

WHAT CLIMATE JUSTICE? A CRITICAL ANALYSIS

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Abstract

The conception of climate justice as expressed by both the UN climate regime and large parts of civil society exists within a monetary/distributional/compensatory ideological, universal/izing framework. This article will offer a Gramscian critique of such framing of justice, in order to liberate space and elaborate a thicker, embodied conceptualization of climate justice. I will try to "deconstruct" the justice-equity-distribution relation, by making visible the links between mainstream articulations of justice, and showing how justice becomes an ideological tool aimed at winning the consent of a wide social base necessary for the renegotiation and (re)solidification of an emerging hegemonic historic bloc, aimed at the reconfiguration of capitalism under conditions of ecological/climate crisis.. The article will conclude by offering a preliminary elaboration of an alternative, vision of climate equity and justice.

Introduction

At the Bali Conference held in December 2007 a new negotiation platform¹ was agreed upon within the United Nations Framework Convention on Climate Change (UNFCCC). Its major (alleged) success was that of bringing the US back within it. Its objective is that of "delivering" a new post-Kyoto climate agreement in 2009, at the Copenhagen Conference. Climate Ethics is widely recognized to be a key factor to consider in any future climate negotiation.

In Buenos Aires, in 2004, the Program on the Ethical Dimensions of Climate Change was launched, whose main outcome was the Buenos Aires Declaration on the Ethical Dimensions of Climate Change (BADEDCC).

Policy-makers, philosophers, lawyers and activists alike grapple with the question of how to arrive at an equitable and just climate agreement. During the Bali Conference² a Climate Justice NOW! coalition³ was born, ready to push the justice agenda; and it is evident that the UN Climate Regime⁴ (UNCR) must confront the question of climate justice.

Justice however is most often framed in terms of distribution – of emissions rights as well as of costs and benefits of climate forcing. The discourse of justice brings together Politics, Business and Civil Society. This apparent convergence however is in this article postulated to occur through a dialectical debate which oscillates between extreme neoliberal, market radicalism and a liberal, embracing, cosmopolitan articulation of equity and climate justice. In this context, justice becomes an ideological tool aimed at winning the consent of a wide social base necessary for the renegotiation and (re)solidification of an emerging hegemonic historic bloc, aimed at the reconfiguration of capitalism under conditions of ecological/climate crisis. This dialectic is assumed to be occurring within a transnational capitalist class formation process⁵, in this respect referring to Global System Theory (Sklair 1999, 2001, 2002) and Global Capitalism Theory (Robinson and Harris 2000, Robinson 2004).

1 The Ad Hoc Working Group on Long-term Cooperative Action Under the Convention, established by COP13 in decision 1/CP.13

2 Albeit both officially and physically outside of it

3 Climate Justice Now! Coalition. Members of this coalition include: Carbon Trade Watch, Transnational Institute; Center for Environmental Concerns; Focus on the Global South; Freedom from Debt Coalition, Philippines; Friends of the Earth International; Gendercc – Women for Climate Justice, Global Forest Coalition; Global Justice Ecology Project; International Forum on Globalization; Kalikasan-Peoples Network for the Environment (Kalikasan-PNE); La Via Campesina; Members of the Durban Group for Climate Justice; Oilwatch; Pacific Indigenous Peoples Environment Coalition, Aotearoa/New Zealand; Sustainable Energy and Economy Network; The Indigenous Environmental Network; Third World Network; WALHI/ Friends of the Earth Indonesia; World Rainforest Movement. "What's missing from the climate talks? Justice!" Joint Press Release, 14 December 2007

4 Constituted by the UNFCCC, the Kyoto Protocol and other related intergovernmental organizations such as UNEP, IPCC, WMO, UNGA etc.

5 Given the space constraints, this can only be mentioned here.

This paper aims at rendering visible the assumptions underlying the framing of climate justice within the UNCR and civil society at large. This task of deconstruction is important to the extent that climate justice is necessary for the survival of all the species including the human one. It intends as such to be a contribution within current debates.

In order to do so, I will firstly discuss the "mainstream" articulations of climate justice. Then I will apply a gramscian critical approach, to make visible the hegemonic project underlying the UNCR, and elaborate the role of what I will call the "Climate Ethics Consensus" (CEC) towards the promotion of hegemonic justice. The article will conclude by sketching an alternative, counter-hegemonic vision of justice, and by pointing towards further research directions.

Mainstream articulations of climate justice: (re-)distribution, compensation, (right to) development

The BADEDCC laid out some key ethical questions⁶ such as responsibility for damages, distribution of harm and benefits, allocation of emissions budgets across countries, economic costs⁷, technology. Similarly, Henry Shue (1993) proposes four key questions centered around distribution of costs and benefits⁸. The UNFCCC and the Kyoto Protocol also centered the question of ethics on responsibility and distribution of costs and benefits⁹. Distribution is likewise the main focus of major equitable frameworks such as Contraction and Convergence and Greenhouse Development Rights. While the former – endorsed widely¹⁰ – promotes a per-capita egalitarian approach supported by technology and emissions trade flows (Global Commons Institute 1996 and 2001; Meyer 2004), the latter's main contribution is the explicit incorporation of the right to development into the equation¹¹ (Baer et al. 2007).

Kofi Annan's Global Humanitarian Forum (GHF) launched recently a Global Alliance for Climate Justice. The main priority areas are identified in financial transfers and transfer of sustainable technologies¹². Which is to say, (re-)distribution and (right to) development¹³. Thomas Pogge¹⁴, whose negative duty approach is rather radical¹⁵, crowns his

6 Among the questions raised by BADEDCC is "Who is ethically responsible for the consequences of climate change, that is, who is liable for the burdens of: a) preparing for and then responding to climate change (i.e., adaptation) or b) paying for unavoidable damages?". Or "What ethical principles should be followed in allocating responsibility among people, organizations, and governments at all levels to prevent ethically intolerable impacts from climate change?"

7 To which extent they can be utilized to avoid climate action

8 The four questions are: 1) What is a fair allocation of the costs of preventing the global warming that is still avoidable? 2) What is a fair allocation of the costs of coping with the social consequences of the global warming that will not in fact be avoided? 3) What background allocation of wealth would allow international bargaining (about issues 1 and 2) to be a fair process? 4) What is a fair allocation of emissions of greenhouse gases (over the long-term and during the transition to the long-term allocation)?

