



# Ecocide, carbon criminals and climate justice

ROB WHITE

SCHOOL OF SOCIAL SCIENCES

UNIVERSITY OF TASMANIA, AUSTRALIA

# The problem

- ▶ We know from what the science says, **what the problem is**, that is, global warming.
- ▶ We know from what the science says, **how to contain global warming**, through particular mitigation and adaptation strategies.
- ▶ We know from what the science says, **the urgency of the problem**, and the dire consequences of both business-as-usual and inaction.
- ▶ The political challenge, therefore, is **how** to get where the science says that we need to be.

# GHG emissions and climate change

- ▶ 'Total net anthropogenic GHG [Green House Gas] **emissions have continued to rise** during the period 2010-2019, as have cumulative net CO<sub>2</sub> [carbon dioxide] emissions since 1850. Average annual GHG emissions during 2010-2019 were higher than in any previous decade, but the rate of growth between 2010 and 2019 was lower than that between 2000 and 2009'.
- ▶ 'By 2019, the largest growth in absolute emissions occurred in CO<sub>2</sub> from **fossil fuels and industry** followed by CH<sub>4</sub> [methane], whereas the highest relative growth occurred in fluorinated gases, starting from low levels in 1990'.

# Extreme weather and humans

- ▶ 'Widespread, pervasive impacts to ecosystems, people, settlements, and infrastructure have resulted from observed increases in the **frequency and intensity of climate and weather extremes**, including hot extremes on land and in the ocean, heavy precipitation events, drought and fire weather.'
- ▶ 'Roughly **half of the world's population** currently experience severe water scarcity for at least some part of the year due to climatic and non-climatic drivers'. [emphasis added]
- ▶ 'In all regions extreme heat events have resulted in human mortality and morbidity'. [see India today]

# Biodiversity and species movements

- ▶ 'Climate change has **altered marine, terrestrial and freshwater ecosystems** all around the world. Climate change has caused local species losses, increases in disease, and mass mortality events of plants and animals, resulting in the first climate driven extinctions, ecosystem restructuring, increases in areas burned by wildfire, and declines in key ecosystem services. Climate-driven impacts on ecosystems have caused measurable economic and livelihood losses and altered cultural practices and recreational activities around the world'.
- ▶ 'Approximately **half of the species assessed globally** have shifted polewards or, on land, also to higher elevations. Hundreds of local losses of species have been driven by increases in the magnitude of heat extremes, as well as mass mortality events on land and in the ocean and loss of kelp forests. Some losses are already irreversible, such as the first species extinctions driven by climate change.' [emphasis added]

# Science – mitigation options

- ▶ **Renewable energy** electricity expansion – variable renewable energy  
e.g., Cost reflective tariff structures, targeted subsidies, reverse auctions, net metering
- ▶ **Coal phase-out**  
E.g., Regional support programmes, tax breaks, carbon pricing, moratorium policies, relocation of workers
- ▶ **Decarbonise transport**  
e.g., Non-motorised transport, vehicle emissions standards, establishing charging stations, eliminate fossil-fuel subsidies, investments in public transport
- ▶ **Decarbonise industry**  
e.g., Carbon pricing, standards and regulations especially on materials demand reduction
- ▶ **Avoid future emissions and energy access**  
e.g., Fit and auctions, standards and regulations, targeted subsidies, support for entrepreneurs

# Science – adaptation options

## ▶ **Land and ocean ecosystems**

e.g., coastal defence and hardening, integrated coastal zone management, forest-based adaptation, sustainable aquaculture and fisheries, agroforestry, biodiversity management and ecosystem connectivity, water efficiency and water resource management, improved cropland management, efficient livestock systems

## ▶ **Urban infrastructure systems**

e.g., green infrastructure and ecosystem services, sustainable land use and urban planning, sustainable urban water management

## ▶ **Energy systems**

e.g., improve water use efficiency, resilient power systems, energy reliability

## ▶ **Cross-sectoral**

e.g., health and health system adaptation, livelihood diversification, planned relocation and resettlement, human migration, disaster risk management, climate services, including early warning systems, social safety nets, risk spreading and sharing

# Time is running out

## **Immediate Future**

- ▶ ‘Global warming will progressively weaken soil health and ecosystem services such as pollination, increase pressure from pests and diseases, and reduce marine animal biomass, undermining food productivity in many regions on land and in the ocean’.

