Moral Foundations for Global Environmental and Climate Justice

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Aspirations for global justice have, in the last two decades, found their most radical expressions in the context of global environmental governance and climate change. From Rio de Janeiro through Kyoto to Copenhagen, demands for international distributional justice, and especially North–South equity, have become a prominent aspect of international environmental negotiation. However, claims for international environmental and climate justice have generally been deployed in the form of instinctive gut reaction than as a closely argued concept. In this paper, I outline the ways in which issues of international justice intertwine with notions of global environmental sustainability and the basic premises on which claims for North–South equity are entrenched.

1. The link between environmental and social justice

Environmental issues have provided space for the 'loudest' and most radical demands for global distributional justice over the last two decades. Contrary to traditional approaches in which the notion of environmental sustainability was firmly linked with species' conservation, market efficiency or technological innovation, it is now widely acknowledged that some of the main controversies surrounding the paradigm of sustainable development and global climate governance revolve around questions of justice.[1]

The 'unavoidability of justice'[2] in the pursuit of environmental sustainability resides in the fact that environmental issues are *not* distinguishable but rather interwoven, into the fabric of racial, social and economic (in) justice. One of the clear ways in which this

[1] World Commission on the Environment and Development (WCED), *Our Common Future* (Oxford: Oxford University Press, 1987).

[2] H. Shue, 'The Unavoidability of Justice', in A. Hurrell and B. Kingsbury (eds), *International Politics of the Environment: Actors Interests and Institutions* (Oxford: Clarendon Press), 373.

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manifests, is 'that the effects of environmental degradation are not necessarily experienced as costs by the people who cause – and most benefit – from them'.[3] In other words, environmental costs and benefits are often distributed such that those who already suffer other socio-economic disadvantages tend to bear the greatest burden. Thus understood, environmental degradation and ecological crisis for a wide majority of people, become, as Lorraine Elliot puts it, 'symptomatic of a broader structural oppression and silencing'.[4]

In international fora, questions of distributive justice arise manly in the context of North–South equity and mostly involve 'the justice of the international allocation of the costs of dealing with global environmental problems'.[5] That is, the ways in which the costs and benefits of any policy should be shared out between the rich and the poor countries. The political South generally emphasizes the need for solutions that recognise and reflect differentials in contribution, vulnerability and capabilities. The political North, on their own part, tend to emphasize corruption and population growth in the South and on this basis question the fairness of suggestions that they should bear a disproportionate burden of global environmental co-operation. Some of the debates also relate to, and draw from, broader issues of structure and patterns of international economic and social relations.

However, claims for justice in global environmental institutions for the most part have been subject to little definitional and philosophical precision. In general, the notion of environmental justice has been 'deployed more as an instinctive gut reaction than as a closely argued concept'.[6] There are of course some extensive and rigorous treatments but generally the impulse has been 'to call for environmental justice as a response to perceived injustice judged through observations of unreasonable inequality in outcomes'[7] and apparent lack of fair treatment of countries that are already considered marginalized and disadvantaged. The overall situation remains one in which the rhetorical inflation in claims for North–South distributional

[3] T. Hayward and J. O'Neill, (eds), Justice, *Property and the Environment: Social and Legal Perspectives* (Aldershot, Brookfield: Ashgate), 1.

[4] L. Elliott, *The Global Politics of the Environment* (London: Macmillan Press, 1997), 147.

[5] Op. cit., note 2, 373.

[6] G. Walker H. Bulkeley, 'Geographies of Environmental Justice', *Geoforum*, **37** (2006), 656.

[7] Ibid., 656.

justice in international environmental regimes have not produced corresponding self-conscious conceptual treatments of the assumptions upon which these claims are entrenched. Given that there are some shared commonsense understandings of justice it might be argued that there is no need for further deliberation and clarification and that the focus should be in designing a fairer system. However, as questions of justice become more acute in the international negotiation circles, and given mounting evidence that the proliferation of justice claims has not necessarily translated into significant equity policies, there would seem to be an increasing need for more robust conceptual treatments.

My aim in this article is to facilitate a more structured debate on the core themes and grounds for international environmental justice. I attempt to do this by outlining the basic premises for claims of North–South distributional justice in the context of global environmental sustainability. These include the: (i) factuality of natural resource limits; (ii) negative social and ecological externalities of economic globalisation; and (iii) need for greater democracy and participation in international environmental decision-making. Furthermore, drawing mainly from the problem of climate change, I suggest that the central obstacle to global environmental co-operation has to do with the failure of relevant governance regimes to attend seriously to questions of North–South distributional justice.

