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## Justice in Climate-induced migration and open borders

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*Master Thesis*

*Justice in Climate-induced migration and open borders*



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To all those and more,

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## Abstract

*While climate change is not a new phenomenon, both climate change related atrocities and the numbers of its adjacent victims have been reaching a contemporary new high. This poses an ethical challenge to figure out whether these forcefully displaced victims of environmental circumstances have a claim to justice and if yes, what such a claim would entail. The first question is less controversial since many believe that climate induced migrants have a claim to justice due to the causal mechanism uncovered behind the atrocities experienced. The second question is much more hotly debated and therefore, to be the centerpiece of this thesis. Focusing rather on the question what climate migrants' claim to justice consists of and how it can be met, this thesis argues for the existence of causal and capacity based remedial responsibility on behalf of industrious nations towards environmental migrants. That responsibility, this thesis will aim to assert, could be solely met by an open border policy on behalf of high-emitting states towards those carrying the burden of climate-change related atrocities – the forcefully displaced.*

*Keywords: climate change, environmental migration, environmental degradation, global justice, forcefully displaced persons, remedial responsibility, emissions, John Rawls*

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## Introduction

From the 2014 Tropical Cyclones Idai and Kenneth in Mozambique, forcefully displacing more than 160 000 people, to the sinking islands in the Tuvalu archipelago climate change is altering environments globally with rising speed (UNICEF Mozambique 2020; Roy and Gallagher 2019). Due to climate change-related atrocities, in 2017 for instance, “68.5 million people were forcibly displaced, more than at any point in human history” (Podesta 2019, para4). These numbers not only make climate-change induced migration a salient phenomenon but signify that some parts of the world have become unlivable due to it. As has been reasoned by the ancient philosophers Hippocrates and Aristotle, environmental features of regions dictate the levels of their inhabitability (McLeman and Smit 2006, p.32). It follows that changes in the environmental features of states influence settlement patterns. On the other hand, there is ample scientific evidence that a great deal of climate change is caused by human activities. The climate change inducing globalization and industrialization of the modern world, for instance, have contributed to doing precisely that - altering the environmental characteristics of various regions and decreasing their suitability for living a decent life. As a result, the numbers of forcefully displaced persons due to environmental degradation have been increasing drastically, pinpointing the interplay between the phenomena of climate change and migration and calling for their further research.

However, the prevailing xenophobia and fear of migrant waves in our contemporary world has prevented many of us from acknowledging that migration might represent a viable solution to climate-related atrocities. While climate-induced migration is not a new phenomenon, the salience

of contemporary “climate change gives political theorists and philosophers distinctive reasons to be concerned about justice in climate change-induced [...] displacement” (Draper 2018, p.59). In this sense, what is novel about climate-induced migration is whether some countries have a responsibility to let such migrants in. Therefore, the principles of distributive justice appear to be just as notable for climate change as they are for other phenomena such as migration, human rights etc. (Caney 2020, para4). This is due to the fact that climate change has an impact on the same interests of people (namely those in vital resources such as water and food, access to property, their health etc.) as other issues such as poverty, migration, distribution of resources and so on (Caney 2020, para4). As such, climate change should also be considered in the list of phenomena to be taken under consideration when aiming to set the principles of distributive justice fairly. Its newfound interconnectedness and perplexity with other issues such as migration and human rights calls for further research in the field of political philosophy. This can feasibly be done through an integrationist approach to environmental justice, which treats justice in climate change as existing in concurrence with other issues. In attempt to do precisely that, this thesis deals with two contemporary and politically salient topics in political philosophy as interrelated, namely environmental justice and justice in migration. Further, it goes on to argue that high-emitting nations responsible for causing climate change have a causal remedial responsibility towards environmental migrants that could best be met through an open border policy.

## 1.1 Motivation & Justification

In the globalized world of today, climate change related atrocities have been steadily on the rise due to human activities including, but not limited to, “deforestation, land use changes, and burning fossil fuels. Humans have increased atmospheric CO<sub>2</sub> concentration by 47% since the Industrial Revolution began” (“The Causes of Climate Change” 2020). As CO<sub>2</sub> emissions are the main driver of climate change, the relationship is linear - the more industrious we become, the more damage we inevitably inflict on the environment. However, the damage is distributed disproportionately. It is not the nations with the highest levels of industrialization and CO<sub>2</sub> emissions that suffer the harshest effects of climate change. In fact, climate change has prompted a spiking growth in the scale of human migration due to “increased frequency of extreme weather events”, resource scarcity and other factors, especially in the “developing countries in the earth’s low latitudinal band” (Podesta 2019, para 2). The fact that developing states suffer the most from activities they did not initiate or concede to pinpoints to the existence of a global injustice pattern that ought to be examined. This is why I believe it is both interesting as well as important for people to acknowledge the existing interplay between climate change and increased numbers of environmental migrants and put forth a moral guidance of how to fairly deal with their claims to justice.

