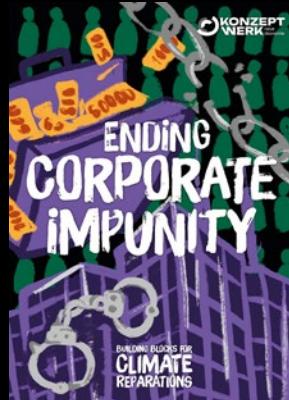
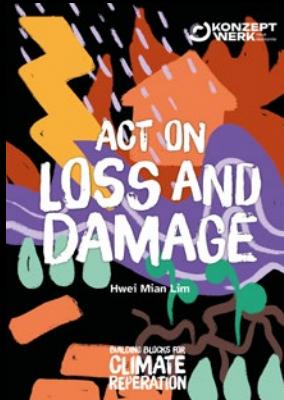


ENDING CORPORATE iMPUNITY

Nicholas Omonuk Okoit

BUILDING BLOCKS FOR
**CLIMATE
REPARATIONS**

BUILDING BLOCKS FOR CLIMATE REPARATIONS



UPCOMING PUBLICATIONS:

- climate finance,
- post-growth & decolonisation,
- how (not) to apologise.

All fact sheets are available for free download at www.knoe.org/bbfcr

IMPRESSUM

Published by

Konzeptwerk Neue Ökonomie
Klingenstr. 22, 04229 Leipzig
www.konzeptwerk-neue-oekonomie.org

February 2026

Author

Nicholas Omonuk

Proofreading & Editing

Emily Pickerell, Carolina Hoffmann, Kai Kuhnhenn

Cooperation and support

Carolina Hoffmann

Layout and illustrations

Luzz Kohnen

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives

4.0 License (BY-NC-ND). Further information: creativecommons.org/licenses/by-nc-nd/4.0/

4	Climate Reparations in a nutshell	22	From Voluntary to Binding Obligations
8	The Pipeline and the Prophet	23	From National to Transnational Justice
9	The Geography of Sacrifice	24	Whoever causes damage is liable. Polluters must pay!
10	The Architecture of Destruction	28	The Ultimate Choice
12	Germany's Half-Heard Attempts to Ensure Human Rights	29	The Bridge We're Building
16	A Path Forward—the Fight for Justice	30	The Dawn Approaching
18	Tools of the Movement	32	Case Studies: Voices, Movements and Campaigns Leading the Call
20	The Missing Institution: A UN Court on Business and Human Rights	34	Glossary
21	From Shareholder to Stakeholder Value: Democratizing Corporate Power	36	Endnotes

CLIMATE REPARATIONS IN A NUTSHELL

WHY DO WE NEED CLIMATE REPARATIONS?

The climate crisis is profoundly unjust. It is not a crisis that affects everyone equally, nor one that everyone has caused.

4 On one side are those historically and structurally responsible for it : countries, corporations and individuals that have benefited – and continue to benefit – from greenhouse gas-intensive production, consumption and economic growth. Germany, for example is responsible for around 3 % of global historic emissions*, despite making up less than 1 % of the world's population. It has built immense wealth and technological capacity through centuries of industrialization and colonial exploitation, and it possesses the financial means to adapt to the consequences of climate change.

On the other side are those who bear the brunt of the crisis: communities, countries, and ecosystems in the Global South that have contributed least to the problem. Cameroon, for instance has produced only about 0,2 % of historic global emissions**, yet faces devastating impacts – from floods and droughts to the loss of livelihoods and biodiversity – without the sufficient resources to respond or recover.

* <https://climatechangetracker.org/nations/greenhouse-gas-emissions>
(This excludes emissions caused by goods imported to Germany.)

** Ibid



When we talk about Climate Reparations it is essential to recognize that the injustice is not limited to unequal emissions. Germany's wealth, stability and high standard of living are inseparable from the historic and ongoing exploitation of countries like Cameroon^{*} - through colonialism, extractivism, unfair trade relations and neocolonial economic structures. The raw materials, labour and resources extracted from colonial regions have directly fuelled Europe's industrialization and accumulation of wealth, while leaving formerly colonized nations structurally disadvantaged, indebted and dependent.

Cameroon's vulnerability to the climate crisis is, therefore, in turn, not merely the result of natural conditions. It is the outcome of historically produced inequalities – the result of centuries of dispossession, resource extraction and deliberate underdevelopment. The same systems that caused the climate crisis continues to shape who suffers from it and who profits from it.

The line between those who suffer from the climate crisis does not run only between rich and poor countries. It also runs within societies, along class divisions, gender hierarchies, racialized structures and other intersecting forms of oppression. Marginalized groups – including women, Indigenous peoples, Black and other racialized communities, people with disabilities, and low income households – are often both the least responsible for emissions and the most exposed to climate harms.

^{*} In this case there is even a direct connection since Cameroon used to be a German Colony. For more information on the relationship of the two countries through a climate justice lens see: www.knoe.org/thedamagedone

BUILDING BLOCKS FOR CLIMATE REPARATIONS

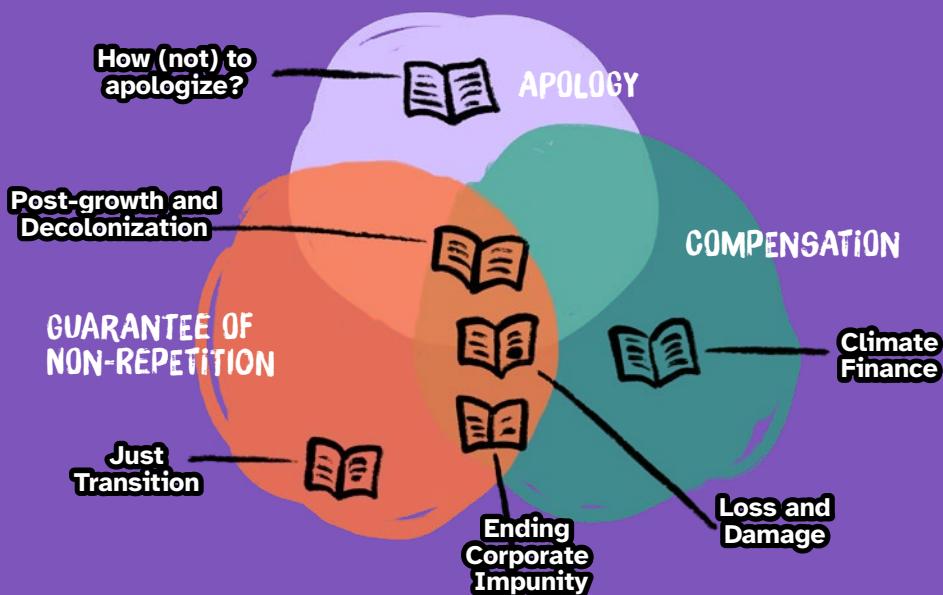
Climate reparations are therefore neither charity nor aid, they are

- necessary to stop further injustices and ensure accountability and repair by redistributing resources, power and decision making to those most affected,
- a tool to address the root causes of the crisis – historical responsibility, structural inequality and systemic exploitation,
- the centrepiece of climate and global justice, a prerequisite for a healing process between the Global South and North.

