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Reframing Climate Justice:

A Three-dimensional View on Just Climate Negotiations

Abstract

This article proposes reframing the justice discourse in climate negotiations. In so doing, it makes two claims. First, global climate negotiations deserve to be addressed as an issue of justice on their own due to their peculiar characteristics. Second, a multidimensional theory of justice is superior to distributional theories for this task. To support these arguments, I apply the multidimensional theory of justice to global climate negotiations. This analysis reveals that injustice in the negotiations is multidimensional and irreducible to distributional questions. Furthermore, it shows how promoting justice in this broad sense would have significant effect on the negotiation procedures and substantive outcomes.

Keywords: climate justice, climate negotiations, multidimensional justice, recognition

Introduction

Justice has often been viewed as a question of distribution. For the cornerstone theorists from John Rawls (1971) to Brian Barry (1989), justice has been about distributing benefits and burdens, or rights, in a fair way. In more recent discourse this view has been challenged by a broader view of justice. Philosophers such as Martha Nussbaum (2006; 2011), Nancy Fraser (1998; 2010; Fraser & Honneth 2003), and Iris Young (1990; 2000), have criticized the idea that justice is merely (or even foremost) about distribution. For Nussbaum, equal distribution does not guarantee equal opportunities and hence the focus must be turned to opportunities. Fraser and Young have been interested in the roots of injustice and different forms of non-distributional inequity.

The distributional paradigm has been challenged in climate ethics as well. Alternative views attracted interest after it became evident that traditional ethical approaches are ill-equipped for responding to many of the problems related to climate change (Gardiner, 2006). The broad view of justice has been applied to climate justice by David Schlosberg (2012). According to him, the main improvements to the broad climate justice approach are: (1) acknowledging the importance of social and political equality as a precondition for justice in distribution, and (2) connecting the theoretical ideas to practical policy-making.

Applying broad justice to climate change is a promising task that deserves further research. One topic that has not yet been discussed within the broad justice framework, and that needs to be addressed separately due to its unique complexity and great importance, is the global climate negotiation system. In this article I will apply the broad view of justice to global climate negotiations (the Conference of the Parties meetings, hereafter COP), aiming to show how the broad view of justice helps to understand the nature of negotiation-related injustice. As will be shown, following the principles of broad justice would have significant effects on climate negotiations. This

discussion will also show why climate negotiations are not sufficiently treated within general climate justice theorizing, but need a separate discussion.

There are several peculiar features of COP that set the context for justice theorizing here. Firstly, the group of participants is limited and rather fixed (for each meeting) yet, is at least somehow democratically justified. The justification arises from the global coverage of the meeting and the role of national governments in the negotiation boards: in Warsaw, a total of 190 parties (and 2 observer states) out of the 195 UNFCCC ratifiers participated; and 134 nations had, at least, one minister as a representative (UNFCCC 2013). Another important feature of the negotiations is their procedural strictness: the schedules, working groups, hierarchies and procedural standards are rather inflexible. Negotiations have inherited the properties of a typical western and United Nations oriented policy-making culture, a feature I will discuss later.

Any significant results of the global climate negotiations are still awaited. In 2013, emission reduction pledges were scarce in the updated Kyoto Protocol Annex (Doha Amendment, 2012), and no new pledges were made in Warsaw; countries only decided to intensify the preparation of their contributions for forthcoming meetings. The results concerning adaptation measures were not much more successful; scaling-up of the adaptation finance and the contributions to the Green Climate Fund were asked, but few pledges were made and no binding agreements were undertaken. The subsequent round in Lima was not much more successful and even the UNFCCC Press release after the COP described the results as mainly putting “the world on track to Paris”.

Global climate meetings are broadly considered to be the main tool for addressing climate change globally, and they have also possibly become the best known symbol of striving towards a more sustainable future. Arranging the huge negotiations and the preparatory meetings every year requires vast resources. Hence, giving these negotiations a distinctive ethical consideration (rather than just treating them as a part of more general climate justice theorizing) is important.

This article begins with an introduction to the broad view of justice that also explains what more it offers compared to the distributional paradigm. Although I am interested here in the justice concerning negotiations, this background setting must be described at a more general level due to the scarcity of negotiation-specific theorizing. In the two main sections of this article I will address COP justice by analyzing two different realms of broad justice: representation and recognition. To summarize, I will shortly discuss whether the idea of broadly just climate negotiations is a mission impossible and whether there are ways to make negotiations more broadly just without radical institutional reforms.

