Ideas of justice in
climate change negotiations

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Abstract

With the Kyoto Protocol in effect and well into its implementation period, the Parties to the United Nations Framework Convention on Climate Change are now in the midst of negotiating an agreement to govern the global policy on climate change in the post-Kyoto period. Recognizing the difficulties of the Parties to agree on the commitments laid out in the Kyoto Protocol and acknowledging in particular the aspects of justice related to the responsibility for the origin as well as the mitigation of global warming, this thesis investigates the ideas of justice prevailing in the negotiations of climate change.

Using a two-step methodology of concept analysis and analysis of ideas, a conceptual map is first created, built on the constitutive dimensions of justice as drawn from political philosophy. Using the results therein as theoretical framework, analysis of ideas is then applied to the high-level statements at the preparatory 14th Conference of Parties (COP 14) in Poznan held in December 2008.

With the conceptual map as reference, two main positions are identified embodied by the perceived conceptions of developed and developing countries respectively, separated primarily in the dimensions of principle and reach. These positions are to be considered as stylized however, and should be viewed in conjunction with the underlying dimensional description.

Keywords: justice, climate change, concept analysis, analysis of ideas, dimensions
Words: 9 124

" No theory of justice can long remain on the luxurious level of philosophical speculation without diving down into the particularities of social life, but no attempts to solve the problems of daily politics can long sustain without reaching up to the heights of philosophy, struggling as Socrates struggled to come to grips with the definition of justice, with its essential nature and justification."

R. C. Solomon & M. C. Murphy (2000:4)

Contents

1   Introduction

1.1   Background to negotiations on climate change

The prospect of a changing climate has been known or in any case suspected for at least half a century and the process of negotiating mitigations has been going on for almost two decades[1]. The United Nations Framework Convention on Climate Change (UNFCCC) which entered into force in 1994 became the first step towards a global climate change regime and to date it has been ratified by 192 countries and enjoys broad support (UNFCCC 2009a). In Article 2 to the Convention, it is stated that

> The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system… (United Nations 1992: 4).

This rather vague objective was an effect of the parties having different opinions on the need for action which also resulted in non-binding, rather than binding, targets for emission reductions. However, at the first Conference of the Parties[2] (COP 1) in 1995 it was adopted that the commitments were insufficient in order to meet the long term objective. This led to the negotiation of the Kyoto protocol, specifying binding targets for Annex I-countries[3] for the period of 2008-2012. Although it was adopted in 1997, technical details delayed the ratification and in the end important players such as Australia and not least the United States declared they would not ratify, one major reason being that developing countries (including large emitters like China and India) would not need to reduce emissions. These setbacks notwithstanding, the Kyoto Protocol entered into force in 2005 after securing the needed ratifications of 50 per cent of the Annex I parties (Betsill 2005: 108-117; Schreurs 2004: 208; UNFCCC 2009d).

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[1] It was first discovered by Swedish chemist Svante Arrhenius in 1896. His warnings were however ignored until the 1950's (Betsill 2005: 105).

[2] This is the "supreme-body" of the Convention, its highest decision making authority in which all parties to the convection are represented – that is the 192 countries that has ratified it. The COP meets annually, the last time being in December 2008 in Poznan, Poland (UNFCCC 2009b, 2009c).

[3] "Industrialized countries and formerly communist countries with economies in transition" – referred to as Annex I parties since they are mentioned in the first annex of the UNFCCC (Betsill 2005: 109).

With the Kyoto Protocol having entered into force and a being good year into its implementation period, negotiations for the post-Kyoto period are now well under way and an agreement is planned to be reached at COP 15 in Copenhagen in December 2009.

1.2   Purpose and research question

The phenomenon of anthropogenic emissions of greenhouse gases warming the Earth's surface is interchangeably referred to as climate change and global warming. We make no difference between the terms here except in noting the explicitness expressed by the latter as regards to its reach – it is indeed a *global* environmental problem and as such it poses a great challenge for mitigation. It requires cooperation on a global scale where costs and sacrifices need to be divided between the different actors (Betsill 2005: 103). How is this to be done? Who is responsible for the origin of the problem and who should see to its solution?

These questions were central to negotiating the Kyoto Protocol where the difficulties in finding their answers were proven. Indeed, as stated in the previous section, the United States – one of the most important players and largest emitters – has yet today not ratified the agreement, pleading spatial aspects of justice and scientific uncertainty as main reasons (Schreurs 2004; UNFCCC 2009d). With this in mind, as well as the widely discussed temporal or intergenerational aspect (cf. Dobson 1999; Page 1999), the concept of justice seems to have far-reaching implications and the different conceptions of justice held by the parties to the convention seem to be of great importance for the outcome of these negotiations.

How then is the concept of justice applied in the negotiations for a post-Kyoto agreement on mitigating climate change? New winds are blowing in Washington and stronger scientific evidence has been put forward as indicated by the change of administration in the United States and the fourth assessment report of IPCC respectively (Broder 2008; RA 2009: 9; Pachauri & Reisinger 2007: 30). What then, are the prospects for a perceived fair deal to come out of the COP 15 in Copenhagen?

The purpose of this thesis is to map out prevailing ideas of justice against a background of conceptual analysis drawing on political philosophy. Accordingly, the research question can be formulated as follows.

- ▪   What ideas of justice prevail in international climate change negotiations?

1.3 Delimitations

In doing research on the concept of justice we face delicate problems of delimitation. As will be elaborated further in section 3.1 the amount of literature concerning the subject is extensive. Delimitations will be needed due to restrictions in both time and space and the focus will therefore be to identify constitutive aspects sufficient to create the analytical tool needed for the analysis. The discussion will be held on a rather superficial level going only as deep as needed. Using a descriptive and not a normative approach, there will be no need to engage in more than to present different views.

Regarding the analysis of ideas it will be limited to the negotiations, or rather high-level statements, at one COP only and only groups of states will be regarded. Exceptions are made however for large important countries such as the United States, China, Russia and India. Also the civil society groups making statements at the COP will be included.

1.4 Disposition

In this chapter a rather short and general background is given to the negotiations on climate change, whereas the background of the concept of justice has deliberately been placed in chapter three in order to achieve a cohesive presentation of the theoretical framework. Following up this introductory chapter, the second chapter gives a presentation of the methodology to be used and also include a presentation of the empirical material.

The theoretical framework is then as mentioned laid out in chapter three and includes an introduction to the concept of justice as well as the compiling and describing of its constitutive dimensions. In chapter four, the theoretical framework is applied to the empirical material in the investigating of prevailing ideas of justice. The results are then discussed in chapter five, taking up possible shortcomings of the methodological and theoretical approach as well as the analysis and the material used. The thesis is then concluded in chapter six, offering a short recapitulation of the purpose and a response to the research question.

