

Fairness, Responsibility, and Climate Change

Paul G. Harris

Dead Heat: Global Justice and Global Warming, Tom Athanasiou and Paul Baer (New York: Seven Stories Press, 2002), 173 pp., \$9.95 paper.

American Heat: Ethical Problems with the United States' Response to Global Warming, Donald A. Brown (Lanham, Md.: Rowman & Littlefield, 2002), 288 pp., \$75 cloth, \$25.95 paper.

Ethics, Equity and International Negotiations on Climate Change, Luiz Pinguelli-Rosa and Mohan Munasinghe, eds. (Northampton, Mass.: Edward Elgar, 2003), c. 200 pp., \$60 cloth.

Now that the risk of global nuclear war is remote, arguably the greatest threat facing our planet is global warming. As the atmosphere and oceans warm, climate change will bring uncertainty and hardship almost everywhere. Just as nuclear Armageddon would have resulted from human failures, global warming is the product of the activities and decisions of humankind. Scientists have ascertained that global warming is under way, and they believe that climate change is very likely happening now. It causes increased frequency of severe weather events like floods and droughts, the spread of pathogens to new areas, adverse changes in agricultural yields, increased human mortality from heat and cold, coastal erosion and damage from the rise in sea level, melting glaciers, and a host of other troubles. These problems will harm the poorest countries and peoples the most due to their vulnerable locations and limited resources, which make it difficult or impossible for them to adapt.¹

There is uncertainty about the precise pace and effects of climate change. However, one refrain that permeates the literature is that scientific uncertainty is no justification for inaction. While substantial global warming and the resulting change in climate cannot be avoided, they can be mitigated, and those suffering from them can be aided in their efforts to adapt. Indeed, as the authors of the books reviewed here argue, it is plainly immoral to wait for scientific certainty given the probability of widespread harm.² Only in the United States is there still considerable discussion about whether global warming is happening and whether humans are causing climate change, and only there is uncertainty about the precise

¹ For the most authoritative treatment of climate change science, effects, and policy options, see Intergovernmental Panel on Climate Change, *Climate Change 2001*, 3 vols. (Cambridge: Cambridge University Press, 2001).

² See Dale Jamieson, *Morality's Progress: Essays on Humans, Other Animals, and the Rest of Nature* (Oxford: Oxford University Press, 2002), pp. 282–95.

consequences used to stifle debate and prevent any real action. But the ongoing debate and delay in dealing with climate change, often a consequence of U.S. foreign policy in complicity with like-minded governments, will bring great hardship and suffering. As Athanasiou and Baer put it, “*Even if we move quickly to cap the emission of greenhouse pollutants [a politically and diplomatically impossible scenario at present], the consequences of global warming will soon become quite severe, and even murderous, particularly for the poor and the vulnerable. And in the more likely case where we move slowly, the impacts will verge on catastrophic.*”³

Much of the literature on the ethics of global warming inevitably turns to the responsibility industrialized countries bear both for having contributed to temperature change and for devising ways to alleviate it. At present, about one-half of all greenhouse gas emissions—mainly carbon dioxide produced by the burning of coal, oil, and other fossil fuels—comes from the wealthy industrialized countries. Historically, they have been an even greater source of these pollutants. In short, the vast majority of the world’s people have contributed little to the problem, particularly on a per capita basis. Emissions of carbon dioxide by the typical American or Australian, for example, are many times those of a typical Brazilian or Chinese person.

No country, however, bears more responsibility than the United States. With about one-twentieth of the world’s population, the United States produces about one-quarter of the world’s greenhouse gases. Much of that comes from arguably frivolous and certainly nonessential activities, whereas most of the emissions of the world’s poor are due to activities necessary for survival or achieving a basic living standard. The United States therefore has a heavy responsibility to act on

this problem, and insofar as it fails to do so other industrialized countries—least of all developing countries—are much less likely to take necessary actions.⁴ Yet after learning of the reality of global warming, the United States and other developed countries have done almost nothing to prevent it, and they are doing very little to mitigate its future effects on those who will be most harmed and are least responsible—the world’s poor. They are also in only the earliest stages of helping the world adapt to inevitable climatic changes.

