

Article

Normative Shifts in the Global Conception of Climate Change: The Growth of Climate Justice

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Abstract: While climate change has been framed as an environmental issue from the very beginning of United Nations Framework Convention on Climate Change (UNFCCC) negotiations, over the years the concept has expanded to further emphasize it as a fundamental issue of human rights and global justice. This paper examines the evolution of the conception of climate change since 2009, arguing that the issue framing utilized by UNFCCC member states has increasingly trended toward some aspects of the climate justice frame, including disparities in vulnerability to climate change (loss and damage), human rights impacts, and social inequalities. This shift also extends to the framing adopted by civil society organizations in the form of the Climate Action Network (CAN International), in which a larger focus on issues of climate justice can be seen in recent years. These trends are then reviewed alongside the objectives, mechanisms, and language of the ratified text of the Paris Agreement in order to evaluate the status of the growing international norm of climate justice.

Keywords: climate justice; international norms; Paris Agreement; issue framing; environmental justice; climate change

1. Introduction

Since the founding of the United Nations Framework Convention on Climate Change (UNFCCC) at the Rio de Janeiro Earth Summit in 1992, issues of justice, fairness, and equity have maintained a constant presence throughout global climate change negotiations. However, despite a vision of nations with diverse circumstances placing the needs of the planet above their own interests, issues arose from the very beginning when it came to constructing and defining a socially-shared understanding of fairness. Questions left unanswered included who is most responsible for climate change, who will sustain the greatest damage under a warming planet, and who should be expected to take on the daunting and costly responsibility to address it—or what Roberts and Parks call the “triple inequality” of responsibility, vulnerability, and mitigation (Roberts and Parks 2006, p. 7).

Formulating the response to an environmental problem depends entirely on how the problem is defined, and it is with this first step where the role of justice in the conceptualization of climate change is established. Maartin Hajer notably emphasized that various actors hold different perceptions of what an environmental problem “is”; that is, the social conception of an environmental issue defines the terms and conditions under which it is discussed and negotiated, and therefore also determines the approach and methods utilized to address the problem. For this reason, the dominant frame¹ of an

¹ Frames are “schemata of interpretation” that enable individuals “to locate, perceive, identify, and label” occurrences within their life space and the world at large.” (Goffman 1974, p. 21).

environmental issue ultimately supersedes the environmental issue itself in importance (Hajer 1995, p. 43; Hajer and Versteeg 2005, p. 176).

It is this thought process that forms the basis of how this study examines the dominant framing of the issue of climate change in international negotiations, how it has evolved, and in what direction it might progress in the future. Applying a theoretical framework based on international norms, this paper explores how the conception of climate change has expanded in recent years to be increasingly framed as not only a global environmental issue, but one that is also fundamentally an issue of justice and human rights. It argues that the global conception of climate change is evolving towards a norm of climate justice, which can be observed in the discourse of states, civil society organizations, and the text of the preeminent international climate change treaty, the Paris Agreement. In addition to language emphasizing justice, the framing of climate change has also increasingly incorporated the disparities in vulnerability to climate change (loss and damage), its human rights impacts, and its exacerbation of existing social inequalities. This study attempts to clarify the current conception of climate justice in UNFCCC negotiations, and also provides an indication of how the globally-shared conception of climate change is expanding and in what direction it may evolve in the future.

2. Theoretical Background

2.1. Climate Justice

As a particular strain of environmental justice, the term *climate justice* can hold various meanings depending on the actor using it and the setting in which it is applied. While the purpose of this paper is not to discuss the various definitions of justice or outline how environmental justice has developed and expanded from its US-based roots, it is necessary to provide some context in order to clarify the meaning of climate justice as it is used here.

Rigorous discussion has taken place in a range of academic fields to both define and broaden the concept of environmental justice². While the link between climate change and environmental justice has been the topic of much academic discussion, climate justice as it exists today has largely been defined by how it applies to issues related to the procedure and governance (negotiations and texts, respectively) of the UNFCCC, as well as the grassroots social movements accompanying those negotiations (Bond 2013; Schlosberg and Collins 2014). Therefore, while the topics and issues emphasized may differ depending on the actor producing the text, the concept of climate justice utilized in this paper is derived from common issues and positions adopted in various climate justice statements, declarations, and agreements by both states and civil society organizations³.

Through analysis of these documents, nine shared principles of climate justice were identified: (i) a conception of justice in line with Rawls' two Principles of Justice⁴ or the three dimensions of distributional, procedural, and recognition justice outlined by Schlosberg (2004); (ii) emphasizing differing vulnerability of countries to climate change's effects and adaptation capacity; (iii) tying greenhouse gas emission reduction responsibilities to historical emissions, often referred to as "climate debt"; (iv) the provision of compensation for loss and damage incurred from climate change impacts; (v) connecting climate change to issues of human rights; (vi) the impact of climate change on cultural heritage and the rights of indigenous communities, (vii) the role of climate change and its policy

² For examples of how the conception of environmental justice has expanded, see: Taylor (2000); Agyeman et al. (2002); Schlosberg (2004, 2013); Adger (2001); Okereke (2006); Newell (2005); and Roberts and Parks (2007).

³ The starting point for this is the Bali Principles of Climate Justice (2002), cross-referenced with Peoples Agreement (2010); The Margarita Declaration on Climate Change (2014); Climate Justice Now! Climate Justice Statement (2008); Climate Justice Alliance (2018); and Mary Robinson Foundation (2017).

⁴ "First Principle: Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all. Second Principle: Social and economic inequalities are to be arranged so that they are both: (a) To the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity." (Rawls 2009, p. 266).

responses in intensifying existing social inequalities, including those related to gender, race/ethnicity, and social class; (viii) criticism of “false-solutions”: market- and technology-based responses to climate change that do not address its underlying causes; and (ix) connecting the problems associated with climate change to global systems and practices such as globalization, trade liberalization, international debt, militarism, and global capitalism.

2.2. International Norm Theory

The fundamental theoretical framework of this study adopts the concept of international norms and assumes that the identities and interests of states are, to some degree, socially constructed. Thus, their behavior is influenced by not only material, but also ideational factors—in this case, a shared understanding of an issue across borders.

To define norms as they are used in this paper, it is best to begin with the often-cited definition by Peter Katzenstein (1996, p. 5): “. . . to describe collective expectations for the proper behavior of actors with a given identity”. In other words, norms are “the sense of ought . . . how an actor should behave” (Florini 1996, p. 364). International norms assume the idea of a shared world culture, and can manifest as standard behaviors, legitimate behavioral claims, or shared understandings and meanings. Dominant norms are constantly evolving over time due to competition from other opposing norms, and this evolution may not be a linear one, depending on the similarity of the contesting norms to the previously accepted norm (Krook and True 2012, p. 104); Ciple et al. (2015, pp. 78–80) expand on this notion that norms are “conflict-ridden and always incomplete processes by which states with competing class interests, in coordination with nonstate actors, come to agree on what are socially sanctioned and legitimate terms of consent”.

