

GLOBAL CLIMATE JUSTICE: THE CASE OF CLIMATE MIGRANTS

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SAMANTHA VAN HEERDEN

Supervisor: PROFESSOR UCHENNA OKEJA

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ABSTRACT

Climate change is predicted to displace thousands of people across the globe. Due to their geographical location and limited resources available for adaptation, this will particularly impact those in developing states, who might have to flee from the growing frequency and severity of rising sea levels, drought and desertification, and acute natural disasters such as floods, wildfires, and hurricanes. This is likely to have pervasive effects on the moral interests of those affected, threatening loss of life, the deterioration of livelihoods, and for small island states even complete or substantial loss of state territory. In this thesis I will argue that we should conceive of this situation as a problem of global justice. Though some argue that questions of justice only arise within the state, I will argue that global economic and political institutions have contributed to the plight of climate migrants, and that following from Darrel Moellendorf's theory of associational justice, this enduring impact results in an association and duties of justice that transcend state borders. To respect the dignity of climate migrants, such an unjust association needs to be rectified by establishing ethical principles that could be reasonably endorsed by everyone affected. Drawing from Gillian Brock, I will argue that the best way to rectify the situation is through establishing a principle of distributive justice which focuses on 'agency needs': needs whose fulfilment is necessary for human agency. Using this framework, I then provide some recommendations of what is owed to climate migrants to achieve justice for them. I also consider how these duties of justice should be distributed, first critiquing a dominant approach that attributes duties primarily to polluters. In the end, I recommend that duties should be dispersed between all those who support the global institutions responsible, those who have been high polluters since 1990, and the most affluent in the world. As the effects of climate change become increasingly pronounced within the next fifty years, establishing what is owed to those displaced is of utmost importance, and I hope this thesis shows how normative philosophy can help us think through these urgent questions.

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INTRODUCTION

It is predicted climate change will have catastrophic effects on human settlements within the next 50 years due to environmental changes.¹ These changes include rising sea levels, as well as an increase in the severity and frequency of drought and short-term natural disasters such as storms and flooding. This could lead to a loss of life, livelihoods, and territory; food and water shortages; and increased resource conflict. These factors in turn can make certain regions uninhabitable, and as such are likely to prompt internal, regional, and international migration. Although these changes will occur globally, research suggests that developing states will bear the brunt of climate change events due to their geographic location and their lack of available resources to effectively mitigate and adapt to climate change effects.² The question arises as to how and on what basis the international community should respond to these threats. This thesis aims to contribute to the philosophical discussion which proposes that both mitigation and adaptation strategies can be usefully informed by a philosophical inquiry into normative ethics. In particular, it aims to provide a normative account of what those who are displaced by climate change are owed as a matter of global justice.

Thesis Overview and Objectives

Discussions of justice have tended to proceed along the lines of particularist and nationalist approaches. These perspectives propose that there are legitimate reasons for restricting moral concerns, such as questions of justice, to within state borders.³ Consequently, they might deny there are international moral obligations to respond to climate change threats. But this is problematic for several reasons I will detail in the thesis. The major problem is that modern globalisation results in ethical harms and responsibility for them which often *transcend* state borders.⁴ To this end, I aim in this thesis to develop a global justice approach to the question of climate change justice. I defend the view that ethical issues which used to be seen as only internal to societies, such as distributive justice, should extend to the global sphere.⁵ Climate change is a paradigmatic issue of global justice because, as prominent ethicist Peter Singer

¹ Lister, M. 2014. Climate Change Refugees. *Critical Review of International Social and Political Philosophy*, 17(5):618-634. Pp. 621 – 622.

² Byravan, S., & Rajan, S. C. 2010. The Ethical Implications of Sea-Level Rise Due to Climate Change. *Ethics & International Affairs*, 24(3): 239-260. P. 248.

³ Brock, G. 2021. Global Justice. The Stanford Encyclopaedia of Philosophy (Winter 2021 Edition), Edward N. Zalta (ed.). Retrieved 30 January 2022 at <https://plato.stanford.edu/entries/justice-global/#GloEcolnj>

⁴ Caney, S. 2005. Cosmopolitan Justice, Responsibility, and Global Climate Change. *Leiden Journal of International Law*, 18 (4): 747–775; Moellendorf, D. 2002. *Cosmopolitan Justice*. New York: Routledge.

⁵ Brock, G. 2009. *Global justice: A Cosmopolitan Account*. Oxford/New York: Oxford University Press. P. 322.

suggests, greenhouse gas emissions in one state can cause considerable harm to persons in other states.⁶ The field of ‘climate ethics’ or ‘climate justice’ considers how justice can be achieved in the case of climate change and how the burdens of climate change mitigation and adaptation should be distributed.

Much philosophical work in this area has focused on mitigation and how duties to reduce carbon emissions should be distributed. Less attention has been paid to duties of adaptation and rectification. Climate migration is one such adaptation process which is a relatively under-developed and overlooked area in this field of study. Even prominent philosophers in climate ethics such as Singer and Gardiner have neglected this aspect of climate adaptation.⁷ Establishing adaptive measures such as relocation for large groups of people will be a slow process and needs to be pre-emptively addressed.⁸ The ethics of climate migration from a global justice perspective will therefore be the focus of my research given both its moral urgency and relative scarcity in the climate ethics literature.

Since migration concerns the distribution of responsibilities, burdens, and entitlements across borders, I will argue that climate migration is an issue of global distributive justice. In order to establish justice for climate migrants, it is necessary to engage in conceptual clarification regarding how and according to what features this group of persons who will be displaced by climate change should be characterised. It is also necessary to consider how this situation can be understood as a matter of justice; according to which moral principles the resulting duties and measures should be formed; and what implications this will have for climate migrants. These are the questions I aim to address in my thesis.

To this end, I cover only the literature needed to answer these questions, particularly that which is focused on understanding the nature of global justice and how this can ground claims of climate migrants. Because I have taken this global distributive justice approach, some topics in the climate justice literature are beyond the scope of this thesis and have not been discussed in detail. Much of the climate justice literature has focused on the question of historical justice in relation to climate change. Although in this thesis the history of carbon emissions will play a part in the distribution of duties for achieving justice, my distributive account will only consider backward-looking principles in light of what is owed to people *viz a viz* the global institutional order. Much of this historical focus is aimed at the question of who should bare duties to

⁶ Singer, P. 2016. *One World Now: The Ethics of Globalization*. Yale University Press. P.12.

⁷ See Gardiner, S. M. 2004. Ethics and Global Climate Change. *Ethics*, 114(3):555-600; Singer, One World.

⁸ Byravan & Rajan, Ethical Implications, pp. 247 – 252.

mitigate greenhouse gases. This historical principle holds that everyone has the right to an equal amount of greenhouse gases but those in the developed world have used up their shares and so should buy emissions from lower polluters. Mathias Risse has extended this logic to thinking about climate migrants, arguing that the developed world has used their fair share of resources and that climate migrants are owed land.

But as will be shown in Chapter Four, identifying duty-bearers using only backward-looking principles would, firstly, lead to counterintuitive consequences such as forcing poorer fuel intensive households below the poverty line, and secondly, might be insufficient to fund or achieve justice for climate migrants given that many supposed duty-bearers are dead, cannot afford to contribute, or were excusably ignorant. A distributive account of what people are owed in general *viz a viz* the global institutional order can provide a more nuanced account of what is owed to climate migrants and who is best positioned to fulfil these duties.

As for the methodology employed in this thesis, my approach is purely philosophical. This means I have considered and analysed the strength of arguments and objections and how they speak to issues beyond their original framing.

Chapter Breakdown

My thesis will be divided into four chapters. In Chapter One, I seek conceptual clarification regarding how and according to what features this group of persons who will be displaced by climate change should be characterised. The notion of ‘climate refugees’ is seen in the literature to be a sub-category of ‘environmental refugees’, who are broadly defined as those people who are *forced* to leave their traditional habitat due to a significant environmental disruption.⁹ However, this concept is controversial primarily because it covers too many varying cases, and because for those affected by slow-onset environmental degradation, the migration can often seem *voluntary*. Such voluntary migrants are not seen as legally entitled to ‘refugee’ status and protections. Some have consequently tried to narrow the concept to refer only to those who have no choice but to migrate internationally, such as inhabitants of small island states.¹⁰ However, I will argue that although a small set of climate migrants *could* be deemed legal refugees, that they *should not be* at least initially given the predictable nature of climate change

⁹ Neuteleers, S. 2011. Environmental Refugees: A Misleading Notion for a Genuine Problem. *Ethical Perspectives*, 18: 229-48.

¹⁰ See Neuteleers, Environmental Refugees; Bates, D. C. 2002. Environmental Refugees? Classifying Human Migrations Caused by Environmental Change. *Population and environment*, 23(5):465-477; Lister, climate Change; McAdam, J. 2017. ‘Swimming Against the Tide: Why a Climate Change Displacement Treaty Is Not the Answer’. In Mary Crock (ed.). *Refugees and Rights*. Routledge.

and the need for pre-emptive action. Furthermore, this narrowed definition leaves too many climate migrants unprotected. I proceed to show how a perspective of justice can identify a wider range of climate migrants, and I propose a nuanced classification system which can enable me to identify the different ways in which climate migrants might be affected and what are they owed as a matter of justice.

In Chapter Two, I evaluate whether the situation of climate migrants should be considered a case of global justice. Though some hold that duties of justice only exist within the nation-state, I will defend Darren Moellendorf's associational view of justice according to which duties of justice arise where there are associations, picked out by the following: an association exists if established social practices and institutions regularly affect the highest order moral interests of a person.¹¹ Where associations are unjust, the association needs to be rectified through the establishment of new principles of justice. Since these associations can be *global* in scale, I will argue that duties of justice can and do exist globally, and that this applies to climate change. I will argue that established global economic and political institutions will substantively affect the moral interests of those who will be displaced by climate change, and this according to Moellendorf creates duties of justice on the part of those who abide by these institutions.

In Chapter Three, I will focus on defending a principle of justice which can adequately rectify the situation of injustice. I will defend Brock's account of justice according to which everyone should be adequately positioned to enjoy the prospects of a decent life. This entails having what is necessary to be enabled to meet their basic needs; certain guarantees about basic freedoms; and fair terms of cooperation in collective endeavours. She defines needs as basic if they are necessary for human agency, including a sufficient level of physical and mental health; sufficient security to be able to act; a sufficient level of understanding of what one is choosing between; a certain amount of autonomy; and decent social relations with some others. I will defend this account by arguing that these protections would be chosen in an Original Position, as Brock does, and will defend against potential objections that, firstly, focusing on agency is an inappropriate way to ground obligations to fulfil human needs, and that, secondly, it is insufficiently egalitarian.

¹¹ Moellendorf, D. 2002. *Cosmopolitan Justice*. New York: Routledge. Pp. 30 – 36.

Finally, Chapter Four will focus on the implications of this theory of justice for climate migrants. To do this I will draw off of Brock's ideas about derivative needs and located life plans. Brock argues that when thinking about dealing with migrants justly, we need to pay particular attention to 'derivative needs': these are other needs and conditions which must be satisfied in order to meet moral agency needs, including economic needs, community needs, and the need for political self-determination.¹² Brock argues that these needs are importantly tied to place, and that people form patterned ways of meeting these needs which are often formed by and are dependent on the context. She argues that these 'located life plans' deserve respect and should be accommodated where possible.

Drawing off of Shelley Wilcox and my own reasoning, I will explore what the implications of this view are for what the different climate migrants are owed. I will also evaluate Wilcox's controversial claim that inhabitants of small-island states who stand to lose their territory are owed *collective* self-determination on new territory, and will consider the objection that immigration undermines justice. I will argue that justice crucially requires we respect the needs and located life plans of all those affected. Finally, I will briefly consider how duties should be assigned for financing adaptation and migration processes.

¹² Brock, *Justice for People*, pp. 23 – 26.

Chapter One

Who Are Climate Migrants?

1. Introduction

Before I can define the ethical problem involved in the situation of those displaced by climate change, it is necessary to clarify who this group is and the features which pick them out. In this chapter, I will argue that the characterisation of climate migrants in the literature is inadequate. Climate migrants are those who are predicted to migrate as certain regions of the world become uninhabitable owing to the impacts of climate change, which include rising sea levels, an increase in the severity and frequency of drought, and an increase in acute natural disasters such as floods and hurricanes.¹³ Different attempts have been made to identify this group, with the term ‘climate refugee’ being prominent in the literature.¹⁴

However, the notion of climate refugees is controversial.¹⁵ Some authors, such as Richard Black, think the notion of ‘environmental refugees’ is too broad given that there are varying environmental disasters with different effects on people.¹⁶ It is doubted whether those affected by slow-onset environmental degradation such as drought should be considered *environmental* migrants because environmental factors often intersect with economic, social, and political factors, and migration is often not the only option in response.¹⁷ They share similarities with economic migrants who are seen as migrating voluntarily and as not being legally entitled to ‘refugee’ status and protections.¹⁸ Critics therefore argue that the term is

¹³ There is debate regarding the notion of ‘climate *refugees*’ due to its connection to the legal notion of refugees as outlined in the UN Convention on Refugees. I will deal with this debate and present my views further on, but for now I will avoid the controversy attached to the term by referring to those who will be displaced by climate change as ‘climate migrants’.

¹⁴ This group is considered a sub-category of the group referred to in the literature as ‘environmental refugees’, broadly defined as those people who are forced to leave their traditional habitat due to a significant environmental disruption. See Neuteleers, S. 2011. Environmental Refugees: A Misleading Notion for a Genuine Problem. *Ethical Perspectives*, 18: 229-48. P. 229.

¹⁵ Marshall, N. 2015. Politicizing Environmental Displacement: A Four-Category Approach to Defining Environmentally Displaced People. *Refugee Review*, 2 (1), Emerging Scholars and Practitioners on Migration Issues (ESPMI Network). Retrieved April 2021 at <https://refugeereview2.files.wordpress.com/2016/02/refugee-review-vol-2-no-1-2015-june.pdf>;

McAdam, J. 2017. ‘Swimming Against the Tide: Why a Climate Change Displacement Treaty Is Not the Answer’. In Mary Crock (ed.). *Refugees and Rights*. Routledge.

¹⁶ Black, R. 2001. “Environmental Refugees: Myth or Reality?,” UNHCR Working Paper no. 34. Pp. 1 – 3.

¹⁷ Black, Environmental Refugees, pp. 1 – 3.

¹⁸ Neuteleers, Environmental Refugees, p. 241.

intellectually unsound, poorly defined, and legally meaningless and confusing.¹⁹ Some have consequently tried to narrow the concept to refer only to those who have no choice but to migrate internationally, such as inhabitants of small island states.²⁰

I will argue that while the term ‘climate refugee’ is too broad given the differing situations of migrants, narrowing its application to the few climate migrants who could be considered legal refugees is undesirable. Although a small set of climate migrants *could* be deemed legal refugees, I will argue they *should not be* at least initially given the predictable nature of climate change and the need for pre-emptive action. Furthermore, this narrowed definition leaves too many climate migrants unprotected. Debates over definitional incoherency should not stand in the way of dealing with the phenomenon at hand in which many people’s livelihoods are at stake.

Whereas the concern for humanitarian interventions such as refugee protections focus on necessity and survival, the purpose of the thesis is to investigate what *justice* for climate migrants would look like. For present purposes, I require a working definition of this group that can ground the reflections on justice which will follow in the proceeding chapters. This working definition should enable me to theorise about the nature of the injustice, the different ways in which people are affected, and the different solutions that may be appropriate. I think a classification system that delineates migrants according to the differing environmental harms is most promising for these purposes, and it avoids the pitfalls of the refugee approach.

The structure of the chapter is as follows: Firstly, I will outline the phenomena at hand, namely the predictions and some examples of those predicted to be displaced by the effects of climate change. I will then consider debates in the literature regarding how to identify climate migrants. Following this, I will argue for why we need to identify this group despite methodological difficulties and will then provide a working classification system which I can use to address the ethical problem at hand in further chapters of this thesis.

¹⁹ Black, *Environmental Refugees*, p. 1.

²⁰ See Neuteleers, *Environmental Refugees*; Lister, M. 2014. *Climate Change Refugees. Critical Review of International Social and Political Philosophy*, 17(5):618-634; Bates, D. C. 2002. *Environmental Refugees? Classifying Human Migrations Caused by Environmental Change. Population and environment*, 23(5):465-477; McAdam, *Swimming Against the Tide*.

2. The Phenomena of Climate-Induced Migration

Discussed primarily by geographers, political scientists, and legal scholars, a prominent concept in the literature is the category of ‘environmental refugee’, or in this case the sub-category of ‘climate refugee’.²¹ Scientists predict that even if countries significantly reduce their greenhouse gas emissions today, climate change will likely cause various environmental changes in the twenty-first century, including rising sea levels and an increase in the severity and frequency of drought as well as acute natural disasters such as floods and hurricanes.²² In some cases, this will make regions uninhabitable and will trigger human migration either internationally or internally. But as will be shown shortly there are several obstacles regarding how to characterise this group of migrants.²³ This section will give an empirical overview of those who will be displaced by climate change.

2.1 Types of Displacement

2.1.1. Acute Disasters

As temperatures rise both on land and in the ocean, weather cycles are affected, and this is predicted to increase the frequency and severity of acute, short-term disasters. If these occur near populated areas, people are likely to be displaced. Increasingly hot and dry weather conditions increase the likelihood of wild-fires in many regions of the world, which can displace thousands of people such as seen in Australia in 2020.²⁴ Due to warming oceans, hurricanes which threaten to devastate populated areas and temporarily displace many are also retaining more of their strength once on land, and the areas in which they can form is expanding.²⁵ Increasing temperatures can also lead to increasingly frequent and severe

²¹ Bates, *Environmental Refugees*, p.465.

²² Lustgarten, A. 2020. The Great Climate Migration. *The New York Times*. Accessed June 2020 at <https://www.nytimes.com/interactive/2020/07/23/magazine/climate-migration.html>

²³ McAdams, J., *Swimming Against*, p. 2.

²⁴ Scientists argued that climate change made the recent 2019/20 wildfires in Australia, which killed 33 and temporarily displaced tens of thousands of people, 30 % more likely to occur. They predict that if global temperatures rise by 2°C then the hot, dry weather conditions which caused the fires will occur four times more often. See Ghosh, P. 2020. Climate change boosted Australia bushfire risk by at least 30%. *BBC Online*. Accessed March 2020 at <https://www.bbc.com/news/science-environment-51742646>

²⁵ Penney, V. 2020. ‘5 Things We Know About Climate Change and Hurricanes’. *The New York Times*. Retrieved January 2021 at <https://www.nytimes.com/2020/11/10/climate/climate-change-hurricanes.html#:~:text=Wider%2Dranging%20storms,Kossin%20said.>

McGrath, M. 2020. ‘Climate Change: Hurricanes Get Stronger on Land as World Warms’. Retrieved March 2021 at <https://www.bbc.com/news/science-environment-54902068>

precipitation, resulting in severe flooding.²⁶ While some will only be temporarily displaced, others may have to move permanently if they are identified as living in risk areas, especially as risk, frequency, and severity grows. It is difficult to attribute any particular natural disaster to climate change, in the sense that one cannot accurately say it *would not* have occurred if not for climate change. However, scientists are certain climate change increases the risk of these events.²⁷

2.1.2. Slow-onset Disasters

Climate change will also result in the increasing frequency and severity of droughts and threats of consequent desertification, as well as sea levels rising.²⁸ Unlike the acute disasters mentioned above, changes such as desertification, fresh-water shortages, and sea level rise will occur gradually over time. These changes are also predicted to cause displacement, and since sea level rise and desertification cannot be reversed, some of these displacements will likely be permanent.²⁹ However, the link between these slow-onset environmental disasters and the displacements are also more complex. As will be shown, this group is consequently the source of most tension in the literature on environmental refugees.

Drought and Desertification

To deal with drought first, those most affected by drought and increasing desertification will be those in developing states who rely on agriculture and subsistence.³⁰ Unlike the victims of acute disasters who are threatened in their survival immediately, drought will *progressively* challenge people's ability to secure a livelihood. This is a source of controversy in migration literature because while it is difficult to attribute a particular drought to climate change, it can also be difficult to attribute displacement solely to drought. As both Diana C. Bates and Stijn Neuteleers point out, environmental degradation such as drought is often filtered through the local economy first.³¹ These environmental changes often progressively undermine people's livelihoods and local resource base through undermining freshwater access and subsistence

²⁶ Hagelberg, N. 2020. 'How Climate Change Is Making Record-Breaking Floods the New Normal'. United Nations Environment Programme. Retrieved March 2021 at <https://www.unep.org/news-and-stories/story/how-climate-change-making-record-breaking-floods-new-normal>

²⁷ Ghosh, P. 2020. Climate change.

²⁸ McAdams, J., Swimming Against, pp. 10 – 12.

²⁹ Wennersten, J.R. and Robbins, D. (eds.), 2017. *Rising Tides: Climate Refugees in The Twenty-First Century*. Bloomington: Indiana University Press. P. 10.

³⁰ Wennersten and Robbins, *Rising Tides*, p. 11.

³¹ Bates, *Environmental Refugees*, p.473; Neuteleers, *Environmental Refugees*, p. 233.

farming or increasing the cost of food.³² Resulting migration may therefore be caused by economic factors such as poverty which can be caused or worsened by environmental degradation.

Conversely, poverty can also be a risk-factor for causing environmental degradation, since less advantaged populations are more likely to live in marginal eco-systems which are more vulnerable to environmental degradation. Since they often make more direct demands on their immediate environments, due to, for example, reliance on subsistence farming, they are also more likely to engage in practices that can worsen desertification, such as the expansion of croplands and unsustainable land management practices.³³ They are less likely to be able to afford to give up short-term returns for the sake of long-term conservation measures.³⁴ In sum, poverty severely curtails people's capacity to limit and adapt to environmental degradation and to invest in sustainable land management, and environmental degradation caused by something like drought can in turn worsen poverty, which can further compel migration.

There might also be 'pull' factors which prompt migration, such as social networks and opportunities for employment or greater livelihoods elsewhere.³⁵ Another possibility is that environmental degradation can lead to resource conflict, thereby prompting migration.³⁶ For example, drought may lead to food shortages, causing famine, which in turn might create conflict, resulting in migration. There is therefore a complex causal link between slow-onset environmental degradation such as drought and migration.

Increasing drought is likely to affect all areas prone to water scarcity. While this includes Australia and the South-West of the United States, areas in Northern and Sub-Saharan Africa, Latin America, India, and Asia are particularly vulnerable given that more people rely on agricultural subsistence and have fewer resources to adapt.³⁷

³² Wennersten and Robbins, *Rising Tides*, p. 11; McAdams, J., *Swimming Against*, p.13.

³³ Bates, *Environmental Refugees*, p.473; IPCC. 2019. *Climate Change and Land: An IPCC Special Report on Climate Change, Desertification, Land Degradation, Sustainable Land Management, Food Security, and Greenhouse Gas Fluxes in Terrestrial Ecosystems*. [P.R. Shukla, J. Skea, E. Calvo Buendia, V. Masson-Delmotte, H.-O. Pörtner, D. C. Roberts, P. Zhai, R. Slade, S. Connors, R. van Diemen, M. Ferrat, E. Haughey, S. Luz, S. Neogi, M. Pathak, J. Petzold, J. Portugal Pereira, P. Vyas, E. Huntley, K. Kissick, M. Belkacemi, J. Malley, (eds.)]. In press. Accessed April 2021 at <https://www.ipcc.ch/srccl/>

³⁴ Bates, *Environmental Refugees*, p.473.

³⁵ Black, R., Adger, N., Arnell, N., Dercon, S., Geddes, A., & Thomas, D. 2011. *Migration And Global Environmental Change: Future Challenges and Opportunities*. The Government Office for Science, London. P.12.

³⁶ Wennersten and Robbins, *Rising Tides*, p. 26.

³⁷ Wennersten and Robbins, *Rising Tides*, p. 11, p. 25.

Migration caused by slow-onset disasters is for the most part predicted to be internal rather than international. According to Bates, a likely scenario in the case of drought is that some family members will migrate internally and send money back home.³⁸ The movement of entire households is expected to be an action of last resort, and even when entire households do move, they usually relocate within their own countries.

Rising Sea-levels

Like the case of drought, those most affected by rising sea levels (RSL) will be poorer populations in developing countries who reside in low-lying areas threatened by rising sea levels (RSL). While sea-level rise will affect all low-lying coastal areas globally, displacement is more likely in developing states where resources for adaptation, such as building seawalls, is minimal.³⁹ Like in the case of droughts, poverty can prevent adequate adaptation and sea-level rise can also worsen poverty. Those affected will likely initially experience negative impacts to their livelihoods owing to loss of agricultural land, infrastructure, or resources spent on some level of adaptation such as stone walls, as well as decreasing access to freshwater supplies or food.⁴⁰ The cause of migration therefore may be an interplay between environmental and economic factors.

Sea levels will rise on low-lying continental regions such as the delta regions of Bangladesh, and on small island states, such as those in the Pacific region like Tuvalu and Kiribati, which are threatened by the possibility of their islands effectively sinking beneath sea-level in the long term.⁴¹ Whereas displacement on continental regions will likely be internal, sea level rise on islands may prompt international migration. Pacific islanders who are already feeling the effects of rising sea levels have called on Australia and New Zealand to fund adaptation and establish long-term migration planning, specifically legal migratory routes, for residents

³⁸ Bates, *Environmental Refugees*, p.473.

³⁹ Storer, R. 2021. 'Up to 410 million people at risk from sea level rises – study.' *The Guardian*. Accessed July 2021 at <https://www.theguardian.com/environment/2021/jun/29/risk-from-sea-level-rises-unless-emissions-reduced>

⁴⁰ Mimura, N., L. Nurse, R.F. McLean, J. Agard, L. Briguglio, P. Lefale, R. Payet and G. Sem. 2007. 'Small Islands'. In ML Parry et al (eds.), *Climate Change 2007: Impacts, Adaptation and Vulnerability Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge, UK: Cambridge University Press. Pp. 687-716.

