



GATORMUN XXIII

**The United Nations Legal Committee
Background Guide**

Mariana Ramirez

The United Nations Legal Committee

Table of Contents

Letter from the Director.....	2
Rules of Procedure.....	3
Introduction to Committee.....	7
Topic A: Establishing International Legal Standards for AI and Autonomous Weapons.....	8
Determining Combatants vs Civilians.....	9
Accountability and State Responsibility.....	9
Ethical and Humanitarian Concerns.....	10
Ongoing Challenges with Existing International Legal Frameworks	11
Conclusion.....	12
Questions to Consider.....	12
Key Terms.....	13
Topic B: Reforming the International Legal Framework for Climate Change Reparations.....	14
Determining State Responsibility for Climate Harm.....	14
Financing Loss and Damage: Voluntary vs. Binding Mechanisms.....	15
Attribution and Legal Causation in Climate Reparations.....	16
The Roles of Corporations and Non-State Actors.....	16
Recommendations for Delegates.....	17
Questions to Consider.....	17
Key Terms.....	18
Works Cited.....	19

The United Nations Office on Drugs and Crime (UNODC)

Letter from the Director:

Dear Delegates,

My name is Mariana Ramirez and I am beyond excited to serve as your director of the Legal Committee at GatorMUN XII!!! A little bit about me, I am a first year at the University of Florida majoring in political science on a pre-law track. As you might have guessed from my introduction and this committee, I'm incredibly passionate about all things law-related. I have a profound interest in legal advocacy and learning about foreign affairs, so directing the Legal committee at GatorMUN XII seemed like an awesome opportunity.

In this committee, position papers are required. In writing a position paper, delegates will be better prepared to debate, negotiate, and collaborate with each other's ideas. Guidelines on how to write a position paper can be found on the GatorMUN XXIII website. Another important note, UN legal will follow traditional general assembly procedure, which is outlined in the GatorMun's website and at the start of the committee. I hope to make this a comfortable and inclusive environment for all, so please reach out if you have any questions or concerns. We will debate both topics and vote upon written resolutions. There will be no work outside of the committee.

UN legal, as the 6th Committee of the General Assembly, actively participates in the development and codification of international law, a core function of the General Assembly. That being said, I am incredibly excited to see how each of you address the issues at hand keeping in mind the committee's purpose. I highly recommend being well researched on your country's position on the issue and investigating beyond the background guide. The questions at the end of the background guide can help you research further.

This UN Legal's first topic is establishing international legal standards for AI and autonomous weapons. Delegates will be tasked to investigate current international laws and identify discrepancies that permit AI and autonomous weapons to be used in defiance to human welfare. Delegates should consult their own countries' policies about the regulation of such weaponry and assess their own legal safeguards. The second topic is reforming the international legal framework for climate change reparations. In topic two, delegates will be developing an international framework for reparations to help nations move beyond loss and damage. Delegates must be well-versed in their own nation's stance on climate reparations and find a balance between the interests of both developed and developing nations.

The goal for this committee is to prompt you to think legally in international contexts, which means understanding and applying international law., You might find yourself articulating legal justifications and citing legal principles to strengthen your solutions. I am looking forward to seeing your innovative plans and I hope you have a great Gatormun XIII!

Sincerely,
Mariana Ramirez- she/her

Mariana Ramirez

The United Nations Legal Committee

Rules of Procedure

Quorum

A majority of voting members answering to the roll at each session shall constitute a quorum for that session. This means that half plus one of all voting members are present. Quorum will be assumed consistent unless questioned through a Point of Order. Delegates may request to be noted as "Present" or "Present and Voting."

Motion to Suspend the Rules for the Purpose of a Moderated Caucus

This motion must include three specifications

- Length of the Caucus
- Speaking Time
- Reason for the Caucus

During a moderated caucus, delegates will be called on to speak by the Committee Director. Delegates will raise their placards to be recognized. Delegates must maintain the same degree of decorum throughout a Moderated Caucus as in formal debate. This motion requires a simple majority to pass.

Motion to Suspend the Rules for the Purpose of an Unmoderated Caucus

This motion must include the length of the Caucus. During an unmoderated caucus, delegates may get up from their seats and talk amongst themselves. This motion requires a simple majority to pass. The length of an unmoderated caucus in a Crisis committee should not exceed fifteen minutes.

Motion to Suspend the Meeting

This motion is in order if there is a scheduled break in debate to be observed. (ie. Lunch!) This motion requires a simple majority vote. The Committee Director may refuse to entertain this motion at their discretion.

Motion to Adjourn the Meeting

This motion is in order at the end of the last committee session. It signifies the closing of the committee until next year's conference.

Points of Order

Points of Order will only be recognized for the following items:

- To recognize errors in voting, tabulation, or procedure
- To question relevance of debate to the current Topic
- To question a quorum.

A Point of Order may interrupt a speaker if necessary and it is to be used sparingly.

