

INTERNATIONAL CLIMATE DEBT AND DISTRIBUTIVE JUSTICE
(“We can pay our debts to the past by putting the future in debt to ourselves.” - John Buchan, British novelist and politician)

Ashwin Telang

West-Windsor Plainsboro High School South

<https://doi.org/10.54922/IJEHSS.2023.0481>

ABSTRACT

As the effects of climate change worsen, poor nations call for climate justice. This Editorial conducts a holistic analysis of this call for climate debt. It examines merit of such calls by applying the three principles of distributive justice. It then demonstrates how international law obligates rich nations to redress poorer nations for climate abuses. Finally, it provides four ways that climate debt can be vindicated. While many developed nations have promised increased climate investment abroad, these are empty promises, plunging poorer nations into debt and insufficiently meeting their demands. This paper offers more comprehensive and justiciable pathway to repay climate debt to poorer nations.

Key Words: Climate change, distributive justice, reparation, developing nations, and compensation.

1. INTRODUCTION

Since the Industrial Revolution, when global warming was set into motion, nations have been slow to realize its effects.^[1] Before 1960, the global community ignored its dangers.^[2] Even now, when carbon-consuming nations urge climate action, their solutions brush aside poorer communities and nations — usually of whom endure the most severe consequences. At a time when warming can barely be undone, this injustice merits international attention.

There has come to be a scholarly consensus that the Earth’s climate is ‘a global common’ held by no nation.^[3] But this begs two questions. Should carbon-emitting nations be held accountable, and if so, how? How too should poor nations, who are the most climate-vulnerable, seek justice?

Since 2015, rich nations have spent nearly \$3.3 trillion on fossil fuel industries but only \$1.5 billion on the poorest nations.^[4] Wealthy states bear an inherent responsibility to maintain a healthy climate. Yet historically, they’ve exploited poor lands for fossil fuels and labor, using them to pollute Earth. But that’s only half of the story. As industrial nations enjoy fossil fuels, poorer nations face the greatest consequences today — floods, heatwaves, droughts, etc.

This article frames climate change as an *issue of imbalanced power*. First, it applies the three conditions of Distributive Justice to suggest why rich nations owe poor nations for their climate misconduct. Then, it analyzes international legislation that obligates rich nations to pay climate debt. Finally, it implicates many ways in which rich nations can compensate their poorer counterparts.

2. DISTRIBUTIVE JUSTICE

This section uses the broader principles of International Distributive Justice to guide a discussion of *why* rich nations must pay off their climate debt. Per these principles, rich nations owe poor nations under three conditions:

1. The most basic is reasoned in Mallard's *Politics of Reparations*.^[5] Typically, rich countries owe reparations to poor nations for their past misdeeds.
2. Political theorist, David A. Richards, argues that nations have a "natural duty of mutual aid."^[6] For example, if a poor nation suffers from deprivation (ex. starvation) or faces *disproportionate* effects from a tragedy, rich nations are obligated to provide aid.
3. Hume's *Treatise of Human Nature* suggests that when unfair trades or one-sided reciprocity occur between nations, wealth redistribution is necessary.^[7] Put differently, if one nation doesn't engage in fair play, they owe the other.

Reparations are triggered by injustice. Throughout history, wealthy, industrialized nations have "emitted three times as many greenhouse gasses as developing countries."^[8] Another glaring injustice: The US produced 20% of historical emissions while Sub-Saharan Africa, home to a billion people, produced 1% of emissions.^[9] In fact, "the average Ugandan produces less carbon than the average American refrigerator."^[10] Wealthy countries conceded that these ongoing emissions are a danger to the global climate. Nonetheless, no sturdy reparations have been made. As Professor Burkett puts it, poor countries that "suffer acutely [from climate change] are also those who are least responsible for the crisis."^[11] This fits Mallard's definition of a misdeed that requires rich nations to make reparation to the poor. It also exemplifies climate privilege. Wealthy nations can use the global ecosphere — a common for poor and rich nations — as a carbon dump without repercussions.