9 In particular through the principle of common but differentiated responsibility, which has been operationalized in terms of differential commitments, differentiated contributions to various climate mitigation and adaptation funds etc. See, *inter alia*, De Lucia 2008

10 By academics, politicians, activists and governmental bodies such as The UK Royal Commission on Environmental Pollution, Jan Pronk, Dutch Environment Minister & Chairman of COP-6, Klaus Topfer, CEO UNEP, The European Parliament, The Africa Group of Nations, The Non-aligned Group of Nations, The governments of India and China, GLOBE International Parliamentarians Network, IPCC WG3 Latin America Equity group, The UK Chartered Institute of Insurers, The European Federal Trust, (GC! 2001, Meyer 2004). For full references, see <http://www.gci.org.uk/refs/C&CUNEPIIIg.pdf>

11 "The GDRs framework embodies the right to development as a "development threshold" below which individuals, by definition poor, are not expected to share the burden of mitigating the climate problem. This threshold reflects a level of welfare beyond basic needs, but well short of today's levels of "affluent" consumption" (Baer et al. 2007)

12 In particular in the area of agriculture, Annan stated that "We should act immediately to provide [vulnerable populations in developing countries] with additional funding and appropriate technical assistance" by, *inter alia*, assisting "farmers to get the seeds and fertilizers most suited to their changing climate, ensure "communities have access to the latest technologies so that they can receive early weather warnings" and making sure "that families have access to insurance coverage for their homes and access to affordable medicines".

13 *Kofi Annan Launches Global Alliance for Climate Justice*, 25 June 2008 - Press Release accessed on September, 10 2008 <http://www.ghf-geneva.org/index.cfm?uNewsID=81>. See also Annan's opening address, http://assets.ghf-ge.org/downloads/kofi_annan_opening_speech_ghf_annual_meeting.pdf accessed on September, 10 2008

14 A leading exponent of liberal cosmopolitanism

15 "We are not bystanders who find ourselves confronted with foreign deprivations whose origins are wholly unconnected to ourselves [...] First, their social starting positions and ours have emerged from a single historical process that was pervaded by massive grievous wrongs [...] Second, they and we depend

cosmopolitan ethics with a Global Resources Dividend (GRD, Pogge 2001), which is imagined to be a levy charged on resources users to compensate those who do not have access or otherwise do not use natural resources¹⁶.

And if justice is (re-)distribution, it follows as a precondition the necessity to measure emissions and sinks, costs and benefits, by way of mapping a whole series of acts, meanings, sentiments, species and ecosystems onto monetary expression¹⁷. This regardless of how difficult or arbitrary the mapping turns out to be. Money (and monetary/monetized instrumentalities) becomes a rationalizing ground for action (Burke 1969).

This presupposition of commensurability, moreover, leads to two key consequences. Firstly, market exchanges become universally possible, hence carbon trading (in all its forms) as the "flagship" climate policy of UNCR. Secondly, substitutions can take place. Substitution of man-made capital for natural capital¹⁸; substitution of (equitable) monetary compensation for lack/loss of access to local ecological resources and means of subsistence¹⁹; substitution of mono-culture carbon plantations for native forests²⁰; substitution of development for livelihood, as in the construction of "need" and "rights", and its counterpart, dependency²¹.

Development discourse in particular deserves examination at some length. By mapping the world over a rich-poor continuum, which is measured in a very specific, culturally narrow way, development becomes a cosmopolitan mission. Indeed it becomes an obligation rooted in the universalizing discourse of justice and human rights, which must be "distributed" equally. This discourse is built on the assumptions of industrial progress, which can raise the standard of living in the "underdeveloped areas²²". In the context of climate change, (this) development is framed as the only adaptive path for countries, populations and communities which will feel the brunt of climatic changes. At the same time, development *causes* climate change, as economic growth – the underpinning engine of development – grows GHGs emissions. Development is thusly inextricably linked to technology: technology can make development climate-friendly and low-carbon.

Technology however has a distinct "ideological footprint", as it is inevitably linked with specific power/knowledge configurations: its underlying social power relations will re-produce themselves inevitably with their diffusion, and will re-produce as well their main features of metabolizing "time and space"²³, inevitably implicating both extraction and accumulation of ecological and social value (Hornborg 2001).

Once a technology is entrenched in the social and cultural tissue, one must confront it in terms of a socio-technological configuration (Rip and Kemp 1998). A given technology is

on a single natural resource base, from the benefits of which they are largely, and without compensation, excluded [...] Third, they and we coexist within a single global economic order that has a strong tendency to perpetuate and even aggravate global inequality". (Pogge 2001)

¹⁶ Indeed Pogge, whose aim is to eliminate poverty, endorses the idea that compensation is a legitimate and exhaustive means to redress injustices. He maintains that "citizens and governments of the affluent states are [...] violating a negative duty of justice when they, in collaboration with the ruling elites of the poor countries, coercively exclude the poor from a proportional resource share" (Pogge (2001)). This expresses an appreciation of justice which still focuses on distribution, and on sharing equitably the benefits of resources use.

¹⁷ Mapping which in neoclassical environmental economics goes under various names/practices: contingent valuation, willingness to pay, hedonic pricing, value of a statistical life, cost-benefit analysis etc.

¹⁸ As in elaborations of "weak sustainability" (see Rao 2001) and ecological modernization (Mol 1995; see also Ashford 2000)

¹⁹ It is often the case that environmental and development activists and NGOs, when protesting against corporate and/or State "attacks" on the environment or on local populations, condemn lack of compensation, as if compensation could actually make things right. For some examples, see Monbiot (<http://www.monbiot.com/archives/2007/10/02/the-juntas-accomplices/>), Land Research Action Network (<http://www.landaction.org/display.php?article=369>), Peoples Solidaires (<http://www.peuples-solidaires.org/article635.html>), ZMAG (<http://www.zmag.org/znet/viewArticle/11193>), The Ecologist (Fifty Years of Political Meddling by the World Bank, article by Bruce Rich in The Ecologist, Jan/Feb 1994). But as the People's Coalition on Food Sovereignty (<http://www.foodsov.org/html/takeaction06.htm>), reported about evictions occurring in the State of West Bengal, India in 2006, "The communities do not want compensation. They want to retain their land, because this is their life".

