

**Furthering Climate Justice :  
Protecting the Vulnerable, Compensation for Impacts**

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*The imperative of equity for an effective climate agreement*

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Climate Change and Justice

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## Protecting the Vulnerable

## UNFCCC Principles

- Protecting against climate impacts on “basis of equity and in accordance with... common but differentiated responsibilities and respective capabilities”
- Full consideration of “specific needs and special circumstances of developing country Parties,” especially those that are “particularly vulnerable” or “bear a disproportionate or abnormal burden”
- Precautionary approach

## Example 1: Food and agriculture insecurity

- 925 million undernourished people worldwide in 2010; decline from 1.02 billion in 2009 but significant increases since 1995-97 (FAO SOFA 2011)
  - Market volatility, prodn constraints, biofuels; financial crisis
  - High prices affect the poor since they are net buyers of food
- Significant likely impacts of climate change on agriculture (direct and indirect)
- ~ 450 million smallholder farmers worldwide and their families particularly at risk

*Need to pay attention to both vulnerable consumers (undernourished) and producers (smallholder farmers)*

## Example 2: Climate refugees

- The habitats of large numbers of poor people will be affected by climate change
  - Sea-level rise
  - Climate-related disasters (floods, droughts, coastal storms...)
- Broad range of estimates but 200 million refugees by 2050 most widely cited estimate (IOM) (equals the current estimate of international migrants worldwide!!)
- Grave concern not just for affected people but also abutting areas/countries – international security implications

## An urgent need

Vulnerability issues and vulnerable communities common to, and important for, most non-Annex-I countries.

Protection of vulnerable groups should not be contingent on global climate deal. May need “out of the box” approaches that focus on specific issues (e.g., Convention for People Displaced By Climate Change)

Cooperation between Annex-I and non-Annex-I in this area could serve to build confidence and thereby also advance larger climate agenda

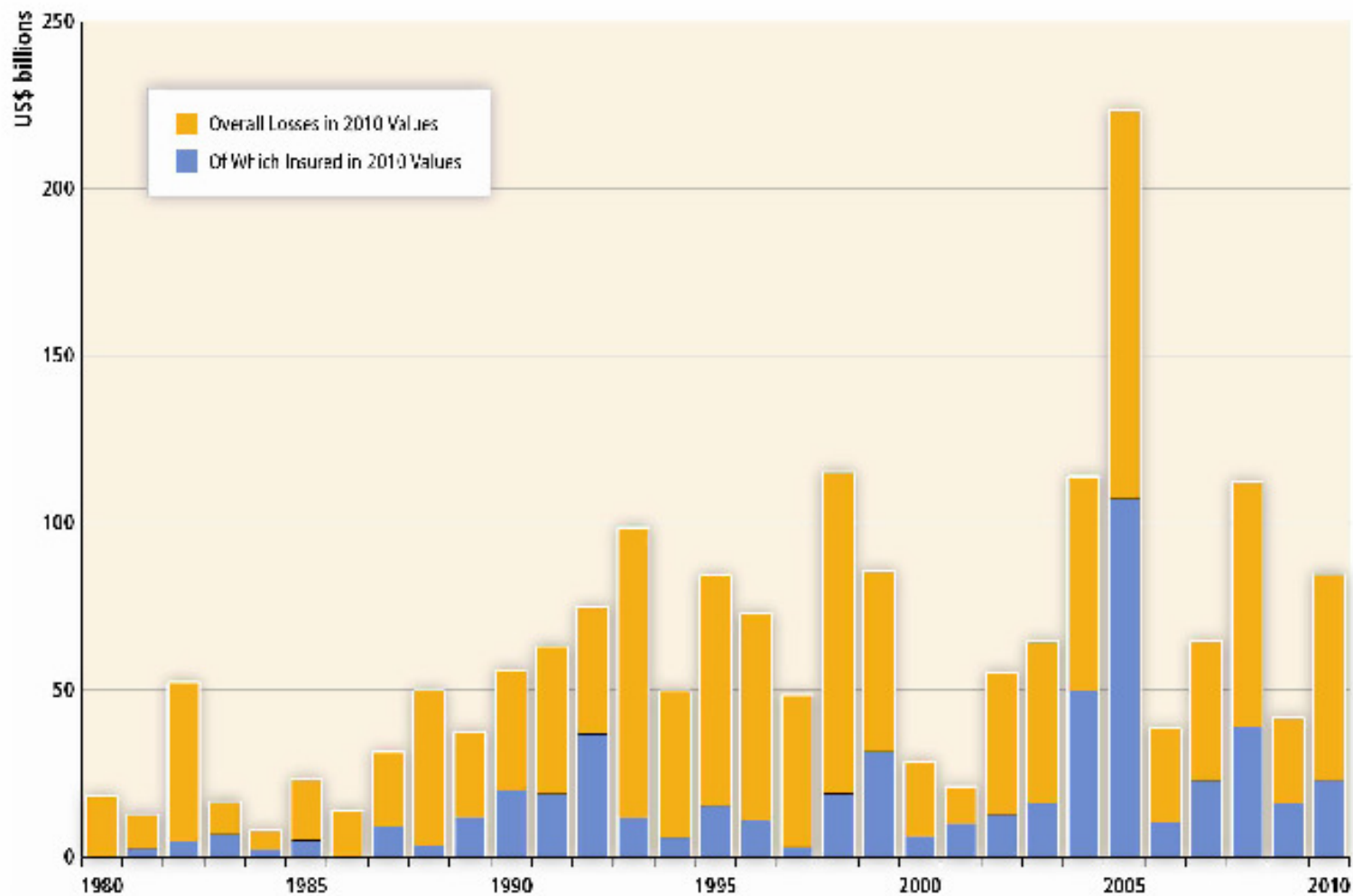
## Compensation for Impacts

## Climate-related impacts – an increasing trend

- Climate impacts are here to stay, even if we take aggressive action on mitigation. And emission trends worrisome – record high in 2010 – so may even be in era of ‘dangerous climate change’
- Extreme weather events likely to worsen (IPCC 2011); many other climate impacts in both Annex-I and Non-Annex-I. Economic costs higher in Annex-I but costs as fraction of GDP higher in non-Annex-I; most mortalities in non-Annex-I
- Who should cover the costs of these increasing impacts?



# Economic losses from climate-related disasters have increased, with large spatial and interannual variations



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## Climate liability: The next frontier in equity?

- Many past examples of liability for health and environmental damages (e.g., tobacco, asbestos, Exxon Valdez, Superfund, etc.)
- Climate liability as a source of compensation for victims of climate impacts as well as disincentive to polluters
- Legal remedies will need to resolve issues of ‘justiciability’, ‘standing,’ and ‘burden of proof’
- Cases already being filed – and getting some traction (parallel to tobacco?)
- Loss of insurance coverage to GHG producers for climate lawsuits and for liability claims (AES case)?

## A case for exploring climate liability

- Explorations of various climate liability approaches (which legal remedies, which plaintiffs, which defendants and how to allocate costs of impacts among them, linking climate science to law, etc.)
- Exploration as 'insurance scheme' just in case (as with geoengineering)
- In fact, liability could be seen as third pillar of equity (along with mitigation and adaptation)

# Climate Change and Justice

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# Billion Dollar Weather/Climate Disasters

1980 - October 2011

NOAA/NESDIS/NCDC

