

Making Climate Justice: Social Natures and Political Spaces of the Anthropocene

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Abstract

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The global connections of climate change produce profoundly uneven geographies across social and physical space at many scales. In general, however, those who have benefited most from climate-changing fossil-fueled development are also most insulated from its deleterious effects, while those who have contributed and benefited least suffer such effects first and most dramatically. Regulatory response frameworks are challenged by, and may exacerbate, these challenges to justice.

This dissertation draws on interviews, participant observation and documentary sources in a relational analysis of social responses to climate change framed by law, governance and political mobilization. The methodological approach examines the socio-ecological, socio-spatial and governmental connections these initiatives acknowledge, construct, elide or erode. Part 1 demonstrates how institutionalized practices and epistemologies of *disconnection* have compromised the efficacy and justice of response efforts structured by international human rights law, multilateral treaty negotiations, and economistic modes of governance. Part 2 explores the construction of and tensions within what I call a politics of connection, as pursued by a subset of civil society actors engaged in advocacy and activism for climate justice. These politics consist in challenging separation and highlighting or constructing connection in each relational domain. The analysis suggests that response efforts are not likely to halt the progression of climate

change or resolve its multi-dimensional justice issues without recognizing and accounting politically for the various facets of its embedding in socio-ecological processes and relations at scales and sites from the global to the local. The politics of connection, then, presents possibilities for transformation toward more effective and just responses to the climate crisis.

The study contributes to theoretical development and political debate by addressing (1) the spatiality of transnational social movements, (2) the political relevance of the more-than-human, and (3) the role of “civil society” in constituting governance and contesting socio-ecological power. Linking (1) and (2), I argue that more-than-human assemblages constitute conditions for constructing transnational solidarities and, more importantly, for grounding a politics of socio-ecological justice that can socialize, historicize and politicize global change in the Anthropocene. I propose the term *socio-ecological conjunctures* to index the objects of activist analyses that articulate globally-extensive socio-ecological processes with the community- and place-based concerns of established and incipient political identities. Analyses of socio-ecological conjunctures can more broadly politicize climate change, both superseding the militant particularisms of place-based politics and grounding tenuous transnational alliances. Addressing (3), I argue that the urgency of imminent disparate impact incites multiplicity, pragmatism, and ongoing experimentation in the pursuit of protection from and redress for climate harms, which operate in tandem with the purer politics of radical political ecological critique. Civil society emerges therefore, in these ecological politics, as an indeterminate figure encompassing these and other engagements; its presence in both official and “outside” political spaces marking both as contested terrain.

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Dedication

For the many individuals and communities around the world who face the cutting edge of climate change – and those next in line;

For the activists, advocates, and members of government who have devoted their working lives, and more, to the pursuit of climate justice;

For my students in the Department of Geography and the Law, Societies and Justice Program at the University of Washington, and the citizens and leaders of tomorrow everywhere: the bearers of collective hope for a just and abundant future.

Chapter 1. Introduction

Chattering voices drop to silence as two images appear on the screen before us. On the left a woman stirs, taps the button on an alarm, throws back a quilted coverlet and rises from her bed. The room around her is cramped and modern. To the right, a second woman stirs and gets up from a low platform in semi-darkness, bare feet meeting a dirt floor. As we watch, both women wordlessly begin their day. Soon the woman on the left is partially obscured, as steam rises from a shower stall. The woman on the right emerges from a mud hut still in shadow, to slanting morning light. Laden with pots, she descends a rutted track. To our left, the woman finishes her toilette, closes a tap, and moves into a small kitchen, switching on the element beneath a kettle. On the right, the second woman walks, her earthen path now passing through lush grass. She at left finishes her morning meal, rinses dishes, fixes hair and coat. She to the right finds her footing as the path descends unevenly to the bank of a river. To the left now, small crowded rooms stand empty. At right a woman's arms lower a large vessel into flowing water. The images fade, and we are silent a moment longer.

Later, in the same crowded gymnasium, members of the transnational peasant and farmer alliance La Via Campesina fill the large stage. In the hot darkness candles sway in their hands in time with their voices. Brown faces, traditional dress, and work clothes underscore that many are thousands of miles from home and field.

The gymnasium – the largest space within the community center hosting the Klimaforum open gathering during UN climate meetings in Copenhagen – thunders. A full house stamps, pounds on bleachers and claps to the refrain of Nigerian activist Nimmo Bassey's poem: "They thought it was oil, but it was blood."

On "the inside" too – behind the glassy sheen of the Bella Center complex where world leaders and their besuited staffs debate binding limits on greenhouse gas emissions – the troubled human face of climate change is on display. As rumors of "secret" texts circulate, thousands of young volunteers with NGOs pace or nap in the corridor. The small island state of Tuvalu has led a walk out from the negotiations, to the consternation of the secretariat and the cheers of these youths. No progress will be made on an agreement today.

I can move between these spaces, for the time being, but most can't or won't. The journey is a time-consuming and unsettling one. I push past shouting protestors and armored guards at the gates of the conference center, believing there is something I must witness on the other side.

In one of the massive halls where plenary sessions convene, the chair reels off the items of a proposed agenda. Delegates give lengthy preliminaries, make impassioned pleas, shame one another, or keep silent. As negotiations stall again and again, contact groups, bilaterals, and informal consultations proliferate. An accredited observer, I have no access to most of these proceedings.

Sunday, the “Global Day of Action”: after lunch my Danish hosts and I join marchers in the streets of the Old City. Dazed by the spectacle enfolding us, sternums pulsing involuntarily to the deafening bump and skitter of mobile soundsystems, we move like a river, a mass of flowing particles. Amidst the chaos I isolate and record images: banners in many languages; pandas and polar bears on bikes; "change the system, not the climate" in Danish scrawl on a bed sheet; black half-masks, hoodies and boots; the flag of the UN; the image of a blue planet.

The early Scandinavian night beats us to the end of the march, across a wide field from the Bella Center. Paraffin drips from the torch I hold, staining my shoes as Mary Robinson, former Irish President and UN Human Rights Commissioner, booms from the stage:

"Look at you! I'm told a hundred thousand of you.... We are here because we are reminding the decision makers.... [T]he world that has benefitted from a carbon development [is] ... causing great suffering: 300,000 people died last year from the impacts of climate change.

So we want a fair, ambitious, and binding agreement here in Copenhagen - and binding means legally binding.

Moments later, Tom Goldtooth, executive director of the Indigenous Environmental Network, follows:

[W]e came here as indigenous peoples from every region of the earth, demanding that our rights be recognized.... So stand up - not only for the rights of indigenous peoples, but your rights: people of the world; people of civil society....

[A] lot of our world leaders are not negotiating for you, but they are negotiating for the corporations.... We are talking about systemic change.... We want real solutions, not false solutions. Nuclear power is not clean energy; GMOs and tree plantations [are] not a solution, geoengineering is not a solution, and the carbon market is not a real solution ... we have to cut the valve of a fossil fuel economy.

New speakers take the stage. Cheers give way to drumming. I turn and walk back through the crowd, many now dancing around torch bonfires. Moving in the direction of the conference center, I duck under a fence, locate my badge and prepare to cross again between these simultaneous but divided worlds.

Close to two thousand marchers are arrested over the next four days in Copenhagen, many pre-emptively. After I return to teaching responsibilities at home, a contingent of protestors clashes with police outside the Bella Center. Hundreds of them are detained, several physically assaulted. A year later a Copenhagen court will rule police actions during COP15 violated the European Convention of Human Rights and Fundamental Freedoms. The Danish High Court will uphold the ruling in 2012, while reducing the amount of compensation originally mandated.²

Despite the surge of bodies, political wrangling, and impassioned pleas for action on climate change in Copenhagen – within the negotiations as without – the fifteenth Conference of the Parties (COP15) of the United Nations Framework Convention on Climate Change (UNFCCC) ended, in December 2009, to condemnation by an impressive range of observers.³ No binding emissions cuts had been agreed. Moreover, given continual charges of back-room dealing and secret texts, and the exclusion of most delegations from the small closed-door session out of which the four-page *Copenhagen Accord* finally emerged, parties could hardly be said to have

² McKie and Zee 2009; The Guardian 2009; Zee 2010; The Danish Institute for Human Rights 2012; Johnson 2012

³ Dire evaluations of Copenhagen's COP were voiced by many participating state parties, civil society organizations, members of the secretariat, and academic analysts. See e.g. BBC News 2009, Vidal et al. 2009. Not all evaluations of COP15 were negative, however. See, e.g. Bodansky 2010, arguing, in line with the American diplomatic analysis that the Copenhagen outcome signaled a new and promising direction for the global climate regime.

moved closer to consensus on a global climate regime to supplant the Kyoto Protocol. That agreement, then due to expire in 2012, contained the only extant binding mitigation commitments, from a few industrialized countries. National mitigation pledges entered under the *Accord* would fall far short of goals supported by scientific and economic analyses. Still further, participation by civil society groups, including organizations long accredited and widely recognized for constructive contributions in previous negotiations⁴ had been significantly curtailed. For some commentators such changes signaled an ominous shift toward less-publicly accountable forms of governance at a crucial moment in the evolution of the international treaty and the climate itself.⁵

A few dominant explanations for these outcomes circulated widely. These included the weakness of international law, constraining economic and political conditions within national capitals, and the more general realization of the economic implications a climate agreement held, which drove a re-framing of negotiations in financial terms. This, in turn, rendered institutional structures and actors inherited from prior Multilateral Environmental Agreements (MEAs) increasingly inappropriate to the task at hand.⁶ For analysts more attuned to the structural impact of a transnational political economy on the continuing (re)construction of global environmental order, the root of Copenhagen's failure lay in the imperative of capital accumulation as it held sway within a paradigm of fossil-fueled development, the corporate capture of state institutions, and an international framework too amenable to the machinations of realpolitik.⁷

For all the overdetermination behind Copenhagen's catastrophe, however, it was also apparent to many of those watching that a new global political movement had coalesced, at least

⁴ Bas Arts 1998, Newell 2006, Betsill and Correll 2008

⁵ See Fisher 2010; Bernauer 2013; Shift Magazine 2010

⁶ Broder 2011

⁷ Peet et al. 2010, Bond 2011, Paterson 2011

for a time, in Denmark's capital. However distant the realization of its aims might seem in light of the *Accord's* meager promises, gatherings in Klimaforum and other open spaces across the city, street demonstrations, and contention in the negotiating halls were marked by a diversity and dynamism deemed noteworthy.⁸ As I flew home from this, my first COP, I passed again in my mind between the two worlds – the securitized “inside” of negotiations, and the often-chaotic “outside” of peoples’ forums and actions – which both seemed somehow integral to what had occurred. I burned to know more about the work of the individuals and organizations who appeared to knit together – however tenuously – those spaces: linking affected people and activists from myriad “local” places with emerging “global” frameworks, as they debated principles upon which the metabolic processes of nature and society might one day harmonize in a more legitimately sustainable – perhaps more just – model of “development.”

More specifically, I wondered: If widespread hope and prodigious efforts for renewed ambition and increased recognition of responsibility on the part of the highest emitters culminated in confrontation and failure in Copenhagen, what deeper lessons did those outcomes suggest about the political challenges posed by climate change and the conditions under which coordinated responses to its impacts have emerged? In terms of principles, institutions and ways of working, *what*, precisely, had “failed?” And what stood – or might be made to rise – in its place? More pragmatically, how might the many concerned citizens, advocates, and officials whom I had seen address delegates, block negotiating halls, fill the streets, push at the gates of power – even go to jail – pursue “climate justice” going forward?

Over the next three years I would seek answers to these questions. I made repeated trips to international meetings and concurrent civil society forums, high-rise office buildings housing governmental agencies and international NGOs, make-shift kitchens and tents where activists

⁸ Fisher 2010; Chatterton et al. 2013

met and strategized, and demonstrations in the streets. I visited seven cities on four continents, corresponded with actors elsewhere by voice, video, and social media, and traced their work through dozens of texts documenting ongoing engagements in law, governance and social mobilization. As I observed policy debates, marched, conducted interviews, and poured over the copious reports and pamphlets associated with those and linked settings of advocacy and activism, a picture began to emerge that brought to vivid relief the widely theorized and deeply tragic convergence of economic and ecological crises. But I also came to recognize, beneath the broad strokes of that grand narrative, a set of misframings and exclusions linked more or less directly with specific consequences of political inertia, path dependency, and ultimately, lost livelihoods and lives. I came to see these disjunctures as integral to stalled responses to climate change and its injustices: and therefore as worthy of investigation as more apparent structural or proximate drivers. That investigation orients the analysis I offer in these pages.

The anthropogenic origins and disproportionate impacts of climate change illustrate in dramatic fashion that, around the globe, we are not separate from each other, or from “the environment” – the non-human entities and relations with which we interact and upon which we depend – although the ecological consequences of our actions may be distant in both space and time.

Widespread recognition of these consequences is, however, still relatively recent.⁹ Our institutions lag. Coordinated social responses to the climate crisis have therefore been structured to a significant degree along prior assumptions, woven into them as epistemic predilection, operating principle, and daily practice. In what follows I argue that existing frameworks of law

⁹ See e.g. Castree 2014

and governance – in the ways that they structure politics and knowledge – fail to address the detrimental and uneven impacts of climate change because they so often institutionalize two persistent forms of separation. These are the political and social divisions between groups of people around the globe, and the apparent (and often attempted) division of the “natural” from the “social.” Coordinated attempts to address climate change have tended to take the institutionalized expressions of these separations as given, and even to further them. Answers to the climate crisis have also been hindered by a third type of division less obviously related to anthropogenic global warming but nonetheless important in shaping response initiatives. This is the *governmental* separation of decision making and the capacity for action from processes of public debate and participation. These three separations influence perception as well as action, making the strong ties of climate change and climatic injustice both less visible and more difficult to address through established avenues like legal forums, electoral politics and policy formation at a variety of scales.

Notably, because the production, impact and regulation of climate change each entail differential benefits and risks, such institutional practices and the epistemological and ontological presumptions of disconnection on which they are based are not innocent of power, political import or manipulation. Explaining the (re)production of climate injustice in terms of institutionalized separation, therefore, does not deny explanations based in political economic, nationalist or imperialist imperatives. Rather it provides a schematic account of *how* those imperatives (and potentially others) operate within specific social contexts and conjunctures: how particular ways of understanding and responding to the climate crisis are linked to particular outcomes and interests.

As I have suggested, however, I also observed a set of actors respond creatively to these impulses toward separation, to the continued progression of anthropogenic climate change, and to a more hostile environment for advocacy after Copenhagen. By highlighting and constructing connections these actors challenge practices, interests, epistemologies and ontologies of separation. Their connective efforts link the biophysical mechanisms of climatic change with the social processes and conditions that both produce them and shape their differential impacts on communities and individuals. They unearth and build ties amongst diverse (and diversely) affected communities across the globe – and strive to give voice to those communities in the settings of governmental power. This connective work is multi-faceted: it proceeds in various contexts and ways to socialize, historicize, and politicize the uneven geographies which mark the production, impact and regulation of climate change. Because it more accurately reflects the drivers and inequalities of climate change, and because it targets a broad range of constituents and experiences, I contend that these connective analyses, practices and proposals offer the bases for more just and effective responses.

These two lines of argument structure the analysis I offer in the body of this text, which is divided into two parts, addressing first “the institutionalization of separation” and second “the politics of connection.” In the first part I propose that the political ecological challenges of climate change and climate injustice reflect a potent combination: that of the fundamental connectivities of anthropogenic global warming with the uneven geographies of its production, impact and regulation. I then examine the consequences of specific institutional structures and commitments for climate justice advocacy, devoting chapters to efforts situated by human rights law; legalistic debate in the UNFCCC; and recent broader trends in governance. In the second part I analyze the efforts of NGO and social movement actors to challenge the perceived

unaccountability of the UNFCCC and its member states; develop a transnational, coalitional politics of climate justice; and, finally, to ground those politics in relation to the concerns of geographically and historically situated communities.

Each of these specific accounts is structured by what I will call an analytic of *(dis)connection*. That is, I examine efforts for climate justice and the regimes in which they are set as expressing dynamics within the three relational domains – classes of separation and connection – I have already introduced. I refer to these domains throughout this text as the *socio-spatial*, the *socio-ecological*, and the *governmental*. This analytical framework is therefore oriented toward what I argue represent the fundamentally relational underpinnings of climate change and social responses to it. I will show that those relations are implicated in the (re)production of climate change, and that they shape understandings of its production, impact and regulation in socially and ecologically consequential ways. This orientation toward (dis)connections offers a perspective that cuts across and enables a degree of abstraction from the institutional and geographical origins of the varied empirical materials I examine. It also enables critical analysis, highlighting the fundamental separations and connections upon which diverse responses to climate change are based, which they recognize (or don't), and which they construct or erode.

As the following chapters will make plain, the relational categories I deploy are grounded in the specifics of actually existing legal, governmental and social movement contexts, and in well-established physical science descriptions of anthropogenic global warming. They are also linked, however, with conceptual problematics of ongoing knowledge production in a set of related disciplines. In the following section, I expand on the three domains of (dis)connection in light of those disciplinary conversations. In so doing, I highlight the ways in which examining

climate justice advocacy and activism through this relational framework both mobilizes and renovates theory in geography, political ecology, law and society, social movement studies, and political theory. Through subsequent analytical chapters, then, I seek to contribute constructively within these scholarly conversations, while at the same time leveraging their insights to intervene in broader intellectual and political debates.

Analyzing (dis)connections

The socio-ecological

At the heart of scientific knowledge and political debate over climate change is the recognition that greenhouse gases released through human activity warm the earth's atmosphere, and that this warming produces widespread and diverse impacts in environmental and social systems around the globe. Climate change presents, in this sense, simply another in a long list of physical patterns humans inscribe as we affect "nature." More forcefully, such patterns are ancient, widespread, and consequential enough to be critically re-framed as the outcomes of social relations that *produce* nature.¹⁰ Today humanities' impact on the Earth is seen as significantly greater in scope and duration than allowed by traditional understandings of its "social" historical trajectory.¹¹ Our impact is, at the same time, more rapid than the similarly lasting system-wide changes of foregoing "natural" history.¹² It is such rapid, lasting, and encompassing change by human action that prompts increasingly pervasive characterization of our age as the

¹⁰ Smith 2008; Robbins 2012

¹¹ Chakrabarty 2009

¹² Crutzen and Stoermer 2000, Steffen et al. 2007. See Castree's succinct summary of scientific attention to the concepts of the Anthropocene and planetary boundaries. Castree 2014

Anthropocene.¹³ Climate change, in its prominence and pervasive impact, might be tagged as the Anthropocene's flagship process.

But if our era is defined by comparatively permanent, global impacts of human action at a species level, what such a framing elides are the fractures, gradients, and inequalities its totalities conceal. Anthropocene geographies, that is – like all geographies – are uneven. Climate change is no exception, as the globally-drawn divisions of benefit and harm Mary Robinson described in Copenhagen suggest. As I show in Chapter 3, such patterns of climatic injustice extend from social, ecological and combined processes at a range of scales. The *social* production of the uneven geographies of climate change, in particular, is significant here. If the global dispersion of spatially locatable emissions ultimately concentrates particularly harmful impacts in specific, often distant, places – thereby linking emitters and affected people in global socio-ecological ties – it does so largely by virtue of the social and political divisions that enable consumption and constrain adaptation differently in different places and regions.

These effects are difficult to trace: particularly so because of the multiplicity and diversity of form and pathway through which (dis)connections produce the uneven social geographies of climate change. Specific industrial and physical mechanisms aside, however, the complex processes by which climate change arguably (re)generates social injustice are not dissimilar from those analyzed by generations of political ecologists. Many of those scholars have explained the production of socio-ecological marginality and vulnerability in local places via their connections within global circuits of extraction, production, consumption and accumulation. While such analyses traditionally foregrounded social (read *human*) relations in explanations of inequality, marginality, and violence, many more recent analyses highlight versions of combined human and non-human agency, often attending to the work of non-human “actants” in particular. In this

¹³ E.g. Economist 2011

sense, the analyses I present of the more-than-human production of climate change-related harm, and the failures of responses structured by law, traditional forms of international regulation, and market-based governance resonate with and draw inspiration from prior studies of socio-natures,¹⁴ vibrant matter,¹⁵ and “uncooperative” commodities.¹⁶

In those and many other social, physical, and humanistic analyses, the imbrication of the “social” with the “natural” is, while not exactly taken for granted, an increasingly well-recognized causal factor in conjunctures, which suggests generative analytical possibilities.¹⁷ And yet, as I will demonstrate, the co-production of nature and society is occluded or comprehended only reductively – if not effectively denied – within a broad range of coordinated social responses to climate change. I refer to such situations as *socio-ecological separations*: the attempted or apparent division of entities combined in consequential material processes, most particularly the human and the non-human. Disconnection in this first domain operates in a variety of consequential ways.

At socio-cultural and institutional levels, reason and practice may be based in presumed or perceived socio-ecological separation. Both discourse and routine then support its apparent reality. As I illustrate in Chapter 4 for instance, international human rights doctrine harbors commitments about individual human action as the basis of legally-perceptible forms of responsibility which accord poorly with those current in scientific, political and popular discourse.¹⁸ Given the complexities (albeit increasingly well-characterized) of climate-related harm, those commitments have supported the rejection of rights-based arguments for climate justice. Mainstream scientific discourse, however, also tends to describe the problem of climate

¹⁴ Swyngedouw 1999

¹⁵ Bennett 2010

¹⁶ Bakker 2005

¹⁷ See, e.g. Robbins 2012, Barry 2013

¹⁸ See Delaney’s related discussion of “nature” as a legal object more generally. Delaney 2003

change through an analytically reductive (i.e. separating) perspective, defining it narrowly – if parsimoniously – as unstable levels of CO₂ in the atmosphere. This has supported a fixation on “carbon” as the object of intervention (or government), as though it were separable from carbon-based social life more broadly, including processes of development and accumulation, and the social and ecological relations associated with them. As I discuss in Chapter 6, market-based regulatory approaches are enabled by – indeed rely centrally upon – this reductive description of climate change, and, through the commodification of carbon, enable the production of new socio-ecological relations based in the illusion of its separation from social (and spatial) relations.

More generally, it runs counter to the imperative of accumulation in a fossil-fueled, consumption-driven capitalist political economy to highlight the socio-ecological ties that threaten its continuity in multiple ways. There is a pronounced tendency, therefore, particularly in the “developed” world to overlook as far as possible those ties. Finally, there are cognitive factors that encourage tendencies toward perceptual socio-ecological disconnection. The immense spatial and temporal scales of climatic and earth systemic processes encourage the perception of separation between the daily conduct of fossil-fueled human life and its long-term, long-range ecological underpinnings and consequences.¹⁹

What a more-than-human politics looks like

In light of climate change and other complex, consequential socio-ecological processes, nature-society scholars have begun to examine non-human entities as political actors in and of themselves. Such perspectives, admittedly still in active theoretical development, raise important analytical possibilities as well as challenges. On the one hand, it is certainly inadequate to

¹⁹ See, e.g. Lazarus 2004

explain every confirmation and overturning of human power relations in terms of wholly immaterial “social” relations and processes.²⁰ Increasingly numerous and convincing accounts suggest the ways in which objects, animals, and technologies matter in sustaining and altering human-human relations and wider socio-natural conjunctures. And yet, an obsessive focus on the agentic roles of non-humans risks banality on the one hand (of course things matter),²¹ and eliding the particular responsibilities of human actors on the other (outcomes are irreducibly contingent in a thoroughly “flat” ontology: every actor, human and non-, plays an equally consequential role).

My account avoids those pitfalls, while nevertheless insisting on the importance of the non-human, and still more strongly of geographies and histories of *the socio-natural*, as these play a role in constituting specific modes of dispossession and forms of political resistance. For instance, it would be absurd to claim that the characteristic response of carbon molecules in the atmosphere to energy leaving the earth’s surface does *not* matter for the life chances of African pastoralists and Bangladeshi fisherfolk.²² Comparing the ways in which it does, to the ways in which it hasn’t yet for the cognate conditions of most Seattle-based software engineers suggests that molecular behaviors, as elements of hybrid action, entail political consequences (and also that they may politicize). Furthermore, a form of *social* power is quite clearly embedded with underground reserves of carboniferous non-human materiality. That power has arguably been a singularly significant driver of imperialist domination and a primary determinant of contemporary geopolitical influence.²³ And yet, carbon in the great majority of its earth-bound forms offers little to compare with the open-ended, reflexive willfulness of *human* social actors.

²⁰ Latour 2007

²¹ Robbins 2012

²² See, e.g. IPCC 2013

²³ As Timothy Mitchell argues, it may lie at the very core of our political structures. Mitchell 2011

It is our agency, not factors of atmospheric chemistry for instance, that may be influenced by norms of democratic rule, legal principle, communicative rationality, and care that logically extend from the recognition of connection. Therefore, while acknowledging the consequential roles of non-human participants in the action of what is clearly a more-than-human collective (the changing climate system) my analysis nevertheless foregrounds the human members of that collective: imbued as we are with capacities of self-awareness and social responsibility in addition to our dramatic material agency.

As I have suggested, however, it does *not* follow from that perspectival commitment that socio-natures are a-political. I argue instead that socio-natural ties and conjunctures – diverse, material, historically and geographically situated conditions of (socio)ecological relatedness – constitute fundamental grounds of, and resources for, both exercises of political domination and political resistance. As I argue throughout this introduction and demonstrate in the chapters of Part 2, what I call the politics of connection confronts separation and exposes or constructs connection in each of the three relational registers. I outline the intellectual contributions that analytical integration across these registers enables below, by linking this discussion of more-than-human politics with parallel considerations of relationally-constituted place-based resistance and the purportedly post-political conditions of climate change response. In the remainder of this subsection, I simply gesture toward some of the socio-ecological constitutivities *per se* of a politics based in connection as they relate to scholarly discourse.

First, advocates of connective climate justice tend to be fully cognizant of political ecological processes by which capitalism, racism, patriarchy, imperialism and other forms of social power (re)produce environmental marginalization. Indeed they ably generate critique in those modes. They are also deeply sensitive to the ways in which social constructions of “nature” and “the

environment” entail unequal material consequences for different elements of human society and more-than-human ecologies.²⁴ As I describe in Part 2, for instance, activists have drawn significant inspiration from indigenous cosmologies to underpin ontological arguments demanding the re-configuration of institutionalized human/non-human relations. What distinguishes such political activity from the majority of political ecology scholarship is the way in which its geographically and historically situated analyses of articulation between environmental change or governance and unequal harm and benefit are targeted pragmatically toward ends of mobilization and/or advocacy. As I show in subsequent chapters, socio-ecological conjunctures are central elements in those focused efforts.

Finally, these politics also encompass what might be characterized as “deep ecological” dimensions.²⁵ At this level, anthropogenic climate change is understood as caused by the forcible separation of carbon-based fossil energy sources from their physical embedding in landscapes and their temporal embedding in the pre-industrial carbon cycle. Climate change results, that is, from laborious and technically demanding physical practices of separation, which are enmeshed in contingent social relations that impel them. This is why calls from some climate justice activists to “keep the oil in the soil”²⁶ – on its face a rhetorically simple demand for physical non-action – implicitly challenge the whole complex of socio-ecological relations that threaten the stability of the climate system. In multiple ways, then, these critical politics of the Anthropocene are quite significantly founded on socio-ecological connection.

The socio-spatial

²⁴ Cf Cronon 1996

²⁵ Naess 1973

²⁶ ...And the coal in the hole, the tar sands in the land, the gas under the grass, ...

As the events in Copenhagen described above suggest, however, relations between humans, non-humans and wider socio-natures are but one set of dynamics involved in (re)producing and contesting climate injustice. Social relations in the more narrow (read human) sense are obviously implicated as well. Indeed it was the confluence of diverse actors, and viscerally compelling depictions of conflict and unequal power among them, that garnered the most widespread attention in coverage and condemnation of COP15.²⁷

I read that coming together of contentious and solidaristic forces, and the more general juxtaposition of differently positioned actors in climate politics, as meetings of what Massey calls “stories so far.” These are crossings of the hitherto apparently distinct historical trajectories of particular social groups. For Massey the medium of space offers the possibility of such trajectories converging, and thereby constitutes the fundamental ground of the political.²⁸ The inevitability and drama of convergences such as those in Copenhagen, as much as the aggregate social production and uneven impacts of climate change, suggest the primacy of human social relations in determining the character and duration of climate change harms and responses. Thinking the climate political in terms of spatialized social relatedness and division, then, is another epistemological commitment that orients my analysis.

While Massey’s argument suggests the generative potential of inclusive transnational gatherings like Klimaforum, she and others also highlight the more unequal, exclusionary and hierarchical ways in which social space is constructed and produced. These, too, are constituted relationally: spatially extensive political economic (and ecological) ties produce geographies of uneven development, unequal opportunity, exploitation and dispossession.²⁹ To a significant extent, moreover, differential accumulations of power, capital, and security accrue through these

²⁷ The Guardian 2009; Vidal 2009; Peet et al. 2010; Chatterton et al. 2013

²⁸ See Massey 2005

²⁹ Harvey 1982, 2005; Massey 2005; Hart 2006; Lawson 2007; Smith 2008

ties thanks to the insulation of privilege within territorially-delimited national polities, and the finer socio-spatial divisions they encompass.³⁰ In the rhetoric of politics and commerce, however, such consequential political and social geographies are all too often elided, and the constitutive ties of inequality either obscured or framed in terms of mutually beneficial, unobstructed flow.³¹ In contrast with such claims, I show in Part 1 how socio-spatial divisions importantly structure the politics of climate change, often constraining advocacy for climate justice.

This argument is relevant first politically, since a defining characteristic of climate politics is the multiplicity of its potential forums,³² and these necessarily entail different constellations of interest, resources, influence and governmental rationality.³³ (As Massey argues, “not all potential connections have to be established” in any one setting.³⁴) As the field notes and analyses of COP15 summarized above suggest, the international system has provided the most prominent institutional framing of climate political debate.³⁵ That system – with its geographical imaginaries of unitary territorial states with presumed capacity and legitimacy³⁶ – underpins UN negotiations and significantly shapes the doctrines of human rights law. As I show in chapters 4 and 5 these particular institutionalizations of socio-spatial division have repeatedly checked efforts for robust responses to the extraterritorial impacts and continued progression of anthropogenic global warming.

Further, though, in part because of the failure (to date) of coordinated international response efforts, significant political and scholarly energy has been devoted over the last several years to

³⁰ Polanyi 2001, Smith 2003, Elden 2009, Dalby 2002, Peet 2003

³¹ Massey 2005, Sparke 2005, Lawson 2007, Peet 2003

³² Bond 2010, Bernauer 2013

³³ That is, each forum is differently constructed, at analytical levels corresponding to political opportunity as well as governmentality. Meyer and Minkoff 2004; Foucault et al. 1991. See chapter 6.

³⁴ Massey 2005, 11

³⁵ See also Gardiner’s analysis of climate justice in these terms. Gardiner 2011

³⁶ See Osofsky 2008

“climate governance” evolving at national, regional, and municipal scales.³⁷ Such attentions resonate with critical awareness of the different political potentialities associated with administrative control across governmental scales.³⁸ Yet, as I show in Chapter 6, EU and US climate governance, like scattered local efforts, have tended to limit rather than promote the agency of advocates oriented toward justice, particularly in its global and non-procedural dimensions.

Institutionalized and acculturated constructions of socio-spatial division, then, have posed significant limits for climate justice. As I mobilize the term throughout this text, *socio-spatial separations* are those that divide groups of people from one another, and from the consequences or drivers of the spatially-extensive ecological and social processes in which they are enmeshed. These divisions are inscribed in political, social, and cultural geographies. Further, those geographies are related to *histories* of spatial interconnection and partition played out through imperialist, colonial, and geopolitical projects, as well as the structuring of relations among peoples and nations by contemporary institutions, norms and practices.

Accordingly, then, challenging socio-spatial divisions, highlighting the constitutive histories and global social ties of climate injustice, and developing relations of solidarity amongst affected groups and stakeholders are cornerstones of what I call the politics of connection. I illustrate these with reference to activists’ rights-based legal argumentation (Chapter 4), as well as their strategies and analyses in the context of broader social movement politics (Chapters 7 and 9). In these instances as in the wider gamut of activism and advocacy I discuss, the articulation and construction of connection constitutes the major strategy of a transformative politics of climate justice; recognition of and response to those connections its major stakes.

³⁷ Betsill and Bulkeley 2004, Betsill and Rabe 2009, Rice 2010, Rabe 2010, Bernauer 2013

³⁸ Swyngedouw 1997, Cox 1998, Kurtz 2002, Herbert et al. 2013

My analysis of socio-spatially connective politics focuses substantively both on the spatial strategies organizers employ in advocacy and mobilization, and on the social relations through which they articulate differential responsibility and construct solidarity. In the first case, it suggests that activists work across and analyze the panoply of climate political forums in full awareness of the different political opportunities and constraints associated with governmental “scales.”³⁹ At the same time, however, it demonstrates that national and international scales are mutually constitutive: co-produced as constrained settings for climate justice politics by the dominance therein of geo-economic power and interests (see Chapter 5). Moreover, while my empirical analysis supports theoretical argument for the necessity of state-based action toward effective climate change response,⁴⁰ the primacy of nationally-defined economic imperatives in state-official politics⁴¹ demands that political responses to the constitutive connections and uneven geographies of climate change entail significant grass-roots (in addition to governmental) engagement. Further still, the analysis suggests that to achieve mobilization and develop hegemony a connective politics relies centrally on the articulation of concern for climate change with *situated* economic, “environmental,” and social realities – i.e. those particular to each regime, non-state political forum, or set of participants. In these respects, connective climate justice politics resonate with spatial political theory focused on “sites” rather than on distinct, hierarchically structured, or predictably constituted official scales.⁴² Yet it is also clear that for the actors involved in these politics they are not merely “local.” This work demonstrates, therefore, the utility of a thickened theoretical conception of site-based political activity, which

³⁹ See e.g. Miller 1994

⁴⁰ See e.g. Parenti 2014

⁴¹ See e.g. Dryzek et al. 2003, Chapter 6

⁴² See e.g. Woodward et al. 2010

accounts more thoroughly both for allied institutional and non-institutional activisms, and for the constitutivity of spatially extensive analyses and solidarities in local engagements.

In the second case – that of the social relations of articulation – activists locate relational underpinnings of climate injustice primarily in historical and extant forms of exploitation. They find corresponding resources for building solidarity among dispersed constituencies in shared forms of identity, commonly held values, and similar experiences of colonization, marginalization, dispossession and vulnerability to climate change (see Chapters 7 and 9). These analyses are, once again, frequently pitched in the key of mobilization or advocacy. While marshalling critical perspectives with significant resonance in academic discourse, therefore, activists nevertheless often highlight commonality over difference, and mobilize unproblematized categories, occasionally framing interventions in hegemonic terms as they target proximal ends. This juxtaposition of universalizing discourses and targeted responses indicates one of the central tensions in climate justice activism, which I examine in Part 2: between the impulse to construct a politics of *global* socio-ecological justice, on the one hand, and the necessity of situated engagement with policy processes and diverse constituent groups on the other. Balancing these poses challenges, since the concerns of the latter are often already articulated in terms of more narrowly inclusive place- or identity-based concerns.⁴³

The socio-spatial and the socio-ecological

Among the central contributions of this project to scholarly and political debates, then, is an empirically robust analysis of how a transnational social movement politics is brought to ground through articulation with particular, political and politicizing socio-natural conjunctures. This grounding – the basic function of movement participants’ connective analyses – consists in

⁴³ See e.g. Harvey’s (1996) discussion in *Justice Nature and the Politics of Difference*

rendering global socio-ecological ties in terms of the core concerns of longstanding political communities and group identities, whether those are conceptualized *a priori* as “environmental” or not.

This argument advances understanding of relationally-constructed place-based resistance to exploitative globalization, and the networked politics of global justice.⁴⁴ The constitutivities of resistance to marginalizing, global social (and, in some analyses, ecological) processes is of enduring broader interest to critical geographers and similarly engaged scholars.⁴⁵ Featherstone’s (2008) demonstration of the spatially-extensive relations underpinning globally distributed resistance efforts since the days of Toussaint L’Ouverture and early Welsh worker’s collectives, for instance, exploded Harvey’s (1996) notion of “militant particularisms” as exclusive, locally-bounded bastions against the ravages of global capital. Routledge’s work on global justice networks⁴⁶ shows how “imaginaries” of global solidarity are maintained by the practices and privileged positions of locally and regionally-based leaders. Such insights contribute importantly to theorizing about alter-globalization in its historical and contemporary guises, but they are also incomplete. While Featherstone, for instance, acknowledges the role of non-humans – communications technologies in particular – in facilitating local organizing efforts, his account largely neglects the socio-natural as extensive ties and particularities of lived experience in place. These operate, however, at the core of political ecological marginalization and constitute the sensible impacts of global change, climate injustice included. Similarly, while Routledge and Cumbers (2009) describe the ways in which transnational convergences and place-based “imagineers” maintain extensive solidarities, they offer less insight into how the

⁴⁴ See in particular Featherstone 2008; Routledge and Cumbers 2009

⁴⁵ E.g. Harvey 1996, Santos and Rodriguez-Guaravito 2005; Lawson 2007; Featherstone 2008; Routledge and Cumbers 2009; and, more directly focused on the climate political: Routledge 2011; Chatterton et al 2013.

⁴⁶ E.g. Routledge 2000, 2003; Routledge et al. 2007; Routledge and Cumbers 2009

politics of global networks are articulated with the experience of rank and file participants in regional and local movements, and how those actors thereby become and remain mobilized.

Proceeding from my analysis of the politics of climate justice I argue that a grounding in socio-ecological ties and place-based conjunctures represents an important (indeed at times essential) constituent of transnational social movement politics, particularly inasmuch as those politics seek to challenge (often more-than-human) structural injustices, and achieve broad-based mobilization. Thinking justice through the socio-natural, that is, expands the grounds of the political (a claim I develop further in the following section). It therefore deepens the “grassrooting” (to use Routledge’s term) of global justice politics, and helps expose and construct new spatially-extensive ties of human solidarity. If analyzing socio-natural ties and conjunctures as political, then, contributes toward theorizing the relational politics of transnational resistance, the converse is also noteworthy. That the fundamentally socio-natural constitutivities of solidarity and mobilization suggest political ecology still has much to say about social movements: indeed perhaps more than ever now that we recognize our spatio-temporal milieu as the Anthropocene.

Finally, this connective theoretical argument is also politically relevant, in that climate justice thought leaders have increasingly recognized the necessity of broad-based mobilization and local engagement amidst stalemate and retrenchment in international and national governance.⁴⁷ It is my intention that the analyses in Chapters 8 and 9 to illustrate how these aims are being accomplished, in ways that also legitimize transnational solidarity, through the combination of socio-ecological and socio-spatially connective approaches.

The necessary and generative qualities of socio-ecological articulation and socio-spatial connection are most apparent in activists’ situated stakeholder engagements and mobilization

⁴⁷ See e.g. Bond 2012; Meuller 2012; Ecosocialist Horizons 2011

efforts. Once again, however, such efforts have occurred simultaneous with and in relation to institutional engagements. In the following section, then, I develop the final conceptual category of *governmental (dis)connection* which addresses the relationship between these modalities of eco-social movement politics and the state-official settings and processes of climate change response.

The governmental

The simultaneous “inside” and “outside” gatherings, overt demonstrations of police power, and charges of corporate capture in Copenhagen noted above suggest outlines of the *governmental*: a third relational domain of consequence to the character and outcome of climate change responses. I mobilize this category to trace how governance practices shape combination of actors, interests, logics and practices in the state-official as well as social movement settings of climate justice politics.

At the broadest level, I examine NGO and social movement activism for climate justice in relation to theoretical and empirical work on “civil society.”⁴⁸ Although this term is a common one in climate politics, its meanings and political valences therein are fluid and contested, as they are in broader discourse.⁴⁹ Edwards (2004), for instance, locates multiple referents: in norms associated with “the good life;” actually existing voluntary organizations; and conceptions of a discursive “public sphere” accommodating conflicting views. These connotations, themselves often intertwined, are of particular relevance in climate (justice) politics. The term “civil society” is a consequential one in UNFCCC and EU lexicons, for instance, where it designates and arguably legitimates those observer and lobbyist organizations with officially recognized

⁴⁸ See e.g. Gramsci 1971; Ferguson 1980; Buttigieg 1995; Polanyi 2001; Edwards 2009; Fraser 2011; Kaldor et al. 2012; Jeffry 2013; Derman 2014

⁴⁹ On civil society in climate governance, see Bernauer 2013; Derman 2014. On the polyvalent character of “civil society” as a concept see e.g. Edwards 2009; Gidwani 2009

status. It also has specific normative and categorical meanings in “outside” and critical debate. On the one hand, these often valorize non-state actors (many of whom self-identify as “civil society”) for their critical work within and outside of states processes.⁵⁰ On the other, they reject hegemonic notions of “civility” as normatively legitimating more privileged non-state actors and specific modes of engagement.⁵¹ Within mainstream discourse in the US, by contrast, the term and its referents are commonly linked with laudatory conceptions of American democracy and limited government: associations that accord well with the less formalized status and lower funding levels of representative advocacy groups there.⁵² As I describe in Chapter 6, such cultural norms and official procedures play a role in differentiating as well as constraining climate justice advocacy in the US, EU and UNFCCC.

Methodologically, I follow scholarship on “global civil society,” “transnational advocacy networks,” “global justice networks,” and social movement organizations as I track the institutional engagements of climate activist groups within the specific political opportunity structures of legal, parliamentary and administrative regimes.⁵³ Doing so, in turn, brings my analysis of their work into engagement with critical socio-legal and governance studies. Both perspectives highlight the institutionalization of unequal power relations and the depoliticizing potential of official discourse and procedure, as these factors impact the social distribution of benefit and protection. Such relations and effects figure prominently in my analysis of institutional advocacy settings throughout Chapters 4, 5, and 6.

Finally, in light of the depoliticizing tendencies of official processes and the vivacity of “peoples” (or “civil society”) spaces like Copenhagen’s Klimaforum, I turn toward theoretical

⁵⁰ See e.g. Patrick Bond’s Center for Civil Society at UKZN, including its social protest observatory. Center for Civil Society n.d.

⁵¹ See Ndlovu 2013; Cf Gramsci, 1971

⁵² E.g. Putnam 2000; see Edwards 2009; Gidwani 2009; Salamon and Sokolowski 2004

⁵³ Kaldor et al 2012; Keck and Sikkink 1999; Miller 2000; Martin et al. 2009

debate on the political and the post-political.⁵⁴ If, as Swyngedouw argues, climate change governance exhibits key features of a contemporary post-political condition,⁵⁵ it is also clear that a central aim of many in “civil society” is to (re)politicizing it.⁵⁶ In Chapters 7 and 8 I consider the means by which they pursue that aim in “outside” spaces of transnational climate politics. There I examine the spatial strategies of street protest, the social structuring of inclusive forums, and internal debates about the relationship between “outside” with “inside” engagement.

In analyzing both institutional and broad-based politics of climate justice, then, I critically address the dynamics of *governmental separation*, which insulates decision making and capacities for action from processes of public debate and participation. This excludes individuals and groups from decisions about ecological and social processes that impact them, in which they participate, and which may be furthered in their name. It removes *government* (in Foucault’s sense of the “ordering of things”⁵⁷) from the will and knowledge of the governed, and thereby limits the power of citizens to make state-legal claims to values once (or potentially) held in common. In these ways, governmental separation places consequential determination of the fate of “nature” and “society” beyond the reach of citizen subjects.

In its impacts on liberal notions of government, governmental separation appears as lack: of transparency, participatory opportunities, or (“real”) democracy. In the context of strong private influence over state-governmental functions and ideologies that militate against state “overreach” it can take additional forms. These include reduced state capacity; “corporate capture” of institutions; and private control of resources, decisions and the provision of essential goods and

⁵⁴ E.g. Rancière et al. 2001, Butler 2011

⁵⁵ Swyngedouw 2010, 2013

⁵⁶ See e.g. Chatterton et al. 2013

⁵⁷ Foucault et al. 1991

services.⁵⁸ Governmental separation thus makes it difficult to (re)configure climate change responses, democratically or otherwise, from outside the circles of inclusion in existing power arrangements.

Part 1 demonstrates the institutionalization of governmental separation, as it impacts climate justice advocacy in legal and governance contexts. Formal rejection of rights-based legal argument has by no means prevented advocates' use of rights talk in political mobilization. Yet I show how official interpretive acts indicate law's divergence from popular recognition of spatially-extensive, more-than-human responsibility for harm (see Chapter 4). In Chapter 6 I show how forms of governmental separation impinge on activists' participation in EU, US and UNFCCC climate politics, and how the increasing prominence of market-based mechanisms globally has produced governmental separation, even as their efficacy suffers from its effects.

Accordingly, *challenging* governmental separation constitutes an increasingly prominent focus of climate justice politics.⁵⁹ Throughout part two I examine the ways these challenges take form in activists' analyses, campaigns and practices. These critique existing forms of climate politics, formulate alternatives, and bring stakeholder voices to official venues. For instance, in position statements, watchdogging reports, and public speech activists contest undemocratic modes of climate change response. For many these including market-based mechanisms for mitigation and adaptation, and corporate influence over state and international institutions (see Chapter 7). As I have suggested, a broad set of analyses are framed in discourses of individual, collective or more-than-human rights (see Chapters 3, 7 and 9). These claims challenge perceived governmental separation using the state-official language of law.⁶⁰

⁵⁸ i.e. This definition encompasses totalitarian as well as neoliberal forms of exclusion in climate politics. Cf. Wainwright and Mann's (2013) parallel formulations of "Climate Leviathan" and "Climate Mao."

⁵⁹ See also Derman 2014

⁶⁰ See Minow 1991

Finally, activists challenge governmental separation through practices of institutional advocacy and social mobilization. I describe how mobilization efforts during UNFCCC COPs and Rio+20 have involved spatialized and embodied strategies of the political (Chapter 7 and 8). These strategies respond to the relative lack of institutional infrastructure for stakeholder representation and participation in global governance. Groups have also incorporated climate justice analyses and proposals within long-established domestic advocacy routines and relationships (see chapter 9).

The ecological political

Attending to governmental (dis)connection – and analyzing it together with relationality in socio-ecological and socio-spatial registers – enables further scholarly contributions.

These focus on the question of “the political” and the role of civil society actors as exemplified in the context of climate change response. Swyngedouw and others have characterized this context as typifying a contemporary *post-political* condition, noting the dominance therein of managerial, scientific, and consensual perspectives.⁶¹ And yet, as Chatterton et al. argue, that analysis itself privileges the framings of official processes and discourses.⁶² Empirically, climate justice activists (and resistant states) have articulated an overtly critical politics. As I have already suggested, socio-ecologically connective elements within those politics are noteworthy theoretically. Of additional relevance here is that they contest the depoliticizing (and the post-political) character of environmental governance by deepening and broadening the framing of “environmental” concerns, exposing their imbrication in non-environmental ones. Put differently, activists’ focus on socio-natural articulations

⁶¹ Swyngedouw 2010, 2013

⁶² Chatterton et al. 2013

expands the already-political: politicizing the uneven geographies of climate change for existing social justice, community-based and identity groups, and potentially interpellating new ones.

These politicizing analyses clearly inform the “outside” spaces of alternative summits, demonstrations, and broader mobilization efforts.⁶³ For many actors, however, they are also central to engagement within – and toward exploding – the institutional “insides.” Indeed, the relationship between “outside” settings and the “inside” milieu of negotiations and other governmental fora is of central concern for many activists and critical observers. Links between these two types of political space are cultivated by some, and eschewed by others (see Chapter 8). I argue that the connective politics of climate justice remains critically engaged in forums like the UNFCCC because affected communities cannot disengage or de-link from the processes producing climate change-related harm.⁶⁴ This strand of transformative broad-based politics therefore retains a prominent statist dimension, as it urges control of high emitting state and corporate actors.

The flip side, then, of ecological social mobilization is continued – even intensified – institutional engagement for radical (at least eco-socially radical) politics.⁶⁵ More precisely, a central emphasis in governmentally connective climate justice work is the radical critique of state incapacity in the context of socio-ecological risk. Connective climate justice actors are aware of the important role states must play in timely, efficacious, and ideally just responses to climate change.⁶⁶ In the context of climate change and its injustices – like that of social welfare

⁶³ This is, for instance, Chatterton et al.’s 2013 interest

⁶⁴ In this respect, critical climate politics are quite different from alter-globalization ones. See the more extensive treatment of this theme in Chapter 8.

⁶⁵ Cf Mueller’s 2012 discussion.

⁶⁶ This, couched theoretically rather than empirically, is Parenti’s (2014) point. As I heard one activist note bitingly at an evening gathering during COP17, “you can’t say ‘smash the state’ and ‘let’s nationalize the oil’ at the same time.”

more broadly – civil society actors are “not a substitute for government.”⁶⁷ The prominence of rights-talk and legalism more generally, mentioned above, is one aspect of climate justice politics that is indicative of this recognition on the part of many activists.⁶⁸

Clearly, however, states can’t do it alone either. Or rather they aren’t currently in the business of meeting novel socio-ecological challenges without significant consultation and additional capacity from corporate and philanthropic private actors, which necessarily entails their heightened influence. Thus I return to the question introduced at the beginning of this section of the role of civil society in ordering social life, as it emerges in the context of climate change response. To be sure, many non-state organizational actors benefit materially from the NGO-ization of climate governance, and/or risk abandoning more broadly representative and potentially contentious advocacy roles.⁶⁹ At the same time, however, the connective advocates and activists at the center of my analysis of climate justice politics largely eschew or are simply not positioned to reap such benefits, and have instead made the border between “inside” and “outside” the de-territorial locus of their engagement. The political impact of these actors, and by extension that of “civil society” more broadly in the climate context is, I argue, indeterminate in relation to the (re)construction of hegemony, and possible movement toward insecurity, social protection, or emancipation.⁷⁰ If, therefore, as Swyngedouw has argued civil society wears a Janus face,⁷¹ it does so in the climate context not only with reference to disparaging contemporary invocations of the Roman god’s purview: guarding the doors to power, yes, but also holding them intermittently open; even, perhaps, presiding over transformation. Perhaps a

⁶⁷ Salamon and Sokolowski 2004, 30

⁶⁸ Cf scholarship on legal mobilization McCann 1994, Zemans 1983, Turk 1976

⁶⁹ In this respect climate governance is of course no different from settings within which NGO roles and mandates have been reconfigured in recent decades, often eroding their disruptive political potential and compromising their representative functions. See Roy 2004, Nagar and Raju 2003, Lang 2009

⁷⁰ These are, respectively, Gramsci’s, and Fraser’s (expanding Polanyi’s framework) ways of characterizing the indeterminacy of civil society’s political impact. Gramsci 1971; Fraser 2011; Polanyi 2001

⁷¹ Swyngedouw 2005

better figuration of civil society's multiple political ecological potentialities, then, is that of a creature between dog and wolf: by turns domesticated by and disruptive of social order. In spatial terms my analysis suggests it remains – following Gramsci – a porous and primary terrain of struggle, in this case over collective socio-ecological futures.⁷²

Institutionalized separation and the politics of connection: the chapters

In the following brief chapter I describe the research activity that forms the basis of my analysis, and reflect critically on my own role as a researcher within the highly politicized and morally fraught contexts of climate justice advocacy and activism.

Chapters 3 through 6 offer a critical analysis of institutionalized socio-spatial, socio-ecological and governmental separations as they impact upon social responses to the uneven geographies of climate change. Chapter 3 offers a relational political ecology of climate injustice, which explains the production of inequality through global warming in terms of uneven geographies and Anthropocene connections, and describes the origins of relevant (eco)social movement responses. My first key claim is that the socio-ecological ties of the Anthropocene are the medium and motive force behind the sensible human dimensions of climate change. I draw on accumulating physical and social scientific evidence to trace the more-than-human action of global warming from industrial emissions through climatic, environmental and socio-ecological system change. My second major claim is that it is through uneven geographies – physical and human – that the Earth's evolving climate thereby produces and exacerbates social inequality. Many of the uneven geographies associated with climate change both precede and are reproduced by its constitutive socio-spatial and socio-ecological connections. In a political context structured by institutionalized separation, effective and just responses to those uneven

⁷² Gramsci 1971; Buttigieg 1995

geographies of risk, harm and benefit remain phenomenally difficult. These claims leads to re-visiting the institutional failures exposed by the Copenhagen COP and, finally, a brief introduction to the movement for climate justice as it emerged on the global stage in response to those failures, and in recognition of Anthropocene geographies of inequality and connection.

Chapters 4 and 5 examine the ways in which international frameworks of human rights and legal obligation have structured and constrained efforts for justice in the face of the imminent impacts and socio-spatial inequalities of climate change. Unsurprisingly, legal norms and processes have framed significant efforts to respond to climate change, and to protect the most vulnerable and least responsible communities from its deleterious consequences. My analysis demonstrates, however, that while legal framing offers discursive and institutional settings for the pursuit of climate justice, the formal success of such efforts is highly contingent: on the limited malleability of already codified legal language, subsequent acts of legal interpretation, on political influence. Though advocates have argued for legal ties of responsibility for anthropogenic climate harm, institutional responses have refused to recognize those ties, instead reifying presumptions of socio-spatial and socio-ecological separation.

In chapter 4 I analyze the 2005 petition by the Inuit Circumpolar Conference charging the U.S. with human rights violations as a result of unregulated greenhouse gas emissions, and the 2008 submission from the Maldives to the UN Human Rights Council, which demonstrates the impacts on Maldivian citizens and society from climate change and argues for related legal obligations on the part of industrialized nations. As responses to the ICC and Maldives efforts illustrate, legal reason in the climate context has been consequentially shaped by presumptions of ontological division: of society from nature, of individual action from that of (often more-than-human) collectivities, and between territorially-delimited polities. Proceeding from those

separations, legal argument and judgment render illegible the connections between nature and society and between humans across the globe which underpin claims of rights violations and for extensive responsibility. In so doing, they betray ontological commitments that diverge significantly from evolving understandings in science, politics and popular media.

Chapter 5 argues that UNFCCC debates over the legal status of emissions commitments and the meaning of *Common But Differentiated Responsibility* since Copenhagen expose international legal architecture as co-constitutive with geo-political contest. Amidst the socio-spatial separations of Westphalian sovereignty, and the governmental exclusion from international negotiation of under- and un-represented groups, debate within the convention is driven by nationally-defined economic interests above those of vulnerable communities within and across national borders. A corollary of these conditions is that the will of powerful country delegations has shaped the legal form of the convention, compromising its potential for success in terms of climate effectiveness or justice. These two chapters show how legal forms can readily be used to encode inequalities in the production, impact and regulation of climate change in terms of entitlement, obligation, protection and justice. They demonstrate too, however, that human rights law and the legalism of the UNFCCC institutionalize the three forms of separation discussed above, in ways that have severely limited the success of those who have used them to pursue climate justice.

In chapter 6 I trace the influence of two related trends in environmental governance upon the pursuit of climate justice. The first is the turn away from international governmental forums to those associated with other political scales and sites. The second is the turn from state-centric regulatory approaches based in legal obligation toward market-based and other financial mechanisms that embody more privatized forms of environmental control. Addressing the first

trend, I examine what I call the post-internationalization of climate governance using interviews and participant observation conducted amongst climate justice advocates, members of other non-governmental organizations, and their interlocutors in EU, US, and UN regimes. Addressing the second trend, I draw on accumulating critical scholarship to analyze the marketization of climate change response in terms of (dis)connection. I show how both trends reconfigure the actors, logics and means of governance in ways that institutionalize and propagate the epistemologies and practices of separation, limiting possibilities for just and effective responses to climate change.

In part II I turn from the institutionalization of separation toward responses to climate injustice pursued through a multi-faceted and -sited politics of connection. Chapters 7 through 9 explore the connective practices, analyses and proposals of civil society groups working for climate justice at multiple sites and scales. Much of this work is focused on the mobilization of affected communities and broader publics.

In Chapter 7 I examine the construction of an explicitly transnational politics of climate justice. This work importantly involves spatial strategies on what many activists call the “outside” – public forums and actions like those described at the opening of this chapter, which have convened concurrently with major intergovernmental meetings. Drawing on interviews and participant observation I describe the aims, participants and activities associated with these spaces of connection, including their strategic relationship with the “inside” goings on of state-official forums. Organizers and participants – by their very presence in these gatherings – challenge the governmental separations of intergovernmental meetings.

Chapter 7 also examines the connective analyses circulating through these “outside” spaces, focusing on the principles and logics embedded in specific texts and dialogues. I argue that these

analyses cut against the dominant grain of contemporary climate governance, by challenging each of the three forms of separation I have identified with it. Central to the spaces as well as analyses of connection are practices of social and epistemological expansion, which mobilize the findings of climate science in concert with a broader set of knowledges and ways of knowing including history, political economy, performance, and the testimony of lay experience. These radical and participatory forms of knowledge production directly confront the political and ontological separations that have beset mainstream climate governance.

In Chapter 8 I delve more deeply and critically into “outside” climate politics, focusing on forums and actions surrounding UNFCCC COP meetings. Here I query the challenges, merits and logics associated with assembling and connecting an “outside” with the “inside,” and with conceptualizing the convergence of disparate political discourses and actors in those opposing spatial schematic terms. I address tensions organizers face between the material needs of constituent groups and their political value as bodies and voices in the street; the risks associated with legitimization and the costs of disengagement from official meetings; and the challenge of fostering unity among the diverse constituencies of climate justice politics. The chapter concludes with a case example illustrating the imperative of articulating a transnational politics with the struggles and lived experiences of particular communities situated within specific histories and ecologies.

Finally, Chapter 9 analyzes two efforts to respond to that imperative: grounding a politics of climate justice in political community and place. The two major sections of this chapter examine at length the connective labors of two US-based groups: the Environmental and Climate Justice Initiative of the NAACP, and the Cowboy and Indian Alliance, which brings together settlers and indigenous community representatives along the path of the Keystone XL pipeline. I illustrate

the ways in which both campaigns pursue their individual work through the uncovering and construction of socio-spatial, socio-ecological, and governmental connection. I conclude by pointing to the ways principle actors within those culturally, ethnically and geographically situated efforts have built upon them to support the transnational ties necessary to a wider socio-ecological movement.

In the concluding chapter I develop the implications of my argument for scholarly debates and the wider political ecological challenges posed by anthropogenic climate change in the context of existing institutions and social inequalities.

For the analytic of (dis)connection

Implicit throughout my analysis of law, governance and mobilization in terms of (dis)connection is the political argument that the “politics of connection,” represents the most hopeful – and perhaps the only truly viable – mode of response to the complex crises that climate injustice represents. This is so, I contend, for at least three reasons.

