

HELP OR HIGH WATER:
ON THE MORAL ENTITLEMENTS OF
AND STATE RESPONSIBILITIES TO
CLIMATE REFUGEES

by

JORDAN MICHAEL KINCAID

M.S., Bard College, 2013

B.A., University of Texas, 2011

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written by Jordan Michael Kincaid
has been approved for the Environmental Studies Program

Benjamin S. Hale

Steven Vanderheiden

Date _____

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Kincaid, Jordan Michael (Ph.D., Environmental Studies Program)

Help or High Water: On the Moral Entitlements of and State Responsibilities
to Climate Refugees

Thesis directed by Associate Professor Benjamin S. Hale

This dissertation argues that states have a moral responsibility to resettle climate refugees because climate displacement constitutes a distinct form of moral wrongdoing, which thus entitles refugees to rectification and imbues in states a reciprocal ‘duty to rectify.’ I argue first that climate displacement is a moral problem fundamentally because of its anthropogenicity, and that it is mistaken to conceptualize climate displacement as a moral problem because of its bads—i.e. harm, suffering, and loss. Compensation-based approaches to the rectification of climate displacement in particular make this mistake and run aground of value-incommensurability. Generative rights-based approaches, on the other hand, are often predicated on specious justificatory grounds and may exacerbate political intractability. The more practical approach to rectifying climate displacement is to extend the logic of the UN Refugee Convention to include climate refugees. However, the logic of non-refoulement misses key concerns about malrecognition unique to climate displacement. To address this lacuna, the duty to rectify draws out justificatory concerns about malrecognition consistent with the reasoning of the existing Convention. On the justificatory basis of non-refoulement and the duty to rectify, I argue that any acceptable agreement on the rectification of climate displacement should meet in principle at least the following three conditions: 1) ‘recognitional’ justice for affected people, 2) re-affirmation of the world’s differentiated responsibilities to prevent climate change and prevent as much displacement as possible, and 3) the guarantee of resettlement and the provision of basic resources and opportunities—or essential ‘capabilities’—coupled with the creation of participatory institutions that empower affected people to make claims to the community of states on their own behalf, particularly pertaining to their preferences of resettlement location and in expressing what they need to rebuild decent lives for themselves. Finally, I argue that resettlement responsibilities should be assigned to states according to respective capacity, or ability-to-pay, as a matter of social responsibility. I also suggest capacity-building responsibilities between states as a means of reconciling potential asymmetries that may emerge between the resettlement preferences of climate refugees and the capacities of states to assist.

Keywords: Climate displacement, climate refugees, the good and the right, wrongdoing, duty to rectify, rectification, moral entitlement, responsibility, ability-to-pay principle

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MAPS

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CHAPTER I

CLIMATE CHANGE-INDUCED HUMAN DISPLACEMENT

In this chapter I introduce the dissertation by offering: (1) a descriptive account of the climate displacement problem, (2) a general overview of the dissertation's broader arc of questioning, (3) an assertion of what I call the 'duty to rectify,' which functions as a major justificatory base for the dissertation's central claim, and (4) a short summary of the chapters that follow.

* * *

1.a. Climate Displacement in the 21st Century

The world is staggeringly unprepared to accommodate the volume of people vulnerable to displacement by the impacts of anthropogenic climate change. What was once thought to be a problem for the distant future has already begun affecting people all around the world. By a gnarly confluence of rising sea levels, increasingly scarce natural resources, intensified natural disasters, and exacerbated conflict millions of people are at risk of becoming climate refugees (Richards & Bradshaw, 2017). While impossible to say with absolute certainty what numbers of people will ultimately be displaced, the United Nations Framework Convention on Climate Change (UNFCCC) and Intergovernmental Panel on Climate Change (IPCC) report high agreement that climate change will cause significant human displacement in the twenty-first century and beyond (Field & et al., 2014: 20). In a word, mass climate displacement is inevitable.

The international community through the UNFCCC has sought on several occasions to clean up our climatic mess: Kyoto, Copenhagen, Warsaw, and now the Paris Climate Agreement. But the Paris Agreement, from which the United States has

withdrawn, was the world's last serious mitigative hope. Even if all intended parties were to meet their Intended Nationally-Determined Contributions (INDC)—the U.S. included—the potential to mitigate some of the worst impacts of climate change was slight. The official target of limiting warming to 1.5°C was perhaps overly optimistic even under the best circumstances (Rogelj, 2016: 4).

Now that the United States, the world's largest cumulative emitter of greenhouse gases, has rescinded its commitment to the Paris Agreement keeping warming to even 2°C will be essentially impossible:

“All assessments suggest that the target fixed by the UNFCCC community for a maximum allowable increase of up to 2 degrees Celsius temperature rise is quickly becoming unachievable. The latest trends for a number of indicators, such as warming, rising sea levels, and extreme weather have far exceeded the Intergovernmental Panel on Climate Change (IPCC) predictions made in 2007...Even normally staid institutions like the World Bank and the International Energy Agency in recent reports have delivered warnings of runaway climate change, such as an increase of 4 degrees Celsius to 6 degrees Celsius and its dire consequences” (Ciplet, Roberts & Khan, 2015: 125).¹

Global average atmospheric carbon dioxide levels already resemble that of the Pliocene epoch of Earth history. During the Pliocene—roughly 20 million years ago—atmospheric CO₂ sat between 365 and 415 parts per million, the world was 2 - 3°C warmer, and sea levels were approximately 20 meters higher than today (Pagani et al., 2009). As of February 16, 2019 global atmospheric CO₂ was recorded to be 412 parts per million according to the daily record of the Scripps Institute of Oceanography's Mauna Loa Observatory—toward the upper end of the Pliocene range (Keeling & Keeling, 2017).

¹ See also: IPCC, 2013; IEA, 2013; World Bank, 2012.

To make matters worse, there is good reason to suppose that global carbon dioxide emissions will increase, rather than decrease, as developing nations consume increasing amounts of fossil fuel. While renewable energy resources offer carbon-light alternatives for economic development, as long as fossil fuels are more competitive than comparably expensive renewables, Hotelling's Rule informs us that they will be extracted and consumed until exhaustion or until substitutes become competitive.

As Hale (2011) points out, the logic of Hotelling's Rule actually incentivizes an increased rapidity in extraction and consumption as producers rush to develop remaining resources prior to alternatives becoming competitive. In effect, barring radical governmental intervention or overnight progress in renewable energy technology, the exhaustion of fossil fuels and transference of long-term stocks of fossil carbon to the atmosphere and oceans is inevitable—not a question of *if*, but *when*.

The world's oceans have absorbed roughly 90% of the excess heat of greenhouse gas related warming, as well as a significant amount of CO₂, over the past century (Resplandy et al., 2018a; Resplandy et al., 2018b). As ocean sinks reach their capacity the slow rate of warming we've seen so far will quicken. The same is true as ocean currents respond to changes in energetic flows, permafrost melts, and the planet's albedo decreases (Chrysoulakis, Mitraka & Gorelick, 2018). Indeed, evidence contradicting the real potential of mitigation efforts to successfully 'stabilize' the planet in a habitable interglacial-like state, preventing a 'Hothouse Earth' is being published with increasing frequency (Steffen et al., 2018). Even if the world were to cut global greenhouse gas emissions to zero immediately we are eventually guaranteed a Pliocene-like global climate as feedbacks and warming potentials already locked-in catch up.

Despite this, there remains little agreement as to how to understand and address the moral and political dimensions of climate displacement (Goodwin-Gill & McAdam, 2017: 4). Some have argued that climate displacement should be addressed primarily at the regional level because of the depth of the challenges it poses for existing international institutions for refugee mediation (e.g. Walter, 2012), but while bilateral and regional agreements will likely prove necessary and should be encouraged (Eckersley, 2015: 497), climate displacement is unavoidably an international issue requiring international cooperation under the purview of the UN Refugee Convention and the UNFCCC (Lister, 2014: 6).

In 2012 the UNFCCC urged “further understanding” of the “patterns of migration, displacement, and human mobility” (Ciplet, Roberts & Khan, 2015: 126).² Then, in 2013, the Warsaw Mechanism for Loss and Damage was established, and, two years later, the Paris Agreement integrated Loss and Damage as an independent ‘third pillar’ of the international climate regime (Surminski & Lopez, 2014). The Paris Agreement then directed a task force subsidiary of the Executive Committee of the Warsaw Mechanism to develop strategies to address climate-related displacement (UNFCCC, 2016).

As of Decision 1/CP.21 of the 2015 Paris Agreement, progress has been slight. The UNFCCC has only thus far “establish[ed] a process to develop recommendations for approaches to avert, minimize and address displacement” (Savaresi, 2016: 24; Streck, Unger & Keenlyside, 2016). Perhaps the unwillingness of states to act decisively to prepare for and address climate displacement reflects an implicit unwillingness to admit their moral and political failure to mitigate climate change.

The bulk of moral and political questions regarding the address of climate

² See also: Decision 1/CP.18, para 7vi.

displacement remain unsettled. To date, there remains no legal designation or mechanism to specifically address “climate refugees,” “climate displaced persons,” “environmental refugees,” or any other variation on the notion of persons non-consensually displaced by anthropogenic environmental forces in the language of the UNFCCC or the UN High Commission on Refugees (Lister, 2014: 3). To this point, Cipler, Roberts & Khan (2015: 126) argue,

“Importantly the existing Refugee Convention does not accommodate the undefined status of climate refugee. The principle of nonrefoulement is human rights law, that is, prohibition of forcible return of climate refugees to their place of origin, does not yet have the power of enforcement, though it is evolving. Neither of the two UN Conventions on Statelessness, the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, can provide protection for climate refugees. The problem is that the status of climate refugees has not yet been clarified in international law, so analysts argue for expanding the existing Refugee Convention or creating a new one specifically for this purpose.”³

The prospect of mediating mass climate displacement is especially sobering given the ongoing status of global refugee crises. In 2015 the UN High Commission on Refugees reported more than 65 million displaced people around the world (UNHCR, 2015). That number rose to 68.5 million people by 2017 (UNHCR, 2018). To be sure, the relocation of 68.5 million refugees is an enormous task, which, as Commissioner Filippo Grandi understated in 2018, will require “a new and far more comprehensive approach so that countries and communities aren’t left dealing with this alone.” But as the UN Office for the Coordination of Humanitarian Affairs corroborates, protracted crises from 2005 to 2017 have already overwhelmed international humanitarian institutions for refugee

³ See also: Bierman & Boas, 2010; Cohen & Bradley, 2010; Dumbrye, 2014; Lister, 2014; Mayers & Kent, 1995; McAdam, 2012; Piguet, 2011; Kerstin Walter, 2012; and Kalin Walter, 2011.

resettlement (OCHA, 2018).

While resource scarcity, human conflict, and in-land natural disasters exacerbated by climate change—e.g. drought, famine, or wildfire—are key drivers of displacement, concerns pertaining specifically to coastal population centers tend to receive the most attention (Rick, Boycoff, & Pielke, 2011: 3). For instance in the United States, Hurricanes Katrina and Harvey both catalyzed internal refugee crises. Halfway around the world, as Harvey landed on the Gulf Coast, flooding in South Asia killed more than 1,200 and displaced approximately 17 million in India, 7.1 million in Bangladesh, and 1.4 million in Nepal (Farand, 2017). Most relocated to internal displacement camps or fled across international borders. Monsoons are regular occurrences in South Asia, but as flooding has become far more frequent and far more intense because of climate change.

Thousands fewer died in the 2017 floods than in years prior because of better evacuation plans in rural areas, especially in Bangladesh. But the unfortunate truth is that minute improvements in evacuation procedures to already crowded cities like Dhaka, and being able to temporarily stay off food shortages, will be insufficient to keep pace with the rapid increase of climate change-related displacement and do nothing to address the unjust structural underpinnings of their vulnerability (Ahmed, 2017).

In the south Pacific, island dwellers are already being forced to relocate permanently. Sea levels are rising much faster than anticipated—about 7-10 millimeters per year since 1993—so island nations like the Solomon Islands, consistent of around 900 small islands, are already seeing their territory rendered permanently uninhabitable (Barnard et al., 2015: 801). What's more, the *rate* at which sea levels are rising is also increasing, especially as the Antarctic and Greenland ice sheets melt more rapidly than

expected (White et al., 2013).

On the ground, David Tebaubau and his family—citizens of the Solomon Islands—have already had to abandon their homes and livelihoods. The Tebaubaus left their original island home to resettle on Beniamina, another Solomon island. But the sad reality is that their move is a temporary fix. Beniamina too is condemned to inundation by higher tides and rising average sea level (Cave, 2018).

The Tebaubaus are only one family, but they and others like them are on the “front lines” of climate change (Ferris, Cernea & Petz, 2011). The Solomon Islands are a country of just around 570,000 people, but the entire nation is vulnerable to being rendered uninhabitable; the same is true of island nations all around the world. As the Prime Minister of Tuvalu Enele Sopoaga expressed to the 72nd General Assembly of the United Nations regarding those vulnerable to displacement,

“These are the marginalized, the vulnerable, the poor, the women and children who suffer the most from climate change, and especially the people living on low-lying islands and coastal areas. These people count in the tens of millions and the number is increasing at an alarming rate.”

In the Solomons, the Maldives, Tuvalu, and elsewhere stories of climate displacement like those of the Tebaubaus abound. With the future in clearest view from the front lines, President Tong of Kiribati urged at the 16th Conference of Parties in Cancun that

“...as an international community we cannot continue with business as usual, we must work together to respond and act with responsibility; we must listen, take heed of what is happening in these most vulnerable states in the frontline and act accordingly, act with urgency...what is happening in these frontline states concerns all of us...it must be taken as an early warning to the international community and a precursor for what could ultimately be the fate of humanity if further action is delayed.”

A recent model by Missirian & Schlenker (2017) using migration data from the last 14

years shows that human migration due to climate impacts has been and will continue to increase as global temperatures rise. One study suggests that the number of people vulnerable to permanent displacement by rising sea levels may be approximately 15 million people between 2030 and 2130 (Lackzo & Aghazarm, 2009). NASA's Socioeconomic Data and Applications Center (SEDAC) of the Center for International Earth Science Information (CEISIN) estimates that even given a conservative expectation of 0.74 meters of sea level rise by 2100 as is currently predicted that some 115 million people will likely be displaced (SEDAC, 2013). The World Bank predicts that 143 million could be displaced by climate change by as soon as 2050 (Rigaud et al., 2018; World Bank 2012).⁴

Several others contend that closer to 200 million people around the world may actually be vulnerable to climate change-related displacement within the century (Biermann & Boas, 2010; Myers, 2002; Ni, 2015). Another still suggests that displacement numbers may be radically higher because low lying coastal areas vulnerable to inundation and subsidence are home to a whopping 10% of the world's population—more than 634 million people (McGranahan, Balk & Anderson, 2007). It is also worth a final note to admit that these displacement scenarios almost never account for population growth, likely making them fatally conservative (Foreman, 2011).

⁴ Meanwhile, millions of others will be internally displaced, as is already beginning with the movement of “ecological migrants” in China and the gulf coast of the United States (Davenport & Robertson 2016; Wong, 2016). According to the Norwegian Refugee Council, 2015 alone brought with it 14.7 million people internally displaced by weather-related hazards exacerbated by climate change (Bilak et al., 2016).

1.b. Overview

This dissertation starts by making the case that climate displacement is a moral problem not because it is bad, but because it is wrong. When nature displaces people, say, by way of volcanic eruption or tsunami, it triggers humanitarian responsibilities to render aid, but we don't consider the events of nature themselves to be problems of morality. Catastrophic as they may be, their badness isn't itself of an immoral kind. It would be strange to suggest that the eruption of Mt. Saint Helens, or the Boxing Day Tsunami, was itself a *moral* problem (Hale, 2016). The humanitarian aspects of dealing with human displacement by nature raises moral questions, of course, but natural displacement events themselves are just nature being nature. We are in no sense *responsible* for it in the way that we are with regard to climate displacement.

Climate displacement is humanity's concoction. Like natural displacement, displacement by the impacts of anthropogenic climate change likely ranks among the worst of human experiences. But being a bad state of the world is not fundamentally why it is a moral problem. Climate displacement is a moral problem precisely because of its *anthropogenicity*. Not only is it bad, it is a bad that we have collectively, over several generations across the differentiated international community, disproportionately brought down upon the world. More than an event of nature, it is the result of an international and multigenerational network of human behavior.

The centrality of human agency to the problem of climate displacement means that its redress must involve more than just cataloging its bads and trying to offset them with equivalent goods. Being bad does not in itself justify the obligations of others to provide assistance, nor does its badness justify any particular protocol of duty assignment.

Reducing the question of climate migration to what's good and what's bad invites intractable comparisons of incommensurable and conflicting values. It's obvious that permanently losing one's home to sea level rise, natural disasters, worsening water and food scarcity, or conflict constitutes an especially horrific kind of human suffering. But it might be comparably difficult for, for example, some of the poorest in the United States struggling to make ends meet, to agree to open national purse and borders to fly climate refugees from Bangladesh or Tuvalu to the U.S., find them housing, and help them get on their feet. We might think that displacement is substantially worse for the displaced than paying to relocate them is for the re-locators. But one might also reasonably fail to see why it's *our* responsibility to shoulder the burdens of resettlement when life for ordinary people, even in advanced industrial societies, is not belligerently affluent.

This intractability stems from thinking about what justifies the responsibility to resettle and provide for climate refugees in the wrong way. The problem is pliable, however, by way of a perennial distinction in moral philosophy: the difference between the good and the right. While it may be costly to resettle and help climate refugees build new lives for themselves, it is most certainly right that those who are able to help should do so.

Some argue that what we must do is replace the value lost by climate refugees in the course of their displacement. On the other hand, many who take up the problem of climate displacement appeal to rights—that climate refugees have the right to certain redresses. Both of these approaches, however, as I will argue in the next two chapters, rely on problematic justificatory theories. We must redirect the conversation about climate refugees from one about making up for value-lost and bads suffered, or about

generating special rights, to one about righting wrongs, respect, and responsibility. As Benjamin Hale (2016: 288) articulates,

“...good and evil, are values subservient to the human moral predicament. As unique moral animals endowed with the capacity and the wherewithal to act according to reason, to steer our actions not just according to our wants and desires but also according to the directives of right and wrong, we human beings are equally empowered and burdened with the responsibility to justify our actions.”

The moral question is first a justificatory one. For what reasons should we accept the premise of state responsibilities to climate refugees? We might suppose that climate displacement being exceptionally bad for climate refugees is the right reason to act. I think this view, while perhaps at first compelling is pernicious and, moreover, implicitly underwrites many standing proposals on climate refugees in the international justice and climate ethics literature.

Suppose hypothetically, that displacement were to turn out to be good for climate refugees. Perhaps refugees end up resettling in countries wealthier than their original, end up de facto absolved of any debts they had accrued in their old lives, have access to new economic opportunities that they otherwise wouldn't, etc. It's not totally inconceivable that from some (perhaps twisted) perspective the goods of displacement could start to stack up against the bads. To be clear, I do not claim that displacement is good for climate refugees. Rather, my view entails that even if it were to turn out more good than bad for climate refugees, their displacement would still be morally wrong in the same way that there's something wrong with someone renovating your house without consent.⁵ Good or bad aside, their displacement itself constitutes a fundamental disrespect for their

⁵ See Hale, 2016.

freedom to live as they would without the intervention of others.

But who in particular is responsible for and how to take responsibility for righting the wrong of climate displacement is complex. Importantly, displacing people by way of climate change is not something any particular person or group of persons deliberately decided to do – though wicked nonetheless, it is a tragic accident for which liability is at best contentious. That is, it's happening for no reason other than we have collectively failed to adequately prevent or reverse the trajectory of climate change. Much of climate changing behavior, we might even say—with a few exceptions—has been well intentioned.

Development is generally predicated on the intention to bring about good states of the world for people: electricity, sanitation, food abundance, ease of transportation, economic opportunities, and medicine. That's not to suggest that acting with the intention to bring about good states of the world justifies climate change, but it certainly explains it. And it also goes to show that it may be difficult to assign responsibility for wrongdoing on the basis of bad motives or intentions. However, it is relatively common to hold people at fault for wrongdoing even if there was no mal-intent. It's also relatively common to hold people liable for things in which they were not at fault.

We might think that causal liability has become clearer now that a certain amount of knowledge has been gathered and the predictability of climate displacement has improved. We track the cumulative and annual rates of emissions of nations, per capita emissions. We know how the climate has thus far responded to the last hundred and fifty years of industrialization. We know how sea level reacts to melting land ice and thermal expansion. We've observed decades of changing precipitation and weather patterns, the

Department of Defense testifies to the exacerbation of conflict the world over, and we can predict with high confidence how forced migration will unfold given different warming scenarios. Using that information, one might think that we could easily map out a proportional assignment of liability for climate displacement based on causal contributions.

However, certain philosophical issues with causal responsibility can't be ignored. Causally, any one nation's climate changing behavior has only ever been problematic in as much as it happens simultaneously with the similar behavior of others. China's emissions alone wouldn't cause a climate problem if no one else was emitting, nor would U.S. emissions, nor would anyone's, but all together they're causing a significant problem. In a sense, U.S. emissions are *only* causing a problem *because* of the emissions of the rest of the world, as are China's, India's, the EU's, and so on.

Historically, the problem-causing-ness of any one nation's emission is contingent upon the similar behavior of independent others. Paradoxically, current emissions are only problematic because of historical emissions, and historical emissions are only problematic because of current emissions. Should historical beneficiaries pay for current polluters because current pollution is only problematic because of historical pollution? Should current polluters shoulder the burden of historical pollution because historical pollution is only problematic because of current pollution? Should beneficiaries be liable for historical emissions because their predecessors happened to emit carbon prior to even considering carbon emissions "pollution?"

One might appeal to a model of collective causal responsibility to work around the problems of historical contingency. No *one* is responsible, but we are nevertheless

responsible *collectively* for climate displacement (Eckersley, 2015: 489). What, then, does collective causal responsibility imply for the assignment of obligations? The implication is that obligations ought to be assigned equally. Obviously, however, our collective causal responsibility for climate displacement does not shake out to equal shares across parties, so equal-burdens is intuitively unfair. Thus, in step with the CBDR-RC, collective responsibilities to climate refugees must be differentiated according to respective capabilities (UNFCCC, 2015). In other words, where historical contingency and problems of equity arise, responsibilities should reflect the respective capacities of nations to provide the kind of assistance needed.

Climate displacement isn't a problem of nature like other sorts of displacement by natural phenomena. It is a problem of humanity enacted *by way of nature* and thus it is in our basic respect for and duty to treat one another as ends that our responsibilities to resettle climate refugees are grounded. Nature indifferently that dishes out bads and goods without reason. But we have the freedom and capacity to be better than nature. More importantly we have the responsibility to do what's right over and above just what may or may not be good or bad.

1.c. The Duty to Rectify

I'd like to begin also by asserting a somewhat simplistic intuition about the relationship between freedom, wrongdoing, and rectification. With the freedom of agency comes the moral duty to respect and treat others as ends. In such cases that we fail in that duty we may say that we have done wrong, which comes with a duty of rectification. It is right to right wrongs, in other words. What follows makes a case for the moral

entitlements of and state responsibilities to climate refugees on this justificatory basis.

