

## **THINKING AHEAD: FOUR MAJOR HURDLES ON THE WAY OF ENFORCING A TREATY FOR CLIMATE AND SOCIAL JUSTICE**

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The December issue of Focus on Trade carried reports and reflections from the Bali UN Conference on Climate Change. The starting point of those contributions was justice –both climatic and social. In the context of those comments and analyses, climate justice was associated with the historical responsibility that a number of actors bear with respect to the communities suffering from the ravage of man-made climate change. Social justice, by contrast, was more directly related to people's sovereignty over their means of livelihood –including food, water, natural resources and energy. That is to say, climate justice entails a critical assessment of the past, whilst social justice is intended as a blueprint for a present and future free of inequities. These are useful distinctions. They hold analytical value, as much as they remind us that climate justice is indissociable from social justice.

In this context, my interest is to consider the way forward for equity. My concern, therefore, shifts away from discussing a future treaty that would merely entrench the rationale of the Kyoto Protocol, towards a reflection on the obstacles we may face in replacing the Kyoto Protocol with a truly Treaty for Climate and Social Justice. In my view, the enforcement of a Treaty with such features is menaced by four major obstacles. Namely, the poor record for equity exhibited by the UNFCCC; the delineation of equity along the North/South axis; the consequent doubtful ability on the part of the UNFCCC to absorb the terms of climate and social justice; and the want of legally-binding powers on the part of the altermondialiste movement.

### **THE UNFCCC: FOR OR AGAINST CLIMATE JUSTICE?**

First, does the UNFCCC have a mandate for equity and justice? To answer this, we must understand that the UN is a Western inspiration. Its constitutive units, the “nation-states”, represent for the majority of the populations in Latin America, Asia and Africa a painfully-borne patriarchal legacy of colonialism. “Nation-states” are, by and large,

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utterly disrespectful of indigenous borderlines and vernacular traditions.

The UN treaties further entrench Western capitalist norms and institutions. Far from considering the redistribution of resources as the cornerstone of their portfolios, UN treaties bring to bear human welfare and environmental amelioration on relentless economic growth. This is the ideology of “sustainable development”, a formula developed by the World Commission on Environment and Development under the aegis of the General Assembly of the United Nations.<sup>2</sup>

The Kyoto Protocol continues this trend. By virtue of this treaty, greenhouse gas emissions in industrialised countries have neither been abated nor stabilized; rather, in line with domestic policies for economic growth, greenhouse gas emissions have increased. The Kyoto Protocol has failed to resolve a single climatic problem. On the contrary, it has operationalized three flexible mechanisms which have entrenched inveterate colonialist practices. A case in point is the seizure of lands in the agrarian countries (Non-Annex I parties to the Kyoto Protocol) to grow fuel for the production processes managed and controlled by hegemonic powers. Of course, I am referring here to the agro-fuel fever unleashed by industrial countries in the face of peak oil panic.<sup>3</sup>

Therefore, portraying the USA –and its conjunctural allies Canada and Japan– as the only culprits in an otherwise sound and fair process avoids the fact that there are structural constraints in the functioning of the UNFCCC that jeopardise the attainment of climate and social justice.

### **THE NORTH-SOUTH DIVIDE IS FAULTY**

Secondly, we must recognise that the North-South divide does not fully reflect the actual map of inequalities. As it is evident in a virtually homogeneous manner in the case of African countries, national elites in the South are in control of domestic policies and economic markets. Some authors have tellingly labelled this phenomenon “the North in the South”. The presence of these elites, to be sure, has facilitated the control of African resources by transnational corporations. In the name of development, African governments contract the services offered by the

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2 World Commission On Environment And Development (WCED) (1987), *Our Common Future*, Oxford: Oxford University Press.

3 [http://www.wrm.org.uy/temas/Biocombustibles/Manifiesto\\_Quito.pdf](http://www.wrm.org.uy/temas/Biocombustibles/Manifiesto_Quito.pdf) (in Spanish)

global corporations. As a result, these obtain leases on African land for relatively lengthy periods of time, and with it direct control and management over resources.

Below this point will be illustrated by way of the the ill-fated Yala Swamp on the shores of Lake Victoria as the swamp fell in the hands of Dominion Farms Ltd. At this juncture what is relevant to retain is that, in today's geopolitical picture, elites in the North liaise with elites in the South, constituting thereby a transnational privileged class. Any strategy for justice must unequivocally register this factor.

