

# Reparative justice and the colonial continuum: towards a Pan-African Research and Policy Agenda on Climate Reparations

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**ABSTRACT:** Climate change is not only an ecological crisis but also a racial justice crisis, rooted in centuries of colonial exploitation, dispossession, and racialised harm. The extractive systems that enriched colonial powers evolved into the carbon-intensive economies of today, placing Africans on the front lines of climate harm while perpetuating deep inequalities. Reparations for slavery and colonialism aim to redress enduring injustices; climate reparations go further, confronting harms rooted in that same history and still shaping today's crisis. This article calls for a Pan-African research and policy agenda on climate reparations that foregrounds the historical and structural dimensions of the crisis. Over three decades of negotiations, the global climate regime has sidelined questions of historical responsibility and reparative justice. The matter has recently been taken up by the International Court of Justice, which in its 2025 advisory opinion affirmed that states failing to prevent climate harm, act diligently, or cooperate in good faith may incur reparations under international law. In Africa, efforts to advance reparations for colonial crimes and slavery have rarely engaged the climate question, even though the continent suffers the most devastating consequences despite contributing little to the causes and receiving few benefits from industrialisation. For African states and peoples, the climate crisis cannot be separated from the economic, financial, and political structures that reproduce vulnerability and prolong colonial legacies. The article outlines the conceptual foundations and political relevance of a Pan-African climate reparations agenda, examining legal, institutional, and advocacy avenues for action. It considers the evolving role of the African Union, the limits of multilateral climate governance, and the need for advocacy grounded in lived experience, local struggles, and Pan-African solidarity. It identifies key areas for research and dialogue, offering a basis for collective reflection, strategic action, and long-term vision rooted in Africa's realities and racial justice imperatives.

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## TITRE ET RÉSUMÉ EN FRANÇAIS

### **Justice réparatrice et continuum colonial: vers un programme panafricain de recherche et de politique sur les réparations climatiques**

**RÉSUMÉ:** Le changement climatique n'est pas seulement une crise écologique, mais aussi une crise de justice raciale, enracinée dans des siècles d'exploitation coloniale, de dépossession et de violences racialisées. Les systèmes extractifs ayant enrichi les puissances coloniales se sont mués en économies à forte intensité carbone, plaçant les Africains en première ligne des impacts climatiques tout en perpétuant de profondes inégalités. Si les réparations pour l'esclavage et le colonialisme visent à corriger les injustices historiques durables, les réparations climatiques vont plus loin: elles s'attaquent à des préjudices issus de cette même histoire, toujours à l'œuvre dans la crise actuelle. Ce texte appelle à un programme panafricain de recherche et de politique sur les réparations climatiques, centré sur les dimensions historiques et structurelles de la crise. Depuis plus de trente ans, la gouvernance climatique mondiale a écarté la responsabilité historique des pays occidentaux et la justice réparatrice. La question a récemment été portée devant la Cour internationale de Justice qui, dans son avis consultatif de juillet, a affirmé que les États ne prévenant pas les préjudices climatiques, n'agissent pas avec diligence ou ne coopérant pas de bonne foi peuvent encourir des réparations en droit international. De même, les démarches africaines pour obtenir des réparations pour les crimes coloniaux et l'esclavage se sont rarement articulées à la question climatique – alors même que le continent subit les conséquences les plus dévastatrices malgré sa faible contribution aux émissions mondiales. Cette recherche esquisse les fondements conceptuels et la portée politique d'un agenda panafricain sur les réparations climatiques. Elle examine le rôle de l'Union africaine, les limites de la gouvernance climatique multilatérale et souligne la nécessité d'un plaidoyer ancré dans les expériences vécues, les luttes locales et la solidarité panafricaine. Elle identifie enfin des axes d'action collective fondés sur les réalités africaines et les impératifs de justice raciale.

## TÍTULO E RESUMO EM PORTUGUÊS

### **Justiça Retributiva e o Continuum Colonial: rumo a uma Agenda Pan-Africana de Investigação e de Políticas sobre Reparações Climáticas**

**RESUMO:** As alterações climáticas não são apenas uma crise ecológica, mas também uma crise de justiça racial, enraizada em séculos de exploração colonial, expropriação e ou danos derivados da subjugação racial. Os sistemas extractivos que enriqueceram as potências coloniais evoluíram para as economias intensivas em carbono de hoje, colocando os africanos na linha da frente dos danos climáticos enquanto perpetuam, de forma profunda, as desigualdades. As reparações pela escravatura e pelo colonialismo visam reparar injustiças duradouras. As reparações climáticas vão mais longe, enfrentando danos enraizados nessa mesma história e continuando a moldar a crise atual. Este artigo apela a uma agenda pan-africana de investigação e de políticas sobre reparações climáticas que destaque as dimensões históricas e estruturais da crise. Ao longo de três décadas de negociações, o regime climático global tem deixado de lado questões de responsabilidade histórica e de justiça retributiva. A questão foi recentemente abordada pelo Tribunal Internacional de Justiça, que no seu parecer consultivo de 2025 afirmou que os Estados que não previnem os danos climáticos, não agirem diligentemente ou cooperarem de boa-fé podem incorrer em reparações ao abrigo do direito internacional. Em África, os esforços para promover as reparações pelos crimes coloniais e pela escravatura raramente abordaram a questão climática, embora o continente sofra as consequências mais devastadoras, apesar de pouco contribuir para as causas e de receber poucos benefícios da industrialização. Para os Estados e povos africanos, a crise climática não pode ser separada das estruturas económicas, financeiras e políticas que reproduzem a vulnerabilidade e prolongam os legados coloniais. O artigo apresenta as bases conceituais e a relevância política de uma agenda pan-africana de reparações climáticas, examinando vias legais, institucionais e de defesa para a ação. Considera o papel em evolução da União Africana, os limites da governação multilateral do clima e a necessidade de advocacy baseada na experiência vivida, nas lutas locais e na solidariedade pan-africana. Identifica áreas-chave para investigação e diálogo, oferecendo uma base para reflexão coletiva, ação estratégica e visão de longo prazo enraizada nas realidades africanas e nos imperativos da justiça racial.

**KEY WORDS:** Pan-African climate reparations agenda; historical injustice; racial injustice colonial exploitation; extractive systems; slavery; colonialism; International Court of Justice

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## 1 INTRODUCTION

Despite more than three decades of multilateral negotiations, anthropogenic global warming is set to exceed levels deemed safe for human life and ecosystems. The climate crisis has far-reaching consequences particularly for the African continent and its peoples, in particular women and marginalised groups, who have contributed least to greenhouse gas emissions.<sup>1</sup> As this article argues, their position of vulnerability is the result of centuries of colonial exploitation, and its ongoing legacy perpetuated in the form of racial capitalism.

Racial capitalism describes how systems of economic accumulation have always relied on racial hierarchies to define whose lives and environments are expendable. It emerged historically through slavery, colonisation, and imperial extraction, where race was used to justify the violent appropriation of land, labour, and natural resources for profit. Far from being a past phenomenon, racial capitalism continues to shape the contemporary global economy, in which patterns of production, trade, and debt reproduce racialised inequalities between the Global North and the Global South.<sup>2</sup> Táíwò further situates this within what he calls a *Global Racial Empire*, a legal and economic

<sup>1</sup> IPCC 'Chapter 9: Africa, Executive Summary' in *Climate change 2022: impacts, adaptation and vulnerability – Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (2022) 1289.

<sup>2</sup> The concept of 'racial capitalism' emphasises that industrial capitalism emerged through colonialism and slavery, and that capitalist systems today still rely on racial differentiation and hierarchies to sustain wealth accumulation. The term was popularised by South African anti-apartheid activists (M Legassick & D Hemson *Foreign investment and the reproduction of racial capitalism in South Africa* (1976) Anti-Apartheid Movement, London) and later academic writings by Robinson (C Robinson *Black Marxism: the making of the Black radical tradition* (2000 [1983])). For an overview, see J Go 'Theorizing racial capitalism: critique, contingency & context' (2024) 3 *Marronnages* A1. For a treatise in the context of the climate crisis, see JT Gathii 'Financing climate change through a racial capitalism lens' (2024) 41(3) *Wisconsin International Law Journal* 521.

order maintained by norms and institutions that preserve the unequal distribution of wealth, infrastructure, and ecological risk across racialised lines. In this sense, the climate crisis is not merely an environmental problem but the cumulative outcome of a global system that has long treated Black and colonised peoples – and their lands – as sources of extraction and sites of sacrifice zones.<sup>3</sup>

Climate change is often addressed without reference to the colonial histories and racialised power structures that have made African societies disproportionately vulnerable to its effects. At the same time, there is scope for reparations efforts on the continent to engage more deeply with the climate crisis as a site of historical and structural injustice. This disconnect overlooks not only the colonial roots of climate harm, but also the transformative potential of climate reparations to reimagine global power relations and build a more just future. A Pan-African research and policy agenda must begin by bridging this gap – tracing how past and present injustices intersect in the climate crisis, and how reparations can serve as a pathway toward structural transformation.

