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Climate change and the transition to neoliberal environmental governance



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ABSTRACT

What are the guiding principles of contemporary international governance of climate change and to what extent do they represent neoliberal forms? We document five main political and institutional shifts within the UN Framework Convention on Climate Change (UNFCCC) and outline core governance practices for each phase. In discussing the current phase since the Paris Agreement, we offer to the emerging literature on international neoliberal environmental governance an analytical framework by which the extent of international neoliberal governance can be assessed. We conceptualize international neoliberal environmentalism as characterized by four main processes: the prominence of libertarian ideals of justice, in which justice is defined as the rational pursuit of sovereign self-interest between unequal parties; marketization, in which market mechanisms, private sector engagement and purportedly 'objective' considerations are viewed as the most effective and efficient forms of governance; governance by disclosure, in which the primary obstacles to sustainability are understood as 'imperfect information' and onerous regulatory structures that inhibit innovation; and exclusivity, in which multilateral decision-making is shifted from consensus to minilateralism. Against this framework, we argue that the contemporary UNFCCC regime has institutionalized neoliberal reforms in climate governance, although not without resistance, in a configuration which is starkly different than that of earlier eras. We conclude by describing four crucial gaps left by this transition, which include the ability of the regime to drive adequate ambition, and gaps in transparency, equity and representation.

1. Introduction

During the last week of the long-anticipated UN climate change negotiations in Copenhagen in 2009, leading climate activist Bill McKibben published an article in the *Guardian* with the title "Copenhagen: only the numbers count – and they add up to hell on earth." He was referring to the fact that a new website called Climate Interactive had added up all of the promises made by states to reduce their emissions, and the conclusion was that global emissions concentrations would increase to more than double what many scientists believed to be reasonably safe by the year 2100. McKibben said that under these conditions, "we would live in hell, or at least a place with a similar temperature" (McKibben, 2009).

At the time of McKibben's statement, a shift in governance in the United Nations Framework Convention on Climate Change (UNFCCC) was believed by many to have weakened the ability of the regime to carry out its core function: reducing greenhouse gas emissions and stabilizing the global climate system, which had particular implications in the near term for the world's poorest and lowest-lying island countries (Ciplet et al., 2015). Changes in international climate governance

that were introduced in Copenhagen were institutionalized over the next six years of negotiations, culminating in Paris in late 2015. In particular, a 'top down' system of more binding national 'targets and timetables' for emissions based on responsibility for climate change and capabilities to address it were replaced by a system of 'bottom up' pledges by each nation. Though there was much celebration at the final gavel in Paris, the ambivalence about the outcome and new direction was still palpable. Some observers hailed the outcome and approach as bringing nations to the table with the level of commitment they were comfortable with, providing the best outcome possible (e.g. Stavins, 2015; Bodansky, 2016; Victor, 2016). But acknowledging the inadequacy of the deal to stabilize the climate, journalist George Monbiot wrote, "By comparison to what it could have been, it's a disaster" (Monbiot, 2015).

What drove the shift in climate governance, and how do we understand its potential for future success in addressing the need for rapid of greenhouse gas emissions reductions in an equitable fashion? This article contributes to an emergent body of scholarship that seeks to make sense of climate governance and particularly the post-Paris

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regime and the neoliberalization of environmental governance more broadly (e.g. Goldman, 2006; Conca, 2006; Newell, 2008; Fieldman, 2011; Bondi and Laurie, 2012). We ask: what are the guiding principles of contemporary international governance of climate change and to what extent do they represent neoliberal forms? We document five main political and institutional shifts and outline core governance practices for each phase. We acknowledge these phases are a shifting set of negotiated settlements, deals and accommodations subject to change and contestation. While there are distinct and significant institutional and normative changes relevant to each phase, many characteristics of the climate regime have remained constant across phases. As a process shaped by competing political coalitions, we do not suggest that the regime has evolved in a linear or predictable fashion. In discussing the current phase since the Paris Agreement, we offer to the emerging literature on international neoliberal environmental governance an analytical framework by which the extent of international neoliberal government can be assessed. While several existing articles address aspects of both the climate regime and neoliberal governance, efforts so far have focused on specific components of the regime; lacking is a more comprehensive view in relation to governance, political economic and ideological developments.

Notably, this article builds from previous scholarship which articulated the forces that have shaped this shift in governance. Ciplet et al. (2015) argued that the contemporary climate regime was conditioned by strategic interactions between state, business and civil society coalitions, and world historic developments which stymied domestic mitigation action and international cooperation. This included the declining hegemony of the United States and its resulting economic insecurity in relation to China and waning international leadership; fragmentation of economic and environmental positions and identities among states in the global South from a simpler North-South duality; a major global economic recession due to speculative capital, and subsequent austerity policies in several large emitting countries; the rise of libertarian and populist ideologies antagonistic to state intervention on environmental problems; shifting geopolitical relations related to unconventional energy development; and a growing emphasis by mainstream environmental organizations and their funders on market-based and voluntary structures of governance (Roberts, 2011; Ciplet et al., 2015; Ciplet and Roberts, 2017). The specific form the contemporary governance regime has taken was also conditioned by developing state and civil society resistance (Ciplet, 2015; Ciplet et al., 2015; Ciplet, 2014). As such, we do not assert that there is any inevitable or linear path to neoliberal forms of international environmental governance.