2. Biophysical Limits and Ecological Space

The notion of natural limits occupies a central position in the paradigm of sustainable development. Whether one's concern is climate change, the hole in the Ozone layer, biodiversity loss or the degradation of world's fisheries, the key underlying notion is that there is a limit to which the earth system can be pushed without altering it beyond a state that is conducive for life. The basic tenet of the notion of limits is, that the planet is a materially finite and non-growing system. There are of course huge debates over where these limit lie; the possibility of finding out and the degree of uncertainty that can or should be tolerated. And by the way, these debates are not purely scientific but inherently moral and ethical questions.[8] At any

[8] See M. Charlesworth and C. Okereke, 'Policy responses to rapid Climate change: An epistemological critique of dominant approaches', *Global Environmental Change*, 20(2010), 121–129.

rate, only a few would reject, at least on a thought level, the idea that limits exist.

The concept of ecological limits is foundational in the discourse of global environmental justice because questions about rights over resources and the fairness of appropriation, use and distribution within communities and nation states have always been predicated upon conditions of critical natural capital. Interestingly, one of the first notable works to explicitly link the idea of distributional justice with the concept of natural limits was John Locke's *Two Treatise of Government*.[9] In this work, Locke was among other things concerned with the conditions under which the appropriation of natural resources by members of a given political community may be considered just and defensible. After affirming that 'the vast resources of the earth and all the "inferior creatures" [there in] belong commonly to all men',[10] he argued that the appropriation which is justified is one that leaves 'as much and as good'[11] for other men to appropriate. In other words, Locke's position was that it is unjust to take from nature quantities of resources that deprive other men of equal chances to appropriate. He was clear about the need for prudence and fairness in appropriation, observing that '…what portion a man carved to himself, was easily seen; and it was useless, as well as dishonest to carve to himself too much, or take more than is needed'.[12] Hence, although Locke is generally regarded as the *locus classicus* on property rights, a dispassionate reading would indicate that his idea of property rights and accumulation has strong moral and ethical boundaries. Quite clearly, for Locke, justice in appropriation is determined by the level of abundance of the particular resource under consideration.

The problem, of course, with Locke was that he assumes limitless natural resources, suggesting that 'there would always be more than the yet un-provided for could use'.[13] However, the failure to pre-empt resource limits does not vitiate the importance of Locke's argument linking environmental sustainability with distributional justice.

In a different but equally striking fashion, Garrett Hardin[14] also demonstrates the centrality of natural limits to questions of resource

[9] J. Locke, *Two Treaties of Government* (London; Dent [1690], 1924), 130.
[10] Ibid., 130.
[11] Ibid., 130.
[12] Ibid., 130.
[13] Ibid., 140.
[14] G. Hardin, 'The Tragedy of the Commons', Science, **162** (1968), 38–58.

rights and justice of appropriation. Setting aside the point about whether or not enclosure is the best way of avoiding the 'tragedy of the commons,' it is clear that the original problem of distribution and survival – both of the common and those dependent on it – arose primarily because of critical natural limits.

In short the relationship between resource limits and distributional justice at community and national levels is well appreciated and bears no argument. What is less entrenched is the idea that the boundedness and limits of the earth system implicate questions of global distributional justice in no less serious fashion than is the case for communities and countries. In other words, there is little or no difference conceptually, in the relationship between distributional justice and limits at community level and the global sphere. Indeed, given what is now know about global ecological and economical independence it is fair to suggest that, in the final analysis, the only system that really matters is the planetary or global. If it is accepted that the human race, regardless peoples' geographic and political locale, ultimately depend on this bounded planetary system for their survival, then it would seem that there is no *a priori* reason why questions of domestic justice should take priority or precedence over questions of global resource justice.

Many environmental problems such as climate change amply demonstrate the physical unity of, and our mutual dependence on, a single natural system. They remind us of the boundedness of the earth system and the inevitability of holistic approaches to questions of natural resource use and distribution. For example, scientists calculate that one trillion tonnes of carbon is the maximum limit our planet can take without warming beyond the safe level of 2°C.[15] Now, industrial activity since the mid-18th Century up till the 1990s means that 500 billion tonnes of carbon – half of the 1-trillion-tonne budget have already been emitted. Critically, scientists calculate that at the current rate, the remaining half a trillion tonnes of carbon will be emitted by 2040.[16] This means that the entire global community have 500 billion tonnes of carbon to share between them. Based on this perspective, one sees the utter futility of any attempt to manage the challenge of climate change exclusively in lesser political boundaries such as countries and regions. At the same time, given that developed countries are clearly responsible for vast amount (about 80%) of

[15] M.R. Allen, D.J. Frame, C. Hutingford, et al., 'Warming caused by cumulative carbon emissions towards the trillionth tonne', *Nature*, **458**: 7242 (2009), 1163–1166.