To respond to this injustice, we advocate for a Pan-African agenda that integrates climate reparations into broader reparative justice efforts and explicitly addresses the colonial legacy of the climate crisis and the racialised violence it perpetuates. African climate reparations would not only aim to remedy climate harms or loss and damage, but serve to reconfigure relations between the Global South and the Global North and fundamentally transform our systems of planetary governance towards a more equitable future for Africans and Afro-descendants.

While there are many lessons to be learned from reparatory justice efforts in the Caribbean, and advocacy by Small Island Developing States (SIDS) on obligations to redress climate harms, continental African advocacy on climate reparations remains far and between. Developing a Pan-African research and policy agenda on climate reparations could be a step towards remedying this gap, to facilitate the sharing of experiences from other regions, and to galvanise climate justice and reparatory justice efforts on the continent through a common narrative.

With the African Union branding 2025 a year of ‘Justice for Africans and people of African descent through reparations’, with the first Brazilian climate COP in November, and the various advisory opinions from international courts and tribunals delivered and expected this year – including the recent petition before the African Court of Human and Peoples’ Rights – the momentum is ripe for deep mobilisation around this important topic. The recent advisory opinion of the International Court of Justice (ICJ) on the obligations of States in respect of climate change, in particular, further anchors this

3 O Táíwò *Reconsidering reparations* (2022) 98.

momentum in law.<sup>4</sup> It affirms that States failing to prevent climate harm, act diligently, or cooperate in good faith may incur reparations under international law. This development strengthens the case for linking climate justice and reparatory justice within a shared framework of responsibility and transformation.

This article sets out the historical context of the climate crisis, in particular its colonial origins and continued legacy in the form of constructed vulnerability, racial capitalism, and climate action. We then identify gaps in the current multilateral response to climate change with regards to reparatory justice and vice versa in the African reparations space when it comes to addressing the climate crisis. Subsequently the paper lays out the rationale for a Pan-African research and policy agenda on climate reparation, reflecting also on potential challenges and limitations. Finally, the paper charts possible future research and policy directions to support this agenda and offers some conclusions.

## 2 AFRICA'S CLIMATE VULNERABILITY AS A COLONIAL INHERITANCE

This section sets out the historical context of the climate crisis, highlighting its origins in colonial systems of domination and exploitation that reshaped African societies and ecologies for the benefit of imperial powers. It examines how colonial-era structures have produced and continue to reinforce Africa's vulnerability to climate harms, not as a natural condition, but as a consequence of racialised extraction and dispossession. Tracing these legacies into the present, the section shows how the climate crisis constitutes a continuation of colonial harm and how prevailing responses to it reproduce that colonial legacy.

### 2.1 Colonialism, resource extraction, and racialised dispossession

The anthropogenic climate emergency we are experiencing today which severely affects Africans and people of African descent, can be causally linked to European expansion and racial domination during the colonial era. It is the cumulative result of centuries of extractive practices institutionalised under colonial rule. As the racialised infrastructure of global capitalism took shape, European empires turned entire continents, most evidently Africa, into territories of resource extraction, human exploitation, and environmental disposability. This transformation was not merely a by-product of

<sup>4</sup> International Court of Justice, *Advisory Opinion on the Obligations of States in respect of Climate Change*, 23 July 2025, <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-oo-en.pdf> (accessed 1 November 2025).

empire, it was the precondition for securing colonial dominance. The forced cultivation of cash crops (such as cocoa, cotton, and palm oil),<sup>5</sup> mining (of gold, diamonds, copper in particular),<sup>6</sup> and the violent clearing of forests and land for monoculture and resource transport<sup>7</sup> laid the foundation for today's carbon-intensive global economy.

Colonial economies were built to serve metropolitan growth at the expense of colonised ecologies and societies and based on racialised hierarchies and dispossession. Here Fanon's critique of colonial violence as racialised and resonates, which relegated Africans and the environment into disposable commodities ripe for the taking. Colonisers justified this violence by dehumanising Black people, stripping them of their identity and humanity in the eyes of the coloniser.<sup>8</sup> Césaire similarly suggests the civilising mission of European colonialism reduced non-White peoples to objects to justify their exploitation and oppression.<sup>9</sup> As former UN Special Rapporteur on Racism Achiume has argued, the same colonial power asymmetries are reproduced in the present global extractivist regime (built on the foundations of its colonial past) which continues to discriminate racialised populations and ecosystems as expendable in service of global capitalism.<sup>10</sup> The fact that many of today's climate-vulnerable regions map onto former colonial territories<sup>11</sup> is thus not coincidental, but merely the continuation/perpetuation of a world order stratified by race, geography, and colonial history.

The end of the transatlantic slave trade and abolition of chattel slavery and the independence of former colonies during the late 18th (US, Haiti) and 19th centuries (Latin America), ostensibly marked the decline of colonialism, of an overt formalised system of racial, economic and environmental dominance.<sup>12</sup> However, the same exploitative structural dynamics and mindsets persisted through neo-colonial structures and institutions.<sup>13</sup> The integration of African economies into global markets was driven primarily by the imperative to supply raw

5 In Nigeria and Ghana, British colonial authorities expanded palm oil production for industrial lubricants and soap.

6 A prominent example are the Witwatersrand gold mines in South Africa that fueled British imperial wealth during the late 19th century.

7 Such as the railways built in Kenya, Senegal, and Congo to connect mines and plantations to ports.

8 F Fanon *Black skin, white masks* (1952) and *The wretched of the earth* (1963) 42.

9 A Césaire *Discourse on colonialism* (1950).

10 Paraphrased from UN Human Rights Council *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E Tendayi Achiume – Global extractivism and racial equality* UN Doc A/HRC/41/54 (2019) para 42.

11 O Táiwò, A Saez de Tejada Cuenca & CH Tsoi 'Colonialism and climate vulnerability' in Táiwò (n 3) 217-218.

12 A case in point and perhaps the most salient example of colonial exploitation and its legacy at the hands of the French colonial administration is the independence ransom or 'double debt' imposed on Haiti. See C Porter, C Méheut, M Apuzzo & S Gebrekidan 'The root of Haiti's misery: reparations to enslavers' *The New York Times* 20 May 2022.

13 K Nkrumah *Neo-colonialism: the last stage of imperialism* (1965); and W Rodney *How Europe underdeveloped Africa* (1972).

materials to Europe, rather than catering to domestic priorities. From the palm oil plantations of West Africa to the mining towns of South Africa, imperial powers enforced a model of development built around the overexploitation of land, labour, and natural resources. This historically rooted trend towards underdevelopment<sup>14</sup> continues to undermine African futures and prosperity, including through unjust debt systems, export dependence, and the continued prioritisation of resource extraction over domestic energy sovereignty or ecological repair.

Debt, in particular, has emerged as a key postcolonial mechanism to maintain Africa's subordination. As Malherbe and Oladejo,<sup>15</sup> Perry<sup>16</sup> and others<sup>17</sup> have argued, financial regimes established during the post-independence period – including structural adjustment policies and 'green' development assistance – have deepened extractive dependencies. By repackaging the logic of colonial dispossession into technocratic language, these regimes obscure the reality that in this neo-colonial system, climate-vulnerable nations continue to subsidise the wealth of former colonial powers. As African countries scramble to meet their debt payments to the World Bank and International Monetary Fund through mining and fossil fuel concessions, their capacity to adapt to climate impacts and invest in public health and infrastructure is continuously eroded. In this sense, extractivism and racial capitalism maintain the structural conditions of African vulnerability to climate harm.

