A Planetary Green New Deal

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December 11, 2023

The concept of a Green New Deal revives debate about the role of the state, rather than markets, in driving the transformation towards a low carbon society that responds simultaneously to climate crises and economic inequality. In our exploration of this concept, we begin with a critique of contemporary green deal initiatives that do not maintain a global perspective on this quintessentially global issue. We then explore past and present attempts to conceptualize green deals internationally, rather than nationally or regionally. As international lawyers, we conclude with a reflection on the role of international law in a 'just green transition'.

While the concept of a Green New Deal was proposed prior to the 2007-2008 Financial Crisis as a way of revitalizing and rebranding neoliberal capitalism as 'green', it was not until a decade later that a more explicitly Keynesian vision of a Green New Deal became an increasingly popular framework for talking about climate, industrial, and social policies in a unified manner attentive to the conjoined crisis of inequality, labor precarity, and ecological degradation. The notion of a Green New Deal has shifted discourse away from how much

addressing climate change will cost, and instead opened conversations about the political potential of climate policy to 'guarantee [among other things] climate-friendly work and no-carbon housing and free public transit'.

While there are significant political differences between various Green New Deal formulations, the most prominent examples have been the New Deal Resolution put forward in the United States in 2019 by Representative Alexandria Ocasio-Cortez and Senator Edward J Markey, and more recently the set of proposals adopted by the European Union to transform itself into 'a modern, resource-efficient and competitive economy'. The US and EU states are historically the biggest contributors to climate change and thus it is crucial that they reduce their environmental footprints drastically and quickly. Nevertheless, their seemingly progressive vision will not be transformative because Green New Deals confined to national and regional levels in the Global North leave untouched the role of the US and EU states as colonial and imperial powers that continue to benefit from the highly unequal global political economy they constructed. A Eurocentric program of action does not ' fundamentally challenge the neo-colonial role of the West in the global political order'.

We live in a world where the richest 20 percent consume 80 percent of natural resources and produce 90 percent of all waste. For example, the 37 million people residing in two states in the US, Texas and New Jersey, emit as much carbon dioxide as the 1 billion people in Sub-Saharan Africa. While the poorer 80 percent contribute very little to climate change, they are on the frontlines of environmental harm because of their vulnerable geographic locations, lack of resources and regulatory capacity to protect themselves, ongoing extraction of their natural resources and labor to fuel an unequal global economy, and a systemic transfer of pollution from the rich to the poor. The latter two patterns indicate that a Green New Deal in the US and EU will entail untold devastation across the Global South given longstanding patterns of shifting environmental harm to poor regions. England remained a 'green and pleasant land' through laying waste to its Empire. Similarly, today's wealthy and privileged inhabit eco-residences that provide guiltfree luxury green living, ensconced in carefully guarded compounds safe from inconvenient exposure to the suffering and pollution caused by their lifestyles. Analogously, Green New Deals confined to the Global North will continue to ensure that rich regions keep their own air,

water, and land clean without sacrificing their resource-intensive lifestyles, ensuring the cost is borne by nameless masses and proliferating wastelands across the Global South.

The solutions proposed by Green New Deals in the Global North rely upon the Global South to meet the labor, material, energy, and waste burdens necessary for such a transition to materialize in the US and EU. So far, rich countries have managed to achieve decarbonized economic growth by offshoring their carbon-intensive activities to the Global South. The raw materials and manufacturing for decarbonization also come from the Global South. In this sense, Green New Deals follow in the wake of the long history of racialized capitalism, resource extraction, and disempowerment where the Global South continues to shoulder the cost of the Global North's development choices and delusions of enlightened progress. At the same time, the long history of struggle against imperialism and environmental injustice across the Global South characterized by centuries of sacrifice are erased and whitewashed, with the US and EU styling themselves as global green leaders at the vanguard of sustainable development.