In analyzing the international norms that construct the shared conception of climate change, this paper utilizes the framework of Finnemore and Sikkink (1998)’s “norm life cycle” (Figure 1). In this, norms become dominant through a three-stage process: norm emergence, norm cascade, and internalization of the norm. The first stage, norm emergence, is where the norm first takes shape and is promoted by actors with compatible objectives.

Between the first and second stage is a tipping point, where a norm is adopted by a “critical mass” of states. In many cases this is after it is institutionalized in some form, often through an international organization or agreement with particular rules. Building on the ideas of Finnemore and Sikkink, Khagram et al. (2002, p. 15) define this critical mass occurring at between one-quarter to one-third of actors accepting the new standards of this norm. Additionally, which states adopt this norm can also be very important; some states will be more influential and integral to progressing the norm to the second stage than others (referred to as critical states).

While domestic pressure is an important factor in the first stage, from Stage 2 states begin to adopt the norm as it relates to their global identity, applying and responding to international pressure to conform. If this continues and a norm becomes ingrained in the practices of state and non-state actors and taken for granted as an uncontroversial notion, then the third stage, internalization, is achieved. This framework provides a useful and informative method to measure the status and strength of an international norm, and therefore will construct the basis of the analytical approach taken here to examine how the norm of climate justice has progressed and in what direction the global conception of climate change is evolving. This study adopts an approach centered on shared global conceptions, and thus uses the norm life cycle model to analyze the presence of the norm in the language and framings utilized by states and civil society organizations, and in the text of the Paris Agreement, currently ratified by 184 of the 197 Parties to the Convention (UNFCCC 2018).

	<i>Stage 1</i> <i>Norm emergence</i>	<i>Stage 2</i> <i>Norm cascade</i>	<i>Stage 3</i> <i>Internalization</i>
<i>Actors</i>	Norm entrepreneurs with organizational platforms	States, international organizations, networks	Law, professions, bureaucracy
<i>Motives</i>	Altruism, empathy, ideational, commitment	Legitimacy, reputation, esteem	Conformity
<i>Dominant Mechanisms</i>	Persuasion	Socialization, institutionalization, demonstration	Habit, institutionalization

Figure 1. The Norm Life Cycle (Finnemore and Sikkink 1998).

2.3. Issue Framing

The theoretical perspective adopted in this paper emphasizes the use of language and its relationship to how frames spread. Previously, [Krook and True \(2012\)](#) analyzed the life cycles of international norms, underscoring the idea of norms as continuously-evolving processes, and focusing on the power of framing in the constitution and transformation of norms. Additionally, [Payne \(2001\)](#) stressed the importance of the relationship between framing and persuasive power in the construction of norms, as well as how the frequency of discursive actions provides evidence for the relative strength of a norm.

A wide range of research drawing from various academic disciplines has examined the discourses surrounding climate change⁵, as well as the use of frames by various actors in climate change negotiations in both defining the issue and in promoting approaches to solving it.⁶ Because this research is looking at how a norm is expanding from one perspective to a broader understanding that doesn't completely replace the previous one, it is most useful to categorize the discourses based on their associated framings: The scientific framing and climate justice framing. The criteria for defining these comes from a synthesis of the framings and perspectives from the cited previous studies as well as the climate justice literature cited in Section 2.1, along with the author's personal experiences at UNFCCC Conference of the Parties (COP) meetings and interactions with various actors in the realm of climate change.

The scientific framing refers to the perspective commonly held at the beginning of UNFCCC negotiations, characterized by the following traits: (i) climate change is primarily an environmental issue, and one to be looked at scientifically, with scientific solutions; (ii) climate change is a global problem, with all countries, people, and environments impacted, and thus with a common responsibility to solve the issue; (iii) climate change can be successfully addressed without modifying current global power structures (economic and political); and (iv) mitigation should be of greatest focus, with market-based mechanisms playing an important role.

As an expansion of the scientific framing, the climate justice framing does not completely discard these assumptions. However, it differs in the following significant ways: (i) climate change is not only an environmental issue, but also fundamentally one of human rights, with both social causes and solutions; (ii) all countries and peoples are not equally vulnerable to climate change, and their capacity to respond also differs dramatically—therefore it is a mischaracterization to frame it as a “global” issue where everybody is impacted—and those historically responsible for climate change

⁵ See: [Adger et al. \(2001\)](#); [Anshelm and Hultman \(2014\)](#); [Bäckstrand and Lövbrand \(2007, 2016\)](#); [Della Porta and Parks \(2014\)](#); [Allan and Hadden \(2017\)](#); [Keck and Sikkink \(1998, pp. 17, 30\)](#).

⁶ See: [Blaxekjær and Nielsen \(2015\)](#); [Good \(2008\)](#); [Kuchler \(2017\)](#); [Nicholson and Chong \(2011\)](#); [Vogler \(2016, pp. 13–30\)](#); [Wahlström et al. \(2013\)](#).

are obligated to take the appropriate amount of responsibility in addressing it; (iii) successfully addressing climate change requires a reevaluation of global political and economic systems; and (iv) adaptation and compensation for those most vulnerable to climate change are emphasized in addition to mitigation efforts.

3. Methodology

To look for trends that may indicate any observable shift towards the adoption of the climate justice norm, content analysis was utilized as the primary methodology in this research. More specifically, this study examined the multiple aspects of the climate justice discourse to clarify which issues have gained acceptance as a part of the global conception of climate change, and which ones have been unable to gain traction in the post-Kyoto era.

3.1. UNFCCC Member States

As the primary negotiators determining the outcome of a global climate agreement, states remain the most powerful actors in shaping the international response to climate change. Their negotiating positions are not only shaped by national interests, but also by other international actors (civil society organizations, business and industry, media) and their domestic equivalents. Therefore, states serve as a good indicator of how a problem is being perceived and defined across international borders, and what are accepted responses to that problem—fundamental pieces of an international norm.

