Received: 28 April 2023 | Revised: 29 October 2023 | Accepted: 15 November 2023

DOI: 10.1002/wcc.870

ADVANCED REVIEW

WIREs CLIMATE CHANGE WILEY

Climate justice and territory

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Funding information
H2020 European Research Council, Grant/Award Number: 948964

Edited by: Megan Blomfield, Domain Editor and Maria Carmen Lemos, Editor-in-Chief

Abstract

The territorial impacts of climate change will affect millions. This will happen not only as a direct consequence of climate change, but also because of policies for mitigating it—for example, through the installation of large wind and solar farms, the conservation of land in its role as carbon sink, and the extraction of materials needed for renewable energy technologies. In this article, we offer an overview of the justice-related issues that these impacts create. The literature on climate justice and territory is vast and spans a range of disciplines, so we limit our discussion to a specific understanding of territory and a specific understanding of injustice that arises from its loss. We understand territory as a normative concept that describes a place under some agent's jurisdiction, where the agent is a politically organized collective and where the jurisdictional rights over that place secure a relevant degree of self-determination for that collective. Accordingly, we consider that the main injustice connected to the loss of territory due to climate change is the loss or undermining of the ability to exercise the collective right to self-determination, which requires some control over the place. This can happen if a territorial agent literally loses the ground where to stand as a direct effect of climate change, raising issues of justice in relocation; or if their place changes due to mitigation policies, affecting their use and understanding of territory, raising issues of justice in energy transition. In concluding, we point to topics for future research.

This article is categorized under:

Climate, Nature, and Ethics > Climate Change and Global Justice
Climate, Nature, and Ethics > Climate Change and Human Rights
Policy and Governance > Governing Climate Change in Communities, Cities, and Regions

KEYWORDS

indigenous rights, justice, selfdetermination, small island states, territory

1 | INTRODUCTION

The increasingly extreme weather events attributed to climate change are going to have a deep effect on the global property market. Just to give two examples, in the United States a recent study has estimated that as many as 650,000

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private parcels of land could disappear due to rising tide lines, while in Australia the higher risk of wildfires, floods, and coastal inundation could elevate the price of insurance premiums to the point of making some areas effectively "uninsurable" (Gredley, 2019; Lubben, 2022). Rights over specific natural resources are also going to be affected: just to mention one example, riparian rights from the Andes to the Himalayas will have to be revised according to a new reality of shrinking glaciers and longer droughts. The effects of climate change over property rights and rights over natural resources and the issues of justice that they create are connected to, but distinct from, its effects over territory. The simplest way to put it is that, while property rights are first-order rights (including the right to access, use, administer, rent, sell, etc.), the latter also include second-order rights, namely, rights to—among other things—decide on the form and limits of property rights (Armstrong, 2017). Rights over natural resources, meanwhile, can be first or second-order rights, but—as the name suggests—they refer specifically to our instrumental use of land and nature.

In this article, we look at how climate change affects territory both directly (through extreme weather events and changed climate patterns), and indirectly (mainly through mitigation measures). Because the literature on climate justice and territory is vast (spanning a range of disciplines like geography, anthropology, and political science), providing a comprehensive overview would go beyond the limits of this article. Therefore, we circumscribe our discussion to a specific understanding of territory and justice.

We understand territory as a normative concept that describes a place under some agent's jurisdiction, where the agent is a politically organized collective and where the jurisdictional rights over that place secure a relevant degree of self-determination for that collective. This definition is broad enough to include states' territories, but also non-state ones (by which we mean those from some Indigenous groups and sub-state collectives, like federal states, regions, and municipalities[1]). States have the most extensive set of territorial rights, including the right to jurisdiction, the right to control and use natural resources within the territory, and the right to control the movement of goods and people across the borders of the territory (Miller, 2012). Non-state collectives, meanwhile, have more limited rights, for example, to use and manage the territory. Such rights extend beyond the rights of the individuals of the collective but are not equivalent to, and may sometimes conflict with, the territorial rights of states. At the same time, our definition is narrow enough to leave out geographical spaces that may be of interest for some group for reasons such as dwelling, recreation, or aesthetic enjoyment, but not because the group requires control over them to achieve collective self-determination (think of areas where "not-in-my-backyard" protests may arise). In defining territory as a "place" rather than a geographical "space," we are open to non-conventional accounts of territory; for example, those that define it as a site of specific characteristics (e.g., the Arctic territories inhabited by the Inupiat, or the nomadic routes of the Ateker people in Uganda and Kenya). We are also open to definitions of territory that do not see it as a tangible, material thing, but rather as a relation between things (see Kolers, 2012, below).