[16] Ibid.

historical carbon emissions, it would seem incontrovertible that they should take full responsibility and lead in the global management of climate change even if this requires a large amount of North–South financial and technology transfers.

A similar scenario obtains with regards to global oceans, fisheries and forests, where developed countries in each case are clearly responsible for a vast proportion of historical and current use and for driving these ecosystems towards their natural limits. The UNDP Human Development Report of 2004 makes this point eloquently. Here, it is indicated that industrial countries with 15% of the world population account for 76% of the global consumption expenditure; consuming 70% of the world energy, 78% of its metals and 85% of its timber. Yet, 154 million hectares (about three times the size of France) of the total global forest lost in the last ten years have been in the developing countries. Carley and Spapens were therefore absolutely right when they asserted that the 'entire world has served as resource base for the development of the 25 or so industrialised countries which have between them just 20 percent of the world's population'.[17] Further research has shown that extrapolating current industrial consumption and production patterns in the developed countries to the entire world would require about nine times the existing resources, that is, equivalent of nine additional planets.

Where does this leave international co-operation for global environmental governance? A reasonable answer, surely, is that the search for environmental sustainability among nations demands an absolute reduction in the throughput of natural resources but also an urgent move towards globally equitable redistribution of resources. Specifically, it requires that the rich countries, acting through relevant international institutions are obliged to make significant transfers to alleviate ecological poverty in the South. The notion of sustainable development certainly demands the recognition of universal values that goes beyond the context of traditional nation states and gives attention to interdependencies and the survival of the entire human race. This is more so essential in the current context of economic globalisation with its pertinent transboundary movement of environmental harm and risk – at theme to which I should now turn.

[17] M. Carley and P. Spapens, Sharing the World: Sustainable Living and Global Equity in the 21st Century (London: Earthscan, 1998), 41.

3. Globalization, Risk and the Imposition of Harm

The second argument for North–South environmental distributive justice relates to economic globalization and its effects on the environment and welfare opportunities of the South. The intensification of economic globalisation has now resulted in a 'full word economy'[18] with resources and wastes moving freely across different ends of the globe. However, it is often so easy to forget that the globalization of economic activity is taking place under a set of trading rules and broader structural inequity that severely disadvantages and harms the South.

The process is complex and has many strands. Primarily, though, current international trading and accounting practises tend to discount the social and environmental costs of production. Developing countries, as a result, are virtually forced to degrade their environmental resources and natural capital in the bid to stay competitive in the international market. At the same time, the dependence of a multitude of developing countries on the same range of primary goods – cocoa, coffee, tea, maize, sugar and tropical timber – results in a situation where the real prices of these commodities still fall far below the basic cost of production even after externalising the environmental costs of products. The consequence is that despite the liquidation their natural capital; many developing countries are still unable to generate sufficient income for sustenance let alone achieve economic prosperity and independence.

This state of economic subservience and natural resource degradation is further exacerbated by a range of trade-distorting subsidies in developed countries which drive commodity prices so down that developing countries are unable to service their debts or trade their way out of poverty no matter how much they keep degrading their already stressed resources. As commodities prices decline, poor countries are encouraged to borrow more to increase exports. Yet, increased export when pursed simultaneously by all the developing countries result in further fall in prices due to over production. This leads to the so-called vicious cycle: more debt, more stress on the environment, fall in prices and again more debt.

Consider, for example, that the United States currently pays around $20 billion per year to farmers in direct subsidies as 'farm income stabilization'. Similarly, in 2010, the EU spent €57 billion on agricultural development, of which €39 billion was spent on

[18] H. Daly, Beyond *Growth: The Economics of Sustainable Development* (Boston: Becon Press, 1996).

direct subsidies with agricultural and fisheries subsidies forming over 40% of the EU budget. Furthermore, analysis indicates that since the Doha talks were launched in 2001, over $30 billion of trade distorting subsidies have been provided to cotton farmers in the US and Europe, reducing the opportunity for West African countries, where cotton accounts for as much as 60% of export earnings to earn decent prices for their products. There is little wonder then why coffee farmers in Mexico and cocoa farmers in Africa continue to live in a state of abject poverty and stressed environmental conditions despite the ever increasing expansion of coffee shops in almost every high street in America and Western Europe. It is very instructive that in real terms, the price of coffee, and therefore the income coffee farmers have to provide for their families, has actually fallen by more than two thirds in the last 40 years.

