Legitimacy in global adaptation governance

National Adaptation Programmes of Action and disbursement of climate finance.

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**Introduction**

The question of disbursing funds for climate mitigation and adaptation is receiving increasing attention in the global climate change regime. The Cancun Agreement of 2009 commits the developed country Parties to the United Nations Framework Convention on Climate Change (UNFCCC) to commit USD 100 billion per year by 2020 in order to ‘address the needs of developing countries’ (§98). The literature has predominantly discussed such climate finance from the perspective of distributive or corrective justice, arguing over which principle(s) of justice that generates the most appropriate form of “burden-sharing”. Much less attention has been paid to the logically separate question of whether the governance of climate finance is, or is at least perceived to be, legitimate. Yet this question is also important, because it is difficult to see how a system of climate finance can be enacted or maintained unless it wins the consent or endorsement of the parties it governs.

When it comes to securing the consent or endorsement of parties, it can be hypothesized that procedural or institutional factors of the climate finance regime will matter greatly. In this vain, as argued by Grasso (2010) and Paavola & Adger (2006), it could be held that climate finance should be governed by inclusive and participatory procedures, making sure that multiple stakeholders and less powerful countries have a say. We can associate this with a kind of ideal which says that climate change governance ought to be inclusive and bottom-up, not top-down, selective and ‘donor driven’. In the context of adaptation finance, this ideal has manifested itself clearly in the use of so called NAPAs (National Adaptation Programmes of Action). Instituted at COP 7 in Marrakech, 2001, a NAPA is a document supplied by a country belonging to the Least Developed Country (LDC) group in which targets and priorities for “urgent and immediate” adaptation needs are specified and ranked by the country; rankings which can then be used to disburse adaptation funds. The idea behind NAPAs is to empower the recipient country to make its own decisions about prioritization criteria. Though the reasons in favour of instituting NAPAs can be many, it can be presumed that one reason was precisely to ensure that the emergent system of global adaptation governance is inclusive and bottom-up - making it more legitimate in the eyes of the recipients.

We argue in this paper that NAPAs is of principal interest because NAPAs represent a particular type of ‘global adaptation governance’; one that is aimed at securing legitimacy by being bottom-up and inclusive. Even though most LDCs have completed NAPAs and are now in the process of crafting the new ‘national adaptation plans’ (NAPs) under the Cancun Adaptation Framework, the case of NAPA will also enable us to say something more general about the promises and pitfalls of this type of governance.

It is unclear which role NAPAs have actually played in climate change adaptation finance. In particular, it is unclear to what extent they have indeed served as a recipient-controlled mechanism for funding, and which kinds of prioritization they have expressed. In this paper, we investigate the role of NAPAs in hitherto climate adaptation finance by conducting a critical case-study of the ways NAPAs have played (or not played) a role in channelling funds. Having conducted the case-study, we also offer some more principled reflections about the kind of governance NAPAs represent. We suggest that the same factors that may help a regime to secure the consent or endorsement of the governed can also negatively impact on the distributive justice of the regime, introducing a difficult trade-off problem for any future global adaptation regime.

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1 We would like to thank Adis Dzebo, Lund University, for excellent research assistance in the writing of this paper.
The paper is structured as follows: We first discuss the concept of global governance, before moving on specifically to global adaptation governance. Next, we offer our reasons why empirical legitimacy - arguably the main motivation behind instituting NAPAs – is important to global adaptation governance. Having laid out the concepts and presented the reasons to care about NAPAs as a particular kind of such governance, we then proceed to review the role of NAPAs in climate finance. We conclude by offering some tentative judgments about the past and current standing enjoyed of NAPAs.

Global Governance and climate change adaptation

Before outlining our perspective on global adaptation governance, let us briefly recapitulate the concept of *global governance* and how it has been used. Global governance is a suggestive term that quickly became established in the early 1990s as a key concept in international relations, particularly in UN circles (Jönsson 2010). The historical context for the concept of global governance was the fall of the Berlin Wall and the waning of the Cold War order. At this point in time, the demand was high for new concepts that could capture a rapidly changing world. Weiss (2011, 9) describes vividly the conceptual history of the term as a ‘shotgun wedding between academic theory and practical policy in the 1990s’. Probably because the concept seemed to make immediate sense for capturing and responding to a rapidly unfolding world politics, ‘global governance’ has, rather unfortunately, come to be understood both as a new empirical phenomenon and a theoretical term for analysing it (Stripple and Stephan 2012, forthcoming).

