Distributive Justice in International Climate Policy: Bridging the Gap between Theory and Practice

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Distributive Justice in International Climate Policy: Bridging the Gap between Theory and Practice

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Abstract

This thesis explores the principles of distributive justice in the context of climate change. I first evaluate the *Ability to Pay Principle*, the *Polluter Pays Principle,* and the *Beneficiary Pays Principle* on their normative grounds. I conclude that the BPP can be defended against objections concerning the consideration of wealth in proportion to historical emissions and imposing costs on the wrong people, whereas the PPP and the APP can not. Therefore the BPP is a fairer principle. However, due to the *past-benefits* objection, I render the BPP nonetheless inappropriate to guide international climate policy. Instead, I propose an altered version of the BPP (*Alternative Beneficiary Pays Principle*), which is able to take both historical, present, and future emissions into consideration, filling the gap the other principles leave open. Finally, whereas the current literature stops after dealing with the normative grounds of the principles, I further evaluate the feasibility of the ABPP in guiding international climate negotiations. I conclude that the long- and short-term feasibility of the ABPP is enhanced due to taking states as appropriate agents to assign the costs of climate change.

Key Words: distributive justice, Polluter Pays Principle, Ability to Pay Principle, Beneficiary Pays Principle, climate change, international climate policy, feasibility

Introduction

It is universally recognized that climate change is one of the most pressing and acute problems the human race is facing today. Immediate action is urgently needed to battle the causes and consequences of global warming, which influence almost all natural processes in our earth's system, and consequently affect the whole global population. According to the IPCC (2022): "The scientific evidence is unequivocal: climate change is a threat to human wellbeing and the health of the planet. Any further delay in concerted global action will miss the brief, rapidly closing window to secure a livable future" (p. 3).

This quotation additionally stresses the need for *global action*. The magnitude of climate change is so grand that it cannot be battled by several standalone countries, companies, or individuals: However, the problem requires commitment and cooperation on a global level. Within international policymaking on climate change, a consensus on the approach and the supposed goals is by no means reached. As determined in the Paris Agreement the supposed goal, for now, is "Holding the increase of global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1,5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change" (2015, p. 3). Deciding upon an approach to reach this goal, means deciding upon how to divide *responsibility*. Specifically, decisions on the distribution of the costs of climate change hinder consensus in international climate policymaking. In this thesis, I will focus on the debate which concerns the "fair" distribution of the costs of mitigation and adaptation policies, by assessing the prominent normative principles on which the distribution of costs is proposed to be based by scholars in the debate.

An evident example in which discussions on the fair distribution of costs have hindered the success of international policymaking is the Copenhagen Accord which proceeded from the UN Climate Change Conference in Copenhagen in 2009. The conference was preceded by years of negotiations and draft declarations, and hopes were set high for this conference to lead to a prominent global climate treaty (Dimitrov, 2010, p. 19). However, the conference resulted in a political declaration with a "Copenhagen decision": "The Conference of the Parties takes note of the Copenhagen Accord of 18 December 2009" (Dimitrov, 2016, p. 21). The reason for this failure is that developing countries did not agree with the restrictive measures that were set upon them, as they argued that it would curtail their much-needed economic growth, whereas developed countries argued that to reach the 2°C goal, developing countries would also have to restrict their emissions (Wong, 2014, p. 268). This attempt at a global climate treaty failed because of the discussion on the

distribution of the costs of climate change. These failures in global policymaking are problematic because of the pressing consequences that climate change will have when no action is undertaken such as droughts, floods, and famines. In the global climate treaty that followed, the Paris Agreement in 2015, the issue of the allocation of responsibilities and costs was not addressed and left open for interpretation: "Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve" (2015, p. 4). Therefore, it is highly relevant to reach a consensus concerning the "fair" distribution of the responsibilities of the costs of climate change.

Furthermore, scholars in the academic debate are neither near a consensus on how responsibilities should be distributed in international climate policy. The fair allocation of responsibilities in political philosophy is coined as *distributive justice*, and the main principles of distributive justice that are being debated are the *Ability to Pay Principle* (APP), the *Polluter Pays Principle* (PPP), and the *Beneficiary Pays Principle* (BPP). In the context of climate change, these principles are applied to the distribution of the costs and benefits of climate change. Scholars in this debate are often concerned with the normative side of this debate, yet not with the practical implications of the principles of distributive justice in climate change. The lack of focus on the feasibility of the principles of distributive justice in climate policy within the academic field prevents the smooth transition of academic findings to actual policies. I will thus fill up the research gap by exploring the following research question: *Which principle of distributive justice should guide international climate policy?*

This research question can be divided into two parts, firstly the normative side of the principles of distributive justice, and secondly the practical side of the principles of distributive justice. Firstly, I will assess the debate on the normative foundations of the principles of distributive justice in the context of climate change. After making the case that the APP and PPP are not appropriate principles to determine responsibilities in climate policy, I will assess and counter the main objections to the BPP. As the BPP fails to account for the *past-benefits* objection, I make a proposition for an altered version of the Beneficiary Pays Principle (*Alternative Beneficiary Pays Principle*) that I advocate for guiding international climate policy. After determining that the ABPP is a normatively plausible principle, I will further assess the plausibility of the ABPP by evaluating its feasibility. I ultimately argue that whereas the other principles cannot, the ABPP can be defended against the past-benefits objection in addition to other prominent objections to the BPP. Lastly, I

assess the feasibility of the ABPP in fair international climate policy and conclude that both short- and long-term feasibility are enhanced due to the characteristics of the ABPP.

