

Mitigating Climate Change damages through state responsibility : Truth or illusory ?

A simple guide to understanding :
State Responsibility + Mitigation +
Climate Damage



Climate change is a common concern to all mankind

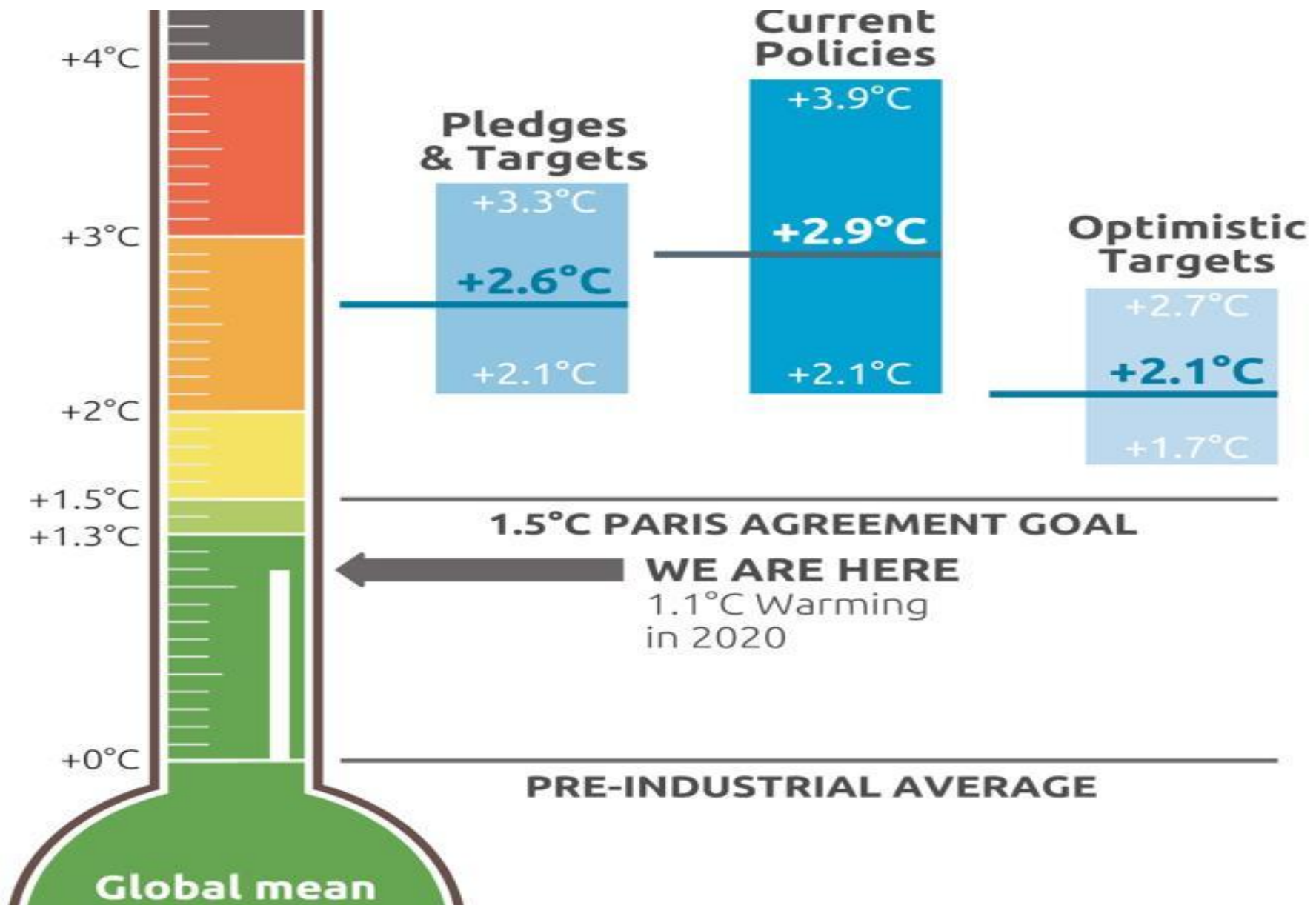


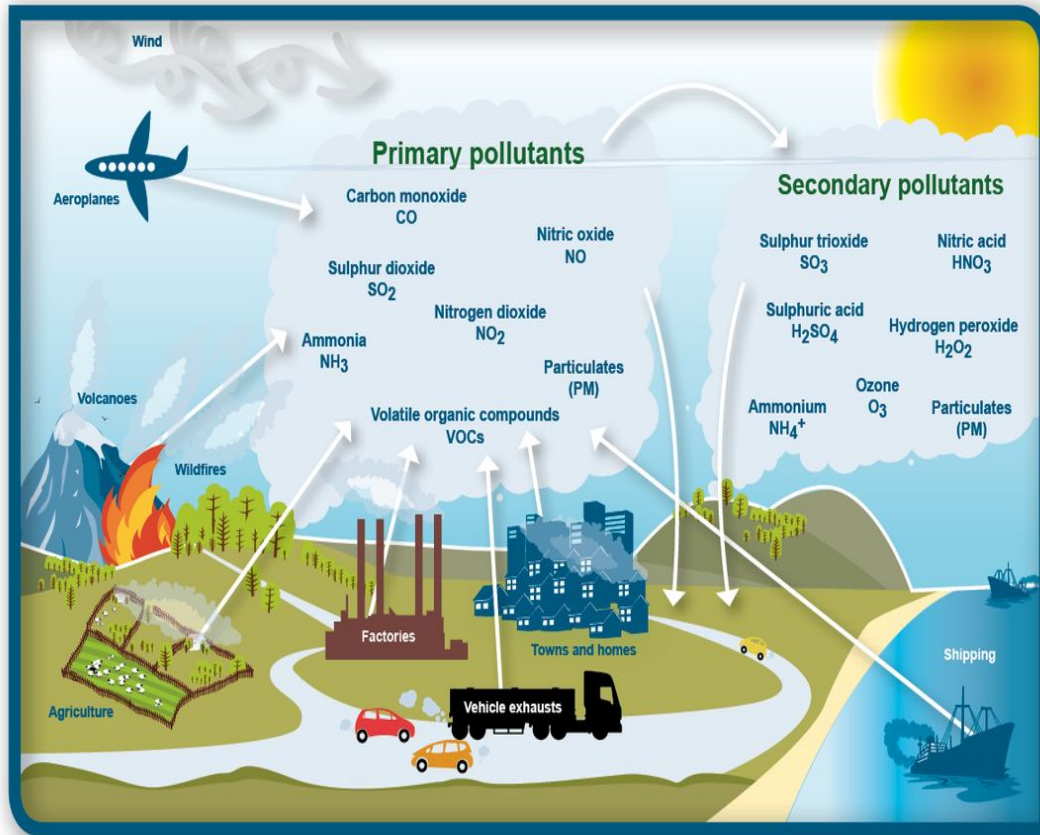
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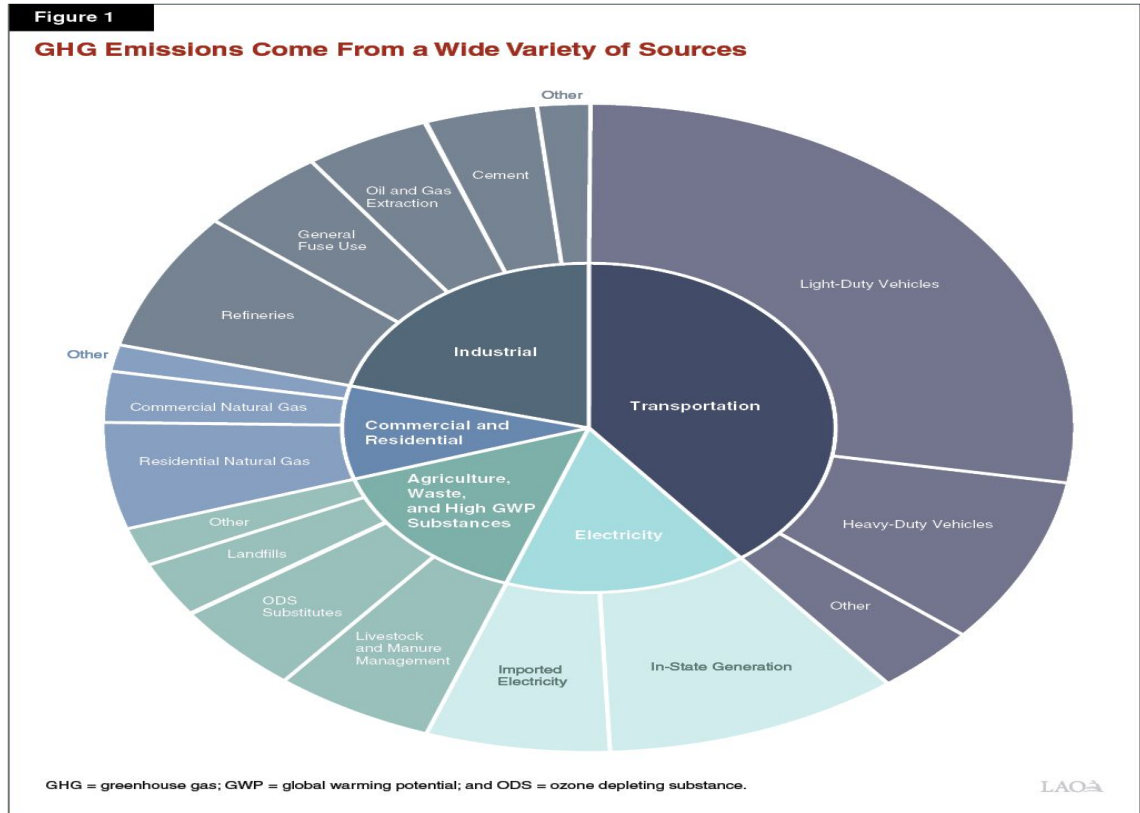