A key contribution of the literature on global governance has been a return to questions of authority and legitimacy in world politics. Borrowing from earlier writings on governance throughout the social sciences, Rosenau (1992, 4-5) argued that governance ‘embraces governmental institutions, but it also subsumes informal, non-governmental mechanisms […]’. Governance is a system of rule that is as dependent on intersubjective meanings as on formally sanctioned constitutions and charters’. The concept of governance thus articulates an account of political order that neither relies on international ‘anarchy’ nor on the hierarchical authority of the state (Hurrel 2007, 95). By drawing attention to the rise of hybrid, non-hierarchical and network-like modes of governing on the global stage, global governance is therefore more than a theory ‘about’ international relations — rather it is what international relations are about. The overarching narrative of the discipline of IR is thus seen to be changing from one of anarchy in a system of states to governance within a global society (Barnett and Sikkink 2008).

Within the field of international environmental politics, the global governance of the environment (i.e. ‘global environmental governance’) became an organizing concept in the mid/late 1990s, but interpretations of the concept differed considerably (Hempel 1996; Lipschutz and Mayer 1996; Young 1997). In an attempt to settle the quarrel, Biermann (2006) argues, on empirical grounds, that global governance is defined by a number of new phenomena in world politics. The concept of global governance should be restricted to denote those features that make “the world of today different from what it used to be in the 1950s” (2006, 241). Biermann points to, (1) the increased participation of non-state actors in world politics (e.g. networks of experts, environmentalists, multinational corporations but also new agencies, intergovernmental organizations and international courts); (2) new forms of cooperation beyond the traditional negotiation of international law (partnerships, networks,
practices of standard setting); (3) a new segmentation of policy-making, both vertically (multilevel governance) and horizontally (multipolar governance) (2006, 243-47).

When global governance emerged as a new and salient research agenda in the early 1990s, IR scholars interested in climate politics were still preoccupied with the nascent multilateral climate diplomacy. In 1992 the UN Framework Convention on Climate Change (UNFCCC) was signed in Rio de Janeiro and an era of interstate negotiations under the UN auspice was set in motion. The emerging intergovernmental climate policy architecture represented a fruitful area of research for many years to come (Aldy and Stavins 2007). In parallel to the academic interest in climate multilateralism, a growing number of scholars also explored the climate as an area governed by a diverse set of actors and rule systems ‘that exercise authority in the pursuit of goals that function outside normal national jurisdictions’ (Rosenau 2000: 172). Since then it has been shown that there are many ways in which climate change is being governed ‘beyond the state’ (Jagers and Stripple 2003) through different kinds of emerging institutionalized arenas (Pattberg and Stripple 2008). Most studies have identified a continuum of governance arrangements from those that only involve public actors (e.g. RGGI, Cities for climate protection, C40), to hybrid arrangements established in collaboration between public and private actors (e.g. the CDM, the EU ETS, the WSSD partnerships), and finally purely private governance arrangements (e.g. the Carbon Disclosure Project, the Gold Standard, the VCS) (see e.g. Betsill and Bulkeley 2006; Bäckstrand 2008; Andonova et al. 2009; Hoffman 2010).

Global adaptation governance

In climate science, adaptation is often defined as “adjustments in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities” (IPCC, 2007b, p. 27). In other words, adaptation refers to measures that enable natural or human systems to cope with a changing climate. It is only very recently that scholars have started to approach climate change adaptation from the perspective of global governance. Traditionally seen as an exclusively local, national or even private matter (Persson 2011), adaptation is now being systematically addressed at the global level, such as within the UNFCCC, FAO and WTO. Taken together, the rapidly increased involvement of high-level intergovernmental fora, international organisations, and activities of a globally organised civil society suggest that global governance of adaptation is emerging. However, the form and quality of such global governance, its underlying normative rationale and its political economy have not been adequately theorized nor studied empirically. In a recent book chapter, Biermann and Boas (2010: 223) turn to climate change adaptation and ask: ‘How can we build systems of global governance that will cope with the global impacts of climate change?’ They propose a research program on ‘global adaptation governance’, which cover seven major domains of world politics (food, water, health, energy, refugees, economy and security) where climate impacts will be most severe and where the governance systems need to be adjusted for a substantially warmer world. Biermann and Boas focus on the methodological challenges of a ‘policy planning for the unknowable’ needed to cope with the uncertainty of climate impacts. In line with global governance studies, Biermann and Boas make a call for the inclusion of non-state agency such as firms, environmentalists, human-rights activities, scientists and local representatives.