The present conjuncture is seeing a deepening of global exploitation and domination underpinned by justification of the 'green transition'. Climate policies are contributing to forms of 'carbon colonialism' and the articulation of new forms of global authority over lands and resources in the Global South through carbon markets, as well as the intensification of logics of extractivism to source the raw materials necessary for batteries and renewable energy infrastructure. Disturbingly, the framing of climate change as a security concern has promoted forms of militarized adaptation, the greening of the US military to ensure imperial hegemony in a carbon constrained world, and an intensification of the deadly arming of borders of the Global North to exclude those from the Global South seeking refuge from climate-induced displacement.

Green Deals in one country and region cannot stem climate change, which has no regard for national borders and requires decarbonization on a massive scale. The pandemic has provided a reminder that the consequences of environmental destruction on health, economy, and society are uncontainable by national borders, laws, and policies. In an ecologically changing world, international cooperation across the Global North and South is key but are

international laws and institutions up to the task? What would an explicitly international, global, or planetary Green New Deal look like? What sorts of commitments would this entail? Over the years, several institutions and scholars have engaged with these questions. In 2009, the United Nations Environment Programme put forward a policy proposal for a Global Green New Deal that would 'revive the economy and create jobs, promote sustainable growth and reduce carbon dependency and environmental destruction'. In the same vein, in 2019 the C40 network of city mayors recognized a climate emergency and put forward their vision and principles for a Global Green New Deal.

Jayati Ghosh highlights several pressing international priorities: issuing of Special Drawing Rights by the IMF, an immediate moratorium on external debt, capital control to stop capital flows away from countries of the Global South, and changes in attitudes to public health. Bhumika Muchhala puts forward a vision of a decolonial and feminist Global Green New Deal that 'resists the hierarchies of racial, gender-, class-, caste- and sexuality-based inequalities which underpin colonial, neoliberal, and capitalist structures, systems and discourses'. She observes that a decolonial Global Green New Deal needs to redress the way neoliberalism deploys the state to serve the market through biased and unbalanced international laws and institutions. Max Ajl in A People's Green New Deal calls for a 'revolutionary transformation focused on state sovereignty, climate debt, auto-centred development, and agriculture'. He draws on the historic 2010 People's Agreement on Climate Change and the Rights of Mother Earth, coming out of the Cochabamba Summit attended by peoples and social movements from around the world, to foreground calls for 'interlocking forms of restitution' including drastic emission reductions and the 'decolonization of the atmosphere', technology transfer, adaptation debt, the recognition of the rights of nature, and climate migration as a form of reparations. His approach is informed by dependency theory and systems of economic and environmentally unequal exchange, and he calls for 'bring[ing] back the national question to the development agenda'.

Increasingly, commentators are invoking the 1974 Third World demand for a New International Economic Order (NIEO) as a way of thinking about the transformative social, economic, political, and legal changes that a Global Green New Deal requires. 'Achieving a global GND', Grace Blakely writes,

‘means building a new international economic order from the ground up’. Others suggest that the concept of a Green New Deal could provide a ‘successful reform narrative’ to spur the broader changes necessary to address the compounding crisis of the present through inaugurating a new international economic order today.

In the 1970s, the NIEO called for fundamental transformation of global economic, legal, and political structures to address unequal relations of dependency in the postcolonial world and to contest neocolonialism. It sought to ‘transform the governance of the global economy’ to redirect more of the benefits of transnational economic integration towards Third World states through greater aid, debt relief, technology transfer, permanent sovereignty over natural resources, preferential and non-reciprocal treatment for developing countries, regulation of foreign investors and transnational corporations, and the stabilization of primary commodity prices. In contemplating what we might learn from the failure of the NIEO when considering the possibilities of a Global Green New Deal today, it is crucial to foreground that this agenda was attacked concertedly and ultimately defeated by industrial states whose hegemonic power was threatened. Crucially, it was also defeated by some of the limitations of its own vision of development. NIEO proposals were not socialist but rather envisioned a modified form of state capitalism. Thus, at the time, Marxist thinkers such as Samir Amin highlighted the inherent limitations of the NIEO model of national liberation within a system of global capitalism, evidencing the ‘violent social contradictions of the Third World’. Since then, scholars have also observed that the NIEO agenda was premised on a type of industrial development wedded to the limitless exploitation of natural resources and labor, making inequality and environmental destruction inevitable.