To examine the framings of climate change utilized by UNFCCC member states, official statements at the annual COP meetings of the UNFCCC were analyzed for the presence of the nine climate justice principles outlined in Section 2.1. These statements included those from both individual countries and from groups of states advocating for common goals⁷. 1265 available public statements from 2009–2017 (COP 15 to COP 23) were reviewed in full by the author, with assistance translating and analyzing by two other researchers for Spanish, French, and Arabic speeches without English translations provided. To test for an overall trend in the adoption and reproduction of the language associated with climate justice, the first analysis performed was to calculate how many of the nine principles appeared in each statement, then average them for each year, giving a minimum score of 0 and a maximum score of 9. Additionally, every principle was separated into three categories for each statement: 0 (no presence), 1 (singular, brief mention), or 2 (stronger emphasis or multiple mentions), to look at how emphases on different aspects of climate justice may have changed over time.⁸ The scoring methods were applied equally to Annex I and non-Annex I countries.

The results were also divided between Annex I and non-Annex I nations (those with binding greenhouse gas reduction commitments in the Kyoto Protocol, and those without, respectively⁹) as well as by emphasis for each climate justice principle (separating scores of 1 and 2). Differences such as binding commitments, national development goals, vulnerability to climate change, and adaptation capacity all may impact which aspects of the climate justice framing are embraced in a country's

⁷ A number of political coalitions have formed, dissolved, and shifted throughout UNFCCC negotiations depending on changing narrative positions and windows of political opportunity (Blaxekjær and Nielsen 2015). A few notable examples include: The Umbrella Group, consisting of the Annex I countries Australia, Canada, Iceland, Japan, New Zealand, Norway, the Russian Federation, Ukraine, and the United States; G77 and China, made up of non-Annex I nations; the Alliance of Small Island States (AOSIS); and the Bolivarian Alliance for the Peoples of Our America (ALBA), a group of socialist and social democratic Latin American states.

⁸ As an example, Vanuatu's statement from COP 23 was assigned a score of 1 in the category of *Human Rights* for the line "Vanuatu embraces the vision of global climate action that actively promotes human rights, gender equality and sustainable development for all Parties", the only mention of human rights in the statement. In contrast, it was assigned a 2 in the category of *Loss & Damage* for multiple, more elaborate mentions: "Within the current convention processes we must see significant action towards implementing Article 8 on Loss & Damage"; "COP 23 must make an immediate and strong decision on the Warsaw International Mechanism (WIM) that raises the profile of loss and damage within the convention, with new and additional finance to help developing nations cope with unavoidable economic and non-economic losses of climate change"; and additional brief mentions of "loss & damage actions." (Tabimasmás 2017).

⁹ For further details on these commitments, see UNFCCC (1997).

message, and thus results were separated by country type and score in order to clarify differences in how states adopted aspects of climate justice into their public discourse in the lead up to the Paris Agreement. Furthermore, as industrialized countries with binding reduction targets in the Kyoto Protocol, Annex I countries have the strongest negotiating power in climate agreements, and thus analyzing their trends can give some indication of which aspects of the climate justice framing are being adopted by the “critical states”.

3.2. Civil Society Non-Governmental Organizations (NGOs)

In addition to the conception of climate change held by UNFCCC member states, the framing of climate change utilized by civil society non-governmental organizations (NGOs) has also evolved over time. In the international political arena, NGO networks feature as one of the most prominent actors, often performing many of the same functions as state delegates and attempting to influence negotiation outcomes through their activities (lobbying, providing information to negotiators), insider access (attending and participating in negotiations), and resources (knowledge, financial assets, base of supporters, etc.) (Betsill and Corell 2008, p. 8).

To analyze the issues emphasized by civil society organizations, this study focuses on the Climate Action Network (CAN International, or CAN). With over 1300 member organizations from more than 120 countries, CAN is the largest and most prominent civil society environmental NGO network involved in UNFCCC negotiations, and notably influenced the negotiation process of the Kyoto Protocol through its issue-framing, information sharing, and engagement of member state delegates (Betsill 2008, p. 58). Thus, examining the language and climate justice issues promoted by civil society NGOs in this study sheds light on the priorities and objectives of an influential actor in climate negotiations to compare with those of states. More broadly, it provides a clearer picture of not only normative evolution among state actors, but of how climate justice is being conceptualized outside of the strategic framing and interests of national governments.

The text selected for the analysis of CAN was the most consistent and representative outlet for communicating their chosen frames: Their *ECO* newsletter, in which all 2129 articles (408 issues) from 2001–2017 were examined in full by the author for the presence of the nine climate justice principles. As these articles were shorter and more issue-specific compared to a national COP statement, a simplified scoring system of 1 (present) or 0 (not present) for each principle was used for every article.

ECO is issued in paper and digital formats daily during UNFCCC conferences, with some exceptions and occasional special issues published at other points in the year. Thus, the number of *ECO* issues varies for each year (as well as the number of articles and length of each issue), and so the scores were averaged to provide a comparable number from year to year. Both the average number of climate justice mentions *per article* and average number *per issue* (using the totals for all articles in an issue) for every year from 2001–2017 were evaluated to compensate for any possible irregularities due to these variations, but when the results were compared, the two evaluation methods provided remarkably similar trends and trajectories. For consistency, in this paper all numbers and figures related to mentions of climate justice in *ECO* refer to the average number of mentions *per issue*.

4. Institutionalization of the Norm—Climate Justice in the Paris Agreement

To determine the strength of climate justice as an international norm, it is best to first look at its level of institutionalization—in this case, any language or mechanisms in the Paris Agreement corresponding to the principles emphasized in the climate justice framing. Like the Kyoto Protocol before it, the Paris Agreement has been criticized for having few concrete commitments and utilizing overly vague language (Mayer 2016, pp. 110, 116). However, from the perspective of international norms and issue framing, climate justice principles have been incorporated into the Paris Agreement in four noteworthy ways.

The first way is evident in its preamble: The first ever explicit use of the term “climate justice” in a multilateral agreement, emphasizing “... the importance for some of the concept of ‘climate justice’,

when taking action to address climate change” (UNFCCC 2016, Preamble, Paragraph 13). While the agreement does not go on to clarify what “some of the concept” specifically refers to or how it relates to or influences domestic climate policies, the fact that the term “climate justice” makes an appearance is evidence that it is becoming a part of the way climate change is being framed in UNFCCC negotiations. Inclusion of the concept of climate justice in the Paris Agreement can also be considered a form of early institutionalization of the climate justice norm, indicating that it has entered the second stage (norm cascade) of the norm life cycle. The ratification and acceptance of the Paris Agreement by the “critical states” needed to address climate change—the world’s major economic powers that are also the largest emitters of greenhouse gases—further supports this idea.

