

From Copenhagen to Cancún to Durban, Deckchair Shifting on the Climate Titanic

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It was 4am on December 11, 2010, in balmy Cancún, that ultra-protected, unsustainable bubble of hedonism in a sea of Mexican poverty. Champagne corks popped and the victory of enlightened humanity over nature was declared. The 16th Conference of the Parties of the United Nations Framework Convention on Climate Change (UNFCCC) finally concluded to thunderous self-applause and elite back-slapping. With a sigh of relief, the global climate summit was portrayed by most participants and mainstream journalists as a “step forward”. Bragged US State Department lead negotiator Todd Stern, apparently beyond caring about WikiLeaks’ disclosure of Washington’s bullying tactics two weeks earlier, “Ideas that were first of all, skeletal last year, and not approved, are now approved and elaborated.”¹

Those ideas were largely aimed at resurrecting the legitimacy of market ideology in order to turn a medium/long-term system-threatening prospect (already responsible for extreme immediate damage such as witnessed in Pakistan, Russia and China in 2010 and Australia in early 2011) into a short-term source of commodification, speculation and profit. Exactly a year earlier, near-universal elite despondency was expressed when the non-binding, low-target, deliberately-vague Copenhagen Accord was signed in a small Bella Centre backroom by five countries’ leaders, to the howls of criticism from the general public and the crash of carbon markets.²

In Cancún, a mood of optimism was restored for future rounds of global climate negotiations, though everyone knew the deal would not even begin to address the requirements of climate science. Crunch time would come at the next meeting of heads of state and ministers, in steamy Durban in the dogdays of a South African summer in November-December 2011, at the end of the penultimate year before the expiry of the Kyoto Protocol’s targets. Many predict that Durban will see Kyoto itself effectively expire instead of moving to a second stage of broader, deeper commitments.

¹ Jeff Tollefson, “Last-Minute Deal Saves Climate Talks”, *Nature* 468, 875-876, 13 December 2010.

² Patrick Bond, “Maintaining Momentum after Copenhagen’s Collapse”, *Capitalism Nature Socialism*, 21, 1, 2010.

But in Cancún, spirits rallied for those who promote “global governance” – which in reality has meant coordinated world agreements to liberalize capitalism – even if only because a shot of adrenalin was pumped into their near-lifeless market-oriented climate strategies. The elites’ positive spin was based on reaching an international consensus (although Bolivia formally dissented) and establishing a few new instruments to manage the climate crisis using capitalist techniques. Cancún’s defenders argue that the last hours’ agreements included acknowledgements that emissions cuts should keep world temperature increases below 2°C, with consideration to be given in future to lowering the target to 1.5°C. Negotiators also endorsed several principles and practices: greater transparency about emissions; a Green Climate Fund led initially (though perhaps permanently) by the World Bank; the introduction of forest-related investments; transfers of technology for renewable energy; capacity-building; and a strategy for reaching legally-binding protocols in future.³

According to UNFCCC head Christiana Figueres, formerly a leading carbon trader, “Cancún has done its job. Nations have shown they can work together under a common roof, to reach consensus on a common cause.”⁴ The pages below argue that the Cancún job’s “common cause” was *climate injustice*. Figueras and the Mexican leaders were skilled diplomats in a context of desperation, to be sure. But they allowed financiers, industrial capitalists, fossil fuel corporations and states to cement in the kinds of climate strategies that will make real solutions that much harder to achieve. What Mike Davis argued for the earlier rounds thus applies even more so to Cancún:

Climate diplomacy based on the Kyoto–Copenhagen template assumes that, once the major actors have accepted the consensus science in the UN Intergovernmental Panel on Climate Change (IPCC) reports, they will recognize an overriding common interest in gaining control over the greenhouse effect. But global warming is not H. G. Wells’s *War of the Worlds*, where invading Martians democratically annihilate humanity without class or ethnic distinction. Climate change, instead, will produce dramatically unequal impacts across regions and social classes, inflicting the greatest damage upon poor countries with the fewest resources for meaningful adaptation. This geographical separation of emission source from environmental consequence undermines pro-active solidarity. As the UN Development Programme has emphasized, global warming is above all a threat to the poor and the unborn, the “two constituencies with little or no political voice”. Coordinated global action on their behalf thus presupposes either their revolutionary empowerment – a scenario not considered by the IPCC – or the transmutation of the self-interest of rich countries and classes into an enlightened “solidarity” with little precedent in history.⁵

³ For an optimistic interpretation from the green-left, see the International Forum on Globalization, “Analysis and Resources on Cancún”, <http://ifg.org/programs/climatechange/cop16Cancún.html>

⁴ United Nations Environment Program, “Press Release: UN Climate Change Conference in Cancún delivers balanced package of decisions, restores faith in multilateral process,” New York, 11 December 2010, <http://www.unep.org/climatechange/News/PressRelease/tabid/416/language/en-US/Default.aspx?DocumentId=653&ArticleId=6866>.

⁵ Mike Davis, “Who will Build the Ark?”, *New Left Review* 61, January/February 2010.

Cancún: Step Forward, *Status Quo* or Step Back?

Look soberly at what was required to reverse the frightening trajectory of temperature, rainfall and extreme weather dynamics, versus what was actually delivered. Negotiators in Cancún's luxury Moon Palace hotel complex failed, by any reasonable measure. As Bolivian President Evo Morales complained,

It's easy for people in an air-conditioned room to continue with the policies of destruction of Mother Earth. We need instead to put ourselves in the shoes of families in Bolivia and worldwide that lack water and food and suffer misery and hunger. People here in Cancún have no idea what it is like to be a victim of climate change.⁶

For Bolivia's UN ambassador Pablo Solon, Cancún "does not represent a step forward, it is a step backwards", because the non-binding commitments made to reduce emissions by around 15 percent by 2020 simply cannot stabilize temperature at the "level which is sustainable for human life and the life of the planet."⁷ As he later wrote in *The Guardian*, "Anyone who has seen the science on climate change knows that the Cancún agreement was irresponsible."⁸

The Bolivian team summed up the eight shortcomings of Cancún:

- Effectively kills the only binding agreement, Kyoto Protocol, in favour of a completely inadequate bottom-up voluntary approach
- Increases loopholes and flexibilities that allow developed countries to avoid action, via an expansion of offsets and continued existence of "surplus allowances" of carbon after 2012 by countries like Ukraine and Russia which effectively cancel out any other reductions.
- Finance Commitments weakened: commitments to "provide new and additional financial resources" to developing countries have been diluted to talking more vaguely about "mobilising [resources] jointly", with expectation that this will mainly be provided by carbon markets
- The World Bank is made trustee of the new Green Climate Fund, which has been strongly opposed by many civil society groups due to the undemocratic makeup of the Bank and its poor environmental record
- No discussion of Intellectual Property rights, repeatedly raised by many countries, as current rules obstruct transfer of key climate-related technologies to developing countries
- Constant assumption in favour of market mechanisms to resolve climate change even though this perspective is not shared by a number of countries, particularly in Latin America

⁶ John Vidal, "Bolivia's defiant leader sets radical tone at Cancún climate talks", *Guardian*, 11 December 2010.

