

Climate Change and Sinking Ethical Endeavours

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Abstract

This paper endeavours to question the politicisation of ethical responsibility and its subsequent neglect so as to favour the interests of developed nations. The paper sets forth a critical overview of the Paris agreement initiating with discussion of different theories on climate change, and then move on to analyse the pros and cons of the Paris agreement. Finally, it provides a reflection on India's stand and intentions in climate change agreement. The paper would conclude by arguing that ethical framework must run parallel with the analysis of underlying structures that trigger actions and international agreements.

Keywords: Climate change; Paris agreement; Ethics

Introduction

Human civilisation is susceptible to change. Change could gradually be brought about through human action or natural action. The unflinching human propensity to achieve more and more within a short space of time is undeniable and has, so far, proved to be recalcitrant [1]. In order to fulfil such an unsustainable want of stubborn perceptive homo-sapiens has made tough demand on the nature. Rapid industrialisation, deforestation, burning of fossil fuels, increasing no. of free riders, etc. shot up the vulnerability level of woeful Earth. This describes as to why the need for an international agreement to restrain and combat the frequent changes apparently visible in climate arose. The recent Paris agreement, signed by 197 countries, has been marked as the historic and positive step to deal with the challenges faced by human civilization under drastic climate change. The agreement popularised as 'legally binding' agreement, has been ratified by 81 members states and would be brought into force by fourth of November, 2016.

The main concern regarding any climate agreement has always been the international distributive mechanism employed to divide the responsibilities [2]. Despite the call for "common but differentiated responsibilities", the sufferers remain the poorer countries, when most often the developed countries either fail or remain reluctant to fulfil the responsibility. Such responsibilities are shared mainly in areas of mitigation and adaptation. Any analysis of an agreement requires an accentuation of the theories that refer to the ethical issues concerning climate change where the justification is contingent on the justice and equity framework it preaches. Any consensus on global agreement must be reached with the underlying force of the principles of justice.

Utilitarian philosophy focuses on the end results or consequences. Institutions are obliged to act through utilitarian principles. For utilitarian's, the principles of climate change agreement must lie on the consequences and overall utility irrespective of people's preferences.¹ This implies that the disadvantaged countries, particularly the endangered islands have no say in the agreement if overall result for the rest of the countries, ignoring the demands of least developed, produces the required beneficial result. Such an approach is inapplicable in the international scenario because utilitarianism excludes the obligations we have to particular peoples. Libertarian perspective, on the other

¹For utilitarians, the right action is the one that maximises utility, i.e., that satisfies as many informed preferences as possible. Some people's preferences will go unsatisfied, if their preferences conflict with what maximizes utility overall. But since winners necessarily outnumber the losers, there is no reason why the preferences of the losers should take precedence over the more numerous preferences of the winners.'

hand, focuses on individual responsibility and proportionality. Respecting choices and rectifying unequal circumstances contradict in libertarianism. While it exhibits its commitment towards respecting people's choices, rectification of unequal circumstances is not appraised at all. Proposing the free market as inherently just, it unleashes the freedom that favours the market driven countries with the knowledge of market tactics. Some take a libertarian stance to assert rights to the atmosphere. Commodification of atmosphere characterises the free market. A just distribution of endowments depends on entitlement to use the atmosphere by virtue of being the first to do so. This results in the maintenance of status quo where developed countries enjoy the right to emit at current levels, regardless of any past or present responsibility. The first two approaches fail to tackle the international climate issue justly. Rawls' theory of justice as fairness provides the most significant idea to tackle inequalities. His theory advocates that liberal equality requires each person to start their life with an equal share of society's resources.² In the process of redistribution of the rights over emissions and responsibilities, according to Rawls theory, every single country, irrespective of the development level, must be attributed these rights equally in accordance with equality of opportunity. However, following the difference principle, the disadvantaged or less developed countries should receive some monetary assistance (or what could be called compensation) from the developed countries in order to improve the conditions of the former. Rawls provides a plausible ethical framework within which the international environmental discourse could be examined. While analyzing the Paris Convention, however, analysis of the procedural notion of justice is also significant [3]. 'This concerns the fairness of proves by which a possible agreement is attainable and relates to the level of participation and recognition of all the actors involved in decisional processes. A viable climate treaty should grant all parties equal access, and ensure that issues raised by subjects who

²According to him, 'all social primary goods are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favoured'.

