Political Philosophy

Stilz, Anna. 2025. Collective Self-Determination and International Authority in Climate Governance. *Political Philosophy*, 2(2): 379–415. DOI: https://doi.org/10.16995/pp.18883

Open Library of Humanities

Collective Self-Determination and International Authority in Climate Governance

Anna Stilz, Political Science, University of California, Berkeley, US, astilz@berkeley.edu

This article investigates how future climate governance might be made legitimate and compatible with collective self-determination. I develop an original account of international legitimacy through a domestic analogy between relations among self-determining individuals and relations among self-determining political communities. I argue that ideally, future climate legislation should be authorized by an assembly of the world's peoples and other relevant constituencies, through qualified majority voting, and it should be enforced through carbon tariffs applied by cooperating states. Though this proposal may not be immediately actionable, it performs an important guidance function, helping us evaluate currently feasible climate governance options according to whether they facilitate a transition toward this ideal.

Collective Self-Determination and International Authority in Climate Governance

Anna Stilz
Political Science, University of California, Berkeley, US

In the future, a solution to climate change may require authoritative international institutions to regulate many matters that have long been regarded as the province of national decision-making.[1] Global environmental institutions may also need to depart from consensus decision-making, and attach significant costs to state behavior to incentivize compliance.

Now, global carbon mitigation is guided by the 2015 Paris Agreement, a decentralized, relatively weak institution.[2] Under Paris, every five years states are required to declare their nationally determined contributions to climate mitigation. This permits countries to determine national contributions in ways tailored to their circumstances, and preserves wide latitude for sovereign autonomy. But there are no binding obligations to achieve states' contributions. Instead, Paris relies on a process of international scrutiny known as "pledge and review." States are required to report their emissions biannually; these reports are subject to expert review; and every five years, a global "stocktake" is held, to assess how international efforts are proceeding with respect to limiting temperature rise to "well-below" 2° Celsius. Though the expectation is that states will enhance efforts over time, ratcheting of contributions is left to national deliberation.

Many observers argue that Paris's decentralized, voluntary process "facilitated an agreement that might otherwise have been impossible."[3] But there are three reasons to worry Paris does not do enough: first, it does not ensure that states' voluntary pledges will suffice to hit the 2°C goal. Second, Paris provides no formal compliance mechanisms to ensure states fulfill their pledges; it only requires that states make a good-faith effort toward their goal. Some scholars argue that Paris relies informally on global civil society groups to pressure states to make meaningful commitments and hold them accountable, though that mechanism's effectiveness is contested.[4] Third, Paris primarily regulates climate mitigation, yet binding

[1] Bodansky 1999.

[2] Bodansky, Brunnée, and Rajamani 2017; Moellendorf 2022.

[3] Moellendorf 2022, p. 143.

[4] Bäckstrand et al. 2017.

climate governance is needed in other areas, including forest conservation and land use, climate adaptation, loss and damage, climate finance, technology transfer, relocation and displacement, and whether to engage in geoengineering to mitigate climate change's worst effects.

While the issue is controversial, I believe that to solve these problems, global environmental institutions will need to take on law-making functions that go significantly beyond Paris, and beyond law-making functions international institutions have performed thus far. In addition to being a salient issue, then, climate governance provides a good case for exploring three philosophical questions around the legitimacy of international authority.

First, how might such extensive international climate authority be made legitimate? A legitimate authority, as I define it, has (a) a moral permission to make law and policy and to attach costs to non-compliance with its rules; and (b) a claim-right against other actors not to interfere with its activities. This definition is agnostic about whether subjects of a legitimate institution have duties to obey, but it holds that legitimacy correlates to *some* obligations—namely, the obligation not to interfere with, compete with, or resist the institution's efforts to issue and ensure compliance with its directives. What could make future climate governance legitimate, in this sense?

Second, would international climate governance stand at odds with collective self-determination? Theories of collective self-determination hold that—apart from legally binding international obligations, e.g., to comply with the UN Charter and human rights covenants—a society's internal affairs should be the exclusive concern of its citizenry. Can future climate governance be compatible with this?

Third, should future climate governance institutions be structured democratically? Or should they be authorized in some other way?

This article defends sufficient conditions for legitimate climate governance. I argue that a climate governance authority will be legitimate if:

(1) It is required to define and enforce rules of morally mandatory cooperation constitutive of a global society that secures equal self-determination for individuals and collectives;
(2) Its legislation meets minimal conditions of substantive justice;
(3) It is multilaterally authorized by a qualified majority of representatives of the world's peoples and other relevant constituencies; and
(4) The climate governance authority is appropriately limited, leaving space for self-determining peoples to order their institutions to reflect their distinct priorities and values.

Like other theorists, I accept that an institution can be *justified* without meeting these full criteria for legitimacy.[5] In the absence of legitimate international authority, it may become justified for a powerful state or group of states to coercively impose an effective scheme for climate action. A justified institution, as I define it, has a liberty-right to use coercion to secure the essentials of public order. But this liberty does not correlate with any obligations on its subjects to refrain from interfering to establish an alternative, more legitimate regime. I come back to this distinction between justification and legitimacy below, when discussing non-ideal climate governance alternatives.

The idea behind my theory of international legitimacy is that strong international organizations are necessary to secure each people's right to govern itself, and to protect it against impositions from other states. A collectively self-determining people must inhabit a collective-autonomy-guaranteeing global order. While there are other normative democratic theories of global governance, mine is distinctive in the central role it gives to self-determination of peoples.[6] *Contra* other interpreters, I argue that collective self-determination does not stand at odds with (1) constraints on the choices of self-determining groups; (2) their mandatory integration into international organizations; and (3) cosmopolitan duties of global justice.[7] Collective self-determination is not merely a formal freedom, but a freedom that must be resourced by global background institutions; and collective self-determination requires the construction of global governance structures to constitute a *system* of collectively self-determining peoples that coexist on equal terms. Though climate governance is my main focus here, the central ideas of my theory are applicable to other issue-areas (e.g., the resolution of territorial disputes) where global governance is required to enable self-determining peoples to coexist.

My strategy for defending this account of international legitimacy is to deploy a *domestic analogy* between individual and collective self-determination. Just as self-determining individuals should be free to pursue their ends within some personal sphere of choice (defined by basic liberties), so too, political communities should be free to pursue their ends within some collective sphere of choice, normally protected against interference from foreign powers. By "interference," I refer to the intentional imposition of force or costs to induce a target to act on the interferer's will rather than their own. Coercion, force, military intervention, efforts at regime change, and

---

[5] Simmons 2001.

[6] For more individualist approaches to global democracy see: Held 1995; Archibugi 2008; Goodin 2007.

[7] For contrary views see: Rawls 1996; Miller 2007; Walzer 2008.

economic sanctions count as "interference." Other forms of external influence—e.g., rational persuasion or offers of mutually beneficial interaction—do not count as "interference," since they do not attempt to place the target in a situation where they must act on the interferer's wishes.

The basic idea behind the domestic analogy is that we can more readily understand the rights and duties of autonomous peoples when we model them on our prior, better-developed understanding of the rights and duties of autonomous individuals. (By "autonomy," I refer to an agent's ability to reflect upon, and to endorse or revise, their commitments for what they authentically judge to be good reasons, and to carry out those commitments in action). The domestic analogy suggests that peoples stand in a relation to global authority similar to individuals' relationship with the domestic state. As I develop below, however, the domestic analogy also shows that global juridical institutions should be structured somewhat differently from the state, since regard to individuals' interests in avoiding alien coercion suggests that there should be no central monopoly of coercion at the global level.

The domestic analogy has frequently been criticized. Some find it at odds with normative individualism, the idea that individuals, and not groups like peoples or states, are the ultimate units of moral concern.[8] So I begin in Section I by explaining why I see collective self-determination as consistent with normative individualism, because the right to collective self-determination is derived from the interests of the individual members of a political group. Section 2 then develops the domestic analogy between individual and collective self-determination, laying out three principles for theorizing the autonomy/liberty connection in the individual case, and extending analogues of these principles to theorize the connection between collective autonomy and sovereignty. In Section 3, I argue that authoritative global governance institutions are required to specify and enforce the duties that bound a people's sphere of rightful sovereignty, and I venture some hypotheses about how future climate governance institutions might be designed.

While the article investigates how international climate authority could be made legitimate, it does not claim that such authority is presently feasible. I recognize that in the near-term, states may be unwilling to create the legitimate international climate authority I recommend. Yet while it may not be an immediately actionable institutional prescription, my theory of legitimate climate governance is not practically inert, since it helps us assess policy options that are feasible. While I cannot provide a full non-ideal theory of climate governance here, I stress that an ideal theory of legitimacy is

[8] For such critiques see: Beitz 1999; Valentini 2015; Caney 2005a.

one essential input to such an account, since it provides orientation to a long-term goal that can help us navigate trade-offs among imperfect policy options. In Section 4, I explore these trade-offs with reference to two "real-world" options for climate governance, minilateralism and polycentrism.

I. COLLECTIVE SELF-DETERMINATION

I begin by saying more about what collective self-determination is, and why it is valuable. A key issue is whether to explain the value of collective self-determination in *holistic* or *derivative* terms. On a *holistic* approach, political groups themselves are seen as persons with a claim to make their own choices and pursue their own ends. On a *derivative* approach, the claim to collective autonomy of a political group is derived from the claims of its individual members. I take a derivative approach. While collectives sometimes exhibit agency, I doubt that group agents are persons, objects of fundamental moral concern.[9] One problem with the holistic view is that it is not clear what is valuable about the self-rule of a collective agent, or how we should weigh the claims of autonomous groups against the claims of autonomous individuals when the two conflict.[10]

On my view, collective self-determination is valuable because it serves an important individual interest in avoiding *alien coercion*. While the state is necessary to protect individuals' autonomy—by securing basic liberties, defining property rights, ensuring a fair distribution of income and wealth, and providing public goods—state coercion also poses a presumptive threat to autonomy, because it subjects individuals to a superior power that governs their lives, which they cannot easily escape. Individual autonomy is particularly threatened by *alien coercion*: coercion that bears no relation to the judgments, priorities and values of the people subjected to it. Life under an alien coercive institution will be experienced as though a hostile, threatening force controlled many of one's choices and activities. So I believe individuals have a weighty interest in avoiding alien coercion.