⁷ Scott Harris, "Environmentalists: Agreement Reached at Cancún Climate Summit Nonbinding and Dangerously Inadequate", *Between the Lines*, 13 December 2010, <http://www.btlonline.org/2010/seg/101224af-btl-naidoo.html>.

⁸ Pablo Salon, "Why Bolivia stood alone in opposing the Cancún climate agreement," *Guardian*, 21 December 2010.

- Green light given for the controversial REDD (Reducing Emissions from Deforestation and Forest Degradation) programme which often ends up perversely rewarding those responsible for deforestation, while dispossessing indigenous and forest dwellers of their land
- Systematic exclusion of proposals that came from the historic World Peoples' Conference on Climate Change including proposals for a Climate Justice Tribunal, full recognition of indigenous rights, and rights for nature.⁹

Similar dismay and anger were expressed in civil society, including by Meena Raman, who directs the Malaysia-based Third World Network: "The mitigation paradigm has changed from one which is legally binding – the Kyoto Protocol with an aggregate target which is system-based, science based – to one which is voluntary, a pledge-and-review system."¹⁰ As El Salvadoran Friends of the Earth leader Ricardo Navarro lamented, "What is being discussed at the Moon does not reflect what happens on Earth. The outcome is a Cancúnhagen that we reject."¹¹

Most specialists agree that even if the unambitious Copenhagen and Cancún promises are kept (a big if), the result will be a cataclysmic 4-5°C rise in temperature over this century, and if they are not kept, 7°C is likely. Even with a rise of 2°C, scientists generally agree, small islands will sink, Andean and Himalayan glaciers will melt, coastal areas such as much of Bangladesh and many port cities will drown, and Africa will dry out or in some places flood.¹² Politicians and environmental officials were warned often enough by climate scientists, but remain beholden to powerful business interests lined up to either promote climate denialism (especially the petroleum/coal firms), or to generate national-versus-national negotiating blocs racing to gain the most emission rights. As a result, in spite of a band-aid set of agreements, the distance between negotiators and the masses of people and the planet grew larger not smaller in Cancún.

Africans Armtwisted by Washington, Paris and Pretoria

The experience of African negotiators at Copenhagen and afterwards was rather revealing, given what had seemed to be prospects for a more progressive outcome, harking back to precedents in Seattle (1999) and Cancún (2003). Aside from small island states drowning and the glacier and snow and water supplies of the Andes, Himalayas and other mountains drying, it is common cause that Africa will be the continent most affected by climate change. According to UN Intergovernmental Panel on Climate Change director R.K. Pachauri, "crop net revenues could fall by as

⁹ Nick Buxton, "Cancún Agreement Stripped Bare by Bolivia's Dissent," Transnational Institute, December 2010, <http://www.tni.org/article/Cancún-agreement-stripped-bare-bolivias-dissent>.

¹⁰ Meena Raman, "Cancúnhagen lets Rich Countries off the Hook", *MRzine*, 10 December 2010, <http://mrzine.monthlyreview.org/2010/raman111210.html>.

¹¹ Friends of the Earth, "Press Statement: Cancúnhagen Forces Humankind to Suicide!", Cancún, 10 December 2010, <http://www.ggjalliance.org/node/631>.

¹² Global Humanitarian Forum, "The Human Impact of Climate Change," New York, 2009, http://www.global-humanitarian-climate-forum.com/uploads/An__Impacts.pdf.

much as 90 percent by 2100.”¹³ Climate damage to Africa will include much more rapid desertification, more floods and droughts, worse water shortages, increased starvation, floods of climate refugees jamming shanty-packed megalopolises, and the spread of malarial and other diseases. Ironically, the two relatives of two signatories of the Copenhagen Accord, Barack Obama and Jacob Zuma – the Luo and Zulu in rural Kenya and KwaZulu-Natal, respectively – will be amongst its first victims.

In this context, the continent’s main negotiating body, the African Union, was twisted and U-turned from what, in the period June-November 2009, was a militant position, into capitulation. In one Copenhagen session, the lead G77 negotiator, Lumumba Di-Aping, “sat silently, tears rolling down his face,” according to a South African report. Di-Aping said, simply, “We have been asked to sign a suicide pact,” explaining that in his home region, it was “better to stand and cry than to walk away.”

Speaking in measured tones, Di-Aping first attacked the 2 degrees C warming maximum that most rich countries currently consider acceptable. Referring continuously to science, in particular parts of the latest IPCC report (which he referenced by page and section) he said that 2 degrees C globally meant 3.5 degrees C for much of Africa. He called global warming of 2 degrees C “certain death for Africa”, a type of “climate fascism” imposed on Africa by high carbon emitters. He said Africa was being asked to sign on to an agreement that would allow this warming in exchange for \$10 billion, and that Africa was also being asked to “celebrate” this deal.

He then went on to forthrightly address the weakness of many African negotiating delegations, noting that many were unprepared and that some members were either lazy or had been “bought off” by the industrialised nations. He singled out South Africa, saying that some members of that delegation had actively sought to disrupt the unity of the bloc. He said that civil society needed to hold its negotiators to account, but warned of a long and difficult struggle for a fair climate deal (words to the effect of “you have no idea of the powers that are arrayed against you”, spoken in the tone of someone who has spent years interacting with these powers.)

He said that people all over the world had to be made aware of what a bad climate deal means for Africa (“I am absolutely convinced that what Western governments are doing is NOT acceptable to Western civil society”). He explained that, by wanting to subvert the established post-Kyoto process, the industrialised nations were effectively wanting to ignore historical emissions, and by locking in deals that would allow each citizen of those countries to carry on emitting a far greater amount of carbon per year than each citizen in poor countries, would prevent many African countries from lifting their people out of poverty. This was nothing less than a colonisation of the sky, he said. “\$10 billion is not enough to buy us coffins”.¹⁴

¹³ R.K. Pachauri, “Summary of Testimony Provided to the House Select Committee on Energy Independence and Global Warming,” US Congress, Washington DC, 2008, globalwarming.house.gov/tools/assets/files/0342.pdf.

¹⁴ Adam Welz, “[Emotional scenes at Copenhagen: Lumumba Di-Aping @ Africa civil society meeting – 8 Dec 2009](http://adamwelz.wordpress.com/2009/12/08/emotional-scenes-at-copenhagen-lumumba-di-aping-africa-civil-society-meeting-8-dec-2009/),” blog post, 8 December 2009, <http://adamwelz.wordpress.com/2009/12/08/emotional-scenes-at-copenhagen-lumumba-di-aping-africa-civil-society-meeting-8-dec-2009/>

Di-Aping asked, poignantly, “What is Obama going to tell his daughters? That their relatives’ lives are not worth anything?” And agreeing with leading US climate scientist James Hansen that the Copenhagen deal on offer was “worse than no deal”, Di-Aping concluded, “I would rather die with my dignity than sign a deal that will channel my people into a furnace.”¹⁵ In the final plenary session, Di-Aping called the Copenhagen Accord “an incineration pact in order to maintain the economic dependence of a few countries. It’s a solution based on values that funnelled six million people in Europe into furnaces.” He was strongly condemned by Europeans including UK politician Ed Miliband for losing his diplomatic cool.¹⁶