While we think that Biermann and Boas (2010) attempt to craft a broad research agenda is useful, there is still much work to be done to get a clearer grasp on how climate change adaptation has actually been rendered governable on a global scale. Rosenau’s (1992: 4-5) pioneering work on global governance opens up for the study of regulatory mechanisms which function effectively on various political levels even though they are not endowed with
formal authority. Based on Rosenau’s work on governance, we propose a definition of (global) adaptation governance as *all (global) purposeful mechanisms and measures aimed at steering social systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities*. This definition, of course, is silent on the mechanisms through which adaptation governance on the global level is constructed, which can be of many different types.

Research related to global adaptation governance is only nascent. Persson and Klein (2009) and Gupta (2010) have studied linkages to development aid and others have started to theorise the normative aspects of allocating funds for adaptation from multilateral sources (Paavola and Adger 2006; Dellink et al. 2009; Rübbelke 2011). A few studies have discussed the use of vulnerability indices for countries as a basis for distributing funds (Klein 2009; Füssel 2010; Hinkel 2011). Others studies have started to explore various metrics for comparing the effectiveness of climate change adaptation projects (Stadelmann et al. 2011). One so far neglected aspect of global adaptation governance concerns the role and function of domestic processes in shaping the governance of international funds for adaptation. As we will show in the next section, mechanisms (such as the NAPA process) initiated at the international level are responded to and acted upon very differently at the national level. We are in this article interested in the legitimacy of global adaptation governance and how the legitimacy is constructed through mechanisms at the domestic level.

The legitimacy of global adaptation governance

Legitimacy is one of the most important, yet ambiguous, concepts in the political lexicon. Legitimacy refers to the quality of a social order, which includes institutions, norms and rules (Risse 2004: 7). A legitimate social system can rest on many different features, such as tradition, democratic mandate, culture or even the charisma of a particular leader (Beetham 1991). Referring to cases such as the recent intervention in Iraq and the global credit crises, Brassett and Tsingou (2011) makes the apt characterisation that it seems to be easier to agree on what makes a social system illegitimate than what makes it legitimate, and he refers: “the importance of legitimacy is best demonstrated in the negative, by the instability and institutional collapse that can accompany its absence” (Brasset 2011: 1). In global environmental politics, the legitimacy of climate governance arrangements has sparked an increased scholarly attention (Bäckstrand et al. 2010; Börzel and Risse 2005; Keohane 2011).

The concept of legitimacy is widely recognized as having a normative and an empirical sense (Zürn 2004; Buchanan & Keohane 2006; Peter 2010). In its *normative* sense, legitimacy refers to rightful authority. An institution or actor is normatively legitimate to the extent that it can issue commands or make rules that others, in virtue of the legitimacy of the institution or actor, then have a reason to follow. Speaking about global governance institutions, Buchanan & Keohane define rightful authority in terms of having a right to promulgate “rules and attempting to secure compliance with them by attaching costs to noncompliance and/or benefits to compliance” (2006, p. 405). While legitimacy in the normative sense is usually vested in institutions and actors, it is clear that it can be transferred to decisions and outcomes. A decision or outcome can be derivatively legitimate in virtue of having been produced by a legitimate actor or institution (including procedures). Conversely, an actor or institution can attain normative legitimacy by virtue of producing certain desirable decision and outcomes.