⁴¹ Intergovernmental Panel on Climate Change (IPCC). 2008. *Climate Change 2007: Synthesis Report: Contribution of Working Groups I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* (Geneva, IPCC, 2008), P. 48.

of Pacific islands such as Kiribati, Tuvalu, Tonga, and Fiji who may have no choice but to migrate.⁴²

The possibility of planned and anticipatory migration is another reason why it can be difficult to causally link environmental degradation to displacement.⁴³ According to Bates, there may be some people who are aware that their local situation will deteriorate eventually and are able to migrate *before* the environmental degradation escalates to a point where they are forced to.⁴⁴ Eventually it is those who are left behind either because they did not recognise the change or were unable to relocate that are forced to migrate with little choice.

3. Conceptualisations of Climate Migrants in the Literature

Despite these predictions and the probability of many being displaced internally and internationally, academics and policy makers have been reluctant to deal with this topic.⁴⁵ This can be traced in the literature to the complexity of identifying who exactly this group is and how, and according to what features, they can be picked out. Though attempts have been made to pick out and define this group according to differing attributes, I will show how these characterisations have largely been inadequate.

The common definition of environmental refugees, originally proposed by The United Nations Environmental Programme (UNEP) report *Environmental Refugees* written by UNEP researcher, Essam El-Hinnawi (1985), is:

“Environmental refugees are defined as those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life. By “environmental disruption” in this definition is

⁴² Doherty, B. 2020. Australia Should Create ‘Pacific Visa’ To Reduce Impact of Climate Change And Disaster On Islanders, *The Guardian*. Retrieved April 2020 at <https://www.theguardian.com/world/2020/oct/21/australia-should-create-pacific-visa-to-reduce-impact-of-climate-change-and-disaster-on-islanders>; ABC News. 2014. Pacific Islanders reject ‘climate refugee’ status, want to ‘migrate with dignity’, SIDS conference hears, *ABC News*. Retrieved May 2020 at <https://www.abc.net.au/news/2014-09-05/pacific-islanders-reject-calls-for-27climate-refugee27-status/5723078>; Doherty, B. 2020. Pacific Leaders Condemn Australia’s ‘Weak’ Climate Target in Open Letter to Scott Morrison, *The Guardian*. Retrieved April 2020 at <https://www.theguardian.com/world/2020/dec/01/pacific-leaders-condemn-australias-weak-climate-target-in-open-letter-to-scott-morrison>

⁴³ Neuteleers, *Environmental Refugees*, p. 237.

⁴⁴ Bates, *Environmental Refugees*, p.467.

⁴⁵ Neuteleers, *Environmental Refugees*, p. 230.

*meant any physical, chemical and/or biological changes in the ecosystem (or resource base) that render it, temporarily or permanently, unsuitable to support human life.*⁴⁶”

As pointed out by Neuteleers, this definition has been criticised for being too broad.⁴⁷ Neuteleers argues that the notion of an environmental refugee is an umbrella term, and points out that different kinds of environmental degradation differ with regards to causes, responsibilities, and timescales. Consequently, he argues that they will have different normative implications and require different policy strategies. I agree with critics such as Neuteleers regarding this point, since although the definition picks out a common feature – that these people are displaced by environmental causes – the term refers to too many types of cases. Since there are differing objective characteristics to different climate disasters which will result in different circumstances for people, as seen above, the notion of a climate refugee also seems to be an umbrella term which suffers from this problem. As Neuteleers notes in the case of environmental refugees, such umbrella terms cannot help us answer the question of “What can/should be done to help them?”.

The most controversial subgroup of this broader category is those who will be displaced by slow-onset environmental degradation. As discussed above, critics argue that the causality between climate change, ensuing environmental changes, and migration can be complex. Climate change effects such as drought and rising sea levels can combine with local contexts and practices to produce environmental degradation and migration. Migration is often caused by a combination of environmental, economic, political, or social factors, and critics consequently cast doubt on why the environmental issue should be given precedence in labelling migrants.⁴⁸

The causal complexity means that in some cases it can be difficult to distinguish those who are displaced by the effects of climate change from those who are deemed to be economic migrants seeking economic improvement by migrating elsewhere.⁴⁹ Although it may be uncontested that environmental degradation contributes to migration, unlike in the case of acute environmental disasters it is difficult to determine that it is the primary cause. This is especially pronounced if migrants move in anticipation of future environmental degradation. In the literature, their apparent similarity to economic migrants is important because

⁴⁶ El-Hinnawi, E. 1985. In Bell, D. R. 2004. Environmental Refugees: What Rights? Which Duties?. Res Publica, 10(2):135-152. P.137.

⁴⁷ Neuteleers, Environmental Refugees, p. 234, p. 244.

⁴⁸ Black, Environmental Refugees, pp. 2 – 3.

⁴⁹ Neuteleers, Environmental Refugees, p. 241.

economic migrants are seen as migrating *voluntarily*.⁵⁰ But those who are seen as migrating voluntarily are not seen as deserving of refugee-status and protections, and the most popular way of characterising those displaced by climate change is as ‘refugees’.⁵¹

To avoid the criticism that the term ‘environmental refugee’ covers too many groups, including those who are not forced to migrate, authors have attempted to narrow the scope of who the term ‘environmental refugee’ refers to.⁵² One way of doing this has been to refer to the legal definition of ‘refugee’ which has a precise meaning in international law. This definition of ‘refugee’ is linked to the United Nations Convention on Refugees, which remains the dominant definition that countries use today.⁵³ Those such as Neuteleers and Matthew Lister focus on the question of whether those displaced by climate change *can* legally be considered refugees according to the UN definition.⁵⁴ In identifying those who will be displaced by climate change, they both hold that the most important features to pick out are those which will grant them this legal status, and that it is worth justifying their entitlement to this status. They both conclude that some climate migrants can be considered legal refugees, but for different reasons as they focus on different aspects of the UN definition of a refugee.

The definition outlined in the 1967 Protocol 10 to the UN Convention on the Status of Refugees defines a refugee as one who:

“Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group, or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.”⁵⁵

Thinkers such as François Gemenne, as well as Molly Conisbee and Andrew Simms, argue that those displaced by climate change can and should be considered refugees because the condition of persecution is fulfilled.⁵⁶ Conisbee and Simms argue that the environment can be

⁵⁰ Bates, *Environmental Refugees*, p. 467.

⁵¹ *Ibid.* 467.

⁵² See Neuteleers, *Environmental Refugees*; Lister, *Climate Change Refugees*; Bates, *Environmental Refugees*; McAdam, *Swimming Against the Tide*.

⁵³ Neuteleers, *Environmental Refugees*, pp. 232 – 233; McAdams, *Swimming Against the Tide*, p. 3.

⁵⁴ Neuteleers, *Environmental Refugees*, pp. 241 – 242; Lister, *Climate Change Refugees*, p. 623.

⁵⁵ United Nations cited in Lister, *Climate Change Refugees*, p. 620.

⁵⁶ Conisbee and Simms cited in Neuteleers, *Environmental Refugees*, p. 233; Gemenne, F. 2015. One Good Reason to Speak of ‘Climate Refugees’. *Forced Migration Review*, 49: 70-71. P. 71.

used intentionally as an instrument of harm if policies are pursued in full knowledge of its damaging consequences such as in the case of climate change. They argue that the two conditions for the Geneva Convention are fulfilled: There is persecution in the form of intentional harm, and there is grounded fear since a well-founded fear of drowning or starvation is a compelling reason to escape.⁵⁷

Similarly, Neuteleers argues that some displaced by climate change can be considered refugees, but only if there is a clear causal link between the environmental change (and the actor responsible) and the group displaced.⁵⁸ He argues that the clearer the causal responsibility, the greater the chance of them being helped, since the global community can put pressure on the responsible actors to assist.⁵⁹ Neuteleers suggests that since inhabitants of small island states would have to migrate regardless of any local policies pursued or local economic factors, the migration is clearly caused by climate change and those responsible for climate change. He would therefore limit refugee status to this group. Neuteleers holds that other climate migrants are equally entitled to help because they are impacted by an arbitrary external factor, but the clearer causal responsibility in the case of small island states means that there is a greater chance of them being helped.⁶⁰

However, Neuteleer's argument does not reflect the current logic of the UN Convention on refugees, which is odd considering that he wants to justify the entitlement of climate migrants to legal refugee status. He endorses the view of Conisbee and Simms mentioned above, and seemingly wants to strengthen their argument against critics by narrowing those who could seemingly be said to be 'persecuted'. Although the Conventional definition holds that migrants must be persecuted to be considered refugees, this is not because it makes it them more likely to be assisted by a responsible party, as Neuteleers suggests. None the less, Neuteleers' argument would still have some validity if he were to argue that small-island states can make a clearer case for persecution due to the clearer causal responsibility, and therefore can make a stronger argument for assistance.

However, I disagree with this characterisation. Even if there is clear causal responsibility, I do not think this can be said to be persecution, especially since persecution is based on specific features of a group. None the less, focusing on persecution is not the only way to

⁵⁷ Neuteleers, *Environmental Refugees*, p. 233.

⁵⁸ *Ibid.* pp. 241 – 242.

⁵⁹ *Ibid.* p. 242.

⁶⁰ *Ibid.* p. 246.

justify the entitlement of climate migrants to refugee status. Andrew E. Shacknove and Lister argue that being granted refugee status should not depend on persecution.⁶¹ Shacknove argues that persecution is seen as necessary because it means that the state is unable or unwilling to assist its own citizens who are under great threat. Although persecution is a sufficient condition for this, it is not the only case in which a state may be unwilling or unable to assist its citizens. He also argues that being outside of one's state should not be seen as necessary for refugee status, since the international community can access citizens in need without them being outside of the state.⁶² In sum, those being persecuted in no way exhausts those who may require international assistance due to their own states being unable to assist them, such as those impacted by war or general violence.⁶³

I agree with Shacknove that the focus on persecution in the legal status of refugees seems arbitrary, and I think justifying the entitlements of climate migrants to refugee status is best done by focusing on how they are unable to be assisted by their own states. However, I think applying the term 'refugee' to all those in need misses a significant feature that lies behind the logic of the UN definition. Lister argues that while it may not be important for someone to be outside of their place of residence, a logical condition of being granted refugee status is that they are threatened in their capacity to live a decent life at all *and* the only or best way in which they can be assisted is through migrating internationally. He correctly argues that a core part of the meaning of refugeehood, and what makes the concept is useful, is that it points out which people are in need of a particular solution: that of international migration. Considering those who are in need of aid within their own countries as refugees is to remove some of the usefulness of the concept.

Lister argues that according to this logic, only the inhabitants of small island states would qualify as refugees, since others who face drought or rising sea levels on continents can be assisted internally. It seems that if argued using the logic of the UN convention, as Lister does, some displaced by climate change could therefore be considered refugees.

⁶¹ Shacknove, A. E. 2017. 'Who is a Refugee?'. In Lambert, H. (ed.), *International Refugee Law*. Routledge; Lister, Climate Refugees, p. 620.

⁶² He argues that being outside of one's state of origin is only important for being granted refugee status because it means that the international community has access to those in need of assistance, since national sovereignty otherwise prevents a state from intervening in the affairs of another. He argues that the international community can have access to the citizens in need without them being outside the state, such as if a state that is unable to assist its citizens asks for international help.

⁶³ Shacknove also adds that persecution based on the protected grounds in the UN definition seems arbitrary, since factors such as sexuality and gender have been used as grounds for persecution, too.

However, even if they can legally be considered refugees, the question is whether they *should* be: whether it is useful for them to be picked out as legally defined refugees and what the benefits or disadvantages are. I argue that there are reasons why those threatened to be displaced by climate change should *not* be considered refugees, even inhabitants of small-island states. Besides for victims of acute disasters who will only need to migrate temporarily, none of those displaced by climate change will be threatened in their capacity to live a decent life at all *immediately*, which, if you recall, is the condition for being considered a legal refugee according to the 1951 Refugee Convention. Sea level rise and drought are slow onset disasters. As Sujath Byravan and Sudhir Chella Rajan argue, given that the effects of climate change can be predicted, it is not morally permissible to wait until people are threatened in their survival.⁶⁴ As Jane McAdams argues, refugee protection is remedial while protecting those displaced by climate change should be *pre-emptive*.⁶⁵ Migration planning and adaptation mechanisms can be implemented before the worst effects of climate change have manifested. It may be argued then that *if* climate change effects deteriorate to a state of disaster and none of such pre-emptive actions have materialised, then they should be considered refugees.

There are further reasons why those displaced by climate change should not be considered refugees. Narrowing down the definition of climate refugees to refer to only a small case of those who will be impacted by environmental degradation caused by climate change leaves a large number of people unprotected, particularly those whose livelihoods will be gravely affected by in-land slow-onset disasters and who might have to migrate internally. This is particularly problematic if they have been impacted by global economic institutions as in the case of climate change, which I will explore in Chapter Two. Recall that the reason why authors are reluctant to identify those affected by slow-onset disasters such as drought as ‘environmental’ migrants is firstly because migration is caused by multiple factors, and secondly because their proximity to economic migrants and the possibility of anticipatory migration means that their migration can be seen as voluntary. However, these factors are only a problem for granting them refugee status, and this is not only the way of conceiving the problem.

Refugee-status is largely based on humanitarian concerns, and I will argue in Chapter Two that the case of those displaced by climate change is one of *justice*. Darrel Moellendorf describes as a case of justice or injustice, any situation in which established social practices

⁶⁴ Byravan & Rajan, *Ethical Implications*, p.242.

⁶⁵ McAdam, *Swimming Against the Tide*, p. 5.

and institutions regularly affect the highest order moral interests of a person. I will argue that climate change is such a situation, in which global economic institutions have affected the highest order moral interests of those who will be impacted. Regarding assistance, then, it will not be of primary importance that migration is involuntary or voluntary. What will matter is how people's interests are affected, what they are owed, and how they can best be protected. Even if, for example, international migration is not the only option for assistance for those affected, it should be an option if duties of justice call for it. Similarly, even if some can only be helped through international migration, it does not necessarily mean that this is all they are owed. The question is what will best bring the situation into one of justice.

Looking at it from a situation of justice will also allow us to consider a greater number of those who will be affected by climate change. Lister himself acknowledges that his argument does not account for all of those who are displaced by climate change and who might be owed duties of justice. Furthermore, while Black argues that the term of *environmental* refugees is practically unnecessary, from a perspective of justice it *does* matter that climate change significantly contributes to people's migration, and it does matter that it undermines people's interests even if migration is not the only option.

So far, I have argued that those displaced by climate migrants should not be considered refugees even if some do fulfil the conditions of the UN definition. But there may be further issues. I argued above that from a perspective of justice it does not matter if there are multiple causes for migration because it does not rely on the voluntary/involuntary distinction which the legal definition does. However, it may be objected that the fact that migration has multiple causes is still a problem from a perspective of justice. A dominant principle in climate justice literature argues that financial responsibility lies with causal responsibility, and so ascertaining that the cause of migration is primarily environmental, and thus caused by climate change, might hold some weight in justifying duties. I will address this principle of historical responsibility in Chapter Four, showing that it faces many difficulties. For now, I address the objection directly. I cannot say whether this issue is insurmountable from an empirical perspective: Although scientists have made some headway in estimating how much climate change contributes to environmental problems, it might not be possible to know *what extent* people were compelled to migrate due to environmental reasons versus others. None the less, it is sufficient to point out that if those responsible for climate change argue against proposed duties of justice because vulnerable populations could have avoided migration by having greater resources to adapt, this would be akin to starting a wildfire and blaming a

burnt down farmstead for not having adequate fire stops or dropping bombs on a city and blaming residents for not having bunkers. It does not seem fair to blame them for their circumstances before the disruption.

Furthermore, even if migration would not happen because of environmental factors alone and is exasperated by unsustainable agricultural practices or already existing poverty, the environmental degradation would still have an impact. It might make resources for adaptation more necessary than they otherwise would be, or it could exasperate poverty and contribute to migration, and from a position of justice, rather than simply from a humanitarian perspective, duties might still arise from this.

Another objection might be that focusing on refugee status is preferable as a matter of feasibility. Lister argues that this approach is preferable on the basis that it is more feasible to extend the UN Convention on Refugees than to justify assistance based on other grounds such as justice. But this feasibility comes at a cost: of ignoring questions of justice, not assisting some of those who will be gravely affected, and leaving the situation until too late.

In this section I have shown that attempts at characterising those displaced by climate change have been inadequate. While some definitions are too broad, I have also argued that trying to narrow the identification of those who will be displaced according to those who fit the legal category of a refugee is undesirable because it leaves the situation too late and leaves too many unprotected. I have mentioned that I am interested in looking at the case of climate migrants from a perspective of justice, which avoids the pitfalls of the refugee approach.

However, identifying and characterising those likely to be displaced is still important for working out what this justice will entail. For the purposes of this thesis, it is necessary to formulate a working definition of who climate migrants are – one that will allow me to deal with the ethical problem at hand. It should enable me to do two things: firstly, to identify the various ways in which their moral interests might be affected, in order to properly justify what principle of justice should apply to their case; and secondly, to articulate what the implications are of this principle for what climate migrants, in their differing situations, are owed. I turn to this next.

4. A Working Classification System

The classification system I propose will be used throughout the rest of my thesis. As argued above, these definitions will not take the form of the refugee/migrant divide. Instead, I take

inspiration from Bates who breaks down the notion of ‘environmental refugee’ into the objective characteristics of each kind of environmental event. While it may still be the case that migration is caused by multiple factors, this should not be a problem from a point of view of justice. On the perspective of justice I defend, the focus is not merely on voluntary versus involuntary migration, and as such migration that is partially caused by worsening livelihoods and can said to be ‘voluntary’ still might be problematic and generate duties of justice.

Recall that justice arises when established social practices and institutions regularly affect the highest order moral interests of a person. Given this conception of justice, these definitions need to be able to show how given institutions and principles have affected people’s highest moral interests, what they are owed, and how they can best be protected. The effect of institutions on people and their moral interests will be determined by the objective kind of environmental degradation and the probable objective consequences. For example, the interests of those who become temporary migrant workers due to drought and loss of livelihoods will be affected differently than inhabitants of small-island states who may have to move permanently into another territory. Bate’s nuanced approach therefore seems promising as a way to enable me to theorise how best to conceive of the moral problem involved in the case of climate migrants. Since I am concerned not just with any environmental cause but specifically climate change, I propose the following terms to refer to those who will be displaced by climate change: Climate Disaster Migrants, Displacement-Threatened Climate Emigrants, and Displacement-Threatened Climate Migrants. Before I explicate these definitions, I want to address one more relevant objection.

It may be objected that regardless of claims to refugee status or not, the fact that the causal link between environmental degradation and migration is complex is still cause for concern when characterising climate migrants. This is because threatened populations may not end up being migrants at all. The population who may be at risk because they are living in vulnerable areas, such as low-lying areas, cannot translate into the predicted migratory population.⁶⁶

However, as Joachim Wündisch argues, theories should be developed that address all eventualities for which a serious case has been made.⁶⁷ It is unacceptable to avoid theorising about the ethical problems involved in climate induced migration just because there is a

⁶⁶ Neuteleers, *Environmental Refugees*, p. 230.

⁶⁷ Wündisch, J. 2019. Towards a non-ideal theory of climate migration. *Critical Review of International Social and Political Philosophy*, 1-32. P. 2.

chance that some migration might not occur. Furthermore, identifying all the at-risk populations in vulnerable areas can also ensure that pre-emptive, non-migratory adaptation schemes are considered if duties of justice require them.⁶⁸ The definitions I propose are merely working definitions that I can use to show how given institutions and principles threaten to affect people's highest moral interests and the ways in which they can be helped. I will use the term 'displacement-threatened' in my definitions below to acknowledge that migration is not a necessary feature.⁶⁹

Others might further object to this characterisation of those affected by climate change as migrants due to the possibility of backlash. The prediction of large numbers of migrants needing to cross international borders is criticised for being alarmist, which could ironically risk backlash and anti-migrant sentiments against the group.⁷⁰ However, narrowing the identification to those most likely to be deemed refugees is not the only solution to this. A nuanced classification system such as the one I will propose can help prevent a backlash since it can show that many, for example, will not have to migrate internationally. I will now turn to the definitions.

Climate Disaster Migrants

Climate Disaster Migrants are those who will be displaced by acute disasters such as floods, wildfires, or hurricanes. They will immediately be threatened in their capacity to live a decent life, but they will not necessarily require international migration since they may be able to relocate internally, and this also may be preferable from a perspective of justice. Their migratory status is also likely to be short-term. Others may have to move permanently if they are identified as living in risk areas, especially as risk, frequency, and severity grows.

Displacement-Threatened Climate Emigrants (DTC Emigrants)

DTC Emigrants are those who reside in regions which are at risk of becoming uninhabitable owing to slow-onset environmental deterioration in which climate change was a significant causal factor, and which are so positioned that such environmental deterioration may eventually require international migration. The clearest example of such migrants are the

⁶⁸ See Bell, D. R. 2004. Environmental refugees: What rights? Which duties?. *Res Publica*, 10(2):135-152. P. 150.

⁶⁹ This takes inspiration from Derek Bell who in his work distinguishes between *potential* and *actual* environmental migrants. Due to the predictable nature of climate change and the options for adaptation, nearly all climate migrants are potential migrants, except for those affected by acute natural disasters.

⁷⁰ Lister, *Climate Change Refugees*, p. 622; McAdam, *Swimming Against the Tide*, p. 11.

inhabitants of small-island states threatened by sea-level rise. They will be threatened in their capacity to live a decent life, but this will at first be gradual and will increase in severity in the future. Since these islands may effectively sink, they are at risk of losing their state territory and international migration may be necessary. I call them ‘emigrants’ to denote this likely scenario.⁷¹ I add ‘displacement threatened’ to show they are being identified in the present regarding future concerns for which they *now* require assistance and planning.

Displacement-Threatened Climate Migrants (DTC Migrants)

DTC Migrants are those who reside in regions which are at risk of becoming uninhabitable owing to slow-onset environmental deterioration, such as drought, desertification, and continent-bound rising sea-levels, in which climate change was a significant causal factor, and which are so positioned that such environmental deterioration may require internal migration. In this case, environmental changes progressively undermine people’s livelihoods and local resource base through undermining freshwater access and subsistence farming or increasing the cost of food. These migrants are primarily subsistence farmers, who may migrate internally due to their livelihoods being threatened by lower yields or agricultural land being lost. The clearest example of such migrants are the inhabitants of low-lying deltas such as Bangladesh, and those reliant on subsistence farming in parts of Africa and Asia. I refer to them as migrants rather than emigrants to denote that migration will largely be internal in this case, although international migration may be required as a matter of justice. Similar to above, I add ‘displacement threatened’ to signal that they are being identified in the present regarding future concerns for which they *now* require assistance and planning, whether for pre-emptive migration or adaptation strategies.

Climate Migrants

Despite the varying attributes of those who are threatened to be displaced by climate change, there will be many times when I refer to them all under the broader category of ‘climate migrants’. In some cases, this will be sufficient, and in other cases I will need to refer more specifically to the sub-categories, particularly in Chapter Four when discussing what these

⁷¹ Bates argues that those who are compelled to migrate, but not necessarily forced, by deteriorating environmental conditions, such as anticipatory migrants, should be considered ‘environmental emigrants’. However, I think those who are likely to have to migrate internationally due to environmental degradation should be distinguished from those who will not. Victims of sea level rise on the continent and victims of desertification/drought might not *have to* migrate internationally, since internal migration is possible, and it might be preferable. ‘Emigrant’ denotes those who will likely have to leave their home country.

different groups are owed as a matter of justice. When I use the term ‘climate migrants’, I simply refer to all those who are threatened to be displaced by climate change.

5. Conclusion

I have argued that the characterisation of climate migrants in the literature is inadequate. The concept of ‘environmental refugees’ has been controversial because it covers too many differing groups. In particular, the sub-category of those affected by slow-onset environmental degradation such as droughts has been seen as problematic because the environmental cause cannot easily be disentangled from other factors. For this group of migrants, environmental degradation often exasperates and can be worsened by poverty, and the gradual nature of environmental degradation also leads to anticipatory migration. It can therefore be difficult to distinguish them from economic migrants who are seen as migrating *voluntary* and as not in need of urgent assistance. This is a problem because one of the dominant ways of characterising environmental migrants is by identifying them as refugees, but legal refugee status requires that international migration be *involuntary* in the sense that it is the only option available to assist those urgently in need.

To avoid these complicating factors, some have tried to narrow down the category of climate migrants to those who could be considered legal refugees. I argued that some climate migrants *could* be considered legal refugees, especially based on the logic of the UN definition put forward by Lister. He emphasises that the distinguishing features of refugees is that they are threatened in their capacity to live a decent life and the only way they can be assisted is through international migration.

However, I argued that climate migrants should *not* be considered refugees in the first instance none the less. This is because, firstly, environmental degradation caused by climate change can be predicted, and pre-emptive measures such as adaptation and planned migration can be done now, to assist migrants before they are forced to migrate involuntarily. Secondly, this approach leaves too many of those who will be displaced by climate change with no assistance or protection.

I will argue in Chapter Two that the case of climate migrants is one of justice rather than humanitarianism. Under this view, the focus is not on whether people migrate voluntarily or involuntarily due to environmental degradation, but rather how their interests are affected and what justice requires. This will enable us to consider and can accommodate a greater number

of those who will be affected by climate change, and to consider the need for pre-emptive action. I proposed that in order to deal with the complexity of some environmental migration and to enable me to evaluate the situation from a matter of justice, there needs to be a nuanced classification system of climate migrants. This will enable me, firstly, to identify the various ways in which their moral interests might be affected, in order to properly justify what principle of justice should apply to their case; and secondly, to articulate what the implications are of this principle for what climate migrants, in their differing situations, are owed. I proposed the following terms: Climate Migrants, Climate Disaster Migrants, Displacement-Threatened Climate Emigrants, and Displacement-Threatened Climate Migrants.

