

# Climate Reparations: An International Necessity?

Jackson Hightower<sup>1</sup>

<sup>1</sup>Woodward Academy

## ABSTRACT

The world is currently facing a choice between climate colonialism and climate reparations. The status quo trend, climate colonialism, is characterized by worsening environmental inequality and expanding consequences of anthropogenic warming. Through an enlarging refugee crisis, increasing number of natural disasters, and growing destruction of property, evidence of the problem is omnipresent. If left unabated, these issues will only expand, with potentially cataclysmic and existential consequences for the planet.

Thus, in response, the United States should choose a policy of climate reparations. This solution would include raising the federal refugee ceiling and increasing funding for United Nations climate mitigation programs. A commitment to reparations provides a promising opportunity for the U.S. to meet its international legal and ethical obligations while simultaneously combating environmental colonialism.

## Scope of the Problem

Planet Earth is dying. According to the National Oceanic and Atmospheric Administration, global temperatures have increased by almost two degrees Fahrenheit and over one degree Celsius, which has caused a litany of diverse consequences like drought, flooding, disease spread, ecosystem degradation, and decreased access to sustainable food and water sources.<sup>1</sup> Moreover, due to historical trends, these effects will not be shared equally, with economically developing nations bearing the brunt of the crisis.

A primary manner in which the consequences of anthropogenic climate change will have disproportionate international impacts is migration. As the world warms, flooding due to melting ice caps and increasingly worse weather will threaten the very existence of nations like Haiti, Fiji, and Cape Verde, which risks the displacement of approximately 140 million people.<sup>2</sup> As evidenced by a clear history of migrant dislocation and refugee resettlement in both North America and Europe, many wealthier nations outright refuse to allow a significant number of refugees, if any, within their borders. For example, only 108,700 refugees out of over 26 million were resettled into developed nations in 2019.<sup>3</sup> Additionally, when countries do intake migrants, they often place them in border camps, resettlement areas, and detention centers, despite those policies contradicting the obligations of nations under the United Nations Convention and Protocol Relating to the Status of Refugees. This international treaty specifically states that “refugees should not be penalized for their illegal entry or stay,” which includes being “arbitrarily detained” like what has occurred within dozens of countries across the world, including the United States.<sup>4</sup> Thus, international treaty obligations

<sup>1</sup> “Climate Change Impacts,” Climate change impacts (National Oceanic and Atmospheric Administration, February 1, 2019), <https://www.noaa.gov/education/resource-collections/climate/climate-change-impacts>.

<sup>2</sup> Táíwò Olúfẹ́mí O. and Beba Cibralic, “The Case for Climate Reparations,” Foreign Policy, October 10, 2020, <https://foreignpolicy.com/2020/10/10/case-for-climate-reparations-crisis-migration-refugees-inequality/>.

<sup>3</sup> Ibid.

<sup>4</sup> “Convention and Protocol Relating to the Status of Refugees,” United Nations High Commissioner for Refugees (Office of the United Nations High Commissioner for Refugees, December 2010), <https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

and the compounding migrant crisis create a legal, ethical, and moral responsibility for more developed nations to aid in combating mass displacement.

Alongside the growing issue of resettlement, the price of climate-induced damage will be disparately burdened by less-wealthy countries. Based on studies from the Basque Centre for Climate Change, the annual societal costs of climate change could reach up to \$580 billion in areas like the Middle East and North Africa region and the Latin America and the Caribbean region. However, the costs in areas with higher levels of poverty are comparably greater than those of wealthier regions.<sup>5</sup> Moreover, alongside the physical price of harm like property destruction from natural disasters, loss of arable land, and death, there are many incalculable costs of global warming such as the loss of important protected areas, cultural destruction, and species extinction, which each could have unknown long-term consequences. These compounding factors are also felt significantly more by developing countries, where environmental disruptions have major implications.<sup>6</sup> Without international efforts aimed at mitigation, these issues are guaranteed to worsen, risking a complete spiral out of control.