Because we understand territory in these terms, we see the main injustice connected to its loss due to climate change as having to do with the loss or undermining of one's collective right to self-determination in it. This can happen broadly in two ways. On the one hand, a territorial agent may literally lose the ground where to stand as a direct effect of climate change, as in small island states threatened by sea level rise. In these cases, one of the four conditions of statehood disappears (Montevideo Convention, 1933), and with it—arguably—the right of the state to remain in existence (we say "arguably" because international law does not see states as static, but as dynamic entities, and may accept their continuation despite quite drastic changes to them. For a detailed discussion, see Crawford, 2007, chapters 16 and 17). The main issue here is the potential loss or diminution of the state's status as equal among other states, and its right (or not) to be fully or partially relocated and re-founded in a new place. Non-state collectives may also lose their territory and, therefore, their territorial rights in this manner, opening the question of what just relocation would require. On the other hand, a territorial agent may see the exercise of their right to self-determination lost or undermined when the place in which they have developed their life plans and projects (both as individuals and as a political collective) changes because of active human intervention. Climate change as such entails a form of land change, and relations to land have implications for the "identity of communities, and the very possibility of self-determination" (Szende, 2022, p. 119). This land change also takes place because of policies aimed at mitigating climate change—for example, the conservation of large areas for the purposes of carbon capture and retention, or the installation of mega wind and solar farms. In the case of non-state collectives, the injustice relates mainly to insufficient decision-making power vis-à-vis the state regarding how to use and/or understand the place over which they have traditionally had some degree of control. Often, this injustice is traceable to colonial legacies with their historical patterns of procedural injustice and lack of political recognition. In the case of states, they may see their self-determination diminished vis-à-vis other states—for example, if climate negotiations pressure them to agree on measures that diminish sovereignty over their territory.

In Section 1, we discuss justice-related issues connected to the loss of geographical space by territorial collectives. In Section 2, we focus on justice-related issues that arise by not giving due voice and decision-making power to territorial

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collectives when it comes to negotiating just paths for energy transitions. In Section 3, we conclude and raise some questions for future research.

Two clarifications are in order before proceeding. First, we assume that there is a value in collective self-determination, and that a condition for that value to be realized is to have some degree of control over the place where one is located. This is why questions of justice connected to territory arise in the first place. Second, many of the theorists mentioned in the article do not discuss climate justice and territory in the terms that we suggest above, but their theories are applicable to this discussion. What follows is therefore an interpretation of their positions through our framework rather than a literal exposition of their contributions.

2 | TERRITORY AND JUSTICE IN RELOCATION

2.1 | Disappearing state territories

It is a common trope that, in the coming decades, small island states (SISs) like Kiribati, Tuvalu and the Maldives will eventually lose their entire territories due to sea-level rise. While there is still a lot of uncertainty surrounding the issue of how fast and to what extent this may happen, it is not otiose to anticipate that possibility. In these cases, the territorial agent *par excellence*, the nation-state, confronts the total loss of one of the four necessary conditions for statehood (the other three are a permanent population, a government, and the capacity to conduct international relations: Montevideo Convention, 1933). The gravity of this loss is enhanced by how SISs have contributed next to nothing to climate change by way of emissions. Starting with quite limited proposals directed at justifying the rights of individuals to relocate somewhere in the planet (Risse, 2009), the normative literature on the topic has become more ambitious with the passage of time, with some even advocating territorial auctions to guarantee that the disappearing states will be refounded elsewhere (Dietrich & Wündisch, 2015).[2]

Based on the idea that all human beings are originally co-owners of the earth and have symmetrical claims to the earth's resources, Mathias Risse (2009) takes the view that those who lose the land where they stand have a basic human right to be relocated. To avoid becoming second-class citizens, moreover, they should be granted full citizenship by the receiving country. Candidate countries for relocation should be listed combining the principles of "polluter pays" and "ability to pay": the higher their historical CO_2 emissions and income per capita, the higher they should be on the list. While Risse does not discuss the possibility of freely choosing where to relocate, Heyward and Ödalen (2016) propose just that: given that inhabitants from SISs will be forced to adapt to a new reality and construct a new identity, the least that should be done in terms of compensation is to give them a passport which all states have an obligation to accept, permitting them to become citizens if they so wish. Instead of leaving to states the right to decide what and how many SISs refugees to admit, they thus privilege the individual rights of those who are put in an extremely vulnerable position through no fault of their own. The authors compare this "Passport for the Territorially Dispossessed" with the "Nansen Passport," the first coordinated attempt by states to deal with the plight of stateless persons after the First World War and the Russian Revolution. Although the historic circumstances, the scope, and the conditions of use were different, they see it as a precedent that shows that the idea is not fully utopian.