This fractured global map poses a serious question mark as to the fate of the various funds agreed in the Bali Action Plan -i.e. for adaptation and mitigation; for technology transfer; for Reducing Emissions from Deforestation and Forest Degradation (REDD). As it was suspected by grassroots movements in particular in relation to REDD during the Bali meeting, doubt must be cast on the certainty that the raised monies will reach the climate change frontline. This is not necessarily a call for the abolition of such funds. The funds are probably succeeding in addressing historical inequalities -i.e. they would fulfil the remit of climate justice. However, as they abide by the North/South equity line, their credentials for social justice must be thoroughly questioned. Mine therefore is a call for attention to the eventual beneficiaries of these funds.

Similarly, the need to investigate the ultimate purpose of the funds should be highlighted. *De jure* the raising of these funds is inspired by the principle of common and differentiated responsibility. *De facto*, however, this conglomerate of funds may turn out to be the public subsidizing of the conversion of the fossil fuel industry into one of technologies for adaptation and renewable energy. On this reading, funding geared at adaptation and renewables would leave issues of redistribution unattended. Nor would the monies represent a step in the direction of regaining the commons. These funds, we may provisionally conclude, would fail to deliver social justice.

Similarly, the North is far from a homogeneous monolith of harmonious and well-to-do communities. Segregated from the super elites and an extended middle-class, deprived groups are also present within the affluent nations. They, too, are at the receiving end of the current climate change regime.

For instance, the Kyoto Protocol allows for the diversion of greenhouse gas reductions from their realization *in situ* to an "offsetting" route,

thus entrenching existing pockets of eco-racism, such as rural communities in mining regions or workers in coal-burning power plants. Likewise, the speculated introduction of personal carbon trading could create an energy underclass; low-income communities could regard their energy allowances as a new exchange-value for the acquisition of basics, such as food and services.<sup>4</sup> Already, the rising price of cereals, pushed to a large extent by agro-fuel fever, is creating a new transnational underclass who can no longer afford staple foods. The tortilla wars that broke out in Mexico in early 2007 foreshadow this new arena of conflict with global political ecological dimensions.

Therefore, speaking in terms of North vs. South is no longer an argument for justice – either climatic or social. Indeed, it seems that appealing to the North-South divide simply furthers the neo-liberal agenda. It draws a misguided and misleading geopolitical map which but permits the interests of the transnational elites to go unchecked. Hence the need to keep an eye on funds raised in the name of equity.

### **SOME POSSIBLE WAYS FORWARD**

Third is a question of strategy; should we hold fast to our vision of climate and social justice and lobby the UNFCCC negotiations or, should we start thinking of alternative pathways to enforce the agenda for equity? Imagine for a moment that our commitment to justice pushes us to start looking at the alternative pathways. Insights such as the following by the neo-Gramscian international political economist, Robert W. Cox, may prove logistically of use:

The condition for a restructuring of society and polity ... would be to build a new historic bloc capable of sustaining a long war of position ... more likely to be directed to local authorities and to collective self-help. ... If [these efforts] are ultimately to result in new kinds of state, these forms of state will arise from the practice of non-state popular collective action rather than from extensions of existing types of administrative control.<sup>5</sup>

In the light of Cox's statements, our grassroots strategy should entail a piecemeal, bottom up approach to building and implementing a would-be Treaty for Climate and Social Justice. In the wake of the much-celebrated slogan of the modern green movement, "Think globally, act locally", the terms of this Treaty should be written with a global perspective. However, its implementation would take place on a local and

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4 Alan MacDermid, "Fears for poorest over personal carbon trade plan", *The Herald*, (22/03/2007), published online at <http://www.theherald.co.uk/misc/print.php?artid=1280682>

5 COX, Robert W. (1991), 'The global political economy and social choice', in Robert W. Cox with Timothy J. Sinclair, (1996 [1999]) *Approaches to World Order*, Cambridge, New York & Melbourne: Cambridge University Press; p. 207.

bioregional basis. The tenets of the proposed treaty would roughly correspond to those named by the "Climate Justice Now!" coalition. Namely, reduced consumption, historical, cultural and ecological debts paid out of redirected military budgets and innovative taxes; cancellation of external debts; end of the fossil fuel era, and increased communitarian control over natural resources, food and energy.<sup>6</sup> Platforms such as the world Social Forum could be used to build larger alliances with an eye towards steadily implementing the terms of as yet unwritten treaty.