In a climate context, Richard's theory of mutual aid applies when one country is disproportionately affected by warming. Because poorer countries are typically located in the equator and Global South, they are more susceptible to warming. An S&P study found that poorer countries will be "four times more exposed to the risks of climate change than their rich peers by 2050."^[12] Already, Sub-Saharan Africa has been made 10% poorer by climate change.^[13] Meanwhile, India is 31% poorer, thanks to climate change.^[14] Geography doesn't only inflate the risks. In itself, extreme poverty in countries exacerbates the effects of climate change. Developing nations with less diversified economies, a lack of infrastructure, and weaker institutions cannot combat rising sea levels, dwindling crops, and destructive storms.^[15] Thus, there is a *clear climate bias* towards poor nations on two fronts: geography and capacity. *Regardless of if rich nations caused climate change*, the theory of mutual aid mandates that they help poor nations, which disproportionately confront the most damage.

The causation of climate change is a story of one-sided trades, unrestrained power, investment, and land-grabbing. Hume's theory posits that richer nations who create these unfair trades owe the disadvantaged, poorer nations. Throughout the European Colonial Era, rich nations used violence and exploitation to conduct deeply unfair trades with poor nations. Looted land, labor, and natural resources were used to stoke the European industrial revolutions — the cause of global warming.^[16] What's more, current investment agreements provide rich nations "with unfettered access to natural resources by restricting the ability of [poor] states to adopt health, safety, labor,

and human rights standards.”^[17] In effect, this prevents a poor nation from “adapt[ing] to climate change” and facilitates a rich nation’s overconsumption of carbon. The most modern iteration of such unfair trades places a further burden on poorer, oil-rich nations. To avoid pollution domestically, rich nations finance “dirty business overseas” and build “*smokestack industries*” in poorer countries.^[18] Such smokestacks directly contaminate air quality and cause lung damage in poor nations. To that end, these single-sided and unjust trades require rich nations to compensate the poor, according to Humean theory.

This section ultimately shows that poor nations experience structural violence from rich nations and climate change. Structural violence refers to an unfair distribution of privilege, power, or necessity that harms a group of people. In this case, rich nations have exercised their power to exploit poor nations and pollute the climate. This privilege engineers the systematic subordination of poor nations, pushing them into dire conditions. Using structural violence and the three pillars of distributive justice, the Climate-Debt Theory concludes that “the costs of adapting to climate change and mitigating it are the responsibility of the rich countries that created the crisis and [have the resources to end it].”^[19]

3. LEGISLATIVE OBLIGATIONS

This section advances two legislative frameworks for holding rich nations accountable for their climate wrongdoings: customary international law and environmental legislation.

The “No Harm” principle of international law holds that “no state may, in exploiting its territory, cause injury to the territory, property, or persons of another [territory].”^[20] Under this statute, wealthy states cannot disruptively consume carbon. While the specific effects of one nation’s carbon footprint are unclear, mounting scientific evidence demonstrates that excessive emissions can damage poor countries across the globe. Some scholars of customary international legislation also argue that the atmosphere falls under a “common concern of mankind.”^[21] Through the doctrine of state responsibility, each nation is liable for its own affairs with the climate. Simply put, the polluter must pay. Finally, the UN’s “Draft Principles on the Allocation of Loss in the Case of Transboundary Harm...” also calls upon states to develop transnational civil liability regimes.^[22] This serves as a channel for environmental damage liability and also falls squarely in line with the “polluter pays” principle.

Environmental treaties also obligate rich nations to pay climate debt. The Paris Agreement finds that rich nations are responsible for the damage climate change inflicts on poor nations.^[23] Article 3 of the 1992 UN Framework Convention on Climate Change (UNFCCC) requires rich nations to lead efforts to combat climate change and compensate poorer nations — yet few nations have followed this decree.^[24] The UNFCCC has also defined loss and damage as “the potential...impacts associated with climate change in developing countries.”^[25] Thus, its Warsaw Mechanism, which alleviates climate damage, calls for well-off nations to aid climate-vulnerable nations.^[26]

Despite all these legislative obligations, few rich nations have taken accountability and repaid suffering poor nations. Perhaps a new, more direct mechanism will be needed to catalyze redistributive justice.

4. COMPENSATING POORER NATIONS

While previous sections argue *why* rich nations owe poor nations, this section establishes *what* they owe. Because the effects of climate change are so extensive and injustice runs deep, rich nations owe many things. A one-time payment does not encompass a permanent solution or redress. Wealthy nations must steward their economic power toward poor nations in four ways: emission-based compensation, infrastructure, haven, and reparation.

