

'Since poor countries have a right to develop the costs of tackling climate change must therefore be borne by affluent countries because, and to the extent that, they have the ability to pay those costs'. Discuss.

## Introduction

Climate change, a pressing global issue, brings forth complex considerations of ethics and justice, particularly due to the unequal distribution of responsibilities and consequences. This essay scrutinises the dominant state-centric paradigm in climate justice discourse, situating it within the broader context of colonial history, intra-state inequalities, and complex power dynamics. In challenging the above narrative of state responsibility, this paper champions a reframed perspective on climate obligations. Firstly, it provides an interpretation of the title statement. Subsequently, it delves into a critique of the state-focused approach to climate change, unmasking the repercussions of Green Colonialism, Green Grabbing, and intra-state disparities. Concluding, it advances a reimagined climate justice framework that assigns duties to capitalist institutions and integrates non-state actors, underscoring the need for restitution of profits derived from environmentally harmful activities. The terms *country* and *state* are used interchangeably.

## A Cohesion of Principles

The climate ethics literature (Caney, 2005; Shue, 2015) often utilises one forward-looking principle – the ‘ability to pay principle’ (APP) alongside two backwards-looking ones – the ‘polluter pays principle’ (PPP) and the ‘beneficiary pays principle’ (BPP). Upon initial examination, the title statement appears to invoke the APP as its basis, utilising the capacity to bear expenses as its rationale, suggesting a practical approach to the climate crisis and future goals, guided by theories of distributive justice and fairness, by allocating responsibilities and financial duties proportionate to agents' ability to withstand them (Caney, 2020). The statement's emphasis on poor countries' right to develop emphasises its philosophical roots by justifying the Rawlsian approach of rearranging inequalities to benefit the least advantaged. However, framing the climate crisis in terms of *rights* and *fairness* alone overlooks empirical realities and histories that could strengthen the above argument, providing only a weak justification for its conclusions. For that reason, in the following sections, I challenge what I find to be the most compelling interpretation of the title principle, one which is supplemented by backwards-looking elements of BPP and PPP.

While the BPP proposes that the allocation of responsibilities should be proportional to the benefits that agents have received from activities that generate emissions, the PPP allocates the financial and other obligations related to corrective measures in proportion to the previous contribution made by agents to the overall level of emissions (Caney, 2020; Shue, 2015).

Drawing on this, it could be argued that poor states have a right to develop as rich countries deprived them of this right through concrete injustices, which ensured that rich states were the primary beneficiaries of past emissions, emissions they were primarily responsible for (Shue, 2021). As energy demands frequently necessitate financial resources, the injustice of colonialism can serve as a foundation for justifying many poor states' right to develop. To explain, colonialism can be seen to have restructured the global economy to benefit the coloniser (Singh, 2023), determining who the past emitters, beneficiaries, and those able to pay are. In the case of affluent countries with non-colonial pasts, we could employ BPP and PPP to argue that their development required a high-polluting path in the past. As poorer countries have been deprived of the opportunity to use such resources, assistance should be provided to help them overtake this path (Shue, 2021). Such arguments can help solidify rich countries' moral obligation and position as duty-bearers. My following objection is to this consolidated interpretation of the title statement that combines the three principles to justify *the right to develop* and the duty of rich countries to support this right. In doing so, I aim to establish a comprehensive argument where the other two principles cannot easily be used to undermine or dismiss my critique and forthcoming proposal in which all three principles apply to my new duty bearers.

It is still possible to object to the consolidated interpretation by advancing an argument based on the assumption that it is immoral for some to shoulder the burden of a problem that is not their own doing (Caney, 2010). One way this has been framed in recent debates (Sandel, 2016) has been to ask why states like Norway and Sweden, which have had relatively low carbon footprints (Normann, 2021) and lack colonial histories- at least in the same sense as imperial countries such as Britain and France - should bear the burden. My upcoming critique takes Norway and Sweden, states praised as global leaders in the use of renewable energy, as starting points, but for a different reason than the assumption set out in this paragraph.

## The Pitfalls of State-Centric Approaches

### Green Colonialism

Large-scale wind energy projects, while viewed as a means of mitigating climate change, can violate human rights and worsen the problems of communities already battling to adapt to climate change, such as indigenous peoples. Wind farms in Norway and neighbouring Sweden occupy land used by the indigenous Sami people, who are native to the Arctic regions of Norway, Sweden, Finland, and Russia and rely on reindeer herding for subsistence (Aspden, 2022; Normann, 2021). The exploitation of indigenous people's rights can be described as a sort of *green colonialism*, in which their rights are violated by utilising environmentally friendly efforts such as wind power or minerals needed for green technologies as a justification (Aspden, 2022). Green colonialism is an injustice because, like *conventional* colonialism, it is a form of subjugation: it destroys local knowledge and inflicts violence through cultural denial, natural resource exploitation, and political oppression (Mudimbe, 2020), making it unjust. Both forms of colonialism can be considered to possess another layer of injustice in the context of the climate crisis as, along with the damage inflicted on indigenous peoples, cultures, and traditions; they erase distinct worldviews in which people live in harmony with nature.

