

# Justice and International Climate Change Negotiations

## Objectives:

- I. Introduce basic issues and concepts
- II. Discuss some ethical issues
- III. Provide a historic overview
- IV. Emphasize the importance of justice/equality

## I. Basic Issues and Concepts

“Tragedy of the Commons”

Garrett Harden, *Science*, 162 (1968): 1243-1248



“The essence of dramatic tragedy  
Is not unhappiness. It resides in the solemnity  
of the remorseless working of things.”



“Ruin is the destination towards which all men run, each  
pursuing his own best interest in a society that believes in  
the freedom of the commons.”

Solution: “Mutual coercion, mutually agreed upon.”

The atmosphere’s ability to regulate climate is a public  
good.

The ability of the atmosphere to assimilate wastes (GHGs)  
while regulating climate has limits.

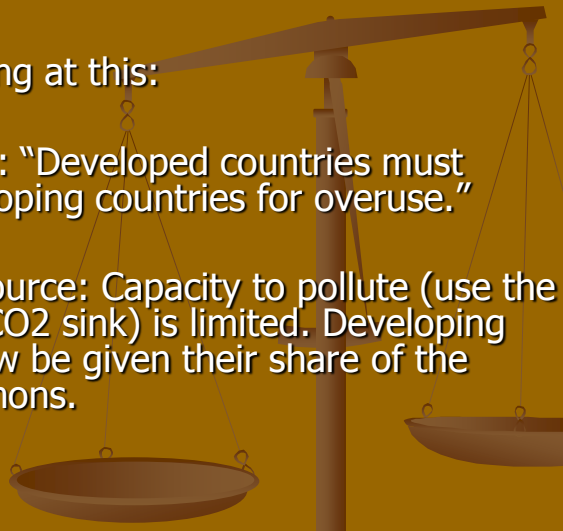
## Developing Countries

Problem: how to allocate future emissions.

Two ways of looking at this:

Historical principle: “Developed countries must  
compensate developing countries for overuse.”

Common pool resource: Capacity to pollute (use the  
atmosphere as a CO2 sink) is limited. Developing  
countries must now be given their share of the  
atmospheric commons.



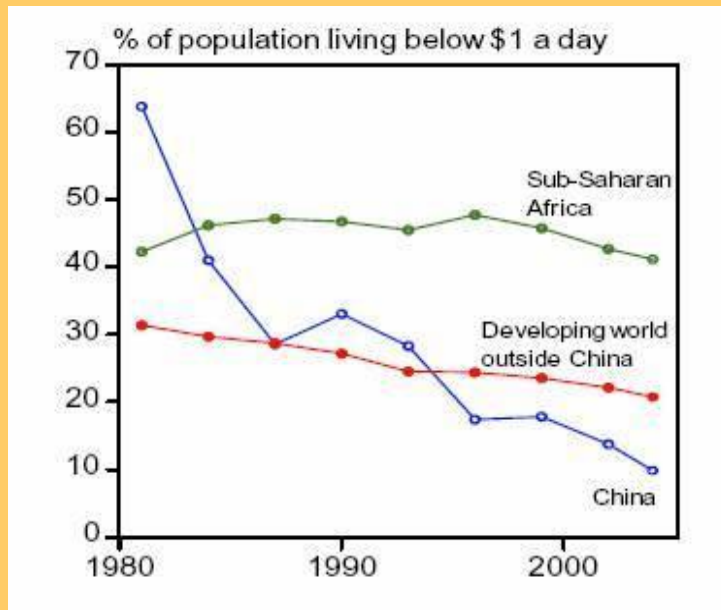
"The core ethical issue concerning global warming is that of how to allocate the costs and benefits of greenhouse gas emissions and abatement ."

Stephen Gardiner, "Ethics and Climate Change" Ethics 114 (April 2004).



