

## The empirical demandingness of alternative normative understandings of loss & damage

Main Supervisor: **Lukas H. Meyer** [showcase 1]

Research field “Normative Theory: Climate justice and legitimate expectations”

Research question 1 | Cluster 1

Links to showcases Steininger 1, Schulev-Steindl 1, Kirchengast 1, Kirchengast 2, Maraun 1, Sass 1+2, Steiner 2

**Background:** Normative theorists and legal scholars have developed alternative accounts of how the costs of responding to climate change and unavoided or unavoidable climate damages ought to be distributed, especially when historical emissions and their consequences are taken into account. We can distinguish the following principles: emitter-pays-, beneficiary-pays- or ability-pays-principle, identifying different agents (individual persons or collectives, especially states) as the primary bearers of duties, namely owing to having caused the emissions, having benefited from emission-generating activities, or being in a position to pay for the costs of responding to climate change and climate damages. The principles can be understood to reflect both compensatory and distributive understandings of justice and have informed discussions of legal liability and the responsibilities of states.

**Goal:** The project aims to investigate, first, how empirically demanding alternative understandings are in terms of what empirical claims would need to be shown to be valid in order to come to determinate recommendations concerning compensatory duties and/or the distribution of costs of compensation, mitigation and adaptation. The project distinguishes between empirical presuppositions for claiming that (a) certain agents suffered or will suffer climate-change-damages and losses owing to excessive human emissions, which give rise to claims of compensation or redistribution, (b) certain agents are responsible for certain shares of the corresponding costs and of the total costs of responding to climate change in an adequate way (by means of mitigation, adaptation, and providing means of compensation for unavoided or unavoidable damages & losses). Secondly, the project aims at both measuring the empirical demandingness of alternative views and developing an understanding of whether and in what sense the differing empirical demandingness of normative views count as a criterion for assessing the plausibility of these views.

**Methods and disciplinary background:** This is a project in philosophy and normative theory. It employs the methods of normative analysis and wide reflective equilibrium. It reflects an understanding of ideal and non-ideal theorising and the connections between the two.

### References:

- Heywood, Clare; Roser, Dominic (eds.) (2016): Climate Justice in a Non-Ideal World. Oxford, Oxford University Press.
- Kolstad C, Urama K, Broome J, et al (2014) Social, economic, and ethical concepts and methods. In: Edenhofer O, Pichs-Madruga R, Sokona Y, et al. (eds) Climate Change 2014: Mitigation of Climate Change. Contribution of Working Group III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change. Cambridge University Press, Cambridge, United Kingdom, New York, NY, USA, 207–282.
- Meyer, Lukas (2013): Why Historical Emissions Should Count, in: Chicago Journal of International Law 13,2, 598 - 614.
- Meyer, Lukas; Sanklecha, Pranay (eds.) (2017): Climate Justice and Historical Emissions. Cambridge, Cambridge University Press.



## Legitimate expectations in stranding assets

Main Supervisor: **Lukas H. Meyer** [showcase 2]

Research field “Normative Theory: Climate justice and legitimate expectations”

Research question 1 | Cluster 3

Links to showcases Baumgartner 2, Posch 1, Posch 2, Schulev-Steindl 2

**Background:** Avoiding dangerous climate change will require us to leave a majority of carbon fuel (oil, gas, coal) reserves in the ground. Many states and companies made plans and investments to extract these reserves and explored further carbon fuel reserves. On the one hand, these agents seem to have a legitimate expectation to extract and sell these resources; and if policy intervention would effectively hinder them from doing so, they would then seem to have claims to being compensated for their losses. On the other hand, both companies and states have known that the stranding of most of the carbon assets is a necessary element of a scientifically sound, efficient and ethically defensible strategy for a transition towards a low-carbon and climate-robust economy and society.

**Goal:** The project aims to investigate how to normatively assess the consequences of a transition to a low-carbon society, especially of the stranding of carbon fuel reserves. In particular, the project will investigate the significance of expectations in assessing different such transition strategies, such as market-based price mechanisms like a carbon tax and command-and-control mechanisms like production quotas. The analysis has to take into account that expectations are formed against the backdrop of a regulatory and institutional framework, which differs depending on whether the agent in question is a state or a company and whether the regulations and institutions in questions are national or international. The project will develop a normative understanding of the requirements for the legitimacy of these frameworks and the possible reach of their protections, and the conditions under which they can be changed and adjusted without wrongfully frustrating the expectations formed against them.