Individuals' interests in avoiding alien coercion are served, I argue, when the coercive institutions that govern people properly reflect the shared commitments of those who are ruled by these institutions. My idea is that when an individual participates in the shared commitments of a self-determining group, and when the government imposes laws and policies on the basis of those commitments, its use of political coercion

[9] For defenses of group agency see: List and Pettit 2011; Erskine 2003.

[10] For this point, see Wilson 2021.

will not be *alien* to the individual members of that group. Rather, these individuals will see reason to comply with those laws and policies, even when they disagree with some of them, because they affirm their state's standing to decide and enforce justice on their behalf. Here, individuals are not coerced by a hostile agency, but by institutions that they accept and believe to be justified or appropriate. This enables them to relate to their state and to the constraints it imposes in a valuable way.

Of course, many will be skeptical that political groups can share commitments: we know that all political communities feature deep disagreements. It is certainly true that individuals disagree over which laws to enact or what social and cultural values to endorse. But I believe that despite these disagreements, members of a political group can often share a second-order commitment to associate together in institutions that they accept as a legitimate way to define and enforce justice among themselves (to recognize Parliament, or the Constitution, say, as a source of valid law). When a citizen shares such institutional commitments, then even though she is unlikely to endorse every law and policy, there is an important sense in which *her* judgments are reflected in the way she is governed.

To see the kind of commitment I have in mind, consider the 2004 US election: I voted for Kerry. But though I did not vote for Bush, I believed that the candidate chosen through our democratic procedures should be the one to assume office, even if that was not the person for whom I voted. My aim that Kerry win was nested within a more fundamental shared commitment that our constitutionally chosen candidate should take power. Because I shared this commitment to the U.S. mode of decision-making, Bush and his policies were not simply imposed on me, as they might have been, if, say, a foreign country had invaded and installed Bush in office. Rather, Bush's assumption of office was something I saw myself as having reason to accept and support. (Note that this shared commitment is not inevitable, and it may be breaking down under the Trump administration).

Collective self-determination is a group right. But it is valuable because it serves individual interests in establishing social order through our own free agency, and in being ruled in a way that partly reflects our values and convictions. Members of a collectively self-determining group can appropriately see themselves as co-authors of their coercive institutions. Though "authorship" is an interest of individuals, it can be furthered through membership in a political group, to the extent the individual affirms participation in that group.

Let me add three caveats to this account. First, we have reason to respect people's claim against alien coercion, and their authorship of their political institutions, only

when their shared commitments are compatible with respecting the equal autonomy of others, on a reasonable interpretation of what that duty entails. The claim against alien coercion is a moralized one: to have such a claim, an agent must attempt in good faith to comply with a natural duty of justice that requires respect for others' equal autonomy. When someone's actions are clearly inconsistent with any reasonable interpretation of this natural duty, it may be justified to subject them to alien coercion. Suppose I hold you back while you are trying to stab me, thus thwarting your unjust attempt to kill me.[11] It is not reasonable for you to press the objection against my action that it subjects you to alien coercion. To have a claim against alien coercion, an individual must attempt in good faith to comply with a natural duty of justice which requires respect for others' equal autonomy. This means they must respect certain essential individual rights, including security rights, subsistence rights, and core personal autonomy rights.

Second, one might think it very unlikely that *all* citizens in a territory will unanimously affirm membership in their state. But the natural duty of justice also requires that individuals be willing to engage in a project of morally mandatory cooperation under law to specify, protect, and fulfill the rights that define equal autonomy for all. To specify and enforce individual rights, legal jurisdiction over most matters—e.g., the prevention of violence, the establishment of property rights, tort law, environmental and transportation policy, zoning and land use regulation—must be territorially defined. So if someone refuses participation in *any* feasible territorial institution that can carry out these morally mandatory tasks, their dissent can be justifiably overridden, as inconsistent with their natural duty of justice to respect and secure the equal autonomy of others. To press claims to self-determination, a group must therefore be capable of territorial organization in minimally just representative institutions. Dissenters from the state who are too few or too dispersed to meet this requirement lack claims against alien coercion.

This is not a ratification of status quo peoples and boundaries: sometimes my view will support revisionist claims to self-determination. Where a persistently alienated dissenting group has priorities that (a) are consistent with the provision of basic justice, and (b) can organize themselves into minimally just, representative territorial institutions, my view holds they have a *pro tanto* claim to secession or internal autonomy. Their *pro tanto* claim can sometimes be outweighed by other important values, like the need to prevent conflict, human rights violations, or serious risks to the stability of just institutions. But the self-determination claim is weighty, and it may tell in favor of redrawing political boundaries, all-things-considered.

[11] For this example, see Stilz 2019, p. 100.

Finally, to have a claim to non-interference on grounds of self-determination, a state must be appropriately viewed as representing the shared commitments of its citizenry, under conditions that enable their deliberative reasoning, which requires protection of rights to free expression, free association, and public political dissent. States that fail to adequately represent all or part of their citizenry may not have claims to non-interference. While this representativeness condition does not necessarily mandate Western-style elections, political parties, and competition for office, it does require evidence that the people endorse their constitutional arrangements and can revoke their officials' authorization to rule when sufficient numbers no longer support the government in power. There may be forms of traditional or indigenous governance that meet this condition without Western-style democracy.

My account of collective self-determination is controversial, and I defend it more fully elsewhere.[12] But here I want to stress the individualist foundations of the view. The reason why we ought to care about collective self-determination, and to prioritize it in the design of our international order, is that to the extent feasible and consistent with basic justice, collective self-determination ensures that morally reasonable individuals are not coerced in ways they cannot endorse, and are not subject to domination at the hands of the state. Groups with common political commitments ought to be allowed to govern themselves, when their aims are consistent with basic justice and can feasibly be territorially addressed.

I will not say more here about the value of collective self-determination, since I am most interested in what that value requires in terms of the structure of our international order. To get a grip on that further question, following a common method in the history of political thought, I propose to deploy a *domestic analogy*.[13] The domestic analogy models the rights and duties of autonomous groups on the rights and duties of autonomous individuals. Since we have over two hundred years of liberal theory concerning individual autonomy and claims to liberty, the idea is that this can provide a template for understanding autonomous peoples and their claims to sovereignty.

Yet the domestic analogy is widely held to be dubious. The reason for skepticism is that collectives are not moral persons: given this difference, some argue that they should not be treated as autonomous entities. As Charles Beitz puts it, "states, unlike persons, lack the unity of consciousness and the rational will that constitute the

[12] Stilz 2019.

[13] For historically influential uses of the analogy see: Wolff 1934; De Vattel 1964; and Kant 1999.

identity of persons."[14] Beitz holds that groups cannot claim a right to non-interference analogously to individuals, because groups lack the distinctive capacities that would make their autonomous choice of ends valuable. I agree with Beitz that states are not moral persons. But we should not conclude from this, as Beitz does, that states lack rights to autonomy and non-interference.

On my derivative approach, the state's right to autonomy is justified, not because the state itself is a moral person, but because the state's autonomy rights serve to protect important interests of its members (in avoiding subjection to alien coercion and in exercising collective self-determination). State autonomy, on my view, is derived from the value of *individuals'* autonomous capacities, namely individuals' shared capacities to set their political ends *together*. Beitz is therefore correct to hold "that it is only considerations of personal autonomy, appropriately interpreted, that constitute the moral personality of the state."[15] But he fails to note that considerations of personal autonomy have both a private and a political aspect. True, as autonomous individuals, we have interests, as "institutional takers," in just governance and in protection of our private autonomy rights. But as autonomous individuals, we also have interests in being treated as *rational deliberators*, whose opinions matter and should be partly reflected in how our society is arranged. Once we acknowledge these political autonomy interests, we can say that so long as a state represents the shared political commitments of its constituents as to how to govern themselves, its moral standing *does* rest on (an aspect of) the personal autonomy interests of its members, namely, their political autonomy interests.

In classical usage, the domestic analogy combined two commitments: (1) the thesis that the state is a moral person, and (2) the idea that the rights and duties of a society of autonomous states can be modeled on the rights and duties of a society of autonomous individuals. As Michael Walzer describes the analogy: "if states…possess rights more or less as individuals do, then it is possible to imagine a society among them more or less like the society of individuals."[16] While we should abandon (1), in my view (2) remains quite useful. This is because state autonomy rights are genuine corporate rights, irreducible to a bundle of individual rights.

International law attributes states rights to independent jurisdiction over their territory and population, and the power to enter into relations with other states.[17]

---

[14] Beitz 1999, p. 81.

[15] Ibid., p. 83.

[16] Walzer 2008, p. 58.

[17] *Montevideo Convention on the Rights and Duties of States,* United Nations Office of Legal Affairs, 1999.

The state's sovereign rights and duties (e.g., to authority over territory, to respect the territorial integrity of other states, to enter into and honor treaties, to contract and repay public debt) are not reducible to the rights and duties of the state's individual members. True, individuals can contract together to pool their rights, e.g., their property rights. But the pooled property of a partnership of individuals is not equivalent to the state's territorial sovereignty, which involves powers to legislate rules about property, contract, criminal and civil law, and to allocate resources, that no individuals possess.[18] Similarly, other corporate legal persons (e.g., universities) have rights that are justified in part because they serve their members' interests, but these corporate rights cannot be reduced to any bundle of rights held by the corporation's members. (No set of faculty, staff, or students owns campus buildings: only the university as a corporate entity owns these buildings). So the state is a corporate rights-bearing entity separate from individuals. While it is not a *moral person* (an ultimate unit of normative concern), the state is and must be the holistic bearer of its own autonomous rights and duties.