First and most pragmatically: in a political climate characterized by lack of will among the most responsible and response-able actors to confront the imminent realities and long-term drivers of climate change – and more troublingly by the active and energetic undermining of their recognition⁷³ – connective responses allow for addressing climate change by way of its embodied human impacts. These include effects on health, housing, and economic security – which have remained more central topics of political discussion. Second, inasmuch as dominant discussion of responses has been shaped discursively by the abstraction which attends much scientific explanation and by the prodigious influence of fossil fuel interests over ostensibly democratic political processes, the politics of connection represents a means of engaging a much

⁷³ see Shearer 2011

broader public in climate change response debates. This it does by linking numbers of molecules in the sky with lived experience on the ground. Third, and most fundamentally, responses that acknowledge and address the social drivers of climate change and the relational ties that structure its imminent, uneven impacts are those which most accurately reflect the nature of the problem. They therefore hold real potential to address it in a direct, comprehensive and lasting manner.

Chapter 2. Research activity, materials and analysis

In this chapter I summarize the research activity and materials upon which my analysis is based, describe the steps of the analysis itself, and reflect briefly on my positionality as a researcher.

The research activity and materials

The analysis I present in the following chapters draws on fieldwork conducted between November 2009 and June 2012. During that period I attended intergovernmental meetings and simultaneous “outside” forums in four global cities (approximately 6 weeks in total). I also spent approximately five weeks in Brussels with shorter visits to Antwerp and The Hague, and three weeks in Washington DC with a brief sojourn to New York City, during the summer and fall of 2011, respectively. In those places and times, a second short visit to Washington DC in spring of 2010 and periodically throughout the same time period in Seattle, I conducted semi-structured interviews and participant observation, generating much of the material I analyze here. In addition to these original data I have collected and analyzed texts related to climate change advocacy, law and governance efforts including those I observed and learned about through interviews.

I spent the great majority of the approximately 300 hours of ***participant observation*** I conducted for this study either in UNFCCC COP meetings, where I was an official observer accredited by the Association of American Geographers, or in one of the principle “civil society” spaces convened concurrently with those meetings. I attended COPs and alternative summits in Copenhagen in 2009, Cancun in 2010, and Durban in 2011. I spent approximately one week each in Copenhagen and Cancun (two weeks being the full period of the COP), and three weeks in Durban, where I arrived one week before the COP to attend preliminary “outside” meetings

and academic gatherings, and observe municipal preparations. I also spent three days at the civil society space which convened during the 2012 Conference on Sustainable Development in Rio De Janeiro (Rio+20). The remainder of my participant observation activity took place in Brussels, Antwerp, Washington DC, New York City and Seattle. In Brussels I observed three EU Parliament workshops, and attended a reception at the office location of several environmental NGOs. In Antwerp I attended a weekend “Climate Action Camp,” and participated in a nearby demonstration with other campers. In New York I spent one afternoon and evening in the company of Occupy Wall Street organizers and protestors, attending a General Assembly as well as meetings of the working groups on Environmental and Climate Justice, and Labor. That visit coincided with strategy sessions involving both working groups on Keystone XL Pipeline-related actions and statements by Occupiers, and a statement by the Climate group to the General Assembly. In Seattle, I attended a meeting of a transnational labor organization with affiliates among the climate activist groups with whom I spent time in Europe. I also observed events remotely: two forums on climate change and development hosted by Washington DC-based foundations, a demonstration at a temporary settlement outside Rio De Janeiro during Rio+20, and several plenaries and press conferences during COPs subsequent to and including the ones I attended. (Attendees with observer accreditation are typically excluded from press conferences at COPs, and occasionally from plenaries.)

During these field visits and in Seattle I conducted over 60 *interviews* with members of climate justice organizations, other civil society groups, EU and US federal agencies, and several country delegations to the UNFCCC, as well as autonomous activists and, in a few instances, local participants in public demonstrations. Of these approximately half were pre-arranged, semi-structured interviews which ranged in length from 45 to 105 minutes. These mainly

involved NGO and government staff, and occurred most often in interviewees' places of work, although in a few instances I conversed at length with subjects in public settings. The remainder of the interviews were informal, and spanned a wide variety of settings and durations. Because of the extremely frenetic social activity during COPs and alternative summits, requests and arrangements for formal interviews in those settings were rarely successful. However, the means by which both types of settings generate varied and often intense social interactions meant that I learned some of the most relevant material, and conversed with several central actors in climate (justice) politics in those settings.

Interview conversations focused on the analyses and campaigns of civil society actors, climate change-related policy and political processes, and ways of working for just and effective climate change solutions within and across the governmental and societal settings of the research. These topical areas corresponded with the conceptual categories of framings, strategies, and political opportunity structures common to the literature on social movements.⁷⁴

In addition to climate justice advocates and activists I interviewed many actors involved in climate politics and policy, but outside the movement. These included members of several transnational and local civil society organizations involved in climate change responses who do not advocate for justice *per se*, and governmental staff, who, with few exceptions do not frame their work in terms of environmental or social justice. This selection process allowed me to examine climate justice advocacy and activism in its social, political and institutional contexts, and with the additional perspectives of other insiders to those contexts. In order to elicit such contextualizing information, I asked many non-justice advocate interviewees to address the conditions of civil society (or NGO or social movement) activity within the regimes in which

⁷⁴ E.g. Miller 1994, Koopmans 1999, Benford and Snow 2000, Meyer and Minkoff 2004

they had experience, typically asking them later in the conversation to comment on justice-oriented advocacy. I therefore identified and solicited potential interviewees using a combination of purposive and snowball sampling methods:⁷⁵ I identified actors of each grouping in participant observation settings or publicity. I requested recommendations and referrals in each interview, learning what I could about recommendees online, and subsequently interviewed many of them. Where possible I interviewed individuals in the same organization and/or in parallel positions in different research settings (e.g. Brussels and Washington based branches of transnational civil society groups, parliamentary, and agency staff in the EU and US.) In a few cases I conducted second and third interviews with centrally-placed individuals.

As I described in chapter 1, *texts* play a significant role in advocacy and activism for climate justice. In the course of my fieldwork I collected copious amounts of printed and web-archived textual material. Interviewees also frequently mentioned key texts (I requested that they do so if they did not of their own accord), and in almost all cases I was able to locate those documents. In the course of participant observation and interviews, then, I gathered a large number of texts, which either constitute or document the substance of advocacy efforts, governmental proceedings, and legal contests. For many interviewees, such texts clearly provided the grounding for, or principle record, of their work. Therefore, while the large majority of the documents I gathered served primarily to provide clarification and context for interpretation of interview and observation materials, selected texts are of such primary importance in the construction of climate justice politics and pursuit of its proximal ends as to merit analysis in and of themselves.

⁷⁵ Babbie 2007

As the previous claims suggest, texts, interviews, and participant observation each serve particular functions in my analysis, and are together complementary. Texts provide definitive versions of many framings and outcomes. Interviews clarified facets of texts as well as actions, frequently providing justification for choices of strategy and framing, or candid explanation for outcomes. Observation and participation allowed me to verify the currency of particular framings embodied in texts, to independently assess many claims made in interviews, and to experience first-hand the embodied politics of climate justice.

Finally, throughout the process of field and document-based research I reflected on developing themes by writing memos, which provided direction to my subsequent analysis.⁷⁶

Analysis

I recorded all but two formal interviews and over 100 hours of participant observation. From those recordings the majority of interviews and a selection of observed events were transcribed. I then coded the interview and observation transcripts, together with approximately 10 frequently referenced texts in the Atlas.TI qualitative data analysis environment. I used a two stage coding process, in which the first identifies specific topics and the second groups those topics in abstract categories.⁷⁷ I created categorical codes using both emic and etic sources: issues of concern as presented by the actors in the study, and terms corresponding to the methodological commitments from social movement studies named above.⁷⁸ Using basic search functions I queried the database of my transcriptions, calling up stored codes corresponding to the major themes identified in my field memos. I used the visual diagramming capabilities of Atlas.TI to

⁷⁶ As described in multiple sources on qualitative data analysis. See e.g. Charmaz 2004, Cope 2003

⁷⁷ Ibid.

⁷⁸ On emic and etic codes, and their complementarity, see Berkowitz 1997, Rubin and Rubin 2005, Babbie 2007, Crang and Cook 2007

explore relationships among the codes, linking codes and specific quotations with themes from relevant literatures (see Figure 1). These conceptual diagrams and their textual underpinnings have shaped the content and the argument pursued across and within individual chapters.⁷⁹

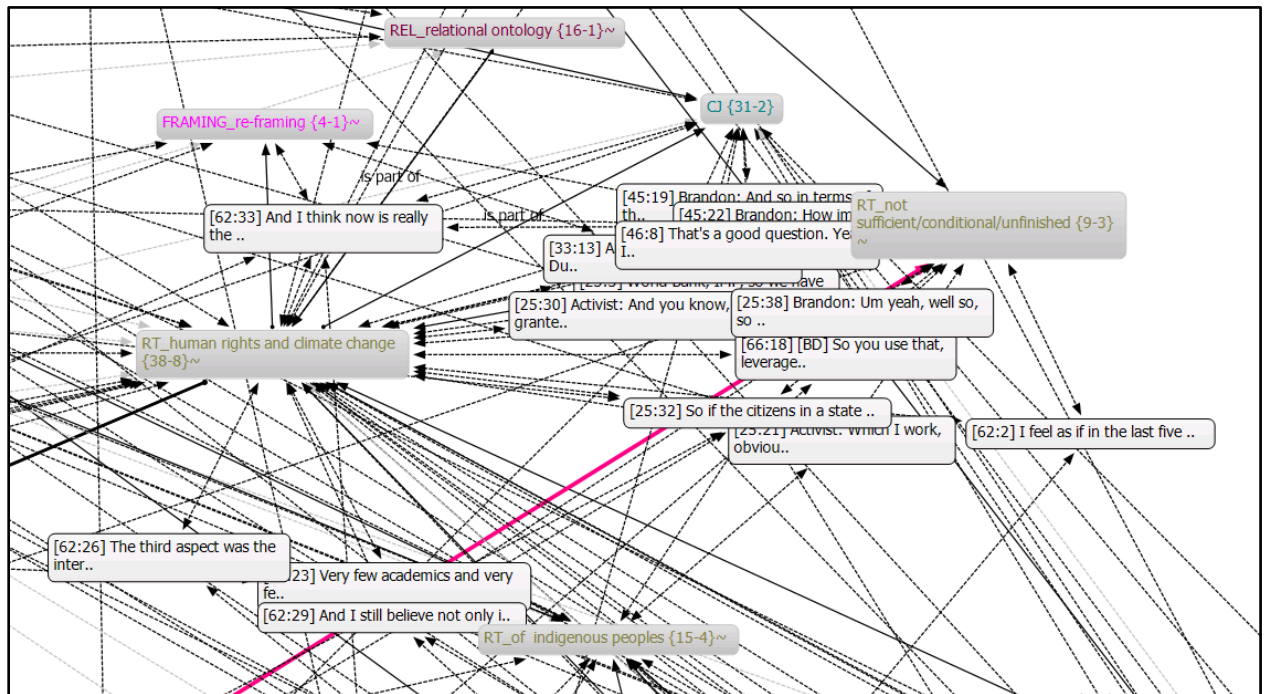


Figure 1. Portion of a diagram created in Atlas.TI showing relations among categorical codes, concepts of the analysis, and supporting quotations.

Travelling contested terrain

Throughout the subsequent chapters I show that the settings within which climate change responses are constructed – whether “inside” the institutional frameworks of intergovernmental negotiation, or “outside” in streets and rented halls – constitute contested terrain. The

⁷⁹ This approach to implementing qualitative analysis methods using dedicated software is inspired by Friesen 2012.

connections and separations I identify with the variety of response efforts I analyze here implicate the actors involved in their construction just as they do those responsible for the production of anthropogenic climate change and those on the receiving end of its harmful impacts. This is in part because of the readily apparent embodied presence of some (groups of) actors, and the exclusion of others in debates about responses. Factors of identity, status, and access to the resources necessary to participate in climate governance appear to matter both for the tenor of those debates and for their outcomes.

My own position within these fraught spaces and embodied relations – indeed the very reasons for my presence in the settings where I spent time during the research – was not always clear to those around me or even, at times, to myself. It will be apparent in the following pages that I sympathize strongly with the aims of many actors involved in institutional and broad-based efforts for climate justice, and also, I hope, that I do not agree with every choice of framing and strategy they have adopted. I hold what critical distance I maintain in this analysis to be among the enabling factors of the contribution, theoretical or political, it might make. That position of critical distance is facilitated by the fact that, unlike many scholars who have written about the pursuit of climate justice, I have not been professionally or vocationally engaged in that pursuit beyond my roles as a scholar and university teacher.

Nevertheless, I suspect few researchers could spend the time that I did in the settings I did for this project without being interpellated in one way or another by the conflicts that mark those settings. My embodied presence itself, as I have suggested, seemed to require a stand at certain moments. Would I, for instance, block the halls with observers and a few developing nation delegates at COP17 in Durban, pushing for governmental accountability on the final day of negotiations? Would I, rather, observe the demonstration from the sidelines, or perhaps leave

it aside entirely to devote my attention to the more staid textual wranglings going on within the plenary hall? (I did participate; out of a confusing combination of solidarity with the other demonstrators and scholarly interest in their experiences and identities, as well as their analyses and tactics.) Would I, as the same demonstration came to halt before the linked arms of security guards, surrender my badge and be escorted out by those guards, as the principle organizers of the demonstration invited us to do? Would I, rather, sit unmoving in protest of such an anticlimactic end to this upwelling of voices and to the assumption of leadership by those particular organizers, and wait to be carried together with a few other undaunted resisters, limpbodied to a police van outside? Or would I melt into the crowd, so as to keep my badge for the remainder of this conference, and not, perhaps be blocked from future UNFCCC meetings or other global governance forums? (I melted.)⁸⁰

More generally, I acted as an “observer” within the UNFCCC halls, where certainly I had no official license to participate in any other way, and as a “participant” in marches and, in a very few instances, in “outside” forums. In all of these settings, though, I was a body amongst others, a face within the kind of mundane face-to-face interactions unavoidable in any crowded social setting. The press of those crowds and their diversity gave rise to some of the more telling moments in the larger dynamics I write of here. In often subtle and sometimes unintentional ways I participated in those moments, together with others who were enmeshed – typically in more immediately consequential ways than I – in making the future by anthropogenic warming, global governance, and social protest.

⁸⁰ See Anne Petermann, director of Global Justice Ecology Project’s, discussion of these events, including the reasons for the protest and logic of remaining after the scripted and sanctioned walk out. Petermann 2011

And yet, I was not so innocent either. Rather – as a producer of warming – I was often just as much a participant as any other in the settings of my field work. I was always a body on a plane, and often one of those who had travelled furthest. Among the many debts I accrued over the course of this project the carbon debt I ran up to observe negotiations and people's forums weighs heavily on my conscience. Attendance at those settings represents a stark calculation for everyone involved: is being there worth the cost to the planet? Outweighing the costs of my presence seems to demand of me more than pure critique, a sentiment that I hope helps to justify the speculative extensions of my analysis, by which I seek to constructively further transformative responses to climate change.

Chapter 3. Extensive ties and uneven geographies: Climatic injustice and emerging responses

Climate change is the paradigmatic process of the Anthropocene. More than any other well-studied phenomenon, it illustrates the interlinking of human social with biophysical processes at the global scale. At the same time, however, the socio-natural ties and conjunctures of climate change are varied and complex, taking shape differently across scales and between places. Indeed, the globality of climate change is problematic. At moments of production, impact, and governance anthropogenic warming display highly uneven geographies. In this chapter I explore key modalities of socio-ecological connection involved in climate change impact at varying scales, and unpack some of the uneven geographies through which it can be understood critically as (re)producing social injustice. I then trace the birth of a diverse social movement responding to those injustices and their global, more-than-human causal mechanisms in the face of the widely-perceived institutional failure of COP15.

The human impacts of climate change as socio-ecological connection

The science of climate change evolves quickly and accumulates daily. Active topics of research include the downscaling of model predictions to regional scenarios,⁸¹ relationships between severe weather and climate,⁸² and methodological integration of social and natural science modes of inquiry.⁸³ For all the explanatory advances ongoing inquiry offers, however, the fundamental process of anthropogenic global warming has long been well understood.

⁸¹ See, e.g., the work of the regionally-focused *Climate Impacts Group* of the University of Washington. Climate Impacts Group, n.d.

⁸² E.g. Peterson et al. 2013

⁸³ E.g. IPCC 2013, especially the expanding role of Working Group II on “Impacts, Adaptation and Vulnerability.”

Swedish physical chemist Svante Arrhenius described the greenhouse effect remarkably accurately in 1896, predicting its intensification as an inevitable byproduct of increasing fossil fuel combustion associated with the industrial revolution. As a result of human and non-human activities, molecules of carbon dioxide, methane and other greenhouse gases accumulate in the Earth's atmosphere. There they are excited by long wave radiation leaving the earth. The molecules absorb this energy, mimicking the effect of the glass roof of a horticultural greenhouse; the energy persists as heat and thereby raises the Earth's average temperature. Because of the global extent of atmospheric circulation, the greenhouse effect affects the entire globe. It is integral with life as we know it; living organisms emit greenhouse gases, and without their presence in the atmosphere the nighttime cooling of the earth's surface would mean overall temperatures far colder than those in which the complex ecologies of life have evolved. It is the intensification of the greenhouse effect through human industrial activity that is causing global warming at a heretofore unprecedented and therefore alarming rate.⁸⁴

Although the essential process of an intensified greenhouse effect is thus rather straightforward, the material variety of the Earth's composition and the dynamism of its planetary motion impart complexities with important implications for comprehending and responding to its climatic, environmental and social impacts. The Earth's climate system is actually a complex set of interactions among multiple constituent systems: the atmosphere and hydrosphere participate most dynamically in the production of weather, but the cryosphere, biosphere, and lithosphere also play important roles in the carbon cycle and therefore in the stability and evolution of climatic regimes.⁸⁵ Patterns and processes within each of these systems are characterized by a high degree of spatio-temporal variability. Moreover, energy and

⁸⁴ Weart 2008

⁸⁵ See Lazarus 2004

matter continually move between them at widely differing and often irregular rates. Finally, climate – regionally specific, predictable patterns of temperature, humidity and other meteorological variables⁸⁶ – influences the pacing, direction, and frequency of those interactions, and of specific physical processes and events at diverse scales (see below). Given the complexity and multiplicity of these interconnected systems and processes, it is perhaps most useful to understand the consequence of an anthropogenically intensified greenhouse effect as increasing the energy available within the earth’s physical systems and to the diverse interactions among them, which in turn drive phenomena including weather and landscape and biome change at a range of temporal scales.⁸⁷

The most ubiquitous reports and predictions of climate change focus on differences in recorded or future values of temperature and precipitation, measured against baseline values at designated points in the past. This is because temperature and precipitation change are linked with an extensive list of processes and events at perceptible and socially-relevant timescales.⁸⁸ These include: sea level rise, higher storm intensity, increased storm surge in coastal areas, changing spatial and temporal patterns of storms including hurricanes, glacial retreat and loss, melting sea ice, thawing permafrost and associated subsidence, coastal erosion, ocean acidification, species decline (as well as loss and population explosion), shifts in the seasonality of rain and snow, decreased frequency and greater intensity of precipitation events and

⁸⁶ The IPCC Glossary states: “Climate in a narrow sense is usually defined as the “average weather,” or more rigorously, as the statistical description in terms of the mean and variability of relevant quantities over a period ranging from months to thousands or millions of years. The classical period is 30 years, as defined by the World Meteorological Organization (WMO). These quantities are most often surface variables such as temperature, precipitation, and wind. Climate in a wider sense is the state, including a statistical description, of the climate system.” IPCC 2007

⁸⁷ see e.g. Lynas 2007

⁸⁸ Causal links go both ways, creating positive feedback loops, e.g. while sea level rise is caused by the melting of the ice caps at the earth’s poles due to warmer temperatures, the melting of permafrost also releases stored methane into the atmosphere, which in turn strengthens the greenhouse effect. The melting of ice and snow due to rising temperatures also changes the albedo – or reflectivity – of the ground surface, increasing the absorptive of energy at the earth’s surface and thereby accelerating melting.

associated impacts on stream flow and inundation, mountain erosion from glacial retreat and stream flooding, and shifting biogeographies of plant and animal habitat and range.⁸⁹

Many such environmental system effects are, in and of themselves, potentially disruptive of human life and livelihood. Indeed, they encompass much of the event space examined in human-environment research on “natural disasters” or “hazards,” and described frequently in legal language as “acts of God.” Moreover, the deleterious effects of hazards which arise from *non-climatic* causes can be dramatically intensified by the effects of climate change on relevant environmental systems.⁹⁰

However, the lengthy list above also implicates myriad increasingly well-documented “downstream” effects of environmental processes and events associated with climate change, as these generate ripples throughout ecological webs as well as human economic, food, health, and infrastructural systems. Such climate related socio-ecological impacts include crop failure due to higher growing season temperatures, less frequent and/or more intense rain events, and decreased availability of fresh water for irrigation from rivers, streams and groundwater sources.⁹¹ These, too, are socially consequential. Unprecedented suicide rates among Indian farmers in recent years have been linked to the deleterious effects of such events on subsistence agricultural production.⁹² The impacts of heat stress on the human body itself threatens life, especially that of the young, infirm, poor, and elderly.⁹³ New and intensified disease vectors are also arising, from combinations of changes in temperature, precipitation and industrial agricultural.⁹⁴ In

⁸⁹ Lynas 2007, IPCC 2013

⁹⁰ Consider, for instance, the greater potential devastation of coastal communities cause by tsunamis, as sea level rises.

⁹¹ Lynas 2007, IPCC 2013

⁹² Renton 2011

⁹³ Record heat in Europe in the summer of 2003, for instance, is thought to have claimed as many as 70,000 lives, with skewed impact on the elderly. Robine et al. 2008

⁹⁴ These have been linked to new strains of pandemic influenza that move easily between species hosts and spread with human and commodity transportation, for instance. Wallace 2014.

2005, the WHO estimated 150,000 climate change-related human deaths were occurring yearly.⁹⁵ Some analysts link social conflict at the level of whole nations and regions with the impacts of climate change.⁹⁶

Of particular relevance in questions of justice are the mechanisms by which socially produced environmental changes (resulting from anthropogenic emissions) are *re-socialized* in their impact on human communities, social systems, and individuals by way of disasters and socio-ecological system effects including those mentioned above. The character, severity, and distribution of this re-socialization of human-induced environmental change depend to a significant degree on already-existing social conditions.⁹⁷ The concepts of resilience, vulnerability, and adaptive capacity are ubiquitous in the literature of climate change response precisely because of the widespread recognition of the important role existing conditions, including social factors, play in determining the human impacts of climate change.⁹⁸

As this review suggests, interconnection among human and nonhuman systems – and between the entities that compose those systems over space and time – is fundamental to anthropogenic climate change. Socio-ecological and socio-spatial ties, accordingly, are the media by which climate change does and will continue to have human impacts. And yet, the more-than-human hybridity of climate impacts also makes them difficult to avert and to trace.

While many impact events are short in duration and rapid in effect, the conditions driving them will be long-lasting. Because of the persistence of greenhouse gases in the atmosphere, and the delays and threshold values that characterize the response of various environmental systems to the forcing of greenhouse-induced temperature and precipitation changes, the impacts of

⁹⁵ Patz et al. 2005

⁹⁶ See e.g. Parenti 2012

⁹⁷ Their anthropogenic production aside, that is, climate change impacts, like other hazards are socio-natural, rather than “natural” in their effects. Hewitt 1983, Shearer 2011

⁹⁸ See IPCC 2013, particularly the Working Group II submission on “Impacts, Adaptation, and Vulnerability.”

emissions on a given day influence climatic and earth system responses over centuries. Anthropogenic carbon stocks currently in the atmosphere include contributions spanning dozens of generations, while our actions will shape the socio-ecological realities of as many generation (at least) of our offspring. Moreover, we are driving changes much more rapid than the pace of species adaptation, and probably dramatic enough to destabilize multiple systems with unpredictable results.⁹⁹

Finally, although the socio-ecological risks and impacts listed above have been *linked* with an intensifying greenhouse effect, their *attribution* to anthropogenic emissions, or even to climate change as a principle cause is problematic for a number of reasons. These including the multiplicity and complexity of the pathways through which impacts occur, the combination and co-incidence of climatic with non-climatic drivers, the simultaneity of anthropogenic emissions with other sources of climatic change, the potentially vast spatial and temporal distances between emissions and impacts, and the probabilistic relationship between environmental system events and the trending of those events over time which defines climatic change. Thus, many effects associated with anthropogenic climate change are not solely caused by or definitively traceable to it (although, as I describe in Chapter 4, this is changing with current research). Nevertheless, trends associated with observed and predicted climate change tend to exacerbate existing vulnerabilities and risks, and heighten existing threats.¹⁰⁰ Such compounding effects are common enough that some security theorists consider climate change not as a threat in itself, but as a “threat multiplier.” Accordingly, locating and isolating entities subject to threat constitutes

⁹⁹ Thus scholarship on the lasting earth-systemic changes of the Anthropocene is linked with growing concern with the transgression of “planetary boundaries.” Some scientists suggest we have already reached such tipping points. See Castree 2014

¹⁰⁰ This is the case, for instance, when late rains or a notably dry growing season leads to crop failure in a region where human communities rely for subsistence on rain-fed agriculture (an increasingly common situation in southern Africa), or where a severe tropical storm results in loss of life in poor coastal neighborhoods where housing, sanitation or egress depend on aging or inadequate infrastructure (a combination of events observed across the globe over the last decade).

the aim of securitization in the context of climate change¹⁰¹: an aim facilitated by the fact that vulnerability to climate-related harm, like responsibility for it, conforms to a predictable and highly uneven geography.

The uneven geographies of climate impact

The hybrid mechanisms that culminate in human impacts from anthropogenic climate change wreak havoc on the conditions of social life without regard to the territorial boundaries of sovereign nation-states or the location of emissions. Driving across the Cascades, for instance, I play a part in increasing the precarity of rain-fed subsistence agriculturalists in the drying Southern African plateau. Such spatially-extensive processes of emission and impact suggest the “global” – as in “border-crossing” – dimensions of anthropogenic climate change.

At the same time, however, the impacts of climate change are by no means “global” in a second sense implying universality or even-ness. The socio-spatial disaggregation of global climate change and its human causes and consequences constitutes the focus of significant transdisciplinary scholarship as well as political activity in the last several years. It turns out that many of the geographies of climate change are strikingly uneven. Moreover, they are patterned in ways that echo and re-inscribe centuries of uneven development and social inequality through hybrid socio-natural processes.

At a first cut, even the border-ignorant geo-physical mechanisms through which emissions generate distant impacts on the ground turn out to be far from “global” in the second sense. This unevenness is the result of the irregular continental and oceanic physical geography of the planet in combination with its shape, orbital trajectory, tilt, and rotational motion. The consequences of

¹⁰¹ See Dalby 2009

increased overall energy in the earth system affect different latitudes, surfaces, and specific locations differently (Figure 1).

The Arctic Climate Impact Assessment of 2005 and the IPCC reports of 2007 and 2013-14 make clear that climate change not only impacts different regions differently, but does so at widely varying rates.¹⁰² The Arctic is warming at a rate significantly higher, for instance, than any other part of the globe. The tropics, too, including sub-Saharan Africa, are experiencing temperature increases that far outpace other regions, as well as shifting seasonality and overall declines in precipitation. Change in the middle latitudes appears more gradual by comparison, although extreme summer heat such as Europe experienced in 2005 will be more common, and the western US almost certainly faces increasing desertification.

¹⁰² Arctic Council et al. 2005, IPCC 2007, IPCC 2013

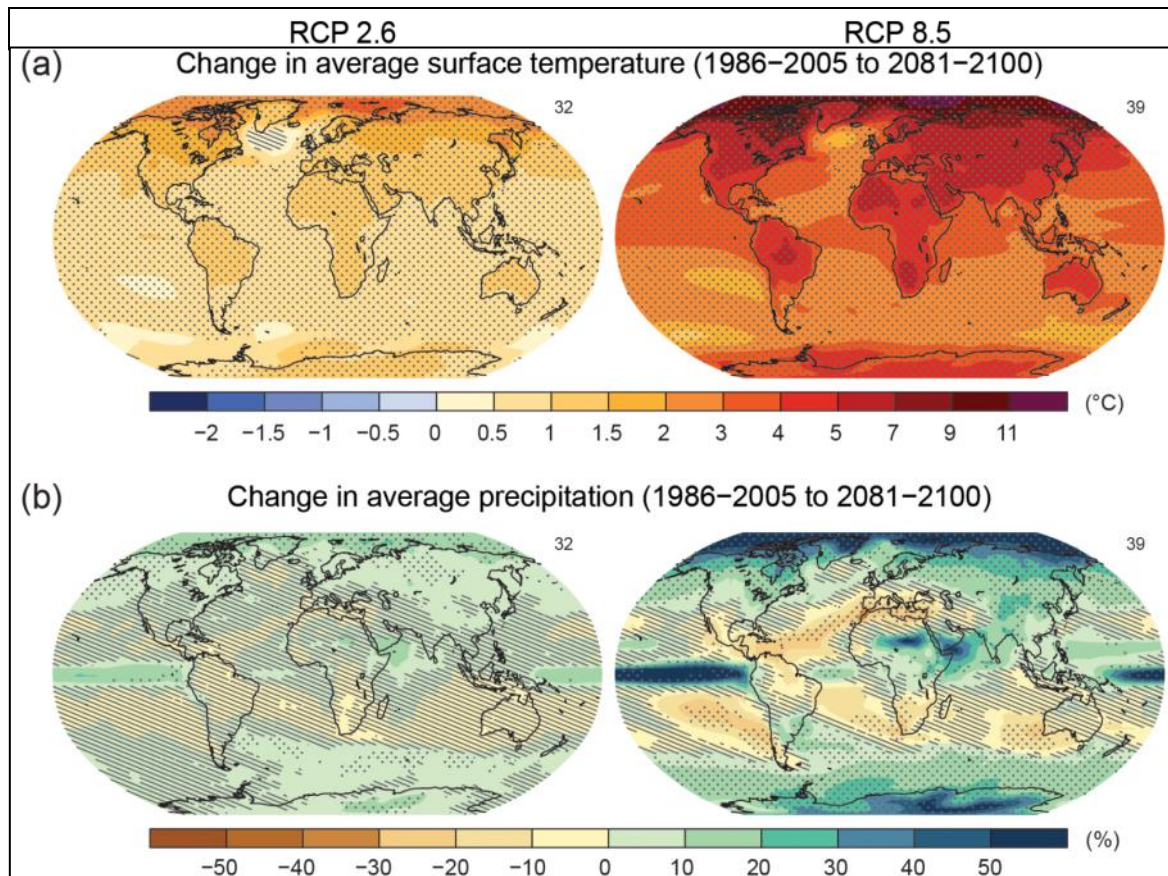


Figure 1. Uneven physical geographies of climate change impact: here the spatial distribution of model predicted temperature and precipitation change, from the IPCC's 2013 fifth assessment report.¹⁰³

At a second cut, spatially variant physical impacts of climate change like land and sea surface warming and precipitation changes interact with biological systems, which are already themselves spatially variant, affecting species distribution and abundance differently across the globe (Figure 2).

¹⁰³ IPCC 2013

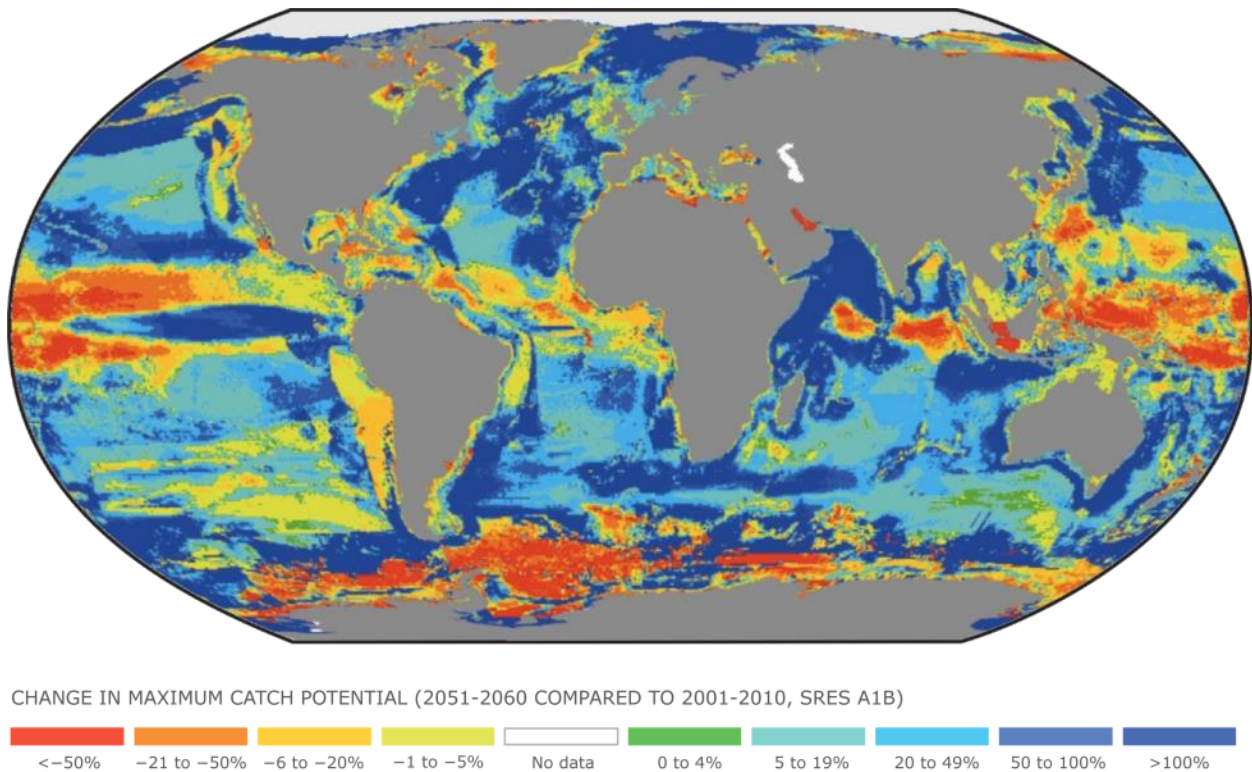


Figure 2. Fish species distribution and abundance will also vary spatially, posing much greater threat to the fisherfolk of Southeast Asia, for instance, than those of Scandinavia.¹⁰⁴

Moving further through the socio-ecological linkages upon which human lives and livelihoods depend introduces increasing layers of complexity. Here too, however, research indicates that climate change affects what the IPCC calls “human and managed systems,” including food production, health, livelihoods and economies to a strikingly uneven extent across space (Figure 3).

¹⁰⁴ Ibid

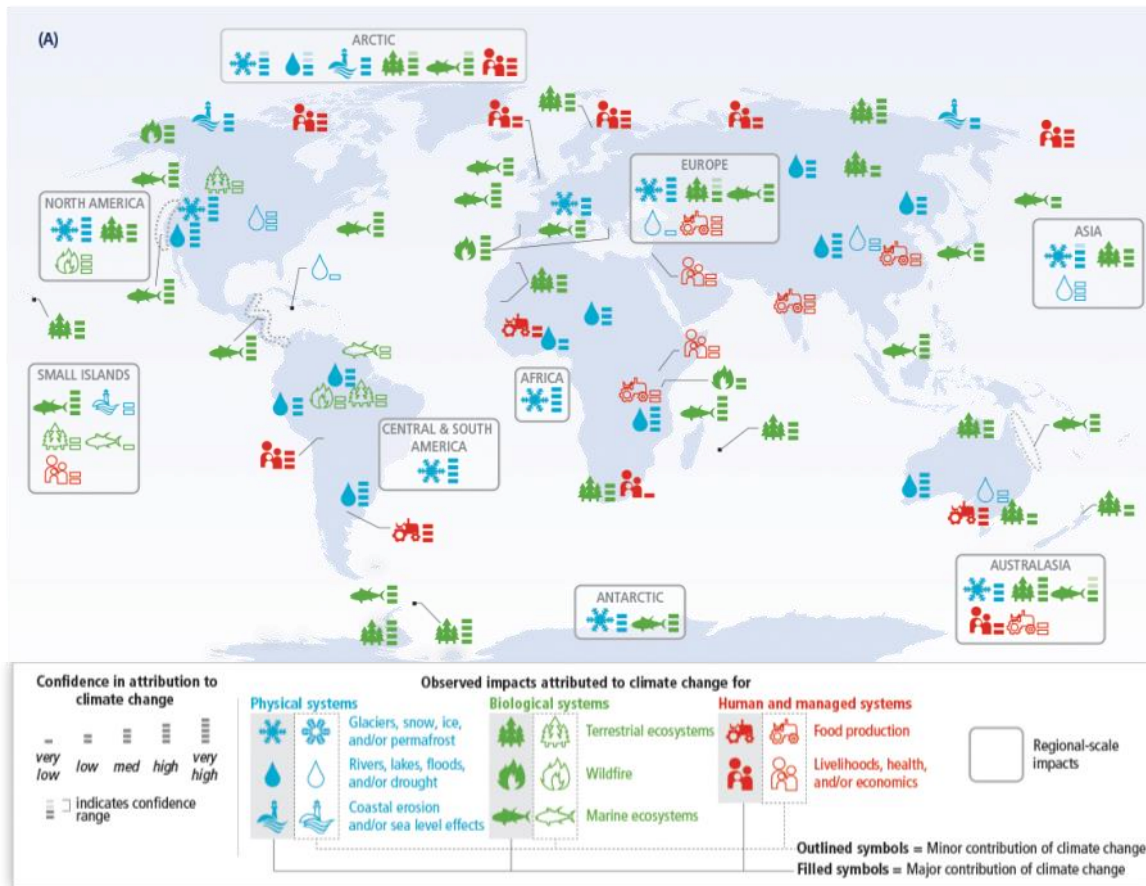


Figure 3. Attribution of observed impacts in physical, biological and “human and managed” systems (in red) to climate change.¹⁰⁵

These effects are a result from combinations of physical and biological system impacts with the uneven geographies of human social vulnerability and adaptive capacity. In general, susceptibility to the deleterious consequences associated with climate change correlate with indicators of human development, re-inscribing the already steep gradient dividing a “developed” Global North, or minority world, from a “developing,” or “underdeveloped” South, or majority world. Overlaying the regional distributions of the intensity and rate of climate change impact, with that of human vulnerability due to low levels of development highlights

¹⁰⁵ Ibid

areas of dramatic *double exposure*, to use Leichenko and O'Brien's term.¹⁰⁶ These spatial *matches* of dramatic environmental change and social precarity are reflected, for instance, in maps of climate change-related disease burden and deaths (Figure 4).¹⁰⁷

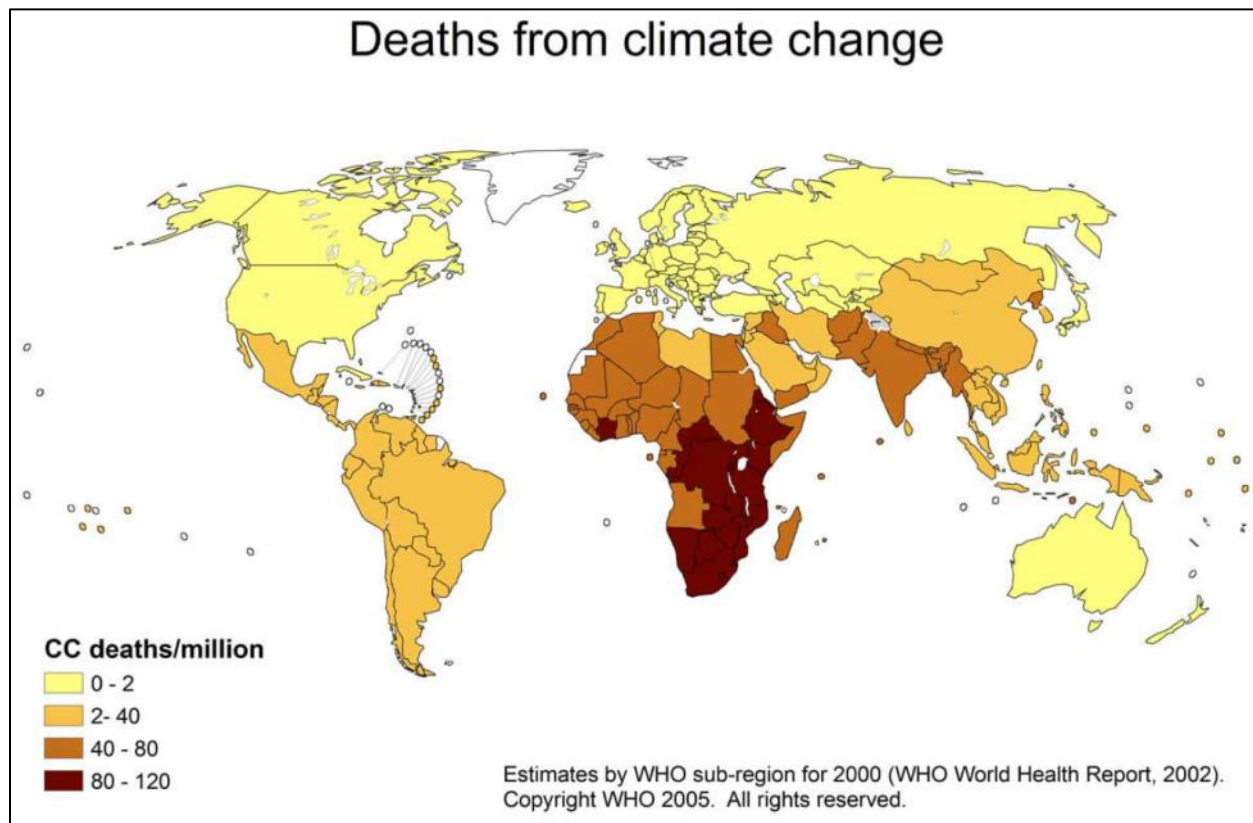


Figure 4. The WHO's 2002 estimate of climate change related deaths shows such impacts to be concentrated in the developing world.

Finally, national (and other) boundaries are in fact only *partially* permeable with respect to the human dimensions of global climatic change. Socio-political constructs such as borders and citizenship engender quite considerable variation in the material consequences of impacts as well as response measures, not to mention the vastly unequal resources available for climate change

¹⁰⁶ Leichenko and O'Brien 2008

¹⁰⁷ WHO 2005

adaptation in different nations and locales. Think, for instance, of rights of international passage enjoyed by some individuals but not others; global health initiatives designed to constrain climate-related disease threats in particular hot spots; and the vastly disparate capacities of states and municipalities to construct a functional seawall.¹⁰⁸

Turning, with these patterns in mind, to the spatiality of the major human process *driving* climate change, GHG emissions, leads to still more unsettling insights.

Responsibility and vulnerability: Inverted geographies and multiple exposures

To a startling degree, the uneven geography of emissions production approximates an inversion of the spatial distribution of vulnerability, particularly when emissions are tallied cumulatively. Cartograms – maps depicting areal units re-sized in proportion to a non-spatial variable – readily illustrate these correlations and inversions, as in three images in Figure 5.¹⁰⁹

¹⁰⁸ See, e.g. Sparke 2005, 2006; Dalby 2002, 2009

¹⁰⁹ These images come from KILN n.d.

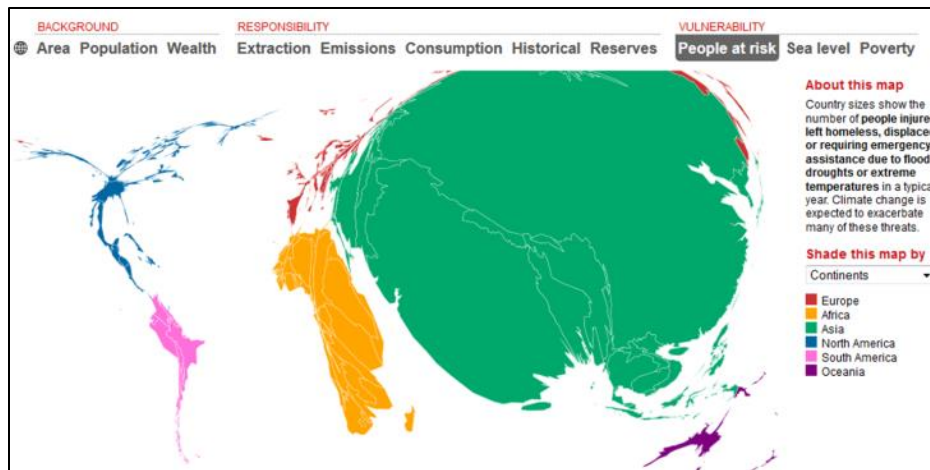


Figure 5a. Countries sized in proportion to vulnerability to climate change-related threats

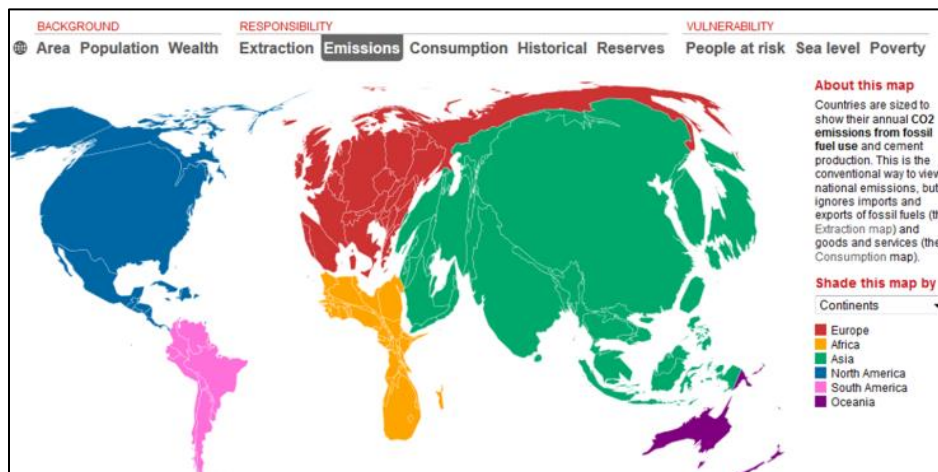


Figure 5b. Countries sized in proportion to annual emissions

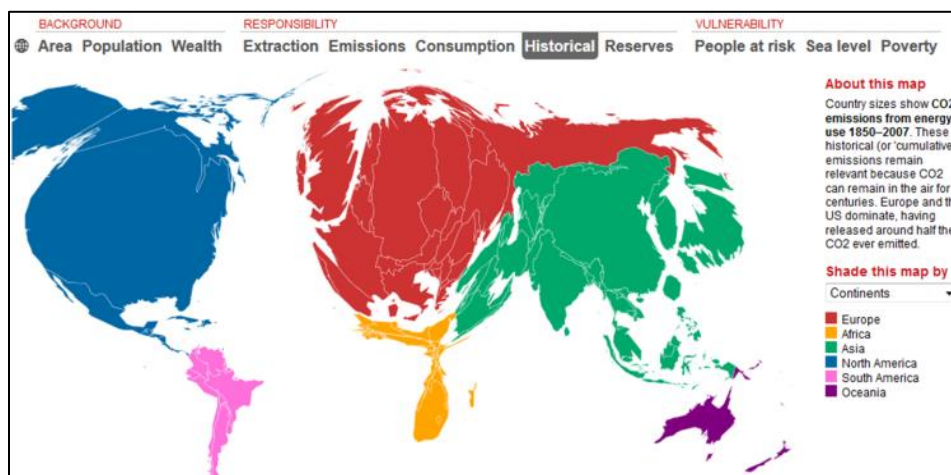


Figure 5c. Countries sized in proportion to historical emissions

These images spatialize the significant correlation between development, as measured by standard indicators, and emissions shown graphically in figure 6.¹¹⁰

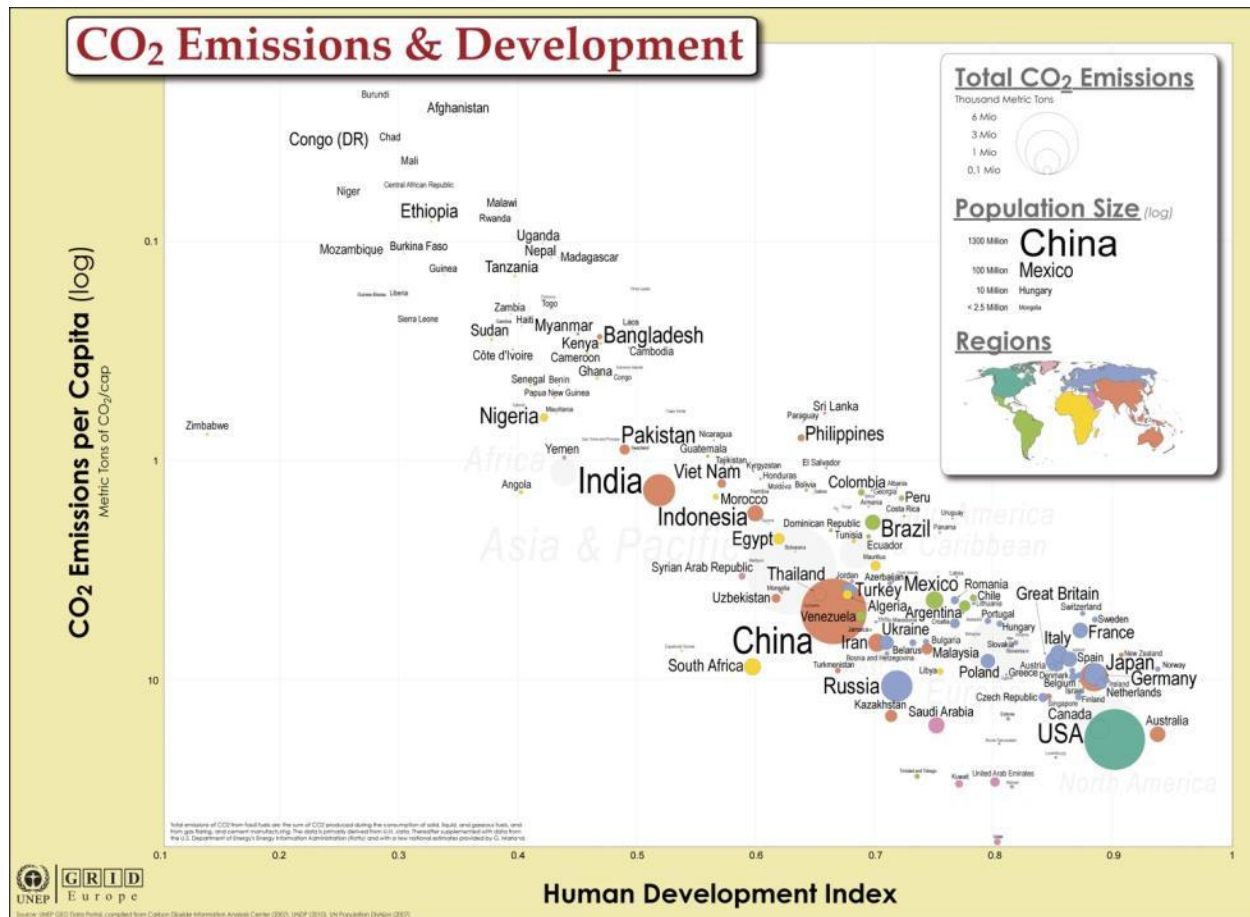


Figure 6. Human Development Index plotted against per capita emissions. The pattern and scale of the graph indicates that the two variables are log linearly related.

The bubble-like representation of countries in Figure 6 and neat territorial borders of Figure 5, however, suggest misleadingly that countries' economic development proceed independently of one another. A political economic analyses of the global social relations driving emissions points to an even starker concentration of responsibility for anthropogenic climate change, since a very significant portion of emissions in the developing world (including a significant

¹¹⁰ From UNEP 2014

proportion from China, the current largest emitter in yearly terms) are associated with consumption and/or capital accumulation in the historically high-emitting nations (especially the US and Europe). Figure 7, from Bergmann's numerical analysis of commodity and capital flows, helps illustrate the relational production of territorially-assigned emissions.¹¹¹

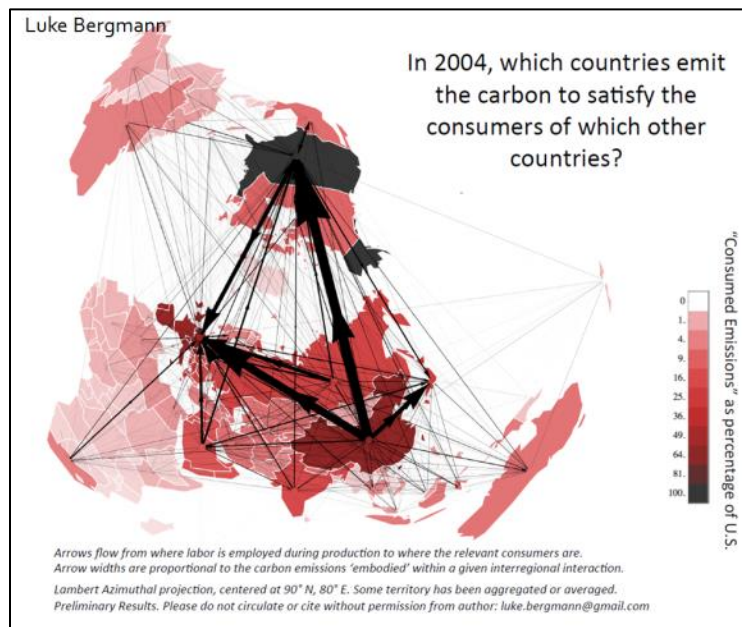


Figure 7a. Global economic flows of consumption associated with emissions; much of China's contribution, for instance, attends consumption in the US, Europe and Japan

¹¹¹ Bergmann 2013

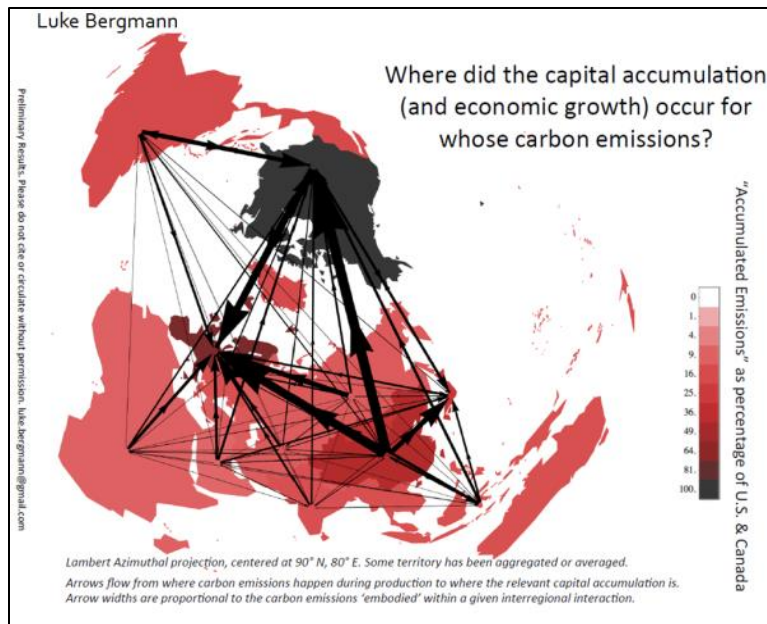


Figure 7b. Locations of capital accumulation associated with locations of emissions

What such startling global snapshots cannot communicate in terms of subnational differentiation and temporal process is also troubling, however, and crucial to fuller understanding of the multi-dimensional phenomenon of climate injustice.

First, at the scale of nations and urban areas, too, the poor, young, elderly, non-white, female and indigenous are more vulnerable to climate change impact.¹¹² These groups also emit generally – and often dramatically – less than their wealthy, white, male, adult neighbors and fellow citizens.¹¹³

Attention to subnational distributional effects also leads to recognition that poor and vulnerable groups live in disproportionately close proximity to the facilities where fossil fuels are produced, and are therefore disproportionately subject to the very local impacts on health and human development associated with workaday activity at those sites of production. Such

¹¹² See e.g. Adger et al. 2006, Terry 2009, Wildcat 2013

¹¹³ The international framing of climate justice risks eliding such subnational inequities. There is, as Gardiner puts it both “a Germany in China ... [and] something like a Pakistan or Bangladesh too.” Gardiner 2011, 320. Such internal variation, of course, is socially as well as spatially patterned, and endemic to most if not all national contexts.

“spillover effects”¹¹⁴ resulting from the higher than average exposure socially marginalized groups typically experience from polluting land uses at the upstream sources of eventual climate changing emissions are familiar. They resemble well-documented and theorized instances of environmental racism and injustice pervasive in the US and elsewhere.¹¹⁵

Climate change creates the conditions for a kind of spatio-temporal telescoping, however, co-locating the impacts of longer-term system-wide processes with the mundane local impact of a polluting industrial facility – which happens to represent an essential, place-bound link in the fossil fuel commodity chain. This occurs wherever communities adjacent to production facilities are also differentially affected by the climatic consequences of emissions, regardless of where they ultimately occur. Such a double dose is only at its most readily apparent when, for instance, poor communities on the Gulf Coast of the US, or in the refining neighborhoods around the port of Durban, are threatened by high-intensity storms and sea level rise.

While these patterns may be stark, the inverted geographies of responsibility for and vulnerability to climate harm can also be overlooked because of the temporal scope of many impact processes. Weather events at the dramatic intensity level of Hurricanes Katrina, Rita, and Sandi are, again, predicted to become more and more common as sea surface temperatures warm due to an anthropogenically intensified greenhouse effect. The damage they cause is visible, palpable and, although subject to early warning on the order of days, relatively sudden. On the other hand, in many other instances the pace and means by which the impacts of climate change on vulnerable human populations result in disease, dislocation, death, and dissolution of community or culture can be blindingly *slow* as well as confoundingly complex. Consider, for instance, sea level rise and island communities, or glacial retreat and water-threatened highland

¹¹⁴ Lazarus 2004

¹¹⁵ See e.g. Harvey 1996, Schlossberg 2007

populations. In this respect, climate change is similar to other means by which environmental devastation wreaks havoc today on the most vulnerable. It is one among several major levers of what Nixon calls the “slow violence” of contemporary global environmental injustice.¹¹⁶ The gradual, incremental, and systemic qualities that characterize such creeping social devastation contrast with the ready legibility of aggregate national emissions and standard economic indicators, rendering it less visible to and addressable within the shorter cycles of electoral politics and corporate accounting.

