

## **Proposal to SCCS Board to adopt the principle and term ‘Climate Reparations’**

1. The rapidly unfolding climate emergency is much worse than anything humanity has ever witnessed in the moderate temperature of the Holocene in which we have lived and thrived for the past 12-thousands years. Yet Planet Earth, human family’s common home is becoming quickly uninhabitable and the people of Global South are disproportionately at the front lines extreme vulnerability. This extreme and cascading vulnerability requires urgent action by West to arrest unforetold horrors that would be unleashed when reaching a tipping point. We are currently witnessing the unfolding of abrupt self-amplifying and potentially irreversible change in the earth system. As we look forward and deliberate over strategies and policies that ought to be adopted in order to eradicate the collective destructive imprint on the planet. It is equally important to look back and make necessary amends and corrections where possible. As such ‘Climate Reparations’ constitute an indispensable part of an urgent global effort of solidarity. Before diving into what this could look like in practical terms, lets us first consider the terms ‘reparations, and ‘climate reparations’ as well as what they have come to signify historically.

### **The origin and meaning of climate reparations**

2. The concept, definition and most important precedents of Reparations in international law dates back to 1927 in the Chorzow Factory case between Poland and Germany. The Permanent Court of International Justice ruled and stated that, ‘Reparations must, as far as possible, wipe out all the consequences of the illegal act and establish the situation which would in all probability, have existed if that act had not been committed.’
3. However, as far as Global South is concerned, justifications for Reparations arise from the adverse consequences of multiples histories of colonialism, transatlantic slave trade, industrialization, metabolic rift, climate destruction, biodiversity loss and degradations of all planetary boundaries. It has thus been associated with slave reparations; a call that has been vehemently resisted by the West (particularly in the case of the USA, UK, and France).
4. An explanation of the meaning of ‘Climate Reparations’ was given by **Maxine Burkett**, professor of law at the University of Hawaii, in 2009. She explained it as: “*a process, instigated and propelled by the moral challenge of a massive wrong... to assess the harm*

*caused by the past emissions of the major polluters and to improve the lives of the climate vulnerable through direct programs, policies and/or mechanisms for significant resource transfers, to assure the ability of the climate vulnerable to contemplate a better livelihood in light of future climate challenges.” She also described how: “all those engaged in the reparative effort will have to squarely confront the deep moral questions posed by both the initiating harm – excess emissions – and the continuing harm: the failure to adequately include the plight of the climate vulnerable in the current processes developed to mitigate and adapt to the climate crisis.”*

5. The UN has agreed a set of ‘Basic Principles and Guidelines on the Right to a Remedy and Reparation’
  - I. **Restitution** should, whenever possible, restore the victim to the original situation.
  - II. **Compensation** should be provided for any economically assessable damage... including physical or mental harm, lost employment and education opportunities, material damages, moral damages and the costs of legal, medical or social assistance.
  - III. **Rehabilitation** should include medical and psychological care as well as legal and social services.
  - IV. **Satisfaction** should include... measures aimed at the cessation of continuing violations; Verification of the facts and full and public disclosure of the truth: The search for the whereabouts of the disappeared; Public apologies, judicial and administrative sanctions; Commemorations and tributes to the victims.
  - v. **Guarantees of non-repetition.**

### **The calls by others for ‘Climate Reparations’**

6. Although most international efforts and strategies to address climate change or crisis have centered around the binary between mitigation and adaptation, the demands of the global south have been articulated through a rather different lens—these demands are based on Principles of climate justice and equity. As such, they have called for radical reductions of emissions by Annex 1 emitters based on their historical responsibility since 1850 while demanding adequately supported substantial efforts for adaptations, increasing financial support and rights for development and economic policy space as well as climate reparations. In fact, multitude of past and ongoing

social movements from the Global South, Pan-African organizations, and from diaspora groups have all been making calls for reparations in the last few decades. Today these calls have become powerful and compelling guiding principles, as evidenced by the negotiating Conference of the Parties and UNFCCC, where gradual shifts to the language and terminology used in relation to climate change are beginning to take place. For example, in Doha in 2013 the COP adopted, although reluctantly, the concept of “Permanent Loss and Damages” (Doha 2013 (Decision 3/CP.18.)). While the term remains problematic and rather antiquated, it is nevertheless a step forward in the conversation about climate justice, and the importance of restitution and making retroactive amends to those communities who continue to bear the brunt of worsening climate conditions.