Now, apart from the harm caused indirectly by prevailing conditions of international trade, developing countries also suffer a lot of direct harm as a consequence of economic globalisation. These range from the pollution of local water bodies; loss of income and livelihood due to deforestation, waste dumping by resident and non-resident multinational companies; dispossession or violent removal from ancestral lands; and deaths due to droughts, famine and climate change induced extreme weather events.

Across Africa, it is suggested that more than 10 million people have been forced to migrate over the last two decades due to desertification or environmental degradation. Currently there are well over 25 million environmental cross-border refugees around the globe with a Red Cross research indicating that more people are now displaced by environmental disasters than by war.[19] Looking forward, the Intergovernmental Panel on Climate Change (IPCC) has estimated that climate change will increase the number of environmental refugees over the next fifty years to about 150 million. Meanwhile, available reports suggest that climate change already causes about 345,000 deaths every year, mostly in Africa. These reports further calculate that without any efforts to minimize the pace of climate change or prevent harm to public health, nearly 5 million people, a vast majority of which will be from the developing countries, may die because of drastic climate change in the next 10 years.[20] Yet, these countries and their people are the ones least responsible for the cause of climate change.

[19] S. Castles, 'The International Politics of Forced Migration', *Development*, **46**: 3 (2003), 11–20.

[20] DARA Climate Vulnerable Forum, Climate Vulnerability Monitor 2010: A State of the Climate Crisis (Spain, 2010).

Overall, it is clear that many global ecological problems faced today are largely the result of historic and current economic processes which have benefited the Northern developed countries and exposed the poor South to incalculable human and environmental risks and harm. It would appear that for the most part, economic globalisation now suffices as a new way of meeting a need that has been historically tackled by the North through the means of colonialism, slavery and forced labour.[21] Put simply, The liberalisation of trade and investment has provided a veneer for developed countries and their corporate agents to swamp southern markets, exploit their labour and natural resources at next to nothing cost; and dump their toxic wastes on the poor while producing prosperity for a people and shareholders that are far removed from, and oblivious of the consequences of the wealth they enjoy.

Industrialised countries are, of course, very aware of the negative consequences of economic globalisation on the environment and people of the South. The inescapable moral impact of this awareness largely accounts for the many positive noises by developed countries on development assistance, aid and the notion of global social justice. However, after nearly five decades of North–South environmental cooperation, starting from the United National Conference on the Human Environment (UNCHE) in 1971, it is fair to say that developed countries have shown themselves prone to cheap talk and heart-hearted gestures but lacking in serious commitment to change the *status quo*. Time and again, observers of global environmental co-operation have seen developed country governments which profess a desire to global social justice oppose proposals for albeit modicum reforms in institutions of global economic and environmental governance. The anger of many in developing countries against this recurring Western hypocrisy is reflected in the following extracts from the speech of the Malaysian Prime Minster, Dr. Mahathir Mohamad, during the 1992 Earth's Summit in Rio:

> Obviously the North wants to have a direct say in the management of forests in the Poor South at next to nothing cost to themselves. The pittance they offer is much less than the loss of earning by poor countries and yet it is made out as a generous concession […] The Poor are not asking for charity [but] for the need for us to co-operate on an equitable basis. Now the rich claim a right to regulate the development of the poor

[21] Op cit. note, 14, 38.

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countries. And yet any suggestion that the rich compensate the poor adequately is regarded as outrageous.

Ever since the UNCHE in 1971, developing countries have consistently highlighted the connection between the environment, international trade and economic development. They had been clear that a basic precondition for addressing global environmental injustice is the revision of the subsisting international economic infrastructure, the rules of trade, and the cancellation of the strangulating debt under which many countries in the South currently labour. These inequitable and undemocratic structures, which in the words of Vanadan Shiva, are based on "monopolies and monocultures"[22] would need to 'give way to an earth democracy supported by decentralization and diversity'.[23] As Shiva puts it, 'the rights of all species and the rights of all peoples must come before the rights of corporations to make limitless profits through limitless destruction.'[24] And it is to this democratic deficit in global environmental decision making that I now turn.