While undeniably complex, the layering of times, spaces, and socio-political contexts through which anthropogenic climate change gives rise to disparate impacts upon the most vulnerable and least responsible can nevertheless be described systematically. Gardiner, for instance, distinguishes among international, global, ecological, and intergenerational dimensions of climatic injustice, noting their combination in a “perfect moral storm” that makes a human tendency toward moral corruption extremely difficult to avoid by those in the position to act.¹¹⁷ Finally, he and others are at pains to note that a central aspect of the “super wicked problem” climate change constitutes¹¹⁸ is that the most responsible are also the most response-able, and that the very institutions and initiatives through which responses have been constructed to date, engender further challenges to justice.

Activism and advocacy for climate justice

¹¹⁶ Nixon 2011

¹¹⁷ Gardiner 2006, 2011

¹¹⁸ E.g. Levin et al. 2010

The intellectual and political outlines of climate change were being redrawn in accordance with such climatic, earth systemic, social, and human science analyses when the Copenhagen COP appeared on the horizon, offering the possibility of a new international policy framework,.

The preceding years had been marked by the ascendance of climate change to the status of major political issue, garnering increasing national and international interest. Al Gore's Nobel-prize winning *Inconvenient Truth* book, film and network of lecturers, Elizabeth Kolbert's *Field Notes from a Catastrophe*, and Mark Lynas' *Six Degrees* stoked increasing popular concern in the US and UK.¹¹⁹ Accompanying the 2007 release of IPCC AR4 – which gave unprecedented attention to the globally uneven impacts of climate change and the variable character of human adaptability – The Atlantic published Gregg Easterbrook's expose "Global Warming: Who loses—and who wins?" and The New York Times a pair of influential articles by Andrew Revkin on the international inequities of climate change.¹²⁰ Attention to some observers called "the climate gap" between rich and poor caught fire.¹²¹

Governmental will, too, peaked in the years preceding COP15, including the launch of US state and local initiatives, and networks linking subnational efforts both domestically and internationally.¹²² National and regional plans to "put a price on carbon" through market valuation or taxation emerged in the US, Canada, and Australia, following on the heels of the 2005 launch of the European Union's Emissions Trading Scheme.¹²³ Multiple interviewees described this period as a frenetic, and deeply hopeful, one. As one NGO worker put it, a unique "window of opportunity" for robust coordinated climate change response opened between 2005 and 2009 (see Chapter 5). The Danish hosts of the COP sought to mobilize this broadly felt

¹¹⁹ Gore 2006, Kolbert 2006, Lynas 2007

¹²⁰ Easterbrook 2007, Revkin 2007a, 2007b

¹²¹ Fischer 2009

¹²² See e.g. Betsill and Bulkeley 2004, Rice 2010

¹²³ See Paterson 2011

sense of possibility during the meetings, branding the conference “Hopenhagen” on ubiquitous billboards, kiosks and brochures throughout the city.

A variety of organized political responses to the justice dilemmas of climate change and its regulation, led principally by civil society actors, rode this tide of increasing public awareness and political energy as the COP approached. Since at least 2000, when social movement, NGO, and community representatives gathered during COP 6 in The Hague, critical replies to the emerging international framework of coordinated climate change response have been framed in terms of “climate justice.”¹²⁴ Throughout the following decade a nascent movement grew in scope and stature, its trajectory punctuated by moments of consolidation wherein shared positions and strategies were developed by representatives of organizations and peoples’ movements from across the globe, fusing the interests of environmental justice and alter-globalization activists with indigenous and peasant movements.¹²⁵

Major episodes in this trajectory included the formation and release of founding statements by the Durban Group for Climate Justice in 2004, Climate Justice Now! during the Bali COP in 2007, and Climate Justice Action, in the months preceding COP15.¹²⁶ These coalitions brought together the forces of more radical longstanding groups like Friends of the Earth, Indigenous Environmental Network, La Via Campesina, and the NAACP; national and international development networks and religious organizations; coalitions for debt forgiveness from across the Global South; thematically-focused watchdog groups; local, national, and international organizations dedicated to food, gender, social, and environmental justice; advocates for labor, indigenous, peasant, fisherfolk, forest-dwellers and broader human rights as well as biodiversity;

¹²⁴ See, e.g., CorpWatch 2000

¹²⁵ Mueller 2012

¹²⁶ See Newell 2005, Pettit 2004, Bond 2011 for discussion of the emergence of climate justice politics at the international level.

radical and less-radical think tanks; groups recently formed around climate justice itself; and the disenchanted former members of mainstream environmental NGOs.¹²⁷

The interventions of such networks and organizations have been guided by a transformational politics, analyzing climate change from the outset in terms of political economy, environmental and colonial histories, human rights, and corporate power. By COP15, climate debt and the Rights of Mother Earth had become prominent principles among those climate justice advocates and activists who gathered and spoke at KlimaForum and on the edges of the negotiations (see Chapter 7) (Figure 8).¹²⁸ Together with calls for “system change, not climate change,” marchers outside the COP carried signs reading “there is no Planet B,” and, simply, “Climate Justice Now!”

¹²⁷ The November 2010 list of Climate Justice Now! network members names nearly 800 such groups. See Climate Justice Now! 2010

¹²⁸ See also Chatterton et al. Antipode 2013

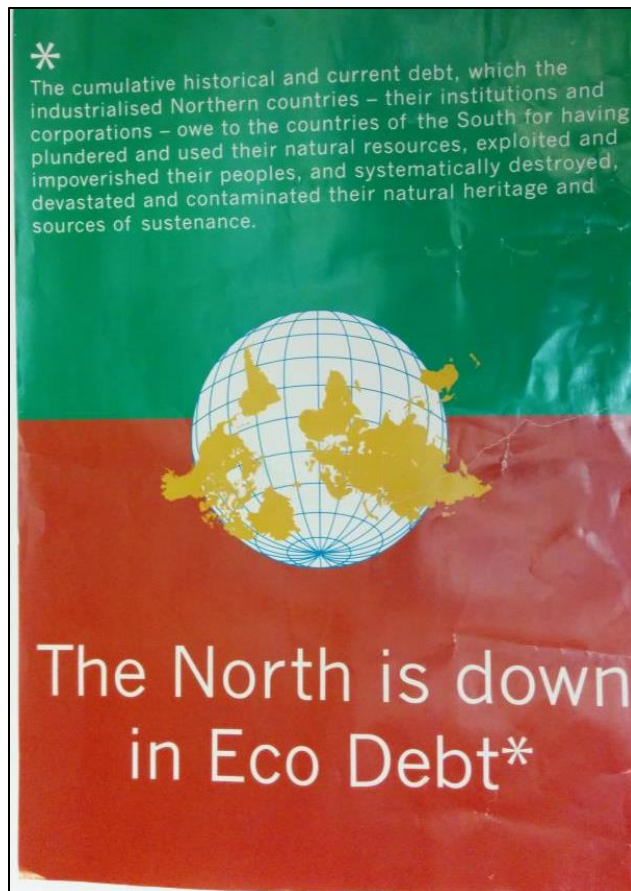


Figure 8. Ecological Debt poster from Copenhagen

Such a radical, if engaged politics¹²⁹ does not, however, exhaust the broader politics of climate justice. Establishment actors including Mary Robinson, who spoke first on the global day of action in Copenhagen (as quoted in Chapter 1), and Kofi Anan, whose campaign *Tck Tck Tck...Time for Climate Justice* was also prominent in Copenhagen and later, have played a prominent role. They link climate justice with international cooperation and a strong conception of the responsibilities developed nations hold to protect and further the realization of human rights globally, under threat from climate change. The Mary Robinson Foundation for Climate Justice, for instance, in partnership with World Resources Institute (WRI) launched a series of

¹²⁹ See Mueller 2012

“climate justice dialogues” in late 2011, bringing ‘key negotiating parties’ under the UNFCCC together in discussion outside the formal negotiation process.

Like more radical groups, these establishment actors emphasize the uneven-ness in historical responsibility for emissions, and the need for action on climate change by the Global North. In contrast, they tend less toward critique of the global political economy and the wider gamut of power relations.¹³⁰ The engagements of a range of groups could be situated somewhere between those poles. Professionals I interviewed in several international development networks, for instance, described working more pragmatically than radically, engaging “within the system,” to represent the interests of marginalized constituents and partners in the global south through their lobbying and institutional advocacy at the UN, in the US and the EU. “Climate justice,” as the signifier of an analytical orientation, a set of feasible and just solutions, and the means of achieving them is therefore malleable and often contested, even as it steadily gains currency.¹³¹

Still, many actors involved in the UNFCCC process studiously avoid reference to “justice” *per se*. Nevertheless, defining Equity, burden sharing, and Common But Differentiated Responsibilities (and Respective Capacities) – all related principles established under the convention – is widely recognized as the cornerstone upon which any future international agreement must be raised. These terms, and the more controversial notion of historical responsibility have stood at the center of international debates in Copenhagen and after (see Chapter 5).

More broadly, the principles associated with a range of climate justice positions have been important elements within climate change response outside the UNFCCC in recent years. These

¹³⁰ WRI, for instance has not shunned carbon markets as the members of CJN! have in their defining mission

¹³¹ See, for instance, discussion in Bond and Dorsey 2010 of “climate controversies and wedge issues” at play amongst variously aligned actors concerned with some version of climate justice. Bond and Dorsey 2010, 293-298

Such conflicts play out in real time and political space, for instance in CJN!’s tweet critiques of Robinson and WRI’s conceptualizations of climate justice issued to followers during COPs. Climate Justice Now! (@CJNatCOP) n.d.

include human rights, the right to development, and equitable approaches to climate change-related funding for developing countries. The Inuit Circumpolar Conference brought human rights and climate change together in formal legal analysis with its 2005 petition to the Inter-American Council on Human Rights. In 2009 the Maldives and other nations expanded legal argument for international cooperation against climate change as an international human rights obligation. These efforts (examined in Chapter 4) are but two among a wider panoply of legal mobilization in the face of climate change-related impact.¹³²

Rights and other principles of climate justice are informing debates in governance as well. UN Rapporteur on the Right to Food Oliver DeSchutter has been publicly vocal on the human rights impacts of climate change, for instance. UNDP and other major development institutions (including the World Bank) have also addressed the nexus of human rights and climate change. many advocacy groups place rights protections and international finance aligned with notions of historical responsibility at the center of lobbying in various regimes (see chapters 6, 7 and 9).

For others, lessons from the first decade of climate justice advocacy and activism, the perceived failure of international cooperation in particular, underscore imperatives to engage more deeply in communities, and broadly through social mobilization (see chapter 7, 8 and 9). As I demonstrate in the coming chapters, these varied principles and efforts, and the contexts in which they intervene confront or obscure issues of socio-spatial, socio-ecological and governmental separation in varying ways, with political and material consequences as well as implications for theory.

¹³² See Gloppen and St. Clair 2012

Chapter 4. Climate change and the violation of human rights:

Contesting the juridical visibility of socio-natural and spatial relations

Legal mobilization, institutions, and responsibility for Anthropocene harm

Legal norms and institutions have given shape to multiple, diverse efforts for climate justice. Among the first, the Inuit Circumpolar Council (ICC) petitioned the Inter-American Council on Human Rights (IACHR) in 2005, charging the United States with violations of human rights extending from its unregulated, plurality contribution to global greenhouse gas emissions.¹³³ The petition is widely considered to have heightened attention to the "human face of climate change" over the last decade, the expanding debate over impacted rights in particular.¹³⁴ In 2009 the government of the Maldives argued developed nations held responsibility for violations of its citizens' rights associated with climate change, as part of a study process conducted under the United Nations Human Rights Council (HRC).¹³⁵ Scholarly and policy interventions, institutional advocacy and social mobilization have amplified and extended these analyses of the human rights implications of climate change.¹³⁶

Beyond rights frameworks and framings, a set of actions brought in the US mobilizes the common law of nuisance in a series of "climate tort" claims.¹³⁷ These include the Alaskan Native Village of Kivalina's complaint against ExxonMobile and twenty-three other energy companies, denied *certiorari* by the US Supreme Court on appeal in 2013.¹³⁸ Finally, the

¹³³ Inuit Circumpolar Council 2005. At the time of the petition, The United States lead all nation states in yearly and cumulative historical emissions.

¹³⁴ See, e.g. Osofsky 2006, Humphreys 2010

¹³⁵ Government of the Maldives 2008

¹³⁶ e.g. Sachs 2008, Humphreys 2010, World Bank 2011, Mary Robinson Foundation - Climate Justice 2015; ActionAid et al. 2010; The Global Alliance for the Rights of Nature 2015

¹³⁷ See Averill 2010, Abate 2010

¹³⁸ See Shearer 2011; Todd 2013; Gloppen and St. Clair 2012 provide a summary review of such "climate lawfare" occurring in other national and transnational legal settings

construction of the United Nations Framework Convention on Climate Change (UNFCCC)¹³⁹ in terms inherited from prior multilateral environmental treaty agreements (the Montreal Protocol and the Convention on Persistent Organic Pollutants in particular) continues to invite legalistic interventions by states and non-governmental observer organizations.

Academic legal and socio-legal scholarship has just begun to emerge addressing these empirical developments.¹⁴⁰ Much more work is needed, however, to examine climate change responses in relation to a long tradition of critical social and political analysis that shows how legal language and institutions provide conduits through which social power is given form, consolidated, re-imagined and contested, and how these social processes necessarily produce and perform space.

On the one hand, law clearly tends to serve the interests of vested power. Marx, for instance, wrote of law as a primary superstructural organ of bourgeois social relations, through which the private ownership of the means of production was recognized, protected, and granted legitimacy by the state.¹⁴¹ Weber attributed the development of early modern law in Germany to the impetus to insure the uninterrupted spatial flow of capitalist trade, above other interests.¹⁴² More generally, codified law can be understood as a set of rules for resolving disputes, written and revised over time through successive legal contests such that the most frequently involved and well-resourced contestants overwhelmingly "come out ahead."¹⁴³

At the same time, though, the very longevity of legal rules, their situated origins, and the role they play in structuring exchange and other relations means that law also stands in more complex co-constitutive relation with wider social life. Marx's work demonstrates this

¹³⁹ UNFCCC 1992. See <http://unfccc.int/2860.php>

¹⁴⁰ See e.g. Shearer 2011, Osofsky and McAllister 2012, Gloppen and St. Clair 2012, Derman 2013, Herbert et al. 2013

¹⁴¹ See, e.g. Marx 1976, Marx 2004, Marx 2013 and analysis by Phillips 1980, Vincent 1993

¹⁴² Weber et al. 1954

¹⁴³ This phrasing is from Galanter 1974

“interactionist” model of law in society as well, as in his empirical analysis of the 18th Broumier.¹⁴⁴ Thompson's classic meditation on "The Rule of Law" sought to reconcile the readily-apparent, class-interested brutality of the Black Act with the British legal order's simultaneous role in *limiting* the exercise of power, and as an institutional and social basis for resistance.¹⁴⁵ That essay outlined several of the central concerns of contemporary socio-legal scholarship on the multi-faceted and contingent role of law in movements for social change.¹⁴⁶ Law is a form of social power, as Turk writes, and yet a significant portion of that power rests within the psyche of its subjects, and its crystallization in doctrine offers, at times, to outlast or cut against the interests that formed it.¹⁴⁷ "Legal language, like a song, can be hummed by someone who did not write it and changed by those for whom it was not intended," as Minow argues, and recognized rights offer resources for political upheaval as well as repression.¹⁴⁸

Toward whatever ends, moreover, law's social power is performed and made material *through* the control of space, be it urban neighborhood, national territory, or extra-jurisdictional enclave.¹⁴⁹ “Nomoi,” the possible social worlds recognized or extinguished by legal interpretation, are therefore made, refused and unmade to a significant degree pragmatically: as lines on the ground.¹⁵⁰ To Delaney, such official acts of world-making and destroying are best understood as formalized instances of more general classes: of *nomospheric* imaginings, performances, and projects. The “nomic,” for Delaney, encompasses a range of normative orders that might potentially command the official status and force of law, but that constitute a much wider universe of social forms including religious codes, workplace policies, and

¹⁴⁴ Marx 2008, the ‘interactionist’ characterization of Marx’s analysis is in Vincent 1993

¹⁴⁵ Thompson 1975

¹⁴⁶ e.g. Scheingold 1974, McCann 1994

¹⁴⁷ Turk 1976, Ewick and Silbey 1991, Thompson 1975

¹⁴⁸ Minow 1991, 310, quoted in McCann 1994, 283; Scheingold 1974

¹⁴⁹ Delaney et al 2001; Herbert 1997; Beckett and Herbert 2009; Mitchell 2003; Delaney 2010; Eldon 2009; Gregory 2011

¹⁵⁰ Cover 1983, Delaney 2010

informally recognized rights. Nomic social relations are necessarily spatialized (as “nomoscapes”) in their effects. “The nomospheric” suggests the world-making capacity of nomic impulses: their ability, given adequate conditions, to preclude other, contradictory normative orders, limiting or extending specific spatially operative relations of entitlement, obligation and exclusion. Such world-making is contingent and effortful, its achievement for whatever duration the culmination of political projects.¹⁵¹

Efforts to define relations of responsibility among humans and “environmental” forces across the globe amidst a changing climate are political projects with such world-making potential impact. Given the more-than-human complexities of climate change, the transnational connections it implicates, and the novel regulatory challenges it presents, these nomospheric projects entail specific commitments within each of the relational dimensions I foreground.

Critical literature on law, space, and social change suggests, therefore, that efforts of legal mobilization¹⁵² for climate justice be analyzed as aspects of larger social struggles to mediate the imminent, uneven impacts of global socio-ecological change. These draw upon codified as well as nascent norms of justice, and unavoidably implicate spatial (and other) forms of separation and connection. As such, the character of these efforts suggests the political import of those norms, and possible meanings of justice in relation to the uneven social geographies of the Anthropocene. Moreover, analyzing the outcomes of such efforts promises to clarify the operation of power and knowledge through legal institutions and interpretation, in the context of global ecological and economic ties and crises.

As I show in the following two chapters, official law indeed offers discursive and institutional settings for the nomospheric project of climate justice. However, the formal

¹⁵¹ Delaney 2010

¹⁵² Zemans 1983, McCann 1994

successes of such efforts are highly contingent: on the limited malleability of already codified legal language, subsequent moments of interpretation, and the influence of politically powerful actors. Thus, although advocates have cast Anthropocene ties of responsibility in legal argument, institutionally-powerful respondents have generally refused to recognize those ties, reifying instead presumptions of socio-spatial and socio-ecological separation.

The ICC and Maldives climate rights claims

Beyond their different geographic and historical origins, the Maldives and ICC efforts are distinct in several notable ways. The ICC petition was presented to the Inter-American Commission on Human rights (IACHR), a regional forum for the evaluation of human rights claims under the aegis of the Organization of American States (OAS), separate from the OAS's adjudicating body, the Inter-American Court of Human Rights. The petition articulates the claims of the ICC, a transnational coalition of tribal authorities, against the United States federal government. It charges the latter with violations of human rights associated with the impacts of climate change resulting from the continued unregulated release of greenhouse gases. The ICC effort has been characterized as blending established categories of international law, with the aim of “initiating dialogue” rather than winning an enforceable judgment, which would supersede the mandate of the IACHR.¹⁵³ A notable aspect of the petition is the plentiful inclusion of photographs of arctic people and landscapes, figures visualizing scientific data and concepts, and excerpts from interviews conducted with several of the named claimants.

The Maldives effort, on the other hand, has proceeded largely through the normal procedures of the HRC and the UN Office of the High Commissioner for Human Rights (OHCHR), with the stated goal of formal recognition in, and compliance under, a future

¹⁵³ Osofsky 2006, Chapman 2010

UNFCCC treaty. The Maldives submission to the drafting process of OHCHR Report 10/24 on Human Rights and Climate Change was the central component in a larger effort led by that nation in cooperation with other members of the Small Island Developing States (SIDS), a bloc of UN member countries, which also garnered media support from transnational NGOs. The collaborative effort, which grew out of longstanding concern over climate impacts among the SIDS group, took formal shape with the Malé Declaration in 2007. That document began a process to influence the successor agreement to the Kyoto Protocol in order to better address the extreme vulnerability of the low lying islands, framing the latter in terms of implications for internationally recognized human rights. In pursuit of these aims, the Maldives proposed HRC Resolution 7/24, which requested a formal study by the OHCHR of the rights implications of climate change. The proposal passed unanimously, and several member countries submitted briefs as part of the ensuing study. Those country submissions were jointly summarized in the OHCHR Report.¹⁵⁴

The scope and variety of recognized rights involved in the two claims differs considerably. The ICC links climate impacts in the Arctic with rights recognized in the OAS Rights and Duties of Man, including self-determination, the use and enjoyment of traditional lands, personal property, health, life, physical integrity and security, subsistence, residence, movement, and the inviolability of the home. It places these in the context of prior supporting decisions of the Inter-American Court and the *Indigenous and Tribal Peoples Convention* of 1989 (International Labor Organization, or ILO, 169). The Maldives HRC submission identifies a long list of individual rights associated with the full range of international human rights conventions.

Despite such differences, the ICC and Maldives' arguments are similar in that they both

¹⁵⁴ See Knox 2009, Limon 2009 for summaries of the study process, including the final report

rest upon the legal legibility of ties linking “environmental” change with human action, and relations of social responsibility spanning vast distances and politically divided spaces.

Socio-ecological and socio-spatial connections as ties of legal responsibility

Linking "environmental" stability with the realization of legal human rights is fundamental to the two claims, and presumably to any climate rights claim. Articulating those linkages therefore constitutes much of the argumentative work of the ICC and Maldives documents. Both support legal analysis with extensive summary of climate science and local knowledge. The latter plays a crucial connective role: articulating ongoing and predicted climate change with the specific socio-ecological conjunctures of vulnerability and impact in particular communities and places, as these jeopardize recognized rights.

A pronounced emphasis on culture in the ICC petition grounds its rights claims in relation to the *Declaration*,¹⁵⁵ ILO 169, and prior rulings of Inter-American Court involving indigenous peoples and environmental harms. The petition links change in the Arctic with the violation of human rights through a detailed accounting of its constituency’s material reliance on stable ecological conditions and the centrality of traditional ecological knowledge for the culturally-central social practices it supports.

The ICC first methodically demonstrates the validity and importance of traditional knowledge (*Inuit Qaujimajatuqangit*, or IQ) for the maintenance of Inuit culture and livelihood. Crucially, IQ encodes sophisticated understanding of weather, climate, and the ecological conditions they influence, which are in turn described as fundamental to Inuit practices of

¹⁵⁵ Culture occupies a place of privilege in the Declaration, where it is touted as the object of humanity’s highest aspiration and therefore worthy of the most energetic protection.

hunting, travel, and shelter. These practices are essential to the maintenance of community, health, and intergenerational cohesion. Summarizing these specifically Inuit imbrications of ecology and society, the petition then argues: “[t]he life and culture of the Inuit are completely dependent on the Arctic environment.”¹⁵⁶ The *Petition* synthesizes the testimony of community elders, who bear particular responsibility for the transmission of IQ, together with “western” scientific findings to substantiate its core claim that “[g]lobal warming harms every aspect of Inuit life and culture.”¹⁵⁷ Accordingly, because “the United States is the world’s largest contributor to global warming,”¹⁵⁸ and by virtue of US acts and omissions neglecting and obstructing the regulation of greenhouse gases in breach of its legal obligations,¹⁵⁹ the ICC argues: “[t]he effects of global warming constitute violations of Inuit human rights, for which the United States is responsible.”¹⁶⁰

In a parallel linking of science and codified rights by way of local knowledge, the Maldives’ Submission to the HRC documents the fragility of that nation’s social and economic welfare, and its very sovereignty, in the face of climate change. These are seen to depend upon the maintenance of territory and resources within the county’s low-lying atoll islands, which are gradually but inexorably being lost to rising seas. The Submission provides a detailed analysis of the social consequences of climate impacts specific to the Maldivian context, using these to facilitate a mapping of current and future climate change impacts identified by the IPCC onto specific rights and international legal instruments, shown in Table 1

¹⁵⁶ Inuit Circumpolar Council 2005, i, 13

¹⁵⁷ *Ibid*, ii, 35

¹⁵⁸ *Ibid*, iii, 68. At the time of the petition’s drafting, the US was the largest emitter state by historical, per capita, and gross annual measures. The latter distinction is now China’s.

¹⁵⁹ The ICC’s claim is also based on analysis of US climate policy and the role of that country in international climate regulation.

¹⁶⁰ *Ibid*, iii, 70

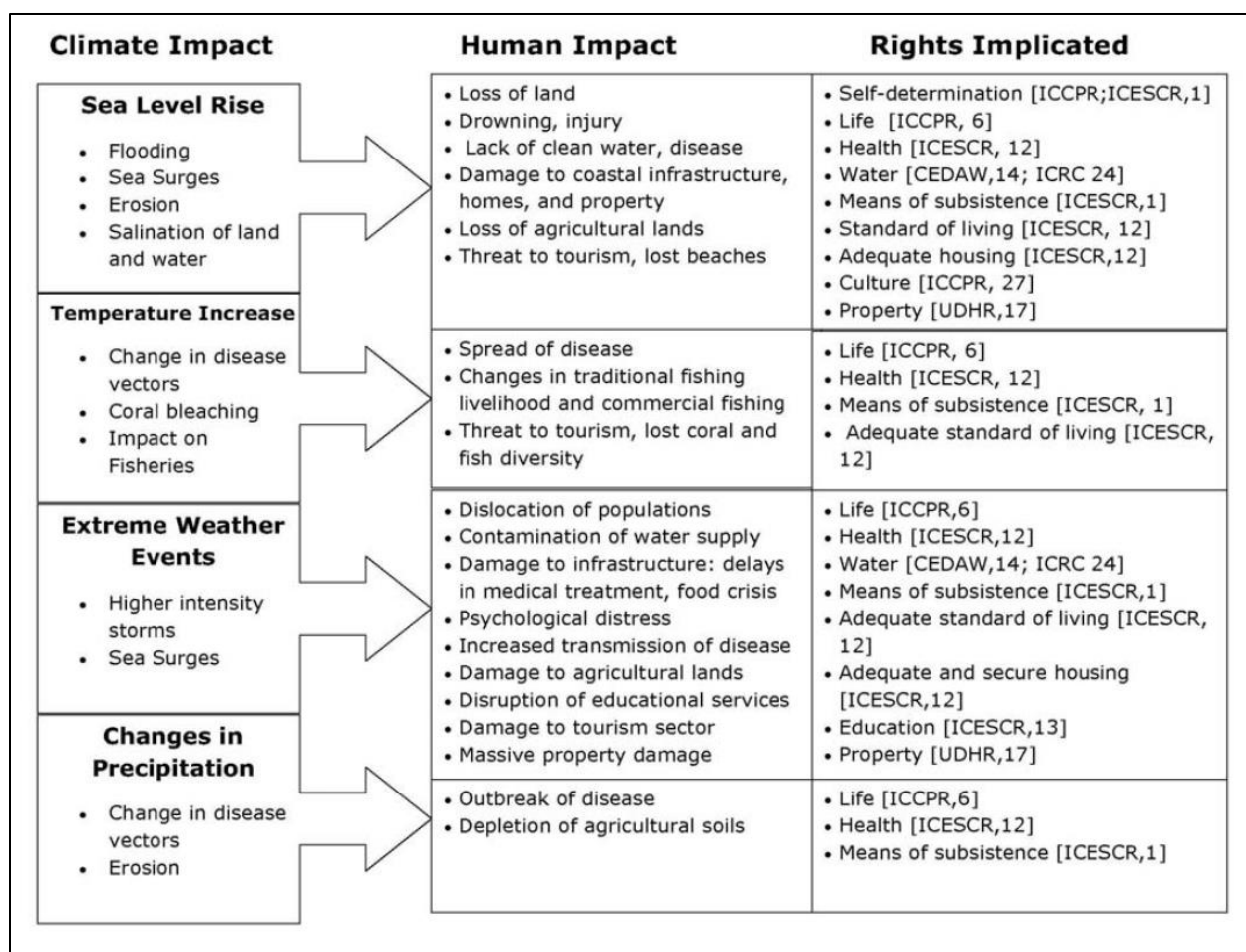


Figure 1. The Maldives summary chart illustrating the mapping of climate change impacts from IPCC reports onto human impacts and related international rights provisions implicated¹⁶¹

While four broad categories of climate impacts are considered in the submission, each of the numerous rights they implicate is analyzed in dependent relation to Maldivian nationality and statehood, such that the specter of territorial erasure posed by the rising ocean ultimately threatens every right Maldivians hold under international law:

In the long-term, unchecked sea-level rise will inundate the whole of the Maldives. The extinction of their State would violate the fundamental right of

¹⁶¹ Government of the Maldives 2008, 18

Maldivians to possess nationality and the right of the Maldives people to self-determination. Without land or State, the most basic rights to life, liberty, and security of person, to possess property, to work and to leisure, to an adequate standard of living, to participate in the cultural life of the community, cannot be realized. The loss of land and State renders all other rights, political and civil as well as economic, cultural, and social rights, unattainable.¹⁶²

Just as the production of anthropogenic climate change illustrates the transfer of consequential action from “social” to “environmental” systems, the Maldives and ICC claims rest on the substantiation of constitutive socio-ecological ties through which causality proceeds still further: the mechanisms of anthropogenic climate harms pass from the social to the biophysical and back again. Significantly, understanding the final transformation as the violation of rights implies acknowledging the “environmental” basis of many if not all human rights.

A second requisite in claims of legal responsibility for climate change-related harm pertains to the linking of emitters and affected people, who may be separated spatially by national borders and physical distances of global proportion, and temporally by many generations.¹⁶³ To trace responsibility across this spatio-temporal expanse, the ICC Petition mobilizes well-supported and disseminated scientific findings, including reports published by the US government itself. The ICC includes explication of anthropogenic intensification of the greenhouse effect, illustrating that “[g]lobal warming is caused by human activity.”¹⁶⁴ Given the persistence of carbon in the atmosphere and the temporal lag that characterizes its impacts on the Earth’s climate system, the ICC shows, the great bulk of warming and resulting ecological

¹⁶² Ibid, 21

¹⁶³ See Gardiner 2011

¹⁶⁴ Inuit Circumpolar Council 2005, i, 27

impacts to date can be associated with the US' plurality of historical emissions. Summarizing relevant findings, the petition argues: "U.S. greenhouse gas emissions between 1850 and 2000 are responsible for 0.18°C (30%) of the observed temperature increase of 0.6°C during that period,¹⁶⁵" a share that significantly outstrips any other single nation and the European Union as a whole. Finally, the Inuit are affected by US emissions by virtue of the global distribution of climate change impact, and particularly so, since, as a raft of scientific findings illustrate, "[g]lobal warming is most severe in the Arctic.¹⁶⁶" According to the petition, then, as a signatory to the *Declaration* and in the context of the global reach of harms associated with its emissions, the US federal government, however removed in Cartesian space from the scattered arctic villages of claimants, "violates the human rights of the Inuit."¹⁶⁷

The Maldives makes its own argument for legal responsibility across global space, finding support for extraterritorial obligations in prior interpretation of recognized rights. As outlined in the Submission, international obligations extend from the Right to Self-determination under the ICCPR and the "Duty to Cooperate to Achieve the Full Realization of Rights" under the ICESCR.

The Maldives interprets commentary on and interpretations of the ICCPR's Right to Self-determination to obligate signatories to respect and promote the rights of citizens of other states, and beyond their borders, inasmuch as territorial sovereignty figures in the achievement of self-determination. Accordingly, these obligations imply that states are legally required to mitigate greenhouse gas emission to scientifically-agreed safe levels, and that appropriate targets should be legally mandated under the UNFCCC.¹⁶⁸ Here the Maldives again bases its argument in part

¹⁶⁵ Ibid, 68-69

¹⁶⁶ Ibid, 33

¹⁶⁷ Ibid, v,103

¹⁶⁸ Government of the Maldives 2008, 39-41

on physical geography, referencing its low-lying island configuration and a territorial conception of statehood as the basis for the extra-territorial obligations of high-emitting nations. The ICCPR Right to Self-Determination thus provides a means of negotiating the legal obstacles against spatially-extensive relations of responsibility for rights protections: it gives those relations legal grounding as relations among states, and points directly to the international system for redress.

Drawing on the ICESCR, the Maldives Submission highlights provisions specifying that states “take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of [their] available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant...”¹⁶⁹ Further, according to ICESCR Committee interpretation, “[t]he economically developed States parties have a special responsibility and interest to assist the poorer developing States...”¹⁷⁰ The Maldives therefore argues that “[c]limate change, because of its trans-boundary nature and the acute threat it poses to economic, social, and cultural rights among vulnerable populations, is an issue that implicates the responsibility of all State parties to cooperate.”¹⁷¹ It specifies corresponding duties of states and the international community, including mitigating greenhouse gas emissions, adhering by the obligations of climate change agreements, and providing aid for adaptation efforts in the Maldives and elsewhere.

Finally, the Maldives specifies that customary international human rights law and the UNFCCC process should inform the actions of the international community. It notes that “customary law emphasizes the protection of human dignity, without limitations based on

¹⁶⁹ International Covenant of Social, Economic and Cultural Rights, Article 2, quoted in Government of the Maldives, 76

¹⁷⁰ Committee on Economic, Social and Cultural Rights General Comment 14, 2000, quoted in Government of the Maldives, 77

¹⁷¹ Government of the Maldives, 77

nationality.”¹⁷² Further, citing principles of non-discrimination and responsibility to protect, the Maldives argues that customary law demands that developed nations bear responsibility for emissions within their borders inasmuch as those emissions impinge on human rights, “regardless of the location of the beneficiaries of those rights.”¹⁷³ The submission describes the UNFCCC and its Kyoto Protocol as offering a “good preliminary framework”¹⁷⁴ for cooperative action through which states might meet their legal obligations for climate protections. It lauds specific principles and provisions of the convention including Common but Differentiated Responsibilities (CBDR), the precautionary principle, mitigation targets for developed countries, the requirement of technical and adaptation assistance, and the designation of particularly vulnerable Least Developed Countries (LDCs) as deserving of special consideration. Finally, the text notes that several states stand in breach of their Kyoto commitments, and that unintended threats to rights exist in connection with spatially-distributed mitigation efforts such as the Protocol’s Clean Development Mechanism (CDM).¹⁷⁵

As these brief excerpts show, the ICC and Maldives’ claims deploy legal, scientific, and local knowledge to trace the socio-ecological and socio-spatial ties that link emitters and distant affected groups in the processes of climate change-related harm. They cast concerns of climatic injustice in the formal discourse of legal rights, linking them with related institutional settings and mechanisms of redress, and with the broader context of liberal cosmopolitan norms and values.¹⁷⁶

Formal responses to the Maldives and ICC claims

¹⁷² Ibid, 78

¹⁷³ Ibid, 79

¹⁷⁴ Ibid, 81

¹⁷⁵ Ibid, 79-82

¹⁷⁶ On normative paradigms as linked but differentiable from the legal framing of human rights as the two pertain to the spatio-temporal challenges posed by the climate change, see Bell 2011, 2013

From the perspectives articulated in the ICC and Maldives' texts, ongoing and impending consequences of climate change for vulnerable places and populations are readily recognizable as infringements on the realization of human rights. In the years following those claims, these impacts have only become clearer, and more frequently described in the language of human rights. As one analyst observed, by 2010 it was “*axiomatic* that the climate impacts documented by the Intergovernmental Panel on Climate Change are likely to undermine the realisation of a range of protected human rights.”¹⁷⁷ The classification of these impacts as *violations*, however – which would imply assigning specific actors legal responsibility for climate harms – remains contentious.¹⁷⁸ Key reasons for this include institutional and epistemological hurdles associated with the socio-ecological and socio-spatial connections upon which climate rights claims rest.¹⁷⁹ While the Maldives and ICC claims have arguably made meaningful impact in broader political terms,¹⁸⁰ their impress in the legal bases of climate change regulation has been notably limited.¹⁸¹ Tellingly, official responses to both claims included direct challenges of the two forms of necessary connection just reviewed.

The Inter-American Commission on Human Rights responded to the ICC petition with a brief letter stating simply that “...the information provided [in the petition] does not enable us to determine whether the alleged facts would tend to characterize a violation of rights protected by

¹⁷⁷ Rajamani 2010, 391, my emphasis

¹⁷⁸ See, for instance, Bodansky's 2010 skeptical appraisal of this proposition in the context of a journal issue devoted to the larger theme of international human rights and climate change.

¹⁷⁹ While this terminology is mine, the logic of refusal along these lines is evident, for instance, in Bodansky 2010, as it was in Posner 2007

¹⁸⁰ See Osofsky 2006, De Schutter 2012. One interviewee involved in the Maldivian effort contended “If you don't have a situation where the most marginalized and the most vulnerable have an opportunity to account for their experience then you have a process that does not work for vulnerable or marginalized communities; you have a process that is subject to elite capture ... [H]uman rights argument provides greater weight and a greater role for countries like the Maldives, or for people like the Inuit to come in, account for their experience, and shape the outcomes to suit their needs. And that was actually very successful. It is remarkable that in a room consisting of only 20 countries at Copenhagen, the Maldives was in that room and the European Union was not. And the only reason the Maldives was in that room was because of our human rights work.”

¹⁸¹ see, e.g. Johl and Dyck 2012

the American Declaration.¹⁸² Petitioners' representatives subsequently requested a hearing before the Commission to explicate the nexus of climate change and human rights more fully. The hearing, which took place in 2007, offered indications of the commissioners' views on the challenges socio-ecological and -spatial connections pose for attributions of legal responsibility (see below). No other formal response to the ICC claim has been offered: the IACHR has not responded further to the petition, and the US has issued no statement.

Major facets of the Maldives argument were softened or rejected when their Submission entered the joint drafting process which resulted in the OHCHR Report on Human Rights and Climate Change.¹⁸³ The subsequent HRC Resolution 10/4, summarizing the report's content prior to UNFCCC COP15, moderated its claims still further.¹⁸⁴ Moreover, the Maldives bid to influence the UNFCCC toward an ambitious agreement based in part on concern for human rights at that COP did not prevail over the less than favorable responses of developed country parties. The latter included the US, which beginning in Copenhagen, succeeding in pursuing a very different vision of legal obligation in climate governance, as I discuss in the following chapter.

From both the IACHR hearing and the OHCHR Report it is clear that the attribution of legal causal connection between the actions of emitters and climate-related harms experienced by affected people is troubled by the transfer of those actions through "environmental" processes. Commissioner Victor Abramovich raised the issue at the IACHR hearing, in a call for:¹⁸⁵

...clarification about how there can be a relationship — not just any relationship, a legal relationship, a relationship of responsibility — of the states

¹⁸² Dulitzky, 2006

¹⁸³ See OHCHR 2009

¹⁸⁴ HRC 2009, see commentary in Knox 2009

¹⁸⁵ Quoted in Chapman 2010, 38, emphasis mine. The full hearing is available at http://www.oas.org/OASpage/videosasf/2007/03/CIDH_1.wmv

for violations of the rights that [the ICC] very clearly described....

[I]n all cases ... considered by the Inter-American system, there have existed *direct actions* ... or the failure to act by the state in the face of a *concrete situation*, for example ... forestry in an indigenous territory.

This question of “legally sufficient causation” remained the least well-resolved of the Commissioners’ concerns at the hearing’s close.¹⁸⁶ Similar concerns surfaced in the OHCHR report, albeit amidst a more general acknowledgement of the implications climate change entails for the enjoyment of rights.

Indeed, several themes developed throughout the Report clearly suggest the influence of the Maldives’ and other pro-rights country submissions. Most notably, the Report acknowledges that climate change poses “implications for the enjoyment of” a wide range of human rights, and argues that those threats imply that human rights law indeed places duties on states to respond, particularly through “international cooperation.”¹⁸⁷ The Report includes subsections devoted to implications on rights to life, food, water, adequate housing, and self-determination. It also notes differential impacts in relation to the rights of women, children and indigenous peoples, and flags the potential for rights implications due to displacement, conflict, compromised security, and as results of response measures. In explicating each of these themes, the Report offers a new level of institutional affirmation for understanding climate change impacts in terms of human rights.

As in the ICC’s IACHR hearing, however, significant doubts surfaced in the OHCHR Report about causality in connection with more-than-human processes, and the particular complexities of climate-environment-society connections. Those doubts, together with the prospective character of the worst potential climate harms appear to have marked an analytical

¹⁸⁶ See also Chapman 2010, 38

¹⁸⁷ This and similar language is used throughout OHCHR 2009, especially at 7 - 23. See also John Knox’s succinct summary of the Report, reading it partially as a response to the Maldives’ submission. Knox 2009, especially pg. 477

boundary, for the drafting parties, between classifying climate change as posing “implications for” and constituting “violations of” human rights. As the report argues:¹⁸⁸

While climate change has obvious implications for the enjoyment of human rights, it is less obvious whether, and to what extent, such effects can be qualified as human rights violations in a strict legal sense. Qualifying the effects of climate change as human rights violations poses a series of difficulties. First, it is virtually impossible to disentangle the complex causal relationships linking historical greenhouse gas emissions of a particular country with a specific climate change-related effect, let alone with the range of direct and indirect implications for human rights. Second, global warming is often one of several contributing factors to climate change-related effects, such as hurricanes, environmental degradation and water stress. Accordingly, it is often impossible to establish the extent to which a concrete climate change-related event with implications for human rights is attributable to global warming. Third, adverse effects of global warming are often projections about future impacts, whereas human rights violations are normally established after the harm has occurred.

The jointly-approved report is thus significantly more circumspect about attribution of responsibility for climate-related rights impacts than was the Maldives’ submission. The same can be said for its analysis of international obligations.

The OHCHR Report delineates numerous specific *national level* obligations associated with the recognized duty of states to pursue “progressive realization of economic, social and cultural rights” and seek to promote “access to information and participation in decision-making,” counseling states to incorporate rights as “guiding principles for policy-making” regarding climate change.¹⁸⁹ It lacks a nearly commensurate discussion, however, of international obligations. Rather, it defers specification of such to the UNFCCC, arguing in conclusion, that: “international human rights law *complements* the United Nations Framework Convention on Climate Change.”¹⁹⁰

The report does work to ground the obligation of states to international cooperation in

¹⁸⁸ OHCHR 2009, 20

¹⁸⁹ Ibid, 24-27

¹⁹⁰ Ibid, 26, emphasis added

multiple legal sources, and follows the Maldives in noting commentary on the CESCR which specifies that developed countries have “particular responsibility and interest to assist the poorer developing States.”¹⁹¹ The report also states that, “[w]hile there is no clear precedence to follow, it is clear that insofar as climate change poses a threat to the right of peoples to self-determination, States have a duty to take positive action, individually and jointly, to address and avert this threat (13).” It thereby implies some connection between predicted impacts and rights protections, possibly in deference to the Maldives’ strong interpretation of the right to self-determination. It does not, however, return to this theme in enumerating or summarizing states’ extraterritorial obligations, nor does it link the protection of self-determination in any way with mitigation.¹⁹²

The OHCHR report’s construction – through consensus summary of all national submissions – enables a consideration of different countries’ conceptions of human rights and climate change, and of the imprint of those conceptions on the final text. For instance, the wording of the excerpt quoted above, on the difficulty of comprehending climate impacts as rights violations, closely follows that of similar argumentation in the US’ submission to the study.¹⁹³ More generally, the report resonates with the skepticism voiced in the US Submission regarding the appropriateness of adopting a human rights framework in addressing climate change.

In addition to concerns about the “complexity” of mechanisms giving rise to the human impacts of climate change, the US submission included two other forcefully argued legal positions. First, it seeks to demonstrate at some length that “the view that an environment-

¹⁹¹ Ibid, 24

¹⁹² Defined, following the convention in climate change policy as reducing greenhouse gas emissions, thereby addressing the cause of sea level rise, for instance.

¹⁹³ Government of the United States 2008, discussed below. Cf Knox 2009

related human right exists ...does not have a basis in international law.”¹⁹⁴ That view was expressed in other national submissions, including quite prominently by the Maldives’, and is enshrined in some 60 national constitutions amidst growing support (and controversy) in international tribunals.¹⁹⁵ Rejection of environment-related rights, of course, undercuts any consideration of harms involving ecological effects associated with climate impact as rights violations. Second, the US argued for a more general understanding of human rights as the responsibility of states to citizens *within* their borders.¹⁹⁶

This section has shown, therefore, how the socio-ecological and socio-spatial relations underpinning climate-related harms have provided the central focus for formal rejections of the Maldives’ and ICC’s rights-based arguments for legal climate justice.¹⁹⁷

Interpreting formal responses

Thus, if the language of law – when methodically linked with science and local knowledge – can be used to define the impacts of climate change as violations of rights with associated obligations across borders, it can also foreclose such meanings and connections. These competing understandings of the rights and responsibilities relevant to the uneven production and impact of anthropogenic climate change are instances among others of contestation in legal discourse of relational ties across space and within socio-natures. At stake are not only the duties associated with those ties, but their very visibility within juridical purview. Grist for the disputes summarized above includes the prior body of law as well as the process of climate change

¹⁹⁴ Government of the United States 2008, 3

¹⁹⁵ May and Daly, 2011

¹⁹⁶ Government of the United States 2008, 6

¹⁹⁷ Such legal interpretive *disconnections* are consequential beyond the human rights framework as well. For instance, similar objections to traceability, and concerns of extra-jurisdictional causes, motivated the US 9th Circuit Court’s dismissal of Kivalina’s climate tort claim. See *Native Village of Kivalina v. ExxonMobil Corp.* Cf. Averill 2010.

impact, as it is progressively revealed through accumulating physical science, traditional knowledge, political economy, history, testimony, and everyday experience. The more rapid evolutions in understanding of Anthropocene socio-ecological relations these perspectives offer up sit uneasily beside the commitments of the legal frameworks which predate them. It is in this respect unsurprising that formal responses to the ICC and Maldives legal analyses have not effectively recognized the socio-ecological and -spatial connections on which they rest. It is, however, worth interrogating the commitments by which legal reason in these instances supported the refusal of connection, and the ways in which its having done so is linked with political interest and consequence.

The nomothetic traces of formal law, while contingent in their origins, nevertheless aspire to universal, exclusive, and enduring relevance.¹⁹⁸ Among the primary means by which this continuity is affected is the grounding of contemporary interpretation in foundational texts and the records of prior interpretive acts. In practice this grounding depends to a significant degree on the exclusive recognition and mobilization of prior recognized categories.¹⁹⁹ The entities these categories delineate, and the definite relations acknowledged among them, thereby form a more or less finite ontology and a disciplined epistemology of legal reason. The textualism and territorialism (to use Delaney's favored terms) through which law's traces are reified in the face of emerging knowledge therefore pose distinct limitations on their use in redressing social injustices associated with novel situations, or perceptible via novel, extra-legal perspectives. Inasmuch as legal interpretation has material consequences, then, these attach quite directly to its definitional commitments; as Jones argues: "categories do not simply mimetically represent the

¹⁹⁸ Delaney 2010, Merry 2006, 103

¹⁹⁹ Blomley 2008

world but instead simultaneously *create it* and *limit it*.”²⁰⁰ As the instance of climate change rights claims illustrates, world-making in accordance with the categories of law is unavoidably political in its consequences: there are “winners and losers” from anthropogenic climate change, the disparities between which law may elide or play a role in moderating. Thus, legal reason conforms neatly with Popke’s broader argument that “analytical stances are themselves performative ... helping to gather up and constitute the social as a potential site of ethical responsibility and political efficacy.”²⁰¹ In this discussion of the formal responses to the ICC and Maldives climate rights claims, I therefor highlight the contingent character of the analyses that have limited the impact of those claims, as well as the political agency with which those analyses are enmeshed.

Appeals to complexity

Notions of ‘complexity’ have been discursively central in legal debate over responsibility for the consequences of climate change. When used to circumscribe the limits of judgment, as in the instance quoted above from the OHCHR Report on human rights and climate change, reference to complexity marks points of friction at the interface between the legal and other ways of knowing, as these each differently apprehend the socio-natural processes by which anthropogenic climate change arises and impacts human communities. While harm associated with climate change can undoubtedly be “complex,” in the literal sense that it can result from multiple identifiable and interacting elements, its mechanisms and contributing factors are also increasingly well characterized, as analyses ranging from atmospheric modeling and emissions accounting to land change analyses and case studies in affected communities attest. This comprehensibility underpins the more progressive analyses of attribution increasingly common

²⁰⁰ Jones 2009, pg. 177, emphasis in original

²⁰¹ Popke 2008, 85

in policy, journalistic and political discourse.

In the OHCHR's appeal to complexity, three aspects of socio-ecological process appear particularly problematic for legal reason: the aggregative, probabilistic, and futuristic dimensions of climatic harm (each discussed briefly in Chapter 3).²⁰² The aggregative character of climate harms supports objections to strong legal responsibility because the acts of any one emitter are combined in their effects on the climate system (and ultimately on individual places and people) with those of every other emitter. Thus the Report's concern quoted above about "linking historical greenhouse gas emissions *of a particular country* with a specific climate change-related effect."²⁰³

The probabilistic dimension of climatic harm is the subject of the OHCHR's second concern, that "global warming is often one of several factors to climate change-related effects, such as hurricanes, environmental degradation, and water stress."²⁰⁴ That is, the association of an individual instance of one of these event classes with climatic change (with anthropogenic climate change specifically, to be more precise) is probabilistic rather than deterministic.

Finally, the legal challenge posed by the futurity of climate harm extends from epistemological contradiction, in that "adverse effects of global warming are often projections about future impacts,"²⁰⁵ while judgments about human rights violations typically entail retrospective analysis. This seeming mismatch is actually a consequence of the very

²⁰² I introduce the discussion here with reference to this particular instance of legal reasoning about climate harm, given the context provided by the foregoing discussion of human rights-based arguments. Concerns related to the themes I refer to as aggregation, probabilism and futurity appear widely, however, in discussions of legal responsibility for climate-related harms, including those considering legal frameworks other than human rights. For further discussion of related challenges in human rights-based approaches in particular, see, for instance, Bodansky (2010) and Humphreys (2010). Looking beyond the legal context associated with human rights doctrine, the Ninth US District Court's dismissal of *Kivalina vs. ExxonMobil*, while nominally based in Political Question Doctrine ("a species of the separation of powers"), includes discussion of aggregation and probabilism, as well as issues related to international socio-spatial connection discussed below. See *Native Village of Kivalina v. ExxonMobil Corp* and Herbert et al 2013

²⁰³ OHCHR 2009, 20, emphasis added

²⁰⁴ Ibid, 20

²⁰⁵ Ibid, 20

predictability inherent in climate and environmental systems as opposed, generally, to human ones.

As the first OHCHR quote in this section suggests, aggregative and probabilistic aspects of complexity can be lumped together in broadly constructed argument against the traceability of climate-related harm. They are more productively analyzed independently, however. Doing so illustrates that, while apparently problematic for some legal analyses of causation, from scientific and economic perspectives current in policy discussions atmospherically *aggregated* contributions to climate harm are readily quantifiable and assignable. In those same discussions, attribution in light of the *probabilistic* character of climate harm is not so well settled, although it is a prominent area of current research and debate.²⁰⁶ For many journalistic observers and thought leaders in civil society, the probabilistic relationship between climate change and threats from severe weather or longer-term ecological stressors do not appear to pose significant hurdles in assigning responsibility.

Thus, for instance, Knox's response to the OHCHR claim of the virtual impossibility of "disentangl[ing] the complex causal relationships"²⁰⁷ between emissions and human rights impacts distant in space and time, like the testimony of those representing the ICC before the IACHR, drew upon methods of allocating responsibility for global emissions that already then enjoyed wide currency in climate policy settings. Knox explains that, contrary to the OHCHR's implication:²⁰⁸

It is not necessary to link the emissions of a particular state to a particular harm in order to assign responsibility for the harm; since all greenhouse gases

²⁰⁶ Consider, on the one hand, the 2012 report of the IPCC on "Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation," and on the other hand, ongoing discussion within the UNFCCC of "loss and damage" associated with climate change. An initial framework through which to eventually deliver compensation for the latter was agreed in 2013. See, respectively IPCC 2012 and UNFCCC 2013

²⁰⁷ OHCHR 2009, 20, quoted at length on page X above.

²⁰⁸ Knox 2009, 489

contribute to climate change, wherever they are released, responsibility could be allocated according to states' shares of global emissions of greenhouse gases...

On this basis, it would be possible, at least in principle, to conclude that even if all states contribute to climate change and are therefore joint violators of the human rights affected by it, some states are far more culpable than others, and to allocate responsibility accordingly.

Indeed, such allocation mechanisms have long been central to discussions about how to operationalize the UNFCCC principle of "Common but Differentiated Responsibility and Respective Capabilities."

Knox rightly observes that historical responsibility and the vast inequalities in per capita emissions at national scale complicate accounts of differential responsibility for globally aggregated emissions, and yet here too methodologically defensible calculation is not a real issue. Nationally aggregated historical and per capita emissions are readily available, from the UN and other sources, and have played a prominent part, sometimes in combination, within international negotiations as well as political and scholarly analyses of climate justice. More nuanced and flexible methods of numerical analyses are readily available as well, using, for instance, the Greenhouse Development Rights (GDRs) Framework. GDRs, which appeared in a first formulation in 2004, provide a means with which to transparently allocate burden-sharing based on national levels of responsibility and capability in reference to a threshold level of human development exceeding that of basic needs.²⁰⁹

Turn then to the fundamentally *probabilistic* relation the OHCHR points to, between rights-compromising events or processes involving weather or other environmental systems, and

²⁰⁹ Baer et al. 2009. GDRs are considered a "framework" because various components of the calculation of responsibility and capacity, including the development threshold are subject to independent and explicit specification (although the presenting authors designate desirable ranges based on climate science and social welfare). The meaning of responsibility under the GDRs framework is based in part on an operationalization of the concept of Climate Debt, at national scale. Climate Debt designates compensation owed to the poor for damages associated with climate change not caused by them, as well as compensation for the occupation of excessive "atmospheric space" - the capacity of the atmosphere to store greenhouse gases at safe levels - by the wealthy. I discuss Climate Debt and response proposals operationalizing it at greater length in Chapter 5.

climate change. This extends from the statistical definition of “climate” itself (see relevant discussion within Chapter 3).²¹⁰ Because weather varies significantly at shorter time scales than those that define climate regimes, no single weather event can be taken as an instance of climatic change. Precisely because of the statistical relationship between such events and longer-term climate regimes, however, recently developed analytical methods and newly accumulated data allow scientists to quantify such relationships, and assign measures of association between specific weather patterns and anthropogenic climatic forcing. Thus, for example, a 2013 report of the American Meteorological Society²¹¹ presents such analyses of twelve extreme weather events of 2012. As a World Resources Institute (WRI) summary of the lengthy report put it, while “not every extreme event can be measurably attributed to climate change,” the majority studied could. For instance:²¹²

For the north-central and northeastern region of the country, the heat wave that resulted in July 2012 being the hottest month on record for the contiguous United States was found to be four times more likely to occur today--as a result of human-induced climate change--than in pre-industrial times. Additionally, due to sea-level rise, extreme flooding along the mid-Atlantic coast on the scale of Hurricane Sandy’s impact is more than 30 percent more likely to occur today than it would have been roughly half a century ago. Furthermore, if sea levels at Sandy Hook, NJ were to rise by another 1.2 meters, (a scenario projected by the 2013 National Climate Assessment), the flooding level caused by Hurricane Sandy

²¹⁰ The IPCC Glossary states: “Climate in a narrow sense is usually defined as the “average weather,” or more rigorously, as the statistical description in terms of the mean and variability of relevant quantities over a period ranging from months to thousands or millions of years. The classical period is 30 years, as defined by the World Meteorological Organization (WMO). These quantities are most often surface variables such as temperature, precipitation, and wind. Climate in a wider sense is the state, including a statistical description, of the climate system.” IPCC 2007

²¹¹ Peterson et al. 2013

²¹² WRI 2013

could be expected roughly once every 20 years by the end of the century.

It bears underscoring that, although such analyses are the fruit of many years' methodological labor, they were not broadly published when the OHCHR report was released in 2009.

Still, the more general attribution of impacts on human life from climate change-related events and processes is nothing new, and increasingly prevalent in a variety of settings. The World Health Organization (WHO), for instance, contributed a study of the health effects of climate change to the first IPCC report, published in 1990.²¹³ By 2005, the organization had estimated yearly deaths due to climate change at 150,000.²¹⁴ Such specific tallies depend on numerous assumptions, of course. Other studies' methodologies have resulted in far higher numbers.²¹⁵ Recent journalistic coverage of severe weather events and other "natural disasters," which often links these phenomena with predicted climate futures, may indicate (and foster) increasing public perception of their association.

To be sure, many media and civil society observers to the climate convention don't balk at tying the social costs of disasters to global warming. They have, for instance, insistently drawn attention during negotiations to a deadly landslide event in a poor community outside Durban which coincided with the opening of COP17 in that city, and later to Typhoon Haiyan, which struck the Phillipines three days prior to the opening of COP19 in Warsaw.

The UNFCCC itself has gradually moved to recognize the predictability of prospective

²¹³ WHO 1990

²¹⁴ See WHO (n.d.) "Climate change"; WHO 2004; Patz et al. 2005

²¹⁵ E.g. the Global Humanitarian Forum's 2009 analysis puts the figure at 300,000 annually, noting more generally that 325 million lives are "seriously affected" by climate change. The Development Assistant Research Associates 2012 report sums deaths due to climate change at 400,000 yearly, and the wider impact of "Our present carbon-intensive energy system and related activities" at 4.5 million lives. See Global Humanitarian Forum 2009; DARA 2012

climate change as the eventuality of deleterious human impact. Following a 36 hour negotiating session at the Doha COP in late 2012, it took the first steps toward construction of a “mechanism” through which vulnerable developing countries might ultimately draw funds from developed ones for “loss and damage” associated with extreme as well as slow onset events related to climate change. Such a provision was first discussed in Bali in 2007. The decision, and tentative steps toward implementation taken the following year, clearly constitute acceptance of probabilistic forms of attribution, tying specific events and their social costs with climate change. “Loss and damage” has been seen by developing countries as a possible “third leg” for the convention (joining mitigation and adaptation), and therefore an implicit acknowledgement of limits to adaptation under prior and current trends of anthropogenic climate forcing. It will likely remain near the center of debate among developing and developed nations, over definitional matters, as well as any explicit linking of emissions with shares in compensation.