2   Methodology

Introducing methodology in research of value concepts requires one to relate to the philosophy of social science. The stance taken in questions regarding ontology and epistemology has an outright effect on the results of research and must thus for the sake of intersubjectivity be discussed. This thesis being empirical rather than normative in its methodological approach, let be that value concepts constitute part of the empirical material, we can however avoid the controversy regarding to what extent value concepts can be made subjects for scientific research. One could argue that certain concepts e.g. justice has an uncontroversial positive value, making a discussion on whether it is to be considered good or desirable obsolete – an unequivocally positive value seem very likely to be desirable. We shall however not deepen this discussion further but assume that it is sufficient to adopt a position allowing for meaningful interpretation of statements referring to certain ideas, thus implying a position somewhere between objective and relative epistemology (Badersten 2006: 64c; Hansson 2001: 17cc; Kymlicka 1995: 16).

2.1   A two-step approach

As presented in the introduction, the purpose of the thesis is to map out the ideas of justice in negotiations on climate change. Recognizing the complexity of the concept and the vast literature discussing the different aspects of justice, it seems only logic to make use of existing definitions as a starting point for further analysis[4]. This approach would thus follow the understanding that concepts crucial to the analysis must be given clear definitions in order to be of any value. Applying concept analysis as a method of structuring the various aspects of justice found in the literature offers a way to accomplish this and will thus constitute the first step towards our purpose (Badersten 2006:43c; Beckman 2007:31). This first step will also involve the creation of a theoretical framework built upon the various conceptions found in the literature[5].

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[4] The simple fact that political philosophers from Plato to modern times have struggled with the question of how justice should be understood should prove the complexity of the concept as well as indicate the vastness of literature concerning it (Solomon & Murphy 2000).

[5] Campbell (1988) offers a more rigorous approach in relating to the possible problems of different spheres of justice, thus giving his representation of justice a more general application that can be adjusted

Following the first step of concept analysis and theorizing, the results from therein will be used in carrying out a descriptive analysis of ideas prevailing in negotiations on climate change. It could be expressed as if the first step entails creating a conceptual map of justice, which is applied to an empirical material and thus guiding the structuring of ideas. Accordingly, the first step is closely connected to the creation of theory while the second step applies and utilizes the theory[6].

The two steps of concept analysis and descriptive analysis of ideas will be individually elaborated in the following sections. This concerns only methodological issues – the theoretical framework will be discussed and elaborated in chapter three. Notice that for practical reasons, we will start with the analysis of ideas.

2.1.1   Descriptive analysis of ideas

Bergström & Boréus describes analysis of ideas as a method used when the purpose is to shed light on the different ideas prevailing in a certain debate or regarding a certain issue (2005:154). Settling for this to be a satisfactory way of sorting out the various ideas in the negotiations we may then embark on describing the method. Noting first that it has previously been expressed that the concept analysis will provide the basis for creating the theory needed to carry out the analysis of ideas, we shall here need to specify in what manner the conceptions of justice are to be categorized. As *typology* we can utilize either *ideal types* or *dimensions*, both which will be briefly elaborated prior to presenting the most suited.

Ideal types, perhaps most commonly associated with Max Weber, only exist in theory. They are isolated facts resembling caricatures and originally used to form hypotheses, although they may also be used as a kind of map for screening texts and sorting wordings in conceptual boxes (Bergström & Boréus 2005:159c).

Dimensions are in comparison more general and often emanate from political philosophy. Bergström & Boréus (2005:164) exemplifies with a study using dimensions of several concepts through which the ideas of a certain political party is analysed over time. Perhaps better suited for the purpose of this thesis is Beckmans characterization of dimensions as scales that can measure several different values, sort of like a variable (2007:51). This approach also point out the necessary in comparing a phenomenon with an analytical tool as reference (cf. Lundquist 1993:101cc).

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to the good or subject of analysis. This is deliberately ignored in this thesis for the sake of delimitation, as well as the fact that we deal here only with one subject.

[6] Although they use a slightly different application Esaiasson et al. (2007) discuss different methods of theorizing including creation, using and altering which will all, to more or less extent, be used in this thesis.

Considering that dimensions can be more easily created, and relating this to limitations of space and time (cf. section 1.3), this method is recognized as the most useful to help create the analytical tool – the conceptual map[7] (cf. Bergström & Boréus (2005:172). The creation and functioning of the dimensions will be further discussed in the next section on concept analysis.

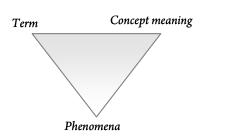
2.1.2   Concept analysis

Concept analysis is the foundation for creating a solid theory to be used in the analysis of ideas – it is thus imperative that it is systematic and coherent in method (cf. Beckman 2005: 31). In achieving this, we will here proceed by acknowledging two stages of analysis.
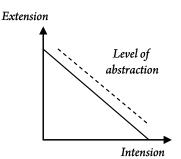
At the first stage we need to understand the general approach where we will distinguish between the *linguistic term*, the *concept meaning* and the *phenomena*. The relationship between the three can be depicted schematically by the *semantic triangle* shown in figure 1a, which will aid us in illustrating that the term – being a word or a name – expresses or defines the meaning of the concept which is an idea or a notion referring to certain phenomena (Teorell & Svensson 2007:37f; Badersten 2006:83-86; Sartori 1984: 22-28). All three can create interpretive difficulties, albeit for different reasons. Improperly defined, the first might be ambiguous whilst the second may give rise to vagueness if lacking clear delimitations regarding what instances of the third – phenomena – should fall under its meaning (Beckman 2007:31-35; Badersten 2006:83-86; Sartori 1984: 25-27).

We may take the opportunity here to exemplify this with the word *value* which is used extensively throughout this text using two different meanings. Firstly it is given the meaning of ethical or moral values and as such it encompasses phenomena such as liberty and justice. Secondly it is given the meaning of a value indicating a measured level on a certain scale e.g. a dimension. Henceforth, we shall distinguish between them by referring to the former as an ethical or moral value.

Moving on, we must also recognize that a concept can be defined at different levels of abstraction and we may designate a broad definition as being at the highest level. If we assume this to be the plausible general understanding of the concept it will naturally comprise the whole field of more specific definitions but since it is both ambiguous and vague it will not be very useful. Rather, we must take a step down on the ladder of abstraction to find narrower and more precise definitions of the concept that are useable to distinguish the different phenomena in the empirical material to be used. As can be seen from figure 1b, in moving from abstract to concrete we gain in a concepts intension, which is the

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[7] This is also the approach utilized by Dobson (1998) as is discussed in chapter 3 on theory.