The subject of how to serve justice to victims of climate-induced migration is highly relevant and important because it unites two contemporarily salient issues for political philosophy that are highly debated – climate change and migration. The envisioned increase of both phenomena and their significant interplay over the past years give us significant reasons to regard

this subject as urgent for discussion and timely measures. In my view, if we are truly committed to liberalism's value of equality amongst all people and the natural duty to assist, then we ought to try to remediate injustices that prevent some from having a decent life at the benefit of others.

The first chapter of this thesis will first discuss the moral status of climate-induced migrants, the responsibility it invokes for high-emitting industrious states, as well as the nature of this responsibility. Then, it will move on to discuss the possible ways to meet the aforementioned responsibility. The second thesis chapter is devoted to discussing the claims to justice climate-induced migrants have and the main courses of actions outlined in literature in meeting those claims. Through a systemic examination and rebuttal of the proposed ways of dealing with environmental migration, the rest of the thesis is devoted to securing the argument that climate migrants' claim to justice can best be met through an open border policy on behalf of industrious, high-emitting nations.

## Chapter I: Literature Review

This section engages with existing scholarly literature on the topic of justice in climate induced migration. The literature on justice in environmental migration first revolves around the moral status of the resulting from it increasing numbers of forcefully displaced persons and then moves on to engage with the debate on whether or not some nations have some sort of responsibility towards those climate induced migrants and if so, what it entails. For this purpose, before moving on to discuss the sort of responsibility industrious nations have towards climate

induced migrants (causal remedial responsibility and capacity-based responsibility), this thesis will first lay out the dispute with regards the moral status of such migrants.

## 1.1 The moral status of climate-induced migrants

In order to be able to navigate through the complex and interrelated issues of migrant and climate change justice with clarity and preciseness, one ought to first define the core terms to be employed. For the purpose of this thesis, a working definition of justice will first be presented, followed by a definition of climate-induced migration. Afterwards, a critical assessment of the leading positions in the debate on the moral claims to justice of climate migrants and the competing ways to meet the responsibility towards them will be laid out.

The concept of justice in political philosophy is a highly-contested subject not only in matters of its definition but also in terms of who has a claim to justice and the manner in which it ought to be served. For the purpose of this thesis, the concept of justice is taken to mean the defining of rightful entitlements in the face of competing claims – what is owed to someone and to whom it is owed. As justice presupposes right-inducing claims and corresponding obligations, for justice in environmental migration, the debate revolves around what, if anything at all, is owed to climate-induced migrants and how their claim to justice could be met.

However, before discussing whether environmental migrants<sup>1</sup> have a claim to justice and what such would entail, let us first establish the working definition of the concept. Climate-induced

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<sup>1</sup> In this thesis, to be used interchangeably with the term “climate-induced migrants”

migrants have been defined as “those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption”, the latter taken to be any chemical, biological and/or physical fluctuation in the ecosystem which deem it unsuitable for human life (Bell 2004, p.137). While climate migrants have been commonly referred to as “environmental refugees”, their moral status remains contested. Susan F. Martin (2013) notes that the term refugee has been explicitly defined in international law as those “unable or unwilling to return to their countries of origin because of a well-founded fear of persecution” on the grounds of religious belonging, race, nationality and political opinion (p.2). This in turn, reasons Martin, makes those migrating due to environmental factors less fit to the international legal definition of “refugee”. Therefore, while climate migrants escaping devastating conditions of living resemble refugees to a large extent, “the legal protections afforded to refugees do not extend to them”, making their claim to justice less clear (Podesta 2019, para12). What is more, there is further ambiguity with regards to climate migrants which lays in the fact that climate change interplays with various other drivers of migration, thus deeming “climate migrants” more troublesome for clear-cut identification (Draper 2018, p.76). However, due to the tensions on the moral status of such forcefully displaced persons and the lack of a legal international definition of the term “climate refugee”, this thesis will employ the term “climate migrants” instead, used interchangeably with the term “environmental migrants”.

One part of the debate on justice in environmental migration centers around the question of whether or not such migrants have a claim to justice and another one on how this claim, if existent, could be met in a just manner. This thesis aims to offer an answer to the second question

posed rather than the first, as many people believe that environmental migrants have a claim to justice due to the existing causality found behind climate change atrocities and the nature of the loss experiences by those forcefully displaced. The natural habitats of those people have been destroyed and have become unlivable not because of themselves but rather as a result of industrious nations' high levels of harmful emissions, forcing such climate migrants to flee their homes and contributing to the increase in numbers of forcefully displaced people. Therefore, I assume that the injustices unwillingly brought upon those environmental migrants generate a claim to justice that those who have caused the injustices have the responsibility to meet. Here, unwillingly does not mean without the knowledge of the affluent harming nations – they have been long aware of the disastrous effects of their fast-paced industrialization, but rather an innocence on the part of climate migrants who unwillingly have to bear the consequences of another's actions.