Conclusion

Such developments, the claims of the ICC and Maldives, and the growing number of similar arguments both legal and political suggest the ways in which the phenomenon of climate change, like other subjects of recent scientific analysis re-exposes an uncomfortable relationship between the production of truth by legal and by other means, most notably the sciences. This mismatch is highlighted in divergent understandings of “complex” mixtures of the social and the natural, contention over the traceability of action at a distance²¹⁶ or over time,²¹⁷ and (dis)aggregation of the ostensibly independent contributions of multiple actors.²¹⁸ In the context of climate impact, heterogeneous, extensive, and complex action might be readily understood as ‘causal’ in

²¹⁶ Latour 1987

²¹⁷ Lazarus 2007

²¹⁸ As Shearer (2011) demonstrates, the independence of emitters’ actions is sometimes a matter of carefully crafted appearance.

rigorously scientific terms, and yet still not constitute *legally sufficient* causation, to borrow Chapman's phrase.²¹⁹ Legal interpretation here reifies the dichotomous categories of society and nature, and the privileging of social actors that Latour has called the "modern constitution."²²⁰ It increasingly diverges, thereby, from evolving scientific and popular understanding of causality for climate harms. The latter by now readily acknowledge the hybrid character of climatic change, and, increasingly, accept "natural" processes (even isolated events such as extreme weather) as mediating social action without obscuring human responsibility.

As ever, law's ontological and spatial commitments entail political consequences, but they also readily cloak political interests. Knox speculates on the calculus of the OHCHR Report drafters, noting aptly that accusing the most powerful states of violating human rights could "distract from the need to win their consent to an effective climate agreement."²²¹ Turning in the following chapter to the UNFCCC, the target of the Maldives efforts, further implicates the embeddedness of legal process in political ones, particularly in the international sphere, and highlights the ready play of uneven power relations within them.

Chapter 5. International law and/as geo-economic power: renegotiating responsibility at the UNFCCC

The UNFCCC has been the primary institutional setting for internationally-coordinated climate change response. It was created at the 1992 UN Conference on Sustainable Development, in

²¹⁹ Chapman 2011, 38

²²⁰ Latour 1993

²²¹ Knox 2009, 489-490

order “to achieve ... stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”²²² This aim is meant to be pursued in accordance with principles articulated in the original Convention, through negotiated consensus among delegations representing each signatory nation with consultative input from non-state “observers.”²²³ Subsidiary bodies devoted to specific tasks under the convention meet throughout the year. The Conference of the Parties (COP) meets once yearly to approve and consolidate the work of those bodies and set the direction for future work. The UNFCCC’s most widely-touted achievement has been the Kyoto Protocol (KP), which encodes the only legally-binding national targets for climate change mitigation, and launched international financial instruments through which they might be achieved²²⁴.

In recent years, progress under the convention has been slow; its meetings contentious, as parties struggle to craft a follow-on agreement to the first commitment period of the KP, which was originally due to expire in 2012.²²⁵ After a period of institutional crisis inaugurated by the Copenhagen COP in 2009 the treaty now shows renewed signs of longevity, although in significantly altered form.²²⁶ Despite optimism on the part of some states and civil society actors, thorny issues related to international justice, uneven development and differential

²²² UNFCCC 1992. In its entirety, Article 1 states “The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.”

²²³ see Arts 1998, Betsill and Corell 2008 on the latter

²²⁴ UNFCCC 1997. The KP, agreed in 1997, entered into force in 2005. It binds “developed” countries (excluding the US) to emissions reduction targets. Among the framework instruments it created is the Clean Development Mechanism (CDM), a system of financial transfer from developed countries to fund energy and economic development projects in developing countries, as a means of meeting developed countries obligations. Though the CDM has been considered by some parties an important model for future agreements, its efficacy in achieving mitigation or sustainable development in developing countries is much contested. I address the construction of the CDM and related exchange-based mechanisms for mitigation in terms of the propagation of separation, and its justice implications in Chapter 6.

²²⁵ See e.g. Grubb 2011

²²⁶ Currently, the treaty body is working toward a new agreement, planned for 2015, with expected legal status, as I discuss below.

responsibility for climate change continue to plague efforts toward a new agreement that might be both politically palatable and effective.²²⁷

COP meetings involve a variety of formal and informal interactions,²²⁸ but the convention itself is constructed through highly legalistic language and procedure. Within the treaty body's proceedings and surrounding political debates, therefore, the invocation of legal norms and obligations plays a prominent role. Reference to "legally-binding" targets and agreements are particularly ubiquitous. However, if parties' and observers interventions typically take rhetorical form in the language of universal rights and responsibilities, the particular economic interests of states and negotiating blocs nevertheless often lie readily apparent beneath them. I show in this chapter that legalistic arguments – and the conditional acceptance of the international rule of law itself – constitute modalities of geo-economic contest as it plays out through the convention. At the same time, however, legalistic advocacy for climate justice remains prominent, since the nomic register offers one of few available framings for the socio-spatial ties and uneven geographies of climate change with any hegemony in international discourse.

As Neil Smith's analysis of the embedding of American interests through the formation of the UN (and the League of Nations before it) suggests, the particular global visions according to which our international institutions are constructed can ably encode the partial perspectives of the more powerful actors involved.²²⁹ Global governance, that is, can institutionalize, *in the name of the global*, the enabling means for narrower imperial ambitions. These means stand in complex relation with the deployment of universalist and cosmopolitan discourses – which can

²²⁷ See, for instance, the recent special issue of *Climate Policy* devoted to these questions. Klinsky and Winkler 2014; Derman 2014

²²⁸ See Chapter 6, on the nature of civil society participants' engagements in particular. The members of state delegations engage in a similarly diverse range of negotiation-related, and even unrelated, interactions.

²²⁹ Smith 2003

be used both to constitute and challenge them.²³⁰ At the UNFCCC, such globalist discursive resources center on the Convention's foundational principles of "Equity" and "Common but Differentiated Responsibilities and Respective Capabilities" (commonly truncated and abbreviated as CBDR).²³¹ Both terms lack definition in their original articulation. Their political salience, therefore, inheres in their potential to specify relations among parties to the Convention.

Such definitional work is among the more central social functions of legal argument and doctrine.²³² The malleability of Equity and CBDR as terms, and the potential crystallization of their meaning in definitive relations of responsibility and entitlement are highly fraught at the UNFCCC. This is because negotiations there pit unequally resourced parties against each other in a process of formally *equal* negotiation over regulatory commitments with potentially dramatic consequences for economic stability and development.²³³ Moreover, for many parties and observers, those regulatory commitments must, in principle, reflect the uneven social production and impacts of climate change. Thus, like debates over responsibility for the human rights implications of climate change, legalistic wrangling over the meanings of CBDR and Equity are contests about the recognition of socio-spatial ties of responsibility for climate change-related harm and vulnerability. These are themselves co-produced, given the high correlation between development indicators and historical emissions.

Despite its obvious and well-known weaknesses, then, in and around the UNFCCC international law provides a prominent discursive terrain on which geo-economic and climate

²³⁰ This is Martha Minow's point about law (note X), like CLR James' about the mobilization of liberal ideals in Haiti's 1791–1804 revolution: Minow 1991; James 2001

²³¹ These are, politically, the key terms of Article 3, "Principles" in UNFCCC 1992, discussed below. More completely, the Convention enshrines the relevance of "Common but Differentiated Responsibilities and Respective Capacities." The "Respective Capacities" clause has less often been invoked, although it may be more increasing in frequency. The GDRs framework, for instance, discussed briefly in the preceding chapter is structured around both clauses, including a "capacities index" in its calculative address of fair burden sharing. See Baer et al. 2009

²³² Galanter 1974; Herbert et al 2013

²³³ This is Steve Gardiner's concern over the potential of existing institutions to resolve the climate political conundrum. See Gardiner 2011

justice struggles over the right to development in a carbon-constrained future play out. I show below how this terrain is being actively reconstructed in favor of more economically powerful parties to the negotiations. In the years following COP15, that is, the US and other developed countries combined the conditional promise of a legally binding treaty with the exercise of geo-economic power to reconfigure the grounds of debate for a future climate treaty: first by moving discussion over mitigation commitments between legal and non-legal registers, and second by altering the meanings and downplaying the importance of the founding principles of Equity and CBDR.

And yet, inasmuch as international legal frameworks do promise effective sanction, be it merely moral, they are among the only politically compelling ties of responsibility amongst independent sovereign nations. That is, the socio-spatial separations recognized in the international system, and buttressed by its structuring role in forums like the UNFCCC, suggest the necessity of international legal mechanisms to mediate the inevitable burden sharing of future climate scenarios, regardless of the actual climate pathway pursued. Therefore, in the context of global climate governance structured by internationalist socio-spatial separation, law sits uncomfortably among the tools of climate justice: offering discursive resources that travel readily²³⁴ and promise much, but are also clearly useful in geo-economic counter-mobilization, and have, to date, delivered little.

Copenhagen and the withdrawal from law

Echoing published accounts, my interviewees located a key transitional moment in the evolution of the UNFCCC at the 2009 meetings in Copenhagen (COP 15). There, party delegations, many

²³⁴ Hussin 2012

represented by heads of state, faced head-on the drafting of a sequel to the KP's first commitment period, under the glare of unusually intense media attention. The previous years had been frenetic for climate politics and policy: encompassing increased popular attention;²³⁵ new national, subnational and municipal efforts;²³⁶ and the rapid development of the apparent bases for a new global agreement. Most notably amongst the latter, at the Bali COP in 2007 UNFCCC parties agreed to a "two track system" under which the Kyoto Protocol would continue, while a second process would enroll the US and developing countries in internationally-coordinated mitigation efforts.²³⁷

By Copenhagen, however, the wealthiest member states faced deepening economic recession, and climate change response legislation had foundered in the US. As COP15 opened, developed country delegations encountered those of developing countries and an unprecedented mass of observers and activists,²³⁸ who mounted global campaigns for climate justice, demanding massive financial transfers to the global South and ambitious emissions cuts in the North.²³⁹ After two weeks rife with procedural haggling, protest, and accusations of foul play, the summit ended with the *Copenhagen Accord*: a two-page "politically-binding" re-statement of intention, which invited countries' voluntary pledges to reduce emissions in lieu of a legally-binding agreement for specific emissions targets in the style of the KP. As significant for many observers, the Accord emerged from a parallel drafting process involving only a few key parties,

²³⁵ E.g. Gore 2006, Kolbert 2006, Lynus 2007

²³⁶ E.g. The United States Conference of Mayors 2005; *Massachusetts v. EPA*; Cole 2007; C40 Cities Climate Leadership Group 2015

²³⁷ See UNFCCC 2007. The two tracks of the "Bali Road Map" therefore respected the KP's central commitment to CBDR, while seeking to address the major weaknesses in its structure: laying the groundwork for inclusion of the US and China, the world's top emitters, as well as other developing countries in a more encompassing international regime

²³⁸ Fisher 2010

²³⁹ See Bond 2011

to the exclusion of the larger majority.²⁴⁰ Finally, in 2010, the Wikileaks cables exposed developed nation delegates' candid skepticism about the potential of established negotiating principles and practices under the UNFCCC, and the hardball tactics the US employed to gain recognition of the Accord from developing countries.²⁴¹

Unsurprisingly, given its brevity and pronounced lack of legalism, the Accord made no mention of human rights. Its reception was decidedly mixed. For the American administration and its allies, it was hailed as a welcome new beginning.²⁴² For many other parties and observers, by contrast, it represented a crisis of efficacy and legitimacy for the convention as a whole. One interviewee, a seasoned analyst of climate law and politics with experience in state, intergovernmental, and NGO roles, described the Copenhagen outcome as the end of an era, signaling the apparent demise of a theory of change that emphasized coordinated action:

[T]he last window of opportunity opened around 2006-2007.... You had Gore's movie ... the 4th assessment report of the IPCC ... the UNDP Human Development report of 2007 ... the Stern review ... you could see many, many different communities pitching in....

That led initially to the [2007] COP in Bali ... that pivotal moment when the U.S. was forced to join in the consensus and agree to the Bali action plans.... You can also see around that time a lot of domestic governments stepping up to take action ... measures at the subnational level

And all of that builds towards momentum in Copenhagen. And then everything collapsed. The Copenhagen accord was a face saver more than anything else, but everything clearly, clearly came to a head in Copenhagen and people realized that what they had been pushing for, this sort of *silver bullet* [emphasizes] moment wasn't happening.

While disappointing from the pragmatic perspective of environmental protections, within the

²⁴⁰ Below I draw in part on Martin Khor's analysis of the Accord's genesis and its implications for UNFCCC practices more broadly, in Khor 2010.

²⁴¹ See Carrington 2010; Lister 2010

²⁴² E.g. Bodansky 2010b

circle of convention observers and advocates, the impact of the Copenhagen Accord was also notable for the withdrawal it seemingly represented from any recognizable legal framework for international climate change response. Moreover, it indexed once again the significant influence of the US (Barak Obama having reportedly drafted sections of the *Accord* himself), despite its non-participation in the KP.²⁴³ As another interviewee, a long-time UNFCCC observer and theorist of global equity in climate change response, stated pithily, “my view of what happened [in Copenhagen] is that the US decided to renege on the convention.” As it happened, however, renegeing in Copenhagen shaded into renegotiating the central tenets of the convention, albeit through the contestation of the legal more generally, and under the powerful sway of geo-economic influence.

After Copenhagen: renegotiating responsibility and the relevance of law

Despite the rupture initiated in Copenhagen – indeed *because* of the threat it posed to established norms, ambition, and therefore to the legitimacy and promise of the UNFCCC – progress under the convention would quickly return to a legal-multilateral register. The influence of the interests that shaped the *Accord*, however, appears more lasting.

Following what the secretariat and many parties and observers experienced as very public failures in Copenhagen,²⁴⁴ energetic preparations began for 2010’s COP16 in Cancun. Although conflict and confrontation would again mark activity around the COP and, to a lesser extent, within it, there the treaty body would renew its commitment to multilateralism and legalism, closing the conference with extensive newly agreed texts. Along with numerous details related

²⁴³ For a historical perspective on this dynamic, see Paterson 2011

²⁴⁴ Vidal 2010; Schueneman 2010

to forestry; the Monitoring, Reporting and Verification of developing countries' domestic mitigation efforts (MRV in UNFCCC discourse); and plans for a new adaptation funding mechanism dubbed the Green Climate Fund, parties officially recognized HRC Resolution 10/4. The Cancun agreements port language directly from that document, articulating the first acknowledgement of the human rights implications of climate change in a multilateral agreement, albeit without specifying what those implications require of signatory states.²⁴⁵

The Cancun Agreements can therefore be read as a return to form, of sorts, for the convention. They can also be seen, however, as a transposition of the impulses underpinning the Copenhagen Accord – particularly the move away from legally binding *commitments* and toward a voluntary or, more critically, a “pledge and review” approach – into a more traditional legal-multilateral register. They also entailed subtle but consequential re-definition of the procedural norms constituting that register.

Legalizing the Copenhagen Accord's guiding principles

As the analyst quoted at length in the previous section argued, “if you look at the Cancun Agreements, they're almost the consensus expression of the Copenhagen Accord.” That is, key aspects of the Accord, including recognition of countries' voluntary emissions reduction pledges, and erosions of the “Annex” classification system through which the KP had operationalized the principles of CBDR and equity, were included in Cancun under formally-adopted agreements (rather than merely “taken note of,” as they were by parties, acting independently, in Copenhagen). For Khor “[i]t seemed as if the conference was organized to revolve around meeting the requirements of the most powerful country, so that very modest progress could be allowed to be made in other areas, and that Cancun would thus be saved from being termed a

²⁴⁵ CIEL 2011, Johl and Dyck 2012

total failure.”²⁴⁶

Indeed, the multilateral adoption of, and expansions upon, the directions laid out in the Accord suggest that what observers classed as the US’ “hardline,” “all-or-nothing” negotiation strategy paid off in Mexico in the form of an apparently more widely-accepted agreement, with the official blessing of the treaty body.²⁴⁷ Given that those expansions entailed increased obligations for developing countries and decreasing ones for developed countries, it is difficult to explain their adoption by the former without reference to political calculation: by which small gains, fear of blame for the potential collapse of the convention, and the possibility of ancillary benefits outweighed greater ambition and commitment to earlier protections in the face of developed countries’ uncompromising stance.²⁴⁸ In this sense, moving outside of a legal framework for coordinated climate response in Copenhagen – and the institutional crisis that move instigated – facilitated a shifting of the grounds of debate, which was then taken up within the legal-multilateral tradition in Cancun and afterward.

At the same time, that tradition itself emerged somewhat altered, and perhaps clarified. First, adoption of the Cancun Agreements occurred against the objection of the Bolivian delegation, which remained opposed to the procedural origins as well as substantive elements of the texts, including the informality and low ambition of developed country pledges.²⁴⁹ While the UNFCCC has never formally specified the meaning of its “consensus” decision policy, adoption in the face of such a formal, sustained objection was novel.²⁵⁰ Lack of support or recognition for

²⁴⁶ Khor 2010, 11

²⁴⁷ Goldenberg 2010; Walsh 2010

²⁴⁸ Khor 2010, 12. Khor offers detailed analysis of the Cancun Agreements as reflecting the protracted debates and political calculations of a bifurcated negotiating landscape where developed and developing countries’ interests are rarely seen to coincide. Paterson 2011 characterizes this dynamic as a determining one in the longer trajectory of the UNFCCC. I engage Paterson’s analysis in terms of the socio-spatial disconnections of the international system in Chapter 6.

²⁴⁹ See Gray 2010; Khor 2010

²⁵⁰ Werksman 2010

Bolivia's rejection of the Agreements underscored the broadly-felt need to legitimate institutional efforts in Cancun, despite the meager promise of mitigation and the reconfigured understandings of CBDR to which they gave rise. Second, while the Cancun Agreements were thereby formally adopted with broad approval, their genesis lay in more narrowly inclusive forms of multilateralism. Khor has likened Cancun's small group drafting sessions and one-on-ones between the secretariat and influential parties to institutional practices common in the World Trade Organization, contrasting them with UNFCCC traditions including all states in key drafting stages.²⁵¹ In these ways too, the legal-multilateral adoption in Cancun of the Copenhagen Accord's impulses suggests the combination of compelling extra-legal factors. These include the recognition by a broad range of parties and the secretariat of value in the legalistic appearance of an agreement, and, at the same time, the political influence to which the construction of such an agreement is open, as well as the sense – among certain parties at least – of the inconvenient nature of prior institutional principles and practices. The factors have played out further in debate over the “legal form” of a future agreement, and the meaning of equity and responsibility it might enshrine.

“Legal form,” Kyoto's Annexes, and the fixing of socio-spatial relations

While the Cancun Agreements moved the UNFCCC toward a “pledge and review” international climate regime it by no means ended debate over the character of an agreement to follow the KP, and the character of emissions reduction commitments that might be included therein, which had so derailed negotiations in Copenhagen. As I have suggested, these debates have turned principally on the contested meanings of CBDR and equity – the very Convention principles lauded by the Maldives and the OHCHR in their approbation of the UNFCCC as a venue for

²⁵¹ Khor 2010

rights-respecting international cooperation in response to climate change. Those principles provided the basis for the division of parties into Annexes with distinct responsibilities for mitigation under the first commitment period of the KP, and have served as the long-time cornerstone of developing nations' negotiating positions and the advocacy of many civil society groups.²⁵²

Thus, from the close of the Cancun COP through the following year's gathering in Durban, the question of "legal form" in a future agreement – that is, the binding or non-binding status of mitigation commitments and the possibility of retaining country groups reminiscent of Kyoto's Annexes – would occupy center stage in preparations for COP negotiations. The US would continue to play a prominent role in efforts to shape the next phase of the convention, as it had since Copenhagen, insisting on what it called "legal parity" or "symmetry" among developing and developed country parties as a pre-condition of any subsequent agreement with legal status.²⁵³ US delegates typically framed these demands in pragmatic terms. As State Department Climate Envoy Todd Stern put it, "Our goal is very simply to design a regime that is going to have the capability to actually help us solve the problem."²⁵⁴

To be sure, The US and its collaborators in the "Umbrella Group" negotiating bloc²⁵⁵ are not alone in registering criticism of Kyoto's Annex framework. It is, rather, widely recognized as a significant obstacle to effective regulation and stumbling block for international cooperation. For instance, several climate justice advocates I interviewed, who remain highly critical of developed countries' strong-arm tactics in the negotiations, readily acknowledged the

²⁵² Interviewees noted, for instance, that CBDR, as understood in the Kyoto Protocol's Annexes, is inseparable from the power of the G77 negotiating bloc at the UNFCCC (see below).

²⁵³ Werksman 2011

²⁵⁴ Goldenberg January 14, 2010

²⁵⁵ As the UNFCCC describes it, "The Umbrella Group is a loose coalition of non-EU developed countries which formed following the adoption of the Kyoto Protocol. Although there is no formal list, the Group is usually made up of Australia, Canada, Japan, New Zealand, Norway, the Russian Federation, Ukraine and the US." UNFCCC 2014.

problematic character of the Annexes. For one thing, scientific analyses show that the Annex I parties (developed country signatories to the convention, excluding the US, and now Canada) could not, on their own, reduce emissions sufficiently to prevent the “dangerous anthropogenic interference with the climate system” against which the Convention’s mandate orients its work.²⁵⁶ Arresting the progress of ongoing climate change will, rather, require more broadly based actions, including those of developing countries. (Incidentally, by multiple metrics developing countries have already made more ambitious pledges to cut emissions than their developed country counterparts.²⁵⁷) Further, the crude division of parties into Annexes appears to have contributed significantly to stalemate in the negotiations. To wit: it is hardly in the economic interest of countries protected under non-Annex I status to voluntarily “graduate” to Annex I, and it has historically been extremely challenging politically for smaller developing countries to undermine the stance of the G77 + China negotiating bloc, whose position (and very cohesion) has been shaped by its members’ non-Annex I status.²⁵⁸ As one analyst I interviewed put it, explaining his decision not to attend COP17 after over 20 years of engagement with the UNFCCC, “I’m frustrated: all the work I want to do has to come after the battle of Kyoto,” indexing thereby, the seemingly endless invocations of the Protocol in rigid negotiating positions and civil society advocacy.

In the Annexes, then, the KP institutionalized a particularly rigid ontology of socio-spatial separation, with lasting implications for the operationalization of CBDR and, seemingly, the Convention’s broader potential. On the one hand, the Annexes protect developing countries: from shouldering responsibility for climate change they did not cause, even as they face its most

²⁵⁶ E.g. Anderson and Bows 2011

²⁵⁷ Kartha and Erickson 2011

²⁵⁸ Indeed, the Least Developed Countries’ alliance with the EU in Durban represented the first consequential fracturing of the G77 bloc, and has been considered the main factor in adoption there of the “Durban Platform.” See below.

deleterious impacts, while leaving open the possibility of those countries' emissions *increasing* as they attain development thresholds in line with cosmopolitan norms and human rights standards. On the other hand, the Annexes have prevented the convention from adapting with the changing socio-ecologies of international development and the ongoing production of climate change over the two decades since its inception, instead fixing relations of responsibility and capacity as they appeared in 1996. The contradiction of China's protected status under the Annex system with its ascendance as the top yearly GHG emitter – and soon, in all probability, the world's foremost economy – is its most obvious anachronism. (Though, as noted in Chapter 3, a significant share of “China's” emissions can be traced to consumption and accumulation elsewhere.)²⁵⁹ Moreover, however, the BASIC countries as a some-time bloc – including Brazil, South Africa, and India as well as China – have emerged operationally since Copenhagen as a consequential force in negotiations. As these nations have realized their increased diplomatic power, however, maintenance of the KP's development ontology has seemed yet more important to some, since the vast majority of those countries originally classified as “developing” have attained nothing comparable to their economic power or emissions profiles.

The KP's “legal form” therefore has remained compelling for many, despite its obvious failures. From perspectives prioritizing mitigation, the Protocol's binding targets remain, if unmet and inadequate, nevertheless a model unchallenged by the emerging voluntary framework (see below). For the UNFCCC's “Least Developed Countries” (LDCs), and civil society actors in the development community, the KP's particular encoding of CBDR still stands, despite other compromises, for protection of the most vulnerable and least responsible communities: those whose interests might well be elided in a regime structured by “legal symmetry” amongst all parties.

²⁵⁹ See Bergmann 2013

The geopolitics of legal principle and form

The push for consensus recognition of the Copenhagen Accord's impulses in Cancun suggests the felt importance of legal encoding in the UNFCCC. As the example of Kyoto's Annexes illustrates, the operationalization of Convention principles in specific, legally-constructed relations of responsibility can be consequential both politically and ecologically. As I have already suggested, however, those principles were originally undefined, and remain rhetorically malleable. Within the ongoing debate over legal form, for instance, this malleability is illustrated in the multiple meanings assigned to equity and CBDR by differently positioned actors in support of divergent allocations of duty and entitlement.

During COP17 in Durban, I attended a reception for the release of a detailed collaborative report prepared by experts from each of the BASIC countries, as the culmination of a study process for their respective environment ministers, who had jointly argued in Copenhagen that "a global goal for emission reductions should be preceded by the definition of a paradigm for equitable burden sharing." Although each country's perspective differed in some particulars, the report demonstrates that for all, "equity" must be understood in terms of historical responsibility, sustainable development, and the per capita allocation of the benefits and burdens of anthropogenic climate change.²⁶⁰ By relevant criteria, the report argues, Annex I countries have "overoccupied" the available "atmospheric space" within which *all* people must be afforded rights to emit GHGs in the course of their development.

Non-governmental think tank Eco-equity's Greenhouse Development Rights framework, introduced in the previous chapter, provides one model incorporating these criteria. It also allows for the specification of a development threshold and distinctions between luxury and

²⁶⁰ Winkler et al. 2011. In this respect the BASIC countries' experts group report represents an intensification of longstanding efforts to formalize historical responsibility as an aspect of equity under the climate convention. See Friman 2007.

subsistence emissions, seeking thereby to account for a cosmopolitan definition of basic needs and for the inequalities of burden and benefit *within* countries. For more radical civil society groups and states, equity and CBDR imply the still greater relevance of historical responsibility – conceptualized and operationalized in critique and counterproposals as “climate debt.” Developed countries owe climate debt to developing ones, payable, for instance, through taxes on financial transactions and air travel.²⁶¹

One way of characterizing these definitions of equity and CBDR (and the oft-truncated additional “RC” of Respective Capabilities) is that they differentiate countries’ roles by *combining* the capabilities that contemporary high development levels afford, with an understanding of “responsibility” as culpability for climate change harms.²⁶² Unsurprisingly, developed country interpretations of CBDR-RC have more heavily emphasized current capabilities, particularly those of the BASIC countries’ large and rapidly developing economies. Developed countries’ positions on “differentiation” have also highlighted recent trends which show that, in aggregate, developing countries have already overtaken developed ones in yearly emissions, and predict they will contribute an increasing share.²⁶³ Thus, the US’ legislature’s original rejection of mitigation obligations under the KP was based on the exclusion of China from similarly binding commitments.

Throughout subsequent negotiations, the US and its negotiating allies have largely

²⁶¹ See more extensive discussion of climate debt and other strongly connective principles of transnational climate justice in Chapter 7.

²⁶² The capabilities/culpabilities distinction is Cameron and Bevins’. See Cameron and Bevins 2012. The combination of these priorities they identify with developing nations’ proposals is similar to that which I identified, in Chapter 1, as civil society’s targeting of responsible and “response-able” parties. The responsible/able terminology points to the multiple meanings of “reasonability,” which itself encompasses both capacity and culpability.

²⁶³ It bears repeating, however, that the territorial assignment of emissions itself is dependent on specific political economic assumptions. Should gases released through industrial processes be counted against the ledger of the country in which those processes occur, whose citizens’ consumption practices drive those industrial processes, or where accumulation from production and consumption ultimately focus? See Bergmann 2013

avoided formal consideration of equity and CBDR, to the point of excluding references to them from agreements.²⁶⁴ At COP18 in 2012, however, Stern unexpectedly acknowledged that a future agreement will require parties directly address the principles and stated that “the United States would welcome such a discussion.”²⁶⁵ To judge from his previous comments, the American administration holds corresponding definitional commitments that differ considerably from those of their developing country interlocutors. Stern’s initial, brusque comments in Copenhagen became a widely quoted sound bite: “We absolutely recognize our historic role in putting emissions in the atmosphere up there that are there now ... but the sense of guilt or culpability or reparations, I just categorically reject that.”²⁶⁶ More cannily, in 2011 he offered, “The way we look at it, [equity is] a concept that embodies fairness....From a U.S. point of view, any agreement that’s going to be legal has got to have legal symmetry, by which I don’t mean that everybody has to do the same thing or that developing countries that are growing at a rate of 7 or 8 or 9 percent a year will have to make absolute reductions.”²⁶⁷ While the US has stuck to its line against rigid Kyoto-style Annexes, then, it has also signaled a willingness to participate in a new agreement with some sort of legal status, and to entertain versions of CBDR-RC based in capabilities. Still, it is increasingly clear that the US considers “flexibility” and “self-differentiation” of far greater utility than international legal obligation in determining and compelling different countries’ participation in coordinated climate change response.²⁶⁸

²⁶⁴ Pickering et al. frame their analysis of “fairness in the next global climate agreement” around the quip – widely attributed to US lead negotiator Todd Stern – made during the final wordsmithing hours of Durban’s COP that “if equity’s in, we’re out.” See Pickering et al. 2013. In the end, “equity,” like “common but differentiated responsibility,” did not appear in the “Durban Platform for Enhanced Action,” the central document to be agreed at COP17, which is thought to set the direction for the next major phase of the treaty. Gray 2011.

²⁶⁵ see Roberts 2012

²⁶⁶ Broder 2009

²⁶⁷ Friedman 2012

²⁶⁸ See, e.g., what may be Stern’s lengthiest public statement on the nature of the oft-touted value on flexibility and the disadvantages of legal “bindingness” in a 2013 appearance at Chatham House. US Department of State 2013.

Accordingly, the US' pragmatic orientation toward regime evolution has at times appeared linked with a more general aversion to the legalism that has long characterized international negotiations – particularly the principles enshrined in the original UNFCCC and given expression in Kyoto and Bali. Thus, in the aftermath of Copenhagen, Stern opined to the Guardian that “one of the frustrations in dealing on the international level is that a lot of focus can be paid to debating whether a particular idea is consistent or not consistent with such-and-such an article of a previous agreement. A lot of attention can be paid to proposals or positions that are not very well tethered to reality.”²⁶⁹ Framing a direct response in resolutely nomic terms, Khor commented, “This sounds like the US does not want to negotiate within the UNFCCC with due respect for the legal tenets and provisions of this treaty, and would like to set up a new legal regime with different principles and provisions.”²⁷⁰ If Stern's statements and the US' minimally articulated (though hardline) negotiating posture are indicative of its true aims, however, Khor's objection overstates the American administration's enthusiasm for an international legal framework of *any* kind.

During a lengthy 2011 interview conversation, a former member of the US negotiating team expanded upon such a generally skeptical stance toward the international legalism so prominent at the UNFCCC. One strand of his argument focused on empirical support for the primacy of national as opposed to international initiative, particularly where the US was concerned:

Certainly for the US, but I think also for China and other major countries ... the river does not flow in that direction: in this country, the river flows domestic to international...

Can you name a case where on anything of significant economic import, on a significant scale ... the way we do things in the US came about as a result of

²⁶⁹ Goldenberg January 14, 2010

²⁷⁰ Khor February 12, 2010

the international trend or international agreement or international foray? ... I can think of multiple where it worked the other way around ... We took action [on chlorofluorocarbons] nine years before the Montreal Protocol. Endangered Species Act preceded [the Convention on International Trade in Endangered Species]. The Marine Mammal Protection Act of 1972 preceded by 13 years the International Whaling Commission moratorium on whaling....

I'm not saying we fixed them, because we haven't, but ... we took action as a result of our national dynamics. And in many of those cases, we carry that forth to an international venue and essentially said, "Will you please do what we're doing?"....

The EU has a very different tradition. It works top-down ... they try to negotiate things at an international level ... [And] that's the whole set-up for the UNFCCC

[W]hy, year after year, do we continue to buy into this line from the EU, from the media, from the NGOs that say "A treaty is so close ... if we could just get it right at the international level than we'll solve the problem?" ... It's not going to happen until we get our act together here.

A closely related theme in the interviewee's critique of UNFCCC-lead efforts centered on the limited potential of legal regulatory initiatives for ecologically-oriented behavior change in the face of countervailing economic and social forces. Further developing the contrast between climate change and other regulatory challenges, he commented:

US CFC production was plummeting in the 80s... by 2005, our ozone depleting production consumption was something like 2.5 percent of what it was in the 80s... probably even less than that of the 70s [I]n the case of ozone depleting substances, industry was largely aligned with [regulators] because they saw not only a lack of economic harm, but in many cases, they saw economic opportunities themselves in switching products...²⁷¹

[I]n the case of carbon, because it's a global thing, a global problem, the premise is that ... you're going to have some treaty. We tried it in '97, in The Hague; 2000 in the Netherlands at the end of the Clinton administration. There were efforts to reach agreements on the Kyoto Protocol implementation measures such that the US would have a shred of a chance to stay in ... [and] we're still trying to make it top-down.

²⁷¹ Sunstein develops a similar argument explaining the differential successes of the Montreal Protocol and UNFCCC in terms of economic impacts. See Sunstein 2007

Me: We just don't have a history of that?

Interviewee: For *any* issue: environmental, pollutants; let alone the basis of our economy...

Carbon – you can come up with the other instances where you have industries ready to sell you their new products, make money off that... Carbon doesn't have to do with any of this stuff.

In light of these obstacles, “general societal trends” held more promise for the interviewee than “top-down” regulation did at whatever scale. “Whether it's legislation or ... the death of the suburbs...,” he summarized, “the continuing evolution of our economy and society means that we emit a lot less carbon.... [I]t's not going to happen immediately, but at some point within the next 20 years, or within the next 20 years, life will change in this country.” By implication, the global climate, and perhaps life elsewhere, will benefit then as well.

One readily hears strains of American exceptionalism in such analyses. Despite their grounding in the environmental regulatory history cited by the interviewee, those strains commonly justify ideological views of US global dominance as both well-deserved and worth perpetuating. At a formal level in the climate negotiations, however, the exercise of the US’ weighty geo-economic influence is significantly curtailed by the constitutional constraints placed upon it by a powerful, resistant congress.²⁷² In this respect, the interviewee’s pragmatism, with its overtones of frustration, likely reflects the broader experience of developed country climate negotiators inasmuch as they – perhaps “deep green” environmentalists, as my interviewee classed himself – necessarily represent national political elites, and publics, for whom climate change hasn’t yet, as he put it, “hit its critical point.”

From such a perspective circumspection as to the potential of an international legal framework, and pragmatic acceptance of the rule of national interests at international forums

²⁷² MacNeil 2013

(those of the high emitting parties at least²⁷³) seem logical, even as they resonate handily with more narrowly interested nationalist and neoliberal impulses. In this sense, the US’ particular brand of legalism at the UNFCCC – lethargic, obscurantist, and often doubtful of precedent – is largely reactive, if highly impactful. In part, it reflects the real constraints of domestic political institutions, which have themselves helped to operationalize those impulses in home and foreign policy. The Westphalian internationalist structuring and seemingly unavoidable play of *realpolitik* at the UNFCCC allow these socio-spatially and governmentally separating tendencies to shape the outcomes of its negotiations: political possibilities at the US national scale have proven constitutive of those at the international scale.

The US stance on legal form in climate negotiations is also partly a reaction to the demands of its negotiating partners and civil society, who, for reasons I have suggested and expand upon below, often insist on legality *per se*. Perversely, as described above, developing countries’ demands for legal climate agreements have led to the weakened framework that is now in development. The US, and other developed countries’, greater geo-economic influence, relative resilience to early-stage climate change impacts, and structural advantage in negotiations means that the legal structure developing countries have demanded now plays less to their development and adaptation needs (or to the longer term interests of all parties).

And yet, the gathering impetus to re-shape social responses to climate change through “bottom-up” governance instead of law also appears to present new risks and reduced voice for the most vulnerable and first affected communities, as I argue in the following chapter. Moreover, despite Stern’s theoretical arguments to the contrary, evolution toward a voluntary regime “with legal force” based largely on “norms and expectations as distinguished from rigid

²⁷³ As Gardiner notes, economically powerful, high emitting nations occupy a structurally privileged position in the negotiations. Gardiner 2011

rules”²⁷⁴ has not increased ambition or the likelihood of success.

Problems with “pledge and review”

Despite widespread recognition of the problems associated with Kyoto’s annex architecture, and the pragmatic appeal of realist arguments against a global climate regime founded on binding legal commitments and the cumbersome practices of negotiated consensus, the alternative that evolved after Copenhagen inspires little hope in terms of climate efficacy or international justice. Shortly before the opening of the Cancun COP, the United Nations Environment Program (UNEP) released the “Gigatonne Gap” report, an extensive modeling study conducted by an international team from several independent centers of climate science, which evaluated the potential impact of the voluntary emissions reduction pledges gathered under the Copenhagen Accord.²⁷⁵ The report, which was the subject of two over-attended side event sessions in Cancun and a frequent reference point in other meetings there and after, showed that even the high end of the range of those pledges falls far short of emissions reductions required to maintain safe levels of atmospheric carbon, as designated by the IPCC. The finding is unsurprising given the lack of coordination with respect to any science-based target for the total emissions reduction in the pledge and review model,²⁷⁶ but the scale of the shortfall – a gigaton of atmospheric carbon in excess of “safe” levels – was sensational enough to become a prominent talking point for many organizations and parties.²⁷⁷

To make matters worse, developed countries’ pledges of climate finance remain largely unfulfilled as parties continue to grapple with the construction of a new institution through which

²⁷⁴ US Department of State 2013

²⁷⁵ UNEP 2010

²⁷⁶ Khor December 25, 2010

²⁷⁷ Observation at COP16. See, e.g., the several webpages of posts by the Climate Action Network tagged with “Gigatonne Gap” since 2010, CAN n.d.

to administer them, the so called Green Climate Fund (GCF).²⁷⁸ In the minds of observers like the Washington DC-based legal analyst quoted earlier, ineffectual emissions targets and lack of follow-through on finance pledges demonstrate empirically the failures of the voluntary model:

For most people, I would say, in the broader environmental community – the Cancun agreements ... they're very close to lacking environmental integrity. I mean out of all the pledges, it's nowhere near sufficient. And there is no real impetus for people to honor those pledges. And already we see – in the realm of climate finance – we see that people are not honoring the pledges that they made. So the voluntary approach, which in theory many academics say can work, in practice is not working.²⁷⁹

The continuing evolution toward a global climate regime with “legal force” but reliant on countries’ voluntary “self-differentiation” and flexible implementation of expectations since Copenhagen represents a nomospheric geopolitical project institutionalizing socio-spatial separation and lack of global accountability in the name of national sovereignty. The global socio-spatial relations that agreement will enshrine, perhaps with “legal force,” seem unlikely to reflect strong versions of responsibility and obligation with respect to the uneven production and impact of climate change.²⁸⁰

²⁷⁸ UNFCCC 2014 “Green Climate Fund”

²⁷⁹ The interviewee’s comment on “people” not honoring pledges in the realm of climate finance refers to Secretary of State Hillary Clinton’s 2009 pledge at COP15 that the United States would “help raise \$100 billion annually by 2020 to assist poor countries in coping with climate change as long as America’s demands for a global warming pledge are met.” Friedman and Samuelson 2009. These are the funds that will, in principle, be administered by the GCF. The fund reached \$10 billion in December 2014, Gerholdt 2014.

²⁸⁰ See, again, Khor’s December 2010 analysis of the “complex implications” of Cancun which suggest the importance of steps taken there toward such an outcome.



Figure 1: an “I heart KP” tee-shirt. Like buttons with the same image, these shirts, available in over 20 styles on CafePress (see <http://www.cafepress.com.au/dd/19197738>), have been a common sight on observer and developing country delegates at COPs in recent years

The persistence of nomic advocacy for climate justice

Despite the susceptibility of legal terminology and process in the UNFCCC to the national interest of powerful parties, developing country delegates, climate justice advocates and others in civil society have continued to deploy discourses of rights, morality, and legal obligation in their work within and around the institution. Such nomothetic discourses are by no means the sole rhetorical resource of transnational climate justice politics,²⁸¹ but they remain quite prominent.²⁸² One explanation for their continued use around the UNFCCC would cast the justice advocates who deploy them as mystified by the legalistic language and procedures that structure the negotiations: perhaps these advocates are simply true believers in the promises of international law, despite its evident plasticity under geopolitical forces. By contrast, I conclude from observations in and around the negotiations and interviews with advocates that legal norms are understood more strategically by many of those who mobilize them for counter-hegemonic ends

²⁸¹ I address a broader range of the framings from climate justice advocacy and activism in Chapters 7 and 9. See also discussion in Derman 2014

²⁸² As represented, for instance, by the “I [heart] KP” tee-shirt pictured in Figure 5.1, which have been the focus of photographic campaigns during COPs and across numerous visual social media platforms.

in the context of the UNFCCC. They are recognized as contingent political resources of the relatively dis-empowered on the one hand, and as fitting discursive frames for the uneven relations of power and responsibility between emitters and affected peoples on the other.

During a break between sessions in Copenhagen, I recognized a G77 delegate whom I had observed earlier issuing the most explicit call for international justice I had then heard within negotiations. Seeing her for the moment unoccupied I approached, and offered to buy her a cup of coffee, which she accepted appreciatively. Within moments of introducing myself and stating my research interest in the justice dimensions of climate governance, she had produced a dog-eared copy of the Convention and referred me to the passage in Article 3 on CBDR, which was heavily underlined, suggesting in so many words that all I needed to know was “right here.”

I described this exchange later, while interviewing an NGO worker highly experienced in justice advocacy at the UNFCCC in her D.C. office, after she mentioned the negotiator in question. She nodded. “If you want to talk to developing country negotiators,” she said, “you have to know your convention inside and out, because they will walk you through the articles, every single time. It's always back to the convention – ‘cause that's what they have.” She had sketched this theme earlier, in response to my question about the utility of legal principles for the pursuit of justice amidst the highly politicized context of the COP:

It's not the most elegant of policy solutions, but ... the Kyoto Protocol is the only international legally binding instrument. It has a very clear mandate and requirement for a second commitment period, and I think that there was a real concern that if you collapse those two tracks [as advocated by some developed countries] you obviate some of the foundational principles that guide people's

engagement in it

So I think that people were clinging to these legal principles that were contained – like Common But Differentiated and second commitment periods – in the mandates, because it's the only tool that they have, you know? It's the one thing they can cling to, and they fight like hell for it, for years. And they come under – I mean, the kind of divide and rule pressure tactics that were employed by developed countries on developing countries [in Copenhagen] were extraordinary.

Among the examples she went on to provide was the removal of the very negotiator I'd spoken with in Copenhagen – a prominent and respected diplomat – from her national delegation, reportedly at the behest of the US team. Visibly heated, she continued:

On the floor of Copenhagen, on the very last night there were attempts to remove trade preferences for developing countries if they didn't sign up to the Accord.²⁸³

So it's one of these things where in this particular forum – I mean there's – I mean when you're thinking about legal and institutional questions and ability to draw on those principles, I think developing countries are attempting to use the very few levers of power that they have – which are contained in the convention – up against these phenomenal media and economic power houses. I mean ...

²⁸³ While in Copenhagen and during the period immediately afterward such charges could be dismissed as unconfirmed rumor, the Wikileaks cables later confirmed them, along with other practices of power politics operative beneath the procedural gloss of the Convention. See Carrington 2010; Lister 2010.

[former Sudanese Ambassador] Lumumba, who chaired the G77, was not staffed, at all They have – G77 has – no media support. A few of these countries have only two, or three, or four people on their delegations up against 300 from the US. Their ability to speak and communicate about their positions to the international stage is very, very limited.

I recalled these comments in Cancun as I shared a taxi with members of two Latin American country delegations, travelling late in the evening from the luxury hotel and conference complex where negotiations were held, to the small downtown pension where we were all staying. I introduced myself, and the delegates, seeming reluctant, did the same. They sounded tired, frustrated, even cynical, as they politely responded to my first casual questions; I decided not to press them for information and we rode together in silence toward our beds. My single room at the pension had cost less than twenty-five US dollars per night, fitting snugly within the budget of my research grant, and, apparently, the delegates' own fiscal constraints. More well-resourced party delegations stayed in rooms at the negotiation site, and availed themselves of private conference facilities paid for by the week.

The D.C.-based NGO worker's account and others much like it contrast the formal equality of negotiations with the milieu of economic and political inequality that surrounds and, increasingly, shapes them. In light of the pernicious exercise of realpolitik that those inequalities enable, counter-hegemonic argument from legal principle appears as a classic weapon of the weak.

On the other hand, appeals to cosmopolitan morality, extraterritorial legal obligation, and human rights may also simply mobilize the few hegemonic discourses within which advocates

can highlight the harsh inequalities in power between historically high emitters and the populations first and most affected by climate impacts, whether or not relations among them are defined under official law. Such framings are therefore *nomospheric* in Delaney's sense of encompassing but not being limited to the formally legal, as they liberally mix the political mobilization of rights and legalistic language with facial claims for the relevance of legally recognized relations. Summarizing the stakes of the debate over legal form in advance of the Durban COP, Werksman, writing for WRI, described with Gramscian pragmatism the significance of legal status in the UNFCCC.²⁸⁴

A legally binding agreement is the highest form of expression of political will that the international community can bestow. Such agreements have been shown to bring a range of benefits through domestic ratification, the creation of international institutions, and the attention of high-level government officials, civil society, businesses, the media, and the broader public.

Legally binding commitments within those agreements, such as specific targets and timetables, can create the confidence necessary to drive regulation, send clear market signals, and channel investments for a low-carbon future.

That is, legal bindingness would express the consensus approbation for, and moment of, the socio-spatial relations relevant to coordinated climate change response as articulated by the international body. Still, the character of any agreement or commitment is of greater socio-ecological import than its legal or non-legal status.

²⁸⁴ See Werksman 2011

Conclusion: Law's promise for climate justice – deferred or empty?

As it turned out the Durban COP laid the basis for achieving the first of the goals WRI identified: that of a legally binding agreement. After lengthy debate over the meaning of equity, the value of legal commitment, and the fate of the KP architecture, parties ratified the “Durban Platform,” under which they agreed to produce “a protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties” by 2015, which would go into force by 2020.²⁸⁵ For some, the promise of international law for climate justice was renewed. As Mary Robinson put it in 2012, “the door is now open.”²⁸⁶ Later that year, at COP18 in Doha parties extended the Kyoto Protocol through 2020, at which point it will presumably be replaced by the new arrangement. The Legal-institutional pathway to justice appeared still more promising for some advocates the following year, when parties took the first formal steps toward a mechanism through which developed countries would pay compensation for “loss and damage” from climate impacts (see Chapter 4).²⁸⁷

Beyond such procedural steps toward a new regime, however, it remains unclear exactly where Durban’s “open door” or the “Doha Gateway,” as COP18’s outcome was officially dubbed, will lead.²⁸⁸ Enormous energies have been and continue to be expended in pursuit of a legally-binding agreement. If prior experience predicts, however, that agreement could promise, even, very little against the ongoing process of climate change and the creeping destruction it is already reaping on the most vulnerable populations in Africa, the Middle East and elsewhere. As one interviewee cautioned, “You have to remember that the problem we set out to solve was that we need to stabilize the global climate. Sometimes that’s forgotten. Sometimes we think that

²⁸⁵ UNFCCC 2011. Through early 2015, the convention has pursued this aim.

²⁸⁶ For instance, in addressing the Association of American Geographers in 2012. See Robinson 2012.

²⁸⁷ UNFCCC 2013. See Khor’s positive reception of initial steps Khor 2013.

²⁸⁸ The Doha “gateway” agreements are summarized UNFCCC 2012

we're here to reach agreements That's not the purpose.” By that more absolute criterion, the textualist wranglings of COPs since Cancun have extended promises without constituting, or even specifying, measurable achievements.²⁸⁹ In contrast, climate change itself has measurably worsened, and it's socially and environmentally deleterious consequences become increasingly directly attributable to human actions.²⁹⁰

Although Kyoto continues formally, following the withdrawal of Canada, countries bound by remaining commitments account for a mere 10% of yearly emissions.²⁹¹ The GCF remains largely empty and its governance structure highly contested.²⁹² Embryonic moves toward a new agreement suggest it is evolving along the lines laid out in Cancun: structured more by “legal symmetry” among developed and developing countries than by the principle of Common but Differentiated Responsibility. In light of these developments what presents as deferred promise may indeed prove empty for those awaiting justice from the UNFCCC process.

Tensions between global responsibility and national sovereignty – and the rhetorical cloaking of geopolitical and -economic imperatives under the latter – are not new, nor are they particular to the UNFCCC. The play of those tensions, however, is particularly apparent in the evolution of the international climate regime during the period I have chronicled here, as the

²⁸⁹ See, for instance, analysis in *The Guardian* of the 2014 COP20 outcomes. There Goldenberg suggested that, at the close of another round of hard-fought negotiations, “it’s the small island states that can claim the biggest win – by securing the inclusion of the words ‘loss and damage,’” that is, *preventing* attempts by other parties to exclude reference to the two year old mechanism from the final agreement, albeit without securing “any specific commitments from rich countries” (Goldenberg 2014). Moreover, the editors note that “the biggest, most difficult and ultimately most important challenge [of] devising an acceptable, transparent route to measuring emissions, in order to facilitate some kind of global monitoring of targets ... remain[ed] a work in progress” at the close of Lima’s COP (Guardian 2014). To be sure, this challenge lies at the level of crafting a legal agreement; of greater socio-ecological relevance, of course, would be the level of those still unspecified targets in light of their ultimate realization.

²⁹⁰ These are the central findings of the 2013-2014 IPCC 5th assessment reports, more recent findings such as the collapse of the West Antarctic glacier, and the recent scientific work on anthropogenic attribution discussed in the previous chapter. See, respectively, IPCC 2013-2014; Howard 2014; and e.g. Peterson et al. 2013.

²⁹¹ Broder November 26, 2012

²⁹² Surowiecki, 2014

economic implications of mitigation have impinged increasingly on the tenor of negotiations.²⁹³ And yet, describing those tensions as pure conflicts between legal order and realpolitik, in a manner that might recall developing country negotiators' tactical mobilization of once-hallowed Convention principles, is insufficient analytically.

Rather, the US' and its allies' influence over the shape of a 2020 global climate regime, and the likely impact of that regime on development and security elsewhere illustrate co-constitutive ties between geo-economic power and international legal frameworks. I have narrated the re-construction of international legal norms for coordinated climate change response, noting first how the Copenhagen Accord initiated an apparent withdrawal from the rule of law (which also marks the US' reluctant brand of legalism since). Later, in Cancun and Durban, the sovereign voluntarism and "symmetry" articulated in the Accord was transposed into a conventionally legalistic register, amidst the US' hardline negotiating posture, the imperative of legitimacy felt by other parties, and the institutional embrace of a pragmatic understanding of "consensus." The targets and principles introduced, and "noted," under the Accord now substantially guide the development of a future agreement with intended "legal force."

As a legally-binding successor to the Kyoto Protocol serves to redefine relations of responsibility between those parties historically responsible for anthropogenic climate change and those most subject to its deleterious impacts, it will reconfigure the geo-political landscape: within the ambit of the UNFCCC at least and potentially further, given the economic implications of mitigation and adaptation, and the geo-economic bargaining that shapes negotiations. It will present parties with new, contingent resources for inter-state negotiations, as the founding principles of the Convention did for developing countries in Bali. The impact of

²⁹³ Broder 2011

the recent and ongoing re-definition of relations through this co-constitutive legal-political process, however, holds less promise for the protection of the most vulnerable. That is: by pushing the UNFCCC process outside of the field of the rule of law in Copenhagen, the US initiated a re-writing of the legal terrain for a future global political ecology, and economy, through climate change governance. As it has taken shape since, that terrain is heavily marked by the socio-spatial and governmental separations of national sovereignty, which pose limits for the pursuit of accountability, protection, or redress across borders.

Although the UNFCCC remains an important venue for the institutional pursuit of just and effective climate change responses, it is increasingly seen as a compromised one.²⁹⁴ Unsurprisingly then, much political energy has gone toward governance processes linked with other political sites and scales, even as activists continue to frame the nomospheric project of climate in the language of rights outside COPs and elsewhere. I address these trends in the ensuing chapters.

²⁹⁴ See e.g. Mueller 2012

Chapter 6. The propagation of separation: climate governance and climate justice after Copenhagen

In this chapter I trace the influence of two consequential recent trends in environmental governance upon the pursuit of climate justice. These trends are the simultaneous turns away from international governmental forums to those associated with other political scales, and from state-centric regulatory approaches reliant on legal obligation toward market-based and other financial mechanisms embodying more privatized forms of environmental control. Following an introductory discussion of these two related movements and their instantiation within the realm of climate change response, I analyze the import of each for questions of climate justice, mobilizing again the analytic of (dis)connection.

In the first of two analytical sections I examine the re-scaling, or more aptly, the *post-internationalization* of climate governance, and the concomitant rise of territorially and administratively delimited economic imperatives after Copenhagen's COP and amidst deepening economic crisis. I do so using material from interviews I conducted with advocates and governmental staff whose roles kept them engaged in discussions of climate change response within the governmental apparatus in the US, the EU, and the UNFCCC throughout this transitional period. As I described in Chapter 3, many advocates and theorists considered the US and EU regimes – differentially responsible and response-able; highly consequential parties in international negotiations – as logical primary targets for advocacy. I find that in those two settings institutional advocates and governmental actors worked creatively to further climate change response initiatives amidst what several described as a “changed political climate,” wherein climate change itself inspired significantly reduced political will. The networks and logics of governance that developed in the years following COP15, however, offered little

purchase for justice-oriented advocacy. Rather, in US national and EU regional contexts, the privileging of private actors in governance arrangements challenged advocates, as economic interests and regime-specific policies and practices shaped and limited their engagements. In the US particularly, amidst comparatively less formalized consultation practices, advocates critical of federal policy faced exclusion. Advocates' formal roles at the UNFCCC were increasingly constrained during this time period as well, but there, by contrast, opportunities remained to directly confront issues of justice.

In the chapter's second analytical section I consider the origins and outcomes of emissions and offset trading, increasingly dominant modes of climate governance, drawing for my analysis upon the accumulating body of relevant scholarship. This literature suggests that trading carbon, a prominent approach to mitigation in a variety of regimes including the UN and EU, has not proven efficacious for goals of greenhouse gas mitigation. Moreover, there is increasing reason for skepticism about its potential to resolve the justice issues associated with climate change production, impact and response. Indeed analysis suggests that trading approaches instead exacerbate existing justice issues and create fresh ones.

Interpreting the material presented within these two sections, I demonstrate how post-international and market-lead climate governance is at once based in and reinforcing of the epistemologies and practices of socio-spatial, governmental, and socio-ecological separation with which I have been concerned, and which, I argue, fundamentally trouble progress toward effective and just responses to climate change. In particular, The ascendance of economic imperatives in US federal and European contexts, and the broader rise of market mechanisms across a range of political geographies remove and insulate global socio-ecologically consequential processes from political contest, limiting the voices of affected people and leaving

largely unchallenged the core drivers of climate change and climate injustice. These specific instances of broader trends in environmental governance, that is, obscure the visibility of climatic injustice, threaten to exacerbate it, and limit opportunities for civil society actors to contest it.

Further, my analysis highlights facets that are often glossed over in political debates over the most propitious scale at which to pursue climate action, including the potentially dramatic divergence among the principles, empowered actors, associated capacities, and claims to territorial and sectoral control among regimes. Indeed, the re-scaling and re-siting of governance, like its neoliberalization, re-opens questions of the means as well as ends of intervention. As such, this analysis of evolving modalities and governance renders more clearly the stakes of discussions about the relative merits and ways of working for just and effective responses to climate change in various political forums, by laying bare the epistemologies and practices of separation as they operate within various forums and modes of government.

Climate governance after Copenhagen

Changing actors, logics and spaces of governance

This chapter enacts a shift in empirical focus in relation to the previous one: from examining how established and emerging legal frameworks constitute specific resources and constraints for climate justice advocates, to a cognate inquiry into the conditions offered by evolving forms of climate governance. In doing so, it tracks the specific concerns of this study along a broader trajectory of institutional change described by scholars of geography, socio-legal studies, and

environmental politics.²⁹⁵ That trajectory is a consequential one for my inquiry, in that contemporary forms of governance entail distinct and significant implications for advocacy when viewed through the analytical framework of (dis)connection I develop across my consideration of law, governance and mobilization as modes of address for climate injustice.

Amongst numerous accounts of the character and origins of contemporary governance arrangements, observers of environmental regulation in particular narrate change in notably consistent ways. Gunningham and Fiorino, for instance, despite divergent normative commitments, describe similar progressions from state-enforced legal frameworks (Fiorino's "law 1") to more varied, de-centered forms of environmental social control under the sign of "governance."²⁹⁶ This transition is characterized by alterations of the centrally-positioned actors and means employed in the design and execution of responses to environmental risk and change.²⁹⁷ In comparison with earlier modalities of environmental regulation centered on state-official institutions and capacities, recent governance arrangements differentially empower private parties – both market and civil society actors – within looser, "networked" arrangements of power and effort sharing. The preferred means of achieving environmentally desirable ends are likewise reconfigured, in ways related to this re-casting of empowered actors. The efficacy of the Fiorino's "new environmental regulation," for instance, depends in large measure on incentivizing desirable private decisions and the construction of market frameworks through which to enable and encourage those decisions, in lieu of hardline standards backed by the

²⁹⁵ While transformations of governance are ubiquitous, they are particularly notable and widely observed in the environmental realm, which is the focus of this brief review.

²⁹⁶ Fiorino 2005; Gunningham 2009

²⁹⁷ see also Lemos and Agrawal 2006; Bridge and Perreault 2009; Herbert et al. 2013

“stick” of governmental sanction (albeit usually triggered by citizen action) through which the first wave of environmental control exerted its effects.²⁹⁸

The multiple possible modalities of new forms of governance are, unsurprisingly then, topics of considerable debate, theorization, and prescriptive formulation as they involve an expanded and re-positioned set of interests. Accordingly, as Bridge and Perreault note, the raft of recent studies of environmental governance constitutes a polyglot mixture of normative, descriptive and critical intervention.²⁹⁹ They therefore advocate examining environmental governance arrangements in terms of *eco-governmentality*, underscoring the fact that the “processes by which people, organizations and things come into alignment with political objectives” inevitably express specific, contingent governmental rationalities, and in turn that “administration and rule” in accordance with those rationalities is necessarily enabled by particular mechanisms for the operation of power.³⁰⁰ Eco-governmentality perspectives thus direct analytical attention at the ways in which particular actors and groups involved or implicated in governance arrangements are interpellated and responsiblized (or, indeed, *excused* from responsibility) in accordance with dominant mentalities, technologies and subjectivities called forth under given power relations, in response to situated perceptions of social and/or ecological threat.³⁰¹

From this perspective, narrating the rise of a “new environmental regulation,” with its corporate protagonists, administrative attachés, and market-based modalities, as both inevitable and progressive provides the intellectual cognate of a political project institutionalizing neoliberal governance of the environment (and other domains). In the environmental realm, this

²⁹⁸ See discussion of the importance of citizen action in earlier environmental law in Gunningham 2009.

