

## **Climate Ethics for Climate Action**

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For the past fifteen years I've been arguing that environmental ethicists should try to do more work that is relevant to environmental policy than most of us do. In this chapter I will argue that we can and should do more policy relevant work on an issue of critical importance: global climate change.

Part of what follows will be a straightforward account of what I find lacking in the current philosophical work on environmental and climate ethics, which makes it less relevant than the work of other disciplines to finding policy solutions to either reducing our carbon emissions or adapting to the climate change which at this point is unavoidable. I'll also show that there is ample ground inside the current process of international negotiations on creating a binding treaty to limit greenhouse gas (GHG) emissions for philosophical work which is being underexploited.

But another part of this account will be less typical of the essays in this volume insofar as it will be a story about how I've moved in the last few years to actually doing policy work on climate change outside of the academy. Between the two parts of this account I hope to illustrate that there is both a need for philosophically informed work on climate change in particular, and environmental issues in general, inside policy institutions and advocacy organizations. There are also ample opportunities to pursue that work and make an important contribution to the potential resolution of this extremely difficult problem.

## 1. Environmental and Climate Ethics

While the roots of environmental ethics as an academic discipline are much older, many would date its origins to the early 1970s when philosophers such as Arne Naess and Richard Routley (later Sylvan) published some of their first articles arguing that traditional discussions of ethics and values in relation to environmental questions were lacking. They had in common two principle concerns. First, that conceptions of natural value tended to reduce it to economic value and, as such, second, were anthropocentric and instrumental and so did not consider the idea that nature has value in and of itself that should be respected by humans (see Naess 1973 and Routley 1973). Both figures, and many others at that time and since, had different ideas about how to build a positive philosophical account that nature had value that needed to be directly respected in the same way that many argue humans have some value that needs to be acknowledged by others and respected. The details of their accounts need not concern us at the moment.

What was common in most of them however was that they generally argue, in opposition to the dominant understanding of natural value found, for example, in environmental policy, that nature has nonanthropocentric intrinsic (or inherent) value. That is, that if we step away from looking at nature only from our human centered view of the world – which usually includes an assumption that humans are the only kinds of things that have some sort of value that should be respected in a moral sense – then we can see that nature too has value independent of the instrumental ends to which it is used to advance human interests.

Since 1992 I've been arguing that one of the problems with this first step in the development of contemporary environmental ethics is that it launched the field into a quagmire of theoretical debates which, while sometimes philosophically interesting, did little to produce a body of work that could be useful for helping to solve actual environmental problems (see Light 1993). In

making this argument I coined the term “environmental pragmatism” to refer to an alternative approach to environmental ethics which sets aside some of the theoretical debates that arose around the question of whether nature, or natural objects, could have nonanthropocentric intrinsic value and instead focuses on more pluralistic claims for advancing arguments for environmental priorities which do not rely on arguments that nature has intrinsic value (see Light 1996 and 2010). In a recent co-authored book I’ve made similar arguments that the focus in traditional environmental ethics on nonanthropocentric intrinsic value is both philosophically unsound and practically unhelpful without any appeals to philosophical or historical pragmatism (O’Neill, Holland and Light 2008).

I won’t repeat or defend the substance of these positions here but they are essentially based in two kinds of arguments. The first is that because most appeals to the claim that nature has nonanthropocentric intrinsic value in the literature require the creation of a new basis for morality then they are often on shaky philosophical ground. The second is that because these claims by environmental ethicists often wind up asserting that this special kind of natural value outweighs or trumps human needs these theories are also generally unhelpful when it comes to forming environmental policies. Many people disagree with criticisms such as these though it is now regarded as representing a set of arguments that needs answering (see, for example, Callicott 2002 and McShane 2007).