Because my approach can justify irreducibly collective rights of state sovereignty, it makes sense to theorize the rights and duties of a society of states by analogy to a society of individuals. Just as self-determining individuals should be free to pursue their ends within a sphere of liberty, so too self-determining states should be free to pursue their aims within a sphere of sovereignty. But just as individuals can be constrained to respect and protect the autonomy of others, so too states may be rightly constrained to respect and protect others' autonomy. The domestic analogy thus serves as a useful heuristic to understand the scope, extent, and limits of state sovereignty rights, a key issue at stake in thinking about future climate governance.

II. THE DOMESTIC ANALOGY

In this section, I draw on several liberal analyses—from Kant, Mill, Rawls, and Raz—of the connection between individual autonomy and liberty, to generate three principles from which to theorize the analogous connection between collective autonomy and sovereignty. The three principles are:

1. *The Negative Duty Principle*: Individuals' spheres of liberty are limited by negative duties to respect the freedom of others.
2. *The Independence Principle*: Individuals' spheres of liberty must ensure their *independence,* their ability to make non-subordinated choices about core, identity-related aspects of their lives.

[18] For an extended defense of this point, see Ciepley 2013.

3. *The Positive Duty Principle*: Individuals' spheres of liberty are limited by positive duties to distribute the material goods and social protections necessary to enable the exercise of autonomy for all.

Let me begin with the *Negative Duty Principle*. From Kant and Mill on, liberal thinkers have argued that autonomous individuals are owed some sphere of liberty in which to set and pursue their own ends. But no plausible theory of individual liberty holds that it is unlimited: both Kant and Mill classically argued that an individual's sphere of liberty is bounded by duties to other free persons. An autonomous agent's sphere of liberty must be limited to conditions of coexistence with the liberty of others, and the individual can be justifiably interfered with to enforce these limits.

While they agree about the need for some limits, Kant and Mill differed about the method for specifying boundaries to agents' rightful domains of liberty. Whereas Kant identifies an individual's sphere of liberty with their rights to body and property, Mill defines these boundaries with reference to certain fundamental interests, "which either by express legal provision or tacit understanding, ought to be considered as rights."[19]

I believe we should follow Mill on this point. (I am skeptical of the claim, made by some Kantians, that our rights to body and property can be specified without any reference to interests). Instead, we should specify the domain of liberty with reference to fundamental interests that ought to be considered as rights. One key interest is our interest in shaping our own lives through the choice of comprehensive goals, projects, and relationships: call this our autonomy-interest.

The boundaries of an individual's sphere of liberty are defined by others' duties to respect, protect, and promote the autonomy-interest in specified ways. To assess *which* correlative duties should be associated with the autonomy-interest, we must compare the strength of the autonomy-interest against the strength of others' interests in being free, in a given context, from the burdens of proposed duties to respect/protect/promote it. So the autonomy-interest must be weighed against others' urgent interests, e.g., in not suffering harm, in the provision of public goods, in meeting their needs, and so on. While I won't engage in the complex project of specifying the boundaries of individual liberty here, I note that the autonomy-interest has traditionally been thought strong enough to justify duties to respect basic individual liberties, including the freedoms of occupation, religion, association, and expression, and the freedom to marry. These freedoms afford individuals control over core, identity-related features of their personal lives, where the autonomy-interest is of great weight. Outside the basic

[19] Mill 2008, p. 73.

liberties, individual freedom of choice is often justifiably limited by duties to respect or fulfill the weighty interests of others.

Can we transpose this model of the autonomy/liberty connection to the collective context? The thought would be that collective autonomy, like individual autonomy, must be limited to coexistence with the freedom of other individuals and collectives. Rightful freedom is not the same as pure negative liberty: rightful freedom is bounded. So too, rightful sovereignty is not the same as unqualified Westphalian sovereignty: it is constrained by enforceable duties to others.

Following Mill, I suggest that we rely on a notion of fundamental interests to delineate the boundaries of groups' rightful sovereignty. Elsewhere I have defended the view that people have fundamental territorial interests in occupancy, basic justice, and self-determination.[20] Each of these fundamental interests highlights a distinct, territorially connected fact of individual autonomy. Occupancy draws attention to the ways in which individuals' central life-projects are bound up with geographical locations, so that interference with people's residence and use of these places undermines their comprehensive life-goals. To guarantee secure conditions for the exercise of autonomy, individuals should enjoy place-related locational rights. Basic justice highlights the state protections necessary to guarantee individuals the ability to form, revise, and carry out self-endorsed commitments in central aspects of their lives. To secure their autonomy, individuals should enjoy membership in a minimally just state. Collective self-determination holds that to be politically autonomous, people need the opportunity to rule themselves through institutions that they endorse and that reflect their shared commitments. Where feasible and consistent with basic justice, international society should recognize claims to collective self-determination.

Building on this previous work, I propose we invoke the fundamental territorial interests to specify the bounds of a group's rightful sovereignty. A people's rightful sovereignty is limited by a negative duty not to harm others' fundamental territorial interests. This is not the only limit to rightful sovereignty; I will add further limits later.

Why is there a negative duty to respect others' fundamental territorial interests? Note that fundamental territorial interests are weighty: when people are forced to abandon their place-related lives, denied membership in a minimally just state, or denied the right to collectively govern themselves, they experience serious harms. So long as prospective duty-bearers' fundamental territorial interests are protected where they live, it is hard to see how these duty-bearers would have an equivalently morally weighty interest in the freedom to interfere with others' opportunities for occupancy,

[20] Stilz 2019.

basic justice, and self-determination. So the fundamental territorial interests seem urgent enough, compared with competing considerations, to justify the imposition on peoples of duties to respect them, so long as a *distributive proviso* is met. Provided Group X's fundamental territorial interests are adequately protected where they now are, Group X's rightful sovereignty does not extend to actions that violate, or threaten to violate, others' fundamental territorial interests, and X may be justifiably interfered with in undertaking such actions. But if Group X's fundamental territorial interests in occupancy, basic justice, and collective self-determination are not met where they live, actions that trespass on others' fundamental territorial interests may be justified. Group X has an enforceable claim to the material and institutional resources necessary to guarantee their own fundamental territorial interests, and *modulo* qualifications of necessity and proportionality, their claim may justify interference with others.

This negative duty to respect others' fundamental territorial interests has implications for climate governance, since the choice to sustain a high-emitting economy harms others' fundamental territorial interests in grievous ways. Climate displacement threatens the occupancy rights of people around the world. Forced migration from their territory will undermine climate-displacees' comprehensive life-goals, including their occupations, cultural practices, and personal relationships. Climate change also threatens people's access to basic justice, undermining subsistence rights and threatening their security due to natural disasters and conflict over habitable space. Finally, climate change also threatens collective self-determination: members of small island states may in the future lose their territory, citizenship, and political institutions.

On the negative duty principle I've outlined, this means that industrialized states' high emissions are *not* a matter of internal sovereignty, justifiably insulated against foreign interference. Because it threatens others' fundamental territorial interests, the choice to sustain a high-emitting economy does not fall within a people's rightful sovereignty. So the domestic analogy grounds an interesting conclusion: were legitimate climate governance institutions established, they could justifiably interfere with high-emitting states to limit their emissions, without any violation of rightful self-determination. Collective self-determination simply does not extend to choices that harm others' fundamental territorial interests.

Let me turn now to the second principle, the principle of independence. Autonomous individuals have a claim to *independence*: a claim to make non-subordinated personal choices in central areas of their lives, secure against interference, manipulation, and coercion from other individuals and/or the state. This is a social status claim: it should be the autonomous individual, not others, who determines the course of her life. To

coerce someone in their personal choices treats them as lacking self-sovereignty, which is demeaning and symbolic of their social inferiority. For individuals, independence is most important when it comes to *comprehensive* choices: choices that structure many of our life-decisions, give meaning to our lives, reflect our deep convictions, and integrate our plans over time to shape our narrative identity.[21] An autonomous person must be free from subjection to another's will (including the will of the government) in setting her central life-goals.[22]

Note that independence is not a claim to be free from all regulation and restriction: it is a claim against having others, including government officials, determine one's most basic personal decisions. So independence is not a general claim to negative liberty, but a claim to certain *basic* liberties: the liberty to choose one's occupation and religion; whether or not to marry, and if so, with whom; to choose whether or not to have children; to read, write, and speak freely.[23] Many restrictions on negative liberty, like traffic laws or tax laws, do not plausibly subject individuals to the will of another in their central life-choices.[24]

Can we extend independence to the collective context? I suggest that there is an analogous claim to collective independence: this explains why international authority must be *limited* to be legitimate. As with individual independence, collective independence is rooted in a people's interest in enjoying a recognized social status: it should be the self-determining people, not others, who have the right to make basic, identity-related decisions about the shape of their polity. International institutions should not be able to claim jurisdiction over a people without articulating why their authority is essential to morally mandatory purposes, and there should be a presumption against higher-level jurisdiction over constitutional matters. International institutions cannot claim authority simply because they deem themselves more effective at decision-making than the self-determining people would be. When interference is exercised on such grounds, it wrongs the group subjected to it, treating them as wards lacking the capacity to determine their own affairs.

As with individual independence, collective independence is most important when it comes to comprehensive, identity-defining choices, so it is not a claim against all restriction and regulation. Collective independence should protect a people's right to determine comprehensive aspects of their political system, provided these choices do

[21] Raz 1986, p. 409.

[22] Kant 1999, 6:238.

[23] Rawls 2005, p. 292.

[24] Raz 1986, p. 409.

not imperil fundamental interests in occupancy, basic justice, and self-determination of other peoples. Normally, this would include a people's ability to determine the structure of their constitutional order: opting for a constitutional monarchy versus a republic, a presidential or parliamentary system; determining the regulation of property rights and the economy, and the design and use of public spaces. A legitimate international order should recognize a subset of basic matters that each constituent community has the right to decide for itself, insulated from interference by other peoples or by international authority. Such a scheme of protected sovereign liberties, compatible with the mutual coexistence of equally self-determining communities, constitutes the status of collective independence.