Chapter Two

Climate Migrants and Global Justice

1. Introduction

In this chapter, I argue that the situation of climate migrants should be considered a matter of global justice. Though some hold that duties of justice only exist within the nation-state, I will defend Darren Moellendorf's associational view of justice, according to which duties of justice arise where there are associations picked out by the following: an association exists if established social practices and institutions regularly affect the highest order moral interests of a person.⁷² Since these associations can be *global* in scale, I will argue that duties of justice can and do exist globally, and that this applies to climate change. I will argue that established global economic and political institutions will substantively affect the moral interests of those who will be displaced by climate change, and this according to Moellendorf is a situation of injustice which needs to be rectified.

To do this, I will partially defend Moellendorf's account of the two highest moral interests which are taken from John Rawls. Moellendorf argues firstly that persons have an interest in developing and exercising the ability to rationally form, pursue, and revise a conception of the good.⁷³ Secondly, they have an interest in developing and exercising the ability to 'to apply and to act upon publicly acknowledged fair terms of cooperation.'⁷⁴ The defence of these interests will be *partial* because I think our vital interests are in the fulfilment of needs necessary to develop these kinds of abilities, which will be the focus of Chapter Four.

I will show why the imposition of institutions and practices which affect these interests bring up questions of justice, which Moellendorf grounds in the idea of justificatory respect: universal equal respect for the equal dignity of all persons requires that people should not be subjected to institutions and practices which they could not reasonably accept.⁷⁵ If institutions are unjust, then according to Moellendorf, the association needs to be rectified through the establishment of new principles of justice. All those who abide by or act within

⁷² Moellendorf, D. 2002. *Cosmopolitan Justice*. New York: Routledge. Pp. 30 – 36.

⁷³ Moellendorf, *Cosmopolitan Justice*, pp. 20 – 22.

⁷⁴ *Ibid.*, pp. 22 – 23.

⁷⁵ *Ibid.*, pp. 33 – 34.

the constraints of the unjust institutions will be in association with, and have duties of justice towards, the person(s) affected.⁷⁶

I will argue that these conditions apply to climate migrants and that climate migrants are a part of such an association. The economic institutions responsible for climate change, such as carbon-based practices, will negatively affect the highest order moral interests of many people, particularly those in developing states who suffer from drought and rising sea levels and will need to migrate.⁷⁷ While Moellendorf focuses on the global economic association, I will argue that political institutions are also relevant. Lax state environmental policies regarding carbon outputs have enabled pollution to occur, and the state system will impact on the avenues available to migrants.⁷⁸ These economic and political institutions will affect climate migrants in various ways, threatening their livelihoods, health, self-determination, ways of life, and the viability of their public institutions. Those who abide by these social practices and institutions include, and may not be limited to, industries, companies, states, individual consumers, lobbyists, and state citizens.⁷⁹

The two questions which I will explore in this chapter are, firstly, whether this kind of association as explicated by Moellendorf does in fact give rise to duties of justice, and, secondly, whether the relations between the global institutions and climate migrants fulfil the criteria of such an association. While the overall aim of this thesis is to determine what justice would look like for climate migrants, in this section I intend not to focus on which principles of justice should be established nor who should bare the duties of this justice, but why duties of justice arise globally at all and why the case of climate migrants triggers them. Only once it has been established that there *are* moral duties which exist across borders can any theorizing be done about which principles and duties of justice apply to this case. As Moellendorf argues, the question of whether an association gives rise to duties of distributive

⁷⁶ Moellendorf, *Cosmopolitan*, pp. 30 – 33.

⁷⁷ Waldinger, M. 2015. The Effects of Climate Change on Internal and International Migration: Implications for Developing Countries (Vol. 217). Grantham Research Institute on Climate Change and the Environment.

⁷⁸ Oreskes, N. n.d. Who is Responsible for Climate Change? Sustainability Videos & Lecture Series, [Global Institute of Sustainability and Innovation](https://sustainability-innovation.asu.edu/media/wrigley-lecture-series/who-is-responsible/). Retrieved 30 January 2022 at <https://sustainability-innovation.asu.edu/media/wrigley-lecture-series/who-is-responsible/>

⁷⁹ Caney, S. 2010. Climate Change and the Duties of the Advantaged. *Critical Review of International Social and Political Philosophy*, 13(1): 203-228. P.219.
Oreskes, Who is responsible.

justice can be distinguished from the question of what the appropriate principle of justice is.⁸⁰ It will be the aim of Chapters Three and Four to establish such a principle of justice and what duties of justice follow.

In section two of this chapter, I will outline Moellendorf's theory of associational justice and defend it against one prominent objection leveled by thinkers such as Thomas Nagel and Michael Blake. They suggest that justice does not exist beyond state borders because it is the specific nature of the *state* association, marked by state coercion and representative authority, which generates duties of justice. In section three, I will show why the situation of climate migrants should be understood through this associational framework. I will then consider some objections against the applicability of Moellendorf's theory of justice to the case of climate migrants, largely focusing on doubts about the causal, and therefore associational, link between the carbon pollution and climate migrants.

2. Moellendorf's Theory of Associative Duties of Justice

To claim that the case of climate migrants is one of justice, it is necessary to outline a framework of justice that can be applied to their case. According to Moellendorf, justice refers to whether institutions, their social practices, and the principles that underpin them, are just or fair.⁸¹ It is therefore an institutional view of justice which holds that justice concerns the fairness of the institutions of public life, including the dominant political, economic, and social arrangements.⁸² Moellendorf argues that duties of justice are produced through associations and defines an association as picked out by the following: an association exists if

⁸⁰ Moellendorf, D. 2016. Global Distributive Justice: The Cosmopolitan View. In Held, D. and Maffettone, P. (eds.), *Global Political Theory*. Polity. p. 106.

⁸¹ Moellendorf, D. 2016. Global Distributive Justice: The Cosmopolitan View. In Held, D. and Maffettone, P. (eds.), *Global Political Theory*. Polity. Pp. 102 – 130. P. 105.

⁸² Moellendorf does not specifically define what an institution is. Since associations can be generated by both 'social practices' and institutions, and his examples cover formal institutions such as trade organisations but also broader systems or patterns of activity such as slavery, I will take it that an institution is broadly a pattern of behaviour dominant in public life.

Moellendorf cites Rawls' definition of the basic structure as: "The way in which the major social institutions distribute fundamental rights and duties and determine the division of political advantages for social cooperation." Rawls includes as major social institutions "the political constitution and principal economic and social arrangements." The institutions relevant to the generation of associations are therefore assumingly the dominant political, economic, and social arrangements.

established social practices and institutions regularly affect the highest order moral interests of a person.⁸³

Moellendorf defends Rawls' conception of persons and outlines the two highest moral interests. He argues that persons have an interest in developing and exercising the ability to rationally form and pursue a conception of the good, and to revise them. Secondly, they have an interest in developing and exercising the ability to 'to apply and to act upon publicly acknowledged fair terms of cooperation', which means to propose and act from principles of justice.⁸⁴ According to Rawls, these are the two 'moral powers' or capacities which make people moral persons (whom can be held responsible for their actions) and which make citizens equal and free. Rawls argues that persons are equal insofar as they have the two moral powers to a requisite minimum degree to be fully cooperating members of society.⁸⁵

I agree that these interests are important, and that we have reason to be concerned when they are regularly affected by institutions. Moellendorf says that we all necessarily value having a conception of the good, which seems right since "this conception is the basis for establishing what is of value in life."⁸⁶ To choose between X and Y, we rely on some conception of the good. It is the fundamental importance of *being able to value*, of being able to reflect and deliberate on this value, and then to pursue this value in life. This ability, referred to by people such as Martha Nussbaum as 'practical reason', is important because of the way it enables people to live autonomously according to their own life plans.⁸⁷ It also makes people capable of moral responsibility, as Rawls says, because it enables people to deliberate and reflect on their reasons for action such that they can be accountable for those actions. This enables them to function and participate in society fully because much of our legal and moral institutions presuppose such moral agency.

⁸³ It should be noted here that Moellendorf takes the basic unit of global justice to be individual persons, rather than states. I will explain this in more detail in Chapter Three, but for now it is sufficient to point out that it is the interests of persons he is concerned with, and the interests of states are important only in so far as they serve the interests of persons. This is because the main assumption taken is the equal dignity of all human beings, which is what justice serves to protect. This is assumingly why Moellendorf's definition of association is concerned with the effects of institutions on the moral interests of individual persons.

⁸⁴ Moellendorf, *Cosmopolitan*, p.20.

⁸⁵ *Ibid.*, p.20.

⁸⁶ *Ibid.*, p.20.

⁸⁷ See Nussbaum, M. C. 2001. *Women and Human Development: The Capabilities Approach* (Vol. 3). Cambridge University Press.

However, since there is a pluralism of conceptions of the good life, there is the possibility one could be subjected to the will of another and the principles of justice stemming from *their* conception of the good. Moellendorf suggests that for this reason we also have an interest in being able to propose and act on fair terms of cooperation with others. This is hardly in need of defence, but it seems reasonable to think that being subjected to unfair terms of cooperation or being dominated by others in such a way that one cannot pursue their own life plans is morally problematic. If one values the ability of people to lead lives of their own choosing, then these interests are reasonable. The importance of following one's conception of the good life does not mean that people can do whatever they want, since this may infringe on other people's ability to lead their own lives. An agreement is therefore needed to protect the agency of all. The protection of these interests make citizens equal and free, as Rawls says, because they can be treated equally before the law as moral agents and can be free to live autonomously according to conditions which allow others to do the same. If institutions regularly affect these interests, then they are preventing people from living as moral agents who are free to pursue their own ends.

However, I do find the first interest to be incomplete and indeterminate. We might want to protect people's ability to develop and pursue a conception of the good, but it is not clear from Moellendorf's account what conditions are needed for this, and so what conditions (or lack thereof) impinge on this ability. These 'moral powers' themselves may require other capabilities and the satisfaction of various needs.⁸⁸ For example, to be able to pursue a conception of the good, one needs not only deliberative understanding but the capacity for human agency: the capacity to act at all, which necessitates a certain amount of physical and mental health as well as security. Furthermore, to develop and revise a conception of the good, one may need various conditions to be met, such as decent social relations with others

⁸⁸ Mark Blythe rightly argues that Rawls should not have assumed impartial agents in the Original Position represent persons who are fully capable already. Instead, he should have included these capabilities in his principles of justice. Rawls does acknowledge the two moral powers may not be fully developed, but he argues that the redistribution of primary goods such as wealth and resources can best help to achieve these moral powers in practice. As Nussbaum points out, however, people may have unequal capacities to convert these resources into freedoms. It makes more sense to focus on harms themselves and the prevention of them than to assume that a given means will lead to harm reduction. As relayed, it is also easier to see *how* people's interests are harmed and what they are owed if there is a nuanced breakdown of those interests. Brock provides such a nuanced account which I will draw on in Chapter Three. For more on this, see Blythe, M. 2008. The means to social justice: Accounting for functional capabilities in the Rawlsian approach. *Canadian Journal of Political Science/Revue canadienne de science politique*, 41(4): 1003-1021; Vincent, L., Steyn-Kotze, J., & Hamilton, L. 2012. *Puzzles In Contemporary Political Philosophy: An Introduction for South African Students*. Van Schaik Publishers. P. 78.

which can help one form and deliberate over values, and a level of autonomy and self-governance. As Amartya Sen, Martha Nussbaum, and Gillian Brock point out, there are various conditions that are needed for human dignity and agency, not only practical reason and fair terms of cooperation.⁸⁹

In Chapter Three, I will argue that the association affecting climate migrants should be governed by a principle of justice focused on human agency needs: that is, the needs which must be fulfilled to develop human agency. I will explore Brock's defense of this needs approach in Chapter Three, but for now I think it relevant to mention the needs that Brock defends as this will give us some insight into what it means when we say that institutions affect Moellendorf's two moral interests. The needs Brock proposes are the following: a sufficient level of physical and mental health; sufficient security to be able to act; a sufficient level of understanding of what one is choosing between; a certain amount of autonomy; and decent social relations with some others.⁹⁰

Moellendorf argues that associations affect these moral interests of its members by distributing benefits and burdens to them.⁹¹ If institutions (and the principles underlying them) negatively affect the moral interests of people regularly, then it is unjust. Moellendorf holds that this conclusion is a natural consequence of assuming universal respect for the equal dignity of all persons.⁹² Moellendorf suggests that a part of human dignity is the capacity for practical reason: "Our capacity to act in ways that are responsive to the reasons we have for acting."⁹³ He says that respect for this practical reason is upheld when institutions, which constitute the association, are structured according to principles that could be reasonably endorsed by persons who participate in the association. In Moellendorf's own words: "[Failure to do this] would be to fail to respect their capacity to act in ways responsive to reasons because it would allow their agency to be manipulated by policy in ways that they might reasonably reject."⁹⁴ The logic here seems to be:

⁸⁹ See Sen, A. 1999. *Development as Freedom*. Oxford University Press; Sen, A. 1979. Equality of What? The Tanner Lecture on Human Values. (Stanford University, 1979); Nussbaum, M. 1999. *Women and Human Development: The Capabilities Approach*. Cambridge University Press; Brock, G. 2009. *Global justice: A Cosmopolitan Account*. Oxford/New York: Oxford University Press.

⁹⁰ Brock, Global Justice, p. 67.

⁹¹ Moellendorf, *Cosmopolitan*, P.1, p.33.

⁹² Moellendorf, *Global Distributive Justice*, p. 108.

⁹³ *Ibid.*, p. 108.

⁹⁴ *Ibid.*, p. 108.

- 1) Persons have certain moral interests (in pursuing their conception of the good, living autonomously, and having adequate conditions to enable these ends)
- 2) Respecting the equal dignity of all persons requires that people are able to act in ways that are responsive to the reasons they have for acting
- 3) If institutions are imposed which affect the moral interests of persons, then this would undermine their practical reason because they would be forced to act in ways that go against their interests and which they would therefore not reasonably accept. They would not have adequate reasons for acting but instead their agency would be manipulated.
- 4) Therefore, institutions need to be reformed such that persons could reasonably accept them (and they would therefore have reasons for acting and maintain their agency).

Moellendorf argues that an unjust association needs to be rectified through the establishment of new principles of justice that could be reasonably endorsed by all subjected to them.⁹⁵ All those who abide by or act within the constraints of the unjust institutions will be in association with, and have duties of justice towards, the person(s) negatively affected.⁹⁶ According to Moellendorf, justice demands that those who abide by the implicated institutions should either obey or advocate for just principles and institutions to govern the association in question.⁹⁷

All of this seems reasonable. If institutions regularly affect the moral interests of people, then it means that they are preventing those people from living as moral agents who are free to pursue their own ends. This would not be acceptable to people, and so would violate their practical reason. Following on from my point above, I would add that dignity can be undermined through undermining the means for developing agency itself. The imposition of institutions which undermine agency needs would also disrespect their dignity, i.e. they could not only undermine one's reasons for acting, but may undermine the *ability to act at all*. For example, someone who is displaced by climate change because of global institutions, as I will argue in the next chapter, may be undermined in their ability to pursue their conception of the good life, but they may also lack the understanding or social conditions necessary to respond

⁹⁵ Moellendorf, *Global Distributive Justice*, p. 108.

⁹⁶ Moellendorf, *Cosmopolitan*, p.32.

⁹⁷ *Ibid.*, p.31.

appropriately in a way that serves their interests. Institutions need not disrespect their dignity only through the violation of practical reason.

It may be argued that not all institutions and principles that affect people should be justified to them, as we do not think this is the case when it comes to, for example sports clubs. But Moellendorf does not think this justificatory respect is needed for or applies to all associations and the institutions underlying them. Moellendorf argues that associations only give rise to duties of justice among members, and their constituting institutions only require justification, if they are: (i) sufficiently strong, (ii) largely non-voluntary, (iii) constitutive of a significant part of the background rules that govern members' public lives, and (iv) can be subject to the collective control of members.⁹⁸ These conditions are individually necessary and jointly sufficient for the association to give rise to duties of justice.

To add further detail, for the association to be strong it must be enduring, its institutions should be comprehensively governed by norms, and it should regularly affect the highest order moral interests of its members.⁹⁹ It should be non-voluntary in the sense that there is no reasonable alternative to participating in the association.¹⁰⁰ It should also be constitutive of the background rules that regulate members' public lives; in other words, it should greatly account for the background rules that regulate members' public lives.¹⁰¹ Lastly, it must be possible to bring the institutions and their rules under the control of the members.

Moellendorf argues that since such associations exist globally, duties of justice exist globally.¹⁰² He focuses on the global economy, arguing that the processes of modern globalization have created a global economic association whereby economic practices and principles have had a far-reaching impact on the moral interests of persons all over the world. In particular, he mentions the historical developments of slavery and colonialism which fueled the industrialization and development of the New World, early twentieth century imperialism, and late twentieth century globalization, all of which have brought people from all over the globe into closer economic association.¹⁰³ Central to the question of justice for

⁹⁸ Moellendorf, *Global Distributive Justice*, p. 109.

⁹⁹ *Ibid.*, p. 109.

¹⁰⁰ *Ibid.*, p. 109.

¹⁰¹ *Ibid.*, p.109.

¹⁰² Moellendorf, *Cosmopolitan*, pp. 36 – 37.

¹⁰³ *Ibid.*, p.36.

climate migrants, he adds that in addition to these three periods of the history of capitalism, the distribution of pollutants in the atmosphere has also been a part of the global economy and has brought people into an unavoidable association which affects their highest moral interests.¹⁰⁴

This cosmopolitan view entails that when an unjust association needs to be rectified through the establishment of new principles of justice that could be reasonably accepted by all subjected to them, those who are subjected and must hypothetically consent could live all over the world. This also means that all those who abide by or act within the constraints of the unjust institutions could be in association with, and have duties of justice towards, people who are not fellow citizens but live in distant states. This is not uncontroversial, and some deny that people can have duties towards those in other states. Before I move onto applying Moellendorf's theory to the case of climate migrants, I want to defend Moellendorf's account against such an objection that relegates justice to *within* the state.

2.1. *Justice Outside of the Coercive State*

Regarding Moellendorf's theory of associational justice, it may be objected that there cannot be duties of justice to those outside of one's state because justice only exists *within* the state. One line of argument for this conclusion is that of Blake and Nagel, who both argue that state coercion is a necessary condition for demands of justice to apply. Their views differ slightly, and so I will consider them and their possible objections to Moellendorf's theory in turn.

2.1.1. Blake: Coercion, autonomy, and distributive justice

Michael Blake argues that distributive justice, and in particular egalitarian principles, only exist as a justification for state coercion, particularly in the realm of private law (which includes the law of property, torts, and contracts).¹⁰⁵ For Blake it is autonomy that is at stake in cases of justice, which he defines as the ability of individual agents to live their lives according to their own plans.¹⁰⁶ He holds that all human beings have the moral entitlement to

¹⁰⁴ Moellendorf, *Cosmopolitan*, p. 37.

¹⁰⁵ Blake, M. 2001. Distributive Justice, State Coercion, and Autonomy. *Philosophy & public affairs*, 30(3): 257-296. P. 258, p.276.

¹⁰⁶ Blake, *Distributive Justice*, p. 271.

exist as autonomous agents and to the conditions and circumstances under which this is possible. The state, including its political and legal system, violates peoples' autonomy through coercive measures such as state punishment.¹⁰⁷ There is also coercion in private law, whereby the protection of private holdings and entitlements is upheld through the threat of force. The legal system structures the most basic economic interactions and defines the rules underpinning entitlements, property, and taxation. Through this Blake says these laws "create a pattern of entitlements" and distribute burdens and benefits coercively.¹⁰⁸ Given the violation of autonomy involved, the coercive state systems need to give people, especially those who are most disadvantaged, "reasons to consent to the principles grounding their situation by giving them reasons they could not reasonably reject."¹⁰⁹ This, he says, will result in egalitarian principles of distributive justice that constraint material inequalities.¹¹⁰ All citizens should hypothetically consent to the state coercion because there are laws and policies in place to ensure fair redistribution.

However, Blake holds that questions of distributive justice do not arise on the international level. He argues that the interactions in the realm of trade, diplomacy and international agreement do not engage in the same sort of coercive practices against individual moral agents as the state, such as imposing tax regimes on individuals.¹¹¹ As such, no hypothetical justification is needed, and duties of justice do not arise. He does acknowledge that there are situations which violate persons' autonomy, such as poverty, and that this should be addressed given that it can be amended by human agency. But he argues that this does not trigger distributive justice concerns, and supports only a principle of sufficiency abroad, meaning that only absolute deprivation which violates autonomy is addressed. Other forms of coercion on the international level, such as exploitative trade relationships, are either indefensible or do not find their justification in a consideration of their distributive consequences.¹¹²

In sum, Blake argues that for duties of distributive justice to arise, there must be (1) coercion and (2) such coercion should distribute goods and burdens. Blake would therefore argue

¹⁰⁷ Blake, *Distributive Justice*, p. 272.

¹⁰⁸ *Ibid.*, p. 281.

¹⁰⁹ *Ibid.*, p. p. 283.

¹¹⁰ *Ibid.*, p. 283.

¹¹¹ *Ibid.*, p. 265, p. 280.

¹¹² *Ibid.*, p. 280.

against Moellendorf that (1A) global economic activity is not coercive and therefore does not coercively distributive benefits and burdens and (2A) where there is coercion such as exploitative trade relationships, this does not give rise to questions of distributive justice because either it should be condemned rather than justified, or its justification would not lie in distributive claims. He would therefore argue that perhaps climate migrants should be saved from absolute deprivation, but there are no duties of distributive justice.

However, against (1A), I argue that global economic activity can be seen as coercive in that it is involuntary. Holding that coercion in its narrow sense is a necessary condition for duties of justice to arise seems to have unnecessarily conservative implications. Blake uses the standard definition of coercion which refers to a case where a person's will is subordinated to the will of others. While the global economic order may not be coercive in this sense in that it does not threaten the use of force if one does not adhere to the economic policies or practices, there *are* significant costs to not joining the global economic order.¹¹³ The benefits and burdens are therefore imposed nonvoluntarily and can be said to deserve justification.

Blake might object that choosing the best option amongst other options is not involuntary. If the economic order provides benefits and so is seen as a preferred alternative to not joining in, then the choice may be constrained but it is not involuntary.¹¹⁴ However, if there are significant costs to not joining in, then it is not the best option among decent alternatives but could be seen as the *less* costly option among costlier options. One could say that an exploited labourer has chosen to work in this job and therefore they must see the benefits of the job as preferable to other alternatives. But if the alternatives are to stay unemployed and not have the means to meet their needs, then it is hardly an autonomous choice to take on the exploitative job. If a country's alternative to buying into the prevalent market norms is to have no investment in a poverty-stricken country, or to have no trade with others when they cannot produce enough of some good that their citizens need, then they may choose to buy in because the one option is costlier than the other. *Even if* there is some benefit to this, just as in the case of the labourer, it does not seem that there is a voluntarily choice here, nor is the benefit a justification for the institutions, which may overall be harmful compared to other possible alternatives. For Moellendorf, the association must simply be *nonvoluntary* for it to

¹¹³ Cohen, J., & Sabel, C. 2006. Extra rempublicam nulla justitia?. *Philosophy & public affairs*, 34(2): 147-175. P. 168.

¹¹⁴ Blake, *Distributive Justice*, p. 270.

generate questions of justice, and this seems to be the correct intuition. If the practices of some are regularly affecting others through the distribution of burdens, and the affected do not have a viable choice to opt out, then questions of distributive justice arise.

Blake might object that even if there is in some sense an involuntariness in joining dominant economic orders and that this coercively distributes burdens such as through exploitative trade relationships, then this should merely be condemned or justified, and distributive justice would not be an appropriate justification. But the same could be said for within the state. Perhaps the fact that the most disadvantaged are burdened by the domestic legal system should simply be condemned or find its justification in something else other than distributive duties. Blake would insist it should not be merely condemned, because it is a *system* which regularly affects the most disadvantaged and so needs to be justified through redistribution, and that distribution is appropriate because of the way in which the most disadvantaged are affected *through* distribution. Why is the same defense not available on the international level? It could be said that exploitative trade relationships consist in patterned rules which regularly affect the most disadvantaged, and so needs to be justified to those affected. Furthermore, if an exploitative trade relationship is patterned then it likely also leads to certain distributions, and as such questions of distributive justice are appropriate.

Furthermore, *even if* it could be doubted that joining the global economic order is involuntary, this is not the case for climate migrants. As Moellendorf argues, carbon-based economic practices are patterned and established, and have resulted in the distribution of burdens, such as detrimental climate change effects. This has been involuntary for those affected by climate change, and such a distribution would be unreasonable for climate migrants to accept. While Blake could argue again that such climate effects should merely be condemned rather than require justification in distributive justice, this is problematically backward-looking. The burdens of climate change will be felt far into the future, and as such the economic order will continue to distribute its burdens. Just as with the example of exploitative trade relationships, the institutions can affect people's interests around the globe in various ways for some time. This *ongoing* nature of the association and its distribution of benefits and burdens is what grounds a need for justification, just as in the state it is the ongoing effects of coercive private law that grounds a need for justification. And what justification entails, just as in the state context, is a change in distributive principles such that

it can be deemed reasonably fair. In conclusion then, Blake's argument, modified slightly in its terms, is compatible with Moellendorf's argument and its application to climate migrants.

