
Justice of Climate Change Governance in the Changing World--Discussion Based on the North-South Relations

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Abstract

After the Cold War, especially after the 2008 financial crisis, the international system has undergone major structural changes, and the power in the international system is increasingly showing the trend of shift from the old powers to the emerging powers and from the national states to the civil society. With the rising strength of developing countries, facing the unfair distribution of responsibilities for climate change governance, developing countries must express a call and appeal of justice of climate change governance. Climate change governance has an intrinsic appeal for the value of justice, as it involves the distribution of responsibilities and the sharing of benefits. The current inequality in climate change governance is mainly reflected in the unequal distribution of climate responsibilities between the North and the South. To achieve the justice of climate change governance, the distribution of responsibilities for climate change governance must follow the principles of minimum, common but differentiated responsibilities and historical responsibility, and the sharing of benefits should follow the difference principle.

Keywords: changing world, climate change, governance justice, North-South relations

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INTRODUCTION

Since the industrial revolution, especially since the modern times, mankind has created extremely rich material wealth, which, however, has prompted a sharp change in the global climate. From then on, the issue of climate change has become the focus of attention of all mankind (Galindo Perez *et al.* 2017, Iqbal *et al.* 2018, Jeon *et al.* 2018). Climate change is closely related to the survival and development of every country. Therefore, the governance of climate change has become a global issue to be solved by countries and people all over the world. After the Cold War, the international system has undergone major structural changes, and the power relations between the North and the South has changed (Ben Mariem and Chaieb 2017, Duan *et al.* 2018, Wang *et al.* 2018). The reason why the justice of climate change governance has become a call and appeal is, first of all, that climate change itself is unfair to developing countries. At present, in the process of global climate change governance, the differences between the North and the South become the biggest obstacle to global climate change governance.

HISTORY OF CLIMATE CHANGE GOVERNANCE

Climate change is a comprehensive global issue involving politics, economy, environment, and ethics and so on, and the global climate change governance has evolved from a simple ecological issue to an international political and economic issue. The attention and research of natural scientists to Greenhouse Effect Theory is the origin of people's initial understanding of climate change. According to Balling (1992), in 1827, French scientist J.B. Fourier first proposed the Greenhouse Effect Theory, and he believed that the chemical structure of the atmosphere has the function of regulating the Earth's surface temperature Paterson (1996) discovered that in 1896, Arrhenius, the first Swedish scientist who started the study of global warming, suggested that CO₂ could have a direct effect on the Earth's surface temperature and that the Earth's temperature would increase with the increase of concentration of CO₂ and predicted that coal may be one of the reasons for changing the Earth's climate in the future. Arrhenius's view did not attract much attention at that time as most scientists were optimistic about the effects of greenhouse effect. According to Spencer (2011), until 1960, American

scientist Keeling C. D. obtained data from two observatories in Hawaii and Antarctica, and found that the CO₂ content in the atmosphere was rising. This confirms the existence of the possibility that the CO₂ emitted by human activities may warm the Earth, which is known as the “Keelin Curve”. All these researches were carried out in the laboratory. Promoted by the western modern environmentalism movement, the research on climate change began to move from the laboratory to the international environmental protection issue in the late 1960s. At the United Nations Conference on the Human Environment in 1972, the international scientific community initiated joint research on climate change. This led directly to the convening of the first World Climate Summit in February 1979 and to the further scientific consensus among the international scientific community on this issue. From then on, the issue of climate change, an important part of global environmental issues, has come into the view of the international community. With the deepening of natural science research, the exploration and contention of the global climate change governance mechanism in the humanities and social sciences is also gradually heating up.

According to Caldwell (1996), in the late 1960s and early 1970s, the climate issue caused by greenhouse gases attracted more and more attention from the international community. In June 1988, the International Conference on “International Conference on the Changing Atmosphere: Implications for Global Security”, held in Toronto, Canada, raised the theme of climate change to the forefront of global security. In September 1988, the United Nations General Assembly for the first time placed the issue of climate change on the agenda and established the Intergovernmental Panel on Climate Change (IPCC), which marked the formal entry of the issue of climate change into the sphere of international politics. Since then, many international political scholars have devoted themselves to the study of climate change, and have conducted in-depth studies on the root causes and solutions of climate crisis, international climate cooperation, and global climate change governance.