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believe that they have interests at stake are dealt with fairly.³

However, while these theories remain confined to the ethical requirement for a just agreement, they overlook the concern that transcends the presence of ethics in the course of framing an agreement, i.e. the usage of ethically framed agreement in practical terms to achieve the astutely penned down goals displaying the latent politics.

Paris Convention: Why a 'Triumphant' Initiative

At the outset, a quick glance over the agreement, that exhibits benefits and positive attitude as has been reverberated in media, seems undoubtedly pleasing. UN Secretary General Ban Ki-moon characterised the Paris Agreement as a "monumental triumph".⁴ Agreeably, the positive and supportive reaction from around the world for such collective effort to stand against climate change and its adverse effects is no less a triumph. The final agreement reflects an ambitious, differentiation oriented and financially supportive agreement to be followed for the times to come. Earlier, developed countries have always been reluctant in introducing any burdensome agreement that proves to be restrictive in their future diplomacy. On the other hand, developing countries⁵ have continued to suffer through climate change with little or no recognition to differential treatment and support⁶ that they demanded. Paris convention attempts to breach such historical tradition perpetuated in favour of developed countries and introduces an incisive agreement, seemingly more inclined to meet the needs of developing countries.

The agreement is marked as ambitious for the limit it has set 'to hold the increase in the global average temperature', i.e., below 1.5° C or well below 2°C above pre-industrial levels, 'by ensuring deep reductions in global greenhouse gas net emissions'.⁷ Art.2 highlights that the purpose of the agreement is to take into account the principle of equity and, *common but differentiated responsibilities and respective capabilities* because of different national circumstances, while implementing agreement. It also emphasises upon the respect for human rights and gender equality during its implementation and to pursue sustainable development. The steps to initiate the '*intended*' nationally determined contributions (NDCs)⁸ by all Parties to convention in the areas of mitigation, adaptation and means of implementation are also lauded. These NDCs are introduced to intensify domestic preparations which would be continuously assessed through global stocktake⁹ every five years. Additionally, it also focuses on the responsibility of the developed country to trigger and advance such implementation in developing country by providing financial technology development and capacity building [4]. Global stocktake is also appreciated for providing transparency framework for assessing collective progress. Moreover, capacity building initiative is introduced to enhance the capacity of countries, especially developing countries, LDCs and SIDs.

³Grasso, M. "A normative ethical framework in climate change." Climate Change (n.d.): n. pag. Web.

⁴"Paris Triumph." The Indian Express. N.p., n.d. Web. 26 Apr. 2016.

⁵Also least developed countries as well as small islands.

⁶Here, support implies financial support or institutional support.

⁷Adoption of the Paris Agreement: Draft Decision. (n.d.). Retrieved from <https://unfccc.int/resource/docs/2015/cop21/eng/l09r01.pdf> >.

⁸Art.2b discusses the obligation to prepare and the implement of 'intended' nationally determined contributions by Parties to convention.

⁹Art. 10 talks about Global Stocktake. This implies that an overall collective progress would be examined every five years, starting from 2024, or otherwise as decided by CMA. Depending on the outcome of the assessment made on the progress in adaptation, mitigation or means of implementation and learning from the assessment, the future policies and plans would be formulated and try increase the ambition.

The developed countries are expected to assist in the task of capacity building through regular communications and using regional, bilateral and multilateral approaches to take '*climate change action, including to implement adaptation and mitigation actions, and facilitate technology development, dissemination and deployment, access to climate finance, relevant aspects of education, training and public awareness, and the transparent, timely and accurate communication of information.*'

A Scratch Beneath the Surface

Despite these undeniable improvements in the efforts to oppose climate change, a quick glance over few of the issues through a critical study of the agreement proves that it is not bereft of loopholes.