Had more Africans had the courage to speak truth to power as did Di-Aping, Copenhagen might have had a very different outcome than what Zuma and Zenawi ultimately arranged. Going into the COP 15 climate summit, political dynamics were reminiscent of the Seattle World Trade Organisation (WTO) fiasco which taught civil society activists and African leaders two powerful lessons. First, working together, they had the power to disrupt a system of global governance that meets the Global North’s short-term interests against both the Global South and the longer-term interests of the world’s people and the planet. Second, in the very act of disrupting global malgovernance, major concessions could be won. The spectacular November 30 1999 street protest against the WTO summit’s opening ceremony is what most would still recall about Seattle: activists “locking down” to prevent entrance to the conference centre, a barrage of tear gas and pepper spray, a sea of broken windows and a municipal police force later prosecuted for violating US citizens’ most basic civil liberties.¹⁷

That was outside. Inside the convention centre, negotiations belatedly got underway, and African leaders quickly grew worried that further trade liberalisation would damage their tiny industrial sectors. The damage was well recognized – an OECD study found Africa to be the continent that would suffer the worst net losses from corporate-dominated free trade. The US trade representative, Charlene Barchefsky, repeatedly insulted African elites who raised this point. With the exception of South Africa’s Alec Erwin, who enjoyed Green Room status hence an insider role to promote self-interest, the delegations from the Organisation of African Unity (OAU, since renamed the African Union) were furious. As OAU deputy director general V.J. McKeen told journalists:

They went out to a dinner in a bus, and then were left out in the cold to walk back. To tell you to the extent that when we went into the room for our African group meeting, I mean, there was no interpretation provided. And we are – you know, at least the English and French

¹⁵ Tamra Gilbertson and Ricardo Santos, “Confronting the Climate Circus,” *Red Pepper*, 12 December 2009, <http://www.redpepper.org.uk/Confronting-the-climate-circus/>.

Lumumba http://en.wikipedia.org/wiki/Lumumba_Di-Aping

¹⁶ Wikipedia, “Lumumba Di-Aping,” http://en.wikipedia.org/wiki/Lumumba_Di-Aping.

¹⁷ David Solnit and Rebecca Solnit (Eds), *The Battle of the Story of the ‘Battle of Seattle’*, Oakland, AK Press.

interpretation should have been there, so one had to improvise. And then even the facilities, the microphone facilities were switched off.¹⁸

As Tetteh Hormeku from the African Trade Network of progressive civil society groups reported,

By the second day of the formal negotiations the African and other developing-country delegates had found themselves totally marginalized. This arose mainly from the non-transparent and, some would say, unlawful practices adopted by the powerful countries, supported by the host country and the WTO secretariat.¹⁹

According to a statement issued by Hormeku and others in civil society, “African countries were not getting their positions and issues on the table for the simple reason that the table had been shifted away from the place where the negotiations were supposed to be taking place – the working groups – into exclusive Green Room discussions where they had no equal access.”²⁰ Hormeku recalled that his African Trade Network member colleagues

began to demand that their Northern NGO counterparts help focus attention on the outrageous practices of their various governments. The first concrete result was a joint press conference by the African Trade Network, Friends of the Earth, South Centre, Oxfam, the World Development Movement, Focus, Consumers International and New Economics Foundation. Here developing-country negotiators like Sir Sonny Ramphal (former Secretary-General of the Commonwealth) joined hands with NGO representatives to denounce the big-power manipulation of the WTO process. Many more African civil society organisations and governments spoke out.²¹

At that point, wrote Hormeku, “African countries thus joined the other developing-country groups in threatening to withdraw the consensus required to reach a conclusion of the conference. By this time, even the Americans and their supporters in the WTO secretariat must have woken up to the futility of their ‘rough tactics’.”²²

This strong will by Africans at least earned major concessions in the next WTO summit, in Doha, in November 2001. At the same time as the global justice movement began widening into an anti-imperialist movement in the wake of the USA’s post-9/11 remilitarization, African activists were delving deeper into extreme local challenges, such as combating AIDS. In Doha, African elites joined forces with activists again. For on this rare occasion, the positive catalyst was a South African government law – the 1997 Medicines Act promoted by then health minister Nkosazana Dlamini-Zuma – which permitted the state’s compulsory licensing of

¹⁸ Michael Carey, “Developing Countries’ Anger and Frustration at WTO,” *Australian Broadcasting Corporation*, 4 December 1999, <http://www.abc.net.au/am/stories/s70885.htm>.

¹⁹ Tetteh Hormeku, “Dirty Tactics in Seattle,” Penang, Third World Network, December 1999, <http://www.twinside.org.sg/title/deb4-cn.htm>.

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

patented drugs. In 1998, the Treatment Action Campaign (TAC) was launched to lobby for AIDS drugs, which were prohibitively expensive at \$15,000 per person per year. South Africa's HIV-positive population was more than 10 percent of the country's 50 million residents. That campaign was immediately confronted by the US State Department's attack on the SA Medicines Act: a "full court press", as State bureaucrats testified to the US Congress. Their aim was to protect intellectual property rights and halt the emergence of a parallel inexpensive supply of AIDS medicines that would undermine lucrative Western markets. US Vice President Al Gore directly intervened with SA government leaders in 1998-99, aiming to revoke the law.²³

But a chance to fight back soon emerged. In mid-1999, Gore launched his 2000 presidential election bid, a campaign generously funded by big pharmaceutical corporations (which in that election cycle provided \$2.3 million to the Democratic Party). As an explicit counterweight, TAC's allies in the US AIDS Coalition to Unleash Power began to protest at Gore's campaign events. The protests ultimately threatened to cost Gore far more in adverse publicity than he was raising in Big Pharma contributions, so he changed sides.

By 2001, even during the extremist reign of president George W. Bush and trade representative Robert Zoellick (now World Bank president), the WTO's Trade Related Aspects of Intellectual Property Rights system (TRIPS) was amended to permit generic drugs to be used in medical emergencies, such as AIDS, thus overriding brand monopolies. Doha was one of Africa's most crucial sites of struggle in multilateral negotiations, yet it would have been quite logical for Zoellick to oppose this concession, given the financial and political power of Big Pharma in Washington.

But that was not possible, because anthrax attacks on targets in New York and Washington a few weeks earlier – in the immediate aftermath of the 9/11 attacks on the World Trade Center and Pentagon – required US health authorities to acquire an emergency increase in the availability of an antidote, ciprofloxacin. The owner of the patent, Bayer "could not supply the US government with sufficient supplies of the medicine to meet the stockpiles the medical experts wanted. The US and Canadian governments threatened to override the Bayer patents to buy generic products," according to respected analyst James Love. That meant, he continued, that

the US negotiating position in the WTO talks was greatly compromised by its flirting with a compulsory license for anthrax. Millions of persons in developing countries were actually dying from AIDS and other diseases. The outcome of the negotiations was a remarkable seven-paragraph Doha Declaration on TRIPS and Public Health, which declared that patents

²³ Patrick Bond, "Globalization, Pharmaceutical Pricing, and South African Health Policy", *International Journal of Health Services*, 29, 4, 1999.

laws should be implemented in manner that promotes access to medicine by all. This was endorsed by all WTO members, including the US, in November 2001.²⁴

Even if it happened in part because of terrorism,²⁵ this was a huge victory for Africa, removing any rationale to continue to deny life-saving medicines to the world's poorest people. A substantial UN fund to buy generic AIDS medicines for low-income people soon followed (as did a controversial Bush administration initiative which linked drugs access to the imposition of conservative socio-cultural values). Then in 2003, with another WTO deal on the table in Cancún, and 30,000 protesters outside, once again the African leadership withdrew consensus, wrecking the plans of the US and Europe for further liberalization.²⁶

These precedents provided hope that, working together, Africans could address Copenhagen challenges. But the adverse balance of forces then prevailing did not permit any progress at Copenhagen. One of the greatest global justice movement gurus, South African poet Dennis Brutus, had sensed this and explored its implications quite frankly just three months before his death in December 2009 at age 85: "My own view is that a corrupt deal is being concocted in Copenhagen with the active collaboration of NGOs who have been bought off by the corporations, especially oil and transport. They may even be well-intentioned but they are barking up the wrong tree."²⁷ Instead of a bad deal, Brutus recommended that activists "seattle Copenhagen", i.e. the AU insiders work with civil society outsiders to prevent the North from doing a deal in their interests, against Africa's.