The second way in which the influence of climate justice can be seen in the Paris Agreement also occurs in the preamble: A recognition that both the issue of climate change and the response to it are fundamentally tied to human rights, including indigenous rights and gender equality.¹⁰ Savaresi (2016); paraphrasing Knox (2013), points out that this is the first multilateral environmental treaty with explicit mentions of human rights. Although it cannot yet be said that human rights has moved to the forefront as a primary aspect of the global conception of climate change, increased engagement in the realm of climate change from human rights, global justice, and international aid organizations,¹¹ as well as attention from the United Nations Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR)¹² points to rapidly increasing momentum for the issue of human rights in the shared conception of climate change. While the Kyoto Protocol made no mention of the rights of indigenous peoples, the Paris Agreement includes five separate mentions throughout, including the establishment of the Local Communities and Indigenous Peoples Platform¹³. Additionally, special mention is made for all nations to follow a “country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems” (UNFCCC 2016, Article 7, Paragraph 5).

Third, the climate justice norm also appears in the Paris Agreement through the inclusion of Article 8, which cements loss and damage as vital in effectively addressing climate change¹⁴. Although the specific details of how the loss and damage mechanism will function have yet to be determined¹⁵, the establishment of the Warsaw International Mechanism for Loss and Damage in 2013 and its formal inclusion in an international agreement stands as an example of the growing relevance of climate justice, further clarifying the norm and supporting the notion of its institutionalization. Along similar lines, a greater emphasis is placed on adaptation in the Paris Agreement compared with the Kyoto Protocol, with numerous mentions throughout the text and Article 7 dedicated entirely to outlining the adaptation goals and strategies of the agreement.

The final inclusion of climate justice in the Paris Agreement is related to the issue of differing vulnerability and the contextual impacts of climate change. As mentioned previously, one aspect of the scientific framing of climate change is conceptualizing it as a *global* problem, emphasizing that no country or person will remain unaffected. The climate justice framing differs in that it points out what the scientific framing ignores: That already disadvantaged peoples and nations will suffer greater impacts from climate change and have less capacity and resources to adapt and recover from the environmental, economic, and social damage incurred from a warmer climate.

¹⁰ See: (UNFCCC 2016), *Preamble*, Paragraph 11.

¹¹ See: (Cabré 2011; Hadden 2015, p. 21).

¹² See: United Nations Human Rights Office of the High Commissioner (2014): “A New Climate Change Agreement Must Include Human Rights Protections For All”.

¹³ (UNFCCC), *Adoption of the Paris Agreement* (two mentions); (UNFCCC), *V. Non-Party Stakeholders*, Paragraph 135; (UNFCCC 2016), *Preamble*; (UNFCCC 2016), *Article 7*, Paragraph 5.

¹⁴ See: (UNFCCC 2016), *Article 8*, Paragraph 1.

¹⁵ In fact, the text for the decision to adopt the Paris Agreement states that Article 8 “does not involve or provide a basis for any liability or compensation”. (UNFCCC, p. 8).

Therefore, it should be noted just how abundantly the Paris Agreement makes mention of unequal vulnerability to climate change throughout, suggesting a transition towards a less global and more contextual conception of climate change. Examples of this include the Preamble's recognition of "the specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change"; acknowledgement that developing economies will be "most affected by the impacts of response measures" in Article 4, Paragraph 15; Article 7's clarification that, despite adaptation being a global goal, the importance of taking into account "the urgent and immediate needs" of the most vulnerable countries (and continues to specify "vulnerable groups, communities and ecosystems"); and the prioritization of assistance to the most vulnerable countries, including least developed countries and small island states in Paragraph 4 of Article 9 and the first paragraph of Article 11 (UNFCCC 2016).

In the adoption of the Paris Agreement, issues of justice, human rights, gender equality, indigenous rights, and vulnerability must all be considered in order to develop effective policy responses, and thus are conceptualized as fundamental in the problem definition of climate change¹⁶. Despite this, some evaluations of the Paris Agreement classify it as a "win" for the largest emitters while being least fair to the least developed countries (Dimitrov 2016, pp. 7–8). Much of the language in the Paris Agreement regarding climate justice principles is vague, without concrete mechanisms to operationalize them or explicit definitions to use as a standard for compliance. However, the presence of climate justice in the Paris Agreement is significant for its discursive power—as these concepts are now formalized and agreed upon by nearly all UNFCCC member states, they will now frame future negotiations and prompt further calls for clarification and operationalization. Adherence to these climate justice principles will no longer be discussed as only altruistic or morally-sound behavior, but rather behavior that is expected of any signatory of the Paris Agreement—evidence that climate change is evolving towards a norm of climate justice.

5. Normative Change—UNFCCC Member States

5.1. Overall Trends

As illustrated in Figure 2, there was an overall increase in the average number of climate justice principles appearing in statements of both Annex I and non-Annex I nations, and only slightly lower the following year when the Paris Agreement was signed. Afterwards, there was a fairly significant drop in 2016 followed by a small rebound in 2017, but despite this drop off, the 2017 average is still notably higher than that of 2009.

Non-Annex I countries have consistently used climate justice-related language to a significant degree more than Annex I countries, with nearly twice the average number in 2009. A notable increase can still be seen from 2009 to 2014 and only a very slight drop off in the following year. Scores of 1 and 2 exhibit very similar trends, and every year shows a higher proportion of scores of 2, suggesting that non-Annex I countries will more often actively emphasize climate justice issues in their messages to other nations' delegates. Like the overall trend, there is a decrease in non-Annex I countries' use of climate justice language from 2014–2017. While it is still relatively high in 2017, one can clearly see that this framing was used more aggressively in the lead up to the Paris Agreement compared to after its signing.

Use of climate justice framings by Annex I countries shows a similar trend, but with some notable differences. Overall, the average number of climate justice principles mentioned in Annex I countries' statements more than doubled from 2009 to 2015. This increase seems to follow those of non-Annex I

¹⁶ "Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity" (UNFCCC, Adoption of the Paris Agreement).

nations but is behind by one year, suggesting that Annex I countries were either consistently slower in adopting climate justice framings, or were being influenced by the narratives promoted by non-Annex I countries. Viewing the data of scores of 1 and 2 separately reveals a more detailed picture; while the number of scores of 2 is low, the relative increase is significant. In contrast, the number of scores of 1 assigned for each year is considerably higher, yet the increase is not as dramatic.