Let me turn now to the final principle for theorizing the connection between individual autonomy and liberty, the *Positive Duty Principle*. Individual autonomy is thought to ground positive duties to distribute the material goods and social protections necessary to enable autonomy's exercise. To be autonomous, one must have access to a rich menu of options and opportunities that allow for a decent and worthwhile life, and enable the development of a wide range of human faculties.[25] These options must be socially provided: our freedoms must be *positively resourced* if they are to be real opportunities rather than wholly formal options.[26] Interference with individuals' choices is justified when it is necessary to ensure that everyone's right to the opportunities necessary for autonomy is guaranteed, through taxation to redistribute income or to provide public goods and services.[27]

How might the positive duty principle be extended to the collective realm? What might positive duties to secure the background preconditions of collective autonomy look like? I suggest that an adequate range of options for collective autonomy would: (a) enable each society to secure basic justice for its members, and (b) respect the morally legitimate located practices of that society's inhabitants, while (c) providing them a significant range of choice for revising these commitments. It remains controversial among theorists of global justice whether there are positive duties of material distribution owed to foreigners.[28] But taking the domestic analogy seriously suggests that there are indeed duties of distributive justice between peoples similar to those that hold between individuals in domestic society.

---

[25] Raz 1986, p. 375.

[26] Rawls 1999, p. 22; Sen 2004, p. 586; Pettit 2012, ch. 2.

[27] Raz 1986, p. 417.

[28] For a prominent skeptical view of global distributive justice, see Nagel 2005. For defenses see: Beitz 1999; Julius 2006; Caney 2005b.

To secure basic justice, each self-determining people must reach a threshold of development where it has the resources necessary to ensure that its members lead decent lives and that they can maintain just institutions. Members of international society have a positive duty to ensure that every self-determining group has access to a territory and an economy that can meet these requirements. An autonomy-promoting global society must also ensure that each self-determining group can sustain its members' current located life-plans and can access a sufficient range of options for revising them. By located life-plans, I refer to individuals' geographically situated goals, relationships, and projects, many of which depend on their secure access to, and continued use of, a certain territory. An adequate range of options and opportunities should ensure people the options of continuing their current sociocultural practices, so long as they are morally legitimate and do not harm others. It should also afford people options for revising these sociocultural practices, should they decide to do so. The idea is that people should be able to choose which ways of life they wish to pursue.

While these positive justice-duties are grounded in the interests of individuals, the bearers of international distributive claims and duties are states. Since the direct provision of material goods and social protections by a foreign state would threaten individuals with alien coercion, normally domestic states should provide these goods to their own members, and there is permissible variation in how they might do this.[29] But though they may not normally engage in direct provision, other states do have duties in respect of foreigners' autonomy. States have negative duties not to act in ways that would undermine the provision of adequate opportunities to foreigners. Additionally, states have *pro tanto* positive duties to contribute to ensuring that foreign states have the *capacity* to secure basic justice and adequate options for their members, and to assist them in cases of serious failures, when doing so does not come at unreasonable cost.[30] Such *pro tanto* positive duties can be made more stringent by considerations of *contributory responsibility*. When other states have partially *caused* a foreign state to lack capacity to secure basic justice and adequate options for its own citizenry, these states have a stronger reason to assist that state in restoring its capacity and they must bear more cost to do so.

The positive duty principle also has implications for climate governance. Current changes in the habitability of land due to industrialized states' high emissions are undermining foreign states' capacity to secure basic justice and adequate options for their members. A recent study predicts that, by 2070, temperature increases under

[29] Beitz 2009, pp. 106–17.

[30] For similar views of global distributive justice see: Beitz 2009; Ó Laoghaire 2024.

a business-as-usual scenario could leave 30% of the globe's population outside the "human climate niche" that people have occupied for millennia.[31] Since a people's governance capacity depends on access to a habitable territory, other peoples will have a *pro tanto* positive duty to bear reasonable burdens (increasing with their responsibility for climate change) to contribute to global efforts to secure habitable territories for all. Since rightful sovereignty is bounded by positive duties to others, this means future climate governance institutions could justifiably interfere with states to secure habitable territories and adequate governance capacity, without any derogation from those states' rightful sovereignty. As I develop in more detail elsewhere, this could include the enforcement of duties to contribute to mandatory global taxation to fund climate adaptation, and duties to redistribute territory to people whose lands have become uninhabitable.[32]

III. LESSONS FOR FUTURE CLIMATE GOVERNANCE

My argument so far has been that rightful sovereignty is bounded by negative and positive duties to respect and protect equal claims to self-determination. What conclusions can we draw for international climate authority? In this section, I develop a case for constituting climate governance institutions to publicly interpret and enforce peoples' autonomy-related duties. I further argue that, to be legitimate, these institutions must not only solve the climate problem, they must also inclusively represent the world's peoples.

Following Kant, I believe peoples can fulfill their duties to respect and protect others' equal self-determination only by establishing international juridical institutions. This is because different peoples will reasonably disagree about what precisely their autonomy-related duties amount to, and these disagreements require legitimate authority for their resolution. Just as Kant demands that self-determining individuals put in place a state that can serve as an omnilateral arbiter of their rights, so too self-determining peoples must put into place international juridical institutions to enjoy rightful relations with one another.[33]

International juridical institutions are required for two interlocking reasons: first, what needs to be done to fulfill the positive and negative duties that bound peoples' rightful sovereignty is underspecified. What these duties require is not simply obvious

[31] Xu et al. 2020.

[32] Stilz 2024.

[33] Ypi 2014.

or transparent on reflection. These duties therefore demand more than a simple attempt to act in good faith to fulfill them; instead, they require peoples to cooperate in the construction of authoritative institutions that can further specify these duties. This is clear in the case of climate change: should we be aiming for a 1.5°C or 2°C target? Which states should make which contributions to achieving this target? Should those that have emitted more historically do more? Should wealthier states do more? Or some weighted combination of the two? Should developing states be required to do less? How much less? Should some extremely poor states be exempt from contributing to carbon mitigation? Where should we set the threshold below which developing states are exempt?

Answering these questions requires a complex weighing of moral interests, about which peoples can be expected to reasonably disagree, even if they try in good faith to respect the equal self-determination of other individuals and peoples. Further, these moral interests could also be served by different sets of rules, so even if they share a weighting of the underlying interests, different peoples might reasonably come to different conclusions about their negative and positive duties to one another. In the absence of binding institutional specification, the boundaries to peoples' rightful sovereignty remain unacceptably vague: too vague to guide action. Given their divergent moral understandings, peoples will not be able to come to a consensus as to what, precisely, their rightful sovereignty amounts to.

Because peoples will reasonably disagree about the boundaries to sovereignty, they need a way to resolve these disagreements while maintaining their independence and equality with one another—a way to resolve their disputes without *unilateralism*. For one powerful state or group of states to unilaterally impose its preferred scheme of climate rights and duties would wrong the others. There are two moral problems with unilateral enforcement.

First, it sets up an unacceptably hierarchical relationship. For Great Powers to unilaterally impose their preferred scheme of climate rules would make them legislators for the world, while other peoples would be disenfranchised, forced to obey the decisions the Climate Great Powers make. Such a hierarchical international system objectionably subjugates these less powerful peoples.

Second, unilateral imposition fails to respect peoples' claims to be governed through a process that respects their rational deliberative agency, as equally authoritative interpreters of international justice. It communicates the stigmatizing message that excluded peoples and their members do not have sufficient rational capacity or good enough judgment to contribute to climate legislation. This is denigrating: peoples and

their members have interests in being recognized and treated as autonomous rational deliberators, whose opinions matter and should be taken into account in deciding how climate governance should be structured. Surely it is better to decide and carry out the rules governing international society through a process that reflects the rational deliberations of all its members, rather than through imposition by force.

So much as individuals have a duty to exit the state of nature, states too have a duty to commit themselves to international juridical institutions that can specify and enforce a public understanding of their sovereign rights and duties in a manner consistent with their reciprocal equality. For the two reasons just discussed, if global institutions are to be legitimate, joint co-determination of these climate governance institutions by the world's peoples is morally required. Out of respect to individuals' weighty interests in avoiding subjection to alien coercion, however, international juridical institutions should not take the form of a world state with a central monopoly of executive power. The value of collective self-determination gives reason to avoid centralizing coercion at the global level, and to allow for the continued existence of separate states. (I say more below about how "horizontal" forms of coercion might serve to stabilize a climate governance scheme).

In addition to representing the world's peoples, international climate authority must meet minimal conditions of substantive justice for peoples to have a duty to accept it. On a Kantian view, international authority is grounded in the need for multilateral specification and enforcement of peoples' underlying duties to respect the equal autonomy of others. But this grounding duty gives peoples no reason to comply with an international authority that clearly fails to secure individual and collective autonomy for those it governs. Such a system of climate law would not enable peoples to do justice to others. To have authority, then, climate institutions must be interpretable as aiming at the minimally just delineation of autonomy rights amid disagreement. If the authority instead disregards or violates the equal autonomy of individuals and peoples, it may not be unreasonable to refuse support for it.

To further develop this Kantian account, I want to contrast it with two alternative justifications of international authority. A traditional approach sees state consent as the main source of the legitimacy of international legislation: states are bound only by those international rules they have consented to accept. But my account suggests that the *unreasonable* refusal of state consent may not always de-legitimize an international institution.[34] A dissenting state may have morally unreasonable views inconsistent with their natural duty of justice, which requires respecting others as self-determining

[34] For a similar argument, see Christiano 2015a; 2015b; 2020.

equals. Consider President George H. W. Bush's argument in 1992, against global regulation of carbon emissions, that "the American way of life is not up for negotiation." This argument fails to even acknowledge the costs that the American way of life imposes on others: it is essentially a refusal to justify US conduct. Such refusal is inconsistent with the negative duty not to violate others' personal and collective autonomy rights.