If one accepts this pragmatic criticism of environmental ethics then, as I argue in my other chapter in this volume, there are other tasks for environmental ethics other than the traditional theoretical work that is the hallmark of good philosophy. These include trying to produce a body of work that is philosophically rich but more helpful for environmental advocacy and policy making. One way of thinking about the necessity for this kind of work is to simply recognize, as I think all environmental ethicists do, that environmental problems are rife with moral questions that go largely unacknowledged. But in

part because there is very little by way of philosophical analysis of environmental problems which is useful for forming good environmental policies – though there are of course some noteworthy exceptions (see for example the third section of Schmidtz 2008 and Thompson 2010) – discussion of “values” in environmental policy is usually restricted to questions of economic value or are dominated by economists or economic methodologies. As Mark Sagoff has argued at great length, such methodologies tend to squeeze out other moral claims one may find relevant to environmental policy and decision-making (Sagoff 2004). The upshot is that important moral dimensions of environmental policy simply don’t get considered.

Because I think all of this is true, while I’ve been developing what really amounts to a theoretical criticism of theoretical environmental ethics I’ve also worked on a number of areas of substantive environmental policy and practice. The bulk of this work has focused on restoration ecology – the practice of recreating ecosystems which do not exist in a particular place any longer – biodiversity policy and urban environmental problems. But a number of years ago I came to accept something which almost all environmental advocates now take for granted: all of the places which I had been working so hard to preserve and improve, whether restored prairies and forests or richly textured urban environments, were all threatened by anthropogenic global warming. In fact, I stopped short of finishing a book on ethical issues in restoration ecology because I realized it would be pointless to publish it without a substantive chapter on how one could hope to restore any kind of ecosystem in a place where it once was under the conditions of a rapidly changing climate. If, for example, one is restoring a forest to provide a habit to endangered species in northwest Washington State in the U.S. it could be all for naught if the climate at that latitude will not be supportive of that kind of forest shortly into the future.

While I was turning my work in this direction though I was fortunate to be in the same department (at two different universities over the course of

several years) with two of the leading climate ethicists: Dale Jamieson and Stephen Gardiner, whose essays also appear in this volume. I learned a lot from both of them and through those conversations, and my own reading in the area, I quickly realized a couple things. First, that unlike the bulk of work in traditional environmental ethics, the work on ethics and climate change does not suffer from at least one of the problems I just discussed. Specifically, most climate ethicists are not working through theories that ascribe nonanthropocentric intrinsic value to nature (especially of the sort that would ascribe such value to species and ecosystems) and instead are working through more traditional philosophical schools of ethics such as some variant of utilitarianism or a Rawlsian framework for distributive justice. In that respect the foundations of their work is not as questionable. But second, for different reasons than I've observed with traditional environmental ethics which I will explain below, most work in climate ethics still trails the policy discussion rather than directly participating in it.

Before giving a specific example of a piece of work that is not well placed to influence policy making on climate change I want to be as clear as possible that I do not think policy relevance is the only measure of good philosophical work. I find much of the work in climate ethics exceptionally good in philosophical terms and valuable in its own right. In addition the lack of policy relevance of most philosophical work on topics that should be relevant to policy making is a ubiquitous problem. Work by philosophers on climate change is generally no better or worse off than work by philosophers on other areas of what is now known as "applied ethics" such as business ethics or engineering ethics. Only bioethics tends to be better integrated with health policy in part because it has been so much more accepted by the medical professions than any other area of applied ethics to their relevant fields of inquiry and is now thoroughly part of medical training and the day to day practice of delivery of healthcare services. In general though philosophers are not trained to do work

that is relevant to policy makers nor are they systematically encouraged to so. Philosophers are trained to interact with and write for other philosophers. On the other side of the equation, and I speak from ample experience, there is no clear place in the institutional apparatus of policy making to discuss ethical questions on most issues nor an easy place to assert a perspective from a philosophical point of view. The White House Council on Environmental Quality (essentially the U.S. President's office for design and development of his or her environmental agenda) does not have a staff ethicist position and it's not likely to have one any time in the future.

With this in mind though let's look at an exceptionally good piece of work in climate ethics which has quickly become an exemplar of discussion of the moral issues involved in climate change, Stephen Gardiner's "A Perfect Moral Storm: Climate Change, Intergenerational Ethics and the Problem of Moral Corruption" (2006 and in this volume).