## **Complex, compound and cascading risk**

- ▶ ‘Climate change impacts and risk are becoming increasingly complex and more difficult to manage. Multiple climate hazards will occur simultaneously, and multiple climatic and non-climatic risks will interact, resulting in compounding overall risk and risks cascading across sectors and regions. Some response to climate change result in new impacts and risks’.

# Ecocide as description of harm

- ▶ Ecocide describes human activities that destroy and diminish the wellbeing and health of ecosystems and species within these, including humans.
- ▶ Climate change and the gross exploitation of natural resources are leading to our general demise – hence increasing the need for a formal crime of ‘ecocide’.
- ▶ The urgency and impetus for making ecocide a crime has been heightened by the woefully inadequate responses by governments, individually and collectively, to global warming and to threats to biodiversity.

# Ecocide as an International Crime

In 2021, the UK-based campaign “Stop Ecocide International” commissioned an independent expert panel to put together a legal definition of ecocide relevant to the Rome Statute of the International Criminal Court (building upon the earlier work of lawyer Polly Higgins). The proposed definition describes ecocide as follows:

**For the purpose of this Statute, “ecocide” means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.**

Previously, there had been a major attempt to include ecocide among the crimes associated with the establishment of the ICC, although the final document refers only to war and damage to the natural environment. Recent efforts have been directed at making ‘ecocide’ the fifth International Crime Against Peace.

# Extending the Scope

- ▶ The Expert Panel definition is oriented toward the ICC and, accordingly, reflects a human rights emphasis. Others argue for a more expansive definition, one that incorporates an **ecocentric perspective** that views the environment as having value for its own sake. Ecocide, from this viewpoint, should be framed as a crime not only against humans but against **non-human entities**. Ideally, then, cases should be able to be brought to court on behalf of entities such as rivers, mountains, trees and birds, if they are affected by ecocide-related acts and omissions.
- ▶ **Strict liability** should be applied to more severe risks and harms, given the seriousness of the harm, in which case *mens rea* (the mental element) is less important than *actus reus* (the act itself). Proving intent in cases where ecocide occurs can be extremely difficult (for instance, **corporations** are motivated by profit-making; damage to the environment may be a collateral effect unrelated to intent). If widespread destruction and damage does occur, this should trigger prosecution and conviction regardless of the mental element.

# Matrix of Intervention 1: Law

## Short-Term

Innovative application of existing laws

- e.g., public interest, human rights

Strengthen protocols within existing Conventions

- e.g., transnational organised crime

## Medium-Term

Strengthen acknowledgement of victims' rights and interests

- e.g., Environmental Victims Charter

Legitimise NGO status vis-à-vis legal standing generally, and acting on behalf of environmental victims

- e.g., 'surrogate victims'

## Long-Term

Systematic criminalisation of environmental harm

- e.g., education combined with urgency for action

Establishment of new international convention on environmental crime

- e.g., defining environmental crime, including **ecocide**

# Matrix of Intervention 2: Enforcement

## Short-Term

Strengthen collaborative networks involving key environmental law enforcement agencies, NGOs and academics

- e.g., regular meetings, workshops and conferences, sharing of information, provision of training sessions and training materials

Establish environmental crime task forces to tackle specific types of environmental crime

- e.g., key government agencies across relevant operational areas

## Medium-Term

Establish National Environmental Security Taskforces

- e.g., permanent operational bodies at the national level

Strengthen research and intervention capacity in non-government sectors

- e.g., research institutes, Interpol internships, NGO exchanges

## Long-Term

Establishment of international eco-police, with dedicated specialist skills and capacities to investigate and prosecute environmental crime

- e.g., international 'green police' service

# Matrix of Intervention 3: Adjudication

## Short-Term

Expansion of specialist environment courts and tribunals

- e.g., NSW Land and Environment Court

Internationalisation of judicial training programmes

- e.g., UK magistrates training

## Medium-Term

Special court of International Criminal Court

- e.g., operationalisation of existing powers

Systematic review of sanctions and remedies

- e.g., restorative justice, reparative justice

## Long-Term

Establishment of International Environment Court

- e.g., equivalent status to International Criminal Court

Integrated Eco-Justice System

- e.g., protection of victim rights, global eco-policing, effective sanctions and remedies

# Guiding Principles and Concepts



**Progressive work** serves to ameliorate the worst, most regressive aspects of contemporary practices (e.g., blatant examples of animal cruelty and destruction of forests).