Whether or not a given state's refusal of consent is unreasonable requires a contextual assessment. Non-consent to climate rules may not be unreasonable when a proposed climate scheme fails to secure core autonomy-interests of a state or its members. To ensure sufficient options for their citizens to lead autonomous lives, low-income countries require energy for economic development.[35] A low-income country may not unreasonably insist on powering its development via coal when no renewable energy options are available. But it is unreasonable to so insist when international assistance in developing renewable energy infrastructure is forthcoming. Countries may also reasonably insist on compensation for citizens whose lives will be devastated by the dislocations of the energy transition.[36] It may not be unreasonable for a mining community to refuse compliance with legislation that destroys their livelihoods without compensation. But it is unreasonable to refuse cooperation where assistance is provided to retrain for new careers. So the judgment that state non-consent is unreasonable requires nuanced evaluation. Still, if state consent is refused on morally unreasonable grounds, I believe it is permissible to coerce the state to comply, since the specification of duties to avoid global environmental catastrophe is a morally mandatory aim. The legitimacy of international climate legislation does not depend on unanimous state consent.

A different approach to international authority sees it as legitimated on functionalist grounds. Since states have reason to coordinate in pursuit of a morally mandatory goal, but they disagree on how best to achieve it, they "do better" by accepting the directives of an international climate authority (perhaps technocratically constituted), rather than acting on their own views about the best coordination outcome.[37] If an international authority functions reasonably well at averting a climate crisis, on this view, the international community is obliged to accept it, whether or not it grants representation to the world's peoples, provided it is minimally moral in other respects, e.g., it does not undermine basic human rights and is not wholly corrupt. Some climate scholars argue, in this vein, that progress on climate governance

[35] Shue 1993.

[36] For discussion of these dislocations, see Gazmararian and Tingley 2023.

[37] Waldron (1999) and Raz (1986) both offer coordination arguments for legitimate authority.

will likely come about through Great Power "climate clubs," exclusive "minilateral" fora composed of small groups of powerful countries. The US, the EU, and China, for example, might cooperate closely to develop ambitious climate rules and technocratic institutions to interpret them, and then impose these rules on the rest of the world without their input, penalizing other states' noncompliance.[38] So long as the rules successfully coordinate a solution to the climate problem, can states outside the climate club complain?

I think so. In the domestic state, democratic theorists would doubt that the fact that institution does a reasonably good job at coordinating morally mandatory cooperation suffices to legitimate its rule. A benevolent dictator or military occupying force may ensure security and order, protect human rights, and provide public goods, but democratic theorists argue that this does not suffice to give these institutions legitimate authority over the people they govern, since these institutions do not adequately represent those they rule. They are not at all reflective of, or responsive to, subjects' judgments about how, and by whom, they should be governed.

I believe the legitimacy of international governance is similarly subject to a representation requirement. The functional capacity to coordinate a just solution to the climate crisis is not sufficient to legitimate international climate authority without representation. If the global institutions coordinating a solution to climate change failed to grant the world's peoples voice in climate lawmaking, peoples would have an important objection to their rule, despite the fact that they secure a beneficial solution to a global problem. (As mentioned earlier, as a last resort, it may be *justified*, though illegitimate, for a powerful state or group of states to coercively impose an effective scheme for urgently needed climate action, much as a government of military occupation may be justified in securing essential rights and public order when no alternative means of decent governance is available. Yet a merely justified regime has no right against its subjects to refrain from interference to establish more legitimate governance. I come back to the distinction between justification and legitimacy below).

So how should legitimate climate governance institutions be structured? Here I venture a few hypotheses. First, to be legitimate, climate governance institutions should receive the authorization of what I call *reasonable cooperator states,* who pool their sovereignty to regulate issues of global environmental concern. Reasonable cooperator states (a) respect basic justice and adequately represent their own peoples,

[38] For defenses of climate clubs see: Nordhaus 2015; Victor 2015; Falkner 2016. For a quite different defense of "inclusive minilateralism" see Eckersley 2012.

(b) recognize and respect foreign claims to personal and collective autonomy, (c) appreciate the threat that environmental catastrophe poses to these claims, and so (d) are willing to create and comply with global institutions of climate governance.

Is it warranted to label states "unreasonable" if they fail to cooperate on climate matters? Consider a state that holds itself to very high environmental standards, but simply prefers not to take part in global climate governance. Do other states have standing to interfere with it, simply because it holds itself aloof from global arrangements, despite its otherwise exemplary climate record?

I believe so. The international community cannot solve the climate crisis without a uniform set of rules defining states' climate-related rights and responsibilities. A condition in which each state makes its own judgments about environmental policy will lead to "leakage," where high-emitting activities shift to more environmentally lax states, without any reduction in warming overall. Further, without common standards, states' competing interpretations of climate rights and duties may undermine each other. Without shared rules (which may allow for decentralization), states cannot muster the collective action necessary to solve the climate crisis. An environmentally conscientious state should recognize this and should be willing to cooperate to establish the needed rules.

To be legitimate, climate governance institutions need to be constitutionally authorized by reasonable cooperator states, in a multilateral treaty, and this treaty should reflect their shared judgments, worked out in common negotiations, about how climate change should best be addressed at the global level. For purposes of accountability, climate governance institutions also require reasonable cooperator states' *ongoing consent*: were they to withdraw consent, this would provide evidence of the illegitimacy of the global climate regime.

What about *unreasonable non-cooperator states?* Their non-consent does not de-legitimate global climate governance, although it grounds "second-best" duties to create special channels of representation for the opinions of those states' citizens. Unreasonable non-cooperator states come in two varieties. The first variety is adequately representative, and secures basic justice for its people, but it refuses consent to morally mandatory climate cooperation on wholly unreasonable grounds (e.g., "the American way of life is not up for negotiation."). If feasible, I believe such states can be coerced to comply without their consent, and I say more below about how that might work.

The second variety of unreasonable non-cooperator state (e.g., China, now the world's largest emitter) either fails to adequately represent their people, or to secure basic justice within their territories. While there are often pragmatic reasons to solicit such states' consent to a climate treaty (as the UNFCCC does), their consent does

not legitimate climate governance. Such consent does not make climate governance compatible with their citizens' autonomy, since these states themselves do not respect their citizens' autonomy-claims. Still, their citizens do have autonomy-claims, including a claim to be represented in the design of global climate policy: their (reasonable) opinions matter even though their state is not currently a good channel for conveying these opinions. International society has no right to legislate climate law without consulting them. Here there is reason to look for "surrogate representatives" from such societies (for example, stakeholders from major civil society groups), and include them in the climate lawmaking process. Unlike the "observers" currently in place at the Conference of Parties (COP) under the UNFCCC, these surrogate representatives should have full voting rights.

Once climate governance institutions are set up, how should constituents be represented? I propose representing *peoples*, via the election of delegates to an international climate legislature, alongside representatives of other relevant constituencies, and surrogate representatives from unreasonable states. (This is different from the current COP, which is an intergovernmental meeting of professional diplomats appointed by the states' executive branches). A "people," as I define it, is a territorial group with a claim to self-determination. This includes groups that now have recognized territorial jurisdictions, like the citizenries of existing states, and also substate minorities or indigenous peoples with their own internally autonomous territories. It also includes persistently alienated groups that might raise valid claims to territorial self-determination (via internal autonomy or secession) in the future.

I propose that peoples' recognized territories should double as geographic constituencies that elect their own representatives to the climate legislature. If authoritarian states refuse to allow elections within their territories, surrogate representatives should be appointed to speak and vote for those peoples in climate lawmaking, as detailed above. While climate representatives are not bound by instructions, the fact that they are authorized by, and electorally accountable to, distinct peoples is a good way to ensure that peoples' interests in the impact of climate legislation on their land, their political institutions, their economies, and their ways of life are taken into account in the climate lawmaking process. Since a "people" has a recognized territory, everyone who resides within that territorial unit should have a vote in climate elections: there is no need to debate who belongs. While climate representatives are incentivized to represent the interests of their peoples, this will not lead to stalemate, since decisions in the climate legislature will be made by qualified majority voting rather than by consensus, as I outline below. This should help ensure that narrow interests do not block climate governance.

Why represent peoples? I offer both an instrumental and an intrinsic reason. First, peoples have shared interests that should be considered in a just climate legislation process. Consider future global decision-making about geoengineering: I doubt this issue is best decided through a global "one person-one vote" referendum or election. There are risks from proposed geoengineering methods, like solar radiation management. It could negatively impact plant photosynthesis, or significantly lessen rainfall in certain parts of the world. It is not unlikely that geoengineering would benefit *most* global citizens, by reducing the earth's temperature, but also impose very severe costs on some, by destroying agriculture or severely harming ecosystems in their countries. Separately representing peoples brings to bear their situated knowledge of the consequences of proposed climate laws for their economies, sociocultural practices, and political systems. Since climate legislation may affect the habitability and economic viability of peoples' territories, it impacts their self-determination. Arguably "the right to self-government in certain areas" entails "the right to representation on any bodies which can intrude on those areas."[39] To be legitimate, a climate lawmaking process should allow self-determining groups to represent their interests and demand justification when those interests are threatened.

A second, more intrinsic, reason to represent peoples is that individuals identify with their peoples, consider these groups important, and wish to be represented in this way. There is an important relationship between respecting individuals as autonomous equals and showing respect to the various groups to which they belong. Individuals are "pigeonholed" and stereotyped by others as belonging to socially salient groups, and they often self-identify as members of such groups. Individuals' interests in being treated with respect are closely bound up with the ways in which the groups to which they belong are perceived and treated. That also gives reason to recognize self-determining peoples on the international stage. Not recognizing peoples in climate governance would fail to reflect the affiliations many individuals care about. So long as individuals identify themselves as belonging to distinct political societies, there is reason to represent them accordingly.