There are several other plausible bases for a duty to resettle climate refugees—Rawls (1999:105-13)’s “duty of assistance” or Gibney (2004)’s “duty of humanitarianism,” or the “duty of non-refoulement,” for instance (Lister, 2014: 7). But in each of these bases there are serious deficiencies; the moral concern pertinent to climate refugees is not strictly nor primarily distributive, a basic matter of assistance, humanitarian, nor a matter of ‘conventional’ displacement.

The problem of climate displacement animates a spectrum of concerns including recognitional justice and basic respect for the freedom of equal others, obligations pertaining to the mitigation of climate change and the prevention of displacement, and the social responsibilities of states to resettle and provide resources and opportunities for climate refugees so that they may rebuild decent lives for themselves. The latter also brings together concerns emergent of the relationship between capacity and responsibility.

More fundamentally, none of the proposals I have seen so far have explicitly drawn out the anthropogenicity of climate displacement as a morally distinguishing feature of the plight of climate refugees. This approach aims to incorporate other agent-centric concerns as well, as they relate to both the undermined autonomy of climate refugees and the tenuous nature of differentiating responsibilities on the basis of historical liability in cases of multigenerational international complicity in structural wrongdoing.

None of the proposals I have reviewed in the literature on climate refugees so far seem to have sought to draw together, or have incidentally brought together, all of these concerns into a single principled point of moral argument. The approach here suggests

that state responsibilities pertaining to climate refugees stems fundamentally from a more basic ‘duty to rectify’ derivative of the duty to treat others as ends and the internal logic of the idea of moral wrongdoing.

Advantageously, the responsibilities of the ‘duty to rectify’ pertinent to resettlement and the provision of ‘essential capabilities’ are consistent with the underlying logic of the UN Refugee Convention, which others have argued should be extended to include climate refugees (Lister, 2014: 3). Nevertheless, there is a lacuna in merely extending non-refoulement and the ‘durable solution’ provision of the Refugee Convention to climate refugees, particularly with regard to recognitional justice and its ability to ‘pick out’ what’s especially wicked about climate displacement compared to other kinds of displacement.

In other words, the way we talk about what it *is* to assist climate refugees matters a great deal. It is important that we make clear in our choices of language that meeting the entitlements of climate refugees is not just a humanitarian duty like with regard to other kinds of displacement, but that climate refugees and those vulnerable to climate displacement are victims of an especially disturbing and tragic irresponsibility in which the entire world, to varying degrees, is complicit. Their displacement isn’t just awful, it’s wrong—and wrongdoing, by its own internal logic, demands rectification. When we talk about the entitlements of climate refugees we should be clear that our duty to meet them is not just a matter of soothing bad states of the world, but of rectifying moral wrongs in which we are all complicit. When we speak of our duties to climate refugees we must speak of them as a duty to rectify. Four premises underwrite this idea:

- (1) It is our basic moral duty to treat others as ends—with the full respect due to free equal beings and to not intervene unjustifiably into each other's lives.
- (2) Actions that violate this basic moral duty constitute moral wrongdoing.
- (3) The idea of moral wrongdoing inherently entails that parties wronged are entitled to rectification.
- (4) The moral entitlement to rectification carries with it a reciprocal 'duty to rectify' imbued in parties responsible—according to the pertinent sense of responsibility.

To be perfectly clear, the purpose here is not to assert a new, grand, proper-noun principle of moral philosophy. The point is merely to articulate a particular set of relationships between basic ideas that are perhaps so obvious and unsophisticated that they often go unarticulated, yet nevertheless manage to capture the several key aspects of the nature of the intrusion into the lives of climate refugees and why they are 'owed something' in the first place.

That is to say, while the political challenges and moral circumstances of climate displacement are unprecedented, what's *wrong* about it at a fundamental level is rather simple. Its nominalization—i.e. the 'duty to rectify'—isn't supposed to suggest something overly profound; it is just a practical matter of operationalizing for text an amalgam of primordial intuitions about what it means 'to wrong' someone, 'to be wronged,' what 'being wronged' entails for someone as a victim of 'wrongdoing, and what 'having wronged' someone means for those 'responsible.'

As such, a feature vital to the purpose of the duty to rectify is that each premise brings together several ideas definitive of the moral problem of climate displacement: (1) introduces concerns about respect (i.e. recognitional justice) for moral others and

incommensurable value pluralism; (2) suggests an action-centric (rather than outcome-centric) notion of moral wrongdoing; (3) & (4) together divulge the ‘internal logic’ of moral wrongdoing to require both the entitlement of victims to rectification and the reciprocal duty to rectify in responsible agents; (3) retains a certain flexibility as to the substance of ‘rectification’ so to permit open deliberation about what, given the practical circumstances of the wrongdoing, constitutes ‘appropriate’ rectification; and (4) moreover invokes a pragmatic notion of responsibility with regard to the assignment of the particular duties of states. Each premise, in other words, dovetails into the central ideas of each chapter that follows.

1.d. Summary of Chapters

The overarching position of this dissertation is that *states have a social responsibility to resettle and integrate climate refugees, differentiated according to relative capacity, because climate displacement constitutes a moral wrongdoing that entitles affected people to rectification*. To make this case I essentially work backward through the succession of chapters first to characterize climate displacement as problem of wrongdoing (Chapter 2), next to consider several standing approaches to understanding and rectifying climate displacement (Chapters 2 and 3), then to outline a view of the necessary conditions of a morally satisfactory international agreement on climate displacement (Chapter 4), and finally to argue that the most reasonable way to assign states responsibilities to climate refugees is according to their relative capacities to assist predicated on a pragmatic notion of social responsibility, apropos to the structural nature of the climate displacement problem (Chapter 5).

Chapter two outlines a view of the good and the right that underwrites the basic conceptualization of the moral nature of the problem of climate displacement on which the argument of this dissertation is built. The basic view is that climate displacement is a moral problem not because of its badness—harm, suffering, and loss—but because of its wrongness, and that what makes it wrong fundamentally is that it is an anthropogenic upending of the lives of refugees and vulnerable people whose protests to that effect have thus far gone predominately neglected. It then goes on to argue that compensation-based approaches to the moral redress climate displacement are predicated on the wrong justificatory theory in that they assume the moral nature of climate displacement to be one of compensating for bads and thus run aground of value-incommensurability.

Chapter three considers the justificatory foundations and pragmatic implications of several rights-based approaches to the entitlements of climate refugees. It argues, then, that we needn't generate new, special rights for climate refugees in order to know and do what *is* right. Proposed rights-claims are often predicated upon specious justificatory grounds and may complicate unnecessarily existing political channels that may be capable of actually meeting the entitlements of climate refugees, i.e. the UN Refugee Convention. Instead, if we assume the duty of non-refoulement, which while apt to accommodate resettlement-related entitlements is insufficient with regard to the several crucial aspects of climate displacement, this chapters proposes the duty to rectify as complementary justificatory grounds regarding the responsibilities of states to assist climate refugees.

Chapter four then proposes an account of the content of the moral entitlements of climate refugees—i.e. 'to what they are owed.' I defend that climate refugees are entitled,

in principle, to a certain kind of rectificatory treatment by the world community that affirms respect for their personhood and empowers them to live their lives again as free ends. In concrete terms, the proposal is that any agreement on climate displacement should reflect in principle the following measures of moral rectification: (1) just recognition of and the affirmative demonstration of respect for persons affected by and vulnerable to climate displacement; (2) reaffirmation of the world's differentiated responsibilities to prevent climate displacement by continuing and improving global mitigation efforts; (3) the guarantee of resettlement and the provision of 'essential capabilities' alongside the creation of participatory institutions to empower claims-making 'from below' in the process of deciding resettlement locations and defining their needs unique to the circumstances of their displacement.

Finally, chapter five argues that nations should accept differentiated resettlement responsibilities assigned according to their respective capacities to assist, or ability-to-pay, grounded in a pragmatic notion of social responsibility. I also consider that asymmetries will emerge between the resettlement preferences of climate refugees and the differentiated responsibilities of nations. Such asymmetries highlight the importance of capacity-building obligations between states to both respect the resettlement preferences of refugees and preclude overburdening.

CHAPTER II

COMPENSATION AND INCOMMENSURABILITY

This chapter sketches a broad view of the good and the right as it relates to the events of nature and the actions of moral agents. Climate displacement is often implicitly assumed to be a problem of the good—i.e. harm, suffering, value lost, or some other characterization of its badness—and that its badness is what justifies moral responsibilities to assist. But while climate displacement is a matter of concern because it is bad, it is a moral problem because it is wrong. From the assumption that climate displacement is a moral problem because it is bad it seems to follow that the right response is some form of compensation for bads suffered and value-lost. But this falsely presumes that the losses and damages of permanent displacement can be ‘made up for’ in any compensatory sense. Simultaneously, states often resist responsibilities to resettle refugees because resettlement is expensive and resource intensive. I’ll argue that both of these views, while not insignificant, miss the point by misrepresent the moral nature of the climate displacement problem. While displacement does indeed involve immeasurable harm and loss, and assistance is costly for recipient states, neither brings to bear why those who are able should or shouldn’t provide assistance. Our responsibility to climate refugees is not ultimately to compensate them for that which is incommensurable, but to empower them to again live lives of their own making. Those with the capacity to assist climate refugees should—despite the costs, and not because of the badness of their displacement, but because the failure to mitigate anthropogenic climate change and climate displacement constitute a deep disrespect for their freedom as ends.

* * *

2.a. The Wrong and the Good

It is commonplace to speak of the goodness and badness of the events of nature. The badness of earthquakes and the goodness of reliable rainfall are perfectly cogent notions. It is reciprocally uncommon to scrutinize the events of nature in terms of their rightness or wrongness; it would be incoherent to speak of earthquakes or rain as either

wrong or right. It is senseless to speak of the rightness or wrongness of natural events because nature is not a moral agent that acts—nature merely *events*.⁶

By the same reasoning it would be strange to speak of the bad events of nature as if they were moral problems in themselves. Nature isn't responsible in any moral sense for what it does because nature is not the kind of entity that acts for reasons for which it can be held responsible (Hale, 2016: 13). Obviously this is true with regard to the playing out of geophysical forces, i.e. climate change, but I think the same holds for the behavior of nonhuman living beings as well. In other words, by 'nature' I mean the rest of the nonhuman world in which we are embedded but which we do not hold 'responsible' for its behavior in a moral sense.

Granted, what constitutes the border a life form must cross in order to be held 'responsible' for its behavior in the way we hold moral agents (i.e. only humans so far) responsible for their actions (O'Neill, 1997: 138). Gorillas and other apes, whales and dolphins, elephants, and octopi seem like they may be close to the threshold of moral agency, but I'm not sure that that can be resolved here—we should give them a few more million years of evolution, just to be safe.

Whatever the correct way to understand the status of moral agency in non-human life, the practical fact is that no one expects chimpanzees or octopi to justify their behavior because they're not justificatory beings. I'm not sure at what point we will be able to say that their behavior has gone from merely *motive-driven* to *intentional*, but as it stands now we can't interact with them as moral agents nor can we speak of the rightness or wrongness of what they do. Maybe one day, but not quite yet.

⁶ I mean to say that nature *events* in as much as we can think of 'to event' as a verb in counterpart to the human 'to act.'

I would contend that it makes as much sense to argue about the wrongness of my dog snatching a slice of pizza off the kitchen counter as it does to speak of the wrongness of an earthquake. Both are ‘bad’ by what I think would be any reasonable standard of evaluation, but I’ve never heard anyone scold their puppy by saying “Wrong dog!” Any consideration of the ‘responsibility’ of nature for its events is necessarily limited to what Vanderheiden (2008: 145) calls “straightforward ascriptions of causality” because they entail no moral agency, no fault, and no liability.

When we hold agents responsible for their actions, what we hold them responsible for is the exercise of their agency and their reasons for acting, not the states of the world that result (Ross, 1930: 21). Nature, in contrast, does what it does without agency, reason, or justification. While bad events of nature often have humanitarian implications, natural events themselves do not inherently carry any sense of moral responsibility because there is no coherent sense of agential responsibility or reasons to hold to account for the state of the world having come into being. Nature dishes out bads without human involvement all the time—tsunamis, earthquakes, floods, wild fires, volcanic eruptions, disease, etc., but we don’t consider them, so long as they are non-anthropogenic, to be *wrong* (Hale, 2016: 100).

Moral problems are problems of a moral kind precisely because of the roles agency and responsibility play in their coming into being—not their goodness or badness as the “productivity of some sort of result” (Ross, 1930: 16). We hold ourselves and each other responsible for our actions, and for the consequences of our actions, only when and precisely because our actions and their consequences are fundamentally a function of our

freedom as beings to act. It's only and precisely because of our freedom to act that we are responsible for what we do and what comes of what we do in the first place.

Some moral problems are not problems of bads at all. These are problems in which the outcomes of actions are good, yet the situation is morally problematic for reasons pertaining to agency, responsibility, consent, intervention, respect, and the freedom of others. To illustrate this point, consider Hale (2016)'s case in which benevolent trespassers break into and renovate your home. Also to this point, see the case of the broken vase in Lee & Kincaid (2016: 2).

When a problem of obvious badness develops it is tempting to take for granted that what makes the problem a moral problem is its badness. Further, this diagnosis would seem to imply that the right treatment is just one in which the bads of the situation are made better; that a particular response is justified by whether or not it sufficiently compensates for the bads or makes affected persons better off than they otherwise would have been. The trouble with this view is that compensation alone is often morally insufficient and wrongheaded.

To extend the clinical metaphor, compensation essentially treats symptoms without treating the underlying condition. Bad outcomes are akin to the symptoms of an ailment. Treating symptoms is important, to be sure, but the final aim must be to look beyond symptoms and treat the condition at their root. Targeting the bads of a moral problem is apt for addressing its problematic symptoms—harm, suffering, and loss—but they are not what are most fundamental, nor will their treatment necessarily be sufficient or ultimately curative (Lee & Kincaid, 2016: 3). We must be precise in identifying what makes a moral problem morally problematic, and we must be sure that when we respond

to moral problems we respond with respect to the aspects that make them moral problems in the first place.

If we think that what makes a problem a moral problem is its badness, then it follows that our response should be to compensate for its badness in some fashion. But, if the badness of a problem isn't what makes it a moral problem, then compensation doesn't necessarily right the wrongdoing. Rather, if what makes a problem a moral problem is precisely its anthropogenicity, then moral rectification must mean much more than simply compensating for bad outcomes; it must mean tending directly to the concerns about freedom, intervention, consent, and responsibility that follow (Hale & Grundy, 2009).

So it is with anthropogenic climate displacement. Climate displacement is obviously a problem of bads in as much as its symptoms—socioeconomic and psychological harms, permanent loss of homeland, loss of culture and way of life, etc.—are horrific. In turn, many have argued for compensatory approaches to rectification (Kolars, 2012; Nine, 2010; de Shalit, 2011). But it is mistaken to think that those bads are what make climate displacement a moral problem in and of itself, it is thus also mistaken to think that *all* the duty to rectify requires is compensation for the bads of displacement (Lee & Kincaid, 2017: 2). Climate displacement is a problem because it is bad, to be sure, but its badness is not what makes it a moral problem. What makes climate displacement a moral problem is its anthropogenicity, which makes its rectification a far more complex ordeal than if it were merely an issue of goods and bads as with cases of “natural” displacement events.

From “good-centric” (or state-of-the-world-centric) approaches to conceptualizing

the immorality of the climate displacement problem it follows that the appropriate prescription means something along the lines of soothing harms, recouping wellbeing, or replacing lost value. That might seem outwardly appropriate, but views of this sort fail to get at the heart of what makes the climate displacement problem a *moral* problem, and as a result they set up the wrong kinds of targets of rectification. In other words, our prescriptions must be grounded in the *right reasons*, and it seems to me that, of the reasons we should act with regard to climate displacement, the fact that climate displacement is a bad state of the world isn't the central issue.

It *is* a bad state of the world, to be sure, and that's a problem for which we should compensate as best we can (even knowing that the value lost is incommensurable), but focusing primarily on the badness of climate displacement washes over more fundamental moral questions about respect, responsibility, and the freedom of others. What's more it outwardly confuses the consideration of a moral problem rooted in anthropogenicity with that appropriate for mere 'events of nature.'⁷

The trouble with good-centric normative accounts of the climate displacement problem is that they basically assume that by acting in such a way as to tip the balance of outcomes from "bad" to "good" we will have fulfilled the duty to rectify. I think, however, there is far more to it than that. Even if we were to make displacement outcomes more good than bad, such as in case that places of resettlement and the

⁷ To be sure, what distinguishes climate refugees from refugees of other kinds deserves an essay length discussion all its own. For sake of concision, perhaps it should be enough to say that a crucial implication of my case for climate refugees is that the world owes to climate refugees rectification *over and above* the humanitarianism owed to refugees of non-anthropogenic displacement, political refugees whose displacement is not mired in the multi-generational, global and disproportional complicity of climate change, or economic migrants for whom it should suffice to say that the need for asylum based on permanent irreversible anthropogenic displacement constitutes a kind of moral entitlement clearly absent from voluntary immigration for economic gain.

opportunities provided there make for a state of the world that is in some sense ‘better’ than one in which climate displacement were prevented (though such a scenario seems specious at best), it seems to me that there would still be some kind of wrongdoing afoot aside from the goodness or badness of the outcome of their displacement.

What’s at issue isn’t only that we should ameliorate the bad outcomes of climate displacement, but that we should act in explicit recognition of the disrespect and infringement of fundamental human freedom it constitutes. The immorality of climate displacement isn’t just that climate displacement is harmful or involves loss, but that it is wrong—and it is wrong because it constitutes an egregious intervention into the lives of climate refugees and those vulnerable to displacement, in flagrant disrespect and neglect of their protests.

While it may be impossible to make the outcomes of climate displacement more good than bad, it is nevertheless imperative that we who are able do what we can to right its wrongness—to act out of and with respect for the freedom and personhood of the displaced (Kincaid & Lee, 2016: 2). Even if we can’t undo the harm done to, fully restore the wellbeing of, or replace the things of value lost by climate refugees, it is still morally obligatory that we who can work toward rectification do so in explicit recognition of the wrongs inflicted upon them.

Good-centric approaches to the rectification of climate displacement all suffer from a particularly devastating issue. The harm and loss of permanent displacement cannot be undone in any meaningful sense, and value of the kind lost to is incommensurable and irreplaceable (de Shalit, 2011: 311). And even if it could, that’s not all there is to what’s immoral about the displacement of climate refugees. As such, prescriptions that target

such ideas of the good and seek to yield outcomes that are more good than bad will inevitably fall short of their own targets, if only by virtue of unquantifiability. How exactly does one measure the harm, loss of wellbeing, or loss of value associated with permanently losing one's home, livelihood, homeland, sense of place, culture, and regional history, or the suffering of displacement? Even if we could adequately measure those sorts of bads, what sorts of goods would actually offset or outweigh them?

Moreover, emphasis on the bads of climate displacement obscures considerations concerning the principles upon which responsibilities to climate refugees should be assigned, as well as the particular content of their moral entitlements. In essence, if the point of a response to climate displacement is to make its bads good or just less bad, then it doesn't especially matter *how* or *who* takes responsibility for doing so, nor what in particular is supposed to stand in as 'compensation.' As long as the ends are good, or at least bad as they can be, the means don't really matter. But it *does* in fact matter quite a bit who takes it upon themselves to take responsibility, what in particular that response entails, and how it is enacted.

2.b. Compensation for Incommensurable Loss

It is commonly assumed that the responsibilities of states to assist climate refugees stem from the harms and losses of displacement. Indeed, harm and wrongdoing are often thought to be inextricably linked. Many interpret this link to entail that what's owed to climate refugees is some sort of remedial compensation for their losses (see Miller, 2007 and Moellendorf, 2014 on 'remedial responsibility'). Kolers (2012) and Nine (2010) for instance both make this assumption and have developed a 'territorial approach' that aims

to compensate climate refugees for their harms and losses by transferring territory from other states to ‘corporations’ of self-determining groups.

The idea that states will transfer territory to refugee groups is clearly unworkable for both theoretical and practical reasons (McAdam, 2012: 147-53; Lister, 2014: 11). In theory, it is predicated on the mistaken view that rectifying climate displacement means just making up for bads, which, as I’ll discuss below, runs aground of value incommensurability. It also mistakenly presumes that the right to self-determination entails the transfers of territory they claim, or that the inhabitants of territory to be re-distributed would have no standing to dissent (Lister, 2014: 10-12). There are also The only practical iteration that even remotely reflects this avenue is perhaps in Kiribati’s purchase of territory from Fiji as part of the “Migration with Dignity” plan, but this is hardly a sustainable or scalable solution (Ives, 2016).

A general version of the compensation-approach would be something to the effect of: loss of homeland, culture, and ways of life, constitute a kind of fundamental value-lost which responsible parties are obligated to repay in some commensurable form. Even if a good can’t be replaced, and its loss is bad, then surely that bad could be ameliorated to some extent. This position seems outwardly compelling. If climate displacement means some such set of bad states of the world, then what we ought to do is make those bad states of the world better.

Practically, thinking of loss and damage as a matter of compensatory justice is appealing because it is relatively obvious that the harm and loss of climate displacement bad and bads can usually be made up for in some way. The strongest defense of loss and damage as a matter of compensatory justice comes from Page and Heyward (2017)’s

Compensating for Climate Change Loss and Damage. The central claim is that agreements regarding loss and damage should aim “to make such victims ‘whole again’ in the sense that they not merely survive the losses and damages they experiences but also go on to lead lives “as well off as they would have been, had it not been for the loss.”

Nevertheless, Page and Heyward (2017: 364) are limited to qualify that loss that is un-compensable “may need to be supplemented by a quasi-compensatory response that invokes measures of ‘satisfaction.’” It is, however, dubious to suppose that ‘satisfactory’ compensation is the appropriate way to think about rectifying the loss of irreplaceable and non-substitutable goods. While homeland, culture, sense of place, and way of life are indeed things of value, the losses of which represent a generic kind of badness across the spectrum of value pluralism, there is an unavoidable immeasurability with this kind of normative evaluation (Gray, 2013a: 82). What exactly is the value of one’s bio-spherical or political homeland? What is the value of shared history, culture, and ways of living?

To conceptualize the responsibility to assist climate refugees as a form of remedial compensation misrepresents the nature of the moral problem. Implicitly, this view characterizes climate displacement as a problem of the good. Several proposed normative and prescriptive frameworks incorporate elements of this mistaken characterization (e.g. Eckersley, 2015; Kolers, 2012; Nine, 2010; de Shalit, 2011; Zellentin, 2015). It is also implicit in the language of the 2013 Warsaw Mechanism for Loss and Damage (UNFCCC, 2014).