Firstly, adoption of 2°C as the benchmark to limit the global average temperature and an endeavour to keep it under 1.5°C highlights a traumatic clause. In his article, "*Could see a Political Victory But There's A Reason to be Very Careful*", Nagraj Adve examines the dangers of setting such a benchmark [5]. He states that the global average temperature has already reached 1°C, contributing to the warming up of earth to the unprecedented levels. Acknowledging this fact, the agreement has still set 2°C as the benchmark. "We know that the prior interglacial period, about a 120,000 years ago, was less than 2 degrees warmer than preindustrial conditions and sea level was at least 6-8 metres higher so it is crazy to think that 2 degrees is a safe limit."¹⁰ *Second*, Nationally Determined Contributions (NDCs) are expected to be made by all Parties to convention in the areas of mitigation, adaptation and means of implementation, with the assurance that the developed countries would assist the developing countries by providing financial support, technology development and capacity building. This lets the reins of control in the hands of developed country. In the capitalist world, the one who provides the part of the capital does so with the intention to draw as well as to retain the power to make decisions. While assisting the developing countries, LDCs and SIDS and the African countries, agreeably, these states would help these countries to achieve the agreed full costs incurred by them, but would also exhibit their power to have say in the communication and influence the strategies, plans and actions for low GDG development, etc. *Third*, the reference made to displaced persons¹¹ or migrants moved due to the change in climatic conditions is also quite ambiguous for it misses the clarification as to whether displacement considered is within the nation state or outside it. Although, it recognizes the concerns arising from displacement, the agreement abstains to use the term 'refugees' for the displaced persons. The people displaced would not be called 'environmental refugees'. Such reluctance is disturbing knowing the fact that the persons displaced due to natural disasters would not be entitled to any refuge and related services and entitlements in another country.

Paris agreement marks a bundle of promises with anticipation of its fulfilment, but when the question is of formulating a collective international agreement, the mere reiteration of old promises weakens the objective of bringing them into realistic terms, unless and until the agreement takes such measures to enforce these promises through legal clauses, breach of which would call for penalties [6]. Indeed, the

¹⁰"COP21 Could See a Political Victory but there's a Reason to Be Very Cautious." *The Wire*.

¹¹Art.5 deals with the establishment of Warsaw International Mechanism for Loss and Damage associated with Climate change impacts to look into the any sort of damage, ir/reversible or permanent or temporary, caused due the change in climatic conditions. The article take cognizance of the displaced people or migration caused due to climatic conditions and attempts to address the concerned issues.

resonance of legally binding feature of Paris agreement fails to take into cognizance the much required penalties. No clause deals with the post reaction to be faced in case of any failures in compliance with the agreement.

Moreover, the essential concern of historical responsibility is absent in the agreement which has earlier been an important and much debated issue in the discourse of climate change. What basically signifies this historical responsibility needs a deliberate and cautious discussion. Firstly, the need is to make a distinction between differentiated responsibility and historical responsibility. Differentiated responsibility could arise in two ways: considering the amount of past carbon emissions produced by different countries and the amount of current carbon emissions. The former marks historical responsibility which means to pay for your past actions. Developed countries under this reason are obligatory to pay the costs by making huge cuts in their emissions as well as to take up the burden of financial contributions for mitigation and adaptation against climate change. The latter is highly unconvincing because it lets the developed countries go off easily. One must keep in mind that the actions in past, present and future does not occur in isolation but are interrelated. The current climatic conditions are the product of the past emissions produced by different countries. Ethically, one must take responsibility for one's actions. After all, freedom is attached to responsibility. The reasons to justify this feature while determining responsibility is developed countries' unawareness of the consequences for such actions. Thus, past emissions must be ignored in order to do justice for both the parties. What is common in both is that those who are responsible must pay the costs. But, the idea of current emissions traps the developing and least developed countries in disadvantaged position because it restricts the scope of 'development' they are striving for that has already been achieved by economically advanced countries.

So far as Paris agreement is concerned, it lacks clarity as to what the basis of such differentiation is. Although the inclination ostensibly seems towards the historical one by making developed countries to contribute financially to developing countries, the concern remains that many countries which are considered developed economically now were never the part of industrialization process when huge amount of carbon-dioxide was emitted. Thus, the agreement leaves the paradox unresolved.

Finally, the measures should be adapted in such a manner that no rights of the people are breached. The manner in which it makes a distinction between human rights and the rights of the people in occupation signifies one essential implicit idea of rights. By distinguishing between human rights and the rights of the people in occupation implies that the Convention is reluctant to identify human rights as possession of the rights of the people in occupation. This points out that people living under occupation are considered to have much less rights than a natural human, by the international scholars who formulated the agreement and these people are not entitled human rights.

