

# **The Mobilisation of Norms for Legitimacy in the Global Warming Debate**

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## **Abstract**

Contemporary debates surrounding global commons issues and their amelioration are inextricably linked with a parallel discourse of environmental justice. This paper examines the normative discourses of rights and justice in the international arena, particularly in relation to the climate change debate. It is argued that the discourse of environmental justice has served to focus negotiations on the issue of climate change. The terms “justice” and “rights” have been mobilised by numerous stakeholders in the debate over climate change as they seek moral legitimacy for their understandings of environmental justice regarding emissions reduction proposals, and justice for the currently, and potentially, affected populations. Differing claims within the discourse pivot on arguments over equity versus equality and what might constitute them in the atmospheric politics arena.

In particular, this paper focuses on the claims of non-governmental environment groups campaigning on the climate change issue in the Asia-Pacific region. The non-governmental organisations (NGOs) and others argue that this humanitarian impact of global climate change presents significant issues for the Asia Pacific region. These groups draw significant connections between environmental justice and human rights in their advocacy for vulnerable populations in the Pacific, arguing for environmental justice for these potential “environmental refugees”. The understandings of this term embraced by environmental NGOs, and their perception of the implication of population movements caused by climate change lead them to construct an “environmental citizenship” approach to climate change issues. These elements are used to gather and mobilise legitimacy in the global warming debate.

## **1. Introduction**

The role of ideas and norms within the international arena has in recent times been highlighted as having an important influence on cooperation, in this case, on global commons environmental issues. Climate change represents one of the key international dilemmas of the 21<sup>st</sup> century. It provides a rich ground for investigating and understanding the international politics of the environment.

It is the argument of this paper that we can see the use of normative language and normative discourses to harness moral power in support of particular positions in the negotiations. Stakeholders in the

debate over climate change have, through negotiations and other public actions, mobilise different discourses in an attempt to secure legitimacy for their positions. The key discourses that we can see mobilised in this particular case include those around justice and rights.

In this paper I will briefly outline the literature on norms in the international arena, investigate the search for legitimacy in climate change debates by different stakeholders, and in particular the role of non-governmental organisations in mobilising the discourse of justice in support of their position.

## **2. Norms in the International Arena**

The role of norms and the power of ideas in international relations is a recent development<sup>1</sup>. Knowledge and information has always been regarded as a key ingredient in determining interests, evaluating relative or absolute gains or losses, and ensuring compliance<sup>2</sup>, in cooperation between states. However, the focus has been clearly on material and military power determined by the careful pursuit of gains or limiting of losses by individual states<sup>3</sup>. Nevertheless, research has over time suggested that rationalist explanations fail to provide a full picture of how power is gathered, mobilised and exercised in the international arena. This new development has largely been advanced by constructivist theorists.

Constructivist theorists advance two key propositions about social and political life which define their perspectives on international relations. Firstly, human agents and social structures are mutually constitutive. Second, the most important dimensions of social structures are normative, ideational and cultural, not material<sup>4</sup>. This is where constructivists depart from rationalist analyses – material power is not everything, and social structures don't just constrain state behaviour, they also shape and change states and their behaviour. In constructivism, social interaction in the international system leads to collective understandings, and these collective understandings constitute reality. For instance, it has been argued that sovereignty, a taken for granted reality of the international system in rationalist theory, is in fact a collective understanding of actors in the international system<sup>5</sup>.

Thus constructivists focus on the discursive and the inter-subjective in their research; they are interested in how actors understand and find meaning in the world, how they form and transform their interests, how it impacts upon decisions, and thus on international politics and governance. The constructivist field certainly opens up understandings of international cooperation on the environment to the role of norms.

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### 3. The Search for Legitimacy in Climate Change Debates

This paper will focus on one aspect of the mobilisation of norms and moral power within the climate change debate. While states and institutional actors actively seek legitimacy for their positions within international debates, increasingly non-state actors are also involved in these debates at the international level. Non-governmental organisations are concerned with securing legitimacy for their position and frequently attempt to utilise norms and moral power to highlight the deficiency of the actions or non-actions of other actors. I argue that NGOs have sought to do this using two normative frameworks – those of justice and human rights. In the climate change debate they have experienced significant success using the discourse of justice, but have struggled to mobilise the language of rights in support of their position. Below I explore these two outcomes.

