVIDE EFFECTIVE REMEDIES WHEN HARM OCCURS. REPARATIONS FOR LOSS AND DAMAGE ARE THEREFORE NOT CHARITY, NOR DISCRETIONARY AID—THEY ARE A **LEGAL AND MORAL DUTY GROUNDED IN INTERNATIONAL LAW AND HUMAN RIGHTS**.

WHY REPARATIONS ARE NON-NEGOTIABLE:

- CURRENTLY, THE DEVASTATING IMPACTS RESULTING FROM ACCUMULATED CARBON EMISSIONS ARE **IMPOSED ON PEOPLE AND THE PLANET WITH NO REPARATIONS OR JUSTICE**.
- THE CLIMATE CRISIS IS THE DIRECT RESULT OF CENTURIES OF **COLONIAL EXTRACTION, RACIAL CAPITALISM, AND ENVIRONMENTALLY DESTRUCTIVE PRACTICES** BY HIGH-EMITTING COUNTRIES AND CORPORATIONS.
- THOSE IN THE MOST VULNERABLE SITUATIONS—INDIGENOUS PEOPLES, FRONTLINE COMMUNITIES, AND NATIONS OF THE GLOBAL SOUTH—BEAR THE BRUNT OF CLIMATE HARMS THEY DID NOT CAUSE.
- COURTS AND TREATY BODIES HAVE CLARIFIED THAT **CLIMATE JUSTICE IS A HUMAN RIGHTS ISSUE**, AND THAT STATES BREACHING THEIR CLIMATE OBLIGATIONS MAY FACE LEGAL CONSEQUENCES, INCLUDING THE PROVISION OF REPARATIONS THAT CAN INCLUDE **RESTITUTION, COMPENSATION, REHABILITATION, CESSATION AND SATISFACTION**, ADDRESSING BOTH **ECONOMIC AND NON-ECONOMIC LOSSES**.
- HUMAN DIGNITY AND THE INTEGRITY OF ECOSYSTEMS MUST BE AT THE HEART OF CLIMATE ACTION.

THE THIRD PILLAR OF CLIMATE ACTION

THE INTER-AMERICAN COURT HAS RECOGNIZED **REPAIRING LOSS AND DAMAGE AS THE THIRD PILLAR OF CLIMATE ACTION**, ALONGSIDE MITIGATION AND ADAPTATION. YET, THIS PILLAR REMAINS NEGLECTED, LEAVING AFFECTED COMMUNITIES TO BEAR THE COSTS AND CONSEQUENCES OF ACTIONS THAT DRIVE THE CLIMATE CRISIS SUCH AS THE PRODUCTION, LICENSING AND SUBSIDIZATION OF FOSSIL FUELS. COP30 MUST CORRECT THIS FAILURE AND BREACH OF LEGAL OBLIGATIONS BY PLACING **CLIMATE REPARATIONS PERMANENTLY ON THE AGENDA** AND ENSURING MECHANISMS FOR **EFFECTIVE, PARTICIPATORY, AND RIGHTS-BASED REPARATIONS**.

CLIMATE REPARATIONS CAN ANCHOR ACCOUNTABILITY AND ALIGN CLIMATE FINANCE WITH HUMAN RIGHTS OBLIGATIONS, MAKING STATES, DEVELOPMENT BANKS, AND PRIVATE ACTORS ANSWERABLE FOR CLIMATE INACTION.

CLIMATE REPARATIONS ALSO OFFER AN OPPORTUNITY TO REFORM THE DEEPLY UNEQUAL AND UNJUST GLOBAL GOVERNANCE STRUCTURES, PARTICULARLY THE INTERNATIONAL FINANCIAL ARCHITECTURE, THAT KEEP COUNTRIES FROM THE GLOBAL SOUTH “VULNERABLE” TO THE CLIMATE CRISIS AND LOCK THEM INTO CYCLES OF DEBT AND DEPENDENCY TO RESPOND TO LOSS AND DAMAGE.