The United Nations Legal Committee

Points of Inquiry

When there is no discussion on the floor, a delegate may direct a question to the Committee Director. Any question directed to another delegate may only be asked immediately after the delegate has finished speaking on a substantive matter. A delegate that declines to respond to a question after a formal speech forfeits any further questioning time.

Points of Personal Privilege

Points of personal privilege are used to request information or clarification and conduct all other business of the body except Motions or Points specifically mentioned in the Rules of Procedure. Please note: The Director may refuse to recognize Points of Order, Points of Inquiry or Points of Personal Privilege if the Committee Director believes the decorum and restraint inherent in the exercise has been violated, or if the point is deemed dilatory in nature.

Rights of Reply

At the Committee Director's discretion, any member nation or observer may be granted a Right of Reply to answer serious insults directed at the dignity of the delegate present. The Director has the ABSOLUTE AUTHORITY to accept or reject Rights of Reply, and the decision IS NOT SUBJECT TO APPEAL. Delegates who feel they are being treated unfairly may take their complaint to any member of the Secretariat.

Directives

Directives act as a replacement for Draft Resolutions when in Crisis committees, and are the actions that the body decides to take as a whole. Directives are not required to contain operative or preambulatory clauses. A directive should contain:

- The name(s) of the author(s)
- A title
- A number of signatories/sponsors signatures' necessary to
- introduce, determined by the Director

A simple majority vote is required to introduce a directive, and multiple directives may be introduced at once. Press releases produced on behalf of the body must also be voted on as Directives.

Friendly Amendments

Friendly Amendments are any changes to a formally introduced Directive that all Sponsors agree to in writing. The Committee Director must approve the Friendly Amendment and confirm each Sponsor's agreement both verbally and in writing.

The United Nations Legal Committee

Unfriendly Amendments

Unfriendly Amendments are any substantive changes to a formally introduced Directive that are not agreed to by all of the Sponsors of the Directive. In order to introduce an Unfriendly Amendment, the Unfriendly Amendment must be the number equivalent to 1/3 of Quorum confirmed signatories. The Committee Director has the authority to discern between substantive and non-substantive Unfriendly amendment proposals.

Plagiarism

GatorMUN maintains a zero-tolerance policy in regards to plagiarism. Delegates found to have used the ideas of others without properly citing those individuals, organizations, or documents will have their credentials revoked for the duration of the GatorMUN conference. This is a very serious offense.

Crisis Notes

A crisis note is an action taken by an individual in a Crisis committee. Crisis notes do not need to be introduced or voted on, and should be given to the Crisis Staff by sending the notes to a designated pickup point in each room. A crisis note should both be addressed to crisis and have the delegate's position on both the inside and outside of the note.

Motion to Enter Voting Procedure

Once this motion passes, and the committee enters Voting Procedure, no occupants of the committee room may exit the Committee Room, and no individual may enter the Committee Room from the outside. A member of the Dias will secure all doors.

- No talking, passing notes, or communicating of any kind will be tolerated during voting procedures.
- Each Directive will be read to the body and voted upon in the order which they were introduced. Any Proposed Unfriendly Amendments to each Directive will be read to the body and voted upon before the main body of the Directive as a whole is put to a vote.
- Delegates who requested to be noted as "Present and Voting" are unable to abstain during voting procedure. Abstentions will not be counted in the tallying of a majority. For example, 5 yes votes, 4 no votes, and 7 abstentions means that the Directive passes.
- The Committee will adopt Directives and Unfriendly Amendments to Directives if these documents pass with a simple majority. Specialized committees should refer to their background-guides or Committee Directors for information concerning specific voting procedures.

The United Nations Legal Committee

Roll Call Voting

A counted placard vote will be considered sufficient unless any delegate to the committee motions for a Roll Call Vote. If a Roll Call Vote is requested, the committee must comply. All delegates must vote: "For," "Against," "Abstain," or "Pass." During a Roll Call vote, any delegate who answers, "Pass," reserves his/her vote until the Committee Director has exhausted the Roll. However, once the Committee Director returns to "Passing" Delegates, they must vote: "For" or "Against."

Accepting by Acclamation

This motion may be stated when the Committee Director asks for points or motions. If a Roll Call Vote is requested, the motion to Accept by Acclamation is voided. If a delegate believes a Directive will pass without opposition, he or she may move to accept the Directive by acclamation. The motion passes unless a single delegate shows opposition. An abstention is not considered opposition. Should the motion fail, the committee will move directly into a Roll Call Vote.