The international community on global climate change governance moved from the power game gradually to the path of global climate change governance mechanism. The development of signing from the International Climate Agreements (ICAs) to the 1992 United Nations Framework Convention on Climate Change (UNFCCC) to the 1997 Kyoto Protocol (KP) is a case in point. The international

community has since given sustained attention to global climate change governance by holding at least one World Climate Change Summit each year to address the issue of climate change. The climate change governance requires international cooperation. The international community’s discussion on international climate cooperation from national responsibility to value spheres such as equity and justice is inseparable from the rise of emerging powers. The issue of justice of international climate change governance and its relationship with the North and the South is not only one of the focuses of the current dilemma of international climate cooperation, but will also, to a large extent, affect the development direction of global climate change governance in the future. Thus, the academic circle has carried on thorough researches on it.

RESEARCH ON THE JUSTICE OF CLIMATE CHANGE GOVERNANCE

The scholars at home and abroad have carried on thorough and meticulous researches on the justice of climate change governance from different dimensions, which provide abundant data support for the research of this paper.

Kingsto (2014) pointed out that many people believe that we should trace back our historical responsibilities and consider the differences in greenhouse gas emissions of each party in order to distribute the moral responsibilities to deal with climate change. The author argued that, from the argument of strict liability, the beneficiaries of harmful or unjust emissions should compensate, and from the argument of distributive justice, none of these arguments has succeeded in proving the legitimacy of a retroactive approach to climate liability sharing. In the context of the international system of conservative hegemony of climate issue in which we now live in a situation where we are unable to respond appropriately to interdependence, Viola, Franchini, and Ribeiro (2012) analyzed the role of the major powers in global climate change governance in terms of concepts and empirical terms. Hurrell (2012) studied the emerging powers, North-South relations and global climate politics, and believed that it is not clear that identity-based solidarity has disappeared, and the bottom line is that climate change cannot be resolved by preventing or slowing the development of developing countries, and the development right of developing countries cannot be undermined in the name of addressing global climate change. Taking Finland as an example, Kunnas (2012) studied the theory of justice in the context of climate

change, and believed that economic growth in developed countries has benefited people in developing countries, but this benefit has not been large enough to compensate for its negative effects, especially those of climate change; moreover, the cost of benefiting contemporary carbon-fueled economic growth in developed countries will be borne primarily by future generations of poor people in developing countries. Posner and Weisbach (2011) studied the global greenhouse gas initiative to address the distributive and rectificatory justice issues involved in climate change, and proposed four basic principles to design a single viable climate agreement, which requires each country to reduce its greenhouse gas emissions, but at the same time to make a difference for each country. Jamieson (2010) studied the relationship between climate change, responsibility and justice, and pointed out that in order to see that man-made climate change clearly involves moral mistakes and global inequities, we will have to revise some of the core concepts in these areas; moreover, climate change threatens the realization of another value ("respect for nature"), which cannot easily be replaced by global justice or moral responsibility. Rosales (2008) believed that the framework of the principle of justice based on equity is more inclusive and therefore more effective because it reflects the different levels of development between the North and the South. Wenz (2007) mainly studied the theories of distributive justice, and was mainly concerned with the way in which benefits and burdens should be distributed when they are scarce or too heavy. From this, we can see that foreign scholars recognized the relationship between climate change governance and justice, as well as the justice of climate change governance between the North and the South, and made a thorough and detailed discussion to deal with climate change from the perspective of distributive justice, rectificatory justice, intergenerational justice, *etc.*, and also referred to the principles of minimum, common but differentiated responsibilities and historical responsibility, and studied the ways of their realization from the aspects of changing ideas and realizing principles.