What these individualistic approaches overlook, however, is the value of being a self-determining political community—a value that will get lost forever if the citizens of the disappearing state do not stay together and become nationals of different countries. Different responses have been proposed where what is due to the inhabitants of SISs is not just a new address but also a new territory. Adapting Locke's sufficiency proviso, Nine (2010) argues that, as a system of exclusive rights over goods, the system of territorial states may have to leave "enough and as good" space for these self-determining collectives. Locke's spoilage proviso, meanwhile, can give some hints on where those collectives ought to go, namely, to land that is uninhabited, and "neglected" (i.e., underused) by those who are currently sovereign over it (on this point, see also Stilz, 2019). One could criticize two aspects of this implementation proposal: first, it leaves off the hook those responsible for causing climate change; second, it makes it doubtful that the relocated communities will get "as good" a territory as the proviso requires, as "neglected" lands on a territory presumably are the least appealing for human habitation. Furthermore, agreeing on a common, trans-cultural definition of what counts as "neglected" or "underused" is challenging, to say the least.

While Nine starts from the assumption that the competition for territory is a zero-sum game, Avery Kolers proposes to understand territory not as a discrete geographical area, but as "land that the state subjects to the rule of law" (Kolers, 2012, p. 338). This means that a state can "create" territory by being more efficient as a

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justice-enhancer—where the justice of land use is defined in terms of ecological footprint. Consequently, those with the largest ecological footprint (that is, those who need a larger area to achieve their aims) become responsible for alleviating the plight of climate refugees. As Dietrich and Wündisch (2015, p. 94) note, however, this excessive focus on efficient land use means that not just the worst CO_2 emitters, but all those who use land inefficiently may be held responsible—which sounds unfair, since inefficiently organized states may have their territorial claims weakened. To avoid such a conclusion, one would need to add some ad hoc requirement; for example, that inefficient land use is not enough to weaken the territorial claims of states. Instead, Dietrich and Wündisch propose a theory of territorial compensation. Contrary to property loss, which can be remedied by economic compensation, territorial loss cannot be remedied in the same way: what sovereign groups of sinking islands require is a new place to remain in existence. The authors propose that the main culprits of climate change should establish a fund responsible for finding and paying for these new territories. They envisage a negative auction, where local communities may agree to give up territorial rights in exchange for money. The winning bid will be from those who offer the cheapest deal and best fulfill the "cultural identity" and "appropriate size" conditions, allowing the new inhabitants to keep their cultural practices and ensuring that they get enough land. If there are no interested parties offering land, then Dietrich and Wündisch claim that the fund together with the affected states should determine a territory and compensate the residents for the loss of their territorial rights. While original, this proposal raises some serious worries. Local communities do not have the requisite rights to relinquish territory so, even if they wanted to do it, it is not clear that their states would allow it. In fact, it would be a strange case of secession, where the local community secedes territory to others and relocates within its old state or stays in the new state and acquires new citizenship. Moreover, the idea of imposing on a community the arrival of a new sovereign people if that is the only way to relocate them downplays the potential for conflict. Even if one could argue that this is as close as it can get to a just solution, it is doubtful that it would be a peaceful one. One way ahead might be if the receiving group takes seriously their duty to downsize their attachments to territory as a way of repairing injustice (Angell, 2021). Another way would be to ensure, case by case, that both the hosts and the incoming group perceive the relocation as mutually beneficial (Vaha, 2018, p. 239).

Jamie Draper questions territorial redistribution à la Dietrich and Wündisch on the grounds that it would create significant moral costs (Draper, 2023, chapter 4). He also questions the idea of deterritorialized statehood, where the people of the sinking state would enjoy some form of statehood without having jurisdiction over any territory. This form of "statehood without sovereign territory" is discussed by Armstrong (2022, pp. 173ff). While the conditions for statehood such as those stipulated in the Montevideo Convention—including the existence of a territory – may be relevant for *creating* states, statehood can *continue* even if one or more of them ceases to apply, as international law "reveals a strong presumption for the continuation of statehood" (Armstrong, 2022, p. 175). As an example, Armstrong discusses governments-in-exile as functioning, but non-territorial sovereigns. Such governments can represent themselves in international relations, showing that deterritorialized forms of sovereignty need not be unfeasible. Yet, a third option, defended by Draper, is intrastate territorial autonomy. This would require giving the people of a disappearing state jurisdiction over territorial sub-units nested within an already existing state. It is an open question, however, whether intrastate territorial autonomy avoids the problems of wholesale territorial redistribution, especially when it comes to the rights of residents who will have to adapt to newcomers and whose political status in relation to them will be affected as a result. This point is relevant, as it highlights that issues of justice in relocation will not only impact the displaced communities, but also the communities where resettlement will take place (Vaha, 2018).