**Transformative interventions** attempt to push the boundaries of the current system, to change the system as a whole in substantial ways (e.g., through enhancing public accountability and building effective social movements).

**Transitional** political paths need to be developed that will bridge the gap between holding the line and building a new alternative future.

# Climate laws are not enough

- ▶ Climate laws help to set targets and make governments accountable within narrow terms of reference (e.g., carbon emission policies)
- ▶ Climate litigation helps to put pressure on governments and companies to change their policies and activities in ways that positively impact upon global warming (e.g., industrial processes, deforestation and intergenerational equity)
- ▶ Ecocide laws alert us to the gravity and scope of the harms but do not provide immediate workable remedies (e.g., see history of the ICC)
- ▶ Laws, courts and policies are fundamentally and inherently political in terms of content and composition - the focus needs to be on **power and interests**

# The problem is structural

- ▶ Capitalism is an authoritarian form of social production and appropriation of the social surplus. **The privatised control and appropriation of socialised production is imposed from above.** It does not flow from below. What this means is that the collective interests and rationale of the direct producers is constrained or undermined. **Specifically, what, how and to what purpose social production is carried out, and how it is distributed, remain in the hands of a small elite minority.**
- ▶ This **concentration of power** means that very little action has been taken by states or corporations to rein-in the worst contributors to the problem. Carbon emissions are not decreasing, and habitat is being destroyed as pollution continues to contaminate land, air and water, affecting all that live on the planet.
- ▶ Underpinning this systemic destruction and degradation are **specific corporate and elite interests.** And these are inseparable from the dominant global mode of production – capitalism – the driver of which is an **inherent growth imperative.** Under these social arrangements, ecocide is inevitable.

# Fossil fuel – trends

- ▶ The planet is heating up at an unprecedented rate. Greenhouse gas emissions continue to rise, despite scientific warnings and UN-oriented political commitments, and the main cause continues to be fossil fuel emissions from energy use and industry. Astonishingly, from 2016 to 2018, the total primary energy supply from coal **increased** by 1.7 per cent.
- ▶ Every delay in cutting carbon emissions means deeper cuts are needed to put us on the pathway to limit global warming: ‘By 2030, emissions would need to be 25 per cent and 55 per cent lower than in 2018 to put the world on the least-cost pathway to limiting global warming to below 2 (degrees) C and 1.5 (degrees) C respectively’. In effect, **we are running out of time.**

# Fossil fuel subsidies

- ▶ At a country level, the main culprits in terms of carbon footprint are well known and continue to fail to hit the required emission reduction goals. They include Australia, Brazil, Canada, Japan, the Republic of Korea, South Africa and the United States. Again, astonishingly, 'Global **fossil fuel consumption subsidies increased** by 50% over the past 3 years, reaching a peak of almost US\$430 billion in 2018'.
- ▶ 'Every year Australian governments provide subsidies worth billions to fossil fuel producers and major users...these subsidies cost state, territory and federal governments in Australia \$10.3 billion in 2020-21'. The main beneficiary of subsidies is coal, followed by gas/oil.

# Lock-in of GHG emissions

- ▶ 'Reducing GHG emissions across the full energy sector requires major transitions, including a substantial reduction in overall fossil fuel use, the deployment of low-emission energy sources, switching to alternative energy carriers, and energy efficiency and conservation. **The continued installation of unabated fossil fuel infrastructure will “lock-in” GHG emissions**'.

Fn55

- ▶ 'In this context, “unabated fossil fuels” refers to fossil fuels produced and used without interventions that substantially reduce the amount of GHG emitted throughout the life-cycle; for example, capturing 90% or more from power plants, or 50-80% of fugitive methane emissions from energy supply'.

# Crimes by the powerful

Crimes by the powerful involve actions (or omissions, failures to act) that are socially harmful and carried out by elites and/or those who wield significant political and social authority in the particular sectors or domains of their influence.

