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Climate Justice

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Chapter 3

Climate Justice

3.1. Painful Ethical Questions

Who dies first as a result of climate change? This question is no more theoretical as it seemed to be twenty years ago. It is a reality of life and death every day for millions of victims of droughts or storms. It is a painful question for thousands of decision makers about social priorities to mitigate climate change with limited resources. Since death as a result of climate warming is not a natural disaster, but a human-made catastrophe – in this aspect, the world community has reached a common view – the question becomes even more painful: Not “Who dies first?” as a fate, but “Whom do we sacrifice first?” as a result of human activity or non-activity: The population of the small islands in the Pacific, whose land disappears and where the president of the Maldives already looks for another land for his people? The children in the slums of the megacities suffering from hunger because of high food prices? The older people in industrialized countries, infected by new kinds of diseases due to climate warming? The victims of storms or broken dams?

Humanity on this globe became one global village. It is a rather romantic description of life on earth. More drastic is the image that humanity lives on the same boat and starts to

push weaker participants over the railing of the boat in the sea. This picture related to global warming is probably more adequate. Human beings with some sense of morality – as we all claim to be – do not want that other human beings die, but it nevertheless happens every day. The boat is not full and has enough space for other human beings. But where are the resources to feed them, to cure them, to protect them? Who has the will and the power to decide the fair distribution of existing resources or about the development of new natural, financial, technical, structural, and spiritual resources to deal with climate change and minimize the number of victims? Who has to pay and how much should be paid for the damages caused by climate warming? Is the polluters' pay principle appropriate?

The questions around climate justice are similar to those in health policy: How much should be invested in HIV-AIDS medicine? What shall be the proportions: More in healing or in prevention? Why so much in this disease and so little in fighting malaria? Is it just and justified to spend 1000 Swiss Francs per day for an eighty-five year old patient in a hospital in Switzerland, while for the same amount 100 children in Africa could be prevented from eye diseases? Does the encouraging increase of global funds against HIV-AIDS from one to 10 billion US dollars per year within the last ten years, show the direction we have to go with climate related funds? These are but painful questions related to health, basic needs, emergencies as well as climate change.¹

¹ACT Alliance, the international emergency organization of Churches, emphasized the effects of climate change on emergencies and development. See, <http://www.actalliance.org>.

3.2. From Climate Change to Climate Justice

The questions that we have posed above show that the central question is no more, *if* climate change will happen and if it is a human-made disaster, what possible effects on health, environment, migration, politics, economy, and culture will come up. The answers became quite clear after over twenty years of studies, experiences, and conferences (even if further studies especially to foresee coming disasters will be welcome and necessary). Ban Ki-Moon, UN Secretary General, during the 20th anniversary of the International Panel on Climate Change IPCC on 31 August 2008, emphasized that climate change is a great threat for the UN Millennium Development Goals.² *The basic ethical question today is how to invest and distribute limited resources for the threefold duty of prevention, mitigation, and adaptation related to climate change in order to minimize the number of victims.* For, climate change becomes a question of global climate justice.³

3.3. Basic Value: Justice

The raised questions “Who dies first?” and “Who pays how much?” are basically questions about justice. Of course, other values such as responsibility and solidarity play an important role in ethical reflections about climate change. In this contribution on Climate Justice, I, however, concentrate

² More information on the website of the Intergovernmental Panel on Climate Change IPCC [online]: <http://www.ipcc.ch>.

