

Climate justice: two approaches

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This review looks at Naomi Klein's book and Henry Shue's latest and perhaps finest books on climate justice. Shue approaches climate justice from a top-down perspective – examining the governance mechanisms that could lead to justice while Klein takes a bottom-up approach focused on movements of resistance claiming justice from below.

Henry Shue's *Climate justice: vulnerability and protection* is an excellent collection of essays written over twenty years.¹ Each article slightly shifts focus in response to the Conferences of the Parties (COPs), over the course of the UN Framework Convention on Climate Change (UNFCCC), reports from the International Panel for Climate Change (IPCC) highlighting new issues that have appeared (such as acidification of the oceans), and the author's growing impatience with inaction at the United Nations and particularly in Washington DC. Geoengineering techniques, with their own set of moral and political issues, are mentioned, yet not analysed, while Naomi Klein dedicates one full chapter.² Henry Shue might concur with Naomi Klein that geoengineering is not plausible, and not even a desirable solution to climate change.

Shue is a well-known moral philosopher and expert on international relations, a US citizen and a fellow of



Merton College, University of Oxford. He has also written on war and torture. Shue started to write on climate change in the early 1990s. As many others, he was impressed by Anil Agarwal's and Sunita Narain's booklet, *Global Warming in an unequal world: a case of environmental colonialism* (1991), from which he borrowed a basic tenet of distributive justice in an environmental context, namely that there are subsistence or necessary emissions of carbon dioxide and there are "luxury emissions". The emissions from impoverished people from the use of biomass for food and

- 1 Shue, Henry, *Climate Justice: Vulnerability and Protection*. Oxford University Press, Oxford, 2014, xii+353 pp.
- 2 Hamilton, Clive, *Earthmasters. The Dawn of the Age of Climate Engineering*, Yale U.P., New Haven, 2013.

cooking cannot certainly be reduced. It would not be right to ask poor people to decrease their emissions, which they could only do by giving up meagre meals cooked with fuel wood or dung. The reduction effort should be made by the rich.

As the clearly written and beautifully argued book moves along, other new ideas appear, like that of “excess encroachment”. Excessive emissions of greenhouse gases imply a unilateral appropriation of sinks, whether they are new vegetation, oceans or the atmosphere as a temporary deposit. Not only are emissions historically and at present very unequally distributed, positive harm is also being done to the environment. Is there or could there be a system of international justice that could be applied, as in the case of crimes of torture or war crimes? For instance, lawsuits based on actual or potential damage caused by climate change have caused concern among governments of wealthy states or fossil fuel companies, as in the Kivalina village vs. Exxon court case (2008). Nevertheless, the US representative, Todd Stern, at the COP in Copenhagen in 2009 clearly stated that he recognised the US historical role in putting emissions in the atmosphere but his government had no sense of guilt or culpability, and he objected to the word “reparations”. However, contrary to this view, Shue believes that a principle of “strict liability” could become operative as it is already operative in the domestic environmental legislation in the US and the EU. Shue distinguishes between punishment and responsibility – rich industrial countries are certainly responsible for accumulated emissions.

‘Bottom up’ activism in the form of other court cases (Sousa Santos’ “subaltern legality”) or proposals from environmental groups in Nigeria and Ecuador since 1997 on “leaving oil in the soil” for local and global reasons, demands for repayment of the ecological debt and/or the climate debt to the Global South since 1992 (including payments for “loss and damage”, in the official parlance of the COPs), are left aside by Shue.³ They could easily be taken up. One can ask, why are they left aside? Why no mention of Ogonization and Yasunization? Why no mention of the fact that in Copenhagen, in the official conference, several heads of state and government mentioned the “climate debt”, or the “ecological debt”?

Olivier Godard has argued that insistence on repayment of the climate debt has not only irritated wealthy countries but has also been counterproductive for the success of international negotiations. Others have argued that using the climate debt to put pressure on the wealthy countries would be the best contribution from the global South in the negotiations. Shue does not engage with this debate in all its amplitude although he argues in favour of subsidies to be given for non-carbon energy sources for those suffering from “energy poverty”.

International agreements on climate change are needed to prevent harm. Uncertainties (whether real or “manufactured”) are no reason for inaction; we cannot reasonably ask for quantitative risk analysis of all contingencies. Shue makes these points, arguing also that economics of climate change does not provide

³ Warlenius, R., Pierce, G., Ramasar, V. Reversing the arrow of arrears: The concept of “ecological debt” and its value for environmental justice, *Global Environmental Change*, 30 (21-30), 2015

good guidance for action in international agreements. Shue believes more in non-marketable rights than in utility — that is, there are not always trade-offs. He appropriately mentions Cline and Howarth as economists who ask for very urgent action against climate change and who dispute the pertinence of a discount rate. So far so good. However (and this is a minor point), at the end he relents and praises Nicholas Stern's neoclassical description of climate change as 'the largest market failure' ever (instead of one of the largest infringements of rights ever). Shue rightly disagrees with the application of the Ramsey's rule of discounting (linked to the problem of the optimal or 'just' rate of savings) because we can no longer assume that there will be economic growth. However, Nicholas Stern also discounts the future (although much less than Nordhaus) precisely because of this assumption. Why does Shue not criticize Nicholas Stern's discounting?