Governments have signed treaties on climate change, even if they have done relatively little compared to the magnitude of the problem to enact them. Most notably, in 1992 the developed countries agreed to the Framework Convention on Climate Change, which called on them to reduce voluntarily their greenhouse gas emissions to 1990 levels by the year 2000. They did not do so. In 1997 they agreed to the Kyoto Protocol, which requires ratifying states to reduce their emissions overall by about 5 percent below 1990 levels by 2012. Most will not do so. Indeed, the emissions of most industrialized countries, particularly the United States, which repudiated the treaty in 2001, continue to increase. To their credit, at least from the perspective of equity, these nations did not require poor countries to reduce their emissions. But persuading those countries at least to limit their emissions eventually will be essential, simply because they are overtaking the industrialized countries as the primary sources of climate pollution.

³ Tom Athanasiou and Paul Baer, *Dead Heat: Global Justice and Global Warming* (New York: Seven Stories Press, 2002), p. 6; emphasis in original.

⁴ Paul G. Harris, *International Equity and Global Environmental Politics: Power and Principle in U.S. Foreign Policy* (Aldershot, U.K.: Ashgate, 2001).

PREVENTION AND MITIGATION

Most of the literature on the ethics of global warming, particularly from developed countries, focuses on the obligations of industrialized states to reduce their emissions of greenhouse gases and to help poor countries do likewise. The books reviewed here are no exception. They argue that global warming is a matter of international justice, fairness, and equity.⁵

The bulk of the literature centers on the distribution of greenhouse gas emissions. The question is, what's fair? Answers have ranged from assigning responsibility based on historical emissions, giving an advantage to rich countries, to assigning responsibility based on equal shares for every person, giving advantage to developing countries with large populations. While almost all countries agree that they have common but differentiated responsibilities to address the problem of climate change, meaning that all countries ought to act but the developed countries must do so first and foremost, that is about as far as agreement extends. The administration of George W. Bush seems even to have abandoned this consensus, pushing instead for poor countries to reduce their greenhouse gas emissions before the United States does. While it is essential for the developing countries eventually to limit their emissions if the problem is to be mitigated, to demand that they act first is patently unfair and would not even warrant serious debate were it not the position of a superpower. Just as important, on a practical level the developing countries, or at least the vast majority of them, have refused and will continue to refuse to limit their emissions before the industrialized states do so in earnest. They take common but differentiated responsibility very seriously.

In *Ethics, Equity and International Negotiations on Climate Change*, a multinational group of contributors examines these issues

and related questions of economics, morality, politics, rights, law, philosophy, and science. Many of the contributors are well-known experts on climate change, and several have contributed to reports from the UN Intergovernmental Panel on Climate Change. Jose D. G. Miguez points out that the developed countries are responsible for the vast majority of greenhouse gases in the atmosphere, and that emissions of the developing countries must be allowed to increase so they can meet their needs. He argues that there must be international assistance to help them adapt to inevitable climate changes. Raul A. Estrada-Oyuela advocates reductions in developed country greenhouse emissions in line with common but differentiated responsibility, but he argues that equity does not require equal per capita emissions, which he believes are in any case unlikely to be agreed upon. Mohan Munasinghe highlights the important role of ethics, equity, and poverty in practical measures to address climate change, arguing, for example, that the "polluter pays" principle is inherently fair and sensitive to the imperative that "climate change should not be allowed to worsen existing inequities."⁶ Tariq

⁵ For recent summaries of some ethical, legal, and practical justice considerations in this context, see Mark A. Drumbl, "Poverty, Wealth, and Obligation in International Environmental Law," *Tulane Law Review* 76 (March 2002), pp. 843–960; Harris, *International Equity and Global Environmental Politics*; Jamieson, *Morality's Progress*, pp. 296–307; Matthew Paterson, "Principles of Justice in the Context of Global Climate Change," in Urs Luterbacher and Detlef F. Sprinz, eds., *International Relations and Global Climate Change* (Cambridge: MIT Press, 2001), pp. 119–26; and Ellen Wiegandt, "Climate Change, Equity, and International Negotiations," in Luterbacher and Sprinz, eds., *International Relations and Global Climate Change*, pp. 127–50.

