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The status of climate refugees and its philosophical implications

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Introduction

Climate change is increasingly recognized as one of the most critical challenges of our time, with far-reaching implications for both the natural environment and human societies. Among the myriad consequences of climate change, human displacement stands out as a particularly pressing issue. This thesis delves into the multifaceted topic of climate change-induced human displacement from a philosophical perspective, highlighting the need for equitable and effective responses to protect the rights and dignity of displaced individuals and communities.

In the following sections, I will explore the causes and drivers of climate change-induced displacement, the specific vulnerabilities of specific regions and populations, and the challenges associated with defining and addressing climate refugees within existing legal frameworks. I will also discuss potential solutions and strategies for mitigating displacement and enhancing resilience, drawing on case studies and examples from around the world.

Through this exploration, the present thesis seeks to contribute to the ongoing discourse on climate change and human rights, advocating for a more inclusive and just approach to addressing the needs of those displaced by climate change. By examining the intersections of environmental, social, and political factors, it aims to shed light on the complexities of climate change-induced displacement and the urgent need for coordinated global action.

To be more specific, the research question concerns the legal and practical position of individuals who are forced to migrate from their home country because the latter is disappearing due to anthropogenically-driven climate change. Indeed, I will both generally talk about climate migrants fleeing from extreme weather events and specifically focus on displaced individuals losing their national territory. My point is that both these categories have the right to be called “refugees”, thus benefitting from the consequences of such a legal position.

My answer draws upon different philosophical positions presented by relevant scholars and, in its essence, it states that the international community has a duty to ensure the re-integration in society of these peoples respecting their wills. This obligation comes as a consequence of the historical responsibility in contributing to climate change through industrialization. Therefore, I will show that there are different ways in which

states must act, according to their historical emissions and present capacities. To better understand the debate, I will also explain the crucial distinction between refugees and migrants; indeed, the merely theorical interpretation of such a distinction affects the very chance of living a decent life during and after migration.

Climate refugees

This chapter is articulated in five paragraphs, and it can be considered as introductory – and, as such, fundamental – to the rest of the dissertation. To go further into detail, I am going to show the way particularly vulnerable individuals are affected by climate change and then who are these people, who shall be called environmental refugees. Moreover, the definition of refugee will be further specified by drawing a distinction from the concept of migrant. Additionally, this chapter is going to explain the critiques to the expression of climate refugee and the two main debated theses on the issue, namely the maximalist and minimalist theses.

I will first start with an illustration of how the phenomenon of climate change affects individuals living in vulnerable communities. As climate change affects more and more people within a context of increasing awareness on the subject, the most vulnerable individuals are also those who suffer the most from it, as it is often the case. Indeed, climate change has been causing extremes of heat and water constraints, the melting of glaciers and the consequent rise in sea level, and other extreme events with their inevitable consequences which affect both natural and human life. In fact, many inhabitants of particularly vulnerable communities (such as those living in soon-to-be submerged island nations) have been facing such effects, leading them to move either internally or internationally from their home country, often in a permanent way. This may be considered sufficient to qualify them as refugees, but the link is not that straightforward. Indeed, so far, the definition of "refugee" concerns only the individuals who rightly fear prosecution on grounds of "race, nationality, religion, membership of a particular social group or political opinion", as the Article 1 of the 1951 Refugee Convention reads out. I will return to this definition below.

Despite what has been said in the preceding paragraph, I am now going to present a concept which links climate change with refugees and to describe what is owed to them by the international community. Indeed, according to some, there is a new category of refugees, namely "environmental refugees", who can be defined as "people fleeing their place of residence because of an environmental stressor regardless of whether or not they cross an international border" (F. Renaud, J. J. Bogardi, O. Dun, K. Warner 2007). The first question here concerns what is normally owed to refugees: firstly, a right of non-refoulement, namely the obligation not to

return the refugee to the state where he/she was in danger; secondly, a "durable solution", that is the right to remain in a safe country indefinitely. We will see how this can be applied to the case of refugees fleeing from submerged states.

Additionally, there are some relevant distinctions to be drawn between environmental refugees and climate refugees and between refugees and migrants. The term "environmental refugee" is often used as a synonym for "climate refugee" even if the former has a broader implication in the sense that it includes people displaced by environmental degradation exacerbated by climate change, such as resource scarcity and loss of livelihoods. A more inclusive definition is crucial for addressing the diverse causes and impacts of climate-induced displacement. In order to be more precise, it is fundamental to distinguish migrants from refugees. First of all, asylum cannot be denied to the latter, while it can for the former. Additionally, refugees' definition is specified in the 1951 Geneva Convention, according to which they are persecuted by their state or there is a possibility they may be while lacking protection. Thus, those who do not fall within this category are migrants (Pellegrino 2017). However, according to other scholars, the right to asylum can be extended also to climate migrants by simply following the moral principles at the basis of the Convention.

Even so, there are some relevant critiques to these notions to be presented in the current paragraph. Indeed, the use of the expression "climate refugee" has been strongly criticized by C. Farbotko and H. Lazrus because

> …dominant representations of adaptation to climate change that centralise climate refugees are devoid of appropriate cultural meaning and fail to take into account existing resilience, including migration practices, among the populations exposed to sea level rise.

This means that the narrative of climate refugee protection seems to disregard cultural and political resilience of the islanders (C. Farbotko, H. Lazrus 2012). According to the authors, mobility shall be seen as a potential part of the solution rather than a problem, also because Tuvalan history is strongly connected to mobility. On the contrary, they suggest that climate change is not a unilinear vector causing

displacement, but it is accompanied by a combination of social conditions such as conflict, corruption, political instability, and extreme poverty. Thus, the critique is directed at the exploitation of, for example, Tuvalan voices for a larger environmental purpose, namely raising awareness of climate change; however, by doing so, these populations become objectified as evidence of climate change.