# Capitalist property rights

## **Private Property**

- bourgeois rights versus social obligation
- accumulation & private profit
- monopoly (concentrations of power & wealth)

## **Global Expansion**

- search for new markets
- mergers and take-overs
- neo-liberal ideologies: primacy of the market

# The commodity

## **Commodity Production**

- centrality of the 'market' in resource use and allocation
- exchange-value privileged over use-value
- new areas of human existence that can be commodified (such as water)

## **Privatisation**

- neo-liberal political context & individuation
- corporatisation and economic rationalism
- global pressures to privatise: WTO, IMF, World Bank

# Trends & processes

**Privatisation** – from common property to private property, concentrated ownership and management, reliance on market mechanisms rather than government controls

**Commodification** – transformation of use-value into exchange-value, more and more aspects of social life and environment are commercialised

**Massification** – mass production including for niche markets, simplification of consumables including foods as well as goods and services to a narrow range of choices

**Globalisation** – monopolisation of control over production via takeovers and mergers worldwide, penetration of the transnational corporation into local markets and practices

# Transformations

**Resource depletion** – extraction of non-renewable minerals and energy without development of proper alternatives, over-harvesting of renewable resources such as fish and forest timbers

**Disposal problems** – waste generated in production, distribution and consumption processes, pollution associated with transformations of nature, burning of fossil fuels and using up of consumables

**Corporate colonisation of nature** – genetic changes in food crops, use of plantation forestry that diminish bio-diversity, preference for large-scale methods that degrade land and oceans and affect species development and wellbeing

**Species decline** – destruction of habitats, privileging of certain species of grain and vegetable growing over others for market purposes, super-exploitation of specific plants and animals due to presumed consumer taste and mass markets

# The Corporate Form

- ▶ To facilitate the gathering of investment capital for large-scale ventures by the selling of shares in the companies. Originally investment was nearly all associated with the expansion of production. Today, most investment is speculative (in futures, options and shares themselves)
- ▶ To separate the corporate identity from that of the shareholder. If the venture succeeded, the shareholder got dividends and the shares would tend to rise in value; if the venture failed leaving large debts this was nothing to do with the shareholder who had no responsibility
- ▶ The duty of company directors is to maximise the interests of shareholders (i.e., to increase their return on investment); they have no duty to advance, or even consider, any other interest, economic or social.

# Naturalness of corporate crime

Anything which impedes business is deemed to be unreasonable, faulty, bad for the economy, not the rightful domain of the state, to undermine private property rights, and so on. The 'naturalness' of capitalist crime – the way in which social harms, economic exploitation and environmental destruction is built into the fabric of everyday, ordinary life as a 'normal' feature of how we produce and consume – makes it that much more difficult to challenge. This is compounded by the fact that much of what occurs, does so in a fully 'legal' way (regardless of actual harm). Moreover, where external controls (materially and ideologically) on profit maximisation are weakened, then we can expect to see an increased incidence in illegal corporate activity and, more generally, greater propensity for social harm regardless of legal definition.

# Capitalism, Imperialism, Colonialism



- ▶ Two hundred years of industrial revolution has been driven and underpinned by powerful forces (nation-states, companies, armies) pursuing sectional interests. This has been achieved through global imperialism, colonialism and militarism that have served to entrench a dominant worldview and the material basis for certain types of production, consumption and reproduction.
- ▶ People who for thousands of years had lived in harmony with nature (that is, through intrinsically adopting ecologically sustainable practices), including in some of the most humanly inhospitable places in the world (such as Arctic tundra and sand deserts), were subjected to dispossession, displacement and destruction of their communities.
- ▶ It is a particular political economy, embodying specific relations of power and interest (in the form of the capitalist ownership and control over the means of production), that is fundamentally the driver of global warming (via exploitation of natural resources as commodities and for private profit).

# Exposing Injustice

- ▶ **Transaction analysis** – study of markets and understanding the social dynamics pertaining to the particular crime (e.g., illegal wildlife trade)
- ▶ **Stakeholder analysis** – study of particular industries and identification of who key suspects might be (e.g., financial backers of illegal logging, shipping companies)
- ▶ **Chronological analysis** – study of temporal developments, such as sequences of events, that can link the originator of the problem to the final criminal act (e.g., toxic dumping)
- ▶ **Company analysis** – study of specific company profiles in terms of history, activities and relationships to particular local communities (e.g., Trafigura, Monsanto)
- ▶ **Modus Operandi analysis** - study of mode of operation of perpetrators (i.e., tends to be loose, transnational, motivated by singular purposes, and involve networks on an ad hoc basis).