The basis for remedial compensation for climate displacement contains two insurmountable problems. One problem is that while the harms and losses of climate displacement are grave, what makes climate displacement a moral problem is not its

harms or losses, but its anthropogenicity (Hale, 2016:114). The other problem is that the very idea of remedial compensation for the harms and losses of climate displacement is based on a flawed assumption—namely, that the harm and loss of climate displacement are commensurable with any meaningful form of compensation. On the contrary, the kinds of harm and loss associated with climate displacement are fundamentally incommensurable (de Shalit, 2011: 315).⁸

It stands to reason that if the harms and losses of climate displacement are incommensurable then compensation-based approaches are destined to fail. One cannot make up for that which cannot be made up for. If the moral problem of climate displacement is that something good or of value is lost, and that those goods or values are irretrievable and irreplaceable because they are incommensurable, then it makes little sense to suggest that our duty, nevertheless, is to compensate climate refugees for that which cannot be compensated (de Shalit, 2011: 311).

The ‘constitutive value’ of ‘essential capabilities’ of the sort undermined by climate displacement are difficult if not impossible to precisely quantify, measure, compare it to other kinds of values, or say exactly what would make one “whole” or better off given its loss (Shockley, 2015). Some losses leave a hole that can’t be filled by any sort of comparable equivalent because there *is no* comparable equivalent; one’s sense of place, homeland, or culture isn’t substitutable, but fundamentally incommensurable in value and any compensation would be merely adjacent to the loss. No compensation could ever be

⁸ It is precisely the problem of value incommensurability that leads de Shalit to argue that our responsibilities to climate refugees *can’t* be remedial or compensatory; the harms and losses of climate displacement can’t be made up for, so we must do everything we can to *prevent* climate displacement. It is precisely this problem that leads Lee & Kincaid (2016) to distinguish between ‘making up for climate harms’ and ‘righting climate wrongs’ in cases where harms are unavoidable or irremediable.

the same.

Resettling somewhere else would indeed be better than perpetual displacement but one would be hard pressed to say that having a place to resettle is ‘as good’ as one’s original homeland or that compensation rectifies its loss. Even if your place of resettlement is a “better” place to live—say, a place with a more hospitable climate, a lush environment, and/or better economic opportunities—than your original homeland, it still seems that you’ve lost something significant that can never really be replaced, no matter how good the new place may be. Even if a resettlement outcome is in some sense ‘better’ there remains something inherently irreconcilable about being forced to resettle in the first place and losing something that can never be replaced.

The values of one’s homeland, culture, sense of place, and way of life are fundamentally incommensurable—their value can’t be adequately or fairly compared to other lands, cultures, sense of place, or ways of life; and in case of the loss, they are irreplaceable in any sense. So, if what we do to rectify climate displacement is try to replace incommensurable value-lost, then we set ourselves up for failure. Inevitably, if replacing lost value is our target, whatever we end up doing will be insufficient.

2.c. On Cost-based Objections to Resettlement Responsibilities

Despite the most severe ongoing global refugee crisis in modern history, in September 2017, the United States Executive announced a reduction of the maximum number of refugees to be admitted to the United States to 45,000: the lowest number since 1980. As of late summer in 2018, another reduction to numbers receivable as low as 25,000 per year seems likely to become national policy. Setting aside serious concerns

about xenophobia and intolerance, the arguments justifying this reduction are largely economic and utilitarian: resettlement is expensive. Refugees tend to be net-takers for the first decade of their resettlement, and we can often assist them 10-1 for the same price if they remain in their home region (Davis, 2018).

The general utilitarian claim against resettlement responsibilities to climate refugees is this: resettlement costs a great deal, and spending public dollars on resettlement is more costly than the good it would do. Regarding the home-region aspect of the claim, the general idea seems to be that ‘the closer to home the cheaper, and thus the better. It’s not totally clear why that might be the case except for reasons explicitly related to the costs of migration and resettlement, and presumably, the farther one moves, the more expensive it gets. Moreover, this sort of claim applies only to refugees who can stay near their original home, which isn’t the case for many remote pacific islands whose citizens will invariably have to travel great distances to resettle. Nor does it apply to those whose original homes are completely destroyed or uninhabitable with no potential for return.

In contrast, the position I want to develop here is that those of us who have the capacity to assist climate refugees should as a matter of principle, even if it’s costly. Against the general outcomes-oriented position, even if it is more “costly” than “good” for, say, the United States to resettle and provide climate refugees with resources, it is still *right* to provide assistance. Taking in refugees and helping them build new lives is without doubt expensive and resource intensive. Ordinarily it is from such costs that objections to assistance obligations stem. These objections are reinforced if we discard fault-based or causal-historical liability models of justification and assignment of

responsibilities: if we're not liable for their displacement, and the costs would be severe, then what justifies any obligation to assist?

Some, in response, have accepted consequentialist reasoning and taken up the case that the value refugees turn around to contribute to an economy outweighs the upfront costs of reception and integration; and if the cost-benefit ratio nets positive, then providing assistance is justified—like a long-term investment. Indeed, the body of empirical evidence that influxes of refugees and immigrants have positive economic implications is steadily growing (Jachimowicz, 2015). So perhaps it is the case that the value gained by admitting refugees outweighs the value spent in the process of assisting them: that taking in refugees is more beneficial than costly. But depending on the parameters of cost-benefit analysis (i.e. what values to include, how to quantify immeasurable losses, etc.) the moral verdict is defeatingly subjective. What time horizons should be adopted in calculation? What is the correct discount rate to apply to the future value offered by resettled persons? How should one quantitatively account for bias, prejudice, or intolerance? These questions are essentially irresolvable.

Suppose that in no possible way will the net value-provided by received climate refugees ever equal or outweigh the costs of assisting them. Ought we still provide assistance? Ultimately, I think, the answer must be yes. The answer must be yes not because it's good, or for reasons based in humanitarianism or charity, but because the nature of the wrong done to climate refugees demands rectification, and because it follows from our basic human duty to treat others with respect that we have the duty to rectify. It doesn't matter if the costs are significant because the moral concern about climate

displacement isn't fundamentally one about good and bad, but of right and wrong. We should help even if it's costly because it is right.

* * *

Compensating refugees for value lost in the course of displacement, compensating for harms, or weighing costs and benefits are insufficient because they attempt to ground obligations to climate refugees on the wrong theories of justification: they presume that losses and harms suffered by climate refugees are, foremost, commensurable and can be “made up for.” In truth, the kinds of value lost and harms suffered are incommensurable and can never be “made whole” (Page & Heyward, 2017: 359).

So far I've worked to make the case that climate displacement is a moral problem precisely because it is wrong, and not necessarily because it involves bad states of the world. Moreover, actions aimed at compensating for incommensurable losses entail self-defeating moral and political targets (Gray, 2013a: 82). Particularly, I've argued that climate displacement is wrong because it constitutes an enormous disrespect for the freedom of others.

I've also argued that we ought assist of climate refugees even if it is costly by way of the distinction between the good and the right: it is a justificatory mistake to presume that climate displacement is a moral problem because it is a problem of bads. Making bads better—i.e. compensation—presumes wrongly that one, offsetting the bads of climate displacement with goods is the right way to treat the fundamental moral transgression, and two, that the harms and losses of climate displacement are commensurable with any available means of compensation.

To the first, the bads of climate displacement are merely symptomatic of the

fundamental moral problem; while tending to symptoms is important it's not how you make someone well again. To the second, the kinds of losses involved with permanently losing one's home, sense of place, culture, community, and all the other related endorsements of one's practical identity are, plainly, incommensurable and are the kinds of losses for which one can never truly be compensated.

In sum, compensation is the wrong prescription because it's predicated on some specious normative presumptions. The right prescription, on the other hand, is rectification: not a target of payback to make bads better, but a measure of *treatment* by the world community that unequivocally affirms respect for their personhood. While compensation goals necessarily target a net-neutral measure of goods and bads, the more general 'duty to rectify' as it pertains to its particular notion of wrongdoing expands the normative and prescriptive discourse to a wider spectrum of concerns and responses that might go toward, not just making climate displacement better, but making it right (Lee & Kincaid, 2016).

Beyond the compensation-based approach to rectification, the entitlements of climate refugees have also been discussed predominantly in the language of human rights. I'll consider this approach in the next chapter. To preview, rights-claims generally contend that climate refugees have the right to resettlement and the right to certain resources upon their resettlement. However, rights-claims often leave open or implicit important justificatory questions. Moreover, the generation of new, special rights for climate refugees presumes to fundamentally redefine refugee protection in highly contentious terms. The institutionalization of any agreement on climate displacement will be challenging, but the codification of new rights may unnecessarily impede established

means of mediating displacement crises.

CHAPTER III

RIGHTS FOR THE RIGHT REASONS

If we grant that the badness and value-lost of climate displacement aren't what justify the moral entitlements of climate refugees, the next most common approach is to claim that climate refugees have certain special rights that entitle them, usually, to choose where to resettle and to other forms of assistance. Rights-claims, however, are often predicated on specious justificatory grounds and may exacerbate political intractability. New special rights are neither necessary nor sufficient to fulfill the entitlements of climate refugees nor uphold the duty to rectify. We needn't generate new, special rights for climate refugees to know what is right, nor does rectification for wrongdoing does necessarily require it. The moral entitlements of climate refugees are justified not because they have the right to assistance, strictly speaking, but because we have a fundamental moral duty to rectify wrongdoing. In complement with the UN Refugee Convention's original principle of non-refoulement regarding resettlement and a durable solution, the logic of the duty to rectify speaks to additional justice-based concerns about recognition and participation pertinent to climate displacement.

* * *

3.a. New and Special Rights

The past decade has produced several international justice, legal, and humanitarian frameworks for conceptualizing and responding to climate displacement. Most presume rightly that climate refugees present a troublesome issue of human rights (Klare, 2012). Simon Caney, among others, has argued that climate change in general—into which we can fold concerns about climate displacement—is unjust because it violates the basic human rights of life, health, and subsistence; thus climate justice means tending to those rights to which we have already agreed (Caney, 2005).

Paul Baer (2008) and his colleagues at EcoEquity have argued for a development

rights approach to climate justice that focuses on the preservation of “the right of all people to reach a dignified level of sustainable human development free of the privations of poverty.” One could similarly interpret Moellendorf (2014)’s position reconciling state climate mitigation responsibilities with the right to sustainable development to extend to concerns about the human rights violations of climate displacement. Others concur that rights-based approaches to climate displacement should aim foremost to protect the basic existing human rights of those displaced (Ferris, Cernea & Petz, 2011; Plewa & Giese, 2017). What’s most important to note is that none of the above accounts claim the central problem of climate justice as one of “*new* rights; rather climate change is seen as a new threat to these already established rights” (Schlosberg, 2012: 448).

Other moral and political theorists have trended instead toward a generative form of the human rights approach, prescribing new, special rights for climate refugees predicated a variety of justificatory bases (Eckersley, 2015; McAdam, 2012; Risse, 2013, 2009). There are both theoretical and practical reasons that generating new rights for climate refugees is essentially unworkable (Lister, 2014: 2). Given some of those concerns raised below, I think it is evident that new, special rights-claims are themselves neither necessary nor sufficient to meet the moral entitlements of climate refugees nor fulfill the duty to rectify.

To begin, Eckersley ties her proposed right-to-choose to the compensation-based justificatory approach of the Warsaw Mechanism for Loss and Damage. In essence, the view is that displacement is harmful, harm justifies their being compensated, and new rights to certain forms of assistance are one kind of compensation we can offer. She claims the right to choose one’s place of relocation as a way to “provide a form of partial

compensation for the injustice and trauma of their loss and damage” (Eckersley, 2015: 495).

Of course, ‘having the right’ by itself doesn’t add weight to the compensatory balance; it’s the substance to which the right entitles persons—resettlement in a place of their choosing—that is worth something in the calculus of goods and bads. But as I argued previously, even this rights-based reasoning is predicated on the wrong justificatory theory. Despite being couched in the language of rights it never the less conceptualizes climate displacement as a problem of goods and bads, which lends to thinking that the right thing to do is to compensate for those bads with the provision of goods: that compensation will treat sufficiently the moral problem. Eckersley’s proposal does exactly this.

As it is by this view, ‘the right’ is merely a practical means to a particular state of the world smuggled in as a justificatory claim; it presupposes climate displacement as a problem of the good and thus compensation as the right prescription, merely asking as a matter of tactic *how* or by what political means to go about compensating climate refugees in one form or another (Hale, 2016: 222). Also, rights in principle still leave open another aspect of the practical question: namely, according to what rule or principle ought the reciprocal obligations to meet such-and-such rights be assigned and to who. Rights-claims are perhaps better understood as a means of institutionally operationalizing but not necessarily justifying or assigning responsibilities to meet the entitlements of climate refugees.

Rights are political institutionalizations of the moral duty to treat free others with respect. But rights themselves do not do their own justificatory lifting – rather they are

predicated on deeper justifying reasons. And if those reasons fail to speak directly to what makes the problem a moral concern, then we may say that the rights they purport to justify are not based on the right reasons. Many of the proposed rights in circulation are of this kind. Eckersley's right to choose, for one, I think is problematic in precisely this way: its justificatory grounding is predicated on compensating refugees for losses, which is to say that, while I think its heart is in the right place, it is a right not based on the right reasons.

Jane McAdam (2012), similarly, argues that a new category of protected status should be created with specific regard to persons forced to migrate due to climate displacement. Given that existing conventions on international protections for refugees were originally created for categories of refugees not including environmental or climate related displacement, McAdam contends that those frameworks should remain focused on those for whom they were originally designed rather than be concerned with expansion.

Others such as Lister (2014) and Ni (2015) argue that those protections should be expanded—i.e. that we should adapting existing regional, national, and international legal frameworks without requiring the generation of special rights for climate refugees. In contrast, by her account a separate, unique category should be created for environmental or climate change related displacement, and then, once the specific needs for those persons are identified, new rights should be generated toward their protection (McAdam, 2012).

Again, this approach seems to take for granted the justificatory question. That's not to say that it would be unjustified to codify rights for climate refugees, but rights are not

themselves self-justificatory: it is obviously circular reasoning to say that ‘one deserves such-and-such right because such-and-such right was violated. Without a justification explicitly underwriting the claim of entitlement (whether in the language of rights or otherwise) to serve as the foundation upon which such entitlements stand up, rights claims risk begging the question.

This raises a core problem: that of rights versus obligations (Feijen, 2012). That is, while rights entail obligations, obligations do not necessarily presuppose rights. Obligations may indeed hold up as justified regardless of rights depending on reasons submitted in their support. Indeed, rights are simply one line of argument that one may take to justify obligations, and when one takes the rights-based line of argument to justify obligations they must essentially be presumed to be self-evident in as much as rights are either granted to us by God or immanent in nature—and in the absence of either they run aground unless they are justified by other reasons (Feijen, 2012).

Perhaps, then, what justifies the special rights of climate refugees is their special needs (McAdam, 2012). Indeed, this would be one means by which rights avoid begging the question. But the special needs of climate refugees are more explanatory than justificatory. Special needs explain why climate refugees require assistance, but they don’t necessarily justify the responsibility to assist climate refugees in particular. Needs do not themselves justify the obligations of other to meet them. What makes them morally concerning in this case is not that they are needs, but that they originated as the result of wrongdoing—a justificatory point which McAdam never seems to explicitly recognize.

Risse (2013) also defends the right of climate refugees to resettle in places of their

choosing, but alternatively derives justification for said right from “humanity’s common collective ownership of the earth.” Essentially, according to Risse, displaced people have a right to resettle in other states because the world is owned in common and people are fundamentally entitled to be able to move to wherever they need to live lives worth living (Risse, 2009).

‘Common ownership’ is appealing for cosmopolitan and egalitarian reasons, but such cosmopolitan and egalitarian reasons are fundamentally adjacent considerations rather than justification grounded directly in the circumstances of climate displacement in the first place. By ‘adjacent’ I mean that the notion of common planetary ownership itself has nothing to do directly with what makes climate displacement a moral problem.

Climate displacement is fundamentally a moral problem because it is an anthropogenic violation of the freedom of persons to live as they will without the intervention of others, not because it conflicts with the notion that the Earth is owned in common.

Consider the implications of the principle of common ownership circa Locke’s Proviso as the moral justification for resettlement responsibilities. The Proviso fundamentally acts as a limit on the property claims of individuals. So, if the normative question is: “why is climate displacement immoral?” The answer would be something to the effect of: “the claim of the world on the commons have violated our property rights—they’ve left us with less and worse.” Essentially, the proposed rights of climate refugees would be derivative of the shared right to common property, which we might take to be imbued in us by nature as a natural right. The former falls out of the latter, so to speak. It does not necessarily follow, however, from a violation of property rights and an overuse of the commons by others that, in general, new rights ought to be generated as the

remedy, or, more specifically, that climate refugees are owed a special ‘right to choose.’

Moreover, to say that the immorality of climate displacement is defined by loss of property skirts the more fundamental problem at hand while simultaneously implying that what ought to be done is to compensate refugees for their property lost similar to eminent domain—an untenable reduction of what’s actually at stake. At best, the idea of common ownership may be indirectly related to respect for the freedom of persons in as much as we might equivocate the ownership of property with the freedom to live in self-determination, but it does not deliberately regard the wrongdoing of climate displacement itself – it *just so happens* that *if* all of humanity owns the world in common then refugees would be entitled to resettle wherever they want on that basis. It is also noteworthy that the principle of common ownership can say nothing as to any subsequent responsibilities to provide assistance beyond resettlement.

In general, the principle of common ownership alone is insufficient to ultimately constitute solid grounds for responsibilities to climate refugees in particular. That is, it has no mechanism of drawing out what in particular is morally distinct about climate refugees (Lister, 2014: 2). Common ownership of the planet seems to broadly justify people moving wherever they wish *in any and all circumstances regardless of the concerns or rules of receiving societies*, which may itself be an issue. In particular, common ownership has no grounds to obligate receiving nations to provide persons received with resources necessary for them to build new lives for themselves. At the very least, additional prescriptions would be needed to accommodate the latter concern, and it’s doubtful, further, that common ownership would be sufficient to justify any such subsequent prescriptions.

The notion of common human ownership of the earth is controversial for many reasons. The notion that human beings can ‘own’ the Earth at all is a point of paradigmatic controversy that can likely never be resolved. Nonetheless, the central weakness of the principle of common ownership is arguably a practical one (Lister, 2014: 2). That is, the existence of states inherently interferes with entitlements derived from the premise of common ownership. States are, in short, not something that can be idealized away. States are unlikely to honor new rights grounded on the theoretical notion of common ownership when respect for said rights effectively demands the succession of sovereignty over immigration. What’s more, to accept such justificatory groundwork would set a significant precedent with regard to states’ respective immigration procedures in as much as the purview of common ownership could be applied to justify unmediated human movement in almost any context.

In general, the trouble is that rights themselves do not justify moral entitlements, but are a means of articulating, enshrining, or institutionalizing that to which people are justifiably entitled. Rights are, in essence, ‘practical reasoning’ masquerading as a ‘justificatory reasoning’ (Hale 2016: 222). What justifies the entitlement to rectification is not the right to rectification, but some other justificatory reason(s) that underwrite said entitlement.

Rights themselves are neither necessary nor sufficient to justify the entitlements of climate refugees because, fundamentally, moral entitlements are not a *function* of rights as political vehicles, but of the requirements of respect and the duty to rectify wrongdoings. That’s not to say that rights are wrong, per say, but we don’t need special rights to know that wrongdoing demands rectification, we don’t need rights to know what

is the right thing to do, and we don't need rights to tell us that it is right to right wrongs when it's clear that wrong has been done, even if it's contentious *who* in particular is responsible and why.

The idea that new rights justify the entitlements of and state responsibilities to climate refugees essentially misses the point. In and of themselves, rights are a way of articulating and politically mobilizing entitlement claims—the idea *that* refugees are entitled to assistance. But they don't inherently tell us *why* said entitlement stands up to reason. It's often simply assumed that rights are to some extent, or by nature, self-evident: that rights are not the kind of thing that need deeper justification once to be asserted and if consistent with intuition. But the intuitiveness of a right is not itself justification, nor does a right by its very nature justify itself – rights are claims that require justificatory reasons of their own.

It is intuitive that climate refugees deserve some sort of special assistance to make up for their hardship. Their displacement is fundamentally different, more wicked, and yet harder to pin down than other kinds of displacement by political or non-anthropogenic environmental forces. But where many jump to the conclusion that assistance is justified on the basis of their having special rights, it seems clear to me that rights themselves for climate refugees are neither necessary nor sufficient to justify their entitlements to assistance or the reciprocal obligations of states to respect and meet those entitlements.

Moreover, rights-claims seem in general to expect to supersede any right of contest by those who would receive them. Outwardly, any such right-to-choose in absolute is problematic, as it would subvert consideration of the principle according to which

particular resettlement responsibilities might be assigned. While it is indeed the case that displacement is itself a wrongful intervention into the lives of refugees by others, and resettlement is an obligatory form of rectification to which they are entitled, it is concurrently the case that the duty to resettle large numbers of people is itself a kind of burden that cannot simply be brushed aside, further complicated by the historical contingency of causal responsibility for climate change.

It is conceivable in the absolutist position that some resettlement preferences may lead to overburdening, which has in fact been the objection of potential recipient nations (Eckersley, 2015: 495). Instead, the community of nations must recognize the legitimacy of the resettlement needs and preferences of persons displaced by climate change, consider them seriously, and honor them as much as is reasonable throughout the process of collectively deciding where refugees shall resettle in concurrent evaluation of the symmetry between preferences and assignments (see chapter five, ‘Freedom and Capacity’).

Surprisingly, nowhere in the literature is it suggested that the “right to choose” as Eckersley (2015) puts it, or the “right to relocate” by Risse (2009)’s phrasing, must be constrained by reasonable parameters both procedural and substantive. The entitlement of climate refugees to choose their places of relocation essentially in absolute is commonly advanced seemingly regardless of whether such claim would stand up to objections or limits relevant to the concerns of receiving parties—with whom, as an unavoidable practical reality that cannot be ignored, decision-making power ultimately lies.

In an ideal world perhaps states could accommodate unconditionally the first preference of every person displaced. However, we cannot ignore that refugees may

foreseeably prefer to resettle in certain places for cultural, linguistic, or geographical reasons (among others) that have nothing to do with their capacity to resettle them. More so, if an unconditional right to choose is supposed and it is in fact the case that preferred countries lack the capacity necessary to take them in, then they would seem to have no choice but to receive them anyway or else be presumably culpable for human rights violations.

3.b. Non-Refoulement and the Duty to Rectify

The most pragmatic approach to accommodating climate refugees would be to broaden the logic of the UN Refugee Convention (Lister, 2014). The conditions faced by climate refugees are fundamentally similar to the types of displacement that garner refugee status under the Convention, and the underlying justification for conventional duties to accept refugees is consistent with the plight of climate refugees (Lister, 2013: 654). The duty of non-refoulement is, however, incomplete. The duty of non-refoulement of the logic of the Refugee Convention, while capable of ‘picking out’ climate refugees alongside other refugees, fails to fully recognize the nature of the wrongdoing of their displacement.

