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## **Climate Justice, Beyond Moral Underpinnings: Interests, Security and Rights**

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## **Abstract**

Climate Justice, Beyond Moral Underpinnings: Interests, Security and Rights  
Shweta Karki Abstract Climate justice while highlighting the disproportionate impacts of climate change, brings to the fore oftentimes contesting perceptions on structures of responsibility, growing insecurity and the cost of equitable allocation of resources. A normative structuring of the concept builds towards a more ethical consideration, tying together principles of human rights and the moral obligation of certain actors when addressing the impact of the evolving crisis on vulnerable people and communities. This issue brief while acknowledging the rationale behind such arguments factors in the complex space of global interest navigation, political posturing and the varying threat perceptions when ascertaining the broader implications of the subject. Describing the intersections between human rights, insecurity and climate, the paper notes the necessity of adopting a more comprehensive outlook on the topic, especially when regarding trends surrounding non-traditional security challenges and other pertinent issues like that of climate finance.



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## Introduction

Quoting the words of Archbishop Desmond Tutu, who had referred to climate justice as a “narrative of hope,” the former High Commissioner for Human Rights, Mary Robinson relegated the idea as an amalgamation of the “standards of human rights with issues of sustainable development and responsibility for climate change.”<sup>i</sup> The switch from environmental justice to climate justice was marked within acknowledgments of the inequalities both in political decision-making and the unequal impacts of climate change in the early 2000’s.<sup>ii</sup> It recognized the emerging and evolving nexus between security, human rights, climate and global politics.

The attempt to stylize the issue of climate change within the garb of human rights and development has been a long process that required a concerted effort from states that classified the issue in terms of historical injustices as well as a crisis that required immediate addressal. SIDS or the small island developing states, alongside indigenous communities and activists,<sup>iii</sup> have been pivotal in placing climate justice centerstage within global negotiations through integrated efforts highlighting vulnerabilities and limited capacities when talking about mitigation and adaptation. Put into the scope of differentiated responsibilities and also the broader notion of climate finance, there has been deliberation on how climate induced impacts require a more focused approach. Yet, the issue of climate stands to be more political and furthermore, skewed into certain styles of development rhetoric, particularly when securing vital resources. It seldom brings into perspective the insecurities and developmental challenges that are associated with climate stressors that compounds existing conflicts and risks in certain cases. There are many interest groups within the space, and in some regards, the aspect of security still largely remains seen from a state-centric lens on negotiating tables and observed particularly when the Global North and Global South debate was incorporated within contemplations.

As the Conference of Parties (COP 29) concluded last year was held amidst clear contentions and tumultuous negotiations,<sup>iv</sup> seeing a slight increase of commitments on the targets labelled under climate finance. Post a decade, since the Paris Agreement, a new President in Washington igniting old anxieties, and the impact of the dominant interests of a few states on negotiations, there have been many milestones and gaps that have defined the time period as states navigate the complex notions of morality and justice. This paper looks into how elements of security and justice are defined by interests more so than by ethical ideations – how politics arches over the climate issue even with recognized inequalities and vulnerabilities.



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There are twofold considerations that emerge out of such reflections. One being that normative discourses are gaining purchase in terms of narrative structuring and interest building, which is significant since various regional and global judicial bodies have assumed a more active role in climate litigation. This comes through because of efforts mostly from the vulnerable states and communities. On the other hand, as some states in the system adopt a more pragmatic approach, based on selective understanding and addressal of risk distribution, the notions of rights and justice give way to the geopolitics of climate. Having ascertained that diverse interests guide the climate debate and before moving towards these factors; the subject of morality, here, merits a brief contemplation.

### **The Tendrils of Insecurity: Diverse Interests**

2024 stood as the fourth consecutive hottest year on record, with extreme water-related events<sup>v</sup> across continents – raising concerns on long-standing anxieties surrounding water, damages and critical issue of resource constraints. It was also last year that the global mean surface air temperature exceeded 1.5°C measuring over the pre-industrial levels,<sup>vi</sup> impacted also by the El-Niño phenomenon, while the long-term average remained below the threshold. It has long been debated, however, that even the prescribed lower threshold could prove to be too warm for highly sensitive mountain ecosystems, and consequently be disastrous for the dependent biodiversity and mountain communities.<sup>vii</sup> There are vulnerable states, communities, individuals and biodiversity that have been only recently brought somewhat to the center of the discourse. Scientists have also cautioned that rising sea levels could prove far more devastating than institutional projections.