## 2.2 The climate crisis as continuation of colonial harm

Contemporary climate vulnerability in Africa needs to be understood in relation to the continent's colonial past and the enduring legacy of imperialism. This vulnerability is not natural. As Táiwò notes, 'vulnerability to climate change results from flows and accumulations over time that were set in motion by colonialism and slavery'.<sup>18</sup> Sealey-Huggins further suggests that vulnerability to extreme weather events is 'the result of structural racism and historically produced inequalities'.<sup>19</sup> It is not simply that Africa is disproportionately affected

<sup>14</sup> Rodney (n 13).

<sup>15</sup> N Malherbe & AO Oladejo 'Against climate aid colonialism: the case for climate reparations and South–South solidarity' (2024) 59(3) *Africa Spectrum* 88.

<sup>16</sup> K Perry 'The new "bond-age", climate crisis and the case for climate reparations: Unpicking old/new colonialities of finance for development within the SDGs' (2021) 126 *Geoforum* 362.

<sup>17</sup> See also E Swyngedouw 'Apocalypse now! fear and doomsday pleasures' (2013) 24(3) *Capitalism Nature Socialism* 9; and I Peša 'Toxic coloniality and the legacies of resource extraction in Africa' (2024) 9(2) *International Review of Environmental History* 47.

<sup>18</sup> Táiwò (n 3) 171–172.

<sup>19</sup> L Sealey-Huggins 'The climate crisis is a racist crisis: structural racism, inequality and climate change' in A Johnson, R Joseph-Salisbury & B Kamunge (eds) *The fire now: anti-racist scholarship in times of explicit racial violence* (2018) 103.

by adverse climate impacts such as floods, droughts, and resulting food insecurity and displacement but, as illustrated above, this vulnerability is the result of deliberate historical processes which rendered African economies and environments structurally dependent, degraded and under-developed through centuries of colonial exploitation.<sup>20</sup>

This vulnerability is not merely historical but actively constructed and sustained. The violent appropriation of land, imposition of slavery and forced labour, and suppression of Indigenous stewardship systems all played a central role in embedding Africa within a global resource-export economy. These same colonial dynamics continue in the present, albeit under different names. Sultana's concept of *climate coloniality*<sup>21</sup> is relevant here, as it helps us understand how imperial power remains embedded in contemporary institutions, laws, and policies that frame responses to the climate crisis. She argues that climate change reveals not only the harms of imperialist expansion, but the persistence of colonial modes of governance and epistemologies underpinning neoliberalism, racial capitalism, development interventions, economic growth models, education, training, the media, and pop culture.<sup>22</sup> It is this enduring climate coloniality that informs our understanding of the climate emergency as well as the need to decolonise approaches to respond to the climate crisis, including through climate reparations.

Extractive industries operating in Africa today continue to exacerbate the continent's vulnerability to the climate crisis in direct continuation of this imperialist legacy. These activities which are predominantly controlled by large transnational companies<sup>23</sup> and their subsidiaries, degrade land, pollute air, rivers and soil, and displace communities, weakening both ecosystems and social resilience. In some instances, these corporations are successors to colonial trading companies or have inherited privileged access and concessions from postcolonial regimes.<sup>24</sup> The wealth accumulated through resource extraction thus continues to be exported, enriching shareholders in the Global North – much like it did to power European colonial metropoles – while leaving a trail of environmental destruction and limiting capacity for adaptation. Open pit mining, oil and gas exploration, and deforestation reduce the ability of ecosystems to regulate floods, retain

<sup>20</sup> ET Achiume *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance – Ecological crisis, climate justice and racial justice* UN Doc A/77/549 (2022) para 15.

<sup>21</sup> F Sultana 'The unbearable heaviness of climate coloniality' (2022) 99 *Political Geography* 102638.

<sup>22</sup> F Sultana *Confronting climate coloniality: decolonising pathways for climate justice* (2025) 3.

<sup>23</sup> B Radley *Disrupted development in the Congo: the fragile foundations of the African mining consensus* (2023).

<sup>24</sup> For relevant discussion see L Benjamin 'Racial capitalism and climate change: colonialism and climate law and policy in the Commonwealth' (2024) 41 *Wisconsin International Law Journal* 577, 586-592. Some notable examples include Glencore (mining) and Socfin (palm oil), for a history on the latter see V Schneider *How the legacy of colonialism built a palm oil empire* (2020) Mongabay <https://news.mongabay.com/2020/06/how-the-legacy-of-colonialism-built-a-palm-oil-empire/> (accessed 1 July 2025).

moisture and support agriculture. Contaminated water and degraded soils undermine food security and public health. Cash crop systems introduced during colonial rule remain widespread, further contributing to biodiversity loss and reducing ecological stability.<sup>25</sup> These environmental harms are reinforced by land dispossession<sup>26</sup> and exploitative labour practices, including child labour,<sup>27</sup> gender-based violence,<sup>28</sup> and other human rights violations, which erode the community networks essential for climate resilience and justice. These overlapping dynamics not only reflect historical injustice but actively increase Africa's exposure to climate risks while constraining the very capacities needed to respond. Extractivism today is not simply a legacy of colonialism but an ongoing mechanism driving climate injustice.

Others have criticised Western-dominated climate agendas and the European green energy transition as yet another neocolonial frontier for Africa. Scholars have used varying concepts to describe this trend, from 'green colonialism',<sup>29</sup> 'energy colonialism'<sup>30</sup> to 'carbon colonialism'.<sup>31</sup> Projects like Namibia's hydrogen corridor,<sup>32</sup> Morocco's Desertec solar farms, or wind power in the Turkana region in Kenya are sold under the banner of sustainable development but often entail

<sup>25</sup> For relevant commentary, see African Union *Repatriate Africa's climate-smart wisdom that was suppressed by colonialism* (Press release, 3 April 2025), <https://au.int/en/pressreleases/20250403/repatriate-africas-climate-smart-wisdom-was-suppressed-colonialism>; and for in-depth analysis of the historical origins and critique of export-oriented crop production and its socio-ecological impacts, see W Moseley *Decolonizing African agriculture: food security, agroecology, and the need for radical transformation* (2024).

<sup>26</sup> Though globally declining over the past decade, large-scale land grabs continue to target Africa, particularly Sub-Saharan Africa, with over 37 percent of "global large-scale agricultural investments" occurring on the continent. See TN Pinto 'The growing competition for Africa's agricultural land' *GIS Reports*, 14 April 2025 <https://www.gisreportsonline.com/r/africas-agricultural-land>.

<sup>27</sup> Cobalt is a valuable mineral extensively used in lithium-ion batteries for renewable energy alternatives and DRC produces more than 60% of the world's cobalt. On child labour in DRC cobalt mines, see A Kelly 'Apple and Google named in US lawsuit over Congolese child cobalt mining deaths' *The Guardian* 16 December 2019.

<sup>28</sup> The Special Rapporteur on violence against women, its causes and consequences reported that extractive industries had led to increased sexual violence against women. See R Manjoo *Report of the Special Rapporteur on violence against women, its causes and consequences: Mission to Papua New Guinea* UN Doc A/HRC/23/49/Add.2 (2013) paras 48-50. See also R Adamson 'Vulnerabilities of women in extractive industries' (2017) 2(1) *Antyajaa: Indian Journal of Women and Social Change* 24.

<sup>29</sup> H Hamouchene & K Sandwell (eds) *Dismantling green colonialism: energy and climate justice in the Arab region* (2023).

<sup>30</sup> F Müller 'Energy colonialism' (2024) 31(1) *Journal of Political Ecology* 701. For a critical account on employing a colonialism framing, see G K Bhambra & P Newell 'More than a metaphor: "climate colonialism" in perspective' (2022) 2(2) *Global Social Challenges Journal* 179-187.

<sup>31</sup> The Oakland Institute *Green colonialism 2.0: tree plantations and carbon offsets in Africa* (2023) Oakland Institute, Oakland; J Dehm 'Carbon colonialism or climate justice? Interrogating the international climate regime from a TWAIL perspective' (2016) 33(3) *Windsor Yearbook of Access to Justice* 129.