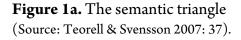**Figure 1a.** The semantic triangle (Source: Teorell & Svensson 2007: 37).

Figure 1b. The relationship between concept intension and extension (Source: Badersten 2006: 87).

number of criteria to be fulfilled for a phenomenon to fall under a certain concept. Simultaneously, we lose in the concepts extension which is the actual number of phenomena that can be assigned to a certain concept (Badersten 2006:86-92; cf. Sartori 1984: 25-28).

Finally, and closely related to concept intension and extension, we must in specifying and making concepts precise be careful not to engage in conceptual stretching – that is we must not move up on the ladder of abstraction, increasing the concept extension, without decreasing the concept intension. Or, expressing it somewhat different, we may not make the concept more general without removing concrete criteria needed to be fulfilled (ibid.: 92f).

Having laid out the basic method for concept analysis, we may now move on to the next stage where we will need to return to the different kinds of typology, ideal types and dimensions, which were discussed in the previous section. Had we decided to use ideal types we would not need to elaborate further on the method described above. In identifying different ideal types it would have been clear at what level of abstraction they would fit in, e.g. distributional justice and procedural justice could be specified and placed at the same level of abstraction. If we wanted to move down on the ladder of abstraction, we could simply choose to concretize distributional justice and identify e.g. justice as fairness or justice as entitlements. This scenario is depicted in figure 2.

Now, this is to be conferred to using the typology of dimensions where the concept is dissected into two or more dimensions – a kind of variable – which are assigned values and where it is possible that each dimension has its own ladder of abstraction, as depicted in figure 3. Hence, it does not exclude the existence of two or more dimensions at different levels of abstraction (cf. Repstad 2007:142cc; Lundquist 1993:101cc). This corresponds to Campbell's approach where the concept analysis is divided into two levels where the first level comprise the overarching or general meaning of the concept, while the second investigates the competing interpretations – conceptions – of how it should be defined in more concrete terms (1988: Ch. 1). In likewise manner Perelman (1963:16f) argues that justice should be construed as having two levels, a formal or abstract one, being of a very general nature, and a variable one holding all the different interpretations of this general notion. The method used here is thus rather like

the ones utilized by Campbell and Perelman, with the distinction that it is more general in its specification, allowing for several dimensions and analysis at several levels of abstraction.
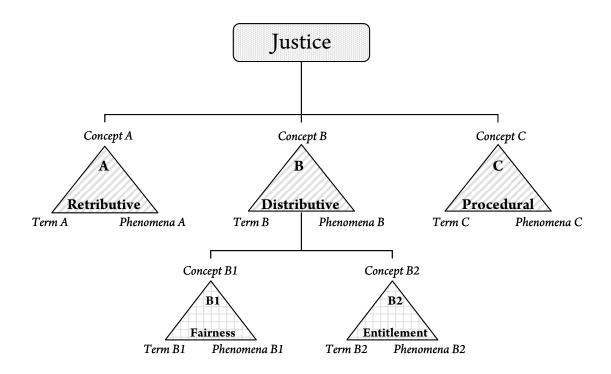

Figure 2. Schematic representation of ideal types and levels of abstraction. (Source: Draws on Badersten 2006: 84)
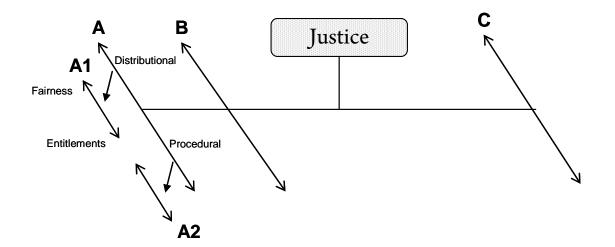

Figure 3. Schematic representation of dimensions and levels of abstraction. (Source: Draws on Dobson 1998: 63)

The two different scenarios are compatible however as one can combine the values of different dimensions and thus create positions, or conceptions, which can be thought of as a kind of ideal types. These conceptions are, as the concept in itself, defined by a term and refers to phenomena falling under its meaning making it possible to depict them according to figure 2.

2.2   Empirical material

2.2.1   Conceptions of justice

The focus for the concept analysis will be on political-philosophical thought and the literature used should thus be of that character. Recognizing that the literature covering the concept of justice is immense, notwithstanding the rather obvious limitation to political philosophy rather than philosophy at large, the idea is to use surveys as a starting point and guide. Creating in that fashion a base for understanding the various aspects of justice, the original texts will only be used as reference should it be required.

2.2.2   Instances of just phenomena

In order for the descriptive analysis of ideas to be relevant the material used should present a broad picture of negotiations on climate change. This said it is important that is not too broad with risk of losing relevancy. The Kyoto Protocol applies through the year 2012, although with the COP 15 coming up the focus is more and more shifting to the post-Kyoto timeframe. In an effort to stay at the front of the negotiations on the upcoming agreement, the negotiations held at the COP-14 in Poznan thus will be used.

Considering that decisions and resolutions may be compromises; we will here use statements from the high-level segment delivered by recognized groups of states in order to capture the original ideas. Most likely there will have been compromises within each group as well, it is however a trade off between level of originality and practicability and it is thus assumed here that the formation of groups reflects common interests as well as common ideas of justice. In addition to the groups of states, statements from civil society will also be used in order to broaden the field of ideas.

As printed versions of the statements are not available, the official webcasts will be used and the necessary references will thus be transcribed.

3   Theory – a conceptual map of justice

3.1   Introduction to the concept of justice

The concept of justice has been on the agenda for more than two millennia, starting with Plato in about 380 BC who, in the words of Solomon and Murphy, "canonized the question, 'What is justice?,' as one of the leading questions of philosophy." (2000:21) Consequently, there have been put forward a great number of meanings and theories of justice over time, a fact most easily verified by consulting the abundance of anthologies on the subject (e.g. Ryan 1993; Solomon & Murphy 2000; Fisk 1993).

In a metaphorical approach, Lebacqz designates the multitude of theoretical contributions as *fragments of justice* and gives the following comparison.

> Justice is thus a bit like the proverbial elephant examined by blindfolded explorers. Each feels a different part – the foot, the ears, the tusks – and consequently each describes the beast differently – gnarled and tough, thin and supple, smooth and hard. The elephant itself – justice – is not encompassed by any of the individual descriptions. At times they seem incompatible. And yet, each contributes something to its definition (1986:9).