But the spirit of 1999 Seattle and 2003 Cancún was not found inside the AU delegation to the Copenhagen COP 15 in 2009 thanks mainly to Zuma and Zenawi, nor in 2010 in Cancún at the COP 16 mainly because the US had, in the meantime, put substantial efforts into bullying support for Copenhagen Accord sign-ons. The challenge for the Durban COP 17 will be to resurrect older WTO lessons where a combination of insider-outsider pressure was decisive. To do so will require removing the divisive pressures that, combining Washington's imperialism and Pretoria's subimperialism, have proven so debilitating in so many settings.

²⁴ James Love, "Preparing for Bird Flu?", *Huffington Post*, 19 October 2005, http://www.huffingtonpost.com/james-love/preparing-for-bird-flu-us_b_9126.html

²⁵ Apparently the man who was found to have mailed the anthrax envelopes was a mentally-disturbed US government official, Bruce Edwards Ivins, but ironically, the first "person of interest" identified by the US government in the case was a man who worked for the Rhodesian secret police (users of anthrax against black people and their cattle) and after Zimbabwe won independence in 1980, moved to South Africa where he attended meetings of the fascist Afrikaner group, the Afrikaner Weerstandbeweging, the fascist group headed by the late Eugene Terre'blanche. See Tony Weaver, "[*AWB sympathiser quizzed over anthrax killings*](#)", Daily News (South Africa), 1 July 2002.

²⁶ Gumisai Matumi, "Hope seen in the Ashes of Cancún," *Africa Recovery*, 17, 3, October 2003, <http://www.un.org/ecosocdev/geninfo/afrec/vol17no3/173wto.htm>.

²⁷ Patrick Bond, "Copenhagen Summit: 'Seattle'-Style Protests Needed", *GreenLeft Weekly*, 12 September 2009, <http://www.greenleft.org.au/node/42387>.

WikiLeaks and Climate Bribery

WikiLeaks provided revelations of US State Department secret cables in December 2010, just as the Cancún COP got underway. Several million dollars of US aid funding to Bolivia and Ecuador was withdrawn in early 2010 due to their leaders' opposition to the Copenhagen Accord, and small governments were "bullied, hustled around, lured with petty bribes, called names and coerced into accepting the games of the rich and emerging-rich nations," observed Soumya Dutta of the South Asian Dialogues on Ecological Democracy.²⁸

The strategy of Todd Stern and his US State Department colleagues became common knowledge thanks to disclosures of US diplomatic cables from February 2010. On February 11, EU climate action commissioner Connie Hedegaard told the US that the Alliance of Small Island States "could be our best allies', given their need for financing."²⁹ A few months earlier, the Maldives helped lead the campaign against low emissions targets, with a memorable photo stunt: an underwater cabinet meeting with leaders decked out in diving gear. But surprisingly, the Maldives leaders reversed course, apparently because of a \$50 million aid package arranged by US deputy climate change envoy Jonathan Pershing. According to a February 23 cable, Pershing met the Maldives' US ambassador, Abdul Ghafoor Mohamed, who told him that if "tangible assistance" were given his country, then other countries would realise "the advantages to be gained by compliance" with Washington's climate agenda.³⁰

The promised money is, however, in doubt. Hedegaard also noted with concern that some of the \$30 billion in pledged North-South climate-related aid from 2010-2012 - e.g. from Tokyo and London - would come in the form of loan guarantees, not grants. Pershing was not opposed to this practice, because "donors have to balance the political need to provide real financing with the practical constraints of tight budgets."³¹ Even while observing Washington's tendency to break financial promises, Ethiopian prime minister Meles Zenawi, the leading African head of state on climate, was also unveiled by WikiLeaks as a convert to the Copenhagen Accord. This appeared to be the outcome of pressure applied by the US State Department, according to a cable from February 2, 2010, when Zenawi asked for more North-

²⁸ Ananda Lee Tan, "Community Action versus Corporate Control," Global Alliance for Incinerator Alternatives, December 2010, <http://no-burn.org/Cancún-community-action-vs-corporate-control>.

²⁹ *The Guardian*, "US Embassy Cables: EU raises 'Creative Accounting' with US over Climate Aid", 3 December 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/249185>.

³⁰ *The Guardian*, "US Embassy Cables: Maldives tout \$50m Climate Projects to US," 3 December 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/251174>.

³¹ David Carrington, "WikiLeaks Cables reveal how US Manipulated Climate Accord", *The Guardian*, 3 December 2010, <http://www.guardian.co.uk/environment/2010/dec/03/wikileaks-us-manipulated-climate-accord>.

South resources in return, while also defending his tyrannical rule and jailing of opposition leadership to the State Department.³²

Washington legislative gridlock was not the only factor in the demise of the Kyoto Protocol in 2009-10, the WikiLeaks cables demonstrate; there was also active sabotage by the Obama administration. Indeed the disdain with which the US State Department and Nicolas Sarkozy's government in Paris held international treaties was revealed in another February 2010 cable released by WikiLeaks. Instead of respecting binding treaties like Kyoto, the Copenhagen signatories merely committed these weasel words: "We should cooperate in achieving the peaking of global and national emissions as soon as possible." Ambassador Charles Rivkin cabled to his Washington State Department bosses that French environment minister Jean-Louis Borloo believes

the key to advancing climate negotiations is to drop the notion of a legally binding treaty in favor of a system of national commitments. He also argued that it would be up to a small group of eight or ten heads of state, and their sherpas, to negotiate implementation of the Copenhagen Accord. Borloo attributed the European obsession with legally binding treaties to its post-war history and experience in creating the EU by progressively ceding sovereignty via treaty. The key to reaching this kind of deal would be credible action on tradable quotas, forests, and finance including innovative financing mechanisms...

Borloo insisted that UNFCCC COP negotiators did not have the ability to close a deal after years of ongoing negotiations. It was now up to the major heads of state. He suggested a group of eight or ten: Germany and France for Europe, the United States, China, India, Brazil, Algeria and Ethiopia (and possibly South Africa). Once these leaders, working through their sherpas or personal representatives agree on an implementation plan for Copenhagen, it will be largely acceptable to, and accepted by, the rest of the world, and can then be returned to a UN forum to be finalized.