Chapter I: Establishing a Background for Normative Evaluation

In this chapter, I elaborate on the meaning of the most prominent concepts in the debate on distributive justice in climate policy. In the current debate, a lot of unclarity and disagreement remain on the background to which the plausibility of the principles of distributive justice should be evaluated. Whilst some authors specifically address the importance of clearly defined concepts, others assume that their interpretations of the concepts are self-evident. I want to emphasize the importance of a normative conceptualization of the main concepts surrounding distributive justice in the context of climate change.

1.1 Distributive Justice

The United Nations Framework Convention on Climate Change (UNFCCC) states that the burdens of climate change should be distributed "on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities" (1992, p. 4). Many of the principles of distributive justice in the debate on climate policy claim to be invoked in support of the principle of 'common but differentiated responsibilities' (CBDR) (Page, 2008, p. 557). Within the UNFCCC, no further explanation is provided on what exactly is meant by the CBDR and how it should be interpreted. The lack of consensus on how the CBDR should be interpreted leads to the debate on distributive justice in climate policy, as the principles that are evoked in its support each claim a different framework of responsibility distribution.

Justice in the climate debate is based on the differences between countries regarding their historical contributions to the emissions of greenhouse gases (GHG), their ability to bear costs, and their vulnerability to climate change. Additionally, current power relations between states within global governance play an important role in determining international climate change policy, in which more powerful states use their greater influence to design policies lenient to their interests (Meyer & Roser, 2010, pp. 230, 232; Okereke, 2010, p. 464). Various dimensions of justice can all be considered to fall under the term distributive justice. According to Okereke, the most important three are *compensatory justice* (the compensation of past harm), *distributive justice* (distribution of present and future responsibilities), and *procedural justice* (fair procedures and an inclusive framework) (2010, pp. 462-464). However, other scholars consider *distributive justice* as the redistribution of undeserved harms or benefits, not tied to a specific time frame (Meyer & Roser,

2010, p. 239). According to Okereke, a basic assumption that is made in the debate on climate justice is that compensatory and procedural justice are solely tools to achieve the end goal, which is distributive justice (2010, p. 466). In this research, I will only focus on compensatory and distributive justice, which both have the goal to rectify injustice. Considering the scope of this research, I will only take the APP, PPP, and BPP into consideration as principles of distributive justice.

1.2 Identifying an Agent

Within the realm of climate change, many different agents could be appointed who contribute to the problem in a certain way. These agents include states, international institutions, civil society organizations, companies, and individuals (Caney, 2016, p. 2). Within the debate on distributive justice, some scholars make strong claims to which agent we should assign responsibilities, whilst others make implicit assumptions. Page (2008), Meyer & Roser (2010), and Okereke (2010) explicitly consider countries as the relevant agents to bear the costs of climate change. Opposed to that is Berkey (2017) who argues that versions of the PPP and BPP which consider collectives as agents are problematic. He argues that individuals, such as citizens within a country, should not bear the burdens of the actions of people they had no control over (p. 12). Caney (2005) however argues that countries persist in time which commits decisions of international agreements to them in the long-term; whereas individuals die at a certain point which makes policies applied to individuals short-term (p. 759). Furthermore, as the framework in which we make global decisions concerns countries, and countries often have a certain control within or over the other agents mentioned, I will consider countries as the appropriate agents to distribute the burdens and benefits of climate change; presuming a global level of analysis. In this thesis ‘countries’ and ‘states’ will be used interchangeably. For the sake of the scope of this research, I will assume that the governments of the countries distribute the burdens and benefits fairly among their national firms, organizations, and citizens. This assumption allows me to thoroughly focus on inter-state and inter-generational justice.

1.3 Mitigation and Adaptation Policies

According to the IPCC, the burdens of climate change can be grouped into two policy types: mitigation and adaptation. Firstly, the duty of mitigation is to reduce the emissions of GHGs, such as cutting back emissions of carbon dioxide (Caney, 2010, p. 204). Mitigation policies thus address the causes of climate change. Secondly, the duty of adaptation is devoting resources to protect

people from the negative consequences of climate change. Particularly the need for the protection of humans against the effects of rising temperatures and sea levels is currently acute (Caney, 2010, p. 204). Adaptation policies thus address the consequences of climate change. It is widely recognized that both adaptation and mitigation policies are necessary to fight the urgency of climate change (IPCC, 2007, p. 70).