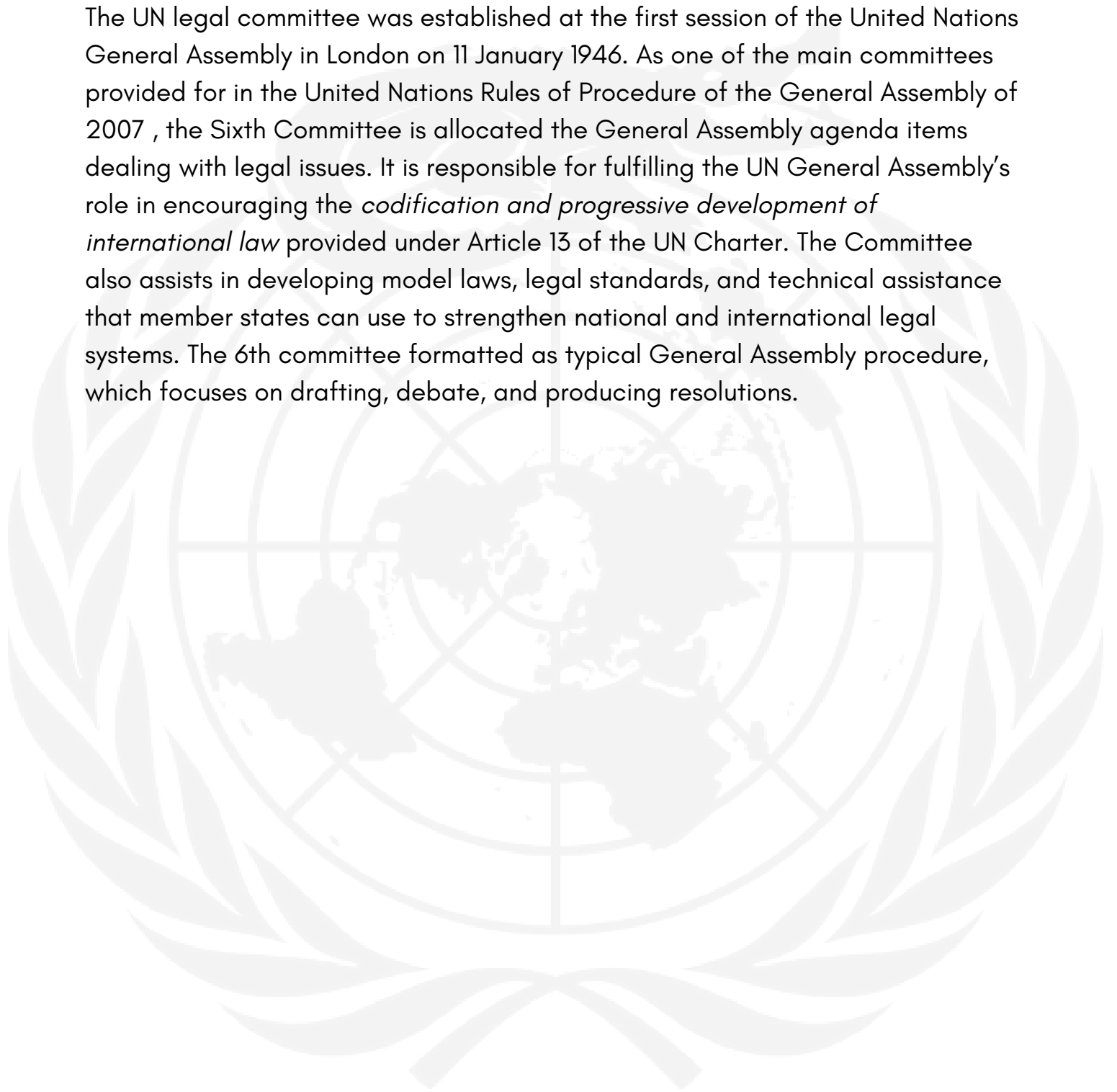
Tech Policy

Technology will not be allowed throughout the course of the committee. Delegates are prohibited from using their technology inside the committee room. However, they are encouraged to do research before and during assigned breaks.

The United Nations Legal Committee

Introduction to Committee

The UN legal committee was established at the first session of the United Nations General Assembly in London on 11 January 1946. As one of the main committees provided for in the United Nations Rules of Procedure of the General Assembly of 2007, the Sixth Committee is allocated the General Assembly agenda items dealing with legal issues. It is responsible for fulfilling the UN General Assembly's role in encouraging the *codification and progressive development of international law* provided under Article 13 of the UN Charter. The Committee also assists in developing model laws, legal standards, and technical assistance that member states can use to strengthen national and international legal systems. The 6th committee formatted as typical General Assembly procedure, which focuses on drafting, debate, and producing resolutions.



Topic A: Establishing International Legal Standards for AI and Autonomous Weapons

The growing use of artificial intelligence has extended into warfare, sparking heated debate on the legality and ethics of its use in defense systems. These weapons would be able to select and engage targets without human interventions. Countries are rapidly developing technology to build autonomous weapon systems (AWS) justifying its use by a range of benefits.

