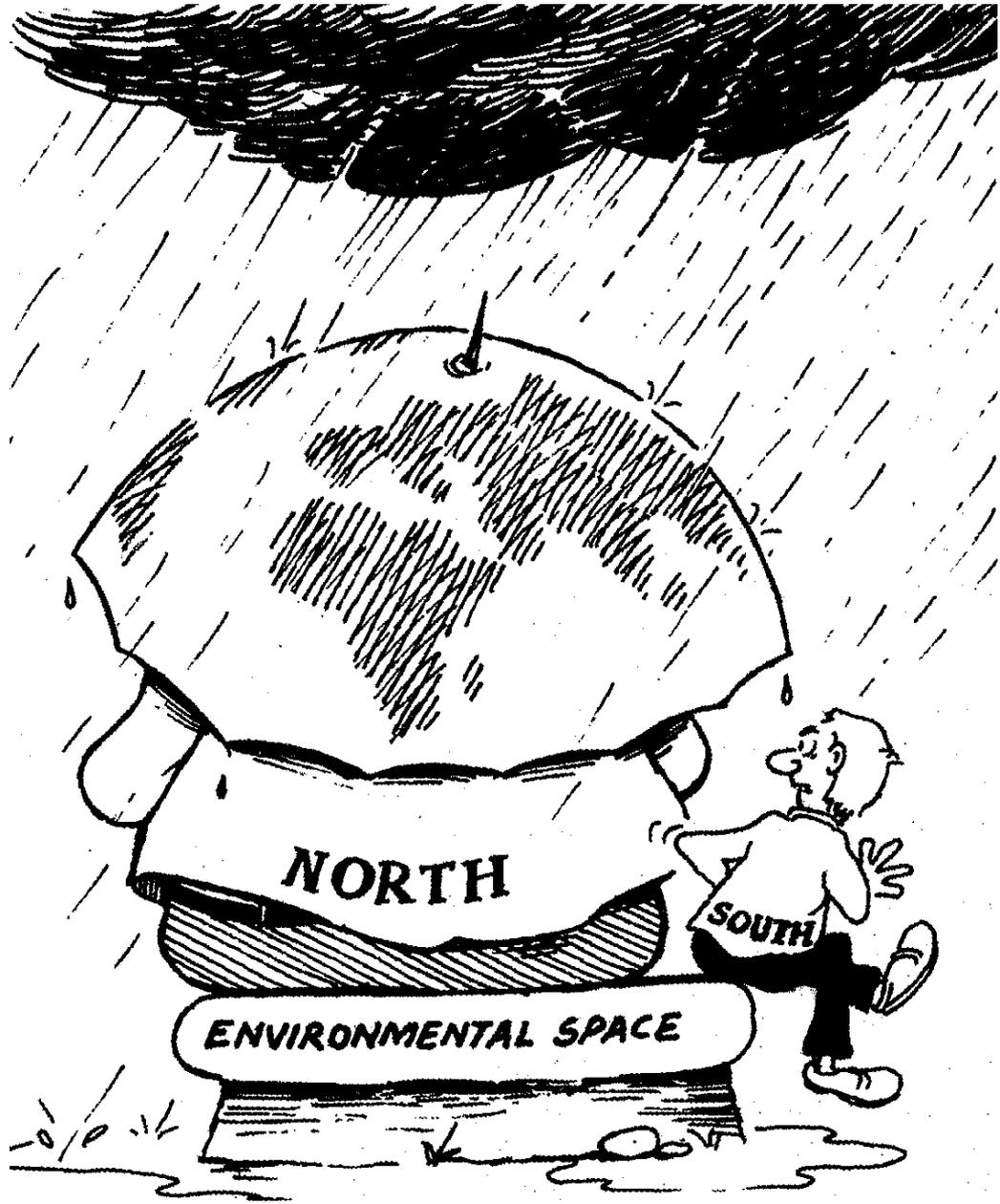


FINDING A CONSTRUCTIVE EQUITY PATHWAY

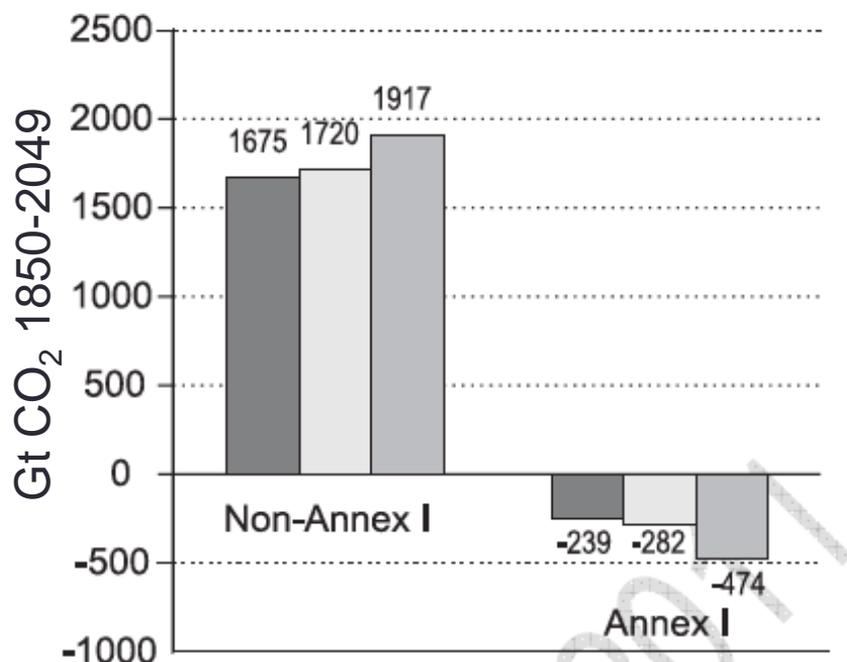
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Equity in Durban and Beyond

- Geopolitical Shifts in Lead-up to Durban
- Durban Platform
 - No explicit reference to equity in platform
 - CBDR+RC and applicable to all
- ADP negotiations
 - Equity and ambition
 - Adaptation and mitigation
- Equity concepts now regularly used in mitigation, adaptation, and increasingly loss and damage

Burden-Sharing Implications



Source: Winkler et al. 2011

“because the disparity of treatment between Annex I Parties and Developing Countries could result in serious harm to the United States economy.....the United States should not be a signatory to any protocol unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period”.

S.Res. 98 1997

Structural Challenges for Equity

- Negotiations are at least dual-level
- Negotiations are embedded in geopolitical tensions
 - (And climate often NOT top priority)
- Trust has been eroded internationally
- Negotiations marked by profound power imbalances
- Packages are more complex than ever
- Equity is extended to more issues than ever

Conceptual Equity Challenges

- Equity positions and self-interest can have blurry boundaries
- Ethics or justice frameworks can be seen as politically naïve and/or ideologically driven
- Equity is visceral
- Not only do Parties have different ideas of equity, so too do different disciplines

Equity Rhetoric as Double-Edged Sword:

- Equity can result in changes when:
 - “the opponent does not come to believe that the appeal to justice is only made for tactical purposes”
 - The opponents “regard each other as belonging to the moral community within which moral values and rules of justice apply”
- BUT if underlying differences run deep, or if its seen as only tactical it can *deepen conflict*

Mikula and Wenzel 2000

How do we recognize equity without letting it contribute to inaction?

- Lessons from social-psychological studies of equity
 - Now what we SHOULD do, but evidence about how people do tend to judge justice situations
- Lessons from other justice-conflicts
- Ways of integrating these insights into a conversation of relevance to 2015 and beyond?