## Prisoner's Dilemma

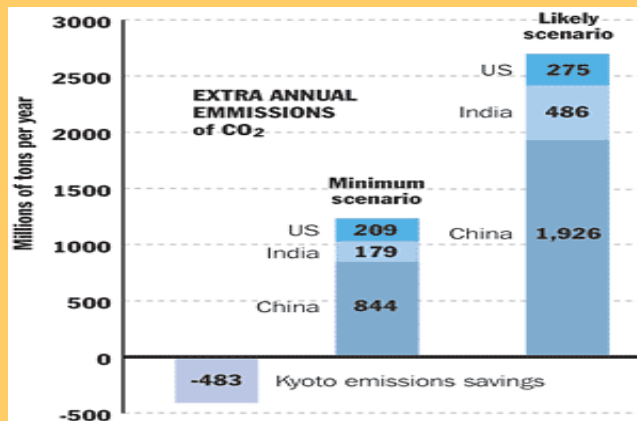
	Confess	Do Not
Confess	(-10, -10)	(-1, -25)
Do Not	(-25, -1)	(-2, -2)



“China is on track to add 562 coal-fired plants—nearly half the world total of plants expected to come online in the next 8 years. India could add 213 plants and the US 72.”

The cheapness and security of coal are overwhelming the desire to be clean.



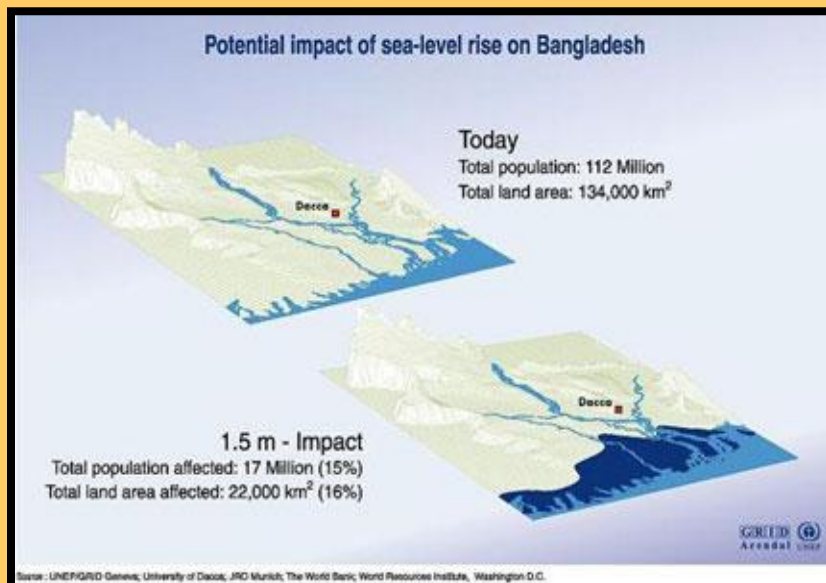
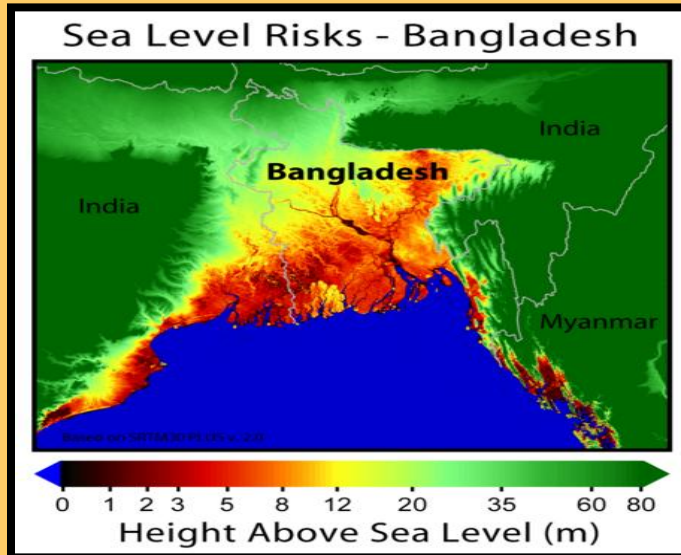