2.1.2. Nagel: Coercion, joint authorship, and justice

Similarly, Thomas Nagel argues that justice can only exist within states due to the coercive nature of the state and the nature of state authority, which implicates the wills of its citizens such that citizens are joint authors of the coercively backed laws.¹¹⁵ For Nagel, it is because citizens are coerced that they have claims to justice, but not only for purposes of hypothetical consent as in Blake's case. Rather, it is partly because these coercive structures ensure that citizens will abide by the legal system and duties of justice.¹¹⁶ Coercion does not only justify but instead *enables* duties and claims of justice through the threat of force. Furthermore, as in Blake's account, consent is required. But it is not only because laws are imposed on citizens. Rather it is because citizens are *implicated* in this coercion, and it is done in their name, that they have claims to justice.¹¹⁷ The importance of this joint-authorship seems to be that citizens are required to *consent* to the rule of law which is imposed in their name, and there are conditions for this consent: namely, duties and rights of justice.¹¹⁸ Citizens coerce each other, and in return for accepting this joint-coercion and the rule of law, they have claims to justice.

Without this coercion and co-authorship, there are no claims to justice, and Nagel holds that these conditions do not arise on the global level. This is because there is no coercive global state that can enforce duties of justice, and there is no global system of law that acts in the name of all persons.¹¹⁹ Nagel does support humanitarian assistance to address absolute deprivation globally but holds that coercion and joint authorship are needed to move beyond this to questions of justice.¹²⁰ Nagel, then, would support humanitarian assistance for climate migrants, but this would not be seen as a case of justice. He would object to Moellendorf's theory on the grounds that in order for an association to give rise to duties of justice the

¹¹⁵ Nagel, T. 2017. The Problem of Global Justice. In *Global Justice* (pp. 173-207). Routledge.

¹¹⁶ Nagel, The Problem of Global Justice, p. 116.

¹¹⁷ Nagel, The Problem of Global Justice, p.128 – 130.

Cohen, J., & Sabel, C. 2006. Extra rempublicam nulla justitia?. *Philosophy & public affairs*, 34(2): 147-175. P. 160.

¹¹⁸ Cohen & Sabel, Extra rempublicam, p. 160.

¹¹⁹ *Ibid.*, 160.

¹²⁰ Nagel, The Problem of Global Justice, pp.137 – 138.

association must (1) be coercive, and (2) those whose highest moral interests are affected by it should be in a position where their compliance with the association and its distribution is needed. Only then would it need justification and give rise to duties of justice.

I reject these two conditions. Firstly, as I have argued it seems to be non-voluntariness that is important in generating questions of justice. Even if coercive institutions may be more effective at encouraging compliance with duties of justice, this need not be a problem for Moellendorf's theory. Moellendorf argues that the requirement for coercive institutions or a system of global governance as a precondition for questions of justice endorses a kind of justice-positivism. As Moellendorf points out, just because institutions to enforce global justice duties do not exist, this does not entail that there are no duties of justice. Coercive global institutions could be created to enforce duties of justice.

Secondly, as Christian Barry and Laura Valentini suggest, it does not make sense that the only coercion or nonvoluntary situation which results in duties of justice is in cases where the institution or state *already* requires consent since they represent the will of the people.¹²¹ Nagel's assumption seems to be that you can only demand duties of justice under conditions of non-voluntariness if the institution in question *already* has reason to respect your interests. But this makes justice hinge on the attitude of states or institutions towards their subjected members, which is particularly problematic if there is non-voluntariness involved. It is counterintuitive, since many cases of injustice seem to arise when states or institutions *do not* properly represent the will of the people and respect their interests.

However, there is a more generous reading of Nagel given by Cohen and Sabel in which the generation of duties of justice does not depend on the attitude of a state towards its citizens. Nagel argues, after-all, that duties of justice would still arise in the case of a colonial state or one dependent on slavery, in which the state does not represent or speak in the name of the interests of all its citizens. In this case, Nagel merely means to argue that duties of justice arise when people have no choice but to comply; when they are not only coerced into following the rules but also have no option to leave or opt out of the system of rules.¹²² In the case of slavery or the colonial state, the 'will' of citizens is not implicated in the coercive

¹²¹ Barry, C., & Valentini, L. 2009. Egalitarian challenges to global egalitarianism: a critique. *Review of International Studies*, 35(3): 485-512.

¹²² Cohen, & Sabel, *Extra rempublicam*, p. 160.

system of rules, but because noncompliance is not an option, duties of justice still arise. But under this reading, conditions of justice simply arise under conditions of non-voluntariness, which is what I have been arguing for.

3. Application of Moellendorf's Theory to Climate Migrants

I will now show how this framework of justice is applicable to the case of climate migrants. Certain institutions and practices have negatively affected the interests of many people, particularly communities in the developing world, who will need to flee their homes, and sometimes their states, due to climate change effects such as intensifying drought and rising sea levels. To re-iterate, Moellendorf defines an association as follows: an association exists if established social practices and institutions regularly affect the highest order moral interests of a person. The association must be, as per the definition above, (i) sufficiently strong, (ii) largely non-voluntary, (iii) constitutive of a significant part of the background rules that govern members' public lives and (iv) can be subject to the collective control of members.

3.1 Institutions and Social Practices

People around the world are brought into association through institutions and practices that regulate global economic and political life. Moellendorf focuses on global economic institutions and practices that have brought people into association with one another. I will only defend this in relation to the economic practices related to climate change, but there are also principles underlying the global economic association in general that can be said to also influence climate change and which will be relevant here. Following Brock, I also pay attention to global political institutions that have brought people into association with one another and will directly affect the options available to climate migrants, namely the state system. This overview of the relevant institutions and practices is largely descriptive and empirical.

3.1.1 Economic Institutions and Practices

In the case of climate migrants, the primary economic practice in question is greenhouse gas and carbon pollution, which has been a central part of the economic arrangement of capitalism since early industrialisation. Carbon-based industry initiatives impact and prop up

nearly all aspects of human life, including energy generation for household activities, transport, and the growth and consumption of food.¹²³ The energy from fossil fuels such as coal, oil, and gas create the energy that powers almost all our economic activity.¹²⁴ It is used for machinery in mining, industrial farming, factories for the processing and manufacturing of products, the transportation of products around the world, and the consumption of products and services. The production of food and agricultural products is also a source of greenhouse gases, particularly fertilizers and the raising of livestock.¹²⁵ Deforestation for farming and grazing cattle also reduces the earth's carbon sinks, increasing the CO₂ in the atmosphere.¹²⁶

It is also leveled by ecologists and sociologists that common practices and principles within modern economic theory, which largely structure our economic arrangements, have contributed to unsustainable resource use and climate change. Sociologist Max Koch points out that modern economics is based on a 'circular flow model' whereby capital flows from producers to workers as wages and then returns to producers as payment for products, with a focus on the growth of monetary value.¹²⁷ Although the role of natural resources in this production process was once prevalent in economic theory, from the mid-nineteenth century the role of natural resources was largely eclipsed and assumed to be infinite.¹²⁸ There was little recognition that natural resources are finite, and that there are limitations both in terms of the 'inputs' that can be extracted from the biosphere and the waste 'outputs' which can be put back into it.¹²⁹ It is also common in economic practice to externalise the long-term costs of products and services, particularly that of pollution, such that consumers benefit from cheaper prices while the burdens are placed on others, and climate change is often cited as one of such externalities.¹³⁰

¹²³ Boykoff, M. T., Bumpus, A., Liverman, D., & Randalls, S. 2009. Theorizing the Carbon Economy: Introduction to the Special Issue. *Environment and Planning A: Economy and Space*, 41(10): 2299–2304. <https://doi.org/10.1068/a42196>. P. 2299.

¹²⁴ Gross, S. Why are fossil fuels so hard to quit? *The Brookings Institution*. Accessed August 2021 at <https://www.brookings.edu/essay/why-are-fossil-fuels-so-hard-to-quit/>

¹²⁵ Food and Agriculture Organisation of the United Nations (FAO). 2014. Greenhouse Gas Emissions from Agriculture, Forestry and Other Land Use. Accessed June 2021 at <https://www.fao.org/3/i6340e/i6340e.pdf>

¹²⁶ Food and Agriculture Organisation of the United Nations (FAO). N.d. Forests and climate change: Carbon and the Greenhouse Effect. Accessed June 2021 at <https://www.fao.org/3/ac836e/AC836E03.htm>

¹²⁷ Koch, M. 2011. *Capitalism and Climate Change: Theoretical Discussion, Historical Development and Policy Responses*. Springer. Pp.17 -18.

¹²⁸ Harris, J. M. and Codur, A. 2004. Macroeconomics and the Environment. Global Development and Environment Institute, Tufts University. P1 – 3.

¹²⁹ Harris and Codur, Macroeconomics, p. 2.

¹³⁰ Rezai, A., Foley, D.K, and Taylor, L. 2009. Global Warming and Economic Externalities. *Schwartz Center for Economic Policy Analysis*. Retrieved 15 May 2021 at https://www.economicpolicyresearch.org/images/docs/research/climate_change/SCEPA%20Working%20Paper%202009-3.pdf

Caney points out that international financial institutions also play a causal role in generating climate change because they often incentivize such environmentally harmful economic growth.¹³¹ The increasingly globally integrated economy is often regulated by supranational institutions such as the World Trade Organization, the World Bank, and the International Monetary Fund.¹³² They were able to create and promote a ‘global economic architecture’ premised on trade liberalisation (the removal of barriers to “free trade”) and global capital flow, promoting international trade, investment, and economic growth as a means to increase prosperity.¹³³ Empirical studies have shown that such trade liberalisation and general economic interdependence increases carbon emissions.¹³⁴ This is largely to do with its global nature and the mass production and distribution of resources and goods across the globe.¹³⁵ This is also spurred by transnational corporations which are engaged in such global production and distribution processes.¹³⁶

3.1.2 Political Institutions and Practices

There are also political arrangements which have enabled such activities and carbon pollution to occur. There are lax state environmental policies regarding carbon outputs, which continue today but were also prevalent even in the face of early reports on climate change effects.¹³⁷ In the US, government officials and public relations agents were avid deniers of climate change threats. Naomi Oreskes argues that this was linked with the ideology of market liberalization and the desire to prevent government intervention in the marketplace.¹³⁸ States were also responsible for enabling the policies of trade liberalization that encourage the carbon-heavy transfer of goods and resources.

¹³¹ Caney, *Climate Change*, p. 219.

¹³² Pogge, T. 2001. Priorities of Global Justice. *Metaphilosophy*, 32(1-2): 6-24. Pp. 12 – 13; Brock, G. 2021. ‘Global Justice’. *The Stanford Encyclopedia of Philosophy* (Winter 2021 Edition), Zalta, E.N (ed.). Retrieved 30 January 2022 at <https://plato.stanford.edu/entries/justice-global/#GloEcoInj>

¹³³ Pogge, Priorities of Global Justice, pp. 12 – 13; Gillian, Global Justice.

¹³⁴ Organisation for Economic Cooperation and Development (OECD), Globalisation, Transport and the Environment, Retrieved 30 January 2022 at <https://www.oecd.org/greengrowth/greening-transport/45095528.pdf>

¹³⁵ I do not claim here that economic growth is necessarily linked with carbon emissions. It may be possible for economic growth and trade to continue in a world dependent on renewable and other resources. But in this context, the incentivisation of economic growth has meant the intense consumption of carbon resources. For more about the links between globalisation and emissions, see Organisation for Economic Cooperation and Development (OECD), Globalisation, Transport and the Environment, Retrieved 30 January 2022 at <https://www.oecd.org/greengrowth/greening-transport/45095528.pdf>

¹³⁶ Gillian, Global Justice.

¹³⁷ Oreskes, N. n.d. Who is Responsible for Climate Change? Sustainability Videos & Lecture Series, *Global Institute of Sustainability and Innovation*. Retrieved 30 January 2022 at <https://sustainability-innovation.asu.edu/media/wrigley-lecture-series/who-is-responsible/>

¹³⁸ Oreskes, Who is Responsible for Climate Change?.

So far, I have focused on the political and economic institutions which impact on climate change, and in doing so affect the moral interest of climate migrants. However, the state system will arguably also affect the moral interests of climate migrants more directly.

Although she does not view it as an association in Moellendorf's terms as such, Gillian Brock points out that the state system also has profound effects on the lives of migrants, since it is governed by certain assumptions and international laws which protect the sovereignty and self-determination of states, including the ability of states to control their borders.¹³⁹

3.2. The Duty-Bearers

The topic of who should bear duties to those affected by climate change is extremely complex. In Chapter Four, I will consider one dominant approach to this issue which focuses on the idea that polluters and beneficiaries owe compensation to those affected by climate change. I will critique this approach and go on to defend an approach to duty-bearing grounded in distributive justice and Moellendorf's own view. Recall that Moellendorf holds that all those who abide by or act within the constraints of the unjust institutions are in association with, and have duties of justice towards, those affected. For now, I will briefly list the actors who abide by and act within the constraints of the institutions above.

In terms of carbon pollution, those who are in association with those harmed include industries who pump it out, companies that facilitate it, and individual consumers who constitute the basis for demand and who also contribute through their daily consumptive activities. These industries, companies, and individuals could all be seen to be acting from within and abiding by the dominant economic principles and practices mentioned. As already revealed, international financial institutions abide by and promote many of these practices and principles on the global scale. In terms of lax environmental policies, those who are in association with those harmed are state and sub-state institutions, companies who lobby for the policies, public relations firms, and even state citizens who could otherwise lobby against those policies. Regarding the state system, all states and citizens abide by and act from within these constraints that will affect the options available to climate migrants.

3.3. Effects on the Highest Moral Interests of Climate Migrants

These social practices and institutions have either directly or indirectly contributed to climate change, which will lead to devastating environmental consequences. This will affect those in

¹³⁹ Brock, G. 2020. *Justice for People on the Move: Migration in Challenging Times*. Cambridge University Press.

developed states, but as already mentioned it will primarily affect the moral interests of those in developing states who tend to rely on subsistence farming, often live in high-risk areas, and have fewer material resources for adaptation.¹⁴⁰ Disaster migrants will be acutely affected, as natural disasters can cause loss of life and significant structural damage, undermining their livelihoods, physical and mental health, and security. As for DTC migrants, drought and rising sea levels will cause freshwater shortages, deteriorating agricultural yields and food shortages, rising food prices, and the loss of income and livelihoods, thereby negatively affecting peoples' health and standards of living.¹⁴¹ Studies have also shown that increases in temperature increase mortality rates.¹⁴² These effects on income, standards of living, and health will greatly undermine people's ability to pursue their conception of the good and their agency more generally.¹⁴³

Drought might also increase conflict in developing states.¹⁴⁴ There is an evidenced link between resource scarcity and increased conflict, and drought will result in greater resource scarcity where economic and political institutions are weaker and less able to mitigate these effects.¹⁴⁵ This political instability might threaten people's lives and livelihoods, and their ability to belong to a functioning state.

For DTC emigrants affected by sea-level rise, such as inhabitants of the Pacific Islands, there may be less economic capacity to introduce adaptation mechanisms such as sea walls, and this could result in the loss and damage of homes, infrastructure, and agricultural lands; a shortage of food and drinking water; and eventually the loss of whole territories and statehood.¹⁴⁶ This undermines their ability to belong to a functioning state and will have negative effects on their standards of living, health, sense of security, and agency.¹⁴⁷

These worsening and untenable standards of life will likely prompt migration either internally or internationally. This will be expensive for already burdened populations, and carries a host of possibly negative scenarios. Those who migrate internally will likely move to urban areas, and *unplanned* rapid urbanization is associated with the spread of disease, and overburdened

¹⁴⁰ Waldinger, *Effects of Climate Change*, p. 4.

¹⁴¹ Waldinger, *Effects of Climate Change*, p.4.

¹⁴² *Ibid.*, p.7.

¹⁴³ *Ibid.*, p.4.

¹⁴⁴ *Ibid.*, p.6.

¹⁴⁵ *Ibid.*, p.5.

¹⁴⁶ Eckersley, R. 2015. The Common but Differentiated Responsibilities of States to Assist and Receive 'Climate Refugees'. *European Journal of Political Theory*, 14(4): 481-500. P. 482.

¹⁴⁷ Waldinger, *Effects of Climate Change*, p.4.

infrastructure and social services.¹⁴⁸ Those migrating to neighbouring countries face a threat of discrimination and might have to rely on already weaker economies or political institutions.¹⁴⁹ As will be explored more in Chapter Four, migration may also undermine their livelihoods, mental health, and social networks.¹⁵⁰ Many economic and social practices rely on the specific environment in which they were formed, and these ways of life maybe uprooted, undermining migrants' ability to pursue their conception of the good in various ways.¹⁵¹

Furthermore, whether or not they migrate to neighbouring states or developed states further abroad, migrants who leave deteriorating environments might struggle to achieve refugee status given the seemingly voluntary nature of their migration. Even if victims of sea-level rise such as citizens from small island states do achieve refugee status because their migration appears more involuntary, and even if refugee status can be achieved by those affected by drought and consequent conflict, their interests may still be negatively affected. If land is permanently deteriorated or flooded, this would mean that the migration is not temporary and would require permanent re-location and the acquisition of citizenship. This is generally not afforded by refugee status.¹⁵² This might leave them stranded in refugee camps or with limited rights in their host state, neither of which are conducive to them meeting their needs, having autonomy, and planning their lives. In various ways, then, the moral interests of climate migrants will be negatively affected by the economic institutions responsible for climate change and the state system.

3.4 Other Conditions of Associative Duty

The case of climate migrants also satisfies the other conditions that Moellendorf argues are necessary for duties of justice to arise. The association between the given institutions and climate migrants is strong according to the three conditions. The economic institutions are enduring, since the industrial pollution of the last two hundred years is likely to affect climate

¹⁴⁸ Brown, O. 2008. *Migration and Climate Change*. [IOM Migration Research Series](#), United Nations. P.32

¹⁴⁹ Waldinger, Effects of Climate Change, p.6.

¹⁵⁰ I will explore this more in Chapter Four. See Brock, G. 2020. *Justice for People on the Move: Migration in Challenging Times*. Cambridge University Press. Here she discusses the importance of place for these various needs.

¹⁵¹ Handmer J., Nalau J. 2019. Understanding Loss and Damage in Pacific Small Island Developing States. In: Mechler R., Bouwer L., Schinko T., Surminski S., Linnerooth-Bayer J. (eds.) *Loss and Damage from Climate Change. Climate Risk Management, Policy and Governance*. Springer, Cham. https://doi.org/10.1007/978-3-319-72026-5_15

¹⁵² For a critique of the current refugee system, see Brock, *Justice for People*, pp. 115 – 122.

migrants well into the mid twenty-first century, and dominant economic practices and principles have been relatively stable since the mid-twentieth century after which carbon emissions greatly arose.¹⁵³ The institutions are comprehensively governed by norms, since norms such as the burning of fossil fuels, the pursuit of infinite economic growth, and states sanctioning carbon pollution, have been recurring and steady through time; and I have already shown how they will affect the highest moral interests of climate migrants.

The Westphalian state system has endured since the seventeenth century and has been formally enshrined into the United Nations Charter since the mid-twentieth century.¹⁵⁴ This is also governed by a comprehensive set of norms which grants each state sovereignty over its territory, and protects the rights of states to control their borders. I have already shown how these principles and the refugee system ingrained within the state system can affect the options available to climate migrants.

The association is also non-voluntary in at least two senses. Climate migrants clearly have no say in the effects of climate change, nor can they opt out of the state system. But there are also currently few reasonable alternatives to participating in the carbon-based economy. Although there is a choice to ‘go off the grid’, this would probably utilise technology created through emissions, and if not, it would come at considerable cost. It is difficult, if not impossible, to opt out of the global economic processes responsible for climate change. As will be shown in Chapter Four, this will have consequences for the distribution of duties. Despite the involuntary nature of the association, it is possible to bring the institutions and their rules under the control of the members in order to rectify the situation for climate migrants, as will be discussed in later chapters.

There is one condition which is difficult for the association to satisfy: that it should be constitutive of the background rules that regulate members’ public lives. The economic practices and principles mentioned are evidently constitutive of the background rules that regulate member’s public lives since they largely arrange all our economic practices. But for the climate migrants the story is slightly different. I have shown that their lives will be

¹⁵³ Friedrich, J. and Damassa, T. 2014. The History of Carbon Dioxide Emissions. *World Resources Institute*. Retrieved October 2021 at <https://www.wri.org/insights/history-carbon-dioxide-emissions>

¹⁵⁴ Coggins, R. 2022. Westphalian State System. *The Concise Oxford Dictionary of Politics*. Oxford University Press; United Nations. N.D. United Nations Charter. Retrieved October 2021 at <https://www.un.org/en/about-us/un-charter#:~:text=The%20Charter%20of%20the%20United,force%20on%2024%20October%201945.>

affected in various substantive ways. However, the background rules of a carbon-based economy do not have these effects on migrants by directly regulating their lives, but rather through consequences of these rules on the environment. Nonetheless, I do not think this is detrimental to my argument. Presumably the significance of this condition is that the effects of the institutions are pervasive, unlike institutions such as a club, which only regulates what one can do, for example, as a tennis player as part of a tennis club. Climate migrants have, as shown, been affected gravely. Furthermore, the assumptions of the state system also form part of the background rules that regulate members' public lives including climate migrants, determining where and how members can move between states.

3.4 Duties of Justice

Recall that justificatory respect requires that the principles which structure the institutions of associations should be such that they can be reasonably endorsed by persons participating in the associations. When institutions and principles negatively affect the moral interests of persons in ways that they could not reasonably accept, those who abide by the social practices and institutions in question are in an association with, and have duties of justice towards, those harmed.

Given that the economic and political institutions mentioned regularly affect the interests of climate migrants, there is therefore an association, and I have shown that this association is strong, nonvoluntary, and enduring. The principles governing this association should be ones that the climate migrants can reasonably accept. But the outcomes of climate change mentioned above would *not* be ones that climate migrants could reasonably accept, and neither would the institutions and principles responsible for them. Following Moellendorf's argument, such an association and its effects would therefore fail to respect the dignity of climate migrants. Further action is therefore needed to rectify the association such that it is just, and those who abide by the relevant institutions have duties of justice towards climate migrants.

Moellendorf argues that the fulfilment of duties of justice requires indirect action towards the persons who are owed the duties of justice. This involves obeying just institutions or principles, or advocating *for* just institutions or principles that can govern the association in question fairly. These should be principles that all members could reasonably accept. What principle of justice would be best at achieving this and what is consequently owed to climate migrants will be explored in Chapter Three and Four.

In sum, I have shown that global economic and political institutions regularly affect the moral interests of climate migrants, and that this association fulfils Moellendorf's requirements, thereby creating duties of justice. There may be objections to the application of Moellendorf's theory to the situation of climate migrants, so I explore some of these next.

3.6 Objections Against the Applicability of Moellendorf's Theory to Climate Migrants

3.6.1. Doubts About the Association Between Climate Migrants and High Emitters

Some may object to the idea that the relevant economic institutions have or will regularly affect the moral interests of those who are forced to migrate due to climate change. They may accept that these institutions have contributed to climate change through high carbon emissions, but deny that it is climate change *alone* that will gravely affect the interests of climate migrants. The effects will be particularly serious for those in developing countries partly because these states often lack the economic resources, infrastructure, and sometimes the effective political governance, needed to adequately adapt to climate change, as discussed in Chapter One. Those supporting the economic institutions might therefore argue that the effect of these institutions on the moral interests of persons is exasperated by these other factors, or that these institutions would not affect the moral interests of climate migrants *without* these other factors. Therefore, they might argue, an association does not exist between them and climate migrants.

In reply, it might be true that a lack of economic resources and weak governance may contribute to a state's inability to adapt to climate change, thereby affecting people's moral interests. It is therefore tenable that duties of justice towards the affected arise from the impact of *both* state and global institutions. Neither Moellendorf nor I would deny this possibility.¹⁵⁵ However, I would not agree that the global association does not exist, given that global economic institutions can still be responsible for affecting the moral interests of climate migrants regardless of state action or inaction. Two points are worth mentioning to this end.

Firstly, even if developing states could adapt to climate change efficiently due to effective governance and better infrastructure or resources, supporters of the relevant institutions might *still* arguably have duties of justice towards climate migrants, since developing states might have to use resources to adapt which they otherwise would not have. Resources for climate

¹⁵⁵ Moellendorf acknowledges that the state is a kind of association given the effects of state institutions on people's moral interests.

change adaptation might be diverted from other social services or result in higher taxation which might negatively affect climate migrants.

Secondly, adaptation mechanisms alone, such as assisted internal migration away from coastal areas or degraded land, the creation of artificial islands, or changing to drought-resistant crops, might still uproot people from their preferred ways of life. This means that regardless of national economic or governance capacity, the institutions of carbon pollution would still negatively affect climate migrant's interests significantly.

Another objection which might be leveled against this proposed association is that climate migrants are not only affected by the social practices and institutions mentioned as they pertain to climate change, but that these global institutions have affected them in other ways. Moellendorf argues that there are many practices of the global economy that affect the interests of people all over the world, such as trade relations and international loans, and that in particular many international financial institutions have negatively impacted the economies of developing states. This is claimed by some to make poverty more prevalent.¹⁵⁶ As such can contribute to the conditions that motivate climate migrants to move, it could be argued that this also puts climate migrants in an association with those who support these international institutions.

Although I cannot address this question in detail, I would not dispute this possibility. Moellendorf concedes that people are a part of multiple, sometimes overlapping associations. It is possible that these economic institutions and the economic arrangement mentioned affect climate migrants in various ways unrelated specifically to climate change. It is not a stretch to argue that there are at least three associations which impact on climate migrants, which are overlapping in various respects.¹⁵⁷ There are firstly the pollution-based practices and institutions mentioned. Secondly, these form a part of the global economy which has other institutions and practices that affect climate migrants due to their impact on the developing

¹⁵⁶ Pogge, T. 2005. Poverty and Human Rights. In Arnold, H. (ed.). *The Essentials of Human Rights*. Retrieved 15 January 2022 at https://www.researchgate.net/profile/Thomas-Pogge/publication/228008808_World_Poverty_and_Human_Rights/links/5a484dd8458515f6b056a41a/World-Poverty-and-Human-Rights.pdf

¹⁵⁷ Karen L. O' Brien and Robin M. Leichenko argue that the overlapping effects of economic globalisation and climate change on some can create 'double exposures'. Though they are empirically cautious and acknowledge the differing effects in different regions that might belie generalisations, they do mention a few examples. They argue that many African states have been marginalised in the international economy due to receiving fewer financial investments, and trade imbalances affect many developing countries preventing them from benefiting from economic globalisation. See O'Brien, K. L. and Leichenko, R. M. 2000. Double Exposure: Assessing the Impacts of Climate Change Within the Context of Economic Globalization. *Global Environmental Change*, 10(3):221-232.

world. Thirdly, there is also the state system, and the principles of national self-determination and border-control norms which impact on the moral interests of migrants significantly.

