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Climate Justice

Resisting Marginalization

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Climate change has unequal effects on people in different parts of the world. Small Island Developing States face real and existential threats to their land and way of life on account of a crisis in which they have had little or no role to play, and with limited opportunity to take corrective action (Burkett 2015). Countries in Asia continue to be plastic havens for Europe, which for years has exploited weaker regulation in these regions. This has turned lands and oceans in Asia into toxic wastelands, while European countries continue to consume resources in an irresponsible and unabated fashion (Ellis-Petersen 2019). In 2023, we see the continued exploitation of critical minerals in the Democratic Republic of Congo, where there is a mineral race between the United States, Europe, and China (Kara 2023). This continued extraction has resulted in violence, war, and poverty and is often argued to be the result of a 'failed state' or 'poor governance' (Peša 2022).

However, this only tells a partial story. The existence of such extraction is on account of the ways in which people and communities have been marginalized as a result of a wide variety of economic, political, social, and structural factors on a global scale (Harlan et al. 2015). In fact, as Sultana argues, the root cause of much of the climate emergency that we are experiencing is on account of

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historical as well as ongoing exploitation of formerly colonized lands (Sultana 2022). These factors continue to manifest in the market and economic logics which dominate the discourse in relation to how mining takes place, and in doing so, corporations, through their extractions, are separating people from land and thereby separating them from their ways of life (Kara 2023).

Much of the current crisis can be traced to the nature of our economic systems' drive for growth, resource extraction, and consumption. It continues to reside in fulfilling the resource needs of the Global North, through the historical and current appropriation of resources in the South (Hickel 2022). As the *People's Agreement of Cochabamba* (2010) powerfully asserts:

> The capitalist system has imposed on us a logic of competition, progress and limitless growth. This regime of production and consumption seeks profit without limits, separating human beings from nature and imposing a logic of domination upon nature, transforming everything into commodities: water, earth, the human genome, ancestral cultures, biodiversity, justice, ethics, the rights of peoples, and life itself.

This asymmetry of power, along with the structuring of global orders of institutions, the economy as well as industry, gives rise to control and domination by the minority world in the Global North over the majority world in the Global South. We should note that while we still see the North–South divide as a determining dynamic, we recognize that the distribution of power on a global scale is changing and that we increasingly see the South within the North countries and vice versa. The world is becoming more complex, but the production of marginality continues to be the same, namely the intersectional interactions between race, class, caste, gender, sexuality, colonial history, ethnicity, religion, (dis-)ability, work status, migration status, and other categories of difference, social practices, institutional arrangements, and cultural ideologies that result in a position of disadvantage (Davis 2008, 68).

Making visible covert power structures and showing how they produce marginality is the first core concern of this book. This allows us to acknowledge and study how these processes are influenced as a result of economies, knowledge systems, and infrastructures being connected and interdependent. For instance, the ways in which resources are used and extracted depend on accounting for changes that take place across geographies and jurisdictional lines through managing regulation, governmental policies, and industrial influence.

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The second core concern of this book is to shine a light on creative and counter-hegemonic ways to navigate the crisis. We thereby show that and how power regimes can be disrupted and resisted (Foucault 1980). We place a justice-centred approach to addressing the climate emergency, highlighting the important work of those who advocate for it in real-life climate struggles. This includes putting equity and rights at the centre and accounting for structural causes of marginality based on intersectional, socioeconomic, and inter-generational factors, among others (UNDP 2023).

Across the world, there are powerful examples of local and indigenous communities or grassroots movements, often supported by national and international environmental and human rights organizations, activists, or progressive lawyers and policymakers, who resist the extraction of fossil fuels, the destruction of rainforests and biodiversity, as well as invasive energy projects that fail to abide by the right to free, prior, and informed consent. However, these important voices are often either not invited to the climate negotiation table or their positions are marginalized and hence disregarded.

