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Climate Change & Global Justice

19 March 2021

Applications of Principles of Contributive and Distributive Justice to the Climate Refugee Crisis

Climate change has and will continue to increase the number of displaced persons around the globe, including both international refugees and internally displaced migrants. Most estimates of the number of climate refugees number in the hundreds of millions (Lustgarten), while more concerning estimates say that up to two billion people could become refugees or migrants by the end of this century (McCarthy). From financial assistance to legal protection, addressing the issue of climate-related displacement introduces many complicated questions about justice and responsibility. The climate refugee problem needs a solution that uses deontological principles to engage parties that have the duty to help as well as consequentialist ethics that closely consider the best outcomes to secure their health, livelihood, and ability to thrive. Managing the logistical considerations of finding safe, dignified living situations for climate refugees and migrants will require extensive planning and funding, so it is critical to decide who will provide what resources to facilitate this process and how those resources will be allocated.

The argument for how we ought to approach the crisis of climate refugees will be put forward in three parts. First, this paper will investigate the differences in how refugees, migrants, and climate refugees are defined. The next two sections will discuss the broader ethical

implications of *who* qualifies for receiving *what* kind of aid and *when*. This will include an analysis of contributive and distributive justice approaches that address who provides funding and resources and who is eligible to receive those items, respectively. The discussion on distributive justice will consider how resources should be allocated. The discussion on contributive justice will investigate who ought to provide resources for aid and who is responsible for implementing solutions. Finally, the ethical principles discussed in relation to contributive and distributive justice will be illustrated with a selected case study: the Maldives.

We must first distinguish the terminology used in discussions about climate migration, namely the difference between refugees, migrants, and displaced persons. For our discussion, we will simplify these definitions and make use of the distinctions set forth by the International Rescue Committee. Displaced persons include those who are internally displaced (migrants) or those who have sought shelter in another country (refugees). This paper will focus more closely on the unique issues of justice related to climate refugees, rather than all displaced persons.

Identifying those who qualify as climate refugees is a nuanced debate that has not yet been settled in international fora. The conventions set by the United Nations High Commissioner for Refugees (UNHCR), which is the international agency most closely associated with protecting refugee rights, do not currently include those displaced by climate into their definition of refugees. In her analysis of the shortcomings of international law regarding climate refugees, Sumudu Atapattu gives examples of organizations and groups, including the Kampala Convention and International Organisation for Migration, that do recognize environmental causes of migration. However, she also acknowledges “there is currently no legal framework governing ‘climate refugees.’” In the absence of an answer from international law, many questions arise about who needs protection.

Deciding who gets protection as a climate refugee is difficult because we must decide whether to include sudden and/or gradual onset disasters, what level of danger must be present, and whether civil conflict indirectly related to climate change should be included. Is it simply people who are affected by “sudden onset” climate-induced natural disasters such as typhoons or hurricanes? Does it also include people whose living conditions are worsening due to climate change, such as those in areas prone to flooding, but who are not in any immediate danger? Should we also extend these protections to people who are displaced by conflicts that arise due to indirect issues regarding climate change, such as people in places experiencing drought-induced famine or places where there are civil conflicts over scarce resources like water? To adequately address the climate refugee crisis, the answer must be “all of the above.”

It is critical for the international community to broaden the definition of “refugee” to include those displaced by climate-related issues. It is increasingly important to do so *now* because the complex international political landscape is blurring the line between climate-induced migration and migration due to political and civil conflicts. Many civil conflicts, including uprising, genocides, and other instances of human rights violations, have causes that are rooted in environmental problems. For example, drought and poor crop yields played a role in Arab Spring uprisings (Lustgarten). In their article “Environmental Scarcity and Violent Conflict: The Case of Rwanda,” Val Percival and Thomas Homer-Dixon argue that the civil war and genocide in Rwanda in the 1990s “appears to be a clear case of environment and population pressures producing social stress, which in turn resulted in violent conflict” (271). We must center and protect vulnerable refugee populations regardless of the complex circumstances that caused them to migrate. Refugees deserve to be treated with justice and respect for their autonomy.

Integrating climate refugees into existing protection triggers the mobilization of resources from UNHCR and Red Cross (among others). Refugees will then fall under the protection and “collective responsibility of the international community” (Atapattu). The protections and resources laid out by refugee law form the basis for the next section of this paper: distributive justice and its role in dictating how the crisis of climate refugees ought to be addressed.