³ See also *Wege aus der Klima und Entwicklungskrise? Welt-Sichten*, Dossier 10/2008, ed. Brot für Alle / Evangelischer Entwicklungsdienst, download: http://www.diakonie-katastrophenhilfe.de/downloads/ws_Dossier_10-2008_web2.pdf.

on the value justice/equity.⁴

Justice as the just and fair distribution of chances, burdens, and responsibilities is a key value in all ethical systems and all societies throughout history. But its interpretation and weight compared to other values differ a lot. Let us mention a variety of *dimensions of justice* in its meaning for climate justice. *Climate Justice means just and fair instruments, decisions, actions, burden sharing, and accountability for the prevention, mitigation, and adaptation related to climate change.*

3.3.1. Capability-Related Justice

Capability-related justice means that every person and institution has the duty to contribute towards solving problems on the basis of their capability. That is, in relation to climate justice, everybody can and should contribute according to his/her physical, economical, political, intellectual, and spiritual capabilities. An economically strong person, institution, company, or state has to contribute more than an economically weak person, institution, company, or state to resolve the climate challenges.

3.3.2. Performance-Related Justice

Performance-related justice means that every person or institution involved in human activities (such as the

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Climate Justice became worldwide the major ethical term in preparing for the Copenhagen Conference in 2009. See Mascia, Matteo/Mariani, Lucia (eds.), *Ethics and Climate Change. Scenarios for Justice and Sustainability*, Padova: Fondazione Lanza, 2010.

production, trade, sale or disposal of a product or service) must be given his/its due (e.g., salary) on the basis of performance. That is, related to climate justice, an activity which reduces greenhouse gas emissions is a good performance and should be rewarded respectively.

3.3.3. Needs-Related Justice

Needs-related justice means that basic human needs and rights (i.e., the subsistence minimum, a life in dignity, and the right to food and water) should be taken into consideration for every person and institution. That is, related to climate justice, every person has the right to survive and to be supported in managing adaptation to climate change independent of his/her capability and performance.

3.3.4. Distributive Justice

Distributive justice ensures that access to resources, such as goods and services, is distributed fairly, taking into account the balance of capability, performance, and needs. That is, related to climate justice, financial or other resources that decrease negative effects of climate warming on human life should be distributed first according to needs, but also taking into account performance and capabilities so that the overall disparity between people becomes smaller and not larger.

3.3.5. Justice as Equal Treatment

Justice as equal treatment means that all human beings have the same human rights and the right to equal treatment independent of capabilities, performance, needs, origin, and characteristics (such as gender, colour, race, religion). That is, related to climate justice, measures related to prevention,

mitigation, and adaptation of climate have to respect equal treatment of all people affected.

3.3.6. Intergenerational Justice

Intergenerational justice means a sustainable use and a fair distribution of resources, as well as a reduction in and a fair distribution of ecological burdens among generations living today and future generations. That is, related to climate justice, decisions have to respect the needs for a life in dignity of future generations which have the same right of equal treatment as generations living today.

3.3.7. Participatory Justice

Participatory justice means the fair and appropriate participation in decision-making of all those affected by a problem and the ensuing decisions. That is, related to climate justice, decisions on climate related policies should be taken by democratic participation of the population and its representatives on the different levels, from local to global.

3.3.8. Procedural Justice

Procedural justice means calculable, constitutionally (publicly and privately) regulated, transparent, corruption-free and, thus, fair procedures in all interactions. That is, related to climate justice, the decisions related to climate warming and their implementation (such as access to financial resources, climate related taxes or incentives, media information) have to follow the mentioned criteria of procedural justice.

3.3.9. Functional Justice

Functional justice means a fair and optimal relation among needs of persons and structural necessities of institutions, processes, and resources. It is a question of functional justice, where, when, and to whom to allocate how much and which kind of resources. That is, related to climate justice, functional and organisational aspects of allocation and distribution of limited resources are keys for a fair solution of climate challenges.

3.3.10. Punitive Justice

Punitive Justice means the punishment of actions that violate justice. The goal is retaliation, deterrence, or overcoming of existing injustice. That is, related to climate justice, wherever climate justice is violated – and this violation is ethically as severe as other injustices – measures of punitive justice have to be taken into account as for other injustices.