Broad Justice and Climate Negotiations

Current climate justice theorizing has mostly focused on distributional justice, especially on sharing the benefits and burdens (and risks). The key approaches to mitigation have suggested solutions such as historical responsibility on emissions, equal carbon emissions per capita, or basic rights to a certain level of development (Schlosberg, 2012, pp. 447–449). Until recently, adaptation has received only little attention. Also in that field, contributions have had a distributional orientation, considering sharing the adaptation costs (Baer, 2010), the connections between adaptation and development assistance (Shockley & Light, 2014), as well as gender issues (Tschakert & Machado, 2012). Climate negotiations have been addressed more broadly, for instance, in the *Ethics, Policy & Environment* special issue in 2012, yet those valuable contributions mainly address more detailed questions such as the contents of a treaty and interpreting the notion of equity in the agreement (Light, 2012). Although these issues are all important, the distributional framing that theorists usually adopt does not cover all relevant aspects of negotiations. To enlarge the view, broad justice provides two further analytical standpoints for assessing the nature of

injustices in climate negotiations.

The different dimensions of broad justice were originally introduced by Fraser (1998; 2010; Fraser & Honneth, 2003), who calls her theory the three-dimensional view of justice. I prefer to use the label “broad” to describe the broadening effect that this framework has on justice issues. Broad justice consists of three separate, yet intertwined and overlapping dimensions: distribution, recognition, and representation. Distribution usually refers to the economic and material dimensions of justice, recognition concerns the social and cultural issues (such as equal respect), and representation covers the political and participatory aspects of justice. There is variation in the importance of these dimensions in different instances of injustices; some issues are more economic whereas others primarily concern recognition, and so on. Three dimensions of justice are all relevant and irreducible to each other. Equal salary, for instance, may not guarantee social parity for a person who represents a disrespected ethnicity or sexual orientation.

In climate negotiations, stepping out of the distributional frame provides two additional aspects from which injustices can be evaluated. It helps understanding of what lies beyond maldistribution, or the disagreement about distribution overall, and identifies the obstacles to justice. If we can improve our understanding of how recognition and representational justice are promoted or hampered in the COP meetings, we will also better understand the roots of distributional injustice that plague the negotiations year after year. Such theoretical tools would be unnecessary if global climate challenges were resolvable simply through global voting, but I argue that this cannot be the case due to the wicked nature of the problem at hand: it is impossible to translate the challenge into simple questions that can be voted on.

A common starting point for theorizing about climate politics entails a distinction between procedural and substantive justice. This distinction has (in more general context) already been made by Rawls (1971) concerning the relationship between procedural justice and outcomes. Regardless

of how justice is understood, a problem with climate justice and climate negotiations is that even a fair procedure cannot guarantee climate-efficient (and, in that sense, substantively just) outcomes and, vice versa, climate-efficient and substantively just outcomes do not guarantee procedural justice as they could, in principle, be achieved by any procedural means. Some philosophers have argued that when the contents of a just climate policy (or its outcomes) have been independently defined, procedural justice becomes an unnecessary idea because it cannot guarantee the same results (Vanderheiden, 2008, p. 253). On the other hand, procedural justice can be defended by appealing to its intrinsic value (equality of citizens) or its instrumental value if democratic procedures are believed to result in more efficient or epistemically better decisions — though these arguments can be questioned (see Kyllönen, 2012).

The broad view of justice here is a theoretically demanding approach, asserting that neither procedural nor substantive justice alone is sufficient; yet it is worth keeping in mind that claims for this kind of extensive justice are common among justice movements. Because the different dimensions of injustice are so intertwined and irreducible to each other (Fraser, 2010, pp. 16–18), “full justice” would require justice in all three dimensions and, accordingly, at both procedural and substantive levels. Climate justice, and particularly the case of climate negotiations, have to my knowledge, not been addressed previously using this kind of holistic conception of justice.

A full elaboration of justice in climate negotiations would be a broader task than can be achieved in one inquiry alone. In the following sections I will discuss how the broad view of justice can be compared to its narrower counterparts and what makes the former a better tool for addressing justice in climate negotiations. The two “new” dimensions, representation and recognition, are addressed one at a time and negotiations are evaluated through their analytical standpoints. The last two COP meetings (at the moment of writing), Warsaw in 2013 and Lima in 2014, serve as reference points for practical negotiation issues. Some quotes from the representatives are also used

as illustrative examples.