Climate change campaigns are characterised by significant differences in the focus, orientation, and understandings of the groups involved. Research into the campaigns of major environmental non-governmental groups in Australia revealed expected differences in the targets of climate change campaigns, orientation of campaign, and campaigning methods but also a particular conception of good environmental decisions. Many climate campaigns display a well evolved and articulated notion of ecological citizenship at the core of their advocacy. Central to this are issues of justice and equity, as well as respect for human rights in relation to environmental issues<sup>6</sup>. This approach goes beyond recommendations for good environmental governance, encompassing a vision for ethical individual and community citizenship. In essence, it involves the mobilisation of normative discourses and moral power to legitimise some actions and delegitimise others.

Sections of the environment movement have long argued for less focus on issues of environmental quality, and more focus on equity within environmental issues: the embrace of social justice. This *environmental justice* approach refers to an attempt to encompass a wider range of socio-political concerns in environmental debates. Proponents argue that “[e]nvironmental problems are a component of social exclusion and an issue of social justice”<sup>7</sup>. The movement has re-defined the environmental debate toward issues of justice and equity to, implicitly or explicitly, mobilise these discourses to provide greater legitimacy for their position(s). As Obiora argues, “peoples across the globe are intoning and rallying around novel concepts, norms and standards of environmental protection as a social justice objective”<sup>8</sup>.

With the advent of global environmental problems and their entry onto the international political agenda, the contributions versus burdens of lesser developed countries in these issues was highlighted<sup>9</sup>. The discourse of environmental justice recognises the lack of capacity for adaptation to serious environmental problems such as global warming in developing countries, as well as the relatively small contributions that they have historically made to global environmental problems. In the Asia Pacific, much NGO activity around climate change has centred on the projected impacts of climate change on a number of vulnerable countries and communities in that region<sup>10</sup>. A number of states, have been strong critics of the current Kyoto Protocol requirements, of the overall acceptance of global warming and an adaptation strategy, as well as the positions of the United States and Australia. The Alliance of Small Island States (AOSIS), with a 0.06% share of the world's current emissions, is collectively one of the least prodigious producers of climate changing gases<sup>11</sup>. Meanwhile, these small islands are already suffering the impacts of climate change<sup>12</sup>. Clearly, for this group, adaptation is an unacceptable international strategy that leaves them vulnerable to social, political and economic disruption and dispossession: it is an issue of social justice.

This has certainly been demonstrated within climate change campaigns:

The ability of the rich countries to be able to say, well, we're going to keep polluting even though we know it could have catastrophic consequences for the whole world including people who didn't create any of this pollution ... but the rich countries are thinking in the back of their minds - but it's ok because we have the resources to be able to adapt ...<sup>13</sup>.

Thus, environmental justice, as a globally oriented discourse highlighting the "winners" and "losers" in relation to the burdens and costs arising *unequally* and *inequitably* from environmental issues, is an appropriate discourse for understanding climate change. Environmental NGOs (ENGOs) have experienced excellent resonance in terms of mobilising support and legitimacy for their position. In the Asia Pacific, the justice discourse has secured support from faith-based communities, unions, and other social justice organisations which have given greater legitimacy to this position. This is an example of the use of the social justice norm and the accompanying moral power within the climate change debate. However, attempts to effectively mobilise the norms and moral power

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associated with human rights have been much less successful. The discourse of rights has remained fraught with conflicts over meaning, and stakeholders in this discourse have resisted attempts by ENGOs and the small island states to mobilise the discourse in relation to population displacements.