A group of researchers from Nanyang Technological University, Singapore and Delft University of Technology, The Netherlands, claimed that the should current levels of global CO<sub>2</sub> emissions persist, the global sea levels could “very likely” see a rise between 0.5-1.90m (with a probability of 90 percent) by 2100.<sup>viii</sup> To put the figure into perspective, a 1.0m rise can drown many coastline developments, and sea level rise also gives way to territorial predicaments.<sup>ix</sup> The *State of the Cryosphere Report 2024*, has further claimed that the scenario to be “long-term inevitable,” by as early as 2070, with current emissions.<sup>x</sup> There exists an argument that the climate question produces deep-seated uncertainties stemming from the unknown dimensions of risk when contemplating losses.<sup>xi</sup>

As an example, there have been projections that have alluded to the possibilities of mass migration and displacement that could be climate-induced with 1.2 billion “climate refugees” by 2050<sup>xii</sup> – which would be a matter of great concern since the term itself [is not](#)



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recognized under international refugee law. This had previously led the Pacific Island nation of Kiribati to advocate the thought of “migration with dignity,”<sup>xiii</sup> in 2008. SIDS have long since been critical of the limited progress in climate summits, especially when considering the rising sea levels and water shortage issues.

Even with such critiques, it is uncommon that security narratives inculcate an approach inherently supposing climate as a high-risk factor, bringing it into national as well as regional security concerns. The idea that climate stressors are also inextricably associated with global and social inequalities adds to considerations in two major understandings:<sup>xiv</sup> i) The fact that the scale of contributions to emissions are also understood in terms of historical inequalities<sup>xv</sup> from the industrial revolution, and later on with the distribution of global resource, consumption patterns and wealth distribution that brings with it relative scales of capabilities and capacities<sup>xvi</sup>; and ii) the assumption that social disparities could further be exacerbated along existing lines of tensions, as seen in conflict-ridden states like Afghanistan tying in aspects of conflict, disaster and water.<sup>xvii</sup> As per the UNDP, there are many factors and aspects of such reflections, including structural, socio-economic and intergenerational inequalities that develop at the threshold of such intersections.<sup>xviii</sup>

Therefore, there are interdependent concerns when it comes to climate security. Climate change will compound existing risks in areas and communities that are already facing an indiscriminate scale of challenges and the other interdependent. These risks could very well spill into regional security concerns, especially when they are comprehended in terms of resource scarcity<sup>xix</sup> and increased intensity<sup>xx</sup> of weather-related events, that create many intersections within the climate-conflict paradigm. Consequently, there are clear and visible marks of insecurities, along with the issues lining the weight that some nations and vulnerable communities lack when advancing towards decisive actions. This brings to fore the lack of collective intentions guiding climate policy when required, where fairness is measured in individual terms instead of the collective.

### **Brief Look: Morality Discourse in the Climate Debate**

It becomes important here to ascertain that morality while a given aspect when theorizing and defining the contours of climate, does not particularly yield the rational interests of states. Stephen M. Gardner promoted the idea of climate change as “a perfect moral storm,” further summing it as: a global, intergenerational and theoretical storm. The inference being drawn here that as a global phenomenon, the climate crisis shapes up only



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as uncertainty rises about the scope of responsibilities and skewed vulnerabilities.<sup>xxi</sup> This is also summed up in the tragedy of commons scenario in the juxtaposition of the collective and individual rationalities. Also, the notion that rights-based theories may ascertain morality in the debate tends to remain problematic. Gardner noted as his “thesis” that,

“The peculiar features of the climate change problem pose substantial obstacles to our ability to make the hard choices necessary to address it. Climate change is a perfect moral storm. One consequence of this is that, even if the difficult ethical questions could be answered, we might still find it difficult to act. For the storm makes us extremely vulnerable to moral corruption.”<sup>xxii</sup>