## Policy Recommendation

Thus, the scope of the climate mitigation crisis demands a policy of climate reparations. As Olúfẹ́mí O. Táíwò, an Assistant Professor of Philosophy at Georgetown University, and Beba Cibralic, a Ph.D. Student in Philosophy at Georgetown University, describe them, climate reparations are “a systemic approach to redistributing resources and changing policies and institutions that have perpetuated harm—rather than a discrete exchange of money or of apologies for past wrongdoing.” Specifically, for the United States to lead internationally in environmental restitution, the federal government will need to undertake a two-step plan: significantly raising its refugee cap, likely to at least the Reagan administration policy of 140,000 refugees per year, and increasing financial support for international climate mitigation programs, including the green climate fund.<sup>7</sup> Because of the urgent need and ethical responsibility, U.S.-led climate reparations are a necessity for combatting the environmental and refugee crises.

### I. International Necessity

As the amount of carbon and methane in the atmosphere has accumulated, the symptoms of global warming have accelerated, which begets the need for U.S. action. Specifically, destructive forces like mini-ice-ages and floods have spiked internationally, especially in smaller nations.<sup>8</sup> Domestically, natural disasters cost Americans, especially minority groups, hundreds of billions of dollars annually, which requires federal funding to help absolve.<sup>9</sup> Because of the destruction within the United States, the federal government needs to increase its financial backing of domestic climate mitigation measures even if it ignores international obligations.

<sup>5</sup> Anil Markandya and Mikel González-Eguino, “Integrated Assessment for Identifying Climate Finance Needs for Loss and Damage: A Critical Review,” in *Loss and Damage From Climate Change* (Springer International Publishing, 2019), pp. 343-362.

<sup>6</sup> Rishika Pardikar, “The US Is Blocking Climate Reparations,” *Jacobin*, November 17, 2021, <https://jacobin-mag.com/2021/11/climate-change-developing-developed-nations-cop26-unfccc>.

<sup>7</sup> Táíwò and Cibralic, “Case for Climate Reparations.”

<sup>8</sup> Mimi Sheller, “The Case for Climate Reparations,” *Bulletin of the Atomic Scientists*, November 12, 2020, <https://thebulletin.org/2020/11/the-case-for-climate-reparations/>.

<sup>9</sup> Jason Mark, “The Case for Climate Reparations,” *Sierra Club*, April 23, 2018, <https://www.sierraclub.org/sierra/2018-3-may-june/feature/the-case-for-climate-reparations>.

However, there is also a pressing case for multinational efforts. Particularly, the survival of small island states is being threatened by a host of environmental issues like ocean anoxia and sea-level rise, and despite previous attempts, nations like the Bahamas and Jamaica have been unsuccessful at thwarting the dangers to their territories. Moreover, one of the largest problems with the mitigation measures from small island states has been a lack of funding, yet several studies confirm that increased international financing from nations like the U.S. could have a direct and positive impact on the crisis.<sup>10</sup> The need for U.S. action can also be seen in the refugee plight, which has only increased with the Russo-Ukrainian war, and requires wealthier nations to step up and intake migrants before international institutions are overwhelmed.

Finally, alongside the tangible impact that climate reparations would have on other nations, they are also vital to prevent climate colonialism, which occurs when the global wealth and inequality gap is strengthened by climate change. Examples of this trend are innumerable: the eviction of impoverished citizens to build a luxury community in Nigeria, U.S. petroleum companies pressuring Kenya to lift its ban on plastic bags, and Norway lobbying the World Bank to stop supporting African natural gas projects are all clear evidence of the pattern.<sup>11</sup> American climate reparations are the only solution that can tackle all of these issues at once. As previously discussed, there is a vast demand for domestic and international resources for environmental protection, and most other countries seem unwilling or unable to contribute. Furthermore, climate reparations are the best mechanism for accomplishing transitional justice, which involves ameliorating grievances for the purpose of achieving social trust and environmental cooperation.<sup>12</sup> If the U.S. were to act as a first mover with a transitional justice strategy, other nations would likely follow its signal, creating a holistic, global effort to mitigate warming.