Here I will formulate two extreme positions in the literature on climate refugees, which are characterized by different ideas on the relationship between climate change and displacement. Indeed, there are two different theses in the scientific debate on climate migration: the minimalist and the maximalist one. The former underestimates the implications of climate change, while the latter imagines mass exoduses as directly caused by abrupt disasters due to climate change and it is criticised due to its extreme simplicity, as it does not take into consideration the resilience and adaptive abilities of the human species facing crises. In any case, while undoubtedly acknowledging the relation between climate change and migration, scientific literature suggests that such relation is not characterized by direct causation (W. Kalin, N. Schrepfer 2012). In other words, migration does not directly depend on climate change, but the latter's effects may induce forced displacement of people.

To conclude, we have seen that vulnerable individuals are particularly affected by climate change and that they are also called environmental refugees. However, this expression is still uncertain in the sense that we must be specific when using it and it is strongly criticized. Indeed, different theories have been developed on the issue.

In order to better understand this debate, I will start from the legal foundations for the definition of refugees.

Legal basis

In this chapter, I am going to illustrate how different interpretations of a comma in the Article defining refugees lead to different readings of the Article itself. Moreover, I am going to analyse the Article in detail and show that some parts of it, like the expression "unable to return", have different theoretical consequences according to the meaning they are attributed. After further grammatical and historical caveats, different theories develop according to whether a broader or narrower definition is adopted.

Article 1(A)(2) of the 1951 Convention extends refugee status to any person who:

> …owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence is unable or, owing to such fear, is unwilling to return to it.

I am now going to show how different interpretation of a comma lead to different readings of this article. Indeed, beside what I have already analysed before, H. Alexander and J. Simon suggest that the clause following the semicolon and pertaining to stateless persons recognises a specific category of stateless refugees who are not persecuted (H. Alexander, J. Simon 2014); on the other hand, according to the standard interpretation of the article, in order to be defined as a refugee any individual must have a well-founded fear of persecution – in other words, according to the latter perspective, the first phrase on the well-founded fear modifies everything coming after it, differently from the thesis supported by the two aforementioned scholars.

Now, the consequences of these different interpretations are to be specified. Indeed, the two scholars suggest that the expression "unable to return" has a more specific meaning since, for stateless persons, it refers to the inability to return to any country of former residence, and it is sufficient to allow for the refugee status, even in the absence of persecution. As a consequence, also displaced islanders of fully

uninhabitable states count as refugees even though climate change cannot be considered as persecution. Thus, if we adopt this perspective, there is no need for other agreements to protect this vulnerable new category, which will be more particularly described later on.

These distinctions can be considered as generated from a difference in merely grammatical perspective, as I am going to do in this paragraph. Indeed, the drafters should have used a comma if they were to make the second part of the sentence dependent on the first. On the contrary, they used a semicolon. Additionally, there is no verb tense agreement between the first and the second clause, suggesting again independence between the two. Furthermore, the preamble of the Convention focuses on fundamental rights, social and humanitarian concerns, implying that the inability to return must be of humanitarian kind, rather than an administrative matter; at the same time, its rationale suggests that the purpose of this Article is to include all people who truly lack protection, regardless of their being persecuted or not (H. Alexander, J. Simon 2014).

Another perspective which is considered relevant for understanding the different positions on the interpretation of the Article is the historical one. In fact, many scholars point out that, when reading the Article, we must take into account the historical context in which it was written; indeed, the intention of the drafters was to ensure a complementarity with other conventions: those who could not be helped through the 1951 Convention would be assisted under the Statelessness Conventions. Additionally, it was written during the aftermath of the Second World War, when lack of protection mainly resulted from persecution. This may be considered as an additional reason why the article was so drafted, in contrast with the idea that its formulation is aimed at addressing only persecuted individuals as refugees worthy of asylum and protection.

However, I must introduce here a short clarification. These grammatical and historical caveats are contrasted by practice and, more specifically, by a juridical case. De facto, New Zealand's Supreme Court supported the idea of inapplicability of the Geneva Convention to climate refugee in the case denying international protection to the Teitiota family coming from Kiribati (Ioane Teitiota v. New Zealand 2020).

Finally, I am going to analyse the definition from a more theoretical perspective. Indeed, as for the definition of refugees, Lister argues for a wide reading of a narrow definition (Lister, Who are refugees? 2013). Indeed, he supports a broad interpretation of the Article, to ensure that those genuinely in need of protection receive it and to avoid overly broad or narrow interpretations which could respectively either reduce resources or leave people without necessary aid. Thus, the more general definition of refugee provided instead by the Organization of African Unity is considered appropriate only for regional context but unsuited for the global understanding of the concept. In other words, he argues in favour of the Convention's definition due to its clarity and precision, which facilitate international cooperation and burden-sharing.

To conclude, a broader interpretation of the Article allows for the inclusion of climate migrants in the definition of refugees. Indeed, it depends on the interpretation of the comma and on the meaning attributed to the expression "unable to return", with some other grammatical and historical caveats.

In case this analysis of the Article was to be considered not sufficient to recognise the new category of climate refugees, I will open the discussion to other pillars supporting this position, starting from the protection of refugees' human rights, including territorial ones.

Refugees' human rights

This chapter is going to analyse the relationship between forced displacement and human rights. In particular, it will report on basic human rights according to different theoretical perspectives and on territorial and property rights, which come to affect also the more intimate parts of individuals, such as identity.