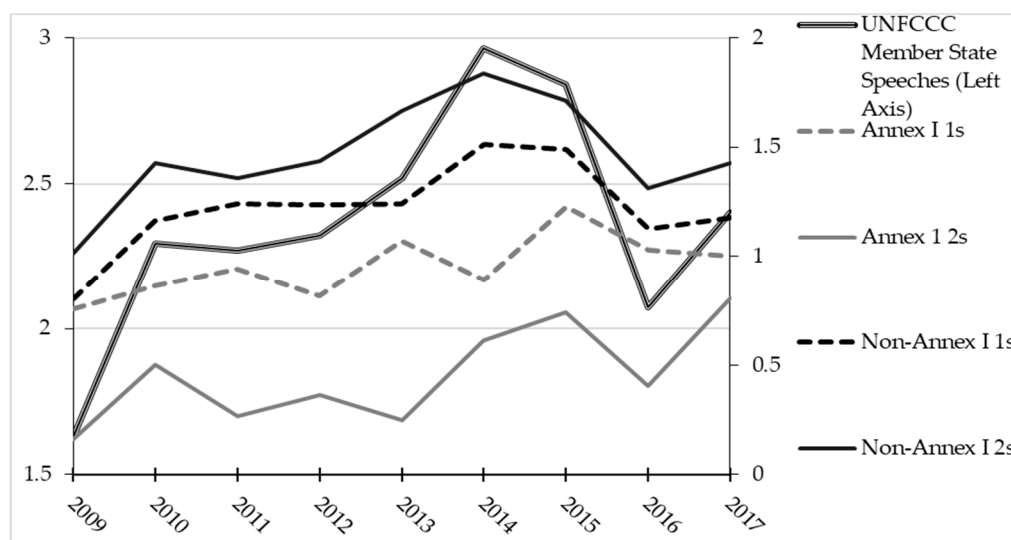


Figure 2. Average Climate Justice Mentions per Conference of the Parties (COP) Statement. (1s = brief mentions, 2s = multiple mentions/stronger emphasis).

Climate justice mentions by Annex I countries peaked in 2015, one year later than non-Annex I countries. This may provide evidence for the effectiveness of the climate justice framing in negotiations; in order to successfully pass the Paris Agreement, Annex I countries adopted the framings of non-Annex I nations to indicate their willingness to listen to, cooperate, and to some extent compromise with their demands. This suggests that by this time, the language of climate justice had taken on its own discursive power. While the use of mostly brief, singular mentions by Annex I countries in the lead up to the Paris Agreement may be dismissed by some as more symbolic than meaningful, the significant rise in scores of 2 indicates that they are increasingly taking some climate justice issues seriously enough to emphasize in their discourse.

With this in mind, if one is to assess international norms as defined by Katzenstein (“collective expectations for the proper behavior of actors”), then it could be argued that even a rise in scores of 1 is evidence that these principles of climate justice are increasingly becoming expected in the framing of climate change. As time goes on, fruitful negotiations between states (and therefore a meaningful agreement) cannot proceed unless climate justice is a prominent frame throughout these processes.

However, looking at the overall adoption of the climate justice frame only gives limited information; examining which aspects of the discourse have been utilized by UNFCCC member states and gained prominence over the years can further clarify the shape and direction the norm is taking (Figure 3). Out of the nine climate justice principles, five showed a notable positive trend from 2009: (i) issues of justice and equality; (ii) loss and damage; (iii) gender, racial, and social equality; (iv) human rights; and (v) emphasis on differences in vulnerability and capacities for adaptation.

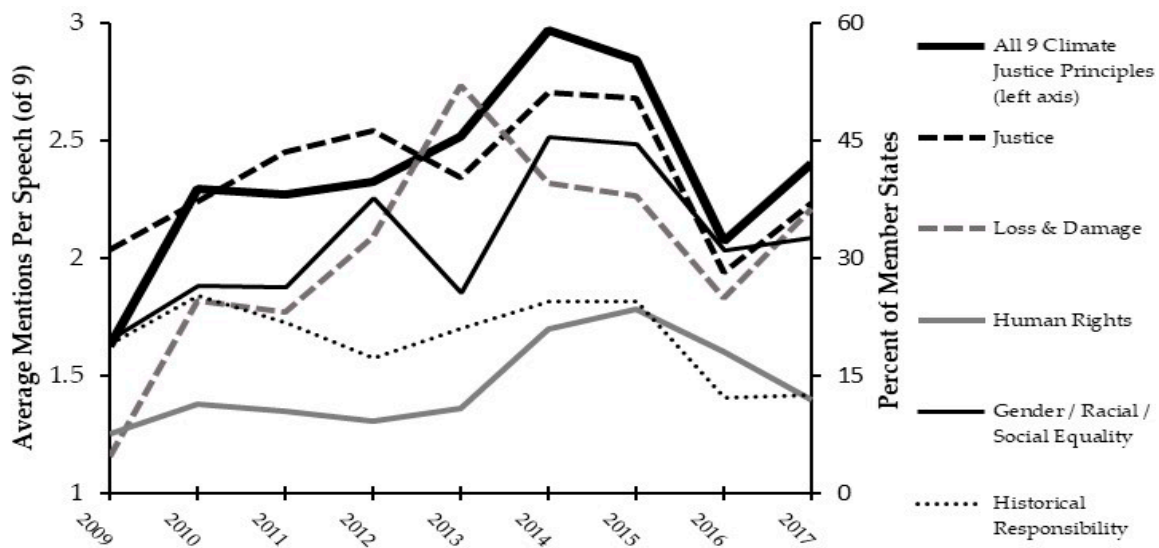


Figure 3. Mentions of Climate Justice Principles in United Nations Framework Convention on Climate Change (UNFCCC) Member Statements.

5.2. Justice

Language in UNFCCC statements specifically mentioning or referring to justice, equality, and fairness was counted and analyzed to examine whether or not its use has increased over the years. This serves as a useful overall indicator of how much discursive power the concept of “justice” has in defining the problem of climate change and constructing its solutions. Overall, a steady increase can be observed from 2009 to 2014 but dropped sharply from 2016 after the Paris Agreement was signed.

For non-Annex I nations, mentions were made by more than 30% of countries in every year analyzed, with scores of 1 and 2 roughly following the same trend (apart from a slight increase in 2s from 2014 to 2015, indicating a push to emphasize the concept of justice in the final negotiations of the Paris Agreement). Annex I countries, the UNFCCC’s “critical states”, employed justice-based language at a rate consistently lower than non-Annex I countries, with scores of 2 notably low (under 10% of countries every year). However, scores of 1 show a sharp spike in 2014, where justice was mentioned by over 50% of Annex I countries.

5.3. Loss and Damage

Loss and damage mentions also saw a significant increase in UNFCCC member statements. Unique to this issue in comparison with the others is how early it peaked; countries mentioning it increased dramatically in 2013, the majority of mentions being scores of 2. For this, the reasons can be explained through concrete policy outcomes: The Warsaw International Mechanism for Loss and Damage and its Executive Committee, negotiated at COP 19 in 2013 to address the issue through finance, capacity-building, and the sharing of information and technology (UNFCCC 2013). As its specific implementation processes have not yet been formally decided, the number of countries discussing it is still high, but the overall decline can likely be attributed to its cementation as a formal mechanism in 2013.