We, therefore, aim for a better understanding of the mechanisms by which certain voices are inflated, while others are marginalized. This, for instance, means that we are attentive to exploring how certain cosmological visions have gained prominence over others in offering pathways to sustainable transitions, thereby revealing the intimate connection between power and knowledge. In this book, we propose to take a pluriversal approach to how climate change engineers and enhances vulnerability (Escobar 2018). Keeping this in mind, we propose to draw from the work of Escobar (2018), who, influenced by the Zapatistas, speaks of the need to be able to imagine many globals—that is, where we think of not one world but a world where many worlds fit. Thinking of many globals has an epistemic value because it holds forth the possibility that there may be different competing ideas of what justice is and how to realize climate justice. For instance, indigenous rights activists and scholars have lamented the fact that their knowledge is not accounted for when proposals and calls to action are designed, despite the fact that the communities have for years been highlighting the urgency of action to address the climate emergency (IWGIA 2021).

We make a conscious attempt not to relegate climate justice to only an intellectual project. We are concerned with how it impacts our material, epistemic, and sociopolitical worlds. Taking such an approach is intentional;

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otherwise, the discourse on climate justice is often co-opted by industry or its radical potential is used performatively, often even by academics as careerist moves, and thereby exists only in name and not in form. We must resist greenwashing, and to do so, we need to engage closely with how populations are being made vulnerable to climate-related injustice.

It is in this spirit that we feel compelled to address a specific site of an unfolding environmental and climate catastrophe, which denies justice to those affected. As we write and revise this introduction between October 2023 and October 2024, Israel's genocidal operations in the Occupied Palestinian Territories (ICJ 2024) has caused the systematic destruction and devastation of the region for a full year now. Not only is it exposing the remainder of the community to dangerous soil, water, and air pollution, but it is also taking us close to reaching levels of possibly irreversible damage to the natural ecosystem (UNEP 2024).

According to reports, the first few months of the conflict have produced more carbon emissions than 20 of the world's most climate-vulnerable nations do in a year (Lakhani 2024). Carbon emissions, however, are only one aspect of the climate consequences of the ongoing genocide. The 75-year illegal occupation of Palestine has seen the control of land and resources by Israel, not just in Gaza but also in the West Bank, where Palestinians do not have the right to make decisions autonomously and in their own interest about their natural environment. This ongoing occupation is an example, as the environmental scholar Abeer Butmeh argues, of climate change being not just a natural phenomenon but also a political one (Butmeh 2019). As far back as 2015, the United Nations declared that living conditions in Gaza were bordering on being unliveable because of the siege (UNCTAD 2015). Over 97 per cent of the water was found to be unfit for human consumption and was even called 'undrinkable' in 2018 (EEAS 2018). Scholars such as Abofoul (2021) and Yiftachel (2023) have referred to these policies as a form of ecological apartheid, leading to grave ecological repercussions in Gaza. This situation is only getting worse, with more than 60 per cent of Gaza's farmland already being destroyed (*Al Jazeera* 2024) and 96 per cent of Gaza's population facing 'high levels of acute food insecurity' (United Nations 2024).

In this book, we do not shy away from discussing such complex and contentious interconnections, highlighting the necessity of addressing environmental degradation as an integral part of engaging with questions of power, domination, and marginality. Our approach is to recognize the

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inseparable nature of ecological issues from wider social and political justice and call for a renewed focus on environmental considerations in the discourse surrounding inequality and injustice. This approach is essential for ensuring that the needs and voices of the most impacted communities are not just heard but are central to the formulation of effective and just solutions.

This book is organized according to the two guiding themes of marginality and resistance. Each will be examined from two perspectives. Under the heading of marginality, we will first explore 'marginality and climate justice' by analysing different ways in which climate change furthers structural and systemic inequalities in society across different intersectional lenses. The collection of chapters in this section particularly addresses marginality associated with gender, sexuality, racism, and coloniality. In a second step, we look into 'climate solutions and marginality', highlighting the ineffectiveness of technical solutions to climate change and the need to critically examine factors that underpin their development.

We then turn to our second theme of resistance in the third and fourth sections, demonstrating a variety of strategies being employed across jurisdictions to ensure the realization of climate justice. The third section explores courts as sites of resistance to climate change, with a particular focus on (strategic) litigation as a counter-strategy against climate change and the situatedness of courts. The fourth section will then move to explore resistance beyond the courts, envisioning adaptations to international trade arrangements and climate policy.