7. Climate justice movements and governments from across the Global South have also been calling for reparations for climate change for many years. Movements such as Third World Network, the Asian People’s Movement on Debt and Development and the Demand Climate Justice network, among others, have argued that major historic emitters in the global north owe a huge climate and ecological debt to the Global South. More recently, the Climate Reparations Bloc, Stop the Maangamizi Campaign, XR International Solidarity Network and Fridays for Future MAPA (Most Affected Peoples and Areas) have called for reparations for the Global North’s role in climate change and colonialism.
8. Over many decades, there has been a refusal by most rich countries to acknowledge wrongdoing and admit historical responsibility for climate change, which has meant that actions (such as the transfer of climate finance) continue to be perceived as an act of charity rather than a form of reparations in the Global North. In addition, at UN climate talks, rich countries have repeatedly blocked attempts to secure financial compensation for climate damages, aka “loss and damage”, to be paid by the Global North to the global south. Their reasoning behind this has been, again, that they refuse to accept historic responsibility for these damages.
9. But the climate crisis has been overwhelmingly driven by rich countries and corporations in the Global North. The richest 10% globally have contributed 49% of carbon emissions, while the poorest 50% have contributed only 7% of emissions. The UK has the fifth highest historic emissions in the world, and that is without including overseas emissions under colonial rule. Scotland is considered by many to be the

birthplace of the industrial revolution. It was a centre of shipbuilding and heavy industry, and profited from British colonialism and the African slave trade.

- 10.** Meanwhile, the vast majority of the 3.6 billion people deemed “extremely vulnerable” to climate impacts live in the global south. The historic emissions of these groups, Maxine Burkett argues, are “comparatively miniscule” compared to the impacts they will face. The former UN rapporteur Philip Alston has said that climate change will usher in a new era of “climate apartheid” where “the wealthy pay to escape overheating, hunger and conflict while the rest of the world is left to suffer”.
- 11.** A huge burden has been placed on the global south to mitigate and adapt to climate impacts, despite these having been driven by the carbon-intense industrialisation of the global north, fuelled through colonial extractivism and looting from the global south. As a result, countries in the global south already face severe climate impacts, but have also lost many economic opportunities to develop in the way that the global north has done. Big historic emitters, such as the UK, owe a climate debt which they must make good.

### **What do reparations look like?**

- 12.** Reparations can take many forms: apologies, financial compensation, legislative changes and policies. The key element is that, whatever the reparative actions, they must address the moral imperative to stop the injustices, to rectify them and to ensure they are never repeated.
- 13.** It is clear from the UN basic principles that reparations are not just about financial compensation. Nicola Frith, an academic from Edinburgh University and co-founder of the International Network of Scholars and Activists for Afrikan Reparations, describes the need for an approach that is: “holistic and intersectional and understands the connections between race, gender, class etc which form additional, complex layers of discrimination which also need repair.”
- 14.** A crucial aspect of making ‘Climate Reparations’, from the point of view of high emitters, is to stop the harm. This relates to policies, legislation and action to drastically reduce emissions. This should not only include domestic emissions but also those emitted, for example, through the production of goods produced elsewhere but that are consumed domestically and the financing of fossil fuels by banks and investment companies.