6

According to Maxine Burkett^{*}, climate reparations must at least include three core elements: “an apology, compensation and a guarantee of non-repetition”. An apology acknowledges the harm done and accepts responsibility for it. Compensation - whether monetary or through other forms of material redress - gives tangible or symbolic weight to that acknowledgement. The guarantee of non-repetition, perhaps the most transformative element, commits the perpetrating parties to structural changes that prevent the continuation or repetition of the injustice.

To make these elements more concrete, we identified 6 building blocks for climate reparations that explain how these could look like in practice, in Germany and beyond (see figure).



* Burkett, M. (2009) Climate reparations. *Melbourne Journal of International Law*, 10(2), 509–542.

ABOUT THE PROJECT

Looking at the current state of civil society, we believe that climate reparations are the missing link in a comprehensive understanding of climate justice. Despite growing awareness of the connection between the climate crisis, colonialism and racism, the concept of climate reparations remains underexplored and often misunderstood. One major reason is the lack of accessible materials on the topic - particularly in German-speaking contexts.

With our project “Building Blocks for Climate Reparations,” we aim to close this gap – by providing accessible, grounded knowledge that links climate reparations to justice, responsibility and systemic change.

7

ABOUT THIS FACTSHEET

This factsheet explains corporate impunity as the lack of accountability for corporate environmental and human rights harms, showing how weak laws and power imbalances enable abuse. It highlights civil society action as key to challenging corporate power and demanding justice. It's written by Nicholas Omonuk Okoit, an Ugandan climate justice activist and columnist who founded End Fossil Occupy Uganda, a movement advocating for the phase out of fossil fuels and just transition in Africa. Omonuk holds a degree in Land Economics from Kyambogo University, and regularly participates in international climate campaigns and conferences.



THE PIPELINE AND THE PROPHET

Buliisa, Uganda, 2018. Under a blood-orange sunset, an elder from the Banyoro tribe stands on land his ancestors owned for centuries. “This is my home, my heritage,” he says. Two kilometers away, bulldozers idle at the edge of the East African Crude Oil Pipeline site, where TotalEnergies plans to extract thousands of barrels daily. The French multinational secured 12,435 acres, displacing 13,000 people without meaningful consent¹. When activists sued, Uganda’s High Court ruled “national interest” outweighed community rights.

This is corporate impunity in action: a systematic ability of corporations to evade accountability for human rights violations, environmental destruction and social harm caused by their operations. It represents a legal, political and economic architecture that shields corporate actors from meaningful consequences, even when their actions result in displacement, pollution, violence, or death.²

THE GEOGRAPHY OF SACRIFICE

In Paris boardrooms, TotalEnergies executives make decisions reshaping the lives of farmers 4,000 miles away in Uganda's Bulisa district. This exemplifies history's cruellest mathematics: those contributing least to emissions or to any crisis suffer most, while those profiting face no accountability.

African nations contribute less than 4 % of global emissions yet face devastating climate impacts and extractivism. Meanwhile Africa's resources, from Mozambique's gas to Congo's cobalt, fuel consumption in regions responsible for the crisis. This "climate apartheid" ensures profits flow north while devastation flows south.

Maria, one of the victims from the insurgencies that arose in Cabo Delgado, Mozambique remembers when bulldozers came to

her village. Her coastal village, sheltering her family for generations, was marked for TotalEnergies' \$20 billion gas project. Simultaneously, an insurgency broke out in the region. "The attackers forced us and the other villagers to sit and watch as they beheaded people," said Maria.³ The region's tragedy runs deeper—since 2017, an insurgency has killed thousands and displaced nearly a million. As Joaquima recounts: "They killed all the men in the fields. They dropped my brother's head onto his wife's lap while his daughters watched." The timing coincides with resource extraction, a pattern repeating globally where transnational global north corporations operate.⁴

9



THE ARCHITECTURE OF DESTRUCTION

Corporate law didn't evolve; it was engineered. The 1886 Santa Clara County v. Southern Pacific Railroad case was a dispute over taxation, but its legacy would reshape the very nature of power. With barely a whisper of deliberation, corporations were granted the rights of persons yet freed from the moral burdens that constrain human behavior. It was, as legal scholars would later observe, the birth of a new species: the corporate entity that could claim victimhood while remaining perpetually beyond the reach of justice. They do so by creating what lawyers call a "Russian doll structure" designed explicitly to fracture liability into untraceable fragments.

10



Luka Tomac/Friends of the Earth International, CC BY-SA 2.0, https://commons.wikimedia.org/wiki/File:Kegbara_dere_community_oil_spill,_Ogoniland,_Nigeria_%282270727370F29.jpg

Two examples of this are found in the Niger delta and the Democratic Republic of Congo. In the Niger delta, Shell Nigeria (SPDC) operates through a joint venture with the Nigerian National Petroleum Corporation, while its parent Royal Dutch Shell claims operational distance. When the Bodo community sought compensation for 600,000 barrels of crude oil that destroyed their fishing grounds in 2008–2009, they discovered a legal maze: Which Shell entity was responsible? The Nigerian subsidiary with no assets? The Dutch parent with no “direct operations”? The joint venture that technically doesn’t exist as a legal entity?^{5,6,7,8} The answer came in 2015: after seven years of

litigation, Shell paid £55 million, roughly £92 per barrel spilled, while charging around £65 per barrel at market.⁹ The game has grown even more sophisticated in recent decades. Modern trade agreements like the Energy Charter Treaty have inverted the very notion of justice, allowing corporations to sue entire nations for “lost future profits” when environmental laws dare to interfere with extraction. When Ecuador attempted to preserve the biodiversity of Yasuní National Park by banning oil drilling, Chevron deployed investor-state dispute settlement mechanisms and extracted \$96 million in compensation, not from the earth, but from the Ecuadorian people themselves.

Climate breakdown was engineered through deliberate choices. The story of climate change begins not with activist warnings or scientific consensus, but in the gleaming offices of ExxonMobil in 1977. There, company scientists produced reports that predicted global warming with an accuracy that would make today’s climate models envious.¹⁰ Internal documents, stamped with corporate seals, spoke matter-of-factly about “the Greenhouse Effect” and its inevitable consequences. The science was clear, the predictions precise...and the implications terrifying. Yet by late 1980s, those same corporate corridors had become the command center for something far more sinister than negligence: a calculated campaign of disinformation. Exxon began funding climate denial think tanks, transforming scientific certainty into public doubt with the efficiency of a military operation.^{11,12,13}



GERMANY'S HALF-HEARTED ATTEMPTS TO ENSURE HUMAN RIGHTS

Germany frames itself as a forerunner on climate mitigation while its corporations operate with impunity across the Global South. The same corporate dynasties that built fortunes on exploitation now dress operations in sustainability language while perpetuating identical extraction patterns.