BOTH THE INTERNATIONAL COURT OF JUSTICE AND THE INTER-AMERICAN COURT OF HUMAN RIGHTS HAVE SET PRECEDENTS IN CLARIFYING THAT CLIMATE JUSTICE IS A HUMAN RIGHTS ISSUE AND CLIMATE REPARATIONS ARE ENFORCEABLE, ENCOMPASSING RESTITUTION, COMPENSATION, REHABILITATION, CESSATION AND SATISFACTION. THESE PRINCIPLES SHOULD GUIDE THE DEVELOPMENT OF A GLOBAL REPARATIONS FRAMEWORK CAPABLE OF ADDRESSING THE STRUCTURAL ROOTS OF THE CLIMATE CRISIS. A FAILURE TO DO SO WILL NOT TAKE AWAY LIABILITY AND ACCOUNTABILITY, TO THE CONTRARY.

ON THE FUND FOR RESPONDING TO LOSS AND DAMAGE (FRLD)

THE FRLD, AS CURRENTLY DESIGNED, **IS INSUFFICIENT AND INADEQUATE**:

- IT DOES NOT REFLECT THE PRINCIPLE OF **COMMON BUT DIFFERENTIATED RESPONSIBILITIES (CBDR)** OR THE REALITY OF **CLIMATE DEBT**.
- PARTIES' NEGLIGENCE TO EXPLICITLY RECOGNIZE **THE DUTY TO COOPERATE ON LOSS AND DAMAGE** IS UNDERMINING THE FRLD TO OPERATE AT THE SCALE REQUIRED. PLEDGES FALL FAR SHORT OF THE ACTUAL COSTS OF REPAIRING HARM - AMOUNTING TO LESS THAN 0.1% OF ESTIMATED GLOBAL LOSS AND DAMAGE FINANCE NEEDS AND MANY REMAIN UNPAID.
- EXISTING MECHANISMS UNDER ARTICLE 8 OF THE PARIS AGREEMENT ARE **TOOLS FOR COOPERATION**, THEY ARE NOT REMEDIES. THEY DO NOT FULFILL STATES' OBLIGATIONS TO PROVIDE EFFECTIVE REPARATIONS FOR CLIMATE HARMS.



COP30 MUST PIVOT FROM VOLUNTARY PLEDGES TO ENFORCEABLE OBLIGATIONS, ENSURING THAT FINANCE FOR LOSS AND DAMAGE IS GRANT-BASED, ACCESSIBLE TO AFFECTED COMMUNITIES, AND GROUNDED IN REPARATIVE JUSTICE.

OUR DEMANDS FOR COP30

- **IMPLEMENT REPARATIONS AS A MATTER OF LEGAL OBLIGATION**

REPAIRING LOSS AND DAMAGE IS A BINDING DUTY UNDER INTERNATIONAL AND HUMAN RIGHTS LAW.

- **INSTITUTIONALIZE THE THIRD PILLAR OF CLIMATE ACTION**

ESTABLISH A **PERMANENT AGENDA ITEM** ON REPARATIONS FOR LOSS AND DAMAGE WITHIN THE UNFCCC PROCESS ANCHORED ON ARTICLE 4.8 OF THE UNFCCC.

- **REFORM FINANCE MECHANISMS**

ENSURE FRLD AND RELATED MECHANISMS REFLECT **CLIMATE DEBT**, PROVIDE **GRANT-BASED FINANCE**, OPERATE IN LINE WITH **HUMAN RIGHTS OBLIGATIONS**, AND ENABLE **DIRECT ACCESS FOR AFFECTED COMMUNITIES**.

- **GUARANTEE ACCESS TO JUSTICE**

CREATE PATHWAYS FOR PEOPLE AND COMMUNITIES TO **CLAIM REPARATIONS** FOR CLIMATE HARMS, INCLUDING NON-ECONOMIC LOSSES.

- **ADVANCE STRUCTURAL TRANSFORMATION**

COMMIT TO **PHASING OUT FOSSIL FUELS TO CEASE THE HARM**, DISMANTLING DEBT DEPENDENCY, AND REFORMING GLOBAL FINANCIAL ARCHITECTURE TO END CYCLES OF VULNERABILITY.

THE LACK OF A JUST AND EFFECTIVE MULTILATERAL RESPONSE TO ADDRESS TRANSBOUNDARY CLIMATE HARM IS A BREACH OF INTERNATIONAL LAW. COP30 MUST STOP DENYING ACCESS TO JUSTICE AND REPAIR THE HARM. CLIMATE REPARATIONS ARE NOT NEGOTIABLE—THEY ARE AN UNDENIABLE LEGAL OBLIGATION.