COAL'S KNOCKOUT BLOW TO KYOTO: By 2012, expected cuts in greenhouse-gas emissions under the Kyoto treaty will be swamped by emissions from a surge of new coal-fired plants built in China, India, and the United States

SOURCES: UDI-PLATT'S, US ENERGY INFORMATION ADMINISTRATION, AND INDUSTRY ESTIMATES; SCOTT WALLACE - STAFF

## II. Discuss Some Ethical Issues





## Climate Change and Sub-Saharan Africa

- 75-250 million people could face water shortages
- Agriculture fed by rainfall could drop by 50% in some African counties by 2020 (IPCC Report, 2007)
- “Climate change threatens to increase the number of world’s hungry by reducing the area of land available for farming in developing countries. (FAO Report, 2005)



## III. Historical Overview

“The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effect thereof.” Article 3, 1992 U.N. Framework Convention on Climate Change

## The Three Phases of International Climate Change Negotiations

### Phase I

- 1992, Rio Earth Summit, United Nations, Framework Convention on Climate Change (FCCC)
- Annex I countries (industrialized countries) should voluntarily stabilize their emissions at 1990 levels by 2000. Voluntary commitments were ineffectual.

### Phase II

- Berlin, 1995 & Kyoto, 1997
- Binding emission targets are necessary.
- Kyoto Protocol
- Annex I countries should accept binding constraints and commit to reducing emissions to 5% below 1990 levels between 2008 and 2012.
- Two major compromises: it allowed countries to count forest sinks and to meet their commitments through buying unused capacity from others, through permit trading.
- Hague, 2000 negotiations brake down amidst angry disagreements
- March, 2001, Bush administration withdraws support





The senate passed a resolution 95-0 opposing the ratification of a Kyoto treaty until developing countries committed to binding emission limits in the same time frame as the United States.

## Phase III

### Kyoto Ratified

**BBC, November 2004**

The United Nations treaty, already backed by 126 countries, needed Russia's support before it could come into force. Although it was adopted nearly seven years ago, the Kyoto Protocol had until now remained a statement of intent, rather than a legally binding document. To come into force, it needed to be ratified by developed nations that account for at least 55% of global greenhouse emissions. Within 90 days of Russia's ratification, Kyoto signatories must start making cuts that will reduce emissions of six key greenhouse gases to an average of 5.2% below 1990 levels by 2012.


Many experts believe that Kyoto will be largely ineffective as the world's two biggest emitters, the US and China, will not cut their outputs. Although China did sign the protocol, as a developing country it is not yet required to begin reducing emissions.

## Stephen Gardiner, Kyoto is flawed in substance and background assumptions

- Even with full compliance, there will be an increase in GHG emissions of 9 percent above 2000 levels.
- There is no mechanism for penalizing countries that fail to ratify the treaty
- Kyoto contains no effective compliance mechanism.
- The treaty has been set-up with ways for countries to avoid penalties.
- Penalties take the form of more demanding targets in the next decade's commitment period.
- But since that has not been settled, countries can take their failures into account in the next round of negotiations.
- Flawed background assumptions: two-track approach without addressing wider issues of social justice

### IV. Emphasize the Importance of Justice & Equality

Eileen Claussen and Lisa McNeilly,  
“Equity & Global Climate Change:  
The Complex Elements of Global  
Fairness”



## Summary

“If the end result of negotiations is not fair then it will not be fully implemented. Little or no mitigation of climate change is then the unfair outcome to those who will have to bear the brunt of the impacts.”

## Some Thoughts on Justice

- “Equals should be treated equally, and unequals should be treated unequally.”
- “Justice is not simple. It requires judgment.”
- “An unjust law is no law at all.”
- It is difficult to acquire the capacity to make fair judgments using a many criteria applied in complex circumstance. Justice is contextual, and it virtually always involves conflicting considerations and different dimensions of justice.
- “Justice will exist if we act with justice.”