The important differences between adaptation and mitigation lie in their ultimate goals. One could argue that as the goal of mitigation is to reduce overall global GHG emissions, it contributes to the global common good, whilst adaptation, battling the current consequences of climate change, is area-specific and thus contributes to a local benefit. Furthermore, as adaptation policies only result in local benefits, the question of allocation arises and which areas should have priority (Duus-Otterström & Jagers, 2012, p. 747). Duus-Otterström & Jagers claim that it is intuitively logical to treat mitigation and adaptation differently when determining the distribution of burdens amongst agents (2012, p. 747). However, most authors in the current literature (Caney, 2005; Page, 2008) consider a *unified view* on the matter, supposing that mitigation and adaptation lend themselves to the same type of normative analysis. Directly opposing is the *disjointed view* (Meyer & Roser, 2010), which considers a different pattern of burden-sharing for mitigation and adaptation (Duus-Otterström & Jagers, 2012, p. 747). One can imagine that burden-sharers prefer to contribute to a goal that they in a sense profit from themselves, rather than contributing to the benefits of an area they have nothing to do with. To avoid this problem, I will maintain a disjointed view similar to Meyer & Roser (2010).

1.4 Ideal of Distribution

There is always some ideal of distribution supporting climate policies, rather than purely a principle of climate justice (Page, 2008, p. 564). There are three main ideals of distribution to which various versions of the principles of justice can be traced back to. These ideals are egalitarianism, prioritarianism, and sufficientarianism. *Egalitarianism* argues that any burdens or benefits stemming from human activity should be distributed to minimize inequality, *sufficientarianism* argues that burdens and benefits should be distributed up until the 'threshold of sufficiency' for every person and *prioritarianism* argues that benefits should be distributed to those who are the worse off (Page, 2008, pp. 565-566). Meyer & Roser argue that the priority view takes the intuition behind egalitarianism and sufficientarianism into account because it considers the well-being of a person not as compared to others, but in itself (2010, p, 232). Considering the scope of this research

I will similarly assume that the priority view provides the most legitimate philosophical basis for climate change policy.

Chapter II: Normative Debate on the Principles of Distributive Justice

Academics still debate which principle of distributive justice should be implemented in international climate policy. Fortunately, there are some issues that scholars almost unanimously agree upon. Firstly, the fact that emissions of the developed countries have been decisive in the emergence of anthropogenic climate change (Page, 2008, p, 558; Meyer & Roser, 2010, p. 229). Secondly, the fact that developing countries are more vulnerable to the effects of climate change (Meyer & Roser, 2010, p. 238). Serious occurrences of natural disasters due to climate change are currently taking place in the world. It is already evident that developing countries are hit harder by these negative consequences of climate change. These negative effects of climate change include extreme weather events like flooding and droughts, failing crop yields, and diseases (Okereke, 2010, p. 465). The fact that the developed world has caused the majority of the accumulated global stock of GHG emissions, and that the developing countries will suffer most from the negative impacts of climate change, means that rich countries are imposing costs on the poor (Okereke, 2010, p. 464). This injustice has to be corrected for.

There is a faint line between evaluating the plausibility of the principles of distributive justice to rectify injustice in general or evaluating the principles of distributive justice as applied to the case of climate change. My critique is that some authors use examples and make arguments that concern the normative foundations of the principles of distributive justice and apply those outcomes to the case of climate change, without actually considering the specific facets of climate change. The urgency of ethically underpinned policymaking on climate change still persists today. That is why I explicitly only engage with the principles of distributive justice as applied to the context of climate change.

Whilst keeping these aspects in mind, I continue with an assessment of the three principles of distributive justice. Considering the scope of this thesis I focus on the most prominent objections to the principles of distributive justice in the context of climate change.

2.1 Ability to Pay Principle

In the context of climate policy at the global level, the APP can be defined as: Countries should contribute to the costs of mitigation and adaptation policies in proportion to their wealth or income (Page, 2008, p. 561).

A prominent objection to the APP is that it is wrong to impose duties on an agent to solve a problem that was not of their doing. Caney (2010) counters this by stating that in climate policy it is inevitable that some agents will have to pay for burdens they did not cause, such as historic emissions of ancestors who are now dead. He argues that it would be perverse to make the poor people pay if others are able to pay and still live an affluent life. In addition, Caney argues that poor people are particularly vulnerable to climate change so they would suffer in either of these scenarios. Finally, he argues that those who have the ability to pay without sacrificing any reasonable interest should thus do so (p. 214).

The APP is additionally contested because having a comparatively high standard of living should not constitute an appropriate basis to determine a country's ethical obligations. According to Page (2008), the claim thus should be reformulated into 'states with excess capacity' who should contribute to the costs of climate change, elevating obligations from those countries that are rich compared to others, but not compared to a certain standard (p. 561). Page assumes that the APP approaches derive "their plausibility from the implicit assumption that those with the ability to solve environmental problems were also responsible for their emergence" (2008, p. 562).