## 1.2 Causal Remedial Responsibility and Capacity Based Responsibility

It has been estimated that many industrious nations have accumulated wealth through large scale fossil fuel combustion and have unilaterally reaped the benefits stemming from such development. Developed countries alone are responsible for 79% of the carbon emissions historically (Center for Global Development 2015). Through no fault or benefit of their own, however, poorer, less industrious nations have carried the burdens associated with these practices such as rising tides, flooding, increase in storms and drought-induced fires. Thereby, resulting in worsening the position of such nations in global society even further. Given that information, the noted by Nawrotski (2014) “the polluter pays” principle, which takes into consideration historical developments and causations, lays a strong foundation for believing rich industrious nations carry

some sort of responsibility towards environmental migrants (p.73). They industrialize more, therefore they pollute the environment more. On these grounds, authors like Draper have argued that those “high-emitting nations have a remedial responsibility to climate migrants” (Draper 2018, p.76). Remedial responsibility here could be understood in two ways - as a causal responsibility and as a capacity-based responsibility. Capacity-based remedial responsibility is viewed as the eventual responsibility grounded in notions of humanity and capacity to help and alleviate the suffering of those in greatest need. In contrast, the notion of causal remedial responsibility implies a duty to alleviate the suffering of those whose situation you have caused/contributed to be worsened and I consider it the stronger responsibility of the two. It is not that I dismiss the moral duties to help those worse off whenever in one’s capacity but I acknowledge they are often not seen as duties of justices, therefore for the purpose of this thesis, I will be focusing more on the latter way of understanding remedial responsibility. However, due to affluent nations’ level of development and resources available, I believe there are strong reasons to believe that affluent nations carry capacity-based responsibility towards environmental migrants as well.

Due to the existence of a causal pathway between the rich industrious nations’ levels of harmful emissions and the deterioration of the environment of the developing world, when invoking the term “remedial responsibility” this thesis will refer to causal remedial responsibility. David Miller similarly evokes the notion of remedial responsibility for cases where “the remedy is owed to a person or a group of people who are unjustifiably deprived in some way” (Miller 2008, p.98, as cited in Akhtar 2009, para3). However, he claims that while in certain cases the remedial responsibility falls on those responsible for the caused deprivation, in others the remedial

responsibility falls on *someone* well and appropriately connected to the harmed/deprived party through moral responsibility, capacity, benefit, community etc. Since the causal remedial responsibility towards climate migrants can also be understood as moral responsibility, most of the existing literature depicts an inclination to acknowledge that environmental migrants do have a claim to justice and are owed remediation, however, the opposition of views appears in discussions of how this claim shall be met.

Before diving in the possible ways in which the claim to justice of environmental migrants could be met, let us briefly discuss the other way of understanding remedial responsibility – as capacity-based. As stated, the causal remedial responsibility represents a strong duty of justice that affluent nations ought to fulfill towards climate induced migrants due to the nature of their industrializing activities, yet literature pinpoints that the notion of capacity-based responsibility might offer another fortifying reason to believe that rich states are the ones who ought to fulfill it. This is because rich states are not only blameworthy of the climate atrocities caused, but are also in the best position internationally (this is to say with the highest capacity) to be of help when alleviating the suffering of those in greatest need. Therefore, it is safe to assume that both the causal remedial responsibility and the capacity-based responsibility towards environmental migrants is carried by affluent industrious states.

### 1.3 Ways to meet the remedial and capacity-based responsibility of affluent nations towards climate migrants

Liberal philosophers such as Draper (2018) have argued that industrious nations should open their borders to those forcefully displaced, so as to be able to allow such migrants to exercise their right to freedom of movement, in their case instrumental for fulfilling the conditions of living a decent life. Respecting the right to freedom of movement of climate migrants, in Draper's view, translates an open border policy on behalf of industrious and developed nations towards those migrants because they carry the responsibility for the environmental crises facing these migrants' places of origin (p.70). An open border policy towards the forcefully displaced would not only respect the migrants' right to freedom of movement and enable them to live a life worth living, but might also be a step towards decreasing the disastrous effects of climate change. Jason Hickel (2018), for instance, reasons that if climate migrants claim the right to seek asylum in Europe and in North America, the rich nations of these continents will soon "feel the heat" of migration and do everything within their power to ensure that the most affected home regions of forcefully displaced people remain livable (para11). In this sense, he argues, an open border policy to environmental migrants might prove to be the "key to stopping climate change itself" (Hickel 2018, para4). This line of reasoning offers powerful incentives for advocating for open borders to climate migrants on the part of industrious and developed nations in Europe and North America.

On the other side of the debate stand those concerned with state sovereignty and propose alternative ways to meet the remedial responsibility to climate migrants. Authors like David Miller do not dismiss the responsibility of industrious states in tackling climate-change, but he disagrees