⁶ Mohan Munasinghe, "Analyzing Ethics, Equity and Climate Change in the Sustainomics Trans-Disciplinary Framework," in Luiz Pinguelli-Rosa and Mohan Munasinghe, eds., *Ethics, Equity and International Negotiations on Climate Change* (Northampton, Mass.: Edward Elgar, 2003), p. 84.

Banuri and Erika Spanger-Siegrfried note that equity was a fundamental principle in early climate change negotiations, but on a practical level it has become less important than questions of efficiency and cost-effectiveness. However, by putting efficiency before equity, the regulatory regime undermines developing countries that must be part of the long-term solution. A balance between these concerns is called for.⁷

Maria S. Muylaert and Luiz Pinguelli-Rosa also argue that ethics and equity are critical concepts in the climate change regime. These concepts are not, however, clearly defined in international instruments. While philosophical considerations hold some sway, the “power of rhetoric is very much to the fore, from the blocs of countries striving to define rules to follow, as well as defining the concepts of what is understood by equity and fairness.”⁸ Thus, as I have argued (to the dismay of some political philosophers), the definition of what is fair is largely, and perhaps unfortunately, determined primarily by international political bargaining, less so by international morality.⁹ Finally, Hermann E. Ott and Wolfgang Sachs examine the ethics of emissions trading, the preferred method for many developed countries to achieve greenhouse gas reductions. They conclude that such measures should focus entirely on helping developing countries transition to economies based on nonfossil fuels, rather than the usual objective of achieving economic efficiencies that benefit developing country producers.

As Tom Athanasiou and Paul Baer put it in *Dead Heat*, what is needed—from the environmental and ethical perspectives, among others—is a global agreement “that’s both adequate and fair. . . . The real issue, even ethically, is what will work, and in this we’re more than sympathetic to the realist

culture of the Washington environmental establishment, with these differences: We see the rights issue as paramount, and we don’t see the United States as the lynchpin of the future,” meaning that it is time to act without the United States and hope it comes along later.¹⁰ Athanasiou and Baer are cofounders of EcoEquity, an organization focusing on global environmental justice and pushing for actualization of “a fair, global, second-generation climate treaty based on equal per capita rights to the atmospheric commons.”¹¹ One proposal for doing this, which has gained in prominence in recent years and is advocated in *Dead Heat*, is “contraction and convergence.”¹² This plan calls for an overall reduction in global greenhouse gas emissions, achieved through big cuts in the rights to emissions in developed countries and increases in those of developing countries—meaning that if the rich want to continue emitting at high levels they will have to buy rights to do so from the poor.

Athanasiou and Baer present a cogent, readable, and informative case for moving toward equal per capita rights to the atmosphere, that is, equal entitlements to green-

⁷ See Dale Jamieson, “Climate Change and Global Environmental Justice,” in Clark A. Miller and Paul N. Edwards, eds., *Changing the Atmosphere: Expert Knowledge and Environmental Governance* (Cambridge: MIT Press, 2001), pp. 287–307.

⁸ Maria S. Muylaert and Luiz Pinguelli-Rosa, “Ethics, Equity and the Convention on Climate Change,” in Pinguelli-Rosa and Munasinghe, eds., *Ethics, Equity and International Negotiations on Climate Change*, p. 149.

⁹ Harris, *International Equity and Global Environmental Politics*.

¹⁰ Athanasiou and Baer, *Dead Heat*, p. 65.

¹¹ *Ibid.*, p. 92.