Rather than re-casting obligations to climate refugees in terms of generating new, special rights, relying on a specious new “territory approach” (see Kolers, 2012; Nine, 2010), or making “reference to ideas like the ‘common ownership of the earth’” (see Risse, 2009) the language of the existing agreement needs only to be expanded to include climate refugees in order to “do the most justice to people given plausibly achievable goals” (Lister, 2014: 2). Given the right framework of rectification, “we would not need

to fundamentally re-cast refugee protection in terms of a ‘human rights’ approach, one that depends [...] on greatly modifying and expanding our understanding of human rights and how they function in international law,” which would “require major changes to our normative systems” that “will often lead to inaction, inertia, and greater injustices” (Lister, 2014: 2).

The original 1967 definition of a ‘refugee’ does not in any sense cover people fleeing climate change. However, the logic of the Convention naturally extends to climate refugees because those facing permanent displacement by climate impacts, who must cross international borders as a matter of necessity, share with ‘ordinary’ refugees their morally distinct trait—that they

“could only, or at least could best, be helped by providing them with the particular remedy of asylum, understood as including both *non-refoulement* and a *durable solution*. To the extent that those picked out by the Convention definition had this trait, and other groups needing aid did not, it made sense to treat Convention refugees as a morally distinct group” (Lister, 2014: 4).

The standard view is that those who meet the above criterion are owed, one, the ‘duty of non-refoulement,’ which is the obligation to not return people fleeing danger to the dangerous place they’re fleeing, and two, the reciprocal obligation to foster a ‘durable solution,’ meaning a permanent place of resettlement and a pathway to citizenship. A ‘durable solution’ as such does not necessarily guarantee the right to recreate a *particular* way of life, but that the duty of receiving nations is satisfied so long as refugees have a real possibility at a decent life in general (Lister, 2014: 7).

The same entitlements essentially hold for climate refugees but the two are incomplete. The rectification of the wrongdoing—the fundamental disrespect—of

anthropogenic climate displacement requires more than just resettlement and the provision of opportunities. Indeed, the structural injustices at the root of climate displacement evidence that essential to its moral rectification is the transformation of systems of malrecognition that have for too long precluded those vulnerable to climate displacement from being taken seriously—particularly in time to prevent their worst fears from coming true.

In that regard, the logic of the duty to rectify adds complementary justificatory grounding for the recognitional entitlements of climate refugees. On one hand, the common basis in non-refoulement with the standing Refugee Convention is practically advantageous for grounding the rectification of climate displacement in existing institutional and justificatory frameworks, and on the other, where non-refoulement falls short of respect and recognition-based concerns pertinent to anthropogenic climate change the duty to rectify is apt to the task.

This is, I think, the most promising evaluation among the proposals considered, though it would mean putting significant additional strain on the capacity of the UNHCR. Not implausibly, the nature of the climate displacement problem warrants collaboration across the resettlement networks of the UNHCR and the capacity building mechanisms of the various UNFCCC agreements. Current international capacity to mediate ongoing non-environmental refugee crises is already overwhelmed by existing numbers, and the number of people positioned to be displaced by climate change stands to increase the volume of refugees by orders of magnitude. I do not think this reality poses a problem for the reasoning underwriting non-refoulement and the duty to rectify in and of itself, but it does underscore the need to significantly build the capacity of international institutions to

accommodate refugees.

CHAPTER IV

THE MORAL ENTITLEMENTS OF CLIMATE REFUGEES

The bases for compensation-based and rights-based approaches to the rectification of climate displacement contain serious problems. To reduce the moral entitlements of climate refugees to an amount of compensation is predicated on the wrong justificatory theory and cannot surmount the problem of value-incommensurability, while the generation of new, special right-claims is both justificatorily specious and politically intractable. In lieu of compensation or rights-based claims, what follows offers an entitlement-based approach (i.e. a justificatory approach based on the moral entitlements entailed by the logic of the duty to rectify), which claims that climate refugees are morally entitled to rectification in the form of a certain treatment and provision of resources by the world community that affirms respect for their personhood and empowers them to again lead decent lives of their own making. On that basis, I argue here that any morally satisfactory international agreement on climate displacement should satisfy at least the following three conditions: 1) just recognition of vulnerable and affected populations and regarding the nature of the wrongdoing of climate displacement, 2) re-affirmation of the world's commitment to its differentiated responsibilities to mitigate climate change and prevent climate displacement as much as possible, and 3) the guarantee of resettlement and the provision of essential resources and opportunities, coupled with the creation of participatory institutions that empower vulnerable and affected people to make claims to the community of states on their own behalf.

* * *

4.a. Three Conditions of an Acceptable Agreement

Of the rights-based approaches to climate displacement discussed so far, the position relatively consistent throughout is that climate refugees have the right without limit to resettle in the place of their choosing—either because states are collectively responsible for the harms of climate change or because all persons own the Earth in

common (Eckersley, 2015; McAdam, 2012; Risse, 2013). In general, these are specious justificatory grounds for the entitlement claims of climate refugees. I agree in principle that resettlement should be guaranteed, but that certain additional participatory conditions will both support claims-making ‘from below’ and improve political feasibility (Arnall, Hilson & McKinnon, 2019: 3; Lister, 2014: 6).

In what follows I draw from both the literature on environmental justice and the capabilities approach to illuminate the structural injustices at the heart of the wrongdoing of climate displacement and to inform the content of the entitlement-claims proposed below (Nussbaum, 2000; Schlosberg, 2012). It is also worth reiterating the conceptual complementariness of the logic of the duty to rectify and that of non-refoulement: whereas the two co-align with regard to resettlement and capabilities-based entitlements, the logic of the duty to rectify completes the spectrum of rectificatory obligations by tending directly to justice-based concerns about recognition and respect.

The proposal is this: on the justificatory basis of non-refoulement and the duty to rectify, any morally satisfactory international agreement on the rectification of climate displacement should satisfy in principle at least the following conditions:

- (1) Recognition of the link between vulnerability to climate displacement and the social structures that have so far rendered the claims of vulnerable groups inaudible to the nations of the world. That is to say that any plan should include a clear affirmation of respect for vulnerable people and commitment to the transformation of the structural injustices at the root of their vulnerability and invisibility.
- (2) Reaffirmation of the world’s differentiated responsibilities to mitigate climate change and prevent as much displacement as is possible by continuing and improving commitments to the INDC regime of the Paris Agreement and other international institutions.
- (3) The guarantee of resettlement and the provision of resources and opportunities—or ‘essential capabilities’—throughout the process of

resettlement, coupled with the creation of participatory institutions that empower affected people to make claims on their own behalf to potential recipients. Particularly, the plan should create pathways for affected people to express and justify their preferences with regard to their places of resettlement as well as what they ‘need’ to rebuild decent lives for themselves.

4.b. Respect and Recognition

Equal respect, or ‘recognition,’ among moral peers is a necessary precondition for equal participation in society. It is also necessarily a bulwark against structural oppression. By this I particularly mean the kind of oppression hallmarked by social conditions in which one’s claims inherently go unheard, dismissed, or neglected by one’s community of peers by virtue of political and economic power differentials, or, as it has been nominalized, ‘malrecognition’ (Fraser, 2000; Schlosberg, 2012). This definition paraphrases precisely the grievance aired by the leaders and citizens of states vulnerable to climate displacement (Sopoaga, 2017; Tong, 2010). As such, I concur with those who have argued with respect to climate change in general that the most fundamental measure of rectification for climate displacement in particular must include “recognition of communities as unfairly affected, and insist[ence] on being seen and heard by both a mainstream environmental movement and a government that has, for the most part, ignored them” (Schlosberg, 2003: 77).

Any morally satisfactory agreement on climate displacement must recognize the link between vulnerability to climate displacement and the social structures that have so far rendered claims of vulnerable groups inaudible to the nations of the world. That is to say that any plan moving forward should include a clear affirmation of respect for vulnerable people and commitment to the transformation of structural injustice. To be

sure, while “sinking islands” have gained some public and philosophical attention in recent years, climate displacement remains largely ignored and the affected predominately unheard in international policy venues (Ferris, Cernea & Petz, 2011; Lister, 2014: 5; Sopoaga, 2017). While it’s widely accepted among international justice, legal, and humanitarian scholars that climate refugees entitled to some form of redress, “many world leaders have chosen paralysis and mutual recrimination” (Wennersten & Robbins, 2017: 9). The willingness of the world community to blatantly ignore the claims of climate refugees and those vulnerable to climate displacement impel that the first measure of rectification must be to ‘recognize’ the persons, communities, cultures, and countries imperiled by affording their claims the respect they deserve in public discourse (Arnall, Hilson & McKinnon, 2019: 2).

Climate displacement raises many of the perennial challenges of pluralism. Climate refugees will come from all around the globe, which will foreseeably introduce new waves of diversity to nations that take them in. Toleration, the original highest ideal of liberal political theory, is therefore of central importance (Gray, 2013a: 65). Presumably, opposition to receiving refugees partly stems from cultural preconceptions about and devaluations of refugees themselves. Indeed, a significant amount of fear-mongering about refugees has been deployed in opposition to receiving them even though reports have concluded that alarm about increased violence or crime in places receiving refugees is not evidence-based (Buhang, Gleditsch & Theisen, 2008; Hartmann, 2010: 2). It is tempting to think on this basis that recognition means essentially the toleration of cultural diversity. In truth, there is much more to it than that.

It will indeed be necessary to improve acceptance of the differences of others in

receiving nations. But recognition in this sense “is much broader than simple tolerance” (Schlosberg, 2003: 82). Nor should it be conceived to equate prejudice in the minds of oppressors with misrecognition and seem to require policing their beliefs (Fraser, 1998: 3). It calls for not just the acceptance of the differences of others, but affording the claims of climate refugees and vulnerable populations the respect of full equal members of society.

Originally, recognition was understood to be a psychological precondition of self-realization. It’s opposite, misrecognition was understood to inhibit the capacity of individuals to fully become and be who they are. In as much as one of the necessary tasks of free consciousness is the project of self-constitution, institutionalized disparagement based on cultural identity is a clear “impair[ment] [of] these persons in their positive understanding of self” (Taylor, 1994: 31).

However, recognition cannot be understood to pertain singly to self-realization, for what counts as the good life is inherently pluralistic. As the concept of recognition is often understood as synonymous to that of ‘respect for others,’ it must mean foremost the acknowledgment of unjust institutional and cultural marginalizations of affected groups in social and political participation (Schlosberg, 2004; Fraser, 1998). In essence, recognition means affording affected groups the respect of equal status deserving of free beings in pursuit of their own visions of the good life, whatever they may be, as a precondition of “participation parity” in social interaction (Fraser, 1998: 4).

Somewhat separately, the relationship between distribution and recognition was at first somewhat tense, centering on whether equal-distribution or equal-respect deserve priority. Critics of recognition from the distributive camp contended that recognition is

not a distinct issue of justice, but rather “recognition and/or respect are inherent preconditions for distributive justice,” subsuming concerns about recognition into concerns about distribution (Miller, 2003: 355).

Advocates of recognition argue, on the other hand, that material egalitarianism ought not be at the center of the leading paradigm because it is “the non-, mis-, or malrecognition of people, communities, and conditions that is often at the core of injustice” (Schlosberg, 2012: 450). Rather than toward a particular distribution of goods, justice should seek foremost to foster a “difference-friendly world, where assimilation to majority or dominant cultural norms is no longer the price of equal respect” (Fraser, 1998: 1).

However, views reconciling the distributive and recognitory requirements of justice have become more common. Nancy Fraser originally argued that participation was the normative core of justice in which distribution and recognition are more means toward the end of equal participation, but has since made clear that she holds recognition as “an element of justice, to be considered alongside distributional and participatory issues – moving from a bivalent to a ‘trivalent’ conception of justice” that permit social participation of equal footing among peers (Schlosberg, 2004: 521; Fraser, 2000).

David Schlosberg (2004: 521) has depicted them as “three interlinking, overlapping circles of concern.” As Vanderheiden (2016: 39) puts it,

“taken together, these efforts to broaden the conception of justice that is used to inform and evaluate human responses to climate change suggest a multi-dimensional normative criterion that manifests, as Schlosberg suggests, not only in terms of distribution but also in those of recognition and participation.”

This need not be rehashed here. Suffice to say perhaps that much work has been done

toward a conceptually unified (but not uniform) pluralistic theory that ties together unique but interconnected recognitional, distributive, and participatory dimensions of justice.

In social justice circles, the concept of malrecognition primarily concerns feelings of marginalization from the cultural mainstream coupled with demands for “a ‘place at the table’ and the right to ‘speak for [them]selves’” in cases in which global socioeconomic forces devalue and threaten cultural diversity (Schlosberg, 2004: 535). Often recognition is articulated as essential to the very survival of cultures outside the norm (Di Chiro, 1992; Kompridis, 2007). As Schlosberg (2012: 450) writes,

On the one hand, lack of recognition is an injustice in itself; insulting, ignoring, degrading, and devaluing individuals or their communities is a type of harm. More important for climate adaptation, however, is the social and political status that comes with recognition or malrecognition. Misrecognition, for Fraser, is an institutionalized relationship of economic, social, and cultural subordination. That may or may not result in a psychological injury to one or more individuals, but it most definitely results in a status injury to a group, identity, or community. As Nik Kompridis argues, the difference in the analysis here is key to the proposed remedy—a form of individual recognition versus “the ‘deinstitutionalization’ of those patterns of cultural value which foster misrecognition and status subordination.” Ultimately, a status-based conception of recognition helps expose and deconstruct the cultural and political institutions, beliefs, and practices that make some peoples invisible, misinterpreted, or devalued.

In environmental justice circles, the concept of recognition has offered much to our understanding of climate change. Quite clearly, we can see that climate change subjects a number of people “to outright domination, nonrecognition or simple invisibility, and/or stereotyping or other forms of damage” (Schlosberg, 2012: 451). Climate change threatens to uproot a staggering number of people, places, ways of life, and individual and cultural identities, and yet, for example, after almost three decades of negotiations

from at the UNFCCC, the claims the Alliance of Small Island States remain predominately unheard (Ferris, Cernea & Petz, 2011; Sopoga, 2017).

Culture and identity are inseparably tied to place. Representative of indigenous movements have consistently protested that the relationship between culture and place are misrecognized or devalued in international climate proceedings.⁹ As Devon Peña (1999:6) argues, “the extent that we construct our identities *in place*, whenever biophysical conditions of a place are threatened, undermined, or radically transformed, we also see these changes as attacks on our identity and personal integrity.”

Malrecognition is often entrenched in the predominant view of climate change as a strictly environmental issue, rather than seeing it as one born of the inextricable relationship between the social and natural worlds. Indeed, the UNFCCC process, unlike other UN frameworks, is conspicuously lacking in its recognition of that relationship between place and cultural identity (Schlosberg, 2012: 451). Thus, many have demonstrated that the moral problem of climate change is characterized by a lack of recognition of that relationship as it comes to affected individuals and cultures.¹⁰

For a place to be rendered permanently uninhabitable, e.g. by rising sea level or

⁹ See, for example, “The Anchorage Declaration” of the Indigenous Peoples’ Global Summit on Climate Change.

¹⁰ Footnote 18 from Schlosberg, D. (2012). p.460: “Robert M. Figueroa, “Bivalent Environmental Justice and the Culture of Poverty,” Rutgers University Journal of Law and Urban Policy 1, no. 1 (2003), pp. 27-42; Devon Peña, “Identity, Place and Communities of Resistance,” in Julian Agyeman, Robert D. Bullard, and Bob Evans, eds., Just Sustainabilities: Development in an Unequal World (Cambridge, Mass.: MIT Press, 2003), pp. 146-67; David Schlosberg, “The Justice of Environmental Justice: Reconciling Equity, Recognition, and Participation in a Political Movement,” in Andrew Light and Avner de-Shalit, eds., Moral and Political Reasoning in Environmental Practice (Cambridge, Mass.: MIT Press, 2003), pp. 77-106; David Schlosberg, Defining Environmental Justice (Oxford: Oxford University Press, 2007); and Whyte, “The Recognition Dimensions of Environmental Justice in Indian Country.”

desertification, is among the few literal existential threats to the survival of its embedded cultures. Thus the relatively paltry political attention paid to the unfolding destruction of countless places and geocultural identities by climate change evidences that misrecognition is of central issue. Despite their gravity, the claims of those vulnerable to climate displacement have so far been largely marginalized for priority of short-term economic and political interests (Sopoaga, 2017: 8:36-9:20).

The injustice of climate displacement begins with institutionally quashing the concerns of persons vulnerable to climate displacement. Its remedy requires those concerns to be heard and considered with the respect and deliberation deserved by free equal persons. Perhaps foremost of note in that regard is the urgency consistently insisted upon, and the competing interests repeatedly referred to, by the leaders of the most vulnerable nations, pleading to have their voices heard as they face cultural extinction (Sopoaga, 2010). For Fraser (2000) and Schlosberg (2012: 452), recognition calls for a variety of practices that

“focus on bringing attention to, critiquing, and taking apart the understandings, social practices, norms, and ideologies that either undermine our dependence on the environment or do not recognize or value the cultures or peoples made most vulnerable by a changed climate. This means bringing attention to the experiences of the vulnerable and the way that their status is, in part, socially, politically, and economically constructed. In addition, a recognitional approach must emphasize, more constructively, the instrumental importance of ecological processes and the way they support the basic needs of human beings, both as individuals and as part of cultural communities.

Regarding climate refugees and those vulnerable to climate displacement, recognition means on one hand deconstructing the practices and norms that underwrite their displacement and affording due respect to their unique experiences of vulnerability. In

particular, vulnerability to climate displacement can be seen as a kind of, as Wolff & de-Shalit (2007) term it, “corrosive disadvantage.” Tied into the moral problem of climate displacement is the long history of colonial oppression, asymmetrical development, and the governance of international political and economic regimes in such a way that systemically privileges advanced industrial societies.

Not only do those most vulnerable to climate displacement tend to be among the least developed countries of the world, their capacity to reduce their vulnerability through development is practically impeded by climate impacts already changing rapidly the ecological processes upon which their societies are predicated—or, as Breena Holland terms a sustainable environment: a “meta-capability” (Holland, 2008). To be sure, what must be recognized is that anthropogenic climate change, and the existential threat of rendered uninhabitability and displacement, constitutes a fundamental undermining of the capacity to live free, productive lives.

On the other hand, just recognition for climate refugees and those vulnerable to climate displacement also means instituting procedures of public deliberation to develop specific contextual agreements *recognizing what they need* to rebuild lives of their own choosing. In this way, the concept of recognition is closely tied to both deliberative participation and to the sense of “need” captured by the capabilities approach (Nussbaum, 2000; Sen, 1999). Among the more commonly discussed definitive aspects of climate refugees is acknowledgment of their “special needs” (Eckersley, 2015; McAdam, 2012; Risse, 2013).

In two obvious ways climate displacement affects the capabilities and needs of individuals and communities: it impairs the ability of persons to meet their basic needs,

and it generates in them new needs according to the circumstances of their displacement. Therefore, recognition also calls in part for the creation of a specific deliberative space in which affected persons can clearly articulate their specific needs. Some needs are generic to all refugees. But, among the certainties of climate displacement, the plurality of persons, communities, and cultures affected will yield a wide variety of needs that are context and circumstance-specific. In this regard the capabilities approach following Sen, wherein *public reason and deliberation* is used to develop context-specific understandings of persons' needs, is apt as a framework for hearing and understanding those of climate refugees (Sen, 2005). Indeed, "it is, in fact, a basic capability to have the political opportunity to determine the capabilities necessary for our own functioning" (Schlosberg, 2012: 453). In practical terms, both measures of recognition should be reflected in the language of any agreement aimed at the rectification of climate displacement.

In most cases, recognition is understood to be, while itself a unique condition of justice, instrumental toward the participatory equity of affected parties necessary "to give them some locus of control over their destinies" (Adger et al., 2011: 21). It is a necessary condition of justice to be recognized in such capacity as to participate in social relations as an equal and to be seen and heard in the airing of reasons and grievances with the respect deserving of all free beings. We are all, as moral equals, entitled to mutual recognition; and in cases of malrecognition we are entitled to its remedy so that we may participate fully in society.

4.c. The Responsibility to Prevent

Of the spectrum of responsibilities pertaining to climate change, the obligation to mitigate is among the most widely discussed (Caney, 2010, 2005; Gardiner, 2011; Meyer & Roser, 2010; Moellendorf, 2014; Page, 2012; Vanderheiden, 2011, 2008). Effectively synonymous with mitigation responsibilities, the “obligation to prevent” climate displacement is mentioned with similar relative frequency in the literature on climate refugees. Of its advocates, Anver de-Shalit (2011) is among its strongest.

To a limited extent the obligation to prevent is moot when taken in context of now inevitable climate displacement impacts. But as I’ve taken up the point of inevitability elsewhere already, I’ll simply say that being incapable of preventing some climate displacement doesn’t eliminate or undercut the reasons we should understand to justify mitigation obligations, for the kinds of reasons that justify mitigation and the obligation to prevent are not the kinds of reasons that are contingent upon outcomes.

Among the measures required to rectify climate displacement is that in the fold of any new agreement on climate refugees the international community should reaffirm its commitment to groups vulnerable to climate displacement that the world will continue and improve our efforts to mitigate climate change under the INDC framework of the Paris Agreement and other international institutions in order to prevent as much displacement as we can. Even if the world cannot prevent climate change or climate displacement altogether, the reaffirmation—the express commitment to an intended course of action—is meaningful in and of itself.

That’s not to say the outcomes of mitigation efforts don’t matter. We still have the capacity to curb our trajectory toward an entirely ice free, Eocene-like planet and the

worst-case displacement scenario. Clearly, failing to prevent the worst-case displacement scenario would matter a great deal. Outcomes in that sense obviously matter. Indeed, that we intend through mitigation to bring about a state of the world that's comparably better than the state of the world in which we fail to reduce global emissions. But the relative goodness of the prospective state of the world of interest and the intention to bring it about aren't what justify mitigation responsibilities. Interest-motives and intentions are more explanatory than justificatory. They are the kinds of reasons that tell us why we do what we do in a causal sense—and they can also be mitigating considerations if an agent is facing moral blame. But they are not the kinds of reasons that tell us why we *should* do what we should do. Motives and intentions alone don't justify (Hale, 2016).

When submitted as justification they are, in fact, question begging: motives and intentions must themselves be underwritten by deeper reasons if the actions to which they pertain are to be justified. That is, we must be sure that our intentions are justified; it's not enough to say, "I intend toward *X*" when called upon to justify one's action—the intention merely explains. One must provide reasons as to *why* the intention toward *X* is justified if the action to which it is tied is agreed to be moral: "I appreciate that you have such-and-such intention, but why the intent to begin?"

The reflex to this question may be to say that what justifies an action aimed at bringing about a particular state of the world is that the intention underwriting it is to bring about a good state of the world—that the goodness of the intention justifies the action. But the goodness of the intention is a matter orthogonal to whether it is justified; whether the intention to bring about a particular state of the world is good or not is beside the point.

The morally germane question is whether an intervening action of interest is justified by way of intentionality grounded itself in good justifying reasons, not if the intention is good because an intervention, even if well-intended, may nonetheless be unjustified and the goodness of the intention will matter at most as a mitigating consideration to the moral status of the action to which it is tied. That is to say, even if the intention underwriting an action is benevolent, and even if its outcomes are in fact good, the action may be wrong because it intervenes unjustifiably into the lives of others. Even if global climate change stood to make the world a better place for everyone and were intended to do so it would still be morally problematic for the same sovereignty and justificatory reasons that geo-engineering schemes have been widely criticized by moral and just-war theorists (Hale, 2012; Hedahl & Fruh, 2015).