<sup>32</sup> J Tunn, F Müller, J Hennig, J Simon & T Kalt 'The German scramble for green hydrogen in Namibia: Colonial legacies revisited?' (2025) 118 *Political Geography* 103293.

massive land acquisition, community displacement, and transnational profiteering. Africa is one of the most mineral resource rich continents in the world, harbouring more than two thirds of the global deposits of cobalt – a key mineral used for lithium batteries for electric vehicles – and a significant share of copper.<sup>33</sup> These minerals are exported for refining and smelting, and processed products are reimported, meaning that wealth once again accumulates elsewhere. As Ibrahim notes, this trend ‘perpetuates a colonial-era economic model, leaving Africa at risk of being left behind in the economic benefits of the green energy revolution it is helping to fuel’.<sup>34</sup> In the same vein, European nations scramble to meet their climate targets (NDCs) under the EU’s Green Deal, they do so by outsourcing the social and environmental costs of green energy production to formerly colonised regions.

Ultimately, these patterns reflect a more fundamental problem in contemporary climate governance. It is that climate policies and legal frameworks which fail to address underlying colonial power asymmetries risk reinforcing the very harms they purport to solve. Or to put it more pointedly in the words of Tunisian economist Fadhel Kaboub, ‘we cannot decarbonise a system that has not been decolonised yet’.<sup>35</sup> Indeed, Africa’s climate future is being shaped by decisions made elsewhere, by actors who continue to benefit from the extraction and exploitation that caused the crisis. The exclusion of African epistemologies, experiences, and political demands from these frameworks perpetuates a system in which colonial harms are extended into the future under the guise of climate solutions.<sup>36</sup> If climate change is to be addressed justly, it must be decolonised – disentangled from the logics of racial capitalism, aid conditionality,<sup>37</sup> and ecological domination.

Recognising the climate crisis as a continuation of colonial harm is therefore essential to understanding the root causes of African climate vulnerability and shifting towards just and transformative ways forward. It demands that we move beyond narratives of ‘natural’ vulnerability toward a politics of structural transformation. A Pan-African research and policy agenda on climate reparations must begin from this premise: that true climate justice for Africans and Afro-descendants cannot be achieved without confronting the racialised and colonial violence underlying the climate crisis.<sup>38</sup> The next section turns

33 K Ibrahim *Data for climate justice: climate colonialism in Africa through numbers and perspectives* (2025) 254.

34 As above.

35 F Kaboub ‘Decolonise to decarbonise’ *Planet: Critical* (2 February 2023) available at <https://www.planetcritical.com/p/decolonise-to-decarbonise-fadhel> (accessed 25 May 2025).

36 Sultana (n 22) 5.

37 Malherbe & Oladejo (n 15).

38 For relevant commentary on the role, complicity and shortcomings of international law in this endeavour, see recent work by ET Achiume ‘Race, reparations, and international law’ (2025) 119(3) *American Journal of International Law* 397; A Anguie ‘The injustices of reparations’ (2025) 119(3) *American Journal of International Law* 423; A Orford ‘Reparations, climate change, and the background rules of international law’ (2025) 119(3) *American Journal of International Law* 452, amongst other contributions in the same special issue.

to how current global and regional frameworks fall short of this task – and why reparations can serve as both historical redress and an opportunity for structural transformation.

### 3 GLOBAL CLIMATE GOVERNANCE AND THE REPRODUCTION OF STRUCTURAL INJUSTICE

Despite growing recognition of the need for climate justice, global climate governance has failed to confront the structural and historical injustices that shape Africa's climate vulnerability. From its inception, the United Nations Framework Convention on Climate Change (UNFCCC) sidestepped the issue of historical responsibility, prioritising technical fixes and market-based instruments while systematically avoiding any serious reckoning with the colonial systems that produced, and the neocolonial systems sustain the climate crisis.

While the principle of 'Common But Differentiated Responsibilities and Respective Capabilities' (CBDR-RC) was enshrined in article 3(1) of the Convention, it has been progressively weakened in practice.<sup>39</sup> CBDR-RC affirms that while all countries share a responsibility to act on climate change, those with greater historical emissions and greater capacity – primarily in the Global North – should take the lead. In theory, this principle acknowledged inequality in both contribution to the crisis and ability to respond. In practice, however, the climate regime has consistently evaded questions of liability and historical responsibility. Global North countries have resisted any interpretation of CBDR-RC that would imply obligations for redress or reparations.

This evasion is especially stark in debates over how to deal with the adverse consequences of climate harms that cannot be mitigated or adapted to Loss and Damage (L&D). The concept was first introduced by small island states in 1991 and repeatedly raised by vulnerable states throughout three decades. However, developed countries consistently resisted any references to liability and compensation, ensuring that reparative justice remains absent from the climate regime to date.<sup>40</sup> Article 8 of the Paris Agreement avoids any language of accountability,

<sup>39</sup> L Rajamani 'The principle of common but differentiated responsibilities and respective capabilities in the international climate change regime' in R Lyster & R Verchick (eds) *Research handbook on climate disaster law* (2018). For recent discussion in context of climate finance, see V Fajardo, A Huffman & L-Z Villa 'Reassessing common but differentiated responsibilities and respective capabilities: climate finance and the Paris Agreement at COP29' (12 November 2024) *Völkerrechtsblog* available at <https://voelkerrechtsblog.org/reassessing-common-but-differentiated-responsibilities-and-respective-capabilities> (accessed 25 May 2025).

<sup>40</sup> P Toussaint 'Loss and damage, climate victims, and international climate law: looking back, looking forward' (2024) 13(1) *Transnational Environmental Law* 134, 153. For broader contextual discussion, see also P Toussaint *Towards equitable climate governance: strengthening the role of climate victims in addressing loss and damage under the international climate regime* (2025) Publications of the University of Eastern Finland, Dissertations in Social Sciences and Business Studies No 337 <https://erepo.uef.fi/handle/123456789/12345> (accessed 25 May 2025)

and paragraph 51 of decision 1/CP.21 explicitly excludes liability and compensation. Even the creation of a dedicated Fund for responding to L&D finally established at COP27 and operationalised at COP28 eschews any framing of compensation or accountability for past harms. Voluntary pledges to date to this fund fall well below the level required: less than \$1 billion against estimated annual needs of \$400 billion.<sup>41</sup>

This failure is not simply technical or financial – it reflects a deeper misalignment between the nature of the problem and the regime designed to address it. The UNFCCC operates within an architecture that preserves rather than dismantles colonial patterns of extraction. By focusing on emissions metrics, technological fixes, and market-based instruments, it obscures the structural drivers of the climate crisis. Emissions trading, carbon offsets, and insurance-based mechanisms inherently diffuse and displace responsibility, reward financial intermediaries, and perpetuate asymmetries in knowledge and power and thereby reproduce the same colonial hierarchies that underpinned the climate crisis. Scholars such as Sandel,<sup>42</sup> Bachram,<sup>43</sup> and Hickel<sup>44</sup> argue that commodifying pollution not only delays decarbonisation but reinforces extractive logics. Essentially, these approaches are old wine in new bottles – that is, they repackage extractivism in new forms. These mechanisms marginalise Global South epistemologies and grassroots responses, echoing critiques by Sultana<sup>45</sup> and Claar<sup>46</sup> on epistemic violence in climate governance. As a result, the regime fails to deliver equitable or transformative outcomes. A reparative approach would require re-centring historical accountability, embedding justice in finance and mitigation, and

41 C Pierre, A Dubois & L Moreau 'Historical responsibility and climate finance: the case for enhanced contributions from developed countries' (2024) 12(3) *Climate Policy Review* 215, 220; J Lipi 'COP29: Missed opportunities and empty promises?' (2025) *Bond* <https://www.bond.org.uk/news/2025/05/cop29-missed-opportunities-and-empty-promises/> (accessed 30 May 2025). See also J Richards, L Schalatek, L Achampong & H White *The Loss and Damage Finance Landscape: A Discussion Paper for the Loss and Damage Community on the Questions to be Resolved in 2023 for Ambitious Progress on the Loss and Damage Fund* (Heinrich-Böll-Stiftung Washington, DC / Loss and Damage Collaboration, 2023). Available at: [https://us.boell.org/sites/default/files/2023-05/the\\_loss\\_and\\_damage\\_finance\\_landscape\\_hbf\\_ldc\\_15052023.pdf](https://us.boell.org/sites/default/files/2023-05/the_loss_and_damage_finance_landscape_hbf_ldc_15052023.pdf) (accessed 1 June 2025).

