

Article type: Opinion

Article title: Governance traps in climate change politics: re-framing the debate in terms of responsibilities and rights

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Abstract

There is a strong sense of malaise surrounding climate politics today. This has been created at least in part by factors such as the chasm between the scale of action required and the adequacy of current

political commitments, stalemate in global negotiations, the low price of carbon, and a growing sense of indifference, if not outright skepticism, amongst the publics of some developed countries about the severity of the threat posed by climate change. Within the policy community these issues are generally treated as different problems each to be overcome on their own terms. Yet, we argue, suggested solutions to these problems hold much in common - a focus on attributing agency, whether in the form of the capacity of institutions or to the behavior of individuals. What is often missing from such accounts of climate politics is a recognition that the problems of how agency is attributed in climate politics, what we might term *governance traps*, are structural in nature. Rather than focusing on attributing agency to respond to the challenges of governing climate change this requires that we address the conditions through which the challenges of governing climate change arise and which in turn serve to frame agency in particular ways. We suggest that examining the ways in which notions of responsibilities and rights are currently being framed within climate politics provides one way into these dynamics that can open up the critical questions we need to address as we approach the critical Conference of the Parties meeting in Paris in November 2015.

Introduction

For many, the possibilities of realizing a political response to climate change seem an increasingly distant prospect. The existing climate policy architecture appears no longer capable of delivering the scale of action required to limit warming to an average of two degrees Celsius^{i ii iii iv v}. Mechanisms and institutions established in order to put a price on carbon appear to have failed to give it sufficient value to engender a new carbon economy. Decades of campaigning to engage the public in 'doing their bit' for climate change appear to fall on deaf ears. The consequences of these problems are profound. At one extreme, it has provided the basis for the resurgence of climate scepticism, and pessimism about the possibility of collective action. Elsewhere, it has led to the advocacy of more radical action, rejecting the institutional arrangements and financial mechanisms through which the past two decades of climate policy have been organized.^{vi}

Our research suggests that this dysfunction has emerged at least in part as a consequence of how climate solutions have been framed as a matter of enhancing both individual and collective agency. Across different scales and sites of governance, increasing knowledge, providing incentives, galvanizing action have all been lauded as means through which to overcome the current malaise. Yet such approaches tend to neglect the systemic nature of the current crisis of climate politics. Rather than being individual issues each to be addressed in turn, we suggest that they are connected by virtue

of their reliance on a particular framing of climate politics that has come to shape the scope of possible action; allocating responsibilities in problematic and limited ways and locking in particular discourses of rights within dominant policy narratives. Moreover, the individual research projects upon which this opinion piece is based [see *Further Reading* at the end of this paper] suggest that the governance traps through which this malaise is manifest arise because of wider structural conditions which in turn have shaped how responsibility for addressing climate change has been framed, and hence where the imperative to act is seen to reside. Specifically, current approaches and proposals for how to navigate the current climate policy impasse often misread the agency different social actors have to respond, while simultaneously overlooking the ways in which the drivers of climate change are embodied in social structures. They are also often disempowering, and limited in terms of what can legitimately be questioned and acted upon. The effect of obscuring this is to lock in assumptions about what kinds of futures different parts of society have a right to, such as the high consumption lives of the richer world and existing inequities in access to resources. Consequently there is a need to open up these issues to critical enquiry in order to examine how alternative approaches to matters of political responsibility and rights might create new spaces for climate governance.

The question of responsibility

Though the just allocation of responsibility has been an aspiration of international climate negotiations and also policies within states, little has been done by political actors to convert general statements about responsibilities and rights into concrete equitable policies. Yet it is in the ways in which responsibilities are given (and contested) that we find the emergence of 'governance traps'.