While my view is committed to representing peoples, it is not committed to *only* representing peoples. Good climate legislation may involve pluralizing the aspects through which individuals are represented.[40] Other "communities of interest" are relevant for climate lawmaking, including the occupations and industries most likely to be affected, ecoregions, urban-rural cleavages, and groupings of environmental

[39] Kymlicka 1995, p. 143.

[40] For a similar view see Young 2002, p. 133.

opinion. A bicameral climate legislature, with one house representing self-determining peoples, the other composed of delegates chosen on a non-territorial basis in global elections (perhaps through proportional representation) may enable individuals to be best represented in the multiple facets of their lives affected by climate policy. Under PR, voters are free to choose which communities of interest matter to them, and the electoral system represents these constituencies in proportion to their numbers.[41] This allows nonterritorial communities of interest to ensure that their opinions are also represented in the climate legislature (this also differs from COP, which doesn't provide for elections or nonterritorial constituencies).

While climate governance institutions should represent the world's peoples, I do not believe the legitimacy of climate legislation depends on its receiving all peoples' unanimous consent (as COP now does, requiring consensus among its 195 member-states). Instead, I believe we should require legislation to receive the support of a qualified majority of climate representatives (in both houses) before taking effect. The qualifications should be designed to protect socially salient, vulnerable constituencies against domination by undifferentiated global majorities. Thus, we might require that climate legislation receive support from a majority from both the Global North and the Global South, a majority of the world's indigenous peoples, and/or a majority from especially vulnerable eco-regions and occupational sectors.

Once climate legislation does receive the consent of a qualified majority of representatives, I believe that it should be considered binding on all the world's peoples, and the climate legislature should have the power to order member states to impose trade sanctions on states that refuse to comply (again, this is different from COP, which lacks power to sanction). As I mentioned earlier, some states may refuse consent to morally mandatory climate cooperation on unreasonable grounds. Here, I believe other states are licensed to coerce the unreasonable state, subject to two caveats. First, there must be a process of justification by which the non-cooperator state's reservations are publicly shown to be unreasonable. Second, it is important that whatever coercive sanctions are applied to the non-cooperator state, they not interfere with the state's rule within its territory, since that would jeopardize its citizens' interests in protection from alien coercion. Still, there are "horizontal" sanctioning mechanisms that can be applied to states without interfering directly within their territory, such as tariffs, trade sanctions, and carbon border adjustments. William Nordhaus recommends a set of "climate amendments" to international trade law that would levy a uniform percentage tariff on goods from countries that refuse to participate in international

[41] Beitz 1989, pp. 123–40.

climate governance.[42] These sanctioning measures exert pressure on recalcitrant states, incentivizing them to cooperate with the climate regime, but they do not subject these states' members to rule by an alien political power. A global climate authority with legislative powers underpinned by multilateral cooperation and horizontal sanctioning is preferable to a federal world state with a central monopoly of coercion, because it better protects individuals' interests in avoiding subjection to alien coercion and in exercising collective self-determination.

One concern is whether these proposed measures will prove sufficiently robust to induce compliance. While the effectiveness of economic sanctions is contested in the empirical literature, even the more optimistic studies find modest results, arguing that sanctions produce compliance in about one-third of cases.[43] But the purpose of tariffs and economic sanctions is not to compel unreasonable states to consistently act against their will. Rather, it is (1) to stabilize climate cooperation among reasonable states, and (2) over time, to convert unreasonable states to climate action, by changing the domestic distribution of power within them, and altering their preferences.

International relations scholars emphasize that state preferences regarding climate policy are primarily determined by conflict among domestic groups.[44] While significant majorities of national publics voice unconditional support for climate reform, entrenched anti-climate sectors (e.g., the fossil fuel industry) often prove politically influential in opposing climate action.[45] When pro-climate forces are powerful enough in domestic politics to overcome their anti-climate opponents, their states tend to embrace climate cooperation on the international stage. Economic sanctions can play two roles in enabling this process. First, sanctions can stabilize cooperation between states where pro-climate forces are already dominant, by reducing the incentive for their economically important industries to move to countries with weaker climate policies. Second, economic sanctions can weaken the ascendancy of anti-climate interests in states where they are currently entrenched, by reducing international demand for their products, the value of their assets, and—with time—their domestic political leverage. This provides an opening

[42] Nordhaus 2015.

[43] For this figure, see Hufbauer, Schott, and Elliott 1990. For criticism see Pape 1997. For an argument that sanctions are more effective at shaping state behavior when threatened than when actually applied, see Hovi, Huseby, and Sprinz 2005.

[44] Aklin and Mildenberger 2020; Hale 2020; Colgan, Green, and Hale 2021.

[45] Tingley and Tomz 2014.

for new political coalitions to form and strengthen. This economic pressure needs to be combined with international aid and technology transfers to encourage the development of renewable and low-carbon industries abroad, as well as support for domestic social safety nets to enable a just transition. Such policies, if maintained, can progressively shift the preferences of unreasonable states, reducing the climate scheme's reliance on purely coercive strategies.

IV. NON-IDEAL IMPLICATIONS

As mentioned at the outset, I recognize that legitimate international climate authority may not be presently feasible, since a sufficient number of states may not be willing to cooperate to bring it about. But I believe the ideal still performs an important guidance function, providing a framework to evaluate non-ideal policy options. Suppose we cannot get legitimate international climate authority: which non-ideal climate governance scheme would it be justified to support instead? (Recall that a justified scheme has a liberty to make and enforce climate policy, but no claim-right against its subjects to refrain from interfering to establish a more legitimate regime). Here we must consider three factors: (1) the extent of the non-ideal scheme's short-term improvement in climate mitigation, (2) the extent to which it would compromise other elements of justice, and (3) whether it would lead toward legitimate climate governance in the longer-term future. I believe a justified non-ideal climate scheme would offer short-term improvements to the climate crisis, while minimizing compromises with other elements of justice, and facilitating (or at least not ruling out) a transition toward legitimate international climate authority.[46] A scheme that performs better on (2) and (3) may justify accepting some costs to (1) in the near term.

A feasible governance scheme might bring about significant carbon mitigation, while at the same time creating other injustices and/or entrenching illegitimate forms of international decision-making. If so, then we might prefer an alternative scheme that made the avoidance of dangerous climate change less certain, but that would not leave us "stuck" with permanently illegitimate international governance, or subject to other entrenched injustices.[47] Of course, much depends on how much mitigation cost the alternative would entail. This demands careful empirical assessment, and I do not advocate a specific proposal here. Still, I conclude by considering how ideal

[46] For similar approaches to ideal theory's guidance function see: Simmons 2010; Stemplowska and Swift 2012.

[47] For this point, see Simmons 2010, p. 22.

theory's guidance function might inform our reflections about two "realistic" climate governance schemes: minilateralism and polycentrism.

Disappointed with negotiations within the UNFCCC, some scholars argue that climate governance would be more effective if it occurred through exclusive "minilateral" fora or "climate clubs," rather than through multilateral international organizations. The UNFCCC's universally inclusive structure is argued to be problematic for two reasons. First, some countries with a seat at the table in the UNFCCC—e.g., major oil exporters like Saudi Arabia—have vested interests that stand directly at odds with climate mitigation. In a universally inclusive regime that relies on consensus, these veto players are empowered to block climate action. For this reason, climate agreements tend to be attuned to the "lowest common denominator" countries.[48]

Second, even where countries are willing to act on climate mitigation, a universally inclusive organization introduces enormous diversity in countries' policy preferences and makes climate negotiations difficult. Keeping the number of participating countries small, as in a minilateral climate club, could reduce transaction costs in bargaining, making agreement easier, "because fewer countries' interests and circumstances need to be taken into account."[49] An approach that focused on "critical player" countries—typically the largest emitters, wealthiest nations, or technological leaders—might produce more progress.[50] Naim suggests bringing "to the table the smallest possible number of countries needed to have the largest possible impact on solving a particular problem": he estimates the magic number as around 20.[51] Others recommend starting with smaller groups, or even with a bilateral agreement between the US and China.

"Minilateral" climate clubs could create selective incentives and provide "club goods" that motivate member-states to pursue ambitious mitigation policies, pairing emissions reductions with benefits (like preferential access to finance, trade agreements, investment, or technology transfer schemes). At first, climate cooperation would take place only among "club members." But once cooperation within the climate club is stable, the member-states would impose fines, sanctions, and penalties on states outside their ranks, forcing other states to obey the club's chosen climate rules.[52] Thus, minilateral clubs aim not only at developing climate policy for their own

[48] Victor 2011, p. 211.

[49] Falkner 2016, p. 90.

[50] Victor 2011, p. 244.

[51] Naim 2009.

[52] Victor 2011, p. 317.

membership: they also aim at global climate lawmaking, using negative incentives to induce compliance by non-participating states around the world.

On the theory outlined above, global climate lawmaking by minilateral clubs is illegitimate, since the club coerces reasonable cooperator peoples to comply with its climate rules, yet denes them voice and representation.[53] Critics have therefore labelled minilateralism "undemocratic and exclusionary."[54]

Still, if the alternative is climate inaction, perhaps we should accept minilateral clubs, despite their illegitimacy, for the sake of getting something done. As noted earlier, in the absence of legitimate international authority, and as a last resort, it could be justified for a state or small group of states to coercively impose an effective scheme for climate action. Such illegitimate coercion, while *pro tanto* wrong, may be justified all things considered, if it is the only way to secure essential climate mitigation, and when it creates (or at least does not impede) the conditions for more legitimate governance to emerge over time. True, other states would lack an obligation to cooperate in the imposed scheme, and to refrain from efforts at establishing a more legitimate climate authority. Still, the climate club might be permitted to use coercion *pro tem*, and perhaps other states ought not to act in ways that undermine a solution.[55]

To decide whether rule by a minilateral club is justified, one must assess feasible alternatives. Another relevant, non-ideal option for climate governance is "polycentrism," which envisions multiple, overlapping centers of climate authority operating at different scales and levels.[56] Polycentric theorists point to the importance of subnational governments and nonstate actors—such as cities, provinces, businesses, and universities—in climate policymaking. They argue that these diverse small and medium-sized units can develop schemes to incentivize climate action, drawing on existing reserves of trust and social capital. The polycentric approach is also argued to encourage experimentation and learning, and to enable policies that best fit diverse local conditions. Polycentrism proposes "bottom up" climate solutions that "network" small and medium-sized local units together (such as C40 cities or Local Governments for Sustainability), allowing them to interact, learn from each other's best practices, and adapt policies based on mutual influence rather than top-down directives.