4. Participation and Democracy in Global Environmental Institutions

The preceding discussion has made clear that environmental problems and the policies designed to combat them do not affect people equally. This is true for both within and cross-border environmental challenges. Within a country, decisions on what type of environmental policies to pursue depend very much on who holds the power and what their interests are. For example, it is as much a political decision as an environmental one where a waste plant, landfill or a hydro dam should be cited.

In the same vein, decisions about environmental standards, targets, policies and instruments of governance at the international level are by no means based on purely 'objective' sciences. Rather, they reflect preferences and power equations across societies. High power politics is involved in deciding fishing boundaries, allowable catches of fishes in the ocean, how the total available quota might be shared. Likewise, interest-based politics have crucial influence in the decision about the pollutants that should be included in the

[22] V. Shiva, Biopiracy, *The Plunder of Knowledge and Nature* (Cambridge, MA: South End Press).
[23] Ibid.
[24] Ibid.

basket of regulated gases, the base year against which emission reduction should be set; methodologies for counting, countries that should be designated as most vulnerable to ecological change; and so on.

Philosophers have long recognised the close connection between fairness of an outcome and the legitimacy of the process by which such an outcome is determined. Aristotle distinguished between substantive and procedural justice and noted that a significant aspect of justice has to do with the fairness of the bargaining process. Similarly, Rawls' theory of 'justice as fairness' is firmly based on a stylised condition of bargaining designed to eliminate the effect of power asymmetry amongst co-operating agents. The point is that if the distribution of the costs and benefits of global environmental co-operation is to be fair, it must proceed from a democratic process where parties have equal say in deciding policy objectives, instruments and the architecture of governance institutions. Specifically, those who are affected by key decisions would need to have some say in how relevant decisions are made.

The importance of stakeholder involvement in environmental decision making within Western democracies is well recognised. However, this basic condition of justice is not nearly appreciated or satisfied with respect to environmental decision making at the international level where the North commands massive political, economic and scientific advantage over the South. Consequently, the countries and people of the South who are most adversely affected by international environmental problems are in many instances, permitted little or no say in the political and decision-making processes designed to tackle these challenges. The result is that global environmental institutions and policies, for the most time, do not reflect the aspirations of the majority of the people that actually bear the brunt of the problems. And in some cases the North has actually engaged in callous opportunism seeking to transform institutions for global environmental governance into instruments for further exploitation and domination.

One clear case that illustrates this point is the Clean Development Mechanism (CDM) established under the United Nations Convention on Climate Change (UNFCCC). In theory the CDM was conceived as a means of promoting clean, low carbon technologies and accelerating foreign direct investment (FDI) into developing countries by creating conditions that reward investors for emission reduction projects in these countries. In 1997, the CDM was hailed as the ultimate equity policy of the UNFCCC and an innovative alternative to traditional official development Assistant

(ODA). However, several years after the establishment of this mechanism, many of the poor countries that are supposed to be the main beneficiaries of the this equity policy are yet to understand even the basics of how the mechanism works let alone benefit from it. In a real sense, though, this is hardly surprising because the poor countries never really participated actively in the negotiation and decision of the rules of the CDM. The effect has been that while the CDM may have served the interest of the highly industrialised countries like China and India (which negotiated the rules), it has been of no practical value to the poor countries in Africa. Indeed some have argued that in many cases, the CDM served as instruments for impoverishing local communities, and for reinforcing prevailing patters of hierarchies and patters of domination and power dynamics between the poor South and the rich North.[25]

There are, indeed, many interesting accounts illustrating the frustrations and limitations suffered by developing countries as they seek to participate in international environmental negotiations and how they ultimately become overwhelmed and excluded from these destiny deciding processes.

Firstly, due to high costs of travel and hotels, many developing countries are unable to attend many of these important conferences which most often take place in North America and Western European countries. For example while the US, Canada, Australia, UK and other rich countries in the West sponsor scores of delegates to the UN climate change conventions; many African countries in contrast are often only able to send one or two delegates per time. Second, and related, the poor countries are heavily under represented or completely absent in many committees, negotiating groups and breakout sessions where crucial texts are negotiated. Consequently, they are unable to make contributions let alone influence policy. Thirdly, many present day environmental negotiations involve and require the mastery of complex scientific and technical details. The complexity and technicality of these negotiations mean that even when developing country delegates are in the room; chances are such delegates might not have the requisite technical knowledge required to engage and shape debates. At the same time, the requirement for negotiating environmental agreements goes beyond technical knowledge and includes other specialized skills such as legal, economic and diplomatic expertise. Because developing countries are