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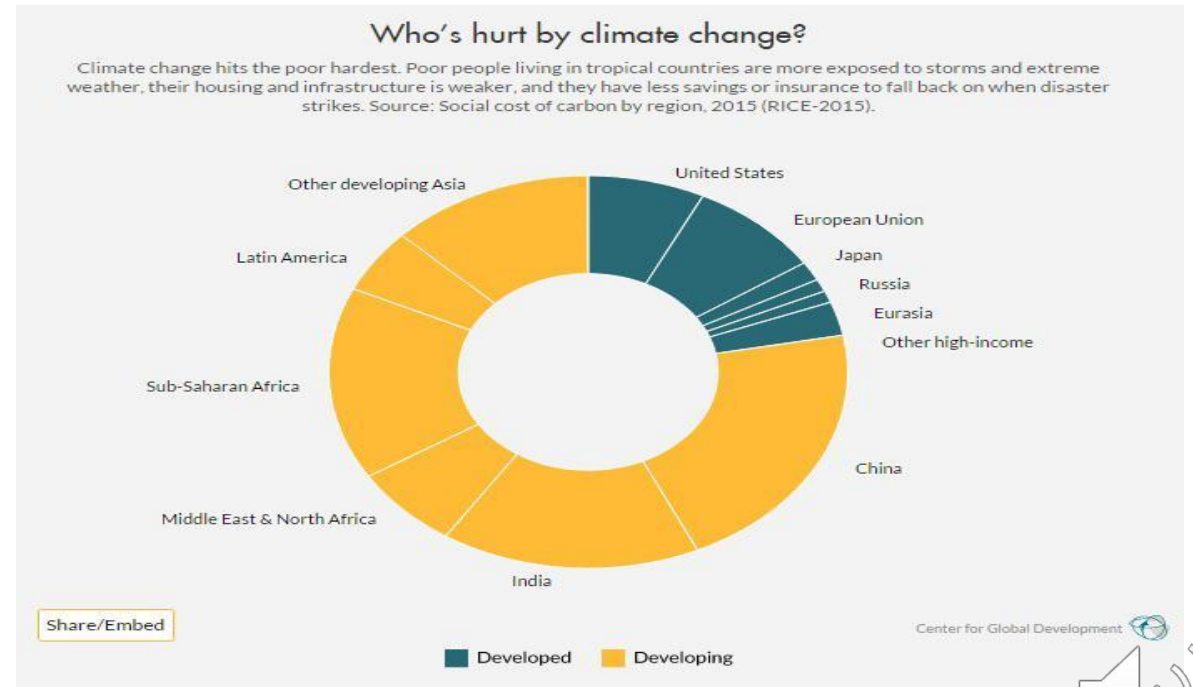
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Developed v Developing states