Wündisch (2019) expands on the idea of compensatory justice due to territorial loss, but in cases where the loss is partial, rather than total. This is a welcome contribution to the literature, considering that this phenomenon will be much more frequent than total loss: think of countries affected by sea-level rise like Bangladesh, Vietnam, Japan, and the Netherlands. For Wündisch, countries that lose only part of their territory should have a claim of compensation in kind directed primarily against the worst climate offenders, insofar as their right to be politically self-determining is diminished. The way to determine this is to see whether the lost area matters for the exercise of their political self-determination, which is determined—in turn—by looking at its size and quality. If there are other ways of compensating that strengthen the people's use of their territory and, therefore, their self-determination, then this might be the best solution.[3]

The accounts presented so far tend to emphasize the vulnerability of "climate refugees" and their "sinking states" and to overlook the perspectives of those affected and their own ways of dealing with climate change. Some scholars have denounced this way of approaching the problem as perpetuating relations of domination between North and South, colonizers and colonized (Farbotko & Lazrus, 2012; Weatherill, 2023). Instead of treating these states as victims in need of aid, they should have full participation when looking for solutions. Not just one tool (like mass relocation)

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but many, are needed to deal in a fair way with the challenges of climate change for these communities (McAdam, 2012). (Box 1).

2.2 | Disappearing non-state territories

While most of the scholarly attention regarding lost territories has been focused on states, there are also non-state collectives that will be in this situation. According to the UN and the Internal Displacement Monitoring Center, in 2021 59.1 million were living in internal displacement within states, most due to climate-related disasters—a number exceeding those displaced due to armed conflict (UN, 2022). Out of them, an important number belong to territorial collectives in the sense defined at the outset of this article.

Several theorists have emphasized the wrong of displacement on communities, neighborhoods, and regions insofar as this affects their located life-plans, that is, plans that are bound to specific places and require continued access to specific areas (see, for example, Moore, 2015; Stilz, 2013). As Chris Armstrong puts it, special claims over land emanate from how "*particular* people sometimes form life-plans which depend upon their continued access to *specific* resources" (Armstrong, 2017, p. 116; see also Armstrong, 2015). Letting a collective lose access to land that is pivotal for their comprehensive life-plans therefore counts potentially as an injustice.

A dramatic example discussed by Jamie Draper (2023, chapter 3) is Shishmaref, an Iñupiaq village in North-West Alaska. Because of rising sea levels, coastal erosion, thinning ice and permafrost exposure, the place will soon become uninhabitable and the whole town will be forced to leave. It is not clear, however, in which terms relocation should be conducted. Draper considers three options. One is the market model of relocation, where each person decides what they want to do. This is the model that has been prioritized in actual adaptation policies so far, but Draper's worry is that it ignores valuable practice-based interests, which require members of the community to stay together (he takes the concept of practice-based interest from Stilz, 2019, pp. 167–178). Another is the communitarian model of relocation, where the community as a whole decides what to do (Schlosberg, 2012). Draper sees as a virtue of this model that it gives value to the continued existence of the collective, but worries that it obscures internal differences, painting the community as a cohesive and harmonic whole. A third model, which Draper advocates, is a democratic model of relocation, through institutional frameworks that "create robust opportunities for deliberation, clearly define the role of technical experts