3.6.2. *The Insufficiency of Negative Effect in Generating Duties of Justice*

One last objection could be that while various social practices and institutions have negatively affected climate migrants, this alone does *not* entail that those who abided by them have duties of justice towards those affected. It may be objected that abiding by institutions which affect climate migrants is insufficient to generate duties of justice because duties of justice arise from causal and moral responsibility for harm. A common and dominant claim within climate justice literature is that climate polluters themselves owe some form of compensation to climate migrants. Other ways of supporting these institutions, such as buying a good that has a carbon footprint, is insufficient. Nor is lobbying for lax environmental policies, since there is not a direct causal relation between lobbyists and climate migrants.

However, it could be argued against this that institutions and practices require support, and that as long as one is supporting them, they are a part of the causal chain that leads to climate change effects. Moellendorf argues that financial responsibility for dealing with climate change lies with causal responsibility.¹⁵⁸ But he does not specify how this relates to the duties held by all those who abide by the broader economic association. In Chapter Four, I will address this objection further and take a deeper look into the idea that financial responsibility lies with causal responsibility, proposing a way in which the duties of those who support the institutions can be justified.

4. **Conclusion**

In conclusion, in this chapter I have shown that the situation of climate migrants should be considered as a case of global justice. Following Moellendorf, duties of justice arise out of associations, which are defined as the following: an association exists if established social practices and institutions regularly affect the highest order moral interests of a person. These highest order moral interests are broadly connected to the importance of autonomous agency, such as being able to develop, pursue, and revise one's conception of the good life, and being able to propose and act on fair terms of cooperation. But I have briefly added, following

¹⁵⁸ Moellendorf, *Cosmopolitan Justice*, p.98.

Brock, that there are also certain conditions which may be necessary for these abilities in the first place, and that there may be other conditions necessary for agency, such as physical and mental health, a sufficient level of security to be able to act, and decent social relations with others. I have argued that because such conditions and abilities enable humans to act and be in the world with others, they should indeed be protected.

These institutions affecting people's interests must also be (i) sufficiently strong, (ii) largely non-voluntary, (iii) constitutive of a significant part of the background rules that govern members' public lives, and (iv) can be subject to the collective control of members. The regular, enduring, nonvoluntary and pervasive imposition of institutions on these interests fails to respect the equal dignity of persons, and fails to respect that people are agents who should be able to live their life according to their own plans, as long as it respects the ability of others to do the same.

I have defended Moellendorf's claims regarding global justice against those such as Blake and Nagel who hold that it is only the coercive state structure that generates duties of justice, and that such coercion does not occur on the international level. I argued that although economic policies are not imposed using the threat of force, complying with them is nonvoluntary in that noncompliance might generate unacceptable costs. Even if this is objected to, the situation of climate migrants is undeniably involuntary: they cannot opt out of climate change effects. Although Nagel thinks that coercion is needed to implement the demands of justice, and that such coercion must be done in the name of citizens for it to generate duties of justice, I have shown that it is possible to create coercive global institutions and that even if citizens' wills are not implicated, it is non-voluntariness that generates duties of justice since those subject to coercive rules have no choice but to comply. This is compatible with Moellendorf's own view, and shows that questions of justice arise on the international level.

I have defended the claim that the situation of climate migrants fulfils the conditions of such an association. There are various economic and political institutions and practices which will have significant and enduring effects on the highest moral interests and agency of climate migrants: a carbon-based global economy and its pollution; economic theory and principles promoting unsustainable resource use; globalization and trade liberalization promoted by international financial institutions and spearheaded by transnational corporations; lax environmental policies concerning pollution and lobbying pursued by some states; and the

norms of the Westphalian state system which will determine the options available to migrants.

These institutions and practices will affect the health, food supply, security, economic practices, economic well-being, ways of life, and public institutions of climate migrants. This will significantly undermine their ability to pursue their conceptions of the good life, live on fair terms of cooperation with others, and other agency conditions necessary for them to live according to their own plans. That these effects are involuntary, enduring, and pervasive means that there is an association and questions of distributive justice arise. Although I considered some objections against the claim that climate migrants are in such an association, I showed that the institutions of climate change will definitively affect the moral interests of climate migrants even if this overlaps with other vulnerabilities. I have therefore established that the case of climate migrants is one of global justice, and next I will consider options available for rectifying the association.

Chapter Three

Rectifying Climate Injustice: Brock's Agency Needs and Climate Migrants

1. Introduction

So far in this thesis I have established that the situation of climate migrants is one of global justice. Recall that climate migrants exist in an unjust association with those responsible for climate change. To rectify the association, new institutions and guiding principles need to be established to govern it which all subject to the association and its rules can reasonably accept. This includes climate migrants, but also citizens of potential host states, and all those who support the global institutions in question since they will be affected by any changes. It is now necessary to investigate which moral principles should guide the global association in order to make it just.

In this chapter, I defend Gillian Brock's agency-centred Needs-Based Minimum Floor Principle as a plausible principle to guide the global economic and political associations of which climate change and its effects on migration are an inseparable part.¹⁵⁹ Brock proposes a Rawlsian constructivist thought experiment in which representatives of persons of the world stand in the Original Position, tasked with coming to an agreement about which principles should guide the society or association in question. Brock argues that reasonable persons would ensure that they are adequately positioned to enjoy the prospects for a decent life, meaning that they have what is necessary to be enabled to meet their basic needs; certain guarantees about basic freedoms; and a guarantee of fair terms of cooperation in collective endeavours. She defines needs as basic if they are necessary for human agency, including a sufficient level of physical and mental health; sufficient security to be able to act; a sufficient level of understanding of what one is choosing between; a certain amount of autonomy; and decent social relations with some others.¹⁶⁰ I will call these 'agency needs'.

It could be argued that focusing on agency is a problematic way of grounding the importance of need fulfilment, especially because in some cases of disability, full agency is not possible. However, I will argue that the focus on agency needs is appropriate given the framework of

¹⁵⁹ Brock, G. 2009. *Global Justice: A Cosmopolitan Account*. Oxford: Oxford University Press.

¹⁶⁰ Brock, *Global Justice*, pp. 50 – 52.

associational justice and that Brock's account is consistent with fulfilling the needs of those who may lack full agency.

Brock's account may also be accused of being insufficiently egalitarian. Inequalities beyond the fulfilment of agency needs may be seen as problematic for various reasons, such as that they may result in institutional power differentials or an inequality in people's ability to flourish. However, I will show that these criticisms can be nullified and that by focusing on more specific outcomes than material equality, Brock's account can tackle the problems that explicitly egalitarian principles such as the Difference Principle aim at.

This chapter will proceed as follows. Firstly, I will outline Rawlsian constructivism and how Brock uses her modified construction to defend her needs principle and her focus on agency. Secondly, I will outline the objections mentioned in more detail and then provide responses and defences of Brock's theory in light of them. Only once the general principles to guide the global association have been defended in this chapter will I move on to discussing what the implications are for climate migrants in Chapter Four. This will also draw on Brock's work. But for now, we will focus on the ethical principles.

2. Rawlsian Constructivism and Brock's Principle of Agency-Based Needs

Climate migrants face an uncertain future in which their vital interests and needs, including their health, physical security, and even self-determination, is threatened. That this is brought about by global political and economic institutions is an injustice that calls for rectification. But the question remains: what ethical principles should guide the global associations and rectify the injustices?

To defend her agency-needs principle, Brock draws on a modified Rawlsian political constructivism. Rawls sets out to derive the principles of justice that should govern liberal societies and the relations between them.¹⁶¹ To do so, Rawls proposes two different hypothetical 'Original Position' scenarios: one to establish international justice and the other to establish domestic justice. In these thought experiments, people interested in coming to an agreement stand behind a 'veil of ignorance' in order to decide which principles should

¹⁶¹ Rawls cited in Moellendorf, *Cosmopolitan*, pp. 7 – 24.

govern the society or association in question.¹⁶² In the Original Position focusing on domestic justice, the interests of persons are represented by representatives who know nothing about the persons they represent, including their abilities, race, ethnicity, sex or gender, their conceptions of the good or their position within society. This sets aside knowledge that could motivate bias in the decision-making process, and in this way the Original Position is meant to model our convictions about fairness since it should help people see what would be acceptable to everyone in society. Rawls argues that a political conception of justice – one based on a hypothetical agreement between all in society – could result in wider assent to the principles of justice, resulting in greater stability for the regime or order that are based upon them.

Cosmopolitans such as Brock and Moellendorf use a similar hypothetical construction to establish principles of justice on the global sphere, but it differs in important ways. For Rawls, international justice is established by representing the interests of states in a separate Original Position. But cosmopolitans focus on the interests of *persons* or individuals rather than states, even on the global sphere, using one construction to advocate for ethical principles which can guide relations among persons of the world. Moellendorf argues that since it is human dignity that we seek to protect, the interests of persons should be represented *directly*, while the interests of corporate bodies like states should be represented only indirectly, *in so far* as these entities serve the interests of their citizens.¹⁶³ I will return to Moellendorf's account when considering objections to Brock's proposed principle of justice, but for now I focus on Brock's argument.

In her own Rawlsian construction, Brock tries to make the hypothetical scenario as 'easy to imagine as possible' to assist the deliberations.¹⁶⁴ This means making the assumed ideal world reflect our actual world as much as possible. She asks the reader to imagine a world conference where delegates are representatives of all persons in the world. Delegates are asked to deliberate on what basic framework should govern the interactions and relations among the world's inhabitants and which principles they could reasonably expect to agree on as fair ones. Delegates will be aware that any entitlements selected will be binding and create financial obligations.

¹⁶² In the scenario meant to model justice within states, the parties to the negotiation are representatives of persons. In the scenario meant to model justice between states in the global context, the parties to the negotiation are *peoples*, where peoples are states with an interest in justice.

¹⁶³ Moellendorf, *Cosmopolitan*, p. 16.

¹⁶⁴ Brock, *Global Justice*, p. 48.

Certain information and assumptions are made available to the delegates. They will know that the world is divided into communities that are ‘variously organized’ i.e., these are not necessarily states.¹⁶⁵ It is assumed that people are self-interested, or at least tend to have limited sympathies or impaired moral imagination. Delegates also have access to the current state of knowledge about urgent global collective problems such as climate change, as well as threats to peace and security such as weapons of mass destruction. This information will make clear that these problems have global reach and that their resolution will require global cooperation. It will emphasize that persons of the world are in a state of interdependence and mutual vulnerability.

Beyond this limited information, representatives will be behind the ‘veil of ignorance’. They will be unaware of what allegiances they have, what community or territory they will belong to, the territory’s size, how big or powerful the community is, the availability of resources in their territory, or its level of economic development.¹⁶⁶ They will also be ignorant of the demographics of the world population so that they are not tempted to gamble based on which community they are likely to be a part of.

Brock argues that the first question delegates would consider is the following: “What is the *minimum* set of protections and entitlements we could reasonably be prepared to tolerate?”¹⁶⁷. She argues that whatever else is chosen, delegates would find it reasonable for each person to be able to enjoy the prospects for a *decent* life and that much discussion would be about the minimum contents of such a life.¹⁶⁸ In particular, Brock argues that delegates would want to ensure that people (1) all are enabled to meet their basic needs; (2) people’s basic liberties are protected; (3) there are fair terms of cooperation in collective endeavours and in global institutions; and that there are (4) social and political arrangements in place to support (1) to (3).¹⁶⁹

¹⁶⁵ Brock, *Global Justice*, p. 48.

¹⁶⁶ Brock, *Global Justice*, pp. 48 – 51.

¹⁶⁷ *Ibid.*, p. 50.

¹⁶⁸ Brock, G. 2005. Needs and Global Justice. *Royal Institute of Philosophy Supplements*, 57: 51-72. P. 54.

¹⁶⁹ In terms of basic liberties, Brock means freedom from assault and extreme coercion; some freedoms governing movement, association, and speech; freedom of dissent, conscience, and speech; and minimum guarantees about permissible treatment. She argues that these would be reasonable for any person to want to protect. Similarly, Brock takes the principle of fair terms of cooperation to be rather self-evident. We would not want to be subjected to terms of cooperation for collective endeavours which were unfair, or which imposed unacceptable consequences. She uses the example of global free trade and argues that the current regime is not run according to terms of cooperation that would be considered fair and reasonable. See Brock, *Global Justice*, pp. 50 – 52.

Although Brock explores these principles and implications in more depth, I will focus primarily on defending her claims regarding basic needs. This is for two reasons. Firstly, it is more contentious as there are many competing and widely discussed principles of distributive justice in the literature. Secondly, it is the most salient principle when considering what climate migrants are owed. Except for freedom of movement, it is not primarily basic freedoms that are at stake for those who will be displaced by climate change. And while fair terms of cooperation are important, I have already discussed the importance of Moellendorf's associative framework in which collective associations are seen to be in need of justification and fair terms of cooperation. In Chapter Four, I will discuss the implications of Brock's account for climate migrants and there will briefly discuss the kinds of social and political arrangements needed, though this is constrained by space. With this justification out the way, I can now turn to Brock's main principle concerning agency needs.

In defending her principle concerning needs, Brock argues that rational decision makers will want protections from serious harms and, she reasons, being unable to meet basic needs is one of the greatest harms that can occur.¹⁷⁰ Consequently, people will want assurances that they will have the minimal opportunities necessary to be enabled to meet their basic needs and that protections are put in place for needs satisfaction if one is unable to meet them themselves.

Brock argues that needs are basic if their fulfilment is necessary for human agency. She suggests that we can derive a list of necessary conditions for agency, and so basic needs, by examining the preconditions of human agency and "of what being a human agent is like".¹⁷¹ She lists a number of these conditions: "For instance, by definition, to be an agent one must be able to deliberate and choose. In order to deliberate and choose one will need at least a certain amount of (1) physical and mental health, (2) sufficient security to be able to act, (3) a sufficient level of understanding of what one is choosing between, and (4) a certain amount of autonomy. Because of its important role in developing (and maintaining) (1) – (4), I also add a fifth basic need which underlines the importance of our social needs, namely, (5) decent social relations with at least some others."¹⁷²

¹⁷⁰ Brock, *Needs*, p. 63.

¹⁷¹ *Ibid.*, p. 63.

¹⁷² *Ibid.*, p. 63.

Brock thinks agency needs are particularly important because of how important agency is for proper human functioning.¹⁷³ In *Justice for People on the Move*, she offers the following explanation: “Why moral agency? We want people to be able to take responsibility for their lives and actions. Indeed, much of the moral and legal domain presupposes that they can do so. But assuming people can be meaningfully held responsible is unfair unless they have access to the necessary conditions required for being moral agents. So, I believe tying the normatively salient needs to moral agency is a reasonably secure connection for appreciating why these needs ought to have normative force.”¹⁷⁴ To defend Brock’s principle and why impartial agents would indeed choose it, I will consider various objections that could be levelled against it.

3. Possible Objections and Replies Against Brock’s Agency-Needs Principle

Firstly, someone may question the idea of grounding the importance of needs fulfilment in the pursuit of agency. They might doubt whether it is appropriate to see the value of, for example, meeting someone’s subsistence needs, as merely being of instrumental concern in the pursuit of cultivating agency. This is particularly problematic if some for physical or psychological reasons cannot cultivate some of the necessary conditions for agency. If this ‘end’ of agency is unattainable, then perhaps the fulfilment of those conditions and needs becomes irrelevant.

However, this does not necessarily reflect the logic of Brock’s argument. She advocates for people’s basic needs to be met even if they are *not* capable of meeting these needs themselves.¹⁷⁵ From this it can be inferred that Brock would want people’s needs to be met even if they lack, and may never have, this or that agentic capacity. She also says that our

¹⁷³ I acknowledge that proposing an Agency Needs Principle to rectify the association using hypothetical agreement may display either a kind of circularity or a contradiction. Moellendorf argues that duties of justice arise when people’s moral interests are affected. I agreed with Moellendorf that the interests are objective, but now am defending the Agency Needs Principle based on hypothetical agreement. This may seem circular because it may seem obvious that if there are objective moral interests then they deserve protection and the hypothetical agreement seems unnecessary. The principle chosen, i.e. the conclusion, would be the same as a fundamental premise. Alternatively, it may seem contradictory since if there are objective interests then it may seem obvious that the principle to be chosen would involve protecting these interests rather than the Agency Needs Principle. However, it need not be circular: if we have objective interests or needs, it would logically follow that impartial agents might centre needs fulfilment in principles *meant to govern public institutions*. It also need not be contradictory to suggest the Agency Needs Principle when protecting the moral interests. I added in Chapter Two that these moral interests are indeterminate and that we should keep in mind Brock’s agency needs when considering how persons’ interests are affected. Objective interests can yield different results in terms of principles of justice, because there may be different ways of protecting them.

¹⁷⁴ Brock, G. 2020. *Justice for People on the Move: Migration in Challenging Times*. Cambridge University Press. P.21.

¹⁷⁵ See, Brock, *Global Justice*, p.71.

vital interests lie in the ability to subsist *and* to retain as much control over affairs that directly affect us.¹⁷⁶ At times, then, it seems that Brock advocates that both subsistence needs *and* agency needs should be fulfilled, but this does rely on their connection to each other.

Furthermore, following Brock's logic, impartial agents would want to protect against harm, and as such would ensure that even if they ended up as someone whose agency is limited, such as a child or a mentally ill person, that they are still guaranteed a decent life. We would want those people to be given opportunities to develop their agency *as far as is possible* for their situation and to this end the conditions should be met. Even if someone diagnosed with severe schizophrenia would possibly never become a full moral agent, it would seem reasonable to endeavor to fulfil as many agency-needs as is possible so that they can have some control over their lives out of respect for their human dignity. They could still be provided with access to healthcare, appropriate medication, some form of education, some form of employment options, security in living circumstances, and informed choices.

Furthermore, the focus on agency needs makes sense given that the principles will govern public institutions that regulate associations between persons. Enabling persons to be as agentic as possible is an important means to ensure that members of the association are equally able to self-determine and are in equal standing within the association. Focusing on the needs necessary for agency also avoids the paternalistic shortfalls of the 'basic needs' discourse that is common in humanitarian aid and often serves to meet people's basic subsistence needs at risk of negating agency and encouraging dependence.¹⁷⁷ The focus on providing *opportunities* to meet these needs is also significant here, as people are enabled to meet their own needs. In sum, it seems that for Brock subsistence needs are important, but the point is that these are not the only needs which matter from a point of justice.

As a second objection there are those who may view Brock's account as being *insufficiently* egalitarian and who would argue that representatives in the construction would demand more than the fulfilment of agency needs. Brock considers two alternative, more egalitarian principles, namely Moellendorf's 'Global Difference Principle and 'Equality of Opportunity Principle'.¹⁷⁸ Moellendorf argues that when representing persons, representatives would be

¹⁷⁶ Brock, Global Justice, p.175.

¹⁷⁷ Brock, G. and Miller, D. 2022. 'Needs in Moral and Political Philosophy', *The Stanford Encyclopedia of Philosophy* (Summer 2019 Edition), Edward N. Zalta (ed.). Retrieved December 2022 at <https://plato.stanford.edu/archives/sum2019/entries/needs/>.

¹⁷⁸ These two principles are drawn from what Rawls endorses in the domestic context in *A Theory of Justice*. He endorses, first, equal basic liberties such as civil and democratic rights and, second, the allowance of economic and social inequalities *only* when they are to the maximum benefit of the least advantaged (The Difference

concerned with the freedom and ability of persons to pursue their own conceptions of the good life within a fair system of cooperation.¹⁷⁹ Since any inegalitarian or undemocratic social order might undermine these interests, representatives would want to endorse principles which secure democratic and egalitarian principles.

The Global Equality of Opportunity principle ensures equal opportunity to secure favoured social positions across the globe. According to Moellendorf, persons would choose the Global Equality of Opportunity principle because representatives will be ignorant of the social and natural fortune of those whom they represent, and as a result will not want the distribution to depend upon these matters. This is fair, accordingly, because these are morally arbitrary features. He says: “One cannot claim to deserve things such as place of birth and education, race, or parents' privilege. Hence, these things should not be the basis of a distribution.”¹⁸⁰ Equalizing opportunities in this way would mean that, as Moellendorf puts it, a child born in Mozambique would have the same opportunity to become a banker as someone born in Switzerland.

Moellendorf is right that many people around the world are subject to harmful situations, such as poverty, war, and political instability, due to no fault of their own and often merely because of the arbitrary fact of their birthplace. Climate migrants are one such example, as their geographical region, their economic situation, and the effects of climate change are often beyond their control. Given this, one may question why this egalitarian principle which aims at equalising starting positions would not be an appropriate principle to govern the global association.

But the problem, as Brock points out, is trying to formulate *positive* articulations of equality of opportunity. She says that socially valued positions, for example's Moellendorf's proposal of being a banker, will differ according to the context. For Brock it makes more sense to get rid of the barriers to accessing different opportunities by enabling people to cultivate their agency, since “developing [these] skills and capacities would be useful no matter what goals

Principle) and if they are attached to positions which are open to all under fair conditions of equality of opportunity (The Fair Equality of Opportunity Principle). However, in his *Law of Peoples* Rawls establishes different principles for the international context. Moellendorf in contrast advocates for extending Rawls' domestic account of justice to the global context.

¹⁷⁹ Brock doesn't mention these specifically in her construction. I have already said that I agree humans have these interests, and I think Brock's focus on agency and her similar principle of having fair terms of cooperation show that Brock's chosen principle is not at odds with my claims in Chapter Two regarding the nature of justice.

¹⁸⁰ Moellendorf, *Cosmopolitan*, p. 79.

people set themselves¹⁸¹.” People can then pursue whatever opportunities are part of their conception of the good life.

Moellendorf could reply that at the heart of the Global Equality of Opportunity Principle is the intuition that morally arbitrary factors should not disadvantage people, and Brock’s objection does not address this. But I argue that Brock’s view is compatible with nullifying morally arbitrary factors. Although Brock does not defend her view based on eliminating morally arbitrary factors, it would imply that morally arbitrary factors should be neutralized when these factors cause *harm* to one’s needs fulfilment. In other words, ensuring everyone’s agency needs are fulfilled *does* neutralize morally arbitrary factors that might cause these needs to go unfilled. There are relevant objections that can be made here, but they are also related to Moellendorf’s Global Difference Principle so I will explore them once I have touched on this.

The Global Difference Principle ensures that any wealth and income inequalities are to the maximum benefit of the least advantaged over the course of their life. Moellendorf provides the following reason: “The representatives [in the Original Position] are ignorant of the talents and abilities of those whom they represent, [so] they will want the collective set of talents and abilities to benefit all, not just their possessors¹⁸².” Continuing the same line of reasoning, Moellendorf thinks this redistribution is justified because natural talents and abilities are also unchosen and morally arbitrary, so people cannot be said to deserve them. The fact that inequalities should be of *maximum* benefit to the least advantaged means that the benchmark for the Difference Principle is whether the position of the least advantaged could be improved.

Brock rejects Moellendorf’s Global Difference Principle and provides three defenses for this. Firstly, she uses evidence from experimental psychology to show that persons would in reality reject the Difference Principle. Norman Frohlich and Joe Oppenheimer implemented staged experiments across the globe in which they tried to set up real life Original Position scenarios. Participants were given several principle proposals to choose from including the Difference Principle and a Needs-Based principle. Participants consistently favoured a needs-based principle, even if this went against their own views outside of the thought

¹⁸¹ Brock, *Global Justice*, p. 62.

¹⁸² Moellendorf, *Cosmopolitan*, p. 80.

experiment.¹⁸³ The reasoning given for why they would reject something more egalitarian like the Difference Principle is that the purpose of the thought experiment is to come to an agreement amongst reasonable people while taking an impartial approach. Participants in the thought experiments conceded that persons care not only about benefitting the worst-off but are also concerned with just entitlements and maintaining incentives for work. As such, a principle that protects these multiple concerns is likely to be more agreeable. As Brock's second defense, she argues that a system which balances needs, entitlements, and incentives is more likely to be stable, and that it is strongly in the interests of the worst-off for our distributive systems to be extremely stable.

However, it could be objected that such empirical evidence belies the point in that the political constructions are meant to generate thinking about what principles to guide the global order could reasonably be *endorsed* by everyone subject to them, not merely what principles are most likely to lead to consensus. For people to endorse a principle they would need proper justifications for that principle, and not just the knowledge that others 'care' about it. In an earlier paper, Brock mentions that large numbers of people seem to believe that markets are materially fair because people tend to get their 'just deserts' in market interactions, but she argues that this is an inaccurate view.¹⁸⁴ It is unclear whether participants would have considered various debates and objections against prominent notions of desert and entitlement if their primary justification was merely that people cared about these things. Furthermore, it does not help Brock's case that she herself does not engage with Moellendorf and Rawls' arguments regarding the Difference Principle and its view of desert. Recall that this principle proposes that even once equality of conditions is reached, a further equality of outcomes is necessary because there are still morally arbitrary factors such as natural talent and capability at play. This would mean that even once agency needs are fulfilled, a further equality of outcome would be necessary.

Still, perhaps there is more to be said in defense of Brock's rejection of the Difference Principle based on arguments regarding desert. Firstly, it could be argued that once agency needs are met and, in this sense, starting positions are equalised, inequalities based on desert are justified since everyone has agency and the ability to choose to, for example, work harder or not. However, this does not fully deal with Moellendorf's claims that there would still be

¹⁸³ Brock mentions this point because it shows people attempted to take an impartial view in the thought experiment, and so did not merely churn out their already-held political views.