# Challenging corporate power

Our foremost demand should be the immediate **sequestration of all assets** of those companies [the 100 responsible for 71% of global carbon production in the past 30 years], placed under public control.'

Introduction of two types of **taxes on corporations**: a carbon tax, and a financial transaction tax

Wholesale reconstruction of the financial system

Nationalisation of transport companies

Local food production

End political input of corporations into Green New Deal policies

**'corporate death penalty'**

BUT 'when companies are forced into liquidation, the costs of collapse are borne by workers and communities, and indeed severely reduce the possibility of an environmental clean-up' (p.164) AND 'It is a license for the most powerful people within the corporation to continue what they are doing after the company is liquidates' (p.165) - Dave Whyte 'Ecocide' (2021).

# Breaking the structure of corporate power

1. **The corporate structure itself must be broken** – i.e., its status as a ‘fictional entity’, preventing cross-ownership, restrict global scope
2. **Ending the impunity for investors and shareholders** – i.e., they should be held liable for all of the damages caused by the corporation  
[operationally, this might be achieved via ‘equity fines’ - p.171 ‘The basic idea of equity fines is that a proportion of the shareholding is issued to a group of workers, to the community or to a public body as a way of seeking compensation directly from the shareholders or owners’. ... After this “death”, the corporation can be reborn under a different form of organisation and different forms of ownership’]
3. **Impunity for corporate executives must end** – i.e., sequestration of funds and assets

# TNCs and Nation-States

The strategies that **nation-states** use to deal with environmental concerns are contingent upon the class interests associated with political power.

The power of **transnational corporations** find purchase in the interface between the interests and preferred activities of the corporation and the specific protections and supports proffered by the nation-state. The latter can be reliant upon or intimidated by particular industries and companies. Tax revenue and job creation, as well as media support and political donations, hinge upon particular state-corporate synergies. This undermines the basic tenants of democracy and collective deliberation over how best to interpret the public or national interest.

Moreover, **neo-liberalism** is linked to the **commodification** of a wider range of services and products (e.g., water and energy utilities) which were formerly state-owned and operated ostensibly for public benefit.

# Key challenge

- ▶ Fundamentally, the fight for climate justice must involve assertion of **democratic control over land, air, water and energy** and advocacy of **radical egalitarianism** (involving eco-justice for humans, ecosystems and non-human species).
- ▶ This means divesting the present 'owners' of their private property and re-asserting communal control. Just a handful of transnational corporations contribute a significant proportion of the world's carbon emissions. These companies are responsible for more greenhouse gases than most countries.

# The need for transformation

- ▶ ‘Progress in adaptation planning and implementation has been observed across all sectors and regions, generating multiple benefits. However, adaptation progress is unevenly distributed with observed adaptation gaps. Many initiatives prioritize immediate and near-term climate risk reduction which reduced the opportunity for **transformational adaptation**’. [emphasis added]
- ▶ ‘Most observed adaptation is fragmented, small in scale, incremental, sector-specific, designed to respond to current impacts or near-term risks, and focussed more on planning rather than implementation’.  
[e.g., building of sea walls along wealthy residential coastal areas]

# Eco-social justice

- ▶ Narrow sectoral interests embedded in present socio-economic dynamics are driving global warming as well as responses to regulating or taxing the emissions that contribute to it.
- ▶ Juxtaposed and contrary to these specific interests are the collectivist ideals of 'universal human interests' and 'ecological citizenship'. The appeal of **ecological citizenship** as a concept stems in part from recognition of the universal interests that underpin the relationship of humans with the environment.
- ▶ Ecological citizenship allows for stepping outside prescriptive patriotism (e.g., Australia first, America first, China first) when global ecological health and well-being demands a planetary response (e.g., Earth first).
- ▶ Ecological citizenship is also tied to the notion of '**Earth Rights**' and the survival needs of all species and biospheres on the planet

# Transitions and justice

## Distributional Justice – who suffers and how and why

- Capabilities and well-being
- Risk and responsibility
- Vulnerability
- Recognition

## Procedural Justice – who participates and how and why

- Resilience and adaptation
- From protest to acceptability
- Supply chain and whole processes
- Practices and behaviours

## Restorative Justice – who is compensated and how and why

- Repairing past harms
- Social processes of remediation

# Costs of change



Those countries and companies which have most benefitted from past industrialisation should also bear the burden of compensation. There is a broad convergence of reasons why certain entities should pay more:

1. Developed countries and transnational corporations were and are *causally responsible* for climate change;
2. They are the main *beneficiaries* of activities that cause climate change; and
3. They have the *ability and scale of resources* to tackle the causes and effects of climate change.