BOX 1 Disappearing marine territories

If SISs end up being fully submerged by rising sea levels, it is possible that they will lose not just their land, but also their marine Exclusive Economic Zones (EEZs). According to the Law of the Sea Convention, the EEZ of a country is measured from an ambulatory baseline set at the low-water mark. This means that, if the land is fully lost, then the EEZ might become part of the high seas. For low-lying atoll states, this would constitute a huge economic loss, considering that some of them have some of the largest EEZs in the world and that these guarantee a main source of livelihood (through fishing rights) and potential future wealth (from mining rights in the deep seabed). If EEZs continue to exist, Armstrong and Corbett (2021) suggest that the fairest solution would be to fix current baselines and allow the peoples from sunken states to keep their rights to the EEZ. The International Law Association and leaders from island states in the Pacific have also recommended a policy whereby EEZs remain fixed, even if the islanders are turned to climate exiles (see Armstrong, 2022, pp. 176–181) for a discussion). If these now "de-territorialized" states merge with another one, the latter could take the revenues generated by EEZ rights as a form of payment. However, requiring such a form of payment neglects that islanders have a *right* to refuge. As suggested by Chris Armstrong, requiring them to give up their marine territory in exchange of admission would "doubly wrong them" (Armstrong 2022, p. 180). Alternatively, sunken-island refugees could retain their citizenship and some mechanism could be designed to ensure that they (and maybe their descendants) continue to benefit from those revenues. Guaranteeing them a secure source of income might also make the prospects of receiving them more attractive and empower them instead of showing them as helpless victims. The authors remark, moreover, that this idea has the advantage that it has been proposed by SISs themselves (Polynesian Leader Group, 2015).

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and affected publics, and put decision-making power directly into the hands of affected communities" (Draper, 2023, p. 37). Seen through our framework, while the market relocation model ignores altogether the value of Shishmaref as a territory (i.e., as a place where its inhabitants can act as a self-determining collective), the last two models recognize it: the potential injustice is not merely about loss of property or access to certain natural resources, but about dismantling a territorial collective whose existence is purportedly valued by its members.

In the specific case of Indigenous communities, one view is that, from their perspective, "justice can only be achieved by an affirmative commitment to protect indigenous peoples within their traditional lands" (Tsosie, 2007, p. 1676). When this is no longer possible, however, and bearing in mind their historical experiences of forced relocation, it seems right to stress the importance of empowering them regarding relocation measures (Maldonado et al., 2013; Hugo, 2011). Referring to US tribal groups, Whyte (2013) mentions four pillars over which a forward-looking account of justice in relocation should be built: government-to-government relations should be fostered between tribal groups and federal and national agencies; federal governments should act as fiduciaries of tribal groups, protecting their interests from "larger global forces and powers" (Whyte, 2013, p. 527); traditional ecological knowledge should be integrated with climate change science, and multiparty governance (including regional cooperation) should be the rule.

3 | TERRITORY AND JUSTICE IN MITIGATION

Climate change not only removes people from; it also removes places from people, notes Clare Heyward (2020). While one obvious effect of climate change will be direct territorial loss due to rising sea levels (namely, loss of *space*), there is and will be territorial loss also in the sense that *places* will be lost. A place, according to Heyward, has "a distinctive feeling to it, a character" and is "replete with meanings." Places are "socialized spaces" (Heyward, 2020, p. 25; see also Espejo, 2020 on *ius situs*). Heyward has in mind the case of the Inuit, whose life plans and projects are affected by increased temperatures in the Arctic. Hunting and gathering patterns have changed and something as basic as the preservation and storage of food has become more difficult. Without losing territory understood as space, the Inuit are losing their territory understood as their traditional place of habitation (Watt-Cloutier, 2018). This suggests that, when thinking about climate justice and territory, not just the right to occupancy (the right not be removed from a specific geographical location), but also the right to place (the right not to have one's place dramatically changed) should be considered.

While Heyward's example of loss of place arises as a direct effect of changing climate conditions, in this section, we discuss the injustices that arise when a place changes because of mitigation measures and the relevant collective sees their territorial self-determination lost or undermined as a result. The key conflict here is between state and non-state collectives (mainly Indigenous groups), with issues of recognition and procedural justice acquiring prominence (Box 2).

BOX 2 The loss of wild territories

In *Zoopolis*, Donaldson and Kymlicka (2011) propose that wild animals should be considered sovereign over the places they inhabit and treated like independent, self-determining communities (see also Cooke, 2017; Goodin et al., 1997). Because they need control over their territory to fulfill some important interests, humans should grant them this right, stop invading and occupying, and stop intervening—unless the intervention is aimed at helping them to keep their autonomy. If one grants that wild animals have territories in this normatively relevant way, then an issue that remains under-explored in the philosophical literature is how these territories are going to be affected by climate change and by the policies to mitigate it and/or adapt to it, and what duties of justice this creates on us (Hällfors et al., 2014). Here are some questions: Given that wild animals are often tightly dependent on specific ecosystems, should we help them to relocate if, for example, these ecosystems shift their geographical location due to changed climate patterns? Should wild animals have ambassadors to represent them and fight for them against the installation of large-scale renewable energy plants in their territories? Should loss-and-damage policies also consider them? Should we help them adapt, and what would this mean?