Domestic scholars also pay much attention to the justice of climate change governance. For example, Chen (2014) analyzed the multiple values of freedom, equality, fairness, efficiency, security, order and so on contained in climate justice from the perspectives of the theories of value, methodology and practice, and put forward the principles, approaches and methods for the realization of climate justice from two aspects:

substantive justice and procedural justice. Peng (2014) argued that there are always justice factors in climate change, and dealing with climate change is inseparable from the dimension of justice; climate governance should be based on climate justice, and climate system should also be guided by climate justice. Chen (2013) believed that the core of climate justice is to find a reasonable set of ethical principles to define each party's rights and obligations and to decide how much emission space each party deserves in an environment where carbon emissions are limited and each party has varying demands for "deserved emission space". Wang and Xu (2011) believed that the introduction of the concept of climate justice can be seen as a political and ethical response to global climate change; from the perspective of justice situation caused by climate change, climate justice has become a reasonable value claim, and it can also be demonstrated as the most fundamental value norm and moral criterion for dealing with climate change. Liu (2010) believed that climate change governance involves the distribution of responsibilities and the sharing of benefits, and has an intrinsic appeal for the value of justice. Li (2010a) believed that in order to create an international cooperation system to deal with climate change and to make it sustainable, justice must be the foundation; in order for mankind to break the current paradox of climate change justice, a global justice project needs to be launched: to produce climate morality by clarifying justice, popularizing justice and achieving justice, and finally to gradually restore the climate system that has been changed by relying on human change. From these viewpoints we can see that there is a close relationship between climate change governance and justice which is the basis and justice is the basis and intrinsic value appeal of climate change governance. The realization of justice of climate change governance needs multi-agent, multi-level, multi-domain to reach the value consensus, change the concept and so on, and also needs the psychological preparation for a protracted war.

In general, scholars at home and abroad have deeply analyzed the issues related to the justice of global climate change governance from different angles from the perspective of history and the times, especially paid particular attention to the justice of global climate change governance in the post-Kyoto era. Because after the expiration of the first phase global emission reduction commitments of the Kyoto Protocol, the international climate change governance system is about to face a legal vacuum, which urges the theory of global climate change governance to surely go deeper with the

change of the international community, because the theory is the reflection of the reality. The above researches provide a solid foundation for the research of this paper in breadth, depth, method and technique. However, there are the following shortcomings: (1) There are many cross-domain, multi-angle and microcosmic researches, but few researches combined the justice of climate change governance with the changing world. The call for justice of climate change governance is inextricably linked to the change in power relations between the North and the South. As the southern countries have been rising as a group, it is necessary to express an appeal for the injustice of climate change governance and seek ways to solve it. Scholars at home and abroad believe that justice is the intrinsic value appeal of climate change governance, and rarely explore the relationship between justice and climate change governance from the perspective of changing world. (2) There are many strategic researches, but few researches made forward-looking trend thinking. Therefore, this paper attempted to study the justice of climate change governance from the perspective of changing world, to pay attention to the voice of the justice of climate change governance in the changing world after the financial crisis, and to make some forward-looking trend thinking.

THE CHANGING WORLD IN THE POST-FINANCIAL CRISIS ERA

In the late 1980s and early 1990s, as a result of the sudden collapse of the Soviet Union, the post-war two-pole confrontation system between the United States and the Soviet Union disintegrated. After the Cold War, especially after the 2008 financial crisis, profound changes took place in the world. The words, such as “the end of history”, “the conflict of civilization” and “democracy and peace”, indicate that the economic and political structure of the world is undergoing drastic changes, but there are great differences on how to understand the pattern of the system, the content of the change and the trend of development.

How to understand the structural changes in the international system since 2008, influential American scholars' views mainly include the “Theory of Decentralization” (Walt 2011) represented by Andrew Hurrell and the Joseph and “Shift Theory” (Kupchan 2012) represented by Joseph. Hurrell and Sengupta (2012) pointed out the former thinks that the power center of the world is shifting from the west to the emerging powers, while the latter thinks that the power center of the world is shifting from the west to the east, from the state actors to the non-state actors. Viola,

Franchini, and Ribeiro (2012) believed that the rise of emerging nation groups such as the BRICS and G20 in the international system is an example of a new picture of power shift. China Institute for Strategy (2012) pointed out that Chinese scholars also agreed that the power center of the world is shifting from the west to the east, and some scholars like Jin and Liu (2009) believed that a multipolar international pattern has become a basic fact. Whether it is the “Theory of Decentralization”, the “Theory of Shift” or the “Theory of Multipolarity”, they, in some sense, observed the changed international situation from the perspective of realism, and regarded it as a shift of power. And the current development of the structure of international system is based on the decentralized trend and the force of diversification based on a general equalization of development based on strength. Strange (1996) said that “the distribution of power appears from being centralized to being decentralized”, that is, the power of western countries led by the United States fell relatively, while the developing countries rise, showing the trend of power shift from the western countries to the developing countries. During the Cold War, the power was relatively centralized, as the power was largely in the hands of the two superpowers, the United States and the Soviet Union. Qin (2013) agreed since the end of the Cold War, the power in the international system is increasingly showing the trend of shift from the old powers to the emerging powers and from the national states to the civil society.

