The empirical effects of procedural justice efforts in the UNFCCC

Vegard Tørstad[1]

The degree of authority an international institution is able to exercise is a function of how much legitimacy it enjoys among its member states. Broadly, the literature distinguishes between two mechanisms that such institutions can rely on to secure the necessary legitimacy for operating effectively – often referred to as 'input' and 'output' sources of legitimacy (Scharpf 1999). While the 'input' literature highlights how decision-making procedures can generate legitimacy if they are perceived as rightful, the 'output' literature accentuates the role of effective or just outcomes.

This corresponds, broadly, to the distinction between *procedural* and *distributive* justice. So far, the justice literature on climate negotiations has primarily focussed on the latter of these perspectives, that is, what constitutes 'fair shares' with respects to burden-sharing of climate efforts. However, the successful organisation of COP21 point to the so far largely neglected side of the story – namely, the importance of *procedural* justice in climate negotiations.

I suggest that the UNFCCC has undergone a procedural justice reform from COP15 to COP21. While the COP15 were marked by disputes over transparency, bias and lack of representativeness in the decision-making procedure (Dimitrov 2010; IISD 2015), at COP21 the French presidency was praised for its efforts to create an inclusive, balanced and transparent process (Brun 2016, IISD 2015). IISD describes the Paris negotiations as 'a procedural revolution', and credits the COP21 presidency for managing to uphold a 'highly-transparent and inclusive process for parties' (IISD 2015). Laurence Tubiana, a leading figure in the negotiations, has confirmed that procedural justice was a specific priority for the leadership of the conference (Tubiana 2016).

And, interestingly, in contrast to the Copenhagen Accords, the Paris Agreement is widely acclaimed as a success, and seems to enjoy a high degree of legitimacy among its signatories. My question is therefore: can efforts aimed at enhancing procedural justice in the negotiations at COP21 account for this?

Social psychology research has for years suggested that people are more likely to accept and implement decisions that are reached through procedures that are perceived as just (Tyler 2000, 2003, 2006). In international relations literature, Ngaire Woods (1999) argues that the long-term output legitimacy of an international institution rests on agreement on decision-making procedures, and Keohane argues that, when agreement on decision-making procedures prevail, institutions more easily create the conditions for reciprocity to operate (Keohane 1989). The importance of procedural justice in multilateral negotiations has been demonstrated most clearly empirically by Albin & Druckman (2014), who conclude that adherence to procedural justice principles in negotiations increase the effectiveness of international trade agreements.

In light of these suggestions and findings, this research agenda brief calls for an increased understanding of the role of procedural justice in the UNFCCC. Testimonies of diplomats present at COP21 suggest that efforts to enhance procedural justice bolstered the broad participation, ambition and high legitimacy of the agreement (Brun 2016, Dimitrov 2016; Tubiana 2016). If this is true, building an analytical understanding of the procedural justice mechanisms that contributed to these positive outcomes would be of great value to future negotiation rounds. I therefore plan to conduct an in-depth case study of this conference to build knowledge about the empirical effects of efforts to enhance procedural justice.

---

[1]PhD Researcher, Dep. of Social and Political Sciences, European University Institute.
E-mail: vegard.torstad@eui.eu

References

Albin, C. & Druckman, D. (2014): 'Procedures matter: Justice and effectiveness in international trade negotiations.' *European Journal of International Relations*, 20(4): 1014-1042.

Brun, A. (2016): 'Conference diplomacy: The making of the Paris Agreement.' *Politics and Governance*, 4(3): 115-123.

Dimitrov, R. S. (2010): 'Inside UN Climate Negotiations: The Copenhagen Conference.' *Review of Policy Research* 27(6): 795-821.

Dimitrov, R. S. (2016). 'The Paris Agreement on Climate Change: Behind Closed Doors.' *Global Environmental Politics*, 16(3): 1–11.

IISD (2015): 'Summary of the Paris Climate Change Conference.' *Earth Negotiations Bulletin 12* (663). Retrieved from: http://www.iisd.ca/vol12/enb12663e.html

Keohane, R. (1989): *International Institutions and State Power: Essays in International Relations Theory*. Boulder, CO: Westview Press.

Scharpf, F. W. (1999): *Governing in Europe: Effective and Democratic?* Oxford: Oxford University Press.

Tubiana, L. (2016): 'Multilateral Diplomacy: The Case of Climate', lecture 17th February, Sciences Po, Paris.

Tyler, T. R. (2000): 'Social justice: Outcome and procedure.' *International Journal of Psychology,* 35:117-125.

Tyler, T. R. (2006) 'Psychological perspectives on legitimacy and legitimation.' *Annual Review of Psychology*, 57: 375-400.

Woods, N. (1999): 'Good Governance in International Organizations.' *Global Governance* 5(1): 39-61.