¹² *Ibid.*, pp. 47–51. See also Anil Agarwal and Sunita Narain, *Global Warming in an Unequal World: A Case of Environmental Colonialism* (New Delhi: Centre for Science and Environment, 1991), pp. 171–99; and Aubrey Meyer, *Contraction and Convergence: The Global Solution to Climate Change* (Totnes, U.K.: Green Books, 2000).

house gas emissions. As they bluntly put it, “Unless you think that global apartheid is a realistic and desirable option, the issue is, necessarily, fairness in a finite world. And at the end of the day, there just isn’t any way to conceive of such fairness except in per capita terms.”¹³ This will require major cuts in the emissions of rich countries while allowing most poor countries to increase their emissions, depending on the level at which it is hoped to stabilize emissions, itself a thorny matter because it will determine the cost and pace of reductions and the degree of suffering that results. Clearly there will be a battle to achieve this goal, and Athanasiou and Baer are transparent in stating that “political defeat of the current U.S. administration” and a “vast new wave of global cooperation, one that includes both the countries which became wealthy through fossil-fuel-powered industrialization and the ‘developing countries’” will be required.¹⁴ But given the effects of climate change, they argue that such entitlements and the cuts they demand are more “realistic” than what they call the “crackpot realism” of business as usual: “Equity, in addition to all its manifold moral and humanitarian attractions, must be seen as the most ‘realistic’ of virtues.”¹⁵ Indeed, others have argued that an equal per capita entitlement to emit greenhouse gases, combined with emissions trading and a shift to renewable forms of energy, is the practical way to address climate change.¹⁶

While Athanasiou and Baer see the United States as the chief obstacle to a global compact recognizing and actualizing atmospheric rights, they choose to avoid a detailed discussion of the U.S. role. This is refreshing in some ways because they focus on realistic, if not easy, solutions, rather than “America bashing,” which has failed to elicit much action from Washington to date. Contrast this with the approach of Brown in *Ameri-*

can Heat. Brown fires a broadside against the United States for failing to take responsibility for the harm it has done and is doing to the earth’s climate system and the people who will suffer—and arguably are already suffering—from that harm. On one level this is a stimulating book because the author pulls no punches. Like Athanasiou and Baer, Brown does not get caught in the usual American trap of treating all sides equally. Rather than giving the climate skeptics a “fair” hearing, he instead argues that their arguments are ethically flawed and hardly worthy of serious consideration, even though they continue to pull considerable political weight. Brown argues that the United States has a duty to reduce its greenhouse gas emissions even in the face of scientific uncertainty, given the harm that may be suffered by the world’s poor; that it should do so even if the poor do not act likewise because not doing so defies commonly held views of justice; that its arguments regarding the costs and benefits of action on global warming are flawed because they are amoral, dealing in economic number crunching when it is impossible to measure many of the social, environmental, and other costs and benefits; and that U.S. success in having “flexible mechanisms” like emissions trading included in the climate change regime is a loosely veiled and unethical effort to avoid taking full responsibility for the harm it causes and places economics above ethics. Brown’s book is intended as a

¹³ Athanasiou and Baer, *Dead Heat*, p. 37.

¹⁴ *Ibid.*, p. 6.

¹⁵ *Ibid.*, pp. 11, 8.

¹⁶ Anil Agarwal, Sunita Narain, and Anju Sharma, “The Global Commons and Environmental Justice: Climate Change,” in John Byrne, Leigh Glover, and Cecilia Martinez, eds., *Environmental Justice: Discourses in International Political Economy* (New Brunswick, N.J.: Transaction, 2002), pp. 171–99.

wake-up call to Americans who continue to ignore the problem or think they have a right to do so. In this sense the book is important and welcome.

On another level the book is a disappointment. Brown was a “liaison of the U.S. Environmental Protection Agency to the United Nations from 1995 to 1998” and “a member of several U.S. delegations to UN negotiations on environmental and development issues.”¹⁷ I was therefore hoping that this book would add some juicy inside details to the literature. Brown criticizes the United States for doing nothing, but he has not told us anything new or revealing about what goes on inside the government to explain this inaction. Instead, we are reminded that Big Business has captured U.S. policy. But why do the politicians and diplomats continue to fall for its tactics? The author also has a tendency to interpret selectively some of the material he cites. For example, he argues that the Clinton administration wanted developing countries to reduce their emissions of greenhouse gases, even though the document cited to support this view argues that Clinton wanted them to *limit* their emissions, which could include limiting future increases, much as President Bush has touted plans to “reduce” U.S. emissions increases, rather than bringing them below 1990 levels as called for in the Kyoto Protocol. This distinction is important, because the current Bush administration is demanding immediate cuts from the world’s poor. The United States under Clinton was at least not that callous.