This article draws upon over two decades of collective experience by the authors as observers and participants in United Nations climate negotiations. Data collection has included dozens of extensive interviews with key state, industry, bureaucratic, and civil society stakeholders in the process, informal interviews and observational data collected during the negotiations and related events since 2003 (including video archives), and analysis of key texts, agreements, and secondary sources extending back to the founding UNFCCC Convention in 1992. Interviews were conducted with state actors in delegations from the United States and European countries, and close work with Least Developed Countries (LDC) Group and the Association of Independent Latin American and Caribbean states (AILAC) negotiators and expert support staff. We also participated in international civil society meetings in over twenty UNFCCC negotiations since 2003 and in collaborative work with research institutions in developed and developing countries. Climate change is a crucial issue, but the analysis and conceptualization of international neoliberal environmental governance presented in this paper also has implications for our understanding of the guiding governance principles that may be emergent in other global environmental regimes.

We begin by drawing upon relevant literature to map the key characteristics of neoliberal environmental governance. In the next section, we discuss the first four distinct phases of international climate governance and the guiding characteristics of each. In section three, we assess the contemporary phase in relation to our analytical framework, and discuss the ways in which "actually existing" neoliberal climate governance appears to conform to a neoliberal approach. We conclude by assessing the implications of these shifts in international governance. We describe four crucial gaps that remain at least partly as a result of the neoliberal turn in environmental governance. These include that the regime appears unable to drive adequate mitigation action and financial support for poor nations, and unacceptable gaps remain in accountability, equity and representation.

2. Neoliberalism in international environmental governance

Neoliberalism can be described as "a politically guided intensification of market rule" in the public realm (Brenner et al., 2010; 184). Or more critically, as sociologist Pierre Bourdieu has explained, neoliberalism is a "programme for destroying collective structures which may impede the pure market logic" (Bourdieu 1998 cited in Gareau 2013: 42). Gill and Law (1993) described how the Reagan and Thatcher governments sought to liberate the private sector from state regulation as "a conscious effort to change expectations and ideas about the appropriate role of government, the importance of private enterprise, and the virtues of markets."

Scholarship on neoliberalism has often been critiqued for analytical imprecision of the concept and its application to local and transnational contexts of governance (Castree, 2008a; Peck and Tickell, 2002; Mansfield, 2004). Specifically, the project to more precisely define the common lines and processes that bring coherency to neoliberalism as a political project has become a major focus in related scholarship (Castree, 2008a,b), and has often centered upon efforts to clarify its variegated forms and ways in which it is contextually bound (Peck and Tickell, 2002). To be sure, numerous works have articulated that neoliberalism is never implemented uniformly, and faces forms of resistance and critique that condition its living articulations (Peck and Tickell, 2002). We support that position here, while attempting to outline the changes that have come in different phases to how global climate change is governed.

An interdisciplinary body of scholarship has identified "neoliberal environmentalism" or "market environmentalism" (Beder, 2001), as part of a growing trend toward the neoliberalization of nature (McCarthy, 2004; Mansfield, 2004; Bridge, 2004; Prudham, 2004). These works emphasize an approach to solving environmental problems through privatization, commercialization and commodification of natural resources and ecosystems (Bakker, 2005; 544), the erosion of state governance in favor of market mechanisms and public-private partnerships (Bakker, 2007), increased dominance of the private sector in environmental decision-making (Corson, 2010), and the minimizing of normative concerns that deviate from market-based or narrowly defined science-based principles (Gareau, 2013).

Notably, a small but growing focus has centered on what some scholars view as a neoliberal turn of global or international environmental governance in regimes such as the Montreal Protocol (Gareau, 2013), Basel Convention (Lucier and Gareau, 2015; Okereke, 2007), the United Nations Conference on the Law of the Sea (Okereke, 2007), and the UNFCCC (Okereke, 2007; Bond, 2008; Lohmann, 2009; Newell and Paterson, 1998, 2009, 2010; Parr, 2014; Koch, 2012; Ciplet et al., 2015). This work has pointed to four main developments which define international neoliberal environmental governance (Table 1). First, Okereke (2007) argues that the dominance of libertarian ideas of justice have undermined distributive justice principles embedded in formative regime texts in regimes such as the United Nations Conference of the Law of the Sea, the UNFCCC, and the Basel Convention. Okereke points to two main "neoliberal justice principles" which he argues dominate in these contexts: justice as private property and justice as mutual advantage. The principle of justice as property rights asserts that individual liberties trump all other social and political ideals (41). In

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