



# 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**

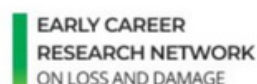
COMMIT TO **PHASING OUT FOSSIL FUELS TO CEASE THE HARM**, DISMANTLING DEBT DEPENDENCY, AND REFORMING GLOBAL FINANCIAL ARCHITECTURE TO END CYCLES OF VULNERABILITY.

**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:





## 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  
DIGO BIKAS INSTITUTE, NEPAL  
EQUIDAD DE GÉNERO: CIUDADANÍA, TRABAJO Y FAMILIA  
EARLY CAREER RESEARCH NETWORK ON LOSS AND DAMAGE  
ECOMENTOR S.A.  
EMONYO YEFWE INTERNATIONAL  
ENVIROX EG FOR DEVELOPMENT AND SOLUTIONS  
FEDERATION OF SOMALI TRADE UNIONS (FESTU)  
FEMINATURE UGANDA  
FIAN BRASIL  
FIAN INTERNATIONAL  
FORÇA MENINAS  
FRIDAYS FOR FUTURE UGANDA  
FRIENDS OF THE EARTH-GRENADA  
FUNDAÇÃO GRUPO ESQUEL BRASIL  
FUNDACIÓN HEINRICH BOELL OFICINA CENTROAMÉRICA  
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 NETWORK- 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

### INDIVIDUALS:

INA MARIA  
KAROL MASIS FERNANDEZ