Climate justice is a notion that seeks to “balance the capabilities, rights, and responsibilities of individuals and organizations in coping with climate change and its consequences.”<sup>xxiii</sup> When bound in a moral conundrum, the subject seeks an ethical position that does not particularly invite the interest of states. An ethical lens encourages and expects fitting dimensions and behavior when considering the crisis. It was Gardner who also argued strongly for climate ethics, while advising caution for the possibility of “moral corruption,” whereby unreasonable doubt and manipulating attention to specific and selective sets of issues lay the groundwork for weaker accords that deceptively appear as great undertakings.<sup>xxiv</sup> Schmidt further expounded on this when iterating the stark difference in position between the Maldives and Chinese position when in 2009 the 2-degree limit was being discussed. Maldives had categorically criticized the decision terming it detrimental for coastal and low-lying areas, whereas the latter heralded the decision as a positive outcome citing sovereignty and national interest.<sup>xxv</sup>

The sections of morality that exists is reflected in the arguments provided within normative analysis, not particularly in state-sponsored policy advocacy – not unless it is inculcated in governmental threat perceptions. The issue of climate justice also becomes political then, beyond morality, as the issue of collective responsibility would also bear on political responsibility and political action as pointed out by Sardo that, even when looking ideas like just transformation would demand “not only decarbonization but also empowering communities and workers at every point in the extraction, manufacture, distribution, and deployment of low- and zero emissions technology.”<sup>xxvi</sup> Which would in turn require a motivated political discourse based on the interests of prominent state actors. However, it is also of interest to look into the litigation aspect of the justice discourse, where it may seem that a normative approach may be gaining some traction.



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## Accountability and the Loose Bindings of Justice

Legal proceedings, following a UN General Assembly request in March 2023, was commenced by the International Court of Justice (ICJ) addressing the issue of state obligations incorporating several sources of international law (IL), including customary international law, human rights and the law of the sea or UNCLOS.<sup>xxvii</sup> Given the platform in Hague, in December 2024, states and notably the International Union for Conservation of Nature (IUCN) addressed the notion of obligations within framework of a binding responsibility during the *ICJ Hearings on the Obligations of States in Respect of Climate Change*.<sup>xxviii</sup>

Countries like Nepal in the Hague proceedings underscored climate justice as a vital undertaking for the globe as a whole. This was followed by a two-week advisory proceedings at Hague which was spearheaded by Vanuatu and the Melanesians, an indigenous grouping resting on some major anxieties, including – i) the institutional role and responsibility of the United Nations Framework Convention on Climate Change (or the UNFCCC), ii) the effectiveness of the Paris Agreement, and iii) the legal consequences of any obligations, as well as “duty of due diligence to prevent harm to the environment”.<sup>xxix</sup> It has been noted through the released statements made by states that there have been contrasting viewpoints,<sup>xxx</sup> where topmost polluters and other states produced arguments on the nature of support and obligations of states when mitigating climate-induced impacts. The Centre for Environmental Law when summing up the proceedings stated that, “major polluters attempt to undermine its application, erecting legal barriers to shield themselves from accountability for climate harm. This deliberate assault on State responsibility, particularly reparations, is both legally untenable and morally indefensible.”<sup>xxxi</sup>

The International Tribunal for the Law of the Sea (or ITLOS) had prior to this released an advisory opinion on May 2024 reflecting on nature of such obligations.<sup>xxxii</sup> ITLOS as a judicial body was created by the United Nations Convention on the Law of the Sea (UNCLOS), and as such while issued the advisory opinion post request from small island nations, whereby the document stands as the first of its kind to be promoted by a global judicial body.<sup>xxxiii</sup> But while the document creates structures... This opinion was published after the European Court of Human Rights on April 2024 passed a landmark judgement in *Verein Klimaseniorinnen Schweiz and Others v. Switzerland* that claimed that states carry a “positive obligation”<sup>xxxiv</sup> when mitigating the climate crisis labelling it a threat to human rights, referring to Articles 2 and 8 of the European Convention on Human Rights.<sup>xxxv</sup>



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Interesting developments have also occurred in terms of the doubling of litigation cases within several judicial bodies with arguments positioned on climate justice, going from 884 in 2017 to 2,190 in the span of 5 years, as reported by the United Nations Environment Programme.<sup>xxxvi</sup> Therefore, proceedings like the one in Hague gives courts an understanding of how to understand and advance with climate litigation. The “polluter pays” idea has also risen in prominence with litigation cases against companies and a reported 40 percent cases in 2023<sup>xxxvii</sup>. As such, climate litigation has seen three waves:<sup>xxxviii</sup> prior to 2007, governments were held accountable for raising environmental standards, from 2007-2020 where governments were urged to highlight policy, corporation also “tortious cases”<sup>xxxix</sup> against them and finally after 2015, instances of litigation grew with cases involving constitutional laws and human rights standards.