Representation: Setting the Frame in Negotiations

The dimension of representation is concerned with procedural rules and institutions: justice and equality in this respect require the participatory parity of people. Within this dimension of justice, injustice can occur in three different forms: ordinary misrepresentation, misframing, and injustice in the process of frame-setting (Fraser, 2010, p. 16–25). Although distributive approaches can also address representation, their scope is narrower and primarily concerned with ordinary misrepresentation and the allocation of power. Consequently, possible changes are assumed to take place within the current or slightly revised political structures. By contrast, broad justice adopts a transformative approach to the politics of framing. It argues that the process of frame-setting, or defining the “who” of justice, should be opened. Accepting this claim would have radical consequences for climate negotiations.

The “who” of representation justice concerns inclusion and exclusion. Fraser (2008, p. 411) argues that instead of choosing the included ones, according to the all-affected principle commonly used, we should follow the all-subjected principle of inclusion. With regard to climate change, there should be no difference in these approaches: the group that is both affected and subjected is the whole of humankind. At the same time, it is clear that due to practical reasons, the right to speak in climate negotiations will remain in very limited hands compared to the affected group.

The greatest vulnerability to climate change is often located in the countries or communities that are also among the poorest and, in addition to future vulnerability, they also lack resources for improving their current situation. It can be argued that these most-subjected communities should actually have the highest say or representation in the negotiations. Yet this idea can be criticized

from the democratic viewpoint, as everyone whose interests are at stake should have an equal voice. For general consistency, I will here accept this critique: in terms of representation, ensuring the equal representation and participatory parity of the vulnerable is sufficient for representational justice.

States are generally considered as the relevant representative units in COP frame-setting, and representation is shared between their delegates. Even this state-territorial framing leaves room for criticism. As Eckersley (2012, pp. 34–35) observes, vulnerable and less powerful states often have fewer delegates, less technical resources, and they are excluded from many crucial back-room meetings. The problem here is not entirely distributional: the obstacles to equal participation are not only economic but also power-related and are built in the hierarchies of state relations. Hence, ensuring proportionately equal delegation size and providing everyone with similar technical equipment would not resolve the problem. If we are to identify all relevant obstacles to representational equality, the representation dimension of justice must, therefore, be addressed as a question distinct from distribution, especially in the different practices of informal or formal exclusion.

Indeed, the varying principles for choosing the COP representatives within the states are open to criticism that often goes beyond distributional justice. Most of the states send their minister(s) among the representatives, but not all. In Warsaw, more than half of India's representatives were from the Embassies of India in Europe; on the other hand, Japan, for example, exceptionally sent many researchers whereas many other parties did not send any (UNFCCC/CP/2013/INF.4). What is common to these cases is that the procedures for choosing representatives rarely include citizen participation. Even the negotiators who have been democratically elected to their national positions have not been elected for climate change-related work. Were there another election about COP representation (or public deliberation on how the

participants should be chosen), the composition of national representation might be very different. These questions belong to the frame-setting, or “how”, of representation: how are those that should represent the state and its citizens in COP to be defined? Clearly, at this point, distributional approaches turn out to be insufficient. Crucial questions concerning the “how” of representation are procedural, hence needing a broader theoretical apparatus and a broad understanding of representational justice (as well as the notion of recognition, as will be seen in the later sections).

It is, however, important to ask more radical questions. Are state borders really the most relevant criteria in global issues such as climate change, and does parity in global negotiations mean equality between the state units? These are also questions arising from what Fraser calls the politics of framing. There are two approaches available. One is the affirmative approach that accepts the current Westphalian frame-setting and the primary nature of state-territoriality. A second is the transformative approach that, instead, holds that in certain contexts of global, non-territorial issues, framing based on the state-territoriality is already an injustice (Fraser, 2010, pp. 22–23).

A similar idea of rejecting the state-territoriality principle has been proposed by many advocates of cosmopolitan democracy (see for instance Archibugi and Held 1995; Held 1995, 2004); the latest contributions in this area also deal with climate change. Yet, the mainstream of these contributions (cf. Caney, 2005; Doğan, 2010; Harris, 2011) takes a distributive viewpoint to these issues: for them, the question is about distributing the power rather than the impediments of representation. Part of the problem lies with this distribution, but that is not the whole story: an ambitious goal may fall short if the old framing is replaced with a new one instead of discussing who, and how, should participate in defining these new frames.