I agree that in international climate policy a relatively big part of the burdens should be allocated to the richer countries, however, not simply because they have the ability to pay, but rather because of the reason *why* they are richer than other countries. It will become evident that those countries are richer due to the benefits they have gained from pollution. I will argue that the intuitive 'implicit assumption' that Page (2008) emphasized can be addressed by applying another principle to climate policy, namely the BPP.

2.2 Polluter Pays Principle

The PPP when applied to global climate change can be defined as: The agents that have caused or are responsible for emissions should bear the costs of mitigation and adaptation policies (Caney, 2010, p. 205) The version by Page (2008) provides a more specified duty: "countries should contribute to the costs of managing climate change in proportion to their share of global cumulative greenhouse emissions" (p. 557).

Caney argues that the PPP has an intuitive appeal and should in any way be implemented in climate policy (2010, p. 205). Page, however, argues that the 'contribution to' problem approach in the form of a PPP is problematic, as it denies the relevance of a country's wealth separately from its historical responsibility (2008, p. 559). Thus the PPP could impose costs on agents that do not have the wealth to carry those burdens. In the case of states, obliging them to pay more than they can afford, would endanger the lives of their citizens.

Page (2008) makes additional points as objections to the PPP, that when applied at the collective level, one would demand compensation from the wrong people. He cites states in which ancestors who caused the emissions are now dead, but also previously carbon-neutral states which were invaded by a carbon-intense nation and are now being demanded compensation (p. 560). Similarly, Berkey (2017) considers the PPP applied to collectives as problematic because citizens of states have to carry costs for burdens they were not responsible for (p. 10). This objection is often also used to undermine the plausibility of the BPP. However, the PPP is solely concerned with the "causer" of emissions and connecting the number of burdens directly to the amount of GHGs one has emitted. Thus, it cannot take historical emissions of those who are now dead into consideration, leaving centuries of emissions unaddressed.

I however want to suggest that the BPP rightly can appeal to both these objections. I want to highlight that there is a difference between being able to control the actions of those past people, and experiencing the effects of those actions, either through suffering or benefitting. The BPP attributes burdens not according to whether one caused the emissions, but rather according to the benefits agents enjoy(ed) from those emissions generating activities. A country in which many emission-generating activities took place, is in many cases currently the beneficiary of those activities, either due to a solid infrastructure, solid industries, or by being wealthy. Overall, industrialized countries have also been the highest past emitters (Caney, 2010, p. 212). I argue that this means current citizens of those countries received "free benefits" of their country's past emissions and now must pay the costs of those emissions in return. This way the BPP takes the wealth of a country into consideration, whilst considering the amount of benefits the country has enjoyed from emissions when allocating the burdens of climate change. Meyer & Roser also argue that the BPP is more successful in identifying duty-bearers than the PPP (2010, p. 243).

Another prominent objection to the PPP is the *excusable ignorance* objection. It argues that emissions of past polluters should be excused because at the time of emitting they were not aware of the harm the emissions caused. If the PPP accommodates this objection, then the PPP is unable to address any historical emissions from before the year 1990: That is when the IPCC brought out a

report stating that emissions are contributing to global warming. Exempting such a big part of the emissions due to excusable ignorance leaves a large sum of the overall emissions unaddressed. With or without having appointed a duty-bearer, those emissions have still caused negative consequences, and the costs of those negative consequences have to be addressed either way. To ensure justice, the allocation to agents on unfair grounds should be avoided. Caney suggests a 'modified strict liability principle' of the PPP to accommodate the excusable ignorance objection. He argues that excusably ignorant polluters should bear the costs of their actions if they jeopardized others' interests and the polluter benefitted from those actions, irrespective of their intentions (2010, p. 208). The focus on the benefits of the polluters makes this adjusted version of the PPP by Caney rather a type of version of the BPP.

2.3 Beneficiary Pays Principle

In the context of global climate change, the BPP can be defined as: The burdens of climate change should be attributed to states according to the amount of benefit they each have derived from both past and present activities that contribute to climate change (Page, 2012, p. 302).

Some authors argue that the BPP intuitively seems to assign the correct duty-bearers because if some have benefitted from a situation that has caused harm to others, it seems fair that the beneficiaries compensate the victims (Barry & Kirby, 2017; Butt, 2014). The BPP is however not without its controversies. A predominant objection to the BPP is that historic emitters were unaware that the atmosphere is an exhaustible good and that thus their emissions were harmful, which makes them excusably ignorant. According to the excusable ignorance objection, benefitting from these excused emissions should not be counted towards the costs of the beneficiaries (Barry & Kirby, 2017, p. 296). One counterargument against the excusable ignorance objection is that it only suffices for the emissions pre-dating the year 1990. This means the excusable ignorance objection only has limited application to the BPP (Meyer & Roser, 2010, p. 234). Barry & Kirby (2017) in turn argue that even though the historic emitters could not know the harm involved and they cannot be blamed for that, they still contributed to the situation in which some were wrongfully harmed and that is enough to ground duties to contribute to the costs of climate change (p. 296). Based on this argument I consider the excusable ignorance objection implausible to the BPP.