Intrinsically, rich nations owe it to poor nations to limit carbon emissions as much as possible. This is since developing nations disparately suffer the effects of global warming. But since this hasn't happened, rich nations should proportionally pay poorer nations according to their own per capita carbon footprint. That way, poor nations that are most affected are served justice while rich nations are held accountable according to their emissions, not population. A group of scholars concluded that emission-based compensation would “implement the ethical maxim that all people should have equal rights to use the global commons.”^[27] In the broader scheme, this protocol should encourage rich nations to decrease their emissions by setting caps, investing in clean energy, and creating carbon tariffs. Quite simply, emission-based compensation is an impetus for climate action. To avoid predatory loan practices, compensation must take shape through grants, not interest-heavy investments. The United States recently committed billions of dollars to South Africa's green energy transition, but this investment will plunge South Africa into deepening debt in the long-run, only serving to enrich American investors.^[28]

Wealthy nations also owe technological and climate infrastructure to poorer nations. By deploying the resources for climate change adaptation — such as air purification, water management, flood prevention, storm preparation, and agricultural maintenance — rich nations can ease the dire conditions in poor nations they created.^[29] Wealthy nations should also work towards decarbonization and climate mitigation in gas-dependent developing nations. They owe renewable energy and clean infrastructure, especially to the oil-pipeline nations that they financed.

In the past 30 years, the number of people living in coastal, poor countries has increased to 260 million. But due to climate change, many will be displaced by violent weather hazards. These climate refugees are likely to increase, and the IEP predicts that by 2050 they will amount to around 1.2 billion people.^[30] So far, rich nations and the UNHCR have refused to grant refugee status to those displaced by global warming. Rich nations owe the citizens of their poorer counterparts a safe haven. In other words, rich nations wreaked climate havoc on poorer nations, and the 24 million people that fled such environmental disasters, at the least, deserve refuge.^[31] Large, rich nations, specifically, can pay off their climate debt by reforming their immigration policies to house climate refugees permanently.

By virtue of historical climate injustice, poor nations have recently called for reparations. Professor Burkett articulates that “a reparations framework for the climate vulnerable [is] a means of truly grappling with the profound moral problems that anthropogenic climate change has introduced.”^[32] A reparatory framework would address the various factors that prompted climate change — slavery, colonialism, and imperialism — many of which haven't yet received the reparations they have long deserved.^[33] Fully reimbursing poorer nations would finally balance a

history of unrestrained power. Citizens of wealthy nations argue that they shouldn't be responsible for their ancestors' wrongdoings. However, such wrongdoings give them the resources to thrive at the expense of poorer nations. Reparations, according to political strategist Tamara T. O'Laughlin, "respond to the ethical, financial, and civic necessity to wrestle with what the past has brought us."^[34]

5. CONCLUSION

It is well past time that rich nations start acknowledging their climate wrongs and acting on them. Redistributive mechanisms must be built in this spirit of *mea culpa*. The smoke that fueled the British Empire now drowns the marshlands of Bangladesh.^[35] And thanks to the United States, the Middle East is now composed of oil-pipeline nations — scorched every year by unbearable temperatures.^[36] As the effects of climate change become more severe, climate compensation becomes ever more important.

