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CLIMATE JUSTICE

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Climate justice is a framework which is used for viewing global warming as an ethical issue and considering how climate change causes and impacts relate to concepts of justice, especially environmental justice and social justice. All debates on climate change in one or other way are related to the issue of justice. Justice concerns are at the core of debates on mitigation (who cuts?), adaptation (who pays?) and governance (who decides?). Climate justice refers to the fundamental asymmetry that those who have contributed least to global warming are the ones who will be affected significantly by the impacts of climate change. Taking into account importance of studying climate justice, this paper is devoted to analyzing different approaches to climate justice.

Keywords: climate change, justice, climate justice, policy

limate justice is a framework which is used for viewing global warming as an ethical issue and considering how climate change causes and impacts relate to concepts of justice, especially environmental justice and social justice. Climate justice has grown in public discussions and grassroots campaigning over the past decade, where civil society environmental NGOs organizations and have increasingly emphasized the connection between human rights, patterns of development and climate change. It means studying climate change in relation with such issues as human rights, equality, historical responsibility (Kofi Annan, 2009).

Climate justice takes roots in environmental justice. According to Environmental Justice Movement,

Climate Justice is a vision to dissolve and alleviate the unequal burdens created by climate change. As a form of environmental justice, climate justice is the fair treatment of all people and freedom from discrimination with the creation of policies and projects that address climate change and the systems that create climate change and perpetuate discrimination.

(Climate Institute, 'Climate Justice Movements': http://www.climate.org/climatelab/Climate_Justice_M ovements)

According to Mary Robinson Foundation, climate justice is a human-centered approach linking human rights and development. It protects the rights of the most vulnerable and aims at sharing the burdens and benefits of climate change and its resolution equitably and fairly.

(http://www.mrfcj.org/pdf/Principles-of-Climate-Justice.pdf)

The term «climate justice» is also used in relation with legal system, where justice is achieved through application of law in the sphere of climate change.

Central issue in climate justice is recognizing and addressing the fact that those least responsible for climate change experience its greatest impacts (Huntjens and Zhang, 2016). Climate justice discussions are often focused on the distributional effects of climate change: climate impacts disproportionately burden the poorest and most vulnerable.

Climate change and justice: multi-dimensional challenges

Climate justice refers to the fundamental asymmetry that those who have contributed least to global warming are the ones who will be affected significantly by the impacts of climate change (Cameron et al., 2013). The population of less developed countries is significantly vulnerable to the effects of climate change, while their contribution to the global warming is negligible when compared to the developed countries. However, the real divide is not only between developed and developing world, but also between rich and poor people, wherever they live.

All debates on climate change in one or other way are related to the issue of justice. Justice concerns are at the core of debates on mitigation (who cuts?), adaptation (who pays?) and governance (who decides?). Equity and fairness are important categories in climate justice. These concepts relate to both the processes through which decisions about how to address climate change are made (i.e. procedural justice), and the ways in which the costs of mitigation and adaptation are distributed (i.e. distributive justice) (Huntjens and Zhang, 2016). To address historical asymmetry, the concept of «common but differentiated responsibilities» was codified in the UNFCCC. However, perceptions of justice (injustice) continue to dominate and often block climate negotiations. The reason for this situation is that there is no universally accepted definition of justice in general, and especially, climate justice.

Climate justice is a concept that has different meanings, depending on one's point of view. Reder (2013) writes:

Justice can be used to validate completely opposing strategies, sometimes to simply defend vested interests or rights. Therefore the challenge for an ethical debate is to relate justice not only to single aspects but to view it from an overall, comprehensive perspective. (...) The concept of justice should be universal, so that it is comprehensible and generally acceptable to all parties, regardless of whether they live in industrial or developing countries.

The question «who suffers mostly from climate change effects?» gets different answers, depending on who answers. According to state-centered approach, there is a historical responsibility for the GHG emissions, thus responsibility for mitigation is on the developed countries. According to inter-generational approach, it is current generation's responsibility to

preserve the planet and its resources for future generations. According to social justice approach, it is the responsibility of affluent people towards those who is poor, vulnerable, less capable of adapting to climate change adverse effects. The oil and gas producing countries also complain: transition to renewable energies will mean loss of revenues of these countries, which may cause poverty. These countries want to be compensated for their loss.