Proponents have contended that AWS could decrease the need for soldiers and thereby save military lives. Moreover, these weapons could have the ability to detect and attack targets with greater precision than weapons directed by humans. While not diminishing the importance of allowing a country to strengthen its defense systems, AWS brings a myriad of controversies, surrounding its legal and moral use. There are concerns over protecting civilians in conflict and the potential for a robotic arms race of “killer robots”. Because of these issues delegates should be prepared to collaborate to find ways to establish standards and regulations for AI and autonomous weapons. In doing so, delegates are encouraged to draw upon legal principles and model frameworks for future international agreements. These may include questions of state responsibility and liability for autonomous weapons, the establishment of minimum legal standards for AI in warfare, and the possible role of international courts or monitoring bodies. Above all, delegates must balance innovation and military necessity against accountability, ethics, and the protection of civilians under international law

Autonomous weapon systems represent one of the most contested innovations in modern warfare. These systems select and apply force to targets without direct human intervention. After they are initially activated or launched by a person, an autonomous weapon system can self-initiate or trigger a strike based on information from the environment gathered through sensors and interpreted against a generalized “target profile.” This means the user does not choose, or even know, the specific target, the exact timing, or the precise location of the force that is applied.



AWS is a broad category that includes both non-lethal functions such as surveillance, defense, or incapacitation, and also Lethal Autonomous Weapon Systems (LAWS). LAWS specifically refer to systems capable of independently making life-and-death decisions. This distinction is critical, since most international legal and ethical debates focus on the implications of lethal force without human oversight. It is also important to recognize

that AWS and LAWS exist along a spectrum of human involvement. Both semi-autonomous and fully autonomous weapons, if they are capable of applying lethal force, fall under the definition of LAWS. By blurring the line between human judgment and machine autonomy, these systems create legal uncertainty that current international frameworks struggle to address. If AWS are able to operate without accountability or clear oversight, they risk undermining the credibility of international humanitarian law.

The United Nations Legal Committee

Determining Combatants vs Civilians

The deployment of LAWS has sparked questions about its legal and moral use. Will the autonomous weapon be able to detect between a military vehicle or civilian? How will it know that there are no civilians in the vehicle? These questions call for the principle of distinction under International Humanitarian Law (IHL), which requires combatants be differentiated from civilians at all times. Civilians may never be the target of attack, while combatants and military objectives may be lawfully targeted. Autonomous weapons raise urgent questions about whether AI can fulfill this obligation.

For example, distinguishing a civilian truck from a military vehicle may be straightforward for a human soldier but difficult for an algorithm processing limited data. Combatants may deliberately blend in with civilians, making it even harder for machines to tell the difference. In urban warfare, where civilians and combatants live side by side, the risk of error is especially high.

Case studies highlight these challenges. In the conflict in Gaza, Israeli defense forces have employed AI-assisted targeting systems to identify threats, raising concerns from human rights groups about whether civilians are adequately protected. Reports suggest that in some instances, these systems flagged civilian infrastructure as potential military targets, underscoring the difficulty of ensuring compliance with distinction.



If autonomous systems cannot reliably uphold distinction, their use could lead to widespread civilian casualties, undermining the core protections established under the Geneva Conventions. This makes the question of regulating or restricting AWS particularly urgent. Delegates should look into creating legal safeguards to prevent misidentification of civilians. Additionally, delegates should consider developing international legal procedures to hold states accountable when safeguards fail, ensuring that violations are addressed through established judicial or arbitral mechanisms. It is further recommended to address whether minimum standards of human review or human control should be required for targeting decisions.

Accountability and State Responsibility

Autonomous weapons raise complex questions about who is legally responsible when unlawful acts occur. Traditionally, responsibility lies with the state and with commanders who order unlawful attacks. Under the doctrine of command responsibility, a military commander can be held liable if they knew or should have known that their forces would commit violations and failed to prevent them.

The United Nations Legal Committee

However, AWS and LAWS blur this chain of accountability. If a system acts unpredictably and causes unlawful civilian harm, who is at fault? The state that deployed the weapon? The commander who activated it? The programmers and manufacturers who designed its targeting algorithms? The 2020 case in Libya illustrates this problem. Reports indicated that Turkish-manufactured Kargu-2 drones may have autonomously targeted retreating fighters without human control. If true, this would represent the first instance of an autonomous system making a lethal decision independently. Yet it remains unclear how responsibility should be assigned: should the Libyan Government of National Accord, which used the drones, bear full legal responsibility? Or should accountability also extend to the Turkish manufacturer that produced the weapon? The current framework of international law provides limited answers. The Law on State Responsibility affirms that states are responsible for internationally wrongful acts, regardless of whether those acts are carried out by humans or machines. However, enforcing accountability is more complex when the “actor” is a machine whose behavior may not have been explicitly ordered. Delegates must consider whether existing frameworks are sufficient or whether new legal standards are needed to close this accountability gap.



Ethical and Humanitarian Concerns

Beyond legal obligations, AWS and LAWS raise moral questions about the role of human judgment in warfare. At the heart of the debate is whether machines should ever be allowed to make decisions about

life and death. Many argue that removing humans from this decision-making process undermines human dignity and violates humanitarian law, even if autonomous systems could theoretically reduce human error.