REFERENCE

- 1: Ahmed, F., Ali, I., Kousar, S. et al. "The environmental impact of industrialization and foreign direct investment: empirical evidence from Asia-Pacific region." *Environ Sci Pollut Res* 29, 29778–29792, 2022.
- 2: Cho, Renee. "Why Climate Change Is an Environmental Justice Issue." Columbia News, Columbia University, 16 Sept. 2020, <https://news.climate.columbia.edu/2020/09/22/climate-change-environmental-justice/>.
- 3: Risse, Mathias. "Who Should Shoulder the Burden? Global Climate Change and Common Ownership of the Earth." HKS Faculty Research Working Paper series RWP08-075, Dec. 2008.
- 4: Carrington, Damian. "Reckless: G20 States Subsidised Fossil Fuels by \$3TN since 2015." *The Guardian*, *Guardian News and Media*, 20 July 2021, <https://www.theguardian.com/environment/2021/jul/20/g20-states-subsidised-fossil-fuels-2015-coal-oil-gas-climate-crisis>.
- 5: Mallard, Grégoire. "'The Gift' Revisited: Marcel Mauss on War, Debt, and the Politics of Reparations." *Sociological Theory*, vol. 29, no. 4, pp. 225–47, 2011.
- 6: Richards, David A. J. "International Distributive Justice." *Nomos*, vol. 24, pp. 275–99, 1982.
- 7: Hume, David. "Treatise of Human Nature." Edited by L. A. Selby-Bigge, 2nd ed., Oxford University Press, 1978.
- 8: Tremmel, Joerg Chet. "Climate Change and Political Philosophy: Who Owes What to Whom?" *Environmental Values*, vol. 22, no. 6, pp. 725–49, 2013.
- 9: Wallace-Wells, David. "What Vaccine Apartheid Portends for the Climate Future." *The New York Times*, 24 May 2022, <https://www.nytimes.com/2022/05/24/opinion/covid-19-pandemic-vaccine-climate-change.html>.
- 10: Ibid.
- 11: Moe-Lobeda, Cynthia D. "Climate Change as Climate Debt: Forging a Just Future." *Journal of the Society of Christian Ethics* 36, no. : 27–49, 2016.
- 12: Ritchie, Greg. "Poor Nations Face Four Times More Climate Change Risk, S&P Warns." *Bloomberg*, 21 Apr. 2022, <https://www.bloomberg.com/news/articles/2022-04-27/poor-nations-face-four-times-more-climate-change-risk-s-p-warns>
- 13: Ibid.

- 14:** Garthwaite, Josie. "Climate Change Has Worsened Global Economic Inequality." *Stanford News Service*, 22 Apr. 2019, <https://news.stanford.edu/press-releases/2019/04/22/climate-change-economic-inequality/>.
- 15:** Conradie, Ernst M., and Hilda P. Koster. "Introduction: Christian theology and climate change in the North Atlantic context." *T&T Clark Handbook of Christian Theology and Climate Change*. 30 Jun. 2022.
- 16:** Acemoğlu, Daron. "The Economic Impact of Colonialism." *VOX & CEPR Policy Portal*, 30 Jan. 2017, <https://voxeu.org/article/economic-impact-colonialism>.
- 17:** Burkett, Maxine. "Root and Branch: Climate Catastrophe, Racial Crises, and the History and Future of Climate Justice." *Harvard Law Review*, 20 Apr. 2021, <https://harvardlawreview.org/2021/04/root-and-branch-climate-catastrophe-racial-crises-and-the-history-and-future-of-climate-justice/>.
- 18:** Monbiot, George. "Looting by Other Means." 10 Nov. 2021, <https://www.monbiot.com/2021/11/10/looting-by-other-means/>.
- 19:** Moe-Lobeda, Cynthia D. "Climate Change as Climate Debt: Forging a Just Future." *Journal of the Society of Christian Ethics* 36, no. : 35–49, 2016.
- 20:** "The Promise and Perils of Carbon Tariffs." *Harvard Law Review*, 11 Apr. 2022, <https://harvardlawreview.org/2022/04/the-promise-and-perils-of-carbon-tariffs/>.
- 21:** Birnie P, Boyle A and Redgwell C, "International Law and the Environment 3rd Ed." *Oxford University Press*, 2009.
- 22:** Mbengue, Makane Moïse. "Critical Assessment of Reparation in International Environmental Law." *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 110, pp. 293–97, 2016.
- 23:** U.N. Doc. FCCC/CP/2015/L.9/Rev/1, Article 8, 12, Dec. 2015.
- 24:** "Framework Convention on Climate Change, WMO Resolution 8 (EC-XLII) and Framework Convention on Climate Change, UNEP Resolution SS.II/3, adopted at the fifth meeting," 3 Aug. 1990.
- 25:** "Subsidiary United Nations Body for Implementation Thirty-Seventh Session." *United Nations Framework Convention for Climate Change*, 2012, <https://unfccc.int/resource/docs/2012/sbi/eng/inf14.pdf>.
- 26:** "Warsaw International Mechanism for Loss and Damage Associated with Climate Change Impacts (WIM)." *United Nations Framework for Climate Change*, <https://unfccc.int/topics/adaptation-and-resilience/workstreams/loss-and-damage/warsaw-international-mechanism>.
- 27:** Rosales, Jon. "Economic Growth, Climate Change, Biodiversity Loss: Distributive Justice for the Global North and South." *Conservation Biology*, vol. 22, no. 6, pp. 1409–17, 2008.
- 28:** Editorial Board. "A Deal to Help South Africa Is a Breakthrough for the World." *New York Times*. 14, January 2023. <https://www.nytimes.com/2023/01/14/opinion/climate-change-south-africa.html>
- 29:** Bosello, Francesco, et al. "Climate Change, Adaption." *Copenhagen Consensus Center*, 2012.
- 30:** Killelea, Steve. "Over One Billion People at Threat of Being Displaced by 2050 Due to Environmental Change, Conflict and Civil Unrest." *Institute for Economics and Peace*, 9 Sept. 2020, <https://www.economicsandpeace.org/wp-content/uploads/2020/09/Ecological-Threat-Register-Press-Release-27.08-FINAL.pdf>.