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2 Matters are made still more complicated by the fact that legitimacy is sometimes also used as synonymous to “justified” or “valid”. *Oxford English Dictionary* defines legitimacy partly as an “ability to be defended with logic or justification”.
Legitimacy in its *empirical* sense refers to beliefs about normative legitimacy. In this sense, an actor or institution is legitimate to the extent that people regard it as having rightful authority; in Zürn’s words, “the focus is on the social acceptance of political decisions or political orders as well as the belief of the subjects of rule in legitimacy” (2004, p. 261). Empirical legitimacy thus depends on whether the people that are subjected to the rules or commands of an actor or institution endorse, or at least do not reject, the authority of that actor or institution. Just like normative legitimacy, empirical legitimacy is transferrable. A decision or outcome may be accepted as legitimate simply because it was produced by an actor or institution (including procedures) that is regarded as legitimate. An actor and institution can also be regarded as legitimate in virtue of producing desired decisions and outcomes.

To make matters more complex still, empirical legitimacy has consequences for normative legitimacy. An actor or institution might lose its right to rule because it fails to inspire endorsement or at least acceptance of actual agents. This is subject to some controversy. Many scholars today reject that empirical legitimacy is *sufficient* for normative legitimacy, taking issue with, for example, the standing of state consent as the gold standard of legitimacy in international relations (Held 2002; Buchanan & Keohane 2006). However, even if few would go so far as saying that consent or endorsement is *all there is* to normative legitimacy (after all, few would say that a dictator has a right to rule merely in virtue of enjoying widespread support), there is clearly something to be said for it having *some* relevance.³ Just as most would reject the contention of a dictator having a content-independent right to rule just because he or she enjoys support, most would also reject that an actor or institution can have a right to rule if it systematically fails to secure the consent of the people it governs. Hence, although we should reject empirical legitimacy as a sufficient condition for normative legitimacy, perhaps it can be a necessary condition.

On the basis of this, we can formulate one reason to care about that global adaptation governance is perceived to be legitimate: if it is not perceived to be legitimate by the involved states, in particular the net-recipients of adaptation funding, chances are that it will not be normatively legitimate.⁴ Given the political situation in many of the recipient countries, however, it is uncertain how seriously one should take this line of reasoning. For example, among the 48 countries that are currently classified by the UN as LDCs, 16 countries are unfree according to Freedom House, and 25 countries are partly free. Moreover, two-thirds (32 countries) are not electoral democracies. Only seven of the least developed countries are classified as free, and only one third (16 countries) are electoral democracies.⁵ It is at least debatable whether many LDCs have the sort of government which would render their national views significant for normative legitimacy.

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³ It is noteworthy that Buchanan & Keohane (2006), in constructing their “complex standard” of global governance legitimacy, include *ongoing consent of democratic states* as one factor which makes a global governance institution legitimate.

⁴ Of course, there is also the question of whether global adaptation governance is perceived as legitimate by the net-payers. We will not treat this question here, in part because one could argue, on ethical grounds, that net-payers are usually significantly causally responsible for climate change and hence ought to have less sway over the way compensatory adaptation is undertaken (Duus-Otterströn & Jagers, forthcoming), in part because of the realities of the current political situation in terms of bargaining. One reason why net-payers would want to accommodate net-recipients preferences is that unless the latter are happy about adaptation finance, they will not commit to what the former really want, i.e. a mitigation treaty which includes binding emission targets also for the G77 group.

But there is another reason to care about empirical legitimacy: without the endorsement of the governed, it is unlikely that an actor or institution will be very successful in securing the aims in virtue of which it has a right to rule. This makes empirical legitimacy, and the means by which it can be produced, especially relevant to global climate governance. The international order is characterized by the absence of a common power. Though there is arguably an emerging “global administration” (Cohen & Sabel 2006), there is no global sovereign that can enforce policies on pain of sanctions. It follows that any global action on the climate must be at least in a basic sense voluntary. As has often been remarked in the context of global climate governance, any multilateral treaty (legally binding or not) must inspire the voluntary compliance of the signatory states, at least at the first step of ratification. The political reality is that actual consent of states – also unfree states – matters to whether a comprehensive treaty can be enacted and will function. With this in mind it is relevant to investigate the role of NAPAs in adaptation funding, as they represent a clear example of a type of governance that are designed to promote the empirical legitimacy of the global adaptation regime.