Applications of Distributive Justice for Resource Allocation

Distributive justice models focus on where the necessary resources are going to go. When resources are scarce, their distribution has to balance efficiency, utility, equity, and justice (Bishop). This means considering the economic *and* humanitarian dimensions in cost-benefit analyses. Solutions have to make use of limited funds, while also being distributed fairly amongst those who are in need. While economics gives us the tools to determine cost-effectiveness, it is impossible to incorporate principles of justice into distribution without ethical theory.

One way to navigate the fair distribution of these resources is to look to prioritarian models, such as John Rawl’s theory of justice, which argue that resources should go towards those who are worst off. Determining who is “worst off” is always a subjective battle, but in this context, it shows just how critical it is for the international community to recognize that climate refugees are, in fact, deserving of refugee status. Particularly, they are “worse off” because their futures are insecure, and they don’t have the resources to be able to address the worsening issues they will continue to face. Refugees face disparities in almost every area of social, economic, and political structures: personal financial situations, housing, political representation, legal systems, healthcare delivery, and much more. On top of all of these things, climate refugees who are

already faced with statelessness won't have the benefit of international legal representation without obtaining refugee status. Furthermore, their situation is not only "worse" than most; it is *worsening*. Our moral principles- the principles of justice, autonomy, beneficence, etc.- tell us that climate refugees are not merely eligible but entitled to aid resources.

Critics of prioritarian models may argue that they sometimes favor justice at the cost of efficiency, especially in cases where cost-effectiveness is a key consideration. To ensure the best outcomes and have our approach to climate refugees stay consistent with the focuses of consequentialist ethics, prioritarian models must be adapted to address immediate threats as well as slower-onset problems. Only focusing on the most imminent dangers (i.e. sudden-onset disasters) means we are constantly in a place of having to play "catch up." It also causes us to lose the opportunities we have for mitigation and for taking advantage of economies of scale. Immediate action is an investment we must make in the limited window of time we have for mitigation. For now, being able to use the resources earmarked for all refugees is the best way to achieve immediate action on the scale we need, before we are able to set up the necessary institutions and funding pathways to address climate refugees specifically.

Those who might object to expanding the definition of refugees to include climate refugees may argue that doing so will unnecessarily stress funding and resources, leading to worse outcomes. I argue the opposite- a siloed approach to these issues deprives all of resources, knowledge, and experience that have the ability to improve outcomes. Secondly, bringing attention to limited funding and resources shows how important it is to increase capacity building and lay out strong frameworks for contributive justice as we determine who ought to provide assistance and solutions. The next section of this paper will discuss deontological arguments for

the importance of engaging more contributors in the effort to generate more funding and resources.

Applications of Contributive Justice

Climate, whether through natural disasters or fueling civil conflict, has been proven to ultimately lead to refugee status. Understanding responsibility and power dynamics is the crux of contributive justice models, or models that seek to determine who is responsible for implementing solutions. Deontological ethics provides us with several of these models, two of which will be discussed here.

Some contributive justice models fall under corrective justice, which places the burden of payment upon the entities that are most responsible for causing an issue. A corrective justice model outlined in Roser and Seidel's *Climate Justice: An Introduction* is the "polluter pays" principle. One interpretation of this model states that "costs for adapting to climate change and for compensating climate damage are distributed among those primarily responsible for climate change in proportion to their past emissions" (127). In other words, those who historically polluted the most should also be responsible for providing the most funding to rectify the consequences of their past actions. Although causal responsibility is appealing, there are several controversies surrounding this model, including issues of intergenerational responsibility, intent to cause damage, and disparities within countries related to wealth, security, political representation, and wellness. In the context of the climate refugee crisis, it is difficult to invoke this principle because the circumstances that cause environmental conflicts are so complex, as discussed previously in relation to climate's role in civil conflict. When a concrete answer for who is responsible isn't available, getting caught in a tangled web of causes distracts

stakeholders from the time-sensitive issues that need solving and destroys the goodwill that is necessary for addressing collective action problems.