There are two core theses in Gardiner's article, though they do not exhaust the wealth of claims he makes in the piece. First, that it will be difficult for us to adequately address global warming because of the somewhat unique spatial dimensions of the problem compared to other environmental problems. Second, that it will be similarly difficult to address the problem because of the unique temporal dimensions of the problem.

The core issue in both cases is that carbon dioxide, and other GHGs, cause the core phenomenon of anthropogenic global warming in such a way that is different from "point source" pollution such as lead in drinking water. Broadly speaking, point source pollution is relatively constrained both spatially and temporally. To take a simple example, if we find that our municipal water supply is being contaminated by lead in the effluent from a particular polluting industrial plant, so that it could potentially cause harm to human health and the environment, then our solution is to shut down or fix that source of the pollution. What is relatively helpful in a situation like this is that the cause of the harm is

contained as is the extent of the damage. We fix the problem in a particular location by fixing it at a proximate source.

Now, there are figures in the history of environmental ethics, such as the late Arne Naess, who would find much at fault with the preceding paragraph. The interesting issue here from a philosophical point of view is not just the factory that caused the pollution but the deeper issues of why we have created an industrialized and consumptive society that relies on such polluting firms or the kinds of goods that it produces. While such issues do deserve discussion, Gardiner's point about the difference with climate change is much more straightforward. Simply put, CO<sub>2</sub>, the primary GHG and the one that is most difficult to deal with since it is the basis of the fossil fuel driven global economy, does not work like lead in the previous example nor can it be solved by simply shutting down or cleaning up the source.

The first reason is that the sources of carbon dioxide that is causing global warming is not constrained but are, as Gardiner points out, dispersed broadly over the globe. Unlike the lead example carbon pollution does not cause a problem only where it is emitted. The carbon dioxide emitted in the U.S., China, India, Europe, indeed everywhere, contributes to the same problem. This means that there is a fragmentation of agency if we want to attribute a cause to the problem. It's not caused by one firm, or even one set of firms in one industrial sector, but essentially by every person or industry that relies on fossil fuels for the energy they use or consumes goods that are produced with those fuels. And to consider the kind of issue Naess might want to raise, even if most countries could effectively stop burning fossil fuels and releasing CO<sub>2</sub> into the atmosphere today out of a conviction that we were all consuming too much, it would only take one major hold out to continue to cause a global problem. Our planet's atmospheric chemistry is such that there is no spatial correlation between sources of emissions and the resulting warming. If China alone continued to emit carbon at their current rates the planet as a whole would still warm to an extent that it

would be extremely difficult to avoid some of the most harmful climate impacts everywhere.

A second reason why carbon dioxide is different with respect to its role in causing global warming is that it persists in the atmosphere for a long time. Carbon dioxide is constantly being emitted in a number of ways, through animal respiration and the decay of plant and animal matter, in addition to its release through the burning of fossil fuels and the production of cement. Like all other gases CO<sub>2</sub> is removed from the atmosphere by “sinks” such as trees and plants and the oceans. The atmospheric lifetime of CO<sub>2</sub> though is between 50 and 200 years so the excess CO<sub>2</sub> in the atmosphere which is causing the problem was actually put there long ago and while people are being impacted by anthropogenic warming today the CO<sub>2</sub> that we are burning now could cause impacts two hundred years into the future. According to Gardiner this means that, again, because the causes and effects are temporally dispersed over multiple generations there is again a fragmentation of agency over time and worse the possibility that generations will work at odds against each other.

To be certain there are other environmental pollutants that have similar spatial and temporal complexities but again the role of carbon dioxide in global warming is much more difficult to deal with because of the essential role that CO<sub>2</sub> plays in fueling almost every aspect of everyday life. Other GHGs, like methane, nitrous oxide, and hydrofluorocarbons, have similar spatial and temporal dimensions (methane for example is shorter lived but actually has more relative impact on atmospheric warming than CO<sub>2</sub>) but it is easier to imagine industrial systems which would either eliminate use of these substances or drastically reduce their usage. With CO<sub>2</sub> we have the problem of having to essentially refuel the planet using something other than fossil fuels. And while those alternatives are available they are still costly at present and it will take a tremendous effort to scale them up in time to be effective as alternatives. (We should note however that most proponents of action on climate change point out

that there are huge markets that can be created, which would stimulate both job growth and investment opportunities, if we pursued a transition to a low-carbon economy.)