This book is the outcome of an over-two-year-long project by researchers at the Friedrich-Alexander University Erlangen-Nuremberg and Tilburg University. The editors of this book were also the project investigators and co-organizers of a workshop titled 'Climate Justice in a Globalized World'. We are all located in Europe, between Germany and the Netherlands. Whereas one of us is from Germany, two of us are from India. We recognize that our locations in terms of both where we originally come from and where we currently work, influence the ways in which we have framed the problem of climate justice and that in framing this problem, there are likely to be limitations. In this book, we have been privileged to be able to get a wide variety of contributions from not just academics but also practitioners and activists from across the globe. This is a deliberate choice to also move beyond thinking just of the academy. It is an opportunity to unpack how conversations about climate justice are being framed on the ground.

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Marginality

The parties to the Paris Agreement recognized that certain countries are particularly vulnerable to the adverse effects of climate change and acknowledged the need for a particular consideration of the situation of vulnerable groups in climate policy, including indigenous peoples, local communities, migrants, children, persons with disabilities, and women (UNFCCC 2015, Preamble). Thus, it is commonly accepted that the adverse impacts of the climate crisis are felt most severely by certain groups in society. However, little to nothing beyond proclamations has happened to change this situation.

As pointed out by critical scholars, one of the causes of this gap between discourse and materiality lies hidden in the very use of the term 'vulnerability'. Vulnerable groups are assumed to carry their status as an inherent characteristic, singling them out as 'others' in need of special attention. This obscures the socioeconomic and institutional production of disparities (Grear 2014, S.117). An illustration of this process of diverting attention away from the root causes of the climate crisis is provided by the concept of 'the Anthropocene', as also discussed in Palvasha Shahab's chapter, which etches a genealogy of the climate justice context in the Indus Delta in Sindh, Pakistan. It has become a widely accepted term to describe the current geological age, pointing to the undeniable and consequential influence of the *anthropos* (Greek for humankind) on the earth's ecosystems, geology, and resources. When looking more closely at who is subsumed under this umbrella of climate and ecology-disrupting actors, we quickly discover an underlying universalization to the detriment of those least responsible for and most affected by the climate crisis. By implicitly including subaltern groups, the concept diverts attention from the above-identified systems of domination and oppression and invisiblizes alternative ways of being and knowing and, thereby, possible solutions (Grear 2015).

This harmful universalization contained in the Anthropocene is an example of *worlding*. In post-colonial theory, worlding refers to a narrowing of the complexity and diversity of knowledge systems, thereby implicitly creating hierarchies (Spivak 1985). By awarding credibility to only one dominant knowledge system, one way of seeing and understanding the world, the knowledge that departs from this worldview, such as that contained in subaltern knowledge, tends to be disregarded, as it is judged as irrelevant, illegitimate, or irrational.

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This is evident when observing international deliberations regarding the mitigation of the negative effects of climate change and environmental degradation. Anyone wanting to be heard needs to streamline their language and appearance to the dominant habitus and master the intricacies of the bureaucratic apparatus of international political spaces such as the United Nations (Ling and Pinheiro 2020, 317). For instance, in order to partake in the negotiations of the Conference of the Parties (COP) of the United Nations Framework Convention on Climate Change (UNFCCC), participants need a UNFCCC accreditation, which may take up to 16 months and which may be a prerequisite for obtaining a visa for participants from Global South countries (Global Alliance for the Future of Food). Grassroots actors have described the COP process as 'complex, intimidating, and overwhelming' (Global Alliance for the Future of Food). Consequently, access barriers for representatives of groups that are not organized in a certain (legal) form, and those that have not been socialized in western, urbanized, or conventionally educated contexts, including indigenous communities, rural farmers, fisherfolk, or gender and climate activists and so on, may be particularly high, even though their perspectives for climate-just strategies may be invaluable (Ling and Pinheiro 2020, 317).

We are of the firm belief that this epistemological and ontological narrowing and the marginalization of valuable knowledge systems have led us to the current desolate situation of overstepping the planet's boundaries with catastrophic consequences, which is only now starting to become visible to the mainstream. Hegemonic concepts such as economic growth and development pave the way for the exploitation of natural resources, and one another. This book, therefore, advocates for an epistemic and ontological openness, bearing in mind the possibility of many globals.

