Special Issue

Normative and Conceptual Dimensions of the International Climate Negotiations
Kenneth Shockley and Gwynne Taraska, Guest Editors

Risk-Sharing: A Normative Framework for International Climate Negotiations
As countries are negotiating a new global climate agreement, this paper explores options for a mechanism on loss and damage. A highly intuitive formula is that of implementing a system of compensation based on historical accountability for past emissions. The paper highlights the shortcomings of this approach. It advances, instead, a risk-sharing approach within an adaptation framework. The central idea is to include – within the architecture of international cooperation – insurance-like policy mechanisms, extending safety nets to communities vulnerable to climate-related impacts. The merit of this approach is that it captures an important conception of justice, while responding to the challenges of multilateral decision-making. Its distinguishing feature is a convergence of considerations of justice with those of efficiency and durability.
Idil Boran

The Problem with Consensus in the U.N. Framework Convention on Climate Change
The lack of clear procedure and the use of ad hoc consensus decision-making in the U.N. Framework Convention on Climate Change is a significant problem. Drawing on theories of international regimes formulated by Robert O. Keohane and on a conception of global responsibility based on social connection rather than liability formulated by Iris Marion Young, Vogel argue that consensus decision-making procedure in the UNFCCC is both ineffective and unjust. It obscures in a forum that is meant to clarify. It glosses over the differentiated capabilities of the world’s countries in a forum that needs to grapple with those differences. Though majority-voting rules will not solve all the problems of the UNFCCC, clear procedure is necessary if world leaders are to scale up cooperative climate action.
Jesse Vogel

The Responsible Path between Scylla and Charybdis
Making Sense of Appeals to Equity in Climate Change Loss and Damage Mechanisms
Shockley uses equity to assess the moral significance of loss and damage in any successor treaty to the Kyoto Protocol. He argues that we might conceptualize loss and damage either in terms of the costs associated with rectifying a past wrong, a backward-looking accountability approach, or in terms of balancing uncertain future burdens in the face of unknown harms, a forward-looking distributional approach. Shockley argues that the forward-looking approach is more practicable, better able to address problems that have not yet arisen but will arise, and better able to integrate intuitive strengths of the backward-looking view. He argues that there is good reason to think of loss and damage in terms of the opportunities and prospects that may accompany a changing climate.
Kenneth Shockley