By definition, the end or aim of mitigation is some kind of outcome: a particular emissions abatement target or a certain climatic state of the world. In recent years, the UNFCCC's mitigation target has been to keep global warming to somewhere between 1.5 and 2 degrees Celsius. But, mitigation's end is not what justifies it—which is also precisely why it matters little if some such target is probably, plausibly, or possibly achievable to whether or not the action itself—mitigation—is justified. In other words, even if it's now impossible to keep warming to within 2°C, mitigation is still justified according to reasons unrelated to outcomes.

I submit that *among those reasons that justify mitigation, one of them is that it is right to take responsibility for our actions that intervene into the freedom of others, and mitigation is one way of taking responsibility for climate change*; another is that it is right to respect, or recognize, the full moral status of others by *actively deconstructing*

conditions and relations of domination by which the capacity of persons to live according to their own reasons and to participate as equals in social relations is unjustly infringed upon by the actions of others or other arbitrary and contingent factors of life.

If climate displacement constitutes a structural relation of domination among moral equals, then mitigation efforts are a varied means of working to transform that dominative relationship. But the promise of such deconstruction is rectificatory not because it would be good to achieve a particular displacement-prevention goal, per say. Rather, mitigation rectifies because it is right to *affirm respect* for the requests of people vulnerable to displacement by answering their calls to transform the structural inequities at the base of their vulnerability—to recognize the extant conditions of domination, invisibility, disparagement, devaluation, and cultural subordination animating the climate displacement problem toward their subversion.

All of this is to say that neither its goodness nor its good intention is what justifies efforts to continue and improve international mitigation efforts. Mitigation is justified because it means doing what we can do prevent or roll back climate change as an intervention into the lives of others, which, regardless of the contingent goodness or badness of the states of the world brought about, unambiguously demonstrates respect for and recognition of those affected.

The reaffirmation of commitment to mitigation efforts, then, is a kind of demonstration of respect. That's not to say that the promise to mitigate is merely gestural. Indeed, mitigation is undoubtedly a responsible course of action which may also still have some effect on the climate-changed state-of-the-world we bring about. For that reason, mitigation has undeniable distributive implications with regard to both the

shouldering of climate impacts and the sharing of abatement burdens. To be sure the zenith of ends would be for climate displacement to be altogether prevented; to what extent climate displacement can be prevented should be pursued vigorously—but not necessarily because mitigation will bring about a better state of the world than a non-mitigation scenario. The responsibility to mitigate climate displacement is nothing less than the duty to treat others as ends.

4.d. Resettlement, Capabilities & Claims-making

Any international agreement on climate displacement should also make two concurrent provisions: one, it should guarantee resettlement and the provision of resources and opportunities—or essential ‘capabilities’—for climate refugees in their new homes, and two, it should create participatory institutional venues that empower affected people or groups to make claims on their own behalf to the international community, particularly pertaining to their resettlement preferences and what they see themselves to ‘need’ in order to rebuild decent lives for themselves.

The most commonly discussed measure of rectification for climate displacement naturally centers on the resettlement of climate refugees. The idea that climate refugees are entitled to resettlement, and that states have a duty to resettle them, is widely supported by a variety of theoretical bases (even if approaches and reasonings as to *who*, *what*, *how*, and *why* remain varied). That several plausible bases could serve as sufficient grounds for the duty to receive climate refugees is indeed one of its clearest strengths.

Lister (2013) argues that something like Rawls (1999: 105-13)’s “duty of assistance” or Gibney (2004: 229-49)’s “duty of humanitarianism” could ground such a

duty. I've argued that the logic of the "duty to rectify" entails that climate refugees are entitled to resettlement as partial rectification for the wrongdoing of their displacement. Moreover, as discussed in the previous chapter, the conditions necessary to obligate the duty of non-refoulement and the 'durable solution' provision of the Refugee Convention too are consistent with the conditions of climate displacement (Lister, 2014).

That any acceptable international agreement on climate displacement should guarantee resettlement for climate refugees is therefore theoretically uncontroversial. However, the guarantee of resettlement should also be accompanied by certain capacity-based and participatory provisions that aim to accommodate both the interests of refugees and potential recipient states to ensure a reasonable degree of practical "feasibility and likelihood of successful adoption" (Lister, 2014: 2).

The two provisions respectively reflect tensions recently given voice between 'top-down' international justice and 'bottom-up' claims-making approaches to mediating climate displacement (Arnall, Hilson & McKinnon, 2019). Proponents of the latter have expressed concern, which I share in part on recognitional grounds, that the dominance of the former risks neglecting or undermining "the capacities of affected people themselves to develop and formulate their own justice-based solutions to the problems of climate-induced displacement" (Arnall, Hilson & McKinnon, 2019).

However, the two have considerable potential for both normative and practical cohesion, largely stemming from the premise that recognition is a necessary precondition of claims-making in a community of moral equals. Bottom-up claims-making is defined to "involve communities exerting agency to mobilize for a desired outcome in relation to climate displacement and resettlement" through "activities such as protest, political

lobbying and litigation, all of which feature in the literature on climate displacement” (Arnall, Hilson & McKinnon, 2019: 2). In large part, this view essentially reiterates the same concerns of recognitional justice that climate refugees and those affected are not truly respected by the international community as full equals.

That is to say, in order to preclude concerns about squelching the capacities of affected people to express their own views about what constitutes ‘appropriate rectification’ in each of their unique circumstances, the guarantee of resettlement should be coupled with the creation of participatory institutions through which climate refugees and those vulnerable to climate displacement may make claims on their own behalf to the community of states. Such claims may include, though need not necessarily be limited to preferences and justifications pertaining to their place of resettlement and defining what they ‘need’ to rebuild decent lives for themselves given their unprecedented circumstances. As some have hypothesized,

“For some, the desired outcome will be for their whole community to be physically moved to a new location and for financial support to be provided to enable this; for others, it will be to prevent an unwanted resettlement from taking place. Where resettlement of a community as a whole is not possible, claims might be made for alternative forms of redress, such as individual compensation to relocate” (Arnall, Hilson, McKinnon, 2019).

While it will likely be impossible to accommodate every preference of affected individuals in their entirety, it is essential that they be listened to and taken seriously as affected groups have contended that their grievances thus far have gone pervasively unheard and unaddressed (Sopoaga, 2017; Tong, 2010).

One immediate tension, however, is that while claims are often made ‘through the mouth’ of a group, all existing international infrastructure for the mediation of refugees is

predicated on a model of ‘individualized’ protection. As Lister (2014: 8-9) observes, “even though group membership often figures into the justification for a claim to refugee protection, it is the individual in question, not the group, who is typically thought to be owed protection. Additionally refugee status determinations are typically made in an individualized way, rather than being applied to a group of people as a whole.”

That is, he elaborates, “while not necessarily required by the Refugee Convention itself, “most states that accept large numbers of refugees insist on individualized determinations, and some, such as the US, require some sort of individualized process before accepting refugees living in camps for resettlement” (Lister, 2014: footnote 27). This reality poses devastating problems for the prospect of groups being granted their expressed resettlement preferences all together, and for the ‘corporate’ approaches of Kolers (2012) and Nine (2010).

Nevertheless, in as much as group preferences generally reflect the preferences of its constituent individuals it seems reasonable to suppose that in granting the preferences of individuals as often as is possible the preferences of groups may be satisfied *de facto* without needing to fundamentally re-cast the norms of international refugee resettlement. Indeed, while groups may petition as groups for the resettlement of entire communities it is far more likely that recipient states will grant asylum to individuals on the basis of individual petitions than issue “blanket” determinations of the sort McAdam (2012: 188) recommends in cases of mass flight.

Thus, it seems that alongside the guarantee of resettlement what’s necessary is the creation of participatory venues in which affected people may voice their preferences for relocation and define the needs germane to their unprecedented circumstances directly to

those who would receive them. On one hand, this would be an action of affirmative respect as is foremost required by recognitional justice, and on the other, it would assuage concerns from ‘bottom-up’ about the capacities of affected people to develop and make claims pertaining to their preferences and needs.

Understanding the needs of climate refugees presents challenges from the top-down and the bottom-up alike. On one hand, no sets of the particular needs climate refugees will necessarily be exactly alike approaching the resettlement process from the bottom-up, and what they need upon arrival will vary depending on where they land. As such, they deserve at least the opportunity to make their cases as to what they need to try to reconstruct something even loosely resembling their old lives. On the other hand, states cannot be expected to make possible *any* favored way of life so long as a range of goods lives are available to refugees, so a theoretical approach to understanding and preparing for what states will have to provide is also necessary. What is needed, then, is a sufficiently generic account to anticipate what the needs of climate refugees will be upon arrival that also makes room for them to contribute to the process of defining their needs.

In general, the capabilities approach of Sen and Nussbaum is apt to characterize the generic nature of the ‘resources and opportunities’ necessary to live according to a reasonable vision of the good life while also remaining generic enough to not be overly presumptive or prescriptive about what people will need to rebuild their lives. Of all the theoretical ways to understand what climate refugees will need in the course of their resettlement (beyond than simply asking them), the capabilities approach seems to best capture and speak to the nature of the wrongdoing—namely, that what climate displacement undermines in refugees is precisely their capabilities to live lives of their

own design (Nussbaum, 2000).

Advancing the notion that there exists a range of generic human needs essential to flourishing, the capabilities approach of Sen and Nussbaum's development ethics has significantly improved theorists and policymakers understandings climate injustice and the nature of vulnerability (de Shalit, 2011). Rebuilding one's life or one's community following permanent displacement is in clear close relation to the moral dimensions of human development. Moreover, the capabilities approach has been instrumental in reconciling the apparent tensions between climate policy and development ethics because the idea of 'capabilities' has shown to inform sustainable development policies that accommodate the seemingly incommensurable ends of climate policy and human development goals (Shockley, 2015).

Capabilities theory offers a general sense of what a just society ought strive to achieve, and as such it is closely related to human rights in international development and sustainability regimes. Indeed, in as much as capabilities account for the basic needs of people specifically across cultural and value pluralism it is apt to constitute the justificatory grounding of human rights as they are commonly understood: as Nussbaum (2000: 37) submits, "the language of capabilities gives important precision and supplementation to the language of rights." She elaborates:

People differ about what the basis of a rights claim is: rationality, sentience, and mere life have all had their defenders. They differ about whether rights are to be regarded as side-constraints on goal-promoting action, or rather as one part of the social goal that is being promoted. They differ, again, about the relationship between rights and duties: if A has a right to S, then does this mean that there is always someone who has a duty to provide S, and how shall we decide who that someone is? They differ, finally, about what rights are to be understood as rights *to*. Are human rights primarily rights to be treated in certain ways? Rights to a

certain level of achieved well-being? Rights to resources with which one may pursue one's life plan? Rights to certain opportunities and capacities with which one may make choices about one's life plan? The capabilities approach has the advantage of taking clear positions on these disputed issues, while stating clearly what the motivating concerns are and what the goal is. [...] Regarding fundamental rights, I would argue that the best way of thinking about what it is to secure them to people is to think in terms of capabilities.

I am unconcerned here with defending the general notion of capabilities as fundamental entitlements—that much has been undertaken successfully at length elsewhere; at issue is what we can infer about the duty to rectify from the theoretical underpinnings of the capabilities approach. That is, of particular significance is the intersectional relationship between the generic essential needs of free persons captured in the capabilities theory and the needs of climate refugees pertinent to the immense project of rebuilding a decent life for oneself in a new place. From that relationship it follows that what climate refugees are owed, in addition to resettlement, is the provision of resources necessary—the essential capabilities—for them to live decent lives in a polity that respects them and allows them to have sufficient autonomy (Lister, 2014: 10-11).

More specifically, Nussbaum's list of "Central Human Capabilities" offers a more concrete framework by which to measure the extent of the deleterious affects of permanent displacement on the lives of those impacted and the "definite, and justified, demands" of climate justice (Nussbaum, 2003: 56). 'Stability in place' is essential to the "freedom to *sustain genuine opportunities for*" life, bodily health, bodily integrity, affiliation, and control over one's environment demonstrates that there is no human capability left untrammled by forced displacement (de Shalit, 2011: 312). Indeed,

displacement conflicts at the most fundamental level with any holistic or enumerated sense of the good life.

The capabilities approach is advantageous for several reasons as a theoretical means of understanding the nature of what climate refugees are owed as rectification for their displacement. Of particular advantage is the capacity of the capabilities approach to accommodate value pluralism; much of Sen's seminal work on capabilities in development ethics is deliberately vague for this reason. Capabilities "provide us with an attractive way of understanding the normative content of the idea of development" which easily extends to constitute a framework for judging what measures of rectification are appropriate to the nature of the wrongdoing in question without privileging any account of what in particular 'flourishing' means (Nussbaum, 2003: 34).

On one hand, by providing a top-down language with which to understand what people will generally need to build new decent lives for themselves—i.e. to what extent they are capable of living the lives they envision based on their access to resources and opportunities—the capabilities approach offers an account of the human good sufficiently generic to avoid general objections to global liberalism from concerns about value chauvinism. That is, it aims not to prescribe any *particular* way of life, but rather, recognizes as fundamental entitlements the material and social resources necessary for each of us to enact our own forms of flourishing—the background, enabling conditions constitutive of the plurality of visions of the good life.

On the other, the practical hope, then, is that such a constraint on what states will be expected to provide for refugees will improve political tenability. Perhaps most importantly, that the capabilities approach also supports the more general case that on no

grounds thus far considered does any duty of states to resettle and provide resources and opportunities for climate refugees require that what is owed is the ability to continue any particular favored or traditional way of life. [...] There is no obligation to ensure that all people must be able to continue or enjoy any particular way of life, so long as all people have a range of good lives open to them”—not ignoring the reality that many indigenous and traditional ways of life will simply no longer be possible (Lister, 2014: 7).

* * *

As to the substantive answer to the question “*to what are climate refugees morally entitled as rectification for the wrongdoing of their displacement?*” I’ve argued that any morally satisfactory international climate refugee mediation agreement should satisfy at least the following three conditions: 1) recognition with respect to the structural injustice at the center of the wrongness of climate displacement, 2) reaffirmation of commitment to the world’s differentiated responsibilities to improved mitigation efforts, 3) the guarantee of resettlement and the provision of essential capabilities, as well as the creation of participatory institutions that empower claims-making ‘from below’ regarding their resettlement-preferences and particular ‘needs.’ However, this leaves open still the practical question about the nature of and respective assignments of responsibilities to states.

The final chapter suggests how, or by what rule, we ought to assign states responsibilities to meet the entitlement of climate refugees and why. According to what sense of responsibility, and by what protocol of assignment, should states accept resettlement responsibilities? I’ll walk through several theories of responsibility assignment as they pertain to climate displacement to make an affirmative case for the

ability-to-pay principle. It also remains to be considered that asymmetries between the resettlement preferences of refugees and the relative resettlement capacities of states may create problems of overburdening in states with low capacity.

CHAPTER V

CAPACITY AND RESPONSIBILITY

How should resettlement responsibilities be assigned, and what justifies that assignment protocol? To this question this chapter argues that states have a social responsibility to resettle and provide for climate refugees as is within their relative capacity, or according to their respective ability-to-pay. First, I'll argue from a pragmatic view of responsibility that social responsibility, above three other senses of responsibility, best fits the moral purpose of rectification for climate displacement. After that, I'll argue that, where the different iterations of backward-looking liability conceptually map onto causal, outcome, and remedial senses of responsibility, the ability-to-pay principle tracks the pragmatic view of social responsibility. I'll also argue that neither fault nor no-fault versions of liability can accommodate the historical contingency of multigenerational collective action problems such as climate displacement. Then, I'll make an affirmative case for ability-to-pay based on the relationship between capacity and responsibility, arguing that having 'capacity' comes with reciprocal responsibilities to society.

* * *

5.a. Social Responsibility

A pragmatic theory of responsibility in part carries with it the broader view that a concept of responsibility ought to be evaluated on the basis of how well it does what it was intended to do—that we may judge a notion of responsibility by how well it serves its purpose. As I've tried to argue throughout previous chapters, the purpose of assigning resettlement responsibilities to states is not to sanction them for past behavior, but to most practically and feasibly meet the entitlements of climate refugees and fulfill the duty to rectify—in general, cases on topics such as refugees, “feasibility and likelihood of successful adoption of a proposed change are fundamental, and of crucial importance.

What we want is a system that will do the most justice to people given plausibly achievable goals, starting from the situation we find ourselves in” (Lister, 2014: 2).

In theoretical terms the point is to do right by a set of vulnerable people whose vulnerability is anthropogenic—not to punish nations for past behavior. Thus, because its purpose is not punitive, the relevant conception of responsibility should be present-minded and needn’t be predicated upon the excavation of historical culpability.

Following Moellendorf (2014) I’ll briefly overview four concepts of responsibility—‘causal,’ ‘outcome,’ ‘remedial,’ and ‘social’—ultimately to rule out the first three and arrive at the fourth as the sense pertinent to the differentiated responsibilities of states to resettle climate refugees.

One important purpose of a concept of responsibility is to establish a causal relationship between an agent and an outcome. If it’s the case that an agent acts and her action summarily causes a particular state of the world to come into being then we may say she is causally responsible for that state of the world. The limit, however, of causal responsibility is that causal claims are explanatory and analytic, but not necessarily justificatory or evaluative. Causal responsibility can tell us how some such state of the world has come into being, but not necessarily whether that state of the world is good or bad, nor whether the causally responsible agent is deserving of moral praise, blame, or neither.

Suppose I leave the door of my hallway closet open when I go to bed. Obviously I am causally responsible for the state of the world in which the door is open all night. However, the door is out of sight from my bedroom so it made no qualitative difference in my sleeping experience, and I live alone so I was never at risk of interfering with

anyone else's night life (if, say someone not knowing the door was ajar were to walk into it in the darkness). Conceivable, while I am causally responsible for the open-closet-door state of the world, there is no goodness or badness, praiseworthiness or blameworthiness to consider whatsoever.

While clearly a matter of descriptive causal responsibility, it is distinctly of a non-moral kind akin to how we speak of 'responsibility' with regard to events of nature. To quote Vanderheiden (2008: 145)'s take on this sense of responsibility, referencing Joel Feinberg, "a high pressure system over the great lakes make be responsible for today's weather, or Smith may be responsible for the toilet seat being left up; we merely mean that one phenomenon caused the other." Causal responsibility is clear but there is nothing of inherent moral concern about either. Conversely, it also stands to reason that moral responsibility may be determinable in cases in which causal responsibility is murky or contingent.

From the descriptive and explanatory limits of causal responsibility it follows to consider another sense of responsibility which Honoré (1999: 14) calls "outcome responsibility." Outcome responsibility is distinct from causal responsibility in as much as where the latter goes to simply affirm or deny that an agent brought about a particular state of the world, the former seeks to evaluate whether an agent should be normatively "credited or debited with a particular outcome" (Miller, 2007: 87).

The purpose of outcome responsibility is apparently to retrospectively judge the goodness or badness of states of the world brought about by agents and to add or subtract said value from their net moral 'balance.' Outcome responsibility is therefore closely related to, one, compensation-based approaches, which run aground of value

incommensurability, and two, protocols of responsibility assignment contingent upon historical liability, which, for reasons I will discuss more later in this chapter, must rule it out.

Suffice to say until later that the assignment of responsibilities regarding of multigenerational problems of international complicity must stem from an idea of responsibility predicated, not on outcomes, but on the relative structural advantages of the extant international order. Moreover, the purpose of assigning resettlement responsibilities to states is to transform an international structural injustice, not to debit states for the badness of climate displacement. What states are responsible *for* is not to yield net-positive outcomes necessarily, but to dig out the largely recognitional wrongdoing at the root of their displacement.

A third sense of responsibility worth considering is that which Miller (2007: 101) calls “remedial responsibility,” which aims to assign the costs of remedying a circumstance in need of repair to the agent responsible for the damage. If I accidentally damage my neighbor’s fence while mowing my lawn the view that it is my responsibility to repair the damage is normal enough. The chain of causation and norms of relation are clear. Conceivably, we might take climate displacement as exactly such a ‘circumstance’ that needs ‘repair.’ Its anthropogenic element could be seen as sufficient ‘connection’ between relevant parties to warrant the assignment of handyman duties. As such, the concept of remedial responsibility is also closely related to the reasoning underlying the Polluter Pays Principle, which I will take up in the next section.

An insurmountable problem for remedial responsibility is that it tends to deal predominately with discrete problems between individual persons that can be neatly

returned to a moral “equilibrium” (Moellendorf, 2014: 156). Climate displacement, in contrast, is anything but a discrete event. Climate change in general is a moral problem defined by its continuity across generations of politically separate peoples. Nor is returning to ‘equilibrium’ possible in climate displacement circumstances. Permanent displacement is, by definition, irreversible. Thus, given its continuous, collective, irreversible nature, remedial responsibility is arguably an inappropriate conception of responsibility for assigning climate resettlement duties. Moreover, to think producing a remediated outcome is the purpose—i.e. some moral equilibrium—makes the same mistake as ‘outcome responsibility’ in lending itself parametrically to compensatory approaches of remediation.

If the purpose of the conception of responsibility pertinent to climate displacement to ground the rule by which respective resettlement responsibilities should be assigned in order to rectify the structural injustice at the root of climate displacement, then it necessarily presupposes that its end is not remedial, but the formulation of a new system of relations to support a better institutional order (Moellendorf, 2014: 157). This kind of responsibility is a form of ‘social responsibility’ distinct from remedial responsibility, the point of which is to design new institutional rules—an outwardly forward-looking task—not to *repair* a prior unjust system of international relations and governance.

What’s more, as it stands, states are under no formal obligation to receive refugees—climate, political, or otherwise—under the existing Refugee Convention or the UNFCCC. Resettlement remains practically voluntary, even if morally obligatory. Few I think would defend that a return to the old order is what’s required, as is implied by remedial responsibility. Social responsibility, in contrast, is explicitly concerned, not with

remediating breakdowns, but with the restructuring of structural injustices by the assignment of “burdens under the blueprint for a new and better system of international rules” (Moellendorf, 2014: 157).

This conception of social responsibility is closely related to Iris Young’s ‘social connection model.’ In context of globalization it is safe to say that essentially everyone is connected by social structures of one scale or another. By virtue of this social connection Young argues that agents who are capable of transforming unjust social structures thus have the political responsibility to transform them into new structures that no longer generate undeserved harm (Young, 2011). The underlying intuition about relative capabilities and social responsibility here is also similar to that of Rawls’s (1999) duty of assistance. Having greater relative capacity to right wrongs, especially of a social kind—i.e. structural injustice, systemic disadvantage, mal-recognition, participatory exclusion—and particularly in cases of historical contingency, comes inherently with the responsibility to do so.

5.b. Contingency and Historical Responsibility

I argued above that the sense of responsibility underwriting the responsibility to resettle and provide for climate refugees is the ‘social responsibility’ to right wrongs of a structural or systemic nature by way of the institutionalization of new and better rules of relation, tied to the relative capacities of social actors rather than history. Simply put: states that are able have a social responsibility to resettle and provide for climate refugees. If that position is agreeable enough, then next task is to conceptualize a protocol of assigning practical responsibilities to states.