One can maintain a number of attitudes to these different understandings or fragments of justice, e.g. (1) that only one can be right, which is possibly related to the standpoint that (2) they have nothing in common, or (3) that there in fact is some common denominator between them (Perelman 1963: 10c). We shall here dismiss the first as there is no one right understanding of justice, only normative positions acting as antagonists between themselves and it is not our purpose here to champion any such position (ibid.: 52c). The latter two are more complicated and closely connected to the notion that Gallie (1955) in an influential article referred to as *essentially contested concept*, meaning in a rather simplified and shortened version that "[w]hen disagreement does not simply reflect different readings of evidence within a fully shared system of concepts, we can say that a conceptual dispute has arisen."[8] (Connolly 1993:10) This does not mean however that it is impossible to analyze such a concept for as long as it is

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[8] In a more precise description, a concept should be considered essentially contested if it is "appraisive in that the state of affairs it describes is a valued achievement, when the practice described is internally complex in that its characterization involves reference to several dimensions, and when the agreed and contested rules of application are relatively open, enabling parties to interpret even those shared rules differently as new and unforeseen situations arise" (Connolly 1993:10).

clearly defined it does not matter that is extremely vague, that can be solved by using the ladder of abstraction to concretize[9] (see section 2.1.2).

Hence, it will be considered that from the different versions of justice a common definition can be derived, acting as the most abstract description of the concept of justice, in the literature referred varyingly as the concept of justice or formal justice where the more specific understandings or versions is referred to as conceptions of justice or concrete justice (Campbell 1988: 3-6; Perelman 1963: 11c; Rawls 1971: 5). The definition of formal justice, or the most abstract notion of justice can, as done by legal philosopher Hart, be put as "equal treatment of equal cases" (cited in Hansson 2001: 21) although there are variations, e.g. "…beings of one and the same essential category must be treated the same way" (Perelman 1963: 16) or in Millers terms: "the just state of affairs is that in which each individual has exactly those benefits and burdens which are due to him" – which he goes on to elaborate in saying that "the important question about justice emerge when we try to settle what a person's 'due' actually means" (cited in Campbell 1988: 4). Although the variants presented obviously differ somewhat in language, and possibly in the version of justice[10], they share the property of being rather loose definitions which requires further concretization – which is best characterized by Miller in his clarifying elaboration.

We may exemplify this reasoning by using the above quote of Lebacqz. What is perhaps not obvious in that interpretation is the distinction between formal and concrete justice. One can perhaps interpret the "fragments" as pieces of concrete justice which, when combined, sums up to formal justice. This view does not however take into account that the merged theory will inherit concrete properties from the several "fragments" and thus not qualify as the more abstract definition of formal justice, or it would be making the error of conceptual stretching as described above. Although the metaphor was probably not intended for this, it serves well as an illustration of the distinction of formal and concrete justice as well as conceptual stretching.

Accepting Hart's definition of the concept to be the most general, we may assign this to the definition of the top box in figure 3 (labelled *Justice*) and go on defining the dimensions to be used in finding the concrete conceptions prevailing in the negotiations on climate change.

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[9] Utilizing dimensions can be seen as being immune to even the strictest interpretation of justice as an essentially contested concept. If contested aspects are ontological and/or epistemological positions it is always possible to add this dimension and thus construction the analytical tool to reveal such differences. This would perhaps not be meaningful, as the analytical tool would become too extensive to be of any practical use.

[10] Miller and Perelman can perhaps be seen as distributive versions of Harts definition, which is more procedural in its language.

3.2   Dimensions

Recognizing the multitude of approaches to the understanding of justice it seems as most useful is to derive the dimensions along which they clashes. In this way, we may utilize a typology of dimensions and at the same time "stand on the shoulders of giants" in using their theories as a guide in creating the dimensions. The approach will follow Dobson in specifying a number of questions relating to fundamental principles and aspects in theories of justice, where the answers make up the preliminary scope of each dimension (1998:7). The method will diverge however, at least initially, in broadening the view to encapsulate more than just social (or distributive) justice. The resulting matrix will allow us to in the analysis assign to each idea of justice an appropriate value on the scale of each dimension. The scale will be continuous so that, should there be a stance representing a cross of two (or more) values, this can be dealt with (cf. Perelman 1963:32cc).

In constructing the analytical tool the dimensions deemed to be important for finding ideas of justice will be included and – while considering Ockham's razor[11] – if there is any ambiguity regarding the usefulness of a dimension, it will be used since we will always have the possibility of discarding it when presenting the resulting map of justice.

3.2.1   The Principle of Justice

A crucial part in uncovering the concept of justice and its different conceptions is to ask of a theory or an idea: *what has value?* – a question whose response will provide us with the fundamental principle of the theory or idea and thus one of the pieces needed to identify different conceptions of justice (Perelman 1963: 27,56,61).

To this question we find an abundance of responses in the political-philosophical literature. Here we will just touch the surface in order to map out a few that have been important in shaping the debate. It is suitable to start off with Rawls as his theory is commonly taken as a reference point in modern political philosophy[12] (Kymlicka 1995:17; Solomon & Murphy 2000: 6). In "A theory of justice" (1971) Rawls lays down his basic idea that inequalities are only allowed if

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[11] The principle of Ockham's razor states that "entities should not be multiplied unnecessarily" (Nordin 2003: 211c).

[12] It should however be recognized that Rawls himself takes utilitarianism as a reference point (cf. Rawls 1971: 3). The basic constituent component in utilitarianism is, as the name implies, utility and the fundamental principle is that of maximizing the sum of utility. The right action is thus "the one that maximizes utility, e.g. the one that satisfies as many enlightened preferences as possible" (Kymlicka 1995:27; cf. Mill 1910). Rawls argues (among others) that utilitarianism is not a fair theory of justice, since it does not take into account the possible inequality created through an action where only a few gains a lot whereas a great many gains nothing or perhaps becomes slightly worse off (Rawls 1971: 22-27).

they gain the worst off members of society. This idea is elaborated in and guided by two principles of justice; the first specifies equal liberties and the second specify most possible utility to the worst off and equal possibilities. According to Rawls these are the only principles of justice that can be agreed upon behind a veil of ignorance in *the original position* – a thought experiment used as an argument of justification (Rawls 1971: 17-22; cf. Kymlicka 1990: Ch. 3).