²⁹⁹ Bridge and Perreault 2009. Fiorino’s (2005) account of the “New Environmental Governance,” for example, reads as boosterish in comparison to Gunningham’s (2009) lengthy study or Bridge and Perreault’s own summary of geographic scholarship on the topic.

³⁰⁰ Bridge and Perreault 2009, 488

³⁰¹ See also e.g. Lemos and Agrawal 2006, Robbins 2007, Robbins 2012

project can be understood as propagating and operationalizing the forms of separation with which I have been concerned, with notable epistemological, material and political consequences.

First, in proscribing the legal and regulatory power of public administration and citizens while privileging market actors and other non-governmental entities in the taking of unaccountable yet socio-ecologically consequential decisions, much contemporary environmental governance restructures regimes by increasing what I have call their governmental separations. The propagation of these forms of separation is consistent with the progression by which critical geographers and others have characterized governance change in other domains in many national and international contexts over the preceding decades. For instance, inasmuch as contemporary governance entails the accession of formerly public service provision roles by “civil society” actors, such transformations relegate determination of the modalities, conditions and allocation of those services outside the reach of democratic control or other means of representative voice.³⁰² More recent trends toward the private determination of such factors by market instead of “third sector” actors, chiefly in the name of efficiency, also insulates decision making, while more rarely promoting broad social benefit.³⁰³

Second, to the extent the market-based mediation of environmental protection depends upon the quantification and comparison of outcomes from myriad geographically distributed processes combining diverse human and non-human entities, such enabling operations abstract those outcomes from their social context, and obscure relations amongst the entities involved. Under these regimes of socio-ecological separation, that is, integral socio-natures are atomized; their reduced components equilibrated in the service of comparative calculations of value. Such neoliberalizations of non-human nature thereby obscure the embeddedness of environmental

³⁰² See e.g. Nagar and Raju 2003, Roy 2004, Swyngedouw 2005, Lang 2009

³⁰³ See e.g. Edwards 2009

change in social relations and ecologies: forests, for instance, appear as medium-term storehouses of carbon; global emissions as undifferentiated molecular masses instead of the complex residue of luxury and subsistence; production, consumption and reproduction processes. Moreover, operationalizing the assumed separation of complex processes and their outcomes in order to optimize the aims of regulation (or accumulation), results in the socially and spatially uneven distribution of costs and benefits.

This propagation of governmental and socio-ecological separation through new forms of governance takes place in part as interested parties mobilize and (re)produce the socio-spatial separations of territorial administration. That is, they are facilitated by the effortful relocation of political action between regimes and scalar hierarchies in order to leverage the particular arrangements of power, territory and resources gathered under already existing international, bilateral, national, subnational and municipal administrative units – or to re-construct, link, efface, or create such arrangements.³⁰⁴

To be sure, finally, the politics of re-scaling and re-siting also figure in strategies of resistance to new and ongoing re-arrangements of environmental governance. These are available to states as well as activists and institutional actors associated with a wide range of ideological commitment, given their conditional inclusion in, or capacity to challenge, official processes.³⁰⁵ Among the more robustly theorized re-sitings of resistance which depend on the established resources of existing global and regional governance arrangements are the tactics of Transnational Activist Networks (TANS). These global civil society actors, in Keck and Sikkink's formulation, deter bad domestic actors through advocacy in more responsive, and

³⁰⁴ Cf Parenti's discussion of the capitalist state as oriented in significant measure around the territorial control of resources, drawing on both Weber and Marx. Parenti 2014

³⁰⁵ Kurtz 2002, 2003

economically powerful, state regimes within the international community, leveraging state-on-state diplomatic pressure.³⁰⁶ TANS mobilize transnational norms such as those underlying human rights law and environmental treaties in these “boomerangs” of global justice advocacy, with at least periodic success.

The post-internationalization and marketization of climate governance

The larger trends of re-spatializing and neoliberalizing environmental governance are certainly at work in the narrower context of climate change response. Demonstrating this claim by way of a few brief examples also makes clear how interlaced these moves are in ongoing governance change.

The widespread sense of international institutional failure after Copenhagen’s COP gave focus to more general dissatisfaction with state-centric regulatory approaches brewing in many quarters. The UNFCCC secretariat itself, at the 2011 COP in Durban announced an independent initiative combining climate change mitigation and adaptation with economic development through site-focused, public-private partnerships involving transnational corporate investment and community organizing in the Global South. It framed those partnerships as evidence of a gathering “Momentum for Change” developing independently from the barely-moving negotiations.³⁰⁷ Also in line with broader narratives of networked governance is the “Sustainable Energy for All (SE4ALL)” initiative, launched by UN Secretary-General Ban Ki Moon in 2011 as a globally-networked partnership between high-level energy industry and national government agency representatives independent of representative governance structures.³⁰⁸ Meanwhile, the presence and involvement of representative observer organizations with longstanding formal

³⁰⁶ Keck and Sikkink 1998

³⁰⁷ UNFCCC 2014: “Momentum for Change”

³⁰⁸ Sustainable Energy for All 2013. The initiative is one of six critiqued in the 2012 Friends of the Earth International report entitled “Reclaim the UN from Corporate Capture,” discussed in Chapter 7. See FOEI 2012.

status in the UNFCCC process became the subject of newly restrictive, less predictable controls, as parties and the secretariat faced increasing pressure to produce international consensus.³⁰⁹

The same period saw the intensification and multiplication of market-based and financialized climate change response initiatives. New subnational markets in Australia, the US, Canada emerged, drawing on the experiences and calculative technologies of the Kyoto Protocol's Clean Development Mechanism (CDM) and the EU's Emissions Trading System (ETS) (discussed in more detail below). Offset trading provisions became the focus of the re-design of the UNFCCC's Reducing Emissions from Deforestation and Forest Degradation (REDD) program amidst notable contestation, as described in Chapter 8.³¹⁰ More generally, climate change response joined a broader enrollment of private and public goods and services within an expanding apparatus for financial investment and speculation.³¹¹

Again, these shifts of actors, roles and logics are deeply intertwined in evolving climate governance arrangements. Indeed, as Paterson (2011) notes, amidst the remarkably dogged marketization of climate change response contemporary climate politics is “less and less” about states. And yet, to be sure, “free” markets in emissions permits and offsets depend in fundamental ways upon the construction of new property rights and rules, and they thereby interpellate state actors and capacities as the facilitators of incentivized private-lead climate action and investment.

One of the major ways in which they do so is through the more general re-scaling and siting of coordinated climate change responses. Indeed, the spatial loci of political energy for climate change response shifted dramatically following the Copenhagen meetings. On the one hand, the

³⁰⁹ See Fisher 2010; Bernauer 2013. Civil society actors have long been recognized as playing influential roles in the construction, implementation and maintenance of the treaty (see e.g. Bas Arts 1998, Newell 2006, Betsill and Corell 2008). Critical civil society organizations in particular have been excluded in recent years.

³¹⁰ See also Paterson 2011

³¹¹ See Hall et al. 2013

(re)spatializations of governance involved in market-creation and new international financial investment arrangements have called forth bilateral partnerships and birthed new public-private institutions still less bound by public global covenant or territorial administration. These include, for instance, Norway's partnership with Indonesia and other forest nations, and the set of new regulatory actors involved in REDD.³¹² On the other hand, a wide range of observers and theorists of governance have devoted significant study to the burgeoning of climate change response initiatives of all types, involving a diverse set of actors at every scale but the international over the past decade, garnering increasing attention amidst the most recent signs of international stalemate.³¹³ Finally, a parallel trend toward re-scaling and re-siting of Polanyian counter-movement (activist and advocate) energies occurred amidst the "triple crisis" of the late aughts.³¹⁴ I address institutional strands of this counter-movement in the following section, and issues within local and community-oriented politics of the climate countermovement in Chapters 8 and 9.

In the subsequent sections of this chapter I examine how these trends of post-internationalization and marketization as they operate in evolving forms of climate governance proceed from and propagate socio-spatial, governmental and socio-ecological separations, through epistemological commitments and related institutional practices. I also address the ways in which these separating tendencies of the new climate governance limit the visibility of justice issues and the capacities of state and civil society actors to address them.

³¹² See REDD Monitor 2015

³¹³ See, for instance, discussions of climate change response as situated by debates over US federalism (Rabe 2011), US regional, state and local initiatives (Rabe and Betsill 2009), and urban spaces across the globe (Betsill and Bulkeley 2004, Bulkeley et al. 2013, Rice 2010)

³¹⁴ See e.g. Meuller 2012, Bond 2012, and the resolutely bottom-up efforts of groups like Ecosocialist horizons, the Climate Action Camps of the UK and northern Europe, and the climate-energy initiatives of the Transition movement: see Ecosocialist Horizons 2011; Climate Camp n.d.; Transition Network 2013

Post-Copenhagen climate justice advocacy and regimes of the respons-ible/able

The governmentalization of climate change response (or any other domain for that matter) entails the scripting of a specific set of actors, roles and discourses that may enter official politics, and thereby make claims upon the mobilization of state-official capacities and resources. From the viewpoint of social movement actors, each regime of governance is constructed as a target of political engagement in part through this scripting, and the resulting opportunities and constraints it engenders.³¹⁵ Re-scaling as a political strategy³¹⁶ avails actors of the particularities among these scripts as they are configured at different “political scales,” and – still more precisely – in different political *sites* embodied as regimes associated with a given scale (since regimes of any scalar classification are unavoidable differentiated). Thus, by targeting a particular regime, actors may access the more propitious hegemonic discourses, official capacities and/or material resources associated with that regime. They may also attempt to increase the impact of their efforts to influence more widely consequential governmental and socio-ecological processes as these are conceived as subject to differential influence through the chosen regime.

In the period following the COP and concurrent civil society engagements in Copenhagen, a wide range of actors – including many involved in climate justice advocacy and activism – sought and took opportunities to re-locate their engagement with climate change responses elsewhere than the UNFCCC. Such changes in orientation added impetus to scholarly and organizational energies already directed at other scales and sites of climate politics.³¹⁷ Many in the climate justice networks, for instance, conceptualized engagement in local and national

³¹⁵ The re-construction of governance arrangements, therefore, is also the re-construction what some scholars term the political opportunity structures that situate – and to some extent shape – advocacy and activism in particular regimes. On political opportunity structures as a central concept in social movement studies, see Meyer and Minkoff 2004

³¹⁶ See e.g. Swyngedouw 1997, Cox 1998, Kurtz 2002, Bulkeley 2005

³¹⁷ Note 283, 284

contexts as potentially more propitious for their wider cause as compared with continued focus on international negotiations.³¹⁸ Conceived as ‘lessons from Copenhagen’ and other COPs, these impulses also resonated with analyses by critical institutional advocates which characterize the liberal democratic geo-economic powerhouses of the Global North – the US and EU particularly – as at once differentially responsible for the historic accumulation of GHGs affecting poor places around the globe, and differentially *response-able*, or capable of robust contributions to global mitigation and adaptation efforts. These regimes were already, then, the focal points of significant lobbying efforts, as well as central nodes of place-based social infrastructure for many transnational civil society groups. The disproportionate influence of the US in international negotiations, made abundantly apparent by the Copenhagen Accord and its subsequent buttressing in part through bilateral levers in Cancun (see Chapter 3) only heightened interest in national-level political processes.

In the vacuum of international ambition left by the Copenhagen Accord, however, what different opportunities would actually present themselves in the responsible/response-able regimes for institutional advocates oriented toward global climate justice? Further, might civil society engagement within those regimes facilitate increased ambition and responsible action on the part of the international community, as theories of transnational advocacy suggested and some observers claimed EU leadership promised?³¹⁹ Motivated by these empirical and theoretical concerns, in summer and fall 2011 I conducted interviews with civil society actors involved in climate governance and their agency interlocutors in EU and US federal-level

³¹⁸ See e.g. Bond 2012; Mueller 2012

³¹⁹ Analyses conceptualizing the EU as a site of opportunity for intervention, through whose role in negotiations other states might be compelled toward more ambitious climate action resonate with Keck and Sikkink’s “boomerang” model, by which transnational activist networks exert pressure on bad state actors by way of their access to more cosmopolitan regimes and the mobilization of global norms. See Keck and Sikkink 1996. The fit of this rather neat model with more recent global political configurations has been questioned, among others, by Rodriguez-Garavito and Zajak, who point to complex boomerang and local-global effects amongst involving the pathways of transnational influence in a multipolar political world. see Rodriguez-Garavito 2014; Zajak 2014

regimes. I spoke at length and corresponded with individuals based in Brussels, The Hague, Antwerp, Washington DC, New York City, Los Angeles, and Boston. A number of my respondents had been active in UN meetings and other global governance forums. I had observed and spoken with some previously, during COPs or remotely. The interview conversations I conducted focused on characterizing EU, US and UNFCCC climate governance regimes as providing “political opportunity structures”³²⁰ for civil society advocacy, and for justice-oriented institutional engagement in particular.³²¹ In the terms mobilized above, these three regimes present distinct socio-spatially and governmentally constituted political sites: differentiated – though institutionally and interpersonally linked – targets of advocacy.

Through the materials generated by these interviews and the context given them by relevant literatures I explain the consequential differentiation of these sites for climate justice advocates in terms of varying formal processes and cultures of civil society consultation.³²² These differences importantly script the efforts of transnational organizations as they operate across regimes, fracturing their continuity in recognizably patterned, regime-specific ways.³²³ That is, the socio-spatial separations constitutive of US national, EU regional, and UN international sites of climate change governmentalization appreciably impact the political opportunities and associated ways of working for “global” civil society actors, and for those engaged in justice advocacy, in particular ways. Moreover, the scripting of governmental roles – in particular the role assignments and separations of representative civil society actors in relation to state authorities and other private parties – operated differently within each regime, and

³²⁰ Miller 1994, Kriesi 1995, Marks and McAdam 1996, Meyer and Stagenborg 1996, McLaughlin and Khawaja 2000, Meyer and Minkoff 2004, Van Der Heijden 2006

³²¹ I therefore spoke with climate justice advocates and members of other major civil society organizations (development and environmental organizations) involved in climate politics, as well as members of EU and US government agencies and representative bodies with which those organizations typically interact. See chapter 2.

³²² See discussion casting this theme more directly in light of scholarship on global civil society, in Derman, B. 2014 [CPOL]

³²³ See e.g. Van Der Heijden 2006, Mahony 2008

differently for differently positioned actors within regimes, while posing notable constraints for non-state representative advocacy in each.

In a second theme, such regime-specific differences notwithstanding, advocates and governmental actors encountered what several described as a changed “political climate” across governmental sites following the meetings in Copenhagen and amidst the deepening of recession and financial crisis. Within this changed “climate” situating official politics, actual climate change itself fell from being a primary object of concern³²⁴ to one of secondary consideration (at best) as economically defined state imperatives³²⁵ rose more stridently to the fore, more forcefully shaping political discourse especially in the EU and US. Amidst these conditions advocates, agency counterparts, and official representatives re-framed, redirected or scaled back their climate change response initiatives; launched or continued them more quietly within the scope of their independent authority; sought newly sanctioned – usually private – partnerships through which to further them; or shelved them. Within these changed governmental and discursive conjunctures in the US and EU, concerns for global climate justice in particular – now more obviously misaligned with nationally- and regionally-defined priorities – were often sidelined or silenced. At the UNFCCC, by contrast, justice remained of central, if not growing concern. There, while parties and observers debated the meanings of Common But Differentiated Responsibility, equity, and dangerous climatic change (see chapter 3), and while limits on civil society participation increased,³²⁶ the international milieu and the political micro-geography of COP meetings nevertheless continued to offer opportunities for informal intervention by justice advocates.

³²⁴ see Giddens 2009

³²⁵ see Dryzek et al. 2003

³²⁶ See e.g. Fisher 2010

Structures of opportunity in the EU and US

Many transnational civil society groups work on climate issues in both EU and US contexts. The findings of this research suggest, however, that the conditions within which linked and like-minded groups operating in the two settings work are often notably different. Distinct policy contexts as well as divergent formal provisions and cultural norms about civil society involvement drive those differences.

The EU's existing climate change directorate and policies, complex larger institutional structures, and highly bureaucratized consultation procedures create multiple predictable opportunities for Brussels-based organizations to engage with European policy making and positioning in the international negotiations. Moreover, the EU's widely touted institutional embrace of representative civil society consultation as a central component of its transparency was clearly reflected in the sentiments of agency and parliamentary actors, as voiced in interview statements. Several EU government interviewees, for instance, expressed keen appreciation for the work of their civil society counterparts, who they saw as contributing to legitimate and effective regulation at the European level. For these officials, NGOs involved in climate governance bring technical knowledge they deem highly valuable, while also counterbalancing the influence of industry lobbyists. For instance, one parliamentary aide commented:

In the end it's still the MEP who has to think for himself and make a decision, but it's good to have both sides. I've been comparing it to the banking crisis we have at the moment. There the financial sector is the one with the expertise and you don't really have a lot of . . . NGOs who do banking analysis In that sense I think we are very happy in our environment sector where you have lots of people who have been active and involved and have very good [informational and monitoring] networks.

Membership and cooperation within a complex set of networks was, indeed, a ubiquitous feature of the ways of working Brussels-based civil society actors described in interview conversations.

Several corroborated the aide's perception that a variety of networks – encompassing other Brussels-based groups, member organizations across Europe, and allies around the world – are essential to their EU engagements.

At the same time, multiple overlapping European level policy processes and evolving governmental structures demand significant institutional knowledge and considerable diligence, which tends to limit EU civil society actors' focus to Brussels. Position statements therefore frequently depend upon analyses outsourced to “network members” elsewhere. Also, while engagement within local networks helps organizations stay current with EU debates, enabling timely intervention supported by in-house and/or supplemental analysis, it also represents a strategic response to the expectation I observed, and heard described, among government partners that there be only one “civil society” perspective on a given issue. One aspect of NGOs' representative work in Brussels, therefore, is the dance-like mediation between the unavoidable diversity of constituents' actual concerns and commitments, on the one hand, and the glossing of these in favor of the greater influence afforded by the appearance of concerted voice, on the other. Moreover, while representative capacity remains a key justificatory plank underpinning the EU's formal consultation procedures, in practice technical knowledge and uniformity of message are highly valued by official actors enmeshed in its labyrinthine policy-making apparatus.

Still, the inclusion of civil society voices in European environmental governance extends to groups openly critical of EU policies, some of whom receive important EU financial support.³²⁷ One official involved in funding decisions explained such situations with reference to the analytical grounding and large constituencies of funded groups, asserting that the broader the dialogue generated by non-governmental partners in governance, the better.

³²⁷ see European Union, 2013

On the other hand, some civil society respondents did not feel included at the level of industry lobbyists. Several noted that business groups command much greater resources, and participated at high levels without the requirement of representing citizen constituencies. Indeed, at the three panel-format parliamentary workshops I observed in Brussels, only one panelist was a civil society member with views notably different from that of the business and academic technical consultants invited to speak. The differential status and often conflicting aims of representative and for-profit non-state participants in EU governance is a recurrent point of tension in EU administration, which provides grist for frequent public debate.

Finally, ‘justice’ and ‘equity’ were not terms in wide circulation amongst environmental agencies and organizations in Brussels during summer 2011. This was despite that fact that some organizations explicitly link their demands and prescriptions for reducing European emissions with concerns of global justice³²⁸ and that, for many in the development community, climate policy was fundamentally defined by imperatives of global justice, conceptualized operationally in terms of innovative responsible forms of finance, and the safeguarding of human rights in the implementation of climate change response.³²⁹ Civil society actors involved in global justice networks acknowledged making considered choices about the framings employed in European institutions where, they argued, concerns of justice commanded little political will, as I discuss at greater length below.

In comparison with the EU, advocacy for climate action and justice in the US is situated by a markedly less developed existing policy, and a politics of climate change response enacted largely through the broader negotiation of power between branches, and between federal and

³²⁸ e.g. FOEE, n.d.

³²⁹ e.g. APRODEV, n.d.; CIDSE, 2011

state administrative scales.³³⁰ Indeed, US government and civil society respondents confirmed depictions of a domestic climate regime both fragmented and localized, though active.³³¹ Interviews and observations also suggest, however, that conceptions of civil society, consultation practices, and funding arrangements which differ from those that characterize EU institutions significantly structure the means and outcomes of advocacy for just and ambitious climate change responses in the US. Justice-oriented advocates linked these factors with limited and unpredictable opportunities for participation through formal channels in Washington.

US government interviewees were generally more circumspect than their European counterparts about the contributions of representative civil society organizations in the governance of climate change response. A congressional aide, for example, described coordinating an adaptation planning exercise in which the involvement of non-governmental groups with technical expertise had helped support a broader political coalition. She expressed frustration, however, with the impact of organizations focused on citizen engagement, attributing the demise of the 2009 proposed climate legislation, for instance, to opposition by Moveon.org, whose large membership, after pushing for more ambitious provisions, ended in opposition to what it perceived as an overly-compromised bill. An EPA staffer with prior experience at international climate negotiations voiced similar misgivings about NGO and social movement campaigners in and around the COPs, where he considered technical expertise of far more value than advocacy. Several government interviewees saw local initiatives with light-handed federal coordination as the best opportunities for climate action, due in part to the ability these afforded to minimize contestation from organized citizens and other interest groups. My own interview

³³⁰ On US the conditions constraining US federal climate policy, see e.g. MacNeil, 2013, and discussion by Paterson 2011, summarized briefly in the following section. See Rabe, 2011 as illustrating an analysis of climate policy in terms of the storied debates of “federalism.”

³³¹ e.g. Rabe, 2010

materials help to explain recent analyses of policy discourse, however, which suggest that issues of justice figure but little within initiatives at municipal scale, either in the US or elsewhere.³³²

Lower levels of public funding³³³ and less bureaucratically routinized or transparent advocacy practices³³⁴ than those of the EU also shape structures of opportunity for civil society organizations in US climate politics, presenting them with different possible roles and partnerships depending upon their capacities and values. Both conditions trouble traditional conceptions of non-governmental, non-market organizations as enabling constituents of a “public sphere” supporting open access to deliberative debate over social goods.³³⁵ On the one hand, foundations are among the most visible organizations in US climate policy debates, leveraging private funds to host topical forums for professionals across sectors and publish extensive research volumes,³³⁶ while less visible sources provide substantial support to many advocacy groups.³³⁷ On the other hand, the politicization of federal government consultation practices³³⁸ was perceived by interviewees as particularly limiting for groups critical of existing national priorities – which justice-oriented organizations often are. Members of such groups located in Washington described a tendency on the part of the sitting administration to “pick and choose” civil society partners, heavily favoring some groups, and using others only as “political cover.”

As in the EU context, the particular governmental scripting of US federal-level advocacy shapes the ways of working of many DC-based organizations, limiting the range of strategies, discourses and alliances groups there develop and deploy. To illustrate, many US climate justice

³³² see Bulkeley et al. 2013; 2014

³³³ Salamon et al. 2003

³³⁴ cf Mahoney, 2008

³³⁵ On the relationship between the norms and forms associated with civil society, see Edwards 2009

³³⁶ See e.g. Pew Charitable Trusts, 2013; Wilson Center, 2013

³³⁷ In this sense, the value of the public sphere is troubled by the unaccountability and unevenness of private funding. As Salamon et al. argue, it is in this respect that voluntary organizations, as a means of achieving the touted benefits of civil society “can’t do it alone” – their most democratic potentialities, rather, depend on public support. Salamon et al. 2003

³³⁸ cf Mahoney, 2008

advocates active in and around the UNFCCC pursue their domestic efforts as part of long-standing and broad-based movements for social and environmental justice, articulating the differential impacts of climate change and emergent responses in connection with the prior concerns of existing political communities, often through education and/or mobilization.³³⁹ One DC-based interviewee described her own work as an international policy-oriented climate justice advocate, based in the nation's capital, as necessarily proceeding in isolation from that of such organizations, despite their shared aims and potentially shared domestic constituencies.

At one level, the findings of this section resonate with Kristin Mahoney's that while many similarities hold between advocacy groups and the aims of their work in Washington and Brussels, regime-specific "institutional design factors" importantly differentiate practices and outcomes in the two settings. In particular, Mahoney argues that whereas EU advocacy targets and opportunities are heavily determined by policy-making procedures in the context of less direct electoral influence, encouraging advocates to invest in "inside" engagement, US advocacy targets are more "flexible," such that advocates there are compelled to make greater use of a range of "outside" strategies.³⁴⁰ My observations and interviews in the two settings, however, suggest that the theoretical structures of greater democratic accountability in the US by no means guarantee a hearing for global justice voices in the consequential circles of US foreign policy. Moreover, while climate justice organizations may encounter more frequent and predictable advocacy opportunities in the EU, neither there nor in the US can they readily tie their concerns with ascendant core state imperatives (Dryzek et al., 2003) the two regimes hold in common, as the following section illustrates.

A changed "political climate"

³³⁹ see e.g. IEN, 2013; NAACP, 2013, and discussion of these groups in the following chapters

³⁴⁰ See Mahoney, 2008, 208

Many interviewees in Washington and Brussels described their work as taking place in a changed “political climate” after COP15 and the onset of global financial crisis. Altered opportunities – and new constraints – for climate action advocacy were reflected in the re-articulation of policy positions in terms of business interests and economic growth potential. As a seasoned climate strategist with the US branch of a major international development organization put it:

Because of the current economic climate we’re operating within, we can’t really do our jobs well unless we demonstrate business support for what we’re doing. That’s the kind of climate we’re working in right now – whether it’s potential job creation, or just essential economic opportunity, or risks that companies are facing due to these issues – we have to be able to demonstrate that in a real way. If not, then our issue is going to go nowhere, basically, as far as we can determine.

Such considerations accompanied the retrenchment and re-framing of climate change response initiatives that had garnered significant national attention in the US over the preceding years, by both civil society and government actors. Oxfam America, for instance, the domestic branch of the major global development organization involved as an observer at UN climate negotiations collapsed its climate change campaign into *Grow*, global food initiative, in 2010. In a second example, a US legislative aide described rewriting promotional material for long-running projects that had once been framed as climate change responses according to the new political conditions, saying: “Now there’s this shift towards [emphasizes] *talking about economics*.” “It’s the same policies,” she argued, “and they will always have the same benefits; you just have to change which you talk about.”

Shifting discursive terrain, however, was also linked with consequential changes in the set of actors and principles of climate governance. A number of environment and development policy professionals concerned with justice emphasized the deeper consequences of the

financialization of climate change debates.³⁴¹ For one EU-level NGO worker, this process entailed a significant shift in terms of those empowered within European climate governance and, relatedly, in levels of ambition:

[E]nvironment people . . . are less and less important actually – sadly – in the whole climate discussion because there’s so much financial implications: economic implications. And that’s a development that we’ve seen over the last three to four years, that the finance ministries are often very much implicated [in setting EU climate policy and negotiating position]: economy ministries, industry ministries.... [F]or instance ... in March when the Road Map came out you had seven environment ministers who were supporting 30%,³⁴² which is good, but in the end it is quite meaningless because it’s the environment ministries and you know [pauses] and if you have environment ministries’ support you can be almost sure that if it’s *only* environment ministries – that the rest of the government is not agreeing to that position.

In another interview, an EU parliament member offered a similar analysis, linking increasingly economistic understandings of climate change amongst EU-level policy makers, and the increasing sway of business interests, with a political conjuncture defined by the ongoing financial crisis.

Frequent characterizations of a such a changed “political climate” across the interviews suggest that, despite differences in advocacy cultures³⁴³ and policy development and orientation³⁴⁴ between the US and EU, in the shadow of the global financial crisis both regimes became increasingly oriented toward economic imperatives³⁴⁵ to the exclusion of competing concerns of environmental integrity and justice. Although interviewees described conditions of crisis and increasing constraints on civil society participation within the UNFCCC as well, many

³⁴¹ cf. Broder, 2011

³⁴² That is, specifying a goal of 30% emissions reduction within the policy plan laid out in the EU’s Road Map.

³⁴³ Mahoney, 2008

³⁴⁴ MacNeil & Paterson, 2012

³⁴⁵ Dryzek et al., 2003

also argued for that institution's continued and fundamental salience for effective responses to climate change, and for the pursuit of relevant procedural and participatory forms of justice.

Civil society and the UNFCCC

Several interviewees described the period following COP15 as one of reevaluation, during which organizations, funders, and even states debated the utility of continued engagement in the climate negotiations, which require significant investment yet, they felt, have yielded little return. The continuing accumulation of emissions also poses dilemmas for advocates. As one NGO analyst asked, could advocacy for ambitious mitigation based in science remain relevant when negotiators currently debate targets well below those which science mandates? Still, numerous governmental and civil society actors interviewed (at EU and US sites as well as COPs) insisted that the global extent of climatic *and* economic processes warranted that a “global deal” on greenhouse gas mitigation constituted a continued imperative in order to forestall the worst impacts of climate change. Moreover, although civil society roles are limited (and recently threatened) at the UNFCCC, the institution and parallel gatherings appear to provide unique opportunities for justice advocates. Thus, many saw continued utility in those forums, despite harboring little expectation of a satisfactory international agreement in the coming years.³⁴⁶

The official participation of civil society organizations at the UNFCCC is highly circumscribed. Their speaking opportunities in the course of negotiations are typically held to two-minute joint statements at the close of plenaries, delivered at the discretion of the session

³⁴⁶ Many interviewees expressed frustration with international negotiations, and those who argued for their continued salience typically offered logical support for such convictions. However, it is noteworthy that the views expressed by national and regional government and transnational NGO workers with years of involvement in negotiations may have been biased by personal and/or institutional investment in that process. However, it is also worth noting that appropriate scales, institutions, and strategies of engagement have been the subject of ongoing debate amongst climate justice advocates, including within the people's spaces around COPs. It bears emphasizing, therefore, that interviewees did not (nor would the author) characterize the UNFCCC as a forum for the pursuit of climate effectiveness or justice to the exclusion of others.

Chair, often with little or no prior notification. Much of the work of these groups during COPs and interessionals consists of briefing accredited members of the press on developments within negotiations (a tactic relying for its impact upon the quality and volume of media coverage, which is scant in many nations including the US), distributing daily bulletins and targeted reports, and speaking at side events.³⁴⁷ Advocates also meet unofficially with parties and other observers during negotiations – a focus of their activities described by several interviewees as increasingly important. During and after COP15, protests and performances by civil society have also been notable features of COP meetings, leading in some instances to the ejection of accredited observers of long standing, and to legal sanctions.³⁴⁸

At the same time, for many advocates focused on the uneven landscapes of international politics and development, negotiations represent important forums. A wide range of groups work to support developing country parties' participation in the negotiations themselves (and interviewees pointed to instances where such support has influenced negotiated outcomes), or to facilitate their effective implementation of resulting adaptation and mitigation programs.³⁴⁹ Other groups provide analysis aimed at highlighting and offsetting the consequences of the massive resource discrepancy amongst formally equal negotiating parties. One advocate, for instance, characterized the ability of developing countries "to speak and communicate about their positions to the international stage ... [as] very, very limited," noting that "a few of these [developing] countries have only two or three or four people on their delegations" in contrast to what she described as the "phenomenal media and economic power houses" of major developed country delegations like that of the US, which has at times brought close to a hundred individual

³⁴⁷ These have been shown to exert some influence on negotiations over the long run, albeit within the limits of governmental and spatial separation. CF Hjerpe and Linnér 2010; Schroeder and Lovell 2012.

³⁴⁸ Fisher, 2010; Hansen, 2011; Heppenstall, 2011

³⁴⁹ See e.g. CCAP, n.d.

staff.³⁵⁰ In such circumstances, by providing analysis of developed country positions to developing ones, enabled by the capacities transnational networks attain through their ties in Washington DC, Brussels, and elsewhere, civil society actors perform an inverted and less formal version of Keck and Sikkink's boomerang-model advocacy, aimed at disrupting the hegemony of dominant state actors within the international community.

Further afield – beyond secured UNFCCC negotiation rooms – another set of gatherings involves many official observer groups committed to justice advocacy.³⁵¹ Crowds in these 'civil society' or 'people's' spaces are largely uncredentialed local or regionally based stakeholders, including many members of communities affected by ongoing climate change impacts. By linking these gatherings with COPs, accredited organizations seek to increase participation, transparency, and accountability. The aims and challenges of this work, which confronts directly the prodigious governmental separations of UN climate governance by linking "inside" and "outside" political spaces, is addressed in chapters 5 and 6.

The interview and observation data summarized and excerpted here echo prior findings, that while the UNFCCC attracts extensive civil society participation (in numerical terms), the roles of observer organizations, and their impact, are subject to significant limits.³⁵² At the same time, however, they also suggest that despite recent widespread attention to climate governance and politics at national, regional, and local scales,³⁵³ the UNFCCC is still characterized, at least by some in key government and civil society positions, as an essential forum for effective climate regulation. Moreover, while certainly not the only site of advocates' engagement, global gatherings (closed and open) appear to provide significant opportunities to confront issues of

³⁵⁰ To COP3, for instance the US brought 99 staff members, while Uruguay brought four. See <http://unfccc.int/cop3/fccc/listpart/delcount.pdf>

³⁵¹ Cf Fisher, 2010; Derman 2013, 2014

³⁵² E.g. Arts, 1998; Betsill & Corell, 2008; Fisher, 2010

³⁵³ E.g. Betsill & Rabe, 2009

justice and to forge connections, however tenuous, between widely dispersed, adversely affected communities and the institutional goings on of climate governance, which powerful national and regional regimes in the EU and US do not.

Summarizing the findings of this analytical section then, the re-siting of political energies toward climate change governance regimes in the US and EU has required the re-targeting and shaping of civil society advocates' interventions in ways that both sideline justice advocates and makes their issues of concern less visible. That is, the governance of global climate change at sub-global levels reifies the socio-spatial separations of nation state political geographies and the regionalisms and localisms of yet smaller scales. These re-scalings thereby elide consideration of wider geographies of uneven responsibility and capability, and obviate the principles and arguments for global and international justice through which global civil society actors frame their interventions in international and transnational political forums. In addition, regime-specific scripting of governmental separation in the US limited justice advocates voices there. Moreover, the demotion of climate concerns in the face of economic imperatives both there and in the EU, accompanied by the increasing prioritization of market actors' interests and capacities, limited the influence of representative civil society organizations on processes of governance. The financialization of climate change governance in particular demands that environmental and social advocates re-frame arguments, enrolling them in new discursive projects and partnerships. It also creates new, more empowered roles for private actors, while heightening the inequalities of climate risk as I describe in the following section on the marketization of climate governance.

Operationalizing ecological and governmental separation: carbon markets and climatic injustice

In this section I show how the financialization of climate governance, in particular the rise of market mechanisms as a primary modality for mitigation, exemplifies governance through the epistemology of socio-ecological separation and the practice of governmental separation. The financialization of climate governance has arisen logically enough in response to the conditioning factors and failures of coordinated international mitigation initiatives (see introduction and Chapter 3), in combination with the more general ascendancy of market-based mechanisms and increasing reliance on the capacities of private actors within the “new environmental regulation” described above. To date the market governance of climate too has largely failed at mitigation, however, as a result of its dependence upon assumptions belied by actually existing economic, social and political conditions, not least of all the socio-political divisions of global space that overlay the comparatively freer flows of emissions and transnational capital, and the inordinate influence of major market players in constructing the operative rules and initial conditions of exchange. The consequences for climate justice of the marketization of climate governance too have been neither favorable nor propitious. These outcomes and prospects are due in part to the fact that trading schemes are also significantly based in scientific abstractions which depend on epistemologies of socio-ecological separation. Drawing upon the growing literature devoted to the development and impact of carbon markets, I analyze below these increasingly dominant forms of climate governance in terms of their basis in disconnection and its impacts.

Three separations and the birth of contemporary emissions trading

The development of existing carbon markets provides a ready illustration of post-internationalization and financialization, uniting these more general trends in environmental governance and gaining impetus both from the lackluster outcomes of international negotiations

and the impulse toward new opportunities for accumulation.³⁵⁴ Matthew Paterson explains these processes and the resultant rise of carbon trading – what he dubs a transition “from international regime to global carbon market” – in terms of dynamics that have long shaped the UNFCCC negotiations: the predominance of scientific framings, North-South conflict, “US exceptionalism,” and business interests.³⁵⁵ Each of these can be read as rooted in or operationalizing of the practices and epistemologies of separation through which I analyze climate change response.

Like other observers, Paterson rightly underscores the powerful impact of scientific discourse on international climate politics. Although accumulating scientific knowledge impelled initially resistant states to participate in negotiations, for instance, the persistence of scientific forms of uncertainty (see Chapter 3) continues to offer recalcitrant states and commentators intellectual grounds for postponing policy action.³⁵⁶ More importantly for the present discussion, however, scientific framings provided the conceptual basis for emissions trading and offsetting as programmatic methods for lowering emissions. “Initial framings about the universality and ubiquity of greenhouse gases in the atmosphere,” writes Paterson, “enabled a narrative that ‘the climate doesn’t care where the emissions come from.’”³⁵⁷ Meanwhile the calculation of equivalency factors among GHGs (the basis of the IPCC’s so-called Global Warming Potentials) further facilitated the theorization and implementation of permit exchanges amongst geographically and sectorally dispersed emitters. The tradability of permits for all GHGs amongst a potentially global market of emitters is thereby founded upon a series of logical abstractions, which perform the epistemological function of socio-ecological disconnection.

³⁵⁴ see Bumpus and Liverman 2008

³⁵⁵ Paterson 2011

³⁵⁶ Ibid

³⁵⁷ Ibid, 612

That is, assumptions of equivalence among atmospheric stocks of various heat-trapping compounds mask the places, purposes, relations, and material processes associated with what is in reality a highly diverse, socially-embedded, and geographically uneven flux of climate changing emissions.

Contemporary emissions trading regimes are also the products of socio-spatial separation as institutionalized in the UN system and national-international divisions more generally. Paterson's consideration of North-South dynamics and "US exceptionalism" capture aspects of this category. Notably, though, the impact of these factors in promoting carbon markets is importantly facilitated by the scientific abstraction of GHG emissions from their socio-ecological and geographical imbrication.

Firstly, much movement within the UNFCCC has been structured in terms of persistent North-South (i.e. developed-developing) country conflict overlaying a procedural framework for international "cooperation." Historical emissions accounts registering the cumulative contributions of territorially-bounded nation-states, and the use of country "blocs" as a logical response to the unequal political power amongst formally equal negotiating parties lead to operationalization of the Convention's centrally-important Common But Differentiated Responsibilities doctrine in a two-tiered Annex system. The latter assigned "developed countries" first action in reducing emissions, formalized in commitments under the Kyoto Protocol (for more on the political dynamics surrounding the Kyoto Annexes, see Chapter 3). The satisfaction of developed country obligations through investment in new low-carbon infrastructure in developing countries, under the KP's so-called Clean Development Mechanism (CDM), gained rapid traction as an alternative which left Annex I parties' energy and economic systems largely untroubled, while simultaneously promising economic development for non-

Annex I states. The abstraction of emissions from social and geographical context, via calculations rendering comparable emissions of any kind anywhere, provided the essential underpinnings of the CDM and the Joint Implementation (JI) program, a similar “flexibility mechanism” enabling the international spatial displacement of mitigation efforts among countries with Annex I commitments. Assumptions of equivalence among different sources and types of GHGs embodied in Global Warming Potential ratios, moreover, are only one facet of the calculative matrix supporting the transfer of mitigation obligations across space, compound, and activity under the KP. For CDM and JI projects to provide stand-ins for mitigation efforts grounded within the strong economies of the Global North, those projects must also represent reductions in the quantity of emissions that would otherwise result from business-as-usual development in the host country. The predictions and comparisons involved in exercises of monitoring, reporting and verification – or MRV as they are known in UNFCCC discourse – necessary to validate such “avoided emissions” are far from trivial.³⁵⁸

Secondly, the ready exercise of the US’ disproportionate geo-economic power (the legalistic politics of which, in UNFCCC negotiations, were examined in Chapter 3) was a central driver in the international adoption of the CDM and carbon trading approaches under the FCCC more generally. Other countries read these US demands as preconditions for its adoption of the KP.³⁵⁹ Further, the anti-internationalist constitutional structuring of US domestic treaty adoption and implementation provided (as it still does) justification for and encouraged acceptance of a hardline negotiating position constructed in accordance with US national interest.

³⁵⁸ Calculations of avoided emissions from CDM and JI projects rely centrally upon models of development and their assumptions and on technically and administratively-challenging empirical measurement. For these reasons discussions around MRV themselves become quite contentious internationally.

³⁵⁹ see Paterson 2011

The disproportionate influence of the US discussed by Paterson combines such effects of the politics of socio-spatial separation with those of governmental separation as I have defined these terms. For instance, US advocacy of carbon markets extended in part from the comparatively consequential impact of private business interests in its domestic political sphere.³⁶⁰ To be sure, though, coalitions of major private energy producers and consumers and less formalized business lobbying efforts have also acted to further and shape the transition to marketized climate governance in contexts outside the US.³⁶¹ More generally, business actors have advocated successfully for market-based approaches over other possible economic policy instruments, such as carbon taxes, in multiple regimes.³⁶² The varied and widespread influence of business in scripting the shifting logics and means of climate change response, in lieu of the voices of other actors (see below), represents an instance of what I have termed governmental separation: the reserve of socio-ecologically consequential ordering from representative political processes, and from the participation of the most affected groups in particular.

Separations constitute the functional bases of carbon markets but hamper their efficacy

Theoretical and existing emissions trading regimes are, then, in very significant ways borne out of epistemologies and institutionalized practices of socio-spatial, socio-ecological and governmental separation. As the above discussion suggests, these are also core to the theory of (potentially global) carbon markets as mitigation programs. In particular, the operationalization of socio-ecological abstractions underpinning the assumed equivalency of diversely produced, geographically distributed emissions provides an administrative complement to the global

³⁶⁰ See Ibid, and the prior discussion based on my own interviews with US and EU civil society and agency staff.

³⁶¹ For instance, Paterson cites alliances between the Global Climate Coalition, a group largely composed of energy and automotive producers, and the major oil producing states. Paterson 2011, 614

³⁶² Harrison et al. 2011

physical processes of atmospheric mixing and radiative forcing, which is of central importance to achieving the flexibility and efficiency that are the main selling points of carbon markets.³⁶³ Unfortunately, key assumptions involved in theories of carbon markets have rarely matched existing conditions of political geography and economy, such that little mitigation has resulted from their implementation, while the treatment of diverse emissions as commensurable threatens to exacerbate and obscure social inequalities. Again, viewing these outcomes in terms of the dynamics of separation and connection provides a unified explanatory framework for their shortcomings, which I will invert in the following chapters to examine emergent alternative logics of climate change response.

Like less widely adopted schemes to tax emissions, trading permits to pollute delivers mitigation results (in theory) by “putting a price on carbon” and other greenhouse gases. As Harrison et al. put it: “in contrast to other policy approaches – including subsidies or mandates for specific technologies (e.g. renewables and energy efficiency) – putting a price on carbon has the economic advantage of reducing the overall cost of meeting a target level of GHG emissions because it provides incentives for firms and households to undertake the cheapest options across a wide range of potential abatement measures.”³⁶⁴ Either approach relies upon the availability of alternatives and the classical economic behaviors of market response, accompanied by administrative infrastructures of monitoring and enforcement. These conditions are requisite for the realization of market mechanisms’ oft-touted promises of efficiency and flexibility. In practice, however, governmental and socio-spatial separations have complicated market design, hampering the achievement of mitigation goals.

³⁶³ On the primary importance of (discourses of) efficiency and flexibility in carbon market initiatives see Patterson 2011, Harrison et al. 2011, Lohmann 2008

³⁶⁴ Harrison et al. 2011, 521

One factor warping the implementation of theoretically elegant market models is the influence of major players on the specification of initial conditions. As Spash notes, aggregate emissions are dominated by a small number of politically powerful major contributors, whose disproportionate share is not easily challenged by smaller firms or startups. As a means of enrolling these large-share players in new emissions trading schemes, administrators have typically allowed them significant influence in specifying important elements of market design.³⁶⁵ Given the varied, complex processes resulting in emissions, their correlative ties with economic output, and the political challenges of imposing costs upon their hitherto externalized effects, several such elements must be specified. These include the initial number of permits, their allocation at the outset of exchange, and their pricing and availability in subsequent years; the timing and level of a cap on emissions in the first year and/or later; and the possible setting of a ceiling and/or floor for emissions permit prices.³⁶⁶ For each element, trade-offs exist between the risks market players take on, on the one hand, and the magnitude and temporal horizon of mitigation boons on the other. The relatively meager mitigation achievements from markets so far have been traced to the soft setting of these parameters,³⁶⁷ including, notably, the inordinately large number of emissions allowances available under EU ETS and UN CDM trading regimes, which have led in recent years to extremely low carbon pricing.³⁶⁸ Such prices are worrying in part because they send market signals guiding firms toward the cheapest rather than cleanest fuel choices, decisions likely to ramify in the long term as they are concretized through investment in fixed capital.³⁶⁹ To the extent such results extend from the influence of market players over

³⁶⁵ Spash 2011

³⁶⁶ See the useful discussion of each in Harrison et al. 2011

³⁶⁷ See e.g. Spash 2011

³⁶⁸ See e.g. The Economist 2012, 2013

³⁶⁹ E.g. The Economist reported in 2013 that the low price of emissions allowances under the EU's ETS has led power suppliers to build large numbers of less expensive, but more emissions intensive, coal fired plants instead of gas fired ones. The Economist 2013

market structuring – by most accounts significantly – they conform to the argument delineated here that private influence over public policy, an aspect of what I term governmental separation, as a prominent structuring characteristic in mainstream climate change responses has limited the efficacy of those responses.

The theoretical utility of carbon markets is also diminished in practice by significant problems related to political geographies of socio-spatial separation. The most fundamental of these is the problem of “carbon leakage,” which results from the combination of territorialized national and subnational regulatory administration on the one hand, with the mobility and transnationalization of non-state emitters on the other. Without a globally-encompassing price and policy of carbon credit exchange, firms that can are likely to re-locate production to un- or under-regulated locales, thereby escaping the costs of mitigation and continuing or even increasing given quantities of emissions.³⁷⁰ Predictably, concern to prevent leakage drives administrative accession to large emitters’ market design demands. Of course, nuanced pragmatic responses to proliferating sub-global and sub-national carbon markets occupy many analysts in discussions of how best to develop functional linkages among territorially divided markets.³⁷¹ Such efforts to smoothly span market regimes across divided political geographies, however, multiply the administrative challenges of market design, and therefore trail numerous potentialities for compromises to efficacy (see discussions by Paterson 2011 and Harrison et al. 2011). One problem raised by linking spatially delineated markets, for instance, is the likelihood of the lowest existing carbon price within a collection of markets to propagate through linked

³⁷⁰ See e.g. the IPCC’s definition of this long-recognized problem, which is not exclusive to marketized forms of regulation: IPCC 2007 (11.7.2 Carbon leakage). “Carbon Leakage” has been much discussed in relation to the EU’s ETS, the first major carbon market (e.g. European Commission 2015) and in sectoral discussions (e.g. Reinaud 2008).

³⁷¹ Paterson (2011) cites the explosion of side events the 2009 COP devoted to the technical questions raised by the challenge of linked markets, which I have observed continue in subsequent years.

regimes, a concern which has tended to perpetuate the patchwork global landscape of marketizing climate governance.³⁷²

Separations exacerbate and give rise to climatic injustices

If, as the prior discussion has argued, epistemologies and practices of separation are fundamentally constitutive of theoretical and existing carbon market regimes, and have distorted the latter with detrimental consequences for their mitigation potential, it is also worth noting how those separating impulses trail effects of social inequality which pose significant concerns for climate justice. Even a ideally functional carbon market – i.e. one encompassing all emitters globally, offering easy entry and exit, facilitating buying and selling in a context of perfect information, etc. – could hardly be expected to deliver geographically or socially equitable benefits, beyond reductions in global emissions.³⁷³ In the context of the rather more contingent construction and operation of emissions trading described above, equitable outcomes are still less likely. Indeed, as Paterson argues, the "marketization of governance ... has occurred principally because of a structural feature of carbon markets as responses – that they create concentrated, immediate benefits for powerful actors."³⁷⁴ The uneven socio-ecological boons and liabilities these regimes foster, however, are still more intricately related to the variegated socio-natures upon which they exert the influence of their founding abstractions, and the spatial divisions within which the ongoing privatizations of spaces and materials they engender are enacted.

As Lohmann writes in his now-classic critique of the “production of ignorance” through carbon markets and offsets: “carbon trading, as part of the ‘climate development’ package that has become entrenched at national and international levels over the past ten years, is organized in

³⁷² See The Economist 2013; Patterson 2011.

³⁷³ If, on the one hand, this proposition simply extends the culminating argument of Marx’s Capital, Volume 1 (Marx 2004) and Polanyi’s critique of market society (Polanyi 2001), it also resonates on the other hand, with more recent analyses of the marketization of social governance. See e.g. summary in Edwards 2009.

³⁷⁴ Paterson 2011, 619

ways that make it more difficult even to see what the central issues of climate justice are, much less to take action on them.”³⁷⁵ The examples he provides, and others of their kind, illustrate the ways in which the constitutive separations of carbon markets and the divided political geographies they necessarily encounter engender and exacerbate the socio-ecological injustices of already-uneven global development.

At one level, there are the disparate geographies of risk and protection arising out of the spatially-extensive allowance trading and offsetting schemes founded on the calculations of emissions equivalencies. As Lohmann notes:³⁷⁶

[I]f carbon markets necessarily abstract from *how* emissions cuts are made, they also abstract from *where* they are made – again in the cause of maximizing cost-effectiveness. But this abstraction systematically obscures the significance of place. This gap is likely to be damaging to social equality, since the industries most firmly locked into fossil fuel exploitation or use, and most likely to be carbon pollution right buyers, tend to have a disproportionate adverse effect on poorer and disadvantaged communities.

Neither are the disproportionate effects of market-driven choices of industrial location and process purely “social” in the anthropocentric sense. Rather, “[c]arbon trading also requires downplaying the different ecological effects that pollution can have in different biomes”³⁷⁷ – multi-species communities. The quality of administrative systems of enforcement and monitoring necessary to account for and verify the veracity of emissions and their offsetting, too, are distinctly uneven geographically. Emissions trading and offsetting at any scale are facilitated by the effects of socio-ecological and spatial abstractions that gloss over such geographical diversities of opportunity, ecology and regulatory capacity.

³⁷⁵ Lohmann 2008, 364

³⁷⁶ Ibid, 362

³⁷⁷ Ibid, 362

At another level, the effects of knowledge production and dissemination through marketized climate governance may be more insidious, both for efficacy and equity. These effects extend to a large degree from the power of private actors involved in trading and offsetting to frame mitigation efforts in terms amenable to exchange (and ultimately to accumulation) to the exclusion of the recognition of uneven geographies of responsibility, or inquiry into social or industrial structural change. As Lohmann, following Kevin Smith, argues:³⁷⁸

[C]arbon offset companies offering the spurious commodity of ‘carbon neutrality’ to individual consumers necessarily design their market in a way that hides the roots of climate change – that is, the historical overuse and skewed use of the earth’s carbon cycling capacity by a global minority – as well as other systemic social and technical processes. Offset advertising teaches that the climate change problem is due to, and can be addressed by, individual consumer choices. It encourages northern consumers to consider part of their emissions to be simply ‘unavoidable’ rather than as part of a pattern of energy use that can only be tackled through political and social organizing. It conceptualizes global warming primarily through complex calculations of guilt over individual ‘carbon footprints’ rather than, for example, the study of international oil politics or the history of social movements that have achieved structural change of the magnitude required to alleviate global warming.

More generally, through the suite of modalities Lohmann identifies with ignorance production, “carbon markets are interfering with effective and democratic approaches to global warming,”³⁷⁹ as proliferating complexities and the financialization of markets leaves ordinary voters and consumers behind, baffled, and, at worst, powerless to act beyond purchasing dubious offsets for individualized acts of emission.

The epistemology of socio-ecological separation which underpins GHG trading and offsetting has spatially uneven consequences for the socialization of risks from the ongoing

³⁷⁸ Ibid, 363; Smith 2007

³⁷⁹ Lohmann 2008, 364

production and impacts of climate change, and for the allocation of the benefits offered by financialized and marketized climate governance. These justice implications of these uneven geographies are both facilitated and normalized by the privatized government of socio-ecological futures through market regimes.

Conclusion

In this chapter I have shown how prominent recent trends in environmental governance institutionalize and propagate epistemologies and practice of separation which have limited the potential for just and effective responses to climate change. These trends are, first, the marketizing and financialization of coordinated climate change responses and, second, the re-direction of political energies by a wide range of actors from international and transnational fora to networked and spatialized constellations of environmental social control focused on other institutional sites and administrative scales.

Both moves constitute logical responses to the dynamics described in this chapter and previous ones, which have led to institutional failure to respond to the climate crisis and its uneven geographies of harm and responsibility at the UNFCCC, and through legal frameworks at a variety of spatial scales. The post-internationalization and marketization of recent climate governance described above also resonate with the broader trend toward neoliberal governmentalities of the environment and other domains, and the inevitable re-spatializations of power and control that has entailed. In the course of these transformations, however, shifts in the actors, logics, technologies and geographies of climate change response have removed or insulated consequential decision processes of from political contest, and limited voices and representations of affected peoples, while leaving the core divers of climate change and climate injustice largely unchallenged. In proceeding from epistemologies of socio-ecological

separation, marketized climate change responses propagate their effects through new institutional practices that distribute risk and benefit unevenly while framing dominant responses in terms of efficiency, flexibility and individual choice rather than responsibility, embeddedness and socio-ecological relatedness. The socio-spatial separations of regional, national and subnational climate response initiatives elide broader ties of responsibility and subject advocates' to the economic imperatives of territorial administration, particularly in the context of financial crisis. These governance trends thereby obscure the visibility of climatic injustice, threaten to exacerbate it, and limit opportunities for advocates to contest it.

In the next part of this monograph I extend the analytic of (dis)connection to consider efforts to resist these processes of deepening inequality by actors involved in social mobilization for climate justice. There I describe the work of particular groups involved in a multi-faceted “politics of connection,” which challenges the socio-ecological, governmental and socio-spatial separations too often institutionalized in legal and governance frameworks. I argue that the analyses, proposals, and strategies of those groups represent more hopeful bases for social responses to climate change. Examining their efforts also further develops the analytical framework I have laid out, as it calls for a detailed account of the resources, challenges and tactics of a politics based upon the recognition and construction of connections amongst affected groups, between climatic and social processes, and between stakeholders and governmental power as each are situated within complex social, historical and political geographies.

Part II: The Politics of Connection

Friday, 6PM, Durban: Eve of the Global Day of Action at the midpoint of COP17. As shadows lengthen, I join a motley handful of activists and observers, descending the hill from the University of Kwazulu Natal, the site of open gatherings during the COP. We are on our way to the evening meeting of the Rural Women's Assembly, which has brought over 650 delegates from nine countries to these "outside" proceedings.³⁸⁰

We arrive too late, however: the Women's meeting is at a close. Only a few organizers remain clustered around tables putting the finishing touches on signs for tomorrow's march. I stop at the periphery of their cavernous tent, which covers one side of what appears to be a large parking field. Members of the group drift past me toward a folding table where boxed dinners are being laid out. Those of us from the University are invited to partake, but I cannot see my way to cuing in front of any of these women, who have come from farming communities across southern Africa, that the impacts of climate change on their already precarious livelihoods might gain notice within the negotiations.

I turn, hearing tense voices behind me, and recognize the leadership of the Democratic Left Front, another group which has brought several hundred members to Durban, to participate in a conference on eco-socialism at the University and demonstrate en masse outside the COP. A young, grave-faced organizer hurriedly unloads boxes from an overstuffed hatchback, as others move toward a second large tent at the far end of the lot. Disappointed to have missed the Women's discussion and doubtful of what else I might learn this night about the experience of these groups during

³⁸⁰ Hargreaves 2012

the COP, I succumb to an urge simply to be useful. I approach, offer to help, and I am immediately put to work.

Soon we have piled the boxes behind a row of plastic chairs at one end of the second tent. My supervisor and partner in this labor thanks me, slices open a box, and exclaims in vexation. The contents – t-shirts freshly printed for the group to wear in tomorrow's march – are not sorted by size. A second helper is hailed and the three of us quickly fall to, unpacking and stacking shirts of different sizes on every available surface as the tent fills noisily with the group's members, who, not having taken their own evening meal, have just filed past the Rural Women's dinner outside.

As we sort the shirts, members of the large group take seats, many clearly eager to finish the business portion of this evening and get on with supper. There is much, however, that the organizers wish to cover and the food has not yet arrived.

Representatives from a handful of civil society groups address the crowd: providing updates and critique on the progress of intergovernmental talks, and offering suggestions as to the messages the group might deliver during tomorrow's march. Organizers review procedure for how members will stay together and safe along the route: captains have been designated – each responsible, and a contact point – for a contingent of marchers. An interactive de-briefing session, on a smaller march earlier today, ensues. "What did we learn? How did members of the group feel?" Members' responses vary from the inspired, to the frustrated, to the tangential.

Finally, an organizer hands the mic to another transnational activist. "Is it OK if I lead us in a very popular song that we sing around here ... Is it OK?" he repeats, to

scattered assent. His deep voice floats over the group, inviting a welcome release of collective tension and fatigue. The energy in the tent is quickly trebled by whistles, catcalls, many voices rising in familiar call and response:

My mother

My mother was a kitchen girl

My father

My father was a garden boy

That's why

That's why I'm a socialist

I'm a socialist, I'm a socialist...

Later the group's meal arrives and is spread on a plastic table. We quickly collect the shirts, and distribute them to each comer as they eagerly cue for dinner.

As the group disperses, the organizer of the t-shirt brigade offers me a ride back to the dorm, urging that I wait while he and others meet in a smaller tent for a final planning session. It is late now, and the group is small. I follow with hesitation, not wanting to overstep, but am encouraged upon seeing that my closest contact among these activists is also here. I take a seat on the periphery and remain silent. Everyone looks tired. Several voice frustration at the lack of cooperation from a few groups participating in tomorrow's mass mobilization. Much of the conversation centers on how to transport the large group assembled here to the starting place of the march, and to ensure their needs for rest and food are better met than they were today. I notice,

without recognition, another silent member of this gathering, who also sits outside the main circle.

