

# Intergenerational Justice and the Paris Agreement

Written by James M. Nguyen

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JAMES M. NGUYEN, MAY 11 2020

On April 22<sup>nd</sup> 2016, the Paris Agreement was signed with the goal of keeping the increase in global average temperature levels to below 2 degrees Celsius above pre-industrial levels and to engage in efforts to limit the increase to no more than 1.5 degrees Celsius (Karmein, 2009; Sanson and Burke, 2020). This recommendation was made on the scientific grounds that reducing the increase in temperature levels would subsequently reduce the risks and impacts of climate change (Shue, 2014). While the scope of the Paris Agreement is international in nature, with all United Nations Framework Convention on Climate Change (UNFCCC) members, as of February 2020, signing the agreement, the responsibility of mitigating climate change falls on individual states (Dimento and Doughman, 2014). Furthermore, the Paris Agreement does not have a formal mechanism to ensure that countries are to remain compliant and to follow through with climate mitigation strategies. With that in mind, what is the incentive or rationale for countries to willingly cut their emissions to protect the environment? I examine the prospects of intergenerational justice as providing a moral argument for why countries ought to adhere to the spirit of the Paris Agreement to protect the environment for presents and future generations.

### Climate Change Projections Today

The Intergovernmental Panel on Climate Change (IPCC) has projected that in order to reach the goal of the Paris Agreement, that is to limit the increase to no more than 2 degrees Celsius above pre-industrial levels. To reach this goal would require a 25% decrease in global emissions by 2030, and to reach net 0 emissions by 2070. This means that by 2070, states will either have fully transitioned to green energy or have devised alternate means to mitigate pollution effects on our climate. Alternatively, the 1.5 degrees Celsius goal requires a 45% decrease in global pollution levels by 2030, and to reach net 0 emissions by 2050 (Bontly, 2019). Both of these goals are ambitious and require substantial collective action efforts on the part of states, and to create new ways of generating green energy to enable sustainable development. However, in 2019, the IPCC has projected that if we do not change our consumption patterns or engage in more effective climate policies at the domestic and international level, it is very likely that we will reach an increase in temperatures ranging from 3.7 to 4.8 degrees Celsius above pre-industrial levels in the year 2100. Such an increase in temperature would have deleterious effects on our environment, ranging from species extinction, forced migration, loss of natural resources, and changes in sea levels among others (Anand, 2004; Baxi, 2019). With the risk of the impending negative impacts of climate change on the horizon, one might pose the question, why are states not doing more to respond to this threat?

### Action on Climate Change

While all states around the world recognize that climate change is indeed a salient, pressing issue area, the international response to it has been largely suspect. This can be attributed to three key reasons.

First, as Stephen Gardiner puts it, climate change is a perfect moral storm that is a global, intergenerational and theoretical problem that global system cannot sufficiently respond to. Climate change is global to the extent that it affects all living things on the planet. It is intergenerational in that the effects of pollution and climate change are temporally delayed. Finally, climate change is an understudied issue area, and given that it is an intergenerational dilemma with skewed vulnerabilities, poor states are disproportionately affected by climate change as compared to rich states, that states can ascribe to action or inaction and then justify it under moral terms (Gardiner, 2011).

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Second, climate change is considered by many to be a 'global tragedy of the commons' issue supplemented with a dilemma of global collective action. In other words, the "commons" as outlined by the *Common Heritage of Mankind* in international law in the context of climate change and pollution, is the emissions ceiling of the earth. To date, the majority of the pollutants that exist in the atmosphere have been emitted by developed nations (Giddens, 2009; Gardiner, 2011; and Meyer and Roser, 2006). Furthermore, a moral argument is often invoked. This argument claims that, because developed nations have contributed higher pollution levels to the atmosphere than developing nations, that developed nations ought to take greater responsibility for retroactive pollution as well as for international climate policies going into the future (Anand, 2004 and Caney, 2010). However, this leads to the problem of international collective action, where one nation might opt to reduce their pollution levels in order to protect the environment, this might be offset by another nation that may be unwilling to alter their consumption habits or are unwilling to implement climate mitigation strategies (Hayward, 2012).

Third, climate change is difficult to respond to because of its long-term implications. When examining policy issue areas, most governments tend to prioritize short-term issue areas because they are most likely to generate an immediate impact which would likely be realized more quickly than attempting to action long-term issue areas (Gonzales-Ricoy and Gosseries, 2016; McKenzie 2016). Given that climate change has time delayed effects, it is unlikely for governments to immediately act to respond to it if the effects of climate change are going to be felt far into the future.

These three reasons are what makes climate change a difficult policy area for states and the international community to respond to. Recapping these three reasons: climate change is a global, intergenerational and theoretical issue, climate change is a tragedy of the commons dilemma combined with a global collective action problem, and climate change is a long-term issue area. However, a moral appeal to intergenerational justice gives us a clear argument for why climate mitigation strategies and pollution reduction strategies ought to be implemented in the present to safeguard our planet and future generations.

