BEHIND THE VEIL: CLIMATE MIGRATION, REGIME SHIFT, AND A NEW THEORY OF JUSTICE

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Date: Wednesday, October 31, 2018
Refreshments: 3:00pm at MSB lanai
Free Cookies, Coffee & Tea Provided
(Please Bring Your Own Cup)
Seminar Time: 3:30pm
Location: Marine Sciences Building, MSB 100

Abstract:

Climate change is as much a sociopolitical phenomenon as it is a geophysical one. Beyond contentious domestic politics and the intricacies of global climate governance, evinced by the United Nations Framework Convention on Climate Change (“UNFCCC”) and over 25 years of subsequent negotiation, unabated climate change promises to upend centuries-old efforts to bring order and stability to communities across the globe. No one effect of climate change demonstrates that more than the loss of habitability driving climate-induced displacement, migration, and relocation. Though discussed at the periphery of legal and policy discourse (mostly in academia), decision-makers will soon have to confront loss of physical territory and the unviability of many places human communities currently call home. Further, and consistent with so many of climate change’s worst impacts, the least responsible for climate upheaval will be subject to the most disruption—whether it is as a migrant or a host of those who have moved. In the United States, indigenous communities are at the frontlines of planned relocation with no comprehensive framework for response or a determination of individual and community rights in the process. To affect security and well-being—a mandate for functioning legal systems—a swift response is critical. Further, most ethical frameworks demand a just and equitable response.

Few appreciate the enormity of the task. According to estimates based on current UNFCCC state parties’ nationally determined contributions and current policies, the globe will likely experience a 3.2° to 3.4° Celsius temperature increase by 2100. This increase would quite literally produce a whole new world. In light of what we do not know about how climate change will disrupt existing socio-political systems and what we do not know about the nature and content of so-called “climate surprises,” this Article argues that we are behind a veritable veil of ignorance. In this original position (marked by the current state of nature), a relevant theory of justice is required. Drawing on John Rawls’ seminal work, this Article argues that to forge a just society in an endlessly changing climate—and protect and advance the rights of all and particularly the most vulnerable—a deep and concerted inquiry into which structures can support social justice is essential at this time.