A Cosmopolitan Approach to Climate Justice

According to Beck (2017), a cosmopolitan approach suggests «...erosion of distinct boundaries dividing markets, states, civilizations, cultures, and not least of all the lifeworlds of different peoples». Paul Harris et al. (2010, 2013) and other scholars argue that efforts to operationalize climate justice will require perspectives that go beyond the traditional state-centric approach to international relations. The limitations of a state-centric approach are probably well illustrated by the example of China. Adopting a statist position on climate change, China has emphasized its sovereign right to economic development and China's low historical emissions (Harris et al., 2013). In 2010, Yu Qingtai, China's Special Representative Climate for Negotiations, noted: "China cannot commit to doing more than its historical responsibility requires and, during negotiations, it must put its own national interests first" (Chinadialogue, 2010). Definitely, we have to recognize fairness of the stance taken by China. But, on the other hand, taking into account current emissions, the world cannot address climate change effectively without active action from China. Currently, there are growing GHG emissions from China and other developing countries.

According to the cosmopolitan approach, the private affluence is an underlying cause of environmental degradation (Hurth and Wells, 2007) and it is a source of investments, required for tackling climate change. Therefore, it is necessary to regulate and tax carbonintensive lifestyles (Harris et al., 2013), unless there are significant technological breakthroughs.

Harris (2013) argues that the costs of adaptation to climate change should be distributed now between countries, but between the world's wealthy and the poor.

In this logic, the state takes a role of «intermediary», which would intermediate the flow of funds from the rich to the poor and vulnerable across borders. But how, in this cosmopolitan perspective, financial flows from the affluent to the poor and marginalized would ensure «robust mitigation effort»? How these policies will be implemented in practice? Taking into account political sensitivity of taxation, direct transfer of the wealth abroad looks extremely unlikely to happen, at least at present. Probably, it can work in a perfect world. But for the contemporary world, perhaps an imperfect, but feasible, agreement would in fact reduce the negative impacts of climate change.

A rights-based approach to climate change

Fifth Assessment Report of the IPCC confirmed that climate change is real and poses a huge threat to lives and well-being of human beings and ecosystems across the world (IPCC, 2014). Climate change will have a significant effect on the enjoyment of human rights millions and millions of people. Climate change is already making contributions into food insecurity, droughts, floods, wildfires, ecosystem destruction across the entire planet (Oxfam, 2015). Reports of the UNFCCC, UNDP, Human Rights Council, academic publications confirm that climate change impacts heavily burden poor and vulnerable parts of society. Moreover, some parts of the world are hit more harshly than other. Coastal regions and low lying regions tend to be more exposed to extreme weather events. Warming is causing enormous changes in the Arctic ecosystems which support livelihoods of many indigenous communities. Poor people in developing countries tend to be less capable to mitigating or adapting to climate change (e.g. they don't have resources to adopt new irrigation methods, introduce disease resistant crops, etc.). In this situation, burdens of climate change effects, mitigation and adaptation costs should be shared more equitably.

The adoption of a human rights-based approach to climate justice implies that the human rights of individuals and groups affected by climate change should be taken into account fully. This approach aims to ensure prime consideration of the human rights among the wide array of social, economic, political priorities faced by governments and international community (Huntjens and Zhang, 2016). For example, conservation policies should not be carried out in the ways that put limitations on everybody's right to safe food and water. Another example, measures to control water flows and prevent floods should not be enacted in the ways that displace indigenous people as well as other people from their traditional homeland on which they depend for livelihood (Victoria Tauli-Corpus & Aggaluk Lynge, 2008). Generally, all climate change policy actions on national and international levels should ensure the maximum promotion and protection of the human rights of all on non-discriminatory basis. Therefore, it is necessary to identify whose human rights are affected, when, where and how. It is essential to governments, determine legal obligations of corporations, and other entities to respect human rights when it comes to climate justice issues (UNEP, 2015).