Brown’s book also does not anticipate the recent major turns in international negotiations. That is, while the mitigation debate about who is responsible for reducing greenhouse gas emissions and by how much continues unabated, international negotiations have shifted to questions of adapta-

tion. Brown points out that the United States, and I would add the other rich countries, should face the question of “What is a fair allocation of costs among nations for damages caused by global warming that cannot reasonably be avoided, given differences among nations in responsibility for the problem?” But he explicitly chooses not to discuss this question because it is not “urgent.”¹⁸ However, for better or worse—and ethically it is largely for the worse—the governments of many of the largest poor countries, such as China and India, have now allied themselves with the United States in shifting the ethical debate to this very question. Both the United States and these developing countries refuse to reduce their greenhouse gas emissions. Now they agree that what needs to be done is to deal with questions of adaptation.

ADAPTATION

Global warming is well under way and climate change is inevitable. While it is impossible to say for sure, many of the extreme natural events experienced in recent years, such as drought in Australia and North America, floods in China, melting glaciers in Africa, and hurricanes in Central America, may very well be the early manifestations of climate change. Certainly they are the sorts of events that the scientists tell us to expect. The question then arises, if climate change cannot be prevented, and there has been little inclination to mitigate it, what else ought to be done? At the very least, the poor should be helped to adapt to climate change. Athanasiou and Baer are sensitive to the

¹⁷ Donald A. Brown, *American Heat: Ethical Problems with the United States’ Response to Global Warming* (Lanham, Md.: Rowman & Littlefield, 2002), p. xv.

¹⁸ *Ibid.*, p. 235.

inevitable; they are concerned not only about fairly distributing rights to greenhouse gas emissions, but also about the consequences of past and future emissions:

Understand that in a world beset by ecological crisis, distributive justice must mean more than it did in the past. It must include not only the fair distribution of wealth, resources, and opportunities, but the fair distribution of “impacts” as well. Because the elemental truth is that as the storms become more violent and the droughts more fierce, some of us will be hurt far, far more, and far earlier, than others. The rich will be able to hide, but the poor will not, and neither will the plants and the beasts. . . . Climate change must be minimized, but at this point severe impacts are entirely inevitable. The harm these impacts bring to the poor—always the most vulnerable—must be minimized, and then alleviated, while the “burdens” of “adapting” to climate change must be honestly addressed, fairly distributed, and adequately funded. Anything else would be unjust and lead inevitably to distrust, bitterness, and failure.¹⁹

In short, the rich countries ought to pay the poor ones to alleviate the suffering they are experiencing and will experience as a consequence of climate change.

At the Eighth Conference of the Parties to the Climate Change Convention in October and November 2002, the developing countries, notably China and India, reaffirmed their outright opposition to reducing their greenhouse gas emissions. Indian prime minister Atal Bihari Vajpayee pointed out that per capita emissions from his country are an order of magnitude below those of the developed countries.²⁰ He added that developing countries will continue to increase their emissions and ought to do so to lift millions of poor persons out of poverty. The conference also again asserted that climate change is going to be painful, especially for developing countries, and that without the strong support of the

United States and American industry, mitigating climate change will be difficult or nearly impossible. Instead, the conference focused on adaptation measures, through transfers of funds and technology to developing countries.²¹

There was a new alliance between the United States and many developing countries, such as India and members of the Organization of Petroleum Exporting Countries. By shifting the focus of the climate talks to adaptation and away from mitigation, both sides could avoid doing what they dreaded the most: reducing their greenhouse gas emissions. The poor countries could get more money and technology on preferential terms—assuming the agreements are carried through—and they are not required to stop using cheap forms of energy as they develop. This seems a very fair outcome because poor countries will be able to take advantage of new aid from the Global Environment Facility and other funding mechanisms set up under the climate change convention, as well as funding and technology transfers through the Clean Development Mechanism, which allows industry in rich countries to implement emissions cuts in poor countries.