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3.1 | Territories as energy farms

Non-state territorial collectives, especially Indigenous peoples, are impacted by strategies to transition toward renewable technologies (Bagliani et al., 2010; Jenkins et al., 2016; Sovacool, 2018; Sovacool & Dworkin, 2014; van de Graaf & Sovacool, 2020). Appealing to the need for sustainable development, projects to install wind power farms and hydropower on Indigenous lands have in many cases been opposed. In Sápmi, the region of the Sámi of Northern Finland, Norway, Russia and Sweden, some Sámi reindeer herders perceive wind farms as threatening their livelihood and ways of life (Kårtveit, 2021). In the philosophical literature, these kinds of claims are referred to as "attachment" claims "refer[ring] to resources that matter in specific ways to a group, making the resources non-substitutable" (Armstrong, 2017, p. 113). At their core, such attachments are justified by how agents have formed close relationships to specific resources, so that "continued access to them [...] comes to be significant to their wellbeing" (Armstrong, 2017, p. 114). Thus, exploitation of such areas to, for instance, install wind or solar panel parks poses a potential injustice to the group. This is relevant for our discussion insofar as continued access to these resources determines the degree to which these groups feel in control of their territory.

To be sure, rights derived from attachments are prima facie and do not trump other fundamental rights, for example, the individual right to subsistence (Armstrong, 2017, p. 124). In most cases under consideration, however, it seems clear that there are alternatives available, and that the decisive factors are cost and efficiency rather than the fulfillment of basic rights. It is no surprise, therefore, that wind and solar mega projects have been labeled both by world Indigenous leaders and scholars as a form of "green colonialism", "green authoritarianism," or "carbon colonialism" (see Monet 2023, Kårtveit 2021, and Finley-Brook & Thomas, 2011), when not recognizing the interests of Indigenous or local people and excluding them from the decision-making process. Cases of "hydrologic colonialism," moreover, are mentioned in Indigenous territories affected by hydropower developments, like Panama (Finley-Brook & Thomas, 2010; Finley-Brook & Thomas, 2011). The common thread seems to be the infringement of Indigenous peoples' claims to place, while the gains of installing renewable energy are exported and do not necessarily benefit them. As Whyte (2016, p. 88) puts it, "Indigenous peoples face climate risks largely because of how colonialism, in conjunction with capitalist economics, shapes the geographic spaces they live in and their socio-economic conditions."

Drawing on the idea of "recognition justice" developed by political philosopher Nancy Fraser (1999, 2014), Jenkins et al. (2016) discuss non-recognition and disrespect in energy transitions. They write that "developers and investors often deride local campaigns against wind farms as 'not-in-my-backyard' protests by self-interested and misinformed individuals" (Jenkins et al., 2016, p. 177). In the case of a large wind turbine project on the Isle of Lewis, Scotland, local opposition raised "objections within which cultural identity was a distinctive undercurrent" (Jenkins et al., 2016, p. 177). For the purposes of our discussion, the crucial issue is whether these developments negatively affect the self-determination of the collective for whom that specific territory matters. Insofar as mega projects such as these "can adversely affect local self-governance, land tenure, resource access, and subsistence practices" (Finley-Brook & Thomas, 2011, p. 869), careful consideration is required to weigh the interests of the state and private companies against the interests of local territorial collectives. If energy transitions are not to create injustice or reinforce existing injustices, there should be inclusive decision-making processes that "abide by procedural justice norms" (Brandstedt, 2023, p. 2).

3.2 | Territories as carbon sinks

Another mitigation strategy that could be potentially problematic is the idea of putting ecoregions around the world under a "Global Safety Net" (Dinerstein et al., 2020). Given that climate change and the biodiversity crisis are deeply interconnected phenomena, and that there is growing evidence that biodiverse-rich spots are also generally efficient carbon sinks, Dinerstein et al. (2020) propose to bring almost half of the world's terrestrial areas under this governance regime (an even more ambitious plan than the existing "30 × 30 Movement," where some states have pledged to protect 30 percent of their land by 2030 (Natural Resources Defense Council, 2022). Because an important percentage of ecoregions lie in areas inhabited by Indigenous groups, there is a worry that having their lands turned into globally protected areas will constrain their collective freedom to decide over their territories, losing the autonomy that in many cases they fought so hard to obtain. As Alejandra Mancilla (2023) suggests, however, this worry may be overstated: studies have shown that Indigenous management of these lands has helped to

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preserve them so far and, in that sense, giving them a protected status would be a recognition that the Indigenous governance model has been successful and should be promoted (Etchart, 2017; Sobrevila, 2008). If anything, this acknowledgement would underline the importance of strengthening the position of these groups as guardians of their territories.