Setting aside the practical details of a global frame-setting, the challenges of legitimacy and efficacy are important here. Without global institutional power, a radical idea of global frame-setting and truly global negotiations will hardly have any legitimacy or effect: this can be seen in

ambitious initiatives such as the World Social Forum. Following the principles of a radically transformative approach to climate negotiations would, therefore, require radical institutional transformation to ensure that the changes are effective. This process would be burdensome and slow. In ideal political theory, radical transformation may best meet the conditions for justice. Yet climate change is a special case, a wicked problem, in which there are grounds for engaging in “non-ideal political theory” that takes the existing problems and tensions better into account. It is also unlikely that there would be enough time for a radical transformation in global institutions. A second-best alternative is an ambitious reform within the existing institutions (and within the time available). It admittedly distances the idea from the original radicalism of a broad representational justice, and this raises a point about the relation between theory and reality here: an ideal theory sets a benchmark and a non-ideal theory serves as a compass towards that direction. Rejecting the ideal does not entail rejecting the broad view of justice. Even less radical, yet broad changes in frame-setting can significantly affect the current representation structures. These changes include demanding a better frame-setting process both in regional and national scales.

Such a reform has actually been discussed by Robyn Eckersley (2012), who proposes a form of inclusive “minilateralism” for resolving the most difficult questions faced by the negotiations as well as the tensions between legitimacy and efficacy. In this model, the most difficult questions (such as the mitigation responsibilities of the major polluters) are negotiated in a group much smaller than the ordinary COP plenary that consists of all countries. These hardest questions have often been left “to be discussed in the forthcoming meetings” as there has been no hope of reaching any compromise in the plenaries. Resolving these questions would probably require smaller working groups, but such solutions raise the problem of legitimacy due to their exclusionary nature: this creates tensions between legitimacy and efficacy.

As a compromise between these tensions, Eckersley argues for a Climate Council, a working

group whose composition would represent all relevant parties and different viewpoints in “miniature” size. This “common but differentiated representation” would have representatives from three kinds of states: the most capable, the most responsible, and the most vulnerable (Eckersley, 2012, p. 35). In this way the different interests would be brought to the table, and the legitimacy of the Council would, at least, be higher than the legitimacy of the current backroom meetings. Bringing the major powers, whose commitment is necessary for efficacy, to a smaller negotiation table with the most vulnerable ones could, indeed, lead to results that are superior to what the COP meetings have yielded this far. Eckersley's minilateral Climate Council is an interesting idea, and I am sympathetic towards it as a part of the broader solutions. From the viewpoint of broad justice, a Climate Council, however, would require further development.

Eckersley (2012) has addressed the problem of legitimacy in her article. Climate Council could be a much better arrangement than informal groups containing only major emitters who already have their backroom meetings. Indicative representation of the excluded parties can be arranged, and meetings and procedures of the Climate Council can be made as transparent as possible. These arrangements might be sufficient for narrow justice, but they fall short of the requirements of broad justice in representation, especially in that the “how” of the representation in Climate Council is not open but resolved through academic deliberation.

My standpoint is that although climate actions and commitments are needed right now (which I justify as the “second-best solutions”), it is necessary to strive for more justice in tandem. Here, it should be possible to publicly deliberate on the composition of the Climate Council, as well as to keep in mind the need to open the national representation better. This would further increase the perceived legitimacy of the agreements as well as the strength of the commitments made. Given that the Climate Council idea offers an interesting proposal, I suggest here some points that the Council idea should address to meet broad justice. These points also illustrate the “blind spots” that

a distributional approach to justice does not cover.

First, participatory equality needs to be addressed in more detail. Eckersley argues, in my view rather plausibly, how a “minipublic” can be equal in representing different parties and viewpoints. Yet this equality basically concerns the distribution of formal power and helps to avoid the “ordinary misrepresentation” types of representation injustice (cf. Fraser, 2010, pp. 22–25), but not the obstacles that impede the participatory parity of those included. Promoting representation justice in broader terms also requires ensuring that the material and immaterial capacities of those representing the vulnerable states do not leave them in an unequal position compared to wealthier states. This also requires increasing respect and trust among the participants.

Second, there is a serious risk of misframing injustice in the frame-setting of restricted bodies such as a Climate Council. Misframing occurs when the boundaries of a decision-making community are defined in a way that wrongly excludes some participants. Compared to ordinary misrepresentation that excludes some people from making justice claims, here the problem is, in a way, deeper as parties may be excluded from even belonging to the community of justice whose members can make such claims (Fraser, 2010, pp. 18–20). This issue returns to the national representation that is susceptible to the problems of misframing, for even though, in principle, states should represent all people in the world, there are various vulnerable groups and minorities that are not represented by their states in COP meetings due to their relatively small size within that state. These groups, whether ethnic minorities or children and women in rural areas, may need “differentiated but equal” consideration in the frame-setting to ensure that their voices are equally heard, and a Climate Council does not resolve this problem.