The assessment of the normative significance of legitimate expectations will contribute to answer the larger questions of what are the rights and responsibilities of states, companies, and individuals given the necessity of leaving a majority of developed carbon reserves in the ground, how these responsibilities should be distributed, and whether the intentional transformation of assets to liabilities due to the necessary changes in institutional and regulatory frameworks gives rise to legal claims of compensation.

**Methods and disciplinary background:** This is a project in philosophy and normative theory. It employs the methods of normative analysis and wide reflective equilibrium. It reflects an understanding of ideal and non-ideal theorising and the connections between the two.

### References:

German Advisory Council on Global Change (2016). Development and Justice by Transformation: The Four Big I's; WBGU, Berlin, Germany.

McGlade, Christophe, and Paul Ekins (2015). The Geographical Distribution of Fossil Fuels Unused When Limiting Global Warming to 2 °C. In: Nature 517, no. 7533 (January 7, 2015): 187–90. DOI:10.1038/nature14016.

Meyer, Lukas; Sanklecha, Pranay (2014). How Legitimate Expectations Matter in Climate Justice. In: Politics, Philosophy & Economics. 13,3. 369 - 393.

Düvel, Eike; Meyer, Lukas. Stranding Assets from the Perspective of Normative Theory. (work in progress)

## Emission-generating activities – their benefits and normative distributive significance

Main Supervisor: **Lukas H. Meyer** [showcase 3]

Research field “Normative Theory: Climate justice and legitimate expectations”

Research question 1 | Cluster 3

Links to showcases Schulev-Steindl 1, Kirchengast 1 and 2, Maraun 1, Sass 1, and Steiner 2

**Background:** One of the central questions of climate justice is how the global emission budget ought to be distributed when we limit this budget in such a way that we respect the rights claims future people have vis-à-vis currently living people. According to one understanding, the good to which standards of justice are applied when answering this question are the (normatively relevant) benefits that the use of emission rights makes possible for individual human beings and not the emission rights themselves (Caney 2010). Emission rights are understood to be beneficial in so far as they allow for realizing these benefits in carrying out emission-generating activities. Thus, one understanding of what the shorthand of “distributing emissions” ultimately amounts to is distributing (by distributing emission rights) the benefits of engaging in emission-generating activities (Meyer & Roser 2010). In other words, this issue concerns both the principle of distribution and the currency of justice.

**Goal:** The project investigates how best to understand the various benefits from emission-generating activities, how to measure them, how to understand the relation between the amount of benefits realized and emissions caused, and which such benefits can be considered normatively significant and why. In particular, the project develops an understanding of both future and inherited benefits from emission-generating activities. Those who engage in emission-generating activities may realize benefits for themselves. At the same time, they can benefit other people. Also, currently living people often will be the beneficiaries of past people’s emission-generating activities. When it comes to, e.g., infrastructure that past people built, such inheritance can be understood as inherited capital that embodies emissions. Further, the project investigates alternative interpretations of the normative relevance of both future and inherited benefits from emission-generating activities for the allocation of emissions to the various agents and respective countries along (international) production chains (Steininger et al., 2016) and the distribution of the remaining permissible global emission budget among these agents.

**Methods and disciplinary background:** This is a project in philosophy and normative theory. It employs the methods of normative analysis and wide reflective equilibrium. At the same time measuring and attributing the various benefits of emission-generating activities requires both interpreting economic empirical findings of benefits realized and investigating alternative approaches of allocating emissions to the various agents.

### References:

- Caney, S. (2010). Climate Change and the Duties of the Advantaged. *Critical Review of International Social and Political Philosophy*, 13(1), 203–28.
- Meyer, L. and Roser, D. (2010). Climate Justice and Historical Emissions. *Critical Review of International Social and Political Philosophy*, 13(1), 229–53.
- Steininger, K.W., Lininger, C., Meyer, L.H., Munoz, P., Schinko, T. (2016), Multiple carbon accounting to support just and effective climate policies, *Nature Climate Change* 6: 35-41, DOI:10.1038/nclimate2867