According to Rivkin, Borloo's view was that the final climate deal "would include tradable emissions quotas (with linked carbon markets), a forestry mechanism (REDD Plus), and financing, including innovative financing and a fast start mechanism. He commented that China would agree to such a system as far preferable to a US and EU carbon border tax or tariff arrangement." As for support from elites representing the main climate victims? Borloo suggested that "most of Africa" and "three quarters of the island states" were subject to Western influence.³³

Nothing that occurred in Cancún reflected a diversion from the American agenda of sabotaging the Kyoto Protocol, except that perhaps surprisingly, Japan also signed on. Political choices of this sort, made by Obama, Clinton and their allies and underlings have a great deal to do with why Washington gridlock was amplified at global scale, via the Copenhagen Accord, and why elites will continue to have faith in carbon trading, no matter how many incidents of market failure and now ingrained

³² *The Guardian*, "US Embassy Cables: US urges Ethiopia to back Copenhagen Climate Accord," 3 December 2010, <http://www.guardian.co.uk/world/us-embassy-cables-documents/246644>.

³³ Andrew Willis, "Abandon hope for UN Climate Treaty, potential French President Believes," *Euroobserver*, 13 December 2010-, <http://euobserver.com/885/31490>.

corruption are uncovered. Any global negotiations aimed at a fair, ambitious and binding deal are obviously destined to fail under these circumstances.

Therefore, the elites' main hope is the introduction of sufficient divide-and-conquer strategies to slip in market mechanisms by stealth. An excellent example of how this strategy will continue to unfold is the financing of forest protection.

The REDD Wedge

Opposition to the abuse of trees as carbon sinks has long been a feature of climate justice political advocacy. By late 2009, the Reducing Emissions from Deforestation and Forest Degradation (REDD) program and the World Bank's Forestry Carbon Partnership Facility began to attract criticism from the Durban Group for Climate Justice in Copenhagen:

Like Clean Development Mechanism credits, they exacerbate climate change by giving industrialized countries and companies incentives to delay undertaking the sweeping structural change away from fossil fuel-dependent systems of production, consumption, transportation that the climate problem demands. They waste years of time that the world doesn't have. Worse, conserving forests can never be climatically equivalent to keeping fossil fuels in the ground, since carbon dioxide emitted from burning fossil fuels adds to the overall burden of carbon perpetually circulating among the atmosphere, vegetation, soils and oceans, whereas carbon dioxide from deforestation does not. This inequivalence, among many other complexities, makes REDD carbon accounting impossible, allowing carbon traders to inflate the value of REDD carbon credits with impunity and further increasing the use of fossil fuels.³⁴

The difficulty in getting REDD to serve carbon markets – especially the largest, the European Union's Emissions Trading Scheme (ETS) – as a source of genuine emissions reduction was due not only to accounting difficulties. Even the European Commission recognized this fatal flaw, after (according to its website) having “analysed the possibility of allowing credits from certain types of land use, land-use change and forestry projects which absorb carbon from the atmosphere. It concluded that doing so could undermine the environmental integrity of the EU ETS.” Amongst the other reasons were that there is no permanence in emissions reductions from forestry given that trees ultimately die and release carbon, hence “uncertainties, non-permanence of carbon storage and potential emissions 'leakage' problems arising from such projects.”³⁵

Adding forestry and land use investments to the ETS “would require a quality of monitoring and reporting comparable to the monitoring and reporting of emissions

³⁴ Durban Group for Climate Justice. “No REDD! No REDD Plus!: Durban Group for Climate Justice Statement against Schemes for Reducing Emissions from Deforestation and Forest Degradation,” Copenhagen, 23 December 2009.

³⁵ European Commission, 2010, “Questions and Answers on the Revised EU Emissions Trading System”, http://ec.europa.eu/clima/faq/ets/index_en.htm

from installations currently covered by the system. This is not available at present and is likely to incur costs which would substantially reduce the attractiveness of including such projects” and reduce “simplicity, transparency and predictability.” Finally, the Commission confessed, “the sheer quantity of potential credits entering the system could undermine the functioning of the carbon market unless their role were limited, in which case their potential benefits would become marginal.” For these reasons, any hopes that Cancún’s REDD breakthroughs would generate revitalized carbon trade were immediately dashed.³⁶

However, the political problems associated with REDD deserve even more scrutiny, given the divide-and-conquer potentials involved. According to Tom Goldtooth, director of the Indigenous Environmental Network, “Most of the forests of the world are found in Indigenous Peoples’ land. REDD-type projects have already caused land grabs, killings, violent evictions and forced displacement, violations of human rights, threats to cultural survival, militarization and servitude.”³⁷ For example, Goldtooth noted that Papua New Guinea native leader Abilie Wape “was forced at gun point to surrender the carbon rights of his tribe’s forest.” Confirms the London-based NGO Survival International, REDD could leave Indigenous Peoples “with nothing”.³⁸

The danger became even more evident in Cancún, because a pro-REDD “betrayal” there was “the consequence of an ongoing US diplomatic offensive of backroom deals, arm-twisting and bribery that targeted nations in opposition to the Copenhagen Accord,” alleged Goldtooth. “Such strategies have already proved fruitless and have been shown to violate human and Indigenous rights. The agreements implicitly promote carbon markets, offsets, unproven technologies, and land grabs – anything but a commitment to real emissions reductions.” As for the attraction of other indigenous groups to REDD, Goldtooth is scathing: “Language ‘noting’ rights is exclusively in the context of market mechanisms, while failing to guarantee safeguards for the rights of indigenous peoples, such as the full recognition of the UN Declaration on the Rights of Indigenous Peoples, including the standards of free, prior and informed consent.”³⁹

As the founder of watchdog NGO REDD-Monitor, Chris Lang, explained, attempts to reform the system at Cancún failed because, first,

Protecting intact natural forest and restoring degraded natural forest is not a ‘core objective’ of the REDD deal agreed in Cancún. We still don’t have a sensible definition

³⁶ *Ibid.*

³⁷ Indigenous Environmental Network, “Indigenous Leader Kidnapped and Forced at Gunpoint to Surrender Carbon Rights for REDD in PNG”, 14 January 2010, <http://www.indigenousportal.com/fr/Changements-climatiques/Indigenous-leader-kidnapped-and-forced-at-gunpoint-to-surrender-carbon-rights-for-REDD-in-PNG.html>.

³⁸ Durban Group for Environmental Justice, *op cit.*

³⁹ Climate Justice Now, “Cancún betrayal,” Cancún, 10 December 2010, <http://www.climate-justice-now.org/Cancún-betrayal-unfccc-unmasked-as-wto-of-the-sky/>.

of forests that would exclude industrial tree plantations, to give the most obvious example of how protecting intact natural forest isn't in there – also 'sustainable management of forests' is in there, which translates as logging.