Hence, the kind of conversation we envisage requires us to become aware of our inherent relationality, our interconnectedness. On the basis of this understanding, we want to engage in shared reflection on the issue of climate justice, where people from different epistemic and ontological backgrounds meet on an equal footing, with a spirit of mutual learning and solidarity and an appreciation for the other's point of view (Ling and Pinheiro 2020, 317). As prudently framed by Donna Haraway, 'it matters which stories tell stories, which concepts think concepts [… and] which systems systematize systems' (Haraway 2015, 160). This requires us, in turn, to be conscious of our own positionality, as well as the power dynamics and intersectional vulnerabilities present. As noted by Audre Lorde, 'There is no such thing as a single-issue

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struggle because we do not live single-issue lives' (Lorde and Browne 2020). We note especially that the climate crisis is not a single issue but rather needs to be placed into the multifaceted context of the intersectional injustices prevalent in the many intermingling locals, regionals, and globals. If we understand this crisis as a multidimensional and intertwined mosaic, this book's chapters under the theme of the climate crisis and marginality attempt to shine a light on stones and patterns at the margins that are usually kept in the shadows. Drawing from different epistemic backgrounds and cosmologies, we want to discuss root causes, unveil power structures, and offer theoretical inputs for equitable ways to navigate the climate crisis.

Climate Justice and Marginality

We deliberately start the first section of this book by engaging with perspectives that tend to be (dis-)regarded as marginal. Through feminist, decolonial, and queer lenses, the authors in this section unveil the interrelation between the exclusion of marginalized voices from economic, societal, political, and environmental decision-making and the current climate crisis. Based on these rich theoretical and epistemic approaches, climate justice emerges as a foundational concept to counteract the reproduction of climate marginalities and the exacerbation of the crisis itself. The disruptive potential for positive change is revealed in each chapter's proposal to put the margins at the centre. We note that there are other valuable perspectives, including those by indigenous communities, religious minorities, or persons with disabilities, which are not reflected in this section.

The first chapter in the section 'Climate Change and Marginality' is by Juliana Santos de Carvalho and Giovanna M. Frisso and focuses on the multifaceted detrimental effects of gendered biases in climate justice debates. In 'Gender and Climate Apathy: Addressing Inaction', de Carvalho and Frisso apply a gender-theoretical lens to show how the repetitive depiction of women in the Global South as vulnerable and in need of saving fuels the process of 'othering', thereby producing a feeling of apathy and hampering concrete climate action. Santos de Carvalho and Frisso end their argument with a powerful counter-perspective through the concept of *cuerpo-territorio* (body-territory), developed by South American communitarian feminisms.

Palvasha Shahab then explores how global climate justice can be contextualized locally in the Indus Delta of Sindh, Pakistan, focusing on

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the impact of large-scale canal projects, such as the Left Bank Outfall Drain (LBOD). In her chapter titled 'Climate Justice, Space, and Time: A Genealogy of the Left Bank Outfall Drain (LBOD) Affected', she traces the history of river development and its transformation of the Indus Delta, highlighting the role of colonial and modern infrastructural interventions that prioritized global cotton trade at the expense of local resilience.

A distinctly intersectional analysis of the marginalization of women in climate policy in Malawi is offered by Ngcimezile Mbano-Mweso in her chapter titled 'No Climate Justice without Gender Justice: Examining Policy of Climate and Gender Justice from an Intersectional Lens in Malawi'. She points to the misrecognition of women in current policy approaches through the denial or disregard of their lived realities. Thus, Mbano-Mweso argues for an intersectional and multifaceted understanding of women as individuals with complex identities that affect how they are implicated and affected by climate change, advocating for gender-responsive climate change management policies and practices. She exemplifies her conceptual approach through a case study of climate policy in Malawi.

In the next chapter titled 'Queering the Climate Crisis', Zsea Bowmani traces the origins of the climate crisis from colonialism to today's destructive domination of carbon capitalists. Using queer theory as an analytical lens, Zsea reveals the ideological underpinnings of capitalism, which lead to the marginalization not only of indigenous people, people of colour, women, LGBTQ people, people with disabilities, and other subaltern groups but also of nature itself. His analysis shows that queerness, particularly when framed as 'eco-queer', is an act of epistemic resistance in itself. Much is to be learned from queer adaptation and transformation strategies.