Mitigation and Adaptation¹²

Apart from the aforementioned problems in the Paris agreement, mitigation and adaptation, that are intrinsic to climate agreements,

¹²Marco Grasso considers 'mitigation as the only one side of the justice issue. Adaptation and the compensation of residual damages are the other. The former issue concerns the minimization of global mitigation costs by equalizing the marginal cost of abatement, and the use of a common resource like the atmosphere. The latter issue concerns the perceivably fair distribution of adaptation processes, in terms of both the funding of prevention activities and the allocation of resources to adaptation activities and compensation for residual damages.'

are also not free of complications. The term mitigation¹³ stands for reducing the severity or seriousness of something, here gas emissions, particularly carbon-dioxide, that causally responsible for heating up of atmosphere. Mitigation pertains to the rights endowed for greenhouse gas (GHG) emissions. In neoliberal times, the atmosphere has itself become a commodity, rendering it to be exchanged on monetary basis. In the past developed countries have already taken up the advantage of using the right to use and pollute atmosphere during the period of industrialization [7]. In the recent debates over mitigation, the distributive criteria of this right to produce GHG has remained the main concern. Energy¹⁴ is the basic need for individuals' life, like food, health, etc. Like any other primary good, the initial endowment of energy services must also follow the equal per capita criteria¹⁵, keeping in view the different circumstances and disadvantaged positions that individuals suffer. The untenable inequalities could be resolved using the Rawls difference principle.¹⁶ Thus, the distribution of GHG emissions rights would be equally distributed, with the condition that inequalities would arise only in the case of disadvantaged groups. This implies that every country does possess equal GHG emissions rights, but are liable to pay compensation through financial transfers for the overuse of atmosphere and make huge cuts in their GHG emissions to favour the advancement of the least advantaged countries.

Another concern in climate change debate is that of adaption.¹⁷ Mitigation and adaptation have usually been viewed in a single framework and not separate concerns where mitigation concerns have been considered the main problem of climate change. They should be dealt with separately and require separate measures. Assessment of climate change impacts and vulnerability is required so as to adapt to the changing environmental conditions. Adaptation becomes an absolute necessity to make life liveable, 'to protect people, livelihoods and ecosystems', taking into account the rapid change in climate. Paris agreement recognises adaptation over imitation but finds mitigation also essential in order to reduce further needs for adaptation. Moreover, 'adaptation action is required to follow a country-driven, gender-responsive, participatory and fully transparent approach' [8]. The convention is laudable for identifying the specificity of the country taken into account and recognizing the importance of the knowledge of traditional, indigenous people in order to collectively integrate the scientific, local and indigenous as well as national knowledge for formulating relevant socioeconomic and environmental policies and actions. Adaptation communication plays an important role in advancing the most efficient adaptation plans and strategies by sharing knowledge through discussions and international support. The communications would include the communication of action, undertakings and/or efforts on adaptation. The CMA (conference of the parties serving as the meeting of the parties to this agreement) is supposed to review the institutional arrangements developed under the convention to look into the adaptation procedure and thus thereby adopt and elaborate the adaptation framework.

¹³Art.3 of the Paris agreement refers to mitigation.

¹⁴Marco Grasso argues that energy services are similar to the primary goods that Rawls refers to. Each individual is entitled to at least a certain amount of energy services.

¹⁵Although equal per capita produces a plausible account of equality of opportunity for every individual, it fails to look into the disadvantages socially faced by individuals on the basis of race, or community.

¹⁶The difference principle holds that inequalities are tolerable only if they satisfy two conditions. First, legitimate inequalities can characterize only situations open to all, under conditions of fair equality of opportunity. Second, inequalities must be to the greatest benefit of the least advantaged members of society.

¹⁷Art.4 deals with the adaptation needs to make conducive efforts so as to adapt to the changing environment.