Germany's Supply Chain Due Diligence Act (Lieferketten-sorgfaltspflichtengesetz, or LkSG) exemplifies "accountability theater."^{14,15} It emerged from decades of advocacy for stronger corporate accountability mechanisms following nu-

¹²merous high-profile incidents of human rights violations and environmental disasters in global supply chains.¹⁶ Although it sounds impressive, it applies only to approximately 3,000 companies as of 2024 compared to more than 3 million enterprises in the country. With the exclusion of direct civil liability for violations of the act's due diligence obligations, victims of corporate human rights violations cannot seek compensation from German companies under the LkSG, regardless of the severity of harm suffered or the company's negligence in preventing violations.¹⁷





Nigerian fishing families affected by Shell's oil spills, Congolese communities devastated by mining pollution, or Ugandan farmers displaced by energy projects have no legal recourse against German companies that import products linked to these violations. While these companies may face administrative fines from BAFA (Bundesamt für Wirtschaft und Ausfuhrkontrolle), the victims themselves receive no compensation, perpetuating cycles of poverty and marginalization. The requirement that companies only address violations at indirect suppliers when they have "substantiated knowledge" creates a perverse incentive for willful ignorance about supply chain conditions.

This enables companies to avoid investigating deeper supply chain tiers where most human rights violations occur, particularly in Global South production locations.¹⁸

The cocoa industry provides a clear example: German chocolate manufacturers typically source through European processing companies, making West African cocoa farmers tier-4 or tier-5 suppliers. Despite widespread documentation of child labor and poverty in cocoa production, companies can claim lack of "substantiated knowledge" about specific violations until concrete evidence emerges about particular farms or cooperatives. By that time, remediation efforts often prove too late to address systematic problems affecting hundreds of thousands of children.

The LkSG's reliance on administrative fines rather than criminal liability creates another significant accountability gap that particularly impacts Global South victims. While companies can face fines of up to €8 million or 2 % of global turnover, these penalties are calculated as business costs rather than deterrents to harmful behavior. The absence of criminal liability means that corporate executives who knowingly enable human rights violations face no personal legal consequences under the LkSG. The limitation of environmental protection to situations where environmental damage directly causes human rights violations creates a fundamental gap that disproportionately affects Global South communities.¹⁹ This restriction reflects a hierarchy of protection that prioritizes certain forms of harm over others, effectively institutionalizing environmental racism.

The Catoca diamond mine disaster illustrates how this loophole operates in practice. The tailings dam rupture poisoned river systems affecting over one million people across the Congo River basin, destroying fishing economies and contaminating water supplies for generations.^{20,21}

14

However, German diamond importers could potentially argue that they have no LkSG obligations regarding this environmental destruction unless they can prove direct human rights violations resulting from the contamination.

Further, the German government's suspension and planned elimination of LkSG reporting obligations represents a significant reduction in transparency that particularly affects Global South communities who depend on public disclosure to monitor corporate behavior.²² The reporting requirement was one of the few mechanisms that enabled civil society organizations to track corporate compliance efforts and identify potential violations for investigation.

The Catoca diamond mine in Angola

Gsmart-ao, CC BY-SA 4.0

https://commons.wikimedia.org/wiki/File:Mina_Dia_012_-_c%C3%B3pia.jpg



A PATH FORWARD—THE FIGHT FOR JUSTICE



In the following, we list what must happen to end the dire situation described above, to stop corporate impunity and create a just and sustainable future.

Governments must:

- Implement a UN Binding Treaty on Business and Human Rights with an international corporate crimes court to close jurisdictional gaps which corporations exploit.
- Set up an international Corporate Accountability Court.
- Force companies to serve the public good, not profit.
- End the \$5 trillion in fossil fuel subsidies immediately.
- Implement retroactive carbon taxes on historical emitters feeding a Loss and Damage Fund managed by affected communities.
- Reverse burden of proof and change laws so that mandatory due diligence covers entire value chains with no financial sector exemptions.
- Establish “corporate penalties” for repeat violations.
- Tax every extracted ton to fund community restoration.
- Force banks and investors to adopt binding ESG criteria.
- Shift from growth requiring endless extraction to circular economies within planetary boundaries.

16

Germany specifically:

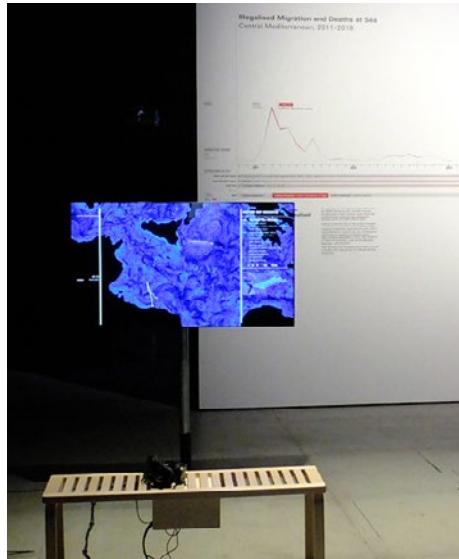
- Complete Namibian genocide reparations by 2025 including land return.
- Mandate corporate colonial audits linking historical profits to current obligations.
- Amend Supply Chain Act with prison sentences and full coverage.
- Provide affected communities direct court access with state-provided support.

Activists must:

- Build frontline resistance—their voices must lead accountability frameworks.
- Use documentation teams capturing corporate crimes in real-time.
- Target corporate financial, legal and reputational pillars simultaneously through divestment campaigns, strategic litigation and exposure of greenwashing.
- Use strategic litigation cascades—when Shell faces climate cases in Netherlands, Nigeria and the US simultaneously, they can't forum-shop.
- Employ direct actions from pipeline blockades to headquarters occupations bringing affected communities to corporate offices.
- Support workers taking over their companies and thus democratizing corporate power.
- Create alternatives proving corporate models aren't necessary for development.

TOOLS OF THE MOVEMENT

18



RESEARCH becomes evidence for legal cases. Supply chain forensics trace products to extraction sites. Financial mapping exposes money flows from consumers through corporations to tax havens. Executive network analysis reveals webs of complicity vulnerable to scrutiny.

DIRECT ACTION makes distant suffering immediate. When mothers of poisoned children occupy Rio Tinto's lobby, executives can't hide behind abstractions. Strategic blockades physically prevent destruction. Disrupting greenwashing events with community testimonies destroys respectability facades.