Numbers do not lie



Disproportionate burden of the damage.





State Responsibility?



State responsibility – Art 1 & 2 ARSIWA

Basis of State Responsibility



Elements of International Wrongful Acts

ARSIWA- Article 2



1. Attributable to the state

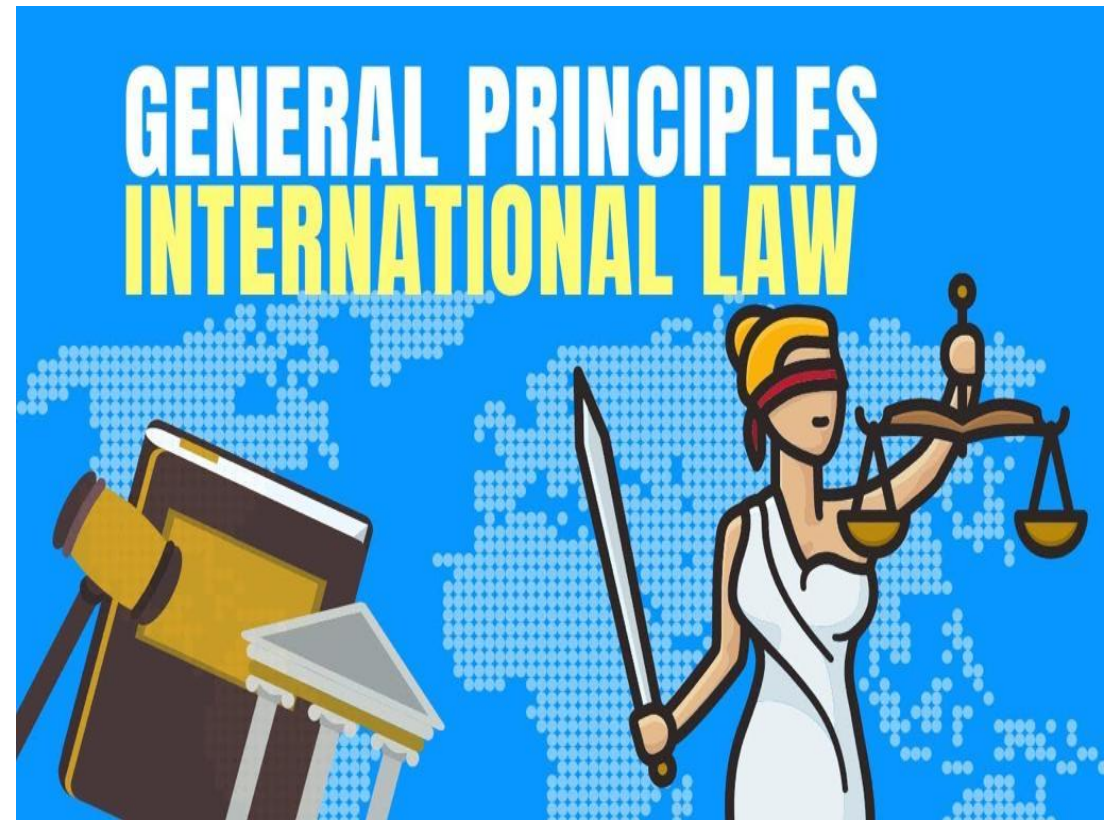
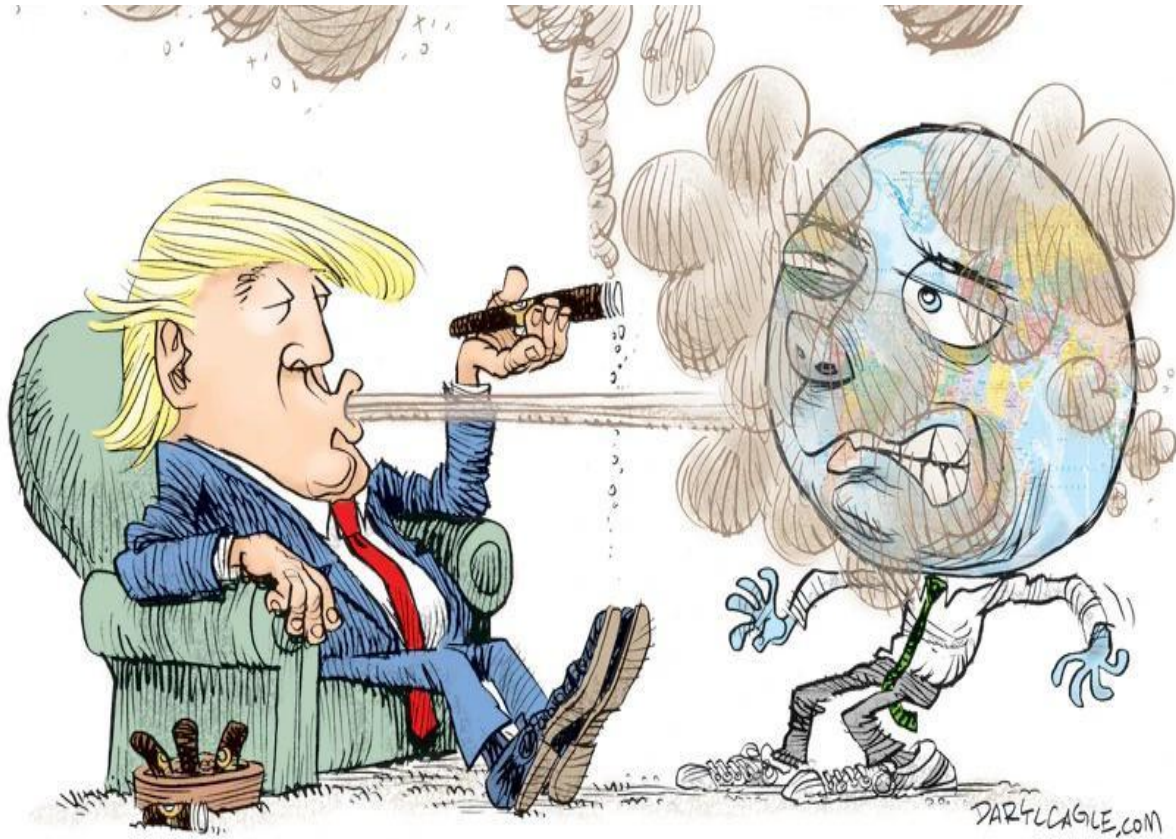


2. Constitutes a breach of an obligation



Climate treaty regime





CUSTOMAR Y PRINCIPLES



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Challenges ?

- Multiplicity of actors
- Attribution and damage
- Assessing loss and compensation
- Separation of anthropogenically induced climate change v natural variability



STATE FOCUSED LENS

YAY

Standing

New

Developmen

to in IFL

NAY

Role of Non
state actors

Responsibility of
Non state actors



Truth ?

Illusory ?

HALF

TRUTH

