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Commentary: The logic of fossil fuel bans

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Until recently, national bans on fossil fuel-related activities were a taboo subject, but they are now becoming increasingly common. The logic of appropriateness that underpins such bans is key to understanding their normative appeal, and to explaining and predicting their proliferation.

Almost every week, it seems, brings news of a new national commitment to ban or phase out fossil fuels. The Powering Past Coal Alliance, launched in November 2017, includes more than 25 nations that have pledged to phase out coal-fired power generation. France passed legislation in December 2017 banning new oil and gas exploration and extraction, and will phase-out existing production by 2040. In February 2018, the Irish Parliament took a first step toward similar legislation. Norway’s sovereign wealth fund has divested from coal stocks, while Ireland’s Parliament has voted to require its sovereign wealth fund to divest from all fossil fuel stocks. Hydraulic fracturing of natural gas has been banned in numerous countries (and hundreds of subnational jurisdictions).

A *fossil fuel ban* is here defined as a constitutional, legislative or executive prohibition on the exploration, production, supply, transportation, intermediate processing, or consumption of a type of fossil fuel (coal, oil, or natural gas), the construction of infrastructure for any such purpose (for instance, oil pipelines, coal-fired power stations), or the financing of any such activity. This definition covers bans that prohibit only a subset of the relevant activity, such as new activities. For example, a state commitment to “prohibit the construction of new coalmines within its jurisdiction from 1 January 2019” would qualify as a fossil fuel ban based on this definition.

What general features of fossil fuel bans might help us to understand their normative appeal and to explain their sudden emergence? Comparative analyses of the generic attributes of alternative climate policy instruments should help to answer this question. Yet fossil fuel bans have been neglected in this literature. The chapter on “National and Sub-national Policies and Institutions” in the IPCC’s Working Group III report, for example, contains not one mention of the word “ban”.¹ This omission may be explained by the emphasis in such analyses on the evaluation of policies according to a consequentialist logic of efficiency, whereby the objective is to maximise net-benefits (the word “efficient” and its derivations appear 144 times in the above-mentioned IPCC chapter). A ban, any economist will tell you, is rarely a good way to maximise efficiency.

But fossil fuel bans are better understood to be motivated by a “logic of appropriateness”: by a sense of what is right, natural, expected or legitimate for an agent with a given identity in a given situation, irrespective of cost–benefit calculation.² Bans send a clear signal that

practices of large-scale fossil fuel exploitation are categorically wrong, and implicitly cast aspersions on the moral character of actors who engage in such practices.³ This logic resonates with the claims of electorally-significant, anti-fossil fuel social movements, and facilitates the diffusion of global moral norms proscribing the banned activities, both of which increase the likelihood of new bans being enacted.

Political feasibility and the role of mobilisation

A logic of appropriateness links fossil fuel bans with the motivations of mobilised, anti-fossil fuel activists.

Historically, a major barrier to the enactment of climate policies such as carbon pricing has been the dearth of electorally-significant social movements that have arisen to champion them.⁴ While concern about climate change and general support for climate policies are widespread, this concern/support is typically shallow; relatively few people prioritise such policies, let alone take to the streets to demand them.^{4, 5} Such policies have instead been championed by professional environmental non-government organisations that are conversant in the logic of efficiency that dominates elite climate policy discourse.⁶ But these groups rarely have sufficient political power to achieve the institutionalisation of their policy preferences.⁶

In part because of these challenges, environmental activists have shifted their focus in recent years to target fossil fuel projects and companies directly.^{4, 6} Such campaigns tap into the multiplicity of grievances typically associated with fossil fuel activities and companies, which can range from local health, environmental and land rights impacts to corporate-government corruption, in addition to climate change itself.^{6, 7} Accordingly, campaigners have been able to frame their targets in terms of a logic of appropriateness, which has provided a resonant foundation for political mobilisation.⁷ Policy demands to ban fossil fuel activities are a logical expression of activism motivated by such a logic. The harmony of interests among actors opposed to one or more of these adverse impacts, meanwhile, facilitates the building of strong, electorally-significant alliances, which increase the likelihood of such policies being adopted.^{6, 7}