---

[53] For a contrasting view, see Huseby, Hovi, and Skodvin 2024.

[54] Eckersley 2012, p. 32.

[55] For a weak notion of "justified rule" as involving such a permission to coerce see: Ladenson 1980; Buchanan 2002.

[56] Ostrom 2009; Cole 2015; Hoffmann 2011.

Polycentrism also faces legitimacy problems, particularly with regard to whether it will ensure the minimal conditions of climate justice.[57] A system of multiple jurisdictions that coexist and compete will struggle to define uniform climate rules, and it may not ensure that various "local" efforts suffice to avoid dangerous climate change. Instead, it may lead to inefficiency, where competing jurisdictions undermine one another, and high-emitting actors "forum-shop" for the least stringent regulations, leading to carbon "leakage."

How might the ideal theory of legitimate international authority inform our reflections on these two options? Ideal theory invites us to take a dynamic perspective, considering how these options are likely to evolve over time. Minilateralism envisions a system whereby an elite group of states ("Climate Great Powers") develop climate rules that will be coercively applied globally, excluding those poorer, developing states most affected by climate impacts. Minilateral deals are also often made in secret, without transparency or public accountability.

By concentrating lawmaking power in a few powerful countries, and by tolerating secrecy and unaccountability, minilateralism abandons legitimacy and fair procedure in climate lawmaking. If successful in climate governance, Great Power countries may be motivated to extend this approach to other areas where international rulemaking is needed or desired. There is significant risk that accepting minilateral lawmaking in the climate domain will entrench unrepresentative global governance.

Minilateralism may also enable abuse, facilitating other injustices. Climate Great Powers could use their dominant position in global lawmaking to entrench their hegemony over the emerging "green economy." This might create a "snowball" effect, as economic inequalities between states are compounded by their differences in political authority. Excluded states may have few means of combatting imposed disadvantages, as Climate Great Powers use their control of global lawmaking to cement their already superior power.

These are grave risks, and significant advantages in mitigation effectiveness would be necessary to justify them. While perhaps less effective at carbon mitigation today, polycentrism may prove to be the superior option in dynamic perspective, providing the gradual steps needed to put in place legitimate and effective climate governance in the future. If so, then despite its fragmentation, it may be preferable to minilateralism, because it is less likely to entrench other injustices, less likely to permanently impede the transition to more legitimate arrangements, and sufficiently capable of evolving over time toward an effective mitigation solution.

---

[57] Bäckstrand, Zelli, and Schleifer 2018.

A polycentric approach will likely carry some costs to mitigation effectiveness now, due to the fragmentation of the scheme. But some research suggests these costs may be moderate. A recent study estimates that, following the Trump administration's 2025 withdrawal from the Paris Agreement, subnational US climate action could make up the lion's share of pledged US emissions cut by 2030, even in the absence of uniform national-level policies.[58] A polycentric approach also builds resilience into climate migration efforts: if one jurisdiction fails to act, others can engage in compensatory climate action.

Further, polycentrism is not at odds with the eventual development of legitimate international authority, and may be conducive to it. On Ostrom's view, global authority and polycentrism are complementary: while an international climate authority is needed to define uniform rules and coordinate policymaking efforts, it also needs to rely on lower-level institutions to successfully implement collective action.[59] A bottom-up approach may provide useful avenues to build demand for effective international climate authority. By fostering climate cooperation at smaller scales, local units can educate their citizenries to an awareness of climate concerns, and local climate policies may create agents with material stakes in the success of decarbonization.[60] Linkages between these local schemes may catalyze a process of mobilization in global civil society that demands strengthening the Paris Agreement into a stronger international authority that can specify, allocate, and enforce climate duties. Global institutions that rest on a mobilized civil society are more likely to demand that climate law be made in a publicly accountable, transparent fashion, rather than in backroom deals among a few powerful countries.

Empirical research on polycentrism's effectiveness is still in its infancy, and more work needs to be done before endorsing this proposal.[61] But ideal theory's guidance function should lead us to take seriously polycentrism as an alternative to minilateralism. Ideal theory encourages us to consider the dynamic international trajectories to which these non-ideal schemes might lead, and this makes more plausible an option that might initially appear undesirable. Such insights are especially relevant in the climate context, given the prominent tendency to frame climate change as a dire emergency. The emergency framing encourages the view that the only thing to do is to get some solution in place: worrying about the justice

[58] Mouat et al. 2025.

[59] Ostrom 2009, p. 4.

[60] Hoffmann 2011.

[61] Tobin, Huitema, and Kellner 2024.

or legitimacy of the scheme is too much of a luxury. But this framing may make people too willing to acquiesce in an unjust and illegitimate world order.

V. CONCLUSION

I have argued that ideally, future climate legislation should be authorized by an assembly of representatives of the world's peoples and other relevant constituencies, through qualified majority voting, and it should be enforced through a combination of carbon tariffs among states and material inducements for the development of pro-climate coalitions abroad, reducing the incentives for states to flout their climate duties. Though this proposal may not be immediately actionable, it performs an important guidance function, helping us evaluate currently feasible governance options according to whether they facilitate a transition toward this ideal in the future.

ACKNOWLEDGMENTS

Many thanks to audiences and commentators at Stockholm, Princeton, McGill, and Stanford Universities; the APSA 2024 Annual Meeting; the University of Southern California Law and Philosophy workshop; the NYU Law and Philosophy Colloquium; the Political Theory and Norway-Berkeley workshops at the University of California, Berkeley; the MPP Work-in-Progress group; and Japa Pallikkathayil's graduate seminar for critical comments that improved this article. I am especially grateful to Chuck Beitz, Carol Gould, Kinch Hoekstra, Catherine Lu, Liam Murphy, Alan Patten, Jonathan Quong, Temi Ogunye, Japa Pallikkathayil, Sam Scheffler, Daniel Viehoff, Melissa Williams, and three anonymous reviewers for this journal for their feedback.

COMPETING INTERESTS

The author declares that she has no competing interests.

REFERENCES

Aklin, Michaël, and Matto Mildenberger. 2020. Prisoners of the wrong dilemma: why distributive conflict, not collective action, characterizes the politics of climate change. *Global Environmental Politics,* 20 (4): 4–27. https://doi.org/10.2139/ssrn.3281045

Archibugi, Daniele. 2008. *The Global Commonwealth of Citizens: Toward Cosmopolitan Democracy*. Princeton, NJ: Princeton University Press. https://doi.org/10.1515/9781400829767

Bäckstrand, Karin; Fariborz Zelli; and Philip Schleifer. 2018. Legitimacy and accountability in polycentric climate governance. Pp. 338–56 in *Governing Climate Change: Polycentricity in Action?*, ed. Andrew Jordan, Dave Huitema, Harro van Asselt, and Johanna Forster. Cambridge: Cambridge University Press. https://doi.org/10.1017/9781108284646.020

Bäckstrand, Karin; Jonathan W. Kuyper; Björn-Ola Linnér; and Eva Lövbrand. 2017. Non-state actors in global climate governance: from Copenhagen to Paris and beyond. *Environmental Politics,* 26 (4): 561–79. https://doi.org/10.1080/09644016.2017.1327485

Beitz, Charles R. 1989. *Political Equality: An Essay in Democratic Theory*. Princeton, NJ: Princeton University Press. https://doi.org/10.2307/j.ctv173f2q4

Beitz, Charles R. 1999. *Political Theory and International Relations*, revised edition. Princeton, NJ: Princeton University Press; originally published 1979. https://doi.org/10.2307/j.ctvcm4hkf

Beitz, Charles R. 2009. *The Idea of Human Rights*. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199572458.001.0001

Bodansky, Daniel. 1999. The legitimacy of international governance: a coming challenge for international environmental law? *American Journal of International Law*, 93 (3): 596–624. https://doi.org/10.2307/2555262

Bodansky, Daniel, Jutta Brunnée, and Lavanya Rajamani. 2017. *International Climate Change Law*. Oxford: Oxford University Press. https://doi.org/10.1093/law/9780199664290.001.0001

Buchanan, Allen. 2002. Political legitimacy and democracy. *Ethics,* 112 (4): 689–719. https://doi.org/10.1086/340313

Caney, Simon. 2005a. Cosmopolitan justice, responsibility, and global climate change. *Leiden Journal of International Law*, 18 (4): 747–75. https://doi.org/10.1017/s0922156505002992

Caney, Simon. 2005b. *Justice beyond Borders: A Global Political Theory*. Oxford: Oxford University Press. https://doi.org/10.1093/019829350x.001.0001

Christiano, Thomas. 2015a. Climate change and state consent. Pp. 17–38 in *Climate Change and Justice*, ed J. Moss. Cambridge: Cambridge University Press. https://doi.org/10.1017/cbo9781316145340.002.