31: "World Development Report 2010 : Development and Climate Change." *World Bank*, 2010, <https://openknowledge.worldbank.org/handle/10986/4387>

32: Burkett, Maxine, "Climate Reparations." *Melbourne Journal of International Law*, Vol. 10, 1 Oct. 2009.

33: Táíwò Olúfẹ̀mí, and Beba Cibralic. "The Case for Climate Reparations." *Foreign Policy*, 10 Oct. 2020, <https://foreignpolicy.com/2020/10/10/case-for-climate-reparations-crisis-migration-refugees-inequality>.

34: O'Laughlin, Tamara Toles. "There's No Black Liberation without Climate Reparations." *Atmos*, 15 June 2021, <https://atmos.earth/climate-reparations-juneteenth-tamara-toles-o-laughlin/>.

35: Wallace-Wells, David. "The Uninhabitable Earth". *Penguin Books*, 2019.

36: Ibid.

Bibliography:

Articles:

Ahmed, F., Ali, I., Kousar, S. et al. "The environmental impact of industrialization and foreign direct investment: empirical evidence from Asia-Pacific region." *Environ Sci Pollut Res* 29, 29778–29792, 2022.

Bosello, Francesco, et al. "Climate Change, Adaption." *Copenhagen Consensus Center*, 2012.

Burkett, Maxine, "Climate Reparations." *Melbourne Journal of International Law*, Vol. 10, 1 Oct. 2009.

Burkett, Maxine. "Root and Branch: Climate Catastrophe, Racial Crises, and the History and Future of Climate Justice." *Harvard Law Review*, 20 Apr. 2021, <https://harvardlawreview.org/2021/04/root-and-branch-climate-catastrophe-racial-crises-and-the-history-and-future-of-climate-justice/>.

Mallard, Grégoire. "'The Gift' Revisited: Marcel Mauss on War, Debt, and the Politics of Reparations." *Sociological Theory*, vol. 29, no. 4, pp. 225–47, 2011.

Mbengue, Makane Moïse. "Critical Assessment of Reparation in International Environmental Law." *Proceedings of the Annual Meeting (American Society of International Law)*, vol. 110, pp. 293–97, 2016.

Moe-Lobeda, Cynthia D. "Climate Change as Climate Debt: Forging a Just Future." *Journal of the Society of Christian Ethics* 36, no. : 35–49, 2016.

Richards, David A. J. "International Distributive Justice." *Nomos*, vol. 24, pp. 275–99, 1982

Risse, Mathias. "Who Should Shoulder the Burden? Global Climate Change and Common Ownership of the Earth." HKS Faculty Research Working Paper series RWP08-075, Dec. 2008.

Rosales, Jon. "Economic Growth, Climate Change, Biodiversity Loss: Distributive Justice for the Global North and South." *Conservation Biology*, vol. 22, no. 6, pp. 1409–17, 2008.

"The Promise and Perils of Carbon Tariffs." *Harvard Law Review*, 11 Apr. 2022, <https://harvardlawreview.org/2022/04/the-promise-and-perils-of-carbon-tariffs/>.

Tremmel, Joerg Chet. "Climate Change and Political Philosophy: Who Owes What to Whom?" *Environmental Values*, vol. 22, no. 6, pp. 725–49, 2013.