The book proceeds by considering the virtues and the shortcomings of the Kyoto Protocol of 1997 that allocated property rights on carbon sinks to rich countries in exchange for a promise of small reductions in emissions. Kyoto was a relatively easy way out of a historical moral debt. However, it was not ratified by the US Senate. Shue proceeds to disentangle the meanings and modalities of state sovereignty showing how sovereignty cannot be used to escape international obligations in this field.

The book started by pointing out the great differences in carbon dioxide emissions between poor and

rich people. Shue rightly insists that climate policy is also energy policy. There are great differences in the use of energy between people. We all need a minimum of energy as food energy ("endosomatic" use energy, as Alfred Lotka said, or "vital energy" as Frederick Soddy, the Nobel Prize and also a fellow of Merton College, wrote in his books on energy and the economy). We also all need a minimum of "exosomatic" energy, and we must avoid taxes or cap-and-trade rules on emissions that might produce "energy poverty".

Many people in the world must and will still increase their energy use. Meanwhile carbon dioxide concentrations in the atmosphere have reached 402 ppm (it was barely 300 ppm when the anthropogenic greenhouse effect was described by Arrhenius in 1896). It took a long time for climate change to become a moral, economic and political issue. There is an unjust distribution of emissions, harm is and will be produced and the problem looms larger and larger because what matters is the accumulated stocks of carbon dioxide in the atmosphere. So even if "peak carbon dioxide emissions" is reached (as in the former Soviet Union in 1990 or in Spain because of the economic crisis of 2008), this comes too late. The book ends on this realistic note, asking whether industrial civilization has committed an "unforgivable sin". Shue does not seem to be aware or think that it is significant that there is a climate justice movement. He could have acknowledged it, and tried to explain its promises or shortcomings, but he does not.

Another approach to addressing climate change

Naomi Klein's *This Changes Everything* is written in a different style. It is a powerful call from Canada for reinforcing the existing global movement for climate justice. The book puts climate change at the centre of politics on the road to the impending COP in Paris in 2015. It denounces the inaction of the United Nations during and after Copenhagen 2009, and the failure of top world politicians to face the issue. Naomi Klein first became interested in the climate debt in 2009 inspired by the young Bolivian ambassador to the UN in Geneva, Angelica Navarro. She concurs with Shue that Agarwal and Narain's discussions of climate injustice in 1991 were a powerful points of departure. She quotes Sunita Narain saying, 25 years later, "I am always being told — especially by my friends in America — that... issues of historical responsibility are something we should not talk about." Both Shue and Klein acknowledge that historical responsibilities are relevant.

Klein was at Copenhagen and protested alongside activists, but she has not been a keen follower of the COPs. She has read many reports, including IPCC reports, and she has travelled extensively. She explains with good humour her participation as an invited (or uninvited?) guest at the Heartland conferences reuniting politically motivated climate change deniers, and also at a retreat of top experts on geoengineering methods, like Ken Caldeira and David Keith, sponsored by the Royal Society in Chicheley Hall, a splendid country house in Britain shared on the same

days by the Audi motor company. She makes bitter fun of Nature Conservancy's oil drilling in a nature reserve in Texas to which it got access on the excuse of preserving Attwater's prairie chicken. She believes in the environmentalism of the poor and the Indigenous much more than in the environmentalism of the Big Green organisations. Shue has not (yet) heard of the environmentalism of the poor and the Indigenous.

Her book is written following the methodology of action-research. It explains her forays up to the barricades and blockades against open cast gold mining in Greece by the Canadian Eldorado company and against shale gas fracking in Romania by Chevron, against oil pipelines in Canada and into the marshes of Louisiana to inspect the damage from the BP spill. Drawing on the reports of EJOLT and other sources, she reconstructs the true story of the proposal to leave oil in the soil in Ogoniland in the Niger Delta and in the Amazon of Ecuador, and the founding of Oilwatch in 1995 which already combined local resistance to the fossil fuels industry with an emphasis on "unburnable fuels" that we should leave untouched if increased concentration of carbon dioxide in the atmosphere is to be avoided.