A further criticism of climate negotiations (that is also not addressed by the Climate Council) could be made by the proponents of ecological justice: the current representation excludes non-human nature from the sphere of justice. This issue goes beyond the scope of this paper, but it

shows the importance of representation justice also for those theorizing ecological justice.

In addition to representation, there is another “new” dimension in the broad view of justice that is inadequately captured by the distributional paradigm of justice. This dimension is recognition, a form of cultural justice/injustice present in the institutionalized structures (Fraser & Honneth, 2003). The role of recognition is especially important in the case of climate change. In the next section I will discuss how misrecognition is rooted in current climate negotiations at many levels and how understanding failures in the negotiations requires understanding the misrecognition that is being reproduced time after time.

Recognition: Irrational Worldviews and Invisible People

Misrecognition refers to cultural and social injustices that can be further classified into three different forms: cultural domination, nonrecognition or ignorance, and disrespect or disregard (Fraser, 1998, p. 7). The importance of recognition in understanding climate injustices has previously been raised by Schlosberg (2012), who focuses on the relationship between climate adaptation and the status subordination following from misrecognition. Two special cases of misrecognition can be identified with regard to climate adaptation: 1) ignoring the affected peoples, groups, and cultures (such as the Alliance of Small Island States), and 2) the nonrecognition of the relationship between natural world or processes and the social and cultural world (Schlosberg, 2012, pp. 450–451). The latter case refers to a general disregard of how climate change will threaten the natural processes on which humankind depends, as well as a vast amount of cultural heritage.

The above-mentioned cases of misrecognition are also identifiable in the climate negotiations. The nonrecognition of human-nature relationship and interdependence is already

visible in the fact that despite the predictions made by scientists and scientific panels such as IPCC, the mitigation commitments of major emitters indicate that these scientific observations about our relation to nature are practically ignored. Exclusion of the non-human world in the decision-making and representation (with the exception of some environmental NGOs) also indicates this injustice.

Adger, Barnett, Chapin III and Ellemor (2011) have argued that the impacts of climate change on places and cultures are currently undervalued in the climate risk analyses and policy-making. This is a case of cultural misrecognition: the value of cultural heritage and local places has not been fairly acknowledged (for a detailed discussion of examples, see Whyte 2011). This particularly concerns those vulnerable groups that will be most affected by climate change. In comparison, the values of highly consumerist cultural practices are given dominance, as mitigation commitments are loosened or postponed with an appeal to promoting the economic growth and securing the standard of living of the citizens living in a wealthy world.

Cultures and places have value that is incalculable in monetary terms. If a community loses its home island due to the rise in sea level, distributional arrangements cannot compensate for the losses related to the attachment with place, its cultural and environmental meanings, and its historical value to the people that are forced to migrate. From the standpoint of broad justice, any attempt to reduce this injustice into a distributional form underestimates and deprecates the valuations made by humans all around the world. Reducing these kinds of losses into calculable and compensable units is injustice with regard to misrecognition. Yet this seems to be the strategy in the climate negotiations: every loss has its price, and if economic development is seen to outweigh that price, some communities are put at risk of losing their places.

Cultural domination is a form of misrecognition that is characteristic of COP meetings. It is constituted in the Western-centric and “econocentric” way of speaking and negotiating. The problem lies in the hegemony that these conceptions and ideas have over other views. This is a

paradigmatic case of misrecognition when compared to the following definition: “Recognition justice requires that policies and programs must meet the standard of fairly considering and representing the cultures, values, and situations of all affected parties” (Whyte 2011, p. 201). The language adopted for decision-making in COPs and the agreement formulation largely misrecognizes those cultures and peoples who do not experience their life in Western ways. Some communities may even lack the linguistic capacities to equally participate in the decision-making. A similar problem was faced by the Navajo tribe that struggled with the harms faced by their members working in the uranium mining sector whilst the term “Uranium” does not even exist in their own language (Whyte, 2011, p. 201).