on the nature of this responsibility. Miller believes that there is an existing tension between the democratic right to self-determination of states and unrestricted migration based on individual's right to freedom of movement. Being forced to let migrants in as a way to meet the remedial responsibility would jeopardize the sovereignty of the host state, which presupposes unilateral control over its boundaries. In order for a political community to be able to exercise its democratic right to self-determination, it needs to be able to unilaterally exclude outsiders. In a way, the principle of self-determination offers fortifying of the sense of who we are through a conception of who we are not. Demanding open borders for climate-induced migrants will prevent states from excluding outsiders and jeopardize their democratic right to self-determination. Thus, Miller (2008) argues that there are other ways to meet the remedial responsibility to climate migrants which are not so disastrous to the democratic right to self-determination as offering asylum is. He reckons that a state has the right to unilaterally exclude foreigners from its borders and admitting climate-induced migrants (and all migrants in general for that matter) threatens the self-determination principle of a sovereign democracy. Instead, he proposes setting international constraints on emissions that cause climate change as an alternative way of meeting the remedial responsibility industrious nations have (Miller 2008, p.122). As a possible remedial alternative to international constraints on emissions that respects the sovereign's right to exclude aliens, governments have further proposed monetary compensation to those nations most affected by climate change. De Shalit (2011) however, reasons that it "is not always clear what is meant by this practice" (p.315). While monetary compensation would suffice for cases in which the nature of the loss is monetary as well, it is not so straightforward whether and how monetary

compensation would remediate the loss experienced due to climate change. Therefore, it seems like it is still both theoretically and practically unclear what kind of obligations does humanity have towards environmental migrants, as well as how those obligations could be best fulfilled.

While this chapter aimed at pinpointing that climate induced migrants indeed have a claim to justice, in attempt to clarify the ambiguities surrounding the debate, the next chapter will be devoted to discussing the kind of claims to justice that environmental migrants have.

## Chapter II: What kind of claims to justice do climate-induced migrants have?

As stipulated above, this thesis will not be engaging with the question of whether or not climate-induced migrants have a claim to justice at large. Instead, it will aim at contributing to the debate on what kind of claims to justice do those forcefully displaced have, and most importantly, how these could be met. In fact, the argument of this thesis rests on the assumption that climate-induced migrants do have a claim to justice due to the nature of their situation and the causality behind the atrocities experienced. Those who classify as environmental/climate migrants have had their natural habitats undeservingly wrecked because and at the benefit of industrialized, high-emitting nations. Therefore, I believe that having to unjustly experience forceful displacement through no fault of their own generates claims to justice on the part of climate induced-migrants. This is because climate change atrocities are largely endured not by those nations who cause them, but rather by those least fortunate – the developing world. Ruining their habitat beyond livable conditions and forcefully displacing such people is not something done neither with the consent

of the climate migrants themselves, nor due to their autonomous decision making. It is rather a disastrous consequence of the fast-paced industrialization of rich, high-emitting states. Thus, I believe it is evident that those forcefully displaced migrants have a claim to justice but it is yet unclear what those claims exactly are or how they could best be met.

## 2.1 Monetary Compensation

As discussed in literature, some philosophers believe that the remedial responsibility towards climate migrants could be met through monetary compensation for the losses inflicted and/or through the setting of international quota on harmful emissions. The more robust accounts of responsibility, such as the one I endorse, assert that the existing causal connection between high level of emissions and environmental degradation demand that the best remediation for climate atrocities is to be found in the form of open borders towards those forcefully displaced. This is because monetary compensation in itself cannot fully remediate the losses suffered by environmental migrants. You can buy a house, but not a home. You cannot purchase a sense of belonging and the stemming from it sense of safety.

Monetary compensation for harmful emissions could only be considered a rightful way of addressing the claims to justice of climate migrants in the case of capacity-based remedial responsibility. However, since I have stipulated that affluent nations carry both capacity-based remedial responsibility and causal remedial responsibility towards environmental migrants, monetary compensation in itself does not suffice in meeting those responsibilities. In order to be able to claim this thesis with confidence, however, one ought to first examine the alternatives outlined in literature and pinpoint their shortcomings.

## 2.2 Assessing monetary compensations and constraints on emissions

As already mentioned, it has been estimated that the affluent nations responsible for the vast majority of climate-change inducing activities are not typically those who carry the environmental burdens of flooding, rising tides, drought induced fires and escalating storms. From the causal relationship between rich industrious polluting states and environmental harm in the developing world, then, it follows that high-emitting states indeed have a remedial responsibility to forcefully displaced people. However, I reckon that this remedial responsibility can hardly be fulfilled through the proposed alternatives to open border policy outlined in scholarly literature by Miller. While international constraints on emissions and monetary compensation might be great supplements in meeting the claims to justice of environmental migrants, I believe they are not viable alternatives. As a remediation, money in itself would only suffice in cases of “in-kind” compensation: monetary compensation for monetary losses. However, more often than not, in reality when compensation is sought, it has to be provided in a form different in kind from the kind of the losses being compensated. An example of such an instance would be the reparations introduced after WWI – monetary compensation for losses/atrocities that have not only a monetary dimension but also social, political, psychological etc. In these cases, “there is always a question whether any amount of compensation can “make the victim whole again”” (Goodin 2007, p.67). I believe this is applicable to the case of environmental migrants as well. The people who classify as environmental migrants have become such because they have lost something that is unbuyable and respectively cannot be compensated for with money transfers solely. These environmental

migrants have lost the place they call home and no monetary compensation suffices in alleviating the suffering associated with their forceful displacement.