These facts about the problem we're facing lead Gardiner to conclude that it will be very difficult to address our moral responsibilities to others and to future generations concerning climate change and that we'll be tempted to ignore our obligations or shirk them off for a variety of reasons. For example, Gardiner argues that given some scientific uncertainty about the magnitude and distribution of impacts of climate change around the world some nations might wonder that they "might be better off with climate change than without it." Worse, some "might wonder they will at least be relatively better off" with more warming than other countries (Gardiner 2006, 401).

Gardiner is correct about this. The complexity of the problem does lead some people and even some countries to take the position that they need not do what is even minimally morally required in the face of the harm that we're all collectively creating right now. I also agree with some of Gardiner's worries expressed in this paper and in other places that our collective lack of moral resolve on global warming is responsible for our lack of adequate action to solve the problem. But at bottom I think the lack of resolve is primarily not driven by inadequate moral concerns but by the political complexities of designing solutions to climate change at both the domestic and international levels. At bottom the message of "A Perfect Moral Storm" is that climate change is an incredibly important and an incredibly complicated moral problem. I do not believe however that those working today on climate policy doubt that fundamental point. If they did I'm not sure why they would continue to work year in and year out on finding the right policy solutions. And solutions are what we need right now. While Gardiner points out again and again that we lack the global institutions to address a problem of this spatial and temporal complexity there is an impressive community working to create those

institutions which needs to be both larger and more morally sophisticated. In “A Perfect Moral Storm” we do not find those solutions.

Again, this is not to say that I disagree with the details of Gardiner’s philosophical analysis in this article. And in other work he evaluates some of the policy and technological solutions that have been advanced. But partly because I know that there are already excellent philosophers like Gardiner working on the core philosophical questions involving climate change, and partly because I wanted to work directly on the policy solutions of climate change as the next evolutionary step of my own commitment to environmental pragmatism or “public environmental philosophy,” as I call it in my other chapter in this volume, I made a decision five years ago that the bulk of my work on climate change would not be like my previous work. Rather than publishing articles and books aimed mostly at a philosophical or academic audience I decided to try to produce work aimed more directly at discussions of actual climate policy – from blogging to editorials to policy reports – and sought an outlet to do that work on the front lines of the fight for policy solutions. While a lot of my earlier work in environmental ethics was an appeal to the discipline to reform itself to be of more use to environmental policy I decided with climate change to simply dive in to the policy debates directly and be less concerned about whether the field as a whole was changing or not. In part this has meant accepting two things: most of what I do on climate change is not recognized as ethics or philosophy by those in the discipline and that to be remotely successful I had to give up the idea of participating in the policy community as an ethicist but instead had to establish myself as a policy expert. I have found this trade off completely worthwhile.

## **2. The Moral Elements of International Climate Negotiations**

My biggest break in moving in this direction came two and a half years ago when, for personal reasons, I decided to move to Washington, D.C. As a tenured philosophy and public policy professor I first sought out and secured an

academic home and a teaching job. But I was lucky enough to land at a university that valued my policy interests and activities. With their consent I also accepted a position as a Senior Fellow at a Washington based think tank, the Center for American Progress (CAP). After several confusing months at this institution, trying to figure out why I understood so little of the kind of work that my colleagues on the energy and climate team at CAP were doing, I finally found my bearings and dug in to the complicated arena of international climate policy.

There is not sufficient space here to adequately represent the details and nuances of the history of international climate negotiations. What I want to briefly highlight however are the developments in the history of these negotiations which have left open doors for substantial discussions of the ethical dimensions of the struggle to build the kinds of institutions which Gardiner argues are currently lacking.