The next day some 8,000 people join in the march, which culminates outside the COP amidst a formidable security detail. The Rural Women deliver a memo to the Executive Secretary of the UNFCCC and the South African Environment Minister, in a moment widely reproduced by the mainstream media.

Along the route, a phalanx of marchers clad in the official jerseys of the COP host country staff – members, apparently, of the ruling party's youth wing – attempt to delay and separate the Democratic Left Front from the rest of the crowd. The radical party manages to complete the route, though not before one of its leaders is physically assaulted.

I see the other silent observer from the pre-march strategy meeting again three nights later, at an informal presentation of the BASIC group's equity platform, in a well-appointed off-site venue downtown. He is a researcher, having consulted on South Africa's contribution to the platform. Over the plentiful hors d'oeuvres provided, I mention the meeting in the tent. He offers that, though sympathetic, he was present by virtue of personal rather than professional ties. I am reminded that although the material conditions and political opportunities for stakeholders like the Rural Women's Assembly and Democratic Left Front differ strikingly from those of credentialed delegates and scientists, we are all linked, in social space as well as by the global political ecology of an evolving climate.

Regional constituencies like the Rural Women's Assembly (RWA) and Democratic Left Front (DLF), and transnational civil society leaders like those who addressed them before the march in Durban are central actors in the construction of what I call a "politics of connection," as it has taken shape outside the COPs and other intergovernmental meetings. Their roles are different but both essential in the articulation of a politics that seeks to bring the voices of affected people into contact with the apparatus of global governance. They are also essential to the articulation of connective analyses: those which link climate change with the compromising of livelihoods and life chances for marginalized people around the globe and with the multiple social processes that produce, and reproduce, disproportionate vulnerability.

In Part 2, I examine specific dynamics, strategies, and tensions at work in this politics of connection. I show that while transnational spaces and logics of climate justice respond to each of the separating tendencies I exposed in Part I, they also raise specific challenges associated with the work of giving voice and inspiring broad-based mobilization. Those challenges – and activists' ways of meeting them – suggest that a truly connective politics must recognize and leverage existing political identities and infrastructures, as well as the geographically and historically specific aspects of Anthropocene ties and conjunctures.

Chapter 7. Forging Transnational Climate Justice on “the Outside”: Spaces, Analyses, and Campaigns of Connection

It is the morning of the first day of COP16 in Cancún. Leaving my small pension in the center of town – some 35 minutes by chartered bus from the Moon Palace complex, where negotiations are getting underway – I walk in the opposite direction. I follow the map saved on my phone to a municipal park where, I am told, La Via Campesina and a handful of national groups will host farmers and activists from across the continent during the COP.

My information and directions are good, and I am pleased that while my bed is a long way from the negotiation site, it is a short walk from the band shell where I will spend much of my time. Reaching the park, I notice and photograph murals: “Protege el medio ambiente;” a cartoon of the Earth sheltered in human hands; “Bienvenido COP16 – Al Estado de Quintana Roo donde la Anarquía y la Corrupción va siempre hacia adelante”³⁸¹

I arrive well before the caravans and wander the compact site, checking out the accumulating banners and flags. Several frame social movement slogans and demands: “Continual Growth is the Ideology of Cancer;” “Peasant Agriculture Cools the Earth;” “No GMO corn – Food Sovereignty!” Others proclaim the names of organizations involved in mounting this public forum: La Via Campesina; Friends of the Earth International; Oilwatch; the Mexican National Liberation Movement; the Assembly of Affected People. One sign, at least, demands the release of political prisoners.

³⁸¹ “Protect the environment” and “Welcome COP16 - The state of Quintana Roo where Anarchy and Corruption will always go forward.” Cancún is the largest city in the Mexican state of Quintana Roo.

Behind the band shell I find a massive tent. Several smaller sleeping shelters are already pitched beneath it, together with an extensive outdoor kitchen and a line of porta-potties. Under the shell too, the infrastructure for gathering is being raised. Thanks to a makeshift radio tower and a trio of plywood and plexiglass translation booths to one side of the sea of folding chairs I will understand and record much of what is said from the stage, though in Spanish, English, Italian, Portuguese and Greek.

Returning later, I am greeted by organizers and given a wrist band. Other early arrivals exchange warm greetings. A sense of anticipation is palpable.

Cameras of all sizes appear and I follow a general drift toward the stage. Before it, women and men in printed cloth, dark pony tails, and the green bandanas of La Via Campesina move deliberately around an open area on the ground. I catch glimpses of their work: a cruciform of homespun within a circle of oranges; arranged on the cloth, a collection of gourd shakers, baskets of grain and seed, ears of mais, clay chalices holding earth and oil, a pile of squash, a conch; tall candles at every corner.

With a few words of dedication and the lighting of this Mystica, the “Global Forum for Life, Environmental and Social Justice” begins.³⁸²

Beyond secured negotiation rooms, another, simultaneous set of forums like the one described above involves the efforts of civil society groups committed to climate justice. These encompass a less circumscribed set of participants and discourses. Such “outside” gatherings have played a

³⁸² See summary and final declaration of the summit at La Via Campesina 2010a

central role in the development of a transnational politics of climate justice, playing host, for instance, to formative networking activities during COP6 in The Hague, the founding of Climate Justice Now! in Bali, and the emerging transnational solidarities of Copenhagen.³⁸³

In this chapter I examine the challenges these sites, discourses, and practices of transnational politics pose to the governmental, socio-ecological and socio-spatial separations that have compromised mainstream responses to climate change. The first section considers settings like Cancún's Global Forum and Copenhagen's Klimaforum as *spaces of connection*. There I describe organizers' aims in convening and structuring such spaces, the means and importance of stakeholder inclusion within them, and the forms of interaction they support. The spatial and social strategies associated with "outside" venues – which are a central concern of many advocates and activists – merit analytical attention. Mine is based on interviews, participant observation at outside gatherings during three COPs and Rio+20, and web-based documentation of these and other events.

I devote the second section to texts and campaigns associated with "outside" venues and the transnational politics of which they are a part. This longer section is divided among the three relational registers with which I have been concerned, to illustrate how activists' highlight and construct connections within each. Within these subsections I focus on well-developed instances of connective analysis and campaigning, identifying and explicating nine themes to understand the "how" of connective advocacy and activism. The discussion in this section draws explicitly on texts produced by advocates, activists, and participants in "outside" venues, and once again on participant observation. These are mutually supportive in that I have focused on texts which I have also observed as being influential touchstones in "outside" forums, demonstrations, and

³⁸³ These events were discussed briefly in Chapters 1 and 3. See also Chatterton et al. 2013, on the outside mobilizations of Copenhagen.

inside advocacy. The substance of interview material further supports the decisions of inclusion and interpretation I make. I demonstrate throughout these two sections that spaces, analyses and campaigns of connection articulate critique and generate alternatives by socializing, politicizing, and historicizing the extensive ties and uneven geographies of climate change.

Aims, Actors and Strategy in the Spaces of Connection

The convening of “outside” gatherings, and the political work that goes on within them serve a variety of interrelated aims. Crowds in the “civil society” or “peoples” spaces of Copenhagen, Cancún, Durban, and Rio included large numbers of un-credentialed local and regionally based stakeholders, many of them members of existing movements and/or communities already affected by climate change impacts. Bringing different constituencies together and bringing the voices of “frontline” communities to bear on debates inside negotiations are central aims of the civil society organizations involved in these events. As one organizer put it in Durban:

[O]ur CJ movement is not separate from other justice movements out there. That CJ movement is an economic justice movement, is a social justice movement, is a political justice movement. Climate brings all of our movements together, and we are building and developing. That's why we have these civil society spaces.... Here, the job of our movements is to build, connect, and make relationships.

The conversations, the meetings that happen are about building from the ground up, whether it's local campaigns against extractives, or looking at transformations in food and agriculture, and in energy. It's looking at what the solutions are.... [O]ur policies and positions come from real positions from our communities: from real experiences.... We formulate those, and we bring them into the UNFCCC space.

Making visible and legible the positions of diverse outsider groups involves aligning and fixing them in shared statements, as well as registering their legitimacy through mass displays of presence during official gatherings. In an interview, another member of a transnational

organization dedicated to work in these “outside” venues as well as institutional advocacy on the “inside” described the aims of this broad-based politics of stakeholder presence:

The role of the outside piece is incredibly important. It's incredibly important not only at the climate talks themselves, but also in generating political pressures in key countries at home. There's a couple of functions that mobilizations can serve. One is a demonstration of political interest, and enthusiasm; sharing information and galvanizing interest and participation. That's an important goal in and of itself. The second, of course, is to exercise some political pressure on key political targets.

Fostering mobilization, as in local marches and simultaneous actions in other cities during UN meetings (e.g. with Global Days of Action), is thus a third key aim of outside gatherings. As another organizer quipped in Durban, “[w]e are going to win if we can build a global movement [to] change the balance of forces at the international level.” He went on to define the necessary threshold as the visible presence of 500 million people, in cities around the world, marching in the streets.

Assembling social movement groups, affected communities, and the broader public in outside forums and actions demands strategies for mobility and claiming space. Two such strategies employed by organizers in recent years are caravans and camps linked with the activities of outside spaces during COPs.

In preparation for the peoples’ forum and mobilizations in Cancún during COP16, La Via Campesina, the Mexican Movimiento Liberacion Nacional, the Mexican Electricians Union, and the Assembly of Affected Peoples organized caravans from six separate regions of the country. Participants traveled by bus along the caravan routes to the gathering, stopping in cities, towns and villages along the way to gather local accounts of environmental change and the impacts of corporate and state-sponsored development. Reports on these findings, and personal testimonials

by caravan participants, constituted a central element in proceedings of the Peoples' Forum during the COP. Many of the caravaners stayed in the park during the COP and the Peoples' Forum, camping beneath a large tent just behind the main stage. Volunteers from the camp and the larger gathering shared cooking and cleaning duties in support of the campers.³⁸⁴

The following year the Pan-African Climate Justice Alliance (PACJA) led the largest mobilization effort to target COP17. The 'Trans African Climate Caravan of Hope', brought approximately 300 activists, members of civil society, scientists, farmers and journalists to Durban.³⁸⁵ The caravan crossed some 7,000 kilometers and ten countries raising awareness and collecting travelers and messages. A PACJA spokesperson described the goal behind the caravan during a meeting on the UKZN campus:

The climate justice movement cannot survive if we don't involve farmers, if we don't involve women, if we don't involve those who are impacted heavily by climate change. Those are the pastoralists, and people who are at the forefront ... of this problem and that was the spirit of this caravan.

By bringing individuals and messages from "the forefront" to Durban, PACJA sought to push against the odds for an agreement, as the speaker put it, "responsive to African realities."³⁸⁶ Thousands along the caravan route added their signatures to a petition demanding that COP delegates:

- 1) Keep Africa and the world safe and prevent catastrophic climate change. Exert pressure on developed countries and ensure that they sign up to legally binding commitments that reduce emissions and limit global warming to well below 1.5°C.

³⁸⁴ See La Via Campesina 2010b

³⁸⁵ Gersmann and Vidal 2011, Mary Robinson Foundation - Climate Justice 2011, Kodili 2011

³⁸⁶ From author's direct observation, transcripts and recordings.

2) Share the effort of curbing climate change fairly. Demand domestic emission reductions by developed countries that are commensurate with science and equity, and enable a just transition in all countries.

3) Ensure polluters not the poor must pay. Developed countries must honour their obligations and pay at least 1.5% of their GNP to help the poor adapt and develop cleanly and sustainably.³⁸⁷

Many caravaners to Durban stayed to present and participate in discussions at UKZN and in the Day of Action march. The “outside” presence in Durban during COP17 was also importantly shaped by the participation of large visiting constituencies from the Rural Women’s Assembly (RWA), the Democratic Left Front (DLF) (described briefly above and in more detail below), and other groups who stayed in temporary settlements within the city during the period of the meetings. Many delegates of national, regional, and international organizations (including myself) lodged in dorms on the campus of UKZN.

Interactions in the outside venues during COPs and Rio+20 have taken a variety of forms. In addition to the reports and testimonials of caravaners and participating groups, they have included accessible summary and contextualizing critique of negotiations and policy instruments, discussion of alternatives, and debate over strategies of resistance. Additionally, the presence and participation of a wide range of groups in outside venues provides opportunities for informal networking among organizers, and ultimately, for the linking of interests, campaigns, and constituencies.

As the organizers quoted above described, much of this work involves sharing knowledge.³⁸⁸ This includes knowledge about activity on the “inside” of negotiations, as well as experiences “on the ground” in local communities affected by climate change and related governance

³⁸⁷ The petition is summarized in Kodili 2011

³⁸⁸ In this respect, these spaces fit the concept of Global Justice Network “convergence spaces” developed by Routledge and Cumbers 2009.

initiatives. Foregrounding the latter suggests an important aspect of “outside” discourse: socio-ecological change is as importantly known in these spaces through lay experience, such as that offered in the testimony of caravaners, as it is through scientific analysis and prediction. This epistemological expansion facilitates the recognition, and political mobilization, of ties linking the material conditions and social relations that structure life in communities with the production, impact and governance of climate change.

Aims, strategies, and practices in these “outside” venues, therefore, are each focused on fostering forms of connection. Organizers strive to connect the experiences and demands of affected people with the governmental capacities of official institutions, and to connect the issues and membership of diverse stakeholder groups with one another. These forms of connection are encouraged first through the spatial strategies of inviting those groups to appear in the places of major intergovernmental meetings, often housing them there for the duration of those events, and second through the interactional strategies that structure participation in concurrent open forums and actions. A defining feature of these interactional practices is the many-to-many knowledge sharing through which participants often relate the experiences of diverse communities “on the ground,” as well as insider (usually civil society) perspectives on the instruments and practices of governance. By way of these socially and epistemologically connective moves the distinction between “inside” and “outside” is partially broken down.

This is precisely the intent of many involved in the outside gatherings. As the organizer quoted at the beginning of this section suggested in Durban, “those people who say that there are inside and outside spaces, I’m sorry but I think that is a sterile, and a wrong characterization. What we have is we have one struggle. We have one movement, and in different spaces we use different tactics, and different strategies.” Civil society actors focused on the linking of inside

and outside climate political spaces, or blurring the distinctions between them, pursue strategies of “opening the doors of governmental power,” which I described in Chapter 1 as linked with the original meaning of the Janus figure, and the multiform even hybrid potential of “civil society” actors more generally. By performing this role what I call “linking” groups serve a notably different function than similarly radical groups do outside global economic forums like the World Trade Organization. As I discuss at greater length in the following chapter, this work is not accepted as uncontroversial within outside debates. Many of the organizations centrally involved in organizing outside gatherings around COPs, however, are also accredited COP observers, and are highly active in the side events and brief civil society statements those venues afford as limited opportunities for intervention (see Chapter 6).

Peoples’ forums and the groups active within them have produced position statements and agreements of their own which provide a counterpoint, taken up in mobilization and advocacy, to the agreements, accords and statements generated by intergovernmental processes and participating states. These documents also do connective work: socially in their circulation amongst diverse readers and forums, and analytically in terms of knowledge production. They inform, record, extend, and amplify the expanded analyses of climate change that mark the discourse of outside venues described above. The epistemological and ontological commitments that structure these statements, and the political claims they constitute in relation to the three forms of (dis)connection described previously, are the focus of the following section.

Challenges to Separation: Connective Analyses and Campaigns

Many of the major statements of climate justice that have structured or emerged from the discourse and activity of peoples’ forums supplement knowledge from the biophysical sciences with that of global political economies and ecologies, and colonial and environmental histories.

These perspectives support a contextual re-framing of the (re)production of climate change, and the articulation of alternative socio-ecological futures that draw upon indigenous, anti-racist, feminist, labor, and class as well as ecological, politics. Such concerns for social power inflect the statements associated with “the outside” in ways that often reflect the times, places and constituencies involved in their production.

Major episodes in the articulation of these connective politics include the founding statements of the Durban Group for Climate Justice, and Climate Justice Now!, the Bolivian proposal on Climate Debt and the mobilization of that concept by civil society organizations, the Peoples’ Accord and Declaration of the Rights of Mother Earth from the 2010 World Peoples’ Conference on Climate Change (WPCCC), and the statements of key groups and alternative summits formulated during the yearly UNFCCC COP and Rio+20.

The analyses and proposals articulated in these artifacts directly confront the socio-ecological, governmental, and socio-spatial separations so deeply institutionalized in much of mainstream climate law and governance as illustrated in Chapters 4, 5 and 6. In so doing, they challenge the ontological as well as political bases of established climate politics, proffering an alternative, more robustly relational politics that reflects the consequential global socio-ecological ties of the Anthropocene. In this section I survey these connective analyses as they address each of the tendencies toward separation I have examined in previous chapters, and link those tendencies with the (re)production of climate change and climate injustice.

Challenging Socio-Ecological Separation

Recognition of the social drivers and impacts of ecological change and the inevitable embedding of human societies and economies in “nature” runs like a leitmotif through statements of

transnational climate justice. These socio-ecological connections emerge prominently through advocates' political economic and political ecological analysis of the global fossil fuel-based economy. They are also the subject of ontological claims rejecting the binaries of "society" and "nature," which draw heavily upon indigenous cosmologies. Such analyses of socio-ecological ties, and the inevitable injustice and failure of "false solutions" that do not adequately account for them, have supported proposals for alternative futures founded on indigenous peoples' values, expanded rights, eco-socialist principles and small-holder economies.

Political Economies and Ecologies

"System change, not climate change," the most prominent slogan in Copenhagen's open forums and demonstrations, encapsulates the argument that capitalism provides the root cause of climate change, and generates or exacerbates myriad processes of socio-ecological marginalization and climate-related injustice. Climate change advocacy and mobilization structured by critical political economic and ecological analyses builds upon scholarly work linking the expansion of capital through the exploitation of fossil energy, the extension of markets, and the trading of "fictitious commodities"³⁸⁹ with the destruction of the global environment and human wellbeing.³⁹⁰ The WPMCC Peoples' Agreement – one of two major statements produced by the 2010 gathering of some 30,000 members of indigenous communities, social movements, NGOs, and diplomats in Cochabamba³⁹¹ – offers an example much cited in subsequent advocacy and mobilization.³⁹²

The corporations and governments of the so-called "developed" countries, in complicity with a segment of the scientific community, have led us to discuss climate change as a

³⁸⁹ Polanyi 2001

³⁹⁰ e.g. O'Connor 1988, Kovel 2007

³⁹¹ See descriptions of the Cochabamba meetings in Building Bridges Collective 2010, Mueller 2012

³⁹² WPMCC 2010a, 1

problem limited to the rise in temperature without questioning the cause, which is the capitalist system.

We confront the terminal crisis of a civilizing model that is patriarchal and based on the submission and destruction of human beings and nature that accelerated since the industrial revolution.

The capitalist system has imposed on us a logic of competition, progress and limitless growth. This regime of production and consumption seeks profit without limits, separating human beings from nature and imposing a logic of domination upon nature, transforming everything into commodities: water, earth, the human genome, ancestral cultures, biodiversity, justice, ethics, the rights of peoples, and life itself.

Under capitalism, Mother Earth is converted into a source of raw materials, and human beings into consumers and a means of production, into people that are seen as valuable only for what they own, and not for what they are.

Capitalism requires a powerful military industry for its processes of accumulation and imposition of control over territories and natural resources, suppressing the resistance of the peoples. It is an imperialist system of colonization of the planet.

Humanity confronts a great dilemma: to continue on the path of capitalism, depredation, and death, or to choose the path of harmony with nature and respect for life.

Political economic/ecological analysis like this one inspire critical responses to mainstream governance initiatives including the wholesale rejection of carbon markets – a foundational commitment for many in the climate justice movement.³⁹³ The exchange of permits to emit under these programs is founded on the assertion of equivalence among the astoundingly varied mechanisms of greenhouse gas sequestration and release. These equivalences obscure the social relations within which those mechanisms are embedded, in calculations of their aliquot contributions to the global atmospheric stock of climate change-producing compounds.³⁹⁴ Carbon markets thus separate emissions from the contextual conditions that make legible the

³⁹³ E.g. Durban Group for Climate Justice, CJN!, Indigenous Environmental Network, and Global Justice Ecology Project

³⁹⁴ See chapter 6, Lohmann 2008

uneven allocation of benefit, risk, and harm with which they are intertwined in situated socio-ecological processes. The theoretical mitigation potential of markets is also compromised by the reality of “leakage” associated with the mobility of polluting industries and incomplete market coverage, a product of the socio-spatially separate administrative apparatuses upon which markets depend, and by the influence of major emitters over determinative aspects of market design. The institutionalization of separation in market regimes thus entails significant compromises of both effectiveness and justice (see Chapter 6).

Relational Ontologies of the More-than-Human

Claims for the inseparability of human “society” from “nature” undergird activists’ critiques of the practices and assumptions of socio-ecological separation embedded in much of mainstream climate governance, and capitalist political economy more generally. Linked with ecological and cosmological perspectives that assert the intrinsic value,³⁹⁵ or rights, of non-humans, these claims work to politicize the other- and more-than-human entities and collectivities³⁹⁶ threatened by anthropogenic climate change.

For instance, strong statements of a more-than-human relational ontology also run through the *Peoples’ Agreement* and the *Proposed Declaration for the Rights of Mother Earth*, also drafted in Cochabamba. The first article of the Rights declaration lays these commitments out as priors: “Mother Earth is a unique, indivisible, self-regulating community of interrelated beings that sustains, contains and reproduces all beings... Each being is defined by its relationships as an integral part of Mother Earth.”³⁹⁷ By extension, then: “In an interdependent system in which human beings are only one component, it is not possible to recognize rights only to the human

³⁹⁵ see Kovel 2007

³⁹⁶ Latour 2005

³⁹⁷ WPCCC 2010b, 1

part without provoking an imbalance in the system as a whole. To guarantee human rights and to restore harmony with nature, it is necessary to effectively recognize and apply the rights of Mother Earth.”³⁹⁸ Thus, “Mother Earth and all beings of which she is composed have...the right to maintain its identity and integrity as a distinct, self-regulating and interrelated being,” and further “[e]ach being has the right to a place and to play its role in Mother Earth for her harmonious functioning.”³⁹⁹

The *Peoples Agreement* locates the roots of these commitments in indigenous traditions writ broadly, and specifically in the South American principle of *Buen Vivir*, which encompasses feminist, ecological and anti-capitalist as well as strong indigenous influences:⁴⁰⁰

We propose to the peoples of the world the recovery, revalorization, and strengthening of the knowledge, wisdom, and ancestral practices of Indigenous Peoples, which are affirmed in the thought and practices of “Living Well,” recognizing Mother Earth as a living being with which we have an indivisible, interdependent, complementary and spiritual relationship.⁴⁰¹

Advocates have mobilized these politico-ontological commitments to directly challenge institutionalized epistemologies of socio-ecological separation such as those examined in Chapters 3 and 4.

Socio-ecological Alternatives

Like political economic/ecological analyses, the ontological commitments articulated in Cochabamba became prominent touchstones in subsequent mobilization and advocacy in “outside” venues and the institutional engagements of linking organizations. In addition to supporting critique of “business as usual” responses to climate change, they have provided the

³⁹⁸ WPCCC 2010a, 2

³⁹⁹ WPCCC 2010b, 2

⁴⁰⁰ “Living Well” in the *Peoples’ Agreement* corresponds to the more commonly used Spanish “Buen Vivir.” On the relationship between Buen Vivir and other political-ontological traditions see Gudynas 2011.

⁴⁰¹ WPCCC 2010b, 1

basis for visions more equitable alternatives, which account both for limits to growth and the embeddedness of economy and society within a global, more-than-human relational matrix.

Cochabamba's arguments achieved wide dissemination, contributing inspiration and discursive structure to subsequent advocacy, dialogue and mobilization. In the immediate term, a committee presented the two texts to the July 2010 UNFCCC intercessional in Bonn⁴⁰² and La Via Campesina (LVC) built on WPCCC principles to frame what would become the central public gathering during COP 16 in Cancún.⁴⁰³ There, the Rights of Mother Earth and the very fact of the People's Conference were ubiquitous evocations in peoples' forums and mobilizations⁴⁰⁴.

Prior to and during the COP in Durban, Rights of Nature advocates gathered signatures on a world-wide petition, and planned and participated in numerous events both within and outside the COP.⁴⁰⁵ At UKZN, speakers presented the Rights of Nature as offering necessary alternatives to green neoliberal forms of capitalism, as these inflected UN discussions of mitigation and forestry, and shaped growing discussion about the construction of a wider "green economy."⁴⁰⁶ During the eco-socialism conference, former Bolivian ambassador to the UN, Pablo Salon, argued for the Rights of Nature as a basis for transition to a socially and environmentally just society, and a focus for opposition to neoliberal initiatives:⁴⁰⁷

⁴⁰² Mueller 2012

⁴⁰³ La Via Campesina's invitation to gather in Cancún is reprinted as an appendix (noted as page xii) in Building Bridges Collective 2010

⁴⁰⁴ For instance, activists at the La Via Campesina site literally sung the praises of Cochabamba, changing the lyrics of the popular song "La Bamba" to describe the conference, and using the name of the city as the repeated refrain of the song's chorus. Others carried a banner in marches with an image of the Earth from space and the one word "Cochabamba," or chanted the call "Obama, Obama, respeta Cochabamba!"

⁴⁰⁵ Global Alliance for the Rights of Nature 2015

⁴⁰⁶ See UNCSD 2011

⁴⁰⁷ See announcement for and video documentation of Salon's talk at UKZN. Centre for Civil Society n.d.

In this battle, that we are already confronting, we have to have a clear plan, a clear alternative against Green Economy.... We need to come out of Durban with a clear statement ... from different organizations – all of us, we that are here... that we propose a new system that recognizes this new relation with nature: this recognition that also nature has rights.

If we don't develop this alternative we are going to be facing a defensive fight in six months in Rio de Janeiro. So from our point of view, it's not only a theoretical discussion it's a political discussion: What are going to be the main proposals on the table?

We all say another world is possible. This new world will have to have a new kind of relation with nature if we are going to build a different society.... [W]hat began in Copenhagen, highlighting that we must change the system not the climate, has to be developed even more, to concrete alternatives of a new society: of a new relation between humans, and humans and nature

During another panel at the University Tom Goldtooth addressed the logic of rights language in the context of the market-based re-construction of coordinated climate change response:

[C]apitalism has presented its ugly face in the negotiations to where there's a WTO of the sky concerning privatization of air; privatization of trees; privatization of the soil.... It's about property rights....

That's why we've been embracing this new global coalition on the Rights of Nature, the Rights of Mother Earth: so that the Earth has standing, so that the Earth has jurisprudence.... [W]e all have a responsibility for how we walk on our Mother Earth.

Alternatives cast in terms of the Rights of Nature encode the critical more-than-human ontologies of climate justice activism in nomic discourse of rights common among state-centered and cosmopolitan approaches to global justice and development. Indeed, despite their non-

traditional origins and prominence amongst critical social movement campaigners, initiatives launched in Cochabamba have largely taken shape through institutionally-focused action.⁴⁰⁸

Climate justice advocates have also located alternatives at the nexus of livelihood, economy and ecology, linking climate change mitigation with the labor of urban as well as rural people. At UKZN and in the streets of Durban, for instance, a coalition of trade unions, social movements and environmental justice groups promoted the launch of a campaign for “One Million Climate Jobs” based on research into South African economic conditions and climatic vulnerabilities. The campaign calls for “a just transition to a low carbon economy to combat unemployment and climate change,”⁴⁰⁹ through the creation of jobs that:

- (1) reduce the amount of greenhouse gasses we emit, to make sure that we prevent catastrophic climate change;
- (2) build our capacity to adapt to the impacts of climate change (for example, jobs that improve our food security);
- (3) provide and secure vital services, especially water, energy and sanitation (this includes reducing wasteful over-consumption).

La Via Campesina has argued for the unity of social and ecological good via labor practices as well, linking mitigation with its peasant and small-farmer campaigns for food sovereignty. Thus the group’s messaging in Cancún focused around the slogan, “Peasant agriculture cools the Earth,”⁴¹⁰ and in Durban, “Industrial agriculture heats up the planet, farmers are cooling it down.”⁴¹¹

⁴⁰⁸ E.g. the Bolivian government’s advocacy efforts within the UN. Global Alliance for the Rights of Nature 2015

⁴⁰⁹ One Million Climate Jobs 2011

⁴¹⁰ Author’s observation. See La Via Campesina 2011a

⁴¹¹ Author’s observation. See La Via Campesina 2011b

As these campaigns suggest, analyses of socio-ecological connection logically foreground the imperative of mitigation, which has received less emphasis of late in debates within the UNFCCC amidst increased focus on finance for “developing” nations: for adaptation and, more recently, as a buffer against the inevitable “loss and damage” of climate-related events.⁴¹² Radical advocacy for mitigation has often been encapsulated in the set of pithy, rhymed calls noted in Chapter 1, to “keep the oil in the soil, the tar sand in the land, the coal in the hole,” and “the gas under the grass.”⁴¹³ Addressed to politicians inside the COPs, these chants play a part in activists’ increasing focus on confronting governmental separation, which is the focus of the following sub-section.

Challenging Governmental Separation

Many statements, campaigns, and demonstrations launched in recent years contest the exclusionary procedures and narrow framings of climate politics within the UNFCCC and other decision-making bodies. These initiatives complement political economic and ontological critiques of attempted socio-ecological separation, posing similarly direct challenges to the institutionalization of *governmental* forms of separation. Whereas the former efforts insist upon the embedding of economy and society in ecology and develop corresponding visions of alternative socio-ecological order, challenges to governmental separation focus on exclusionary constructions of the social and the political within mainstream climate governance, and call for increasing the representative legitimacy of institutions.

⁴¹² See discussion of loss and damage in Chapter 5. The marshalling and procedural structuring of adaptation and loss and damage finance have themselves been the subject of significant advocacy by social justice and development organizations, and remain important planks of climate justice thought, as addressed below.

⁴¹³ For example, CDM Watch in its series ‘Watch this! Progress and Gossip about Carbon Markets at COP 17.’ CDM Watch 2011. Keeping the oil in the soil is the most prominent of these, developed with a logic of value and international exchange using the concepts of climate debt the Rights of Nature in the Yasuni ITT project, discussed below.

Through many of these efforts run threads of normative social theory which understand “civil society” not merely as an institutional category differentiated from state and market, but as the locus and guarantor of a “public sphere” requisite to realization of the social and environmental virtues promised by a democratic political order.⁴¹⁴ Demands for such a public sphere not only within national polities, but transnationally – consonant with the globality of the economic and ecological processes driving climate injustice – link these alternative climate politics with broader alter-globalization, new democratic and global justice movements. Thus, mobilization and advocacy in this category includes demands to reduce the influence of global corporations and increase the public accountability of states and intergovernmental bodies, critical modeling of participatory process, and differential consideration for the needs and proposals of historically marginalized groups facing imminent harm from climate change.

In affording significant attention to the latter, advocates’ challenges to governmental separation resonate with Fraser’s expansion of Polanyi’s categorical framework for analysis of social and environmental protection.⁴¹⁵ For Fraser, Polanyi’s binary opposition of “market” movement and “society’s” counter-movement responses fails to capture the true stakes of social struggle. These are rendered more legible by the addition of a third dimension she designates as “emancipation,” which facilitates the differentiation of social responses to economic (or ecological) stress that tend merely to stabilize given social (or socio-ecological) orders from those – against patriarchy, colonial domination, and racism in Fraser’s examples – which seek to reconfigure them more justly. Accordingly, while critiques of governmental separation in climate governance develop traditional liberal imperatives for transparency, accountability and representative legitimacy, they also reflect activists’ particular interest in subaltern perspectives.

⁴¹⁴ E.g. Dryzek et al., 2003; Edwards 2009; see also Chapter 1

⁴¹⁵ Polanyi 2001; Fraser 2011

The latter both account for the imminent state of the climate crisis and offer potentially novel visions for just response.

Corporate Power

Critical civil society groups have called governments and intergovernmental bodies to account, demanding limits on corporate influence in climate and environmental governance. For instance, Rio + 20 occasioned the launch of a campaign to “Dismantle Corporate Power and End the Impunity,”⁴¹⁶ which examines UN bodies and their global meetings as sites of deal-making for transnational capital. At the same time, Friends of the Earth International (FOEI) released “Reclaim the UN,” a major report supported by a petition and endorsements from over 400 civil society groups.⁴¹⁷ The report argues that, while “[t]he UN is the most democratic and appropriate global institution” through which to address current global economic and environmental crises, it is also subject to increasing influence by corporations and business lobbies, offering evidence from six thematic case studies.⁴¹⁸ The report calls for a renewed commitment by the UN itself and by member states to serve the public interest; recommends provisions to limit business representatives’ participation, increase that of civil society, and improve transparency; and demands a new legal framework designed to “hold companies accountable to environmental, human rights and labor rights law.”⁴¹⁹

Related interventions appeared during the Doha COP in 2012, including an open letter from a coalition of youth civil society delegates to the UNFCCC Executive Secretary. The letter

⁴¹⁶ Dismantle Corporate Power 2012

⁴¹⁷ FEOI 2012

⁴¹⁸ Ibid, 4

⁴¹⁹ Ibid, 7

attacked the influence of oil, coal, and gas over Canada's and other parties' negotiating positions, arguing that:⁴²⁰

States like this are blocking progress in the name of an industry with the potential to break the planet.... Observer organizations can be penalized, and even removed from the convention if we violate the protocols for participation. Perhaps there should be a similar process for observers and parties whose mandates fundamentally contradict the convention.

Such work builds on longstanding traditions of civil society watchdogging which are also evident in side events and reports disseminated during COPs.⁴²¹ It also resonates with critique on "the outside" and in the discursive spaces linking climate politics with broader movements for democracy.⁴²²

Participation and/as Critique

Assemblies, vigils, and informal meetings took place throughout Durban's climate summit, for instance, under the banner of *Occupy COP17*. Participants used a park opposite the International Convention Center, to which activists had secured municipally-sanctioned rights of use and given the name "Speakers' Corner." Organizers declared Occupy COP17 "a forum for those who wish to discuss and implement real and equitable solutions to climate change, with climate justice at the heart... open to all, operating on the principles of inclusiveness, openness, non-hierarchical organising and consensus decision-making."⁴²³ Accordingly, gatherings in the park employed horizontal decision making practices common to Occupy protests on Wall Street and elsewhere.⁴²⁴

⁴²⁰ Canadian Youth Delegation, joined by 137 delegates and 21 observer organizations, 2012

⁴²¹ E.g. Banktrack, 2011; GlobalWitness, 2011

⁴²² See e.g. Climate Change Studio 2012; Vidal 2012

⁴²³ Occupy Cop17 2011

⁴²⁴ Direct observation. Participants in Occupy gatherings typically use, for example, the 'human mic' and general assembly format. See Jones 2011.

Organizers seeded deliberative processes at Occupy COP17 with citations to the People's Agreement from Cochabamba, calls for direct democracy, and staunch opposition to corporations and finance capital in climate talks, arguing: "The very same people responsible for the global financial crisis are poised to seize control of our atmosphere, land, forests, mountains and waterways. They want to institute carbon markets that will make billions of dollars for the elite few, whilst stealing land and resources from the many."⁴²⁵ Assemblies at Speakers' Corner built on these starting points, articulating a range of connective claims. Participants quoted in the gathering's online presence, for instance, advocated climate change responses reflecting "local level solutions.... equity between humans and nature.... economic change, gender.... [and] people power over ... intellectual property rights."⁴²⁶

During COP17, occupiers at the Speakers' Corner provided a visible space of dialogue and protest and a nexus for groups critical of corporate interest in the negotiations. There was an international cast to the set of organizers, participants and guests in the park, which included members of 350.org, and UNFCCC delegates from the Small Island Developing States group. However, members of South and southern African civil society groups such as the RWA and DLF also participated in assemblies there, and used the space for their own gatherings.⁴²⁷

Prominent actions involving accredited observers inside COP17 also took shape through the radical participatory practices of the Occupy movement. On December 9th, observers, and a handful of party delegates, blocked the main hallway of the conference center and moved gradually toward a plenary, which was then in session, until they were stopped by security guards. Many surrendered their accreditation as they were escorted from the building. Like those

⁴²⁵ Occupy COP17 2011

⁴²⁶ Ibid

⁴²⁷ Direct observation. The Speakers' Corner was the centre of an impromptu march involving those groups on the day before the global day of action. The website for the gathering also provided video statements by international activists. Occupy Cop17 2011

who marched on the Global Day of Action, these protestors chanted “listen to the people, not the polluters.”⁴²⁸ On the same day, observer Anjali Appadurai ended her statement to the COP plenary on behalf of “global youth” calling for the “mic check” that structures dialogue at Occupy gatherings. Observers congregated at the back of the room responded, and amplified her calls for climate action and “equity now” in the collective style of an Occupy General Assembly.⁴²⁹

Voices from the margins

Prioritizing the views and experiences of subaltern groups constitutes a third theme within climate justice advocates’ analytical challenges to governmental separation. Activists have worked carefully to integrate the particular struggles of groups historically marginalized by racism, patriarchy, colonialism, settler societies, and economic and ecological dispossession – who are now also differentially impacted by climate change (see Chapter 1) – with other strands of connective analysis described above. Two examples of this theme are the focus on African experience and answers around COP17, and the longstanding emphasis on indigenous peoples’ issues that has marked the larger movement.

As numerous studies and campaigns have argued, Africans are the population group in aggregate least responsible and most affected by climate change.⁴³⁰ The plight of Africans, and those of African descent in the face of climate change was particularly highlighted before and during the COP in Durban, which took place during 2011, the UN International Year for People of African Descent.⁴³¹ Many organizations participated in the “Stand with Africa” campaign, for instance, expressing solidarity with frontline communities on the continent as part of wider

⁴²⁸ Direct observation. See Takver 2011.

⁴²⁹ Direct observation. See Goodman 2011

⁴³⁰ See e.g. Heinrich Böll Foundation 2011

⁴³¹ See United Nations 2011

COP17-related advocacy.⁴³² Attention to the plight of Africans, and amplification of African voices was, however, both more diverse and widespread.

Participants in the Occupy COP17 gatherings discussed above, for instance, issued a statement on the International Day of Action for Human Rights, which likened the intra-generational injustice of contemporary climate impacts in Africa with impending global intergenerational disparities: “Our planet is changing, and with it the story of human rights. Here in Africa, the river beds are already drying and the seedlings that we watered for the future are wilting... Climate change is the tyranny of the present over the rights of the future. In Africa, the future is already here.”⁴³³ Later, Occupiers joined the Climate Justice Now! network in calling the Durban outcome a “crime against humanity,” through which “the richest nations have cynically created a new regime of climate apartheid,”⁴³⁴ linking the reproduction of multiple dimensions of inequality by global climate governance with the historical and continuing struggle against racism.

ActionAid participated in and publicized the PACJA caravan, also described above, in blog posts. The group released its own lengthy report critiquing the development of soil carbon markets as a farcical balm to the increasing precarity of African smallholder farmers.⁴³⁵ Like Grassroots Global Justice Alliance and other transnational networks, ActionAid also carried the stories of RWA members and disseminated the group’s final memorandum to the COP.⁴³⁶ That document ably articulated what Hargreaves has called African women’s “triple burden of race, class and geographical marginalization”.⁴³⁷

⁴³² See Stand With Africa 2012

⁴³³ Occupy COP17 2011

⁴³⁴ Ibid, Climate Justice Now! 2011

⁴³⁵ Kodili 2011; ActionAid 2011

⁴³⁶ Bote 2011; Grassroots Global Justice Alliance 2011

⁴³⁷ Hargreaves 2012, 9

Rural women across Southern Africa are already reporting 20 per cent decreases in food production, and current trends tell us that if we fail to take action now, by 2020 we will have seen a 50 per cent loss in crop yields in our region. We produce 80 per cent of the food consumed by households in Africa. In the absence of support for us, we believe that local and national food security will be deeply threatened.

We ask that you properly recognise women's critical role in fighting climate change and protecting livelihoods and the environment. Equal rights to land and natural resources is critical to fight climate change. The Rural Women's Assembly asks that governments implement the principle of 50/50 land to women through national programmes of land redistribution and agrarian reform.⁴³⁸

The experiences of indigenous peoples from across the globe have long been the focus of similar concern for climate justice advocates and activists. Mueller explains that emphasis in terms of proximity to impacts, and highlights activists' corresponding concern to follow the lead of indigenous organizations.⁴³⁹

[T]he movements for climate justice, even more so than other radical left movements, rely strongly on the agenda-setting, the political leadership of often indigenous 'frontline communities' (that is, of those groups who are most directly affected by climate change as well as by the so-called 'false solutions' like emissions trading or agrofuels).

Indigenous peoples' organizations, for instance, are prominent within CJN, as well as in national and regional coalitions for climate justice. Indigenous peoples' rights to free, prior and informed consent, and sovereignty over traditionally-held territory are also central within many coalitional analyses and platforms, including the "Climate Justice Brief" series, the founding statements of CJN and the Environmental Justice and Climate Change Initiative, Global Justice Ecology Project's definition of climate justice, and the Cochabamba texts excerpted above.⁴⁴⁰

⁴³⁸ Rural Women's Assembly 2011

⁴³⁹ Mueller 2012, 72

⁴⁴⁰ See: Climate Justice Now 2010; Environmental Justice Leadership Forum on Climate Change 2015. Climate Justice Now! 2007; Environmental Justice Climate Change Initiative 2002; Global Justice Ecology Project 2015

Activists, therefore, have worked through transnational analyses and advocacy campaigns to limit corporate power; foster more inclusive debate over climate change responses; and lift up the voices of historically marginalized, differentially affected groups. In each of these thematic pursuits they challenge the governmental separations that have detrimentally impacted the institutional practice of climate politics by distancing such affected groups and broader publics from decisions that affect them or purport to represent their interests. Still, however, the largely institutional focus of these advocacy efforts and the influential roles of elites and other global actors within them invite tensions in the construction of transnational politics of eco-social justice. I address a particular set of those tensions, including the de-politicizing potential institutional engagements hold for otherwise “outside” actors and debates, and problem of representing the subaltern in the following chapter.⁴⁴¹

Challenging Socio-spatial Separation

Finally, within connective analyses and campaigns of transnational climate justice can be read direct challenges to the tendency toward socio-spatial separation which has shaped official climate politics, governance and law. This is because the *spaces* evoked by advocates and activists are both global and relational. Moreover, their analyses underscore the temporal processes through which the character and meaning of space and place arise. Thus, for connective advocates and activists, the socio-material composition of places; the nature of ties across space; and the meanings those entities and relations are assigned (e.g. local conditions, the global production of vulnerability to climate impacts) arise out of historical processes of global socio-ecological differentiation and connection.

⁴⁴¹ The focus on procedural measures, often framed in terms of “transparency,” for instance, can itself prove depoliticizing (see Barry 2013), while attempts to give voice to the marginalized encounter the unavoidable challenges of unequal power and presence in political spaces, and in discourse itself (Spivak 1988).

In this respect, connective analyses of responsibility for, impact from, and capacity to address climatic change mobilize understandings of global space which resonate with those of relational theorists like Massey and Lawson.⁴⁴² Massey's pithily-formulated propositions for re-imagining space neatly capture such conceptualizations of simultaneous differentiation and interconnection. She invites:

First, that we recognize space as the product of interrelations; as constituted through interactions, from the immensity of the global to the intimately tiny....

Second, that we understand space as the sphere of the possibility of the existence of multiplicity in the sense of contemporaneous plurality; as the sphere in which distinct trajectories coexist; as the sphere therefore of coexisting heterogeneity.... [and]

Third, that we recognise space as always under construction.... never closed. Perhaps we could imagine space as a simultaneity of stories-so-far.⁴⁴³

Massey proceeds to spins out corollaries extending from each of these socio-spatial propositions, identifying their resonances in and implications for political theory and praxis. As these are explored throughout her book *For Space*, they rarely speak directly to the political *ecological*, (though jumping off points do appear).⁴⁴⁴ Examining the politics of climate justice suggests, however, various socio-ecological roots and extensions of a political commitment to socio-spatial relationality. These resonate through critical arguments about responsibility for “environmental” threat and harm, real alternatives, and possibilities of collective resistance to global socio-ecological domination.

I will sketch these ecological constituents and implications of Massey's relational spatial politics briefly here, expanding on her tripartite re-imagining of the spatial quoted above. First,

⁴⁴² E.g. Massey 2005, Lawson 2007

⁴⁴³ Massey 2005, 9

⁴⁴⁴ E.g. in her discussions of the mobility of the nonhuman, the instability of nature-culture binaries, and the global socio-ecological politics of “local” farm advocates

“recogniz[ing global] space as a product of [socio-ecological] interrelations; as constituted through [socio-material] interactions” – the connections, that is, of a fossil-fueled capitalist economy deeply embedded in colonial-imperialist histories of environmental and social exploitation – grounds claims of “rich industrialized world” responsibility for the production of vulnerability to climate change, such as those framed in terms of climate debt (see below).⁴⁴⁵

Second, a view to the “distinct trajectories... [the] coexisting heterogeneity” among human communities threatened, to dramatically varying degrees, by anthropogenic global warming incites questions: about inequalities of life chances, security, and the command of resources; about the ecological effects of dispossession; and about the meeting of trajectories in political struggle for justice or debate over solutions.⁴⁴⁶ Connective replies arise in claims to universal rights (see below); alternative theories of value rooted in subjugated knowledges (such as *Buen Vivir*, discussed above); and bio-regionally attuned modes of production, like permaculture.⁴⁴⁷

Third, and finally, the openness of a space which is “always under [socio-material] construction” suggests that another world, one brought about through a transformation in relations with nature and among people, is possible – if the global socio-ecological connections that (re)produce climate change and related injustices are adequately recognized and taken into account.

To be sure, such recognition of temporal, ecological, and socio-spatial relatedness cuts across the connective analyses discussed in the two previous subsections. Here I address more directly

⁴⁴⁵ ActionAid et al. 2010, 1. See discussion below.

⁴⁴⁶ This coming together is one of Massey’s major interests in *For Space*, taken up in Featherstone’s (2008) and Routledge and Cumbers’ (2009) analyses of transnational solidarities.

⁴⁴⁷ Permaculture provides the foundation of many responses to climate change oriented around local sustainability and responsibility in the Global North. See, e.g., the Transition Towns/Communities literature. Transition Network 2013.

the ways in which climate justice principles and initiatives foreground, mobilize, and respond to socio-ecological ties linking emitters and affected people across space and time. I focus particularly on those efforts framed in terms of rights and climate debt, and the more general impulse toward transnational subaltern solidarity.

Relationally thickened rights claims

Rights-based arguments for mitigation, finance, and other forms of social and environmental protection necessarily challenge territorially-delimited and state-centric understandings of human rights duties, by taking greater account of global economic and ecological ties. They address both state and private acts that affect others across space and time and through “environmental” process. Such thickened understandings of responsibility characterize the otherwise rather diverse range of rights-based advocacy discussed in Chapters 3 and 4 and in the previous two subsections of the current chapter. Mary Robinson’s relatively conventional (read internationalist) analysis of human rights and climate change, for instance, already begins from recognition of global socio-spatial and ecological connection. Thus she writes: “[h]uman rights law is relevant [to international climate change debates] because climate change causes human rights violations,” and because “human rights make clear that government obligations do not stop at their own borders.”⁴⁴⁸ Nor are states’ duties to respect, protect, and fulfill rights in the climate change context for Robinson ahistorical; as she argued in the speech excerpted in Chapter 1: “the world that has benefitted from a carbon development [is] ... causing great suffering.”⁴⁴⁹

⁴⁴⁸ International Council on Human Rights Policy, 2009, iii-iv

⁴⁴⁹ Robinson addressing the crowd assembled at the destination of the Day of Action march in Copenhagen. Recording on file with the author.

Going somewhat further, a brief on “Human Rights and Climate Justice” released by a coalition of critical observers and linking organizations in Cancún⁴⁵⁰ builds upon arguments for extra-territorial legal duties like those made by the Maldives (see chapter 4), supplementing them with a more developed critique of transnational capital. The brief argues prominently that human rights law mandates that “Private companies must be subjected to climate- and rights-protecting regulations”⁴⁵¹ by signatory states. Mobilizing rights doctrine more critically, it admonishes that “Carbon markets – existing and proposed – should be re-examined from a human rights-based perspective,” adding, “[p]roposals to sell to the most polluting corporations rights over the soil of the poorest farmer and enable these corporations to continue polluting, are unacceptable.”⁴⁵² In addition to Universal Declaration of Human Rights, the mobilizes the concept of climate debt (see below) and quotes prominently from the Cochabamba People’s Agreement. That Agreement and the Declaration of the Rights of Mother Earth are explicitly global and relational in their framing and subsequent use by advocates, as are the other initiatives launched by the World People’s Conference.⁴⁵³

Finally, widespread advocacy for protection of indigenous peoples’ rights in climate change responses such as REDD (see Chapter 8), is motivated in part by recognition for the historical, global, and fundamentally socio-ecological processes of colonization and dispossession as these

⁴⁵⁰ ActionAid et al. 2010b (Climate justice brief #12: Human Rights and Climate Change), released for the Cancún COP, with contributions from 17 organizations including ActionAid, Friends of the Earth International, JS - Asia/Pacific Movement on Debt and Development (JSAPMDD), Jubilee South, PACJA, and the Third World Network.

⁴⁵¹ Ibid, 1

⁴⁵² Ibid, 2

⁴⁵³ Other initiatives launched in Cochabamba included proposals for an international environmental court and a global referendum on the Rights of Mother Earth.

As Salon noted in Durban: “Rights of Nature is an appeal to think in a much broader perspective.” In recognition of global ecological limits to development based in fossil-fuel extraction, he argued, “we have to act as a world, not individual countries.” Center for Civil Society n.d.

have affected indigenous peoples and their lands.⁴⁵⁴ Indigenous and allied activists have argued that, despite the considerable diversity amongst indigenous cultures and experiences, shared histories of subjugation and marginalization, and the sharing of disproportionate threat from climate change (responses) warrant common mechanisms of protection, as well as transnational solidarity.

Climate debt

Arguments framed using the concept of climate debt also mobilize historical geographies of socio-ecological connection. These underpin many calls for developed nations and global elites to redress climate injustice through global financial mechanisms and progressive taxes.

Climate debt developed out of earlier analyses of unequal ecological exchange and ecological debt.⁴⁵⁵ It offers a critical formalization of longstanding discussions within the UNFCCC about historical responsibility for global emissions.⁴⁵⁶ Environmental justice research collective EJOLT traces the concept of ecological debt to work in the early nineties by Latin American NGOs (e.g. Accion Ecologica) and continued development by Friends of the Earth International. Ecological debt analyses account for the global flow of resources and distribution of ecological damage, arriving at a reversal of classical accounts of international debts owed by countries in the Global South to those in the North. The Center for Sustainable Development defines international ecological debt as:

- (1) the ecological damage caused over time by a country in other countries or to ecosystems beyond national jurisdiction through its production and consumption patterns;

⁴⁵⁴ Though “historical” in the sense of temporal duration, these processes continue. See Gregory 2004.

⁴⁵⁵ See Roberts and Parks, 2009

⁴⁵⁶ Historical responsibility being for many parties a central element of Common but Differentiated Responsibility and Respective Capabilities (CBDR-RC). See chapter 5. See also Friman 2007.

(2) the exploitation or use of ecosystems (and its goods and services) over time by a country at the expense of the equitable rights to these ecosystems by other countries.⁴⁵⁷

EJOLT notes further that while “Ecological debt usually designates a public debt a country has towards other countries (foreign debt)” it “can also be used to calculate a debt (or liability) from a company (private debt) or a debt a nation has towards future generations (generational debt).”⁴⁵⁸

Climate debt is considered a component of larger ecological, social and economic debts owed by "developed countries and corporations...to the poor majority."⁴⁵⁹ The G77 negotiating block took up the concept in relation to the climate negotiations in 2009⁴⁶⁰ and a formal proposal on climate debt as “[t]he basis of a fair and effective solution to climate change” was submitted by Bolivia to the UNFCCC in April of that year.⁴⁶¹ As formulated in the Bolivian proposal and elsewhere, climate debt is calculated according to historical and continuing emissions – the occupation a more than one’s fair share of available “atmospheric space” – and the resulting costs of necessary adaptation in developing countries.⁴⁶² Climate debt reframes discussions within negotiations over the logic of adaptation finance. As Bolivia has argued: “[d]eveloping countries are not seeking economic handouts to solve a problem we did not cause. What we call

⁴⁵⁷ EJOLT 2013

⁴⁵⁸ Ibid

⁴⁵⁹ ActionAid et al. 2010a. See also Third World Network, 2009.

⁴⁶⁰ Roberts and Park, 2009

⁴⁶¹ Government of Bolivia, 2009

⁴⁶² “Developed countries and corporations owe a two-fold climate debt to the poor majority: For their historical and continuing excessive emissions – denying developing countries their fair share of atmospheric space – they have an ‘emissions debt’; For their contribution to the adverse effects of climate change – requiring developing countries to adapt to rising climate impacts and damage – they have an ‘adaptation debt.’ The sum of these debts constitutes their climate debt, which is part of a larger ecological, social and economic debt owed by the rich industrialized world to the poor majority.” ActionAid et al. 2010a

for is full payment of the debt owed to us by developed countries for threatening the integrity of the Earth's climate system.”⁴⁶³

The concept has become a cornerstone of several major civil society groups' analyses and proposals. One of the five core demands of CJN!, for instance, is for “huge financial transfers from North to South, based on the repayment of climate debts and subject to democratic control.” The concept is also a natural fit for debt cancellation and peoples' movements in the Global South. Jubilee South – Asia/Pacific Movement on Debt and Development, for example, anchors its advocacy in ongoing debates over the sources and administration of international adaptation funding and technology transfer in its understanding of climate debt, arguing “climate finance is not aid or assistance but part of reparations that is long overdue.”⁴⁶⁴ Other groups have proposed and modeled mechanisms through which Northern states and the international community could raise finance based on the principle, by taxing the actions of elite individuals and service providers. The World Development Movement (now Global Justice Action) and ActionAid, for example, have framed advocacy for international taxes on financial transactions, shipping, and aviation to leverage climate finance for developing countries on the necessity of repaying historical and mounting climate debts.⁴⁶⁵

Global solidarity

Finally, effort toward the construction and maintenance of a transnational coalition for climate justice is itself an acknowledgement by individuals and organizations across the world of the commonalities diverse, widely-dispersed groups and movements share by virtue of ties linking

⁴⁶³ Government of Bolivia 2009, 47

⁴⁶⁴ Jubilee South 2010, 2

⁴⁶⁵ See, e.g. World Development Movement and Jubilee Debt Campaign 2009; ActionAid 2009. ActionAid cites supporting analysis by Stamp Out Poverty: Stamp Out Poverty 2009, Stamp Out Poverty and Institute for Development Studies 2011. See also the Robin Hood Tax organization's analysis of climate debt: Robin Hood Tax 2010

their locally-situated struggles with the globally-extensive drivers, effects and governance of climate change. The impulse to solidarity borne of this recognition of connection is expressed, for instance, in the founding statement of CJN:

Climate Justice Now! is a network of organisations and movements from across the globe committed to the fight for genuine solutions to the climate crisis. We are committed to building a diverse movement - locally and globally - for social, ecological and gender justice.

...Communities in the Global South as well as low-income communities in the industrialised North have borne the toxic burden of this fossil fuel extraction, transportation and production. Now these communities are facing the worst impacts of climate change - from food shortages to the inundation of whole island nations.

Inside the global climate negotiations, rich industrialised countries have put unjustifiable pressure on Southern governments to commit to emissions reductions. At the same time, they have refused to live up to their own legal and moral obligations to radically cut emissions and support developing countries' efforts to reduce emissions and adapt to climate impacts.

Climate Justice Now! will work to expose the false solutions to the climate crisis promoted by these governments, alongside financial institutions and multinational corporations - such as trade liberalisation, privatisation, forest carbon markets, agrofuels and carbon offsetting.

We will take our struggle forward not just in climate talks, but on the ground and in the streets, to promote genuine solutions...⁴⁶⁶

Like similar statements that underscore the potential breadth of coalitions for climate justice, the CJN statement responds to the socio-spatial connections inherent in anthropogenic climate change in ways that come close to articulating a world-encompassing, socio-ecological class formation. From this perspective, groups distributed across the globe recognize and are united by the insecurity and marginalization resulting from the unequal command of the resources, perpetuation of unsustainable forms of development, and rampant overconsumption by those

⁴⁶⁶ Climate Justice Now! 2007

more privileged. The promise of such a coalition is the co-creation of a new story, through convergence of Massey's myriad subaltern "stories-so-far,"⁴⁶⁷ in the production of a different world.

As in the case of challenges to governmental separation, however, challenges to socio-spatial separation through the inculcation of transnational solidarity, encompassing calculations of ecological value, and universal rights introduce genuine tensions.⁴⁶⁸ As the following chapter shows, these tensions include the imperative for coming together in solidarity, on the one hand, and, on the other hand the necessity of grounding a transnational politics of climate justice in relation to the historical and geographical specificities of stakeholders' and participants' lived experiences, which vary considerably.

Conclusion

In this chapter I have examined how advocates and activists engaged in the construction of a transnational, connective politics of climate justice have gone about that work. In the first section I offered analytical description of the aims, actors and strategies involved in "outside" political venues that have convened simultaneously with intergovernmental meetings. I contend that those spaces have provided the locus for convergence among the "distinct trajectories"⁴⁶⁹ of a diverse set of activists, affected groups and publics, and served as a social base from which organizers have sought to challenge the governmental separations of global climate governance by showcasing the presence and amplifying the voices of otherwise marginalized constituencies. A central feature of organizing in outside venues is therefore a set of spatial strategies to

⁴⁶⁷ Massey 2005

⁴⁶⁸ Cf Routledge and Cumbers 2009 on the many tensions that attend the maintenance of Global Justice Networks

⁴⁶⁹ Massey 2005

facilitate inclusive deliberation and representation, which includes open meetings, street demonstrations, caravans and camps.

In the second and longer section of the chapter I examined a set of critiques and alternative proposals which have structured interaction in outside venues; emerged, in some cases, from deliberation within them; and informed critical civil society interventions on the “inside” of intergovernmental meetings. I argue that this work of analysis and campaigning functions as an alternative climate politics by challenging the separating tendencies that I have argued structure mainstream institutional debates and responses, to the detriment of efficacy and justice. The analytical content of this section, divided amongst registers of socio-ecological, governmental and socio-spatial relationality, consists in demonstrating how, in specific exemplary instances, those challenges have been constructed around a particular set of logics and principles.