Therefore, monetary remediation and constraints on emissions do not manage to fully fulfil the responsibility affluent industrious nations have towards those forcefully displaced due to the nature of the loss experienced. Therefore, I reckon that the only adequate way to do them justice and not neglect aspects of accountability is to provide climate migrants with what they have lost at home - a place to inhabit, a new sense of belonging, a new land to cultivate, new air to breathe etc. The uncovered causality between high-levels of emissions and environmental decay signifies it is rich states that need to be held accountable for the damage they have triggered; therefore, I reckon that the best way to meet climate migrants' claims to justice is to allow them to find a new home and sense of belonging within the rich and industrious states, responsible for their status quo.

Even if one agrees, one might ask whether that new home *needs* to be found within wealthy industrious states, however? Would justice be served alternatively if climate migrants are granted a new home and place to inhabit, albeit not in rich and industrious states? Perhaps high-emitting states which do not wish to accept climate-induced migrants within their borders could pay other states to admit those forcefully displaced instead. This is different from monetary compensation, as the money in question does not go to those suffering the atrocities of climate change but rather to nations willing to take on the responsibility of affluent polluting nations. While this option might indeed offer a new sense of home and belonging to the climate migrants, I argue it does not serve them justice in the full sense of the word as it neglects crucial aspects of accountability. In order to be able to administer justice, the high-emitting nations causing the environmental degradation

of the migrants' natural habitat have a moral duty to personally bear the repercussions of the havoc they have wreaked, instead of outsourcing them. Alternatively, sending money collected from affluent nations' tax payers does not count for fulfillment of responsibility towards climate migrants because it fails to provide them with a new sense of home and belonging, which is in turn the biggest loss experienced by those forcefully displaced. Therefore, it is only through acceptance within high-emitting, rich nations that would enable climate-induced migrants to, for once, enjoy the upside of the industrious development that ruined their places of origin. What is more, it would be much easier for environmental migrants to find new sense of home and belonging precisely in those high-emitting developed nations due to their better welfare policies, resourcefulness and chances for social realization. Thus, I reckon that industrious nations opening their borders to climate-induced migrants is the best way to attempt to remediate the injustice brought by their forceful displacement.

Based on Martha Nussbaum's (2006) account of social justice, such climate-induced forceful displacement and no corresponding to it open borders on behalf of industrious states could be argued to infringe on several of the human capabilities vital for living a decent, dignified existence – namely those to life, bodily health and bodily integrity. To cause environmental decay in the homes of foreigners and then not meet the causal responsibility existing towards such climate-induced migrants is to deprive them of the ability to live a life worth living, to have adequate shelter and access to vital resources, as well as the ability to move from one place to another (p.76). Even if other, perhaps poorer states, are willing to admit environmental migrants in exchange for payment on behalf of the industrious states, this would not equate to meeting the

causal responsibility. It would rather equate to outsourcing responsibility – an action whose moral tones I find unappealing and unsuccessful in meeting the *moral* claims to justice such migrants have. If someone injures a close relative of mine, regardless of unwillingly or not, it would do me no justice if I sue someone else but the person who injured him/her. I would only have my claims to justice fully met if the person responsible for the injuries caused are the ones carrying the responsibility. Similarly, while monetary compensation and international quota on emissions are great supplements to remediating the suffering of climate migrants, their claims to justice can only fully be met through open border policies on behalf of high-emitting, industrious nations. I do not downplay the fact that monetary compensation and international quota on emissions represent courses of action and signify an acknowledgment of the responsibility at hand. However, I argue they are simply not enough in meeting environmental migrants’ claims to justice.

### 2.3 Autonomy

Moreover, closed border policies towards climate-induced migrants infringe on the autonomy of forcefully displaced persons in two ways. Here autonomy is taken to mean the ability to “govern oneself, to be directed by considerations, desires, conditions, and characteristics that are not simply imposed externally upon one, but are part of what can somehow be considered one’s authentic self” (Christman 2020, para4). While autonomy plays a role in virtually all liberal political theories but it is the “Kantian brand of liberalism that places autonomy of persons at central stage” (Christman 2020, 3.2 para2). If we are indeed committed to the core principles of liberalism, then one ought to acknowledge that such an infringement on personal autonomy ought to be morally justified if to persist. In the case of environmental migrants, however, I believe that

their autonomy has been infringed on unjustifiably in at least two ways. Firstly, because the climate migrants' freedom to remain in their place of origin (to which one is entitled and inherently and sentimentally tied to) is being curtailed through the deterioration of environment brought by climate change. The syntax here alone - *forcefully* displaced from their place of origin - implies that the decision to migrate has not been made freely and autonomously by the migrant but triggered by external factors beyond one's control.