3.3.11. Transitional Justice

Transitional justice means a provisional justice in transforming societies where ordinary or regular institutions and procedures may be absent or in reconstruction (e.g., in post-war situations or after a revolutionary change of the structures of a society). That is, related to climate justice, in exceptional situations such as after emergencies, accelerated procedures for decisions and aid and exceptional instruments such as amnesty (which is not impunity) may be required and ethically justified.

3.3.12. Restorative Justice

Restorative justice means a common solution of the perpetrator/s and the victim/s in order to restore justice from

occurred injustice by compensation, reparation, and/or reconciliation. That is, related to climate justice, climate injustice takes place daily because those who suffer most from the negative effects of climate change are not those who cause it. Decisive and courageous measures of the polluters, especially the industrialised countries, would be measures of restorative justice.

3.3.13. Transformative Justice

Transformative justice means a process of transformation and renewal of reality towards justice, especially to overcome situations of injustice. It is a creative and ongoing process which goes beyond punitive or restorative justice. That is, climate justice is not a single decision or act, but an ongoing process which leads to a fundamental transformation of societies in their relations, use of natural resources, distribution of goods and services, and sustainable policies. Climate justice is not the result of one or the other isolated action but a holistic process of transformation.

3.3.14. On Time Justice

‘On Time’ justice means that justice is bound to the right time of decision and action (in German: *zeitgerechte Entscheide*, *Zeit-Gerechtigkeit*, in Greek: *kairos*, meaning “the right moment”). If a measure is taken too late and the patient or victim dies, injustice has happened and, then, it is difficult to restore justice. This means that, in relation to climate justice, in order to prevent and mitigate further climate victims, measures have to be taken on time. The fast climate warming needs steps on time: it implies the

necessity to act *now*. The time factor is one of the most important to implement climate justice.

Some of these fourteen aspects of climate justice are in tension to others and it is difficult to implement all of them at the same time. The goal of the list is to be aware that climate justice is not an empty or arbitrary new slogan, but a fundamental value with concrete and challenging content.

3.4. Some Ethical Guidelines for Climate Justice

How can these aspects of climate justice help to find ethical guidelines for the crucial, above mentioned question, “*How to invest and distribute limited resources for the threefold duty of prevention, mitigation, and adaptation related to climate change in order to minimize the number of victims?*”

First of all, guidelines can only indicate a general direction. For concrete decisions, the respective situation has to be analyzed and the guidelines have to be interpreted and adapted according to the concrete situation. In many situations, conflicts between values exist and need a prioritization, which can ethically be solved by preferential rules (if case A, then priority X, if case B, then priority Y, etc.). The following guidelines should help us to prioritize and to solve conflicts between different values. Such conflicts are the criteria for benefit sharing, burden sharing, power sharing, or space sharing.⁵

⁵ See Christoph Stückelberger, *Umwelt und Entwicklung: Eine sozialetische Orientierung*, Stuttgart: Kohlhammer Verlag, 1997, 30-33 (case study on the UNCED climate convention).

3.4.1. Volume of Resources

Before looking for preferential rules for the operation of limited resources for climate justice, the first effort must be to increase the overall amount of resources available. Resources available to solve a problem reflect the priority given to the problem and the ethical values behind this prioritization. Since climate change affects the whole humankind, including future generations and non-human beings, high priority has to be given to this challenge. The volume of resources is composed of financial resources from governments, private donations, profitable business activities, but also non-financial resources such as human, organizational, intellectual, and religious resources. In order to substantially increase financial resources, a global climate fund, as proposed by the Swiss Government and others, is one important instrument. The taxation of CO₂ emissions reduces the emission and generates funds for mitigation and adaptation.

3.4.2. Prevention

Prevention aims at avoiding climate victims by early actions. Prevention respects the goal of minimizing the number of victims and supports intergenerational justice, i.e., to avoid future victims. It has – like mitigation – ethically speaking, a higher priority than adaptation because it avoids instead of curing victims or minimizing its number. The measures are more efficient because the costs are lower than for adaptation.