WE CALL ON THE COP PRESIDENCY AND ALL PARTIES TO ACT DECISIVELY AND DELIVER A COP30 THAT CENTERS **JUSTICE, ACCOUNTABILITY, AND HUMAN RIGHTS** ROOTED IN CLIMATE REPARATIONS.

SIGNED,

Signed by:



ASOCIACIÓN
AMBIENTE Y SOCIEDAD



Loss and Damage Youth Coalition



HEINRICH BÖLL STIFTUNG
CENTROAMÉRICA



Uniting to end poverty
Caritas Scotland



DIGO BIKAS
INSTITUTE



CENTER for
ECONOMIC and
SOCIAL RIGHTS



WEST NILE
WOMEN'S NETWORK



CRIN
CHILD
RIGHTS
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NETWORK



ESQUEL
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proian

CANLA
CLIMATE ACTION NETWORK
Latinoamérica



CIEL
CENTER for INTERNATIONAL
ENVIRONMENTAL LAW

African
Futures
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EARLY CAREER
RESEARCH NETWORK
ON LOSS AND DAMAGE

LaRutadelClima



Signed by:

ORGANIZATIONS:

ABIBINSROMA FOUNDATION
ACTION JEUNESSE POUR LE DÉVELOPPEMENT
AFRICAN FUTURES LAB
AMNESTY INTERNATIONAL
ASOCIACIÓN AMBIENTE Y SOCIEDAD
ASOCIACIÓN LA RUTA DEL CLIMA
ASSOCIATION DU DÉVELOPPEMENT ET DE LA PROMOTION DE DROITS DE L'HOMME
BANGLADESH FOOD SECURITY NETWORK- KHANI
CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW
CENTER FOR INTERNATIONAL HUMANITARIAN LAW & HUMAN RIGHTS
CENTRAL INDÍGENA CHIQUITANA AMANECER ROBORÉ CICHAR
CENTRE FOR ECONOMIC AND SOCIAL RIGHTS (CESR)
CENTRO SOCIOJURÍDICO SIEMBRA
CHILD RIGHTS INTERNATIONAL NETWORK (CRIN)
CLIMATE ACTION NETWORK AMÉRICA LATINA (CANLA)
CLIMATE ACTION NETWORK ZIMBABWE
COALITION DES VOLONTAIRES POUR LA PAIX ET LE DÉVELOPPEMENT, CVPD
COMISIÓN DE ACCIÓN SOCIAL MENONITA
COMITÉ AMBIENTAL EN DEFENSA DE LA VIDA
CONFEDERACIÓN MAPUCE DE NEUQUÉN
CONFEDERACIÓN MAPUCE DE NEUQUÉN ARGENTINA
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FEDERATION OF SOMALI TRADE UNIONS (FESTU)
FEMINATURE UGANDA
FIAN BRASIL
FIAN INTERNATIONAL
FORÇA MENINAS
FRIDAYS FOR FUTURE UGANDA
FRIENDS OF THE EARTH-GRENADA
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GREEN AFRICA NETWORK
HABITAT DEFENDERS AFRICA (HDA)
IGNATIAN LEGAL APOSTOLATE OFFICE OF THE ATENEO DE NAGA UNIVERSITY
IMPACT COALITION ON STRENGTHENING INTERNATIONAL JUDICIAL INSTITUTIONS
LOSS AND DAMAGE YOUTH COALITION
MOVIMIENTO CIUDADANO FRENTE AL CAMBIO CLIMÁTICO- MOCICC
MS FOOD POLICY COUNCIL
OXFAM
PARTICIPATORY RESEARCH & ACTION NEWORK- PRAAN
PLATAFORMA BOLIVIANA DE ACCIÓN FRENTE AL CAMBIO CLIMÁTICO
RESILIENT40
RURAL WOMENS ASSEMBLY (SOUTHERN AFRICA)
SCIAF
TIKNA'OJ GUATEMALA
UNITARIAN UNIVERSALIST SERVICE COMMITTEE
WEST NILE WOMEN'S NETWORK
WORLD FORUM OF FISHER PEOPLES' (WFFP)
ZERO PLASTIC LIBERIA

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