Secondly, by not allowing entry to such climate-induced migrants, affluent nations responsible for the disadvantaged position of those forcefully displaced are further curtailing their autonomy to exercise their right to freedom of movement, instrumental for fulfilling the condition of living a "decent life". Building on a rights-based approach to addressing entitlements of climate migrants, I argue that the right to freedom of movement in the case of those forcefully displaced is just as essential as their infringed rights to safety, life, sense of belonging etc. Not respecting the right to freedom of movement of climate migrants means not taking seriously their rights to life, safety, shelter etc. If we are indeed committed to valuing human life, regarding all people as equal and equally deserving, then climate-induced migrants need to have their right to freedom of movement acknowledged as instrumental for them to be able to live a life worth living. What is more, if climate-induced migrants do have a right to freedom of movement, then industrious states have a corresponding duty to accept them within their borders so as to fulfill the condition of a decent life and because of their responsibility in the situation of those forcefully displaced.

## 2. 4 The Rawlsian approach to Justice and the Duty to Assist

As Rawls' Theory of Justice is considered to be the "contemporary manifestation" of the above-mentioned Kantian branch of liberalism, I believe it is fruitful to examine the Rawlsian approach to justice when discussing the claims to justice environmental migrants have (Christman 2020, 3.2 para2). Rawls' famous hypothetical "veil of ignorance" can serve as a starting point when thinking about climate-induced migration and the claims to justice that such environmental migrants have. This is because his famous thought experiment's "original position" includes the strip-off of all chance-driven, morally arbitrary factors of human existence such as racial and religious belonging, gender, economic status, sexual preferences, geographical origin etc., so that determining the principles of social cooperation is done fairly - with no human biases giving inclination for the preference of certain principles privileging one group of people over another; and where injustices are permitted only if they are to the benefit of those worst off in a society under the so called "difference principle" (Rawls 1999). Arguably, according to Carens nationality also falls under this umbrella of chance-driven, morally arbitrary factors. Therefore, nationality in itself should be no prerequisite to deny entry to those worse off if we are committed to living in a just and equal society that gives no preference of certain groups in society over others. From the stipulated chance-driven nature of nationality it follows that people are allowed, if not entitled, to move freely in order to seek better chances at living a decent life (Carens 1987).

When it comes to climate change in particular, Reinhardt (2012) reasons that Rawls' discussion on the drivers of migration is much more focused on "persecution of religious and ethnic minorities, political oppression, famines, and population pressure" rather than on climate

and environment-related atrocities (Reinhardt 2012, p.174). Yet, literature pinpoints that in the years since 2008, “22.5 million people have been displaced by climate-related or extreme weather events” and this number is envisioned to reach 200 million by the middle of this century, which undoubtedly deems changes in environment as another key driver of migration (Fukuchi 2018, para3; Bell 2004, p.135). Therefore, I believe that despite the fact that Rawls is not being explicitly concerned with climate justice, his work in his *Theory of Justice* offers ground for discussing the right to open borders climate-induced migrants have due to its egalitarian nature. In the Rawlsian view, all the causes of migration are “linked to the justice, respectively, injustice of the *domestic* political institutions” and in a “world of justly governed societies migratory movements would not be a serious problem” (Reinhardt 2012, p.175). However, as Pogge rightfully points out, Rawls, much like many others, “overlooks how-especially in the poorer, weaker countries-the domestic factors he cites are themselves significantly shaped by global factors” (Pogge 2004, p.1754). This is the case for climate change as well and precisely where the discrepancies between Rawls’ domestic *Theory of Justice* and his attempt at forming an international theory of justice in *The Law of Peoples* start to come in. As opposed to his domestic view presented in *Theory of Justice*, The Rawlsian view of international justice is not concerned with the interests of individuals but rather those of separate nations (*peoples*). However, while Rawls himself might not be interested in justice in climate migration explicitly and in his *Law of Peoples* even asserts that “people should have a qualified right to limit migration”, his political philosophy gives grounds for discussing the claims to open borders climate migrants could have (Rawls, as cited in Nagel 2000, p.177). Much like Rawls, I acknowledge the self-determination principle and the stemming from it right of states

to limit migration, yet I believe that this right diminishes in the face of climate-migrants' claims to justice due to the causality behind the loss experienced. Industrious nations produce a lot of harmful emissions which bring maleficent alterations to the environments of peoples mainly in the developing regions of the World. Therefore, if such people lose their natural habitats due to the activities of the rich and affluent, I believe they have a right to seek refuge or find a new sense of home/belonging in those rich and affluent states, which in turn have to grant them entry.

In a similar line of reasoning, other proponents of open-border policy towards environmental migrants, reason that if we are indeed committed to the principle of moral equality amongst persons, then the difference between a citizen and a migrant is morally arbitrary and as such, the administering of migration and border policies requires the equal consideration of interests of all affected by it, not just those of the host society. It is upon this line of reasoning that Carens (1987) argues for the moral arbitrariness of nationality. In other words, whether one is born in a state of environmental decay is a matter of pure chance and should not be a prerequisite for discrimination if we aim to live in a globally just society. If nationality is indeed arbitrary from a moral point of view, when determining the principles of distributive justice whether one is a national of a given state or not should not influence their ability to reside in that state, especially if that residence would serve as a remediation for prior injustices inflicted on the citizen in question, as is the case with climate-induced migrants.