3.4.3. Mitigation

Mitigation aims at reducing already existing negative effects and at slowing down the development of such effects and the number of victims of climate change. There is no doubt that mitigation becomes more and more important since climate change already happens.

3.4.4. Adaptation

Adaptation aims at accepting new climate conditions and adapt the own living place (including eventual need to emigrate or accept immigration), lifestyle, production, technologies, spiritual roots, nonviolent ways of conflict management, etc.). Justice related to capability, performance, and needs will be re-interpreted: Capability will more and more have to include the capability to adapt to the new challenges. The capability to adapt will be rated as a better performance. The needs will include as of now the basic human needs, but will in addition include the need of adaptability.

3.4.5. Interlinked Instruments

Instruments for prevention, mitigation, and adaption are often *interlinked*. To plant trees, to reduce CO₂ emissions by reducing fossil energy consumption, etc., are preventive measures and help at the same time for mitigation and adaption. The danger is that the international community invests more and more in curative measures such as emergency aid and has less and less resources for preventive measures such as long-term developmental cooperation and technological innovation in the service of climate prevention.

3.4.6. The Polluters-Pay-Principle

The Polluters-Pay-Principle means that the polluter has to pay the costs of the damage caused by his behaviour or action. The principle is broadly accepted in environmental ethics and it is put into practice in many countries in specific areas such as waste management, but in climate responsibilities it is not yet implemented, for the obvious reason that the polluters who emit CO₂ and other climate relevant emissions, fear heavy financial burdens. The (climate related) taxes on fossil energy have to be multiplied if the principle is taken seriously.

3.4.7. The Capability-to-Contribute-Principle

The Capability-to-Contribute-Principle means that responsibility is not only related to the causer of pollution but also to the economic and structural capability to contribute to a solution. This capability includes not only financial payments, but also the contribution by scientific research, structural and political support, spiritual orientation and encouragement, etc. Responsibility is not only related to direct causes of one's action, but also one's capability to solve a problem. A medical doctor in an airplane is obliged and responsible to help a patient independent of his/her relationship to him/her.

3.4.8.

Responsibility and Capability Index

The Responsibility and Capability Index (RCI)⁶ is a very helpful measuring instrument, which corresponds to the Polluters-Pay-Principle as well as the Capability-to-Contribute-Principle. The RCI combines the cumulated CO₂ emissions of a country and its purchasing power parity and the distribution of wealth. The industrialized countries, therefore, have the biggest share to pay, but developing and transition countries with purchasing power and wealthy elite are called to contribute accordingly. This country index shows a way of climate burden sharing. It is an ethically serious effort to make climate justice measurable and politically operational.

3.4.9. Positive and Negative Sanctions

Justice, in general, as well as climate justice, in particular, can be strengthened by positive sanctions (such as incentives, repayments, awards, facilitated access to services, etc.) and negative sanctions (taxes and other burdens, punitive measures, court). Positive sanctions are

⁶ It is developed as part of the Greenhouse Development Rights (GDR), mainly developed in Great Britain by Development Agencies such as Christian Aid, supported by others like Bread for all/Swiss Catholic Lenten Fund in Switzerland. See www.ecoequity.org/GDRs.

ethically preferable, because they encourage the right behaviour. But negative sanctions to establish punitive justice are often also necessary, especially to change the behaviour of those “black sheep” who do not respond to positive sanctions. Both mechanisms presuppose that CO₂ emissions are seen as a severe, unethical misbehaviour.

3.4.10. Efficiency and Transparency

Efficiency and transparency are key factors of good stewardship using limited resources. The efficient use of resources (energy, capital, organizational structures, intellectual creativity, etc.) allows reducing costs, helping more people and saving more lives. It is an expression of responsibility and sustainability for future generations. Transparency supports the efficient use of limited resources by reducing corruption, abuse, and wrong investments. Transparency and efficiency are important aspects of procedural justice.