Since the “polluter pays” principle is not a good fit for the climate refugee crisis, we can also consider Roser and Seidel’s “ability to pay” principle. The “ability to pay” principle is based upon present-day financial capacities, rather than historical emissions or benefits. It leverages the benefits conferred by being in positions of privilege to argue that those with privilege are obligated to help those without (140). Thus, it aligns with the arguments presented by deontological ethicists. However, another complication of the climate refugee crisis is that funding is not the only resource that is needed to build capacity to handle the increase in refugees. The countries that are most able to pay may not have the space, infrastructure, or proximity to be able to host migrants. Plus, the neighboring countries which most often serve as host countries for refugees do not always have the resources- infrastructure, economic capacity, housing, etc.- to handle the expected influx of climate migrants. Policy expert John Podesta suggests “medium-term investments” in “irrigation infrastructure, providing food supplies, fostering regional water cooperation, and supporting livelihood security.”

I suggest an adaptation to the “ability to pay” principle- the “ability to provide.” In this model, countries have the choice to host climate refugees or provide funding for the crisis. Consider three countries. Country A is the nation of origin for many climate refugees. Country B is a neighboring country that has the space and proximity to host refugees from Country A, but not the financial capability. Country C is a small but wealthy nation that has the funding but not capacity to host refugees. If Country C provides money to Country B in the form of development assistance, then Country B will better be able to host refugees. They also receive the benefit of funding to build better infrastructure and provide a better quality of life to their own people and

the refugees they host. In this way, Country B is incentivized to welcome refugees, while Country C is motivated to circumvent the complications of having an insufficient capacity to deal with large numbers of climate refugees.

The “ability to provide” principle also addresses motivations for all stakeholders, instead of framing contributive justice as a punishment. Refugees benefit from shelter, expertise, and finances to purchase commodities and rebuild their lives. They also have an easier time traveling and adjusting to their host country, which due to its proximity, most likely has cultural similarities, including language and climate. The host countries better the lives of their own people as well as refugees when they receive money to develop housing, transportation, water and sanitation, and job markets. This is of interest to the countries that currently host the highest numbers of refugees, such as Uganda and Turkey. Donor countries get to experience the benefits of engaging in international development, such as saving lives, improving international security, establishing better trade relationships, and collecting on investments. Thus, the “ability to provide” model views gathering resources as more than just a transfer of funds, but a mutually beneficial relationship between multiple parties. The dynamics between stakeholders are discussed more closely in the next section, which presents some practical considerations for climate refugees using a case study of the Maldives.

Case Study: Practical Applications of Distributive and Contributive Justice in the Maldives

The Maldives is the lowest-lying nation in the world, which means that their existence is under threat due to rising sea levels. Two of the current issues are the scarcity of drinking water due in part to changing weather patterns and flooding due to rising sea levels. The Maldivian government and United Nations Development Programme (UNDP) are currently working on

projects related to flooding and lack of clean drinking water (“Waters of Paradise - Adapting to Climate Change in the Maldives”). To address the lack of clean drinking water, they are building desalination plants, increasing the safety of existing rainwater collection systems, and distributing bottled water when necessary. To address flooding, they are circulating mobile pumps and erecting sand barriers.

UNDP funding comes from UN member states; wealthier member states typically provide more funding, but their contributions to the solutions are not dictated by their contributions to the problem. This means that current funding follows the “ability to pay” model. However, donation amounts are not standardized, international development is perpetually underfunded, and this model doesn’t address contributive justice. In the future, we need to frame the situation in the Maldives as a collective action problem with non-negotiable responsibility (as in the case for international refugee protection, according to the United Nations).

Distributive justice issues arise when we consider which funds should go to what projects in the Maldives. Climate mitigation strategies, such as those outlined above, come from development assistance funding. However, managed retreat is a very real possibility; in fact, the President of the Maldives has considered buying real estate to relocate his people (Nash). Should some of the resources that are being put towards mitigation strategies be put toward relocation instead?

Managed retreat should be seen as a last resort because it undermines the significance of land, culture, history, and political self-determination. To ensure that managed retreat strategies are consistent with respect for the autonomy of the Maldivian people, it might prove helpful to address relocation with resources intended for refugees. If relocation is necessary, it will prove

beneficial to have already begun to collaborate with institutions and organizations familiar with refugee issues. In this way, sufficient attention is still given to mitigation, while the nuances of managed retreat (including power dynamics, logistics, and capacity-building) are handled by institutions with experience addressing displacement. This is why it is so critical for the survival of not just Maldives, but the hundreds of millions of climate migrants, to create a framework for contributive and distributive justice that provides solutions for financing and hosting climate refugees.

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