Particularly notable about the issue of loss and damage is that its mentions come almost entirely from non-Annex I nations. In comparison, mentions by Annex I nations peaked at less than 11% of countries in 2013. Furthermore, in 2013 every mention of loss and damage by an Annex I nation received a score of 1, while non-Annex I nations delivered more than twice as many statements with scores of 2 than 1.

This data suggests that historically, loss and damage has been an issue almost exclusively pushed by developing countries. While it does not at first appear to have the support of the critical states

necessary for legitimacy as an international norm, the fact that it has resulted in concrete policies that have been agreed to by critical states (both the establishment of the Warsaw International Mechanism for Loss and Damage and its incorporation in the Paris Agreement) provides strong evidence for the inclusion of loss and damage in the norm of climate justice and the shared conception of climate change.

5.4. Social Inequality

The third issue with a notable increase in UNFCCC member statements is climate change's impacts on existing inequalities of gender, race, and socio-economic class. Overall, mentions of this rose from 2009 to 2014, with the proportion of scores of 1 and 2 nearly equal.

While the percentage of non-Annex I countries mentioning this issue in their statements was already somewhat high in 2009, it peaked in 2014 before decreasing in the following years. In contrast, mentions by Annex I countries steadily increased over time. Analysis of the speeches shows that gender equality is the issue most discussed by Annex I countries, with a higher percentage of non-Annex I countries utilizing framings based on economic or social class. Like other climate justice principles, the inclusion of language in the text of the Paris Agreement that directly addresses these inequalities may be partially responsible for the decrease in mentions after 2015, especially those with scores of 2.

5.5. Human Rights

Explicit mentions of human rights when discussing the impacts of climate change and its response also saw an observable positive trend since 2009. Overall, mentions of human rights steadily increased from 2009 to 2015, before dropping the following years. The number of statements with scores of 2 peaked in 2014, while scores of 1 saw their peak one year later. Proportions were fairly even, but slightly favored scores of 1 every year, possibly because the term "human rights" is already defined in the UN through numerous bodies and treaties, and thus mentioning the phrase itself carries its own amount of precedence and inherent meaning.

While human rights was mentioned relatively often in non-Annex I statements, the percentage of Annex I nations mentioning the issue remained under 10% every year (and often at or near 0%) apart from a significant increase in 2015, indicating that Annex I nations were prepared to include mentions of human rights in the Paris Agreement coming into the 2015 negotiations. Compared to the previous three aspects of climate justice discussed, the evidence for human rights becoming part of the climate justice norm is not as strong due to its lower number of mentions. However, the institutionalization of the concept of human rights in the most significant international climate agreement to date is evidence itself of the discursive power of "human rights," and it may be that this institutionalization is also why it became less emphasized in statements after the signing of the Paris Agreement; once the concept of fundamental human rights is included as a part of concrete policy, it is highly unlikely that it will be removed in the future, thus securing discussion of human rights as a necessary part of all UNFCCC mechanisms, policies, and negotiations to come.

5.6. Other Issues

The previous four aspects of climate justice are those that saw the most significant increases from 2009. However, one more issue should be included in the climate justice norm: The concept of climate change as a contextual problem in which some countries, regions, and peoples are clearly more vulnerable than others. This is reflected discursively as an emphasis on differing vulnerabilities and necessities for adaptation.

Unlike the previous four issues, its inclusion in UNFCCC member statements has been consistently high since 2009. For non-Annex I countries, speeches with a score of 2 often outnumber those with 1 at a ratio of 3:1, underscoring just how much this issue is emphasized by developing countries. Additionally, the proportion of scores of 1 and 2 in Annex I speeches has changed from almost entirely scores of 1 in 2009 to a nearly equal proportion in 2017. This indicates that there is not only a

considerable number of critical states including the issue in their framing of climate change, but that they are also increasingly emphasizing it.

The only decreasing trend observed is mentions of historical responsibility¹⁷, with a discernable drop after the signing of the Paris Agreement in 2015, likely due to greenhouse gas emission reduction responsibilities changing to the system of voluntary Nationally Determined Contributions (NDCs) instead of the Kyoto Protocol's mandatory emission cuts for only Annex I nations. The other three issues (indigenous rights, criticism of market-based climate change solutions, and criticism of global capitalist and neoliberal systems) did not show any noticeable trend over the time period analyzed, and generally were not often mentioned in the time period examined.

Therefore, based on the analyzed speech data from 2009–2017 COP conferences, it can be said that the conception of climate change among UNFCCC members is trending towards a norm of climate justice that frames climate change as: (i) a fundamental issue of justice and equality, (ii) a problem that necessitates compensation for loss and damage to those most impacted, (iii) an issue that exacerbates existing gender, racial, social, and economic inequalities, (iv) a human rights issue instead of simply an environmental one, and (v) not an all-encompassing global issue that impacts all countries and peoples, but one of contextual impacts and vulnerabilities.

6. Evidence of the Norm Beyond States—The Case of CAN

Throughout UNFCCC negotiations, CAN International has historically been the most prominent representative of civil society since their participation in the Second World Climate Conference in 1990. However, during the second week of COP 15 in Copenhagen in 2009, unexpectedly only 7000 of the 30,000 registered representatives of civil society organizations were given permission to enter the conference hall, with registration suspended and the number of participants allowed reduced to 300 by the end of the conference (Climate Action Network 2009). These events ushered in an era of relative disengagement of civil society in UNFCCC negotiations (Ciplet et al. 2015, pp. 172–75; Fisher 2010) and forced CAN to re-evaluate the effectiveness of their tactics after seeing the comparatively greater influence of climate justice groups in shaping the framing of climate change in the media (Allan and Hadden 2017, pp. 610–12; Hadden 2015, pp. 151–55). By analyzing the prevalence of climate justice framings used by CAN in their *ECO* newsletter over time, one can begin to examine how this self-reflection has manifested in CAN's framing of climate change, and whether or not evidence for the growth of the climate justice norm can also be observed outside of states in civil society environmental organizations.

6.1. CAN's Climate Justice Framing

Overall, when examining the average number of mentions of all nine climate justice principles in *ECO*, both per article and per issue, a consistently low number was observed from year to year through 2012. There is then a noticeable increase in the use of climate justice language from 2013, peaking in 2015, where the average number is more than twice that of 2012. Just as in the case of UNFCCC member states, this number has decreased somewhat since then, but it still remains significantly higher in 2017 compared to 2012.