Despite not including the “difference principle”, the Rawlsian approach to international justice stipulates the existence of well-ordered states’ duty to assist “other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime”,

grounded in liberal values (Rawls, as cited in Nagel 2000, p. 37). As environmental alterations in the climate migrants' places of origin represent not simply unfavorable conditions of living, but often circumstances beyond what is considered livable, I reckon that wealthy industrious states have such a duty to assist the home states of those forcefully displaced due to two reasons. Firstly, they have a duty to assist environmental migrants because of the causal pathway between high levels of emissions and environmental degradation. Secondly, it can be argued that wealthy industrious states have a stronger duty to assist than other states because of their higher *ability* to be of assistance. Unlike the majority of arguments presented stemming from the notion of causal remedial responsibility, the duty to assist is more capacity based. However, I believe it is no less applicable when discussing the claims to justice climate-induced migrants have. In fact, I believe that polluting affluent nations carry both sorts of responsibility – causal remedial responsibility and capacity-based responsibility. This is due to the fact that most high-emitting states are also rich, well-ordered and overall, better off in all relevant senses when compared to the developing states suffering the atrocities of climate change. As such, it is not at all farfetched to assume they have the capacity in question to fulfill the duty to assist those worse off, grounded in liberal values. Therefore, it seems like industrious high-emitting states have not only a causal remedial responsibility towards those forcefully displaced due to environmental circumstances, but also a capacity-based remedial responsibility that should be acknowledged.

## Chapter III: Objections and Rebuttals

### 3.1 The Distribution of Burden Objection

One might object to the arguments presented above by asking which nations in particular have a responsibility towards the forcefully displaced environmental migrants and how the burdens of responsibility should be distributed among them. In other words, why should the rich and industrious in particular be held responsible for the fortune of those forcefully displaced. One way to answer this question is to take a historical account of climate change proposed by the “polluter pays” principle. The principle in question argues that the responsibility for remediation of an issue lays in the hands of those causing it (Caney 2020, 5.2.1 para1). While I do not dismiss the capacity-based remedial responsibility towards environmental migrants, in this thesis I argue that the causal one places larger, and more legitimate, demands on high-emitting, industrious states to meet climate migrants’ claim to justice due to the “polluter pays” principle. On the basis of “the polluter pays” principle, I argue for empirical calculation of the levels of harmful emissions of nations in determining the severity of state’s responsibility towards environmental migrants. I propose instituting a proportional acceptance quota for climate-induced migrants in wealthy, industrious states in relation to each industrialized nation’s corresponding level of emissions to remediate the loss and environmental decay experienced by poorer nations. In addition, nations that have committed themselves to alleviating the impact of climate change, for instance through signing the

Paris Climate agreement, could further be argued to have a responsibility towards environmental migrants.

### 3.2 The Autonomy Objection

On matters of autonomy, opponents of open borders to environmental migrants might argue that by not letting them in, nations are not actively curtailing the autonomy of those forcefully displaced – they might still go somewhere, just *somewhere else*. In other words, they are not leaving them with no other possible options – they still have a choice. That objection might hold true; however, even if so, it will not be real, uninhibited kind of choice. The ability of environmental migrants to make a free, autonomous choice is curtailed through the exercise of closed border regimes. As an environmental migrant whose homelands have been flooded because of the extensive industrialization and huge carbon imprint of, let us say the United States, I might wish to migrate particularly there, so as to be able to at least enjoy the upside of the disastrous consequences for my place of origin. If the United States keep a closed border policy to environmental migrants such as myself but I can migrate to Serbia, for instance, my autonomy would still be curtailed as I cannot exercise my right of free choice in its full capacity, nor can I benefit from the upside of environmental degradation the way I would in the United States. However, this is not to say I advocate for disastrous environmental policies, as long as they benefit the migrants in question. I still hold that climate change should be tackled through better climate policies, but I argue that the blameless victims of environmental atrocities are suffering injustices

that have *already* occurred and such climate policies would serve as preventative future measures rather than remediation in the true sense of the word. Therefore, I reckon that the best way to offer remediation for injustices brought upon environmental migrants is to keep an open border policy to such migrants and let them migrate into places which also reap the benefits of industrialization, rather than just bear the disastrous consequences of it. Once forcefully displaced, as an autonomous human being one shall be allowed the choice to relocate at a place of preference, that is most likely to provide him/her with alternatives to what he/she has lost, at the very least as a means of compensation for contributing to the decay of their natural habitat/environment.