# Capitalist growth agenda

- ▶ **Emissions-free endless commodified capitalist growth for private profit is still excess growth for the sake of it.** It is not growth to meet the basic social and material needs of the national and global majority. It is driven by the need to generate profit for the private capital invested in these required goods and services. This same economic market mechanism drives profit generation for unrequired goods and services. It lines the pockets of the small minority who own and control this private capital and funds their obscene consumption.
- ▶ National and global ecological and material inequality considerations are not central factors governing private capital investment decisions.
- ▶ The growth imperative of capitalism as a system means that 'clean energy', on its own, would simply **feed the machine** of private profit-driven production and consumption. This drives the growth of non-fossil based emissions, such as in agriculture, the destruction of carbon sinks (forests and oceans), and the current 6<sup>th</sup> great mass extinction of species in Earth history.

# Efficiency versus growth

- ▶ **Emissions reductions** in CO2 from fossil fuels and industrial processes, due to improvements in energy intensity of GDP and carbon intensity of energy, have been **less than emissions increases** from rising global activity levels in industry, energy supply, transport, agriculture and buildings'. [emphasis added]

## Example of efficiency versus growth

- ▶ 'Digital technologies can contribute to mitigation of climate change and the achievement of several SDGs. For example, sensors, Internet of Things, robotics, and artificial intelligence can improve energy management in all sectors, increase energy efficiency, and promote the adoption of many low-emission technologies, including decentralised renewable energy, while creating economic opportunities. However, some of these climate change mitigation gains can be reduced or counterbalanced by **growth in demand for goods and services** due to the use of digital devices'. [emphasis added]

# Antecedents for Change

## Covid 19 Pandemic

- ▶ Production for social need  
e.g., shift from alcohol to anti-bacterial handwashes
- ▶ Self-actualisation  
e.g., production-consumption is direct and linked to real people
- ▶ National health service and systems  
e.g., importance of the public good
- ▶ Socialisation of responses to need  
e.g., distribution of face masks, PPE, travel restrictions, virus testing

# Primacy of social need

- ▶ In an ideal economy, production is for **social need**, which informs how and why it is produced, for whom and with what ecological impact. Distribution of the social surplus is according to social need. This includes ecological constraints and the needs of other species, ecosystems and biodiversity.
- ▶ At a national level, in the advanced economies, this can be significantly addressed by **expropriation** and **re-distribution**. However, there will still be structurally significant inequalities between the conditions of existence of subordinate class layers in the advanced economies and the less advanced economies worldwide. As with covid, a global effort and change is needed.

# Concentration of capital



- ▶ It is a core tendency within capitalism for private capital to get concentrated in ever fewer hands and centralised in ever larger corporations, as less competitive enterprises crumble and smaller enterprises get bought out and absorbed to create monopoly market conditions. Microsoft versus Apple and Google, or Amazon versus Alibaba, or having a handful of mega-banks within a national economy does not alter the contours of unfettered and concentrated capitalist market power over our daily lives.
- ▶ Business conglomerates, including market-oriented and profit-driven State corporations, dominate all sectors of the global economy – from cars to white goods, agriculture to beer, clothing to housing, banking to tourism. This concentration of capital into mega-corporations is part of the overall socialisation of the forces of production. It also clears the path to transformation of the central levers of the economy these mega-corporations inhabit. **It is easier to expropriate one large enterprise than a thousand small ones.** [see Russian billionaires]

# Structural democratisation

- ▶ Production and distribution of the social surplus rests upon a large interconnected and diversified workforce, organised into a complex web of technical and social divisions of labour, and operating from local to global levels. Democratisation, in this sense, is an extension of the socialisation of forces of production. That is, it stems from capitalist development and dependency on the **collective worker**. It thus refers to the ever-increasing diversification and integration of labour into the overarching capitalist system.
- ▶ The second component of democratisation refers to **decision-making processes**. The extension of the democratic franchise to non-propertied classes, including previously excluded population groups such as women, people of colour and Indigenous people, is part of this bigger picture of structural democratisation. Not democratised is the actual institutionalised ownership and control relationship to the means of production or the shared distribution of the social surplus produced by this collective labour.