For the reasons suggested above a global problem like climate change requires a cooperative global solution. The primary body responsible for negotiating this solution is the United Nations Framework Convention on Climate Change, or UNFCCC. The convention itself was agreed upon and opened for signature at the 1992 UN Conference on Environment and Development, otherwise known as the “Rio Summit” or “Earth Summit.” 172 governments participated with 108 sending their heads of state. By 1994 the treaty had enough signatories to enter into force. It now has signatory 194 parties (193 countries and the European Union).

The parties to the framework have met annually since 1995 in Conferences of the Parties (COP) to try to negotiate a treaty to limit GHG emissions. In between the annual meetings, which take place for two weeks in December, interim negotiating sessions are held to try to advance the agenda of the previous meetings. Unlike other UN forums, the UNFCCC has no permanent home so the meeting moves to a different country every year and the host country assumes

the temporary role of president of the COP. The president of the COP in any given year is given a lot of discretionary authority over the content and shape of each year's meeting.

From the outset the rules which govern the UNFCCC have been designed to reflect the nature of the problem that it was designed to address. So, unlike all other international environmental treaties COP decisions must be arrived at through a consensus process. This effectively means that all 194 parties to the convention have a veto on all political or legal decisions of the COP. In part, this rule reflects a moral judgment about the global nature of the problem. Since climate change will impact all countries the rules protect the interests of smaller and less powerful countries who may experience both the first and the worst impacts of global warming. For example, most scientists agree that the target for some form of "climate safety" should be to hold temperature increases caused by humans to two degrees Celsius (2C) over preindustrial levels. But this community would also readily acknowledge that a 2C increase in temperature will have very bad effects on small island states, such as the Maldives, and poor countries at or below sea level like Bangladesh. The consensus rule effectively insures that rich and powerful countries cannot enter into a binding agreement under the UNFCCC which would settle on a less stringent target – such as holding temperature increases at 3C – because it would be both easier and cheaper for them to hit that target. It also ensures that poor and vulnerable countries can push for consideration of a more stringent target, such as holding temperature increase at 1.5C. Certainly many representatives from powerful countries who negotiated these rules also insisted on a consensus process to protect their own interests but nonetheless the procedural rule benefits all.

Equally important about the ratification of the 1994 convention is a recognition of something we saw earlier in the discussion of Gardiner's article: the atmospheric life of carbon dioxide matters for forming a moral principle around solving the problem. Perhaps most importantly is the recognition in the

UNFCCC that the solutions which emerge out of the body must respect “common but differentiated responsibilities” of the various parties. Essentially this means that historical emissions, and the benefits derived from those emissions, matter in determining relative responsibility for undertaking emission reductions. Rich countries like the United States, which was the largest carbon emitter in the world when the treaty was originally negotiated, and is still the largest per-capita emitter, are responsible for the bulk of the GHGs in the atmosphere which are now causing global warming. In addition many poorer developing countries, who still have millions of people in extreme poverty, need to continue burning fossil fuels while they remain cheap in order to pull their people out of poverty and stem the adverse health impacts that accompany that poverty (see Shue 1992). The understanding of “common but differentiated responsibilities” among the parties to contribute to reductions in GHGs puts these two points together to support the claim that rich developed countries have an obligation to reduce their emissions first and with deeper cuts while developing countries can start later while they continue domestic programs for poverty alleviation. Clearly this understanding embodies a principle of justice to be used for designing future climate agreements.

As we might expect the principle was used as the basis of the general structure of the Kyoto Protocol, the first binding climate treaty, which was finalized in 1997 and went into force in 2005. It’s most controversial element is a division of the world between “Annex 1” and “non-Annex 1” countries (though there is a third category we do not need to be concerned with here) with the former being developed parties and the later developing parties. In the first period of the protocol, which runs to 2012, Annex 1 parties are required to collectively cut their emissions 5.2 percent below 1990 levels and non-Annex 1 countries are not required to cut their emissions at all.