Alongside the NIEO, there were other radical and ambitious development proposals made in international fora that were more cognizant of environmental concerns, which may also usefully inform contemporary efforts. The 1974 Cocoyoc Declaration focused on meeting both the outer limits of the planet’s resources and environment but also the inner limits of human needs. The Declaration observed that environmental problems were not caused by ‘absolute physical shortages’ but from ‘economic and social maldistribution and misuse’ and identified how ‘unequal economic relationships contribute directly

to environmental pressures'. It put forward an expansive vision that involved 'redefin[ing] the whole purpose of development' and fostering self-reliance, promoting a fair redistribution of resources and decentralisation.

Similarly, What Now: The 1975 Dag Hammarskjold Report on Development and Cooperation prepared on the occasion of the Seventh Special Session of the United Nations General Assembly described with impressive specificity its vision of development amid environmental change. What Now began by accepting that there were ecological limits to growth. To determine how to set global limits, it undertook two case studies in the Global South and North and, on this basis, appreciated contemporary ecological harm and global inequality as inextricable from historical exploitation originating in the North and relayed in the South through local elites. This recognition helped What Now to neatly evade several false development dogmas and platitudes, many of which still hold sway in international institutions today: it observed that sovereigns were not equal despite being declared so under international law. It was unafraid to say that all people (and all states) do not hold common interests however comforting such a fiction may be. It treated economic laws not as natural and inevitable but as socially constructed by dominant classes. And it observed that the market did not always allocate resources efficiently. On these bases, the Report prescribed that the Global North should change its lifestyle. It declared heretically that the primacy of economics was over and provided four proposals to combat the excesses of consumer society: (i) an upper limit on the consumption of meat and oil, (ii) more economic use of buildings, (iii) extending the life of consumer goods, and (iv) replacing privately owned cars with public transport and rental vehicles. Such transformative changes are even more urgent in the context of the transition to a low-carbon society.

The recommendations of What Now radically overhauled the theoretical foundations of the international system, which goes some way to explaining why this Report was somewhat buried and less remembered over the years. Reports like What Now, the Cocoyoc Declaration, the Peoples' Agreement at Cochabamba, and other such endeavors evidence longstanding and concerted efforts toward something along the lines of a Global Green New Deal over many decades. They provide sources of inspiration in terms of processes of building transnational solidarity, the substantive content of any such Deal tailored to contemporary contexts, and tactical lessons in terms of successes and failures.

Today it is becoming increasingly clear that the success of any Global Green New Deal depends on it being a Planetary Green New Deal, one that looks to all peoples as well as to our living planet as the sources of wisdom, knowledge, and law. The 2014 Margarita Declaration on Climate Change endorsed by climate justice movements and organizations highlights the need for transformative change to build a fair, egalitarian development model, 'based on the principles of living in harmony with nature, guided by absolute ecological sustainability limits'. Key to realizing such a transformative vision of change is the sharing of 'experiences from all over the world to understand and construct true solutions', 'expressing solidarity' to those in other parts of the world, and understanding their context, struggle, identity and 'intercultural thinking'. The onset of environmental crises such as climate change and mass extinction pose more than a standard scientific, economic, legal, or technocratic challenge. For international lawyers like us, the task is not merely to craft new and creative concepts and mechanisms for exchange of knowledge, finance, and expertise. Rather, it is to understand the role of law and institutions in structuring unsustainable development and to reconfigure our discipline accordingly. Environmental change on a scale unprecedented in human history exposes seriously mistaken understandings about human progress and evolution in the Global North. To respond more effectively to such change, it would be wise to learn more from cultures that have lived in harmony with nature for many millennia — those long considered to be primitive, underdeveloped, and worthy of notice only in the context of transformation and economic exploitation. Such cultures would infuse global fora with more scientifically accurate and philosophically complex worldviews about the place of humans in the cosmos and our capacity to govern it. A Planetary Green New Deal needs to reject the violence caused by capitalism, colonialism, and all forms of domination and create space where diverse perspectives and life worlds can coexist in non-dominating ways.

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