The sense of social responsibility lends itself clearly to the capacity-based approach to assigning responsibilities to states of the ability-to-pay principle. However, there is an extensive literature among climate ethicists and justice theorist as to how to assign responsibilities pertaining to climate mitigation and adaptation worth considering (e.g. Caney, 2010, 2005; Eckersley, 2015; Gardiner, 2011; Meyer & Roser, 2010; Moellendorf 2014; Page, 2012; Vanderheiden, 2008), if only to ultimately raise concern that, in particular, the contingency of outcomes and states of the world over long periods of time poses issues for establishing a coherent sense of retroactive liability in context of multigenerational problems of international social responsibility.

Of the three leading approaches to assigning practical responsibilities to social actors—polluter-pays, beneficiaries-pay, and ability-to-pay—I’ll argue that only the latter is viable pertinent to climate displacement and that what’s needed is an assignment of social responsibilities to climate refugees built not upon history, but the inherent relationship between capacity and responsibility. To do that I’ll first consider some problems with three different iterations of historical liability, then I’ll make an affirmative case for ability-to-pay.

Social and political theory on the polluter-pays, beneficiary-pays, and ability-to-pay principles has produced a growing body of work critical of the usefulness of historical liability models of responsibility in context of a global risk society (Beck, 1995; Eckersley, 2015; Lavin, 2008; Young, 2011). Its upshot is that situations of complex interdependence, “look[ing] for a clear chain of causation between guilty culprits and innocent victims for particular harms...is seen as a hopeless task because it deflects attention from the main ‘culprit,’ which are the social structures that enable the systemic

generation of harm” (Eckersley, 2015: 489).

Following that line of argument, I’ll offer two central reasons as to why I think the relationship between capacity and responsibility imbued in the logic of the ability-to-pay principle is better suited to treat the climate displacement problem than it’s historical liability counterparts. One, rather than mine history for a source of past injustice, we should recall that the purpose of assigning nations resettlement quotas is not punitive (even if rectificatory) but the formation of new, better institutional rules that treat affected people with the full equal respect to which they are entitled. Two, it seems to me that attempts to apply historical liability to multigenerational problems of international social responsibility retroactively irreconcilably run aground of historical contingency.

Historical liability in principle relies on either fault-based or no-fault versions of culpability. The polluter pays principle, which holds simply that polluters should pay to clean up messes to which they’ve contributed in proportion to their contribution, has both fault and no-fault formulations. The beneficiaries pays principle, according to which the beneficiaries of ‘unjust enrichment’ should be held responsible for past pollution, is also a version of no-fault liability (Page, 2012).

Both fault-based and no-fault models of liability, however, are justificatorily problematic for reasons centered on the contingency of history. In contrast, the ability-to-pay principle is more robust to justificatory objections from historical contingency because it is alternatively grounded not in any diagnosis connecting past causality to present culpability, but in a principle of social responsibility rooted firmly in the now. Moreover, ability-to-pay is politically advantageous in as much as it is arguably most consistent with the “respective capabilities” of CBDR-RC.

* * *

There are essentially three leading theories of responsibility tied to history: a fault-based version of polluter liability, a strict or no-fault based version of polluter liability, and beneficiary liability. The central issue for all three is that none successfully offer a convincing account that historical emissions actually constitute an injustice or wrongdoing (Moellendorf, 2014). Climate displacement reflects extant structural injustice, to be sure, but historical emissions themselves may be neither the source of wrongdoing or injustice nor the basis on which resettlement responsibilities should be assigned.

It seems to me that the contingency of history makes protocols of historical liability for past harms coherent only with regard to discrete actions or events because unambiguously determining liability for wrongdoing across multiple generations of multiple states is practically and theoretically untenable. Because the series of actions coalescing to cause climate displacement aren't discrete, but continuous and compounding over generations, the 'origin' of the injustice of climate displacement in the vast coalescence of human behavior is indeterminable. The harm of any one action in the series is necessarily contingent upon every other preceding, concurrent, and subsequent action.

At issue, then, is the theoretical condition that injustice claims should not hinge on contingent features of the world. Miller (2008: 133) makes a similar point, which Moellendorf (2014: 172) reiterates in his critique of historical responsibility for climate change, stating "whether a party has committed an injustice by emitting should not depend on whether subsequent parties sufficiently mitigate." In that way, historical

liability meshes better with the remedial sense of responsibility than the sense of social responsibly pertinent to rectifying climate displacement. If an unjust action is unjust then it must be unjust by virtue of an intrinsic aspect of the act and not because of, or dependent upon, any other thing.

Retroactive historical liability for multigenerational problems of international responsibility—e.g. of the sort recommended by Koler (2012)—is at some level paradoxical. Suppose that global economic development had played out differently—perhaps had the world begun its transition to renewable energy sooner; in that case, the carbon emissions of the 19th and early 20th century would be a non-issue. There would be no discernible injustice whatsoever related to emissions. Because carbon emissions are essentially harmless in and of themselves, historical emissions are only unjust because of their long-term combined effect with emissions that came after.

Simultaneously, contemporary emissions are only unjust because of their combined effect with the long-term feedbacks of past emissions. Neither contemporary emissions nor past emissions would be by themselves sufficient to cause climate change, so neither can itself be rightfully ‘picked out’ as the origin of injustice. Moreover, we might also think that path-dependency set in motion by people who are now dead somewhat exonerates contemporary emitters, which, if the aim is to determine the responsibilities of contemporary actors for historical emissions, is a problem that further undermines the basis for their liability.

Historical contingency dovetails into three problems for the fault-based version of polluter liability. At the time of their emission, one, most historical emissions were consistent with a reasonable standard of care; two, we had no reason to think emissions

were harmful; and three, historical emitters—those who would be liable—are long dead. That historical emitters are dead suggests that a beneficiary-based, no-fault model of liability would be necessary to hold people today accountable for their ancestors' actions. Beyond that, however, it is unclear that any injustice actually occurred except perhaps in retrospect (Moellendorf, 2014).

The trouble is that, in their own time, what we today consider historical emissions weren't 'pollution'—they were just emissions: “as noted by Risse (2009: 282), emissions of green-house gasses was completely legal at the time the majority of the damage was done (and still largely is).” Somewhat semantically, historical emissions are only considered 'pollution' today because the emissions of more recent generations over whom historical emitters had no direct agency have compounded the warming potential of earlier emissions. What's more, 19th century carbon emitters could never have known that their emissions then would cause global climatic problems in the 21st century and beyond. The only reasonable standard of care they might be said to have breached is one developed years after the fact. Altogether, it seems incoherent to hold people today at fault for something that was not wrong or harmful in its own time. Nor does it seem justifiable to hold present generations at fault for the behavior of past generations on the basis of a contemporary standard of care applied retroactively.

No-fault versions of polluter pays are hardly better. In its most common formulation, strict liability hold agents responsible for harmful outcomes even if they didn't knowingly violate a reasonable standard of care. On the face of it, decoupling liability from the reasonable-standard-of-care condition might seem sufficient to salvage a version of assigning climate responsibilities according to historical emissions.

Strict liability, however, presupposes a sort of prior agreement by which agents are ‘on notice’ about their responsibilities even if not at fault. That this sort of prior notice is impossible to give retroactively presents an insurmountable problem for holding historical emitters strictly liable (Moellendorf, 2014). Moreover, there’s no meaningful way to put present generations on notice retroactively for the actions of their predecessors over whom they have no possible agency, so in either case a no-fault version of polluter pays seems unsuitable for the practical circumstances of climate displacement.

Alternatively, the beneficiary-pays version of no-fault liability appears to be a means of assigning responsibilities that maintains a loose connection to historical emissions while avoiding the problem of dead historical emitters. In general, this reasoning is predicated on the notion that one can be held responsible for positive externalities just for having received them.

Taken seriously, this would lead to an incalculable tangle of liability and reimbursement obligations; as Moellendorf (2014: 170) argues, “because nearly everyone is a beneficiary of many positive externalities and the provider of only a few at best, the exposure to liability of most everyone living under a rule in which we were required to reimburse everyone who provided us with a positive externality would be enormous.” Of course, however, not all positive externalities are the result of injustice, which points to another defense of beneficiary responsibility in cases of historic injustice.

In cases of historical injustice, beneficiary-pays would hold contemporaries responsible not for past injustices directly, but for having benefitted from past injustices, or, as Page (2012) terms it, “unjust enrichment.” The idea, then, would be that highly developed states would have to accept greater resettlement responsibilities because their

high standard of living is a benefit of past emissions that are now contributing to the injustice of climate displacement.

The case in its defense is essentially that if we condemn an act as unjust then we have a duty not to benefit from that act, and, moreover, if we deny beneficiary obligations to reverse or mitigate its negative effects then we contradict ourselves (Butt, 2009: 127). In other words, we have a duty not to benefit from unjust acts causing others to suffer, and those who do happen to be beneficiaries of injustice are morally required to offset its negative externalities.

However, there is no inherent contradiction in condemning historical injustice and also holding that contemporary beneficiaries are not morally responsible for restoring victims. The principle upon which a beneficiary might refuse restoration that purportedly contradicts the condemnation of past injustice only yields a contradiction if we implicitly assume the conclusion (Moellendorf, 2014: 171). Ultimately, all three bases for assigning responsibility in connection to past emissions collapse because the action in question is not discrete, but an immeasurable intertwinement of actions, the negative effects of which are mutually contingent and compounding, that span multiple generations and implicate the decisions of individuals and collectives alike.

In application to climate displacement, the position that resettlement responsibilities should be assigned in connection to past emissions hinges upon a convincing account that past emissions are indeed the source of injustice. But climate displacement is an injustice of the present, not one of history. As Eckersley (2015: 488) argues,

“The political difficulties and measurement complications associated with mounting any kind of argument for historical responsibility suggest that it would be more productive to abandon the fault-based or unjust enrichment approach for allocating the ‘responsibility to receive’ climate refugees, since

it clearly fails the feasibility test.”

That all three principles of historical responsibility struggle to accommodate the complexity of mutual, yet disproportionate, multigenerational complicity in climate change suggests that tying resettlement obligations to past emissions may be ultimately impossible.

5.c. Freedom and Capacity

What’s left, if the assignment of responsibility is untethered from historical liability, is a matter of the inherent relationship between capacity and responsibility particularly in context of social problems, and especially in context of social problems of a multigenerational, international nature. The ‘ability-to-pay’ principle is another kind of no-fault principle that assigns responsibility in proportion to an agent’s capacity to accomplish a particular moral end, so the general idea would be to assign resettlement responsibilities according to some measure of ‘ability-to-pay.’ The notion that having the capacity to solve distinctly social problems that tend to be expensive, such as the resettlement of refugees, comes with the responsibility to do so is widely accepted across multiple levels of governance—from municipal to international (Moellendorf, 2014: 176).

For states, ability-to-pay can be understood broadly as a measure of relative levels of human development, wealth, and flexibility in resource allocation (Moellendorf, 2014: 176). The driving idea here, then, is to assign states resettlement responsibilities in proportion and limited to their ability-to-pay so to both meet the moral entitlements of climate refugees and to protect states with low levels of development from assuming

resettlement burdens beyond their capacity.

The fundamental claim here is that, in lieu of determinable historical liability, we must regard the relative ‘capacity’ and ‘responsibility’ as inherently reciprocal. States who have the ability to pay have the freedom and capacity to more actively make decisions about how to spend their resources; they have a relative flexibility in decision making by virtue of their wealth and relative status—a flexibility which carries with it proportional responsibilities to society. States having greater relative capacity to resettle climate refugees means them also having the responsibility to resettle them, for “it is enough merely to be a privileged member of a certain kind of arrangement or institutional order, rather than the recipient of a benefit or historical injustice, to ground ‘social responsibility’” (Eckersley, 2015: 490; Moellendorf, 2014: 173).

Outwardly the idea of relative capacity is itself a way of conceptualizing systemic advantages among states, which, in step with the Rawlsian idea that having greater capacity relative to others translates into also having greater social responsibilities regarding the least well off, evidences that the ability-to-pay principle fits rather well within the project of establishing responsibilities under an international framework intended to meet the entitlements of climate refugees without requiring any state to exceed its capacity. We must reconcile the obligation to resettle and provide for refugees with the constraint that ‘the least well off’ states relative to others shouldn’t be obligated to take on more than the least-most responsibilities.

Bukovansky et al. (2012: 219) also advance a capacity-based approach to climate responsibilities over retrospective liability by linking structural vulnerability, dependency and capacity to entail the “special responsibilities” of capable agents to remedy structural

injustice. The position's basic cosmopolitanism holds that states with the greatest relative capacity to correct structural injustice ought to do so because the inability to affect structural change is precisely what defines the disadvantages of systemic injustice.

This linkage seems to speak directly to the connective precondition of Young's (2011)'s social connection theory—namely, that systemic vulnerability to the both the actions and inactions of others is itself a relationship predicated on unjust social structures. It is straightforward enough to extend this account to the resettlement of climate refugees. States with the greatest relative capacity to resettle climate refugees ought to do so because assigning resettlement responsibilities to states in excess of their capacity would further exacerbate the disadvantages that define their lesser capacity in the first place.

In practical terms, the unwillingness of states to accept climate responsibilities on the basis of historical liability indicates that a capacity-based approach is necessary. Intractable political disputes regarding the allocation of CBDR-RC by any protocol of historical liability have led international climate negotiations, under the INDC framework of the Paris Agreement, to leave it instead to each party to decide for themselves what is within their capacity to contribute. It is likely as well that any fulfillment of the Warsaw Mechanism implicit promise to assist climate refugees will follow a similar strategy (Eckersley, 2015). The same is true of any broadenings of the UN Refugee Convention to include protections for climate refugees (Lister, 2014).

Nothing can guarantee that all and only wealthy nations will resettle climate refugees, but the purpose of assigning resettlement responsibilities isn't necessarily perfectly egalitarian (Moellendorf, 2014: 179). Its purpose is to meet the entitlements of

climate refugees and fulfill the duty to rectify in the most practical and feasible way possible in order to “do the most justice to people given plausibly achievable goals (Lister, 2014: 2). At the very least, a capacity-based approach to assigning resettlement responsibilities will provide a route forward that satisfies the duty to rectify and accommodates most predictable state concerns about overburdening.

If we grant the importance of both honoring resettlement first-preferences as is within respective capacities of states, then it is foreseeable that a problematic kind of asymmetry may need addressing it in the course of the resettlement effort. Cases in which the resettlement preferences of climate refugees exceed the capacities of states potentiate such a problem of asymmetry. Of course this is only a problem if we aim to both preclude overburdening and honor refugees’ first preferences for place of resettlement, but as I argued previously, I think it is right that we do both as much as we are capable.

While it seems safe to assume that there will be some natural alignment, it is more conservative to expect some cases in which refugees’ resettlement preferences are asymmetric to states’ relative capacities to receive them. It is reasonable to anticipate that people may prefer to resettle in places similar to their original homes in environment, culture, religion, language, etc., rather than in wealthy but radically foreign countries (Kolers, 2012).

The historical culpability and relative wealth of prospective host nations may play some role in the formation of resettlement preferences, but it will certainly not be the only, nor necessarily the most important, consideration—we simply can’t assume that refugees will necessarily wish to single out the most culpable or capable states. Indeed, it’s quite possible that people would prefer to resettle in one place over another for

reasons wholly independent of the relative capacities or perceived culpability of potential host countries (Eckersley, 2015: 495).

While perfect preference-capacity symmetry would be ideal, it is if nothing else safe to anticipate less than ideal circumstances. In the case that a state is preferred for resettlement in numbers that exceed its capacity then it is faced with two paths: it could refuse to resettle in excess of its capacity, justifiably, in which case the resettlement petitions in question would shift to their respective second preferences, or it could opt to admit refugees in excess of its capacity.

The first route seems like the likely course. While refugees have been shown to ultimately yield net benefits for recipient nations, costs may be high upfront and cultural incongruities might make resettlement conditions on the ground challenging. In either case, it seems unrealistic to expect that states would opt to willfully exceed their own resettlement capacities unless there is also a multilateral provision by which “assistance would be provided on the basis of relative capacity to receive and relative proportion of refugees received,” provided by states with ‘under utilized’ resettlement capacity. (Eckersley, 2015: 495).

The disincentives for first-preferred recipient nations to take in climate refugees beyond their assignment impel the institution of a counter-balancing system of capacity-building responsibilities between states. Capacity-building obligations between states should functionally neutralize the disincentives to honoring resettlement first-preferences even in cases that a nation has already reached its capacity. To that end, the world may help put at ease states facing the unenviable position of either spreading themselves too thin or turning away people in need.

IV

CONCLUSION

Climate change-related sea level rise, exacerbated natural disasters, resource scarcity, and human conflict have already begun to displace people and threaten to displace millions more all over the world (Biermann & Boas, 2010; Lackzo & Aghazarm, 2009; McGranahan, Balk & Anderson, 2007; Ni, 2015; Rigaud et al., 2018). Short of massive geo-engineering, which opens up a litany of other moral and political problems (see Hale, 2012; Hedahl & Fruh, 2015), a Pliocene-like Earth is, even if not imminent, inevitable given current atmospheric carbon concentrations (412.08 ppm CO₂) (Keeling & Keeling, 2017).

As countries lose habitable territory to the effects of climate change their citizens will inevitably be forced to cross national borders (Lister, 2014; Missirian & Schlenker, 2017). Climate displacement is an unavoidably international issue requiring international cooperation. Given the forecasted scale of displacement, how the world mediates the resettlement and integration of climate refugees moving forward will be among the defining moral and political challenges of the 21st century and beyond.

The central proposal here is that states should accept responsibility assignments to resettle climate refugees as is within their relative capacities, or according to ability-to-pay, because climate displacement constitutes a moral wrongdoing out of which falls

both the entitlements of climate refugees to rectification and the reciprocal ‘duty to rectify’ of states.

The most fundamental justificatory question is this: Why does anyone owe climate refugees anything in the first place? To this I have answered: what grounds the moral entitlements of and our responsibilities to climate refugees is what I’ve called the ‘duty to rectify.’ The duty to rectify derives directly from the duty to treat others as ends, violations of which constitute moral wrongdoing, which by its own internal logic obligates moral rectification by responsible parties (in whatever sense of responsibility is pertinent). This answer differs from most justificatory accounts in that it is predicated on the notion that climate displacement is a moral problem not because of the harm, suffering, and loss it inflicts, but because it constitutes a fundamental disrespect for the freedom of displaced people and people vulnerable to displacement.

On one hand, the ‘duty to rectify’ as the justificatory basis for the moral entitlements of climate refugees has the advantage over compensation-based approaches in as much as it avoids the problem of value incommensurability that emerges from conceptualizing climate displacement as a problem of the good. On the other, it circumvents the seeming need to fundamentally re-cast the underlying logic of the UN Refugee Convention in terms of human rights (e.g. Eckersley, 2015; McAdam, 2012), a new corporate ‘territorial approach’ (e.g. Kolers, 2012; Nine, 2010), or the ‘collective ownership of earth’ (Risse, 2013; 2009), lending instead to the ‘progressive conservatism’ expressed best in Lister (2014: 2).

The complementarity of the duty to rectify and the duty of non-refoulement consistent with the UN Refugee Convention’s original logic evidences the practical and

theoretical advantages of the justificatory approach developed here. In particular, the two co-align to with regard to resettlement and capabilities-based entitlements, but where non-refoulement and the ‘durable solution’ provision fall short of addressing structural justice-based concerns about respect, recognition (Fraser, 2000; Schlosberg, 2012), and participatory avenues for claims-making ‘from below’ (see Arnall, Hilson & McKinnon, 2019; Felstiner, Abel & Sarat, 1980), the reasoning of the duty to rectify is apt to complement in as much as it pertains fundamentally to the idea of equal respect for the freedom and capacity of others to live decent lives of their own making.

The question of *how* to meet the entitlements of climate refugees is a function of two things: one, the sense of responsibility pertinent to the purpose of the entitlements in question, and two, the rationales underlying the variety of views on the principles by which we may distribute or assign particular responsibilities. To the first, in as much as the purpose of an agreement on the mediation of climate displacement would be to rectify the structural injustices at the root of climate change and the systemic disadvantages of poverty and vulnerability, only a concept of ‘social responsibility’ predicated upon the institution of new, better international rules is appropriate (Moellendorf, 2014).

The second is a matter of the inherent relationship between capacity and responsibility in context of multigenerational problems of international social responsibility. Ultimately, liability-based accounts—both fault and no-fault—for problems like climate displacement are so mired in contingency that historical culpability is indeterminable (Eckersley, 2015). Thus, in cases that historical responsibility runs aground and we must untether responsibility from history, then what’s left is to assign

responsibilities according to who is most capable of accomplishing the goal—or who has the ‘ability-to-pay.’

The basic idea is that someone who has the ability to pay has the freedom and capacity to more actively make decision about how to spend their resources. They have a relative flexibility in decision-making by virtue of their wealth and relative status—and that flexibility translates reciprocally into responsibility. The notion that having the capacity to solve distinctly social problems that tend to be expensive, such as the resettlement of refugees, comes with the responsibility to do so is widely accepted across multiple levels of governance—from municipal to international (Moellendorf, 2014: 176). That the UNFCCC’s principle of common but differentiated responsibilities is directly qualified by ‘respective capabilities’ only affirms that social (i.e. international) responsibilities of the kind necessitated by climate change should be differentiated according to the inherent reciprocity of capacity and responsibility.

The added advantage of a capacity-based approach to assigning responsibilities is that it both meets the moral entitlements of climate refugees and precludes against overburdening states with low levels of development. Even in cases where the resettlement preferences of climate refugees are asymmetric to state resettlement capacities, capacity building obligations between states predicated on the same ability-to-pay logic could provides states with the option to either defer climate refugees to their next preference for resettlement location, or accept them along with capacity building provisions from states with under-utilized capacity to assist.

The final hope here—as perhaps it is with most proposals that share the compulsion to help others in need—is to contribute another pillar of justificatory work

for the moral entitlements of and state responsibilities to climate refugees. I have in the process raised issue with a number of other approaches to justifying the entitlements of climate refugees. While ‘raising issue’ implies a sort of antagonism it would perhaps be better instead to conceptualize it not as critical primarily, but the process by which I was able to whittle down a precise version of my view. If anything we should take the diversity of interest and proposals pertaining to climate displacement as evidence of the broad support for assisting climate refugees, for they are victims of an especially tragic fate—one of humanity’s own making—who deserve our help.

VII

EPILOGUE

The improvements of our age have had but little influence on the essential laws of man's existence; as our skeletons, probably, are not to be distinguished from those of our ancestors.

—H. D. THOREAU, 1910

A Tragic Irony of Promethean Hubris

The story of climate change tells of a tragic convergence of modern mythology and ancient truths about being human. Most today take for granted an anthropocentric view of the human-nature relationship unknown to our hunter-gatherer ancestors and alien to contemporary indigenous cultures (Diamond, 1999). Only since Darwin have we begun to again understand ourselves to be one animal among many, part of the community of life, and subject like all others to the forces of nature (Gray, 20013b; White, 1967). Human beings are unique, but we are not special. As Lao Tzu observed of the human condition—like ritual offerings to the gods, first treated with reverence then tossed aside and trampled after the ceremony—“heaven and earth are ruthless, and treat the myriad creatures as straw dogs.”