²⁰ See World Rainforest Movement 2001 or CDMWatch/SinksWatch 2004

²¹ See Illich 1990

²² Development was already framed in these terms in the Inaugural Address of Harry Truman in 1949. See Illich 1990.

²³ Extending and expanding the commodification of labor (man) and nature highlighted by Polanyi (YEAR) as the final step in the process leading to the great transformation.

even “possible” only because of a specific social organization²⁴. In turn, technology influences the development of society²⁵ (Kemp 1994, Berkhout et al. 2003, Maréchal 2007). In this light, “transfer of technology” is not a neutral operation. What is being transferred is a whole set of beliefs, ideology and power relations; a mode of civilization; a concept of progress and human realization which has the ability to destroy what Conca (2003) calls the “sustaining middle”²⁶. Lohmann (2008) reinforces this point when he suggests that the practices of development necessarily “ignore, displace, supplant or even eradicate knowledge possessed by their ‘target populations’”. This displaced, supplanted knowledge often represents key social strategies for addressing the local effects of climate change²⁷.

Distribution, monetary compensation and right to development represent the paradigm within which most of the discourse of climate justice and equity is framed in international climate politics. This paradigm sets the boundaries of claims and counterclaims of hegemony and resistance. Such dialectical space expresses the oscillations between a fully market-oriented efficiency-based distribution at one end of the trajectory, whose other end is occupied by a social (re-distributional) compensatory rights-based approach²⁸.

Climate, hegemony and justice: a Gramscian reading

In this context, civil society adopts the speech and the categories of hegemony as it internalizes the framework and the ideology of the dominant classes, until it becomes common sense. Civil society is an integral part of the historic bloc sustaining global hegemonic claims.

The integration of UNCR and civil society into what can be described as a “Climate Ethics Consensus” (CEC) takes place through processes of dialogical relations that constitute and reproduce what Gramsci called a hegemonic historic bloc: within it, consent is created, shaped and maintained through the acceptance and internalization of an ensemble of values and world-views that reinforces established power relations. Gramsci’s methodological focus is on the whole set of social relations as configured by social structures (Gill 1993).

While UNCR reflects the transnationalization of the (aligned) material interests of the various domestic hegemonic groups²⁹, civil society is the vehicle through which the ethics and the conception of justice promoted by the hegemonic group(s) is legitimized. Ultimately, that allows the hegemonic project to be internalized by the masses and to become “common sense”.

Gramscian Hegemony

Gramsci’s greatest contribution to post-Marxist and critical theoretical inquiry is his concept of hegemony. “[T]he supremacy of a social group manifests itself in two ways, as domination and as intellectual and moral leadership.” (Gramsci 1971). Social control is predicated on both coercion and consent, authority and hegemony, violence and civilization (Gramsci 2007). It is the element of consent however which allows an hegemonic social group to endure. Hegemony, in this sense, is “endlessly reinforced in schools, churches, institutions, scholarly exchanges, museums and popular culture” (Litowitz 2000).

Gramsci focuses on the configuration (or modes) of the social relations of production. However he has a wide conception of production, which allows to avoid a

24 Including its institutional, cultural and political characteristics

25 “[t]echnologies [...] are [...] formed by, and embedded within, particular economic, social, cultural and institutional structures and systems of beliefs. Conversely, technological configurations themselves constitute, order and change the nature of these encompassing structures” (Berkhout et al. 2003)

26 “Sustaining middle” refers to the middle income majority of the world’s population which globalization tends to squeeze either up or down (by enriching some, impoverishing others), and whose lifestyles are currently roughly sustainable (Conca 2001)

27 And however climate change has a global dimension, its effects are always necessarily local: “[o]n India’s Bhilangana river, local farmers run a finely-tuned terraced irrigation system that provides them with rice, wheat, mustard, fruits and vegetables. This ingenious, extremely low-carbon system of agriculture is threatened by a new hydroelectric project designed to help power India’s heavy industry. Villagers may have to leave the valley, losing not only their livelihoods but also their knowledge of a uniquely sustainable modern technology. [...] The firm plans to sell the resulting carbon emission rights to polluting companies in Europe” (Lohmann 2008b).

28 And particularly the right to development

29 The difference between (properly) gramscian hegemony and postmodern elaboration into (several) hegemonies will not be addressed explicitly. Here the reference is more towards a confluence of domestic hegemonic groups towards a single, transnational dominant class, due to aligned material interests and ideological/cultural myths.

materialist/economistic reductionism; industrial technology, the private property regime, the law of contracts, the institution of matrimonial family, churches, mass media, schools, private associations, architecture, street names: all are equally important towards enabling the production of physical goods (Cox 1983, 1989). In Gramsci's (1971) words "the spontaneous consent given by the great masses [...] is historically caused" through the workings of intellectuals and civil society. The key element sustaining hegemony is Gramsci's concept of *blocco storico* (historic bloc). An historic bloc represents the relationship established by the dominant social forces with antagonistic forces. This relationship produces an integration of different class interests, engendering a convergence of economic and political objectives, but also – most importantly for our purposes here – a convergence which is intellectual and moral. Hegemony requires for both the State and Civil Society to be brought under control by the hegemonic social group³⁰: the State represents the public sphere and coercive power³¹. Civil Society the private sphere and consent³². Gramsci identifies three mechanisms required to establish a ruling world view: universalization, naturalization and rationalization (Litowitz 2000). The first represents the projection of a historically situated and local project as universal³³. This can take the form of political alliances or cultural dissemination³⁴. Naturalization entails a process of reification of a given situation, abstracting it from its historical contingency, and containing any social demands necessarily within this constructed social ontology³⁵. Rationalization, finally, refers to the supporting role of an intellectual class, which produces and re-produces knowledge in order to maintain hegemony. With the neo-Gramscian author Robert Cox (1981) it may be provisionally concluded that "theory is always for someone and for some purpose". This intellectual class Gramsci calls "organic intellectuals", and to this we turn next.