In general, the current international system can still be regarded as a pluralistic power pattern with the United States as the only super power. The characteristics of “Only super Power and Multi-great Power” of the balance of power between the five powers, the United States, the European Union, Japan, Russia and China, have not fundamentally changed on the whole. On the one hand, there is no doubt that the only superpower in today's international system is still the United States, whose impact on other countries and the international system as a whole is decisive, which will not change radically in the short term. On the other hand, two major events show that the power of the United States fell relatively, as Qin (2010) pointed out that “the global war on terror and the financial crisis have weakened the power of the United States”. Some scholars have summed up the current world pattern change as “Only super Power Weakens, Multi-great Powers Coexist”. Does this view show that the international system in the post-financial crisis era has undergone fundamental changes? The answer is that

the balance of power between major powers or groups of countries in the current international system has not fundamentally changed on the whole. The global war on terror and the financial crisis have not fundamentally changed the balance of power between countries, and the United States remains the only superpower in the world today. Even so, Shor (2012) agreed the United States' share in the distribution of global power is narrower than before, and the ability to manage world affairs is obviously inadequate. In addition, Zhu (2010) believed the rise of emerging powers as a group, especially the "BRICS", has begun to enter the center of the world stage. This group has maintained a high rate of economic growth and has become an engine for the recovery of the world economy. The role of the rise of emerging powers as a group does not simply represent that the center of gravity of the global economy is shifting to developing countries. More importantly, the emergence of emerging powers is likely to find a new way out for today's global climate change governance dilemma. The 2009 Copenhagen Climate Change Conference was regarded as "the last opportunity to save mankind". At the Conference, the "BASIC" formed by the emerging powers becomes an important platform for negotiating the global climate change position and policy of developing countries. China, India, Brazil and other emerging powers are developing rapidly. With the call of reform, their share in the distribution of global power such as IMF and WB is increasing, "Foreign media said, the weight of the IMF is shifting from the industrial countries to the emerging industrial and developing countries". The latest data show that the share of industrial countries in IMF has fallen to 54.7%, while the share of emerging industrial and developing countries in IMF has increased to 45.3%. German Media (2013) agreed that China's share in IMF has risen by nearly 4 percentage points and now soars to 10.1 %, so China leaped to the third largest country in terms of share in IMF after the United States and Japan. The BRIC countries (Brazil, China, India and Russia) will all be among the top 10 members with the highest share in IMF, marking a significant increase in the comprehensive strength and global voice of emerging industrial and developing countries. The gradual shift of power in the international system to the developing countries is undeniable and reversible.

The rise of the above strengths has led to a shift of the balance of power between the North and the South to the developing countries. With the rising strength of developing countries, facing the unfair distribution of responsibilities for climate change governance,

developing countries must express a call and appeal of justice of climate change governance, and constantly promote the development of climate change governance in the direction of fairness and justice.

JUSTICE OF CLIMATE CHANGE GOVERNANCE: A CASE STUDY OF THE NORTH-SOUTH RELATIONS

Li (2007) believed that "the contradiction between developed and developing countries on environmental issues is mainly manifested in the causes of ecological crisis and the division of responsibilities to solve environmental issues, and their positions and views are different". The reason why the justice of climate change governance has become a call and appeal is, first of all, that climate change itself is unfair for developing countries. Liu (2010) Agreed "the developed countries are the major emitters of greenhouse gases, who, however, now demand that the developing countries share the responsibilities and obligations of climate change". In addition, Li (2010b) agreed "Climate justice cannot be achieved without artificial 'midwifery' by NGOs and scholars". Thus, the justice of climate change governance is gaining recognition and popularity in the academic circle.