42 MJ Sandel *What money can't buy: the moral limits of markets* (2012) 76.

43 H Bachram 'Climate fraud and carbon colonialism: the new trade in greenhouse gases' (2004) 15(4) *Capitalism Nature Socialism* 5.

44 Hickel 'Quantifying national responsibility for climate breakdown: an equality-based attribution approach for carbon dioxide emissions in excess of the planetary boundary' (2020) 4(9) *The Lancet Planetary Health* e399.

45 Sultana (n 22) 3, pointing to 'alternative epistemologies, cosmologies, and resistance' resulting from lived experiences that were and continue to be devalued in Eurocentric modernity steeped in climate coloniality.

46 S Claar 'Green colonialism in the European Green Deal: continuities of dependency and the relationship of forces between Europe and Africa' (2022) *ResearchGate* [https://www.researchgate.net/publication/366542074\\_Green\\_colonialism\\_in\\_the\\_European\\_Green\\_Deal\\_Continuities\\_of\\_dependency\\_and\\_the\\_relationship\\_of\\_forces\\_between\\_Europe\\_and\\_Africa](https://www.researchgate.net/publication/366542074_Green_colonialism_in_the_European_Green_Deal_Continuities_of_dependency_and_the_relationship_of_forces_between_Europe_and_Africa) (accessed 30 May 2025)

amplifying African and Indigenous knowledge as foundational to global solutions.

### 3.1 Climate reparations through the courts?

It comes to no surprise then, given the shortcomings of the international policy response under the UNFCCC, that vulnerable states and civil society have turned to the courts for answers.<sup>47</sup> The ICJ's advisory opinion on the obligations of States in respect of climate change represents a significant moment in the evolution of international climate law. Building on existing treaty and customary norms, the Court confirmed that States have binding legal obligations to prevent significant transboundary environmental harm, to act with due diligence, and to cooperate in good faith in protecting the climate system. It is important to recall that all the ICJ did was spell out existing rules of international law, including customary international law, human rights law – it did not create new rules. By affirming these duties, the Court not only provides authoritative clarification of applicable international law, it has strengthened the normative foundations for reparative approaches within global climate governance.

In concrete terms, the Court spelled out that states' failure to comply with these obligations may constitute an internationally wrongful act under the law of State responsibility, giving rise to a duty to make reparation.<sup>48</sup> It outlined that reparations may take the form of compensation, restitution – including ecosystem restoration or the rebuilding of damaged infrastructure – and guarantees of non-repetition.<sup>49</sup> In doing so, the Court effectively translated the long-standing moral and political claims for climate reparations into a matter of legal entitlement. Importantly, the Court also made it clear that the UNFCCC, Kyoto Protocol and Paris Agreement do not constitute *lex specialis*, that is they do not supersede general principles of international law such as state responsibility for internationally wrongful acts and the ensuing duty to make reparations.<sup>50</sup>

<sup>47</sup> For relevant commentary, see only P Toussaint 'Loss and damage and climate litigation: the case for greater interlinkage' (2022) 11(3) *Transnational Environmental Law* 527; M Wewerinke-Singh 'The rising tide of rights: addressing climate loss and damage through rights-based litigation' (2023) 12(3) *Transnational Environmental Law* 537; and S Jodoin & M Wewerinke-Singh 'Legal mobilization in a global context: the transnational practices and diffusion of rights-based climate litigation' (2025) 59(1) *Law & Society Review* 17.

<sup>48</sup> For a detailed brief on the ICJ Advisory Opinion, see only Center for International Environmental Law *Historic Climate Ruling at the International Court of Justice – Daily Debrief* (23 July 2025), [https://www.ciel.org/wp-content/uploads/2025/07/ICJ-Climate-Advisory-Opinion\\_Reading-Debrief\\_July-23.pdf](https://www.ciel.org/wp-content/uploads/2025/07/ICJ-Climate-Advisory-Opinion_Reading-Debrief_July-23.pdf) (accessed 1 November 2025).

<sup>49</sup> ICJ (n 4) paras 444-455.

<sup>50</sup> For relevant commentary, see M Wewerinke-Singh & JE Viñuales 'The great reset: the ICJ reframes the conduct responsible for climate change through the prism of internationally wrongful acts' (2025) *EJIL: Talk!* <https://www.ejiltalk.org/the-great-reset-the-icj-reframes-the-conduct-responsible-for-climate-change-through-the-prism-of-internationally-wrongful-acts/> (accessed 1 November 2025).

Importantly, the Court reaffirmed that the principle of common but differentiated responsibilities and respective capabilities continues to guide the distribution of obligations, recognising that states with high cumulative emissions bear stricter duties to mitigate and to assist vulnerable states. While the opinion did not directly address the colonial dimensions of climate responsibility, its emphasis on historical emissions and differentiated obligations opens new legal and political space for claims grounded in the structural legacies of colonial exploitation.<sup>51</sup>

For Africa, the opinion strengthens both advocacy and litigation strategies. It reinforces the position advanced by African states and the African Union that climate justice cannot be separated from questions of equity, responsibility, and redress. It also provides a concrete legal basis to move beyond the voluntary and concessional logic of existing climate finance mechanisms toward an approach rooted in legal obligation and reparative justice.<sup>52</sup> In this sense, the Court's opinion signals a broader 'legal turn' toward reparations in international climate governance, one that African States and institutions are well positioned to shape through further advocacy efforts at global and regional level, as well as efforts to build transcontinental alliances.

#### 4 AFRICAN REPARATIONS MOVEMENTS: CLIMATE CRISIS AS MISSING LINK?

During the past three decades, efforts on the African continent to advance reparations for slavery, colonialism, and economic exploitation have gained increasing traction. Initiatives such as the 1993 Pan-African Conference on Reparations and its Abuja Proclamation, the 1999 African World Reparations and Repatriation Truth Commission; the 2001 Durban Declaration and Programme of Action and subsequent establishment of the UN Working Group of Experts on People of African Descent; the 2023 establishment of the African Union's Global Reparations Fund, and the most recent designation by the AU of 2025 as the year for *Justice for Africans and people of African descent through reparations* all contribute to a growing regional momentum around historical redress. For the most part these political efforts have centred on the transatlantic slave trade, colonial occupation, and the persistence of illicit financial flows that have siphoned wealth from African economies since independence. As a result of these initiatives, and the political leadership of the AU, calls

<sup>51</sup> For a more critical view, see only J Dehm 'The evasion of historical responsibility? colonialism, temporality and reparative justice in the ICJ's Climate Advisory Opinion' (2025) *Columbia Climate Law Blog* <https://blogs.law.columbia.edu/climatechange/2025/09/05/the-evasion-of-historical-responsibility-colonialism-temporality-and-reparative-justice-in-the-icjs-climate-advisory-opinion/> (accessed 1 November 2025).

<sup>52</sup> See forthcoming position paper from the African Union's Economic, Social and Cultural Council's Thematic Working Group on Climate Change 'Advancing climate reparations, human rights, and gender justice through climate finance' (forthcoming, draft on file with authors).

for the restitution of looted cultural artefacts, demands for debt cancellation, and claims for financial compensation from former colonial powers have become increasingly visible in both diplomatic and civil society spheres.

These reparatory justice efforts have yet to meaningfully engage with the climate crisis, given its disproportionate and intensifying impact on African peoples and ecosystems. The relative absence of climate change from 'traditional' reparations frameworks reflects broader conceptual and institutional silos that still characterise climate harms as natural hazard or environmental damage rather than recognising it as a form racial and colonial injustice in itself. This conceptual separation obscures the structural continuity between colonial and climate harms. When climate change permeates reparations discussions, it is all too frequently framed as a contemporary and future-oriented problem, with its colonial and racial justice dimension mentioned in passing, if at all.

