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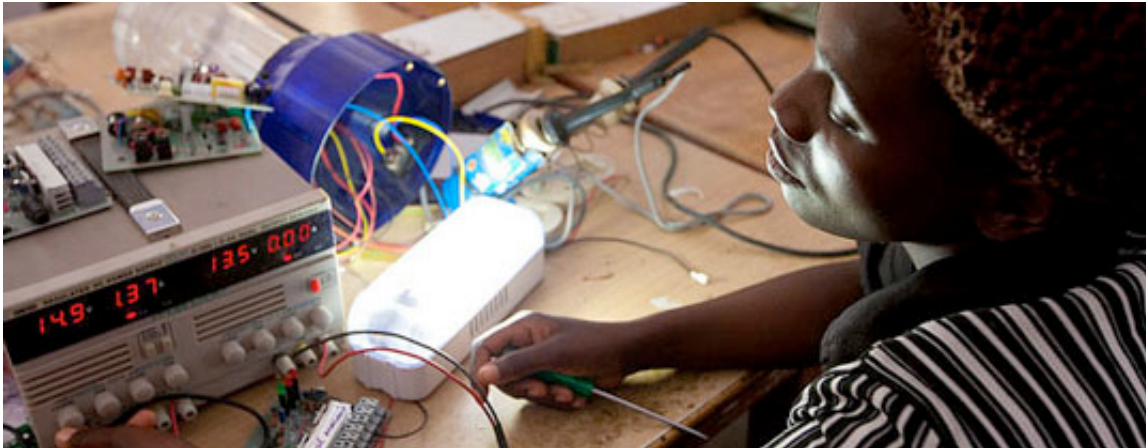
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# Why climate negotiations should tackle 'technology injustice'

Posted on 26 November 2015 by Rob Byrne

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Climate change is already causing harm to vulnerable people and will continue to do so. If we accept that mitigation and adaptation alone cannot avoid all the adverse impacts of climate change, this means that there will be some unavoidable consequences. This has led to the concept of 'loss and damage' appearing in global climate negotiations like next week's COP21 conference.

Loss and damage from climate change has been an issue in the UNFCCC negotiations since they began in 1992, but it is only recently that an institutional mechanism has been agreed to address it. The Loss and Damage Mechanism is set to report back to the Conference of the Parties (COP) during its 22<sup>nd</sup> meeting in November 2016.

But when we talk of loss and damage, our thoughts might turn to things like compensation and justice: who is worst affected, and who should pay? At a recent workshop at The Hague Institute for Global Justice, the climate policy expert Sonja Klinsky discussed her aim of seeing whether understandings of *transitional justice* can be usefully included in the Loss and Damage discussions. Two more workshops will follow as part of finding ways to influence the UN Framework Convention on Climate Change (UNFCCC) discussions on Loss and Damage.

Including transitional justice might even open the way for more ambitious action in other aspects of the "agreement" that many hope to see coming out of the Paris COP this year.

## What is transitional justice?

Transitional justice has been developed in the context of societies trying to move on from conflicts where injustices of various kinds were either structural features or widely experienced outcomes of those conflicts.

In trying to move to a peaceful and lasting settlement, a transitional justice framework has proved essential, consisting of:

1. An indication that there will be non-recurrence of the past injustice(s)
2. An agreement that the perpetrators of the injustice(s) will face limited historical liability
3. The provision of some sort of explicit acknowledgement of the past injustice(s)
4. Action on a forward-looking structural change

Last year, Sonja Klinsky gave an excellent presentation on ideas of justice and injustice, along with the idea of a transitional justice framework, at the Global Climate Policy Conference. That presentation inspired me to think differently about the potential of the UNFCCC Technology Mechanism.

Now, it is not obvious at first glance how technology is directly relevant. Certainly, climate change itself is a huge injustice: the rich world has been mainly responsible for creating the problem through its greenhouse gas (GHG) emissions, yet much of the burden of impacts will fall – is already falling – on those in poorer countries. It is easy to imagine, in principle, that the new climate agreement could be an indication that past injustice will not recur, having acknowledged that an injustice has been perpetrated, of course.

The relevance of loss and damage is obvious here, but it is highly contentious from the point of view of rich countries because, as Saleemul Huq explains, they are worried about the extent of liability and compensation it could mean for them. The second element in the framework is relevant here.

## Does technology injustice exist?

The extent to which there is a technology injustice is less clear. But, a combination of recurring negotiation themes suggest something like a technology injustice.

The first is the long-standing contentious issue of technology transfer, and the associated issues of finance and intellectual property rights (IPRs).

In simple terms, the developing countries have long argued that rich countries have done little to promote technology transfer. They're accused of not giving enough financial assistance or enough help with IPRs (see our working paper on the technology transfer argument, and a paper by David Ockwell and others on IPRs in the negotiations).

The second is the argument over the transition from using carbon-intensive technologies to low- or carbon-free technologies for development.

The argument seems to be that real development can only occur by using carbon-intensive technologies; that low-carbon technologies are inferior. This argument, it seems to me, conflates carbon and energy: "low-carbon" here means "low-energy". This is mistaken, but informs the contention over the "carbon space" left for development: i.e. the remaining amount of carbon that can be emitted without causing "dangerous" climate change and, therefore, how much of this "budget" should be available to poorer countries to use for

development compared with how much the rich countries need.

I will not interrogate these debates here, although there is much that should be examined. My point is that these issues (technology transfer, finance, IPRs, and high-carbon/low-carbon) could be seen in terms of technology injustice. Hence, there is scope to consider how the Technology Mechanism might contribute to action on a forward-looking structural change that could answer the last element of the transitional framework as part of reaching an agreement on loss and damage.

## What's wrong with the current regime?

Together with David Ockwell and others, we have already critiqued how the climate regime has tried to deal with low-carbon technology transfer through the market-based Clean Development Mechanism (CDM). It is clear to us that the CDM privileges some developing countries over others, creating another level of injustice.

Whilst there is a long way to go in crafting an alternative, we have started to outline what we think could form the basis for a structural change in the way the climate regime assists (especially the poorer) developing countries to harness technologies to achieve meaningful and sustainable development.

This alternative rests on the idea that developing countries build *innovation systems*, and the Technology Mechanism could be used to help them do just that. (We have laid this out in detail in a STEPS working paper but also in shorter form in this open access paper published in the journal *Climate Policy*.) Our idea involves a new kind of actor called Climate Relevant Innovation System Builders (CRIBs), who could link the public sector, NGOs, universities, firms and others, building the capabilities and knowledge that are relevant to poor countries where they are based.

Market-based instruments can play a role in this approach, but they must be relocated in a broader set of relations, and the public sector should be a stronger and more creative player. This opens up the possibility to attend seriously to the social justice dimensions of development, something that market-primacy marginalises.

There is a lot to consider, and I hope to be able to join the discussions that Sonja will continue to convene over the coming months. Of course, we need to engage with a much wider group of people than those currently involved, but Sonja's initiative is a promising one.

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*Rob Byrne will be speaking at a COP21 side event about Climate Related Innovation System Builders (CRIBs) on 4 December.*

*This article is part of our coverage of the COP21 climate change conference.*

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