Late-modern industrialized society has seen an evolution in modes of governing – from one where political power, responsibility for risks, and the ability to influence events are invested in centrally controlled political institutions and their agencies to one characterized by shared and devolved systems of risk governance. With the latter, more loosely coupled and multi-layered coalitions of actors and institutions (including those representing central governments) have to find less direct means of achieving their objectives with respect to ill-structured problems replete with uncertainty, ambiguity or ignorance, and a limited radius of action. Governance traps, in turn, comprise emergent situations where the agency to effect significant change within institutions and civil society becomes severely constrained either by the inherent complexity of the situation and the operation of competing interests, or an inappropriate allocation of responsibilities. As an example of the latter, in seeking to avoid the political risks of taking long-term action, governments' actions on climate change have frequently placed responsibility back onto individuals, communities and firms through proposals

for carbon foot-printing, carbon disclosure for firms and personal carbon allowances.^{vii} However, our research suggests that people tend to believe that climate change is too big a problem for individuals to tackle alone and that primary responsibility lies with national governments, resulting in a ‘governance trap’ in which both the governing and the governed seek action from the other but where none is forthcoming.^{viii}

Our work also suggests emerging governance traps at the urban scale, where cities are now increasingly charged with responding to climate change, but often under conditions where they lack the capacities and resources to adequately address these challenges.^{ix} The same is true of different forms of private governance, where firms may seek to make contributions to a low carbon economy but find a lack of direction from government serves to undermine their scope for action. In many contexts, rather than positive ‘long, loud, legal’ signals about the direction of change towards a lower carbon economy,^x investors are faced with shifting degrees of political support for renewable energy for example.

Across these examples we find a systemic set of issues that are driving the emergence of a range of governance traps, rather than a set of discrete problems. At the heart of the climate malaise, we suggest, is the framing assumption that responsibility for action can readily be allocated to discrete agents, without attention to their capabilities, and that the capacity to act can be produced through the right mix of information and incentives. This framing of responsibility serves to shape how the climate problem is constructed and acted upon. For the most part responsibility has been attributed to nation-states, firms, and individual households. These agents are simultaneously viewed as the source of the problem and the solution. Yet the assumptions and basis for allocating responsibility remain questionable. Moreover, ascribing responsibility to actors – be they individuals, cities, or firms – with insufficient agency is not only ineffective, but may alienate them from the political process. It also masks the systemic and structural nature of the problem, and the need for different forms of collective and community-driven action that is seen to be fair, inclusive and effective in working across and through these scales. To start to rethink responsibilities, we suggest that there are two fundamental issues that need to be addressed: first, how these lines of causal responsibility are drawn; and second, on what basis moral responsibility is attributed to agents.

The Scale of the Problem

At the global level, attribution of causal responsibility based only on the production, rather than consumption, of GHG emissions generates a misleading picture. This potentially displaces responsibility in unjust ways and raises a real challenge about how cross-border responsibility should

be allocated. The often cited example is the outsourcing of carbon-intensive production to China, which then exports 'embodied carbon' back to wealthier regions.^{xi} In this sense Wales is unique within the UK in that it exports more embodied carbon than it imports.^{xii} However, a critical issue underlying the current production/territorial approach is who controls decisions with respect to polluting technology.

Take the Welsh example, where much of the exported carbon is produced at a small number of key point sources. One of these is the Port Talbot steelworks in the Tata Steel operation, which is the biggest single source of emissions generated within Wales, accounting for 30% of carbon covered by EU ETS in 2011.^{xiii} However, as an EU-ETS signatory, Tata's emissions may not be considered among those for which the Welsh Government has devolved responsibility. Port Talbot represents a case of both a major polluter and an important employer in the Welsh economy where the local pain of reduced operations may not be offset by reduced global emissions if the company merely re-locates elsewhere. As such, it provides a concrete example of the need to focus on consumption based emissions given the limited agency of some regions/nations to address their production of emissions. A starting point to this process is already in place through the UNFCCC Climate Technology Centre and Network, which has the mission of stimulating technology cooperation, development and transfer in a way that is consistent with countries' respective capabilities as well as their national circumstances and priorities.