19

LEGAL WARFARE files coordinated law-suits targeting different corporate aspects across jurisdictions. Policy drafting hands politicians ready-made solutions, removing “complexity” excuses. Communications train affected communities in autonomous media production—the impact of personal stories surpasses any NGO report.

ECONOMIC PRESSURE builds through sustained **BOYCOTTS** connecting consumer choices to corporate violence. Shareholder activism uses single shares to access and disrupt annual meetings. **DIVESTMENT CASCADES** create domino effects—when universities, pensions and insurers all divest, financial foundations crumble.

Alexander Luna, CC BY-SA 4.0
www.upload.wikimedia.org/wikipedia/commons/c/c7/Sa%C3%93BAL_Luciano_Lliuya_en_Essen%2C_2016.jpg

Global Alliance for Tax Justice, CC BY-NC 2.0
www.flickr.com/photos/global_alliance_for_tax_justice/

THE MISSING INSTITUTION: A UN COURT ON BUSINESS AND HUMAN RIGHTS

Existing accountability mechanisms have failed. A UN Court on Business and Human Rights could provide binding adjudication with enforceable remedies through:



DIRECT CORPORATE JURISDICTION: Prosecute corporations directly. When Uganda's government helps TotalEnergies weaken petroleum laws, communities need recourse beyond biased domestic courts.



UNIFORM STANDARDS: Apply consistent human rights standards. Corporate conduct triggering minimal consequences in Mozambique's courts could face rigorous international prosecution.



EFFECTIVE REMEDIES: Order corporate dissolution for repeat offenders, asset forfeiture for ecosystem restoration and binding compensation. Current mechanisms produce non-binding recommendations which corporations ignore.



PREVENTIVE JURISDICTION: Issue injunctions preventing irreversible harm. The East African Crude Oil Pipeline's construction could be halted pending compliance rather than proceeding while appeals languish.

FROM SHAREHOLDER TO STAKEHOLDER VALUE: DEMOCRATIZING CORPORATE POWER

Corporate impunity depends on a legal fiction with no basis in natural law: it claims that corporations exist solely to maximize shareholder returns regardless of impacts on workers, communities or ecosystems. This “shareholder primacy” wasn’t ancient wisdom but invented by Milton Friedman in the 1970s. In his article entitled “The Social Responsibility of Business Is to Increase Its Profits”, published on September 13, 1970 in the New York Times Magazine, he established the core principle that “there is one and only one social responsibility of business; to use its resources and engage in activities designed to increase its profits.” Before Friedman, corporations were required to serve “the public good” and could be dissolved for violations.

ENDING IMPUNITY MEANS STAKEHOLDER GOVERNANCE RECOGNIZING ALL AFFECTED AS LEGITIMATE PARTICIPANTS.

When Shell operates in Nigeria, communities become stakeholders whose voices must be heeded. When TotalEnergies extracts from Mozambique, families become stakeholders whose consent cannot be bypassed.

This isn’t CSR window-dressing but fundamental restructuring. Communities need board seats, not consultation meetings. Workers need ownership stakes, not just employment contracts. Environmental impacts must be evaluated by those suffering from them, not corporate scientists minimizing them.

Indigenous governance systems automatically include stakeholders. The Haude-nosaunee consider themselves seven generations ahead. Ubuntu philosophy recognizes individual well-being depends on community and ecological wellbeing. These aren’t quaint traditions, but sophisticated technologies which corporations could adopt.

21



FROM VOLUNTARY TO BINDING OBLIGATIONS

Corporate impunity's greatest victory was convincing everyone that compliance should remain voluntary.

Imagine murder addressed through voluntary guidelines. Picture theft managed through corporate commitments. No society would accept this for crimes against individuals, yet we accept it for crimes against communities.

Binding obligations must include criminal liability. When Shell executives approved operations poisoning Nigerian communities, they committed crimes equivalent to poisoning urban neighborhoods. Corporate crime should carry penalties adjusted for scale—executives poisoning thousands should face more severe consequences than individuals poisoning one.

Financial penalties must exceed profits from harmful activities. BP paid \$20 billion for Deepwater Horizon but earned that back within two years.²³ True deterrence requires penalties threatening corporate survival. Companies repeatedly violating standards should lose licenses to operate, like doctors losing licenses for harming patients.



FROM NATIONAL TO TRANSNATIONAL JUSTICE



Transnational corporations exploit jurisdictional gaps with precision. They incorporate in tax havens, headquartered in captured systems, operate in nations with limited enforcement. Shell's structure illustrates this: the Dutch parent claims no control over Nigerian subsidiaries; Shell Nigeria claims no responsibility for European decisions. Each entity points to another in infinite accountability loops.

Creating transnational justice requires universal jurisdiction for environmental crimes, like existing frameworks for war crimes. Corporate executives should face prosecution anywhere if they authorized destruction.

Spanish courts prosecuting Chilean officers under universal jurisdiction provide the model: in October 1998, Spanish Judge Baltasar Garzón issued an international arrest warrant for Chilean dictator Augusto Pinochet while he was in London. This was the first time in the modern international system that a current or former head of state was arrested in a foreign country for international crimes.

An International Corporate Accountability Court could prosecute environmental crimes national systems ignore, treating systematic destruction as crimes against humanity. The court needs enforcement beyond individual prosecutions—freezing assets globally, banning convicted companies from member countries, international arrest warrants creating personal accountability. ²³

WHOEVER CAUSES DAMAGE IS LIABLE. **POLLUTERS MUST PAY!**

This may sound simple and obvious, but it has not been the case with climate damage so far. While the damage caused by climate catastrophe is escalating worldwide, the companies responsible continue to reap huge profits with their carbon-intensive business models.

39 farmers in Pakistan are now seeking to change this and are demanding compensation from RWE and Heidelberg Materials for the damage to their crops caused by the 2022 floods, amounting to one million euros. It is one of two global climate damage compensation claims and marks the beginning of a new wave of climate lawsuits.

24



Foto: medico international

2022 PAKISTAN FLOODS

In 2022, unprecedented extreme rainfall left a third of Pakistan almost completely under water for months. An area equivalent to two-thirds of Germany. The World Bank estimates the damage to be at least 30 billion US dollars. Not only were houses, roads and schools destroyed, but around 1,700 people lost their lives. Thirty-three million people were displaced and robbed of their livelihoods due to the contamination of groundwater and soil. The floodwaters ruined more than a year's worth of crops, and livestock that did not die in the floods often perished due to the subsequent lack of food and clean drinking water. In a region that lives mainly from agriculture, this meant the loss of entire livelihoods for the people, including the means to send their children to school and to finance weddings and celebrations. Crop failures plunged farmers into debt. The number of people living below the poverty line in Pakistan rose from 55 million to 95 million.