While the first section demonstrated how specific practices of organizers and participants have combined to articulate a transnational socio-ecological politics responding and posing alternatives to mainstream climate change responses, then, the second section illustrates how this work has proceeded analytically. Together, these connective spaces, analyses and campaigns work by radically expanding the range of actors, perspectives, and principles at play in mainstream climate politics. They therefore alter the social landscape of those politics, while renovating their epistemological modalities (ways of knowing) and ontological presuppositions (the set of entities, relations and processes recognized as existing and consequential).

In foregrounding the global social and ecological ties of climate injustice, forging similarly expansive ties of solidarity, and highlighting the spatial and social exclusions of existing mainstream climate politics, these efforts illustrate key modalities in the construction of a relational politics of transnational subaltern solidarity and justice for the Anthropocene.

Examining the transnational politics of climate justice in terms of (dis)connection, that is, highlights socio-natural ties as a constitutive element left under-developed or neglected in prior scholarship on transnational solidarity and resistance.⁴⁷⁰

At the same time, however, I have indicated at relevant junctures throughout this chapter that an exclusive focus on socio-natural *ties* – those that bind far flung emitters and affected people in relations of responsibility, and affected peoples with each other in solidarity – risks eliding the geo-historically specific conditions of socio-ecological dispossession that globally distributed communities face and struggle against, which can be politically more salient. As I show in the following chapter, extensive ties and universalist alternative proposals can too often fall short as the basis for transnational counter-hegemony, failing to mobilize essential constituencies who are quite reasonably oriented, rather, around situated emancipatory projects and socio-natural conjunctures connected with national, regional and local conditions. Further, as I also suggested above, the primarily institutional orientation and prominence of elite actors in these transnational articulations of climate justice raise issues of representative legitimacy and highlight inequalities in resources and agency amongst the range of actors in (potential) counter-hegemonic coalitions. These tensions form the focus, therefore, of the following chapter. The penultimate chapter of the monograph explores specific attempts to address them.

⁴⁷⁰ E.g. Featherstone 2008, Routledge and Cumbers 2009

Chapter 8. Transnational Activism and Local Legitimacy: Challenges, Merits, and Logics of Connection

In this chapter I delve more deeply and critically into “outside” climate politics as they have developed in forums and actions surrounding UNFCCC COP meetings. I examine the challenges, merits and logics associated with assembling and connecting an “outside” with the “inside,” and with conceptualizing the convergence of disparate political discourses and actors in those opposing spatial schematic terms. In the previous chapter I argued that a relationally oriented, critical politics of Anthropocene justice has been constructed in large measure through the convening of multiple knowledges and diverse coalitions in “civil society” spaces simultaneous with major intergovernmental meetings like the COPs and Rio+20. And yet those gatherings, and related analyses and campaigns, have also tended toward the construction of universals. These are partly necessary, in that they provide shared formulations of critique and alternatives, encoding and supporting the solidaristic bonds subaltern actors have formed to challenge intergovernmental and private power in climate governance.

However, as I have also suggested, the construction of an alternative climate politics through solidarity, institutional engagement, elite leadership, and the visible presence of affected constituencies’ “bodies on the street”⁴⁷¹ outside a globe-trotting succession of intergovernmental meetings necessarily introduces tensions. These impinge on the pursuit of a broad-based politics of climate justice in limiting and sometimes troubling ways. This chapter explores such areas of tension, as I have encountered them at “outside” venues and discussed them in interviews with organizers, and in light of accounts published by centrally-placed participant-commentators.

⁴⁷¹ Butler 2011

In section 1 I address tensions organizers face between the material needs of constituent groups and their political value as bodies and voices in the street. There I contextualize some of the themes introduced in the vignette describing the RWA and DLF experience during COP17, in the introduction to part 2. Section 2 addresses some of the risks organizers and participants run in deciding whether and how to engage with state-centric venues such as the climate negotiations. These pit the potential for legitimization of those official gatherings and their outcomes against the costs of disengagement from ongoing, potentially consequential governance processes. Drawing on the analyses of organizers, participants and observers during and after COP17, I seek to present both sides of this debate, which is an actively contested one. In section 3 I examine perhaps the greatest challenge connective organizers face: that of fostering unity among the diverse constituencies of a transnational, coalitional politics. Those challenges, I argue, are shaped by the complexity of intergovernmental negotiations (and other governance processes), and resulting imperatives of “translation,” as well as ideological differences within civil society. In the fourth and final section I illustrate the imperative of articulating a transnational politics with the struggles and lived experiences of particular communities situated within specific histories and ecologies. There I use a case example, focusing on debates over the Rights of Nature at outside gatherings during COP17.

Therefore, while the previous chapter demonstrated how analytical argument from global socio-natural ties and spatial strategies of simultaneous presence have furthered the development of a transnational politics of climate justice, this chapter traces the fault lines that threaten its unity and breadth. Both speak to central debates in scholarship on transnational resistance to neoliberal globalization and its (eco)social consequences. The “outside” venues of transnational

climate politics represent highly generative spaces of convergence,⁴⁷² where the different “stories-so-far”⁴⁷³ of affected peoples and their allies have come together in socially inclusive discussion and collective action. In this respect these outside gatherings and their principles have succeeded in exploding the spatially-exclusive militant particularisms of theory and practice,⁴⁷⁴ furthering instead the “spatially stretched” subaltern solidarities of transnational resistance.⁴⁷⁵ At the same time, however, the uneven geometries of power and resources that unavoidably inflect these networks,⁴⁷⁶ the combination of opaque jargon and globalizing abstraction in governmental and scientific framings of climate change,⁴⁷⁷ and the diversity of historical and contemporary conditions that inform constituent groups’ experience of climate impact threaten to erode those hard-won solidarities and limit their further extension. Moreover, organizers’ persistent focus on the institutional goings-on of COPs and other governmental forums threatens to obviate the “properly political” potential of outside gatherings to generate real alternatives in their own terms.⁴⁷⁸

These are the theoretical debates implicated in the pragmatic work of outreach, coalition building, and institutional pressure for climate justice outside the COPs. My discussion of this messy empirical terrain of political action suggests contributions to those debates, as well as the political challenges that attend climate justice advocacy and activism. On the one hand, the tensions critical connective organizers face and the ways in which they understand and negotiate those tensions suggests a more complex notion of “civil society” than often travels in critical human geography: a hybrid entity located between a theoretically pure, properly political

⁴⁷² Routledge and Cumbers 2009

⁴⁷³ Massey 2005

⁴⁷⁴ E.g. Harvey 1996

⁴⁷⁵ Featherstone 2008

⁴⁷⁶ See Routledge and Cumbers 2009

⁴⁷⁷ Lohmann 2008

⁴⁷⁸ Rancière et al. 2001; Swyngedouw 2010, 2013

“outside” and a thoroughly insulated, post-political “inside” of climate governance. On the other hand, the difficulties of alignment and debates over the political utility of the Rights of Nature I explore below indicate the importance of geo-historically specific socio-natural conjunctures as a complement to global ties in furnishing the basis of a broad-based transnational movement for climate justice. I draw out the first of these themes in the concluding section of this chapter, and explore the second in the following chapter.

Material need and the politics of presence

Prodigious challenges attend the work of assembling affected communities, movement leaders, and organizations in outside venues, and of producing and making visible the connective analyses and coalitions generated there. As a first cut, organizers face the material and logistical challenges associated with access to and control of space within which to hold gatherings, and the provision of necessities for the constituents taking part. These concerns are in one sense prior to and yet deeply connected with the constructive work and visible presence that is the focus of the gatherings. They are political as well as practical, and constitute the focus of considerable energy on the part of organizers. This is because, in general, space for “Peoples’ forums” is hard to obtain, distant from negotiations, and subject to state control.

NGO and social movement representatives began planning for a Peoples’ Space during the COP in Durban many months before the meetings, with the formation of the C17 committee. Early plans to host gatherings near the COP conference center itself fell through in the summer of 2011, and a scramble ensued to obtain a space large enough to provide the focal point for the outside activities of the many national, regional, and transnational groups planning a presence in

the city during the UN talks.⁴⁷⁹ As it turned out, more than adequate facilities, including meeting rooms, a café, common spaces and lodgings were made available at the Howard Campus of UKZN. The distance and terrain, however, separating that location from the convention center, the march route, and the Speakers Corner downtown necessitated the arrangement and continual re-negotiation of transportation, which was at a premium during the COP. Movement between outside and inside spaces, and the visibility of non-accredited constituencies was thereby compromised.

In Copenhagen, Cancun, and Rio the geography of venues was also expansive, though roughly inverted, with the primary “outside” forums located in city centers, and the UN meetings in outskirts or beyond. Such spatial separations underpin political disconnection at a local scale for the duration of the official meetings. A year after the highly publicized confrontations in Copenhagen, where the conference venue was accessibly by public transit and by foot, the Cancun negotiations were notably enclaved. Access to the Moon Palace complex from the city, where many less affluent state and observer delegations lodged, was only by buses contracted for that purpose, a thirty-five minute ride along a stretch of highway closed to all other traffic. Accreditation was verified at the few boarding points in the city; comprehensive airport-style security screening occurred at the complex. Even official side events (similarly secured) convened separately in Cancun, in hangers situated a twenty-minute chartered bus ride from the negotiation site.

The “Cúpula dos Povos” convened during the 2012 Conference on Sustainable Development in an expansive beachfront park in downtown Rio de Janeiro. The focal point for participation by non-accredited members of indigenous communities and social movements, outside node for

⁴⁷⁹ Bond 2012

linking efforts, and setting for the collaborative drafting of a people's declaration critical of the intergovernmental meetings, the park also served as public face for the Conference itself, and promotional stage for loosely related state, private, and public-private initiatives.⁴⁸⁰ Large sections of the park were taken up with architecturally-appealing temporary constructions devoted, for instance, to clean energy technologies and government programs.

More generally, the use of "public" spaces in the host places of UN meetings by peoples' groups is subject to the permission and control of local and national states. The comprehensiveness of this control is readily demonstrated by authorities, for instance during Durban's officially sanctioned Day of Action. There a fleet of armored police vehicles held marchers some forty-five minutes at the origin point of the agreed route without explanation, later massing around the small park across from the Conference Center, which had been approved as the site of the "Speakers Corner," while members of the DLF congregated there to wait for transportation back to camp.

Requirements of approval and performances of control suggest why an unannounced march by the Rural Women's Assembly and DLF a day prior to the sanctioned march – while thoroughly peaceful – expressed more plainly the group's rejection of the terms of debate "on the inside" than did the presentation of their memorandum to the UNFCCC Secretary the following day.

The former brief but impassioned action, and the enthusiasm with which it was met by other participants in the UKZN gathering also suggest the availability and appeal of extra-legal spatial tactics "on the outside." These access a more legibly oppositional politics through the

⁴⁸⁰ See the official website for the Cúpula dos Povos, and the final declaration of the peoples' summit process that convened there: Government of Brazil 2012, People's Summit for Environmental and Social Justice 2012.

unsanctioned visibility of what Butler terms “bodies on the street.”⁴⁸¹ The presence of the Rural Women’s bodies – when they were not expected or condoned so near the perimeter of the negotiations – constituted a strike against the managed “politics” within which their participation outside the COP was more generally contained. The latter threatened to enfold the Women’s presence within established institutions and discourse, or otherwise to efface it. Examples of those tendencies included the spatial marginalization of the group at the University lot and their appearance in press coverage with the Secretary at the culminating moment of the sanctioned march, as well as the frequent evocation within the negotiations of the extreme vulnerability and potential represented by African women – most often by members of other demographic groups.

At the same time, however, the spaces of action and shelter occupied by the RWA and the DLF point to a tension in these outside climate politics of presence, with which justice advocates must contend. On the one hand, it is the presence of such groups where they do not officially belong that foregrounds the exclusionary governmental separation of UN meetings and the increasing ecological precarity these constituencies face, which has mounted unchecked by such meetings for over two decades. On the other hand, the sheltering of that politically-salient precarity is the responsibility of organizers during the time that members of affected communities take from their own subsistence and reproduction activities to be present outside negotiations. Balancing these concerns weighs upon organizers, and demands occasional compromise. Another group, for instance, elected to camp during the Durban COP in a small unused space ringed all around by sections of freeway, which granted better access to the march route at a cost in noise, debris, and fumes. There is, then, a calculus balancing presence and care

⁴⁸¹ Butler 2011

that leaders' face as they work to link the bodies and voices of affected people with the settings of global governance.

The significant material and logistical challenges associated with obtaining and controlling space, and providing for the needs of assembled constituencies are therefore closely connected to the political aims of inside-outside linking. These challenges are, thereby, related to broader questions about the potential for activists and stakeholders commonly excluded from international negotiations and other governmental forums to influence the outcomes of those proceedings – or not – through their presence “on the outside” and through efforts to enfranchise outside constituencies with institutional power. These questions are the focus of the following section.

Risks of legitimization and costs of disengagement

Night has fallen, heightening a growing sense of finality within the conference center. It is the last scheduled evening of COP17. I have been sitting in the hallway with other observers soaking in, through various media channels, the final official statements we will hear before closing agreements are announced, in two days' time. Now the last press conferences of the day have finished and delegates, most sporting media and civil society badges, stream out of the briefing rooms and pause in the hallway, unsure of the next destination.

Though unscheduled, negotiations among the parties continue, behind doors now closed to me and the vast majority of accredited observers. As is now common at the

COP, the outcome of the meeting remains unresolved at the close of this final day, though the broad lines of the debate are clearly drawn.

I spot a handful of faces familiar from the UKZN gathering and prior summits emerging from a press room, and follow, exiting the convention center onto a large empty patio enclosed by barricades. It seems unclear - to our small party or the guards - whether these doors are meant to be secured, but we are leaving, and no one objects.

Outside there is a palpable sense of release among the activists and hangers-on. It is dark, warm, and lightly raining. This sudden contact with actual weather - the sensible presentation of what has been the subject of endless calculation and debate over these two weeks - is both startling and refreshing.

Finding a path through fences and guards, a few of us move across the street to the Speaker's Corner, where Occupy the COP organizers have struggled to maintain a quorum throughout the meetings.

Though the park is largely empty, I recognize a contingent of vocal participants in the University forum as well as two instigators of a large protest inside the convention center earlier in the day, during which many NGO delegates surrendered their badges, some, apparently, for good. I drift between the two circles of talk.

The young protestor remains elated by this afternoon's action. Today he has done what he came to do; he has helped to send a clear and many-voiced message of discontent to his own national delegation, the many parties seen as complicit with inaction, the Secretariat, and an international audience. I too recall the sense of power

in the crowd blocking the hallway; expressions of frustration amplified to collective catharsis by the ‘human mic,’ and the jubilant refrains of Shoshalosa, the enduring South African resistance anthem.

A short distance away, a seasoned local activist decries what he sees as the co-option of civil society by the COP, a charge he extends even to activities at the University. “We should have had our own meeting,” he says bitterly.

Later, as I depart for one last night in the dorm on top of the hill, I wonder again what a movement for climate justice might look like without the UNFCCC as target and occasion for solidarity. Certainly, here were “decision makers,” members of a global press, and a critical mass of participants and observers, however fractured or co-opted their politics. And yet, I too will be troubled during my long journey home and afterward by how little was seemingly accomplished in Durban.

For all the labor and resources expended on stakeholder presence and representation at COPs and other summits like Rio+20, such strategies and tactics are also the subject of frequent debate amongst thinkers and activists dedicated to socio-ecological justice. To what degree, runs a prominent line of questioning, are these forums and actions truly “outside” of post-political mega-events like the COPs? To what degree, by contrast, can the engagement of stakeholders with those events and the participation of social justice organizations in them be understood as merely legitimating the very governmental arrangements and outcomes activists would decry?

Such concerns are fueled in part by the distinctly unimpressive outcomes, in terms of environmental protection as well as broadly shared “sustainable development,” of global governance to date. Many activists read this record, and the recent episodes examined in the previous chapters, as indicative that strategies of engagement are misplaced, arguing instead for more directly oppositional approaches akin to those adopted in early protests against the WTO. There, preventing the institution’s activities was seen as preferable to influencing their direction.⁴⁸²

Certainly, the threat of cooption remains a central concern of organizers. Additionally, the context of contemporary climate governance raises other dimensions at play in debate over the merits of (dis)engagement. One concern is the steady drumbeat of emerging science, which heightens the sense of urgency with which alternative energy futures must be embraced in order to forestall the worst – and most unequal – social consequences of global warming. A second and related issue is the potential for increasing ecological damage and exacerbated risk to marginalized communities that could accrue *through* the machinations of governance in the absence of critical pressure of civil society, however circumscribed its presence or diluted its contributions might be. Episodes and debates during COP17, and postmortem analyses of civil society strategy and impact during the summit illustrate these themes.

Risk of co-option

The challenge of engagement without cooption was neatly encapsulated in the culminating moment of the Day of Action march in Durban. A column of several thousand marchers assembled on the morning of December 3rd at a park north of downtown, and traveled slowly

⁴⁸² See discussion of this general strategy of comparatively engagement on the part of radical climate justice activists in Mueller 2012

southward through the center city, passing the International Convention Center (where the COP convened) before ending in a party on the beach front.⁴⁸³ Between the Speakers Corner and the ICC the marchers paused. There, representatives of several participating groups, gathered at the front of the column were greeted by UNFCCC Secretary Christina Figueres and South African Environment Minister Maite Nkoana-Mashabane amidst a swarm of microphones and cameras. The marchers presented a memorandum “from civil society” to the two diplomats, who thanked them for their work and promised to bring their voices into the COP.⁴⁸⁴

As many observers complained, Figueres and Nkoana-Mashabane thereby ably incorporated the potentially insurgent energies of the marching groups, with the apparent backing of the full mass of marchers, into a media-ready narrative of unity and the institutional embrace of stakeholder participation. That representation obscured the real interests of many of the marchers in alternative processes and outcomes, widely-felt opposition to South African as well as international climate change responses, as well as the specific demands of several groups present, which would remain unspoken on the “inside.”⁴⁸⁵

To separate or connect?

A broader discussion on the relative merits of engaging with or withdrawing from the COP, particularly in light of dire scientific predictions and scant progress within negotiations, occurred in a panel discussion midway through the meetings at UKZN. An American scholar-activist in the audience broached the topic:

I'm concerned – with some of these inside-outside debates – that they need to be framed in terms of this context of time.... Mainstream sources are saying that this is the last

⁴⁸³ News sources placed the number of marchers between 8,000 and 20,000. E.g. The Telegraph 2011, Vidal 2011.

⁴⁸⁴ See official host country documentation: COP17 CMP7 2011

⁴⁸⁵ See e.g. Hargreaves analysis of the exchange. Hargreaves 2012

chance to stabilize climate change under two degrees warming, and that may sound abstract but.... If that's true...this is the last chance, in Durban. And if they don't come to an agreement here to radically cut greenhouse gases, over a hundred million people are going to die on this continent alone.

So, the comrades who say that we should be inside, you may very well be right, that over time we could take this space back.... But I'm curious if that's a relevant argument given the time we have. I'm concerned that the energy that goes into that could also go into just shutting this thing down because even if you're right and we could take it back, there isn't time to take it back....

Organizers on the panel responded, sharing the questioner's concerns of urgency and the need for a legitimate and robust "outside," but rejected the impulse toward the latter as a singular focus for their movement. "You got to do everything that's necessary," offered Goldtooth, "we got our foot in both areas. We're involved in nonviolent direct action; we're taking it to the street." "I think you absolutely have it right, it's a question of time," added Asad Rehman, of Friends of the Earth, "...you have to use it absolutely, by any means necessary, and that means that you have to operate at every single level, and in every single space."

In his statement, Rehman articulated this position at length, arguing for the UNFCCC as a target of consequence within a necessarily broader strategy of simultaneous and varied engagement:

...[I]n that ICC building, they're really negotiating on who has the right to live in this future: Who has the right to food? Who has the right to stay where they stay, and who is going to be forced to be a climate refugee? [T]hat's why – [when] people say 'Oh, this UNFCCC, oh we shouldn't be there. That's not our space, we're the movements, and we should be in other spaces.' Well, I'm sure they'd love for us to be in other spaces, they'd love for us not to be there. Because.... there is a power imbalance.... For me, fundamentally, the UNFCCC is about that. It's not a dead space: it's a contested space. It's a space where we may not, at the moment, have political power or leverage, but it's not space that we can ignore.... This is not the WTO, this is not something that if you crash and you said 'please don't make a global agreement on trade,' and we looked for some alternative – that's not the reality.

....And if we're not there, don't think other organizations won't be there....
[O]rganizations that propose the very things that we fight.

....[I]f we're not there – if you look at – there are hundreds if not thousands of journalists that congregate around those talks. And when you actually speak to most of them, after the first one-sentence two-sentence conversation, they have very little idea of what's going on in terms of the negotiations, absolutely no idea.... [T]hey're sold a framework, a framing, by governments. If we're not there providing an alternative view, an alternative analysis of what's going on in terms of the negotiations, then that space closes and those voices aren't heard.

...[T]he African group is the most critical group in these negotiations.... [A]nd we know, exactly as we knew in Copenhagen and Cancun that [African] environment ministers, and the ministers – and the prime ministers will get phone calls from capitols in Europe, from London and Paris and New York and Washington, and they'll say 'weaken your position.' Unless we counter that, unless we say, 'you as an elite are not beholden to the elites in the North. You're beholden to our people, our priorities'.... [T]hey're going to make those closed-door agreements.

...That's not to say that the UNFCCC is the place where we will win, it's not, it's not ...until we have built our movements so powerful on the outside, so powerful at a local and national level, that they are holding our governments accountable before they come to the COP.

...Those people who say that there are inside and outside spaces: I'm sorry but I think that is a sterile, and a wrong characterization. What we have is we have one struggle. We have one movement, and in different spaces we use different tactics and different strategies.... And I think to give up the UNFCCC space is a fundamental mistake for our movement.

That is, the stated aims of the convention are seen as laudable, even to highly critical groups like FOE, while increasing harm and injustice are real threats from global climate governance in practice. For linking organizers, these considerations demand continued engagement inasmuch as their transnational structures and capacities enable it.

Challenges of alignment: “translation,” unity, and positionality

Perhaps the most important task for those committed to connecting stakeholders with global governance is the political one of articulating a clear, unified position that will resonate widely amongst a constituency composed of globally distributed affected communities and movements. Achieving this aim demands addressing multiple related challenges, including the complexity of climate negotiations, philosophical rifts and power differentials within civil society, and the distinct socio-ecological conditions and struggles central to the concerns of local and national constituent groups. At stake in superseding these obstacles is the desired end of challenging the governmental separation of the UNFCCC by mobilizing a mass of stakeholders too numerous and ubiquitous to ignore, around definite transformative demands.

The complexity of negotiations, and need for translation

The specialized language and complex structures of the UNFCCC demand that activists seeking to make audible the voices of non-accredited stakeholders must render its terms accessible, and shape outside interventions so as to address them. As Goldtooth noted in the inside-outside strategy discussion excerpted above, the ability of outside groups to hold their representatives in negotiations accountable depends upon forging these connections: “people need to get educated on what's going on.... Negotiations have become this complicated maze, and a lot of people say they don't understand about this, and they don't get involved.”

One interviewee, a member of an inside-outside linking organization, spoke of this work as a form of “translation.” She described its importance and challenges, as well as the bi-directional, organic origins of a demand such as the prominent opposition in Cancun to REDD+ programs, under which developed countries and investors pay developing countries to preserve forests, and thereby receive offset credits:

[Interviewee] I think the extent to which those mobilizations are useful to influence the policy discussions is how well tailored they are to the key leverage points in the negotiations, and that's always the hardest piece to figure out: in a way to communicate it that's effective in an outside mobilization, that speaks with an authoritative voice that brings on the concerns of the people on the ground. Because the people on the ground, the people that are marching and mobilizing, are the people that stand to be impacted the most, first, and the hardest. The positions that are brought by those communities are, rightly so, the strongest, most radical demands. And I think the question is often how you translate that into something that policy makers can understand and work with.

[BD] It looked like – in Cancun – opposition to REDD+ was at the top of that list....

[Interviewee] I think that was a large part of it.... I think the opposition to REDD+ was a big deal, in large part because of the focus on carbon offset finance and the impact on indigenous peoples and communities.

[BD] How much [did that] reflect ... what you just described, about trying to bring together something that is understandable in a march, and something that you can bring to a negotiating table or to a delegation? Is that where the opposition to REDD+ came from, or did it just bubble up?

[Interviewee] I think it bubbled. I think it bubbled up and there were a lot of people that were mobilizing outside. REDD+ has enjoyed great political momentum

...the focus [of activist responses to REDD] in Copenhagen was largely on the safeguards and the need to respect indigenous rights. I think in the year following that the increasing trajectory [was] towards something that was very harmful, and the demand [in Cancun] was "we don't want to just tweak on the margins, we just want this to stop. This is not an approach that will work."

[Interviewee] ...[T]he REDD piece is extremely contentious for a lot of reasons. Broadly speaking, the mechanics of organizing outside marches to reflect inside policy demands is extremely difficult.... [A]lternative spaces always present a unique challenge because of the merging of all of the diverse interests.

REDD is contentious within civil society due, in part, to its complexity. The issues indicated by the interviewee – which include risks to indigenous and forest communities' livelihoods, land claims, culture, and self-determination; the potential for unequal exchange through the programs; and the dubious mitigation potential coupled with opportunity for speculative investment

inherent in offset finance constitute compelling objections for many in the climate justice community. On the other hand, poor forest countries, and some communities and local NGOs, see within the programs the promise of much needed investment and potential for economic development in preserved – or even farmed – forests.

As the interviewee implied (and others noted explicitly) REDD has therefore been the subject of sometimes bitter debate among activists. It is an instance of what social movement analysts call “cleavage issues,” illustrating a wider set of challenges to alignment posed by differences in positionality and ideological commitment amongst potentially coalitional constituencies.

Ideological differences within civil society

In retrospective analyses of COP17, activists and commentators saw the papering over of such differences of position and ideology as having helped to dilute the potential impact of outside voices, and enabling their cooption by official actors.⁴⁸⁶ Organizers pointed, for instance, to the delivery of the memorandum during the Day of Action described above⁴⁸⁷ and the resolutely apolitical official march slogan, “Unite against climate change.” Analysts and key organizers viewed civil society engagement at COP17 with disappointment, characterizing it as “civilized and pedestrian,”⁴⁸⁸ or more pointedly, as “meticulously controlled spectacle, reducing people to choreographed cheerleaders, acting as an accomplice to power.”⁴⁸⁹

Through admittedly framed by broader conditions encompassing questionable levels of popular awareness domestically, organizers linked these outcomes with the approach adopted by the “C17” organizing committee, through whose orientation to logistics rather than debate

⁴⁸⁶ See e.g. Bond 2012, Hargreaves 2012, Ndlovu 2013

⁴⁸⁷ See Hargreaves 2012

⁴⁸⁸ Bond 2012, 57

⁴⁸⁹ Desai, quoted in Bond 2012, 61

“politics was subordinated to unity.” Nevertheless, amongst participating organizations, “there was and is no coherent climate politics.”⁴⁹⁰ Delegates to C17, for instance, included “some organizations working with business and some being anti-capitalist ... which meant it was difficult to do messaging.”⁴⁹¹

Cutting across such political divisions lie profound differences in practice and orientation to local context, distinguishing international NGOs from local community organizations:

If people parachute in, do their little stunt, and leave, or get deported [as did several Greenpeace activists attempting a banner hang on a nearby hotel roof] for example, then what do they understand about Durban? What do they understand about the real difficulties of organizing around climate justice? There are real tensions and challenges that people face here, as a stitch between a kind of crony capitalism and African nationalism, but also a kind of rank modernization theory; a ‘why the fuck shouldn’t we have these things’; ‘who tells us we shouldn’t have cars and TV sets?’

A hundred people were taken to the hospital after the explosion of the Engen refinery [in South Durban], but large swathes of that community are employed by the refineries, so they can’t make the move to ask for their closure. And then the climate justice movement asks for them to be closed. What does it mean that people have arrived here, marched and never been to the South Basin? There are 150 smoke stacks. Cancer is everywhere. Nearly every kid carries an asthma pump.

By parachuting in and substituting yourself for local struggles, you won’t have a sense of any of that. The way the international NGOs conduct themselves is to adopt the same tactics and strategies everywhere. They have flattened the world and in the process our histories and traditions and our subjectivities.⁴⁹²

Such differences of approach and understanding, which mirror the dramatic disparity in resources between large NGOs and community groups, understandably arouse the rancor of local organizers, but they also point toward what are potentially highly consequential distinctions among theories of change and corresponding political strategies. International NGOs’

⁴⁹⁰ Hallowes 2012, quoted in Bond 2012, 62

⁴⁹¹ Steele 2012, quoted in Bond 2012, 62

⁴⁹² Desai quoted in Bond 2012, 63-64

photogenic displays of “protest” within and outside the COPs are by now staples of international media reporting on the meetings. The very globalism and visual appeal that underpin the ready legibility of such tactics, however, may also enable their subsumption within now familiar narratives of plodding bureaucratic practice rather than effectively challenging it, as might a light upon the seamier effects of socio-ecological marginalization reproduced daily just outside the venues of global governance. Certainly, “the NGOs” are readily dismissed by some delegates as an industry of interest groups with questionable representative status, with little of use to offer the official process.⁴⁹³ Massive, unsightly, and deeply domestic mobilization might well be read as a more pointed challenge to assumptions of legitimacy in international process, both by participants inside that process and externally via the media.

Interactions “on the outside” in Durban suggest that such a mobilization demands the grounding of climate political positions, analyses, and principles in the socio-ecologies and histories of the stakeholders and groups present.

Meaning, mobilization, and the imperative of situated resonance

It is the start of the second session of a day-long conference on eco-socialism on the campus of UKZN during COP17, and much of the earlier crowd has not returned from lunch. The conference schedule is full, however, and the organizers can wait no longer to resume. I for one am glad to have arrived in time to secure a seat near the front for this key note talk by a well-known American scholar-activist. The doors close, and the speaker launches into a theoretical analysis of capital and ecology.

⁴⁹³ For instance, one former US delegate I interviewed was openly dismissive of representative NGO groups’ involvement at COPs, calling it a counter-productive distraction from the necessary work at hand, which was, for the interviewee, primarily technical in nature.

Some minutes later I become aware of voices singing outside the hall, at first faint, now rising and becoming clearer. The voices explode into the hall itself, accompanied by the singers' rhythmic clapping, in which much of the already-assembled audience soon joins. It is a contingent from the Rural Women's Assembly, who continue to sing as they file in and eventually take seats. The speaker resumes, welcoming the women and appearing energized, if surprised, by their entrance. Two similar interruptions occur, as more local and regional constituents arrive, before organizers and speaker are somewhat less sanguine in their reception.

Later, when presentations conclude for the day the now large audience participates in a wide ranging discussion, by turns appreciative, inquisitive, and challenging. Questions are posed and statements delivered on socialist thought and strategy, the specificity of national political conditions and local agricultural practices, possible health effects of climate change, linguistic barriers, and the relative absence of African voices – "outside" as well as in.

Singing interruptions during the lecture at UKZN operated as assertions of presence and cultural identity on the part of visiting constituent groups, while also challenging the tight structuring and one-to-many format that dominated the eco-socialism conference and other events. The content of audience interventions following the presentations, which focused largely on the livelihood concerns of poor Southern Africans instead of conceptual or strategic issues, and included direct challenges to speakers and organizers, linked the groups' political presence outside the COP with socio-ecological and historical conditions relevant in their own lives.

Issues of power, representation, and legitimacy are bound up in these outside settings with the process of arriving at the shared analyses, principles and positions that organizers and constituents will take to the streets and that linking groups will rehearse through white papers and other inside interventions. For these politics to encapsulate the concerns of the masses of people affected by climate change – and those next in line – and thereby support their broad mobilization and guarantee the legitimacy of those who would represent them on “on the inside,” they must resonate with situated, lived experience. And yet, the COP and other global governance forums are not grounded in geographical specificity: neither in their discourse – which foregrounds global and international framings of climate change, and begs the “translation” of movement demands – nor in their itinerant physical presence. The local and regional presence on “the outside,” by contrast, is geographically specific and novel with every iteration of these official gatherings. Herein lies the central tension, and challenge, of connecting stakeholders on the outside with governance on the inside.

The challenge of achieving resonance in Durban

The imperative of grounding a popular politics of climate justice in political community and place was at the heart of the frustrating lessons learned by organizers in Durban and the equally frustrating experience of many participants in organized demonstrations.⁴⁹⁴ Debates at UKNZ over the relevance of the Rights of Nature in South, Southern, and pan-African context illustrate this imperative, as well as the challenge inherent in constructing a transnational eco-social politics.

On the heels of the massive presence of peoples’ organizations in Cochabamba, the apparent appeal of its major statements within the climate justice community in Cancun, and related

⁴⁹⁴ On the latter, see Ndlovu 2013

institutional advocacy by Bolivian representatives in the UN, Rights of Nature advocates prepared an ambitious calendar for Durban.⁴⁹⁵ South African participants at UKZN, however, considered the Rights of Nature as articulated by transnational groups ill matched to the political and legal context of their own national and local struggles. Several expressed concern over the potential for conflict between Nature's rights and those of poor people. One scholar-activist responded to a presentation on climate justice and by Pablo Salon by calling for caution and strategic consideration:

...[I]'m worried about the discourse of the rights of nature, and I'm uneasy saying this because it's also great to see so many people linking red and green issues which is something that the environmental justice movement in South Africa has struggled with, but I'm not sure that framing those issues in terms of the Rights of Nature is going to strengthen their struggles.

For example, we had very, very intense struggles over water and the imposition of technological devices for pre-paid water meters [e.g. in Johannesburg]. And in that struggle we have emphasized three things: firstly the fact that that access to adequate water is a right in terms of our constitution; secondly the fact that it's essential to all forms of life, and we have tried to promote ___ of our connection to other forms of life, which would include the fish in the river; but the third and most powerful argument we make has been against the commodification of water specifically. And it seems to me that in your critique of the green economy what you describe very accurately and powerfully, is the way capital is wanting to take that process of commodification further. It seems to me to be a simple plank in the kind of neoliberal green capitalism we have to struggle against. I'm not sure that the logic of [opposing expanding] commodification is not a more powerful argument than the argument of rights.

Scholar-activist Vishwas Satgar, a panelist during the eco-socialism conference, expanded on the need to develop an outside climate politics in Durban through careful alignment with existing movements:

...[W]e've reached the limit of the NGO-ization of the ecological question in multilateral process. In our own contest in South Africa, we really need to think about a mass-based

⁴⁹⁵ See e.g. Global Alliance for the Rights of Nature 2015

politics. That's why we're sitting in this space. Now I think that how we articulate and how we work alternatives is crucial for that mass-based politics. Right now in South Africa for example, none of the black groups, none of the fronts of struggle, articulates the language of Rights of Nature, for example. Nobody uses that language - in South African context. We've got to think about, how do we work with the alternatives in our everyday struggle.... We've got to find an intersection point, a common platform, a programmatic platform for mass-based politics.

In the context of informal interviews, South African participants linked the lack of resonance of Nature's rights for national and local movements with Apartheid histories of forced urbanization, the removal of blacks from ancestral lands, the absence of well-developed indigenous identities, and the context of massive contemporary inequality.

Foreign activists attending the meetings fleshed out related concerns, pointing to broader challenges associated with the framing of Rights of Nature. Who, for instance, could speak for "Nature," and how would recognition and protection of its rights respond to conditions of globally uneven development and ongoing struggles for basic needs in poor, extraction-based national economies.

Answering the challenge of resonance: rooting in community

As this debate progressed around the edges of a series of sessions in the peoples' space, analysts returned to the imperative of grounding a just climate politics – whatever its foundational principles – in the agency and analyses of communities. Addressing the question of the Rights of Nature during a later panel, Yvonne Yanez of Ecuador's Accion Ecologica responded to other participants' concerns and described the conditions under which such a principle might be developed, safeguarded, and ultimately mobilized transnationally:

... I am very proud that in Ecuador the Rights of Nature is recognized in our constitution.... but is it a good strategy to build an international movement, a so-called global coalition for the Rights of Mother Earth?

... [T]o jump different levels could destroy even a good idea.... [B]ecause Rights of Nature is probably one of the most revolutionary things in terms of the conceptualization of rights, philosophically, in the past 500 years...

... [I]f we don't first of all understand locally, in the communities, in our organizations, what we are talking about when we say "Rights of Nature," and ... start first of all to compare: "these indigenous people in Bolivia ... understand Rights of Nature like this;" and let's compare what is happening with the peoples in Ecuador; let's compare what is happening in Soweto, when you are talking about Rights of Mother Earth. And first of all in a very local area to understand what we are talking about – understand each other among us.

... And then – *then* [emphasizes] – we can say, "OK" Only at that moment we can say... "Let's take the Rights of Nature to confront capitalism. Let's take the Rights of Nature to confront green economy. Let's confront Rights of Nature with the payment for ecosystem services."

Only at that moment we can jump to a second level and at that moment – maybe, *maybe* – we can start to talk about an international coalition of Rights of Nature because we have been, for years maybe, knowing what we are talking about, and the idea will be protected by the local level, by the communities

If not we are going to lose it: it would be out of our hands, completely out of control, and who knows what is going to happen with this concept?

In the context of the Durban COP the imperative of thus carefully grounding a transformative principle like the Rights of Nature stood in uneasy tension with those of focused mass mobilization around coherent demands during the brief period of the meeting, and the urgency of human impacts of climate change in Africa. As several of the statements quoted above suggest, potential for the positive resolution of those tensions appears to lie in the activation of political ecological consciousness in communities, and thereby the local legitimation of transnational, coalitional presence and critical advocacy. A handful of initiatives and organizations exemplify the development of such a politics, which connects the global socio-ecological analyses of climate injustice with the core concerns of existing political communities, while also supporting

the coming together of those communities' distinct histories and current struggles in solidarity and collective action.

Conclusion

In this chapter I have examined a set of tensions surrounding the construction of a transnational politics of climate justice, as this has occurred in some of the spaces, analyses, and campaigns of “civil society” simultaneous with meetings of the UNFCCC. In addition to ensuring the material needs of the local and regional constituencies they help to assemble in order to exert pressure on political leaders, organizers must weigh the risks and merits of engaging with debates “inside.” To the extent they choose such engagements, they work to align the “outside” messaging of a diverse set of groups with strategic interventions “inside,” while at the same time anchoring that messaging in those groups' geo-historically specific socio-ecological struggles.

The discussion I have provided of these dynamics suggests that organizations and individuals involved in inside-outside linking are engaged in a dance-like negotiation between the generative potential of the properly political as it might take shape in “outside” venues, and a reasoned insistence on engagement with existing institutions. “Reasoned” because, for many activists, an important role remains to be played by states in response to the climate crisis, in the absence of other capable, publicly accountable actors, if only as a check on the actions of less accountable but highly impactful private ones.⁴⁹⁶ While much of critical climate justice activism is therefore also advocacy, in that it is oriented ultimately around mobilizing public pressure on state (or even public-private) levers, I argue that it is not blind to the generative potential of the properly political. Indeed, it is the difficult embrace of *the political*, instantiated in outside venues, social

⁴⁹⁶ Cf Parrenti's 2014 argument for the inevitable centrality of existing states in underwriting timely responses to climate crises.

movement constituencies, and “uncivil society”⁴⁹⁷ that grounds its claims to legitimacy. Thus, this chapter has illustrated at more depth my claim in chapter 1, that the “Janus face” of civil society⁴⁹⁸ (the set of non-governmental, non-market actors including institutionalized linking organizations and their social movement allies⁴⁹⁹) within global climate governance is not that of “two faced” duplicitousness suggested in contemporary usage. Civil society’s role is closer, rather, to the original, more complex connotations of the Roman god’s persona, presiding at the doorways to power, and over social conflict.

And yet, organized forms of civil society are also rarely as powerful as godhead metaphors would suggest. I have shown in Chapters 4, 5 and 6 the constraints such groups encounter in official forums and, in this chapter, their limitations in orchestrating the concerted presence of broader constituencies outside. Nor, to be clear, are civil society’s aims and impacts in aggregate *necessarily* liberatory: the roster of official UN observers, like broader invocations of “civil society” encompass a wide array of interests, identities, and ideological commitments,⁵⁰⁰ which include, to be sure, the buttressing of statist and market-led hegemony.⁵⁰¹ The analysis of linking organizations and outside actors I have provided in this and the previous chapter suggests, however, that the role of civil society in contemporary socio-ecological crisis is by no means limited to the defense of existing common sense or power relations; or carrying out the privatizing governmentalities of green neoliberalism. Rather, inasmuch as the name “civil society” designates the set of non-state organizations involved in governance as well as those at its fringes and outside who self-identify with the term, that aggregate is a hybrid and

⁴⁹⁷ Ndlovu 2013

⁴⁹⁸ Swyngedouw 2005

⁴⁹⁹ Bond 2005, Kaldor, et al. 2012

⁵⁰⁰ See, e.g., Bond’s discussion of struggles over critical positioning within African civil society in advance of the 2007 World Social Forum. Bond 2005

⁵⁰¹ See Gramsci 1971; Buttigieg 1995

unpredictable animal: between dog and wolf. Analysts will best understand its efforts to ensure social and environmental order⁵⁰² both empirically and critically, with an eye toward their materially emancipatory or oppressive effects⁵⁰³ at every stage for the primary actors involved, and those whose interests they invoke.

In the instance of marginalized groups differentially affected by climate change, such efforts at representation and emancipation confront significant challenges, as I have tried to show above. Debates over the Rights of Nature in Durban suggest that, while activists' invocation of global socio-ecological and socio-spatial ties has helped to draw together a transnational array of initiatives and actors (see Chapter 7), the rallying principles of that coalition, like the universalist discourse of more-than-human rights, are not always sufficiently compelling "on the ground" to mobilizing a broad base of constituents.⁵⁰⁴ The issues South African organizers and observers raised at UKZN indicate that this is because of the primacy of local (or national or regional) understandings of nature-society relatedness, which are in turn tied to place-based political ecological histories. Such situated socio-natural conjunctures are implicit if not central concerns in the existing struggles of potential constituencies of a transnational climate justice coalition. Moreover, such constituencies, at times, command existing infrastructures of their own through which climate justice as a political project might gain greater voice in social mobilization as well as institutional advocacy. In the following chapter, I examine in detail two efforts to ground climate justice accordingly, linking the global ties and uneven geographies of climate change

⁵⁰² Polanyi 2001

⁵⁰³ Fraser 2011

⁵⁰⁴ In this chapter I have focused on the debate over the Rights of Nature in the primary outside venue in Durban during COP17. In the course of interviews for this study, however, a number of organizers involved in other political settings also commented that they consider the Rights of Nature a distinctly contingent resource: appropriate, perhaps, in some political forums, but not in those in the US and Europe, for instance, where their work is situated. Thus, it is certainly not South Africans alone who have raised such concerns.

with the places, histories and organizational infrastructure associated with existing political identities.

Chapter 9. Grounding climate justice in political community and place

This chapter examines two efforts to “ground” a politics of climate justice.⁵⁰⁵ These efforts link the Anthropocene ties and uneven geographies of climate change with the social and environmental justice concerns of pre-existing political communities and identities, and with established infrastructure for the representation of affected constituencies. In the first of two sections, I analyze the work of the NAACP’s Environmental and Climate Justice Project. I show how its advocacy and mobilization efforts highlight the socio-ecological and socio-spatial connections by which anthropogenic global warming disproportionately affects people of color, and how the Project leverages the larger organization’s established constituency and governmental connections in a corresponding initiative for climate justice. In the second section, I consider the Cowboy and Indian Alliance, an emergent coalition of indigenous and settler activists united in opposition to the Keystone XL pipeline. The “new CIA” has pursued a constitutive politics based in shared values despite historical conflict, mounting culturally-resonant public mobilizations targeted toward policy and legal processes surrounding the pipeline.

These US- and Canada-based efforts differ from some in the transnational spaces around UN meetings, in that they are able to access and mobilize pre-existing, place-based resources for critique, resistance and counterproposals in a more sustained fashion over time. They are similar to the modalities of transnational climate justice politics I have examined in Chapters 7 and 8, however, in that they too operate in large measure through the exposure and construction of socio-ecological, socio-spatial and governmental connection. Moreover, analyzing these efforts

⁵⁰⁵ Routledge and Cumbers 2009; Routledge 2011

allows fuller comprehension of the scope of a politics oriented around these forms of connection. This is because both efforts address aspects of connection largely missing from the repertoire available to transnational organizers. These include the more particularistic, intertwined elements of place, history, community, racial and cultural identity, and citizenship as these relate to ecological integrity, impact and social marginalization. By articulating climate justice in these terms, NAACP and CIA organizers socialize, historicize and politicize the inequalities of climate change, identifying them with the core values of existing political communities and established constituencies. In turn, they are able to mobilize associated established social and political infrastructures. These articulations support existing and emerging constituencies in taking on board climate justice-related concerns, and provide pathways for impact.

As I argue in the third section, analyzing the NAACP and CIA initiatives in terms of (dis)connection is of relevance for theoretical debates about the place-based constituents of transnational resistance movements, and the operational forms of radical socio-ecological politics. In the first instance, efforts like the NAACP climate initiative and the Cowboy Indian Alliance illustrate how place-based socio-natural conjunctures can play a role in politicizing the more-than-human, and yet not consign activists to the exclusionary forms of resistance too often identified with “local” environmental and social justice efforts.⁵⁰⁶ By contrast, as the NAACP and CIA show, they can instead legitimate and further transnational alliances. In the second instance, the two efforts I examine below represent further evidence of the mixing of transformative intent and pragmatic engagement by critical civil society actors in the climate context. I argue that while those engagements raise the specter of depoliticizing

⁵⁰⁶ e.g. Harvey 1996, cf. Featherstone 2008

institutionalization, they also accompany the broadening of a constituency for Anthropocene justice.

The NAACP: Grounding climate justice in political community, accessing infrastructure for advocacy

When folks think about climate change, the first things some people think of are melting ice caps and suffering polar bears. However, many fail to make the connection in terms of the direct impact on our own lives, families, and communities....

Climate Change is about *us*.⁵⁰⁷

The work of the NAACP Climate Justice Initiative responds to the three forms of disconnection at the core of my analysis, doing so in ways that resolve some of the challenges of constituency building and giving voice faced by the transnational mobilization efforts described in the previous chapter. It does so, once again, through connective means: first by rooting its analyses of climate injustice in the context of political community, linking the social dimensions of climate change with the core concerns of the NAACP's comparatively well-defined and established constituency. Second, those situating analyses support the Initiative in leveraging existing channels of advocacy: mobilizing, that is, the equally well-established organizational and political infrastructure through which the larger organization has long represented Americans of color in legal and policy debate.

Grounding in the context of political community requires an analysis linking the core thematic commitments of the larger organization, which are not commonly defined in

⁵⁰⁷ NAACP 2015a

environmental or ecological terms, with the differential impacts experienced by people of color from the production, impacts, and regulation of climate change. In the Initiative's research reports and campaigns, places, bodies, and biographies join spatial and demographic patterns as the elements through which the socio-ecological ties and socio-spatial disparities of anthropogenic climate change are demonstrated and framed as issues of civil rights, health and economic injustice.⁵⁰⁸

Thus tying the continued social marginality of Black Americans with the industrial and ecological processes of the fossil fuel economy serves to socialize, historicize, and politicize those processes. The Initiative's connective analyses thereby provide the basis for climate justice advocacy in the American civil rights tradition, and for solidarity-building beyond the historical geographic purview of that movement, with people of color facing differential climate impacts worldwide. In the domestic context specifically, framing climate change-related impacts on Black Americans in terms of their disproportionate health, education, and economic effects renders those impacts as issues for local, state and national policy intervention, and thereby as topics for advocacy and comment utilizing the NAACP's considerable public profile and political connections. Drawing on the latter resources, the Climate Justice Initiative can challenge the more insidious dimensions of governmental separation that underpin local concentrations of socio-ecological injustice: highlighting, for instance, energy companies' decisions about plant location, fuel, and technology which disproportionately affect communities of color.⁵⁰⁹

⁵⁰⁸ See e.g. analysis of these ties between climate justice and the NAACP's other program areas in the Initiative's 2010 *Climate Justice Toolkit*. NAACP 2010

⁵⁰⁹ See e.g. the group's "Coal Blooded" report, discussed below. NAACP et al. 2012

In this section, I examine the connective analyses and practices of the Initiative, with particular attention to its engagement with the wider NAACP mandate, involvement with constituents and partner organizations, and the policy statements it has issued. My analysis of the Initiative's efforts, as exemplifying a grounded form of the politics of connection, also draws upon an in-depth interview with its director and my observations at the Peoples' Space in Durban, where members of the group were organizers as well as active participants.

Socio-ecological connection

Much of the Initiative's work has been devoted to demonstrating socio-ecological connections – the socially consequential ties linking fossil fuel production and resulting climate change impacts to the lives and life chances of black Americans – for NAACP members as well as decision makers and broader audiences. This is the work of connective analysis par excellence. Initiative director Jacqui Patterson described beginning the process with trainings among the organization's regional assemblies.

The first year ... I did a workshop. And we have these regional meetings, and do training on our civil rights agenda. So, when I did the "Climate Justice 101" training, people came and at the end of one of the sessions, said "Oh, I thought this was going to be about climate and workplace discrimination." And another came up and said "I thought this was going to be about a climate of justice in the world." It made me really see how far people were coming even with the term. But on the other end of that statement was, "wow, we really get how this connects to everything," because [my approach] was very story-based...

One of the story-based techniques Patterson employs took shape in the *Women of Color for Climate Justice Road Tour*, which resulted in a series of short online videos profiling individual women who "are experiencing differential impact, are involved in local self-reliance campaigns

and are undertaking efforts to resist negative environmental developments.”⁵¹⁰ Many videos document individual women’s experiences of living with and fighting coal-fired power plants in or near their neighborhoods and workplaces. Some speak from the experience of weathering Hurricanes Katrina and Rita, and later BP’s Gulf oil spill. In videotaping the women themselves, often in their homes or outside the plants they oppose, Patterson has foregrounded the embodied, place-based realities underlying wider patterns of disproportionate industrial location and disaster risk in poor neighborhoods and communities of color, with particular attention to the gendering of health impacts and resistance efforts.

Videos sets juxtaposing the local consequences of fossil fuel energy production with the “downstream” impacts of rising tides and intensifying storms in coastal communities exemplify a more general analytical strategy of the Climate Justice Initiative. This consists of highlighting (and connecting demographically) the differential social impacts associated with multiple stages in the industrial-ecological production of anthropogenic climate change.⁵¹¹ These stages include the mining, refining, combustion, and waste disposal steps in the fossil energy production process, in addition to its climatic consequences in sea level rise and severe weather.⁵¹² The

⁵¹⁰ Patterson 2009a

Many of the videos collected on the tour are posted on the NAACP’s Environmental and Climate Justice Project YouTube channel, hosted by womenofcolorunited.org. See: NAACP n.d.

⁵¹¹ For instance, their 2013 *Just Energy Policies* report (discussed below) states: “Not only do low-income neighborhoods and communities of color suffer more of the direct health, educational, and economic consequences of these facilities, but also devastating natural disasters such as Hurricanes Katrina and Sandy, along with rising food prices and water shortages, harm low-income people and people of color disproportionately partly due to pre-existing vulnerabilities.” NAACP 2013, pg. 5. I say more about this strategy as one of socio-spatial connection in the following subsection.

⁵¹² In “Coal Blooded” the group discusses these as the intersection of environmental and climate justice. The initiative itself is now sometimes called the Environmental and Climate Justice Project, though at the time of writing its main web presence still reads Climate Justice Initiative. See also the brief discussion of what I call spatio-temporal telescoping – the not infrequent co-incidence of the effects of multiple moments in the production of anthropogenic climate change impact on particular bodies and communities, e.g. coastal flooding in communities adjacent to refineries – in Chapter 1. NAACP et al. 2012

processes of human development, agricultural industrialization, and incarceration, too, provide narratives of climate-related injustice. Patterson continued:

...[Using narrative] was really how I was able to illustrate the connections between everything from the drivers of climate change, to coal [fired] power plants, to these other greenhouse-gas emitting facilities, to talking about how this affects us on the other side with Hurricane Katrina. And then talking about food deserts in terms of the agricultural yield and how it's already resulting and will continue to result in the lack of availability of affordable foods. And then I'd show a picture of what a supermarket looks like in certain areas versus our little stores and what's on those shelves: really make that tie to the whole picture around not only climate change itself, but the corporate entities that are driving climate change and are also driving those markets that affect us in all these different ways....

And it's very interactive. I'll ask people questions.... "What do we see today?" "What do you see in your community?" Because it weaves a narrative around what they're experiencing in their communities. And even talking about criminal justice ... one of our foundational issues [for the NAACP] ... is that we have a school-to-prison pipeline. So I'm talking about how, when half our kids have asthma and half have ADHD, both of which are affected by toxins in the air, how 70% of us live in communities and counties in violation of air pollution standards, and then we wonder why so many of us are incarcerated. Because the rates show that if you're not reading at grade level by grade 3, you're more likely to be involved in the criminal justice system....

So these are things that people see every day, but they don't necessarily make those ties. It's been a path to get there.... I'm really trying to help people see the connections of all these things.

Narrative approaches highlighting the layered socio-ecological links tying climate change with ongoing social marginalization are complemented by more conventional quantitative and spatial analytic exposure of environmental and climate injustice in the Initiative's research reports. *Coal Blooded: Putting Profits Before People*, for instance, analyzed the dominance of coal-fired energy in the US and demonstrated its disproportionate impacts on poor communities and people of color at local, national and global scales through air pollution and climate change.⁵¹³ *Coal*

⁵¹³ NAACP et al. 2012

Blooded ranks the “Environmental Justice Performance” of 378 US coal plants, combining individual plant scores with demographic analysis to demonstrate just how unequally the health impacts of coal energy production are socialized, reproducing the marginalization of Americans of color.⁵¹⁴ The report also assigns a ranking to the 59 energy companies operating coal plants in the US, and calls for the closure of 75 “failing plants.”⁵¹⁵

Like the transnationalist analyses of socio-ecological connection discussed in the Chapter 7, the NAACP Initiative’s work is sensitive to the economic drivers of fossil fuel energy production, and the potential consequences of mitigation and renewable alternatives on poor communities. Thus, like the UK and South African *Climate Jobs* campaigns, NAACP critiques of coal have been tightly tied to proposals for increasing economic justice and opportunity based in an emergent clean energy economy.⁵¹⁶ This emphasis also links the work of the Climate Justice Initiative with the programmatic priorities of the larger organization.⁵¹⁷ Its analytical consideration of economy-ecology connections has led the Initiative to expand its focus on energy policy, e.g. in the 2013 report *Just Energy Policies: Reducing Pollution and Creating Jobs*, which argues, “[p]owering our nation, protecting the environment and empowering communities of color are not mutually exclusive concepts. In fact they are essential and

⁵¹⁴ The report calculates that: “Approximately two million Americans live within three miles of one of [the] 12 [worst] plants and the average per capita income of these nearby residents is \$14,626 (compared with the U.S. average of \$21,587). Approximately 76 percent of these nearby residents are people of color.” NAACP et al. 2012, 29.

A 2002 report determined that 68% of African Americans live within the toxic release zone (designated by a thirty mile buffer) of a coal fired power plant. See Black Leadership Forum et al. 2002

⁵¹⁵ See also a summary of the report in NAACP 2012d

⁵¹⁶ This includes analysis of opportunities in an emergent “green economy” in the Initiative’s *Climate Justice Toolkit* and in *Coal Blooded*, which argues that closing the 75 most environmentally unjust coal fired energy plants would cut energy supply by a mere 8%, which could be recuperated through increased energy conservation and renewable energy production. NAACP 2010; NAACP et al. 2012, 58

⁵¹⁷ Economic justice is one. See a full range of programmatic synergies between the Climate Justice Initiative and other NAACP program areas articulated in its 2010 “Climate Justice Toolkit” (NAACP 2010) and the larger organization’s “Handbook for Advocacy/Programs” NAACP 2010b

interrelated calls to action.”⁵¹⁸ Thus, as the report states, in addition to addressing the environmental injustices of a fossil fueled economy chronicled in *Coal Blooded* and elsewhere, “[t]he NAACP believes that energy policy can create real public benefits, including millions of good green-collar jobs and building an inclusive green economy strong enough to lift people out of poverty.”⁵¹⁹ That is, in the analyses of the Climate Justice Initiative, if energy production is the core socio-ecological process that reproduces the marginalization of people of color, as recorded in the bodies, places, biographies and spatial statistics presented, is it also a potentially potent lever with which to redress that marginalization.

Socio-spatial connection

Articulating and mobilizing what I call socio-spatial connection is also a fundamental element within the analytical and political strategies employed by the Climate Justice Initiative. The NAACP’s core mandate suggests a perspective highlighting the climate-related fate of people of color in aggregate, connecting the dots of local impact in communities dispersed across the country, and indeed the world. Linking issues in different places and highlighting racial identity as a component of understanding the uneven impact of climate change raises awareness and builds solidarity. Further, the organization’s structure and partnerships facilitate education and collective action in response to these racialized patterns of differential, albeit diverse, impacts. The point here is that analyzing climate-related consequences upon the demographic aggregate “people of color,” and working within the geographically extensive network of the NAACP’s US organizational structure as well as its national and transnational partners plays an important part in constructing its constituency-based, solidaristic, and resolutely humanistic politics. Moreover, these socio-spatial ties are co-constitutive with the organization’s particular analysis, which

⁵¹⁸ NAACP 2013, 535

⁵¹⁹ Ibid, 5

emphasizes racialized as well as gendered and classed forms of climate injustice over regionally- or culturally-specific ones. At the same time, however, the initiative's interventions, e.g. in addressing the worst-ranked coal-fired power plants identified in *Coal Blooded*, are attuned to the constitutive role of *local* social relations in individual communities' place-based struggles. The campaigns and reports already introduced, and further efforts of the initiative, provide ready examples of these locally-rooted and cross-cutting socio-spatial strategies.

Work undertaken within the NAACP itself, and on behalf of American communities of color in its name, provides a first illustration of this more general characterization of the Initiative's approach. Highlighting the racialized pattern linking storm impacts in the coastal South with the toxic shadow of coal production in the Midwest, for instance, is central to the group's internal education practice as well as its policy advocacy.⁵²⁰ These socio-spatial connections are foregrounded on the Initiative's online splash page, where the welcome statement, excerpted in the epigraph of this section, continues:

Climate Change is about Katrina, Rita, and Ike devastating communities in Mississippi, Louisiana, Florida, and Texas. Climate Change is about our sisters and brothers in the Bahamas who will be losing their homes to rising sea levels in the coming few years. Climate Change is about people in Detroit, Ohio, Pennsylvania, and elsewhere who have died and are dying of exposure to toxins from coal fired power plants.