Systems of production and consumption

Even where new ways of drawing lines of causal responsibility can be calculated, the ways in which institutions, infrastructures, and past and present policy measures enable and constrain consumption patterns are routinely overlooked, and consequently unchallenged. In short, they remain beyond the scope of what responding to climate change involves. Individuals do not consciously decide to emit carbon. Rather, emissions are associated with the practices and routines of everyday life, from cooking to travelling. Yet this flies in the face of many existing policy approaches grounded in an 'ABC' model of consumer behaviour change – which assumes that individual attitudes (the A) drive behaviour (the B) and choice (the C).^{xiv} The limits of this model are obvious. For example, people who live in rural or suburban areas may find themselves locked into forms of car-dependence simply by poor provision of public transport. Moreover, changing conventions of daily life are routinely bound up with the evolution of material and technical systems over which individuals may have little control. Interpretations of comfort and of the 'need' to heat and cool buildings to a steady 22°C whatever the

weather outside are not facts of nature, nor are they simply expressions of individual preference and choice. These issues require opening up discussions regarding the definition of taken for granted needs and the different means by which warmth and welfare, freedom and mobility, and economic and energy security might be achieved in different settings. This will bring into focus issues of both responsibility and rights associated with different trajectories that are more or less carbon intensive, and draws attention to fundamental questions about what energy and mobility are 'for' and how these 'needs' themselves evolve.

Recognising Rights

Whether it is about the right to development in the climate negotiations or the impacts of climate change on basic human rights, 'rights talk' runs through all aspects of climate policy.^{xv} Yet often appeals to rights are framed in ways that sustain the forms of response which further entrench climate governance traps. What is needed here is more critical reflection about what kinds of rights are systematically assumed and excluded from current forms of climate governance, and an awareness of the ways in which different forms of response shape the nature of the rights that can be claimed or exercised.

Questioning Presumed Rights: Which rights count and what's off limits?

Most fundamentally, climate change poses a severe threat to fundamental human rights – such as the right to life, to food and water, to health and to an adequate standard of living.^{xvi} By focusing exclusively on aggregate measures like economic growth as the means through which to measure their success, dominant narratives of what is at stake in addressing climate change ignore the ways in which responding to climate change has differential impacts on those already excluded from economic growth, including vulnerable peoples and minorities, they understate the need for urgent and effective action, and neglect the ethical case for compensation in cases of noncompliance.

Rights enter into the picture in a second way. Responses to climate change have been framed not only by the physical risks involved, but also by assumptions about what aspects of current societies cannot be challenged: specifically the unquestioned assumption that citizens in affluent societies have rights to a high consumption and carbon intensive lifestyle and to continuous economic growth. Yet, in order to move beyond existing governance traps, there is need for an enlarged debate regarding which ways of life and expectations society is prepared to challenge in responding to climate change.

Richer consumers' presumption of asserted 'rights' to certain indoor temperatures, limitless car use or imported food has enormous implications for poorer people's realisation of basic rights to food and energy. The debate about rights and responsibilities needs to reflect the highly integrated but hugely uneven nature of the global economy. It is inappropriate simply to assume that the status quo should be the baseline when thinking about future patterns of consumption and practice. Instead, space must be created for debating alternative conceptions of prosperity and economic development, in order to establish a renewed sense of what it might be possible to achieve in to the context of climate change.

This calls into question whether attempts to shift to a low carbon society should focus on rights to a fair share of *greenhouse gas emissions* (say, equal per capita emissions) or whether, given a small and decreasing carbon budget, it would be more plausible and more productive to focus instead on rights to serve and promote certain interests (in food, health, mobility, education and, at a more general level, in energy). Focusing on rights to emissions threatens to distract people from what really matters (the enjoyment of a reasonable and decent standard of living and quality of life) and to make progress towards a sustainable society much harder.^{xvii} Focusing on rights to a sustainable society and equitable standard of living raises different kinds of policy solutions, for example it makes clear the imperative for investment in, and the effective transfer of, clean technology and the need to meet development objectives alongside those directly related to climate change.