As a response to Rawls's theory of justice as fairness Nozick presented his entitlement theory in 1974. It assumes that each has right to his present holdings and a just distribution is one that results from exchanges on a free market – a distribution that results from a just process is in itself just[13] (Kymlicka 1995:102). There are three main principles in Nozick's entitlement theory; the first specifies that "everything that has been acquired in a just manner, may freely be sold to others", the second specifies how to decide whether what has been acquired have actually been done so in a just fashion, the third specifies how to deal with holdings that have been acquired in an unjust fashion (ibid.; cf. Nozick 1974: 150cc).

Both Rawls's and Nozick's theories are examples of proportionally egalitarian theories. A pure egalitarian theory would instead specify that the only principle of justice should be that everybody must be treated in exactly the same way. Marxism is an example of an egalitarian theory in materialistic terms.[14] (Perelman 1963: 17; Kymlicka 1990: 169cc; cf. Marx 1993).

Condensing these different theories into principles we get the following results; "to the benefit of the least advantaged" (Rawls), "entitlement" (Nozick), "equality" (pure egalitarianism), "needs" (Marxism) and "utility" (Utilitarianism, see footnote 12) (cf. Dobson 1998: 63).

Arler (2001) gives a few examples of what he calls distributive criteria which are in line with those specified above and which are useful in distinguishing different views in the statements given at the high-level segment in Poznan. In order to be coherent we will henceforth refer to his criteria as principles. He lists five different principles: (1) *simple equality*, defined as "if no good reasons can be given to behave differently towards any of the affected parties within a given circle of relationship, all parties should be treated equally", (2) *desert*, defined such that "those who contribute most to the problem…should pay the price, and/or take the lead in remedying the damage and/or in compensating the victims whenever this would be an option, (3) *needs and abilities*, defined such that "the heaviest burdens are put on the broadest shoulders" and that "the weakest parties…are relieved more or less from their burdens", (4) *usage or prescriptive rights*, defined such that "any distribution of rights and responsibilities as far as possible should be made in accordance with status quo, or at least that status quo should be

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[13] Nozick's theory is only valid if ones holdings have been acquired legitimately. For a discussion on the problem of how to show this, and how it is solved if one cannot, see Kymlicka 1995:115-117.

[14] In the final stage of Marxism there will be an abundance of resources available to everyone, there will therefore be not conflicts and hence no need for justice.

accepted as the baseline for further regulations" and that "[t]he countries which have the largest emissions, and which accordingly have been used to having access to this global common, should keep their rights either in absolute or in relative terms", (5) *chance or luck,* defined such that "[n]atural and historical chance alone determine the baseline point of reference".

The usefulness of these principles should be apparent in their compliance with the principles drawn from political philosophy combined with their well adapted definitions as regards to the environmental aspect.

3.2.2   Normative Logic

Intimately connected with the principle of justice is the question of what normative logic should be used to "judge the justice of a given situation" (Dobson 1998:70). We may exemplify here with the contrasting positions taken by Rawls and Dworkin on the one hand and Nozick on the other. The first position asserts that "[j]ustice is a matter of outcomes: a political decision causes injustice, however fair the procedures that produced it, when it denies people some resource, liberty or opportunity that the best theories of justice entitle them to" (Dworkin, cited in Dobson 1998: 70) whereas the latter argues that "[w]hatever arises from a just situation by just steps is itself just" (Nozick, cited in Dobson 1998: 70). Since it is used to determine how one should judge the justness of something we must consider if it is even possible to determine. Suppose that the situation to be judged is the climate change agreement in Copenhagen, the goal of the COP 14 in Poznan. What we need to try and identify then is what the statements express about how this is to be judged.

3.2.3   Community of Justice

As noted by Arler, climate change "is not just a problem for the people who are or will be immediately affected by the adverse effects. It is a common problem for the global community as such…" (2001: 302). But what beings are comprised in this community? For several of the modern political philosophers, including Rawls and Walzer, conceptions of justice applies to persons, both present and future generations. It is more uncertain whether animals and non-sentients should be included in the community of justice (Campbell 1988: 11c; cf. Dobson 1998: 66). Benton argues that humans "have a responsibility to do justice to non-human inhabitants of the habitats which are liable to be altered by human action" (cited in Dobson 1998:67). Barry argues, on the other hand, that "justice and injustice can be predicated only of relations who are regarded as equals in the sense that they weigh equally in the moral scales" (cited in Dobson 1998: 67). Recognizing the different understandings to what beings are able to be recipients

of justice we may however establish that present generation human beings are the only ones capable of dispensing justice, hence it is not needed to divide this dimension further – we will simply assume this to be the case and settle for identifying recipients when analyzing the material (cf. Dobson 1998: 64cc).

3.2.4   Level of Analysis

Even though Rawls original work from 1971 is intended for use within closed communities it is still, as we have seen above, used in broader matters (cf. Dobson 1998). For issues concerning cooperation on the more global arena Rawls did however develop a second theory of justice called "The Law of Peoples" (1999). As indicated in the title it uses peoples rather than states which by some is interpreted as a critique against the state-centric realism prevalent in international politics (Brock 2009: 30). Arguing for a yet lower level of analysis we find the cosmopolitarians stating "the equal worth of all individuals, no matter where they happen to be situated on the planet and what borders separate them for one another".

We may also designate the value of certain groups, such as women, to this dimension – allowing identification of conceptions where a certain issue, e.g. gender, is emphasized (Moller Okin 2000).

Although the analytical level at which negotiations are held will most likely be the state, it is important to acknowledge these views differing in analytical level.

3.2.5   Reach

Being a difficult dimension to give a short and easy to understand title, it should firstly be explained that it involves how the principle of justice should be applied and has two possible values; universality and particularity. The two represent the different positions of two different strands in political philosophy, individualism and communitarianism. The latter adopts particularity, arguing that "community constitutes a common culture, which is the precondition for moral autonomy" (Avineri & de-Shalit 1992: 4) and that "[u]niversal and absolute justice…is but another illusion of individualism" (ibid.). Individualists on the other hand argue for universality believing that "withdrawal from one's society and culture may help the philosopher find answers to moral dilemmas. Moral principles…are universal and capable of being discovered…if the philosopher practices philosophy in a 'detached' way (ibid.: p. 7; cf. Dobson 1998: 71c)

3.2.6 Reference

The dimension of reference indicates whether particular cases should be compared to other cases within a larger group in order to be judged as just or unjust, or if they should be compared individually to an objective standard. Campbell argues that "when there is competition…to escape burdens which must fall on somebody, comparisons are inevitable involved" (1988: 14). As a solution, we will thus separate *direct comparisons to other entities* from *comparisons made in reference to a common goal* (ibid.). In terms of climate change negotiations we may then decide to differentiate between comparisons to other countries or groups while comparisons to official documents such as the Kyoto Protocol or the Bali Action Plan are accepted.

