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International Negotiations

Justice in Climate Change Negotiations

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Overview

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3. Justice in International Environmental Negotiations
4. Why Justice is Important
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 3. Individual Level Factors
6. Outlook - Remaining Hopeful
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2. Ultimatum Game

Instructions

The task is to distribute a number of pc* among two players. It is a one-off game, you don't get to communicate with the other player during the game.

1. Pair up.
2. Determine which player is older, this person will be the 'proposer'. The other player is the 'responder'.
3. The proposer receives a conditional amount of 10pc. From this amount, they have to pass on a number of pc of their choosing to their responder. The responder decides whether they accept the proposal or not.
4. If the responder accepts, both get the amount of pc according to the proposal. If the responder rejects, neither player gets anything.

* pc = pieces of candy – the currency in this class

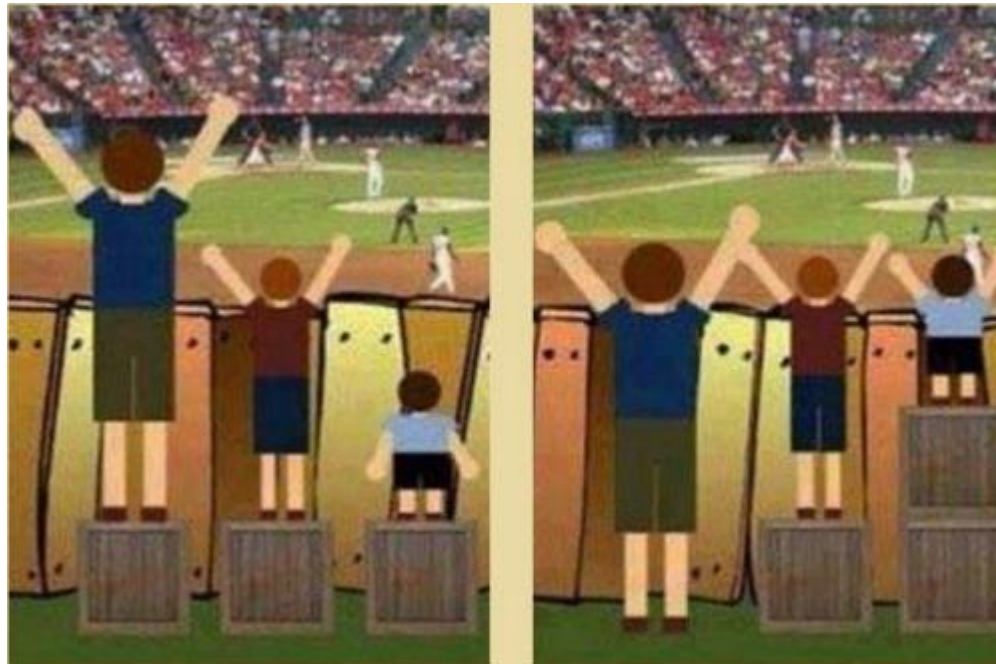
2. Ultimatum Game

Debrief

- Rational choice theory/"homo economicus" leads us to expect that proposer offers 1 pc (minimal amount) and responder accepts the offer
- In reality
 - Proposers tend to offer more than minimal amount
 - Responders tend to reject minimal or "too small" amounts
 - Often the proposal will be closer to an even distribution
- Simplified model, does not take into account
 - Lack of overarching third party enforcer
 - Information disparity
 - Notions of responsibility and desert
- However does point toward an inherent sense of morality, strive toward justice in humans

3. Justice in International Environmental Negotiations

Terminology and Definition



3. Justice in International Environmental Negotiations

Terminology Used by Practitioners

- Polluter-Pays Principle
- Beneficiary-Pays Principle
- Ability-to-Pay Principle
- ...

3. Justice in International Environmental Negotiations

Terminology Used in Research

Distributive Justice

“... principles for allocating benefits or burdens among the members of a group or community” (Druckman and Wagner 2016: 389)

Equality, Proportionality, Need, Compensation

Procedural Justice

“... principles for guiding the negotiation process toward agreement” (Druckman and Wagner 2016 : 391)

Fair Representation, Fair Treatment & Play, Transparency, Voluntary Agreement

3. Justice in International Environmental Negotiations

Terminology Used in Research

Comprehensive Approach to Justice in International Environmental Negotiations (Tritschoks 2018: *forthcoming*)