Furthermore, Caney (2006) makes the objection that it would be unfair to require current beneficiaries to pay for a big part of the benefits of others who are now dead (p. 473). Barry & Kirby (2017) oppose this by arguing that current beneficiaries should only be held responsible for the benefits of the historical emissions that they enjoy, not for all the benefits anyone ever enjoyed

(p. 292). However, they recognize that that would mean that either another principle would have to come in and determine who should bear the costs of climate change, or that to solve the problems some undue burdens would have to be imposed on certain people (2017, p. 292). Meyer & Roser (2010) similarly suppose that the historical emissions that belonged to people that are now dead which yield no benefits for those currently living should not be taken into consideration when correcting inequality in historical emissions (p. 235). As such, the BPP fails to account for a large sum of benefits that were enjoyed by people who are now dead, it thus fails to address a large sum of the accompanying costs of those benefits. Therefore, the plausibility of the BPP as an appropriate principle to guide international climate policy is weakened by this objection.

Meyer & Roser (2010) counter the previously mentioned objections to the BPP which considers historical emissions. According to Meyer & Roser, the objections are based on the idea that the inequality of historical emissions should be corrected for according to compensatory justice. They however argue that the distribution of emission rights should solely be based on grounds of distributive justice in which they do not refer to any harm or wrong involved (2010, p. 235). They advocate for a distribution of benefits of emission-generating activities, in the form of emission rights, among the currently living according to the priority view. This would mean that the developing countries should have priority when dividing the currently available emission rights because the developed countries already have a higher level of such benefits due to the past emissions of previous generations (2010, p. 236). Meyer & Roser thus do not base their argument on the premises of rectifying harm or wrong, but rather on the consideration that the distribution of emission rights is a problem of pure distributive justice (2010, p. 235). In defending this argument, Meyer & Roser are one of few in the debate that make a distinction between mitigation and adaptation policies. Whereas they advocate to create mitigation policies according to distributive justice, which differentiates their argument from others in the debate, they do advocate to create adaptation policies according to compensatory justice. As this counterargument thus only applies to mitigation policies, the objection of who should address the costs of the benefits of those who are now dead remains. I will further refer to this objection as the *past-benefits* objection.

Furthermore, Berkey considers the BPP to be problematic because he argues that by defending that obligations arise due to benefitting from unjust acts, proponents of the BPP deny that benefitting from systemic institutional injustice or an unjust state of affairs can also derive obligations to contribute to rectifying injustice (2017, p. 5). As Berkey does not provide a specific definition of an unjust act, his argument weakens. I would argue that systemic institutional injustice derives from unjust acts: The act of creating the institutions and unjust frameworks with asymmetrical power relations. An unjust state of affairs often flows out of unjust institutions thus

both can be grouped under the concept of unjust acts. Thus, the BPP can account for the benefits of systemic injustice as well. However, systemic institutional injustice and an unjust state of affairs are issues of procedural justice, which I will not discuss further considering the scope of this thesis.

Another objection one could make is the problem of clearly showcasing cause and effect relations when determining how many benefits a country has enjoyed and to which emissions they can be linked. This objection however remains with all principles (Caney, 2010, p. 207). It becomes evident when determining mitigation policies and whilst evaluating which emissions have caused which consequences. These complex causal issues can thus not be avoided in either principle of distributive justice, and can thus be subverted as undermining the plausibility of the BPP.

2.4 Previous Proposals

The normative landscape on which discussions in international climate policy are based is often misinterpreted. Consequently, an implicit consensus has been reached among scholars in the academic debate that only a pluralist framework would provide a solution, as no single principle supposedly meets the full range of requirements of commentators (Okereke, 2010, p. 467). Accordingly, Duus-Otterström & Jagers (2012) have argued that mitigation burdens should be distributed according to a 'contribution based' principle (e.g. PPP), and that adaptation burdens should be distributed according to an 'ability based' principle (APP) (p. 747). Partly in line with this are Barry & Kirby (2017) who propose that the costs of addressing the harms of contemporary emissions should be distributed according to the PPP and that the costs of addressing the harms of historical emissions should be allocated through the BPP (p. 293). Meyer & Roser (2010) propose to distribute the costs of mitigation according to the BPP under prioritarian grounds, and that adaptation costs should be distributed according to the BPP based on compensatory justice (p. 229).