In this first paragraph we are going to see how climate-induced displacement raises several human rights concerns and what duties result from this according to Caney, an important scholar on the matter. First of all, Caney recognizes that climate change jeopardises three fundamental human rights: the human right to life, to health, and to subsistence (Caney, Climate Change, Human Rights, and Moral Thresholds 2010). The first and second ones imply that every individual has the right not to be deprived of his life and not to have other people threatening their health; however, severe weather events and other effects of climate change significantly jeopardise human life and physical/mental wellbeing. Additionally, the human right to subsistence is affected as well by climate change in terms of food security and loss of land. However, Caney suggests that, according to a purely human rights approach, we should take into consideration only the effects that actually violate human rights. This perspective involves duties of mitigation, adaptation, and most importantly compensation. Rightly, he affirms that mitigation shall be taken into account as a first preventative strategy, while we should resort to compensation at the very last, when the infringement has already occurred despite the attempts to prevent it; otherwise, if no prevention was taken in due time with a sight on later compensation, it is morally wrong to use the latter to counterbalance the harm.

Other perspectives are the traditional and the liberal ones, which result in the same finding of the former, namely that climate change affects human rights which shall be compensated for, but they do so through different paths, by affirming the existence of a specific right respectively to nationality and to safe environment. I will also illustrate the critical points of the liberal position. Indeed, according to Gillespie, climate refugees may claim Article 15 of the Universal Declaration of Human Rights, which provides that nationality shall not be denied to anyone (Gillespie 2003). From a more liberal point of view, there should be a human right to a clean and secure environment;

this claim generated in the 1972 Stockholm Declaration on the Human Environment, according to which:

> Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations.

However, according to the scholar, this discourse does not solve the issue both because it is still only a theoretical idea, lacking in terms of application, and because the problem shall be addressed specifically on a state-by-state basis. He also makes a comparison between climate change regulation and nuclear weapons' management by the international community: in the middle of the 1990s, the ICJ decided that, since many states already had nuclear weapons, the latter could not be considered illicit until the negotiations to get rid of them were concluded. According to Gillespie, the same applies to climate change.

Among the most relevant human rights affected by climate change, territorial rights are at the forefront and I am now going to analyse how they can be understood and to whom they belong. Conceptually, they can be divided into rights of jurisdiction, rights to resources, and rights to control borders. Additionally, there are three candidates as for who holds these rights: individuals, institutions, or collectives[1]. From a Kantian perspective, territorial rights of a state depend on its ability to impose order and administer justice and to legitimately represents the people on its territory. This position solves the problem of colonialism, as the invaders do not satisfy the second condition (legitimate representation). According to the Miller, such rights belong in the first place to peoples and, if a group has added value to territory, it must enjoy the value it has created. As a consequence, the three components of territorial rights belong together. Of course, there are limits imposed by human rights of outsiders

[1] As for individualist accounts of territorial rights, individuals can acquire property rights and create territorial rights by pooling them. As for the institutional perspective, territorial rights belong to states, as suggested by the utilitarian approach of Sidgwick and the more refined Kantian perspective. Finally, territorial rights may arise from the combined actions of groups occupying a land, also called collectives.

(Miller, Territorial Rights: Concept and Justification 2012). In their application to the case of climate refugees, an account of the right to initial acquisition of land would shed light on how to grant displaced individuals access to a new territory (Wilcox 2021).

Furthermore, I am now going to show that it is fundamental have a proper understanding of occupancy rights, which are morally relevant and particularized because they link individuals to land through the link of life plans. Indeed, as for property, pre-institutional theories see it as a moral right that binds individuals to its territory regardless of law and convention. According to Anna Stilz's hybrid approach to property theory, there are three rights to geographical space: the right to private ownership, the right of territorial jurisdiction, and the occupancy right (Stilz 2013). The latter is key in understanding the position of climate refugees and it is defined as

> …the right to reside permanently in that place, to participate in the social cultural, and economic practices that are ongoing there, and to be immune from expropriation or removal.

Occupancy rights have a moral binding force, neither legal nor conventional, and their pre-institutional claim is particularized as it is specific to a given area, not to some general piece of land. Thus, Stilz suggests that the right to occupancy is linked to a person's located life-plans; consequently, it belongs to any individual who has this kind of link with the territory, regardless of other characteristics such as homelessness. This is key to understand why climate refugees cannot be relocated casually in another territory as if it was their home country, namely because there is a moral and invisible tie between them and their original land.

Similarly to the previous paragraph I am now going to see that there are further theories supporting the idea of a fundamental right to reside in one's own country; in this case, it is more related to the internal sphere of the formation of one's identity, for which the link to the home country is crucial. Indeed, Cara Nine argues for a right against displacement, rooted in the intrinsic value of the home, which is fundamental for the individuals' identity, security, and wellbeing (Nine, Cosmopolitan Justice, Responsibility, and Global Climate Change 2005). Since home affects personal

development and mental health, displacement from it causes a profound disruption in a person's life and identity. Nine thus emphasizes the right to remain in one's home as a fundamental human right. As a consequence, she suggests finding in-situ solutions, to mitigate the impacts of climate change while also supporting the continuity of the communities living therein. Nonetheless, she recognizes that in some cases this strategy is not feasible.

To conclude, this chapter has illustrated that forced migration, as it is the case for climate migration, threatens not only basic human rights such as the rights to life and to health and to a safe environment, but more implicitly also the formation and continuance of one's identity, through the link of particularized property rights.

I will now shift to a more theoretical analysis of the issue, starting from an ethical perspective.