Books:

Birnie P, Boyle A and Redgwell C, "International Law and the Environment 3rd Ed." *Oxford University Press*, 2009.

Conradie, Ernst M., and Hilda P. Koster. "Introduction: Christian theology and climate change in the North Atlantic context." *T&T Clark Handbook of Christian Theology and Climate Change*. 30 Jun. 2022.

Hume, David. "Treatise of Human Nature." Edited by L. A. Selby-Bigge, 2nd ed., Oxford University Press, 1978

Wallace-Wells, David. "The Uninhabitable Earth". *Penguin Books*, 2019.

Primary Documents:

"Framework Convention on Climate Change, WMO Resolution 8 (EC-XLII) and Framework Convention on Climate Change, UNEP Resolution SS.II/3, adopted at the fifth meeting," 3 Aug. 1990.

"Subsidiary United Nations Body for Implementation Thirty-Seventh Session." *United Nations Framework Convention for Climate Change*, 2012, <https://unfccc.int/resource/docs/2012/sbi/eng/inf14.pdf>.

U.N. Doc. FCCC/CP/2015/L.9/Rev/1, Article 8, 12, Dec. 2015.

Website:

Acemoglu, Daron. "The Economic Impact of Colonialism." *VOX & CEPR Policy Portal*, 30 Jan. 2017, <https://voxeu.org/article/economic-impact-colonialism>.

Carrington, Damian. "Reckless': G20 States Subsidised Fossil Fuels by \$3TN since 2015." *The Guardian, Guardian News and Media*, 20 July 2021, <https://www.theguardian.com/environment/2021/jul/20/g20-states-subsidised-fossil-fuels-2015-coal-oil-gas-climate-crisis>.

Chapman, Audrey R. & Karim, Ahmed. "Climate Justice, Human Rights, and the Case for Reparations," *Health and Human Rights Journal*, 23 (2): 81-95, 2021.

Cho, Renee. "Why Climate Change Is an Environmental Justice Issue." *Columbia News*, Columbia University, 16 Sept. 2020, <https://news.climate.columbia.edu/2020/09/22/climate-change-environmental-justice/>.

Garthwaite, Josie. "Climate Change Has Worsened Global Economic Inequality." *Stanford News Service*, 22 Apr. 2019, <https://news.stanford.edu/press-releases/2019/04/22/climate-change-economic-inequality/>.

Killelea, Steve. "Over One Billion People at Threat of Being Displaced by 2050 Due to Environmental Change, Conflict and Civil Unrest." *Institute for Economics and Peace*, 9 Sept. 2020, <https://www.economicsandpeace.org/wp-content/uploads/2020/09/Ecological-Threat-Register-Press-Release-27.08-FINAL.pdf>.

Monbiot, George. "Looting by Other Means." 10 Nov. 2021, <https://www.monbiot.com/2021/11/10/looting-by-other-means/>.

O'Laughlin, Tamara Toles. "There's No Black Liberation without Climate Reparations." *Atmos*, 15 June 2021, <https://atmos.earth/climate-reparations-juneteenth-tamara-toles-o-laughlin/>.

Ritchie, Greg. "Poor Nations Face Four Times More Climate Change Risk, S&P Warns." *Bloomberg*, 21 Apr. 2022, <https://www.bloomberg.com/news/articles/2022-04-27/poor-nations-face-four-times-more-climate-change-risk-s-p-warns>

Táíwò Olufémi, and Beba Cibralic. "The Case for Climate Reparations." *Foreign Policy*, 10 Oct. 2020, <https://foreignpolicy.com/2020/10/10/10/case-for-climate-reparations-crisis-migration-refugees-inequality>.

Wallace-Wells, David. "What Vaccine Apartheid Portends for the Climate Future." *The New York Times*, 24 May 2022, <https://www.nytimes.com/2022/05/24/opinion/covid-19-pandemic-vaccine-climate-change.html>.

“Warsaw International Mechanism for Loss and Damage Associated with Climate Change Impacts (WIM).” *United Nations Framework for Climate Change*, <https://unfccc.int/topics/adaptation-and-resilience/workstreams/loss-and-damage/warsaw-international-mechanism>.

“World Development Report 2010: Development and Climate Change.” *World Bank*, 2010, <https://openknowledge.worldbank.org/handle/10986/4387>