Climate Change is about sisters and brothers in West Virginia who are breathing toxic ash from blasting for mountain top removal. Climate Change is about our folks in Thibodeaux, Louisiana who are being forced to move within the next 10 years because rising sea levels will result in the submersion of the coastal land that is their home currently.⁵²¹

⁵²⁰ See, for instance, a blog entry on the former: Patterson 2011 . As regards the latter, *Coal Blooded* and related advocacy products emphasize the particularly devastating impact of dirty energy production on Michigan, Ohio, Indiana, Illinois, and Wisconsin. See NAACP et al. 2012, 30.

In conversation, Patterson noted education and policy work as twin, and intimately related priorities.

⁵²¹ This combination, again, is the multi-moment analysis of environmental and climate injustices associated with fossil energy production, discussed previously as an instance of socio-ecological connection. This example

Assembling videos that document such diverse impacts on widely dispersed individuals and communities of color, and sharing them both online and at trainings and teach-ins around the country is part of motivating state level involvement in the NAACP's climate justice campaigns.⁵²² Further, collecting local and state-level analyses in the videos and reports constructs solidarity across sites and geographic constituencies, as well as providing opportunities for sharing models and stories of success.⁵²³

Complementing these efforts toward broadening awareness and action, the site-specific response work undertaken by the Initiative exemplifies its attention to differences in the dynamics of power and opportunity among local places. Patterson spoke to the strategic logic behind this careful attention to context, motivated in part by communities' economic necessities:

I'll be visiting with the five communities that are close to the five plants that got an "F" on our [*Coal Blooded*] report.

....We have all these tools in our tool box...for example in Chicago, where the [plant] has no revenue for the community, they don't bring any jobs to the community, and Illinois is a nuclear state for better or for worse, so they sell that. So there, the big boys aren't even coming to the table. And also, the folks there have published a study with the Harvard school of public health that show higher rates of [disease]...But again, [the power company] won't come to the table. So they have developed two strategies. One is that they developed a local ordinance that they're trying to get passed through city council. That would be one strategy. On the other hand, they're really pushing hard with a big PR campaign making sure that people know how bad this is, how the company isn't doing anything: basically calling out the company.

illustrates how considering impacts from energy production processes and climate impact in connection facilitates a spatially connective analysis.

⁵²² See the Initiative's documentation of state level groups actions, for instance, in Patterson 2012.

⁵²³ *Just Energy Policy*, for instance, includes a table presenting promising policy approaches by state; *Coal Blooded* features summaries of successful plant closure and retro-fitting campaigns; both reports, and the *Climate Justice Toolkit* include model letters and statements local and state activists can adopt as templates. NAACP 2013, NAACP et al. 2012, NAACP 2010

Detailed state-level analysis of energy and economic opportunity policy provisions in the *Just Energy Policy* report are addressed as part of the Initiative's strategy of *governmental connection* below.

In a place like Studenville, Ohio, the [plant], if you're not directly employed there then your business depends on the fact that everyone there is employed there. So that's a place where the best we can hope for is pollution control, you know what I mean? So what we end up doing and how we end up doing it is very much dependent on where.

Thus the socio-spatial politics of NAACP work on climate justice employ both geographically-extensive collective action and contextually sensitive site-specific tactics.

The Initiative has also partnered with other national environmental and climate justice groups, and leveraged the institutional relationships cultivated by the larger organization. In the first instance, Initiative partnerships with the broader EJ/CJ community support the development of solidarity among affected constituencies, and facilitate projects that benefit from the capacities and publicity apparatuses of multiple groups. The 103-page, comprehensive analysis presented in *Coal Blooded*, for instance, was authored with input from Indigenous Environmental Network, Chicago-based Little Village Environmental Justice Organization, and Rainforest Action Network.⁵²⁴ Similarly, the *Women of Color for Climate Justice Road Tour* and the video library it launched began in partnership with Women of Color United, Women's Environment and Development Organization, and the Environmental Justice and Climate Change Initiative.⁵²⁵ In the second instance, the NAACP's well-established institutional connections further amplify its climate justice work, and link it with additional intellectual resources and political actors.⁵²⁶ Such recently-developed partnerships and longstanding institutional connections have made the

⁵²⁴ NAACP et al. 2012, see page 1. Several individuals involved in climate justice analysis and mobilization are also thanked for their contributions.

⁵²⁵ Patterson 2009a

The Initiative website includes a page offering links to over 20 "resource organizations." See NAACP 2015d. Its presence in the wider climate justice community is also elevated by Patterson's own myriad connections and her prior involvement with a range of organizations and projects. Global Justice Ecology Project, for instance, has published her commentary as one of their *New Voices on Climate Change* speakers. See Climate Connections n.d.

⁵²⁶ For instance, in 2010 Initiative staff convened a forum of representatives from Historically Black Colleges and Universities and US governmental agencies "to discuss the engagement of HBCUs in planning and executing a research agenda on the oil drilling disaster, as well as ongoing sustainability in the Gulf region." See Patterson 2010a

Initiative a central actor in US civil society activity around climate justice, and moreover, brought the term into wider circulation amongst the circuits of established domestic political discourse.⁵²⁷

The Initiative has also reached further to develop and strengthen transnational socio-spatial ties, reporting on and organizing both “inside” and “outside” activities during COPs.⁵²⁸ Perhaps most prominently, NAACP leadership coordinated several events with the Pan African Climate Justice Alliance (PACJA) before and during COP17.⁵²⁹ These efforts expand the NAACP’s global orientation even as they ground the transnational discourse of climate justice, through solidaristic analyses of common drivers and issues affecting people of color in the US and abroad.

Climate change as civil rights issue: mobilizing analyses of socio-ecological and socio-spatial connection

As the discussion thus far has illustrated, the Climate Justice Initiative’s work foregrounds socio-ecological and socio-spatial ties. These two strands of connective analyses in combination underpin its overarching argument that climate change poses civil as well as human rights issues⁵³⁰: the production and impact of climate change affect different communities in different

⁵²⁷ It seems likely that work by the NAACP and other national groups has influenced recent statements by the Obama administration on its climate action program, which justify the program in part as a response to the environmental justice implications of climate change. By these, the administration seems to be referring to severe weather impacts on poor communities, e.g. on the Gulf Coast. The White House 2014. See also Schlanger 2015. See further discussion of the Initiative’s highly active governmental advocacy below.

⁵²⁸ Patterson 2009b

⁵²⁹ See, e.g. documentation of a joint film screen at the NAACP Annual Convention in 2011: “From the Bronx to Botswana: Making a Climate Change Connection” Patterson and Njamshi 2011

I attended a jointly organized panel discussion at UKZN in which members of the two groups discussed struggles and means of resistance, including advocacy and legal levers, in the US and in various African country settings. The Initiative also added to its online video collection during the COP, posting testimonials from African women facing climate impacts. NAACP n.d.

⁵³⁰ This claim runs throughout the Initiative’s statements and appropriately frames its mandate, as articulated on its splash page: “Global climate change has a disproportionate impact on communities of color in the United States

ways, but examined in aggregate each of its moments differentially harm people of color across the nation and the globe. In an early summary statement for “The Root,” Patterson linked the diverse modalities of climate change impact already discussed with existing vulnerabilities in Black communities, and formulated political responses based in the civil rights guarantees of US citizenship and membership in the larger human community:

Whether it is sea-level rise causing dislocation; severe storms taking homes, lives and communities; black children and families starving or sick from respiratory illnesses or exposure to carcinogenic toxins; children missing school or performing poorly due to resulting illness; or heat exposure resulting in illness or death; African-American communities are often starting from a place of substandard school systems, compromised access to quality health care, as well as job, housing or other vulnerability which makes facing these challenges even more impactful than they would be on a person or community with more resources and access to quality services....

From those we have elected to office as decision makers and duty bearers, we must demand real reductions in emissions; representation in policy and program design, planning, implementation and evaluation processes; and reparations for what has been taken from us through the excesses of the many, through provision of resources; and

and around the world. The NAACP Climate Justice Initiative was created to educate and mobilize communities to address this human and civil rights issue.” NAACP 2015a

Its *Climate Justice Toolkit*, an early comprehensive statement prepared for NAACP constituents’ use toward these ends, enumerates implications for rights:

HUMAN RIGHTS VIOLATIONS

Climate change negatively impacts the following human rights:

- Right to Self Determination
- Right to Safe and Healthy Work Conditions
- Right to Highest Standard of Physical and Mental Health
- Right to Food
- Right to a Decent Living Condition
- Equal Rights Between Men and Women
- Right of Youth and Children to be Free From Exploitation

CIVIL RIGHTS VIOLATIONS

Climate change negatively impacts the following [civil] rights

- Ensuring peoples' physical integrity and safety
- Protection from discrimination on grounds such as gender, religion, race, sexual orientation, national origin, age, immigrant status, etc.
- Equal access to health care, education, culture, etc.

See NAACP 2010a, 4

preservation and upholding of our civil rights as constituents and our human rights as people.

Framing climate change as an issue of human rights obviously links the Initiative's work with a major thread of transnational advocacy for climate justice, dimensions of which were discussed in chapters 3, 4 and 7.⁵³¹ Understanding it as an issue for domestic civil rights in turn supports the mobilization of the NAACP's considerable infrastructure for giving voice to the concerns of communities of color in advocacy for policy change.⁵³²

Governmental connection

As Patterson noted in conversation, "policy work" is a major focus for the Initiative, which both complements and benefits from its other central mission of education.⁵³³ Examining its policy focus makes plain that the NAACP's larger organizational infrastructure helps the Climate Justice Initiative address the challenges of governmental separation, which tend to isolate groups most affected by climate change and critical civil society actors from representative politics and consequential decision-making processes. The group's policy work, which is facilitated by its connective analyses and practices, mobilizes both the institutionalized constituency and political apparatus of the larger organization. Accordingly, its repertoire for advocacy efforts includes detailed policy analysis and recommendations, mobilizing voters and branch organizations, occasional direct access to agency officials, legal mobilization, and public comment across a variety of platforms.

⁵³¹ Moreover, as Patterson noted in conversation, international human rights doctrine also mandates the elimination of racial discrimination, a principle she has mobilized in the context of consultation with US federal agencies.

⁵³² The NAACP identifies itself as "the nation's oldest and largest civil rights organization." A tag line that appears throughout the organization's web presence states "The NAACP fights for your civil rights - Stand with us." See NAACP 2015c and myriad linked pages within.

⁵³³ While domestic initiatives have tended to be the focus of its advocacy, the Initiative is also active at the international level, as described briefly above. See Patterson's blogging and summary statements on COP15, where she argues for the necessity of an international response. E.g. Patterson 2009b

The Initiative's *Just Energy Policy* report, and to a somewhat lesser extent *Coal Blooded* and the *Climate Justice Toolkit* present detailed rights- and economic justice-based analyses of existing government policy and corporate practice regarding energy, health, environment, and minority opportunities. Each document also offers comprehensive recommendations for policy change, grounded in existing provisions within model state-level provisions where those exist.⁵³⁴ Further, the Initiative's connective analyses shape more targeted and time-sensitive policy statements and campaigns, which are articulated in press releases, action alerts, and a recent organization-wide resolution.⁵³⁵

Action alerts, press releases, resolutions and "toolkit" elements associated with the Initiative's reports also facilitate independent actions by individual NAACP members and geographically focused units within the larger organization.⁵³⁶ Voter education and mobilization is further pursued through action alerts, blog posts, and the NAACP's yearly national and state level "Legislative report cards," which track representatives' performance on matters upon which the organization holds stated positions.⁵³⁷ With these tools, then, the Initiative works to mobilize the broader NAACP constituency and empower units across its organizational structure. Importantly, it also strives to ground its advocacy in its constituents' experiences, and amplify the voices of its constituency through its advocacy. Patterson offered an example of how it does so, which also illustrates the close link between the Initiative's education and policy work as these involve NAACP members and units:

⁵³⁴ See, e.g. the detailed evaluation of policies at the state level in *Just Energy Policy* NAACP 2013

⁵³⁵ See e.g. a 2011 press release lauding new EPA rules on air pollution and linking the issue with the findings of *Coal Blooded* (NAACP 2011a) and an NAACP resolution supporting strong implementation of the Clean Air Act from its 2011 Annual Convention: NAACP 2011b.

⁵³⁶ A companion toolkit was released simultaneously with *Coal Blooded*, for instance. NAACP 2012a
Toolkits and action alerts typically include templates for letters constituents can send to their elected representatives, and ideas for local campaigns and educational programs.

⁵³⁷ See, e.g. Patterson 2010b, NAACP 2015b and e.g. NAACP 2012b, covers clean air act rules.

I've been doing teach-ins around the country [on the EPA's Mercury Air Toxics Standards rulemaking process]. At the end of the teach-in, we all sit and do testimony.... So, we're trying to do that, so that the story becomes fodder and evidence for why these rules are important. Also, taking the same testimony and using excerpts from that to put into letters for policy-makers. So, as we do the thing, we'll gather up a sampling of [member's experiences]...and then the state conference president might write a letter to the editor or the policy maker, and will include the quotes from their constituents that say 'this is why we need strong policy.'

The institution's membership and branch groups therefore furnish resources for Initiative advocacy efforts as well as shaping those efforts in ways that reinforce their legitimacy.

In addition to mobilizing the NAACP's vast member base, the work of the Climate Justice Initiative is facilitated by its leveraging of the well-established political and legal resources of the larger organization. One way in which the latter help to resolve the challenges of governmental separation is by allowing Initiative members direct contact with agency officials around climate change impacts affecting Americans of color. Examples include an inter-agency briefing and a gathering of agencies and educational institutions focused, respectively, on response planning and research needs following BP's Gulf oil spill.⁵³⁸ Legal mobilization, an historically important NAACP strategy, also forms an aspect of the Initiative's work, as in a winning 2014 Appeals Court battle to uphold EPA Mercury Air Toxics Standards.⁵³⁹

Finally, Initiative and NAACP leaders contribute frequent public comments on climate justice-relevant policy issues as authors and sources across a variety of progressive, environmental, Black and "mainstream" media outlets. While Initiative director Patterson publishes most frequently on the organization's climate justice position and activities, former

⁵³⁸ See NAACP coverage in Shannon 2010 and Patterson 2010a. A summary report on the research agenda setting meeting authored by the Climate Justice Initiative is available the latter link.

⁵³⁹ See the announcement of court victory at NAACP 2014. The NAACP joined environmental and environmental justice organizations in petitioning the court to defend a challenge to the 2012 rules.

NAACP President and CEO Ben Jealous' statements demonstrate support for the Initiative's work at the organizations highest levels.⁵⁴⁰

In each of these ways, Patterson, Jealous and others have leveraged the resources provided by the larger NAACP organization to give voice to analyses of climate injustices affecting people of color, and pursue just responses through governmental channels. I have disaggregated discussion of the Initiative's efforts here in order to demonstrate the themes of socio-ecological, socio-spatial and governmental connection. It should be clear, however, that these themes are tightly linked in the group's actual practice. The initiative's socio-ecologically connective analyses provide the content for its outreach efforts around the country, and for internal and more widely-distributed publications. Those geographic reach of those outreach efforts and publications – framed in terms of the NAACP's mandate to serve people of color – constitute practices of socio-spatial connection, through which an established identity group is interpellated as the subjects of a climate justice politics based in civil rights. The "policy work" of the initiative leverages this wider constituency, the organization's advocacy infrastructure, and the Initiative's socio-ecological politics of rights to influence processes in government at a variety of scales.

The following section examines a recently emerging coalition in the American heartland, which pursues a connective politics of climate justice grounded in a very different conjuncture of landscape, history, racial and cultural identity, impacts and practices.

⁵⁴⁰ Examples, particularly of Patterson's statements, are plentiful. See her recent statements on and participation in mobilization around EPA carbon emission rulemaking at: Mock and Patterson 2014, Fontaine 2014, Tincher 2014.

Examples of Jealous' uptake of climate justice analysis can be seen at: Jealous 2010, Jealous 2013 and Anft 2013.

Jealous and NAACP Sr. Vice President for Advocacy and Policy Hilary O. Shelton spoke at the release of *Coal Blooded*: NAACP 2012c.

An Indigenous-Settler Alliance vs. a Pipeline Across Contested Land

[T]he Keystone XL tar sands pipeline has brought communities together like few causes in our history. Tribes, farmers and ranchers are all people of the land, who consider it their duty as stewards to conserve the land and protect the water for future generations.⁵⁴¹

After the demise of the climate bill in the US senate, American environmentalists and community activists turned their attention to fighting hydraulic fracturing (fracking) for shale gas, and the construction of the massive Keystone Pipeline, which would bring bituminous oil from the “tar sands” of Alberta to refineries along the Gulf of Mexico.⁵⁴² In addition to the climate changing impacts associated with the intensive production requirements and eventual combustion of tar sands oil, the pipeline would cross a vast, environmentally sensitive region of the central US. Of chief concern is the potential effect of pipeline spills and leakage on the Ogallala Aquifer, the massive unground water reserve that supports agricultural production in eight “breadbasket” states.⁵⁴³ The southern section of the pipeline, which crosses Oklahoma and Texas, is complete. The northern section (“Keystone XL” or “KXL” as opponents often call it) would cross North and South Dakota and Nebraska. At the time of writing, it is delayed by a

⁵⁴¹ Reject and Protect 2014a

⁵⁴² The pipeline is being built by Canadian oil firm TransCanada. TransCanada Corporation 2015

⁵⁴³ Brown 2014

Tar Sands oil is more water and energy intensive, and significantly more polluting, to produce than regular crude oil. Some analyses therefore consider it a late-stage fossil fuel product. Current economic demand justifying its exploitation is by these lights indicative of an increasingly expensive and risky extraction paradigm proper to the era following the “peaking” of more readily available fuel reserves, and the decline in total global oil reserves.

An early proposed pipeline route would also have crossed the ecologically unique and vulnerable Sandhills section of Nebraska. Environmentalists’ challenges lead to a re-routing avoiding the region.

The Ogallala Aquifer represents the largest groundwater supply in the world. Aply sustaining massive food production operations in the central US, it is being recognized as an increasingly precious natural endowment in an era of increasing drought and water scarcity in the US and worldwide. The southern region of the Aquifer has already been depleted.

Tar sands oil has now escaped from similar pipelines in Michigan and Arkansas.

disputed federal environmental impact analyses and a challenge to eminent domain in the Nebraska Supreme Court.⁵⁴⁴

Indigenous groups have been particularly vocal opponents of the KXL. Tribes, Canadian First Nations, and coalitions among them protest the differential impact on native communities of the larger environmental devastation associated with tar sands production, transport, and combustion.⁵⁴⁵ They further declaim the continuation of centuries of oppression through the contemporary abrogation of treaty, human, and indigenous rights mandating social protection and guaranteeing community control over ancestral lands, water, and sacred sites along the proposed route.⁵⁴⁶ Native groups have mobilized through public statements and comments on the permitting process, demonstrations, and non-violent direct action.⁵⁴⁷

These environmentalist and indigenous strands of resistance to KXL are connective in their logics: linking the climate impacts of tar sands oil with, on the one hand, threats to regional ecosystems and food production, and on the other hand with longstanding threats to indigenous

⁵⁴⁴ Because the pipeline would cross an international border, final decision on its construction rests with the executive branch of the US government. In April 2014, the Obama administration postponed decision until the resolution of Nebraska Supreme Court hearing scheduled for November (also delaying executive action until after the midterm congressional election). Brown 2014; Eilperin 2014

At time of writing, some observers expect a decision by the administration in early 2015. Conelly 2014

Significant activist opposition appears to have registered in the Administration's considerations of the project. As the Washington Post noted, "The State Department...said it would use the additional time to consider the 'unprecedented number' — 2.5 million — of public comments that were submitted by March 7." Mufson 2014

⁵⁴⁵ Local and regional environmental harms associated with the sands include the destruction of forests and soils atop reserves, massive water consumption and the release of polluted tailings affecting native lands, rampant cancer in First Nations communities near production sites, diseased fish and game, (see: Indigenous Environmental Network n.d.), and risks from hazardous transportation requirements. Great Plains Tar Sands Resistance writes: "...all pipelines leak, it is a matter of when and not if. Tar sands dilbit or heavy crude, as the industry often calls it, is more caustic, more abrasive material that is transported at a higher temperature and a higher pressure than conventional crude. Diluted by proprietary chemicals transporting tar sands is an inherently dangerous activity that poisons water for all species for generations." Great Plains Tar Sands Resistance n.d.

The difficulty of recovery from the Kalamazoo River spill supports these claims. For some native groups, these environmental effects are linked to the more general disharmony among people and nature, which encompasses the anthropogenic changing of the climate. E.g. Protect the Sacred n.d.

Native communities are differentially affected by climate change. Wildcat 2013

⁵⁴⁶ See Protect the Sacred n.d.

⁵⁴⁷ See Owe Aku 2014

communities' culture, sovereignty, and livelihoods. Indigenous organizing against the pipeline has also lent impetus to new and revived ties of solidarity among Tribes and First Nations, spanning the whole corridor of the proposed pipeline and the US-Canada border.⁵⁴⁸

Less likely connections emerged and developed as well, when rural whites living in the path of the pipeline began participating in native-lead trainings in tactics for resistance.⁵⁴⁹ Ponca, Lakota, [and other tribal and first nations, indigenous org.] leaders, many of them women, are organizing regional and national campaigns together with white ranchers, farmers and landowners, and the populist pipeline-fighting group Bold Nebraska⁵⁵⁰ as part of the informal but increasingly prominent "Cowboy Indian Alliance."⁵⁵¹ The alliance represents the meeting up of two cultures riven by centuries of conflict and continuing marginalization, around the shared values of stewardship and independence, identification with a common landscape, and pipeline opposition. Further, these commitments are not separate in the group's mobilizations from livelihood threats members identify in the potential loss of land and contamination of vital water from oil industry profiteering and unaccountable government deal-making.

To be sure, an indigenous-settler coalition in the US heartland faces a daunting legacy of dispossession, removal, oppression, and violence. As one indigenous organizer put it at the Peoples' Space in Durban, "there's racist cowboys and farmers out there, but we have something in common, which is that we have a relationship to the land, and we built upon that." As the Alliance has developed, members have spoken openly of the promise and challenges of their coming together, the importance of direct relationship-building in the face of those challenges,

⁵⁴⁸ Moe 2014b

⁵⁴⁹ Tejada and Catlin 2013; e.g. Protect the Sacred n.d.

⁵⁵⁰ See Bold Nebraska 2015

⁵⁵¹ See Brown 2014; Moe 2014b; Moe 2014c

and of the points of connection upon which their cross-cultural relationships have become political solidarities.

Canadian indigenous organizer Clayton Thomas-Muller argues that, against a project like KXL, “we need to develop an organizing framework that effectively addresses racism, oppression, misogyny and colonialism,” and that, in this respect, the “new C.I.A.” “represents an important step towards reconciling America’s bloody colonial history.”⁵⁵² Forging political unity in the face of those power imbalances and histories of conflict has meant relationship-building among its constituencies occupies a central place in the Alliance’s work. Journalist Kristen Moe, who has chronicled the group’s development and recent actions, writes: “[n]aturally, the alliance organizes on conference calls and on smart phones, but they make time for in-person gatherings, some of which last for several days, where time is given to sitting around and just talking. Telling stories, introducing their grandkids, spending time out on the land.”⁵⁵³ The Alliances’ activities have liberally mixed such relationship building with demonstrations of opposition to the pipeline.⁵⁵⁴ This carefully nurtured process of connection, and the constitutive politics it enables, is understood by organizers as strategically central in their David vs. Goliath struggle.⁵⁵⁵

⁵⁵² Quoted in Moe 2014c

For empirical details of the group’s formation I am indebted to journalistic accounts by Moe, Tejada and Catlin. See Tejada and Catlin 2013; Moe 2013, 2014b, 2014c

⁵⁵³ Moe 2014c

⁵⁵⁴ For example, Idle No More and Bold Nebraska organized a joint demonstration outside the Nebraska state capital building in January 2013, opposing Governor Dave Heineman’s approval of the pipeline. Abourezk 2013

In November 2013 native groups and white neighbors gathered on Helen and Art Tanderup’s farm, which is crossed by the Ponca Trail of Tears, for a “spiritual camp.” Moe 2013

Indigenous Environmental Network and Cowboy Indian Alliance organized pipeline protests during President Obama’s June 2014 visit to Cannonball, North Dakota. Indigenous Environmental Network 2014

⁵⁵⁵ Moe (2014c) again: “Jane Kleebe, Bold Nebraska’s fearless leader, says that these relationships are a part of the strategy. The early alliance meetings were about ‘sharing stories and building trust, so that whatever TransCanada tries to do, we were a stronger alliance that they couldn’t break.’ Since the alliance lacks TransCanada’s bottomless bank account, she laughed, ‘The only thing I can do is build those relationships.’”

The key point of unification for the coalition is a shared identification with land, and a shared understanding of the threats to the cultural as well as material values that inhere in it from the pipeline; despite differences of tradition, for neither group is land fungible. Appreciation for this shared understanding underlies group leaders' analysis that despite vast differences in temporal, spatial, and social scale, the use of eminent domain to force owners of private property into accepting the pipeline's path across their claims offers a parallel with the dispossession suffered by native nations under white expansion, and the subsequent repeated abrogation of natives' treaty rights. Thus, Ihanktonwan Dakota/Nakota elder Faith Spotted Eagle asserts that "Ranchers and landowners ... *get it* in a way that politicians don't,"⁵⁵⁶ that native society is constituted, as Moe (2014) writes, in "connection to land, the sense that one's identity is rooted in a particular place that cannot be sold or exchanged for another."⁵⁵⁷ For Ponca elder Casey Camp-Horinek, white landowners "too, have had their lifestyles impinged upon by these major corporations."⁵⁵⁸ Ranchers' and farmers' legal mobilization based in property rights have thereby be brought into alignment – at least against KXL – with indigenous values and struggles for sovereignty.

The visual and rhetorical signification of unity across difference that has marked the Alliance's public actions foregrounds the coalition itself, as a noteworthy social response to common threat facing each group's culturally-constitutive ties to landscape, posed by the extra-local corporate interests. In April, 2014 the Alliance created a massive crop art image representing a native warrior, a cowboy, the sun, and the water of the aquifer with the inscription

On the notion and significance of constitutive politics in the work of emergent movements see Brown and Knopp 2008.

⁵⁵⁶ Spotted Eagle quoted in Moe 2014b.

⁵⁵⁷ Moe 2014b

⁵⁵⁸ Moe 2014c

“HEARTLAND #NoKXL,” covering an 80 acre cornfield outside Neligh, Nebraska.⁵⁵⁹ Later that month a contingent of indigenous people, farmers and ranchers arrived at the National Mall in Washington DC, on horseback, clad in the old-west garb and traditional regalia associated with the “Cowboy” and “Indian” archetypes for which they named their alliance. They lit a ceremonial fire, erected tipis, and occupied an encampment on the Mall for the six-day duration of an action dubbed “Reject and Protect,” opposing the pipeline.⁵⁶⁰ The Alliance and its allies put out a broad call for presence and solidarity:

The Cowboy and Indian Alliance and our allies invite folks from across the country to visit the tipi camp on the National Mall and participate in the actions.... Join us in showing the strength of our communities. We call upon President Obama to take this historic step in rejecting Keystone XL in order to protect our land, water and climate.⁵⁶¹

An online ride board coordinated trips from across the country. As many as 5,000 people joined the Alliance in a mass march on the penultimate day of the gathering.⁵⁶²

At Reject and Protect, the politics of pipeline resistance took overtly associational form, through myriad artistic expressions and ubiquitous appeals to the sacred. Each day began with a water ceremony, during which draughts drawn from the Ogallala were blessed and poured upon the soil. A ceremonial fire burned throughout the group’s thematic gatherings in the encampment and actions at locations throughout the city center. Events on the Mall included dance and musical performances, collective paintings, stories, interfaith prayer, and

⁵⁵⁹ See Associate Press 2014. Collaborating artist John Quigley and Bold Nebraska reckon the image perhaps the largest crop art ever created. Hefflinger 2014

⁵⁶⁰ Reject and Protect took place April 22-27 in Washington DC. Leaders and members of the Ponco and Lakota nations, Idle No More, and Bold Nebraska spoke and participated in the gathering. 350.org assisted with logistics. See Reject and Protect 2014d; Capriccioso 2014; Roland 2014

⁵⁶¹ Reject and Protect 2014d

⁵⁶² Reject and Protect’s press release says stated “Thousands March with Cowboy and Indian Alliance at ‘Reject and Protect’ to Protest Keystone XL Pipeline” (Reject and Protect 2014c). Moe (2014b) places the number of marchers at 5,000. Although not the largest or most confrontational DC-based action in opposition to Keystone XL, the camp nevertheless garnered media attention. Planned prior to the Administration’s latest postponement, the camp was scheduled strategically to influence the earlier timeline for its decision.

exhibitions of photojournalism and film about KXL and the tar sands. Elsewhere, participants held a prayer meeting outside Secretary of State John Kerry's house, and a round dance blocking an intersection near governmental and lobbying offices. The Alliance and the Native Nations' Leaders gifted a hand-painted tipi honoring President Obama, their indigenous-settler coalition, and pipeline opposition to the Smithsonian's National Museum of the American Indian. One panel of the tipi was decorated with the thumb and handprints of visitors to the camp.⁵⁶³ In press releases, on the mall, and in a meeting with members of the Obama administration, representatives of the Alliance spoke of their coming together around common values, experiences of disenfranchisement, and concerns for the future. After the gathering, participants reflected on an increasing understanding among natives and whites, and strengthened commitments to their common cause.⁵⁶⁴

The clear emphasis on the affective and spiritual dimensions of political action in Reject and Protect's DC events is both intentional and significant.⁵⁶⁵ In using recognizable, even stereotypical dress,⁵⁶⁶ and liberally incorporating multiple art forms, the group amplifies associations and gives visceral forms to its claims to rootedness. These forms also speak of the multiplicity of value and meaning – aspects of lived experience in community – at risk from the pipeline project. The charged language chosen in the naming of the Cowboy Indian Alliance too multiplies the resonances of its politics, drawing on popular narratives of indelible difference and conflict to highlight the significance of a cause worthy of surpassing them. The supplement of spiritual connection, still relatively uncommon in the mainstream environmentalism of the

⁵⁶³ See the schedule of events at: Reject and Protect 2014b, and press releases on the group's activities and the gifted tipi at: Reject and Protect 2014c

⁵⁶⁴ Moe 2014c

⁵⁶⁵ Cf Roland 2014. Roland writes that "[h]onoring the sacred took precedent over all other activities at the encampment."

⁵⁶⁶ See author comments in reader debate on Moe 2014c

Global North, is also important. It both highlights the particular indigenous interests taken forward by the C.I.A. and offers a broader, and potentially potent, link for incipient environmental and climate justice initiatives: between the differential impacts of ecological harms and the commitments to stewardship and justice that cut across multiple faiths.⁵⁶⁷

In its construction, claims, and strategies, then, the Cowboy Indian Alliance represents a striking instance of a geographically and historically rooted, multi-dimensional politics of connection. The Alliance can be understood as responding to each of the epistemologies of separations explored throughout this piece: First, the dedication of members is based in socio-ecological connection, rooted in ties linking culture and identity to landscape. Further, members foreground the embedding of community economies in nature, and the processual links between the proximal threat to those economies from pipeline leaks and the wider consequences of climatic change. Second, the group's alliance building is based directly in socio-spatial ties. These bonds confront the conflicting geographies and histories of Indians and whites on the prairie; and strive to span the differently constituted social spaces of indigenous and settler societies, nations and nation-states. Finally, the coalition's statements and strategies of presence confront the governmental separation of corporate influence over the definition of collective interest at state and national levels. The group's words and actions persistently highlight both particular and broader consequences from the pursuit of the collective interest so defined.

⁵⁶⁷ As Kristen Moe writes, "Since many of history's most powerful social movements — from civil rights to anti-apartheid — have gained strength from a firm grounding in faith, it begs the question of whether something has been lost [by the environmental movement] by remaining steadfastly irreligious. And in a country where 80 percent of the population claims some spiritual affiliation, there's a preexisting organizational network that's largely untapped by the environmental movement. It's possible that the Cowboy Indian Alliance offers a glimpse into what a spiritually integrated environmental movement might look like, honoring diversity while resisting cooptation." Moe 2014c

The point about the secular modernity dominant in mainstream environmentalism is well taken, although, in fact faith based organizations have been central to the development of environmental and now climate justice thought and political action at all scales.

Grossman argues that the Cowboy Indian Alliance against KXL continues a legacy of “unlikely” indigenous–rural white alliances, which are marked by an impressive record of successful resistance, and have altered relations between settler communities and their native neighbors.⁵⁶⁸ Certainly the coalition is unusual and increasingly widely noted, and its adherents highly dedicated. Though only “a step,”⁵⁶⁹ it nevertheless represents potential for transformative solidarities, and for imbuing environmental politics with more overt, perhaps more accessible cultural and spiritual resonance. Time will tell whether the “new C.I.A.” and wider opposition to KXL succeed in convincing the Obama administration and its successors that a pipeline across the prairie contradicts the national interest. Regarding the repeated postponement of a decision, one member argued “every day is a victory” against the momentum of an industry with formidable influence over the government of space and socio-natures.⁵⁷⁰

The Cowboy Indian Alliance and the NAACP’s climate justice initiative represent very different but equally illustrative instances of a politics of connection that seeks to ground opposition to the (re)production of injustice associated with climate change. CIA emphasizes mobilization and the building of novel (if not unprecedented) alliances, while the NAACP initiative works to leverage existing political community and infrastructure, linking original research and individual constituents’ life experiences with the organization’s established advocacy practices and networks. Both accomplish rooting by juxtaposing the core issues of constituents – rights in land and community independence in the case of the C.I.A.; civil rights in the case of the NAACP – with threat from fossil-fueled development. Both work to socialize, historicize, and politicize those threats, and focus “upstream” on the disproportionate damages

⁵⁶⁸ Grossman 2014

⁵⁶⁹ Moe 2014c

⁵⁷⁰ Moe 2014a

from the production of climate changing fuels, while acknowledging their inevitable, and uneven, downstream consequences.

Conclusion

I have demonstrated in this chapter how the NAACP's Climate Justice Initiative and the Cowboy Indian Alliance have gone about grounding a politics of climate justice. The principle way in which they do so is by articulating the globally-extensive Anthropocene ties and uneven geographies of climate change with the core concerns of existing political communities, identities and constituencies. This "grounding" is a centrally important aspect of what I call the politics of connection, which responds to some of the dilemmas, tensions and challenges of transnational organizing discussed in Chapter 8. Most notably, whereas transnational initiatives have struggled to mobilize local and regional constituencies and make the voices of marginalized affected communities heard in consequential governance fora, grounded initiatives articulated with the concerns of existing political communities and established advocacy infrastructures help to fulfill those aims, and thereby also to legitimate and support the solidaristic efforts of transnational coalitions.

The place- and identity-based work of the NAACP and CIA also provides empirical models of mobilization and advocacy that respond to the "grassrooting" imperatives sensed by a variety of analysts and participants in climate justice and other "global" movements resisting the multiple forms of social and ecological marginalization bound up with (fossil-fueled) capitalist development.⁵⁷¹ For example, Routledge and Cumbers write of transnational resistance in general that, "though global events and networks are important, arguably more time and resource

⁵⁷¹ See e.g. Featherstone 2008; Routledge and Cumbers 2009; Routledge 2011; Bond 2012; Meuller 2012

should be spent on networking locally and nationally.”⁵⁷² Routledge extends this point in application to the climate justice movement particularly, tying the same call with the aim of “constructing more effective *grounded* resistance to injustice and responses to climate change.”⁵⁷³

Arguably, however, the efforts examined in this chapter – and the necessity of grounding a politics of climate justice more generally – escape the frame of many analysts’ preoccupation with *transnational* resistance *per se*. Whereas Routledge and Cumbers argue, for instance, that “the significance of GJNs and their potential... is in strengthening local struggles,”⁵⁷⁴ the disappointments of recent transnational mobilization around COPs and the general recalcitrance of global climate governance to the influence of peoples’ movements has inspired some insiders to assert the priority of local and national initiatives in preparing the ground for, legitimating, or even obviating transnational ones.⁵⁷⁵ The NAACP and CIA represent such autonomously developed efforts.

As I have argued, the operative mechanism in these efforts is the linking of global socio-ecological processes of climate change with the situated priorities and resources of place- and identity-based constituencies. This linking results from politicizing analyses of the more-than-human which differ in emphasis from those that underpin the transnational solidarities examined in Chapter 7. Whereas the latter consist in highlighting the global socio-natural ties of responsibility that link emitters and affected people, and similarly extensive ties of solidarity among dispersed and diverse affected groups, place-based work like that of the NAACP and

⁵⁷² Routledge and Cumbers 2009, 215

⁵⁷³ Routledge 2011, 394, emphasis in original

⁵⁷⁴ Routledge and Cumbers 2009, 216. See the similar argument in Routledge’s discussion of “translocal climate justice solidarities” in Routledge 2011

⁵⁷⁵ See e.g. Bond 2012; Mueller 2012; Ecosocialist Horizons 2011

CIA gives equal or greater emphasis to socio-natural *conjunctures*, which I defined in Chapter 1 as “diverse, material, historically and geographically situated conditions of (socio)ecological relatedness.” In the instances discussed in this chapter these include, on the one hand, precarious life in poor, Black neighborhoods adjacent to aging coal fired power plants, refining centers, and/or rising and warming seas; and, on the other hand, the fragile but majestic landscape atop the Ogallala Aquifer, where memories of violent dispossession inflect contemporary impulses of stewardship and solidarity.

And yet these efforts, I contend, also differ from the politically and spatially exclusive militant particularism of place-based social and environmental protection described by Williams and Harvey.⁵⁷⁶ True, the NAACP and CIA efforts center on particular injustices and protective measures proper to the place-based socio-natural conjunctures of Black neighborhoods and the American High Plains, respectively. At the same time, however, more solidaristic and open forms of identity and spatiality are fundamentally constitutive of their advocacy and activism. Extensive and solidaristic social and socio-natural processes, patterns and ties, that is, matter as much as local (or regional) socio-natural conjunctures. Identity in the NAACP, for instance, is importantly construed in national, at times global, terms, rather than in more narrowly place-based ones. Similarly, solidarity for the CIA is explicitly constructed across historically consequential lines of cultural and racialized difference.

Moreover, both initiatives respond in their analyses to the transnational ties of climate change and fossil fueled development. In the NAACP efforts, the spatial and temporal extents of global warming’s industrial ecology are logically necessary for analyses of climate change as an issue of civil rights, and the shared fate of coastal and continental communities of color. Whereas the

⁵⁷⁶ Harvey 1996, cf. Featherstone 2008

CIA efforts have been more narrowly focused on Keystone XL, they are framed and justified by more encompassing, crosscutting arguments for spiritually-imbued more-than-human belonging, responsibility and stewardship: linking particular threats to prairie ecosystem and aquifer posed by the pipeline with global, species-level imperatives.

Further still, both groups – or members thereof – are also involved in transnational efforts. As the NAACP initiative notes, climate change differentially impacts people of color across the globe. Consistent with its larger organizational mission then, it actively cultivates corresponding transnational solidarities. Similarly, CIA members have participated in simultaneous actions with indigenous groups opposed to extractive industry in other regions of the globe, while key actors and organizations in the Alliance participate in transnational networks and gatherings. Grounding climate justice, as a project, in the core concerns of established political communities thickens and broadens its meaning; it also builds legitimacy for representative advocacy and outside debates at the transnational level.

Finally, the efforts discussed in this chapter further demonstrate the tight linkage between social mobilization and institutional advocacy as modalities of justice-oriented political responses to climate change. To be sure, organizations exist which eschew or de-prioritize engagement with governmental process, emphasizing locally-based solutions or direct action instead.⁵⁷⁷ CIA collaborators too have been involved in direct action trainings against Keystone XL. For it, the NAACP, and many groups involved in the broader movement for climate justice, however, engagement with governmental processes remains a central focus, for the reasons developed in previous chapters. Governmental power, however compromised in its capacity, presents the potential for additional damage as well as protection from climate-related harms as,

⁵⁷⁷ Ecosocialist Horizons 2011, Transition Network 2013, Rising Tide North America n.d.

for instance, in the difference between sanctioning or refusing the exercise of eminent domain to construct a pipeline over private property and tribal land. Moreover, individual (e.g. consumer) choices promise little comparable influence over future energy sources and infrastructure. Whether through lobbying, street demonstrations, or their combination (as in the CIA's April 2014 visit to Washington DC), therefore, the levers of government are often the object of organizers' efforts at whatever scale. This figures those efforts once again as a hybrid between dog and wolf: closer, in these instances, to pragmatic tactical engagement than to the "properly political," radical refusal of institutional politics, despite pronounced strands of structural critique and ontological argument in the analyses of both groups.

Accordingly, the NAACP and CIA's critical analyses are often cast in the state-centric, legalistic language of civil and treaty rights, equality, citizenship and private property. These establishment discourses of social protection and emancipation frame both groups' efforts according to the political opportunity structures presented by state and federal law and policy, just as they enable the NAACP climate initiative to leverage the larger group's influence. They also, however, subject the two groups' efforts to the procedural and ideological limits of legal process and interpretation,⁵⁷⁸ and enable their potential incorporation within the framing of federalism, electoral process and other structures that constrain American politics. The engagements and framings of the NAACP and CIA initiatives therefore introduce risks of institutionalization even as they broaden the geographically situated base for a transformative politics of Anthropocene justice, by working the margins of hegemonic discourses and established identities.

⁵⁷⁸ see Scheingold 1974

Chapter 10. Conclusions

Climate change presents a paradigmatic instance of global interconnection among humans and “environmental” entities, and yet, at many scales its geographies are profoundly uneven. These extensive ties and uneven geographies produce and reproduce patterns of socio-ecological marginalization. Those who have benefited most from climate-changing fossil-fueled development are also most insulated from its deleterious effects, while those who have contributed and benefited least suffer such effects first and most dramatically.

Mobilizing theory in geography, political ecology, law and politics, I have argued that the (re)production of injustice by the production, impact and regulation of climate change is best understood through what I call an analytic of (dis)connection. This orientation draws attention to relationality in three domains: the socio-ecological, the socio-spatial, and the governmental. In the preceding chapters I have used this perspective to analyze a set of social responses to the crisis of climate change and related issues of justice. In part 1 I demonstrated that the institutionalization of separation in each of these registers has compromised the efficacy and justice of response efforts structured by international human rights law, multilateral treaty negotiations, and, increasingly, economistic modes of governance across regimes. In part 2 I explored the construction of what I call a politics of connection by a subset of civil society actors engaged in the contested political project of climate justice. This politics consists in challenging separations and in highlighting or constructing connections within each relational domain.

My analysis suggests that response efforts are not likely to halt the progression of climate change, or resolve the multi-dimensional justice issues it raises without considering the various facets of its embedding in socio-ecological processes and relations at scales from the global to the local. The politics of connection as I have described it, then, presents the possibility of

transformation toward more effective and just responses to the climate crisis. This claim follows logically from the analysis I have presented. That is: *not* analyzing and responding to climate change and its justice dilemmas in terms of their origins in and synergies with institutionalized socio-spatial, socio-ecological and governmental *disconnections* means attempting to address those challenges without taking account of the conditions that have given rise to and perpetuate them. Further, however, efforts exposing socio-ecological ties, building solidarity and public capacity, and broadening voice also support the construction of more just and effective climate change responses for at least two practical reasons.

First, climate change responses – framed as such – have fallen precipitously from political agendas around the globe amidst deepening crises of economy and governance since 2008. More recently, the outlines of coordinated climate policy at the US federal level have emerged. However, enduring opposition to climate change measures there supplies reason to doubt the comprehensiveness and longevity of those incipient policy directions. Still, the multiple ties linking the causes and consequences of climate change with more institutionally-established social concerns such as health and economic security mean that policy measures oriented around the latter frequently offer “co-benefits” in terms of mitigation and adaptation (see chapters 3 and 6). Accordingly, to most ably further fair and effective responses to climate change through initiatives directed principally at other ends, policy makers must recognize its production and impacts as variously affected by the diverse means of pursuing those ends.

Second, articulating climate change with the everyday lives of citizens by highlighting socio-natural ties and conjunctures like those foregrounded by some transnational activists, the NAACP, and the “new CIA” is probably essential in order to broaden and deepen public engagement in many settings, including the US. Political actors must therefore work to ground

what are too often abstract and highly-aggregated characterizations of climate change in the social and material circumstances of affected stakeholders (and those who one day will be). These two practical justifications for a politics of climate change founded in connection correspond, respectively, to short-term opportunities and longer-term needs: while synergistic policy approaches can accomplish much, significant changes from business as usual are necessary. It will likely require much more robust citizen engagement to force ambitious and just regulation out of what for now remains a recalcitrant “political climate.”

Broad-based involvement in debate over responses to climate change and related issues of justice is a central aim of the politics of connection as I have described it. Much of part 2, therefore, examines activists’ and advocates’ efforts for social mobilization. Connectivity as a structuring modality of climate change response, however, also characterizes a wide variety of institutional advocacy efforts and work “in the trenches” of government and governance. I have touched more briefly on a few such efforts, as in the re-framing of climate change initiatives in terms of energy efficiency and health described in Chapter 6.

Many NGO and agency professionals I interviewed, however, are involved in similar efforts, working creatively within the capacities, resources and partnerships available to them to respond to the climate crisis. This was particularly noteworthy in the case of Washington DC-based agency and civil society actors, several of whom have addressed factors of climate change production and impact under mandates centered on housing, urban form, economic development and national defense, working (at the time of our interview conversations) in the absence of a federal mandate to target climate change *per se*.⁵⁷⁹ While some of these actors were

⁵⁷⁹ As one US federal employee put it, referring to the breadth of internal climate change initiatives across agencies in this period, “everyone is working on it, but no one is talking about it.”

understandably circumspect about drawing attention to climate-focused internal agency initiatives, to say nothing of linking them with issues of justice beyond national scope, I have excluded longer discussion of their efforts “in the trenches” here largely because of my own limitations of space. A set of more general issues also posed limits in my analysis, and therefore suggest fruitful directions for future inquiry.

Analytical limitations and opportunities

My analysis of (dis)connection in climate change responses has necessitated careful selection from the extensive range of potential sites and actors to investigate. Moreover, climate change represents a rapidly evolving area of governance and political contest. Three related aspects of topical scope have therefore impinged on the current study, and suggest directions for future research. These can be summarized in terms of institutions, spaces and actors.

The institutional landscape of global climate governance, where much of my analysis has focused, is changing. I have noted the broadening of political and scholarly attentions, from the UNFCCC as the definitive locus of coordinated climate change response to processes unfolding at other sites and scales. One aspect of this shift is the rising relevance of other intergovernmental bodies and public-private consortia acting across national borders. These include long established forums like the OECD, IMF, and G8, each of which have been the locus of climate change response initiatives in recent years, as well as newly formed bodies such as those involved in the implementation of REDD. As I have argued, each setting entails a somewhat different constellation of actors, capacities, principles, formal procedures and consequential informal practices. Prior research suggests, for instance, that civil society groups are quite differently enabled and constrained in different global governance forums, while the differences in mandate among those forums suggests that the financialization of climate response

initiatives is likely to occur more rapidly through primarily economic institutions than at the UNFCCC. Fully characterizing climate governance and governmentality in global terms alone, then, should entail examining the logics of rule and roles of different actors across settings.

Relatedly, as the critical observers whose voices I have included in this study suggest, corporations and public-private partnerships are increasingly consequential actors in climate change responses at many scales and across many sites. I have, however, largely neglected empirical investigation into their roles, focusing on civil society and state actors instead. This omission should be remedied in further research directed at understanding factors that impinge on the pursuit of just and effective climate change responses and the character of contemporary environmental politics more broadly. For instance, such an investigation promises further insight into the construction of climate change responses in more or less “political” configurations.

My analysis of the spatiality of climate change responses, too, is unfortunately incomplete. I have argued that in the period since Copenhagen copious political and scholarly energies have gone toward constructing and analyzing climate governance and politics at national, regional and local scales, and I have examined some such settings as they impact efforts for justice. There is much more to learn, however, about governmental arrangements and socio-natural conjunctures associated with different scales and sites as these impinge on the politics of climate change response. Grassroots initiatives in the US, for instance, have multiplied during the period of my study. Inasmuch as my analysis, and those of other observers, suggests that such initiatives hold promise for more effective and socially just responses, it is imperative to better understand the ties local actors articulate between global socio-ecological processes and place-based conditions, political opportunities and projects like divestment, food sovereignty and home rule. Relatedly, more extensive comparative analyses of local or national level initiatives promise to enable more

robust theorization of the political potentialities that inhere in sites and scales as the loci of socio-naturally attuned transformational politics.

Finally, in this study I have examined in detail several connective analyses and campaigns for climate justice. To the extent I have sought to characterize their appeal and impact I have done so through participant observation in governmental and open forums, interviews with organizers and state actors, and, to a lesser degree, by tracking their uptake within institutional and media discourses. My argument for the promise embodied in the politics of connection might be more definitely supported, however, through more encompassing studies examining participation in connective campaigns by rank and file members of constituent organizations and broader publics, and reception of connective analyses by those groups as well as institutional actors. Such studies could be constructed through shorter structured interviews and surveys, and by more extensive and comparative content analysis of governmental proceedings and outcomes.

While unavoidably raising, without answering such questions, within its limits the present study also offers contributions to ongoing theoretical and political debate. These center on the spatiality of transnational social movements, the political relevance of more-than-human assemblages, and the position of civil society in constituting governance and contesting socio-ecological power.

Global justice and the more-than-human

A set of fundamental questions continues to drive studies of global social movements. How are transnational solidarities constructed? Of what relevance – propitious or problematic – are local concerns and conditions to spatially extensive alliances? How are global processes and relations rendered as compelling targets for place- and identity-based political groups?

I have argued in the preceding chapters that socio-natures provide compelling resources both for the construction of transnational solidarities and – perhaps more importantly – for the grounding of a “global” politics in the everyday concerns of diverse rank and file constituents in widely distributed places. Whereas the global socio-ecological and socio-spatial connections of climate change constitute the raw material for critique and solidarity in transnational meetings and campaigns, it is the specific impact of those extensive connections upon conditions in places – what I have called socio-natural conjunctures – which underpins the relevance of climate change for local constituencies.

Place-specific socio-natural conjunctures represent the embodiment of wider socio-ecological relations and processes in the common elements of everyday experience, and in the objects of concern for established and incipient political communities. Here these have included, for instance: culturally important landscapes, property rights, and pipeline projects; industrial facilities and rates of lung disease in minority communities; water meters, environmental rights and histories of racial segregation. Given the diversity of ecologies and histories that constitute places and shared identities,⁵⁸⁰ the potential variety of such situated socio-material aggregations is, of course, unlimited. It is the work of articulation through which activists and advocates render the meaning of more extensive and less palpable aggregations (green neoliberalism, structural racism, climate change, etc.) in relation to these more familiar and compelling ones. Inasmuch as the latter lie at the center of established political projects or felt needs, analysts’ successes in articulating them with the socio-ecological and -spatial ties of climate change enroll them within structures of place-based political opportunity for climate justice activism and advocacy. Socio-natural conjunctures, then, are the place-based, more-than-human constituents

⁵⁸⁰ As articulated, for instance, in the work of Doreen Massey, e.g. Massey 2005

of transnational subaltern solidarity as these emerge from the foregoing analysis of connective politics.

While the relevance of socio-natural conjunctures for situated political actors helps to clarify the grounding of transnational solidarities, it also troubles established theories about the spatiality of political action. As my study has demonstrated, the character and practices of governmental (and intergovernmental) units clearly constitute resources, constraints and targets that shape the strategies and aims of climate justice politics. These are recognizably the “political opportunity structures” associated with regime-specific factors and, for many geographers, the diverse institutional spaces within which operate the politics of scale.⁵⁸¹ As I have just observed, however, place-based socio-natural conjunctures are infinitely diverse, and this diversity persists within any collection of spatial settings gathered under a given scalar designation. This is as true for grounding a politics of climate justice in different “local places” as it is in diverse national governmental contexts.

For connective climate justice, then, as for any project rooted at least partially in socio-natural conjunctures, analytical attention focused on political scale will incompletely capture the spatiality of political opportunity, engagement, and possibility. In its variability, specificity and affective dimensions, a politics of socio-natural conjunctures seems to resonate more with emergent theories of political spatiality focused on *sites*.⁵⁸² And yet, as I have also argued, socio-natural conjunctures are the product of extensive ties as well as place-specific conditioning, and their enrollment by climate justice organizers serves in large part to ground

⁵⁸¹ Significant overlap exists between these two analytical concepts, as I argued in chapter 6. Relatively few geographers, however, have explored their intersection explicitly (although see Miller, 1994, 2000; Kurtz, 2002; and Martin, 2013).

⁵⁸² E.g. Woodward et al. 2010

and legitimate solidaristic transnational resistance. The combination of situated and global analysis that enrolls diverse political constituencies in the project of climate justice, then, suggests a political spatiality that borrows aspects of the politics of sites and scales and points to the incompleteness of either on its own. The particulars of individual governmental regimes, and the translocal constituents and reverberations of situated socio-natural conjunctures must be analyzed as such.

Civil society, ecological crisis and the political

This study of socio-ecological activism and advocacy also speaks to a second set of questions in political theory and geography. From what actors and settings are transformative responses to contemporary processes of injustice and dispossession likely to emerge? How are such transformative political efforts related to existing institutions and practices of sanctioned participation therein? With these questions I return to considerations of “civil society” and the political that have motivated my analysis from the outset.

The latter portion of the twentieth century witnessed an apparent flowering of non-governmental institutions and social movements associated with local, national and transnational contexts and initiatives, simultaneous with renewed appreciation for the value of such groups in furthering cosmopolitan values, democracy, and, for some observers, liberatory political projects.⁵⁸³ And yet, as Routledge and Cumbers argue, “civil society” is much more unevenly developed at a global level than some theorists suggested in the 1990s and early 2000s, and riven, internally, with imbalances of power that too often mirror the geographies of inequality against which the Global Justice Networks they studied, for instance, have convened.⁵⁸⁴ At the

⁵⁸³ See e.g. Keck and Sikkink 1998, Kaldor et al. 2003, Edwards 2009, Routledge and Cumbers 2009

⁵⁸⁴ Routledge and Cumbers 2009

same time, analysts have linked the increasing prominence of non-state actors in new arrangements of governance with *decreasing* representation of marginalized groups and *less* democratic control of functions traditionally associated with states.⁵⁸⁵ “Properly political” responses to inequality and dispossession apparently thrive outside institutional arrangements and the modes of participation and representation incorporated within them.⁵⁸⁶ Climate and environmental governance contexts represent particularly paradigmatic expression of a “post-political” condition within which the impulse toward consensus embodied in institutional and popular debate obscures – perhaps decisively – properly political responses that might address relevant social injustices.⁵⁸⁷

This study, however, has presented a picture of civil society’s role in the political contests surrounding climate change, and in relation to the generation of transformative responses, that is less neatly circumscribed. While a range of non-state actors do involve themselves in climate governance in ways that take the place of broad-based political engagement, and further the common sense of carbon markets and other “green economy” approaches, another set of officially-recognized observers to the climate convention actively work to involve affected stakeholders in critical debate and street protest. These groups and their social movement allies target official institutions like the UNFCCC in analyses and campaigns that link climate change and its governance with historically tenacious and globally extensive mechanisms of dispossession and exploitation.

I have argued that these linking organizations engage in a radical but institutionally-engaged politics because affected communities cannot “de-link” from the more-than-human ties through

⁵⁸⁵ E.g. Nagar and Raju 2003, Roy 2004, Swyngedouw 2005, Lang 2009

⁵⁸⁶ E.g. Rancière 2001, Butler 2011

⁵⁸⁷ See e.g. Swyngedouw 2007, 209, 2010, 2013

which climate change – and inadequately responsive versions of climate governance – (re)produce their marginalization. Under existing political economic conditions and socio-ecological crisis, state action is probably essential.⁵⁸⁸ In the context of capital’s inordinate influence over states and intergovernmental institutions – aspects of what I have called governmental separation – civil society organizations with institutional access represent one of few means by which to shed light on corporate influence and push states to act responsibly. To be sure, many critical actors involved, and often self-identified, as “civil-society” also recognize the necessity of broad-based mobilization and direct action, including its “uncivil” forms. NGO workers and government agency employees, like all individuals, move between multiple roles, bringing knowledge and social connections with them as they do so. Diverse modalities of climate change response are thereby often subtly, and not avowedly, knit together.

If this image of civil society and the ecological political is less theoretically satisfying in its messiness than others, it nevertheless reflects the reality of diverse, entangled engagements of many critical actors in the interstices of climate politics. These mirror, in turn, the entangled more-than-human relations of anthropogenic global warming. In the ecological political context of this study, at least radical political visions lie cheek by jowl with pragmatic ones. The urgency of material impacts from climate change incites the multiplicity and ongoing negotiation of strategies for protection and redress simultaneous with the purer politics of political ecological critique. “Civil society” is a hybrid of these and other engagements; its access to both official and “outside” processes marking both spaces as contested terrain.

Relational analysis and Anthropocene justice

⁵⁸⁸ Edwards 2009, Parenti 2014

At a more basic level it has been my intention in this analysis to develop a framework through which to dig beneath the grand narratives of crisis and governance failure that have surrounded climate change response efforts in recent years, and support a critical assessment of a wide range of response measures and initiatives. This framework, which I have called an analytic of (dis)connection, directs attention at the connections these initiatives acknowledge, construct, elide or erode. Mobilizing it throughout the foregoing chapters, I have tried to explain the failures of dominant institutional modalities of climate change response in terms of their basis in epistemological priors and institutionalized practices that don't adequately account for the global socio-ecological connections of the Anthropocene, or respond to the experiences of an emerging global eco-social underclass. I have also used the analytic of (dis)connection to explain the origins, character and salience of another set of responses as attempts to reflect those ties and experiences more accurately, inculcate broad-based engagement in debates over the distributive consequences of climate change, and demand recognition and action from responsible and response-able actors.

It is my hope that this analysis and the relational framework I have put forth through it might aid in efforts to re-envision climate change responses at this late date, and further both theoretical and practical projects devoted more broadly to justice in the Anthropocene.

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