Refugee ethics

This fourth chapter is going to acknowledge some ethical concerns related to climate refugees, recognising shared responsibility but diversified obligations. Thus, it proves that there is no significant distinction between refugees moving due to human actions and those leaving due to physical events, which is a fundamental notion for the research question of the dissertation on whether climate-displaced individuals shall be named refugees or migrants.

Firstly, I am going to introduce a basic ethical perspective to the issue of climate refugees, which has at its core the deontological moral theory. Moreover, I will analyse how this theory draws no distinction between migration caused by human acts and by physiological phenomena, which leads us to the asylum paradox. In fact, according to Tiedemann, there are duties states or individuals owe to refugees. In particular, refugee ethics cannot be attributed to the state but rather to individuals who work in or for it, because the state is not the addressee of ethical requirements (Tiedemann 2021). According to his analysis, among different moral theories the only one which can be applied to refugee ethics is the deontological one, which acknowledges three categories of rights to be protected: fundamental human rights, solidarity goods, and justice goods. The interesting point the author makes in favour of the recognition of climate refugee is to be seen in the equiprimordiality-theorem of human dignity, which does not allow any differentiation between anthropogenically-driven inhuman living conditions and physiologically-driven ones. As a consequence, there should be no morally relevant distinction between war and climate refugees. Another relevant point raised by the author is the moral indefensibility of the asylum paradox, which creates a moral distinction between refugees who are already in the host country and those who are not. Since the current legal framework bases protection on geographical location, it should be modified as it does not satisfy the moral duty to prevent harm.

A further position on how to address the issue of climate refugee is proposed by another scholar who points at addressing the root causes of the problem and at rectifying instead of compensating. This peculiar and distinctive position is the one taken by Kincaid (Kincaid 2019), who criticizes the compensation-based approaches because of the incommensurability of losses incurred by displaced populations. Indeed, he first emphasizes the anthropogenic origins of climate displacement as a fundamental factor

linking the actions of industrialized nations and the migration of vulnerable affected populations; then, he underlines that this link is necessary to understand the moral obligations of the states. Instead of attempts to alleviate the symptoms of displacement, the author proposes addressing the root causes. Another critique is directed at rights-based approaches because they may exacerbate political intractability by imposing rigid legal frameworks. Instead, he focuses on the duty to rectify based on the idea that states have an ethical obligation to address the injustice of climate displacement. In particular, rectification is more than mere compensation as it requires recognizing the rights and dignity of displaced individuals, providing resettlement and ensuring their participation in decision-making processes. This shall be done following the principle of social responsibility, in the sense that responsibility is assigned based on states' capacities.

Another interesting approach to refugee ethics is the non-ideal theory developed by Eckersley. As I am now going to illustrate, she emphasizes shared responsibility while recognising different duties according to capacities and historical emissions. This position taken by the scholar recognises the gap between ethical ideals and political realities. In her article (Eckersley 2015), she emphasizes the need for practical and context-dependent judgements to achieve feasible solutions to the phenomenon of climate migration through a praxeological method. A fundamental pillar of her perspective is the concept of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC), affirmed in the UNFCCC (United Nations Framework Convention for Climate Change); according to this principle, all states share the responsibility to address climate change, but their obligations vary according to the respective historical emissions and current capacities. Furthermore, she proposes a dual approach in dealing with climate refugees. Indeed, responsibilities shall be divided into two categories: on one hand, financial and technical assistance, to be differentiated on states' capabilities; on the other hand, responsibility to receive climate refugees, which should be a common duty. An innovative aspect of her analysis is the right of climate refugees to choose their host states, in order to compensate in part for the loss experienced by displaced individuals.

To conclude, this chapter is crucial to understand the distinctive situation of climate refugees and the rectification they are owed. Indeed, it showed us that there is no

ethically relevant distinction between migration caused by human acts or by natural phenomena. Additionally, this chapter has pointed out that, although the responsibility is shared, there are different obligations which belong to states according to specific characteristics (capacities and emissions). The importance of addressing root causes has been highlighted as well.

After these attempts to give a general legal and theoretical framework on the issue of climate refugees, I will now turn to more pragmatic issues, concerning what should be done to respond to this global crisis of environmental migration.

Compensation

In this chapter I am going to analyse compensation, which is a fundamental aspect in the analysis of climate migration. Indeed, it refers to special obligations owed to the refugees, the most known of which is asylum. However, we are now going to see that there are several issues with the notion of reparation, like the attribution of responsibility and the consequent distribution of compensation duties. A specific problem concerns whether refugees shall be recognised with a right to self-determination or only with basic human rights, and this debate will be clearly explained in the chapter. There are also alternatives to asylum and proposals of development strategies aimed at providing refugees with educational and economic opportunities.

First of all, there are some specific situations in which special obligations to provide asylum arise. According to Barkan, reparations are aimed at rectifying past injustices, and they are composed of restitution, compensation, and satisfaction (Souter 2014). The first implies restoring the status quo before the injustice, the second involves a monetary transfer, while the latter entails guarantees of non-repetition. Souter specifies that a special obligation to provide asylum occurs when the refugee's lack of state protection has been caused by an external state, while it does not occur when a state bears only causal but not outcome responsibility (to understand the difference see (Miller, National Responsibility and Global Justice 2007)) for producing refugees (for example when the consequences were not reasonably foreseeable). Another characteristic necessitated for the obligation to be defined as special is that the refuge must have been unjustly harmed or at risk of it due to this lack of protection. Furthermore, Souter argues that another condition should be introduced, according to which the causal link between the state's action and the refugee's lack of state protection must be *fairly* strong: the lower the causal link, the lower the reparative responsibility.