3.2.7 Version

Since distributive justice (or social justice) is dominating the literature the main focus will be on this version of justice. This dimension will however be included in order to intercept other versions, should they be explicitly expressed.

4   Analysis

In accordance with previous chapter, we will here present the questions underlying the several dimensions to each of the statements made in Poznan. The main focus will be statements made by the groups of states; G77[15] and China, EU, AOSIS, the Umbrella group, the African group and LDC. As was briefly outlined in the introduction, statements made by the several civil society groups will also be taken under consideration. Being more specialized and profiled than the groups of states we can perhaps not expect to find a response to all questions. It is believed however that their contribution will add more depth to the analysis, revealing more values of the dimensions that would otherwise be found. As expressed by the president of COP

> Our intergovernmental processes always appreciate active participation from civil society. We would like to warmly welcome these organizations to the high-level segment and invite them to continue to play their indispensable role. Through them, we are better linked to the millions of individuals around the world who are concerned about the threat of the global warming and taking action against it (UNFCCC 2008c: 04.18.25[16]).

Before presenting the results of the analysis it should be noted that the dimension of normative logic has been discarded. Although it have been for many of the dimensions difficult to find explicit referral, it was hard to find any statement that even implicitly argued for any particular normative logic. One can suspect that the teleological position is more common, implying that the negotiations would be just only if the outcome is just. However, since we have no empirical material to support this we must leave this discussion for now.

It should also be noted that the dimension of version will not be needed since there have been no such indications in the statements and the principles identified sort under distributive justice.

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[15] The G77 contains the African group, AOSIS, and LDC. They will however still be analyzed separately as it might reveal differences within the G77 (UNFCCC 2009e).

[16] Since the statements are taken from webcasts, instead of page the time of the quote will be given.

4.1 Dimensional values

4.1.1 Principle

In order to identify principles of justice in the different statements, we will utilize the different principles given by Arler (cf. chapter 3.2.1) and combine them with two important principles in environmental governance; the polluter pays principle (PPP) and the principle of common but differentiated responsibility (CBDR). PPP states that "costs of pollution should be borne by those responsible for causing the pollution and the consequential costs" (Sands & Peel 2005: 56). CBDR is, in turn, defines that "all states have a common responsibility" although "it is necessary to take account of differing circumstances, particularly in relation to … causing … and … ability to respond to the threat" (ibid.: p.54).

Several spokespersons expressed in their statements the need for developed (or Annex I) countries to *take the lead* and/or *to show leadership*. Mr. Quarless, representative of AOSIS, expressed the need for "all countries to make significant contributions to emission reductions, led by developed countries" (UNFCCC 2008b: 17.15). China also pressed for this in their statement, expressing the following:

> [D]eveloped countries should take the lead in reducing their greenhouse gas emissions … Meanwhile they should also fulfil their commitments under the convention and the [Kyoto] protocol by supporting developing countries … For their part the developing countries should also take positive and effective mitigation and adaptation measures in the context of sustainable development and with the support of developed countries (UNFCCC 2008d: 02.19.42).

This is a position that is in line with the principle of CBDR which seems to be a common idea of how collective action is to be principally organized. It is natural therefore to investigate what principle of justice it is derived from. In comparing with Arler (2001) his second principle, "needs and abilities" is compatible with CBDR (cf. chapter 3.2.1).

There are some statements that could be interpreted as being built on CBDR, but they could also be built on PPP, e.g. Mr. Shareef who on behalf of LDC stated that "we must reaffirm that Annex I countries must cut emissions first and most" (UNFCCC 2008b: 35.10) which implies PPP as a possible governing principle, at least in a transitional period. Also the above quotes of AOSIS and China imply that PPP should be utilized in calling for the developed countries to lead (cf. chapter 3.2.1). In terms of justice PPP corresponds to the principle of desert (cf. Campbell 1988:21; Arler 2001).

Mr. Ashe, speaking on behalf of G77 and China, made a statement in line with the PPP and the principle of desert in expressing that

> [W]e need at a minimum to start discussions on how annex 1 parties intend to reduce their emissions *now*... The current approach of annex 1 parties – to demand as a precondition for action on their long term outstanding commitments binding action by others – borders on the immoral and is counterproductive (UNFCCC 2008b: 05.57).

Mr. Quarless of AOSIS hinted again at PPP and hence the principle of desert in expressing the following passage.

> The world cannot and should not ask small island states to sign a suicide agreement that causes our homeland to disappear, especially when our contribution to the problem has been miniscule (UNFCCC 2008b: 15.00).

Mr. Shareef of LDC joined the other groups of developing countries in raising demands in line with PPP

> We will call upon the Annex 1 countries to make financial commitment to developing countries particularly the most vulnerable LDCs (UNFCCC 2008b: 38.49).

The Umbrella group gave a rather vague statement that is difficult to interpret, using no more concrete language than that they "would like to increase the ambition of [the parties] negotiations, so that [the parties] can move from sharing ideas to laying the groundwork for a successful outcome in Copenhagen" (UNFCCC 2008b: 19.10). With the strong emphasis on shared responsibility without mentioning explicitly any differentiated ditto, they do however represent the view being closest to that which Arler (2001) refers to as *simple equality*. This view is strengthened when considering the following passage expressed by Ms. Dobriansky, representative of the USA.

> We have seen growing recognition that any environmentally effective solution to climate change requires robust actions from all major economies. The world has evolved dramatically since the early 1990's and the post 2012 arrangement must reflect these changes (UNFCCC 2008d: 02.10.45).

Considering also the fact that the USA supports the Bali Action Plan, which contains clear references to differentiated responsibilities (UNFCCC 2009f: 3), this implies that their position is somewhere between *simple equality* and *needs and abilities*.

Like the Umbrella group, the statement by Ms. Kosciusko Morizet on behalf on the EU is rather hard to interpret. It is emphasized that a low-carbon society would be a more just society and the fact that the union is willing to

reduce emissions regardless of the result in Copenhagen, they will be considered to take a position somewhere in between the principles of *desert* and *needs and abilities.*

As regards to the African group, their statement gave a quite clear message of a desire for a principle of *desert* and possibly *needs and abilities* if its members are given proper support from developed countries. Mr. Lahiouel, who spoke on behalf of the group, expressed this by communicating that the group "think its necessary to begin with a legal framework for financing adaptation based on the historical responsibilities of those who are at the source of climate change" in order to "emerge from the illogical situation where the only resources identified are those drawn from the developing countries themselves" (UNFCCC 2008b: 27.40).