Arguably, it is also a matter of diplomatic strategy among some African governments, particularly within the multilateral climate regime, to play by the rules and seek solutions from within rather than outright reform. This is not surprising, given the contentious nature of climate finance negotiations and the Global North's long-standing refusal to provide redress. African negotiators have thus commonly prioritised securing concrete gains on adaptation and development finance, rather than explicitly calling for climate reparations. This is not to say that there have not been exceptions. In 2009, for example, African leaders meeting in Ouagadougou made strong demands going into the Copenhagen Climate Summit (COP15). Chief among them, then AU Commission Chair Jean Ping declared: 'We have decided to speak with one voice and will demand reparations and damages'.<sup>53</sup> However, under pressure to secure any funding at all, the African Group of Negotiators ultimately scaled back its demands. Meles Zenawi, then Chair of the Group, proposed a more modest ask aligned with EU and UK climate finance pledges, 'in return for more reliable funding and a seat at the table in the management of [the] fund'.<sup>54</sup> This drew sharp criticism from fellow negotiators like Sudan's Ambassador Lumumba Di-Aping, who called the resulting Copenhagen Accord 'a suicide note for Africa'.<sup>55</sup> This episode reflects the structural limitations of the UNFCCC process and the diplomatic trade-offs African

53 Similar calls were also made by African civil society in the run-up to Copenhagen, notably by the Africa Peoples Movement on Climate Change 'Confronting the climate crisis: Preparing for Copenhagen and beyond' (30 August 2009) <https://www.carbontradewatch.org/archive/declaration-of-the-africa-peoples-movement-on-climate-change.html> (accessed 30 May 2025).

54 J Vidal 'Copenhagen: head of African bloc calls on poorer nations to compromise over climate funding' (*The Guardian*, 16 December 2009) <https://www.theguardian.com/environment/2009/dec/16/meles-zenawi-copenhagen-climate-funding> (accessed 30 May 2025)

55 International Institute for Sustainable Development 'A Brief Analysis of the Copenhagen Climate Change Conference – An IISD Commentary' (December 2009) [https://www.iisd.org/system/files/publications/enb\\_copenhagen\\_commentary.pdf](https://www.iisd.org/system/files/publications/enb_copenhagen_commentary.pdf) (accessed 30 May 2025).

governments often face. Nonetheless, many African governments continue to hold onto the multilateral process and seek solutions within the UNFCCC. With industrialised countries weakening the design and governance of the Fund for Responding to Loss and Damage – and failing to provide adequate funding – its prospects for becoming an effective and equitable vehicle for reparative justice appear increasingly bleak.<sup>56</sup>

That being said, during the past three years there has been some movement in this space, coinciding with or perhaps mutually reinforcing policy advances on loss and damage. Based on a brief review of decisions and statements by the representatives from the AU and African governments in the UNFCCC and international courts and tribunals, we observe the following shifts:

Firstly, increased collaboration across the continent and with the African Diaspora has resulted in more explicit recognition of the linkages between climate justice and reparatory justice. A notable example is the Accra Proclamation on Reparations emanating from the 2023 Accra Conference, where delegates noted the ‘impact of environmental damage caused by the exploitative forces of colonialism and through the forced relocation of enslaved African labour to other regions’. Delegates further committed to ‘supporting efforts campaigning for the compensation of the people of African descent suffering from those effects’.<sup>57</sup>

Secondly, African governments have increasingly framed climate justice in terms that resonate with reparative justice principles, linking climate vulnerability to systemic inequities in the global financial architecture. Debt cancellation, in particular, has emerged as a core demand, framed not as charity but as a necessary rectification of structural injustice. During proceedings at the International Court of Justice (ICJ) on an advisory opinion to clarify state obligations for climate change, for instance, the African Union, alongside Kenya, Sierra Leone, Namibia, and Malawi, argued that partial or total debt cancellation could constitute a form of compensation for climate-related harms.<sup>58</sup> At COP29, the African Group of Negotiators called for reform of the international financial architecture, including concessional climate financing and a ‘fit-for-purpose’ new finance goal.<sup>59</sup> Their critique of climate coloniality points to the ways in which

56 For relevant commentary see Toussaint (n 40) [thesis] 119.

57 African Union *Accra Proclamation on Reparations* (17 November 2023) para 12, <https://au.int/en/decisions/accra-proclamation-reparations> (accessed 30 May 2025).

58 IISD ‘African Union’s voice at the ICJ: seeking climate justice’ (2024) <https://sdg.iisd.org/commentary/guest-articles/african-unions-voice-at-the-icj-seeking-climate-justice> (accessed 30 May 2025); see also African Union, *Written Statement in the Advisory Proceedings on the Obligations of States in respect of Climate Change*, ICJ Case No 187, 22 March 2024, in particular paras 18(c) and 298 <https://www.icj-cij.org/sites/default/files/case-related/187/187-20240322-wri-10-00-en.pdf> (accessed 30 May 2025).

59 African Climate Wire, ‘African Group of Negotiators Put Forward COP29 Positions’ (9 August 2024) <https://africanclimatewire.org/2024/08/african-group-of-negotiators-put-forward-cop29-positions/> (accessed 30 May 2025).

global finance institutions such as the IMF and World Bank continue to entrench postcolonial hierarchies, reproducing dependencies that limit Africa's fiscal space to respond to climate shocks. These calls are grounded not only in demands for increased funding but also in a deeper critique of how finance is structured and who controls it.

Thirdly, the AU appears to be stepping up its rhetoric, increasingly recognising the linkages between colonialism and the climate crisis and laying the foundations for a Pan-African movement. At its 37th Ordinary Session in Addis in February 2024, the AU Assembly recognised 'in the same context of reparatory justice [...] the need to address the consequences of transatlantic-enslavement, colonialism and apartheid, which have persisted in many forms including, among others, neo-colonial challenges of debt relief, illicit financial flows, and climate change, as well as loss and damage'.<sup>60</sup> Similarly, before the ICJ the AU advocated for 'reparation and compensation' and 'ensuing reallocation of any responsibility to the colonial power'.<sup>61</sup> This marked shift in framing signals a closer alignment with decolonial approaches and provides high-level recognition of the structural drivers and colonial legacies underpinning the climate crisis. What remains to be seen is whether this rhetorical shift will translate into political advocacy to decolonise the institutions fueling the climate crisis and global responses in the name of climate action.

Fourthly, African civil society has been even more explicit in its reparations framing. Organisations such as AFRODAD and ActionAid have emphasised the interlinkages between colonial debt, climate injustice, and demands for systemic overhaul. ActionAid's 2024 report "Who Owes Who?" calls for the establishment of a new international convention on debt that would replace the colonial-era norms embedded in current global institutions. It urges the African Union to lead a coordinated demand for debt cancellation as partial repayment of the broader climate debt owed by the Global North. At the national level, countries like South Africa have signalled their alignment with these positions. During its G20 presidency, South Africa emphasised climate finance and debt relief as priorities, with President Cyril Ramaphosa calling for urgent financial support for nations affected by climate disasters. These emerging alignments between negotiators and civil society actors reflect a growing convergence around the need for structural transformation where climate reparations are not merely about compensation but about reclaiming African agency and rebalancing global power relations.

Fifthly, alongside political and advocacy efforts, a budding scene of African-led and Africa-focused research is beginning to articulate the contours of a climate reparations agenda rooted in the continent's lived realities. While conceptual and normative inquiries are gaining

<sup>60</sup> African Union, *Decision on building a united front to advance the cause of justice and the payment of reparations to Africans*, Assembly/AU/Dec.884(XXXVII), <sup>2</sup> [https://au.int/sites/default/files/decisions/44015-ASSEM\\_BLY\\_AU\\_DEC\\_866-\\_902\\_XXXVII\\_E.pdf](https://au.int/sites/default/files/decisions/44015-ASSEM_BLY_AU_DEC_866-_902_XXXVII_E.pdf) (accessed 30 May 2025).

<sup>61</sup> African Union (n 58) and IISD (n 58).

traction,<sup>62</sup> empirical case studies remain few and far between. A recent study estimates that Germany owes Cameroon approximately €38 billion in climate reparations, drawing on Germany's historical greenhouse gas emissions and its colonial-era involvement in Cameroon as key justifications for this claim.<sup>63</sup> The study calls for a multifaceted approach to reparations, including debt cancellation, contributions to the Loss and Damage Fund, and bilateral agreements that acknowledge colonial histories.