**NAPAs – Global adaptation governance from below**

As mentioned above, a NAPA is a document supplied by a LDC in which targets and priorities for ‘urgent and immediate’ adaptation needs are specified and ranked by that country. Instituted in Marrakech 2001, the rationale of NAPAs was that LDCs needed an avenue to communicate their urgent and immediate needs, whereas that information earlier could only be expressed in the lengthy and comprehensive ‘National Communications’. The idea was of course that NAPAs can be used to identify priority targets for funding and aid. As of January 2012, 47 LDCs have submitted NAPAs; most recently Angola in December 2011.

There is debate as to what is the ultimate benefit of NAPA-based governance. One reason to let recipients formulate their own priorities could be that they have the local expertise to make sure that resources flow to the right projects. This would be an epistemic reason for NAPA-based governance, as it holds the superior epistemic position of recipients to justify leaving prioritization to them. However, while this reasoning may well have played a part for the genesis of NAPAs, it can hardly be the whole story, for there are clearly no universally accepted norms of prioritization that could underpin saying that recipients will know how to put resources to “best use”. We argue that the reasoning behind NAPA-based governance is instead to be sought in its ability to secure empirical legitimacy.

In line with this, the NAPA guidelines do make the substantial demand that the team putting the Plan together should be participatory and grassroots-oriented, yet they state, tellingly, that the choice and implementation of prioritization criteria is up to the team. The guidelines only say that the list of priority activities should come with “concise justification based on a tight set of criteria” (28/CP.7, A.3). In other words, the NAPA process empowers the recipient country to determine its own principle of resource allocation.

Pausing at the participatory requirements for a moment, our empirical analysis shows that while all countries have included the minimum participatory requirements, the majority of the NAPAs have not been prepared through a thorough and transparent participatory process.

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6 National communications from developing countries do not have any fixed dates or intervals regarding their submission. They usually include information on specific national characteristics, vulnerability assessment, financial resources and transfer of technology, and education, training and public awareness.

7 The guidelines for submitting NAPAs is detailed in 28/CP.7. A database of submitted NAPAs can be found at [http://unfccc.int/files/cooperation_support/least_developed_countries_portal/napa_project_database/application/pdf/napa_index_by_country.pdf](http://unfccc.int/files/cooperation_support/least_developed_countries_portal/napa_project_database/application/pdf/napa_index_by_country.pdf)
By ‘partly inclusive’ we mean some participatory approaches (e.g. social experiments, stakeholder interviews or questionnaires), some inclusion of stakeholders and/or civil society organisations (CSOs) with arranged meetings and workshops, as described in the NAPA; to be distinguished from ‘thoroughly inclusive’ i.e. a structured inclusion of participatory approaches with a wide selection of provinces within the country, several workshops and meetings with stakeholders, CSOs and the private sector, as described in the NAPA.

The political status of NAPAs seems somewhat unclear, yet it is reasonable to conclude that they have not enjoyed the standing they were intended to have. NAPAs seem to be relatively ignored by funders in the developed world, or funders have used them as a smorgasbord and have picked and chosen freely among the projects. The Adaptation Fund (AF) guidelines states that project proposals for funding shall be integrated and consistent with NAPAs if a NAPA exists for the country in question. It is also common in bilateral finance mechanisms for adaptation (PPCR, GCCA) to refer to NAPAs. However, NAPAs do not seem to have emerged as the central venue for adaptation projects and the connection between AF and NAPAs are weak to say the least. Our empirical investigation shows that only 7 of 18 AF-projects are integrated with a NAPA, of which 4 directly relate to a NAPA priority project. Persson (2011) has looked at 14 of the AF’s project proposals. In some cases NAPAs are clearly referred to but in other cases completely ignored.