It becomes a matter of strategic positioning even on multilateral platforms, evident during the Conference of Parties (COP) proceedings. It also remains to be seen that with the exit of the United States from the Paris Agreement for the second time in a single decade, how states, especially ones considered global and regional power, will accommodate their interests within the accountability discourse. Even when looking at courts are being seen as a viable source of remedy, legal redress<sup>xl</sup> will only go as far as mechanisms that allow for strong domestic enforcement of any decision.

The case of climate finance when instilling the principles of climate justice then takes on a more pragmatic shape.

### **The Curious Case of Climate Finance: A Topic of Justice?**

A question here persists: of if finance can be brought into the scope of justice? And if the nexus is observed, will this be taken under the broader assessment of morality?

The term essentially encompasses and builds on the “common but differentiated responsibilities” principle of the 1992 landmark document, the UNFCCC.<sup>xli</sup> The institution has also provided the definition of climate finance as the: “local, national or transnational financing—drawn from public, private and alternative sources of financing—that seeks to support mitigation and adaptation actions that will address climate change.”<sup>xlii</sup>

Amidst much posturing for years, certain commitments were hammered out including that of the diluted scope of climate finance, which as the Carbon Brief summarized, came about as a product of the chaotic last-minute negotiations that took place in Baku during COP29<sup>xliii</sup>. The negotiations that finally produced some tangible results on



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climate finance were fractious, with the annual USD 300 million deal per year till 2035 being agreed on the table, talked down from the proposed USD 1.3 trillion.<sup>xliiv</sup> All that was left post it for the observers was to welcome the decision taking it as a step towards the larger goal, for which the foundations were laid in the early 1990s. When considering climate finance justice scholars have argued that alongside a lagging theoretical undertaking of the subject, strains are apparent when justice comes into conflict with financial tools and economic models.<sup>xlv</sup> It is also brought to the fore that while climate finance justice is a medium to ensure that the climate crisis does not worsen existing inequalities and losses, it becomes imperative to ascertain that it does not lead to “further oppression.”<sup>xlvi</sup>

The aspect of finance that relegates to the concept of justice would be vested in the recognition of vulnerabilities when considering and decision-making on development, and adaptation and mitigation.<sup>xlvii</sup> The Kenyan section of the International Court of Jurists put forth climate finance as the “lifeblood of global efforts”<sup>xlviii</sup> when attempting to mitigate climate impacts and reach climate justice. Justice though has been an arduous goal to achieve, in terms of equitable distribution and the limited capacities of certain states. From 2009 when climate finance was agreed upon to be a goal, where USD 100 billion a year was quoted to 2022 where the target of USD 115 billion was met, dissatisfaction reigned when observers noticed that in the process very little was actualized in support of low-income countries and loans flowed into middle-income nations.<sup>xlix</sup> 69 percent of what states received in 2022 through public climate finance were loans.<sup>1</sup>

Loss and damage, when referring to the scope of climate finance has been centered within the deliberations in the past few COPs.<sup>ii</sup> While addressing the International Court of Justice (ICJ) in December, Nepal’s Minister for Foreign Affairs, Dr. Arzu Rana put great emphasis on the matter of countries like Nepal requiring climate finance to adapt to and mitigate the impacts of climate change.<sup>iii</sup> The Minister stated that “we are paying for a bad ‘karma’ we did not create,” where the Under Secretary followed by calling for “compensatory climate justice.”<sup>liii</sup> As per the country’s National Adaptation Plan (NAP, 2023), the state set a target of USD 47.4 billion to achieve its ambitious climate adaptation goals, out of which, USD 45.9 billion would be dependent on external funding.<sup>liv</sup> Then again, there have also been contentions in accepting climate finance in terms of loans in the country,<sup>lv</sup> bringing attention to what exactly even qualifies as fair and equitable distribution of funds.<sup>lvi</sup> Conjecture also rests on how finance is mobilized domestically and if vulnerable sections actually benefit from such endeavors, even when finance is made available.<sup>lvii</sup> The approx. USD 60 million finance secured through the Green Climate Fund (GCF) by Nepal stands as an example of mismanagement, delays and inefficiency.<sup>lviii</sup> But digressing from this, Nepal’s case has been that of a country that has contributed very less



to the global emissions historically, but has been touted by many to be vulnerable both due its geography and its own socio-economic realities.