Second, said Lang,

The rights and interests of indigenous peoples and forest communities are not protected in the Cancún REDD deal – they are demoted to an annex, with a note that "safeguards" should be "promoted and supported". That could mean anything governments want it to mean.⁴⁰

As a statement by chapters of Friends of the Earth from Latin America and the Caribbean concluded, "The new texts continue seeing forests as mere carbon reservoirs (sinks) and are geared towards emissions trading."⁴¹ In the same way, the Green Climate Fund was promoted by World Bank president Robert Zoellick, whose highest-profile speech to a side conference promised to extend the REDD commodification principle to broader sectors of agriculture and even "large charismatic species" like tigers, in a "Wildlife Premium Market Initiative" alliance with Russian leader Vladimir Putin.⁴²

That led to widespread protests, with demands that the World Bank be evicted from climate financing in part because under Zoellick the institution's annual fossil fuel investments rose from \$1.6 billion to \$6.3 billion, and in part because the Bank promotes export-led growth, resource extraction, energy privatisation and carbon markets with unshaken neoliberal dogma. According to Grace Garcia from Friends of the Earth Costa Rica, "Only a gang of lunatics would think it is a good idea to invite the World Bank to receive climate funds, with their long-standing track-record of financing the world's dirtiest projects and imposition of death-sentencing conditionalities on our peoples."⁴³

Notwithstanding these problems, however, some environmentalists (even Greenpeace International's South African leader Kumi Naidoo),⁴⁴ indigenous people's groups and Third World NGOs did buy into REDD, and well-funded Northern allies such as the market-oriented Environmental Defense Fund used divide-and-conquer tactics to widen the gaps.⁴⁵ The danger this presents was very real, parallel to the Clean Development Mechanism (CDM) strategy established at

⁴⁰ Chris Lang. Comments on www.grist.org, <http://www.grist.org/people/Chris+Lang>.

⁴¹ Friends of the Earth International, *op cit*.

⁴² Robert Zoellick, "World Bank Group President Robert B. Zoellick Remarks on REDD+", Washington, DC, 7 December 2010, <http://beta.worldbank.org/climatechange/news/world-bank-group-president-robert-b-zoellick-remarks-redd>.

⁴³ Friends of the Earth International, *op cit*.

⁴⁴ Kumi Naidoo, "A Good REDD Deal is a Green Light for Forest Protection," Amsterdam, Greenpeace International, 2 December 2010, <http://www.huffingtonpost.com/kumi-naidoo/a-good-redd-deal-is-a-green-light-for-forest-protection>.

⁴⁵ Chris Lang, "EDF Caught REDD-Handed," 9 December 2010, <http://www.redd-monitor.org/2010/12/09/environmental-defense-fund-caught-redd-handed/>.

the behest of US Vice President Al Gore in 1997, when he mistakenly (and self-interestedly) promised that the US would endorse the Kyoto Protocol if carbon trading was central to the deal. The dropping of finance into micro projects may well continue to fracture broader climate justice advocacy.

The Carbon Trading Cul-de-Sac

For REDD critics committed to climate justice, however, there was a certain satisfaction that the carbon markets that will ultimately host REDD (and that channel about 6 percent of their resources into CDMs) were falling apart by early 2011. Their flaws included rising levels of corruption, periodic chaotic volatility, and extremely low prices that were inadequate to attract investment capital into renewable energy and more efficient transport. Such investments minimally would cost the 2011 equivalent of €50/tonne of carbon, but the European Union's Emissions Trading Scheme fell from €30/tonne in 2008 to less than €10/tonne in 2009, and by the end of 2010 hovered around €15/tonne. That was five times the value of emissions credit recorded on the main US market, the Chicago Climate Exchange, which by the end of 2010 was basically defunct.

A variety of other detours and cul-de-sacs emerged, redirecting climate financing to useless or destructive routes. During 2009-10, in the run-up to and wake of the Copenhagen Accord, widespread Value Added Tax fraud on EU emissions credits was investigated by Interpol.⁴⁶ In December 2010, even the ordinarily pro-trading World Wild Fund for Nature and Öko-Institut attacked steel producers ThyssenKrupp and Salzgitter as fraudulent carbon profiteers, demanding that "the EU put a halt to the use of fake offsets."⁴⁷ In January 2011, the EU ETS was suspended for a week due to theft of €30 million worth of emissions reductions credits from five EU governments.⁴⁸ And recognizing the extreme perverse incentives in ETS financing associated with the gases trifluoromethane and nitrous oxide, which (mainly Chinese) companies produced in order to destroy for CDM credits, the EU announced in January 2011 that from May 2013, such projects would no longer qualify.⁴⁹ Fewer than two dozen investments in reducing refrigerant gases accounted for nearly two-thirds of all CDM financing, again leading to doubts about the potential for carbon trades to reach the levels once anticipated.

⁴⁶ Webb, T. (2010), "Copenhagen Dampens Banks' Green Commitment", *Guardian*, 24 January.

⁴⁷ World Wildlife Fund, "ETS Credibility at Stake as Industrial Polluters Profit," Zeist, Netherlands, 14 December 2010, http://wwf.panda.org/what_we_do/how_we_work/policy/wwf_europe_environment/news/?197955/ETS-credibility-at-stake-as-industrial-polluters-profit.

⁴⁸ Agence France Press, "Hey, Where's Our Carbon Credits?", 23 January 2011, <http://www.iol.co.za/scitech/technology/internet/hey-where-s-our-carbon-credits-1.1015644>.

⁴⁹ Andrew Willis, "States Ban Certain Offset Credits from EU's Emission Trading System", *EU Observer*, 21 January 2011, <http://euobserver.com/9/31682>.

The traders' greatest hope was that the promised \$100 billion per year that US Secretary of State Hillary Clinton had conceded in Copenhagen might be possible as North-South climate financing, would substantially boost the market, specifically CDMs and offsets. In November 2010, a new estimate of up to \$50 billion/year by 2020 in market-related transfers and offsets emerged from the United Nations High-Level Advisory Group on Financing for climate mitigation and adaptation, cochaired by Zenawi.⁵⁰ World climate managers evidently hope to skimp on grants and instead beg business to push vast monies into CDMs instead.

Still, the biggest market, the US, was essentially untapped. Pro-trading economists from the Massachusetts Institute of Technology conceded that if carbon trading began in earnest in the US, especially region by region (as appears likely), Europe's market and state failures would logically cross the Atlantic. Denny Ellerman and Paul L. Joskow observed how the ETS's disastrous mismatches of money, permits and polluters logically follow the EU's uneven regulations between countries, and "the differing effects of allocation and auctioning decisions on a partially liberalized electricity sector are likely to be at least as contentious and complicated in the US as they have been in Europe."⁵¹ Value-Added Tax fraud was possible by buying and selling permits between jurisdictions and making fake claims.

In several other areas where the EU ETS remains flawed – political lobbying, inadequate revenue generation, "rent-seeking activity" and high administrative costs – the danger remained that these would be repeated in the US, according to MIT economists Sergey Paltsev, John Reilly, Henry Jacoby and Jennifer F. Holak. For example, some inefficient coal-fired facilities should urgently be closed, but won't be thanks to EU ETS rules, the economists admitted:

The cheapest abatement option may be to simply shut down some of the highest emitting facilities, but this rule [trading rights for grandfathered permits] in the ETS creates an incentive to keep them operating at a low level, or to install more expensive abatement technology so that they do not have turn back in valuable allowances.⁵²

As for dangers associated with the ETS's Cap and Giveaway of free permits to pollute, the MIT authors warned, "If the allocations are distributed on some "grandfathering" principle to firms at the point of regulation [which was the case in the main 2009 US congressional legislation], then these firms receive the asset value or scarcity rent." This would mean that the US follows the disastrous EU lead in

⁵⁰ Government of Norway, "Raising \$100 billion per year is Challenging but Feasible," Oslo, 5 November 2011, http://www.norway.org/News_and_events/Policy/Raising-USD-100-billion-per-year-is-challenging-but-feasible/.