This type of grounded research is essential to translating abstract claims into actionable demands. Scholars such as Hamouchene and Sandwell<sup>64</sup> Majekolagbe, Gathii and Tamale,<sup>65</sup> Akinkugbe,<sup>66</sup> and Kaboub<sup>67</sup> are linking colonial extractivism with contemporary energy and climate policy, offering sharp critiques of green colonialism, debt and dependence on resource exports. Research networks like the *Post-Colonialisms Today* collective<sup>68</sup> have produced rigorous analyses linking debt, extractivism, and environmental harm to historical patterns of colonial domination. However, much more is needed to build a robust evidence base that can inform policy and advocacy. There are still few coordinated research or advocacy networks in Africa explicitly framing climate change within a reparations discourse. Strengthening Africa-based research institutions, funding interdisciplinary studies, and fostering collaboration across regions

62 For relevant examples, see TN van Ryneveld & M Islar 'Coloniality as a barrier to climate action: hierarchies of power in a coal-based economy' (2023) 55(3) *Antipode* 958–981 <https://doi.org/10.1111/anti.12907> (accessed 30 May 2025); I Pesa, 'Toxic coloniality and the legacies of resource extraction in Africa' (2024) 9(2) *International Review of Environmental History* 33–50 <https://doi.org/10.22459/IREH.09.02.2023.03> (accessed 30 May 2025); K K Perry 'Climate Reparations: A Pan-African Agenda for the 21st Century?' (2022) SSRN Working Paper <https://ssrn.com/abstract=4278962> (accessed 30 May 2025); P Bond 'Climate debt owed to Africa: what to demand and how to collect?' in *Innovation for sustainability: African and European perspectives* (African Books Collective 2013) 20–47.

63 OF Mfochivé, C Rübe & K Kuhnhenn *The damage done: The case for climate reparations from Germany to Cameroon* (2025) [https://konzeptwerk-neue-oekonomie.org/wp-content/uploads/2025/04/Reparationen\\_Kamerun\\_en.pdf](https://konzeptwerk-neue-oekonomie.org/wp-content/uploads/2025/04/Reparationen_Kamerun_en.pdf) (accessed 30 May 2025).

64 H Hamouchene & K Sandwell (eds) *Dismantling green colonialism: energy and climate justice in the Arab region* (2023).

65 A Majekolagbe, JT Gathii & N Tamale (eds) *Transforming climate finance in an era of sovereign debt distress* (2023) [https://orbitu.uni.lu/bitstream/10993/63254/1/transforming\\_climate\\_finance\\_aug10.pdf](https://orbitu.uni.lu/bitstream/10993/63254/1/transforming_climate_finance_aug10.pdf) (accessed 30 May 2025). See also N Tamale & A Majekolagbe *Debt, climate finance and vulnerability: a brief on debt and climate vulnerable countries in Africa* (African Sovereign Debt Justice Network, November 2022) <https://www.afronomicslaw.org/sites/default/files/pdf/A%20Brief%20on%20Debt%20and%20Climate%20Vulnerable%20Countries%20in%20Africa.pdf> (accessed 30 May 2025).

66 OD Akinkugbe & A Majekolagbe 'International investment law and climate justice: the search for a just green investment order' (2023) 46 *Fordham International Law Journal* 169.

67 F Kaboub 'Decolonise to decarbonise – why climate justice means transforming the global economy' (27 July 2024) *Global Justice Now* <https://www.globaljustice.org.uk/blog/2024/07/decolonise-to-decarbonise/> (accessed 30 May 2025).

68 <https://postcolonialisms.regionsrefocus.org> (accessed 30 May 2025).

will be crucial for grounding a Pan-African reparations agenda in the diverse social, ecological, and historical contexts that shape climate harm on the continent.

To build a Pan-African climate reparations agenda, it is crucial to confront this disjuncture. Reparative justice in Africa cannot be complete without addressing the climate crisis as a continuation of colonial harm. Versa, climate reparations advocacy stands to benefit by drawing on the rich intellectual, legal, and political traditions of continental African, Afro-descendant and diaspora reparations movements. The task ahead is not to replace one agenda with the other, but to integrate them, grounding climate action in historical justice, and making reparations responsive to the ecological realities of African peoples today.

## 5 TOWARDS A PAN-AFRICAN CLIMATE REPARATIONS AGENDA

This section develops the normative, political, and conceptual contours of a Pan-African climate reparations agenda. It explores the key elements and the transformative potential of climate reparations, highlighting why reparations must be understood not as retrospective compensation alone, but as a forward-looking process of structural transformation to build just, decolonial futures. Grounded in principles of structural justice and Pan-African solidarity, this section sets out a vision for reparations that is forward-looking, intersectional, and rooted in the lived experiences and political aspirations of African peoples.

Climate reparations offer a transformative framework to address the intersecting harms of racial injustice and ecological crisis as mutually constitutive legacies of colonialism. Grounded in traditions of reparatory justice, the concept draws from a range of intellectual, legal, and political sources, including international human rights law, state responsibility, and moral and historical claims for justice. At its core, climate reparations call not only for redress of historical harm, but for the dismantling of the systems that continue to produce that harm.

Building on the work of Burkett,<sup>69</sup> Klinsky,<sup>70</sup> Riley-Case,<sup>71</sup> Dehm,<sup>72</sup> and Táíwò,<sup>73</sup> climate reparations are best understood not as a one-time financial transaction, but as a multi-dimensional and

69 M Burkett 'Climate reparations' (2009) 10(2) *Melbourne Journal of International Law* 509-542

70 S Klinsky 'Reparations: lessons for the climate debate' (Climate Strategies, November 2016) <https://www.jstor.org/stable/resrep16181> (accessed 30 May 2025).

71 S Riley-Case, 'Looking to the horizon: the meanings of reparations for unbearable crises' (2023) 117 *AJIL Unbound* 49.

72 S Riley-Case & J Dehm 'Redressing historical responsibility for the unjust precarities of climate change in the present' in B Mayer & A Zahar (eds) *Debating climate law* (2021) 170-89.

73 Táíwò (n 3).

forward-looking process. A comprehensive reparations framework may include five key elements: (1) an acknowledgment of wrongdoing through formal apology; (2) restitution, including the restoration of climate victims' agency, property, lands, and/or livelihoods; (3) rehabilitation, through investments in health, education, and social infrastructure; (4) compensation (monetary or other); and (5) guarantees of non-repetition, entailing the cessation of ongoing climate harm by limiting greenhouse gas emissions and enhancing adaptation.

This framework foregrounds victims' experiences and demands not only material relief, but structural transformation. As Dehm and Riley Case argue, climate reparations are not a transactional remedy but a deliberative and forward-looking process of healing.<sup>74</sup> They are defined as much by *how* they are pursued as by *what* they aim to deliver. As such, any climate reparations process must be grounded in the lived experiences and leadership of climate victims and affected communities. Climate reparations then, should be understood as a political project that transforms power relations, not merely one that distributes money or blame. Riley-Case and Dehm further highlight that in the climate context, reparations function as a deliberative process that can open up space for new forms of solidarity, knowledge, and transformation.

It is this transformative conceptualisation of ('expansive') reparations that informs our understanding of climate reparations in this paper. This aligns with what Táíwò terms a *constructive view* on reparations, suggesting that such processes are as much about reimagining the future as about rectifying the past. He illustrates the challenge and vision of this approach:<sup>75</sup>

We're going to have to build a new energy system than the one that was built by this very same history and out of these very same economic and political connections. And that is going to be, in part, about dismantling a system that runs on fossil fuels, but is going to be in the very same strokes for the very same set of reasons, a set of putting something else in place that is likewise just as valuable. Is that system one that provides energy access and security for all? That's compatible with housing security for all? That gives everyone basic material resources? Or is it one that exploits the many for the security of the few? The status quo is pushing us in the latter direction, but reparations and justice and reparations would push us towards the former.