The Martens Clause, found in the Hague Conventions and Geneva Conventions, emphasizes that in cases not covered by treaties, civilians remain protected by “the principles of humanity and the dictates of public conscience.” Applied to AWS, the Martens Clause suggests that even if autonomous weapons comply with the letter of existing law, their use may still be considered unacceptable if it contradicts widely held ethical norms.

A significant concern is the risk of a robotic arms race. Countries such as the United States, China, and Russia are investing heavily in autonomous weapons development, raising fears that other states will feel compelled to follow suit to remain competitive. This could result in the rapid spread of weapons that lack sufficient oversight or safeguards, destabilizing international security. However, still recognizing the right for a country to develop and enhance its defense systems, delegates should consider new legal mechanisms that can ensure a more ethical use.

The United Nations Legal Committee

In South Korea, for example, Samsung's SGR-A1 sentry robots have been deployed along the Demilitarized Zone (DMZ) with the ability to autonomously detect and engage intruders. Although they currently require human authorization to fire, the fact that they are technically capable of autonomous lethal action highlights the thin line between semi-autonomous and fully autonomous weapons.

The ethical question is not whether AWS can comply with IHL but whether they should exist at all. Critics argue that AWS reduce warfare to algorithmic decision-making, eroding the accountability, moral responsibility, and human conscience that are central to international humanitarian law.

Ongoing Challenges with Existing International Legal Frameworks

On December 2, 2024, the United Nations General Assembly adopted a resolution on Lethal Autonomous Weapon Systems. This resolution reflects the heightened concern about development and use of LAWS in recent and ongoing conflicts like Ukraine and Gaza. However, there was no binding agreement producing, banning, or regulating AWS under international law. UNGA resolutions are widely viewed as recommendations rather than legally binding instruments. Delegates should still refer to these documents to inform their drafting processes of new legal mechanisms UN legal can put forth.

Another effort to address the development of AWS and LAWS is the Convention on Conventional Weapons (CCW), however, it had no substantive outcome. The Convention on Certain Conventional Weapons (CCW) is the main international forum addressing autonomous weapons. In 2024, its Group of Governmental Experts produced CCW/GGE.1/2024/WP.10, a draft framework based on existing IHL. This document sought to establish a legal instrument with provisions that prohibit the deployment of autonomous weapons systems incapable of meeting IHL obligations such as distinction and proportionality. It reaffirmed that all LAWS must operate with the established norms of IHL, requiring states to adopt mechanisms such as target constraints, robust legal reviews, accountability mechanisms, and human oversight requirements. Although this paper remains non-binding and has not been adopted as law, its significance lies in two areas. First, it serves as an operational model for how existing IHL principles can be applied to emerging weapon technologies, filling gaps that states currently exploit. Second, it can be seen as a starting point for negotiations on a legally binding document, offering language and stars that can be incorporated into a treaty. However, the main reason for the lack of progress under the CCW is that its member countries rely on a consensus approach to decision-making, which means a single country can reject a proposal, even if every other country agrees to it. A handful of major military powers have exploited this process to repeatedly block proposals to negotiate a legally binding instrument. Given these gaps in legislation regulating LAWS, International Humanitarian Law(IHL) applies fully to them and all weapon systems. IHL is a body of law that seeks to regulate the conduct of armed conflict and limit its effects.

The United Nations Legal Committee

It governs the use of weapons, including both traditional and emerging technologies like lethal autonomous weapons systems (LAWS). Existing international law that applies to LAWS and AWS includes the UN Charter, international criminal law, the law of state responsibility, international product liability law and existing treaties on specific types of weapons. Under these laws, autonomous weapon systems must adhere to key legal principles such as state responsibility, accountability distinctions.



Conclusion

As the development and deployment of autonomous weapons systems continues to outpace international regulation, it is up to the Sixth Committee to examine how existing legal frameworks apply and where they may fall short. Each country brings its own experiences, priorities, and perspectives to this issue. Delegates should be prepared to represent those views while working toward shared outcomes. When writing draft resolutions, there should be reflection on how core principles of international humanitarianism can be upheld in the face of evolving technologies, while also considering ethical and accountability concerns. The goal by the end of the committee is to produce clear, thoughtful recommendations whether through clarifying state responsibilities, strengthening transparency and oversight, or recommending new frameworks that promote global stability and human dignity. In doing so, the Sixth Committee has the opportunity to shape not only the future of international law, but also the role of humanity in war itself.

Questions to Consider:

1. What gaps exist in current international law that prevent effective regulation of autonomous weapons systems?
2. How might the principles of International Humanitarian Law (IHL) be codified or clarified for autonomous systems in a new legal instrument?
3. What new or existing international bodies could oversee legal accountability for AWS use and violations?
4. Can state liability and individual criminal responsibility for AWS use be integrated into existing international criminal law frameworks?
5. What legal provisions could require transparency and information-sharing among states developing or deploying autonomous weapons?
6. Should an international treaty or legal framework establish a categorical ban on certain types or uses of AWS?
7. How can legal mechanisms be designed to prevent the proliferation of AWS to non-state actors or unstable regimes?