In proposing a normative ethical framework in climate change, Marco Grasso suggests the usage of Rawls' theory of justice as fairness and Sen's capability approach for the purpose of adaptation to climate change [9]. There arise two concerns in such adaptation. One is to deal with adapting to current climatic conditions and the cost paid for the enforcement of the strategies and plans for adaptation which raises the question regarding the liability to pay the cost of such adaptation. The most plausible argument set forth is the one who is accused of committing it the most would pay for it. This implies to look on the historical accountability for the purpose of today's costs. Rawls theory of justice directs the way in which such question could be dealt with. Absorption of atmosphere is intrinsically equally divided amongst humankind, with no ownership. However, the manner in which it has been absorbed and used by richer countries that polluted it for development is revealing and requires to be taken cognizance of. "The Rawlsian egalitarian principle, the yardstick must be responsibility based on historical accountability, whereas the difference principle requires consideration of undeserved inequalities that have actually influenced cumulative GHG emissions and contributed to their cumulative amount."¹⁸ While there is no denying the fact that the primary goods must be equally distributed keeping in view the difference principle as set forth by Rawls, proposing distributive justice of resources. On the other hand, the welfare notion would suggest that the distribution must be on the basis of consequences envisaged that could bring greater benefits [10]. Welfarism is based on the premise that actions, policies, and/or rules should be evaluated on the basis of their consequences. However, all these approaches leave behind the capabilities of an individual. The conditions of the countries to which the allocation has been made must also be taken into account. If a country or its citizens do not possess the capacity of handling the allocation made, then the entire purpose is defeating. The availability of goods and services does not ensure its successful and beneficial consumption; rather the possibility of gaining protection against climate impacts also depends on the capabilities of the individuals and society. Here, Sen's approach plays an important role which emphasises on the individual and social capabilities to adapt to the allocation made and achieve better functioning [11].

India's Climatic Concerns or a Repertoire of Diplomacy

Following Arvind Subramanian's recommendations¹⁹, India has opted to focus mainly on climate changed mitigation than adaptation in the INDC presented in Paris meeting. The politics of INDC could easily be traced from the reason provided for the withdrawal of the demand of financial help from developed countries. US and EU have always remained reluctant to the demands of differentiation with constant recommendations to rethink over it, but failed. India, like other less developed countries, has historically been strident over the finances required for mitigation action by the international community, pointing at the realisation of responsibility by developed nations [12,13]. However, INDC reveals a surprising shift from the demand of financial aid to the declaration of bearing itself the burden of mitigation and adaptation costs. Additionally, India has also pledged to increase the share of non-fossil fuel based electricity to 40% of total electric capacity, and to increase forest and tree cover.²⁰ Such glittering promises seem quite pleasing. But, setting such a 'highly ambitious' goal seems disturbing in the country where the toll of farmers suicide

is on high and poverty rate seems nowhere reducing. Moreover, the recourse from adaptation is also problematic witnessing the increasing natural calamities India is confronting from Chennai floods to irregular earthquakes in different parts. In 2009, Jairam Ramesh had also suggested moving away from other developing countries in the demand for differentiation and financial support that 'would help India in its attempt to gain a seat at the UN Security Council'.²¹ Such deliberations and suggestions accentuate the latent fact behind all the international negotiations, indicating the politicisation of environment [14-16]. Environmental concerns, for which Paris agreement is appraised, fall undoubtedly secondary concern festering under the primary desire for more power by, what we call the repository of power, states.

Conclusion

'All that glitters is not gold' is what suits the present celebration of Paris agreement as 'victory'. An ambiguous and over-ambitious agreement obfuscates the latent politics that could be revealed only if we scratch beneath the surface. The terms and language used by the Convention is indisputably highly problematic. Climate change as the core ethical issue is undisputable but limiting it to the ethical framework would only mean to bluff ourselves in illusion [17]. To be realistic, the need is to analyse closely and critically any international or national initiative. Moreover, while setting forth the ethical framework to make the states realise their moral obligations, the underlying power structures and socio-economic relations operating in the negotiations of such agreement must not be overlooked. As Naomi Klein, in her recent book *This Changes Everything: Capitalism vs the Climate*²², reminds us that we cannot talk about climate change without also talking about capitalism. Such alternative thought that foregrounds the contours of such dubious initiatives is often overlooked for being a mere constraint in the way of an efficacious agreement. However, while the Paris agreement has by far theoretically delineated the imperatives for the enhancement of its probable success rate, its avowed effectiveness could only be tested as the Pandora box opens up with the agreement unravelling itself practically.

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¹⁸Grasso, M. "A normative ethical framework in climate change." *Climate Change*

¹⁹"Drop Demand for Finance From Rich Countries: Arvind Subramanian." *The Wire*.

²⁰INDC stands for 'Intended Nationally Determined Contributions'.

²¹"India's Climate Contribution Statement Passes The Diplomatic Test." *The Wire*.

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