[25] H. Bachram, 'Climate Fraud and carbon colonialism: the new trade in Greenhouse gases', *Capitalism Nature and Socialism* 2005, **15** (2005), 5–20.

mostly unable to afford the services of these professionals in high numbers; the few that attend are stretched beyond limit with practically no time to digest the relevant volumes and weigh the pros and cons of important proposals. Roberts and Parks[26] capture this well:

> It is also not uncommon for developing country delegates to be "buried" with paper, brought to the point of extreme fatigue, and then presented with a *fait accompli* in the eleventh hour of negotiations and asked to accept or reject the proposal in an unrealistically short period of time.

Another angle to the 'negotiation by exhaustion' often adopted by developed countries in global environmental negotiations is that sometimes, documents on existing treaties in the North, with which developed country politicians are very familiar are taken and slightly adapted to a new issue. Then developing country delegates are expected to read and digest these documents within minutes. A good example can be found in the negotiation process of the Basel Convention in which negotiators basically used the existing text on OECD documents on the issue as the basis of negotiation and expected developing country negotiators to digest and form their opinion on this document in matter of hours.[27] These practices reveal something of the real goal of participation as conceived by the more powerful actors. Often the aim is not to have a meaningful and mature dialogue with the developing countries but simply to get them to sign an agreement defined and shaped in the terms to which the powerful actors are happy. The implicit assumption, in this practice, is that developing country parties lack intellectual aptitude and necessary information and would thus likely come to an 'informed' conclusion if they were sufficiently educated with respect to the issues at stake.

In addition to above points, there is also the huge problem of language and cultural differences which can easily intimidate and impede the ability of otherwise clever professionals from the South from pulling their weight in negotiations. After all, real participation in huge international negotiations is not simply about attending plenary meetings and making occasional interventions. It also involves a lot of back room politics – using formal and informal contacts to shape the agenda and process; drafting and circulating informal

[26] J. T. Roberts and B. Parks, *A* Climate of Injustice, (Cambridge, MA: MIT Press, 2006).

[27] Kummer, International *Management of hazardous Wastes: The Basel Convention and Related Legal Rules* (Oxford: Claderon Press, 1995).

texts; sounding out the positions of others informally, doing deals and a bit of horse trading.

Indeed, one of the curiosities of the modern political order is that the international system has somehow managed to remain somewhat insulated from the wave of democratization that has swept national political institutions even in the context of pervasive interdependence and a much-vaunted weakening of states' power due to socio-economic globalization. Despite the ever increasing number in the NGOs and non state actors that attend global environmental conferences, the decision making process has continued to remain in the hands of powerful states and few elites who manipulate the process to achieve their narrowly defined self interest. However, as Henry Shue argues, a commitment to justice requires 'willingness to choose to accept less good terms than one could have achieved' under egoistic bargaining. It means, he says, 'granting what the other party is in no position to insist upon'. On such a basis, developed country would not seek to exploit the weak bargaining power of poor countries to their advantage but invest in working towards a just and equitable international agreement. A just climate agreement is a reward of its own since supposedly such an agreement would enjoy broad acceptance and stability.

5. Compound Injustice and the future of North–South Climate Equity

The three factors discussed above are all in themselves very significant sources of North South environmental injustice. However, in practice they often work in combination to produce even more devastating conditions of inequity and reinforce patterns of domination – situation Shue describes as condition of 'compound injustice'.[28]

The problem of climate change exemplifies the nature of this interaction and compound injustice. First, the North through the process of industrialisation has drastically reduced the available global carbon space, reaping significant economic, political and technical benefits in the process. Second, the industrialization process has caused, and continues to cause devastating negative effects and deaths in the developing countries. These negative consequences decrease the opportunity and chance of developing countries to dig themselves out of poverty. Furthermore, through economic globalization,

[28] Op. cit. note, note 2, 390.

developed countries are continually increasing the climate vulnerability and poverty of the poor countries through deforestation, unfair terms of trade and the environmentally destructive activities of their multinational company proxies. Moreover the bargaining power of the South is severely weakened through historical relationship broader structural injustice. Yet, in climate negotiation circles, the industrialised countries have no qualms in exploiting their political, economic and technical superiority to establish self serving rules and muscle out any opposition from the poor South. Authors of the Bruntland Report[29] has precisely this kind of compound injustice in mind when they wrote:

> ….developing countries must operate in a world in which the recourses gap between most developing nations and industrialised nations is widening, in which the industrialised world dominates in the rule–making of some key international bodies, and in which the industrial world has already used much of the planet's ecological capital. This inequality is the planets main environmental problem, It is also it main "development" problem.