Christiano, Thomas. 2015b. Legitimacy and the international trade regime. *San Diego Law Review,* 52(5): 981–1002. https://digital.sandiego.edu/sdlr/vol52/iss5/2

Christiano, Thomas. 2020. The arbitrary circumscription of the jurisdiction of the International Criminal Court. *Critical Review of International Social and Political Philosophy,* 23 (3): 352–70. https://doi.org/10.1080/13698230.2019.1565715

Ciepley, David. 2013. Beyond public and private: toward a political theory of the corporation. *American Political Science Review*, 107 (1): 139–58. https://doi.org/10.1017/s0003055412000536

Cole, Daniel H. 2015. Advantages of a polycentric approach to climate change policy. *Nature Climate Change,* 5 (2): 114–18. https://doi.org/10.1038/nclimate2490

Colgan, Jeff D.; Jessica F. Green; and Thomas N. Hale. 2021. Asset revaluation and the existential politics of climate change. *International Organization*, 75 (2): 586–610. https://doi.org/10.1017/s0020818320000296

De Vattel, Emer. 1964. *The Law of Nations; Or, The Principles of Natural Law*, trans. Charles G. Fenwick. Washington, DC: Carnegie Institution.

Eckersley, Robyn. 2012. Moving forward in the climate negotiations: multilateralism or minilateralism? *Global Environmental Politics*, 12 (2): 24–42. https://doi.org/10.1162/glep_a_00107

Erskine, Toni. 2003. *Can Institutions Have Responsibilities? Collective Moral Agency and International Relations*. London: Palgrave McMillan. https://doi.org/10.1057/9781403938466

Falkner, Robert. 2016. A minilateral solution for global climate change? On bargaining efficiency, club benefits, and international legitimacy. *Perspectives on Politics*, 14 (1): 87–101. https://doi.org/10.1017/s1537592715003242

Gazmararian, Alexander F., and Dustin Tingley. 2023. *Uncertain Futures: How to Unlock the Climate Impasse*. Cambridge: Cambridge University Press. https://doi.org/10.1017/9781009405331

Goodin, Robert E. 2007. Enfranchising all affected interests, and its alternatives. *Philosophy & Public Affairs*, 35 (1): 40–68. https://doi.org/10.1111/j.1088-4963.2007.00098.x

Hale, Thomas. 2020. Catalytic cooperation. *Global Environmental Politics*, 20 (4): 73–98. https://doi.org/10.1162/glep_a_00561

Held, David. 1995. *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. Stanford, CA: Stanford University Press.

Hoffmann, Matthew J. 2011. *Climate Governance at the Crossroads: Experimenting with a Global Response after Kyoto*. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780195390087.001.0001

Hovi, Jon; Robert Huseby; and Detlef F. Sprinz. 2005. When do (imposed) economic sanctions work? *World Politics*, 57 (4): 479–99. https://doi.org/10.1353/wp.2006.0011

Hufbauer, Gary Clyde; Jeffrey J. Schott; and Kimberly Ann Elliott. 1990. *Economic Sanctions Reconsidered: History and Current Policy*. Washington, DC: Institute for International Economics.

Huseby, Robert; Jon Hovi; and Tora Skodvin. 2024. Protecting future generations through minilateralism: climate clubs and normative legitimacy. *Politics and Governance*, 12: article 7674. https://doi.org/10.17645/pag.7674

Julius, Alexander J. 2006. Nagel's Atlas. *Philosophy & Public Affairs*, 34 (2): 176–92. https://doi.org/10.1111/j.1088-4963.2006.00061.x

Kant, Immanuel. 1999. *Practical Philosophy*, ed. Mary Gregor. Cambridge: Cambridge University Press.

Kymlicka, Will. 1995. *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press. https://doi.org/10.1093/0198290918.001.0001

Ladenson, Robert. 1980. In defense of a Hobbesian conception of law. *Philosophy & Public Affairs*, 134–59. https://www.jstor.org/stable/2265109

List, Christian, and Philip Pettit. 2011. *Group Agency: The Possibility, Design, and Status of Corporate Agents*. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199591565.001.0001

Mill, John Stuart. 2008. *On Liberty and Other Essays*, ed. John Gray. Oxford: Oxford University Press. 10.1093/owc/9780199670802.001.0001

Miller, David. 2007. *National Responsibility and Global Justice*. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780199235056.001.0001

Moellendorf, Darrel. 2022. *Mobilizing Hope: Climate Change and Global Poverty*. Oxford: Oxford University Press. https://doi.org/10.1093/oso/9780190875619.001.0001

Mouat, Gavin; Christopher Galik; Aranya Venkatesh; Katherine Jordan; Aditya Sinha; Paulina Jaramillo; and Jeremiah X. Johnson. 2025. State-led climate action can cut emissions at near-federal costs but favors different technologies. *Nature Communications*, 16 (1): 4635, 1–12. https://doi.org/10.1038/s41467-025-59696-0

Nagel, Thomas. 2005. The problem of global justice. *Philosophy & Public Affairs*, 33 (2): 113–47. https://doi.org/10.1111/j.1088-4963.2005.00027.x

Naim, Moises. 2009. Minilateralism. *Foreign Policy*, no. 173,: 135–6. https://www.jstor.org/stable/20684900

Nordhaus, William. 2015. Climate clubs: overcoming free-riding in international climate policy. *American Economic Review*, 105 (4): 1339–70. https://doi.org/10.1257/aer.15000001

Ó Laoghaire, Tadhg. 2024. The middle-income kingdom: China and the demands of international distributive justice. *Philosophy & Public Affairs*, 52 (4): 430–64. https://doi.org/10.1111/papa.12269

Ostrom, Elinor. 2009. A polycentric approach for coping with climate change. https://doi.org/10.2139/ssrn.1934353

Pape, Robert A. 1997. Why economic sanctions do not work. *International Security*, 22 (2): 90–136. https://doi.org/10.1162/isec.22.2.90

Pettit, Philip. 2012. *On the People's Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press. https://doi.org/10.1017/cbo9781139017428

Rawls, John. 1996. *The Law of Peoples*. Cambridge, MA: Harvard University Press.

Rawls, John. 1999. *A Theory of Justice: Revised Edition*. Cambridge, MA: Harvard University Press. https://doi.org/10.2307/j.ctvkjb25m

Rawls, John. 2005. *Political Liberalism*. New York: Columbia University Press.

Raz, Joseph. 1986. *The Morality of Freedom*. Oxford: Clarendon Press. Press. https://doi.org/10.1093/0198248075.001.0001

Sen, Amartya. 2004. *Rationality and Freedom*. Cambridge, MA: Harvard University Press. https://doi.org/10.2307/j.ctv1dv0td8

Shue, Henry. 1993. Subsistence emissions and luxury emissions. *Law & Policy*, 15 (1): 39–60. https://doi.org/10.1111/j.1467-9930.1993.tb00093.x

Simmons, A. John. 2001. *Justification and Legitimacy: Essays on Rights and Obligations*. Cambridge: Cambridge University Press. https://doi.org/10.1017/cbo9780511625152

Simmons, A. John. 2010. Ideal and nonideal theory. *Philosophy & Public Affairs.* 38 (1): 5–36. https://doi.org/10.1111/j.1088-4963.2009.01172.x

Stemplowska, Zofia, and Adam Swift. 2012. Ideal and nonideal theory. Pp. 373–89 in *Oxford Handbook of Political Philosophy*, ed. David Estlund. Oxford: Oxford University Press. https://doi.org/10.1093/oxfordhb/9780195376692.013.0020

Stilz, Anna. 2019. *Territorial Sovereignty: A Philosophical Exploration*. Oxford: Oxford University Press. https://doi.org/10.1093/oso/9780198833536.001.0001

Tingley, Dustin, and Michael Tomz. 2014. Conditional cooperation and climate change. *Comparative Political Studies,* 47 (3): 344–68. https://doi.org/10.1177/0010414013509571

Tobin, Paul; Dave Huitema; and Elke Kellner. 2024. The empirical realities of polycentric climate governance: introduction to the special issue. *Global Environmental Politics,* 24 (3): 1–23. https://doi.org/10.1162/glep_a_00758

United Nations Office of Legal Affairs. 1999. No. 3802. Convention on Rights and Duties of States Adopted by the Seventh International Conference of American States. Signed at Montevideo, December 26th, 1933. Text. United Nations. December 31, 1999. https://www.un-ilibrary.org/content/books/9789210596800s003-c002

Valentini, Laura. 2015. On the distinctive procedural wrong of colonialism. *Philosophy & Public Affairs,* 43 (4): 312–31. https://doi.org/10.1111/papa.12057

Victor, David G. 2011. *Global Warming Gridlock: Creating More Effective Strategies for Protecting the Planet*. Cambridge: Cambridge University Press. https://doi.org/10.1017/cbo9780511975714

Victor, David G. 2015. The case for climate clubs. E15Initiative. Geneva: International Centre for Trade and Sustainable Development (ICTSD) and World Economic Forum. https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=cdb287a864418ac5818b48d0a00514a8f2a4d205

Waldron, Jeremy. 1999. *Law and Disagreement*. Oxford: Oxford University Press. https://doi.org/10.1093/acprof:oso/9780198262138.001.0001

Walzer, Michael. 2008. *Spheres of Justice: A Defense of Pluralism and Equality*. New York: Basic Books.

Wilson, James Lindley. 2021. An autonomy-based argument for democracy. *Oxford Studies in Political Philosophy,* 7:194–226. https://doi.org/10.1093/oso/9780192897480.003.0007

Wolff, Christian. 1934. *Jus Gentium Methodo Scientifica Pertractatum,* trans. Joseph H. Drake, ed. James Brown Scott. Oxford: Clarendon Press; originally published 1764.

Xu, Chi; Timothy A. Kohler; Timothy M. Lenton; Jens-Christian Svenning; and Marten Scheffer. 2020. Future of the human climate niche. *Proceedings of the National Academy of Sciences,* 117 (21): 11350–55. https://doi.org/10.1073/pnas.1910114117

Young, Iris Marion. 2002. *Inclusion and Democracy*. Oxford: Oxford University Press. https://doi.org/10.1093/0198297556.001.0001

Ypi, Lea. 2014. A permissive theory of territorial rights. *European Journal of Philosophy,* 22 (2): 288–312. https://doi.org/10.1111/j.1468-0378.2011.00506.x