Going Beyond Narrow Self-Interest

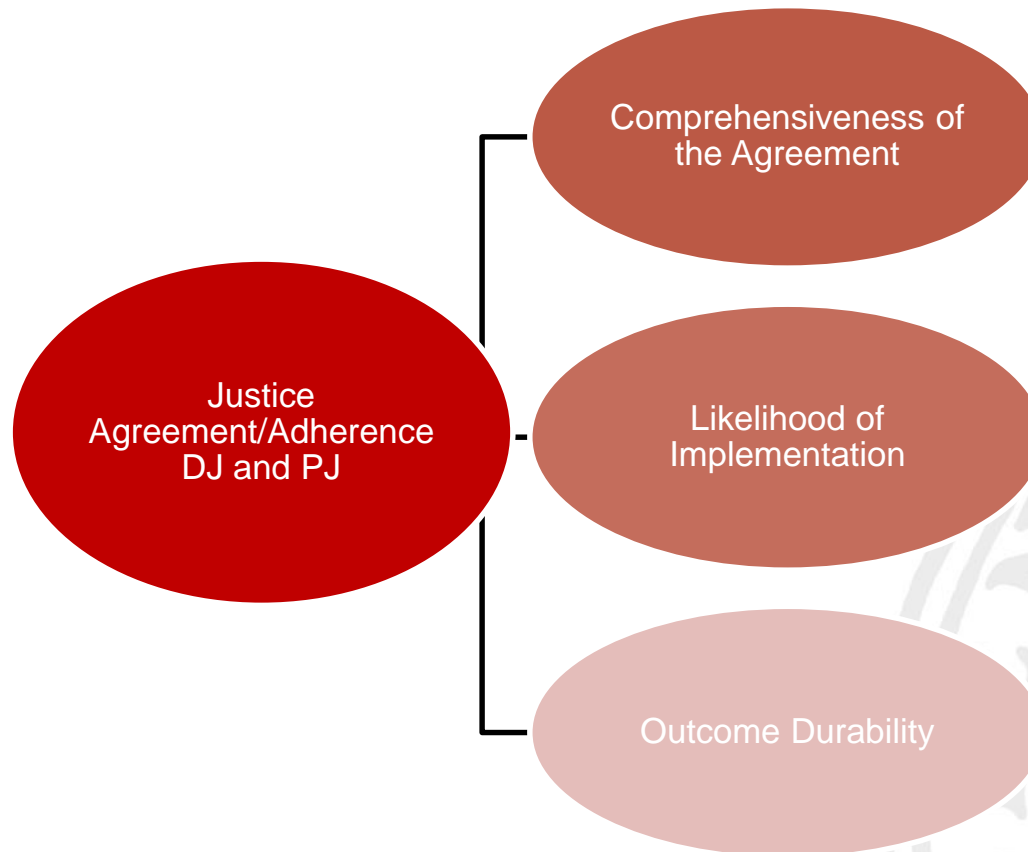
Going Beyond Strict Reciprocity

Linking Backward- and Forward-Orientation

Linking Process and Outcome



4. Why Justice Is Important



4. Why Justice is Important

The Many Faces of Justice (Albin 2015)

- Tool to reach effective agreement
- Referent guiding negotiations
- Trigger for negotiations
- Subject of negotiations
- Tactical tool
- Source of conflict

5. Why Justice Remains a Challenge

5.1. Factors Between States

5.2. Factors Within States

5.3. Individual Level Factors

5. Why Justice Remains a Challenge

Key Characteristics of International Environmental Negotiations

- Complexity
- Interconnectedness within the issue area and with other issue areas
- Scientific uncertainty
- Time spans between costs and benefits
- Non-excludable character of agenda items
- Multidimensionality and fluidity of power

5.1. Factors Between States

Conventional Approaches

1. *Responsibility*

- Polluter-Pays
- Beneficiary-Pays

2. *Privilege*

- Ability-to-Pay

3. *Entitlement*

- Need-Based
- Compensation

Ethical Questions

- Awareness of own doing? When to set the cursor?
- How to weigh development against pollution?
- How to measure counterfactual?
- How to assess “desert”?
- Weighing technical/financial support against unilateral emission reduction?
- Threshold for “basic need”?
- Amount of support to be received?