We might ask what the injustice of green colonialism has to do with rejecting a state-centric strategy for climate preservation. I begin with Miller's (2009) reading of Locke's theory of property acquisition, which states that in justifying the existence of unequal opportunities to acquire resources, Locke used the example of the Native American as a benchmark to compare the English labourer who was unable to acquire resources to. The crux of this argument is that the labourer's inability to acquire resources had not disadvantaged them because their employment by others who had raised their standard of living when compared to the Native American. This form of Eurocentric thinking, which privileges colonial ideas and thought above indigenous epistemologies while promoted as the only right way of thinking, can be observed in current climate agreements. The Paris Agreement specifies that state sovereignty is given priority over indigenous sovereignty in definitive terms (UNFCCC, 2018). While paragraph 136 of the agreement allows indigenous peoples to voice their experience and knowledge about adaptation and mitigation measures, the state's prioritisation has resulted in their voices being limited when compared to those of their state governments (UNFCCC, 2018). Prioritising the views of states such as Norway has resulted in similar

instances of green colonialism occurring in poorer states encouraged to follow the Norwegian example; the expansion of palm oil plantations in Indonesia and Malaysia has likewise displaced indigenous communities (Abate and Kronk, 2013). This exemplifies a tendency in which indigenous peoples have been constantly marginalised, displaced, and excluded from genuine inclusion in political processes by colonial and now state powers. This is not only unjust but also counterintuitive, given that ensuring indigenous peoples' legal rights to their land is recognised as a powerful climate mitigation approach (Singh, 2023). It can, therefore, be argued that state-centric approaches overlook important non-state actor duty recipients. Malaysia and Indonesia's following in Norway and Sweden's footsteps also brings to light the initial complication in distributing state responsibilities concerning climate change: the intricate entanglement of power and obligation inherent in the transactional dynamics of state relations.

### Green Grabbing

I now shift my focus to the intricate relationship between power and responsibility mentioned above. Affluent states argued to bear the burden of aiding poorer states in reducing their carbon emissions and stand to gain from doing so. While climate-related issues may be more pressing in specific regions, the resolution is in everyone's best interest. Consequently, the affluent's duty to mitigate climate change is often accompanied by control over how this is achieved to ensure adherence to set targets. In the context of climate change, obligations are not without conditions; numerous instances of affluent nations 'assisting' less affluent ones have transpired through loan agreements, for instance (Corvino and Andina, 2023). Climate mitigation and adaptation are seldom treated as reparation issues in the state context, hence the preference for entering agreements over simply allocating funds without stipulations. This approach could arguably exacerbate the economic struggles of less affluent countries, perpetuating existing injustices rather than facilitating development.

For example, the EU, as part of its climate response, has recently endorsed a hydrogen transition encapsulated within its 2020 European Green Deal framework (AbouSeada and Hatem, 2022). This strategy envisages a shift to *green* hydrogen by 2050, relying heavily on a consistent supply chain from Africa, facilitated by the EU's financing of extraction operations on the continent (AbouSeada and Hatem, 2022). While this arrangement may appear to place the financial burden on affluent EU states, it implicitly imposes a different kind of cost on

less prosperous African countries. In return for financial aid, these states' natural resources are to be co-opted to aid the EU in meeting its climate strategy at the expense of local environmental development. This dynamic can be seen as an instance of 'green-grabbing' - a neo-colonial strategy where environmental goals are pursued by appropriating resources from poor regions (Leach et al., 2012). Thus, under the guise of eco-friendly initiatives, the balance of costs and benefits may inadvertently perpetuate global inequities by hindering genuine development. This complicates the issue of whether burdens are placed on the proposed duty bearers or recipients in practice and whether responsible parties with the ability to pay end up doing so. This is largely due to the transactional nature of state interactions which often leads to the coercion of the disadvantaged, which suggests that rich states ought not to be tasked with safeguarding poor states' interests.