In revolt against our animality we have sought instead to supplant the gods of old. The cultural inclination to ‘take the power of deciding what lives and what dies out of the hands of the gods’ found its original expression in the advent of agriculture (Quinn, 1996). In modernity, the confluence of Enlightenment-era utopianism and the technoscientific innovations of the Industrial Revolutions have reaffirmed our vision of

humanity's divine right to rule the rest of the world (Gray, 2007; 2004; Wilson, 2001; White, 1967; Delmage, 1947; Painter 1922). A hackneyed profundity of environmental philosophy, most now wrongly take for granted that the human place in nature is at its center and helm (Quinn, 1996).

Material rationalism combined with the eschatological hopes of western religion have formed a dominant social ideology in which most see the purpose of being human to be to invert the original human-nature relationship and, rather than remain subjects of the wild, take control of nature and the human condition alike through scientific and technological progress (Cox, 2006; Latour, 2011; Gray, 2013b). As Daniel Quinn (1996: 151) puts it, our vision of the world and our place in it is one in which we think "the world was made for Man, and that Man was made to conquer and rule it."

But the notion that humanity can rule nature in any final sense is a myth haphazardly emboldened by historical contingency. Technoscientific advance is simply a matter of fact, but to assume that it is permanent or guaranteed, or, on either of those bases, to interpret history as a story of cosmically-deliberate linear human progress is a form of secular millenarianism (Gray, 2004). Like any millenarian ideal, the notion that time and history are moving toward anything in particular is a matter of faith.

The aspiration to rule nature is today most visible in the machinations of globalization (Gray, 2013b; Cox, 2006; White 1967). The original impetus of universal liberalism was to liberate humankind from the hardships of the human condition—poverty, scarcity, disease, even mortality: to emancipate us from the struggles of being animals—to overthrow nature's tyranny and ascend to Adam's throne of names (White, 1967). But globalization, especially since the 'neoliberal technocratic turn' of the last

four decades, has largely failed to deliver on its utopian promises, instead exacerbating social inequity and ecological degradation the world over (Sandel, 2018; Gray, 2011, 2007). The global socioecological decline linked to globalization vividly undermines modernity's foundational progressive myth. More so it should remind us of an ancient permanent truth about the human place in nature: we are neither at the center, nor the rightful rulers, of the world. Indeed, as most ancient and indigenous cultures understood, the world does not need ruling (Gray, 2002).

Global climate change obviates we are capable of interfering with the normal ecological functioning of the planet. But I think few would contend that the haphazard amalgam of influences we've exerted on the world's environment demonstrates the mastery over nature promised by the 'myth of progress' (Gray, 2004). In fact, climate change highlights an inextricable reality of the human condition that the technoscientific progress of modernity has merely obscured: the world is wild, and, despite our nets and harpoons, the wild cannot be tamed. Technological progress has improved our ability to sometimes keep nature at bay, but it is ultimately indomitable.

Climate change and its henchmen—atmospheric and oceanic warming, mass extinction, super storms, melting land ice, melting permafrost, sea level rise, exacerbated drought and wildfire in some places and catastrophic flooding in others, the spread of diseases, ocean acidification, etc.—underscore that while we can tinker with the forces of nature, we cannot ultimately control them. To the contrary, rather than control the forces of nature we have brought them down upon ourselves. In that way, our tinkering has been deeply irresponsible (Hale, 2016: 290).

‘Reflexive modernity’ contends that in continuing to learn from its mistakes and improving on itself, modernity will be able to solve its own problems. Transhumanist ‘proactionaries’ on the extreme end of the reflexive modernity paradigm view the negative consequences of technoscientific progress as mere hurdles yet to be overcome—that if we learn by acting and stay the course humanity will inevitably progress through the problems of progress (More, 2005). ‘Ecomodernists’ in environmental circles abide by the same gnostic faith (Shellenberger & Nordaus, 2004).

For all the ‘progress’ of modernity—for all our advances in science and technology to keep the wild at arm’s length with city walls and central heat—that climate change is a global problem none can avoid means we must again come to grips with the reality that, for the most part, we live at nature’s mercy. For most of us, there is still little we can do when hurricanes, drought, disease, flooding or other natural disasters on set. Usually we can only watch as the tide dissolves our sandcastles. Even with warning we can only either flee or hunker down and hope that our preparations, if we made them, are sufficient.

The philosopher Adam Briggles sees the technoscientific progress of modernity to put us somewhere in league with Goethe’s *Sorcerer’s Apprentice* and Mary Shelley’s *Frankenstein* (Briggles, 2017). Our project to dominate nature has unleashed a power we’re unable to control: a spell we cannot uncast—a monster whose rampage we have no means of stopping. Indeed, we may all rue our abominations. As in the *Sorcerer’s Apprentice*, one might hope that the master will return in time to cancel the renegade spell. But we are closer to Dr. Frankenstein than the sorcerer’s apprentice. Unlike the apprentice, we have no teacher to fall back on now that “the monster is on the loose”

(Moellendorf, 2014: 212). As Heidegger (1976) warned, now that we are “posed, enjoined and challenged by a power that becomes manifest in the essence of technicity—a power that man himself does not control” we may find that “only a god can save us.”

In contrast, according to Bruno Latour we should love our monster. The problem isn’t that we’ve set a beast unto the world. It’s that we have failed as parents. A vision of reflexive modernity, progress means not undoing our experiment, but the commitment to a constant state of parenting over it (Latour, 2011). We should educate our creation on how to behave and clean up its messes, not regret or try to kill it (Briggle, 2017).

Perhaps a paradigm of perpetual parenting is indeed appropriate now that the creature is free. Though, as Briggle laments, to be good parents we must first find some basic agreement amongst ourselves about when our children are misbehaving and what to do about it. Unfortunately, the skeptical paralysis of ‘post-truth’ culture—to which Latour is ironically contributed by way of his work on the ‘socially constructed’ nature of scientific facts—has mired civic life so deeply in confirmation biases that we are hardly able to even speak to neighboring tribes with whom we disagree (Kahan, 2006).

As we exhaust carbon and heat sinks and positive feedback cycles accelerate abrupt climate impacts the truth of humanity’s animal vulnerability to the forces of nature will come clearly into view (White et al., 2013). The ‘myth of progress’ holds that humanity, unlike other groups of animals, has the capacity to control its destiny (Gray, 2013b). The implication of this capacity, however, is that we are responsible for our fate. As Benjamin Hale might say, we’ve given ourselves the Schmoo Shot and brought about our own demise (Hale, 2016: 166-7).

Not unlike the ancient Sumerians, forced to abandon Mesopotamia after a

millennium of flourishing by the same rivers whose forces they harnessed for their prosperity, in trying to subjugate nature we have inadvertently brought its forces down upon us (Diamond, 1999). The project of globalization is at its root a mission to liberate humankind from the hardships of being animals. But we have forgotten that if we disturb the balance of the Earth we will be trampled and tossed aside, for we “can never be other than straw dogs” (Gray, 2002: 34). E. O. Wilson once wrote human history is “a Greek tragedy in which our greatest strengths are no less than our most dangerous flaws.”¹¹ A tragic irony of Promethean hubris, our struggle to transcend the animality of our condition has instead reaffirmed it.

¹¹ E. O. Wilson, back cover blurb, Morrison, *The Spirit in the Gene*, 1999.

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APPENDIX

An Inevitably Pliocene-like Earth (Maps)

It is important to keep in mind that many of the models mentioned in Chapter I do not reflect the inevitability of a Pliocene-like Earth. The figures in the section that follows depict many of the places mentioned given approximately twenty meters of sea level rise (Tingle, 2006a). The scenarios use data provided by NASA and Google Maps to estimate and visualize the scope of coastal inundation scenarios by 20 meters of sea level rise. It should be noted that these maps are limited in accuracy in several important ways. Despite their limits they are nevertheless powerful illustrations of what is to come.¹²

* * *

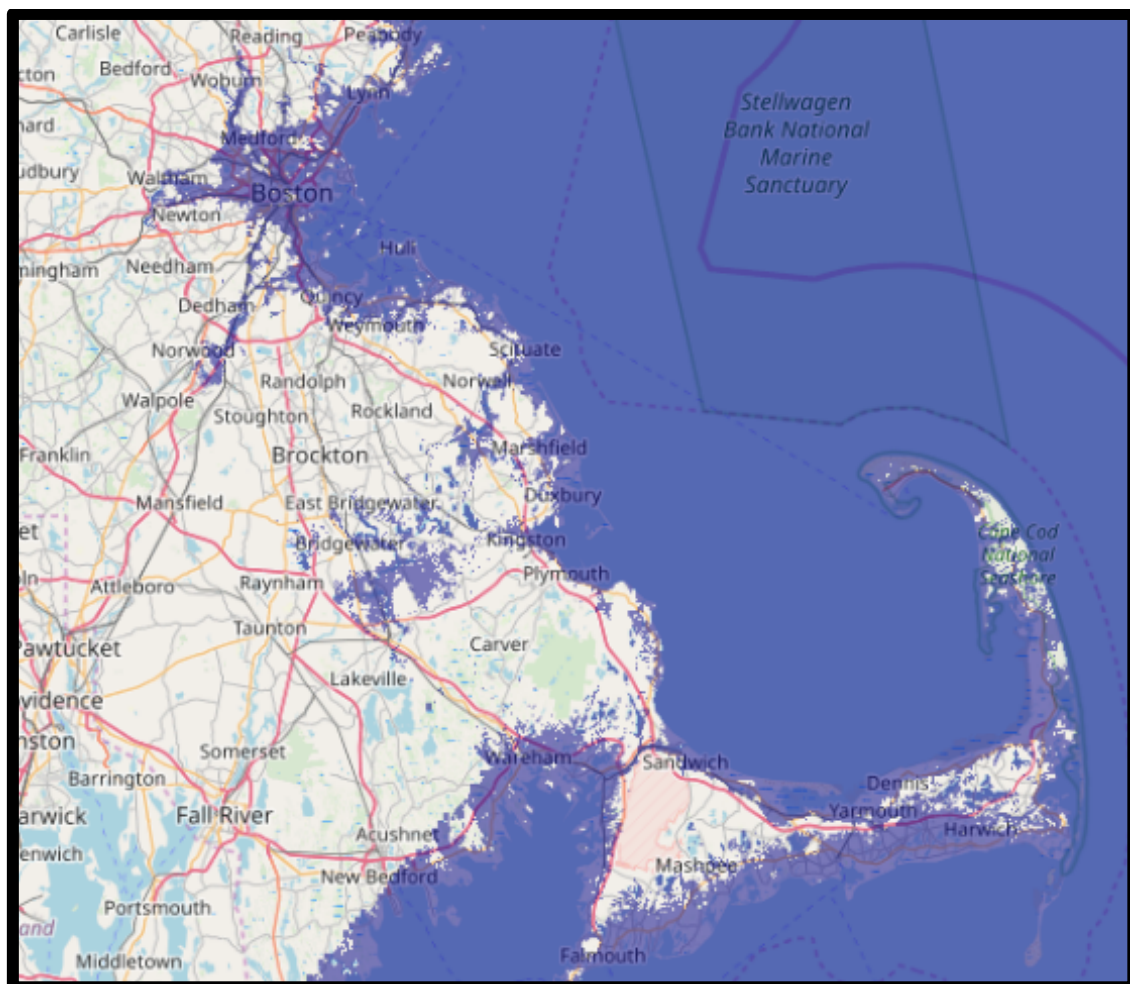


Map 1. Bangladesh & The City of Kolkata, India

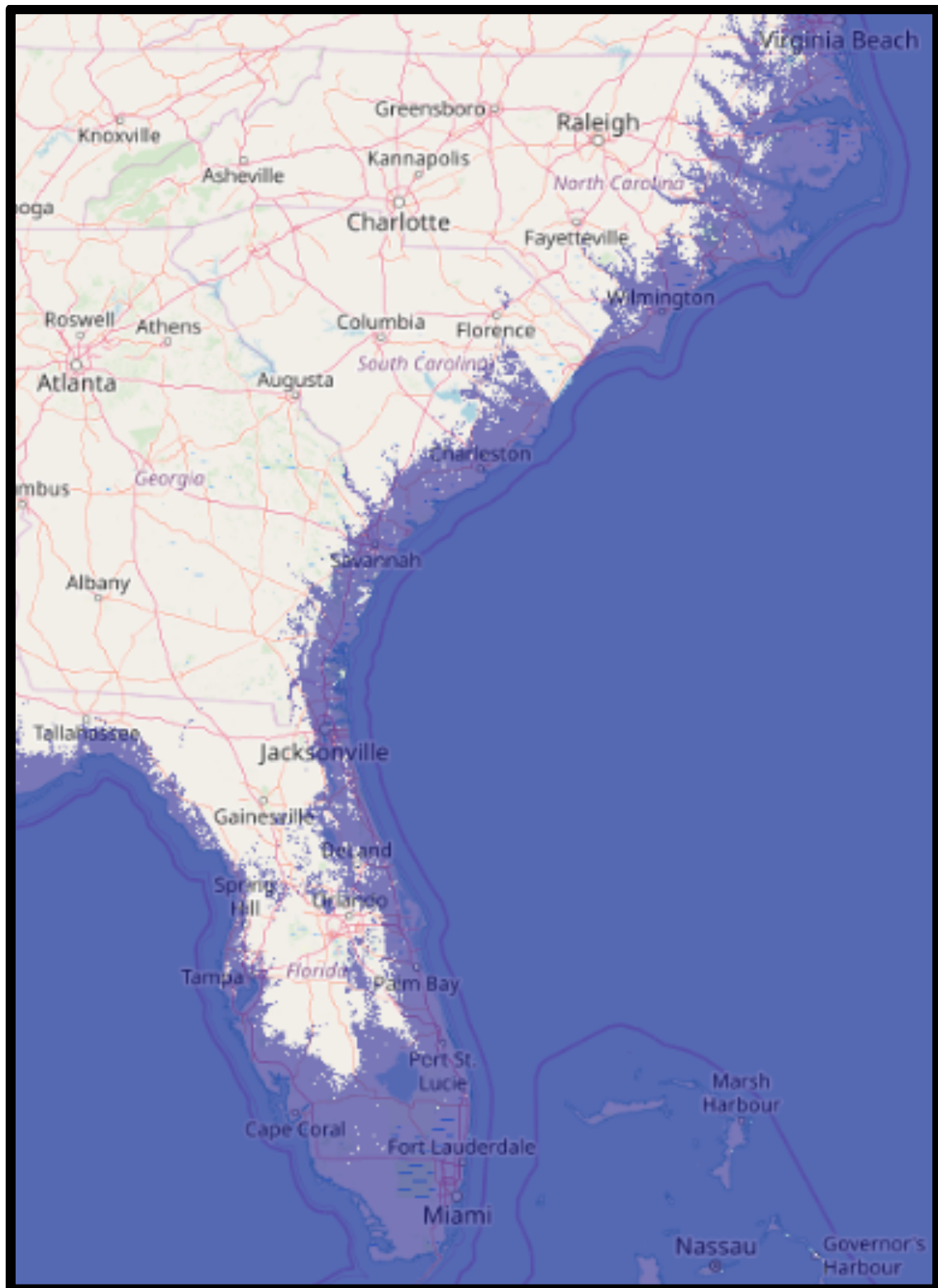
¹² See Tingle (2016b) for a full discussion of their limitations.



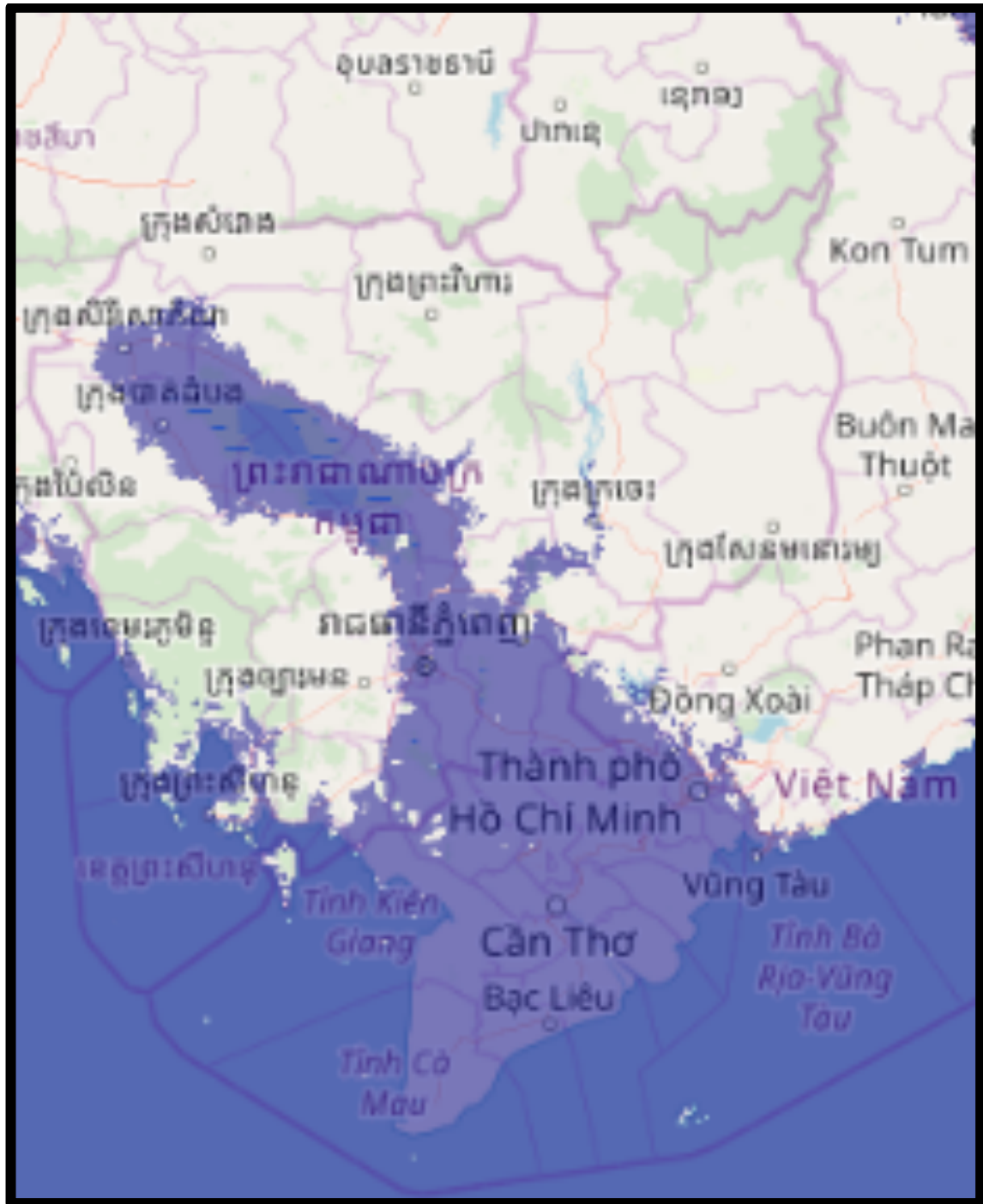
Map 2. The Bahamas & the Turks and Caicos Islands