Notable civil society actors include Friends of the Earth International arguing forcefully for the responsibility of developed countries in taking the lead in the aspect of mitigation as well as supporting the developing countries in the aspect of adaptation, thus calling for a principle of desert (UNFCCC 2009c: 04.51.35).

4.1.2 Community

Perhaps the clearest dimension is that of the community of justice which, as interpreted from the high-level statements at COP 14 in Poznan, consists of two main non-exclusive values – the spatial aspect of present generations and the temporal aspect of future generations. United Nations Secretary General Ban Ki Moon was first in line to make a statement pointing out that "the next generation counts on us" and that they should strive for "a deal that works for all nations, rich as well as poor" (UNFCCC 2008a: 12.28, 13.20). With exception for G77/China and the Umbrella group, all groups of states as well as several civil society groups recognized the importance of both the temporal and spatial aspects with the most powerful statements coming from the representatives of the world's youth, speaking of their own future (UNFCCC 2008c: 04.18.50). The expressions range from language such as "the future of our children" and "responsibility of our generation" from EU and LDC respectively to talk of the need for financial and technological support for developing countries, e.g. from AOSIS; "significant financial resources would need to be provided for small island countries like ourselves, to adopt to the impacts that are already occurring and that would intensify in the future…these are the minimum outcomes that we expect from this process".

As regards to the G77/China, they do express the importance of the spatial aspect, as seen also in the quote above, although not as explicit as the other groups. The Umbrella group makes no explicit reference to neither the temporal nor the spatial aspect. They do however, as mentioned above, implicitly mention

the spatial aspect by referring to the Bali Action Plan. It should be said that this is also done by G77/China who puts a lot of emphasis on the Bali Action Plan (UNFCCC 2008b: 19.10, 0.30).

What is perhaps most surprising is that only one group of states but no civil society group refers to non-human beings and/or non-sentients as having an intrinsic value. Indeed, all three of Ms. Lefevre of the International Union for Conservation of Nature, Ms. Maathai, Nobel Peace Prize Laureate, and Ms. Horner of Friends of the Earth International does mention nature and biodiversity but only as having extrinsic value to mankind (UNFCCC 2009c: 04.07.20, 04.29.45, 04.51.35). It is only the African Group that, almost in passing, mention that human beings as a species must take "its responsibility to the planet, to its own survival" (UNFCCC 2009b: 24.10).

4.1.3   Level of analysis

It is quite clear that most statements are at the analytical level of states, or sometimes expressed as countries, however there are exceptions. For Mr. Goldtooth speaking on behalf of the International Forum for Indigenous Peoples the subject is peoples, who are not necessarily limited within the borders of one state and hence not suitable for an analytical level using that entity. Also Ms. Slesarenok, speaking on behalf of the Women's Caucus, and Ms. Freitas, Women's and Environment Development Organization, deviates from the state-centric level and focus on the gender aspect. Both of these will be treated as being at the analytical level of a group.

Mr. Shareef of LDC argued for a broad range in the level of analysis in specifying that

> An appropriate resource allocation methodology needs to develop taking into account specific characteristics of sub-national and national and sub-regional and regional vulnerability, combining physical, ecological, social economic and institutional aspects including gender sensitivity (UNFCCC 2008b: 37.30).

It is perhaps a bit unclear how sub-regional is to be understood, it is clear however that it covers almost the whole dimension, from state to region.

4.1.4   Reach

The notion of particularity as one of the values of the dimension of reach is best expressed by Mr. Shareef on behalf of LDC:

> The mechanism and approaches must recognize that vulnerability and adaptation to climate change is context specific. Adaptive capacity varies by social economic conditions as well as other local circumstances (UNFCCC 2008b: 37.04).
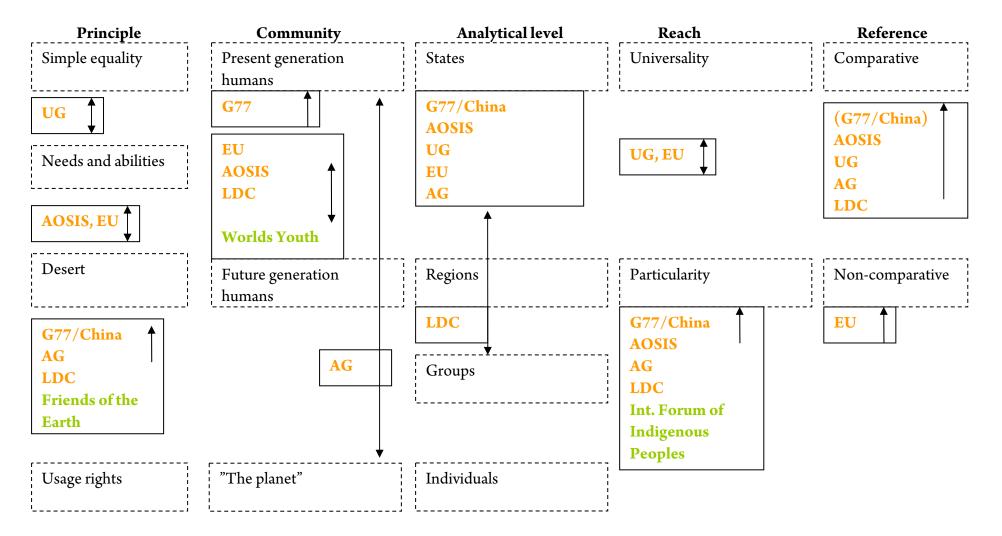
This view is also shared by all developing countries; the G77/China, AOSIS and the African group. Opposite to this notion is that of universality, which holds that the same principles and measures should be enforced without regards to local deviations. This view is held by the Umbrella group and the European Union.

4.1.5   Reference

The dimension of reference was perhaps more controversial in the negotiations leading up to the Kyoto protocol, with the United States and Australia refusing to ratify the agreement knowing that large developing country emitters China and India would not need to. Having put mitigation goals for all parties in the Bali Action Plan, developed as well as developing, this dimension now seem less important. However, judging from the statement of the Umbrella group, this still seem to be a pressing issue, making them a proponent of the "comparative" aspect of justice. Allowing for degrees of comparativeness it can be seen as although all parties agree to a common responsibility, there can still be different opinions on how much each party should contribute. This is also put forward by the G77/China in reference to high-level statements at earlier meetings where it was expressed that emissions would be "cut by a minimum of 20 per cent and to go above that if all Annex I countries made similar commitments" (UNFCCC 2008b: 3.45).