Having said this, these proposals also challenge the traditional understanding of state sovereignty. For example, if a majority of states decides that conservation should be prioritized over exploitation in these areas and sign a treaty for this purpose, the individual states where ecoregions lie would arguably be constrained in the way in which they govern the natural resources within their borders, which could be seen as undermining their right to self-determination. Here the key issue is how much control over the territory the state actually needs to remain self-determining and not violate other requirements, like global justice. For Banai (2016), the best justifications for the territorial sovereignty of states over these sites also give rise to legitimate constraints on how that sovereignty ought to be exercised (see also Vanderheiden, 2017).

Megan Blomfield (2021, 2013) points more generally to the risks of conceptualizing land as a global commons in its function as a carbon sink. She identifies three potential sources of injustice: land grabbing, forced displacement, and unfairness in land-based climate mitigation. Framing land as global commons "can incentivize, or facilitate, land grabbing" (Blomfield, 2021, p. 9). Land-grabbing is land acquisition that is procedurally or substantively unjust, potentially leading to the displacement of whole communities—for example, if the aim is reforestation or afforestation. Regarding massive-scale deployment of land-based mitigation practices as a global response to climate change, "a crucial question that arises is on what land such responses might justifiably be sited, and on whose terms" (Blomfield, 2021, p. 10). Blomfield (2021, p. 12) concludes that "the idea of land as a global commons may unsettle the claims of local communities to resist outside interference with the land on which they depend." At the center of this issue are struggles over the meaning of land, as "if the value of land as carbon sink is permitted to dominate, then it will crowd out other (and more local) understandings of land and its value" (Blomfield, 2021, p. 13). Although Blomfield does not explicitly discuss this issue as concerning territory as stipulated here, the three sources of injustice that she mentions have clear territorial dimensions: if non-state territories are grabbed and the people who inhabit them are displaced as a result, their collective right to self-determination will be lost. Moreover, when deciding about the use of land for mitigation purposes, those whose existence as a self-determining collective depends on holding certain rights over that land should obviously be front and center in the decision-making process.

3.3 | Territories as sites for resource extraction, e-waste disposal and carbon capture storage

While the environmental and social impacts of fossil fuel extraction are clearly greater, the costs of extracting materials needed for renewable energy technologies and the costs of depositing e-waste are not negligible, and risk reinforcing and strengthening existing injustices (Carley & Konisky, 2020, p. 570). For Sovacool et al. (2020) there is a "decarbonization divide" between the Global North and South. Extraction of the materials necessary to build renewable energy technologies, like metal cobalt, is often low-tech and labor-intensive, and includes exposure to hazardous and toxic metals without proper safety equipment. Again, while these issues do not necessarily have to do with territorial injustices, they are relevant insofar as they concern siting and on whose terms, to paraphrase Blomfield.

There are also issues raised by carbon capture and storage (CCS), "the process of recovering carbon dioxide from the fossil-fuel emissions produced by industrial facilities and power plants and moving it to locations where it can be kept from entering the atmosphere in order to mitigate global warming" (Baugh, 2023). Theorists have divided the stages of CCS where potential demands for justice may arise, ranging from the research and innovation process, the development and implementation of facilities, transport and storage, and decommissioning (McLaren, 2012; McLaren et al., 2013). The potential risk exposure and the possible impacts on local communities provide good grounds for involving a wide array of stakeholders (McLaren, 2012, p. 350). Involvement should meet the demands of procedural justice and not be merely instrumental to producing social acceptance on siting decisions (McLaren et al., 2013, p. 162). Jenkins et al. (2016, p. 178) state that procedural justice is "more than simply inclusion," involving "the mobilization of local knowledge." To live up to the demands of procedural justice, McLaren stipulates six principles: access to information, participation, impartiality, accessibility, objectivity, and respect (McLaren, 2012, p. 357; see also McLaren et al., 2013). Involving more stakeholders has the potential to provide more nuances regarding the meaning of land and on whose terms siting occurs.