Thus far, one could state that the APP is concerned with a country's *current wealth*, the PPP is concerned with the *causes* of climate change, and the BPP is concerned with the *effects*, the costs and benefits, of climate change. I want to emphasize that the BPP compliments our intuitive feeling of distributive justice, as it is focused on the effects of climate change-inducing activities rather than its causes, and considers how a country obtained wealth, rather than using their current wealth as a benchmark to determine their share of burdens. However, as the BPP cannot be sufficiently defended against the past-benefits objection, I propose an altered version of the BPP. This altered BPP can similarly be defended against the previously mentioned objections to the regular BPP, which increases its feasibility and thus its plausibility to guide international climate policy.

Chapter III: Alternative Version of the BPP

In the literature, most interpretations of the BPP consider the beneficiary to involuntarily receive benefits from an act they did not perform (Butt, 2014; Huseby, 2015; Meyer & Roser, 2010). However, when one considers the BPP in the context of climate change, in most cases the ones to cause the emissions, are also the ones to receive the benefits and are very aware that they are doing both. In cases where those who caused the emissions are dead, their future generations enjoy the benefits. That is why I want to suggest a version of the BPP in which the beneficiaries can also be the ones who cause(d) the emissions.

3.1 Assumptions

Considering the scope of this research, I will make several assumptions before proposing an altered version of the BPP which I claim should guide international climate policy. I firstly assume the feasibility of a framework in which the causal relation between emissions and benefits can be determined. Secondly, I assume that intra-state justice is assured by states in their national policies. Thirdly, to comply with the pressing urgency of the climate crisis, I consider all additional emissions to the atmosphere to be harmful. And finally, I assume that the priority view compliments the BPP the best as an ideal of distribution.

3.2 Proposal: ABPP

I propose to create an international climate policy based on an alternative version of the BPP in which beneficiaries can also, but not necessarily have to, be the causer of the emissions they benefit from. By creating the possibility of the beneficiary also being the emitter, this altered BPP can be applied to historical, present, and future emissions. The agents that can be identified as the beneficiaries and emitters in this proposal are states. Additionally, I want to argue that adaptation and mitigation policies should be created and dealt with separately so both the causes and consequences of global warming can be dealt with sufficiently. I will further refer to my proposed alternative BPP as the *Alternative Beneficiary Pays Principle* (ABPP).

The ABPP complies with the inter-generational justice aspect of climate policy because it makes a distinction between mitigation and adaptation policies. Within the debate it is agreed upon that climate change is caused by emissions that only materialize several decades after the occurrence of those emissions, creating a time lag between emissions and their consequences (Meyer & Roser, 2010, p. 229; Okereke, 2010, p. 464). Thus, we are currently experiencing the impacts of historic emissions, and future generations will therefore endure the consequences of our current emissions. Accordingly, the only way to compensate for the effects of past emissions is

through adaptation policies. Whilst mitigation policies, in which we reduce our emissions and decrease global warming, will only pay off in the future because of the time lag between emissions and the effects. Thus, mitigation policies will benefit future generations. That is why the ABPP approach implicitly also addresses inter-generational justice, as adaptation policies will benefit our current generation and mitigation policies will benefit future generations.

I propose that adaptation policies should be created according to purely distributive justice, in which developed countries redistribute their share of benefits, as they have received a bigger portion of benefits unfairly. As adaptation policies are necessary to address the consequences of climate change that were caused by earlier emissions, which have mainly been caused by developed countries, I propose that this part should be covered by developed countries. The share the developed countries will contribute should be in proportion to the benefits they received from past emissions. This might feel counterintuitive, as developed countries most likely will not need adaptation resources currently themselves. However, if one considers why these policies are necessary; due to historical emissions which developed countries have mainly caused: Rather than merely considering who receives the benefits of such adaptation policies, then this approach complements the intuitive feeling of restoring injustice. So one could argue that within this proposal adaptation policies can be used to rectify historical injustice. Furthermore, I propose that mitigation policies can help solve the current and future problems of climate change and should be contributed to by all emitting countries. Again the share of the costs all countries contribute to these mitigation policies should be in proportion to the benefits they are receiving from their emissions. Assigning the responsibility of mitigation and adaptation policies to different agents enhances the feasibility of the ABPP because of the different requirements both policies have. In principle, adaptation policies can always be executed provided that there is enough funding. Mitigation, however, can only partially be funded by money: covering the technical transition to sustainable energy. Mitigation also requires people to stop certain actions, namely emission-generating activities. To ensure this goal, you need commitment, dedication, and persistence from all the players that influence the outcomes. Therefore, developing countries that are emitting greatly and receiving benefits from those emissions should also be included to ensure the feasibility of mitigation policies. The ABPP does not advocate that the beneficiary should give up the exact benefits they received from an act. If one considers the context of climate change, benefits such as good infrastructure and industries would be difficult to disgorge. I rather advocate that the evening out of undeserved benefits can occur through different processes, whether that is through funding adaptation policies or actively emitting less so that others can emit more.