The chapters in this section offer important insights into the detrimental effects of marginalization and thereby shine a light on possible root causes of multiple crises leading to the destruction of our environment. By calling for climate and epistemic justice, the texts attempt to sketch real solutions for the current climate crisis that could lead the way to a more equitable life on earth. It thus contrasts with the next section, which deconstructs alleged climate solutions linked to new technologies, pointing to ingrained power asymmetries that may fuel the reproduction of marginality. They do so by pointing at the worlding involved in such climate solutions: hegemonic knowledge systems are privileged over those that are considered marginal. This is again contrasted with the transformative potential offered by climate justice.

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Climate Solutions and Marginality

In the second section of the book, we are attentive to exploring how certain cosmological visions have gained prominence over others in offering pathways to sustainable transitions. For instance, we are interested in unpacking how much of the climate discourse is often seen through an economic lens, such as exploring carbon neutrality, carbon credits, and carbon emissions, and how these approaches are packaged as technical solutions by large corporations. Instead of this 'solutionism', which has been highlighted in several chapters in this book, we need to understand the systems within which such changes are taking place rather than exploring individual outcomes and piecemeal interventions. As Kotzé et al. argue, such a systemic approach would involve a focus on

> the planetary scale and offers pathways of entry into new areas seeking to understand complex and dynamic human and non-human relationships, complex self-organising systems, irreversible impacts of interacting stresses, multiple scales of organisation, and the various actors and their agendas that influence or are affected by earth system change. (2022)

We are interested in unpacking these underlying frictions and systems of knowledge and power that govern the material ways in which we engage with the climate question, and also the epistemic concerns that show how narratives on climate justice emerge in certain locations over others. We acknowledge the temporality of climate change and see it not just in terms of attributing historic responsibility for the climate emergency but also as a function of determining intergenerational equity. This is important to us because we wish to explore the challenge of climate change not just in terms of the immediate existential threats that we face for the present generation, but also what are the choices that we are going to make that are going to affect future generations to come. Understanding the entanglement of the climate crisis with both the past and the future in a non-linear way not only allows for a certain openness to other ways of knowing but also allows for the conceptualization of more balanced counter-strategies and solutions.

Tatheer Fatima opens the discussion in this section by pointing to the ambivalences surrounding the topic of data and the climate crisis by examining the much-hyped blockchain technology. In 'Blockchain for

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Climate Change, and the Rise of Blockchain Colonialism', she discusses how these technologies, often hailed as the future of combating climate change, bear the risk of reproducing or even further entrenching the Global North–South divide. She does so by critically investigating existing blockchain-for-climate initiatives vis-à-vis their potential to materialize blockchain colonialism.

Another critical turn in the debate around climate justice is offered by Laura Mai in her contribution on 'The Datafication of Climate Change Governance: Three Stories about Scale, Power, and Knowledge'. She unveils the ambivalence of collecting data in the name of fighting climate change by telling three stories about scale, power, and knowledge. By weaving them together, she points to the implications of datafication for dimensions of justice.

The final chapter in this section, 'Digital Agriculture: In Need of a Business and Human Rights Law Solution', centres on the ambivalences surrounding digital agriculture, with Foto Pappa critically examining its possible negative effects, including the dispossession of traditional knowledge, agricultural de-skilling, and possible land grabbing. Using a business and human rights framing, she examines possible obligations of agricultural business providers within existing due diligence instruments, particularly focusing on the right to food and the right to scientific knowledge of farmers.

By unveiling the inherent problems with some of today's hailed climate solutions, the chapters in this section reinforce the call for putting the margins at the centre. To tackle the climate crisis effectively, we need to understand that it is by no means a one-dimensional or single-issue concept and embrace complexity by learning from many globals. With the different epistemic and ontological lenses of the previous two sections in mind, we now turn towards climate justice as a practice by providing examples of how subaltern actors utilize creative strategies for resistance on a micro, meso, and macro level. Thereby, the agency of the often victimized marginalized is emphasized, and a counter-narrative to the solutionism of our time is provided.

Resistance

Resistance against the climate crisis arguably also needs to be resistance against marginalization in order to fall within the framework of climate justice. By the same token, any climate action that fails to critically engage

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with the social and institutional relations and inequalities that are the root causes of climate change runs the risk of perpetuating those very structures (Newell et al. 2021). A lens that centres power by highlighting marginalities and the declared effort to counteract them in a fair and equitable manner thus distinguishes solutionism from more holistic approaches to navigating the climate crisis. In that sense, we believe that climate-just resistance has a counter-hegemonic potential in the Gramscian sense (Gramsci 1971), as it challenges dominant modes of governance and their underlying ideologies, such as the high value placed on economic prosperity, technological progress, individual freedom, and meritocracy (de Luca 1999).