### 3.3 The Self-Determination Objection

As a possible objection to the outlined above proposal, one might underline the state's popular sovereignty and the stemming from it right to self-determination, which entails the right to control over entrance within its boundaries. Miller, as an example, would argue that by having to let environmental migrants in, the democratic right to self-determination of states is being jeopardized. For that purpose, Miller proposes the mentioned above alternative means of meeting the claim to justice of environmental migrants such as monetary compensation and international quota on emissions. In the case of environmental migrants, however, I believe that their individual's right to a life worth living should override the principles of democratic sovereignty for states with high-emissions who have contributed to the loss experienced by such migrants. An explanation to this reasoning could be founded in Maslow's hierarchy of needs. A closed border policy to forcefully displaced people threatens the basis of Maslow's pyramid of needs in the case

of climate migrants, most important for human flourishing, namely the need for safety, access to food and drinkable water, as well as their ability to live a decent life (Mathes 1981, p. 69). Maslow's hierarchy of needs is similar to Nussbaum's (2006) account of the 10 capabilities of a life worth living in that they both outline what is vital for a human being, help exemplify what climate-induced migrants are deprived of and thus, what those carrying responsibility for their situation owe them. I take the outlined by Nussbaum ten capabilities of a life worth living as fundamental, much like the basic two levels of Maslow's hierarchy of needs. Both accounts help exemplify what is most essential for a human being, without which a person is incapable of enjoying a decent life. Through the prism of these accounts, in this thesis I once again argue that the right to free movement is instrumental for the fulfillment of the condition of a decent life in the case of climate-induced migrants. Without having their right to freedom of movement respected, in most cases those forcefully displaced due to environmental circumstances cannot fulfill the most essential needs outlined by the basic structure of Maslow's pyramid – the need for food, water, safety and security (McLeod 2020). The situation is similar with Martha Nussbaum's account on the capabilities of a life worth living – only through the acknowledgement and respect for the climate migrants' right to freedom of movement, instrumental for the fulfillment of the above-mentioned capabilities, can climate-induced migrants enjoy a life worth living. Therefore, I reckon that the right to freedom of movement of those forcefully displaced should be respected through a corresponding duty of industrious states to accept such migrants. This is also because, arguably, environmental migrants could achieve a greater sense of belonging in developed states due to the fact that developed countries tend to be associated with a better record at rights

protection of their citizens. As such, there is a larger chance they will respect and protect the rights of climate induced migrants as well. Therefore, open borders to such migrants on behalf of developed industrious states seems to be the best way to remediate the injustices brought on those forcefully displaced due to environmental circumstances.

Miller, on the contrary, would respond that even if prospective climate migrants are denied entrance into a particular industrious state of choice, such migrant would still have “available (...) a wide range of options to choose from, including the many courses of action open to him in the country in which he presently holds citizenship, together with opportunities to emigrate to other states willing to grant him entry” (Miller 2009, p. 116-117). Therefore, Miller reasons, in such cases there is no reason to believe that the autonomy of such climate migrants has been infringed just because they have been prevented from entering a given state. However, I tend to disagree. If a given state is causally responsible for the environmental decay of my natural habitat, I should be entitled entry in said state, as a remediation for the injustices caused. Even if other states are willing to accept me, where I would arguably be able to enjoy a life worth living, an injustice prevails if I am not granted entry into a responsible for my situation state. This, I reckon, is because those carrying the responsibility for the atrocities inflicted would not be the ones held accountable for them. Therefore, I believe that the only way to fully remediate climate-induced migrants is to allow them access within the industrious nations blameworthy for the environmental degradation. For such industrious states, I insist that the right to self-determination fails to justify closed border policies towards environmental migrants because they have, in essence, failed to respect much more essential rights of theirs. And while there are practical counter-arguments to admitting

environmental migrants such as the cultural dissolution argument (that large flows of migrants lead to a dissolution of the culture of the host society), I argue that even if true, they threaten far less foundational needs of the human being, such as their need for community and cultural belonging. But in fact, several studies from recent years pinpoint that the assumption behind the cultural threat/cultural dissolution argument might be wrong. Most immigrants would adopt at least parts of the host society's culture (also known as "acculturation"), instead of blatantly imposing their own. For instance, despite not being concerned with climate migrants in particular, Mesoudi's (2018) research on the effects of large migrant waves depicts that "real-life levels of acculturation are easily strong enough to prevent immigration from destroying host national identities" (para10). Having said that, as long as some acculturation policies are implemented, I believe that the right to freedom of movement in the case of climate migrants overrides the principle of popular sovereignty and the stemming from it right to border control. Therefore, an open border policy remains the best possible way to meet the climate migrants' claims to justice.

## Chapter IV: Conclusion

In light of all hereby presented, I have argued it is evident that the best way to meet the climate induced migrants' claims to justice is through an open border policy on behalf of rich industrious nations. This conclusion rests on the premises that such industrious nations' high levels of harmful emissions have caused the environmental degradation of the climate migrants' places of origin and thus, those nations carry some sort of responsibility towards those forcefully displaced due to climate atrocities. As this thesis stipulates for the existence of causal remedial responsibility on behalf of industrious states towards environmental migrants, it argues that the

proposed alternatives to an open border policy – such as monetary compensation and international quota on harmful emissions – fail to successfully meet the claims to justice of those migrants. Due to the nature of their loss, the proposed monetary compensation and quota on emissions are supplements, rather than alternatives in serving justice to those forcefully displaced.

I believe this proposal moves us in a direction of a more just global society which acknowledges the fact that borders are not natural but rather *created* by people. Thus, should be irrelevant when discussing cases of human suffering. I hope my work helps to see that we as humans are interconnected - we share the same planet, the same *home* and therefore, owe things to one another.

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