Principally, the only ones taking a non-comparative position on this dimension are the ones ready to commit to emission cuts of certain amplitude whatever the outcome of the agreement in Copenhagen. In Poznan, his position was only explicitly taken by the EU who committed to reduce emissions by 20 per cent regardless of the result of COP 15 in Copenhagen (UNFCCC 2009b: 08.10).

Figure 4. Conceptual map of Justice.

4.2   Positions on the conceptual map

We have now identified the values of each dimension on the basis on the high-level statements at COP 14 in Poznan and the results are represented graphically in figure 4. This is a dissected image of justice in climate change negotiations needed for a coherent and systematic analysis. It does however not say much of the different positions on the conceptual map. In order to highlight the different positions, or conceptions, we need to identify the combinations of values put forward in the statements. We may in that manner present the prevailing conceptions of justice. It should be noted also, in reference to the methodological aspects of concepts, that all principles are of the distributive type indicating that they are to be found on the concretized dimension of distributive justice (see figure 3). In combining the values of this dimension with the values of the other dimensions, conceptions are created as indicated in figure 2.

4.2.1   The developed country position

We see from figure 4 that the European Union and the Umbrella group[17] takes a position that tends to favor a principle of justice equivalent to a cross between, for EU desert and needs and abilities and for the Umbrella group between needs and abilities and simple equality. These two groups also share the same understanding regarding the dimensions of reach and analytical level. They do however deviate as regards to the dimensions of reference and community of justice.

     Except from being mostly made up by industrialized countries, the two groups are mostly western societies which perhaps have implications for the position taken on the dimension on reach, illustrating the distinction between individualism and communitarianism (cf. section 3.2.5).

4.2.2   The developing country position

As opposed to the conception of the EU and the Umbrella group, the developing countries represented by the G77, which also includes the countries in the African Group and LDC, tends to favor the principle of desert. The conception held by developing countries is, as for developed countries, not solid. The G77 deviates regarding the community of justice and LDC applies a more concrete level of analysis. The African Group mentions the "planet" as a value to the dimension of the community of justice and deviates thus from all other statements.

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[17] The Umbrella group does not only consist of developed countries as described in appendix A.

What may not be very surprising is that civil society groups such as Friends of the Earth International and Oxfam holds conceptions compatible with this position.

4.2.3 Deviations

The above constructed conceptions rest mainly on the principle of justice, which is of course very important. This does not mean however that we should not take into account the deviations from those conceptions or that those conceptions are correctly constructed. We shall focus on the first aspect here and leave the latter one for the overall discussion in the next chapter.

The fact that AOSIS has been placed between desert and needs and abilities is due to the expression in their statement that all countries should participate in mitigating climate change. This can perhaps be seen as weighing rather light compared to the other very clear expression stating that considering their "miniscule" contribution to the problem they should not need to lose their islands.

Most civil society groups joins in on one or sometimes two of the different dimensions, but does not make up any values on their own, e.g. Friends of the Earth International takes the value of desert concerning the dimensions of principle and joins the International Forum of Indigenous Peoples in taking the value of particularity on the dimension of reach.

The statement presented by Mr. Lahiouel on behalf of the African Group was the only expressing concern for the planet "in itself". Although sensational in comparison, this may be due to coincidence and is hardly enough to form a separate conception upon.

5 Discussion

In viewing the finished conceptual map, with the results of the concept analysis and the analysis of ideas, one might consider it to be rather "streamlined", it is not that much variation and the variation that is present is not very surprising. This can of course be due to a whole range of different factors. One of the most important factors to consider is that it is groups of countries that have been analyzed and the results will consequently be affected. We would probably have found more exact values for the dimensions had we instead used statements from individual countries. As was said in the introduction, however, this is due to necessary delimitation.

We need also to consider the number of dimensions, which were quite a few, although two were lost in the analysis of ideas since they could not be identified in the statements. Apart from the quantitative aspect of dimensions the qualitative aspect is important in order to find the ideas. It is difficult to say whether the loss of two dimensions was due to them being poorly chosen or because the statements in the material were rather vague.

Moreover, the stance taken as regards to ontology and epistemology might affect, not the result perhaps but the understanding of them, e.g. a position of emotivism as regards to ethical or moral values would probably argue that the methodology is flawed, since values are then interpreted as having no meaning. Having explicitly specified the position taken the prerequisites for relating to the results from that perspective has been given.

Finally, it should be acknowledged that some of the statements are hard to interpret (e.g. the Umbrella group), which is problematic since it affects the dimensional depth. It is a however a consequence of the chosen material and cannot be solved without replacing or complementing the empirical material. This is beyond the scope of this thesis and we will then have to settle for a recommendation to widen (or deepen) the empirical material in future research, e.g. putting focus on a certain group of states in order to better uncover different conceptions, and thus be able to deepen as well as widen the dimensions utilized here.

Recognizing these potential problems it has however been showed that greater differences in ideas, if there are any, must lie in other dimensions, or perhaps at a another level of abstraction.

6 Concluding remarks

As outlined in the introduction the purpose of this thesis has been to find the prevailing ideas of justice in the climate change negotiations, as expressed in the high-level statements given at COP 14 in Poznan in December 2008.

In order to respond to the research question presented – what ideas that prevails – it is sufficient to refer to the answers given by the different statements to the questions underlying the specified dimensions of justice. We have also combined these into two positions on the conceptual map (conceptions) in order to illustrate the result in a perhaps more interesting manner. These conceptions are first and foremost separated by the dimensions of principle and reach, where what is called the *developed country position* adopts a view where the principle is to be defined with emphasis on needs and abilities which should be applied in a universalistic manner. The *developing country position* emphasizes instead the principle of desert which is to be applied in a particularistic manner.

It should be noted though that this reduces the richness of the material and it should only be considered in conjunction with the underlying dimensional description (cf. Dobson 1998: 62cc).

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Appendix A – Glossary

AOSIS	Alliance of Small Island States – a coalition of about 43 low-lying and small island countries (UNFCCC 2009e).
COP	Conference of the Parties
EU	European Union
G77	Group of 77 – General interest group of developing countries (UNFCCC 2009e).
IPCC	Intergovernmental Panel of Climate Change – "assesses the scientific, technical and socio-economic information relevant for the understanding of the risk of human-induced climate change" (IPCC 2009).
LDC	Least Developed Countries – 49 countries cooperating on issues of vulnerability and adaptation to climate change (UNFCCC 2009e).
Umbrella group	Have evolved from the JUSCANZ-group at the time of Kyoto negotiations and is (usually) made up by Australia, Canada, Iceland, Japan, New Zealand, Norway, the Russian Federation, Ukraine and the US (UNFCCC 2009e).