We recognize that the global and the local are increasingly entangled, leading to an ever greater need for the international coordination of resistance and for global–local solidarity. It is therefore important that we cultivate a nuanced understanding of solidarity networks and partnerships: they must actively strive to dismantle power imbalances and ensure that shared endeavours in climate justice are genuinely equitable and effective. They must uplift the perspectives of subaltern actors, who possess invaluable experience that can inform and enrich context-specific solutions (*National Observer* 2023). Recognizing the vital role of local actors in shaping climate action underscores the need for comprehensive strategies that embrace both local and global perspectives.

Local communities' resistance to exploitative or unjust practices highlights the critical role of global objectives, such as those outlined in international agreements like the Paris Agreement. While these agreements shape national legal frameworks, local actors resist by adapting and internalizing them in ways that reflect their socioeconomic realities. The Nationally Determined Contributions (NDCs) represent a key point where global climate goals meet localized resistance strategies, balancing global commitments with demands for justice (UNFCCC n.d.).

It is in such climate policy and governance contexts that calls for a 'just transition' become more pronounced. The concept tries to merge more subversive modes of resistance with those of more established forms of governance in order to strive for the common goal of a carbon-neutral society. At the core of the just transition approach lies the commitment to fairness that addresses global justice issues such as ethnicity, income, and gender disparities. While the transition is global in essence, it must engage with realities at multiple scales, where local struggles for fairness become sites of resistance (McCauley and Heffron 2018). Globally, the idea has gained traction

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with entities such as the International Labour Organization (ILO) promoting policies to protect livelihoods and foster collaboration among governments, employers, and workers to ensure equitable, sustainable development.

The interplay between global and local dynamics in a just transition is critical to resistance, as local communities often resist top-down initiatives that overlook their specific contexts and needs. Globally agreed-upon targets, such as those set by international frameworks, must be translated into local action plans that consider each community's unique circumstances, especially in places where marginalized groups have historically been excluded from decision-making. This demands active resistance against power imbalances, knowledge gaps, and exclusionary practices, with free, prior, and informed consent from local stakeholders—especially indigenous populations—at the forefront of the process. Traditional knowledge and practices can serve as a form of resistance against unsustainable external impositions, offering alternative, sustainable pathways.

A tangible example of this resistance can be seen in Colombia's La Guajira region, home to the indigenous Wayúu people. The Colombian government has designated this area for major wind energy projects, crucial for national renewable energy goals. However, the Wayúu leaders have resisted the government's and wind companies' actions, questioning the fairness of compensation and the impact on their ancestral lands. While open to renewable development, the Wayúu people resist marginalization by demanding active partnership and fair treatment in these projects (Rubiano 2021).

We recognize that resistance and change strategies by diverse actors and solidarity networks towards low-carbon and environmentally sustainable economies and societies are versatile and highly context-specific. They may include campaigning or activism, ranging from methods such as distributing leaflets, writing letters, and launching petitions to more radical approaches, including boycotts, media stunts, sit-ins, strikes, performances, blockades, traffic disruptions, lockups, supergluing stunts, economic sabotage, or property damage (Molek-Kozakowska 2021). Another venture point may be policy strategies on a regional, national, or international level. This may encompass making policy proposals, participating in consultations and conferences, writing shadow reports, and making public statements. In this book, we decided to take a somewhat legalistic and policy approach, predominantly looking at the role of climate litigation and courts, as well as other actions beyond courts as a mode of resistance. On one hand, this is

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due to the increasing importance of courts and the law as a strategic arena of climate action for movements (Fuchs 2013). On the other hand, the law and lawmaking in court is an important locus of hegemony, as it is placed between the state and civil society and as it combines coercion and consent or persuasion (Hunt 1990, 316; Gramsci 1971). This does not only mean that we need to be aware of the constraints and barriers posed by the law, as has been pointed out by critical legal scholars for a long time (Tushnet 1984; Kennedy 2002; Baars 2019). It also means that the law, especially legal mobilization, is a contested field and is thus subject to continuous social struggle (Buckel et al. 2024, 29). This, in turn, bears an immense emancipatory and transformative potential, as we will explore with concrete examples in the two sections subsumed under the theme of resistance.