Making rights real

Recognising the structural nature of how rights are narrated and encountered in relation to climate change also requires a focus on designing policy responses that tackle climate change in ways that do not compromise the rights of others and do not exacerbate or entrench existing inequalities.^{xviii} Our research shows that in an integrated global economy decisions made in richer countries about climate change mitigation and adaptation have widespread, frequently negative impacts elsewhere. Whether it is the drive for biofuels which can have adverse effects on food security and land rights in poorer regions of the world,^{xix} or the use of carbon offset mechanisms, more ambitious climate policy cannot come at the expense of the livelihood rights of the world's poor. For example, the Renewable Energy Directive in the EU targets 10% of transport fuels to come from renewable sources by 2020.^{xx} However, responsibility for delivering this target has been displaced overseas, with palm oil production in countries such as Indonesia and Malaysia consolidated into large-scale plantations, squeezing out smallholder livelihoods that are unable to compete.^{xxi} Fulfilling responsibility by

undermining the rights of other actors only risks entrenching the antagonisms and distrust which has hampered international mitigation efforts to date.

In an interdependent world, procedural justice and enforceable redress mechanisms have to be built into discussions about which climate policy pathways to pursue.^{xxii} Central to meeting this challenge is the protection of procedural rights: rights to information, consultation and, crucially, meaningful democratic inclusion in the decision-making process. Lack of procedural justice (and a corresponding lack of rights to participate in the political process) may negatively impact distributive justice. For example, those communities most affected by having to host carbon offset projects often lack awareness of consultative processes, resulting in allegations of dispossession, violence and even human rights abuses which bodies like the CDM Executive Board then have to address.^{xxiii} The rush to act and get projects approved in the name of emissions reductions can result in negative social impacts if proper procedures are not respected: failing to get rights 'right' comes at a high cost.

Conclusion

Addressing fundamental issues of responsibility and rights is critical as they underpin the structure, design and likely success of current forms of climate governance. We have suggested that emerging 'governance traps' across the climate change domain are at least in part related to the ways in which matters of responsibilities and rights are framed, and that these frames in turn serve to systematically structure what is and is not considered to be appropriate in terms of climate responses. Moving beyond the existing malaise, we argue, requires that these lines are redrawn. None of these issues will be easily resolved, certainly not in the short term, and particularly when a great deal of effort and powerful interests are invested in allocating rights and responsibilities in ways which serve their interests and protect their entitlements. But continuing with policies that misread the agency different groups have, that work with out-dated models of public understanding and engagement, or allocate risks and responsibilities in socially unjust and environmentally ineffective ways comes at a high cost and may even intensify the current state of climate malaise.

Policy-makers need to provide clear and unambiguous signals that convey the sustained commitment of appropriately empowered levels of government to addressing climate change. That is, rather than seeking to dismiss public concerns about the scale of the challenge and their efficacy in addressing it, they need to address such concerns by showing strong leadership and a willingness to take responsibility for radical and politically challenging action to address climate change. This could include rethinking urban planning, promoting lower carbon transport, energy and industrial

infrastructures. It could also involve discontinuing support for fossil fuels through divesting government investments and pension funds from fossil-fuel companies. Decision-making must also be transparent and uphold key rights. This is not limited to procedural rights to information, consultation and democratic decision-making. Both international and national decision-making must aim to take account of income and wealth differentials and regional disparities within as well as between nations. Clarity is also required about individual rights in a carbon constrained world: do people have a right to a certain level of emissions or rather access to resources in order to ensure a just standard of living?

Finally, market mechanisms and environmental regulations must be subject to effective governance to ensure that they do not displace responsibility and associated risks for emissions reductions onto the less powerful (e.g. through 'carbon leakage' from relocating production to less regulated jurisdictions). Rather, reducing the emissions intensity of both production and consumption decisions should involve policy-makers and decision-makers in public sector organisations, business and industry (including supply chain partners) taking and sharing responsibility for changing both directly polluting technologies and the socio-technical systems that lock people into high carbon lifestyles.

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Further Reading/Resources

For further details on the ESRC Climate Change Leadership Fellowships from which this analysis was drawn visit <http://www.esrc.ac.uk/research/major-investments/fellowships.aspx>

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