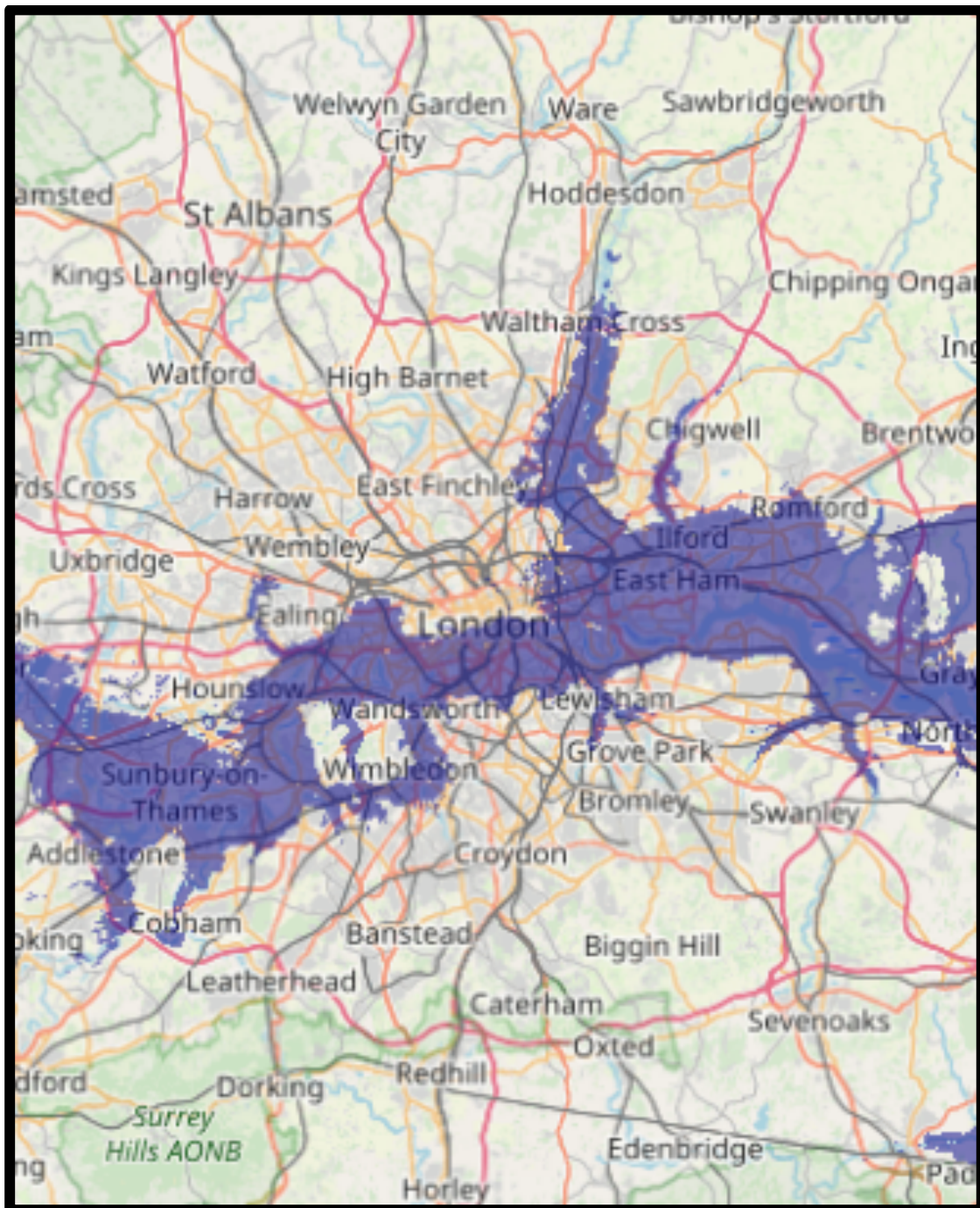
Map 3. Boston & Cape Cod, Massachusetts



Map 4. Florida and the Southeastern U.S. Coast



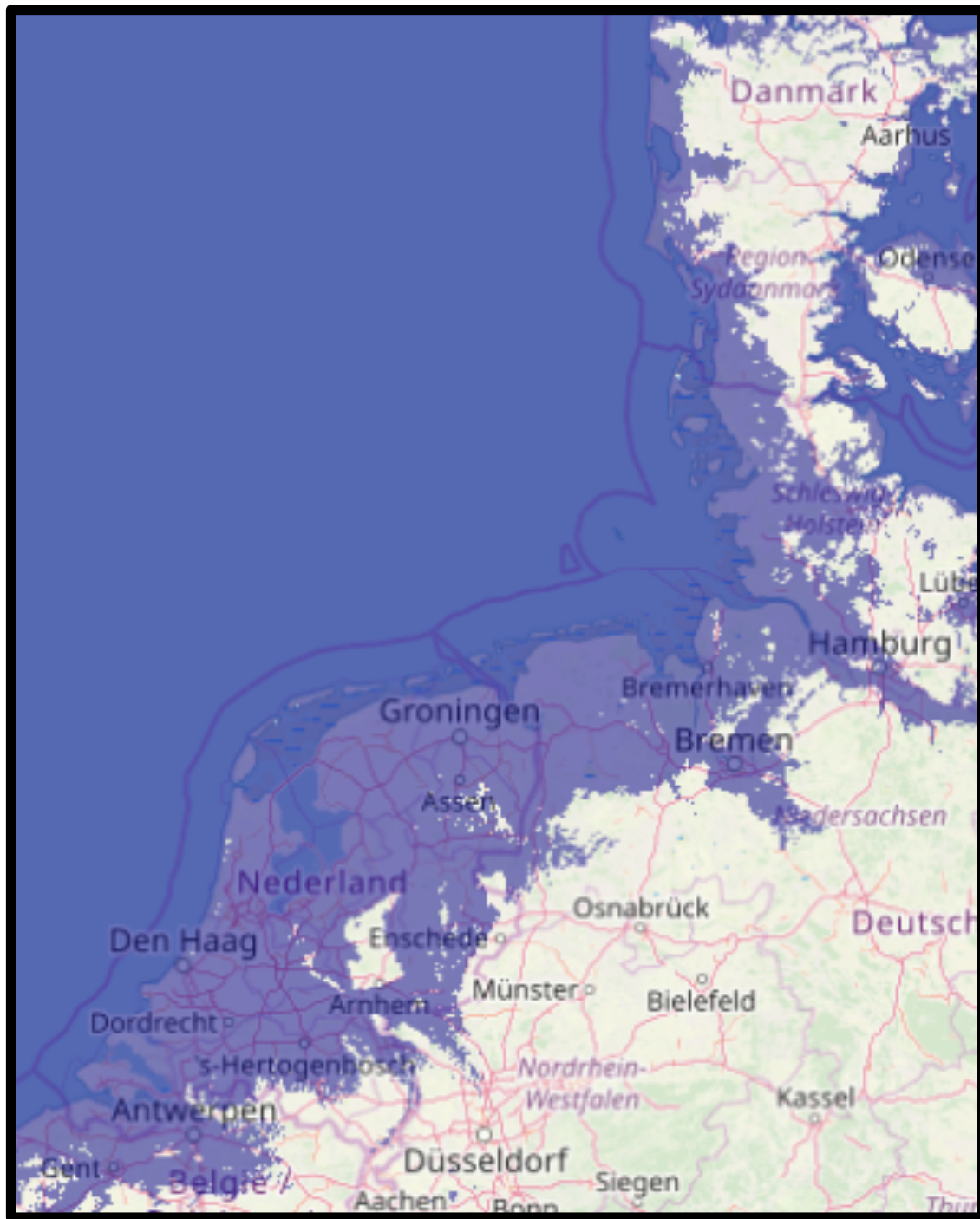
Map 5. Ho Chi Minh, Vietnam



Map 6. London, England



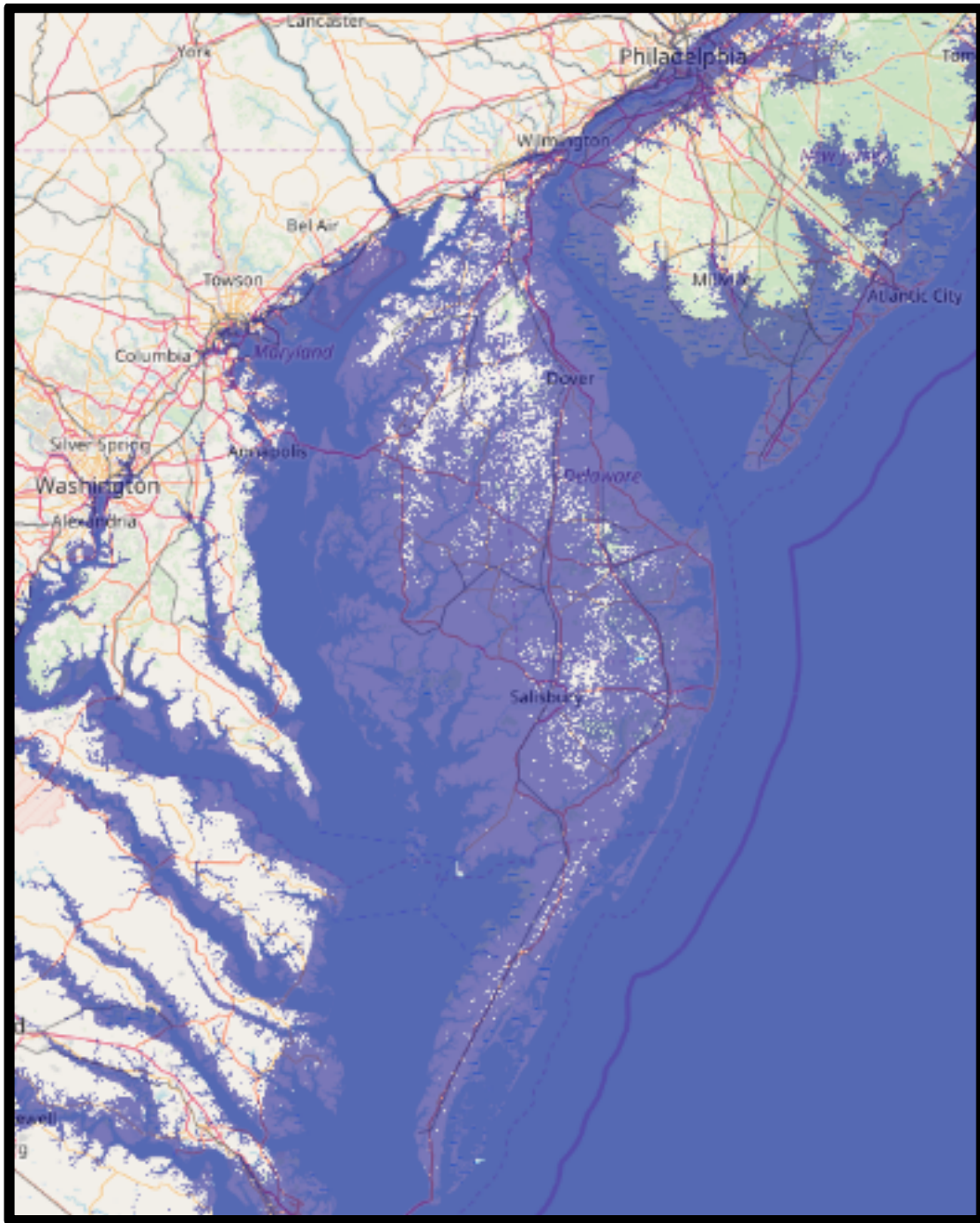
Map 7. The Maldives



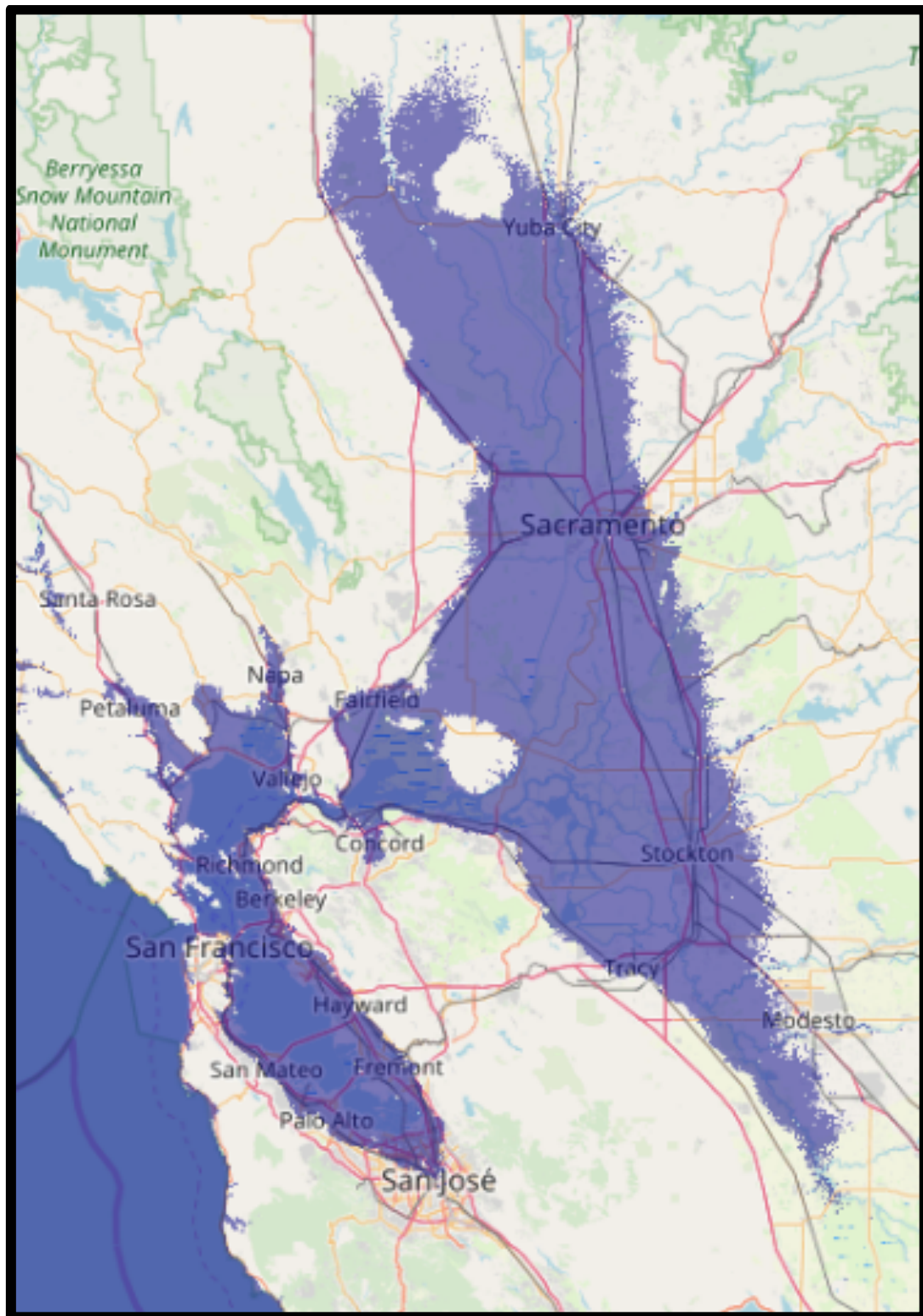
Map 8. The Netherlands & Hamburg, Germany



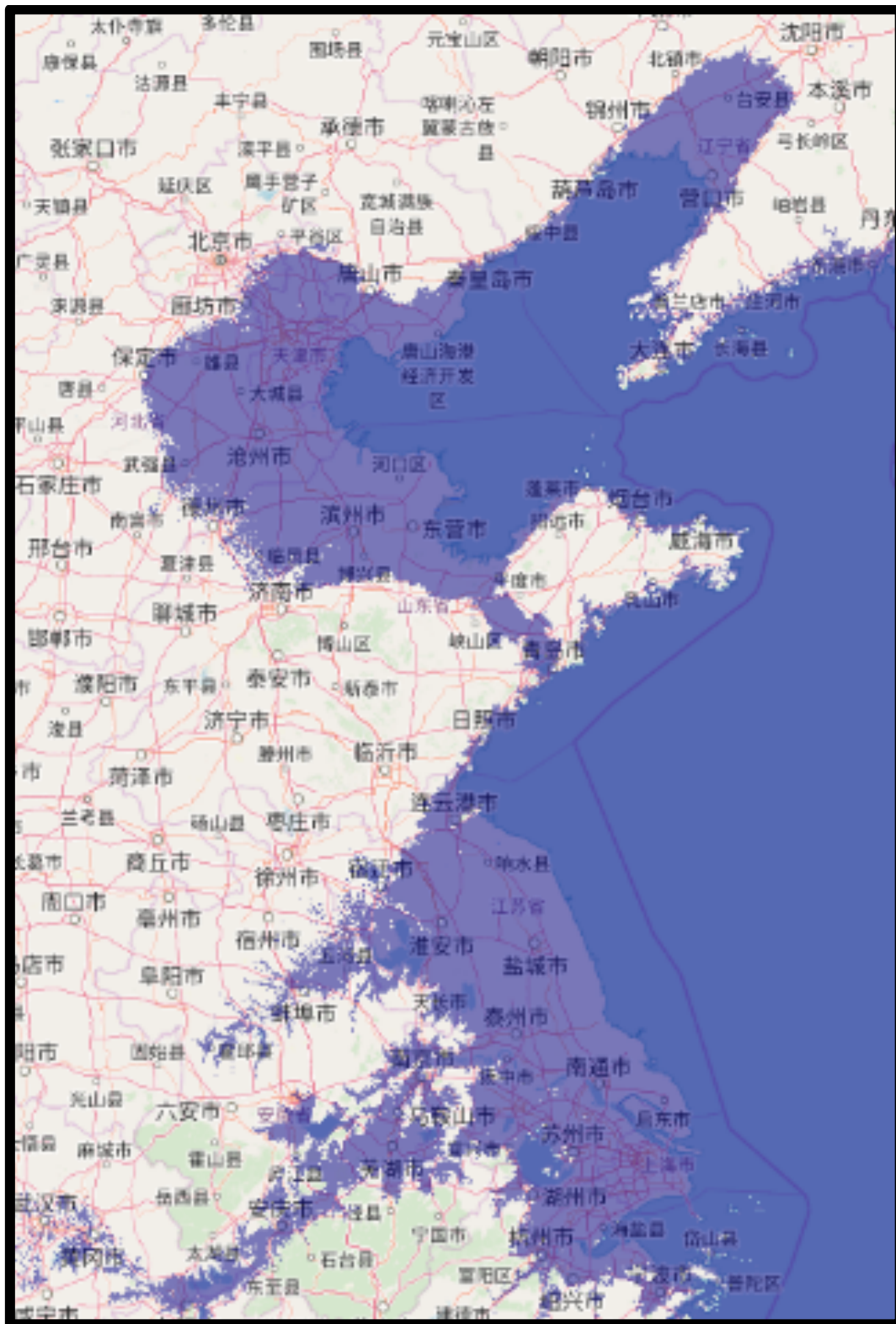
Map 9. New York City



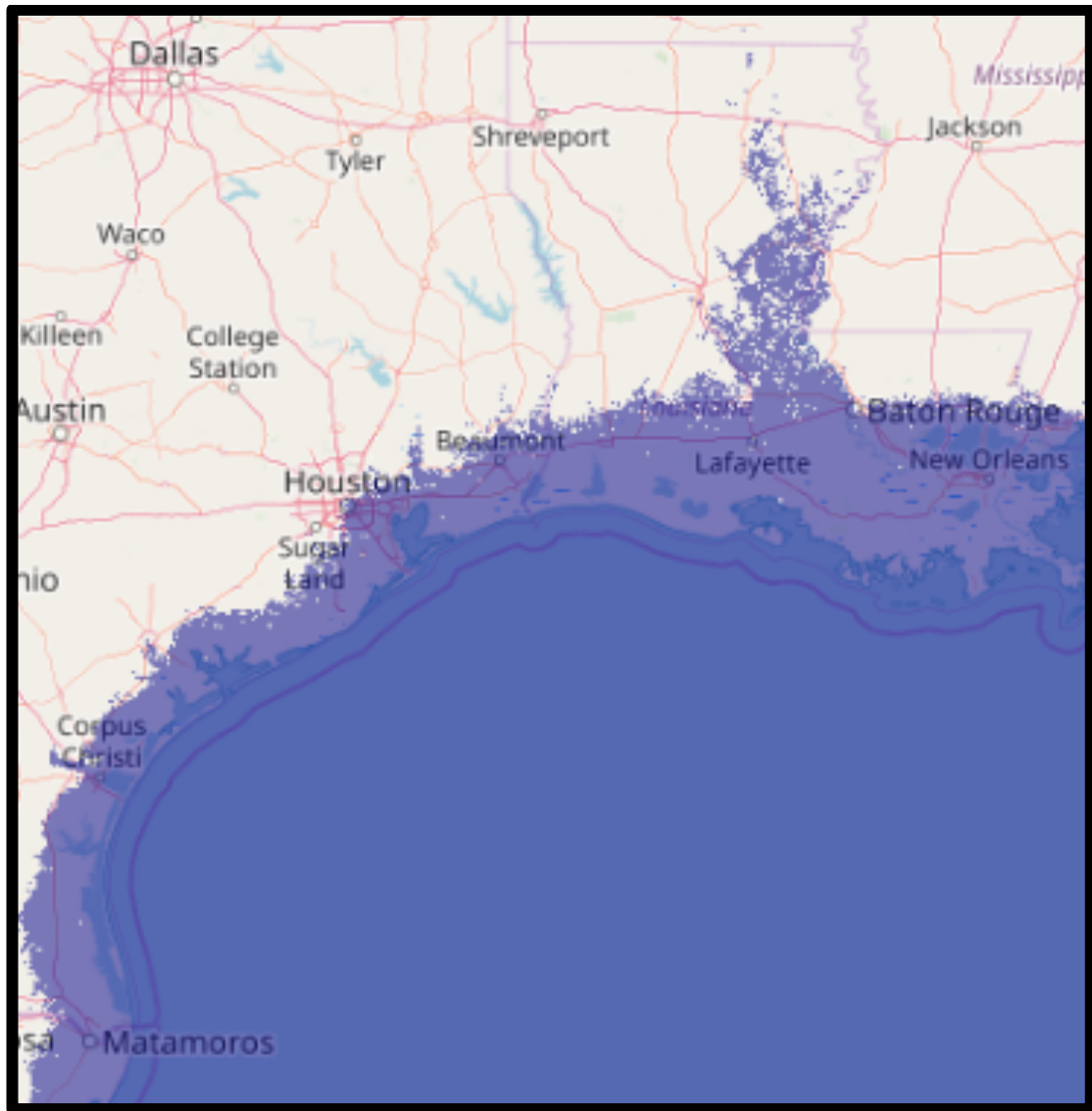
Map 10. Philadelphia & the State of Delaware



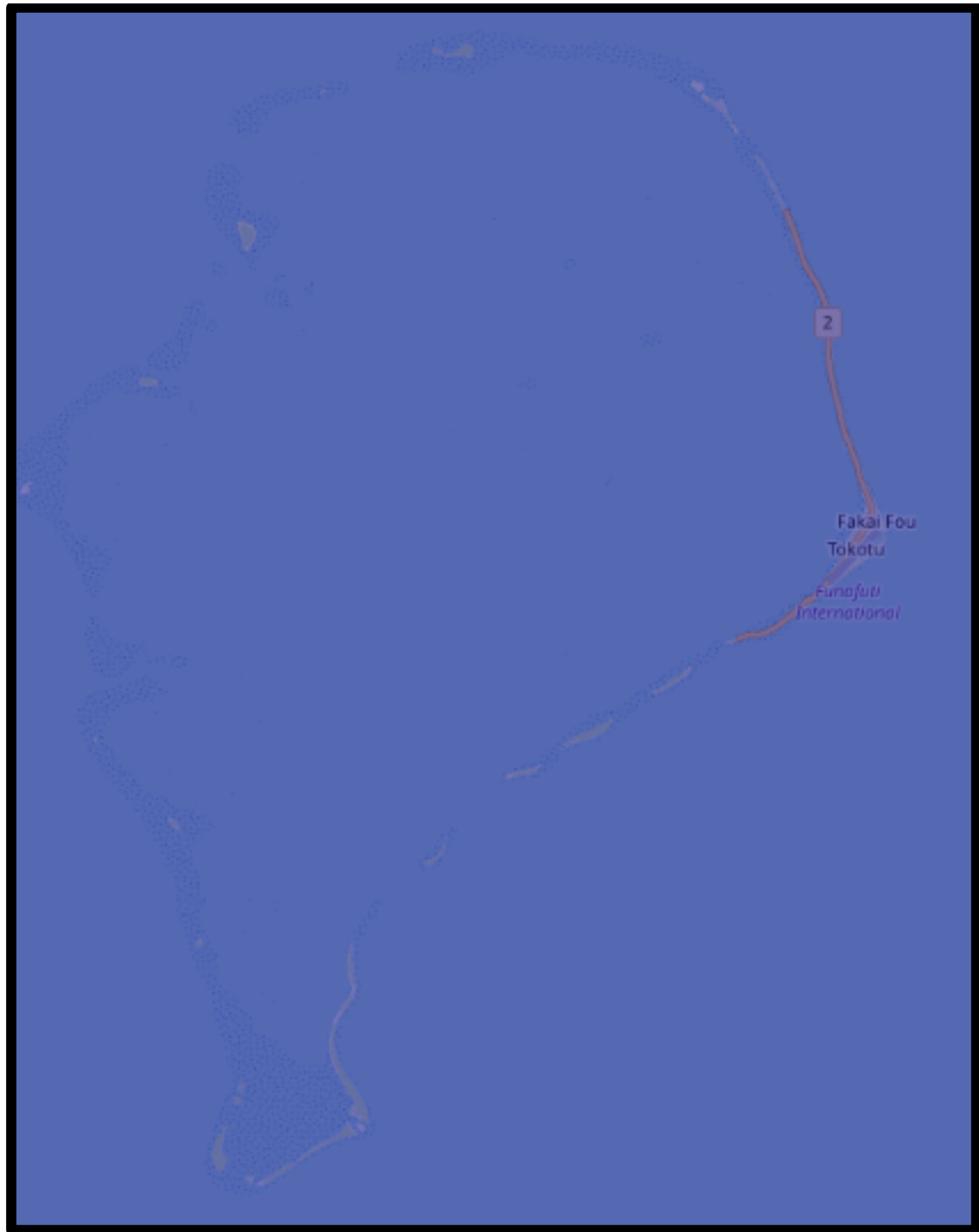
Map 11. San Francisco & Sacramento Valley, California



Map 12. Shanghai and Northeastern China



Map 13. The Texas & Louisiana Gulf Coasts & The City of Matamoros, Mexico



Map 14. Tuvalu