This implies that policy setting and implementation at all levels should be guided by the basic human rights standards set out in the Universal Declaration of Human Rights, in the multilateral UN human rights treaties, such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the ILO Convention No. 169 concerning Indigenous and Tribal Peoples. Declarations and resolutions, such as the Vienna Declaration and Programme of Action, the Declaration on the Right to Development, the 2030 Agenda for Sustainable Development, the UN Common Understanding of a Human Rights-Based Approach to Development Cooperation, and other resolutions at regional and national level, offer comprehensive guidance on how to develop climate change policy in an equitable and fair manner.

The interdependence and interrelatedness of all human rights, the principles of democratic accountability, non-discrimination and equality, rule of law and political inclusiveness remain basic and uncontroversial standards. However, actual implementation of all these interconnected principles can be sometimes challenging. For example, water flow regulation is bound to advantage some communities over others: downstream communities can be impacted negatively (FAO, 2011).

The principles of the rule of law, participation, inclusion and access to information require that law and policy processes, debates be done according to the law and legal principles. In this context, all affected communities, vulnerable groups must be thoroughly consulted on the decisions which are likely to affect them. According to these principles, those who are unavoidably disadvantaged from climate policy decisions should be adequately compensated for their loss, and the disadvantage itself should be minimized. These principles also require that everybody has recourse to challenge law and policy on climate related issues so that injustices can be fairly addressed (Silina, 2015).

For policy making be more equitable and fair, all affected people, especially vulnerable groups, should be fully empowered to associate, organize and present their opinions on decisions to be made. Climate justice can be achieved if the human rights of everybody affected by climate change in any way are fully respected.

Climate change and migration

Before discussing the issues of climate migration, it is important to consider definitions of refugees, migrants and internally displaced persons. According to the 1951 Refugee Convention refugee is a person who «owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country»(Refugee Convention, 1951). As for the definition of migrants, the International Organization for Migration (IOM) defines them as people who move across borders voluntarily to improve the prospects for themselves or their family (IOM webpage). . It should be noted that the nature of «voluntary» is questionable since most migration decisions fall somewhere between forced and voluntary migration. For movements within national boundaries, the definition of internally displaced persons is given in the Guiding Principles on Internal Displacement. It states that internally displaced persons are «persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border» (Guiding Principles on Internal Displacement). In this

paper, the term climate migration refers to movements of people that take place directly or indirectly as a result of the impacts of climate change. Climate migration can be internal or international, voluntary or forced.

Ice melting in the Arctic region, floods in Bangladesh, droughts in Syria demonstrate how climate change and migration are related. From the mid 1980s Arctic peoples began to report that the climate was changing and it was affecting their livelihoods. In some places of the Arctic, for example, in Alaska, indigenous communities are looking for new places to relocate since they cannot survive anymore in their current settlements because of adverse effects of climate change. Some communities have tried to move their infrastructure to higher grounds, while other communities need to relocate their entire communities.

In Syria, severe droughts and the heaviest crop failure has resulted in at least two million people living in extreme poverty, farmers relocating to cities. The protests against the Syrian government evolved into the civil war, which has had far-reaching consequences, including the worst refugee crisis since the World War II

In Bangladesh, climate change has the potential to displace about 20 million people both internally and internationally. In this country, majority of population live close to sea level. Climate change causes frequent natural disasters such as floods, hurricanes, cyclones, etc. These extreme weather events threaten the livelihoods of people and push them to migrate to other places (YaleEnvironment360, 2010).

Rapid onset events (e.g. storms, floods, hurricanes) impact migration directly. These natural disasters cause forced migration, especially internal displacement. As the effects of climate change intensify, displacement rates will accelerate in the coming future. Over the last thirty years, the number of storms, floods and other extreme weather events has increased threefold, and the effects on vulnerable groups have been devastating. Since 2008, about twenty seven people have been displaced annually because of natural disasters (IDMC, 2014).

Slow onset events include such natural phenomena as water scarcity, desertification, coastal erosion, etc. These events also put pressure on vulnerable groups such as indigenous people, women, children, elderly, and disabled. These groups of people may be more dependent on healthy environment and natural resources for their survival. At the same time, these groups may have inadequate access to coping mechanisms (e.g. mobility, land ownership, emergency funds) in the place of their living. As a result, they choose migration as an adaptation strategy.