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4 | CONCLUSION

The literature on climate justice and territory is vast, not least because many of those writing on these issues take for granted what territory means and what justice demands. To circumscribe our discussion, in this overview we have understood territory as a normative concept. We have understood the main injustice attending the loss of territory, moreover, as one that has to do with the loss of self-determination of the territorial collective, as a direct or indirect result of climate change. In delimiting the topic in this way, there are a range of related topics that we have left out of the discussion; among them, the challenges posed directly by climate change and indirectly by mitigation measures to property rights over land and resource rights; questions of fairness regarding the distribution of states' GHGs emissions and GHGs emissions of present and future generations (for discussion, see Shue, 2022); and questions of internal and external climate-induced migration, insofar as they concern individuals rather than territorial collectives. At the same time, a substantial part of the discussion has dealt with non-state collectives, paradigmatically Indigenous groups. We have highlighted that territorial loss is not only a problem of distributive justice, but maybe even more importantly, of procedural and recognition justice. It is by not properly giving voice and decision-making power to those concerned that injustice arises.

In concluding, we put forward three issues that remain under-explored and demand further attention.

One question that has not yet been posed regarding disappearing states and non-state territorial collectives is how to think about compensation and relocation when the collectives affected are not democratic, so that it is not straightforward to argue for the maintenance of their right to political self-determination. On the one hand, it seems unfair to give a different treatment to people affected by climate change depending on the political system under which they happen to live; on the other hand, it seems counterintuitive to offer new land to rebuild their state or community to anti-democratic collectives. One answer would be to say that, in these cases, the state or community as such has no right to relocation, but the individuals that are part of it do. In any case, a systematic assessment of the challenges posed by climate change on authoritarian collectives and their use of territory remains to be done.

Another question is to what extent the analysis of these issues has been permeated by methodological nationalism, that is, the cognitive bias whereby states are taken to be the political unit par excellence. This leads to ignoring other actors and phenomena, and to "uncritically and often unconsciously adapting and reifying state-centered conceptions of territory, space, and community" (Sager, 2021, p. 1). Methodological nationalism is the default stance in international law, and it has also been mostly assumed in the climate justice literature. This is reflected by the fact that most of what is written refers either to states or to the global community, neglecting other important levels of analysis, especially regional and local. Alternative conceptions of the political community, the rights and duties of states vis-à-vis individuals and non-state groups, and territorial governance that is adequate in the face of our current environmental challenges are still the exception rather than the rule in normative theorizing (see, for example, Nine, 2022; Espejo, 2020; Mancilla, 2016).

Finally (in connection with our discussion on the loss of wild territories), there has been so far a rigid scholarly division between the study of the effects of climate change for human communities, on the one hand, and the nonhuman natural world, on the other. Although some scholars have underlined the need to look at the connection between climate justice and territory ecologically and holistically (for example, in line with Indigenous worldviews: Ulloa, 2017), a systematic account that includes the challenges for both humans and nonhumans together would be not just welcome but necessary.

AUTHOR CONTRIBUTIONS

Alejandra Mancilla: Conceptualization (lead); data curation (lead); investigation (lead); methodology (lead); project administration (lead); supervision (lead); writing – original draft (lead); writing – review and editing (lead). **Patrik Baard:** Conceptualization (supporting); investigation (supporting); methodology (supporting); writing – original draft (supporting); writing – review and editing (supporting).

ACKNOWLEDGMENTS

We thank Fabian Stenhaug for research assistance, and two anonymous reviewers and the audience at the Practical Philosophy Seminar, University of Oslo, for comments and feedback.

FUNDING INFORMATION

This article has received funding from the European Research Council (ERC) under the European Union's Horizon 2020 research and innovation programme (grant agreement No 948964), project "Dynamic territory."

CONFLICT OF INTEREST STATEMENT

The authors declare no conflicts of interest.

DATA AVAILABILITY STATEMENT

Data sharing is not applicable to this article as no new data were created or analyzed in this study.

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ENDNOTES

[1] Along the article we focus mostly on Indigenous territories, because it is on them where most of the attention has been centered so far.

[2] Some SISs have already purchased or sought to purchase land in other states to relocate their populations. Few states have contributed to this loss and damage funding, "due to concerns about the implications of liability" (Adelman, 2016, p. 48).

[3] Wündisch includes under the partial loss of territory both cases where the geographical space gets lost and cases where the geographical space remains, but is deeply changed (for example, by slow onset hazards like desertification). In our view, different issues of justice arise in each case, and they should be kept separate. In the former, the main issue is the partial loss of one of the conditions of statehood, and the relevant question is how much the state can afford to lose of it before losing its ability to function as a state. In the latter, instead, the main issue is that the place changes in such a way that its uses and functions change, forcing the state and—more importantly—those that live in it, to adapt.

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How to cite this article: Mancilla, A., & Baard, P. (2023). Climate justice and territory. *WIREs Climate Change*, e870. https://doi.org/10.1002/wcc.870

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