One likely reason for this overall trend is the emergence in 2012 of language in the agreements at COP 18 in Doha for the establishment of a loss and damage mechanism. This gave civil society organizations, which had become increasingly disengaged from the climate negotiation process since their disenfranchisement in Copenhagen, a focused issue and concrete proposal to rally behind in the lead up to the next climate agreement. The more effective influence on media of the climate justice framing also seems to have been taken into account, as CAN began to adopt the language and tactics

¹⁷ Especially notable is the percentage of non-Annex I speeches with scores of 2, which declined from 13.1% in 2010 to 2.9% in 2017.

of the climate justice movement. This is indicated by an increase in collaboration with the climate justice groups they once competed with for influence, culminating in a mass NGO walkout on the second-to-last day of the 2013 negotiations at COP 19 in Warsaw (Vidal and Harvey 2013). As Figure 4 shows, evidence suggesting this can be seen in the two climate justice issues with the largest increase in *ECO*: Loss and damage, and framing based on ideas of justice and equality.

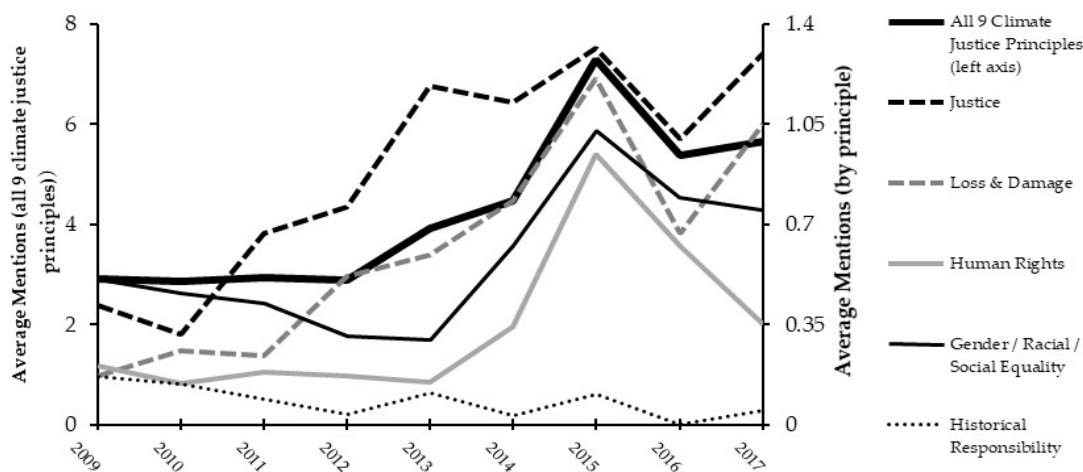


Figure 4. Climate Justice Mentions by Climate Action Network (CAN) (*ECO* Newsletter).

While there had been sparse mentions of loss and damage previously in *ECO*, the discussion among state delegates around the proposal in Doha from 2012 and the subsequent establishment of the Warsaw Mechanism sparked a noticeable increase in CAN's focus on the topic. Additionally, with the climate justice movement drawing a significant amount of attention and support from international media after the events in Copenhagen, one can also see a rise in language corresponding to justice, likely to take advantage of the more effective climate justice framing and increase the presence of their promoted issues in media. To further support this notion, mentions of other climate justice principles also increased; explicit mentions of human rights, as well as articles emphasizing climate change's effects on existing gender, racial, and social inequalities saw an observable rise as well. This puts the makeup of the conception of climate justice held by CAN as consistent with that of the UNFCCC: One that includes justice framings, compensation for loss and damage, issues of human rights, and impacts on gender/racial/social equality.

Although there was an overall increase in mentions of contextual vulnerability and adaptation capacity (just as observed with the UNFCCC member states), it appears that CAN's focus on this issue depends more on the political opportunities available. A spike in adaptation mentions in 2004–2005 is consistent with the Kyoto Protocol entering into force in 2005, and along with it the push by delegates of developing nations to initiate the Adaptation Fund Board. Similarly, a surge can be seen from 2014–2015, likely due to an effort to give the issue of adaptation more attention in the final negotiations of the Paris Agreement. Both increases were followed by significant drops in the years following each of these two events.

6.2. Comparisons with UNFCCC Member States

Comparing Figures 3 and 4, similar trends regarding the utilization of climate justice framing from 2009 can be seen between UNFCCC member states in their official COP statements and CAN in their *ECO* newsletter, with two important distinctions. The first, as shown in Figure 5, is that climate justice issues were adopted much sooner by states; a significant increase begins after the COP 15 conference in Copenhagen in 2009, which would continue through 2014. In comparison, CAN's mentions in *ECO* would not begin to increase until after 2012. The second is that, while both states and CAN saw a spike in the use of climate justice language in the lead up to the Paris Agreement, mentions by states

spiked and peaked in 2014, one year earlier than CAN. This suggests that, rather than influencing the positions and framings of the state delegates involved in UNFCCC negotiations post-COP 15, CAN was instead embracing the discursive trends occurring in negotiations. This allowed them to adopt the climate justice issues with the most momentum in order to use their platform to give further visibility to these issues, with the goal of maximizing the chances of seeing them successfully addressed in the Paris Agreement.