Furthermore, it is relevant for our analysis to distinguish compensation from reparation. From Buxton's perspective, the crucial difference between compensation and reparation is that the former aims to remedy accidental harm, while the latter aims to rectify injustice. It follows that compensation may be given by a third party, while reparations can only be offered by those responsible. Additionally, she distinguishes

between moral responsibility, which applies if the individual freely chooses to do an action for which it can be held accountable, and outcome responsibility, which applies if there is a foreseeable connection between action and result, regardless of moral innocence (Buxton 2019). The latter is the type which can be taken into account for the purpose of climate refugees.

Compensation is also understood as a "reparation from past injustice" by Southern, following a diachronic approach. Indeed, as for what is owed to the victims, Souter suggests that asylum can provide refugees with relevant compensation since it has three functions: humanitarian, political, and moral (Souter 2014). As for the last one, the scholar argues that asylum can be considered as reparation for past injustice, which implies an obligation of states to provide it to refugees who flee from states whose lack of protection they are responsible for. At the same time, while most accounts on asylum and migration discount historical relationships, the scholar suggest a diachronic approach, which takes into account both the present phenomenon of displacement and its origin.

Theoretically, I am now going to introduce four different theses justifying the right to asylum to refugees, as specified by Pellegrino (Pellegrino 2017), leading to the conclusion that climate refugees shall be given asylum as a compensation as any other refugee. The argument starts with an analysis of all the theses. The first thesis concerns responsibility: the right to asylum is aimed at compensating some individuals for the wrongdoing by foreign states or by the international community. However, this thesis can be difficultly applied to climate refugees because the source of their suffering, climate change, is attributable to different states in different times of history. Another thesis deals with assistance: the suffering of climate refugees often generates in the global political and economic system which creates winners and losers. Thus, winners should compensate those who are most disadvantaged due to this system. In the case of climate change, the source is the global economic system based on fossil fuels. Again, this thesis cannot be deemed valid to support compensation for climate refugees because it is unclear why the descendants of the wrongdoers should bear the consequences of their ancestors' activities. Then, the third thesis is the humanitarian one: the violation of refugees' human rights is at the basis of the reason why they have been asking asylum to other states. In the cases of

breaches of human rights, the right answer from the international community is humanitarian intervention. However, according to Pellegrino, this justification cannot be extended to climate refugees because their home countries cannot be considered responsible for the violation of their citizens' rights. Instead, the only right answer to the violation of refugees' fundamental rights is to grant them protection in another state through the right to asylum. Thus, the scholar suggests that climate migrants shall be considered as climate refugees and shall benefit from the consequences therein.

A further fundamental distinction will be drawn in this paragraph between temporary and indefinite displacement and between theories recognising the importance of the right of self-determination as a reparation and those which only point at basic human rights. According to Lister, asylum is the proper remedy for environmental issues of indefinite duration, while it is not appropriate for those which are expected to cause only temporary displacement (Lister, Climate Change Refugees 2014). In the latter case, it is reasonable indeed to expect the individuals to return to their home country when the danger has passed; in the former case, which includes the low-lying island nations facing rising sea levels, temporary protection will not suffice. Similarly, according to Souter, asylum is a fitting compensation only as long as the risk persists: after that, other forms of reparation may be more suitable, like settlement or citizenship. Additionally, according to Lister, in the cases in which climate change makes any decent form of life impossible in the home territory, those at risk have no option but to enter another country. At the same time, the author suggests that states receiving such people need not to allow the victims to recreate their former styles of life beyond what is required by human rights and liberal principles of justice. In other words, according to this view, the international society does not owe any right to self-determination to the displaced group, as it is instead suggested by corporate accounts such as Nine's and Kolers'; according to them, there is a right to self-determination, held by groups and enforceable against the international community: when a territory is unable to support the group, the right to self-determination entails at least a right to claim a new territory (Nine, Ecological Refugees, State Borders, and the Lockean Proviso 2010). Of course, this perspective raises many problems regarding whom shall be deprived of a part of their territory in order to allow the aforementioned group

to inhabit it as their own. Consequently, Lister affirms that climate refugees shall be granted only an individual right to be full members of a country that respects them and allows them sufficient autonomy.

There are also alternatives to asylum, as for example safe heavens, in situ aid, or military intervention, which may be more fitting forms of reparation in specific cases. However, Souter claims that asylum is usually the most fitting form of reparation because it provides a durable solution and because it is more targeted to the individual than its alternatives (Souter 2014). Nonetheless, it is rather difficult to identify a direct causal link between refugee movements and a state or a group of states. Indeed, many refugees are the result of complex and long chains of events where many actors are involved.

A further perspective on what refugee protection entails is the one proposed by Brock, called 'the development approach', analysed herein. While her analysis does not cover environmental refugees, it was extended to include them through the work of Wilcox (Wilcox 2021). In general, Brock endorses a definition of refugee which is broader than the one of the Geneva Convention, considering as refugees all the individuals in need of protection of fundamental human rights. From her perspective, every refugee should be provided with international assistance, especially for permanently displaced ones. Her theory suggests supplementing humanitarian arrangements with development-oriented strategies; thus, employment, educational and economic opportunities shall be granted to refugees. Furthermore, the latter are owed collective resettlement (thus guaranteeing continuing life of the community), continued political self-determination, and access to a new territory. An example is the New Zealand's Pacific Access Category Visa programme, which offers permanent residency status to many citizens from Kiribati, Tuvalu, Tonga, and Fiji.