3.4.11. Market-Related Instruments

The international free market mechanism substantially contributes to general economic growth and to global interaction and peace. Programs like “Financing for Climate: Innovative Solutions and New Markets”⁷ try to win the private sector to take climate change as a business opportunity. Without private investments, climate-related funding will never be enough. But market-related instruments alone could not and cannot solve three such

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It is the title of a Conference of the State Secretariat for Economic Affairs of the Swiss Government, the International Finance Corporation IFC and Swiss Re, 11-12 September 2008, held in Zurich.

major problems, making them even more severe: poverty eradication, fair distribution, and climate stabilization. Climate change today can be seen as the biggest market failure in human history.⁸ Can the market then take a chance to solve it? From an ethical point of view, the answer can be found in the criteria for climate justice: if and wherever the market mechanism strengthens the different above mentioned forms of climate justice, it has to be supported. If and wherever it weakens or violates the different forms of climate justice, the free market has to be replaced or accompanied by binding corrective instruments such as social and environmental laws regulating the markets. Many encouraging examples show that companies gain profit and reputation from activities to reduce climate relevant emissions.⁹ In this ethical perspective, the trading of CO₂ certificates is one specific form of positive and negative sanctions, based on the market mechanism. As long as it really contributes to worldwide CO₂ emissions and climate justice, it is ethically positive. But if it is abused to circumvent legal restrictions in a country, to avoid reorientation of activities towards climate justice and only to get moral “purification” and indulgence, it has ethically to be refused.

⁸ This is the view of the Stern Report, “Stern Review on the Economics of Climate Change,” HM Treasury, UK 2006. www.hm-treasury.gov.uk/independent_reviews.

⁹ Swiss Re, *Pioneering Climate Solutions*, Zurich: Swiss Re, 2008.

3.4.12. Care for the Weakest

“Solidarity with the Victims of Climate Change” was the programmatic title of an important statement of the World Council of Churches in 2002.¹⁰ To care for the most vulnerable groups of people in cases of emergency corresponds to the human ethos in many cultures and especially in the Judeo-Christian value system. “The option for the poor” as formulated in the liberation theology is an expression of it. To care for the victims and the weakest among them offers a guideline for decision making also related to climate justice. But, in concrete, it opens, at the same time, a lot of questions: Who are the victims? Who are the weakest among them? The children, women on Fiji Island who lose their agricultural land or the elderly people in a suburb of Paris dying from heat? Moreover, does justice as equal treatment not require that all people in danger get the same treatment? Since there are many more people who need support for mitigation and adaptation than actual resources are available, what are the additional selection criteria: political preferences and calculations which, in fact, are often the case? Or, economic conditionality? Or, where there is the greatest chance, empowerment of weak groups of people leads to efficient solutions and use of scarce means?

The first step is to honestly recognize that support is often not given to the weakest even if one accepts it as an ethical criterion. A second step is to look for preferential rules in case that some of the above mentioned aspects of justice

¹⁰

www.oikoumene.org.

compete with each other. It may sound provocative: To give priority to the weakest may meet the needs-related justice, but is not in each case the most ethical decision because it may not recognize other aspects of justice. In some cases, it may save more lives if priority is given to people with an efficient, well performing way to use the limited resources and, therefore, can then support others to survive. Hence, *an ethical preferential rule* may say: In general, priority is given to the weakest. In case where somebody or a group of people who do not belong to the weakest, but to those who better perform and are better capable using limited resources to save more people, priority may be given to them. The justification of this preferential rule is the number of lives to be finally saved.