The ABPP serves the intuitive feeling behind the original BPP. This intuitive feeling can be formulated as: "Developed countries were *causally responsible* for climate change; they are the main *beneficiaries* of activities that cause climate change; and they have the *ability* to tackle the causes and effects of climate change" (Page, 2008, p. 564). These features are not coincidental, they could rather be explained as a causal chain. Undoubtedly, carbon emissions and economic growth are linked intimately (Okereke, 2010, p. 465). Emission-generating activities result in benefits such as solid industries, national health, and trade relations, and these measures are considered wealth and generate excess capital. Therefore, these countries have the ability to attribute to climate change policies without substantive sacrifices. As the ABPP takes historical emissions into account, without neglecting the newly emitting developing countries, it upholds the expectations of both developing and developed countries as discussed in the introduction.

3.3 Objections

Furthermore, I want to elaborate on why the ABPP can accommodate the past-benefits objection. I want to emphasize that I consider collectives and specifically states as the appropriate agents to assign the costs and benefits of climate change. As states persist in time, emissions caused by a certain state 150 years ago still count towards the cumulative total that the state has emitted. The same could be argued for benefits. The benefits that were enjoyed by a state 150 years ago, still count towards the cumulative total that the state has enjoyed: The agent in those past 150 years is continuous. Therefore, benefits back then were enjoyed by the same agent as currently, as states continue to exist through time. That makes the past-benefits objection implausible to the ABPP.

In cases where states benefit from historic or present emissions, without simultaneously causing those emissions, one could object that this remains imposing moral obligations on agents who *involuntarily* received benefit, which creates the non-reciprocity problem (Page, 2008, p. 563). However, if one does not disgorge the benefits received from past emissions either through adaptation or mitigation policies, then in a sense that agent is accepting the benefits. If one accepts benefits, then the involuntary receiving objection does not hold.

One could then make an objection to taking states as agents because one could claim that accidentally living in the same state should not imply duties. I however want to make an argument as proposed by Meyer & Roser: Current members of a community must pay for the wrongs of past members of the community and community membership can be a reason to ascribe duties to presently living members. Members long to remain part of their community and to do so they have to uphold the just institutions of that community and thus comply with acting just themselves. Therefore, current generations should pay on behalf of their ancestors' generations because they are

part of the same community, and more specifically part of the same state (Meyer & Roser, 2010, p. 244).

Additionally, one could argue that compensatory justice feels more intuitive than distributive justice due to the argument that an agent who has caused harm through an unjust act should compensate the victim of that harm. However, the grounds of distributive justice based on a priority view are more solid and can thus be used to achieve the initial goal of rectifying injustice. The wealthy and less vulnerable should help the less wealthy and the vulnerable. Developed countries are wealthy due to past emissions and industrialization and are less vulnerable to the effects of climate change. Developing countries are less-wealthy due to fewer past emissions and no industrialization and are more vulnerable to the effects of climate change due to geographical location, agriculture sensibility, and little resource availability for adaptation (Meyer & Roser, 2010, p. 238) Instead of claiming that because an agent caused harm through an unjust act he should compensate the victim of that harm, I propose the claim that if an agent has more benefits than another, no matter how those benefits came into existence, they should be redistributed. This is because according to distributive justice, one agent does not have more right to those benefits than the agent who is worse off.

I have now made an account for an altered version of the BPP based on normative foundations. However, I want to provide an answer to which principle works best for international climate policy. A principle can work perfectly in theory, nonetheless, its feasibility and implications should also be evaluated.

Chapter IV: Feasibility of the ABPP

For the ABPP to be feasible in climate policy and thus plausible, a framework should be established in which the relation between emissions and benefits is determined. Firstly, the cumulative emissions of a country should be established. Suggestions to determine the cumulative emissions are: “equal weight for all country emissions; marginal change in global temperature caused by a country’s past emissions; or marginal change in GHG concentrations caused by a country’s past emissions” (Page, 2008, p. 558). Secondly, in my proposal for the ABPP, I have assumed that establishing a causal connection between emissions and benefits is possible and feasible.

Some argue that distributive justice as such hinders climate negotiations because demands by different parties are too opposing. Developing countries are demanding that issues like biodiversity, trade, sustainable development, and property rights should also be taken into consideration whilst creating international climate policy to rectify some of the systemic injustice. Furthermore, developing countries are arguing that adaptation policy should include a form of

compensatory finance that should be owned by the richest and highest-polluting countries to the vulnerable countries that are currently already suffering the impacts of climate change. Whilst the appointed developed countries have recognized the specific vulnerability of developing countries to the current effects of climate change, they still insist that the normative grounds for compensatory justice are however extremely weak due to the implausibility of establishing the causal relation of emissions and their effects. Additionally developed countries argue that a distinction should be made between developing countries that are vulnerable to climate change, such as Ruanda and Kenya, and developing countries that are industrializing quickly and thus contributing to the problem themselves, such as China and India (Okereke, 2010, p. 465).