Climate Litigation as Resistance

Climate litigation can serve as a disruptive and transformative tool towards climate justice. This may particularly be the case if marginalized actors and movements join forces with lawyers working on climate justice. This is critical, since the process of epistemic and ontological marginalization described in the previous section may otherwise place excessively high obstacles for subaltern actors and movements to enter the legal process. However, when closely collaborating with critical lawyers, they can translate environmental, climate, and related social demands into legalistic language to be put forward in courts. If picked up by judges in their judgments or opinions, this may lead to the establishment of new facts and doctrines, thereby making their way into the mainstream discourse (Buckel et al. 2024, 31).

While many climate cases do not succeed in the traditional sense of a legal victory, the strategic use of climate litigation can nevertheless have the effect of empowering marginalized communities and social movements to resist the entrenchment of global injustices. By employing human rights language and arguments in court, such litigation shifts public rhetoric, raises awareness, and fosters dialogue about the injustices perpetrated by the climate crisis. Importantly, these court cases often amplify the voices of communities disproportionately affected by climate change. In this way, climate litigation becomes a powerful tool for challenging global inequities, aligning with the book's overarching themes of marginality and resistance.

The recent judgment in *Saúl Luciano Lliuya v. RWE* further illustrates how climate litigation can disrupt entrenched power asymmetries by forcing

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courts to grapple with scientific and causal complexity across borders. In this case, Peruvian farmer Saúl Luciano Lliuya sued the German energy company RWE for its historical greenhouse gas emissions, estimated to contribute approximately 0.38 per cent of global industrial CO_2 emissions. He argued that this share materially contributed to glacial melting above his hometown of Huaraz, thereby increasing the flood risk from Lake Palcacocha. Although the Higher Regional Court of Hamm ultimately dismissed the claim, it recognized that major corporate emitters may, in principle, be held liable under civil law for their quantified contributions to climate harm, regardless of the geographical distance between emitter and victim (*Saúl Luciano Lliuya v. RWE* 2025). The case was groundbreaking in its use of attribution science, specifically, in the quantification of RWE's historical emissions as a legal basis for causation. By admitting such evidence, the court opened the door to a jurisprudence that does not dismiss marginal voices from the Global South on the basis of scientific uncertainty or jurisdictional remoteness. In this way, the case highlights how climate litigation can serve not only as a doctrinal innovation but also as a mechanism for epistemic and legal resistance.

However, while climate litigation has become a subject of increasing scrutiny, as scholars such as Peel and Lin (2019) have argued, much of the scholarship focuses on the Global North, highlighting successful cases in the United States, Europe, and Australia. This emphasis overlooks the crucial legal battles waged in the Global South, where climate injustice is most keenly felt. As Robert Nixon's work on slow violence highlights, the gradual, often invisible effects of environmental degradation disproportionately harm marginalized communities, making the judicial system a vital mechanism for seeking redress (Nixon 2011). Much of this is starker and already apparent in the Global South, where the climate crisis is more present rather than an abstract threat in the future.

In this book, we seek to unravel how courts in the Global South navigate these challenges, with two specific chapters focusing on Brazil and India as pivotal examples. These case studies illustrate the ways in which courts in the Global South respond to and address the complexities of climate litigation and the broader struggle for climate justice. Helena Dolabela and Fabiana Soares Leme's chapter on Brazil, 'Litigation and Climate Justice: An Approach through the Brazilian Case', provides a sound example of how indigenous and traditional communities leverage the legal system to resist environmental harm. Beyond seeking remedies for climate-related impacts, the arguments advanced in the cases analysed also challenge the sociopolitical structures

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that underpin environmental degradation. The recognition of the rights of nature in Brazil marks a significant shift towards an eco-centric legal approach, reflecting broader debates on ecological justice. The chapter argues for a reimagining of legal subjectivity beyond anthropocentrism.