Consider that in 1992 when the UNFCCC was negotiated, it was widely thought that climate change provided an opportunity to rebalance issues of injustice and inequity in the global economic system. The prevailing thinking among scholars was that the international regime will sanction large scale North–South transfers as to help developing countries adapt to climate change and adopt low carbon development trajectories. Following this sentiment, a number of scholars provided calculations and estimates of the amounts that might be needed to secure and maintain international climate cooperation with figures ranging from US$100 annually[30] to US$529 billion,[31] payable by an annuity of about US$34 billion over a 30-year period. However, after over 20 years of the existence of the UNFCCC no North–South financial transfer of any worth has yet taken place. Developed countries have not only managed to evade all the equity responsibilities penned down in the climate

[29] Op. cit, note 1, 5–6.

[30] M. Grubb, J. Sebenius, A. Magalhaes, Who Bears the Burden? Equity and Allocation in Greenhouse Gas Emissions Abatement. Paper for SEI project for UNCED, June, 1991.

[31] P. Hayes, 'North–South Transfer', in P. Hayes and K. Smith (eds), *The Global Greenhouse Regime: Who Pays?* (London: EarthScan, 1993).

regime, they have also failed to take significant action to cut their domestic emissions.

At present, negotiations are focused upon what will happen when the first commitment period of the Kyoto Protocol ends in 2012. It is unlikely that developed nations will sign up to a second commitment period of emissions reductions without the involvement of developing countries. Russia and Japan have categorically stated that they will not be signing up to a second commitment phase of the Kyoto Protocol. The United States have continued to play the blame game deciding to castigate China for pursuing economic development rather than take any action and the European Union, which had previous shown strong moral ship has now capitulated to the strong lobby of high carbon emitting companies. At COP15 in Copenhagen in 2009 an Accord bearing its name was produced. On the basis of this Accord, a total of 76 emission targets were submitted by both developed and developing countries. This submissions which were given a formal status under the UNFCCC process at COP 16 in Cancun mark the first occasion that the developing countries have put forward mitigation actions and have accepted any type of internationalisation of their climate change policies. Interestingly, while these Agreements included targets from both developed and developing nations they still maintain the language of equity and justice. The new emphasis appears to be that the emissions reductions signed up to by developing countries are voluntary. Regardless, the very fact that the larger developing countries in particular have taken on emission reduction targets reflects the fact that developed countries have now all but succeeded in getting developing countries to take on emission reduction targets that are subject to international monitoring, verification and valuation while avoiding any serious emission reduction and financial commitments.

6. Rebuttals

The sort of arguments assembled in the sections above could, and do in fact provoke some responses from developed country governments and their academic ideologues. Before concluding I would like to briefly discuss these and examine their merits. The first response from those that oppose the idea of global (environmental) justice is to say that the presence of natural resource limits does not necessarily commit the international community to the ethic of need and redistribution. Proponents of some form of libertarianism often assert that even in the face of established ecological limits, peoples and nations

ought still be free to order their lives in accordance with their chosen value system and preferences. Since heterogeneity in the conceptions of the Good Life is the starting point for this thesis, adherents insist that reordering international policies to meet needs would impinge on the liberty of many others who in the process might be forced to part with their market-allocated entitlements. William Nordhaus[32] does in fact defend a strand of this view. His argument embodies the suggestion that since it would cost the US far less to respond to the threats of Climate Change than to adapt to preventive strategies, that a business-as-usual approach (not minding the fate of other countries who would be severely affected) should inform energy policies in the United Sates.[33]

The second line of argument is the sort advanced by scholars such as Bhagwati[34] and Anderson and Leal.[35] These ones argue that free trade boosts the economy and in so doing generates the growth that both increases the demand for high environmental standards as well as the resources necessary to provide for it. They accept the importance of recognising ecological limits and that of meeting needs but then claim that the present institutions and capitalist economies are the best suited to respond to such demands of justice while simultaneously rewarding enterprise in line with notions of justice as merit. When pressed, they admit that unrestrained growth may widen the gap between the rich and the poor, but insist the poor are still made better off in absolute term by the success of the rich.