Yu (2017) believed "Philosophers have roughly two interpretations of the essence of justice: Hume's 'Rules of Justice' formed by people in the process of 'mutual benefit' and John Rawls's 'Justice as Fairness' as a moral order". When it comes to the issue of justice, we first think of John Rawls instead of Hume, because John Rawls has done pioneering work in the study of justice, as he formed the theory of distributive justice from the basic rights of life, freedom and personal security. Rawls (1988) holds that "Justice is the primary value of the social system, just as truth is the primary value of the ideological system", and that justice, as the basic good of society, must be the "justice as fairness". Rawls (1971) believed that society should evolve to recognize that everyone has equal rights; that everyone has equal opportunities; and that the greatest benefits of society should be distributed to the most vulnerable groups.

Although John Rawls' principle of justice is designed for domestic moral obligations, we can apply it to international relations and pursue it as the principle of justice as fairness in the climate change governance. Rosales (2008) believed "fairness is incorporated into the regime for the development of international environmental policies, including climate change policies". Climate change is a global issue, and its governance requires the full cooperation of all

international actors, especially national actors. In order to achieve the principle of justice that meets the standards of fairness, we must break the shackles of the interests of a single country, so that consensus can be reached on a global scale. Therefore, we can only hope to construct the principle of justice of climate change governance in the latitude that transcends the interests of a single country. Each country uses its respective advantages to play game from its own narrow national interests is the fundamental reason why it is difficult to achieve the justice of climate change governance at present. The developing countries are far behind the developed countries in comprehensive national strength, economy, science and technology level for many reasons, and are bound to be in an obvious disadvantage status in the climate change governance game. In addition, effectively reducing greenhouse gas emissions and curbing further global warming are the objectives of climate change governance. Therefore, the basic premise for achieving the principle of justice is effectiveness. On the premise of ensuring the effectiveness of participation and approaches, the principles on which the responsibility for governance and the benefits arising from governance should be distributed are key to the achievement of justice of global climate change governance. Wang and Xu (2011) agreed "The primary concern of climate justice is the fair distribution of climate rights and responsibilities among the subjects". Rosales (2008) agreed "fairness is incorporated into the regime for the development of international environmental policies, including climate change policies".

The principles of minimum, common but differentiated responsibilities and historical responsibility can be regarded as the fundamental principles of justice in the distribution of responsibilities for climate change governance. Brown (2006) said "these principles help to guide the formulation of specific policy methods and to construct a just and fair legal structure and policy outcome". Basic greenhouse gas emissions are greenhouse gas emissions to meet the basic survival and development requirements of mankind. The international community should not force countries whose greenhouse gas emissions are lower than the basic greenhouse gas emissions to assume the emission reduction obligations, which is the minimum principle. The principle of "common but differentiated responsibilities" means that addressing climate change is an obligation for each country, since it has an impact on each country. In the principle of "common but

differentiated responsibilities", in addition to the "common" responsibility, there is the "differentiated" responsibility. The developed countries are responsible for their historical emissions and current high per capita emissions, and they also have sufficient funds and advanced technologies to cope with climate change. It is the UNFCCC takes into account the economic development level of each country, historical responsibilities and current differences in per capita emissions that it defines the principle of "common but differentiated responsibilities". According to this principle, the developed countries take the lead in compulsory emission reduction, "If the North does not comply with its moral obligation to accept responsibility and act first, it is unlikely that the South will participate in global environmental protection", and provide funding and advanced technology to help the developing countries cope with climate change; the developing countries take effective measures to mitigate or adapt to climate change by using financial resources and advanced technology pledged by the developed countries. Climate change is the result of accumulative historical greenhouse gas emissions, not an immediate effect. The developed countries obtained great economic benefits in the history through high greenhouse gas emissions, which has caused damage to today's society. The current global climate change is closely related to the high greenhouse gas emissions of developed countries in their early development. Ekardt, Exner, and Albrecht (2009) agreed the developed countries should be responsible for and compensate for the consequences of their past actions, and should bear the primary responsibility for climate change governance, which is the principle of historical responsibility. It is the responsibility of these countries to compensate the injured country. Liu and Zhang (2009) agreed "no country has the right to impose net external harm on another country without compensation, or any country has the right not to bear the net external harm caused by the greenhouse gas emissions of other countries, if a country's greenhouse gas emissions cause net external harm to another country, the injured country shall be compensated. The rich life of people in developed countries is based on the high greenhouse gas emissions of their forefathers, so it is necessary for them to pay for it. In other words, Ekardt, Exner, and Albrecht (2009) agreed "Climate change will have a big impact on future generations: although it is not caused by them, they are the people who are most affected by it".