⁵¹ Denny Ellerman and Paul Joskow, "The European Union's Emissions Trading System in Perspective", 2008, Pew Center on Global Climate Change, Arlington, www.pewclimate.org/docUploads/EU-ETS-In-Perspective-Report.pdf

⁵² Gilbert E. Metcalf, Sergey Paltsev, John Reilly, Henry Jacoby and Jennifer F. Holak, 2008, "Analysis of US greenhouse gas proposals", National Bureau of Economic Research, Cambridge, Working Paper 13980, <http://www.nber.org/papers/w13980>

“paying the polluter for past pollution.”⁵³ Tragically, US legislators and policy-makers knew of such problems in the EU ETS case and yet still promoted a similar scheme, rather than finding an urgent route to cutting emissions directly. Fortunately, although California’s Air Resources Board began issuing rules (including free permits to polluters) for a 2013 state carbon trading strategy, at least cap-and-trade legislation died in the US Congress in 2010.

Washington Gridlock

John Bellamy Foster and his colleagues have accurately described how the climate legislation mess in Washington begun with a pro-market bill proposed by Democratic representatives Henry Waxman and Edward Markey:

The whole huge masquerade associated with the dominant response to global warming was dramatically revealed in the comprehensive climate bill passed by the U.S. House of Representatives in late June 2009 (only to be killed by the U.S. Senate a little over a year later). The climate bill was ostensibly aimed at reducing greenhouse gas emissions by 17 percent relative to 2005 levels by 2020, which would have translated into 4-5 percent less U.S. global warming pollution than in 1990. This fell far short of the target level of a 6-8 percent cut (relative to 1990) for wealthy countries that the Kyoto accord set for 2012, and that was supposed to have been only a minor, first step in dealing with global warming-at a time when the problem was seen as much less severe and action less pressing.

But the small print in the House climate bill made achieving even this meager target unrealistic. The coal industry was given until 2025 to comply with the bill’s pollution reduction mandates, with possible extensions afterward. As Hansen exclaimed, the bill actually built “in [the] approval of new coal-fired power plants!” Agribusiness, which accounts for a quarter of U.S. greenhouse gas emissions, was to be entirely exempt from the mandated reductions. The cap and trade provisions of the legislation would have given annual carbon dioxide emission allowances to some 7,400 facilities across the United States, most of them handed out for free. These pollution allowances were to increase up through 2016, and companies would have been permitted to “bank” them indefinitely for future use. Corporations exceeding their allowances could have fulfilled their entire set of obligations by buying offsets associated with pollution control projects until 2027.

If all of this were not bad enough, it was understood from the start that the Senate version of the bill, slated to emerge in the following year, would inevitably be weaker than the House version, giving even more concessions to corporations. Hence, the final unified legislation, if it were eventually to wind its way through both houses of Congress, was destined, as Hansen put it, to be “worse than nothing.”⁵⁴

The details are obscure but interesting, suggesting how little the political elites have done to prepare their citizenries for climate legislation, even of the pro-market variety. The main 2009 poll of popular support for carbon trading (by Hart Research

⁵³ Sergey Paltsev, John M. Reilly, Henry D. Jacoby, Angelo C. Gurgel, Gilbert E. Metcalf, Andrei P. Sokolov and Jennifer F. Holak, “Assessment of US cap-and-trade Proposals”, 2007, Joint Program on the Science and Policy of Global Change”, http://web.mit.edu/globalchange/www/MITJPSPGC_Rpt146.pdf, last accessed October 11, 2009.

⁵⁴ John Bellamy Foster, Brett Clark, and Richard York, *The Ecological Rift: Capitalism’s War on the Earth*, New York, Monthly Review Press, 2010.

Associates in August 2009) found only 27 percent of the 1000 people surveyed in support, half as much as a direct tax. As *Energy and Environment Daily* reported,

When both concepts are explained, voters of all political affiliations and backgrounds favor the tax proposal by a significant margin. Sixty-six percent of Democrats prefer the carbon tax, as do 58 percent of independents and 46 percent of Republicans. Overall, 57 percent of those surveyed say they would favor a carbon tax, while 37 percent are opposed... The poll's designers say support for the carbon tax proposal stems from a belief that it is far simpler than cap and trade, provides a revenue stream for tax refunds to offset consumer costs of the tax, offers a more direct incentive for businesses and consumers, and is less likely to be corrupted by loopholes for certain interests.⁵⁵

Financial Times climate finance reporter Kate Mackenzie explained,

Most people just don't like the idea of carbon cap-and-trade schemes. Whether they object because it's like a tax, or because it's not like a tax, or because it only benefits those crooked financial types, or because it's too bureaucratic and expensive, or because they hate offsets, or free allowance giveaways to polluters... there's an objection for almost everyone. A pretty powerful constituency however does like cap-and-trade: (some) economists, financial industry types, policy wonks, and some big businesses.⁵⁶

And yet that constituency – those whom David Harvey has described as “ecological modernizationists”,⁵⁷ and especially the financial markets which depended upon their policy advocacy – was not strong enough to buck climate denialists, other critics and a skeptical public. This became acutely evident after the bad taste left in Copenhagen. And by January 2010, the special Senate election of Republican Scott Brown to replace the late Ted Kennedy was a clincher for legislative paralysis on climate. The upset victory was in part due to Brown's critique of Obama's climate advocacy in Copenhagen. Ironically, showing the whimsical nature of US political maneuvers, Brown had originally been a supporter of the Regional Greenhouse Gas Initiative in Massachusetts and nine other northeastern US states, which in 2009 was valued at \$2.5 billion, about 2 percent of the world market, but with prices of just €2.35/tonne (compared with Europe's €13/tonne).

In that context, two *Foreign Policy* writers, Ted Nordhaus and Michael Shellenberger, anticipated that a climate bill would fail because for legislators,

it will be déjà vu all over again. In 1994 they went out on a limb and voted for an energy tax (known as the Btu tax) pushed by then-Vice President Al Gore and President Bill Clinton's White House only to see the Senate reject such a measure. Having been “BTUed” by two

⁵⁵ Alex Kaplun, “Poll shows strong support for carbon tax, confusion about cap and trade,” *Energy & Environment Daily*, <http://www.eenews.net/public/eenewspm/2009/12/01/2>.

⁵⁶ Kate MacKenzie, “Carbon emissions reduction without cap-and-trade”, *Financial Times Energy Source Blog*, 14 January 2010, <http://blogs.ft.com/energy-source/2010/01/14/carbon-emissions-reduction-without-cap-and-trade/>.

⁵⁷ David Harvey, *Justice, Nature and the Geography of Difference*, Oxford, Basil Blackwell, 1996.

Democratic administrations, twice-fooled Democrats are unlikely to sign up for more of the same in the next Congress.⁵⁸

The mid-2010 death of the climate bill occurred within weeks of BP's massive Gulf Oil spill, which left sponsors John Kerry and Joe Lieberman unable to stitch together both energy and climate concessions sufficiently generous for the coalition of capitals required to move legislation through the Senate. At a larger level, this reflected internecine battles over spatio-temporal fixes, and whether parts of the US – both economically and geographically – would suffer localized devaluation of capital, as the cost of climate crisis management began to become significant. The overall view of US capitalists seemed to be clear: continue to pass the costs to the environment and to those parts of the world that would be most adversely affected by climate change.