The most relevant human rights in the context of climate migration are economic, social, cultural rights (rights to health and healthy environment, to establish family, to housing, to access to food and water, to education and professional development). Inadequate proficiency in host area's language, lack of citizen status implies that many climate refugees do not have access to basic services, cannot participate in decision-making

processes, and are deprived of many rights. As for internally displaced persons, the realities are not so harsh, but still they are moved to unfamiliar areas, where they may not be able fully exercise their skills. Uprooted people (refugees or internally displaced persons) face the loss of their traditions, ancestral, religious, or heritage sites when they have to adjust and survive in new places. Additionally, for host communities, relocation of

significant migrant groups into their communities may upset established communities and lead to social tension and even conflicts.

In the international system, there is no legally binding international agreement for climate change induced migration although there is a UN Human Rights Council Special Rapporteur on the human rights of internally displaced persons. International law does not grant refugee status climate migrants, because these movements are not the results of political persecution. For internal displacement due to climate change, there is also no clear provision. For example, in many cases around the world farmers move to cities because regular droughts and crop failures or conflicting land claims. At the moment, these kinds of migration are subject to domestic laws and in fact should be governed by freedom of movement and settlement. If the livelihood habitat destroyed by climate change, then people move permanently to new places. The Guiding Principles on Internal Displacement provides a normative framework for national authorities to protect internally displaced persons in the context of human rights violations, conflict, natural disasters and development projects and at least in theory can cover internal displacements due to climate change impacts (Huntjens and Zhang, 2016).

Both rapid and slow onset events can cause people to move to other places. The links between climate change and migration is not straightforward. Climaterelated factors of migration are difficult to isolate from other factors such as conflicts, governance and development. Therefore, it is important to consider the broader context of migration. UNFCCC has recognized the importance of dealing with climate migration. Cancun Adaptation Framework noted that Parties should take «measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at national, regional and international levels». (Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention, in Report of the Conference of the Parties on its sixteenth session, Addendum, Part Two: Action taken by the Conference of the Parties, FCCC/CP/2010/7/Add.1, 15 Mar 2011 (Cancun Adaptation Framework) para 14(f)).

Many people impacted by environmental events will remain in their countries, but their states may lack willingness or capacity to provide assistance. Those environmental migrants who cross international borders have usually got even less protection. Strengthening protection for climate migrants must include: clarifying normative and organizational frameworks; elaborating comprehensive national protection policies; developing effective ways for dealing with states that fail to protect their citizens (Bradley, Cohen, 2013). The fact is that the UN still does not recognize climate change as a ground for asylum. However, it is very important that high-level policy-makers adopt at least some options to protect people who have moved due to climate impacts.

Conclusion

To mitigate climate change, it is essential to tax and regulate high-carbon lifestyles of the world's most affluent people. From a cosmopolitan perspective, the global costs of adaptation to climate change should be shared between world's wealthy and the poor. According to this logic, the funds should flow from the capable (i.e. affluent people) to the vulnerable (i.e. poor).

According to human-based approach, every state is obliged to respect and protect human rights of its citizens. Furthermore, the states have to ensure that climate actions do not result in human rights violations.

Most people impacted by environmental disasters will remain in their own countries, entitled to the protections set out in the Guiding Principles on Internal Displacement. However, there is a need for more clarity regarding the status and protection requirements for people displaced by environmental disasters. Normative and organizational frameworks should clarified, comprehensive national protection policies should be elaborated, more effective ways for dealing with states that fail to protect their citizens should be developed.

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Климатическая справедливость

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Климатическая справедливость — это концепция, которая используется для рассмотрения глобального потепления как этической проблемы и рассмотрения того, как причины и воздействия изменения климата соотносятся с концепциями справедливости, особенно экологической справедливости И социальной справедливости. Все дискуссии об изменении климата так или иначе связаны с проблемой справедливости. Проблемы справедливости лежат в основе дебатов по смягчению последствий (кто сокращает выбросы?), адаптации (кто платит?) и управлению (кто принимает решения?). Климатическая справедливость связана с фундаментальной асимметрией, заключающейся в том, что те, кто меньше всего способствовал глобальному потеплению, - это те, кто в значительной степени страдает от последствий изменения климата. Принимая во внимание важность изучения климатической справедливости, данная статья посвящена анализу различных полхолов к климатической справедливости.

Ключевые слова: климатические изменения, справедливость, климатическая справедливость, политик