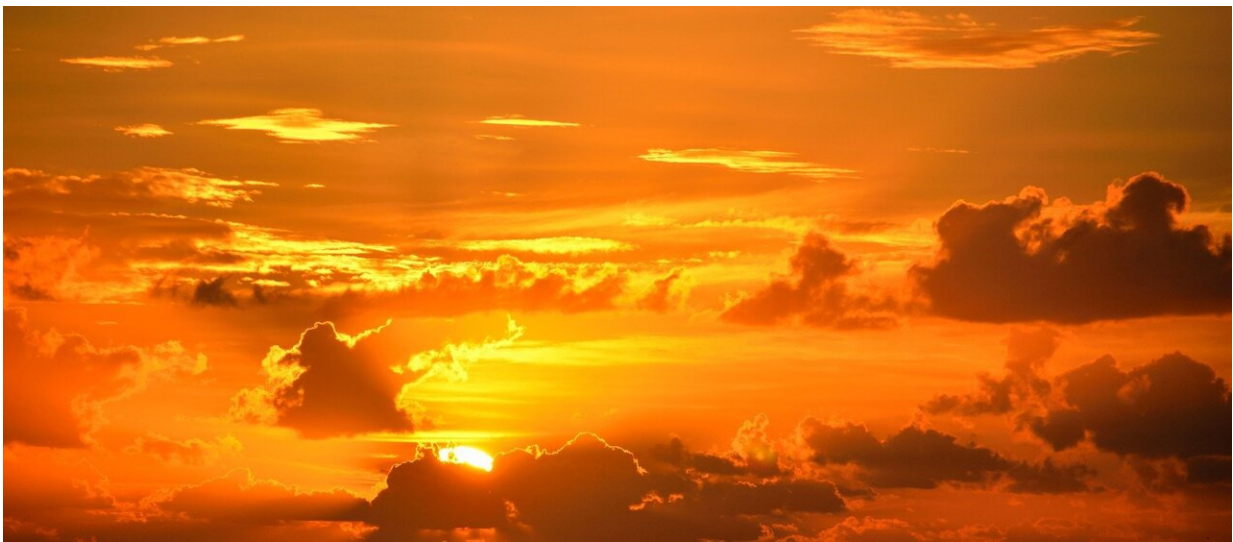


Opinion: No leg to stand on—why the US must reconsider its stance on climate reparations

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From rising sea levels to longer and more extreme droughts, there is overwhelming evidence that climate change is occurring. The harsh realities of climate change have led developing countries, which are most vulnerable to its impacts, to push for compensation from their industrialized counterparts.

After over 30 years of pressure and negotiations, an agreement to

provide funding for climate-related loss and damage was reached at the United Nations climate conference in 2022 (COP 27). Although the scope of the fund and the funding arrangements are yet to be finalized, the establishment of the Loss and Damage Fund has been described as ground-breaking.

However, recent happenings, have raised new questions about liability for climate change damage. At the heart of the problem are the [comments](#) of the US Special Presidential Envoy for Climate, John Kerry, shortly before this week's U.S—China climate action talks. Kerry's statement that the US will not, under any circumstances, pay [countries](#) for damage caused by climate-related disasters has been a subject of some controversy.

On the one hand, are those who criticize these comments because they disregard international negotiations. On the other hand, others have sought to rationalize them, by distinguishing between climate reparation and the Loss and Damage Fund. Accordingly, the argument being put forward is that while the US is not opposed to making [financial contributions](#) to assist [poor countries](#) address the impacts of climate change, it is concerned about the framing of these contributions as reparations.

The main reason why the idea of climate reparation has been so contentious is due to concerns that it amounts to an admission of legal liability and could trigger a torrent of legal claims. Notwithstanding these difficulties, the cruel irony remains that the impacts of climate change will mostly be borne by developing countries, who have made the least contribution to greenhouse gas emissions, and who lack the economic and social capacity to respond to its impacts. Hence, the need for climate reparation.

The case for climate reparation

Climate reparation is rationalized by principles of equity and fairness. It requires accountability from countries and private entities, that have made the most historical contribution to [greenhouse gas emissions](#), with a view to addressing serious damage and the disproportionate effect of climate change on vulnerable countries.

The call for climate reparation has remained persistent because unlike other forms of compensation that have featured in international climate negotiations, climate reparation includes liability or compensation for past wrongs. Further, despite stiff opposition to climate reparation, the experience so far has been that, in the absence of a liability and compensation regime for climate change, efforts to mobilize funding for adaptation, mitigation and loss and damage have been unsuccessful.

The Green Climate Fund is a case in point. Over thirteen years after the promise of a \$100bn fund to help developing countries mitigate and adapt to the climate crisis was made, it has not been met.

Climate reparation is essential because, in addition to [financial compensation](#), it is concerned with setting up [economic systems](#) that challenge inequality. With approximately 3.6 billion people living in conditions vulnerable to [climate change](#) globally, now is the time to act and [climate](#) reparation has a crucial role to play.

Provided by University of Birmingham

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