Of these three principles, the minimum principle has priority. The reason is that it is obviously unfair for those who are still at the stage of solving the problem of food and clothing to bear extra responsibilities, especially to pay for the consequences of past actions of those who have already led a higher quality of life.

In a preface to an article Shue (1999) applies the principle of morality and justice to how the costs of global environmental governance should be allocated. He put forward three hypotheses that can be directly applied to the above principle: due to the unequal ability of the North and the South to slow down and adapt to climate change, the South should be first guaranteed "sufficient minimum" to meet basic needs. If such a minimum has not been achieved, the sufficient minimum guarantees the right to development, which is consistent with the minimum principle; if the costs of climate change are imposed on the South by the North without the consent of the South, the South has the right to hold the North responsible for climate change mitigation and adaptation, which is consistent with the principles of historical responsibility and common but differentiated responsibilities; Shue (1999) agreed the North should contribute more to climate change mitigation, because it has the most resources, which is consistent with the principle of historical responsibility.

In the climate change governance, in addition to the sharing of responsibilities, there is the sharing of benefits. With global temperatures rising year by year and climate change, we may be exploiting some of the resources that were originally covered by ice and snow. Moreover, with the development of new energy sources and the emergence of new technologies of climate change governance, the formation and development of new industries will be also promoted. All of this brings economic benefits. So, do these benefits need to be redistributed, and how do countries share them to keep with the principle of justice? From the very beginning, those developed countries with strong comprehensive national strength have undoubtedly gained an advantage in the climate change governance. If these benefits are not redistributed, the developed countries will gain more benefits in the fight against climate change by virtue of their strength, technology, etc. However, due to the relative backwardness of strength and technology, coupled with problems such as shortage of development capital, heavy debt, and sharp deterioration in the terms of trade, the developing countries have to pay the same amount of effort as developed countries, or even more, but lose at the starting line. This is bound to widen, not narrow, the development gap between the North and

the South. And the further widening of the development gap between the North and the South will lead mankind to an abyss of irrevocable proportions. Therefore, the obvious and proper meaning of climate justice is to narrow, or even try to eliminate, the development gap between developing and developed countries, allowing all countries to redistribute the economic benefits in accordance with the principle of justice of climate change governance. Walzer (2002) believed that "as long as the benefits obtained in each field are in accordance with the rules of justice in that field, and the distribution in one field does not affect other social fields, the benefits and resources obtained in one respect do not necessarily give someone or some group an advantage in other aspects, and a justice distribution is achieved".

Against the backdrop of the "veil of ignorance", Rawls believed that the two principles of justice of "freedom and difference" will be adopted. The "difference" principle, as a justice principle for the domestic distribution of social resources and benefits, is also applicable in the field of climate change governance. In this field, the "difference" principle is understood to be the following two aspects: First, in the climate change governance, each country has equal opportunities for development, application of relevant technologies and exploitation of new energy sources, sharing the benefits from governance; Second, in the climate change governance, if there is the possibility of uneven distribution of benefits, countries in weak position should benefit more so that they can contribute to narrowing the gap between the rich and the poor between developing and developed countries and ensure the healthy, stable and sustainable development of the world economy, thereby contributing to world peace and stability. Therefore, the economic, technological and other advantages of developed countries should not give them a leading position in the field of climate change governance. Moreover, as an equal member of the international community, each country should be a distributor of economic and technological progress. Equitable distribution of the benefits of climate change governance should also be an integral part of climate justice.

The justice of global climate change governance based on equality is a morally defensible demand for justice. Only when international actors cooperate in the global climate change governance on the basis of equality and form a sense of destiny community of solidarity and mutual respect can mankind find a way to

deal with the increasingly severe climate change governance.

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