Climate reparations then offer an integrated approach to justice, bringing together decolonial, racial, and climate justice claims into a coherent framework that can guide both advocacy and policy. Rather than being confined to legal doctrine or imposed solutions, reparations are both a principle and a process: they involve recognition of past wrongdoing, redistribution of wealth and power, and the

74 Riley-Case & Dehm (n 72) 171.

75 Podcast, 'Reconsidering reparations with Olúfémí Táíwò' (Interview Transcript, *Examining Ethics*, The Janet Prindle Institute for Ethics, 6 April 2022) <https://www.prindleinstitute.org/podcast/reconsidering-reparations> (accessed 30 May 2025).

transformation of institutions that uphold unjust systems. They invite co-creation between affected communities and those who have benefited from historical harm, centring the demands, knowledge systems, and lived experiences of those who have long been silenced or sidelined. In doing so, climate reparations challenge racial capitalism, resist technocratic and debt-based responses to the climate crisis, and offer a strategic frame for building solidarity across movements and shifting global priorities.

In sum, this emerging body of work converges around a few key principles: that climate reparations must address both historical and ongoing harms; that they must target the root causes of inequality, not just its symptoms; and that they must be shaped by those most affected. In this sense, climate reparations represent both a political demand and open a horizon for transformative justice.

Our intention in advocating for a Pan-African perspective on climate reparations, is not to impose it as a framework to blindly/paternalistically homogenise cultures, histories and contexts, and priorities on the continent and in the diaspora. Rather, the power of Pan-Africanism lies in offering a unifying political orientation grounded in the shared experiences of colonialism. Here we draw on the work of Perry who initially put forward Pan-Africanism as ‘an ideological and movement-building tool for reparative approaches to climate change’.<sup>76</sup> A Pan-African climate reparations agenda should build on the movement’s emphasis on continental solidarity and institutional integration, while remaining firmly rooted in specific lived experiences of climate harms by Africans and Afro-descendants. Here again, Perry is instructive, who cautions, ‘Pan-Africanism was always practiced from below [...]. Pan-Africanism from the top was never going to create the necessary material and political impulses for legitimate reparatory demands to be met’.<sup>77</sup> Local movements, national case studies, and regionally distinct histories of harm must therefore remain central to the articulation of reparative claims. One of the tasks then, of a Pan-African climate reparations agenda, will be to draw lessons from grassroots and civil society movements, national, subnational and local case studies and testimonies of concrete experiences of climate harms to inform an African regional strategy. This necessitates trans-disciplinary research with communities on the frontlines of climate harm and empowering grassroots advocacy in the formulation of the agenda and its implementation.

<sup>76</sup> KB Perry, ‘Climate reparations: A Pan-African Agenda for the 21st Century?’ (Presentation, African Economic and Monetary Sovereignty Conference, Museum of Black Civilizations, Dakar, Senegal, 2022) SSRN [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4278962](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4278962) (accessed 30 May 2025).

<sup>77</sup> Perry (n 76) 6.

## 6 FUTURE RESEARCH AND POLICY DIRECTIONS

In this final section we outline key future directions for advancing a Pan-African climate reparations agenda through grounded research and coordinated policy. The proposals below do not claim to be exhaustive or prescriptive. Instead, they aim to support a collective process of inquiry, policy design, and advocacy that can deepen the evidentiary base, strengthen institutional mechanisms, and build solidarities – within Africa and with other regions in the Global South – toward transformative climate justice.

### 6.1 Building the evidence base

A robust climate reparations agenda requires solid grounding in both historical evidence and contemporary analysis. First, further research is needed to map the historical trajectories of carbon colonialism. This research serves to expose how imperial systems of resource extraction, environmental degradation, and racialised labour regimes created the conditions for Africa's structural climate vulnerability. This includes tracing financial flows, land use changes, and corporate lineages from colonial times to present.

Second, it will be helpful to develop concrete metrics for climate harm and corresponding reparations. This involves quantifying ecological and social damage including displacement, health impacts, and loss of biodiversity, as well as recognising non-monetary dimensions of harm such as cultural and spiritual loss.

Third, comparative legal research is needed to explore potential avenues for accountability. This involves analysing national, regional and international legal strategies including litigation, advisory opinions, legislative campaigns and human rights instruments that can support reparative claims. Lessons can be drawn from diverse jurisdictions and past experiences with transitional justice, environmental liability, and ongoing efforts to establish state responsibility for the climate crisis.

Fourth, participatory frameworks are needed to ensure that research and policy development for climate action are grounded in the lived experiences and priorities of African communities. This involves designing methodologies that are inclusive, community-driven, and responsive to local and traditional knowledge.

Finally, comparative analysis of climate reparations movements in Latin America and the Caribbean, particularly among Afro-descendant communities, can provide valuable insights into transnational strategies, institution-building and reform, as well as lessons on movement-building, coalition work, and framing narratives. Caribbean reparations movements, particularly those led by CARICOM and the Caribbean Reparations Commission, offer important strategic insights. They have developed concrete demands including debt cancellation,

land restitution, and formal apologies, while framing reparations not solely as historical redress but as a foundation for future justice and sovereignty. Their coordinated regional approach, combined with clear moral claims and legal strategies, underscores the importance of unifying political vision with grassroots mobilisation. African movements can draw from this by developing similarly coherent frameworks that connect colonial harms to present-day climate vulnerability – framing reparations as both backward-looking and forward-building. At the political level, the AU appears to be making some inroads on this, having recently hosted a second Africa-CARICOM Summit on ‘Building Bridges from the Caribbean to Africa’ where reparations featured prominently on the agenda.<sup>78</sup>

## 6.2 Strategic policy opportunities

Looking ahead, a Pan-African climate reparations agenda can help identify policy entry points and strategic alliances. The African Union’s evolving reparations work, including its recognition of colonialism’s links to climate injustice, creates a window to embed climate reparations into regional policy spaces. Upcoming moments such as the AU’s preparatory work toward the 30th Conference of the Parties (COP30) could serve as platforms to formalise demands, elevate research findings, coordinate civil society engagement, and advance concrete proposals on climate reparations.

At the international level, there is a need to rethink the governance of global climate action, particularly climate finance. This includes advancing proposals for sovereign debt cancellation and restructuring, decolonising international financial institutions towards more equitable governance, and linking climate reparations with broader calls for economic justice.

Climate reparations could also be integrated into existing justice frameworks, including human rights regimes, environmental governance structures, and mechanisms addressing racial and historical injustice. Building coherence across different policy spaces will be essential to avoid fragmented responses that fail to confront the systemic and structural roots of climate injustice.

## 7 CONCLUSIONS

In this paper we argued that Africa’s climate vulnerability cannot be addressed without reckoning with the continent’s colonial past and the racialised systems of extraction and exploitation that continue to structure global environmental and economic relations to the detriment of Africans and people of African descent. Climate justice, in

<sup>78</sup> African Union ‘The 2nd Africa-CARICOM Summit – Building Bridges from the Caribbean to Africa’ (Press release, 8 September 2025) <https://au.int/en/pressreleases/20250908/2nd-africa-caricom-summit-building-bridges-caribbean-africa> (accessed 1 November 2025).

this sense, cannot be separated from historical justice. Any serious response to the climate crisis must confront the legacies of conquest, slavery, and colonialism that have shaped the distribution of harms and benefits within the global order. So long as global climate governance remains structured around managing symptoms rather than tackling the disease of neocolonial racialised extractivism, it will continue to reproduce the very injustices it claims to solve.

While the ICJ has since reaffirmed the legal foundations of States' obligations to prevent climate harm and cooperate in good faith, the advisory opinion remains silent on the colonial and racial structures that underpin these harms, underscoring the need for a reparations agenda that goes beyond state responsibility toward structural transformation.

We put forward the need for a Pan-African climate reparations agenda not only as a demand for redress but also as a transformative framework for justice. This agenda insists on confronting root causes, reclaiming African agency, and shifting global priorities away from extractive and technocratic solutions. Such a climate reparations research and policy agenda could build from, and move beyond, existing historical reparations frameworks. It offers a vision of justice that is both backward-looking and forward-building, grounded in historical responsibility and committed to constructing more equitable futures. For such an agenda to take hold, it must be shaped by participatory, interdisciplinary, and cross-movement processes anchored in African realities and informed by the leadership and priorities of those most affected.

The reflections and proposals presented in this paper do not claim to be comprehensive. Rather, they serve to chart a path forward: to open space for research, dialogue, and collective imagination. It is an invitation for African scholars, policymakers, activists, and communities to co-create a climate justice agenda that centres historical truth, redistributive justice, and structural transformation. This is a complex and contested undertaking, but one that is urgent and necessary.