Environmental degradation was identified among the four underlying sources of refugee flows by the United Nations High Commissioner for Refugees' (UNHCR) *State of the World's Refugees* report<sup>14</sup>. Approximately 25 million people are estimated to fall into this category, with the Intergovernmental Panel on Climate Change (IPCC) predicting an increase to 150 million by 2050<sup>15</sup>, largely through the projected flow of peoples due to climate change impacts. In her early seminal work, Jacobson argued that "environmental refugees have become the single largest class of displaced persons in the world"<sup>16</sup>. Consequently, in recent years, NGOs working in the environmental issue arena have adopted the term "environmental refugees" to highlight the impacts stemming from climate change. In Australia, NGOs have focused on the particular vulnerabilities of the small island states of the Pacific region.

However, refugees are defined by the international community using a narrow legal definition derived from the *UN Convention Relating to the Status of Refugees (1951)*. The use of the term environmental refugees by ENGOs quite obviously has ramifications for current understandings of what constitutes a refugee and the discourse of human rights. This has motivated spirited discussion within international organisations and refugee studies about if and how environmental refugees might be defined, and whether the term has legitimacy.

The convention represents one of the most commonly accepted norms in the international arena<sup>17</sup>. Many in international debates argue that the term "refugee" should be reserved for a narrow class of displaced persons. Particularly, they argue that the limited legal definition of refugees should be the measure applied to cases of displaced persons<sup>18</sup> and related human rights issues. However, several significant periods of debate about the connection between environmental degradation and refugees have occurred since the convention was negotiated in 1951. The two most significant discussions for the purposes of this paper were parallel to large-scale institutional concern about climate change, circa 1988-1995, and more recently in the early half of the first decade of the 21st century.

However, there has been vigorous criticism of the application of the term refugee to environmentally induced displacements in some circles<sup>19</sup>. It is clear that environmental refugees lie outside the legal

definition of refugees, outside the regime in place at the international level for resolving refugee issues<sup>20</sup>, and thus outside the legitimate discourse on refugees and their rights. The UNHCR itself has denied a basis for environmental refugees, instead highlighting the importance of its existing mandate, and has argued that individuals impacted by environmental degradation will be able to avail themselves of the protection offered by their own governments, and through *internal* resettlement<sup>21</sup>. Obviously, the case of climate change refugees, challenges this argument given the projections of small island states in the Pacific ceasing to be viable, or to exist. Given the attention paid to the issue by international organisations and policymakers, while it has failed to gain widespread legitimacy, it has proved difficult to dismiss outright.

Despite the lack of legal recognition of the plight of environmental refugees, there is considerable recognition within the international community of the role of environmental causes in the displacement of people from their homes. But, there remains significant debate over what to call these individuals, questions about the appropriateness of calls for international protection and/or asylum, and how to define the group of people who should be eligible for the term environmental refugees. This obviously opens the way for consideration of the legitimacy of claims by ENGOs made within the rights discourse.

#### **4. Conclusions**

There is a clear engagement of the discourses of environmental justice and rights within the literature and campaigns of ENGOs on climate change. Taken together, these approaches represent a cohesive attempt to mobilise a normative and moral position in regard to global environmental issues. While within the discourse of justice, stakeholders have been able to gain some traction and received acknowledgement, support and attraction of allies, the same cannot be said of the discourse around rights. The rights discourse is already highly codified in international legal terms and within existing international organisations. Thus, the attempts to mobilise this discourse has met with strong opposition and limited success.

### **Notes**

<sup>1</sup> For an overview of these developments see: K. O'Neill, J. Balsiger, & S. D. VanDeveer, "Actors, Norms, and Impact: Recent International Cooperation Theory and the Influence of the Agent-Structure Debate," *Annual Review of Political Science* 7 (2004): 149-175.

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<sup>2</sup> D. A. Baldwin, *Neorealism and Neoliberalism: The Contemporary Debate* (New York: Columbia University Press, 1993).

<sup>3</sup> For example see the key neo-realist and neo-liberal positions outlined by Waltz and Keohane respectively: K. N. Waltz, *Theory of International Politics* (New York: Random House, 1979); R. O. Keohane, *After Hegemony: Cooperation and Discord in the World Economy* (Princeton, New Jersey: Princeton University Press, 1984).