## II. Ethical Obligation

In addition to the material benefits of climate reparations, they would also help alleviate the ethical burden that the U.S. bears for global warming. According to economists Joseph Stiglitz and Nicholas Stern, the climate debt is \$100 per ton of greenhouse gasses, making the U.S.'s burden over \$50 trillion, by far the largest out of any nation.<sup>13</sup> Obviously, the federal government will not and could not pay that high of a debt; however, the number stands as a stark reminder of the obligation that is owed to the international community. Furthermore, there is a moral argument for reparations based on the idea that the U.S. holds responsibility for global patterns of colonialism and racism, which have been worsened by the climate crisis.<sup>14</sup>

Consequently, the U.S. does have an intrinsic ethical duty to pay its climate debt; nonetheless, even if the inherent burden is not acknowledged, there are still several supporting moral arguments for why restitution is a necessary strategy. According to Táíwò, reparations can be used to serve as an apology, repair broken relations, and disincentivize future harmful actions. Examples of these actions include Britain's Compensation Commission to redress harm from slavery and U.S. reparations to Japanese citizens following internment during World War II.<sup>15</sup> Obviously, these acts do not ameliorate the wrongs that occurred at the behest of each nation's government, but they can begin paving a path to material compensation for suffering alongside symbolic apologization. History has made it

<sup>10</sup> Maxine Burkett, "Rehabilitation: A Proposal for a Climate Compensation Mechanism for Small Island States," *Santa Clara Journal of International Law* 13, no. 1 (April 2, 2015): pp. 81-124.

<sup>11</sup> Táíwò and Cibralic, "Case for Climate Reparations."

<sup>12</sup> Sonja Klinsky, "Reparations: Lessons for the Climate Debate," *Climate Strategies*, November 1, 2016, <https://www.jstor.org/stable/resrep16181>.

<sup>13</sup> David Wallace-Wells, "Climate Reparations: A Trillion Tons of Carbon Hangs in the Air, Put There by the World's Rich, an Existential Threat to Its Poor. Can We Remove It?," *Intelligencer*, November 1, 2021, <https://nymag.com/intelligencer/2021/11/climate-change-reparations.html>.

<sup>14</sup> Mimi Sheller, "Case for Climate Reparations."

<sup>15</sup> Táíwò Olufemi O., *Reconsidering Reparations* (New York, New York: Oxford University Press, 2022).

extremely evident that calls for eco-justice and reparations are not going to cease, so acknowledging the U.S.'s role and ethical responsibility is an important step while still possible.

## Policy Alternatives

Although there are clear benefits to adopting climate reparations, there are two alternative solutions that could address many of the same harms: tort litigation and carbon sequestration.

### I. Tort Litigation

The primary substitute for reparations, climate restitution lawsuits, involve individuals, environmental groups, or governments suing large sources of carbon emissions (e.g. fossil fuel companies) for their contributions to climate change. The examples are abundant: Mississippi residents suing Murphy Oil, Kivalina Village in Alaska petitioning the courts against ExxonMobil, and a vast swath of resistance to the Keystone XL pipeline all demonstrate the growing trend.<sup>16</sup> Moreover, more than six states and D.C. have filed suits against a litany of companies, including BP, ExxonMobil, Chevron Corporation, API, and Shell Oil, based on their environmental harms and misinformation.<sup>17</sup>

The benefits to such a strategy are two-fold. First, they allow action to be taken immediately as opposed to waiting on state, federal, or international action. Tort litigation provides environmental organizations the ability to directly attempt to mitigate emissions, expanding their power to combat the climate crisis. Second, lawsuits enable direct liability on companies instead of governments, increasing public scrutiny. An example of liability processes is the Warsaw International Mechanism for Loss and Damage under the United Nations Framework Convention on Climate Change, which would allow states to compel fossil fuel companies to pay a tax based on the damages that they have induced.<sup>18</sup> Furthermore, tort litigation has found empirical success in industries like tobacco, where litigation has compelled changes to product advertising and had a significant and noticeable impact on the popularity of cigarettes.<sup>19</sup> If this strategy finds legal success in the U.S. and internationally, it could end up being the quickest and most effective path to environmental restitution.