Climate negotiations are uniquely diverse in representing different worldviews and languages. There is no universal language available: therefore recognition, meaning fair consideration and respect for different views or values, is of utmost importance. A chance to address climate issues from within one's own language, or a language one is fully capable of using, should be promoted. Distributional justice is here insufficient: although, formally, everyone has an equal standing in the meeting, cultural domination and disrespect towards (for example) indigenous knowledge and non-economic rhetoric may lead to the dismissal of many of the arguments of certain participants. In the Warsaw meeting, for example, Bolivia defended the Mother Earth and the rights of nature: this kind of speech may be considered as “irrational” and ignored due to misrecognition. The phenomenon described here has also been treated in the feminist philosophy as epistemic injustice (Fricker, 2007).

The cultural domination described above is injustice in itself, but there is more. Domination is exercised by the major powers that are also mainly responsible for climate-related inequalities in a broader sense; the most vulnerable are subordinated. This constitutes a double inequality, comparable to a court meeting where a jury speaks the same language only with the offender and,

due to different languages, victims are misunderstood time after time. In my view, cultural domination and ignorance is the most undertheorized injustice in the negotiations. It might also explain a great deal of the COP failures: as long as the most vulnerable are not taken seriously or their claims for recognition are not given fair consideration, postponing action seems less serious.

Thus far, the discussion has covered procedural misrecognition, but another important aspect is the substantive claims for recognition. What kinds of claims for recognition justice do the participants make, and how is their justifiability to be evaluated? For instance, China insists on the right to continue economic growth (to erase poverty) and to achieve the standard of living of wealthier countries. Is not this claim as justified as the other claims for recognition, such as the claims made by the global South? Are there any ways to differentiate justified claims for recognition from unjustified ones?

Fraser has argued that claims for recognition are not all equally justified (Fraser & Honneth, 2003, pp. 37–42). She finds the principle of participatory parity, or the ability to participate equally in social life, a proper criterion for justified claims of recognition. A claim for recognition can then be evaluated according to two criteria: the effects of recognition between the group in question relative to other groups, and the effects within the group. First, it must be shown that the current norms somehow deny the participatory parity of the claimants; second, the recognition demanded must not, in turn, deny the equality of some other group. Therefore, the recognition claims of, let us say, racist practices cannot be justified as they would lead to rejecting the parity of another group.

To illustrate the point, I will next evaluate some claims for recognition that have been frequently made in the climate negotiations: manifestations of these claims are chosen from the speeches made in Warsaw and in Lima. I will evaluate whether the claims fulfil the justifiability conditions mentioned above and, if they do, observe their effect on climate negotiations.

Zimbabwe offers an interesting example as one of the most vulnerable countries. In Warsaw,

Zimbabwe's speaker, Saviour Kasukuwere, stated that the adverse effects of climate change “threaten the sustainable development, livelihoods and the very existence of many of our people”. He continued that developed countries hence have the responsibility to make greater emission reductions. He also demanded that addressing climate change must enable low carbon economic growth and sustainable development in “our countries” (by which he refers to developing countries). In the end part of his speech, Kasukuwere asked: “When is the world going to take climate change very seriously? How many people should have perished because of climate change? How much in terms of economic losses should we have registered?” (Kasukuwere, 2013).

Zimbabwe's rhetoric contains clear examples for recognition. At least two claims for recognition can be identified from the statement. (1) The most affected people, whose livelihoods and existence will be threatened, must be given fairer consideration. (2) Recognition of the developing countries' right to develop (sustainably) and attain economic growth must be secured in mitigation policies, valuing them as equally important with the developed world. Interestingly, there is also, finally, a turn into directly economic language: this could be interpreted as an attempt to “identify” with the Western-centric way of speaking.

The first claim is a rather basic one: similar claims to give more fair consideration and visibility for the most vulnerable have been made by various climate justice movements (see, for example, Mary Robinson Foundation – Climate Justice, 2013) as well as other LDC representatives (Mussa, 2013; LDC Group, 2014). The justifiability of this claim is easy to point out. There is genuine inequality due to the lack of sufficient mitigation. Recognition of the most vulnerable in this respect would reduce global inequality, but it would not hamper the equality of any other group. Accepting this basic claim for recognition would have remarkable effects. It would require binding mitigation commitments from the major emitters, as well as support for the adaptation to help the most vulnerable avoid losses of livelihoods and their places. As a critical threshold here is in the

loss of livelihoods and places, the global peak year of emissions should take place practically immediately to avoid the loss of coastal areas and small island states.