Social Psychology of Justice

- *How do people judge what is and is not fair?*
- Causality
- Process and Procedural Justice
- Distance and Partiality

Causality

- Consistent patterns of support for “Cleaning up Your Mess”
- Strength of perceived causal responsibility tied to *directness and length* of causal chain
 - Omissions bias
- Perceptions of causal responsibility mediated by *intentionality and control*

Process and Procedures

- In interest based conflicts, people prefer 'fair' processes even if their interests not maximized
 - Perceived legitimacy, equal consideration etc
- Increased emphasis on procedural justice as outcomes get *less certain* and *more difficult to observe*, or in situations of *limited trust*
 - Procedural observations maybe easier to make, and serve as an heuristic for justice judgments

Distance and Partiality

- Systematic preferences given to “in” group members
- Continuum of moral exclusion
 - Similarity between parties
 - Utility of party
 - Degree of conflict/co-operation
- Shifting relationships, shifting ideas of appropriate justice

Equity, Equality and Need? (Deutsch 1978)

- Equity Relationships
 - Competitive
 - Economically focused
 - Group cohesion not particularly important
- Equality Relationships
 - Goal is maintenance of group cohesion
 - Inputs/ Outputs hard to measure
- Need-Based Relationships
 - Most intimate grouping, includes non-equals
 - Non-competitive
 - Goal is to nurture all members of group

Causality

	Characteristics	Implications
Mitigation	<ul style="list-style-type: none">• Strongest direct claims• Partial support for intentionality and control	<ul style="list-style-type: none">• Causality very likely to resonate within agreements
Adaptation	<ul style="list-style-type: none">• Causality indirect• Limited intentionality / control	<ul style="list-style-type: none">• Limited broad resonance for causality
Loss and Damage	<ul style="list-style-type: none">• Most complex causal chain• Limited/no intentionality / control	<ul style="list-style-type: none">• Causality likely to be highly contested

Procedural Justice

	Characteristics	Implications
Mitigation	<ul style="list-style-type: none">• Fairly established MRV	<ul style="list-style-type: none">• Process important, but main focus on outcomes
Adaptation	<ul style="list-style-type: none">• MRV not widely established• Outcomes difficult to compare	<ul style="list-style-type: none">• Process and procedures likely very important
Loss and Damage	<ul style="list-style-type: none">• No established metrics• Outcomes deeply uncertain• Policy goals ambiguous	<ul style="list-style-type: none">• Process and procedural rules likely contentious

Distance and Partiality

	Characteristics	Implications
Mitigation	<ul style="list-style-type: none">• Strong competition• Strong economic orientation	<ul style="list-style-type: none">• Comparative focus on inputs-outputs by large emitters
Adaptation	<ul style="list-style-type: none">• Human development framing• Difficult to measure inputs/ outputs	<ul style="list-style-type: none">• Equality claim (for human wellbeing) depends on ideas of global community
Loss and Damage	<ul style="list-style-type: none">• Non-competitive• Basic needs• Damages local or global in scope	<ul style="list-style-type: none">• Possibility for need-based but also local-global tensions

So What?

- Suggests NOT using uniform concepts of equity across dimensions of negotiations
- Stronger emphasis on subjective fairness perceptions within limits
 - What do different Parties need in order to feel deal is “fair enough”
 - What concrete measures meet underlying concerns with wellbeing, development and historical emissions?

Resolving Justice Conflicts

- Frame-Changing
 - Zero-sum negotiating frames very difficult with deep conflicts
 - Combining equity and “green growth” requirements for structural changes
- Peace and Reconciliation
 - Balancing ‘backwards looking justice and forward looking peace’ (Zartman et al. 2005)
 - Requires Structural shifts AND limited liability

Structural Shifts and Limited Liability?

- What specific indicators, policies or metrics could be included in a 2015 agreement that actively address core equity concerns and support structural shifts to low carbon development / green growth?
 - Intellectual Property?
 - Domestic capabilities for technological innovation / uptake?
 - Changes in financing risk?
 - MRV for adaptation?
 - Other structural changes we know we need to support 'Green Growth' policy change?
- Are there ways of balancing a limited liability approach with structural changes to address historical responsibility concerns?