5.2. Factors Within States

1. Social Inequality

- Exemptions and/or protections for the poor, most vulnerable populations
- Challenges to State Sovereignty

(Rao 2014, Shue 2014)

5.2. Factors Within States

2. Domestic Audiences

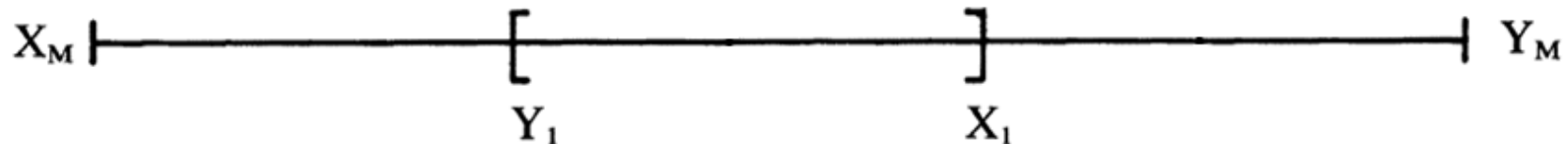
Two-Level Games (Putnam 1988)

- Domestic level - International level
→ Interaction between the two levels
- "Win-Sets"
 - Resistance point (BATNA)
 - Target point (maximum gains)
 - "win-set" = range between resistance point and target point

5.2. Factors Within States

2. Domestic Audience

Two-Level Games (Putnam, 1988)



(Bilateral Model)

5.2. Factors Within States

Domestic Audience Game

- 1) Divide into groups of 3
- 2) Draw a role (negotiator, company, bank, or community). Read your instructions carefully. Ask any general questions.
- 3) Pair with a group of 3 from the opposing party (A or B respectively)
- 4) Negotiations proceed in four rounds.

5.2. Factors Within States

Domestic Audience Game

Round 1: Party negotiators discuss a division of 10pc of common goods (governmental level, other actors observe)

Parties take the agreed amount of pc home conditionally! Internal negotiation within parties follow.

Round 2: Party negotiators and company, bank, or community representatives respectively negotiate a division of the conditionally gained pc.

Party negotiators should adjust their positions/minimum demands for the next governmental round as needed.

5.2. Factors Within States

Domestic Audience Game

Round 3: Party negotiators reconvene to negotiate a final division of the 10pc of common goods (governmental level, other actors observe)

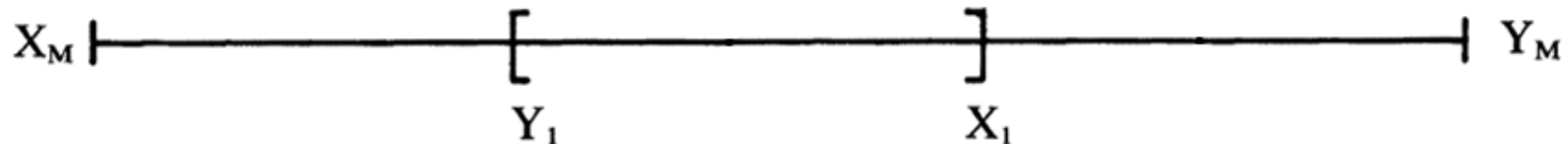
Parties take the agreed amount of pc home! Internal negotiations within parties follow.

Round 4: Read any additional information available to you. Party negotiators check in with their respective constituencies to get approval for the proposed deal.

5.2. Factors Within States

2. Domestic Audience

Two-Level Games (Putnam, 1988)



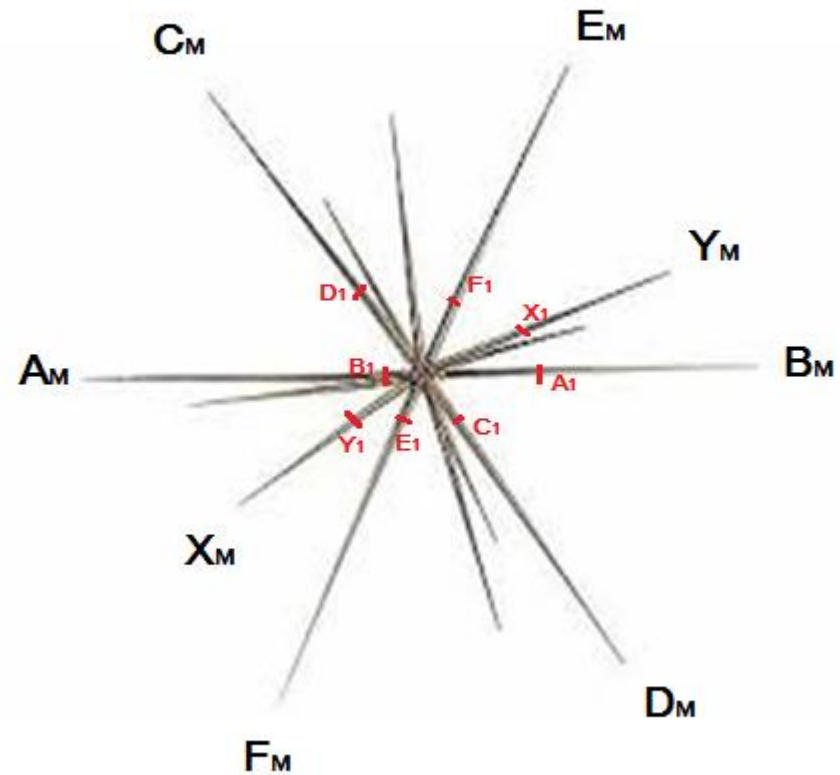
(Bilateral Model)