While this outcome did embody the relevant principle of justice it unfortunately did not produce an agreement that can solve the problem. The

United States did symbolically sign the Kyoto Protocol but it never ratified the treaty which severely constrained its impact. Before the treaty was even finalized in Kyoto the United States Senate, which must ratify any foreign treaties by a two-thirds majority of the 100 members, voted 95-0 in favor of the Byrd-Hagel Resolution that they would not even consider a treaty based on the division of labor embodied in the protocol. Their reasons were not explicitly premised on a moral claim though they were embedded in another claim about fairness. Given that retooling a countries' energy infrastructure on low-carbon alternatives, such as various forms of renewable energy, would come at some initial cost then the U.S. would not agree to incur this cost when some of their biggest global competitors (especially China and India) were not required to incur that cost.

Ever since the passage of the Byrd-Hagel resolution the U.S., up until recently, has been on the side lines of international climate negotiations except insofar as they could use their power, and veto if necessary, to delay progress on a treaty which they would likely not sign if it came together. Nonetheless Byrd-Hagel did stumble onto an important physical limitation of the Kyoto Protocol: without some reductions from the major emitters in the developing world (in particular China, India, Indonesia, South Africa, Brazil and Mexico) we cannot achieve climate safety. In fact this issue is now front and center on the minds of the Annex 1 parties that did sign the protocol, reduce their emissions accordingly, and are now considering whether to enter into a second commitment period for the protocol which would require even deeper cuts in emissions from them. As it stands now the parties of the protocol who are required to reduce their emissions only account for less than 30 percent of global emissions. What is needed is a treaty that can cover up to 80 percent of emissions which, if reduced quickly enough, could solve the problem without requiring the least developed and poorest countries to reduce their emissions at all. As it turns out 17 countries are responsible for 80 percent of global emissions

but they include the six developing countries listed above and many of them have so far explicitly refused to bind themselves to an agreement that requires emission reductions.

At the thirteenth meeting of the COP in Bali, Indonesia in 2007 the parties did manage, after intense pressure was put on the Bush administration, to pass the “Bali Action Plan” (or “Bali Road Map”) which was designed as a way past the deadlock that emerged after Kyoto. While it has been interpreted in different ways the Bali Action Plan essentially cuts a deal between developed and developing countries on reducing emissions in developing countries. Developing countries will agree to “nationally appropriate mitigation actions,” or “NAMAs” in exchange for finance and access to clean energy technology. Again, the moral principles here are consistent with the original framework convention acknowledgement of common but differentiated responsibilities. In this case developed countries have said that they continue to acknowledge that historical emissions and existing poverty rates matter in assessing different responsibilities for emission reductions among the parties. But, given the need for action by everyone, especially the major emitters not currently bound to reduce emissions by the Kyoto Protocol (the U.S., China, India and the other countries mentioned above) developed countries agreed here to help developing countries reduce their emissions faster.

Disagreements over whether the Bali Action Plan requires developing countries to reduce their emissions have troubled the negotiations for the past three years. But at the very least the action plan opened up the idea that an alternative treaty to the Kyoto Protocol was possible that might potentially bring in the necessary parties that are needed to physically solve the problem, especially the U.S. and China, now the largest emitter on the planet. In another milestone the Bali Action Plan stipulated that the 2009 meeting of the COP in Copenhagen, Denmark would be the meeting where a plan for emission reductions beyond 2012 would be finalized.

Much could be said about run up and outcome of the Copenhagen climate summit. After an intensely divisive summer of climate negotiations, where different parties were unwilling to reach a compromise for different reasons, the meeting did not end in a final legally binding agreement to move forward on carbon mitigation or climate adaptation after 2012. Instead, President Obama, working with many other global leaders from developed and developing countries, was able to forge the Copenhagen Accord which in six pages outlined what a full and complete climate treaty would need to include moving forward. The accord included a number of very important elements, including a temperature target to limit anthropogenic temperature increase to 2C, an initial commitment to \$30 billion in “fast start” funding from developed countries to developing countries to accelerate adaptation and mitigation efforts, an agreement to try to create a global climate fund mobilizing \$100 billion annually starting in 2020, and compromise language on measuring, reporting, and verifying emission reductions (MRV) from all parties.