However, there are clear and distinct disadvantages to solely pursuing tort litigation. Predominantly, suits in no way remediate the ethical burden that the United States bears for its role in climate colonialism and transnational structures of racism and imperialism. In the same manner, only reparations would alleviate the moral duty and physical implications of the spiraling international refugee crisis. Second, there is a pressing question of fund redistribution; generally, who and how greenhouse gasses implicate is difficult to quantitatively track, meaning that the areas that need funding the most, like small-island states, would likely not receive the benefits from litigation. Thus, individual countries and groups that have been disenfranchised would have to initiate suits themselves, a process that would be cumbersome and resource intensive.

Moreover, there is no guarantee that legal action would even be successful to begin with. Fossil fuel companies are massive and have well-funded legal defense teams, representing an uphill battle for any environmental group to challenge. Additionally, if the tobacco example is an indicator, a strategy of tort litigation might take many years to gain international momentum or simply not be sufficient to make a real dent in the climate crisis. Assuming that cases do prove victorious, even trillions of dollars in damages might not prevent the destruction of millions of lives

<sup>16</sup> Jason Mark, "Case for Climate Reparations."

<sup>17</sup> "State Suits Against Oil Companies," State Energy & Environmental Impact Center (NYU School of Law, September 21, 2020), <https://www.law.nyu.edu/centers/state-impact/issues/climate-action/suits-against-oil-companies>.

<sup>18</sup> Mimi Sheller, "Case for Climate Reparations."

<sup>19</sup> Kathleen Michon, "Tobacco Litigation: History & Recent Developments," NOLO, December 31, 2015, <https://www.nolo.com/legal-encyclopedia/tobacco-litigation-history-and-development-32202.html>.

and vast swathes of the environment.<sup>20</sup> Only, active, organized fund redistribution will be able to make a meaningful dent in global warming.

## II. Climate Mitigation

On the opposite end of the spectrum, carbon sequestration provides a mechanism where a small number of actors could unilaterally resolve climate change. Specifically, technology like carbon capture and storage has seen rapid advancements and might be able to reverse greenhouse gas emissions. Because many scholars believe that even net-zero emissions globally might not reverse warming, carbon removal might be one of the only solutions that could keep temperatures below existential tipping points and thresholds.<sup>21</sup> Furthermore, sequestration technology enables unilateral action, which avoids the cumbersome pace of international and domestic politics.

However, the downsides to a carbon removal strategy could be large and deadly. Geoengineering has never been proven at scale, and there is no telling how other nations might react if the United States or another organization attempted to disrupt the current climate. This danger is especially true of carbon capture and storage, which after five decades has not been proven at scale, expands fossil fuel usage, and is largely backed by oil companies.<sup>22</sup> Additionally, like tort litigation, carbon removal does not take any actions to ameliorate the refugee crisis or the moral responsibility that the U.S. bears for existing environmental destruction. Without reparations, the best-case scenario for sequestration is mitigating the future consequences of warming, not the current ones.

## Conclusion

This paper discussed the necessity for and implications of a U.S. policy of climate reparations. By raising the refugee ceiling and increasing its financial backing for international climate mitigation measures, the federal government could effectively and quickly ameliorate the consequences of warming, alleviate the refugee crisis, and aid small island nations. Moreover, the United States also has an ethical burden for restitution due to its direct contributions to greenhouse gas emissions. In comparison to alternative solutions like tort litigation and geoengineering measures, government-led financing is the most effective mechanism to redistribute funds and combat the growing number of refugees globally. There is a pressing legal, moral, ethical, and geopolitical need for climate reparations, and the United States should not hesitate to embrace them.