25

The population of Pakistan is paying a high price, and above all, a bill that they did not cause: even though the country has historically contributed less than 1 % to global greenhouse gas emissions, it is one of the regions most affected by extreme weather events worldwide. Disasters such as extreme heat, droughts and floods are already shaping a new normal. In Pakistan, the destructive effects of the climate crisis are not a distant threat, but a present reality that highlights the urgent need for financial compensation for the damage already done.

THE AFFECTED ORGANISE THEMSELVES

To achieve this, thousands of people from the areas most affected by the 2022 floods in Pakistan have organised themselves into climate justice committees. Forty-three farmers from these committees are now demanding compensation. They come from the Dadu, Larkana and Jacobabad regions of Sindh province and hold those responsible for the climate crisis accountable. They are supported in this by medico international, the ECCHR and the Pakistani organisations HANDS Welfare Foundation and NTUF.

Their demands are directed at RWE, one of Europe's largest electricity producers, and Heidelberg Materials, one of the world's largest cement manufacturers.

RWE AND HEIDELBERG CEMENT

26

Not only are these companies industry leaders, they are also leaders in greenhouse gas emissions. They are part of the group of so-called global major emitters. The greenhouse gas emissions they produce are significant and substantial. Since 1965, RWE has contributed at least 0.68 per cent and Heidelberg Materials at least 0.12 per cent to global industrial greenhouse gas emissions.

Since their founding in the 19th century, both companies have stood for an economic model that ruthlessly generates profits by outsourcing social and environmental costs. Although the link between their business activities and the global destruction of livelihoods has been proven for over six decades, RWE and Heidelberg Materials have continued their production practices and have even spent decades attempting to weaken the binding climate protection regulations introduced by legislators.



medico international

**Contribution by medico international
WHOEVER CAUSES DAMAGE IS LIABLE. POLLUTERS MUST PAY!**

THE LAWSUIT

The fundamental possibility of holding companies liable for climate-related damage abroad had already been established in May 2025 by Peruvian mountain farmer Luciano Lluiya in his lawsuit against RWE before the Higher Regional Court of Hamm. The Pakistani farmers are now going one step further. Their claim is based on a generally recognised principle of civil law: Section 823 of the German Civil Code (BGB): The perpetrator of a harmful act must compensate for the damage caused. Applied to climate damage in Pakistan, this means that industries that drive and exacerbate the climate crisis must bear part of the costs of the resulting losses and damage.

If the 39 farmers from Pakistan are successful with their claim, it will mean that the costs of environmentally and socially harmful production methods can no longer be outsourced at the expense of people in the Global South in particular, but must be taken into account in companies' balance sheets. Environmentally harmful business models would then no longer be profitable.

With their claim for damages, the 39 farmers represent the plight and experience of millions of people in Pakistan and countless others around the world who are suffering from the consequences of the climate crisis. The climate crisis is man-made. So is climate justice.

www.climatecostcase.org

THE ULTIMATE CHOICE

Germany stands at a crossroads, as does every nation harboring destructive corporations. It must continue performing climate leadership while enabling extraction, or choose genuine accountability—dismantling systems enabling impunity and reckoning with colonial continuities.

This choice isn't abstract. The factories that once produced Zyklon B now produce pesticides poisoning Global South farmworkers. Companies using wartime forced labor now profit from contemporary supply chain slavery. **The extractive mindset driving colonial exploitation now drives climate colonialism.**

But this analysis reveals opportunity. German technical expertise could pioneer accountability rather than impunity. German diplomatic influence could champion binding treaties rather than obstruct them. German capital could fund reparative justice rather than extraction.

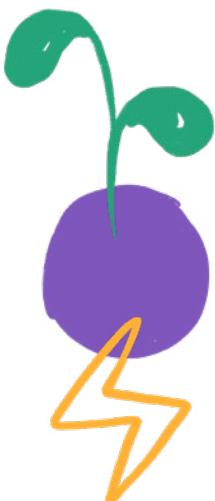
THE BRIDGE WE'RE BUILDING

The pathway from corporate impunity to climate reparations isn't theoretical—communities construct it daily through resistance. Spain's Mondragón network includes over 80 worker cooperatives employing 70,000 people, outperforming conventional corporations in job security, income equality and environmental performance.²⁴

When Ecuadorian courts recognized nature's rights, they built supporting pillars. When youth worldwide refused to accept a burnt future as inheritance, they raised the framework higher.

This bridge spans from acknowledgment to accountability, from reparation to regeneration. Each phase depends on the previous—we cannot repair what we won't acknowledge, cannot be accountable for what we deny, cannot regenerate what we continue destroying.²⁹

The most profound insight from frontline communities is that ending corporate impunity isn't the goal—it's the prerequisite. The goal is rebuilding relationships between humans and the Earth based on reciprocity rather than domination, abundance rather than scarcity, love rather than extraction.