Unfortunately however, five countries – Venezuela, Bolivia, Cuba, Nicaragua and the Sudan, exercised their right to block consensus and so the accord never had the full imprimatur of the UNFCCC. Nonetheless, within a few months over 130 countries had associated themselves with the accord and parties responsible for over 80 percent of global emissions had submitted national mitigation plans up to 2020 consistent with the accord’s temperature target. While those submissions are not yet sufficient to achieve climate safety it is hoped that a later agreement could lock in those national plans and squeeze out of them the remaining reductions needed to get us on a pathway to climate safety.

If all parties do everything they say they will at present under the Copenhagen Accord then we are two-thirds of the way to where we need to be to have a good chance at achieving climate safety (see Light and Pool 2010). Still, because of the effective veto of the five countries mentioned above the rest of the

substantive agreements in the Copenhagen Accord were always on thin ice over the summer and many parties, even those who had associated themselves with the accord, begin to walk back on their commitments to it. Once again it looked like the parties were going to have to start from scratch at the next meeting.

While more progress was made at this year's COP in Cancun, Mexico (to be briefly discussed below) the world still awaits a binding climate treaty which actually has enough parties to give us a decent shot at holding temperature increase to 2C and achieving climate safety. What is needed is a balancing act between the different moral elements that have evolved within the climate negotiations since 1992, that have been discussed in this section, and the physical realities of the reductions needed from the biggest emitters regardless of their emissions history. These elements include the consensus rule of the UNFCCC which suggests that equivalent risk of harm from global warming can be used as a foundation for decisions as a matter of procedural justice, the idea of distributed responsibilities for emission reduction as acknowledged by the notion of "common but differentiated responsibilities" in the UNFCCC charter and as codified in the Kyoto Protocol, the implicit "tit for tat" compromise struck in the Bali Action Plan between NAMAs and financial assistance, and the Byrd-Hagel resolution's appeal to economic fairness as an element for structuring a climate agreement. And above all of this, though I have not been able to discuss it here, every document and every agreement reached so far in this process acknowledges that the physical reality of the problem is such that we must test our solutions in the light of our impacts to future generations of both humans and non-humans.

### **3. Moving Forward**

A good climate ethicist could take this list of moral elements in the history of the UN climate negotiations, which I've loosely organized in their rough order of historical emergence, break them down into their base elements and construct

an ideal account of how they can and should fit together. This would be a valuable piece of work. But if that was the only kind of philosophical contribution to the discussion over the policy architecture for reducing emissions and mobilizing funds for low carbon development and adaptation in developing countries then it would be a disappointing limitation on the role of ethics or ethicists in this debate. While ideal accounts of moral principles and their relation to this problem can be informative there is room for other kinds of philosophical labor to actually get to a climate agreement that can have a shot at helping us to solve this problem. The last COP meeting in Cancun demonstrated this admirably on one small part of this moral agenda.

For my own part I was there leading the team from the Center for American Progress, as I have been the last several years, trying to push our solutions to what we thought were the most important agenda items which threatened to derail the meeting. The Mexican hosts of the meeting, under the leadership of Foreign Secretary Patricia Espinosa, had set a more modest agenda than Copenhagen. Rather than going for a full blown treaty this year they decided to try to improve on the package that was almost achieved in Copenhagen as a set of “building blocks” for a treaty to be developed down the road and get it approved by the entire body. These included fully fleshed out proposals on MRV for both developed and developing countries (a sticking point for those developing countries who didn’t want to have their reductions monitored from the outside because it would entail that they would eventually have to accept binding emission targets), an agreement on reducing emissions in developing countries from deforestation, an agreement on the structure of a global climate fund (though not the mechanisms to pay for it all), and an agreement on adaptation. I didn’t talk to a single person in the two weeks of the meeting who thought they could get this entire package through the consensus process. Many thought it would be blocked in the end by the United States over a disagreement with China over a system of MRV for developing countries.

At the end of the day though the show down at the meeting wasn't over substance but the procedural justice embodied in the consensus rule. Of the five countries who blocked the Copenhagen Accord from moving forward last year Bolivia emerged as the most outspoken critic of almost all parts of the Cancun package. Throughout the two weeks of the meeting they confidently threatened to blow up any compromise deal using the consensus rule unless their demands were met. These included a requirement that the climate fund described in the Copenhagen Accord be funded only from public sources from developed countries and set the amount due at 1.5 percent of GDP from these parties, a ban on using market mechanisms to leverage funding for forest programs, and insistence that the overall agreement had to acknowledge "rights for mother nature" without actually bothering to explain what that might mean in this case.