The United Nations Legal Committee

8. What form should a legally binding agreement take (treaty, protocol, amendment to an existing convention) and what enforcement or compliance measures should it include?

Key Terms

- Semi-autonomous (human-*in*-the-loop): Systems that, once activated, can select targets and apply force – but only with human authorization.
- Supervised autonomous (human-*on*-the-loop): Systems that, once activated, select targets and apply force without requiring human authorization but are supervised by a human who can intervene to override the system.
- Command Responsibility: prosecution of military commanders for war crimes perpetrated by their subordinates
- Fully autonomous (human-*out*-of-the-loop): Systems that, once activated, select targets and apply force without human authorization, supervision, or intervention.
- State responsibility: States must ensure that autonomous weapons they develop or deploy comply with international humanitarian law.
- Distinction: Parties of a conflict must be capable of distinguishing between civilians and combatants, civilian and military objects, and active combatants and those *hors de combat* (incapable of participating in hostilities due to injury, incapacitation, or surrender).
- Proportionality: prohibits attacks expected to cause incidental civilian harm that is excessive compared to the anticipated concrete and direct military advantage
- Precautions in attack: Parties of a conflict must be able to cancel or suspend an attack if it becomes evident that the target is not a legitimate military objective, is subject to special protection, or the attack would be disproportionate.
- Principle of humanity and dictates of public conscience (the Martens Clause): Holds that even when no specific treaty law applies, states must act according to the principles of humanity and the dictates of public conscience.
- Weapons reviews: legal process by which states evaluate new weapons to ensure they comply with international humanitarian law and do not cause indiscriminate or unnecessary suffering.

Topic B: Reforming the International Legal Framework for Climate Change Reparations

As the international community confronts rising sea levels, prolonged droughts, catastrophic floods, and other climate-induced disasters, there is a growing pressure for mechanisms of financial compensation for nations disproportionately affected. These impacts fall most heavily on low-emitting developing countries, despite them having contributed the least to global greenhouse gas emissions. The United Nations Development Programme reported that LDCs accounted for just 3.3% of global greenhouse gas emissions in 2023, and yet they face immense challenges to prevent, mitigate, and recover from these shocks. Alarming, more than two-thirds of deaths caused by climate-related disasters worldwide have occurred in LDCs.

Climate reparations refer to the concept of developed nations providing compensation to developing nations for the harm caused by climate change. This is based on the understanding that developed nations have historically contributed the most to greenhouse gas emissions and thus bear a greater responsibility for addressing the resulting climate crisis. Rooted in



concepts of climate justice, state responsibility, and the principles of international environmental law, climate reparations seek to translate moral and political commitments into legally enforceable obligations. The United Nations Legal Committee must now confront the lack of binding legal mechanisms holding high-emitting states and corporations accountable for environmental harm. Delegates are tasked with considering how to reform and build upon existing legal frameworks to ensure fair, enforceable reparations for states experiencing irreversible climate damage.

Determining State Responsibility for Climate Harm



Assigning responsibility is one of the most contentious debates in the climate reparations discourse. Industrialized nations such as the United States, members of the European Union, and Japan historically emitted the bulk of greenhouse gases during industrialization, reaping the economic benefits while externalizing environmental costs.

According to the World Resources Institute, since 1850 the United States alone has been responsible for over 20% of cumulative carbon dioxide emissions, while the EU collectively accounts for another 17%. By contrast, Least Developed Countries (LDCs) have contributed less than 4% of global emissions over the same period.

The United Nations Legal Committee

At the same time, emerging economies like China and India now rank among the largest annual emitters. China alone accounts for nearly 30% of current annual emissions, though its per capita emissions remain below those of many developed countries. This divergence between historic responsibility and current emissions complicates the design of reparations frameworks. Should liability be assessed based on past emissions, present contributions, or a hybrid model that reflects both?

Two legal principles are central to this debate: common but different dilated responsibilities and polymer-pays principle. Common But Differentiated Responsibilities (CBDR), codified in the UNFCCC (1992), recognizes that all states share obligations to protect the environment, but responsibilities vary depending on historic contributions and capacity. It legitimizes the expectation that wealthier, historically high-emitting states contribute more. The Polluter-Pays Principle asserts that polluters should bear the costs of their pollution. Applying it to climate change would require high-emitting states to finance reparations proportional to their emissions. Delegates may also consider the Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA, 2001), which establish liability for internationally wrongful actions and outline obligations of reparation. If climate inaction is interpreted as a wrongful act, ARSIWA could provide a legal framework for reparations claims.

Financing Loss and Damage: Voluntary vs. Binding Mechanisms

In recent years, the international community has taken significant steps toward addressing climate-induced loss and damage. However, financing reparations remains one of the most contested aspects of the international framework. One of the most significant developments was the establishment of the Loss and Damage Fund at the 27th Conference of the Parties (COP27) in 2022. This fund represented a landmark achievement, reflecting years of advocacy from small island states and highly vulnerable nations. COP27 sought to strengthen commitments to cut greenhouse gas emissions while simultaneously increasing access to funding, technology, and capacity-building support for developing countries disproportionately affected by climate disasters. However, it avoided any reference to “liability” or “compensation”, restricting state responsibilities to purely voluntary contributions. Questions of legal accountability are left unanswered because the fund's mandate is restricted to offering grants and concessional financing for recovery and reconstruction.