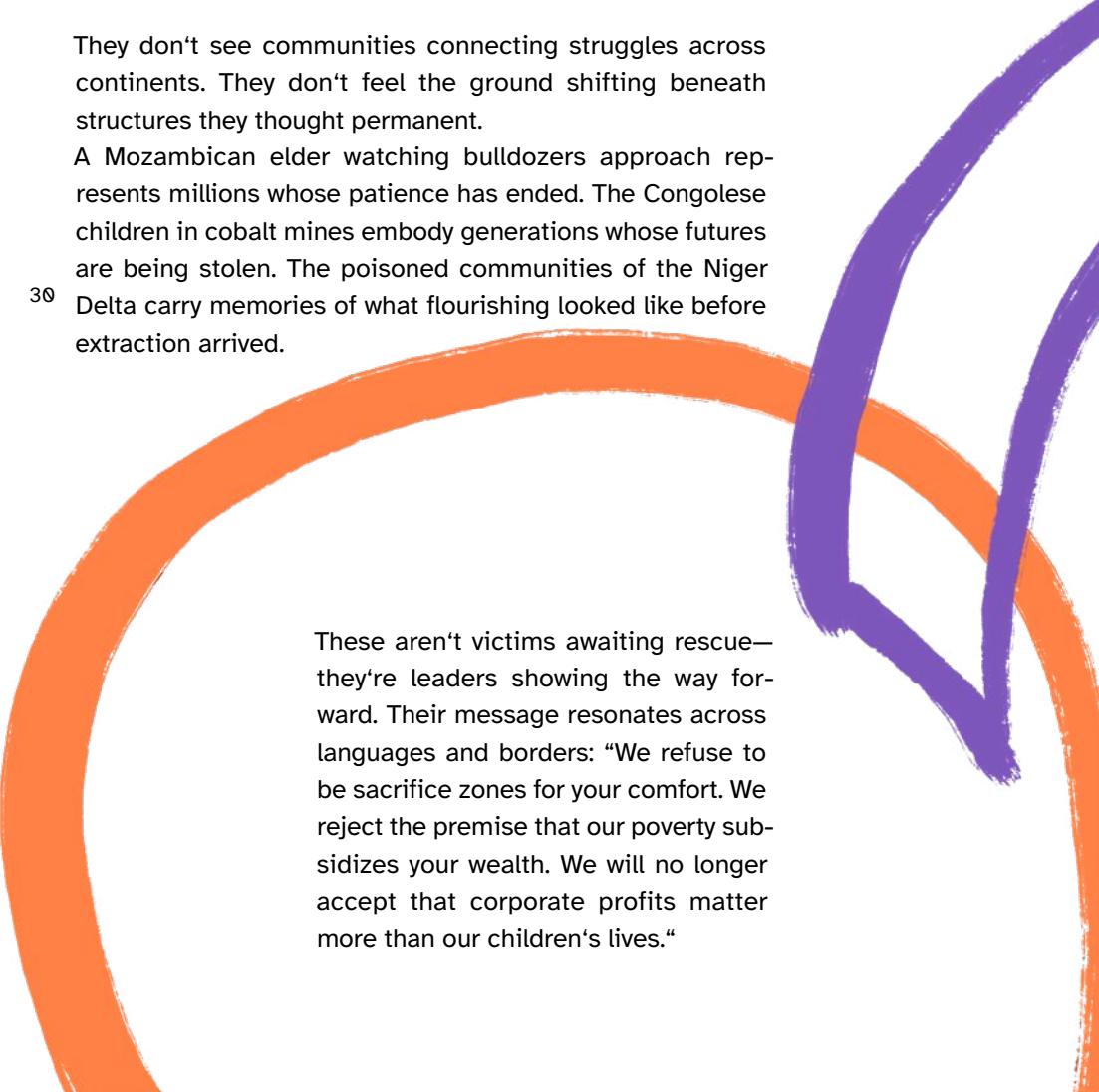
THE DAWN APPROACHING

But dawn approaches, not through naive optimism but through organized determination. Corporate executives who sleep peacefully believing their power is untouchable don't yet hear the footsteps of justice approaching.

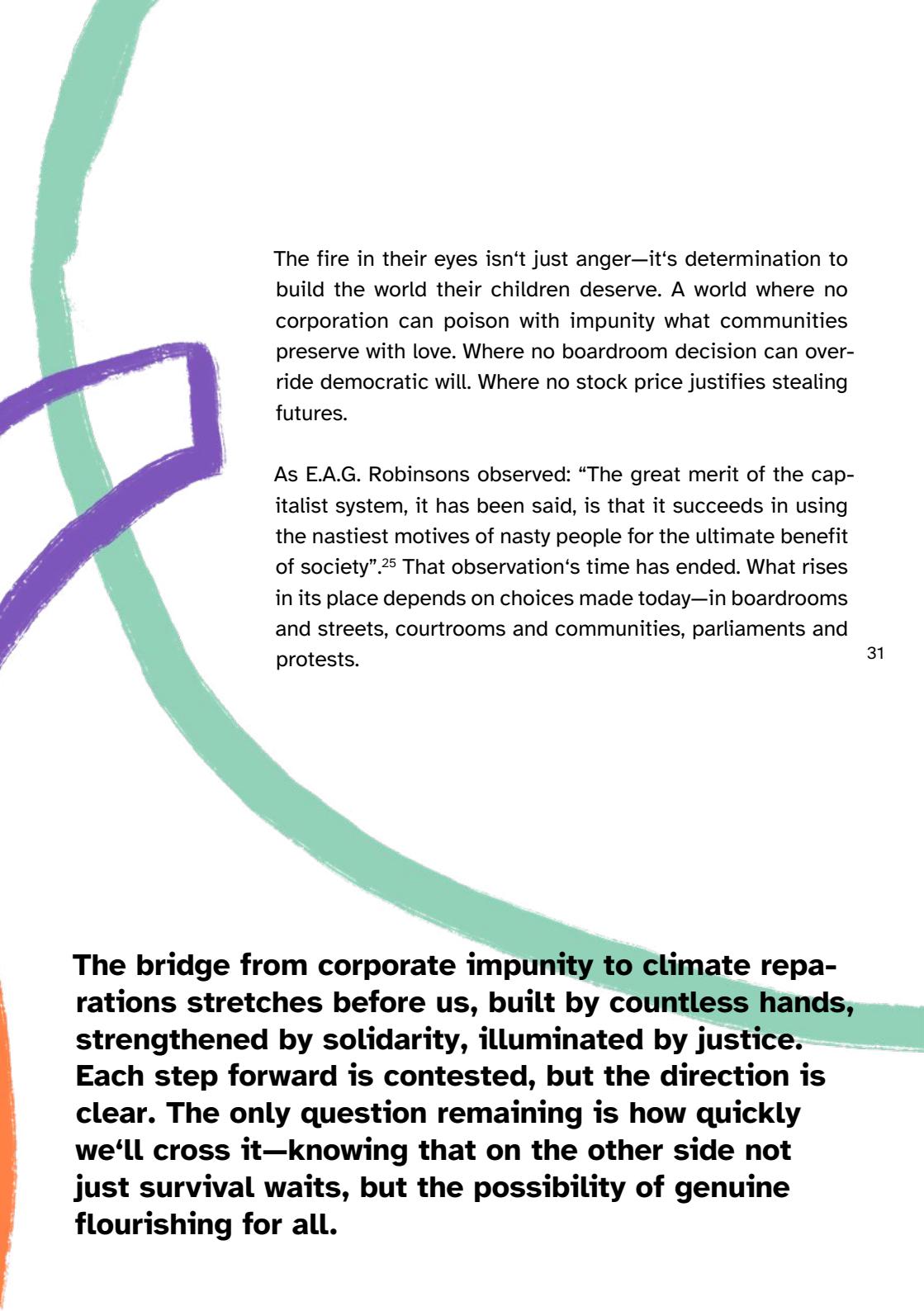
They don't see communities connecting struggles across continents. They don't feel the ground shifting beneath structures they thought permanent.

A Mozambican elder watching bulldozers approach represents millions whose patience has ended. The Congolese children in cobalt mines embody generations whose futures are being stolen. The poisoned communities of the Niger

³⁰ Delta carry memories of what flourishing looked like before extraction arrived.



These aren't victims awaiting rescue—they're leaders showing the way forward. Their message resonates across languages and borders: "We refuse to be sacrifice zones for your comfort. We reject the premise that our poverty subsidizes your wealth. We will no longer accept that corporate profits matter more than our children's lives."



The fire in their eyes isn't just anger—it's determination to build the world their children deserve. A world where no corporation can poison with impunity what communities preserve with love. Where no boardroom decision can override democratic will. Where no stock price justifies stealing futures.