Somewhat less objectionable than Waxman, Markey, Kerry, Lieberman et al's efforts on behalf of the fossil fuel and financial industries, was a bill introduced by Senators Maria Cantwell and Sue Collins in late 2009, which some progressive US climate activists are now actively supporting. Yet this effort, the Carbon Limits and Energy for America's Renewal Act (CLEAR), was also fatally flawed, because of inadequate emissions cuts (around 8 percent from 1990-2020), the lingering presence of carbon trading and offsets, the lack of revenues earmarked to pay the US' fair share of the Climate Debt, its inadequate strengthening of the regulatory mechanisms and mandates for EPA, utility boards and planning commissions, and its nonexistent mandate to assure economic transformation so as to generate new production, consumption, transport, energy and related systems.⁵⁹

Also, if CLEAR had passed the Senate, the likelihood was that the House would insist on many of the objectionable features of Waxman-Markey (offsets, carbon trading, oil/nuke/agro subsidies, EPA neutering, etc). This is important, because not only did philanthropists and foundations dump \$300 million into legislative advocacy with zero result (of which a tiny fraction went to supporting CLEAR), but many otherwise militant activists were distracted unnecessarily into the national legislative quagmire, instead of promoting more immediate and fruitful strategies. We return to this point in the final chapter.

At the global scale, the political paralysis can be explained only partly by the failure of US elites to bring domestic legislation to the international negotiating table. After all, as the Centre for Biological Diversity argued in the paper *Yes He Can*, Obama had the power to negotiate deep emissions cuts in Copenhagen in December 2009, thanks to the US Environmental Protection Agency's (EPA's) "endangerment"

⁵⁸ Ted Nordhaus and Michael Shellenberger, "The end of magical climate thinking," *Foreign Policy*, 13 January 2010, http://www.foreignpolicy.com/articles/2010/01/13/the_end_of_magical_climate_thinking?page=0_4.

⁵⁹ Patrick Bond and Desmond D'sa, "Climate Justice Opportunities after US Carbon Market and Legislative Crashes", *ZNet*, 31 March 2010.

declaration that GreenHouse Gases are pollutants.⁶⁰ But because of the prevailing balance of forces, Obama did not sufficiently deploy that power, and so the EPA itself became the subject of increasing protests in 2010.

Ways Forward for Climate Justice

On the positive side, 2010 demonstrated that there is a future for regulatory strategies to combat carbon pollution, the most notable of which was the banning of chlorofluorocarbons starting in 1996 in order to slow ozone hole widening (by the 1987 Montreal Protocol) Such a global precedent will be extremely difficult to repeat, as shown above, given the power balances. Still, in the country that is historically most responsible for climate change, the United States, the EPA began moving forward in December 2010 to regulate the major CO2 point sources at power plants, notwithstanding an attempted sabotage by the state of Texas. In addition, after years of protest in West Virginia, the EPA used the Clean Water Act in March 2010 and January 2011 to signal the end of mountaintop removal, in which one ton of coal is removed for 16 tons of rubble dumped into nearby valleys, thus killing springs, creeks and rivers.

In addition to progress on the regulatory front, the US environmental movement also witnessed an upsurge of support for militant protest in 2010. In October, three well-resourced environmental groups – 350.org, Rainforest Action Network and Greenpeace – concluded from the legislative gridlock experience that more direct action would be needed. Replying, two dozen more radical groups, including IEN, Grassroots Global Justice and Movement Generation, argued in an open letter that “Frontline communities, using grassroots, network-based, and actions-led strategies around the country have had considerable success fighting climate-polluting industries in recent years, with far less resources than the large environmental groups in Washington, D.C. These initiatives have prevented a massive amount of new industrial carbon from coming on board.”⁶¹

On the negative side, however, one reason that market strategies like REDD moved ahead at Cancún so decisively was the fragmented nature of this kind of resistance. Crucial ideological and geographical divides were evident within Mexico’s progressive forces, a problem which must be avoided in the coming period, especially in Durban, as the healing of divisions over market-related strategies proceeds.

Indeed, the limited prospects for elite environmental management of this crisis confirm how badly a coherent alternative is needed. Fortunately, the Peoples’

⁶⁰ Center for Biological Diversity, *Yes He Can*, Climate Law Institute Working Paper 2, San Francisco, November 2009, <http://www.usclimatenetwork.org/resource-database/yes-he-can-president-obamas-power-to-make-an-international-climate-commitment-without-waiting-for-congress>

⁶¹ Movement Generation *et al*, “Open letter to 1 Sky”, Oakland, 23 October 2010.

Agreement of Cochabamba emerged in April from a consultative meeting that drew 35 000 mainly civil society activists. The Cochabamba conference call includes:

- 50 percent reduction of greenhouse gas emissions by 2017
- stabilising temperature rises to 1°C and 300 Parts Per Million
- acknowledging the climate debt owed by developed countries
- full respect for Human Rights and the inherent rights of indigenous people
- universal declaration of rights of Mother Earth to ensure harmony with nature
- establishment of an International Court of Climate Justice
- rejection of carbon markets and commodification of nature and forests through REDD
- promotion of measures that change the consumption patterns of developed countries
- end of intellectual property rights for technologies useful for mitigating climate change
- payment of 6 percent of developed countries' GDP to addressing climate change⁶²

The analysis behind these demands has been worked out over the past few years. But now the challenge for climate justice movements across the world is to not only continue – and dramatically ratchet up – vibrant grassroots activism against major fossil fuel emissions and extraction sites, ranging from Alberta's tar sands to the Ecuadoran Amazon to San Francisco refineries to the Niger Delta to West Virginia mountains to the Australian and South African coalfields. In addition, if Cancún revives financial markets for the purposes of Northern manipulation of the climate debate, then Goldtooth's warning is more urgent: "Industrialized nations, big business and unethical companies like Goldman Sachs will profit handsomely from the Cancún Agreements while our people die."⁶³

Durban will offer the next big showdown between unworkable capitalist strategies on the one hand, and the interests of the masses of people and the planet's environment. The latter have witnessed long histories of eco-social mobilization, such as the 2001 World Conference Against Racism which attracted a protest of 15,000 against Zionism and the UN's failure to put reparations for slavery, colonialism and apartheid on the agenda. It will be a challenge to maintain pressure against REDD and the carbon markets, but by November it should be clear that neither will deliver the goods. Hence, as versed by Friends of the Earth International chairperson and Niger Delta activist Nnimmo Bassey, a winner of the 2010 Right Livelihood Award:

The outside will be the right side in Durban

⁶² B. Norell, "People's Summit Adopts 'Cochabamba Protocols'", *Climate and Capitalism* 23 April. <http://climateandcapitalism.com/?p=2225>, accessed 23 April 2010.

⁶³ Indigenous Environmental Network, *op cit*.

*What has been left undone
Will properly be done
Peoples' sovereignty
Mass movement convergence
Something to look forward to!*⁶⁴

⁶⁴ Personal correspondence, 13 December 2010.