5.2. Factors Within States

2. Domestic Audience

Two-Level Games (Putnam, 1988)
Multi-Level Games (Janusch, 2016)

(Multilateral Model)



5.3. Individual Level Factors

1. Culture

- Professional negotiation culture

2. Background and Education

- Issues requiring technical expertise

3. Delegation Size

- Ability to participate in relevant session
- Participation over extended period of time

6. Outlook - Remaining Hopeful

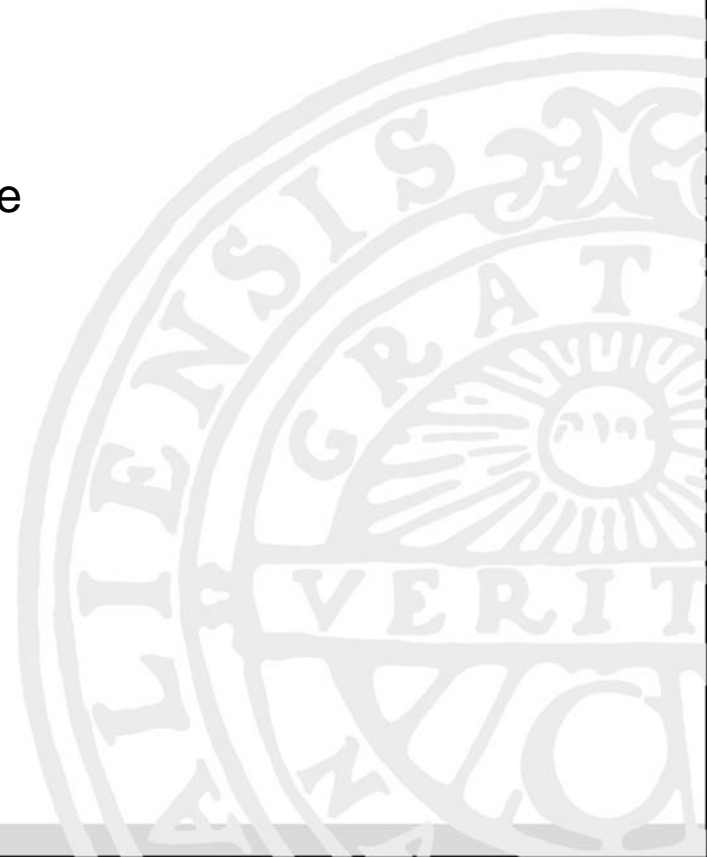
- Recognition of need for comprehensive, flexible, differentiated system (cf. Adil Najam)
 - NDC system as first step despite shortcomings
- Capacity building initiatives for range of actors, including the most vulnerable (cf. The Independent Diplomat - Carne Ross, Climate Policy Watch, etc.)
- Positive examples from other environmental issues: e.g. Montreal Protocol spirit: when industry interests can be brought onboard, comprehensive governance system can be achieved
- Thus, educate, activate, mobilize!



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Q & A

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The Importance of Procedures

1. Interactional Justice

- Fair Representation
- Fair Treatment & Fair Play

2. Procedural Justice

- Transparency
- Voluntary agreement

3. Moderating Effects between PJ and DJ

- Where DJ is not satisfactory, PJ can mitigate
- Where PJ is not satisfactory, DJ can mitigate
(Lind and Early 1992, Barry 1995, Buchanan and Keohane 2006, Gauthier 1975)