While Brazil's approach highlights the role of indigenous and traditional communities in resisting environmental harm through eco-centric legal arguments, India's experience offers a contrasting perspective. As Talha Abdul Rahman and Abu Bakar Junaid illustrate in their chapter, 'Courts, Environment, and Climate Change: The Indian Experience', climate litigation in India is focused on holding the state accountable for its climate commitments. The Indian judiciary has historically played a pivotal role in environmental protection, and recent climate cases highlight its potential to enforce governmental climate pledges. However, this also raises critical questions about the limitations of judicial activism, especially in situations where socio-political and economic factors may impede the enforcement of court orders. Today, as Paprocki's work on climate precarity (2021) reminds us, addressing climate challenges requires understanding the broader political and economic contexts that shape climate vulnerability.

Another significant form of resistance is the use of courts to hold corporate actors accountable for their role in the climate crisis. Julia Stefanello Pires' chapter, 'Leading Climate Cases against Corporate Actors: Understanding Business Accountability for Human Rights Impacts Related to Climate Change', examines recent cases against multinational corporations, which have set important precedents in attributing corporate responsibility for contributions to global warming. This trend reflects an evolving perspective in legal theory, as highlighted by scholars such as Grietje Baars (2019), who argue that corporations are central to perpetuating the global capitalist structures driving environmental degradation and social inequality. Corporate accountability, therefore, emerges as a crucial axis of resistance within the broader climate justice movement, as demonstrated by key cases from Europe to the Global South.

Legal Action as Resistance beyond the Courts

While litigation has proven to be a powerful ally to climate justice, particularly in holding corporations accountable, legal resistance is not confined to the court room. In this section, we shift focus from judicial strategies to other legal and institutional mechanisms that can be mobilized to challenge the

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ideological underpinnings of environmentally destructive systems. Policy advocacy, international agreements, and investment dispute settlement, for example, are often framed as tools of governance, but they can be repurposed to subvert dominant power structures and advance climate justice. We explore how these avenues, though embedded in existing systems, offer potential sites for transformative resistance.

Ulrike Will, in her chapter, 'Climate and Data Justice in the Nationally Determined Contributions (NDCs) to the Paris Agreement', argues that the Paris Agreement weakens 'climate justice' by relegating it to the preamble and allowing each party to define 'fair' contributions. While all parties have submitted NDCs, these commitments fall short of limiting global warming to 2°C, and the open-ended fairness approach makes accountability difficult. Will also highlights that the heterogeneity of NDCs often disadvantages developing countries, calling for binding structural requirements and unbiased data analysis to enhance both climate and data justice.

Thus, the local–global dynamic is a site not only for collaboration but also for resistance, as communities challenge top-down impositions and strive for a societal transition that is both environmentally sustainable and socially just.

International investment arbitration is another crucial area where legal resistance to climate injustice can manifest. While techno-solutionist policies often disregard the complexities of local realities, investment disputes provide an opportunity to challenge environmentally destructive projects directly. Emily Sipiorski's chapter titled 'Climate Interventions in Global Administrative Structures: Openings for Justice in International Economic Law' highlights how international economic law, traditionally criticized for shielding corporate interests and excluding environmental concerns, is becoming a contested arena for climate justice. Bilateral investment treaties (BITs) and investor–state dispute settlement (ISDS) mechanisms have often been used by corporate actors to resist environmental regulations. However, there are emerging opportunities within these frameworks to embed climate justice, such as including environmental protection and sustainable development in treaty provisions. The evolving language of treaties, particularly those concluded between developing states, and changes in dispute settlement processes, such as within the European Union, demonstrate how these systems can be reimagined to hold investors accountable for environmental and social harms, thereby advancing the broader goals of climate justice and supporting vulnerable communities.

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Conclusion

The climate crisis has unequal impacts around the world. As this introduction outlines, a pluriversal approach is imperative to navigate its root causes and understand how climate change engineers and exacerbates vulnerability in both societies and ecosystems. This approach allows us to see how global inequalities, power imbalances, and relentless exploitation not only result in violence and poverty but also play a pivotal role in perpetuating the climate crisis. To respond to this systemic crisis, a global discourse on climate justice is necessary—one that takes into account different epistemic backgrounds, cosmological and ontological visions and prioritizes justice-oriented solutions.

Without claiming to be comprehensive and conclusive, but rather to catalyse ongoing dialogue in academia and beyond, the contributions illuminate various facets of the climate crisis, as well as resistance thereto, guided by the central question of shaping the concept of climate justice. We invite the reader to engage in a collective journey, as an explorer of justice, through concepts, times, and spaces.

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