Looking at the ratio between requested and approved funds underlines further the picture of NAPAs not being determinative of subsequent funding. As illustrated by Figure 2, a clear majority of countries have been funded to an extent which represents less than 50 percent of what they asked for in their NAPA, with as much as a third of countries only receiving 10 percent or less of what they asked for. It is easy to imagine that the process of climate adaptation funding resembles haggling in some ways – the starting bid is intended to be too high – but clearly NAPAs in themselves have not fully determined the funding decisions of funders.
Why haven’t NAPAs played a more determinative role in climate change adaptation finance? One reason might be the bad reputation of many NAPAs. Their status has been low since they have been primarily written by environmental agencies and/or external consultants working with rather limited budgets. This might have lead funders to question precisely the standing of a NAPA as a document reflecting priorities that have been worked out through a satisfactorily participatory and grassroots oriented process. However, the problem might also be the lacking quality of the NAPAs as a result of limited budgets. The NAPA project preparation grants for most countries from the Least Developed Country Fund (LDCF) have been around $US 200,000. What is arguably needed are much larger, high quality inventories of vulnerabilities and potential projects.

Is there a unity between NAPAs with regard to the funding they ask for, the number of projects included, and the size of the document? A closer look reveals a high variation between countries:

![Figure 2 Percentage of ratio of funds approved in relation to funds requested by NAPAs](image)

![Figure 3. Millions of $US asked for in NAPAs by country.](image)
Figure 3 describes the monetary calculations for the priority projects as described in the NAPAs. With the exception of Mali, all NAPAs have monetary calculations for urgent and immediate needs. The figure shows that most countries’ calculations lie below $US 20 million. However, it also shows a significant disparity in how much is asked for. Several countries lie over $US 100 million with Ethiopia having the highest needs ($US 769 million for priority projects).

Figure 4 and 5 show further distinctions between NAPAs in both numbers of priority projects and the length of the report. Regarding priority projects (figure 4), there were differences in number of projects in the NAPAs. The NAPA with the fewest number was Afghanistan with two projects, while the country with most projects was Mauritania with twenty-eight. Furthermore, only six countries did include monetary calculations on projects with “low- and middle” priority. In figure 5, the numbers of pages of the NAPA reports show that, even here, there are significant variations in the quantity of the reports. Liberia’s NAPA, for example, was only 25 pages long, while Solomon Islands NAPA had a length of 136.

Figure 4. Number of priority projects asked for in NAPAs by country.

Figure 5. Number of pages of NAPAs by country.

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The countries are: Angola, Burundi, Cambodia, Ethiopia, Lao People’s Democratic Republic, and Sao Tome and Principe.

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8 The countries are: Angola, Burundi, Cambodia, Ethiopia, Lao People’s Democratic Republic, and Sao Tome and Principe.
While the number of pages and amount of priority projects cannot be equalled with the absolute quality of the NAPA reports, the significant variations in the reports may still indicate that the quality and effectiveness of NAPAs varies, although further research is necessary before more robust conclusions can be drawn.

In the negotiations on adaptation under the UNFCCC, parties have repeatedly called for a new form of national adaptation planning to be submitted to UNFCCC, mandatory for both developing and developed countries and backed up by substantial resources to ensure the quality of the reports. It is unclear if this is a deliberate attempt to raise the bar for adaptation planning and circumvent the low political status of NAPAs, or if it is just a slight variation of a long-standing theme. At the intergovernmental climate negotiations in Cancun 2010 (UNFCCC), countries agreed to adopt the Cancun Adaptation Framework with the aim to enhance action on adaptation, including international cooperation under the climate convention (UNFCCC). On year later, at COP17 in Durban, the negotiations on adaptation concerned primarily the implementation of the Cancun Adaptation Framework: how the ‘Adaptation Committee’ shall be organised and activities to be undertaken under the work programme on loss and damage. The Cancun Adaptation Framework includes establishes a process that enables LDCs to formulate and implement national adaptation plans backed by financial resources, technology and capacity building support. At COP17 governments focussed on working out the modalities and the guidelines for the national adaptation plans. Whether these new plans will be established as a key site in global governance of adaptation remains to be seen.

**NAPAs, legitimacy and the disbursement of adaptation finance**

So far we have reviewed the standing of NAPAs in global climate adaptation governance, or more specifically its role in global adaptation finance. As we have seen, the impressions are mixed, and we have ventured to suggest a couple of explanations of why this is so. Let us now note a few more principled reasons why NAPA-based governance should be treated with some degree of scepticism.