After the analysis of these different aspects of compensation, there are some theorists according to which to compensate is not enough, because prevention is the first rule to be obeyed. Indeed, this is the position taken by De Shalit, on the basis of the fact that environmental displacement implies that a crucial functioning (following Amartya Sen's definition of the term) is lost (Shalit 2011). More specifically, this is the functioning of having a sense of self-identity and of place. Indeed, place provides a sense of belonging to a collective greater than the individual through values, history,

language, and other means. As a consequence of the fact that the primary loss is not the territory itself but rather the sense of belonging, offering climate refugees a new place does not suffice. Thus, De Shalit suggests that there is a duty belonging to governments to prevent displacement and environmental injustice.

In conclusion, we can find reasons why climate-displaced individuals shall be considered refugees and not migrants also in the analysis of compensation duties on the side of responsible states. Indeed, since their human rights have been violated as a consequence of actions taken by other states, they are owed reparations in term of satisfaction of the affected rights. Thus, asylum shall be provided and, as I have shown, there is a right to self-determination rather than just the fulfilment of basic human rights, depending on the theory adopted.

I will now turn to the philosophical foundations of the herein analysed topic.

Philosophical foundations of compensation

This chapter opens with a presentation of the different theories of justice upon which my argument rests. Then, several principles and combinations of the latter are proposed as a response to climate-induced displacement, with different views coming into conflict.

First of all, I am going to briefly introduce a philosophical account of the three different theories of justice upon which the concept of compensation lays. Distributive justice emphasizes the fair distribution of benefits and costs; here, it involves equitable sharing of responsibility for strategies of mitigation and/or adaptation. Thus, it includes support to the victim communities through financial assistance, technological transfer, and integration policies. Corrective justice focuses on rectifying wrongs and compensating the harmed. In this context, it means that countries with high emittances of GHGs have a moral obligation to assist and compensate displaced climate refugees. It can involve both financial assistance and sustaining development initiatives in vulnerable regions. Procedural justice requires inclusive and transparent processes for addressing the needs of climate refugees.

In this paragraph I am going to analyse two other aspects which make compensation not only practically but also theoretically difficult. Indeed, environmental issues are intergenerational and they cross borders, which make any account of responsibility and thus compensation complex. An important contribution to the topic of compensatory justice has been given by Caney who challenges the traditional theory of distributive justice addressing climate change and suggests introducing revisions in order to make it applicable at the global level (Caney, Cosmopolitan Justice, Responsibility, and Global Climate Change 2005). Indeed, standard theories of this kind deal with the distribution of income and wealth within a state, while here we are concerned with environmental issues crossing national borders; additionally, addressing justice of climate change means also to consider intergenerational justice, in two ways: firstly, present generations can be considered responsible for the wrongdoing of their predecessors; secondly, they shall take into consideration their duties towards future generations.

Furthermore, we are now going to see that there are different principles which aim to identify whose responsibility it is in the context of anthropogenically-driven climate

change. Caney challenges the ‘polluter pays principle’, because its application depends on identifying the responsible polluters, which may be individuals, corporations, states, and/or international regimes. Indeed, determining the exact contributions to global climate change is complex. In contrast, Shue and Neumayer argue that current generations in industrialized countries should pay from climate change damages as they continue to benefit from the historical emissions that have contributed to their high standards of living, according to the ‘beneficiary pays principle’ within an individualistic perspective. However, according to Caney, a collectivist approach to the topic may be more suitable as it guarantees consistent identities of the actors, in this case nations, over time (Caney, Cosmopolitan Justice, Responsibility, and Global Climate Change 2005). Nonetheless, it may be considered unjust to penalize individuals or entities for pollution when they were ignorant of the harmful effects of their actions. Shue’s response is that punishment and financial responsibility shall be analysed separately: while it is unfair to punish someone for ignorance, it is not to hold them financially responsible for the harm caused.

Therefore, here there are different proposals which may be presented to face the issue of climate refugees’ compensation. Caney proposes a hybrid approach integrating the ‘polluter pays principle’ with concepts of justice and rights: firstly, people have fundamental interests which must be protected by others; secondly, human rights must not be infringed upon. From this approach, several duties follow: the duty not to exceed quotas, the compensation duty, the advantaged duty, and the institutional duty. This perspective shares some similarities with the ‘common but differentiated responsibility’ principle, proposed in international legal documents. Indeed, both approaches assign duties to all but recognise that different parties can bear different levels of responsibility, according to their capabilities and contributions to climate change. Additionally, Goodin distinguished between means-replacing and ends-displacing compensation: the former allows individuals or groups to pursue the same ends as they would have before the loss; the latter allows them to pursue some other end that would make them as well off as they were before the loss (Goodin 1985). In the case of climate refugees, ends-displacing compensation would imply them be given land on another state’s territory, while means-replacing may require new territory for them. On the other hand, Nine offers a more radical discussion of

compensation for climate refugees, applying the Lockean ‘enough and as good’ proviso to current territorial holdings. Thus, she argues that changes in land availability caused by climate change demand a potential redistribution of territories (Nine, Global Justice and Territory 2012).

Finally, I present a practical solution which combines two of the aforementioned principles. Risse embraces the view of egalitarian ownership, according to which the earth originally belongs to the humankind collectively; more specifically, he adopts the common ownership conception of egalitarian ownership, according to which resources belong equally to many individuals (Risse 2009). Thus, he proposes a combination of the ‘polluter pays’ and ‘ability to pay’ principles, similarly to Caney: the first step would imply ranking countries in terms of per capita emissions and income to form a single aggregate index; then, countries’ burden depends on their position in the index. Thus, the actions to be taken by the country depend on how much it is responsible in terms of contribution to climate change and in terms of wealth. At the same time, Risse recognises that relocation could be dependent on preexisting cultural, linguistic, or historical connections: for example, Kiribati has a British colonial past and English is one of its official languages.