When discussing the role of justice in finance, a paper in studying the Pacific Island Countries has further deliberated on carbon finance noted that the concept revolves around integrating perceptions and participation rather than simply seeking ways to extend influence for states.<sup>lix</sup> The authors state,

“A lack of justice for communities (resource owners and stewards) and from a functional perspective of reducing carbon will undermine confidence in carbon credits and other payments for ecosystem services. Justice is a pragmatic requirement for success as much as an ethical and moral one.”<sup>lx</sup>

It becomes important to realize that justice appears differently in various political streams with diverse positions on the issue bringing in sets of challenges and contestations when coming to negotiations.<sup>lxi</sup> Ethical considerations blend with what Eriksen has iterated as an “unjust” world.<sup>lxii</sup> It would be pertinent to consider whether a sense of justice drives funding narratives. As the negotiation tables adjust to more voices, the Global South and the need for justice when taking into account their needs have been to the forefront.<sup>lxiii</sup> Beyond this, arguments also present the sensitivity of the Global North to the crisis, when framing the narrative that losses incurred by the Global South would impact investments, supply chains and productivity.<sup>lxiv</sup> These constructions rely on state interests, by inferring an economic dimension within, and oftentimes beyond, the moral conundrum.

### **In Summation: The Geopolitical Climate and Climate Geopolitics**

The issue of climate change requires diverse sets of threat perceptions to align in a manner that addresses it as a critical concern, particularly in integrated spaces of negotiations. This holds true moreover so in coalitions, as seen with the AOSIS<sup>lxv</sup> or the Association of Small Island States. The AOSIS has particularly presented an interesting coalition in terms of influence and moral positioning of the issue in the security dimension, highlighting sovereignty, development and human dignity.<sup>lxvi</sup> The Conference of Parties or COP29 that took place in Azerbaijan in 2024 laid out vestiges of interests that were long since clear for many that sought a resolution on the issue, which was that it will always be a broad compromise, discussed more broadly in the sections below.

It becomes significant to highlight the aspects of past and existing political posturing in such platforms, where geopolitics inextricably turns into a matter that



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overturns moral obligations. And it happens in different ways, but is most visible where competing perceptions collide overlooking the interests of greater powers in the international system, when calculations are based on relative gains and historical inequalities. It was seen during the Glasgow COP that saw India and China – almost always noted as geopolitical competitors – opposing and successfully overturning the commitment of “phase-out” of coal to “phase-down.”<sup>lxvii</sup> It is a complex space relying on narratives of development and security. Another example has been the U.S. now twice exiting from the Paris Agreement, showcasing that such documents only hold as much sway as the states, particularly the bigger ones, provide it with, and that too rests on domestic opinions on certain issues. Argentina has also openly contemplated exiting<sup>lxviii</sup>, with the current President having referred to the very issue as a “socialist lie,”<sup>lxix</sup> and such exits could lead to weaker commitments in the future. While some have considered it a performance<sup>lxx</sup>, it is indicative that climate still stands as a political issue in many minds despite the efforts to turn it into a security and human rights concern.

A study further pointed out that even instances of climate action are also more often than not treated as a tool of establishing state interest, especially by global and regional competing powers.<sup>lxxi</sup> It has also been a matter of consideration that climate action is perceived through the lens of geopolitical risks and benefits, stalling greater forms of cooperation.

Climate justice gives way for narrative building. It requires attention, however, that states mostly act when strategic thought processes and justice align within their interest structures.<sup>lxxii</sup> In a separate trend of thought, the element of justice is required for strategic maneuverings in how development goals and the standards of human rights are projected in debates and discourses. This is seen in the litigation cases – of holding states and corporations accountable. But while climate justice rests on ethics and morality, the use of the term in courts, public platforms as well as negotiating tables deal mostly with a desire to establish equity and hitherto responsibility. The practicality of the idea gains recognition within the dynamic interests of states. The concept that those who contributed the most will be the one who pays or that those who bear responsibility for emissions should also shoulder legal accountability.



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