The book includes travel to the Alberta oil sand devastation and participation in the "cowboy and Indian" resistance to the Keystone XL and other pipelines where cowboys and the Indians were on the same side. It shows the resistance movements against fracking in France and elsewhere (because of methane emissions, and local harm to water and landscapes), and

also the resistance to mountaintop coal removal. Naomi Klein, no doubt, could have travelled even more, she could have visited other awful coal mines in India and China to reinforce her point on the potential convergence of local and global resistance to the fossil fuel industry. But she has travelled enough — and while writing this book she was also trying to have a baby, now a toddler, Toma. She went through a couple of miscarriages. She devotes some pages to these events so normal in women’s lives but also so very demanding. It is unusual that they would appear in a book on climate justice but she wants us (her thousands of readers) to know her better as a person, to think about social reproduction and care, and also she wants to show the power of regeneration of life as shown in her own intimate experience.

The right to regenerate echoes George Bataille’s optimistic view in *La Parte Maudite* (The Accursed Share) on the energy surplus created by flows of photosynthesis as opposed to the squandering of the finite stocks of fossil fuels. She is not a doomsayer. Her labours, her written work and documentaries are not only for the social movements at present, they are also for our children and grandchildren, and for the benefit of life on the planet. She quotes Article 71 of the Constitution of Ecuador on the Rights of Nature, including the obligation to respect and restore the regenerative powers of Nature. The “right to regenerate” is a keyword in this book.

While Naomi Klein calls explicitly for a global climate justice movement, she does not give detailed

instructions on how to get it going and how we should proceed. Should we go to Paris in 2015? There is no obvious need for this because many environmental movements already exist. However, perhaps some of us should also demonstrate in the streets of Paris. The movement against climate change must be open to other movements, for instance, a universal citizens’ income that puts the whole socio-economic system in question. It must be a movement as vigorous and successful as anti-slavery was, and feminism has been, and even more.

The movement must be self-aware, placing climate change at the centre, “the thing that changes everything” — as she came to realise after her two previous famous books, *No Logo* (2000) and *The Shock Doctrine* (2008). If we are to continue suffering the insufferable COP meetings, if the radical languages of climate debt and ecological debt (and now, perhaps, of “loss and damage”) are not accepted by wealthy countries in the international official meetings, it would be because the environmental movement became weak or was bought off.

Klein charts the decline of environmentalism from the 1960s onwards. In North America, after Rachel Carson’s *Silent Spring* was published in 1962, it achieved some legislative and practical successes, listed in the book, and which were reinforced in the 1980s by the environmental justice movement that fought against environmental racism. Its strength was lost in the neoliberal era of Ronald Reagan in the US, and later with Stephen Harper in Canada.

We need to address the structural causes of climate change, but there can be no win-win game with those who defend an economic model based on fossil fuels, starting with the multinational oil companies.

The self-regulating market became a triumphant political slogan, today weakened in the wake of the financial and economic crisis of 2008. Schemes for carbon trading markets were proposed in Europe, but failed. She argues that it is therefore time for more radical policies — but they will not come from ineffectual politicians like Obama, or from the UN. It is *capitalism vs the climate*.

According to Klein (but not to Shue, who writes for academics and certified policy makers), the historical and very urgent task of decreasing greenhouse gas emissions falls mainly on the many grassroots movements that form networks drawing their strength from the battles on the ground against the private or public fossil fuel companies, against their wells, their pipelines and sea carriers, their refineries and thermal power stations. However, Klein's book is not only a call to action. It contains also careful explanations of the chemistry and the political economy of climate change in 70 pages of footnotes. It is an inspiring book. Towards its end (p. 449-450), Klein writes:

*In December 2012, Brad Werner... made his way through the throng of 24,000 earth and space scientists at the Fall Meeting of the American Geophysical Union in San Francisco... Werner's own session... was titled "Is the Earth F**ked?"... Standing in front of the conference room, the University of California, San Diego professor took the crowd through the advance*

*computer model he was using... He talked about system boundaries, perturbations, dissipation, attractors, bifurcations... in complex systems theory. But the bottom line was clear enough... When a journalist pressed Werner for a clear answer on the "Is the Earth F**ked" question, he set the jargon aside and replied, "More or less". There was one dynamic in the model, however, that offered some hope. Werner described it as "resistance"... this includes "environmental direct action, resistance taken from outside the dominant culture, as in protests, blockades and sabotage by Indigenous peoples, workers, anarchists and other activist groups"... along the lines of the abolition movement and the civil rights movement... The likeliest source of "friction" to slow down the economic machine that is careening out of control.*

As Walter Benjamin might have said, such movements of resistance must go beyond exercising some "friction"; they must vigorously pull down the emergency brakes in the economic engine that is producing more and more greenhouse gases. The Anthropocene is the era in which humankind has become a geological force spoiling the face of the Earth, but it could still be the era where humankind, through its local and global resistance movements, stops climate change and helps regenerate the diversity and richness of life on Earth.