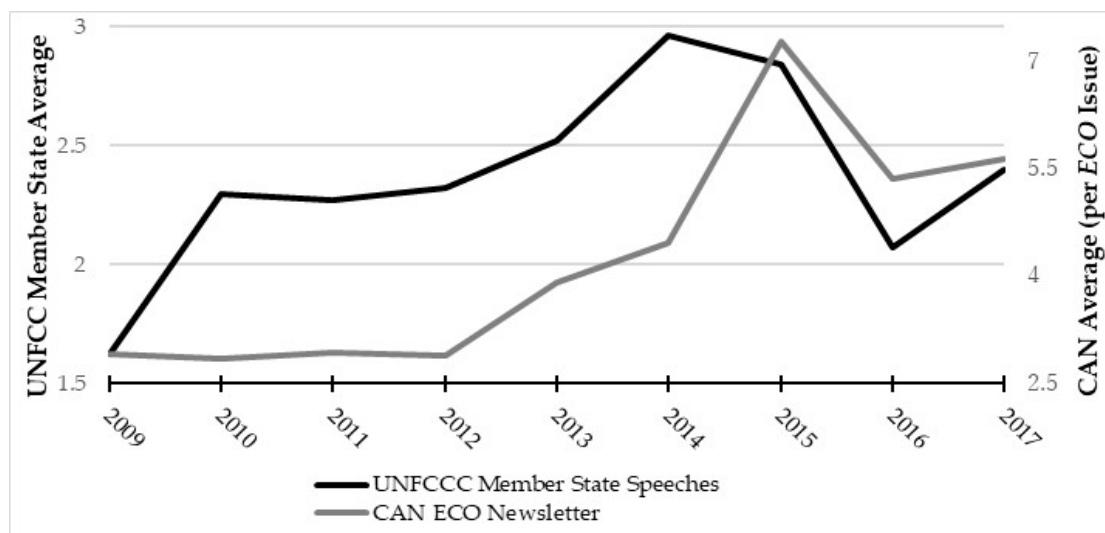


Figure 5. Average Climate Justice Mentions by UNFCCC Member States and CAN.¹⁸

Similar to the UNFCCC member states, the only climate justice principle with an observable decrease is that of historical responsibility. In the case of CAN, mentions of this in *ECO* peaked in 2007 but have since decreased dramatically and have been almost entirely absent in recent years, indicating that as negotiations moved towards the voluntary system of NDCs, civil society followed suit and placed their efforts towards climate justice issues emphasized by state delegations.

7. Conclusions

This study has found evidence to suggest that the conception of climate change amongst both states and civil society has been evolving from a problem viewed as largely scientific, environmental, and global to one that is more congruent with the principles of climate justice: A human rights issue that is interwoven with issues of fundamental justice, impacts some populations and regions more than others, exacerbates existing social inequalities, and in which loss and damage compensation to countries with lower adaptive capacity must be provided.

This shift can be observed in concrete policy outcomes; the text of the Paris Agreement pays markedly more attention to issues of climate justice compared to the Kyoto Protocol, embracing an increased focus on the diversity of circumstances of vulnerable countries and populations (including gender equality and indigenous rights), a mechanism for loss and damage, and the first-ever explicit mentions of climate justice and human rights in a multilateral environmental treaty. Although the language could certainly be stronger and the details of the policies more specific, the presence of climate justice discourse in the Paris Agreement points to signs of the institutionalization of a norm that has entered the second stage (norm cascade) of Finnemore and Sikkink's norm life cycle. This

¹⁸ The purpose of this figure is to compare the trends in the climate justice framing by UNFCCC member states and CAN over the years 2009–2017. As the texts analyzed and average number of mentions are annual statements (states) and newsletter issues with multiple articles (CAN), the number of climate justice mentions should not be compared between the two—only the trends over time.

institutionalization is also supported by the signing of the agreement by the major greenhouse gas emitters, whose cooperation is necessary to give the agreement legitimacy and make it an effective approach to addressing climate change.

Additionally, this data provides evidence that climate justice meets three criteria for Stage 2 (norm cascade) of the norm life cycle. The first is that states are now the primary actors in advancing the climate justice framing in international climate negotiations; during a period of severely limited NGO access and participation in UNFCCC negotiations, an increase in climate justice mentions can be seen in UNFCCC member statements earlier than in CAN's public communications.

Second, legitimacy and esteem, rather than altruism or empathy, are now the motivating factors in its promotion. Climate justice framing is not only being utilized by developing countries to push for an agreement favorable to their circumstances but is also increasingly adopted by developed countries to effectively express to developing countries their desire to draft a meaningful agreement. Although much of the language related to climate justice principles in the Paris Agreement was left vague and without concrete mechanisms to operationalize them, the inclusion of these principles after years of negotiations indicates that the concepts themselves are discursively powerful and were an important component in drafting an agreement that would be accepted by all countries. While there will certainly be disagreements around the application of these concepts, once they are formalized in text, it will be necessary for member states to address them in future negotiations. Doing this will be considered by other members as properly adhering to the principles of the legally-binding agreement, rather than as a voluntary act of altruism or empathy.

Third, the dominant mechanism behind climate justice has moved beyond persuasion of Annex I countries by non-Annex I countries and civil society to that of socialization, increasingly encompassing all countries involved in UNFCCC negotiations. Once a country has entered into an international agreement, behavior that follows the principles of that agreement is considered appropriate, and thus behavior that deviates from it is inappropriate and open to diplomatic criticism and censure. Unfortunately, the language of the Paris Agreement may not be strong enough to apply material punishments or incentives to states in response to how they comply with its rules. However, any praise or ridicule directed at a state by UNFCCC members and non-government organizations will no longer adopt only a moral tone—behavior will now will be judged against the principles of the Paris Agreement accepted by all states that signed it.

COP statements by UNFCCC member states show a trend of increased utilization of climate justice framings in recent years. These changes occurred first in the rhetoric of non-Annex I states, and Annex I countries later adopted climate justice framings in their own speeches as negotiations for the Paris Agreement approached. Similar trends can also be observed in CAN's *ECO* newsletter. Notably, these climate justice framings gained momentum in *ECO* after they were already being used by member states; presence of these climate justice principles began their increase, spiked, and peaked later in CAN's language than in that of states. However, although the climate justice elements in the Paris Agreement coincide with those promoted by civil society NGOs, civil society has never had less direct influence on the UNFCCC ever since their access to negotiations was severely limited in Copenhagen ([Climate Action Network 2015](#)).

Therefore, it may be the case that a major reason the conception of climate change shifted from a scientific framing to one of climate justice is because the interests of the most powerful, "critical" states and the interests of developing countries and civil society organizations began to align in a politically opportune time: the negotiation of the Paris Agreement. From this perspective, framing climate change as an issue of justice and human rights may be beneficial to the objectives of both developing and developed nations. For developing countries, it emphasizes the responsibility of developed countries to provide meaningful financial and technological assistance to the countries most vulnerable and with the lowest capacity to adapt to climate change. For developed countries, it emphasizes climate change as the responsibility of all nations to make efforts to address, regardless of past actions or circumstances—discarding the idea of historical responsibility and shifting some of the burden to

developing countries. Thus, it may be that the climate justice norm is gaining acceptance because both developed and developing nations have found that climate justice framings can be utilized to further their interests in international climate negotiations.

This study raises many questions regarding the growth of the climate justice norm and the Paris Agreement, and further research is planned to look at how this globally-shared conception of climate justice emerged, which norm entrepreneurs influenced its development, and the path it took to being included in the text of the Paris Agreement. This includes why some climate justice principles were accepted while others were not, and what factors led to principles with relatively few mentions still making their way into the Paris Agreement. Questions have also emerged regarding the decrease in climate justice mentions since the signing of the Paris Agreement: is progress being made to further clarify and operationalize the climate justice principles included in the agreement? Do critical states continue to express a desire to meaningfully embrace climate justice? Have any new issues emerged in UNFCCC negotiations that could be responsible for this decrease? Future research will aim to find answers and further elucidate the shape and role of climate justice in the global conception of climate change.

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