The second claim that concerns the right to development and economic growth, even in a low carbon way, is also a common one among the LDC representatives (see e.g., Ishaku, 2013; Ojano, 2014; LDC Group, 2014) yet also more problematic. Although great global economic inequality undeniably exists, low carbon growth is not no-carbon growth. The problematic question is whether the right to develop, even in a low carbon way, would harm the participatory parity of either the wealthier states or the vulnerable communities (by significantly increasing the adverse effects of climate change there). With the current gap in the wealth, the first risk does not seem probable, even if the development of wealthier countries would be restricted. The second point, however, requires greater consideration: to ensure that the low carbon growth of developing nations does not cause further injustice to their own communities requires better defined limits for the climate effects of that growth. (A further question here would concern future generations, but this needs to be omitted, as it is too extensive.) Within these limits, the claim can be found to be justifiable, yet it might be that, even with radical emission mitigations from the major emitters, there is not much “carbon space” to be used for the development of the least well off.

Another example of recognition claims comes from Lima and Usha Nair who spoke on behalf of the Women and Gender Constituency group. This group calls for a human rights-based climate agreement that protects the rights of disadvantaged groups, from women to indigenous peoples, and those in the most vulnerable position. Furthermore, the group urges “... the Parties to recognise gender equality, women’s empowerment and human rights as essential elements, cutting across all aspects of negotiations” (Nair, 2014). This is a rather straightforward call for the recognition of women. Although Nair speaks of “all aspects of negotiations”, other parts of the speech clearly refer to the contents of the agreement texts. Hence, I will treat the claims here as

substantive, not procedural.

Fraser argues that gender is both an economic and a status differentiation: in addition to economic inequalities, cultural structures of evaluation have an androcentric hierarchy where “feminine” is less valuable (Fraser, 1998, pp. 15–17). In the context of COPs, this kind of misrecognition more specifically takes the form of nonrecognition: women are rendered invisible through the representational, communicative, or interpretative practices (cf. Fraser, 1998, p. 7). There may also be instances of cultural domination that arise from the hierarchical division between “rational/masculine” and “irrational/feminine” ways of using language. This leads to devaluation of “feminized” language and arguments, such as talk of empowering communities and invigorating traditional knowledge.

The recognition of women cannot be dealt with by distribution alone: already the idea of empowerment entails demands that are not fulfilled by redistribution alone, although that might be needed as well. There is already a broad literature on gender-related climate inequalities (see, e.g., Dankelman, 2010), proposing that there are grounds for claiming the recognition of women. This recognition would not result in inequalities either. Rather than a deeper questioning of the justification of these claims, a more interesting question concerns the consequences of such claims. What would be different in the climate negotiations were these claims for recognition properly considered?

Different strategies could be adopted to promote the recognition of women. Empowering women in the climate negotiations concerns both representation and recognition justice. Whereas the politics of representation can advance the inclusion of women, recognition can enhance capacities and culture that make the inclusion effective. For instance, it needs to be evaluated whether current negotiation bodies, groups, and formal procedures promote gender equality or androcentrism. Women can also be provided with education to help them use their power in

negotiations more effectively.

The greatest changes may not concern the procedural part but substantive justice. A “gender impact assessment” of the agreement proposals, combined with a requirement for gender equality, would be a proper tool for the fair consideration and recognition of women. Some might oppose this idea as unjust in itself: for practical reasons not all subordinated groups can receive a separate impact assessment, so it might seem unfair to propose such for one of them. Yet, women constitute about half of the world population, and an assessment tool addressing that broad group can in my view be justified. (A similar argument could be used to justify an impact assessment that focuses on developing countries. However, in that case the evaluation would concern the groups that are negotiating parties themselves: that makes the case different.)

A gender impact assessment would affect the negotiations greatly: it could address multiple instances of inequality. In many vulnerable states women face inequality even without climate change, so they experience double inequality and, hence, have weaker capacity for adaptation. Women are largely responsible for unpaid work, and their chances of having private property are still incomplete in many communities; these aspects of women's lives are invisible to considerations that operate in economic terms. Moreover, if the current economic and institutional structures are unjust for women, it is unlikely that the climate fund instruments such as the Adaptation Fund would correct gender injustices without paying attention to the issue. A gender impact assessment would help to identify the decisions that alleviate or worsen such inequalities.

Such an assessment would by no means be a simple calculation, and suggesting that it covers the whole agreement proposal implies an enormous task. Full justice may require that, but there could be smaller steps towards doing at least *more* justice. Even a less radical implementation, such as applying a gender impact assessment on the different climate funds established by the UNFCCC procedures, could make a great difference. It would also help to develop the assessment

tool further.