3.4.13. Institutionalized Solidarity

Solidarity needs voluntary care and charity activities. Solidarity has at the same time to be implemented by binding institutionalized instruments. New forms of climate related insurances are forms of institutionalized solidarity. Drought or flood insurances for small farmers in poor countries, similar to and combined with microcredit, provide an example.¹¹

3.4.14. Urgent Legislation

The speed of climate change shows that binding measures for prevention, mitigation, and adaptation have to be taken much faster than in the last twenty years. The reasons for the

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See the recommendations of the Round Table on “Are the Right Risks Insured?” at the Global Humanitarian Forum Geneva, 24 June 2008, [online]: www.ghf-ge.org.

too slow process in the past have been the lack of political will, but also slow democratic decision making processes. In Switzerland, the parliament seeks since more than ten years a compromise for a CO₂-legislation. On-Time-Justice is crucial in order to reduce the number of victims. Urgency legislation by governments on CO₂-reduction measures may be necessary and ethically justified even if it can limit the participatory justice. In emergency situations, the rights to food, water, and survival have priority over the right to participation in decision making (and participating in avoiding timely decisions).

3.5. Threats or Opportunities?

An advertisement of Allianz Insurance reads: “Climate Change is a business (a) threat, (b) opportunity.” The private sector starts to speak about climate change not only as a threat, but also as an opportunity, based on human experiences that a crisis can also lead to renewal. It can motivate people, institutions, and companies to do something to solve or at least reduce the problem. Companies interpret opportunities as business opportunities for new products and services. The global “Carbon Disclosure Project” (CDP), a network of 315 institutional investors representing 41,000 Billion US dollars of assets, looks for climate related risks and chances of companies they invest in. This project is very important because it again uses economic mechanisms to redirect investments and activities in a climate-friendly direction. 77% of the 50 large Swiss companies, involved in the Survey, see climate change as a risk for their business (due to new regulations, reputation risks, etc.), 72% also as an opportunity for new products and services of the company,

for comparative advantages in the market and for a way of differentiating themselves.¹² A global news service, specialized on climate change information for business opportunities, has begun operation in 2008.¹³ The limitation of this view is that it sees opportunities only from the perspectives of companies. But it is worth to reflect how climate change can be an opportunity for other sectors of society and the humankind as a whole. I propose at least five more responses in addition to the business opportunities:

1. Climate change shows, as never in the past, how much all human beings depend on each other. It is more than the global village metaphor; it is the concrete experience of global *interdependence* and interconnectedness which is an opportunity for increased *solidarity* and mutual responsibility. The ethical golden rule (do to others what you want them to do for you) becomes even more evident.
2. Climate change shows that isolated actions are not enough, but that multilateral coordinating *global structures* and mechanisms are needed to solve the problem. Unilateral, bilateral or autonomous actions alone cannot bring mitigation and adaptation.

¹² Carbon Disclosure Project 2007. Erste Umfrage in der Schweiz unter 50 Unternehmen des SMI Expanded, hg. Von Pictet and Ethos Foundation, Geneva 2007, 13, 49-51.

¹³ www.climatechangecorp.com. To order the newsletter: newsletters@climatechangecorp.com.

3. A *new lifestyle and society*¹⁴ which is not based on fossil energy and carbon emission is possible. It needs a lot of adaptation but opens new opportunities for new lifestyles. To leave existing lifestyles and look for new ones is an inner journey which needs processes of departure, mourning, and re-orientation as psychological and spiritual processes.
4. The crisis of climate change is a chance for increased *inter-religious cooperation*. Not only all sectors of societies, but also all religions are challenged. They have to find answers to burning spiritual questions related to climate change and to find ways of intensified cooperation in common actions and of raising awareness.
5. Climate change may hopefully be taken as opportunity for *deepening and renewing faith*, giving space for mourning and power for hope, expressed in new and renewed confessions of faith.¹⁵

¹⁴ See Schweizerischer Evangelischer Kirchenbund (2008): *Energieethik*, SEK Position 10, Bern.

¹⁵ Churches formulated confessions related to globalization and economic injustice, e.g., the World Alliance of Reformed Churches with the "Accra Confession" 2004. Others ask, if Climate change will be part of new confessions: "*Gehört auch der Klimawandel in ein neues Bekenntnis?*" *Reformierte Presse* Nr. 30/31 25. Juli 008, 6-7.