Complementing this mechanism, the Santiago Network for Loss and Damage, first introduced at COP25 and fully operationalized in 2024, provides technical assistance to vulnerable states. Its focus includes risk management, climate displacement planning, and coordination with relevant UN bodies to maximize the effectiveness of support.

The United Nations Legal Committee

A 2025 partnership between the Santiago Network and the Loss and Damage Fund further enhanced collaboration, aiming to streamline technical and financial resources, disseminate best practices, and strengthen recipient states' capacity to respond to climate impacts.

Vulnerable nations and civil society groups are urging states and high-emitting corporations to join the Loss and Damage Fund and stress the need to go beyond voluntary commitments. These efforts highlight the need for a fair burden-sharing approach based on principles such as common but differentiated responsibilities (CBDR), the polluter-pays principle, and the evolving doctrine of state responsibility for environmental harm.

Delegates should consider whether climate reparations should remain voluntary donations or move toward a legally binding system, similar to UN membership dues or contributions based on GDP, emissions, or capacity to pay. They must balance the need for predictable financial support for vulnerable countries with concerns about sovereignty, political feasibility, and enforceability under international law.

Attribution and Legal Causation in Climate Reparations

At the heart of climate reparations lies the challenge of causation: determining whether specific harms can be linked to particular emitters. Climate disasters are global in origin but local in effect, which complicates questions of liability. Attribution science, a rapidly advancing field, has made significant strides in identifying how human-caused climate change increases the likelihood or severity of specific events. For instance, studies have shown that the 2021 heatwave in the Pacific Northwest would have been “virtually impossible” without anthropogenic emissions. While such findings provide compelling scientific evidence, translating them into legally enforceable claims remains a complex and unresolved issue. A key example is the ongoing case of *Lluya v. RWE* in Germany, in which Peruvian farmer Saúl Luciano Lluya sued the German energy company RWE, arguing that its emissions contributed to glacier melt threatening his village. Although RWE accounts for only 0.47% of global emissions, the farmer seeks proportional liability, making the case a critical test of how courts may assign responsibility for climate harm. This scenario raises fundamental questions for international law: Should liability be assigned proportionally based on emissions, or should collective state responsibility apply, holding all emitters jointly accountable? Future frameworks for climate reparations will need to address whether attribution science should guide claims or whether broader, collective approaches to liability are more appropriate..

The Role of Corporations and Non-State Actors

While debates on climate reparations have historically centered on states, corporations are among the largest drivers of emissions. Since 1988, more than half of global industrial GHGs can be traced to just 25 corporate and state producers. Under the polluter-pays principle, corporations could be required to contribute to reparations alongside states, reflecting their role in causing climate harm.

The United Nations Legal Committee

Legal systems are beginning to enforce this principle exemplified by *Milieudefensie v. Shell* (Netherlands, 2021). In this case, a Dutch court ordered Shell to reduce its carbon emissions by 45% by 2030, citing obligations under human rights and environmental law and aligning the company with the Paris Agreement's goals. Similar lawsuits against ExxonMobil, TotalEnergies, and British Petroleum indicate growing momentum toward corporate accountability. Delegates should consider whether international frameworks should impose binding financial obligations on corporations, establish liability-sharing models between states and corporations, or incentivize private sector contributions through taxation, litigation, or other mechanisms.

Recommendations for Delegates

Addressing climate change reparations represents one of the most urgent legal challenges of our time, requiring the international legal system to respond to environmental harm, historical responsibility, and future resilience. Solutions will need to balance fairness, enforceability, and respect for state sovereignty, while ensuring that countries most affected by climate disasters receive predictable and effective support.

The final outcomes of the committee, whether a legal framework, guiding principles, or actionable proposals, should advance global cooperation, hold major emitters accountable, and integrate principles of climate justice and equity. By navigating jurisdictional limits, political feasibility, and questions of liability, the committee has the opportunity to create mechanisms that make reparations both legally sound and practically achievable, providing a pathway toward a more just and resilient international response to climate change.

Questions to Consider

1. What legal obligations, if any, do high-emitting states and corporations have for environmental harm caused to vulnerable nations?
2. How might international law define "climate harm" in a way that allows for consistent legal claims and reparations?
3. What kinds of legal instruments (e.g., treaty, convention, model law, ICJ advisory opinion) would be most effective in strengthening climate reparations?
4. How can the international legal system respect national sovereignty while ensuring meaningful enforcement of climate reparations?
5. How should legal frameworks address the debate between historical emissions and current high-emitting states in determining responsibility?
6. How can legal mechanisms ensure that financial reparations are predictable, sufficient, and equitably distributed?