One obvious risk is that NAPA-based governance, while good for securing the empirical legitimacy of the adaptation regime, will run counter to substantive conceptions of justice in allocation. Of course, there is disagreement about what counts as just allocation, and by empowering recipients to decide on their own priorities, NAPAs might simply reflect one way reasonable way to handle this fact. However, the adaptation regime flowing out of UNFCCC does have a substantive, if rudimentary, conception of justice in allocation. Moreover, it is likely that NAPAs, when squared against that conception, actually risk offsetting the goals of the very system of governance within which they are located.

The UNFCCC notably includes a conception of justice according to which priority should be given to the most vulnerable. Thus, article 3.2 of the Convention states that “The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal

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9 The Cancun Adaptation Framework requires ‘All Parties to plan, prioritize and implement adaptation actions and to use existing channels to provide information on support provided and received for adaptation actions and on activities undertaken; A process to enable LDC Parties - building upon their experience with the NAPAs - to formulate and implement national adaptation plans and an invitation to other developing country Parties to employ the modalities formulated to support those plans’
burden under the Convention, should be given full consideration”. Furthermore, article 4.4 states that “The developed country Parties and other developed Parties included in Annex II shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects”. We can refer to the underlying conception of justice as priority to the most vulnerable (cf. Parfit 1997; Grasso 2010). Some have taken the spirit of UNFCCC to suggest the lexicin principle of justice in allocation (Paavola & Adger 2006).

Interestingly, there are doubts as to whether the NAPA process can be expected to live up to the norm of giving priority to the most vulnerable. The NAPA process is country-driven - it enables LDCs to submit Plans that reflect their own priorities – and although no NAPA appears to have been worked out only by state officials, there is no guarantee that the NAPA team of a country will share the norm of giving priority to the most vulnerable. In other words, there is no guarantee that the most vulnerable countries will domestically allocate funds to in a way that gives priority to the most vulnerable. It could be argued that this runs counter to the conception of justice enshrined in the UNFCCC. Moreover, given the political situation in many LDCs, there is reason to be skeptical about the nature of domestic priorities.

We have tried to investigate the substantial prioritization criteria of submitted NAPAs. To get a firm grip of these criteria is difficult because every NAPA employs multiple criteria, ranging from three (Zambia) to 14 (Cambodia) (see figure 5) that are assigned different weights, often in multiple stages. Because of this, and because of language that is not always transparent, it is hard to tease out the substantial conceptions of justice that underpin the respective priorities. For example, as proposed by the LDC Expert Group (LEG), when it comes to criteria for selecting priority activities the NAPA annotated guidelines recommends four criteria (28/CP.7, F.4). However, most countries have chosen other or additional criteria with the argument that the recommended criteria were insufficient in a specific country-context. Figure 6 illustrates the number of criteria employed for project selection.

![Criteria for Project Selection](image)

Figure 6. Number of criteria employed for priority project selection by country

Clearly, given the amount of criteria used by most countries, getting a feel for the substantive principles of allocation used by countries is difficult. In order to get a greater insight, more in-depth case studies of individual NAPAs are needed.
For the purposes of assessing the priority given to the worst off, for all NAPAs project prioritization criteria were identified and validated through a Multi-Criteria Analysis (MCA), which includes both a cost-benefit analysis and a cost-effectiveness analysis. However, several countries indicated that the data was simply insufficient for including a cost-benefit criterion, while others simply omitted the cost-benefit criterion, and the fact that cost-benefit analysis presupposes that costs and benefits are commensurable and possible to express in monetary values guarantees that the method does not fit all kinds of climate impacts.

Although we have no settled view as to whether NAPAs have given priority to the worst off, we nevertheless draw the contours of a trade-off that is inherent in global adaptation governance. To empower recipients to make their own priorities can be presumed to enhance empirical legitimacy, at least on the recipient side. However, if discretion is given to recipients, there is obviously the risk that resources are ultimately allocated in a way that does not accord with the underlying norm of distributive justice of the global adaptation regime, e.g. priority to the most vulnerable. To make sure that resources flow to the most vulnerable, it seems that more conditionality and stronger guidelines are needed from the funding bodies. But then the endorsement of the recipient countries might be jeopardized. Thus, we now can see the contours of an interesting trade-off between distributive justice-type concerns and legitimacy concerns, which any future global climate adaptation governance regime will confront and need to manage.

**Conclusions**

To be added…
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