

Reviews

The Global Climate Regime and Transitional Justice, Sonja Klinsky and Jasmina Brankovic (New York: Routledge, 2018), 196 pp., \$140 cloth, \$54.95 eBook.

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Co-authors Sonja Klinsky and Jasmina Brankovic have joined forces to provide a systematic exploration of how ideas from transitional justice could inform the global climate regime, each bringing her distinct specialty to the project. Klinsky is a scholar of climate change, whose work addresses questions of justice and equity in climate policy decision-making. Brankovic is a researcher and practitioner of transitional justice, whose work concerns mechanisms for addressing historical injustices and persisting structural inequalities. Their ideas for the book were developed through a series of participatory workshops, bringing in the expertise of “international climate negotiators, advisors, activists, and scholars, as well as transitional justice scholars and practitioners” (p. 6).

The authors begin by laying out the “conundrum” of climate change justice (p. 5), a problem that they construe in terms of three interrelated dimensions (pp. 15–20). First, throughout history some societies have contributed to the production of greenhouse gases and benefited from the exploitation of fossil fuels much more than others. Second, the effects of climate change are, and will continue to be,

highly unevenly distributed. Climate impacts pose an existential threat to some individuals and communities, with those facing the greatest risks tending to have contributed little to the problem. Others are far less vulnerable, in part because they can fall back on already-established resources that were previously generated through high-emitting activities. These skewed vulnerabilities are exacerbated by a third interwoven dimension of climate justice: radical global inequality.

Challenging moral questions arise here. For instance, what are the ethical implications of the drastic inequality in historical emissions rates? Some defend a strong thesis of historical accountability that would hold countries responsible for the costs of all their emissions since the Industrial Revolution. Others have pushed back, pointing out that a significant proportion of these emissions were caused by people who are no longer living and who did not know about the problem to which they were contributing. This debate about historical responsibility hovers in the background of the book “as a source of deep political tension,” but it is not a debate that the authors seek to resolve. Rather, their goal is to find

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“productive pathways forward in light of such tensions.” The question, then, is not who is responsible but how to proceed in a situation where responsibility is “ambiguous, diffuse, and complicated” (p. 17).

Klinsky and Brankovic are also motivated by a conviction that adequate collective action on climate change requires the forging of deep commitments across space and time, and they doubt that such collective action can be achieved if “historically rooted claims about justice” are simply ignored (p. 2). The problem of climate justice and historical responsibility is not just moral, then, but also distinctively political. Any successful climate agreement must be viewed as sufficiently fair to gain broad acceptance and inspire solidarity. This means that real-world debates about justice “are too powerful to isolate in a corner or slip under a rug” (p. 183). Failure to address them could doom collective efforts to build the climate regime that we need: one that “has long-term legitimacy, that is able to advance rapid climate action, and that will provide adequate protection and assistance to those facing the worst climate impacts without deepening inequalities” (p. 191).

It is here that the authors turn to transitional justice for ideas. As they note, this may at first appear an unusual source of inspiration for scholars of climate justice. For my own part, I wondered how a “go-to” field for addressing “past harms” (p. 3) could be relevant to a problem in which harms are not in the past so much as ongoing and escalating. However, Klinsky and Brankovic make a convincing case that there are productive synergies to explore between these two evolving traditions. As they point out, processes of transitional justice are designed for contexts that are similar to climate change in the sense that there is deep disagreement about

how past events should shape future obligations (p. 5); contexts where people must “navigate the moral and political challenges of simultaneously addressing backward-oriented justice claims and forward-oriented efforts toward solidarity” (p. 184).

Transitional justice is characterized by “the recognition that historically rooted events, systems, and norms responsible for imposing harms on particular populations must be included in any viable pathway toward a future in which all people are able to lead full, flourishing lives” (p. 184). This is a tradition in which the voices and experiences of those who have been harmed play an essential role in efforts to “recognize and at least partially remedy injustices” while building future solidarity. Over several decades, a set of transitional justice tools have been developed through the efforts of “communities, scholars, practitioners and policy makers” (p. 3). What can we learn from applying these existing tools to the problem of climate justice?

Using transitional justice as both a repository of ideas and a lens through which to view the climate regime, Klinsky and Brankovic devote the core of the book to a methodical exploration of several mainstream transitional justice mechanisms. Chapter 3 looks at accountability measures, including amnesties, prosecution and litigation, and truth commissions; chapter 4 concerns reparations; and chapter 5 focuses on institutional reforms for future harm prevention. The authors present each transitional justice mechanism from a critical perspective before suggesting climate-specific variations. They then make proposals regarding how these transitional climate justice mechanisms could be deployed in a mutually supporting manner: whether via new processes and institutions,

or through modifications of those already existing within the United Nations Framework Convention on Climate Change. Some of the notable climate-specific variations include the prospect of partial amnesties for historical emissions (p. 81), the possibility that particularly grievous individual efforts to derail climate policy could be framed as a crime against humanity that might be addressed by the International Criminal Court (pp. 85–86), and a proposal that any reparations program be divorced from questions of moral responsibility (p. 103).

The critical perspective adopted in the book, eschewing a rose-tinted picture of existing transitional justice processes, is one of its strengths. Klinsky and Brankovic identify various limitations of transitional justice in its traditional mode, noting how the field emerged “from a liberal democratic tradition and human rights discourse that foregrounds political (and economic) liberalization and individual agency over addressing social and economic conditions and structural inequalities” (pp. 8–9). In a far-reaching final chapter, they therefore examine more transformative approaches that take us beyond the “relatively incremental institutional responses” proposed thus far (p. 62), including a grassroots narrative advocating “a wider and deeper approach to transformation that includes challenging capitalism and (re)engaging with indigenous knowledge” (p. 187).

Coming to the topic from different fields of research, the authors wrote this book across a disciplinary divide. I approached

the text from the perspective of another distinct discipline, as a political philosopher working on the normative dimensions of climate change. In this literature, climate change tends to be considered from a more idealized perspective, abstracted from various political and institutional realities. As Klinsky and Brankovic note, philosophical discussions of climate change sometimes only seem to succeed in raising more difficult questions; and even when philosophers converge in their judgments about what a just climate agreement would look like, “without political buy-in from sovereign states there is no guarantee that this agreement would be signed or used to guide climate policy” (p. 14).

From this perspective, it is refreshing to be presented with concrete proposals for global cooperation in a “substantially less-than-optimal world,” where disagreements about fairness are likely to remain entrenched (p. 15). The proposals outlined should prove useful for practitioners and policymakers, while giving scholars and theorists of climate justice new ideas to interrogate.

In sum, *The Global Climate Regime and Transitional Justice* is an excellent introduction to the tools and mechanisms of transitional justice, to the existing climate regime, and to the possibilities for using the former to remodel the latter.

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