



3RD ANNUAL JUDICIAL TRAINING

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MINISTRY OF WATER AND ENVIRONMENT

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Presentation Outline

1. Theories of justice: a quick primer ✓
2. The UNFCCC ✓
3. Climate change mitigation
4. Climate change adaptation and justice
5. Framing (Global vs National) climate justice: In principle and in practice...

Philosophy of Justice: Equality as an essence of Justice?

1. Plato/Aristotle:

Justice = *dikaiosune* = 'justice' (English)

Justice = *ison* = 'equality' (English)

2. Rawls/Dworkin: liberal egalitarianism (equality of opportunity)

3. Marx: alienation, exploitation & need (equality of income/wealth ... liberty/opportunity ...)

4. Walzer: communitarianism (complex equality)

5. Young: difference theory (social equality – absence of oppression)

6. Sen/Nussbaum: capabilities (equality of well-being)

The Convention

“The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.”

UN Framework Convention on Climate Change,
1992 (Article 3, Principle 1)

Different dimensions to Justice- And what they mean?

- 1. Present and future Generations- This introduces a time dimension/Intergenerational equity*
- 2. On the basis of Equity- Equity no equality*
- 3. Responsibility*
- 4. Not just Responsibility but CBDR- so everyone has responsibility but they have different responsibilities*
- 5. Respective Capabilities – Another layer of complexity*

Conclusion

So the justice question at the heart of climate change regime is CENTRAL, absolutely central and incredibly complicated

Every credible conception of justice seems to automatically appeal to some form of human equality, where equality is the ideal of treating people as equals.

Climate Justice at international scale is about balancing rights and responsibilities through mitigation and adaptation policies