## Bibliography

- Burkett, Maxine. "Rehabilitation: A Proposal for a Climate Compensation Mechanism for Small Island States." *Santa Clara Journal of International Law* 13, no. 1 (April 2, 2015): 81–124.
- Climate change impacts. National Oceanic and Atmospheric Administration, February 1, 2019.  
<https://www.noaa.gov/education/resource-collections/climate/climate-change-impacts>.
- "Convention and Protocol Relating to the Status of Refugees." United Nations High Commissioner for Refugees. Office of the United Nations High Commissioner for Refugees, December 2010.  
<https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

<sup>20</sup> Jason Mark, "Case for Climate Reparations."

<sup>21</sup> David Wallace-Wells, "Climate Reparations."

<sup>22</sup> Andy Rowell and Lorne Stockman, "Carbon Capture: Five Decades of False Hope, Hype, and Hot Air," Oil Change International, September 20, 2021, <https://priceofoil.org/2021/06/17/carbon-capture-five-decades-of-industry-false-hope-hype-and-hot-air/>.

- Klinsky, Sonja. "Reparations: Lessons for the Climate Debate." *Climate Strategies*, November 1, 2016.  
<https://www.jstor.org/stable/resrep16181>.
- Markandya, Anil, and Mikel González-Eguino. "Integrated Assessment for Identifying Climate Finance Needs for Loss and Damage: A Critical Review." Essay. In *Loss and Damage From Climate Change*, 343–62. Springer International Publishing, 2019.
- Mark, Jason. "The Case for Climate Reparations." Sierra Club, April 23, 2018.  
<https://www.sierraclub.org/sierra/2018-3-may-june/feature/the-case-for-climate-reparations>.
- Michon, Kathleen. "Tobacco Litigation: History & Recent Developments." NOLO, December 31, 2015.  
<https://www.nolo.com/legal-encyclopedia/tobacco-litigation-history-and-development-32202.html>.
- Pardikar, Rishika. "The US Is Blocking Climate Reparations." Jacobin, November 17, 2021.  
<https://jacobinmag.com/2021/11/climate-change-developing-developed-nations-cop26-unfccc>.
- Rowell, Andy, and Lorne Stockman. "Carbon Capture: Five Decades of False Hope, Hype, and Hot Air." Oil Change International, September 20, 2021. <https://priceofoil.org/2021/06/17/carbon-capture-five-decades-of-industry-false-hope-hype-and-hot-air/>.
- Sheller, Mimi. "The Case for Climate Reparations." Bulletin of the Atomic Scientists, November 12, 2020.  
<https://thebulletin.org/2020/11/the-case-for-climate-reparations/>.
- "State Suits Against Oil Companies." State Energy & Environmental Impact Center. NYU School of Law, September 21, 2020. <https://www.law.nyu.edu/centers/state-impact/issues/climate-action/suits-against-oil-companies>.
- Táíwò Olúfẹ̀mí O., and Beba Cibralic. "The Case for Climate Reparations." Foreign Policy, October 10, 2020.  
<https://foreignpolicy.com/2020/10/10/case-for-climate-reparations-crisis-migration-refugees-inequality/>.
- Taiwo Olufemi O. *Reconsidering Reparations*. New York, New York: Oxford University Press, 2022.
- Wallace-Wells, David. "Climate Reparations: A Trillion Tons of Carbon Hangs in the Air, Put There by the World's Rich, an Existential Threat to Its Poor. Can We Remove It?" *Intelligencer*, November 1, 2021.  
<https://nymag.com/intelligencer/2021/11/climate-change-reparations.html>.