## Proposals: Divide Countries into 3 Groups based on 3 Criteria

Three Groups:

- Must Act Now
- Should Act Now—but Differently
- Could Act Now

Currently there are 2 groups

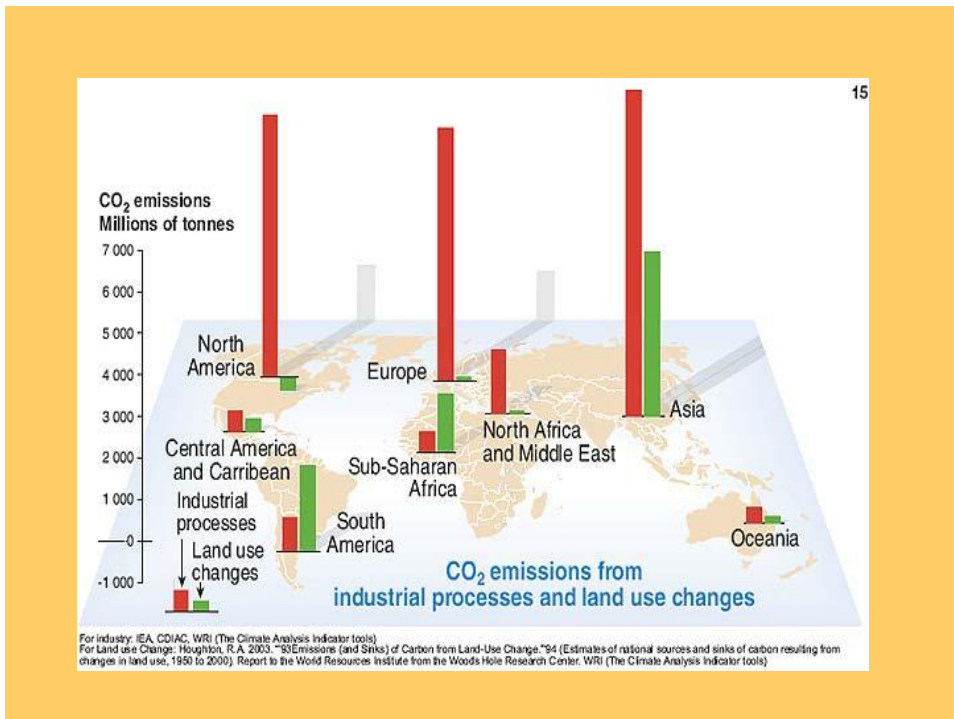
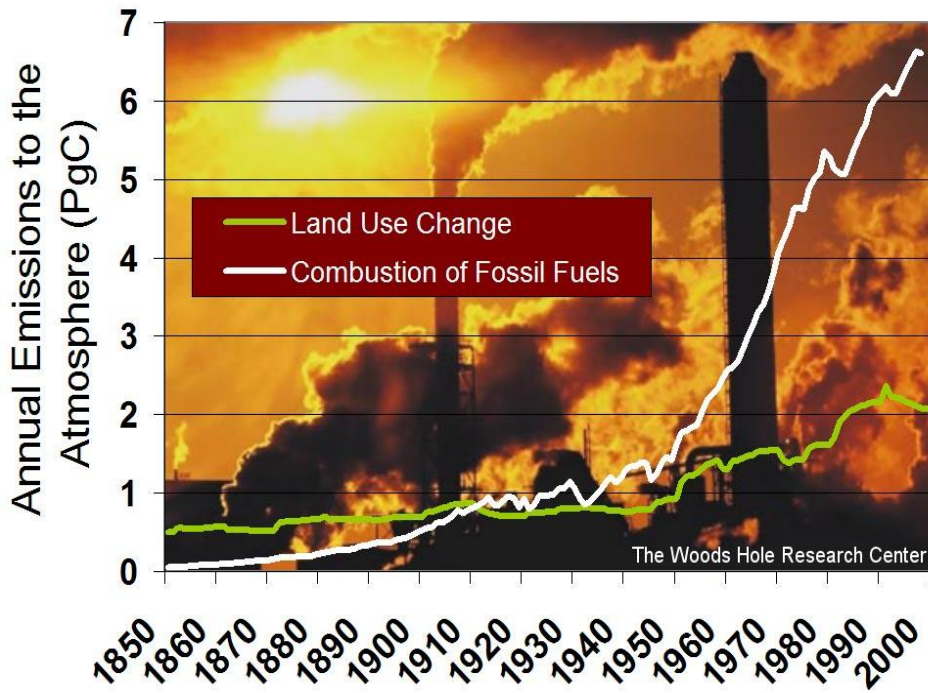
Three criteria:

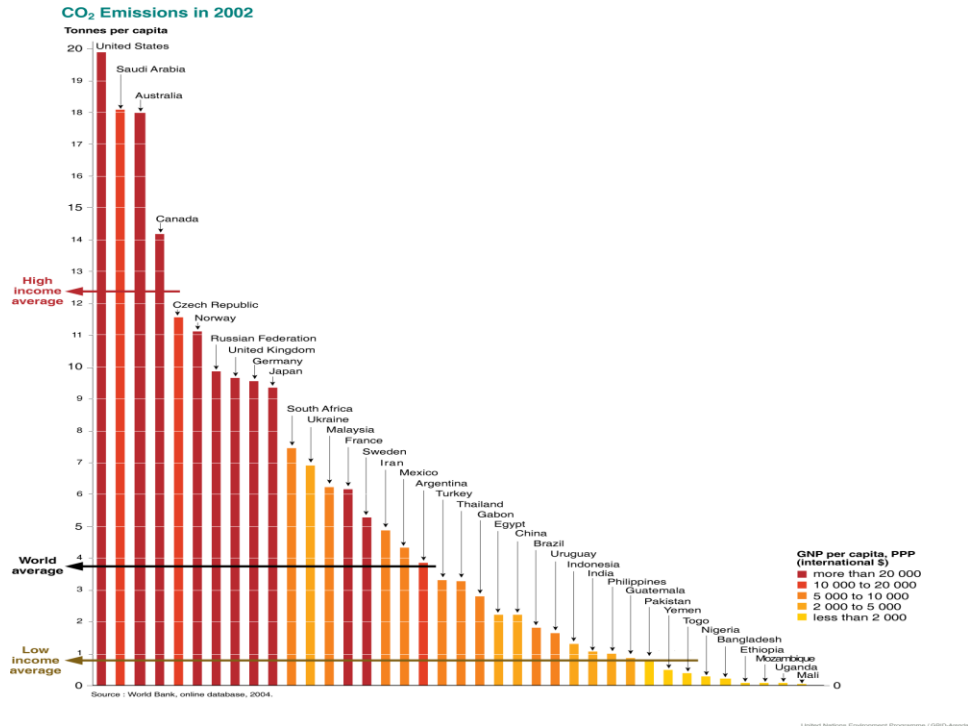
- Responsibility: “polluter pays” principle (past and future)
- Standard of living (ability)
- Opportunity (can do more, more cheaply)

Currently these were negotiated

## Economic growth, Energy consumption, GHG emissions

- “Decoupling economic growth and carbon emissions permanently is, of course, the main goal of climate change mitigation activities.”
- French economy has done this by a commitment of nuclear power. (This is not a good model for the developing world.)





## Three Criteria for Fairness

- Standard of Living  
(acknowledgement of income inequalities)  
e.g., India
- Responsibility  
(both historical and future)  
e.g., Europe and China
- Opportunity  
(energy efficiency)  
e.g., U.S. and Japan

## Three Groups

- “Must Act Now”  
Provide leadership
- “Should Act Now, But Differently”  
Variable commitments
- “Could Act Now”  
No action until feasible