As E.A.G. Robinsons observed: "The great merit of the capitalist system, it has been said, is that it succeeds in using the nastiest motives of nasty people for the ultimate benefit of society".²⁵ That observation's time has ended. What rises in its place depends on choices made today—in boardrooms and streets, courtrooms and communities, parliaments and protests.

31

The bridge from corporate impunity to climate reparations stretches before us, built by countless hands, strengthened by solidarity, illuminated by justice. Each step forward is contested, but the direction is clear. The only question remaining is how quickly we'll cross it—knowing that on the other side not just survival waits, but the possibility of genuine flourishing for all.

CASE STUDIES:

VOICES, MOVEMENTS AND CAMPAIGNS

STOP EACOP CAMPAIGN, UGANDA/TANZANIA/WORLD-WIDE

A coalition of African and international organizations is fighting TotalEnergies' pipeline. Led by affected communities, the campaign combines legal challenges in French courts, shareholder activism, insurance targeting and direct action. Activists like Maxwell Atuhura and Nicholas Omonuk face oppression for their resistance yet continue mobilizing communities and documenting violations.

32

MILIEUDEFENSIE (FRIENDS OF THE EARTH NETHERLANDS) VS SHELL

The 2021 Dutch court victory ordering Shell to reduce emissions by 45 % by 2030 marked the first time a corporation was legally compelled to align with climate science. Though Shell appealed, the case established the crucial precedent that corporations can be held liable for climate damage, inspiring similar cases globally.

#SHELLMUSTFALL, NIGERIA

Building on decades of resistance since Ken Saro-Wiwa's execution, Nigerian communities combine litigation, documentation and direct action. Women-led pipeline occupations have forced production halts while youth activists use social media to connect local pollution to global climate justice movements.

LA VIA CAMPESINA

The world's largest peasant movement, representing 200 million farmers, fights corporate land grabs and promotes food sovereignty. Their "Rights of Peasants" declaration at the UN challenges corporate agriculture while building agroecological alternatives proving small-scale farming can feed the world sustainably.



...LEADING THE CALL

DEBT FOR CLIMATE MOVEMENT

Launched by activists from Global South, this movement connects colonial debt cancellation to climate reparations. Their slogan “Cancel the debt, pay the climate debt” reframes discussions from aid to justice,. They organize strikes and protests during IMF/World Bank meetings.

FIRST NATIONS PIPELINE RESISTANCE, CANADA

Indigenous communities blocking tar sands pipelines demonstrate how traditional governance systems can stop corporate projects. The Wet'suwet'en resistance against Coastal GasLink pipeline shows Indigenous sovereignty in action, inspiring solidarity blockades worldwide.

BREAK FREE FROM PLASTIC

This global movement targets plastic pollution at its source—fossil fuel companies producing plastics. By connecting consumer waste to corporate production, they've forced companies like Coca-Cola and Nestlé to face accountability for pollution while promoting zero-waste alternatives.

ANTÓNIO MUAGERENE – FOUNDER CARITAS NAPULA, MOZAMBIQUE

There has been armed conflict in Mozambique since 2017. Over 1.3 million people have been displaced. The promised development has not materialized and compensation has been minimal, with many people now living without adequate shelter or food. Fossil fuel exploitation does not bring development—it brings displacement, hunger and fear. We need a new way of using resources that protects people.

33

FRIDAYS FOR FUTURE

Started by Greta Thunberg, this youth movement transformed climate discourse by refusing to accept adult excuses for inaction. Their clarity—“our house is on fire”—cuts through corporate greenwashing while building intergenerational solidarity for systemic change.

GLOSSARY



CARBON COLONIALISM

The practice of wealthy nations and corporations offsetting their emissions through projects in the Global South that often displace communities and ecosystems, perpetuating colonial patterns of exploitation.

CLIMATE APARTHEID

UN term describing a world where the wealthy insulate themselves from climate impacts while the poor suffer, with corporate behavior enforcing this segregated suffering.

34

CORPORATE IMPUNITY

The systematic ability of corporations to evade accountability for human rights violations and environmental destruction through legal, political and economic structures.

ECOCIDE

The deliberate or reckless destruction of ecosystems. Activists push for its recognition as an international crime prosecutable like genocide.

EXTRACTIVISM

Economic model based on removing raw materials from Global South for Global North consumption, externalizing environmental and social costs onto local communities.

FREE, PRIOR AND INFORMED CONSENT (FPIC)

The right of Indigenous peoples to give or withhold consent to projects affecting their territories, supposedly protected under international law but routinely violated.

GREENWASHING

Corporate practice of making misleading claims about environmental benefits to appear sustainable while continuing destructive practices.

INVESTOR-STATE DISPUTE SETTLEMENT (ISDS)

Mechanisms in trade agreements allowing corporations to sue governments for policies reducing profits, used to challenge environmental protections.

JUST TRANSITION

The principle that shifting from fossil fuels must protect workers and communities dependent on extractive industries, ensuring they're not abandoned in necessary economic transformation.



LOSS AND DAMAGE

UN mechanism for climate finance addressing impacts that cannot be adapted to, though currently underfunded and lacking corporate accountability measures.

SHELL GAME

Term for corporate structures deliberately fragmenting operations across subsidiaries to avoid liability, named after Shell's practice in Nigeria.

SACRIFICE ZONES

Communities and ecosystems designated as expendable for industrial activity, typically inhabited by marginalized populations lacking political power.

SLAPP (STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION)

Corporate lawsuits designed to silence critics through legal intimidation rather than legitimate claims.

SUPPLY CHAIN DUE DILIGENCE

Requirements for companies to monitor human rights and environmental impacts throughout their operations, though often limited to direct suppliers.

UNIVERSAL JURISDICTION

Legal principle allowing prosecution of grave crimes regardless of where committed, increasingly applied to corporate environmental crimes.

CSR WINDOW-DRESSING

This practice refers to engagement of companies in superficial or cosmetic Corporate Social Responsibility (CSR) activities primarily to improve their public image without making substantial changes to their core business practices or addressing the root causes of social and environmental problems.³⁵

ENDNOTEN

1 Haki Defenders Foundation & Urban Institute, University of Sheffield. (2025). "I was evicted and left homeless": Exploring social and environmental (in)justice along the East African Crude Oil Pipeline Project. In Report. www.researchgate.net/publication/3904646807_I_was_evicted_and_left_homeless_Exploring_social_and_environmental_injustice_along_the_East_African_Crude_Oil_Pipeline_Project

Business & Human Rights Resource Centre. (n.d.). Business & Human Rights Resource Centre. www.business-humanrights.org/en/latest-news/uganda-locals-to-be-displaced-by-oil-pipeline-oppose-land-valuation-process-includes-totals-comments/

