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Compensating for Losses in Territory and Political Self-determination

Climate ethicists have long focused on the question of how to justly distribute the rights to greenhouse gas emissions. The guiding assumption of that discussion was that a specific level of future greenhouse gas emissions would prevent severe climate change damages. Ensuring that (i) this level of emissions would not be breached and that (ii) the resulting burdens were distributed justly was thought to be of primary importance. *Alas, avoiding severe damages is no longer possible.* While the normative significance of distributive justice and mitigation has not diminished, the importance of compensatory justice has been forcefully underscored by climate change realities. By now it is painfully obvious that anthropogenic climate change has begun and will continue to inflict serious loss and damage on a global scale by way of droughts, floods, storms and other severe weather events. Therefore, *considerations of compensatory justice are in urgent need of being addressed.* This result is mirrored by the agreement from the UN climate talks in Qatar (12/2012) according to which states are justified in demanding compensation for “loss and damage” that is due to climate change. Unfortunately, the theoretical debate within climate ethics is – as of yet – out of step not only with the rapid pace of anthropogenic climate change but also with the demands of the political process.

One of the most important and complex challenges of compensating for loss and damage associated with climate change stems from the *unique problem of lost territory*. Anthropogenic climate change will cause a significant increase in sea levels for centuries to come. Rising sea levels endanger many low lying coastal areas but also entire states. Some states that will likely be lost in their entirety are Kiribati, Tuvalu, the Marshall Islands, and the Maldives. This prediction brings into focus the plight of climate change refugees and in particular the *question of whether the loss of statehood gives rise to claims to territorial compensation*.

However, the inundation of an entire state will remain a rare event. Partial loss of territory will be far more pervasive. For example, Bangladesh and the Netherlands will potentially lose very significant parts of their territory to the sea. As measured by the number of states, the area of land, and, in particular, the number of people affected, the *phenomenon of partial territorial loss is normatively much more significant*. Addressing it from the perspective of compensatory justice is should be an important *goal of future research*.