¹⁸⁴ Brock, G. 2005. Global Distributive Justice, Entitlement, and Desert. *Canadian Journal of Philosophy*, 35: 109-138. P. 111.

natural talent and capability which are arbitrary and undeserved. Perhaps, then, people should still be compensated for bad luck.

Brock could reply that, firstly, it might not be possible to eliminate all morally arbitrary differences *even* if resources were distributed in a more egalitarian way. To this Moellendorf could point out that the intention of the Difference Principle is not necessarily to eliminate these arbitrary differences but rather to ensure that these do not result in unfair advantages. Ensuring that wealth inequalities benefit the worst off mitigates some of these unfair advantages and disadvantages. For example, imagine there is a talented soccer player who becomes very rich. She practices vigorously and is dedicated, but her natural talent and athleticism no doubt played a huge role in her success. Even if everyone's agency needs are met, not everyone would be able to achieve this level of success if they do not possess natural agility and coordination. They are therefore disadvantaged. To make the situation fair, Moellendorf would argue that the soccer player should distribute their wealth to the point where the lives of the disadvantaged could not be improved.

However, it is unclear that people are really disadvantaged by not achieving the level of material success as a soccer player. This focus on disadvantage brings us to another objection that can be posed against both the Difference Principle and Equality of Opportunity. A question worth asking is whether reasonable people should care about eliminating morally arbitrary differences *for its own sake* as a matter of fairness or whether they should care about people coming into *harm* because of arbitrary bad luck. Imagine that wealth in society is so widespread that the better off own three mansions and the 'worse off' own only one mansion. Would we still think that wealth from the better off should be redistributed to the worst off since their situation could be improved? It is not so obvious. As alluded to above when discussing Equality of Opportunity, the question posed by Elizabeth Anderson and others such as Brock is: "What is the point of equality?"¹⁸⁵ For equality or inequality to matter morally, it must have some morally relevant consequence.

To pick this thought a part, imagine that all the worst-off in society had, as Brock proposes, their agency needs met and so are not harmed in this way. Would we care about further inequalities such that we would want the advantages of the better off to supplement the worst off? This would depend on if the worst off are *harmed* in some way by this inequality. It might not be intuitively obvious that we would want the worst off to have their extra mansion

¹⁸⁵ See Anderson, E. S. 1999. What is the Point of Equality?. *Ethics*, 109(2): 287-337.

in the above scenario, *but* it could be argued that reasonable people would want to ensure that everyone is able to live a *flourishing* life, rather than merely a *decent* life, and that inequalities undermine this.¹⁸⁶ Recall that Moellendorf believes that inegalitarian orders prevent people from pursuing their conception of the good life. Delegates would perhaps not want arbitrary differences in talent or ability to undermine people's flourishing, and so would want resources to go towards enabling people to live flourishing lives. Furthermore, this could still leave room for considerations of desert over and beyond this investment in flourishing.

However, it is not clear that the redistribution of resources would necessarily achieve this aim, or that more 'benefits', however conceived, would enable more flourishing in the sense of living a good or meaningful life. While flourishing requires a baseline of material and agency conditions to be met, beyond this it is a rather personal standard.¹⁸⁷ By this I mean that either it is subjective and based on feelings or desire satisfaction, neither of which necessarily depend on access to more resources, or if it is objective such as hinging on actualizing human capabilities, the only way of enabling this while respecting people's self-determination is to focus on cultivating agency so that people are able to so actualize.

Furthermore, and I think this is where Brock's Original Position is cleverly formulated, the actual state of the world and the collective problems it faces make the concern over *decent* lives rather than *flourishing* lives reasonable. Even if we think that ideally arrangements should be such that persons are enabled to flourish and even if wealth could better achieve this, delegates who are aware of the world's problems may not prioritise this. They might choose to focus on agency needs given how many people lack access to many subsistence and agency needs at present, and how many threats there are to the agency needs of people in the near future, of which climate migrants will be included.

One last objection could be made against Brock, which is that inequalities can serve to undermine people's vital interests and needs if those already with advantage are able to use their wealth to influence institutional arrangements to their benefit.¹⁸⁸ Although contested, this is one interpretation of why Rawls thinks the Difference Principle is important. You

¹⁸⁶ See Pogge, T. W. 1999. Human flourishing and Universal Justice. *Social Philosophy and Policy*, 16(1):333-361.

¹⁸⁷ Pogge, Human Flourishing, p.30.

¹⁸⁸ Daniels, N. 1974. On Liberty and Inequality in Rawls. *Social Theory and Practice*, 3(2):149-159. P. 150.

could have adequate opportunities to fulfil agency needs yet still be hampered by discriminatory, exploitative, or unfair institutional arrangements.

However, if an institutional arrangement is harming you in terms of any of the agency needs through discriminatory, unfair, or exploitative mechanisms, then it would be unjust according to Brock's account. These situations could undermine physical health; mental health such as a need for recognition; they might undermine people's security and manipulate their understanding; and would also impinge on autonomy. In addition, recall that fair terms of cooperation are another necessary condition for the association to be just according to Brock.

Furthermore, as she points out, achieving the agency-needs principle or fair terms of cooperation may reduce inequalities or require a significant reduction in inequalities in the sense that it requires redistribution. Hence, reducing inequalities in order to cultivate fair terms of cooperation or to meet agency needs is still relevant. But in this case, unlike the Difference Principle the reduction in inequality is aimed at other things beyond egalitarianism, namely the cultivation of agency and fair terms of cooperation.

4. Is One Principle Sufficient for Global Justice?

Even if one accepts Brock's Agency Needs Principle as viable, one may wonder about the scope of this principle. Recall that in Chapter Two I argued that there are multiple associations relevant to the case of climate migrants. There is, firstly, the global economic association consisting of enduring norms surrounding the carbon economy and infinite economic growth, which are promoted by global financial institutions. Then there is also a global political association consisting of the state system and norms about controlling borders. It may be asked whether Brock's suggested principles of justice should apply to only one or both of these associations, and if it applies to both, whether or how these associations are connected and whether the state system can be made compatible with the principles

I would argue that the principles should apply to both, that these associations are connected, and that the state system can be made compatible with principles of justice. I have shown how the global association, which is primarily economic, results in duties of justice, and that the needs principle provides a viable way of thinking about these duties. In the next chapter, I will show how Brock thinks that states are one permissible administrative structure that can fulfil the duties of justice, hence the global duties are connected to states in important ways. With regards to whether the state system can be made compatible with the global duties, I will now

show how Brock's arguments elsewhere concerning the state system can illuminate an answer. Drawing from Brock, I will argue that the state system is also in need of justification, since even if we accept the needs principle, it still needs to be justified that the current state system is a legitimate way of distributing duties. This is especially important in the case of migrants, who may be unable to meet their needs in their home state.

In *Justice for People on the Move*, Brock develops an account of migration justice which also centres around needs. Although she does not refer to it as a global political *association*, her inquiry is centred around how the current state system, including the presumptive rights of states to control their borders, can be justified to those who are subject to it, which presently includes all citizens of the world.¹⁸⁹ She asks: "What justification can be offered for the assumed default position encompassing the state system, along with state claims to self-determination and strong rights to control borders? And, importantly, what compelling justification can be offered to "outsiders," those who currently find themselves beyond those borders and who might like to cross them?"¹⁹⁰

She argues that for states to have justified rights to self-determination, there are three legitimacy requirements that need to be satisfied.¹⁹¹ Firstly, states must respect the human rights of their own citizens. Secondly, the international state system must be legitimate. This requires all states to participate in and contribute to the transborder cooperative projects which sustain a justified state system by securing robust institutions for securing human rights.¹⁹² Such a justified state system should include corrective mechanisms for dealing with 'legitimacy gaps' when states fail to respect the human rights of their citizens or fail to contribute to cooperative projects aimed at sustaining a justified state system.¹⁹³ Brock argues that these corrective mechanisms should include means by which people are able to migrate internationally if their needs cannot be secured within their own state, and that the present refugee system is inadequate.

¹⁸⁹ This contains the same logic as Moellendorf's account of associations, according to which institutions imposed on others should be regulated by principles that those subjected to the institutions could accept.

¹⁹⁰ Brock, *Justice for People*, p. 5.

¹⁹¹ *Ibid.*, pp. 35 – 40.

¹⁹² Here Brock focuses on human rights rather than needs. Elsewhere, Brock links human rights discourse to her account of needs, arguing that human rights discourse can express these needs though needs are more fundamental. Since I do not have space to consider that argument here, and Brock seems to consider the needs of migrants as central, I will try to rehash her argument regarding the state system in terms of needs. See Brock, *Global Justice*, p. 63.

¹⁹³ Brock, *Justice for People*, p. 38.

It seems reasonable that in our case representatives in the Original Position would make similar demands on the state system that Brock endorses. They will consider the state system to be justifiable if states secure their own citizen's needs and contribute to institutions and mechanisms aimed at securing people's basic needs. Where people's needs are threatened, and their own states are unable to protect them, it becomes incumbent on the international community to act. If these mechanisms are not in place, then representatives in the Original Position have less reason to accept the state system since it cannot assure persons that their vital interests and needs will be protected. Especially given the fact of probable forced migration resulting from climate change, representatives would want certain assurances that needs will be protected and that if this requires international cooperation then there are mechanisms in place to ensure this.

Such mechanisms would include allowing migration across state borders in cases where this is necessary to meet people's basic needs. When international migration is not the best way of securing needs, such as when adaptation or internal migration are more appropriate, but states are unable to help their citizens, representatives would want assurance that there are mechanisms in place to ensure that they will be given assistance from the international community in meeting their needs. This assistance can come from state contributions to protective mechanisms.¹⁹⁴

The state system can therefore be made compatible with the principle of agency needs, and can be seen as a viable principle to regulate both the global economic association and the global political association of the state system, which are connected in important ways given the role of states in fulfilling duties of justice.¹⁹⁵ Drawing from Moellendorf, I will refer to the interconnected associations as merely the 'global association' from now on.

5. Conclusion

In sum, representatives of persons deciding on which principles to regulate the global association, including its global economic and political components, would choose a Minimum Floor Principle centred around the needs that should be fulfilled to cultivate human

¹⁹⁴ This does not necessarily mean states are the only actors with duties. I will touch on the question of the distribution of duties and financing in the next chapter.

¹⁹⁵ Moellendorf in fact holds that there is one global association which is primarily economic, but also political and legal. He says: "The globalising forces of the world economy, political and legal institutions have produced a global association. It is by virtue of this association that one can apply the constructivism delineated above, yielding principles of global justice." See Moellendorf, D. 2004. *Cosmopolitan Justice Reconsidered. Theoria*, 51(104) 203-225. P. 204, p.215.

agency. This does not necessarily entail that needs should not be fulfilled where agency is lacking, in the context of imposed associations it seems appropriate to emphasise agency needs

It may be questioned whether more egalitarian principles should be chosen, and whether inequalities beyond the fulfilment of agency needs are permissible and on what basis. I have argued that equalising conditions is best done by fulfilling agency needs rather establishing a Global Equality of Opportunity Principle since which opportunities are seen as desirable will be dependent on context. I have also argued that the aim should not necessarily be to reduce inequality for its own sake, but to protect people from certain harms given their equal dignity and the fact that associations risk generating enduring harms for people, such is the case for those who will be displaced by climate change.

In line with this, delegates may consider more redistribution to be appropriate in order to reduce institutionalised power inequalities which may result from socioeconomic inequalities and lead to discrimination or loss of autonomy. But I have shown that Brock's principles of justice protect against this loss of autonomy and discrimination in a more direct way and that at times achieving the principles of justice might *require* a reduction in inequality, such as for the sake of ensuring fair terms of cooperation

Delegates may object further that more redistribution is appropriate in order to enable people to live *flourishing* rather than decent lives. However, it is not clear that a distributive principle such as The Difference Principle would help to achieve this given that people have differing conceptions of the good life Furthermore, I argued that impartial agents who are aware of the world's urgent problems, including the large proportion of people whose agency needs are not met and whose needs will be threatened in the future, may find it reasonable to focus our efforts on agency needs as a matter of priority.

Having established the Agency Needs Principle as a viable principle of justice to guide the global association, in the next chapter I turn to what implications this has for climate migrants and the duties of justice owed to them.

Chapter Four

Agency Needs, Located Life Plans, and Implications for Climate Migrants

1. Introduction

To fully consider whether Brock's needs-based proposal is the most reasonable for persons to choose, rather than say Moellendorf's Global Difference Principle, we must assess what consequences it would have for climate migrants if chosen. The question pertinent to generating an account of global justice for climate migrants is what it would be reasonable for representatives of the world in the Original Position to agree on given the fact of changing climates, probable albeit varying forced displacement, and the existence of the economic association and state system.

In the last chapter I argued that the global association should be guided by a principle focusing on agency needs. Persons will consider the global association to be justifiable if states secure their own citizen's needs and contribute to international institutions and mechanisms aimed at securing people's basic needs. Where people's needs are threatened, and their own states are unable to protect them, it becomes incumbent on the international community to act. If these mechanisms are not in place, then representatives in the Original Position have less reason to accept the state system since it cannot assure persons that their vital interests and needs will be protected. Especially given the fact of probable forced migration resulting from climate change, representatives would want certain assurances that needs will be protected and that if this requires international cooperation then there are mechanisms in place to ensure this. Such mechanisms would include allowing migration across state borders in cases where this is necessary to meet people's basic needs, and where such migration is not necessary then other forms of assistance to meet basic needs should be in place.

Brock argues that when thinking about dealing with migrants justly, we need to pay particular attention to 'derivative needs': these are other needs and conditions which must be satisfied in order to meet moral agency needs.¹⁹⁶ The purpose of this chapter will be to apply Brock's theory to the case of climate migrants and evaluate what implications this focus on agency and derivative needs would have for them. Recall that in some cases migration will likely be

¹⁹⁶ Brock, *Justice for People*, pp. 23 – 26.

internal (Displacement-Threatened Climate Migrants), and in others will be international (Displacement-Threatened Climate Emigrants), and similarly some cases will be temporary (Climate Disaster Migrants), and others more permanent. Given that the implications will likely be different for each category, I will consider the varying needs that should be protected.

2. **Brock's 'Derivative Needs'**

Brock argues that dealing with migrants justly requires that we pay particular attention to 'derivative needs': these are other needs and conditions which must be satisfied in order to meet moral agency needs.¹⁹⁷ Brock explains that while the five core agency needs are universal, the fulfilment of derivative needs can *vary* depending on particular contexts and individual personalities.¹⁹⁸ She mentions three examples of derivative needs which are relevant to the case of migration. These are (1) economic needs; (2) the need for a network of personal relationships and social support system; and (3) political self-determination.¹⁹⁹

- (1) Economic needs: Brock argues to be sufficiently healthy we need to, at minimum, subsist and this entails having a way to support oneself in particular social and economic contexts. We therefore need to have skills necessary for participation in an economy. Brock points out that the skills needed will depend on the particular economies in specific contexts, which reward certain activities and not others. Meeting this need will therefore differ according to the context.
- (2) Community needs: While the need for decent social relations with at least some others can be fulfilled by a small group of people, Brock argues that there is also a need for a larger social support system of 'many relationships of roughly similarly orientated people'.²⁰⁰ This need for community is linked to the fulfilment of many needs such as decent social relations with others but also psychological health, as community can fulfil needs for connectedness and security.
- (3) Political self-determination: Brock argues that autonomy is a driver of many needs, and that the need for personal control blends into a need for participation in processes that enable collective control over common affairs. We need to have a sphere of

¹⁹⁷ Brock, *Justice for People*, pp. 23 – 26.

¹⁹⁸ *Ibid.*, p.23.

¹⁹⁹ *Ibid.*, p.23.

²⁰⁰ *Ibid.*, p.23.

control over decisions that shape of our lives, and this includes having some say in collective affairs. Beyond autonomy, this also fulfils psychological needs such as the needs for recognition, connectedness or esteem.

Brock argues further that place and location play an important role in meeting needs, particularly these derivative needs.²⁰¹ The specific ways in which we plan to meet our needs will be determined by context and place. She argues that people create plans around particular ways of life in specific places, and in these “located life plans” groups of people tend to form settled patterns concerning how to meet their needs.²⁰² An example of the importance of location and context for meeting needs can be seen in the case of economic needs: one may have learnt to fulfil one’s subsistence needs in particular ways related to place, such as how many island inhabitants in the Pacific region have a long history of subsistence fishing.²⁰³ Because of their importance in people meeting their needs, and because of the considerable time and energy that people have invested in them, Brock argues that these located life plans deserve respect and that we have strong reasons to accommodate them where possible.²⁰⁴ However, she adds that this is complicated by the located life plans of others since these also deserve respect. This is similar to Moellendorf’s point that the principles of justice should be ones that everyone subject to the principles could reasonably accept. As such, just as we should consider the needs of migrants, we should also consider the needs of citizens in potential host states and home states.

In addition to core agency needs, many of the derivative needs of climate migrants will be threatened by loss of place and the possibility of migration. In working out what mechanisms should be in place to justify the global association and what actions would accord with the agency-needs based principle, these derivative needs which are often importantly linked to place need to play an important role. The implications will differ according to the type of migrant, and I turn to some of these insights in the next section. First, I should briefly return to the different definitions of climate migrants made in Chapter One. Recall that *Climate Disaster Migrants* are migrants who will be displaced by acute short-term disasters such as

²⁰¹ Brock, *Justice for People*, pp. 24 – 26.

²⁰² *Ibid.*, p. 24.

²⁰³ There are other examples available. Place could be important for community needs because the community might depend on being together in the same place. These networks of similarly situated people may also depend on social practices and traditions that depend on one’s context.

²⁰⁴ Brock, *Justice for People*, p. 24.

Wilcox, S. 2021. Does Brock’s Theory of Migration Justice Adequately Account for Climate Refugees? *Ethics & Global Politics*, 14(2): 75-85. P. 81.

floods, and whose migration will largely be internal and temporary. *Displacement-Threatened Climate Emigrants (DTC Emigrants)* are migrants whose current place of residence is threatened to gradually become uninhabitable over time, to the point where permanent, international migration might be necessary. This is exemplified by the inhabitants of Pacific Islands threatened by sea-level rise. *Displacement-Threatened Climate Migrants (DTC Migrants)* are migrants who whose current place of residence is threatened to gradually become uninhabitable over time, to the point where permanent, *internal* migration might be necessary. This is the case for those reliant on subsistence agriculture who are threatened by drought and rising sea levels and the resulting gradual deterioration of land.

3. Implications for Climate Migrants

Although Brock's work does not deal with the case of climate migrants in particular, several insights from Brock's work can shed light on what measures should be taken to assist climate migrants in order to meet their needs. Brock makes several insights about how the current refugee protection system needs to change in order to meet the needs of migrants, focusing on those forcibly displaced by human rights violations but particularly those affected by violent conflict.²⁰⁵ I have argued in Chapter One that we should reject the refugee discourse in the case of climate migrants, but recall that in the last chapter I argued that mechanisms directed towards meeting the needs of climate migrants are also needed in order to make the global association acceptable to reasonable persons. Brock's suggestions regarding how to meet the needs of migrants are therefore still relevant for this case. Shelley Wilcox has gone some way in thinking through some of these implications.²⁰⁶ I will make it clear when I am drawing off of her insights, and will at times agree with, expand on, and defend them, while at other times my views will diverge from them.

- (i) *Mitigation.* Given how climate change threatens to undermine many of the core and derivative needs of migrants, I argue that one of the first courses of action should be the reduction of greenhouse gases, the protection of carbon sinks, and a transition to renewable energy. This should be done while also ensuring the protection of the needs of various parties who may be affected, such as energy sector workers, those who cannot afford costly energy sources, and those who rely on deforestation to subsist. I will address the question of financing in Section Six,

²⁰⁵ Brock, *Justice For*, p. 132 - 135

²⁰⁶ Wilcox, *Does Brock's*, pp. 81 – 83.

but it is sufficient to say here that an association regulated by an Agency Needs Principle should put measures in place to protect these needs from future harms, including the impacts of climate change.

- (ii) *Local adaptation solutions.* Brock suggests that local solutions closer to the source of the crisis or issue are often available and preferable. I argue that this is also the case for climate migrants. The significance of derivative needs and their ties to place means that where possible effort should be directed towards adaptation measures which allow them to continue their ways of life and as such provide opportunities for migrants to fulfil their agency and derivative needs. This could include building sea walls or artificial islands for small island states, and drought resistant crops and agricultural methods for those facing drought.²⁰⁷ It can also include measures meant to reduce the harm of acute natural disasters such as floods or hurricanes using disaster-sensitive building and city planning.

I argue that these adaptive mechanisms should also ideally respect and incorporate the located life plans of those affected. Using local knowledge and values, for example, can help ensure that adaptation measures are in line with people's preferred ways of life. If adaptation is not done in this manner, it may disrupt several needs, including needs for autonomy, political self-determination, economic ways of life, psychological health such as the needs for recognition and belonging, and community needs if the adaptation disrupts shared ways of life.

- (iii) *Emergency assistance.* Wilcox rightly points out that providing emergency assistance to temporary climate migrants is essential.²⁰⁸ This could be in the form of temporary camps if basic needs are met effectively and their stay is suitably short. But Wilcox argues that if the situation is less temporary and they are unable to return to their home country within a reasonable period of time, then

²⁰⁷ Gagain, M. 2012. Climate Change, Sea Level Rise, and Artificial Islands: Saving the Maldives' Statehood And Maritime Claims Through The Constitution Of The Oceans. *Colo. J. Int'l Env'tl. L. & Pol'y*, 23, 77.Pp. 100 – 103; European Environment Agency (EEA). 2022. Adaptation Options. Retrieved November 2021 at <https://climate-adapt.eea.europa.eu/knowledge/adaptation-information/adaptation-measures/index.html?widgets.impact%3Alist=--NOVALUE--&widgets.impact-empty-marker=1&widgets.sector%3Alist=COASTAL&widgets.sector-empty-marker=1>; Displacement Solutions. N.d. 'Initiatives: Climate Change and Displacement'. Retrieved December 2021 at <http://displacementsolutions.org/ds-initiatives/climate-change-and-displacement-initiative/tuvalu-climate-displacement>

²⁰⁸ Wilcox, Does Brock's, p. 80.

more attention should be given to their long-term needs, such as providing economic and educational opportunities. Wilcox rightly points out that temporary work permits in the host state or other opportunities to learn skills that could help rebuild their home communities would be appropriate. If it becomes clear that they will not be able to return to their home state, then permanent or semi-permanent resettlement in another state will be necessary.

I think these recommendations would be appropriate for *Climate Disaster Migrants*. I would also point out that in the case of most short-term environmental disasters, such as floods, hurricanes, or fires, migrants are often unable to return due to the infrastructural damage. This can be resolved through rebuilding *if* environmental assessments deem it safe, and given the importance of located life plans this would be preferable to permanent migration elsewhere.

However, it is unclear whether *Displacement-Threatened Climate Migrants (DTC Migrants)* would be included in this recommendation. She acknowledges that this group might have to be permanently resettled, but focuses only on ‘environmentally displaced states’ such as small-island states in her analysis of what is owed to those permanently displaced. She says that in this case it is known upfront that they will be permanently displaced and that ‘returning home will not be possible’, and as such emergency assistance is inappropriate²⁰⁹.

The question is whether emergency assistance would also be appropriate for DTC migrants. Those on continents who face the threat of being displaced by drought and rising sea levels will not necessarily have to migrate permanently (recall those migrants who travel for work to bring money back to their families when subsistence fails), nor will they face a total loss of territory and therefore statehood. In this case migration (if it happens) is likely internal. In some ways, DTC Migrants are similar to Disaster Migrants and so Wilcox might argue that emergency assistance is appropriate.

However, I would argue that given that drought and rising sea-levels can be predicted, DTC migrants should not be given emergency assistance merely when the situation has deteriorated and then have to *wait* to see if, for example the

²⁰⁹ Wilcox, Does Brock’s, p. 80.

drought lessens and they can return home or to their previous way of life. To respect their physical and mental health needs, their economic and community needs, and their need for security, they should be *pre-emptively* assisted in resettling internally if they wish, and be given other forms of assistance, which I will touch on in the points that follow

- (iv) *Collective resettlement.* Wilcox suggests that members of environmentally displaced states, such as inhabitants of Pacific Island States, should be enabled to relocate together as a community in order to ensure that their community needs are fulfilled as this will allow existing social support systems to continue. I would add that DTC Migrants affected by severe drought and rising sea levels should also be enabled to relocate collectively even if this is internal. I would add that this should be done in a manner that respects the located life plans of others and ideally only after adequate adaptation measures are exhausted. To respect autonomy, this should also be the individual choice of each migrant, whose valuation of the community might differ.²¹⁰

- (i) *Located life plans.* Wilcox rightly points out that out of respect for located life plans and autonomy, those who are faced with no choice but to migrate internationally should be given the choice to resettle as a community in another state in the region. They should also be enabled to re-establish their existing located life plans in their new homes insofar as possible. She says that because located life plans and derivative needs are shaped by the environments in which they are constructed, they may not be able to re-establish *all* of their original practices and ways of life in a new context. However, arrangements should be made with this ideal in mind. She also says that they will have a better chance of re-establishing their existing life plans if they are resettled as a group.

I agree with these conclusions and interpretations and merely wish to provide justifications and examples to strengthen Wilcox's case. I think a clear example of people being enabled to continue their located life plans in another place can be seen in the case of economic needs. Since people have patterned ways of meeting their economic needs, these ways of life should be supported. If the migrants were

²¹⁰ Buxton, R. 2019. Reparative Justice for Climate Refugees. *Philosophy*, 94(2):193-219. P.213.

subsistence farmers or relied on fishing, then where possible they should be enabled to continue this way of life around which they have learned and planned to meet their needs. Recall that Brock argues that the skills needed for economic participation will depend on the particular economies in specific contexts, which reward certain activities and not others. This also means that where possible, migrants should be able to relocate to an economy that values their existing skills. Wilcox is right that resettling as a group will also enable these ways of life to continue. For example, if migrants shared an agricultural commons or had specific ways of dividing labour, then relocating as a group would also help them maintain this way of life.