Organic Intellectuals and the Mythos of Science

Mythos is the matrix of both *nomos* and *ethos* (Havelock 1978). The term *mythos*³⁶ indicates both statement and story, imploding the distinction between story and fact, objective knowledge and discursive story³⁷. One of the function of *mythos* is that of, through narratives, storing and sanctioning rituals with functional purpose. Pantheistic religions, through their associating each "god³⁸" to specific rituals governing behavior (both social and individual) represent embedded norms of social conduct and of technical behavior³⁹ (Burke 1969, Ong 2003). *Mythos*⁴⁰, also served to coordinate and contain social action. The same processes are now governed by "science".

The emergence of the specific *mythos* of science has produced one significant consequence: the separation of *nomos* from *ethos*, therefor claiming objective and universalizing value. This has rather important effects, which will appear clear once one looks at the meaning of the two words. While *nomos* means either custom, convention or (positive) law, *ethos* can be rendered as the "disposition, character, or fundamental values peculiar to a specific person, people, culture, or movement⁴¹". Its etymological root however indicates the relation between habit and place (Miller 1974) or "localized human activities" (Havelock 1978). By articulating possibilities and proprieties of socio-technical configurations, these conventions mold the natures and the cultures in particular ways. Different *ethos* map to different sets of

30 This is the state-civil society complex

31 Government, parliament, justice administration, military

32 As articulated through/by institutions such as church, media, schools, universities, families, NGOs etc.

33 This universalism corresponds with the "common good", whatever the reference scale (Gramsci focused on the State, our outlook is global)

34 Advertising, movies, news, technology all promoting a specific world view. For example, the relentless focus on economic growth as the measure of well being.

35 The (post-)Westphalian State is an example. Socialist and social-democratic parties in western countries do not question the reference framework of the State in their struggles to advance the interests of the working class, the marginalized, the immigrant etc.

36 Which originally means "utterance"

37 The split will effectively and definitely occur with the European Enlightenment (among others see Latour 1993, Merchant YEAR)

38 A river, the mountain, the field, agriculture etc.

39 Functioning for example so as to facilitate activities such as seeding after a river flooding the fields, harvesting before night frost would set in etc (Burke 1969)

40 Particularly through tis patterns of *nomos* and *ethos*

41 *ethos*. Dictionary.com. *The American Heritage® Dictionary of the English Language, Fourth Edition*. Houghton Mifflin Company, 2004. <http://dictionary.reference.com/browse/ethos> (accessed: September 15, 2008).

dispositions and values. Furthermore, by their localization, they also significantly express different relational engagements with particular natures/ecologies. Traditionally localized *ethé* function mostly through ecological exchanges (with nature) rather than economic exchanges (with markets), which determines a necessary harmonization of cultural and ecological times and rhythms, in order to “guarantee an uninterrupted flow of goods, materials, and energy from ecosystems” (Toledo 1999). Indeed many of these mytho-religious matrices of social conduct are the result of optimal local interactions with place. Abstracted, universal science doesn't necessarily improve on them. Several instances of the superiority of “lay” knowledge over scientific management and modeling testify to this⁴².

By separating the two elements, science has managed to obscure the significance of locality and particularity, while providing the intellectual mechanism to support exclusively universal laws. However, and it merits quoting at length,

“[s]cience is a highly elaborated set of conventions brought forth by one particular culture (our own) in the circumstances of one particular historical period; thus it is not, [...] a body of knowledge and testable conjecture concerning the real world. It is a discourse, devised by and for one specialized interpretive community, under terms created by the complex net of social circumstance, political opinion, economic incentive and ideological climate that constitutes the ineluctable human environment of the scientist. Thus, orthodox science is but one discursive community among the many that now exist and that have existed historically. Consequently its truth claims are irreducibly self-referential, in that they can be upheld only by appeal to the standards that define the scientific community and distinguish it from other social formations.” (Gross and Levitt 1998).

To illustrate the gap between the “universal scientific model” and the reality of climatic changes, it will be useful to place climate change in the perspective of the wider ecological consequences of global capitalism. While climate is a global phenomenon whose forcing is caused by the accumulation in the atmosphere of greenhouse gases over and above the natural carbon-cycling capacity of the planet, the consequences of climate change are very much local events. A great deal of the consequences of “extreme” weather events (droughts, floods etc.) and slower consequences of global warming (desertification), are indeed linked to the local social and ecological changes which have taken place over the centuries⁴³, through man-made reconfigurations of landscapes and industrial activities⁴⁴: deforestation, soil exploitation, underground water reservoirs depletion, river banking, damming, draining, leveling, mining etc. These activities and their consequences – which to a large extent are the result of colonization and post-colonial development policies - are being obscured by the discourse of mitigation and adaptation, as if by mitigating climate change the impacts of these other activities would disappear. Of course, this is not to say that climate change is of no consequence, on the contrary. But climate change finds an already ailing patient upon which to brandish the fatal blow. And if climatic changes were somehow contained within an acceptable threshold, those underlying ecological problems would remain. Moreover, the establishment of an acceptable threshold in itself is plainly controversial⁴⁵. It is nothing but the fruit of a compromise which considers already “committed” warming, mitigation possibilities under current circumstances, mathematical modeling through which projections of future change are tested and predicted, economic trade-offs of costs and benefits. Donald Brown (2008) reminds us that the composition of the IPCC is very much skewed towards western scientists and the western knowledge system: “Victims of climate change rarely get heard”. The IPCC's work is based on the input of “a narrow elite”, expression of those societies which will be impacted the least by climate change: “[t]he epistemic community that makes up and informs the IPCC is largely comprised of social and biophysical scientists and technicians from Northern centers of research”. Brown continues by remarking how “[t]he voices of the sufferers – people living in

42 For examples see EEA 2002, in particular as regards how discounting “lay knowledge” and only legitimizing scientific knowledge can and does lead to ecological disasters, and Lohmann 2008.