The United Nations Legal Committee

Key Terms

- Climate Reparations – Compensation from high-emitting states or corporations to countries suffering the worst climate impacts.
- Loss and Damage – Climate impacts that cannot be avoided through mitigation or adaptation, including economic and non-economic losses.
- Common But Differentiated Responsibilities (CBDR) – All states share responsibility for climate action, but developed nations have greater obligations due to historic emissions and capacity.
- Polluter-Pays Principle – Those causing environmental harm should cover the costs of addressing it.
- State Responsibility (ARSIWA) – States can be held legally accountable for internationally wrongful acts, including environmental harm.
- Oslo Principles – Legal guidelines asserting that states and corporations must prevent climate harm under existing international law.
- Loss and Damage Fund – UN mechanism providing voluntary financial support to countries affected by climate-related loss and damage.
- Santiago Network for Loss and Damage – UN body providing technical assistance to vulnerable states on risk management and climate response.
- Climate Justice – Ensuring fairness by prioritizing those most affected by climate change despite contributing least to it.
- Attribution – Linking specific climate harms to the emissions of particular states or corporation

The United Nations Legal Committee

Works Cited

<https://www.icrc.org/en/document/what-you-need-know-about-autonomous-weapons#:~:text=What%20is%20an%20autonomous%20weapon,the%20strike%2C%20not%20the%20user.>

<https://carnegieendowment.org/research/2024/08/understanding-the-global-debate-on-lethal-autonomous-weapons-systems-an-indian-perspective?lang=en>

https://www.asil.org/insights/volume/29/issue/1#_edn4

<https://www.wired.com/story/ukraine-war-autonomous-weapons-frontlines/>

<https://www.hrw.org/news/2024/12/05/killer-robots-un-vote-should-spur-treaty-negotiations?>

[Arms Control Association+9docs-library.unoda.org+9meetings.unoda.org+9](https://www.unodc.org/documents/arms-control/Arms_Control_Association+9docs-library.unoda.org+9meetings.unoda.org+9)

<https://www.securitycouncilreport.org/un-documents/document/s-2021-229.php>

<https://www.icrc.org/en/document/what-you-need-know-about-autonomous-weapons>

[Arms Control Association+9docs-library.unoda.org+9meetings.unoda.org+9](https://www.unodc.org/documents/arms-control/Arms_Control_Association+9docs-library.unoda.org+9meetings.unoda.org+9)

[https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_\(2024\)/CCW-GGE.1-2024-WP.10.pdf](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-_Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2024)/CCW-GGE.1-2024-WP.10.pdf)

[Arms Control Association+3Human Rights Watch+3Centro Diritti Umani+3.](https://www.unodc.org/documents/arms-control/Arms_Control_Association+3Human_Rights_Watch+3Centro_Diritti_Umani+3.)

https://www.asil.org/insights/volume/29/issue/1#_edn16

https://hrp.law.harvard.edu/wp-content/uploads/2022/10/QA_Fully_Autonomous_Weapons_Oct2013.pdf

<https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e567?d=%2F10.1093%2Faw%3Aepil%2F9780199231690%2Faw-9780199231690-e567&p=emailAuhRb26Q7Ph9A&print#>

https://lieber.westpoint.edu/kargu-2-autonomous-attack-drone-legal-ethical/?utm_source

<https://trendsresearch.org/insight/governing-lethal-autonomous-weapons-the-future-of-warfare-and-military-ai/?>

[srsId=AfmBOopcahZXS7bUWVljVDftvliblBcAsQx8p74iVdsw9a_N9yy8tk&utm_source](https://www.euronews.com/green/2022/07/27/climate-reparations-whats-behind-calls-to-make-big-polluters-pay-for-environmental-damage)

<https://www.euronews.com/green/2022/07/27/climate-reparations-whats-behind-calls-to-make-big-polluters-pay-for-environmental-damage>

<https://climatepromise.undp.org/news-and-stories/supporting-climate-action-least-developed-countries#:~:text=Despite%20only%20accounting%20for%203.3,worldwide%20have%20occurred%20in%20LDCs.>

<https://climateprinciplesforenterprises.org/wp-content/uploads/2017/12/osloprincipleswebpdf.pdf>

<https://www.iied.org/2020-review-climate-impacts-least-developed-countries>

<https://www.brookings.edu/articles/why-everyone-exaggerates-climate-finance/>

<https://www.lse.ac.uk/granthaminstitute/explainers/what-is-the-polluter-pays-principle/>

https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf

<https://unfccc.int/santiago-network/about>

<https://cdn.cdp.net/cdp-production/cms/reports/documents/000/002/327/original/Carbon-Majors-Report-2017.pdf>

https://climatecasechart.com/non-us-case/milieudefensie-et-al-v-royal-dutch-shell-plc/?utm_source

https://www.climateinthecourts.com/landmark-climate-case-against-shell-goes-to-dutch-supreme-court/?utm_source