It is also clear to see how resettling in the same region can enable these ways of life to continue. It might mean that, for example, the economy values similar skills and the fauna and flora on which subsistence practices are based might be similar. Another element which Wilcox does not address specifically is that relocating in the same region can also contribute to psychological health. Migrants can settle closer to social ties that they have in the region, and, as Brock also points out, cultural affinities that may exist in certain regions can also make social connections more familiar and available, helping meet important psychological needs.²¹¹

While Wilcox primarily has *Displacement-Threatened Climate Emigrants (DTC Emigrants)* in mind with these recommendations, respect for located life plans is also relevant to *Displacement-Threatened Climate Migrants (DTC Migrants)* facing drought. If they relocate internally, they should be able to relocate to an area where they can continue their established ways of life. This may not be possible if drought is widespread enough. Migration away from drought-stricken areas in sub-Saharan Africa is often towards urban areas. The consequence of this is that respect for located life plans requires that migrants be given the option of migrating internationally, even if it is not entirely necessary as in the case of small-island states, if their ways of life can better be supported elsewhere. This would also have to be balanced with the need of home state citizens, who may be negatively impacted by emigration. If they would prefer to remain in their home

²¹¹ Brock, *Justice for People*, p. 130.

countries and discontinue with, for example, agriculture, then they should be empowered to do this through retraining, which is the recommendation I turn to next.

- (ii) *Empowerment.* Brock points out that in some cases, it may not be possible or preferable to maintain the same kind of economic activities that one previously used to meet their needs before migration. It is fairly obvious how it may not be *possible* to continue certain ways of life in some contexts (if the environment is different, then certain practises won't be viable). But the idea that it may not be *preferable* needs further explication. If certain ways of life fail to meet people's agency needs, such as not providing sufficient physical health, then this should be addressed in ways that respect people's need for deliberative understanding and autonomy. In some cases, small changes to their life plans, such as changing fishing or agricultural methods, may be sufficient for this. If not, then migrants should be empowered in other ways, as Brock suggests below.

Brock argues that in considering both the short- and long-term needs of those who migrate permanently or semi-permanently, we should use a 'development approach'.²¹² By this Brock means that the focus should be on the economic empowerment of migrants. If located life plans cannot or should not continue for those migrating, then there should be measures which should focus on restoring autonomy and building capacity through education and employment.

Brock's recommendations are particularly pertinent to those who need to migrate internationally. She says that migrants should be able to participate in whatever economy they enter into in order to respect their needs for autonomy and health. They will need access to the labour market and associated labour rights, but also skills development and training.

I would add that for those migrating internally who cannot or would not continue their ways of life, they should also be given skills development and training. This makes sense given that their plans for meeting their needs have been disrupted and alternative plans in their new location need to be made. Recall also that many affected by desertification and drought migrate temporarily within their home

²¹² Brock, *Justice for People*, p. 115.

states or regions to financially support their families at home. This means that protection and labour rights for temporary migrants is also important.

- (iii) *Multilateral Cooperation.* Brock argues that building organisational and institutional capacity is also central to development approaches. She also suggests that when executing these measures aimed at empowerment, we should look beyond state-centric approaches. She argues that although administrative structures such as states are important in achieving justice, on the ground state-centric strategies have often been superseded by alternative strategies which involve members of civil society, economic actors, and a collaboration between them and other agents. She points out that sometimes non-state actors are better equipped to solve certain problems, for example when civil sectors are needed for education and business sectors are needed to create employment.

Brock argues that this also forms part of the ‘localisation agenda’ because it involves engaging with local actors and forming partnerships with those already involved in assisting migrants. This is particularly pertinent for those affected by climate change who remain in their home countries. But such an approach can also help climate migrants who migrate internationally, since as Brock argues, such a multilateral approach can also help to foster positive relations and community between migrants and various stakeholders in their new host region or state. This can complement rather than replace the state system, and, as I will explore later in this chapter, it also fits in nicely with Moellendorf’s argument that those who support unjust institutions such as the carbon economy have duties of justice to those affected, since corporations are implicated in this can and can provide, for example, employment opportunities for migrants and skills training.

- (iv) *Management/Planning.* Brock emphasises that there needs to be better mechanisms for large influxes of people, such as setting up EU reception areas in host or home states. She also suggests argues that reception and processing areas for refugee status should be highly accessible. I have already emphasised in Chapter One that such pre-emptive planning is essential for regulating the flow of climate migrants. Although I reject the discourse of refugees, there will still be reception and processing that needs to be done to regulate migration, and this should indeed be highly accessible. As Brock points out, this would help to

prevent people endangering their lives in pursuit of migration, and I add that it would also protect their needs for security and mental health and can ensure that there is adequate planning for protecting their various other needs. It can also ensure that they have some control over their migration, thereby protecting their agency and autonomy. As I pointed out in Chapter One, a planned and controlled process would help to prevent backlash against migrants too. In the case of Displacement Threatened Migrants and Emigrants, the deterioration of the environment is gradual and migration needs can be monitored. This should give ample time to effectively set up proper governance procedures for migration and assistance.

- (v) *Balancing Multiple Interests.* Brock tries to evaluate how we can help refugees in a way that is effective for all key stake holders, including both the citizens of states of origin who do not migrate and host states citizens. Although Brock does not say so explicitly, it would be logical for this to follow from her earlier claims that measures to provide or protect people's opportunities for meeting their agency needs, including their contextually satisfied derivative needs, should be considered in balance with the located life plans and the needs of others. This fits well with the idea that the principles and measures chosen should be ones that everyone affected can find acceptable. I will deal with some aspects of balancing these interests in further sections of this chapter so I will not address this fully here.
- (vi) *Political self-determination.* The need for participation in processes that enable some collective control over common affairs can be fulfilled with respect to climate migrants in several ways. The most obvious point here is that migrants should participate in the processes which determine what migration measures are taken. When it comes to those who migrate internationally, Wilcox points out another clear implication is that they should be afforded political and civil rights in their new host states. More controversially, Wilcox thinks that Brock's theory is consistent with enabling migrants to resettle together as a community with collective self-determination on new territory, possibly with the status of statehood.²¹³ Since this is especially pertinent to what Displacement Threatened

²¹³ Wilcox, Does Brock's, p. 80.

Climate Emigrants are owed, it is to this question of political self-determination and collective rights that we now turn.

4. The Question of Political Self-determination and Collective Rights

Displacement Threatened Climate Emigrants are inhabitants of small-island states who might eventually lose their full territory due to sea-level rise, and also potentially their statehood (given that statehood requires a territory over which to govern). Wilcox argues that just as refugee protection is required by the normative presuppositions of the international state system, so, too, would the collective self-determination of displaced persons whose states have been lost to climate change. Recall that a state system can be considered legitimate if it could be justified from the perspective of everyone who is subject to it, regardless of their position within this system. Wilcox considers the following: “We might consider whether impartial agents who do not know whether they will be members of environmentally displaced states or other countries would find a justification for the current state system compelling once the projected effects of climate change were taken into account.”²¹⁴ She points out that under the current system, members of ‘environmentally displaced states’ are substantially disadvantaged since they can expect to lose their territory and thus their state to the effects of climate change, and they can at most hope to be selected for individual resettlement. Agents who imagine themselves in this position would have no reason to find a justification for this system compelling. In order to make the state system acceptable to all those who are subjected to it, Wilcox argues that members of ‘environmentally displaced states’ should be enabled to collectively self-determine on a new territory, with potential statehood. She acknowledges that since all the territory in the world currently belongs to states, this would require some kind of secession of territory.

We have already discussed how collective resettlement that enables migrants to continue their located life plans is consistent with Brock’s theory. But Wilcox’s proposal takes this further. Knowing that collective resettlement with a re-establishment of located life plans is possible, would impartial agents further find it objectionable that migrants who previously belonged to a state that is now lost are unable to collectively self-determine as a group?

To think through this, it is important to remember the role of states in the cosmopolitan accounts of Brock and Moellendorf. Recall that representatives in the Original Position are

²¹⁴ Wilcox, Does Brock’s, p. 83.

not concerned with the interests of states. They are focused on the interests of *persons* and only consider political arrangements such as states in so far as they protect the interests of persons. Impartial agents would therefore consider these interests when deliberating over what conditions would make the state-system just. That members of environmentally displaced states would lose their statehood is only significant in so far as it would impact on the interests of individuals.

For Brock, settlements with effective administration structures are potentially good vehicles for securing justice for individuals. The four core elements of justice include the protection of basic liberties, enabling people to meet their needs, fair terms of cooperation, and social and political arrangements that support these core elements. Brock points out that securing these goals requires adequate planning, the coordination of actions, and the regulation of our activities in ways designed to promote harmonious living and sustain enduring cooperative communities. Administrative units are essential to achieving justice for individuals, and Brock suggests that the state can play such a valuable role as *one kind* of permissible administrative unit.

Brock's account of the importance of political self-determination also links it to the importance of individual needs, particularly that of autonomy. She points out that it is important for people to have some sphere of control over key decisions that affect the shape of their lives and participation in processes that allow collective control over common affairs. Besides for autonomy, this also fulfils psychological needs such as the needs for recognition, connectedness, or esteem.²¹⁵

With this in mind, the two relevant questions impartial agents would have to consider are: Firstly, what would being given collective self-determination and/or statehood do to meet individual needs and achieve justice which (collective) resettlement in a similar territory in another state (with political rights) would not achieve? Or, put another way, what interests or needs are *not* protected or are put in jeopardy by arrangements which do not ensure *collective* self-determination? And secondly, how do we balance these needs with the needs of those who may be affected by these changes if they currently reside on territory that will be seceded?

²¹⁵ Brock, *Justice for People*, p.24.

First, it is necessary to define what collective self-determination over a territory would entail. Wilcox does not provide such a definition, but she is clear that it does not necessarily entail statehood. I will therefore assume that it entails a semi-autonomous region within another state, such as Hong Kong which remains a part of China or Scotland which remains a part of the United Kingdom. This entails having at least some autonomous control over the institutions, policies, and administrative structures that affect its members, even if this does not constitute full statehood. As Wilcox points out, any collective self-determination also requires territory on which to self-determine, so it would assumingly involve some control over a specified territory. The question is: Is this necessary to meet the needs of climate migrants?

One might argue that members of environmentally displaced states do not need this kind of collective self-determination so long as the new host state can effectively administer the conditions of justice. If the new host state can effectively administer the conditions of justice explicated above, and the collective resettlement of migrants with structures of collective self-determination might threaten to displace current inhabitants and their located ways of life, then it might appear that in this case collective self-determination is unnecessary or even harmful.

However, it is possible that in some cases the new proposed host state cannot fulfil the derivative needs or secure the located life plans of migrants. Recall that although the core needs are universal, the derivative needs are context-dependent. I have already spoken about some of the ways in which the located life plans of climate migrants should be accommodated where possible. It could be argued that some located life plans can *only* be accommodated if the administrative structure is organized a certain way. As Wilcox points out, members of environmentally displaced states stand to lose their ‘*institutionally-supported*’ ways of life.²¹⁶ And as Kolers expresses the point, members stand to lose ‘the entire structure of the self-determining life of a political community, including not just its distinctive goals but also its distinctive ways of pursuing universal goals such as justice and economic development.’²¹⁷ For example, the Pacific Island state of Tuvalu threatened with sea level rise includes in its current state structure a monarchy. This element may be integral to community needs and the social network of society, and could be tied to the fulfilment of

²¹⁶ Wilcox, Does Brock’s, p. 83.

²¹⁷ Kolers, A. 2012. Floating Provisos and Sinking Islands. *Journal of Applied Philosophy*, 29(4): 333-343.

various other needs. In this case, having an independent administrative structure may serve to meet needs that *cannot* be met merely by collective resettlement.

However, none of this can be assumed and would have to be worked out in each case. It is also possible that these institutional structures do not necessarily fulfil everyone's needs. For example, there have been criticisms of a lack of women's representation in politics in Tuvalu. Evaluating whether these institutional structures should be protected will therefore require an assessment of what needs they do meet and what needs they may hamper.

But given that these located derivative needs, as Brock argues, are "highly salient to many people's well-being and their felt sense of fulfilment" and each connects in complex ways with agency needs, the defense of collective self-determination for those who have *a history* of such collective self-determination seems viable.²¹⁸ This is stronger than say the defense of collective self-determination for those who currently inhabit a state and wish to secede. In the case of secession, people have not become dependent on certain institutional structures to meet their various needs, and so their case seems less urgent from a perspective of justice, unless, of course, the current arrangements are unjust.

However, as Brock and Wilcox emphasize, the importance of the institutionally supported located life plans of migrants would have to be weighed against the located life plans and needs of others and the costs or burdens imposed on them as a consequence of any measure chosen. This is especially so if enabling island states to collectively self-determine on new territory would require the displacement or interruption of the located life plans of others. There are ways to reduce harm, for example, Wilcox suggests that those who inhabit the seceded territory should be allowed to remain. In a recent paper in response to Wilcox, Brock also points out that not all habitable land is inhabited, so it might be possible that this need for territory would not displace anyone.²¹⁹ Overall, it seems that climate migrants should be granted collective self-determination over a territory in the form of a semi-autonomous region if such institutional arrangements are required to meet their derivative needs and such institutional arrangements do not undermine anyone's else needs.

It is unclear, however, whether impartial agents would further demand that they should be given statehood as a matter of justice. If we have already agreed that institutional and

²¹⁸ Brock, *Justice for People*, p. 24

²¹⁹ Brock, G. 2021. Travel Bans, Climate Change, Refugees and Human Rights: A Response To My Critics. *Ethics & Global Politics*, 14(2): 110-125. Pp. 118 – 119.

administrative structures can in certain circumstances uniquely meet the needs and help re-establish the located life plans of climate migrants, and that territorial secession need not necessarily harm others' needs, then being granted statehood is only a short step away from this. However, as a matter of justice, climate migrants would have to motivate for why this is required to fulfil their located life plans. This is especially so given that establishing statehood may complicate and potentially worsen effects on the located life plans of others who may live on the seceded territory, since they will either belong to a new state or will have to move. Those who live in areas that are seceded for autonomous control would also be under new institutional arrangements, but establishing statehood might cut off citizens from potential social networks or economic activity which is not the case if they can more easily move in and out of a semi- autonomous region. The case for why statehood is necessary to fulfil the located life plans of climate migrants would therefore have to be very strong to weigh up against the located life plans of others.

Ideally then, statehood should be granted if there are pieces of land that are not inhabited, as Brock suggests, *and* only if it is in pursuit of justice and will uniquely fulfill derivative needs. It should be noted that this may conflict with the located life plans of climate migrants in other ways. For example, the uninhabited land may not be in the same region as their previous home.

It could be objected that not allowing climate migrants access to statehood undermines their political agency in unacceptable ways. However, it is important to remember that the claim is not that people could not hypothetically come together and form a self-determining collective and thereafter request recognition of statehood from the international community. Rather, the question is about competing claims to *justice* and the conflict of duties.²²⁰

The imperative to balance the needs of multiple stakeholders also points us to some possible objections that might arise against enabling cross-border migration. Cross-border migration might be preferable as a way to re-establish located life plans for those who might otherwise migrate internally in their home state, and for those who wish to migrate to or set up a semi-

²²⁰ From a non-ideal theory perspective, it should also be noted that these duties of justice are financed, and if we assume that financial resources are limited (not in the sense that there is a lack of financial resources in the world but rather that not everyone will pay due their due), then there is also the question of priority. Brock does not address how different needs should be prioritised, but impartial agents might have to weigh up whether financing core agency needs is more important than financing the particulars of derivative needs. This is where an approach such as Brock's can become murky, since the contextual and varied nature of derivative needs means that some may require more financing than others. In an ideal world, this is not a problem, but in a non-ideal world where there are competing claims to justice and finite resources, it might be.

autonomous region in another state instead of establishing an independent region. But some hold that immigration is detrimental to justice on the state level, and given that the state is one means by which justice is supposed to be fulfilled, this question warrants some attention.

5. Is Immigration Bad for Justice at the State Level?

Recall that states are one kind of useful administrative unit for delivering on the demands of justice. If migrants escaping the effects of climate change immigrate to states nearby or further afield, an objection could be made that migrants will undermine the delivery of justice. There are multiple ways in which this point could be argued. I will argue that although on the face of it some of these objections seem reasonable, ultimately none of these point definitively to the conclusion that immigration is bad for justice on the state level.

- 1) *Economic Needs of Host Citizens*: Firstly, it could be objected that large-scale immigration might undermine the economic needs of host-state citizens.²²¹
- 2) *Social Cohesion*: Secondly, it might be argued, as Brock notes, that an influx of migrants could undermine the social cohesion of a country. This in turn can threaten democracy if increased civic tension and polarisation result in decreased willingness to cooperate and sustain the welfare state.²²²
- 3) *Tighter Compatriot Association*: Thirdly, it may be argued that since the state also constitutes a political association and the interests of compatriots are more bound up with each other than non-compatriots (in particular potential immigrants), this means compatriots have stronger duties to other compatriots.²²³
- 4) *Undermining the Delivery of Justice*: Fourthly, it can be argued that immigration could undermine or otherwise frustrate the capacity of state institutions charged with delivering on justice to citizens.²²⁴

I will address all of these in turn. The first objection (1) that immigration may undermine the economic needs of host-state citizens warrants attention. Economic needs and participation in

²²¹ Brock, *Justice for People* p. 204; Moellendorf, p. 63.

²²² Brock, *Justice for People* p. 194.

²²³ Moellendorf, D. 2002. *Cosmopolitan Justice*. Westview Press. P. 45.

²²⁴ Moellendorf, *Cosmopolitan*, pp. 65 – 66.

Another possible objection questions whether obligations to take in migrants undermines the political self-determination of states. As already discussed as per Brock, political self-determination is dependent on fulfilling certain conditions, otherwise the state system would not be acceptable to impartial agents subjected to it. She correctly adds that there can be considerable scope for states to determine their own migration policy even if they commit to international migration agreements.

the economy are important for meeting core agency needs, and host citizens may have patterned ways of meeting economic needs that are vulnerable to disruption. However, Brock argues that this objection makes some dubious assumptions. It is said that immigrants compete with host-state citizens in the job market and thereby increase unemployment while decreasing wages.

However, much empirical research on migration shows that migrants can contribute positively to the labour market in both high and low skilled occupations.²²⁵ In Europe and the US, immigrants are often filling labour needs by taking up jobs regarded by domestic workers as unattractive or lacking career prospects, and they contribute to the young working populations where aging populations are burgeoning.²²⁶ Migrants are often also highly skilled and educated, and can contribute to fast-growing industries and increase demand, which in turn can grow labour demand and create jobs.

However, it is often only the economically better off and skilled that migrate intercontinentally, and, as has been discussed, most climate change migration will be regional and this may be preferable. This means that migrants will often be moving between developing countries which often have large youthful job-seeking populations, and so the situation is slightly different compared to developed states.

Despite this, the effects of migration within the developing world are not necessarily negative. South Africa, for example, is a popular migratory route in Southern Africa, a region which will be hard hit by climate change related drought. Research has shown that immigration to South Africa is often driven by demand in growing industries.²²⁷ In general migrants do not seem to displace native-born workers. Often the skills of native-born South Africans and immigrants are complementary, and immigrants are often entrepreneurial, potentially increasing opportunities for locals while contributing to economic growth.²²⁸ At the national level, studies show that migrants have no effect on the employment-rates of native-born people. On the regional level and in particular places, migration can be associated

²²⁵ Organisation for Economic Co-operation and Development (OECD). 2014. Is Migration Good for the Economy? *Migration Policy Debates*. Retrieved January 2022 at <https://www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf>. Pp. 1 -2.

²²⁶ OECD, Is Migration Good, pp. 1 -2.

²²⁷ Organisation for Economic Co-operation and Development (OECD). 2018. How Immigrants Contribute to South Africa's Economy. Retrieved January 2022 at https://read.oecd-ilibrary.org/development/how-immigrants-contribute-to-south-africa-s-economy_9789264085398-en#page1

²²⁸ OECD, How Immigrants, p.16; World Bank Group. 2018. *Mixed Migration, Forced Displacement And Job Outcomes In South Africa*. World Bank.

with lower employment rates, especially in highly skilled job categories, but is also associated with an increase in incomes.²²⁹ The research largely shows that migrants have minimal effects on employment rates and income, and where they do, this can be both minimally positive and negative.

As Brock points out, the actual effects of immigration will depend on the policy environment of the particular state.²³⁰ She points out that the right complementary policies can help to ensure that migrants can increase income and employment rates and generally contribute to productive economies. As was mentioned earlier, Brock argues that the civil and business sectors, particularly multinational corporations, can play an important role in ensuring that migration is beneficial for both migrants and host-populations because of their hiring capacity. Brock also proposes well-funded arrangements to balance out any costs that may befall local populations, such as retraining programmes. This can ensure that the skills of migrants and host citizens are complementary rather than competitive and fulfil labour market needs. Brock argues that such training programmes can also benefit host populations, and this can foster positive relations between migrants and host populations because migrants are seen as bringing in resources. Furthermore, if host states are allocated according to relevant factors such as GDP, unemployment rates, and ability to absorb migrants, among others, then potential harm can be further mitigated.²³¹

It could be objected against Brock that such “retraining programmes” fail to respect the located life plans of migrants, because it requires them to abandon at least their patterned ways of meeting economic needs. However, the reason *why* accommodating located life plans is seen as important is *because* it protects people’s ability to meet their economic needs. In cases where located life plans just cannot be accommodated, then retraining can enable people to create *new* patterned ways of meeting their needs. Migrants should also be enabled to have some autonomy and participation in the decision-making that affects them, since enabling them to migrate and then, for example, giving them only one option for a job hardly re-establishes their autonomy.

Brock argues that because many of these beliefs about immigration and its effects are false or empirically unsupported, many common beliefs amongst local populations are actually the result of bias and ethnocentrism. The fear in objection (2) is that this may have negative

²²⁹ OECD, *How Immigrants*, p. 16.

²³⁰ Brock, *Justice for People* p. 204.

²³¹ *Ibid.*, p. 134.

consequences for democracy because these attitudes may result in increased social conflict, discrimination, and distrust in state institutions. I think we should also take this seriously because discrimination can undermine a number of social and psychological needs, such as the need for recognition, esteem, and connectedness, and a lack of institutional support can undermine the practical fulfilments of justice for everyone. My claims also may be particularly vulnerable to this objection because if migrant communities are offered territory and semi-autonomous control over a region within another state, this might further undermine social cohesion and institutional support.

However, Brock points out that there are evidence-based ways to counter these false beliefs and bias against immigrants. Furthermore, she thinks there is an obligation to do so when they run counter to human rights practice. I agree that there is an obligation to counter bias and false beliefs that may undermine the delivery of justice to migrants through prompting discrimination, and which may undermine the delivery of justice to everyone by reducing institutional support. Brock points out that education and public communication can be effective tools for targeting false beliefs and bias that may promote ethnocentrism. Brock's approach is particularly strong because a common line of argument is that migration leads to ethnic diversity and 'parallel societies' which in turn undermines social cohesion.²³² But Brock emphasises that it is not ethnic diversity or the existence of parallel societies *in itself* that undermines social cohesion, but people's *attitudes* to ethnic diversity often based on false beliefs.

It may be objected that the promotion of social cohesion runs counter to the protection of derivative needs and particular ways of life. Attempts at strengthening social cohesion might encourage people to identify with certain values, practices, or identities, thereby supporting a kind of homogeneity. However, I contend that social cohesion and respect for ways of life are not logically incompatible. To deliver on needs, there should be both robust state institutions capable of delivering the demands of justice *and* protection of settled patterns of meeting needs and particular ways of life where possible. Tackling misinformation and cultivating mutual respect and *some* common values to decrease social conflict, discrimination, and distrust of institutions, as is the focus of social cohesion, protects the delivery of justice rather

²³² Levrau, F., & Loobuyck, P. 2013. Is Multiculturalism Bad For Social Cohesion And Redistribution?. *The Political Quarterly*, 84(1):101-109.

than undermines it. It need not imply the imposition of cultural homogeneity or erasure of respect for life plans, especially if one of the common values is a respect for differences.²³³

The third objection (3) points out that since enduring associations which affect people's needs generate duties of justice, people can belong to multiple and overlapping associations. The political association of the state is one such association.²³⁴ Moellendorf considers the objection that host-state citizens may have a tighter association of interests, and so stronger duties, towards each other than towards potential migrants. However, Moellendorf correctly replies that co-citizens do not necessarily have tighter associations with each other than others, especially given the interconnectedness of the global economy. Climate migrants would hold that their interests are tightly bound up with high emitters despite not necessarily being co-citizens.

Furthermore, Moellendorf argues that it is not clear why a tighter association of interests would lead to stronger obligations. He seems to be right in this supposition, though it depends on what is meant by a 'tighter association of interests' and 'stronger obligations'. It could mean that there are multiple associations related to the state, namely the political and economic, which could mean that interests between co-citizens are more intertwined. But in fact, this would merely mean that there might be various principles of justice that arise in the state context, such as the need for political equality and economic principles. Alternatively, it could mean that state institutions affect people more pervasively, but this would merely mean that the content of the principles may be more demanding, such seen in Blake's argument in Chapter Two. Or it could mean that more people abide by the state institutions and are affected by them, but this would merely delineate the scope of justice (i.e. what and who justice applies to) rather than the strength of obligation. None of these interpretations of having a tighter association of interests necessarily entails that duties of justice are stronger at the state level. Different associations may have different principles and resulting obligations,

²³³ This is not to say that liberal values are neutral. Brock thinks that grounding needs fulfilment in agency gets us to a more objective and cross-cultural account of needs that can accommodate varying conceptions of the good. This is partly correct, since pursuing any conception of the good requires the ability to act and a social world in which the conception develops. However, the importance of autonomy, respect for self-determination, and a resulting recognition of difference, are values that may be incommensurable with some conceptions of the good, such as some forms of communitarianism. It follows that promotion of social cohesion may conflict with certain located life plans or derivative needs. However, as Moellendorf points out, if people value their own ability to pursue their conception of the good, they have good reason to support some values of multiculturalism or social cohesion since *without* these values in society, their located plans and derivative needs may still be under threat.