To conclude, since climate change and its consequences do not respect borders and generational responsibility, we have to find practical solutions to provide climate refugees with the help needed and owed. Indeed, we have seen that there are different principles of justice which may be used to define responsibility and take consequent action, the most relevant of which combines historical responsibility with present capacity and creates an index.

The case of Island Nations

In this chapter, I will specifically analyse the case of Island Nations. Indeed, there are different reasons why they constitute a significant category of climate refugees, as we will see in the first paragraph. Moreover, their legal status can be compared to that of other states which lack a territory, but no complete overlapping applies to this case. Finally, I am going to illustrate how the theory of reparative justice can be applied in this context.

Firstly, I am going to analyse why Island Nations make a special case for the analysis of climate refugees. In fact, the citizens of several Island Nations like Kiribati, Tuvalu, the Marshall Islands, and the Maldives have been struggling due to the rise in sea level caused by increasing CO_2 in the atmosphere and may most likely become submerged during the course of the next century. While being among those states that contribute least to climate change (Pacific Island Developing Countries are responsible for only 0.03% of the world's carbon dioxide emissions), they are among those that suffer the most from its adverse effects; indeed, while their vulnerability is very high, their adaptive capacity is comparatively low, both because tourism as the main source of national income is to be inevitably affected by the rise of sea level and because limited arable land and soil salinization make agriculture in their territory very uncertain (Burns 2003). Furthermore, most economic activities are carried out in the coastal regions and the intrusion of seawater has reduced potable water supplies. Additionally, even the marine ecosystems have been in trouble due to rise in the sea temperature. All of this adds to the already low level of per capita income, their small physical size, their extremely limited access to capital, and technological and human resource shortages. Thus, Burns suggests as a strategy of adaptation for the short term and mitigation for the long term: the former is defined as institutional, technological, or behavioural changes reducing the liability to climate change, while the latter involves policy actions and other initiatives that reduce the net emissions of greenhouse gases.

In order to better understand the position of these islands, I will analyse their legal standing and possible similarities with other cases lacking physical space. According to the first article of the 1933 Montevideo Convention on the Rights and Duties of States, a state as a subject of international law should possess a permanent population,

a defined territory, a government, and the capacity to enter into relations with other states. More specifically, regulations of Island States are defined in the UN Convention on the Law of the Seas (UNCLOS), Article 121: according to it, an entirely submerged island cannot be considered a state but rather a rock. However, sovereign entities without territory already do exist: one example is The Sovereign Military Order of St John of Jerusalem, of Rhodes, and of Malta (SMOM), which lacks a physical state but has still sovereignty under international law thanks to its function of providing medical services for other countries (L. Yamamoto, M. Esteban 2010). Nonetheless, differently from the SMOM, Island States lack a function of interest to the other states, which thus have no incentive in recognizing their status under international law. Another hypothesis could be to consider them as governments-in-exile, but the latter exist on the assumption of restoring power in their own territory; on the contrary, we do not know whether the submerged islands will one day re-emerge due to a lowering of the sea level.

I am now going more into detail, analysing how the complete submergence of a state can be harmful in terms of loss of collective self-determination. Indeed, in this specific circumstance, both territory and land disappear; it is relevant for this purpose to distinguish between these two concepts: territory is an inherently political concept linked to the political entity which inhabits and governs it, while land is simply an area of the earth. Historically, either through invasion, occupation, or annexation, state death resulted in the loss of territory in favour of another state, while the land remained unchanged. As for cases of disappearing islands states, not only territory but also land disappear without any prospect of a successor state (Buxton 2019). Furthermore, we cannot think of destruction of specific territories as an easily substitutable resource, because land can assume a moral value, depending on the beliefs and practices of its inhabitants.

I am now going to apply the aforementioned theory of reparative justice to the specific case of climate refugees. The first question concerns who is owed reparation, whether it is a collective or each individual. Both Kolers and Nine argue that an individualistic perspective does not account for the collective characteristic of the loss, which concerns both self-determination and culture. Thus, they suggest that it is the community which is owed reparation because it is the primary bearer of the harm

(Kolers 2015), (Nine, Global Justice and Territory 2012). The second point discusses who should pay: as seen above, we have two kinds of responsibility, namely outcome and moral responsibility. For climate refugees, Buxton suggests applying outcome responsibility and adding a foreseeability requirement to the 'polluter pays principle', thus permitting polluters to be held outcome responsible when the harm is reasonably foreseeable (Buxton 2019). The third question examines what is owed to the refugees. There are two candidates according to Buxton: money or immigration/asylum. As for the former, even if it is a versatile and historically applied option (think of the German reparations for the Holocaust), it seems to be incommensurable with the loss faced by climate refugees. On the other hand, the other proposal underestimates the importance of *your* place and the possibility that the community may want to maintain their culture and right to self-determination. Yet, Nine proposes ceding land from states with the most space through the UN (Nine, Global Justice and Territory 2012). Another interesting but not fully convincing idea is the construction of new island within the space of the state, as French Polynesia is doing with the help of the Seasteading Institute: this option allows to maintain or restore the cultural ties to the land.

In conclusion, refugees coming from Island Nations flee permanently due to anthropogenically-driven climate change. Thus, the reparations owed are those which have been analysed in the previous chapters, because they are deprived of their basic human rights and of their rights to collective identity and self-determination. Their legal status can be compared to other legal entities, but no complete overlapping has been found. In order to understand the compensation they are owed, I applied the theory of reparative justice.