Following an elaborate system of consultation throughout the meeting with all parties to establish their "red lines" - the points in the agreement that they would not compromise on - Espinosa temporarily stopped the negotiating on the Friday afternoon when the meeting was set to end and prepared a chair's text which made the hard choices on all points of disagreement. This text, now known as the "Cancun Agreements," had taken the six pages of the Copenhagen Accord and expanded them into 30 dense pages of substantive programmatic language which comes very close to filling in all the gaps needed for a full climate treaty.

At 9:00pm Espinosa called for a plenary to discuss her text. The Bolivian Ambassador to the United Nations Pablo Solon started with a sustained attack on the documents and almost all points of compromise. But otherwise the mood in the hall was overwhelmingly in the other direction. Leaders of small island states, least developed countries and all major industrialized emitters praised the Cancun Agreements as an excellent compromise. They lauded Espinosa's leadership and marked the agreements as a sound step forward. In a series of side meetings that followed before the final plenary Ambassador Solon

continued to denounce the agreements and insisted that the consensus rule gave him the prerogative of blocking anything from emerging out of these meetings.

It was clear on the ground though that this rejection by the Bolivians of any pragmatic steps toward progress had turned the assembled negotiators even more solidly against them. The most vocal were representatives from neighboring Latin American nations who had clearly had enough of Bolivia's intransigence. One after another challenged the Bolivians until eventually they voiced an opinion that had not been strongly expressed in public at these meetings though many had expressed it in private: the UNFCCC consensus rule either has to go or be radically reinterpreted. A negotiator from Columbia put it most starkly saying, "Consensus does not mean giving the right of veto to one country."

Technically of course the Columbian negotiator was wrong: consensus does mean that one party effectively has a veto over the outcome. But what was important was that Espinosa's care in negotiating the final text put the room so solidly behind her that she could do something that had only been done once before in the history of the process: take the chair's prerogative to set aside an objection by a party. By her actions she also got the participants to start imagining that a fair outcome could be achieved without consensus. So, when the final plenary reconvened at 3:00am on Saturday morning Espinosa patiently listened to a series of strident objections from Solon and then gavelled away his objection saying, "Of course I do note your opinion and I will be more than happy to make sure it is reflected in the records of the conference. And if there is no other opinion, this text is approved."

Where does this leave us though on the topic of this chapter? It should come as no surprise that there is not a lot of sustained work in the literature on climate ethics on the consensus rule in the UNFCCC. Criticism of it is relatively easy and wouldn't seem to require the attention of a Ph.D. in philosophy. But as we saw in Cancun it's a detail that is critically important and needs addressing

especially when we're talking about a process among 194 parties which is supposed to help solve one of the most important challenges ever faced by humans. Because of this outcome the parties finally have a solid negotiating text which they can move forward with in a stepwise, pragmatic fashion.

While it was not the focus of the bulk of the work that CAP had prepared for the meeting – our focus was more on defending and mobilizing the \$100 billion annual fund to try to keep the principles and understanding of the Bali Action Plan together – several of us focused blogs and columns on the emerging intransigence of the Bolivians and their willingness to destroy any compromise in the name of their ideology. I wrote extensively throughout the year about how continued use of the consensus rule to block outcomes in the UNFCCC was jeopardizing the process and argued that if it continued we would do well to abandon this forum to seek completion of a climate treaty in another forum. I was then among the chorus who identified Espionsa's actions at the end of the meeting as signaling a possible new direction for the UNFCCC (see Podesta and Light 2010).

I wouldn't characterize this work as climate ethics or environmental ethics, especially when compared to the careful work represented by other philosophers in this volume, but I would argue that it is both philosophically informed and plays a helpful pragmatic role in advancing a climate agenda. The fact that one doesn't need to be a professional philosopher to make these kinds of arguments is likely, in the end, a very good thing.

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