43 See Merchant (YEAR) for accounts of radical socio-ecological transformations between 1500 and 1750. See also Hornborg and Martinez-Allier (YEAR)

44 Especially industrial (petrochemical) agriculture

45 And often elaborated in terms of costs thresholds (IPCC 2001, Stern 2006)

climate change hot spots, indigenous nations, children, disenfranchised – are not included in the assessment reports and seldom reviewed for inclusion in the work of the IPCC". The decision-making processes of the IPCC do not include those peoples and communities, and the conclusions of the IPCC are not validated, not negotiated with them. Further, "[d]ecisions as to what gets included in the reports are made by persons appointed by member governments. Decision on final synthesis reports, including line-by-line review of text, is made by government representatives in IPCC Plenary Sessions". The knowledge of the victims is discounted, displaced and delegitimized through the processes of production of ignorance (Lohmann 2008).

"The reports" concludes Brown "are vetted by a narrow group of experts trained and privileged by larger structures of globalization".

"Organic intellectuals" contribute significantly to the production and re-production of a specific power-knowledge configuration instrumental to the hegemonic project. It is indeed through the IPCC reports that the mitigation debate is framed in terms of technology, carbon markets and efficiency. The pre-analytic vision or world view of most IPCC contributors and authors is such that those policy recommendations are seen indeed as inevitable⁴⁶. Rationalization thus leads to naturalization.

The "Climate Ethics Consent" and the negotiation of hegemony: convergence of UNCR and civil society

Given the exclusive legitimation "organic science" enjoys⁴⁷, the debate is successfully contained within its paradigm. The paradigm is reified and rendered invisible, unquestionable.

Robert Cox (1981) distinguishes in this respect between problem-solving - which "takes the world as it finds it, with the prevailing social and political relations and the institutions into which they are organized, as the given framework for action" - and a critical, counter-hegemonic approach, which "does not take institutions and social and power relations for granted but calls them into question", aiming at at decentering the very framework of action "which problem-solving theory accepts as its parameter".

The debate over current climate policy is by and large shaped and conducted on problem-solving issues⁴⁸: reviewing the climate policy platforms of 5⁴⁹ major⁵⁰ civil society organizations (CSOs), will illustrate this point, as well as how they operate as instruments of legitimation for the UNCR, although dialectically posing demands on it.

1) *WWF International*. Its recently published report "Climate Solutions: WWF's vision for 2050" (Ayukawa et al. 2007) can be summarized by the six main policy solutions identified: Energy efficiency improvements; Stopping deforestation; Development of low-carbon technologies; Development of flexible energy sources and storage for transport sector; Natural Gas as a "bridge solution"; Carbon Capture and Storage (CCS). Even more significantly, WWF encourages its members and anyone else to become "carbon neutral"⁵¹. To this end, WWF has contributed to the development of the Gold Standard, a private

46 If the IPCC were to be constituted only by representative of Latin American peasants, the recommendations of the reports would surely be quite different

47 A common modality to ground one's argument is to reference it to a legitimate scientific source. This is as common to activists groups' reports as to businesses and capitalists' organizations

48 For example: is the best policy option carbon trading or is it carbon taxes? Should improvements in energy efficiency be mandated or incrementally achieved through price incentives? Should technology be funded by the State or through private investments?

49 Three international: WWF, Greenpeace and Christian Aid. Two Norwegian: Bellona and the Fremtiden i våre hender (=Future in Our Hands). I chose Norway, not only as I live in Norway, but especially as Norway is particularly open to dialog with NGOs at government level, as well as because Norway is often "ahead" in terms of rhetoric of responsibility, international development aid and human rights discourses. Yet Norway is an oil-producing country. It makes for deep contradictions and a useful benchmark.

50 The choice of those representative CSOs is determined by their influence on both international (or national) policy processes and, especially on "public opinion". The latter element is inferred by a combination size (in terms of membership), geographical diffusion (for the international ones), and historical endurance, which translates into credibility. A wider sample group would confirm this initial impression. For reason of space, this review had to be limited.

51 See WWF Norway website:

http://wwf.no/om_wwf/dette_jobber_med/klima/vare_losninger/bli_klimanoytral/index.cfm accessed on September, 13 2008

benchmark that “certifies” the sustainability and environmental efficacy of carbon offsets available for purchase in the private carbon market⁵².

2) *Greenpeace International*. Greenpeace has just recently announced its support for CCS⁵³. The announcement⁵⁴ “calls on the government to focus on renewables and energy efficiency; introduce greenhouse gas emissions standards; introduce emission standards for existing plants from 2020; keep a clear focus in any CCS demonstration programme; introduce strong legislation on CO₂ storage and transport”.

3) *The Bellona Foundation*. A leading Norwegian environmental organization, Bellona is a key supporter of and lobbyist for CCS in Europe. Currently one of the partners⁵⁵ of the ECCO (European value Chain for CO₂) project⁵⁶.

4) *Framtiden i våre hender*⁵⁷. Another major Norwegian Environment and Development NGO. It is actively engaged in the promotion of carbon offsets, through the management of a localized version of “My Climate⁵⁸”.

5) *Christian Aid*. Christian Aid has endorsed the GDRs framework, and it is very vocal in promoting climate justice and in emphasizing the link between climate, development and poverty. Its most recent paper on climate justice (Pendleton 2008) endorses, if cautiously⁵⁹ carbon trading, and support various incentives aimed at stimulating investment towards the dissemination of low-carbon technologies.

This brief and necessarily cursory review highlights nonetheless how some high profile civil society organizations⁶⁰ - in the position to heavily influences the wider social base either domestically or internationally - conceive of equitable climate solutions. A comparison table can help grasp this at a glance:

52 This certification (as many others that exist) was a response to the mounting evidence of frauds, ecological damages and social misery consequent a large number of carbon offset projects. To reassure carbon consumers the Gold Standard was developed. See <http://www.cdmgoldstandard.org/>

53 <http://www.greenpeace.org.uk/tags/ccs>

54 The statement was released jointly by Greenpeace, WWF, Friends of the Earth and the Royal Society for the Protection of Birds

55 The full list of partners is telling: SINTEF Energy Research (coordinator), SINTEF Petroleum Research, StatoilHydro, Vattenfall, DONG Energy, E.ON, RWE, TNO, JRC, IFP, GEUS, NTNU, Progressive Energy, University of Zagreb, INA, MOL, Project Invest Energy, and The Bellona Foundation

56 Frederic Hauge, Bellona's President and Vice Chair of European Technology Platform for Zero Emission Fossil Fuel Power Plant, said at the launch of EU Flagship Programme: “Getting the EU Flagship Programme up and running will be crucial in our struggle to combat climate change [...] at a global level. [...] CCS technology can allow the US, and at a later stage China and India, to commit to reversing CO₂ emission levels [...] With the Flagship Programme on CCS, Europe can bolster its world leadership in fighting climate change” (CITE).