2 Simons, P., & Macklin, A. (2014). The Governance Gap: Extractive Industries, Human Rights, and the Home State

36 36 Advantage (1st ed.). Routledge. <https://doi.org/10.4324/9780203417256>

3 Eavis, V. (2021b, March 13). "The stories are heartbreaking." What one reporter witnessed in Mozambique's violence. NPR. www.npr.org/2021/03/13/976651242/the-stories-are-heartbreaking-what-1-reporter-witnessed-in-mozambique-violence

4 Easter, S. (2024) Years of conflict in Cabo Delgado: fueling displacement, water shortages, hunger & trauma. European Civil Protection and Humanitarian Aid Operations. https://civil-protection-humanitarian-aid.ec.europa.eu/news-stories/stories/7-years-conflict-cabo-delgado-fueling-displacement-water-shortages-hunger-trauma_en

5 Odiase, S. (2024, June 24). The Bodo community versus Shell: the shifting politics of oil and the social contract in the Niger Delta. Figshare. https://sussex.figshare.com/articles/thesis/The_Bodo_community_versus_Shell_the_shifting_politics_of_oil_and_the_social_contract_in_the_Niger_Delta/26063143?file=47134054

6 Amnesty International. (2018). Negligence in the Niger Delta Decoding Shell and ENI's poor record on oil spills. www.amnesty.ch/de/themen/wirtschaft-und-menschenrechte/fallbeispiele/nigeria/dok/2018/nigeria-fahrlaessigkeit-von-shell-eni/negligence-in-the-niger-delta.pdf

7 Oluduro, O. F., Oluduro, O., Faculty of Law, Obafemi Awolowo University, Ile-Ife, Nigeria, & Faculty of Law, Adekunle Ajasin University, Akungba-Akoko, Nigeria. (2015). Oil Exploitation and Compliance with International Environmental Standards: The Case of Double Standards in the Niger Delta of Nigeria. In Journal of Law, Policy and Globalization: Vol. Vol.37 (pp. 67-68). <https://core.ac.uk/download/pdf/55762563.pdf>

8 ILAJUC - Instituto Latino-americano para Justiça Coletiva. (2025, February 25). Nigerian Bodo Community sue Shell Petroleum Development Company of Nigeria over damages caused by oil spills - <https://ilajuc.org/en/nigerian-bodo-community-sue-shell-petroleum-development-company-of-nigeria-over-damages-caused-by-oil-spills/>

9 Business & Human Rights Resource Centre. (2015). Shell's Nigerian subsidiary agrees £55 million settlement with the Bodo community. (n.d.). www.business-humanrights.org/en/latest-news/shells-nigerian-subsidiary-agrees-55-million-settlement-with-the-bodo-community/

10 Potsdam Institute for Climate Impact Research. (2023). New study in 'Science' puts a number on what Exxon knew decades ago about climate change. www.pik-potsdam.de/en/news/latest-news/new-study-in-science-puts-a-number-on-what-exxon-knew-decades-ago-about-climate-science#:~:text=In%20the%20first%20ever%20systematic,in%20the%20company's%20own%20documents

11 Breslow, J. M. (2015). Investigation finds Exxon ignored its own early climate change warnings. FRONTLINE. www.pbs.org/wgbh/frontline/article/investigation-finds-exxon-ignored-its-own-early-climate-change-warnings/

12 Rannard, G. (2023). ExxonMobil: Oil giant predicted climate change in 1970s - scientists. BBC News. www.bbc.com/news/science-environment-64241994

13 Kusnetz, B. N. (2023). Exxon accurately predicted global warming, years before casting doubt on climate science. Inside Climate News. <https://insideclimateneWS.org/news/12012023/exxon-doubt-climate-science/>

14 msg Rethink Compliance. (n.d.). Compliance requirements due to the German Supply Chain Due Diligence Act. Msg Rethink Compliance. www.msg-compliance.de/en/blog/compliance-requirements-due-to-the-german-supply-chain-due-diligence-act

15 Gottlieb, C. (2024). Supply chain due diligence obligations in Germany, France, and the EU: an overview. www.clearygottlieb.com/www.clearygottlieb.com/news-and-insights/publication-listing/supply-chain-due-diligence-obligations-in-germany-france-and-the-eu-an-overview

16 Rosa-Luxemburg-Stiftung. (2024). From due diligence to climate justice. www.rosalux.de/en/news/id/52381/from-due-diligence-to-global-justice

17 Becker, N. R. M. (2022, November 23). Supply chain liability of directors and officers. Passle. <https://riskandcompliance.freshfields.com/post/102i24f/supply-chain-liability-of-directors-and-officers>

18 Kraft, S. K., Quayson, M., & Kellner, F. (2024). Assessing the German Act on Corporate Due Diligence Obligations in Supply Chains: a perspective from the smallholder cocoa farmer. Frontiers in Sustainability, 5. <https://doi.org/10.3389/frsus.2024.1376619>

19 Becker, N. R. M. (2022). Supply chain liability of directors and officers. Passle. <https://riskandcompliance.freshfields.com/post/102i24f/supply-chain-liability-of-directors-and-officers>

20 Ashoka. (2021). An environmental 'catastrophe' in Southern Africa lingers with few answers. Mongabay Environmental News. <https://news.mongabay.com/2021/09/an-environmental-catastrophe-in-southern-africa-lingers-with-few-answers/>

21 Gyuse, T. (2021). Toxic spill at Angola diamond mine pollutes Congo River tributary in DRC. Mongabay Environmental News. <https://news.mongabay.com/2021/09/toxic-spill-at-angola-diamond-mine-pollutes-congo-river-tributary-in-drc/>

22 Schüring, T. (2025). Deregulating due diligence? Völkerrechtsblog. <https://voelkerrechtsblog.org/deregulating-due-diligence/>

23 Chappell, B. (2015). U.S. settles claims against BP over deepwater Horizon spill for \$20 billion. NPR. www.npr.org/sections/thetwo-way/2015/10/05/445983039/u-s-resolves-claims-against-bp-over-deepwater-horizon-spill

24 Voinea, 2025, Wikipedia contributors, 2025, Mondragon Corporation Facts for Kids, n.d., Reuten & University of Amsterdam, 2023, Griffin, 2024, Morlà-Folch et al., 2021, Sailors for Sustainability, 2021

25 Robinson, E. A. G. (1948). Monopoly. Cambridge University Press. (Original work published 1941)



ORGANISE REPAIR TRANSFORM

“THE ULTIMATE CHOICE

Germany stands at a crossroads, as does every nation harboring destructive corporations. It must continue performing climate leadership while enabling extraction, or choose genuine accountability—dismantling systems enabling impunity and reckoning with colonial continuities.”

www.knoe.org/en

Supported by:

Brot
für die Welt

using Church
Development
Service funds

Umverteilen!
Stiftung für eine, solidarische Welt


**ROSA
LUXEMBURG
STIFTUNG**