²³⁴ Moellendorf, *Cosmopolitan*, p. 129.

but these stem from what people in that association would reasonably agree to given the effects of institutions on people's interests.

The most viable objection is the fourth (4) expressed by Moellendorf, which worries that immigration might undermine the fulfilment of justice on the state level given that states have limited resources and capacities. Given the importance of administrative institutions such as states for fulfilling the agency needs of individuals and also for facilitating individuals' duties to others, the prospect of them being overwhelmed is reason for concern. Once again, however, it cannot be assumed that migrants will overwhelm and negatively impact, for example service delivery. This would depend on contextual factors. Furthermore, these worries are often accompanied by faulty assumptions, such as the idea that migrants contribute little to public finance via tax while taking from welfare benefits. Research has shown that this is inaccurate and in general migrants contribute in line with their income.²³⁵

To ensure that mechanisms for delivering on justice, such as service delivery, are not hampered by an increase in migration, various measures can be put in place. Firstly, Wilcox suggests that where possible, host states can be compensated by other states if resources are limited. Secondly, I have emphasised that adequate planning is needed to regulate migration, and the capacity for a given state to absorb migrants can be evaluated beforehand in order to ensure justice for all stakeholders. Planning for migration can also help states to increase their service delivery capacity if needed so that justice is not undermined. Furthermore, even if migration is limited for particular states on these grounds, as Moellendorf suggests, justice still demands that there be mechanisms in place to protect the needs of migrants elsewhere.

6. How Should These Duties of Justice of Distributed?

While I do not have space to address this question in full, I will suggest some ways in which duties of justice might be distributed. Following Moellendorf, all those who abide by the institutions and practices of the global association have duties to follow or advocate for principles of justice to guide the association. This is at odds with a dominant approach in the climate ethics literature which focuses on two backward-looking principles, namely the Polluter Pays Principle (PPP) and the Beneficiary Pays Principle (BPP). I argue that these principles struggle to identify duty-bears and have some counterintuitive consequences. However, I argue that the PPP can be used in combination with insights from Moellendorf's

²³⁵ OECD, *Is Migration Good*, p.2.

theory and Brock's Agency Needs Principle to create a distribution of duties which all those affected should deem reasonable.

The Polluter Pays Principle holds that if someone is causally responsible for pollution, then they are obligated to rectify or compensate those harmed by the pollution.²³⁶ In terms of climate change, this means that "emitters of high quantities of greenhouse gases are responsible for compensating those negatively affected."²³⁷ Although this principle is intuitively appealing, it struggles to identify duty-bearers in the case of climate change.

Firstly, many polluters are now dead and cannot be attributed duties. Rebecca Buxton argues that this intergenerational worry can be solved by focusing on *states* rather than individuals.²³⁸ She claims that the state is an intergenerational entity that endures despite constant shifts in membership. However, as Christian Baatz points out, even if state institutions can endure (which is not always the case), to make states pay is to make present inhabitants pay through taxation and other measures.²³⁹ In this case, it is to make them pay for the actions of their ancestors, or, if there are migrants in a state then it may not be their ancestors at all. It is doubtful that this would be acceptable to those affected. For example, imagine a poor household in the US. Given the state's accumulative emissions over two hundred years, the state must collect tax from its citizens to fulfil its duties of justice. This includes the poor family whose ancestors were polluters, and who might find it unfair to have to pay for two hundred years of carbon history.

Secondly, many polluters were excusably ignorant. Singer suggests that it is only since 1990 when the IPCC published its first report that there has been a solid scientific consensus that emissions can cause climate change.²⁴⁰ Some suggest using what in legal settings is referred to as 'strict liability'.²⁴¹ This holds that causal responsibility alone is sufficient to produce

²³⁶ The principle started out as an economic principle and in the 1990s became a legal one, now considered as "a general principle of international environmental law" meant to "set appropriate signals in place in the economic system so that environmental costs are incorporated in the decision-making process." See Organisation for Economic Co-operation and Development (OECD). 1992. The Polluter Pays Principle: OECD Analyses and Recommendations. Retrieved January 2022 at

[https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=OCDE/GD\(92\)81&docLanguage=En](https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=OCDE/GD(92)81&docLanguage=En); Bruxton, R. Reparative Justice for Climate Refugees. P. 207.

²³⁷ Baatz, C. 2013. Responsibility For The Past? Some Thoughts On Compensating Those Vulnerable To Climate Change In Developing Countries. *Ethics, Policy & Environment*, 16(1):94-110. P. 95.

²³⁸ Buxton, R. 2019. Reparative Justice for Climate Refugees. *Philosophy*, 94(2):193-219. P. 209.

²³⁹ Caney, Duties. P. 760; Baatz, C. 2013. Responsibility For The Past? Some Thoughts On Compensating Those Vulnerable To Climate Change In Developing Countries. *Ethics, Policy & Environment*, 16(1):94-110. P. 95. Pp. 95 – 96.

²⁴⁰ Singer, P. 2016. *One world now: The ethics of globalization*. Yale University Press. P. 26.

²⁴¹ Caney, Duties, p. 208; Singer, One World, pp. 37 – 38.

liability and they need not have been morally at fault in the form of recklessness, negligence, or deliberate harm. However, I agree with Caney that this fails to do justice to potential duty-bearers. It is unclear that people would want to endorse a principle that can hold them responsible for compensation despite being morally innocent (unless there are other reasonable justifications for such compensation, such as duties of distributive justice).

A third problem with the PPP is that it can conflict with our Agency Needs Principle. In our current carbon economy, most people in the world must emit some amount of greenhouse gases in order to meet their needs.²⁴² Furthermore, many of the less advantaged cannot afford to pay for compensation without it impacting their ability to meet their needs.²⁴³ At most then, the PPP can ground a responsibility to pay for those who have polluted since 1990, and only for those whose needs fulfilment will not be impacted by such payment.

Due to the limitations of the PPP, it is often combined with the Beneficiary Pays Principle. The BPP holds that those who have benefitted from a harm should be liable to pay the costs in proportion their benefit, and as such it holds that those who have benefitted from polluting activities should pay.²⁴⁴ However, this principle also faces substantial difficulties. Firstly, the ‘non-identity problem’ conceived by Derek Parfit holds that persons cannot be said to be harmed, or benefited, by the activities of previous generations, because without past events happening the way they did, these persons would not have been born.²⁴⁵ According to a common line of thinking, to be better off because of X event is to be better off than one *would have been* if X did not occur.²⁴⁶ But for intergenerational contexts, if X did not occur – if things had happened differently – then one might not have been born in the first place.

However, Baatz points out that benefit can also be conceived as *comparative*, which means that one is better off than *others are at present*.²⁴⁷ As Baatz explains, it does not matter whether the effects or historical legacy constituted a necessary condition for the recipients coming into existence.²⁴⁸ What matters is the comparative distribution of the benefits and harms stemming from industrialisation. However, I argue that this backward-looking focus

²⁴² If renewable and other energy sources become more available and widely used, meeting needs may not require emissions. But at present, our world is heavily carbon-based, and most people emit some form of pollution to meet their needs.

²⁴³ This counterintuitive implication was prominently pointed out by Caney in Caney, Duties, pp. 212 - 214.

²⁴⁴ Meyer, L.H. & Rosen, D. 2010. Climate justice and historical emissions, *Critical Review of International Social and Political Philosophy*, 13 (1): 229-253. DOI: 10.1080/13698230903326349. P. 242.

²⁴⁵ Baatz, Responsibility, p. 101.

²⁴⁶ *Ibid.*, p. 100.

²⁴⁷ *Ibid.*, p. 101.

²⁴⁸ Baatz, Responsibility, p. 101.

still faces difficulty in determining the character and quantity of benefit. Some suggest that benefit should be conceived as the wealth accumulated by industrialised countries and perks of growing up in the industrialised world.²⁴⁹ But Baatz points out that there are many causal factors that have contributed to the wealth of industrialised states and the individuals in them, whether colonialism, slavery, wars, inventions, luck, or hard-work. Determining the net benefit that any country or individual has received from industrialisation alone is therefore impossible to determine. So, although it may be possible to surmise that there *is* benefit, the question of how much is owed is still unanswered.

Baatz argues that we should conceive of benefit more generally, and argues that a person has benefited in proportion to their wealth. He argues that all current wealth contains the ‘signature of emissions’ because the levels of wealth in the world would not be possible without industrialisation.²⁵⁰ However, this logic is dubious. Even if all wealth contains the ‘signature’ of emissions, this is insufficient to conclude that, for example, person A whose family has profited from owning coal mines for centuries has benefited to the same degree as person B whose family sold bicycles, merely because they currently have the same level of wealth. Person B could object that other causal factors were at play in their generation of wealth. Either one attempts to work out the complex specifics of historical benefit for each country and individual which is unviable, or one stays on the ‘general level’ as Baatz suggests, but this results in dubious generalisations, especially for individuals. Both the PPP and the BPP therefore face significant challenges in identifying duty bearers. However, I will show shortly that the PPP can be combined with insights from both Moellendorf and Brock to establish duties.

To return to Moellendorf’s claim, as seen in Chapter Two there are a number of agents and actors that abide by and support the economic institutions which are responsible for climate change. I think the responsibility of these agents to advocate for just institutions and principles can be justified from the Original Position. Knowing that many have indirectly contributed to the problem through supporting or abiding by the institutions, and knowing that rectifying these enduring and pervasive institutions will require large scale collective action, impartial agents would find it reasonable to attribute duties of advocacy to those who have supported or abided by these institutions. It may be objected that abiding by institutions

²⁴⁹ See Meyer and Roser, *Climate Justice*, p. 235; Shrue, H. in Baatz, *Responsibility*. P. 101; Gosseries, A. 2004. *Historical Emissions and Free-Riding. Ethical perspectives*, 11(1):36-60. P.51.

²⁵⁰ Baatz, *Responsibility*, p. 102.

is not sufficient to generate duties, especially given that to a certain extent participating in the carbon economy is involuntary. However, I would argue that since the duties are only of advocacy, they are proportionate. Even if support for the institutions was to some extent involuntary, the resulting duties are not overly demanding. Furthermore, given that their support of the unjust institutions means that their causal role in the problem is indirect, the proposed duties of advocacy are also indirect and therefore are proportionate to their causal role. Furthermore, recall that many current polluters will not be able to afford compensation; it is difficult to determine any individual's benefit from climate change; and some pollution has been necessary for meeting needs. Despite these difficulties, people might find it intuitively troubling if backward looking considerations are abandoned. While I will defend a post-1990 version of the Polluter Pays Principle, these duties of advocacy can also satisfy our moral intuitions that causal responsibility should generate duties of justice. And it can do so without negatively impacting people's needs because it is not overly demanding

Clearly, advocacy is not all that is needed. These principles of justice and the measures which should be taken in the case of climate migrants to fulfil them require financial assistance, entrance for migrants into new host-states, and potentially territory to be seceded for the establishment of a semi-autonomous region or state. As for financial assistance, I think the Polluter Pays Principle and Ability to Pay Principle should guide us. The Ability to Pay Principle merely holds that those with the ability to pay should pay.²⁵¹ I argue that this can be justified by a theory of distributive justice such as Brock's. Firstly, recall that everyone is entitled to have their needs met. Meeting these needs requires funding. Those who are most financially able are most able to pay without their needs being undermined, and so impartial agents would find the Ability to Pay principle to be reasonable on these grounds.

While the wealthy could object that they deserve their wealth, this could be objected on several grounds. Recall that a reasonable interpretation of Brock is that she thinks morally arbitrary factors should be neutralised in so far as they impede agency needs. If agency needs around the world are not met, then these morally arbitrary factors have not been neutralised and people cannot be said to have the negative equality of opportunity that Brock advocates. This means that the current distribution of benefits and burdens cannot be said to be fair because it involves certain harms. Furthermore, Brock argues elsewhere that 'desert' should be grounded in a hypothetical contract. In economic theory, people are said to be owed their

²⁵¹ Caney, *Duties*, p. 213.

benefits in the form of profit because their labour benefits others in society.²⁵² Brock argues that intervention is needed when these benefits for others are not assured by the market, which in the case of climate migrants seems to be the case. Impartial agents might therefore hold that in order for the wealthy to deserve their wealth, they need to benefit others in the form of financing the fulfilment of agency needs. This is different to Moellendorf's Difference Principle, since it allows for inequalities that are *not* to the greatest benefit of the worst off, but *only* on condition that agency needs are fulfilled.

Impartial agents might also hold that polluters post-1990 should pay both because they are casually responsible for undermining the needs of others, and because the Polluter Pays Principle can act as a forward-looking deterrent against future emissions. This can be combined with the Ability to Pay Principle, as I have conceived it, so that the PPP does not undermine anyone's ability to meet their needs nor does it blame people for pollution that was necessary to meet their needs. As such, the biggest polluters who are most able to pay should bare the greatest burdens in financially supporting climate migrants in the form of adaptation and emergency assistance, and in financing migration. This latter financing could include financing retraining programmes for migrants, funding travel costs, or compensating states which require assistance in generating the capacity to accept migrants. Thereafter, those whose needs are least impacted by financial assistance should pay the remainder.

The Polluter Pays and Ability to Pay principles will apply to individuals, and states can be responsible for collecting this financing from their citizens. It should be noted that these principles may result in developed states paying more, as many believe as they should, despite there being some wealthy high polluters in developing states. This is because developing states might require these individuals' contributions towards fulfilling the agency needs of its own citizens. In developed states, where more people have their resources met, there is more wriggle room for wealthy polluters to contribute to climate-related duties without sacrificing needs fulfilment.

The Polluter Pays and Ability to Pay principles are, however, difficult to apply to collectives, such as financial institutions or corporations. Firstly, they lack the features of a moral agent, such as intention, and secondly, the individuals within the collectives may have varying

²⁵² See Brock, G. 2005. Global Distributive Justice, Entitlement, and Desert. *Canadian Journal of Philosophy*, 35: 109-138. P. 111.

levels of responsibility for the actions of the collective itself.²⁵³ None the less, given that they have supported the various institutions responsible for climate change, they can be attributed duties of advocacy to support just institutions. Since these collectives often have considerable influence over policy, they can support policies that will bring justice to climate migrants. This can include the mechanisms mentioned, such as helping to provide employment and educational opportunities for climate migrants. While it may be objected that these institutions should also be responsible for *financing* these initiatives, and that it is unfair for them not to be given financial burdens given their high emissions and profit-margins, it should be noted that, firstly, industry emissions often stem from individual demand, and much of the wealth from these institutions is distributed to individuals, who may have to pay according to the Ability to Pay and Polluter Pays Principles.

One last question remains regarding the attribution of duties, which is the question of which states should be responsible for admitting climate migrants. The general duty of states to allow migrants in has already been discussed and is based on the acceptability of the state system, but more needs to be said about which states should be responsible in the case of climate migrants. This is a complicated question because there are many factors at play. I have already argued that migrants should be enabled to relocate to where they are best able to continue their located life plans, which may be in the same region. However, in order to ensure that migration also protects the needs and located life plans of others who may be affected, I followed Brock in mentioning that other relevant factors should also be taken into consideration, such as a state's GDP, unemployment rates, and their ability to absorb migrants. Furthermore, climate migrants that are owed collective resettlement and collective self-determination may require territory that is currently uninhabited.

Given the varying factors at play, it is highly likely that these will in some cases conflict. For example, the states most able to re-establish located life plans might have weaker GDPs, higher employment rates, and less state capacity to absorb migrants, or might not have uninhabited regions that can be seceded. It is possible to balance these factors in some cases. For example, if a state has a weaker GDP but is the best able to enable migrants to establish their located life plans, then they could be compensated by states with higher GDPs or wealthy polluters in order to increase their capacity. At any rate, given these varying factors, which states will be responsible for accepting climate migrants can only be worked out in

²⁵³ Van de Poel, I., Nihlén Fahlquist, J., Doorn, N., Zwart, S., & Royakkers, L. 2012. The problem of many hands: Climate change as an example. *Science and engineering ethics*, 18(1): 49-67.

each case through balancing the interests of all those involved. It is essential that throughout the process climate migrants have their autonomy and deliberative understanding respected, in line with respecting the needs of others.

7. Conclusion

In this chapter I have drawn off of Brock to argue that justice for climate migrants requires that we pay particular attention to their derivative needs: their economic needs, community needs, and the need for political self-determination. Unlike core agency needs which are universal, these needs are contextual and will be importantly informed by place. People come to form patterned ways of meeting these needs which are dependent on the location and environment in which they happen. Brock refers to these as ‘located life plans’. Given the importance of these derivative needs for fulfilling agency needs, the importance of located life plans for people’s felt sense of wellbeing and fulfilment, and the time and energy invested in these located life plans, Brock rightly argues that these located life plans deserve respect and should be accommodated where possible when evaluating what migrants are owed as a matter of justice.

To respect the located life plan of climate migrants, achieving justice for them requires particular attention to be paid to mitigation and local adaptation solutions. Although these adaptation solutions, such as sea walls, artificial island construction, and the changing of agricultural crops, could in some ways disturb these located life plans, they are more likely to protect the foundational ways in which people have learnt to meet their economic needs, the existing social networks and ties pivotal to the fulfilment of their community needs, and the territory and institutional structures which support political self-determination. Adaptation should not be imposed and should try to respect their located life plans as far as possible to respect their autonomy and needs.

Drawing off of Wilcox, I argued that emergency assistance should be given to *Climate Disaster Migrants*, which can be in the form of temporary camps that fulfil their basic needs. I added that further assistance should be given in the form of rebuilding infrastructure if environmental assessments deem it safe to do so. If this takes a prolonged period, then migrants should also be empowered through educational and employment opportunities so that they are able to meet their needs while they wait for eventual resettlement. If settlement in the disaster area is no longer possible, then these migrants should be considered for

resettlement along with *Displacement-Threatened Climate Migrants and Emigrants (DTC Migrants and Emigrants)*.

If resettlement is necessary to fulfil the needs of climate migrants, then particular attention should be paid to collective resettlement and empowerment. For DTC emigrants, and also for disaster migrants and DTC migrants who may prefer to resettle elsewhere within their state rather than migrate internationally, they should all be enabled to resettle as a collective. As Wilcox points out, this will ensure that existing social support systems remain in-tact, and they will be able to continue ways of life that are shared and which may be integral to their economic and other needs. To respect autonomy, this collective resettlement should be optional. If international migration is necessary, then they should also be enabled to relocate in the same region, as I have argued that this might better protect community and economics needs.

Whether migrating internally or internationally, migrants should also be empowered to meet their economic needs. This means that those migrating internationally should have access to labour markets in their new host states, and for those who remain in their home states but wish to migrate for work, as many migrants currently do, then they should be given temporary labour rights in the places they wish to work. If migrants wish to remain within their home states or migrate internationally but cannot pursue their located life plans, then they should be empowered to meet their economic needs through educational and retraining opportunities. I iterated that this should not be imposed and should also respect their autonomy and deliberative abilities.

On a more practical level, Brock proposes that multilateral cooperation is needed to ensure justice for migrants. Although states will obviously have a pivotal role to play, businesses and the civil sector can help to provide employment and educational opportunities, and cooperating with local initiatives that already exist can help to respect existing located life plans and social networks. To protect migrants, there needs to be adequate planning for migration and these additional measures. Given that much migration in the case of climate migrants can be foreseen, such pre-emptive action is both possible and necessary. This can ensure that the autonomy of migrants is respected since it will allow for deliberations; it will protect them from pursuing dangerous routes for migration; and all the stakeholders involved can have adequate time to plan and generate capacity for migration and additional measures.

Plans for migration and additional supportive measures should also balance the interests of migrants and host-state citizens, because the principles of justice should be ones that are accepted by all those subjected to them. I have shown, however, that migration does not undermine justice in host states in many ways that are commonly assumed. As Brock argues, with the right complementary policies, migrants need not threaten the economic needs of host citizens or the state's capacity to deliver justice. With the right policies and mechanisms, and education aimed at mitigating harmful biases, migrants can in fact contribute positively to host states and their citizens.

Balancing interests may be most complicated in the case of DTC emigrants, who may, as Wilcox suggests, be owed collective political self-determination, if not statehood. For those whose needs and located life plans are best fulfilled by migrating internationally, to have political self-determination they should be granted political and civil rights. However, I have also argued that in order to respect the located life plans of climate migrants whose ways of life and patterned ways of meeting needs may require specific institutional structures, migrants should be enabled to set up a semi-autonomous region in another state with collective self-determination. I have argued that an additional requirement for statehood would have to be strongly justified if it involves the secession of territory which may severely impact on the located life plans of others. While the specifics can only be worked out in practice, these measures and principles should go some way in securing justice for climate migrants.

Lastly, I have briefly painted a picture of how duties should be distributed. I have argued that those who have abided by and acted within the constraints of the institutions responsible for climate change should have duties to advocate for just principles and the institutional arrangements that can pursue them. Those who have polluted the most after 1990 and who are most financially able should fund the costs of adaptation and emergency measures as well as the processes of migration. While this mainly applies to individuals, collectives such as corporations and financial institutions will also have duties of advocacy and, given their power to influence policy and their particular capacities, should be integral in supporting policy measures such as educational and employment opportunities for climate migrants. The question of which states should accept climate migrants can only be worked out in each case, by balancing respect for located life plans with the ability of states to accept migrants without undermining the needs of their citizens.

CONCLUSION

The aim of this thesis has been to evaluate the situation of climate migrants from a perspective of global justice and to provide an account of what justice would look like for those displaced. I have gone about this the following way: Firstly, I refined the conceptual characterisation of those who will be displaced by climate change and provided a nuanced classification system that accounts for the different ways in which they are affected; secondly, I defended the claim that questions of justice arise globally by defending Moellendorf's account of global justice as associational; thirdly, I argued that the case of climate migrants is one of global justice because global economic and political institutions have affected the moral interests; fourthly, I defended Brock's agency-needs approach as a viable principle to bring the situation of climate migrants into one of justice; fifthly, I interpreted what the implications are of this principle for what climate migrants are owed in their varying situations; and lastly, I considered the distribution of duties

In the first chapter, I dealt with conceptual issues in the literature regarding how to characterise and pick out climate migrants as a group. I argued that although the concept of 'climate refugees' is too broad given the varying types of displacement that can occur, it is not desirable to narrow down those picked out to only those who could be entitled to legal refugee status. I agreed that some climate migrants *could* be considered legal refugees given that inhabitants of small-island states will have to migrate internationally and so can be said to be migrating involuntarily. However, I pointed out that such characterization is undesirable at least initially given that climate change can be predicted, and so pre-emptive action is needed in the form of adaptation and planning *before* migrants are forced to migrate involuntarily. It also leaves too many climate migrants unprotected, in particular those affected by slow-onset environmental degradation such as drought. I argued that from a perspective of justice, the focus is not necessarily on voluntary versus involuntary migration, but rather on how the interests of people are affected. This allows us to pick out a greater number of climate migrants. I then provided a more nuanced classification system that pinpoints migrants according to the objective features of their displacement.

In Chapter Two, I moved onto to the question of whether the case of climate migrants can be viewed as a situation of justice. To do this, I first argued that questions of justice arise globally because, as Moellendorf suggests, there are global institutions which affect the interests of people all over the world. I considered objections according to which justice only

arises in cases of coercion such as within the state, but argued that the involuntary nature of global institutions constitutes an imposition which requires justification in the form of justice, too. I then applied this account to the case of climate migrants. I argued that global economic institutions, such as carbon-based economic practices, dominant economic principles, and formal financial institutions, are responsible for climate change and so will regularly affect the interests of climate migrants. I also added that the international state system will affect the options available to climate migrants and so will affect their interests. As such, I argued that new principles of justice that can guide the institutions of the global association are needed.

In Chapter Three, I provided such a theory and principle of justice by defending Brock's Agency Needs Principle. What is owed to all those in the association is the opportunity to live decent lives. Particularly important in the case of climate migrants is the distributive principle which holds that people should be enabled to meet the needs necessary for agency. To defend this, I challenged two possible objections. I argued that while it may seem unintuitive to focus on meeting needs merely as a means to generate agency, Brock's account can accommodate cases of disability in which agency is undermined, and the focus on agency seems reasonable given that we would want people to have adequate self-determination in the face of imposed institutions. I further argued that although Brock's account could be accused of being insufficiently egalitarian, inequalities only matter in so far as they impact on people's interests. While it could be argued that inequalities beyond agency needs fulfilment may impact on, for example, flourishing, it is not clear that lessening material inequalities would be sufficient to achieve this. Furthermore, given the state of the world in which many people are threatened in their ability to meet their needs, the focus on agency needs seems reasonable.

Lastly, in Chapter Four I explored the implications of Brock's approach for what climate migrants are owed. I argued that when assisting climate migrants, special attention should be paid to derivative needs and the located life plans through which people have come to meet them. Various implications arise from this. The importance of located life plans means that mitigation and at-home adaptation should be a priority; migrants should be enabled to relocate as a collective in the same region; they should be enabled to continue their ways of life where possible, and where not possible they should be empowered to meet their derivative needs in other ways through being provided with educational and employment opportunities; providing such opportunities will require the work of multiple stakeholders, including business and civil society actors; lastly, any measures taken should consider the

needs and located life plans of those affected by migration such as host citizens, such that they could be reasonably accepted. I argued that although controversial, climate migrants such as inhabitants of small island states which stand to lose their state territory should be enabled to collectively self-determine on a new territory.

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