These different demands cause continuous discussions, both within the academic debate and within policy-making, on striking a balance between just policies (long-term) and practical and feasible policies (short-term) (Okereke, 2010, p. 466). However, the ABPP that I propose strikes this balance because it considers the demands of both parties. It does so by appointing the responsibility of adaptation policies to those who had benefitted from past emissions (developed countries) and thus satisfying the demands of developing countries. And by appointing the responsibility of mitigation policies to all who are benefitting from current emissions, including both developing and developed countries. This way both parties' wishes are partly fulfilled, making it more likely they agree upon this proposal. Agreement is the first step in creating feasible policies.

As mentioned previously, some scholars undermine the plausibility of the BPP when it is applied in the context of collectives (Berkey, 2017, p. 9). I could agree that intuitively it seems more legitimate to divide responsibilities based on the benefits that individuals enjoy, however, the level of analysis that I have argued for in section 1.2, is the global level. I have argued for this level of analysis because on the global level states enter into multilateral negotiations. Accordingly, they create international policies and ratify those on a national level. This ensures that the fair policies I aim for, have the widest possible reach. Thus, considering states as agents is more plausible to ensure the feasibility of climate policies. Additionally, when one considers the argument by Caney (2005) that countries persist in time which commits the global decisions to them in the long-term, whereas individuals die at a certain point (p. 759). Then one could argue that policies which concern individuals are short-term and that policies that concern countries are long-term, due to the time they persist through. Thus taking countries as agents strengthens the long-term feasibility of my proposal.

An interesting aspect of the implementation of principles of distributive justice in international climate policy is the fact that within actual policy debates or proposals, countries

rarely explicitly mention any of the specific justice principles. Within the debates, they do not reach back to academic theoretical frameworks to support their demands for justice, and sometimes even build their claims upon different conflicting principles. Even though in the debate on international climate justice there lies a lot of emphasis on the importance of justice in distributing costs and benefits, the normative landscape on which the discussions are based is often misinterpreted and thus messy. The subsequent critique is that the global climate regime is a hegemonic order which prevents the implementation of justice in the climate regime (Okereke, 2010, pp. 466-467). Specifically, political bargaining power is critiqued for influencing the current international climate policies, and these power relations as such prevent the implementation of distributive justice in climate policy (Meyer & Roser, 2010, p. 232). This problem relates to procedural justice, which is concerned with fair procedures and an inclusive framework (Okereke, 2010, p. 464). For the scope of this research, I will not elaborate further on this debate, it is however an interesting critique to take into consideration when evaluating the feasibility of climate justice.

This evaluation makes a strong case for the ABPP to be implemented in climate policy. Additional feasibility issues have not been discussed here, but play an important role in the implementation of climate policies as well. Thus, further research within the literature on justice concepts and principles and how these can be translated into effective and politically feasible policies remain highly necessary.

Chapter V: Conclusion

In this thesis, I have made an assessment of the debate on the principles of distributive justice in the context of international climate policy. I have argued that out of the three principles of distributive justice, the BPP is the most plausible. To fill the gap which the regular BPP leaves in not accounting for the past-benefits objection, I have proposed the ABPP. The ABPP can be defended similarly to the BPP against the objections mentioned in Chapter 2, and because it considers states as agents, it can additionally be defended against the past-benefits objection. The ABPP can address historical, present, and future emissions by assigning the responsibility of mitigation and adaptation policies to different agents. In addition to ensuring intra-state justice by considering pure distributive justice as the basis for determining the distribution of the costs of climate change, the ABPP accounts for inter-generational justice by distinguishing between mitigation and adaptation policies. Within the proposal I have made suggestions on how adaptation and mitigation policies can be executed, ensuring the demands of developed and developing countries. Finally, I have reassured the plausibility of the ABPP by elaborating on its feasibility aspects. Specifically, the consideration of

states as agents enhances the short-term and long-term feasibility by ensuring the widest possible reach and because states persist in time. These considerations have led me to the conclusion that the appropriate principle to guide feasible international climate policy is the ABPP.

However, a predominant limitation of this research is the assumption that states deal with intra-state justice on a national level. This premise cannot be assured and such policies on the national level should also be grounded in principles of distributive justice. Furthermore, there are additional objections to the principles of distributive justice I have not dealt with, which limits the legitimization of my proposal. However, as mentioned in section 3.2, I maintain that the ABPP resonates with the intuitive feeling behind all three principles and thus should guide international climate policy. As the benefits of historical emissions will count cumulative towards the end-calculation, developed countries will likely carry the lion-share of the burdens of climate change. Developed countries should thus rectify their unfairly received share of benefits, by redistributing their wealth. However, by also taking current benefits into account, newly grand emitters like China and India will also contribute their share of burdens, satisfying the demand of developed countries.

Furthermore, I have some suggestions for future research. One could consider procedural justice when assessing the appropriate normative basis for international climate policy. Especially the role of power relations between developing and developed countries and their accompanied bargaining power in international policy-making is an interesting aspect to research further. Moreover, one could expand the feasibility assessment of the ABPP. For example by examining the feasibility of a framework in which the relationship between benefits and emissions can be determined.

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