### Inequality within States

My final criticism of a state-centric approach is that it overlooks inequities within states, influencing the title statement's conclusions regarding whom the duty bearers and recipients ought to be. According to the World Bank, income inequality has worsened in almost every country in recent decades (Singh, 2023). Recognising such internal inequities allows us to perceive the rich-poor split for what it truly is. The global population's top 20%, accounting for 80% of resource consumption, alongside India's wealthiest 1%, who receive 73% of the country's recent wealth, exemplify significant concentration of resources and economic disparities both on the global and state level (Singh, 2023; Heede, 2014). Similarly, those in need of assistance with the costs of combating climate change do not only reside in poor countries. The plight of coal miners in affluent states left jobless due to climate strategies and facing unfunded healthcare, pensions, and polluted communities, should be acknowledged alongside the contrasting actions of wealthy coal executives who grant themselves substantial severance packages (Shue, 2021). These discrepancies reveal that the oversimplified division between affluent and impoverished states masks the complexities of financial capacity, historical benefits, and contributions to past emissions. They likewise obscure who the duty bearers are and whom they have a moral duty to assist. The following section proposes a revised approach to rearranging inequalities to help the disadvantaged combat the climate crisis, considering my above criticisms.

## A Revised Rearrangement of Inequalities

As discussed in Section 1, the APP can be viewed as a pragmatic approach that strives to accomplish its objectives. Therefore, the criticisms presented in Section 2 may disregard the intended purpose of the statement by presenting normative ideals that do not effectively achieve any practical outcomes. The concern now is how to reduce the state's authority while attaining the same objective of supporting the marginalised to adapt and advance during the climate crisis. This section explores new entities tasked with adaptation and mitigation, reframing the issue as a dual challenge of reparation and decarbonisation.

The historical and present-day forces that bear responsibility for the ongoing inequalities in the climate crisis can be identified as the colonial powers of the past and the capitalist powers of the present. Past approaches have focused on the former, consequently adopting state-centric views. I focus on the latter to avoid falling into the same trap. Viewing dealing with the climate crisis as a matter of justice, I suggest that those who have benefited from exploitative capitalism, such as oil companies and large corporations, should pay the price. In line with rejecting the simplistic rich and poor state divide, the existence of such duty bearers in poorer countries as well as rich ones emphasises the complex global socio-economic system. Similarly, the fact that a small group of 90 corporations operating in both the global north and south is responsible for the majority of emissions since 1750 (Heede, 2014) highlights the borderless nature of the APP, BPP, and PPP principles, suggesting that non-state actors could be held liable. Governments, although complicit in facilitating exploitative capitalism and enabling emissions, can be regarded as secondary, indirect agents in many instances (Grasso, 2023). Therefore, in assigning duties, corporations are placed in the primary role, with governments serving as secondary duty bearers.

My proposition involves compelling affluent capitalist entities, such as oil companies, to retribute funds that will initially assist the most vulnerable in dealing with the economic and physical effects of the ongoing climate crisis. The remaining funds would then be directed towards financing carbon-free energy initiatives in states which lack them (which would likely be poorer ones), as well as impoverished areas within affluent states. This assistance should come without strings attached, such as the obligation to repay loans or follow a Eurocentric development model dominated by colonial thought. While states can play a subsidiary role in taxing these actors, they should not have the ultimate decision-making authority on how these funds are utilised. An illustrative example of implementing the ethical

principles of restitution without adopting a state-centric approach is the Conference on Jewish Material Claims Against Germany, also known as the Claims Conference. The Claims Conference is a non-profit organisation established in 1951 by 23 non-state actors to disburse funds to Holocaust survivors and related organisations (Zweig, 2001). While the Conference has engaged in negotiations with state actors, it has done so by identifying specific entities bearing duties, such as those involved in the theft of Jewish property, as well as complicit actors, such as museums that display stolen art (Zweig, 2001). I propose that we adopt a similar approach in the context of climate change. This approach would start by imposing duties on oil companies and major carbon-emitting corporations. Over time, the scope could be expanded to include other individuals with the ability to contribute, such as frequent flyers, meaning that the duty to help the poor develop and adapt can also lead to changes in lifestyle choices, further helping with tackling the climate crisis.

This approach would also provide safeguards to ensure that the poor within wealthy nations are not unduly burdened with the costs through taxation. Instead, they would be eligible for financial aid. The fund would be managed by non-state actors who would negotiate individually with both state and non-state actors rather than being the product of inter-state negotiations. It would engage marginalised indigenous peoples, climate experts and field experts, mirroring the inclusive and effective involvement of Jewish people and activists in the Claims Conference. This structure would maintain the fund's independence and impartiality to power dynamics, ensuring that the needs of the vulnerable are prioritised and the voices of the marginalised are not blocked out.

## Conclusion

This paper has advocated for a reconceptualisation of climate justice discourse that diverges from the prevalent state-centric methodology. Such an adjustment promotes a more precise assignment of responsibility, acknowledging the lingering effects of historical injustices and intra-state disparities. Concentrating on capitalist actors that have accrued wealth through environmental and human exploitation enables a just redistribution of duties. This suggested strategy, focused on the restitution of gains derived from ecologically destructive operations, implicates not merely state actors but also non-state ones, notably large corporations. The goal is to ensure a just and practical approach to the climate crisis that upholds the development rights of everyone, especially the most vulnerable and marginalised, wherever they may reside.



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