For example, at the 2007 world Social Forum (WSF) in Nairobi the Kenya Land Alliance (KLA) and Action Aid (AA) conducted a number of public hearings in defence of peoples' rights to their ancestral lands. The offender was a US transnational corporation called Dominion Farms Ltd, a subsidiary of the Dominion Group of Companies based in Oklahoma, USA. Leasing land from the Kenyan government, Dominion has turned several thousand hectares of Kenyan soil into biotechnology and geo-engineering labs - one example being the Yala Swamp on the shores of Lake Victoria.

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Against this picture of systematic land dispossession, the hearings sought to enact customary law at the expense of the prevailing Anglo-Saxon law introduced by the British settlers. Following the logic of customary law, the Tribunal awarded rights were bestowed on the community rather than the company.

The advocates of the historical, cultural and ecological debts, for their part, have also set valuable precedence when it comes to taking the law in our hands. Within the frame of WSF-related events but also beyond this framework, the defenders of these other kinds of debts have organised a series of popular tribunals. In the frame of these they have condemned the historically colonizing nations for both their gratis use of environmental services (such as the Earth's carbon-cycling capacity), and the uprooting of the vernacular cultural traditions. Though their ultimate objective is the interruption of plundering activities, the reduction of ecological footprints on the part of industrialized nations and the cancellation of external debts, it is noteworthy to mention that the costs of these green debts have also been calculated.

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6 CLIMATE JUSTICE NOW! (14/12/2008), 'What's Missing from the Climate Talks? Justice!' Press Release, published online at <http://www.focusweb.org/whats-missing-from-the-climate-talks-justice.html?Itemid=94>

7 <http://www.globalresponse.org/gra.php?i=2/07>

## **THE PROBLEMS OF OPENING AN ALTERNATIVE LINE FOR CLIMATE JUSTICE**

The plan of action advocated by Cox above largely constitutes the *modus operandi* of the altermondialiste movement. If we bring Cox's position to its logical conclusion, we may assume that as long as we remain united under, say, the Treaty for Climate and Social Justice I am proposing, victory is on the altermondialiste movement's side *in the long-run*. However, time is an element of constraint when it comes to negotiating the abatement of climate change. Lacking a judicature, a legislature and an executive body at the global level of our own, it seems unimaginable that the altermondialiste movement will alter any global structure *in the short-term* except by literally hanging on the current ones. It looks as though we are locked in a univocal strategy: persisting in our endeavour for justice within the UNFCCC negotiations.

The statements in the last paragraph need qualification, though. COP-13 Bali marked a turning point in the history of greenhouse politics. It brought together for the first time the global environmental movement with the global justice movement – giving thereby shape to the “Climate Justice Now!” coalition. This budding coalition testifies to a new, shared awareness among campaigners. At this point, those of us who stand under the banner of climate and social justice know full well that justice and equity are the necessary elements to set the world-polity on the much-needed track for reduction of GHGs and prevention of climate change. Settling for adaptation violates climate, social, and biocentric justice alike –the latter meant as respect for the flora and fauna.

It must be further noted that these specific developments in greenhouse politics are occurring against a larger change of perception as regards the role of grassroots politics in the world-polity. The first decade of the WSF has been by and large understood as an open space of protest.<sup>8</sup> Today, by contrast, the role of the WSF is being envisioned as a coordinating framework for hands-on action. Mr. Ramesh Singh, executive director of Action Aid International, aptly summarizes the steady progression of the contemporary altermondialiste movement in these words: “The WSF started off as a space of protest; today it is a search for alternatives. The next logical step is action –without losing the space. The fact that action may divide the Forum is another kettle of fish”.<sup>9</sup>

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8 <http://www.binghamton.edu/fbc/iw-wsf.pdf>

9 <http://www.ipsterraviva.net/tv/FSM2006/viewstory.asp?idnews=495> (in Spanish)

In sum, in the aftermath of COP-13 Bali two pathways for climate and social equity seem to be competing against one another –the official route by way of the UNFCCC, and scattered initiatives taken by local populations often in alliance with NGOs or CBOs. COP-15 Copenhagen in December 2009 will be crucial in unravelling the most reliable option. At Copenhagen the post-Kyoto negotiations will be brought to a close. Out of them an official climate treaty will have been agreed and the implementation process will be initiated. By the end of this process, therefore, the UNFCCC will be confirming or defeating its structural in/ability to absorb the terms of climate and social equity. Failing this avenue, a piecemeal implementation of a yet unwritten Treaty for Climate and Social Justice appears as our only viable way forward. Cox already alerted that this requires a sustained “war of position”. It may not always prove easy to live up to the challenge. However, adaptation to ongoing climate change is much less realistic an option to sustain.