Many bans on hydraulic fracturing for natural gas, for example, can be attributed to the electoral incentives that these kinds of campaigns have influenced.⁶

Conduciveness to policy diffusion and the role of norms

The logic of appropriateness that underpins fossil fuel bans also facilitates their diffusion across jurisdictions. State fossil fuel bans signal to a global audience the wrongness of the banned activity. Accordingly, each new ban helps to redefine morally appropriate behaviour for states, and thus helps to build a global “anti-fossil fuel norm” proscribing the banned activity.⁷ As the number of states banning an activity rises, the social costs of non-conformity (for instance, a tarnished international reputation) increase,⁷ making it more likely, all else being equal, that other states will adopt a similar ban.

Of course, all else is not equal. Notably, unilateral fossil fuel bans carry a risk of production/consumption “leakage”, which incentivises other countries not to introduce an equivalent ban. But all unilateral climate policies entail an economic risk of leakage, which is why the potential of a policy to impose countervailing social costs on other states is so significant.⁸ This provides a reason to favour fossil fuel bans over climate policies that are based on a logic of efficiency, like carbon pricing: the latter are silent as to the inherent moral quality of fossil fuel activities,³ so their enactment in one jurisdiction is less able to shape conceptions of morally appropriate behaviour elsewhere; they risk leaking economic benefits to non-conforming states without imposing significant social costs on those states.

Understanding the interactions between states’ social identities (affected by logics of appropriateness) and their incentives (the combination of social and economic costs and benefits) is crucial to explaining and predicting the diffusion of fossil fuel bans. Theory on anti-fossil fuel norms predicts that states identifying as “progressive” or “climate leaders” will be early adopters of fossil fuel bans that entail relatively low economic costs.⁷ Such bans reinforce those states’ identities while modelling appropriate behaviour for other states at little economic cost. This is a plausible explanation of France’s oil and gas supply ban and the UK’s plan to phase out coal-fired power generation by 2025.

From transnational diffusion to international cooperation

Early adopters of fossil fuel bans will rarely be content, however, to rely only on leadership by example. Rather, the imperatives to maximise global climate mitigation and minimise the risk of carbon “leakage” incentivise them to actively socialise other states to adopt similar bans, using tactics of persuasion and international institution-building.

Fossil fuel bans have a structural feature that makes them an especially suitable subject of institutionalised international cooperation: transparency. The infrastructure necessary for fossil fuel projects is readily observable on the ground and via satellite. This makes it relatively easy for third parties (civil society actors and other states) to monitor and verify states’ compliance with their commitments to implement fossil fuel bans.⁹ Consequently, there is little need for champions of such bans to insist on internationally “legally binding” commitments, cumbersome monitoring, reporting and verification systems, or coercive enforcement mechanisms. Rather, they can socialise their peers by establishing non-binding, political forums with minimal institutional architecture at relatively low cost.

Recent commitments to phase out coal-fired power generation provide an instructive example of this potential to institutionalise international cooperation on fossil fuel bans. The British and Canadian governments not only led by example with their own commitments to phase-out coal-fired power generation. They also established a new organisational platform, the Powering Past Coal Alliance, and launched it with much fanfare at COP23, to encourage participation and facilitate the diffusion of phase-out policies.⁷ Membership of the Alliance requires states to make (non-binding) public declarations that they will refrain from building new, unabated coal-fired power stations and will phase out existing ones. There is no institutional mechanism to enforce compliance, but this is not necessary: it is difficult to

build or operate a coal-fired power station covertly, so participants know they will be held to account by other states, civil society actors and their own citizens if they fail to comply.

While this transparency may discourage faint-hearted politicians from signing up to fossil fuel bans in the first place, it also exposes them as free-riders if they don't. Such exposure will render them more vulnerable to the kinds of domestic political pressures and international social costs discussed above. In this way, transparency, domestic political mobilisation, and international norm diffusion combine to make fossil fuel bans a potent instrument in the climate policy toolkit.

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