What seems unfair, however, is that this arrangement allows the United States and other industrialized countries to continue doing almost nothing to reduce their pollution of the atmosphere, and the most vulnerable nations, such as the poor coastal and

¹⁹ Athanasiou and Baer, *Dead Heat*, pp. 41–42.

²⁰ Atal Bihari Vajpayee, “Speech of Prime Minister Shri Atal Bihari Vajpayee at the High Level Segment of the Eighth Session of Conference of the Parties to the UN Framework Convention on Climate Change New Delhi,” October 30, 2002; available at unfccc.int/cop8/latest/ind_pm3010.pdf.

²¹ I first shared some of these comments in Paul G. Harris, “A Political Setback in the War on Global Warming,” *South China Morning Post*, November 21, 2002, p. 18.

island states, will unlikely get anywhere near the aid they will need to adapt, which is in any case impossible for many of them. No amount of money will save some island states in the long term, and who realistically expects the rich countries to stop the anticipated inundation of almost one-fifth of Bangladesh? As Dale Jamieson argues, unless the wealthy countries agree to a grand aid plan for “reducing the vulnerability of susceptible people to climate-related extremes,” there is a moral risk that focusing on adaptation “is an expression of the ‘polluted pay’ principle rather than the ‘polluter pays’ principle.” He adds that such a grand plan “would require a level of non-crisis-sustained commitment that most Western societies seem incapable of maintaining.”²²

The European countries, clearly more sensitive to global equity and their obligations regarding this issue, wanted to lay the groundwork for going beyond the Kyoto Protocol by starting negotiations on deeper cuts in greenhouse gas emissions. Demands for such cuts got nowhere at the climate conference. Challenging all reasonable conceptions of fairness, President Bush and his government have labeled the Kyoto Protocol “unfair” because it does not place restrictions on energy use in poor countries. Given the highly competitive nature of the global economy, the continued refusal of the United States to reduce its greenhouse gas emissions may push the Europeans to reassess their own relatively strong and commendable support for international climate equity. To be sure, the 2002 conference was useful in again acknowledging the vital need for rich countries to help the developing world cope with climate change, and it highlighted the utter unfairness of the rich demanding that the poor reduce their energy use. But the new alliance between the United States and many big developing countries has

set back efforts to take concerted action to reduce the pollutants causing global warming. In the decades to come everyone will have to adapt, but one wonders what kind of world we will be leaving our grandchildren as seas rise, glaciers melt, pathogens spread, and ecosystems become unfamiliar even during a single lifetime.

There may be room for guarded optimism. Increasingly, Americans are following the lead of many Europeans, recognizing that their pollution is having profound global effects that are coming back to bite them at home through droughts in the East and Southwest, fires in the West, floods throughout the Mississippi Delta, and devastating storms along U.S. coasts. Witness recent legislation in California to regulate and reduce the emissions of carbon dioxide from automobiles. But the question remains: Will Americans, the world’s wealthy, and the burgeoning number of people around the world adopting American lifestyles, change their ways? At present the answer is, at the very least, not yet. Thus, on one level, the battle for a fair and equitable sharing of the benefits and burdens of global warming and resulting climate change has been lost. Global warming has not been prevented and climate change will bring the most suffering to those least responsible for it. Little is being done to mitigate the problem. Americans continue to drive their monster cars with indifference toward the suffering that such luxuries cause for the world’s poor. Thus, what now exists is utterly unfair. But there is a glimmer of hope that this situation will at least be met with some efforts to institute international aid programs designed to help those who will suffer most adapt to the more dire climatic changes to come.

²² Jamieson, *Morality’s Progress*, pp. 305, 306.

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