15. Climate justice movements have also advocated for non-financial forms of reparations, such as the transfer of technology, the elimination of restrictive immigration policies, and an end to fossil fuel-led development that could collectively form a programme for “restorative justice”.
16. Another aspect of reparations is the transfer of finance from high emitting countries to those suffering the impacts of climate change to allow them to adapt, but also to compensate them for the loss and damage that cannot be avoided. This was first raised by low lying island nations at UN climate talks in the early 1990s and has been discussed over decades but has, as mentioned above, been consistently resisted by the rich countries.
17. However, at COP26 Nicola Sturgeon broke the taboo of rich countries around the issue of loss and damage, when she pledged that Scotland would put £2million into the UN loss and damage fund, and encouraged other industrialised countries to do the same. At the time she said: “Finance is key to this not as an act of charity but as an act of reparation,” and called on rich countries to “start to pay their debt to the developing countries around the world.” This act was widely praised, and resulted in further pledges of funding from philanthropies and the state of Wallonia.

### **Why is it important for SCCS to adopt the Principle and term ‘Climate Reparations’**

- I. To advance and protect the world from the tragic consequences of the ecological catastrophe it is imperative that SCCS adopts the principle, the language and terminology of ‘Climate Reparations’. Such an act signals and demonstrates speaking the ‘Truth to Power’, to articulate the essential truth of the ecological degradation, from its inception and the birth of the first coal state, industrialisation metabolic rift, colonialism and the Atlantic slave trade, to cementing injustice and inequality as pillars of the current world order and architecture.
- II. It is a declaration of taking climate responsibility seriously and a proclamation of duty of care to humanity at large and the future generations: the taking seriously of responsibility to undo the mistakes of damaging the planet earth and all its species including the human family at large and an affirmation by global civil society that ‘we ecologically care’ for Mother Earth and the most vulnerable ‘Sisters and Brothren’ of the Global South.

- III. The adoption of the principle is a first step towards acknowledging the fundamental injustice and the inhumanity of destruction of nature and/with traumatic impoverishment of the economies of the Global South. As such it is a moral apology for not only unjust enrichment and irreversible patterns of underdevelopment but the damage to Global South countries for the cultural, social and psychological terror they live under. This is a critical gesture of radical solidarity, particularly now, given the current turn and lurch towards authoritarianism, xenophobia and racism in Western societies. It is a stance that goes beyond words of empathy, sympathy, sorrow, deep remorse for one of the greatest crimes against nature and current as well as future generations.
- IV. The Scottish First Minister's use of the 'Principle of Climate Reparations' is not only commendable but has changed the whole basis of the dialogue on Climate Change; it has asserted not only the culpability of the Global North in the advent of the climate carnage but has asserted the justice of the case of the Global South to seek redress to massive damage/injustice that has been visited upon them. Nicola Sturgeon's message must be reinforced and amplified across the world as a new point of departure in UNFCCC/Conference of the Parties and widening the strength of the 'National Parties' interested in finding an urgent and genuine solution to the crisis.
- V. When considering 'Climate Reparations' politics and climate change negotiations, N Sturgeon's adoption of the principle helps the denunciation by UN member states and G7 of their ecological wrongs and sins. This may serve as a first step towards their adoption of deeper and wider mitigation policies and financial reparations. It is of a critical departure towards stopping the further victimisation the 'extremely vulnerable' nations, societies and people. Furthermore, UN member states commitment to redress adverse effect advances claims for 'climate justice' by bringing into being a progressive understanding of 'genuine ecological society and a better global ecological order, reducing teetering towards destruction of the other planetary boundaries, while building ecological resilience.

### **What would it look like?**

- a. SCCS could adapt the language it uses in public communications (press releases, website, briefings etc) so that, where it's applicable, the issue of

climate reparations and the reasons for them are articulated.

- b. SCCS could add the dimension of reparations as context for its campaign demands (not just those on loss and damage, but also demands around domestic mitigation).
- c. SCCS could make some specific asks of the Scottish Government, for example that it frames its climate justice communications more explicitly around reparations, that it makes a public apology for Scotland's part in global climate injustice etc
- d. SCCS could make its demands in general more radical and more challenging - to squarely confront and truly reflect the past and continuing harm done by the rich to the climate vulnerable.