The third line of defence comes from those that tend to deny, despite the seeming evidence that there are in fact no limits. Here, the basic claim is that human ingenuity and the possibilities of technological inventions offer humanity boundless opportunities for growth. The claim also is that notions of sustainability which stress the preservation of natural capital at all cost, is misguided since man-made capital and natural capital are largely substitutable.

But in the end, these arguments run into serious difficulties. The first line of rebuttal for example completely fails on the ground that nations, as the preceding sections have demonstrated, are by no

[32] W. Nordhaus, 'To slow or not to slow: The Economics of the greenhouse effect', The *Economic Journal* **101** (1991), 920–937.

[33] There are some who believe that the nonchalant attitude of the US towards to Kyoto protocol is actually underpinned by this reasoning.

[34] J. Bhagwati, 'The Case for Free Trade', *Scientific American* November (1993), 42–49.

[35] T. L. Anderson and D. R. Leal, *Free Market Environmentalism* (Oxford/San Francisco: Westview Press, 1991).

means self-sufficient entities. Neither do environmental problems respect artificially constructed political boundaries. Hence, even where a nation chooses to value optimum consumption per time over conservation, it has no moral right to pursue such a hedonistic value by destroying other nations' resources or to transferring the pollution arising from such life styles to neighbouring countries. The Congo, Mali, and Bangladesh may not have the right to impose conservation values over the US, but the US reserves no right to annihilate Bangladesh through climate change induced flooding or sustain its profligacy through the resources that come from the Congo and Mali.

The second line of rebuttal which defends injustice on the basis of the 'trickle down' argument is also inherently faulty because, in the end, it does not address the question of ecological limits. Nor does it engage with the problem of underlying structural inequality and the hideous terms of trade under which developing countries labour. Finally even if there were no limits, it is not simply the case that natural and man-made resources are perfectly substitutable. Guiseppe Munda makes this point well when he argues that 'since resources are required to manufacture capital goods, the success of any attempt to substitute capital for resources will be limited by the extent to which the increase in capital requires an input in resources'.[36] Besides, he points out that natural capital has the feature of providing multiple value and functions (including life support functions) in ways that man-made capital cannot such that both then could be marginal but definitely not perfect substitutes.

The developed countries are of course aware of the importance of natural resources and have indeed been the champions of global biodiversity conservation programs. The problem however is that the developed countries have relied more on preachments and shown no real determination to offer more than pittance sums for the protection of these natural tracts. This quote from Oluf Langhele[37] amply demonstrates point:

> The reason that most biological diversity is located in developing countries is not just due to climatic conditions, but also the fact that developed countries have substantially reduced their

[36] G. Munda, 'Environmental Economics, Ecological Economics and the Concept of Sustainable Development', *Environmental Values* **6**: 2 (1997), 213–234.

[37] O. Langhelle, 'Sustainable Development and Social justice: expanding the Rawlsian Framework of Global Justice', *Environmental Values* **9**: 3 (2000), 316.

biological diversity during the last 250 years. Demanding that natural capital must be kept constant may sound as a nice thing when there are no forests left and most people life in affluence. It is something quite different when your country consists of 74 per cent forest and a majority of people is living in severe poverty.

7. Conclusion

Present day environmental co-operation is taking place under serious conditions of North-South injustice. Although it has now been acknowledged that environmental issues such climate change implicates serious issues of inter and intra-generational justice, the global governance arrangements have not attended seriously to these issues of justice. But while ethics might not be a popular term in international affairs, it remains an inseparable aspect of every political process insofar as these demand choices among different ideas of what is right or desirable.[38] Distributional justice is not merely instrumental to, but a part of the package of environmental sustainability forming an integral part of its socio-economic and political dimensions. Hence, achieving global sustainable development would require more radical interrogations of the basic structure of the international society and of patterns of social relations between the North and South. In short, questions of environmental justice must be seen as questions about the mode of wealth creation and appropriation itself rather than as add-on optional extra. Given the equal and common dependence of human kind on one single natural system, the idea of global environmental or planetary citizenship should not be seen as a mere preachment but one that deserves to be taken as a foundation upon which the institutions for international environmental governance ought to be built. To stand any chance of meeting the aspirations of majority of the global population, international management approaches must strive harder to reflect responsible stewardship and the fact of our common inheritance and ownership of the planetary resources.

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[38] B. Holden, 'Introduction', in *The Ethical Dimensions of Global Change*, B. Holden (ed.) (London: Macmillan Press, 1996), 4.