The instances of misrecognition described above help us to understand the different problematics behind the injustice in climate negotiations. The negotiation atmosphere could be described as having “scarcity of respect”; in those circumstances, those who benefit from current inequalities and postponed action are unlikely to undertake “sacrifices” for the parties they consider less worthy. Unless this domination is relinquished and equality of all human beings truly respected, the only motivation for action could arise from the self-interest of major emitters.

Misrepresentation and misrecognition are both at the heart of injustice in climate negotiations. I hope to have shown how they can address multiple issues that cannot be sufficiently dealt with by the distributional paradigm of justice. The distributional dimension is also important: all three are needed and none of them is sufficient alone to address the present injustices. The three dimensions are intertwined in complex ways, as the case of gender injustice has illustrated. Together they form a tangled skein that is difficult to dismantle. Without a proper politics of representation and recognition, the climate negotiations will remain unjust both in procedural and substantive terms. This leads to the final question: are there any prospects for fully just negotiations, and if not, what is the point?

Towards Just Negotiations: A Mission Impossible?

It is reasonable to wonder whether justice is achievable in the context of the UNFCCC and the current negotiation system. Throughout the history of environmental ethics, opinions about the possibility of changes within current institutions and systems have varied from side to side, from “pessimists” abandoning the state (Biehl & Bookchin, 1998) to “optimist” discussions of how democracy and current practices of governance could be improved (e.g. Dryzek, 2006; Eckersley,

2004, 2012). What then are the prospects for representation and recognition justice in climate negotiations?

Earlier I discussed two approaches to change with a view to representation: a more radical view that rejects the state-territoriality principle, and a less radical view that promotes changes in how the representatives are chosen and empowered. The radical alternatives would require rejecting the current UN framework that has been built on the state-territoriality principle. One example of a new radical scheme could be globalized and democratized representation, in which all people could vote for their own representatives (from whatever country or organization) for the global negotiations. Selecting the candidates for global elections would, of course, be a difficult task, in addition to the practical challenges of such arrangements. Another alternative I find interesting would be to establish (preferably civil society based) Continental Climate Panels, who would first make their decisions together with the inclusion of NGOs and experts, and then choose their representatives for a Global Climate Panel that would have a reasonable amount of members. This idea deserves a treatment on its own.

However, an already mentioned challenge for all radical proposals is that climate change actions have already been postponed for too long, and there is not much time left to avoid catastrophic outcomes. All practices that postpone climate action are, therefore, climate injustices in their own way: hence, institutional-level reforms that postpone action can be argued as unjust here. In the non-ideal world, the greatest justice in climate negotiations means more “minimizing injustices within the given timeframe”.

Within the current institutional framework, Eckersley's idea of improving the negotiation procedure by establishing a Climate Council is an example of a promising reformation, although it was open to some criticism from the broad view of justice. Other strategies would include empowering vulnerable parties and/or especially women in the negotiations, and democratizing

national representation. The representation of different NGOs and expert groups could also be strengthened; this suggestion is a little complex, however, because there are also multiple NGO-type actors that represent the interests of fossil fuel companies or other climate harming organizations.

From the perspective of broad justice, such improvements in representation justice are only part of the task: whether more or less radical, such changes should be backed up with improved recognition justice. It may even turn out to be more important than renewal of the structures of representation. Misrecognition is largely expressed in the patterns of domination and nonrecognition, and the changes required in these terms are partly out of the reach of institutional or procedural reforms. Schlosberg (2007, p. 23) has remarked: “a state cannot allocate recognition as it does other goods”, and the same problematic is present in global negotiations. Declarations can speak of recognition but not guarantee it. Empowering women to use power more equally in the negotiations is, for instance, one example of what can be done but tackling misrecognition in the procedural side of the negotiations is, indeed, a difficult task. More can perhaps be done in the substantive part of negotiation justice: a gender impact assessment is a practical example that could be implemented even within the current institutional frameworks.

Notwithstanding the problems in promoting recognition, misrecognition should be seriously criticized and addressed in order to correct the injustices related to it. Some good news is that this does not necessarily require institutional reforms. There are stories in history that give us hope: consider the recognition of black people, women, or homosexuals in many social spheres around the world. Those stories show that although there is a rocky road ahead, change is possible, and that also applies to doing more justice in climate negotiations.

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