57 The Future in our Hands

58 Originally a Swiss organization. See <http://www.myclimate.org>. [Private consumers are encouraged and enabled to calculate their carbon footprint, and then purchase emissions offsets through a series of projects in developing countries, which are supposed to have a “double dividend”: climate mitigation and sustainable development. For cogent critiques of the private offset markets \(as well as the CDM\), see, inter alia, Bachram 2004, Lohmann 2006 and Haya 2007.](#)

59 After highlighting the risks of carbon trading in terms of environmental effectiveness and “fairness”, the report continues by saying that “[w]hile trading is likely to play a part in the transition from a high- to low-carbon economy, there are other, simpler mechanisms that may help set a more stable price for carbon and provide greater certainty and predictability for countries and companies wanting to make more expensive, low carbon investments. Taxation is the most obvious of these; applying levies to emissions provides a clear price signal and provides revenue to assist with the transition. Auctioning permits in a trading system is a de facto tax”

60 Whose “core business” is either environment or development (or both)

	WWF	Greenpeace	Christian Aid	Bellona	Framtiden I våre hender	UNCR
Carbon Trading	X		X			X
Technology ⁶¹	X	X	X	X	X	X
CCS	X	X		X		X
CDM/Carbon Offsets	X		X		X	X
Energy Efficiency	X	X		X	X	X

Table 1: CSOs and UNCR: climate policies comparison

While there are some differences⁶², all proposals populate the same continuum, mirroring UNCR's policy platform. The four pillars of the Bali Action Plan – mitigation, adaptation, technology transfer and financing and investment – are ideal containers for all those policy options listed. There is no scope for detailed review of UNCR's legal and political documents, nor of the satellite documentary evidence⁶³ in this article. It suffices to consider how the economics of pollution are the center of the UNCR's policy approach. The Polluter Pays principle links the legitimacy of the release of waste streams (or pollution damages) to one or another form of payment for the use of the waste recycling capacity of the local/global environment, following a Coasian, market logic. The key elements underlying climate policy are economic: the internalization of environmental externalities, energy efficiency, cost-effectiveness and technological innovation. The reports of the IPCC Working Group III⁶⁴ (2001, 2007) offer ample evidence on the matter. The integration of these elements within a market approach was clearly accomplished within the UNCR. In the Kyoto Protocol in particular, the key policy instruments - the so-called flexibility mechanisms - are three market-based instruments: Emissions Trading⁶⁵ (ET); Joint Implementation⁶⁶ (JI); Clean Development Mechanism⁶⁷ (CDM).

In this respect CSOs, while making demands on States (politics) with the aim of advancing a progressive vision of equity, climate protection and social justice, use nonetheless the "speech" of UNCR⁶⁸, championing a (reformist) "more" approach: more stringent emissions caps sooner, more energy efficiency, more financing and investment in adaptation and sustainable development, more and cleaner technology, (more) compensation. This highlights how the world-view of the hegemonic social group is reinforced and validated by this apparent "resistance", which is transformed and incorporated within the hegemonic discourse, and serves to further its internalization and naturalization by the "great masses". Civil society is a *key part* of the forming historic bloc of a "sustainable" form of capitalism, by either "endlessly reinforcing" hegemony, or through the process of *trasformismo*.

Trasformismo through Justice

Gramsci viewed justice, legitimacy and moral credibility as necessarily integrated. The UNCR, the organic intellectuals and civil society, when aligned in the CEC, constitute and legitimize that climate governance whose practices, Paterson (2007) argues, "should be understood as a pursuit of" a coherence between accumulation and legitimacy "which might give rise to an ecological regime of accumulation thus forestalling more radical critiques arguing that capitalism and sustainability are inimical".

61 Including renewables

62 Even significant differences

63 Such as the Asia Pacific Partnership for Clean Development, the Major Economies Meeting, EU's climate policy, varying regional and/or national policies (Norway, Australia, US States-level policies)

64 Which deals with Mitigation

65 Article 17 of the Kyoto Protocol

66 Article 6 of the Kyoto Protocol

67 Article 12 of the Kyoto Protocol

68 Significantly, the report's foreword, while recalling how it is the most vulnerable who bear the brunt of climatic changes they had done nothing to cause, calls "global action based on the Bali road map so we cease those activities that lead to climate change and we help poor people to adapt to the inevitable and increasing impact of that change" (Pendleton 2008).

In this respect justice becomes a necessary tool of hegemonic groups towards the coordination of dispersed values into an ideological "whole" supportive of their position of dominance. To this purpose, the perception of justice, and the dialectical processes whereby the "great masses" demand (and obtain) "more" justice⁶⁹, are to be maintained within specific boundaries. This task is accomplished through civil society, and its participation in the shaping of the the UNCR. Civil society becomes both the "object and the medium" of the hegemonic struggle (Haug 1985 as quoted in Brand 2007). The outcome of these dialectical processes is dynamically captured by "soft" declarations⁷⁰ and political statements⁷¹. It then "trickles" slowly and in diluted form into the hard rules of the UNCR⁷². This gives a sense of participation to environmental and social movements and organizations. However, their demands and ideas "are watered down, absorbed, co-opted and re-oriented to fit into the dominant order so as to neutralize or prevent" (Yap 2006) the possible formation of counter-hegemonic forces.

This transformation functions to absorb and channel discontent internally to the framework of action⁷³ providing the hegemonic social group with a mechanism to manage the demands of "dissent" and to "transform" potential resistance: by adhering to "some" of the demands in some diluted form, it draws these groups within its bloc. Once integrated and transformed, civil society can become an engine of hegemony. At the same time this same process isolates the more radical antagonizing elements of potential counter-hegemony, by framing their existence outside of "common sense".