## Intergenerational Justice and Protecting Future Peoples

Intergenerational justice is essentially concerned with the duties and responsibilities that present generations have to past and future generations, and what moral considerations ought to be considered when thinking through these duties and responsibilities (Baer, 2011; Vanderheiden 2008). This entry expressly focuses on a discussion of how we might have a moral duty to protect future generations. While much work has been done in articulating the historical aspects of past pollution and responsibilities we inherit from past generations, our duties to future generations are less clear and typically framed in a language of human rights or distributive justice.

Human rights claims for future peoples are often made on the grounds that we, in the present, are in a unique position to be able to affect the future, and it falls on us to be able to leave future generations with a habitable planet from which they can realize their interests (Beitz, 1979; Caney, 2010; and Hiskes, 2005). If we can reasonably assume, through scientific information, that failing to change our polluting behaviours will result in long-term environmental damages, as outlined by the IPCC, then we can be found causally and morally responsible for the harms that future peoples will experience. However, there are arguments in the literature on environmental ethics and cases in environmental law that discount the agency of future generations and people as being individuals that do not yet exist, and as a result are unable to realize their human rights (Beckerman and Pasek, 2001). These claims are contested on the grounds that discounting the agency of future generations does not provide a justification for us not to value the interests of future generations. Such a contestation involves creating a set of responsibilities that we have to future generations. Henry Shue claims that all human beings have the right to subsist, to liberty and to security, and that these rights are supplemented with three duties. These three duties include: the duty to avoid depriving others of basic rights, to protect people who have had their rights deprived, and to aid individuals who have been deprived of their rights (Caney, 2016 and Shue, 2014). Thus, an appeal to human rights provides us with a moral duty to protect future generations from climate change and pollution because failing to act today would result in threatening the rights of future people and violating the moral duties we have to future generations.

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Redistributive justice, on the other hand, takes a different approach to protecting future generations from the effects of climate change. While human rights claims for future people are grounded in a language of duties and responsibilities that present generations have to future generations, redistributive justice is largely concerned with questions of unequal distribution of goods (Meyer and Roser, 2006; Okereke, 2008; and Page, 2007). Redistributive justice must establish a baseline of distribution of goods and then employ various principles of justice to redistribute goods to result in a more just and equitable outcome. For environmental concerns, this might look like the claim that all people ought to have an equal share and usage of the environment. However, we live in a world where developed nations have consumed and polluted far beyond their fair share as compared to developing nations. Redistributive justice then seeks to reallocate emissions limits or to implement international laws or policies that enable developed states to take on more responsibility on the fight against climate change. One such example of this is in the Kyoto Protocol, which implemented international emissions trading as a market-based approach to controlling pollution levels by providing economic incentives for emissions reductions. The Kyoto Protocols have been seen as a first attempt of integrating principles of redistribution into international climate justice to reduce global pollution levels. They have been criticized for being ineffective at ensuring international compliance and incorporated grandfathering policies that granted countries emissions credits based on past pollution levels.

Thus, intergenerational justice in human rights and redistributive justice provides us with a unique lens to think through how we might be able to best protect our environment from the detrimental effects of pollution going into the future. In terms of human rights, we can think about how our actions today might threaten the ability of our children or grandchildren to be able to live and realize their interests as well as rights. Human rights claims for future generations offer a strong moral motivation for us in the present to create meaningful policies at the domestic and international level that protect them from harms and human rights infractions caused by climate change. For redistributive justice, intergenerational justice offers us a different perspective to calibrate international environmental law and policies to ensure a more environmentally equitable outcome for developing states in going into the future. While more work needs to be done by way of implementing and executing principles of redistributive justice at the level of international environmental law, the international community recognizes the difference in pollution contributions of developed and developing states. This view has led to states taking steps to address the economic and environmental inequalities generated as a result of disproportional retroactive pollution.

## What is Next?

While there is broad recognition of climate change as a problematic issue area, we can further improve and develop a better response to combating it. With is some recognition of intergenerational justice within international climate policy today, but much of it exists only in name. This is to say that we can find discussions of future generations and peoples in documents like the *Brundtland Report*, which discusses the idea of sustainable development or the *Common Heritage of Mankind*, which states that the environment as a global commons for all to enjoy equally. The next step is the ability to action intergenerational justice in international environmental policy in order to protect the rights of future people as well as to ensure greater equitable outcomes between nations and generations.

The next international summit on climate change is the 2020 UN Climate Change Conference (UNFCCC COP 26), which was supposed to take place in November 2020 in Glasgow, UK, but has been postponed due to the COVID-19 pandemic, and will take place in 2021 instead. This summit will include the first reporting of emissions outlined in the Paris Agreement and is designed to make nations more accountable for their greenhouse gas emissions to mitigate climate change further.

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