Critiques

This chapter presents two critiques to the existing literature on climate refugees. In particular, Nicholson criticizes the search for causality which is considered as an unproductive activity which leads to nowhere; then, he proposes are more substantive research on the issue. On the other hand, Bell's critique is directed at two theories of global justice, namely Rawls' and Beitz's, leading to a final proposal which combines corrective and distributive justice.

In this paragraph we will analyse the fundamental elements of Nicholson's critique, which is aimed at the discussion itself; its main point is that the prevailing debates on climate change and migration are often trapped in an unproductive quest for causality, which weakens more useful research and interventions. Indeed, such a search for causal links between climate change and migration may lead to a blind alley for research (Nicholson 2014). Literature in this field suffers from three main symptoms: generalized statements, like the trivial statement that "climate change impacts migration", which is analytically useless without further specification; arbitrary claims between environmental variables and migration outcomes, which fail to provide generalizable perspectives due to their context-specific nature; and finally ontological contradictions about the nature of causality, because the existing literature acknowledges the complexity of migration drivers but at the same time it isolates environmental factors, and this leads to incoherent analyses. Furthermore, the author's critical analysis aims to diagnose the pathology of the debate, which he attributes to an epistemological and ethical paradox. The etiology of this pathology is rooted in the cultural and political context in which the discourse has evolved. Therefore, to address these issues, Nicholson proposes a tripartite heuristic framework which includes identifying symptoms, diagnosing the pathology, and tracing etiology. This is aimed at creating a more substantive and effective research and policy intervention.

Another relevant critique is the one presented in the article "Environmental Refugees: What Rights? Which Duties?"; Bell emphasizes the idea that the issue of environmental refugees has not been adequately dealt with by mainstream theories of global justice, namely Rawls' "Law of Peoples" and Beitz's "Cosmopolitanism" (Bell 2004). I am now going to address them one by one. Firstly, Rawls emphasizes the self-sufficiency of peoples who make up the society of the just world order he

envisions; however, this overlooks the fact that environmental refugees alone come from states that cannot respond to this crisis alone. In other words, the failure of taking into account the interdependence of states and the global nature of environmental issues results in the incapacity to provide a framework to rectify injustices of climate refugees. Secondly, Beitz's cosmopolitanism is more responsive to the needs of environmental refugees because it recognises the global responsibility of the phenomenon. However, the philosopher overlooks that non-material loss of displaced people, namely the loss of cultural and social ties to one's home country, which goes beyond the idea of displacement as sampling losing a place to live in. Bell's proposed solution combines corrective and distributive justice: the former implies that developed nations have a moral obligation to rectify the harm caused to less developed ones, because they are responsible for it and they have benefitted from it; the latter involves the fair allocation of resources to allow meeting everyone's basic needs.

In conclusion, the aforementioned critiques are aimed at the core of the discussion, and as such modify it in its forms rather than in its contents. For these reasons, I do leave the consequences of adoption of these critiques beyond the scope of my dissertation. As for my research question, Bell's critique offers an interesting insight because it recognises the immaterial loss of climate refugees, whose value is inestimable, and therefore it strengthens the idea that they are to be considered as refugees.

Conclusion

The topic of climate refugees encompasses a wide range of ethical, legal, and practical considerations. Throughout this dissertation, various dimensions of climate-induced displacement have been explored, including the moral responsibility of states, the inadequacy of current legal frameworks, and the philosophical underpinnings of justice and compensation for affected individuals and communities.

The arguments presented demonstrate that climate-displaced individuals should indeed be recognized as refugees rather than mere migrants. This recognition stems from the severe and often permanent nature of their displacement, which is driven by anthropogenic climate change – a phenomenon largely caused by industrialized nations. The distinction is crucial as it informs the type and extent of assistance and protection these individuals are entitled to under international law.

From a moral perspective, the responsibility of assisting and compensating climate refugees primarily falls on the states that have contributed the most to global greenhouse gas emissions. This aligns with both corrective and distributive justice principles. Corrective justice mandates that those who have caused harm must rectify it, while distributive justice calls for an equitable sharing of the burdens and benefits associated with climate change mitigation and adaptation efforts.

The legal landscape, however, remains inadequate to address the unique challenges posed by climate-induced displacement. The 1951 Refugee Convention, which serves as the cornerstone of international refugee law, does not encompass individuals displaced by environmental factors. This gap in the legal framework necessitates urgent reforms to ensure that climate refugees receive the protection and support they need.

Furthermore, the dissertation highlights the importance of considering non-material losses suffered by displaced communities, such as the loss of cultural and social ties to their homeland. These losses are often overlooked in traditional compensation schemes, yet they are integral to the identity and well-being of affected individuals.

While much has been said, there are still different issues to be covered. For example, theoretical frameworks do suggest broader interpretations of existing laws, but there remains a need for concrete legal reforms and new international agreements explicitly recognizing and protecting climate refugees. Additionally, it is fundamental to establish a clear and fair system for attributing responsibility, which is particularly

complex given the intergenerational and transboundary nature of climate change. Moreover, the cultural resilience and adaptive capacities of displaced communities need more international attention and future research should focus on supporting not only the physical dimension of displacement but also the social and cultural one, making sure that policies are culturally sensitive and context-specific. For these purposes, international cooperation is essential to address the root causes of climate-induced displacement; this includes sustained financial support, technological transfer, and capacity-building initiatives.

In conclusion, by recognizing the complexities of climate-induced displacement and committing to equitable and just solutions, we can uphold the dignity and rights of all affected individuals. The journey ahead is challenging, but with concerted global effort meaningful progress can be achieved.

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