The emphasis on (distributional) justice and the right to development as key elements of any post-Kyoto agreement has then this effect of transforming resisting sections of public opinion and developing countries into "supporters" of the global capitalist vision and ideology of the dominant social group. The principle of common but differentiated responsibility may be read through these lenses. The codification of financial transfers⁷⁴ and technology transfer into the UNCR may also be read as a way to entice potential resistance and (re-)negotiate their consent.

Justice turns then into a fundamental space of ideological negotiation, where hegemony is nurtured, articulated and universal/ized. Its articulation is founded on the instrumental role that justice is to play as regards cementing the historic bloc, and its function of "coordination of the interests of other groups with those of the leading class or fraction in the process of securing their participation in [their] social vision" (Robinson and Harris 2004). To this end, justice must assume a very specific character, apt at reinforcing the current social and political order, and at furthering the interests of the hegemonic social group.

Conclusion: towards a climate justice as equity

To conclude, some remarks on future directions towards the delineation of an alternative reconceptualization of (counter-hegemonic) justice. Any even provisional research agenda in this respect will need to address three crucial points. Firstly a historical and comparative narrative of justice. This is instrumental to highlight the transition from oral to literate justice, which also maps to a transition from a local, customary and necessarily plural justice(s) towards a legalized, universal/izable singular one. The ideal, fixed, abstract, universal conception of justice, was shaped by the fixity and "removed" properties of writing, which have historically facilitated analytical thinking, the "objectification" of human knowledge, and its being eradicated - disembedded - from the flow of human experiences (Havelock 1978, Ong 2002).

Already Hesiod⁷⁵ had managed to isolate justice independently from a human agent (Havelock 1978). Plato would much later complete this key analytical advance. He bestowed justice with an essential character, by applying to it the verb "to be", turning it into a "thing which is" (Havelock 1978). At the same time he firmly made it a singular entity. This rendered justice independent of agency and turned into a universal/izable ideal.

69 More climate justice in this context

70 Such as the 1992 Rio Declaration, the 2002 World Summit on Sustainable Development's Johannesburg Plan of Implementation, the Chair's Summary of UN High-level Event "The Future in our Hands: Addressing the Leadership Challenge of Climate Change" etc.

71 Such as the G8 Chair's summaries and other final documents

72 See also Yap (2006), which identifies a similar process as regards the Basel Convention

73 I.e. UNCR's hegemonic proposition

74 The various funds established under the UNFCCC and the Kyoto Protocol for example

75 Who still belonged to "orality", though had already "read" Homer.

In the fluid oral world by contrast, what one must relate to is not a singular justice, but rather "'justices' in the plural. These plural justice have no connection with an a priori set of principles, but rather are processes aiming at the conservation of existing mores or at the restoration of the propriety of human relationships" (Havelock 1978).

In fact that Greek word for justice, *dike*, has originally the meaning of "custom, usage" and it pins justice to a place, a community, into which it is embedded both in space and time⁷⁶. As a contingent embodiment of people's habits, it translates into a conception of "what is done", albeit in the normative sense of "what is right"⁷⁷. This is instrumental towards illustrating how justice emerges in human communities as necessarily embedded within its social fabric, and wholly dependent on a contingent vision of the good.

The second point to address is the conceptual transition from a Universal Ethics⁷⁸ to local *ethe*équities. This can be accomplished partly by rejoining *nomos* and *ethos*, and will help towards (re-)aligning justice with people's natures and cultures. In this sense, it may be necessary to address the split – emerged in Plato – between justice and *eipielkeia* (equity). In Plato (Laws, Book VI) equity becomes the mitigating element of "people's justice", and justice begins to assume a technical, legal, top-down character: "[T]he idea of *eipielkeia* drew the specific feature of classical culture opposing the universal nature of the Law with the historicity of actual facts and representing the tragic side of human behaviour on the ground of an unsolvable conflict between duties" (Costantini 2008). Now, *eipielkeia*, which means "mildness, gentleness, fairness" is that which operates to constrain the disembedding trajectory of law, re-locating, quite literally, justice in its contingent historicity.

Finally, a third point to address is how Universal/izing Justice is a social construction. An analysis of the sophists' idea of justice could prove very useful in this respect. The sophists expressed, with an eminently politically critical approach, this "constructivist" view of justice. They characterized it as relative, contingent and linked to prevailing interests. Protagoras' famous saying that "Man is the measure of all things, of the things that are as to "how" they are, and of things that are not, as to how they are not" (Kerferd 1981) is a deep commitment to criticizing any instances of "a view from nowhere", any essentialist, universal/izing, transcendental, objective configurations of Man, virtues, values and reality. An anticipation of Sandel's (1998) critique of liberal justice and of the "unencumbered man" which it presupposes. Similarly, stating that "justice is nothing other than the advantage of the stronger"⁷⁹ may be seen to refer to the conviction that each form of government/governance tends to re-produce the extant power relations through laws tailored to the interest of the ruling class.

This relation of justice to contingency and circumstance⁸⁰ (both of place, time and culture) is inextricably linked to equity, so that the severance of the link between to two has operated functionally towards allowing the disembedding of justice from, ultimately, people. At the same time Justice enters the realm of Law. As such, universal and "juridified", it can become a "mode of hegemony", an instrument of the dominant social group, either towards forming/re-forming the historic bloc, or towards the maintenance of its stability.

Concluding: Mythos, ethos and ecology

Both a people's character/vision and its conventions/norms of appropriate conduct emerge from *mythos*. And both *nomos* and *ethos* apply not only to the social-relational plane, but also to various technical domains in the form of rules, knowledges and rituals (Havelock 1978, Ong 2002, Burke 1969). As the "common consciousness [of a people.] they correspond to the literate notion of equity" (Havelock 1978). Given the fundamental linkages between both *nomos* and *ethos* with place, and by way of articulating possibilities and proprieties of socio-technical configurations, their scope encompass *both* natures and cultures in particular ways. Different *ethe* map to different sets of dispositions and values, and by their localization, they also significantly express different relational engagements with particular ecologies. Traditionally localized *ethe* function mostly through ecological exchanges (with nature) rather than economic exchanges (with markets), which determines a

76 Havelock (1978) suggests how oral justice is a rule of propriety embedded in action.

77 In the traditionalist, social conservative frame of mind of oral societies, what is done *is* what is right

78 Underlying universal/izing justice

79 As Thrasimachus says in Plato's republic. Translation by Grube and Reeve 1997, as quoted in SEP 2004

80 Which is quite different from relativism, as it does not depend on the individual whim, but rather is an evolving socially shared convention. Its contingency resides in its fluidity across time and space

necessary harmonization of cultural and ecological times and rhythms, in order to “guarantee an uninterrupted flow of goods, materials, and energy from ecosystems” (Toledo 1999).

