



A Real Mosaic of Solutions to Respond to Loss and Damage from Climate Change

Remedy and Reparation

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Introduction

This publication is part of a [series of briefs](#) unpacking the pieces of a fit for purpose “mosaic of solutions” to respond to loss and damage from climate change. This series expands on our earlier work, which presented a [five-year vision for Loss and Damage under the United Nations Framework Convention on Climate Change \(UNFCCC\)](#) to look beyond the international climate regime at catalysing a wider mosaic of solutions.

In the [flagship paper](#) of the series, we unpack the pieces of the mosaic. In these thematic briefs, we dive deeper into existing solutions and how they can be strengthened. We also consider any reforms needed and explore emerging solutions.

This brief unpacks the relationship between loss and damage response and remedy and reparation. It provides a short introduction to how the right to remedy applies to loss and damage, highlights where States are failing to uphold international law, and how this can be addressed.

The right to remedy and Loss and Damage

The [human right to remedy](#) applies to harm suffered in the form of loss and damage from climate change. Under international law, those whose human rights are violated have a right to remedy, including full reparation for climate-related harms.¹ International law defines effective remedies to entail access to justice and substantive redress, which may include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. This may include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.² States also have legal obligations to prevent, minimise, and remedy foreseeable human rights violations, including those due to loss and damage.³ This has been re-affirmed by the [International Court of Justice’s \(ICJ\) Advisory Opinion \(AO\) on the Obligations of States in respect of Climate Change](#) and the [Inter-American Court of Human Rights’ Advisory Opinion on the Climate Emergency and Human Rights](#).

What is the problem?

Despite their obligations, many States and corporations refuse to abide by international law. Developed countries, particularly, are not meeting their legal obligations to prevent loss and damage by rapidly reducing emissions, nor are they providing developing countries with the finance and other forms of support they need to remedy loss and damage.⁴ The UNFCCC has also failed to uphold the right to remedy, including by setting up a Fund for Responding to Loss and Damage (FRLD) that is not equipped to deliver remedy for climate harm. All States are failing, to varying degrees, to fully uphold human rights due to political, economic, and/or legal failures.⁵

What do we need to see?

States and affected communities must receive reparations where remedy has not been forthcoming or is not satisfactory. The absence of effective remedy for loss and damage under the UNFCCC does not preclude remedy for climate harm through other avenues such as litigation.⁶ Individuals, Peoples, and communities experiencing climate-related human rights harms and climate-vulnerable States are increasingly seeking justice and accountability through this avenue.⁷ Over 3,000 climate litigation cases have been filed across nearly 60 countries to hold governments and corporations accountable.⁸

Climate litigation must continue to increase ambition under the UNFCCC and compliance with the obligation of developed countries to provide climate finance and other forms of support to developing countries.⁹ The UNFCCC’s Loss and Damage mechanisms and bodies, including the FRLD, the [Warsaw International Mechanism for Loss and Damage](#) and its [Santiago Network](#), must be strengthened to advance the fulfillment of States’ duties related to the right to remedy.

The ICJ AO must be operationalised via an [United Nations \(UN\) General Assembly \(UNGA\)](#) resolution that goes beyond just welcoming the opinion and includes the establishment of a Loss and Damage Register.¹⁰ Failing that, the register must be established independently through an UNGA resolution.

Climate reparation efforts must be aligned with other reparations efforts, including those addressing colonialism, Indigenous dispossession, and transatlantic slavery, led by the [African Union](#)¹¹, the [CARICOM Reparations Commission](#) and others. This is key to bringing about the transformative changes needed to end the perpetuation of inequality and harm rooted in colonial exploitation, extraction, and racial capitalism. Table 1 highlights possible avenues for advancing the right to remedy for loss and damage and how these can drive up ambition within and beyond UNFCCC and other UN processes.

Table 1: Remedy and reparation solutions for loss and damage.

SOLUTION	WHAT IS IT?	WHY IS IT NEEDED?
Climate Litigation	Climate litigation has emerged as a major global tool for driving climate action, including loss and damage response. The Sabin Center for Climate Change Law's Climate Litigation Database now logs more than 3,000 cases that address climate change law, policy, and science. ¹² Filed across nearly 60 countries, these cases are holding governments and corporations accountable. ¹³	Beyond legal victories that result in reparations for loss and damage, ¹⁴ climate litigation cases have the potential to influence broader UNFCCC policy by driving, accelerating and strengthening the implementation of commitments, and the provision of climate finance and other support. ¹⁵
Operationalising the ICJ AO	Following the delivery of the ICJ AO in July 2025, Vanuatu introduced a zero draft resolution to the UNGA intended to welcome and operationalise the advisory option. ¹⁶ This included the proposal to establish an International Register of Damage as a comprehensive and transparent database of evidence of loss and damage that has happened ¹⁷ .	The ICJ AO must be transformed from words into actions. The UNGA resolution must go beyond just welcoming the AO to re-affirming States' commitments to act on the basis of the opinion in accordance with their obligations under international law. This includes developed countries providing support and finance to developing countries to remedy loss and damage. The proposed register would play a crucial role in climate litigation and for reparations. If it cannot be established as part of the resolution on the ICJ AO it should be established under a dedicated resolution.

SOLUTION	WHAT IS IT?	WHY IS IT NEEDED?
Restructuring UNFCCC Loss and Damage Bodies to align with Human Rights Obligations	The UNFCCC's mechanisms for preventing, reducing, and addressing loss and damage must be restructured to align more explicitly with human rights obligations and standards, as well as reparations principles.¹⁸ This will require moving beyond voluntary finance, to ensuring that affected individuals, Peoples, and communities drive solutions and can access resources directly. It will also require putting in place dedicated mechanisms and policies to realise substantive equality in a context of intersecting forms of discrimination.¹⁹	Strengthening the UNFCCC's Loss and Damage mechanisms would advance the fulfillment of States' duties related to the right to remedy. However, even if such changes were to be achieved, UNFCCC Loss and Damage mechanisms will not be able to provide fully comprehensive remedy and reparations. This is due to their limited scope (i.e. they are only focused on loss and damage from climate change), which curtails their ability to address root causes of vulnerability to loss and damage such as debt. Therefore, complementary approaches, including debt cancellation and the reform of trade and tax rules to be equitable, will remain necessary.²⁰
Aligning Climate Reparation Efforts with Broader Reparations Efforts and Learning from Existing Mechanisms	Efforts to deliver reparations have long been underway for other forms of harm that intersect with climate harm. This includes the pursuit of reparations for colonialism, Indigenous dispossession, and transatlantic slavery led by the African Union,²¹ the CARICOM Reparations Commission, and others. Lessons learned from existing reparation mechanisms are being compiled by initiatives such as Queen's University Belfast's Reparations Database. While other academic and civil society efforts include Ways of Repair : Loss and Damage, the REPAIR project, and work on Loss and Damage and Reparation by Clima del Ruta, African Futures Lab, and the Center for International Environmental Law.	Aligning climate reparation efforts with other reparations efforts is key to acknowledging that climate change is rooted in colonial exploitation, extraction and racial capitalism. It is also key to ensuring that reparations bring about the transformative changes needed to end the perpetuation of inequality and harm. This will involve the cancellation of existing debt, facilitation of technology transfer, and the reform of international financial institutions.²² Lessons learned from existing reparation mechanisms are key to helping to ensure that restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition are applied by all reparation mechanisms for loss and damage.²³

Endnotes

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