<sup>4</sup> J. G. Ruggie, "What Makes the World Hang Together? Neo-Utilitarianism and the Social Constructivist Challenge," *International Organization* 53, no. 4 (1998): 856-879.

<sup>5</sup> J. G. Ruggie, "Territoriality and Beyond: Problematizing Modernity in International Relations," *International Organization* 47, no. 1 (Winter) (1993): 139-174.

<sup>6</sup> C. Star, "Ecological Citizenship – A New Landscape for Human Rights Debate?" *Australian Political Studies Association conference*, (Otago University, Dunedin, New Zealand, 2005); C. Star, "Notions of Ecological Citizenship in Climate Justice Campaigns," *Ecopolitics XVI: Transforming Environmental Governance for the 21st Century*, (Griffith University, July 2005).

<sup>7</sup> J. Agyeman, "Constructing Environmental (in)Justice: Transatlantic Tales," *Environmental Politics* 11, no. 3 (2002): 46.

<sup>8</sup> L. A. Obiora, "Symbolic Episodes in the Quest for Environmental Justice," *Human Rights Quarterly* 21 (1999): 465.

<sup>9</sup> G. Esteva, 1992. "Development" in *The Development Dictionary: A Guide to Knowledge as Power*, ed. W. Sachs (London and New Jersey: Zed Books, 1992), 6-25; R. Hofrichter ed, *Toxic Struggles: The Theory and Practice of Environmental Justice* (Philadelphia: New Society Publishers, 1993); M. Khor, "Economics and Environmental Justice: Rethinking North-South Relations," in *Toxic Struggles: The Theory and Practice of Environmental Justice*, ed. R. Hofrichter (Philadelphia: New Society Publishers, 1993), 219-225.

<sup>10</sup> Kiribati has begun moving vulnerable populations to higher ground, Niue accepted the migration of seven families from Tuvalu, the Cateret Islands of Papua New Guinea have experienced significant salination related crop failure and will need to be relocated.

<sup>11</sup> Intergovernmental Panel on Climate Change (IPCC). *Climate Change 2001: Impacts, Adaptation & Vulnerability Contribution of Working Group II to the Third Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge, UK: Cambridge University Press, 2001).

<sup>12</sup> Ibid

<sup>13</sup> J. A. Richards, Coordinator of the Climate Action Network Australia, personal communication, 2004.

<sup>14</sup> United Nations High Commissioner for Refugees (UNHCR). *State of the World's Refugees* (New York: UNHCR, 1993).

<sup>15</sup> IPCC

<sup>16</sup> J. Jacobsen, *Environmental refugees: a yardstick of habitability* (Washington: Worldwatch Institute, 1988): 6.

<sup>17</sup> L. Barnett, "Global Governance and the Evolution of the International Refugee Regime," *International Journal of Refugee Law* 14, no. 2/3, (2002): 238-262.

<sup>18</sup> R. Black, "Fifty Years of Refugee Studies: From Theory to Policy", *The International Migration Review* 35, 1, (2002): 57-78; R. Black, *Environmental Refugees: Myth or Reality? New Directions in Refugee Research*, Working Paper No. 34. (Geneva: UNHCR Policy Evaluation Unit, 2001).

<sup>19</sup> For example see: G. Kibreab, G. 1997, "Environmental Causes and Impact of Refugee Movements: A Critique of the Current Debate," *Disasters* 21, no. 1, (1997): 20-38; J. A. McGregor, 1993. "Refugees and the environment" in *Geography and refugees: patterns and processes of change*, eds. R. Black & V. Robinson (London: Belhaven Press, 1993), 157-170.

<sup>20</sup> J. C. Hathaway, *The Law of Refugee Status* (Toronto, Butterworths, 1991); Z. Rizvi, Z. 1988, "Causes of the refugee problem and the international response" in *Human Rights and the Protection of Refugees under International Law*, ed. A. E. Nash (Ottawa and Montreal: Institute for Research on Public Policy and The Canadian Human Rights Foundation, 1998), 107-120.

<sup>21</sup> New Economic Foundation. *Environmental Refugees: The Case for Recognition* (London: New Economic Foundation, 2003).

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