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Distributive fairness: A mutual recognition approach



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ABSTRACT

Can norms of distributive fairness serve as pillars of a new and more effective global climate regime? Three general principles – responsibilities, capabilities (capacity), and needs (or rights) – are frequently invoked and rarely disputed. Yet, parties' interpretations often diverge, reflecting conflicts of interests. To determine how much is at stake, we compare – by means of a global integrated assessment model (GRACE) – 15 legitimate interpretations of 'responsibilities' and 'capabilities' in terms of their implications for the mitigation obligations and costs of seven potentially pivotal actors. Most of these interpretations yield similar results for most actors. In a scenario where global emissions in 2030 are reduced by 20% compared to a business-as-usual baseline, mitigation costs vary by less than 1% of GDP for the United States, the European Union, Japan, India, and China. For Brazil and Russia, however, variance is much larger. Moreover, for all actors, mitigation costs rise steeply as ambition levels increase. Under such circumstances, searching for a single 'fairness-optimizing' formula is likely to fail. As negotiators explore systems of voluntary pledges, a more promising approach would conceive of fairness as a multidimensional construct and foster accommodation through mutual recognition of a limited range of legitimate norm interpretations.

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1. Introduction

Can norms of distributive fairness serve as pillars of a new and more effective global climate change regime? A positive answer requires that at least two conditions be met. First, a small set of compatible fairness principles and operational interpretations of these principles must be accepted as valid and relevant by a critical minimum of participating states. Second, these principles and interpretations must in fact serve as important premises for these states' policies and positions.

Good reasons for pessimism regarding both of these conditions are easy to find. Climate change mitigation combines several features that make it an extremely demanding governance challenge (Levin et al., 2012; Verweij et al., 2006; Victor, 2011). For many countries, large cuts in greenhouse gas (GHG) emissions are called for, requiring radical changes in important policies and practices. Very long time lags, many extending well beyond one human generation, exist between mitigation measures (involving more or less predictable costs for specific groups) and effects (in the form of more uncertain benefits for the world). Such time lags

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distort cost-benefit calculations by leaving important stakeholders disenfranchised and future benefits underrepresented. Stark asymmetries between rich (polluters) and poor (victims) generate severe conflicts of interest and ‘dampen cooperative efforts’ (Parks and Roberts, 2008, p. 621). In addition, strong competition in world markets and international politics tends to reinforce parties’ concerns with *relative* gains and losses. Under such conditions, orchestrating effective cooperation would be a tall order for any intergovernmental organization. For the negotiations under the United Nations Framework Convention on Climate Change (UNFCCC) – an institution combining universal participation with a very demanding decision rule (consensus) and a distribution of implementation power that tilts in favour of the major emitters – the challenge seems overwhelming.

One important implication of this sombre assessment is that searching for a common and precise formula that policymakers and diplomats can use to ‘derive’ a fair distribution of obligations and rights is not likely to succeed. In fact, intensive search for a single authoritative ‘fairness-optimizing’ formula may well increase the risk of deadlock (Bretschger, 2013; Parks and Roberts, 2008; Victor, 2011). Part of the explanation can be found in global conference diplomacy itself. Plenary sessions – in particular, those spotlighting political leaders – provide fertile ground for ideological posturing and for defending the interests of important domestic constituencies. Moreover, by establishing semi-permanent groups, the UN system ‘may actually construct new lines of confrontation over and above the substance-based disagreements existing between countries’ (Castro et al., 2014, p. 109). The risk of such counter-productive effects will likely increase further if a ‘top-down’ formula approach were to be pursued at a time when negotiations are turning towards ‘bottom-up’ pledges of voluntary contributions.

Yet, extant research strongly indicates that fairness matters, particularly when dealing with stark asymmetries between rich and poor (Dannenberg et al., 2010; Gampfer, 2014; Lange et al., 2010). The climate change challenge brings to the forefront profound questions concerning moral responsibility, mitigation and adaptation capacity, and people’s rights to the global commons and to economic development. Although often invoked to legitimize and reinforce interest-based arguments and positions, norms of fairness can also serve to constrain the pursuit of self-interest and to provide roadmaps for accommodation (Dannenberg et al., 2010; Gampfer, 2014; Lange et al., 2010). Some analysts argue that for an international agreement to be effective it ‘must be widely perceived as equitable’ (Winkler and Rajamani, 2014, p. 103).

In this paper, we ‘translate’ the UNFCCC principles of responsibilities and capabilities into 15 allocation schemes and use a global integrated assessment model (GRACE, see Appendix) to explore the implications of these schemes for the mitigation obligations and costs of seven potentially pivotal actors: United States, European Union, Japan, Russia, Brazil, China, and India. We begin (Section 2) with briefly reviewing extant research to identify broadly accepted fairness principles and legitimate interpretations of these principles for the global distribution of mitigation obligations. In Section 3, we apply these interpretations to our seven actors under two

alternative global emission reduction targets. We first explore the implications of the 15 interpretations for the relative distribution of mitigation obligations (Section 3.1) and move on to estimate each actor’s costs of meeting its own obligations under the two global emission reduction targets (Section 3.2). In the final section, we explore the implications of these results for fairness-promoting strategies in the UNFCCC negotiations. Given the stark asymmetries between rich and poor and the consensus rule of the UNFCCC conferences, we argue that the most constructive contributions to a fair and effective agreement will likely come from actors who conceive of fairness as a multidimensional construct, recognize a limited range of norm interpretations as legitimate, and foster positive reciprocity through cooperative (more precisely, ‘integrative’) behaviour.

2. Fairness principles and operational interpretations

2.1. Norms and interests

In the research literature, three general observations stand out. First, even though a bewildering array of fairness criteria and arguments may seem to exist (see e.g. Klinsky and Dowlatabadi, 2009, pp. 97–98), the literature shows considerable convergence on a small set of basic principles. Second, parties’ relative priorities and (operational) interpretations of these principles tend to reflect national circumstances and material interests (Carlsson et al., 2013; Lange et al., 2010). Not surprisingly, G77 estimates responsibility retrospectively – in some instances going back to the Industrial Revolution – while the United States attaches more importance to recent trends and likely future trajectories. Where some interpretations yield significantly higher mitigation costs than others, material interests will likely trump fairness norms. Third, the two sets of premises seem to *interact synergistically*, meaning (a) that parties tend to favour fairness principles and interpretations that are compatible with their own material interests, and (b) that any given principle and interpretation will likely be more important in reinforcing the positions of parties that stand to gain from their application than in modifying the positions of parties that expect to lose. Combining (a) and (b), we can see that in highly asymmetrical relationships, broad consensus at the level of general principles need not facilitate agreement on a specific deal (Underdal et al., 2012, p. 487). Accordingly, attention to the operational interpretation of norms is required to understand what parties can gain or lose.

In this paper, the term ‘fair’ refers to distributions that combine two key elements: equal treatment of equal cases (here: *equality*), and differential treatment of cases that differ significantly in important respects (here: *equity*). The latter requirement is most often translated into a somewhat flexible notion of *proportionality*. Sometimes, however, the range of variance is so wide that even a flexible interpretation of proportionality would leave the poorest or weakest parties with burdens they cannot reasonably be expected to shoulder. In such cases, a more categorical rule of *exemption* is often introduced, relieving certain parties (temporarily) of any

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