Latour (1993) reinforces this point, by submitting that “[f]or each Society there exists a corresponding state of Nature⁸¹. Moreover, traditional/indigenous societies/*ethé* possess a “unified” vision of nature-cultures: “it is the impossibility of changing the social order without modifying the natural order – and vice versa – that has obliged the premoderns⁸² to exercise the greatest prudence⁸³” (Latour 1993). It is significant to note how the situatedness of *ethos* within a specific “socio-ecological place” provides solid grounding for an embodiment of justice which applies to the whole nature-culture. Further, Toledo (1999) shows the clear and solid linkage between cultural and biological diversity, centered around indigenous nature-cultures⁸⁴. Yet these local, indigenous knowledges and the related articulations of localized nature-cultural justice(s) are threatened by the globalizing Justice of hegemonic UNCR: universal/izing Ethics (Justice) threatens local *ethé*.

Climate change, while global as a scientific and economic problem of accumulation⁸⁵, is local in his socio-ecological effects. This global-local cleavage allows “global benefits” of GHGs reduction - and of “climate and development financing⁸⁶” - to stem from “substitutions”. Projects such as large carbon-absorbing mono-culture plantations of alien fast-growing tree species⁸⁷ substitute/compensate for the destruction of *loca*/livelihoods, as a consequence of land expropriation and displacements are either obfuscated or “compensated⁸⁸” (World Rainforest Movement 2001, CDM Watch 2004).

Indeed climate policy, being predominantly abstract and global, destroys time and again local justice(s). Smith (2000) calls these justices moral geographies. Recognition that extraction and accumulation draw resources - both human and natural, both time and space - towards the core, leaving peripheral, marginal places in “poverty”, with a loss of geographical, cultural, economic, social and political diversity, becomes then crucial. (Re-)distributing (some of) the benefits of this time/space appropriation only increases the gap between Justice and justice(s). When monetary distribution/compensation predominates, peripheral places are drawn within the global capitalist flows, losing the ability to cope independently. This incorporation of nature-cultures within global markets and the global circuit of capital is a natural consequence of the “enforcement” of universal/izing justice, which penetrates through financial flows, the right to development, and through its inevitable technological dimension. With the implications illustrated above. The UNCR provides the legal and technical means. Justice the ethical justification.

The global/izing dimension of UNCR’s climate policy, enhances and furthers that process of socio-ecological disembedding identified by Polanyi (2001) as one of the crucial elements of the “great transformation” spawned by the rise of industrial capitalism. Merchant (1989) describes in details the same process of disembedding and enclosure occurring in England in “farm, fen and forest”. She describes in particular the effects on the environment of the transition “from peasant control for the purpose of subsistence to capitalism control for the purpose of profit”. This transition, Merchant shows, is instrumental to the emergence of a mechanistic view of nature, which ultimately justified the pillaging of time/space for the

81 And, conversely, “[f]or each Nature there exists a corresponding state of Society”

82 Latour use of terms such as modernity and premodernity is peculiar. However, Latour’s premodern may correspond to indigenous, oral, embedded, in – respectively – the disciplines of ethnology (as in Levi-Strauss or Toledo), literary studies (as in Havelock or Ong) and political economy (as in Polanyi). In all cases there is a clear radicalization of peoples with places, and the appreciation of reality is “totalizing”, rather than artificially broken into the nature versus culture dualism.

83 In line with Toledo’s analysis of the mutually sustaining relation between cultural and biological diversity (Toledo 1999)

84 The preservation of biological diversity, Toledo argues, is necessarily predicated on cultural diversity. This represents a “bio-cultural axiom”, based on the following evidences: “geographical overlap between biological richness and linguistic diversity and between indigenous territories and biologically high-value regions (actual and projected protected areas), recognized importance of indigenous peoples as main managers and dwellers of well-preserved habitats, and certification of a conservationist-oriented behavior among indigenous peoples derived from its pre-modern belief-knowledge-practices complex” (Toledo 1999)

85 Respectively of GHGs in the atmosphere and of capitalist profits

86 Such as the CDM

87 Such as Oil palm, Eucalyptus, Pine

88 With the benefits of “development” accruing in the form of industrial agriculture, jobs creation, earning of foreign currency through commodity export or the carbon markets (CDM or private offset)

purpose of capitalist accumulation. And this transition, we argue(d), maps onto a transition from local justice(s) to universal/izing Justice.

Ivan Illich (1980b) has aptly carved the difference between universal peace and people's peace, which is useful in this context. "War", he argues, "tends to make cultures alike whereas peace is that condition under which each culture flowers in its own incomparable way. From this it follows that peace cannot be exported; it is inevitably corrupted by transfer; its attempted export means war". In a similar manner we can draw the difference between universal/izing Justice and the manifold justice(s) expressed by local *ethe*. It naturally follows that any articulation of justice which is abstracted from its nature-cultural context has a disruptive, "belligerent" potential. Critical resistance groups counter this abstraction by opposing, for example, "food sovereignty"⁸⁹ to "food security". This fundamentally implies people's control over their means of subsistence, and rejects the professional satisfaction of needs (as in food security) which naturalizes the global capitalist agroindustry, and its production, distribution and exchange methods, processes and social power relations. Along these lines, climate justice(s) must necessarily entail people's sovereignty, autonomy, self-coping. A people's equity, akin to Illich's people's peace, and instrumental for the long-term sustainability of both social and ecological (climate) "(dynamic) proprieties". In the end, climate justice must foster sovereign nature-cultures: recalling Waltzer (1983), "every substantive account of [...] justice is a local account [...] Justice is rooted in the distinct understandings of places, honors [...] things of all sorts, that constitute a shared way of life. To override those understandings is (always) to act unjustly".

89 For example, La Via Campesina: "Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems" See the *Declaration of the Forum for Food Sovereignty, Nyéléni 2007*.

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