# Centrality of the state

- ▶ Mega multi-national and transnational corporations notwithstanding, in the advanced economies at least the State carries a comparable economic weight to or exceeds that of even these largest of individual corporations. The economic centrality of the Capitalist State has been an unavoidable development within capitalism itself. The core role of the Capitalist State is to expand capitalist growth and accumulation. It remains indispensable to transnational corporations and the global capitalist system in its totality.
- ▶ The critical **economic centrality of the State** is particularly evident in conditions of economic crisis – the GFC and the current Covid-19 induced economic crisis. Bailing out billionaires, corporate tax-breaks, rescuing the worst climate vandals like the oil and gas companies, and printing money via Reserve Banks in a “whatever it takes” approach by neo-liberal governments to re-start accumulation, is a revelation of the core interests that are being secured. Also revealed, however, are whose State it needs to become, and how that transition can get funded.

# Democratic nationalisation

- ▶ Transformational nationalisation refers to using the centrality of the economic apparatus of the State to take command of the **central levers of the economy**. This transformation means taking the private capital that owns and controls these levers and putting them into public hands.
- ▶ The six pillars of social life – water, air, food, energy, shelter and security – are too important for decisions to be left in the private hands (the billionaires) or secretive state (bureaucrats and self-serving politicians): governance must be **public, open, cooperative and democratic**.

# Whose nationalisation

Nationalisation has had two forms under *capitalist* development. It includes:

- ▶ provision of **'nation building' infrastructure** when private capital has not been available to create the infrastructure capitalism requires to expand (e.g. roads, railways, telecommunications, electrification, public education and skills training) and
- ▶ **defensive nationalisation** that buffers the consequences of capitalist competition, development and crises on subordinate classes, and failed enterprises in key sectors of the economy (State bank, public health, nationalised airlines and/or manufacturing industry).
- ▶ Transformational nationalisation embraces and incorporates these two components. Both historical forms of nationalisation have considerable support within subordinate classes – e.g., public/national health systems where they exist

# Centrality of structural democracy

- ▶ Central to this transformation is nationalisation to secure the six pillars of social life, in particular the food retail giants and distribution networks, water and energy companies, and finance capital within the housing sector, including the large landlords.
- ▶ As environmental activists might put it, the four elements – earth, air, water and sun (energy) – constitute '**the commons**' that needs to be put into democratic hands.
- ▶ It must also include **nationalisation of extractive industries** to begin the *democratic* process of an economically secure, ecological sustainable transition *for and with* the workers and communities historically dependent upon those industries.

# Ecological transformation

- ▶ Private capitalist market-based technological solutions to the ecological crisis should be either countered/or provisionally supported with ***nationalised public ownership*** and ***democratically controlled*** transitional solutions;
- ▶ Anti-capitalist and transitional political demands to improve the deteriorating economic and ecological conditions of subordinate classes should be *integrated into a broader **climate action transition***; and
- ▶ An integrated nationalised economic and climate action transition plan needs to be developed in conjunction with a *political transition plan for **alternative national government***.

# Summary

- ▶ The fight for a better cleaner planet must fundamentally involve assertion of democratic control over land, air, water and energy.
- ▶ This means, for example, changing how companies operate, including the flow of their investments, and how their activities are regulated by the nation-state. It means stopping the bail-out of private companies using public money.
- ▶ It means prioritising social need.
- ▶ Ultimately, it means expropriating corporate owners of their private property.
- ▶ In all cases, it means re-asserting the public interest – that is, the majority worker and consumer interest.

# Ecocide or transformation

- ▶ The deteriorating conditions of life under capitalism and as manifest in global warming is gathering pace. Unprecedented climate and weather events are occurring anew each day and affecting people and prospects worldwide – and the harms are projected to increase, and to increase rapidly, due to compounding risks and the slowness of mitigation and adaptation mechanisms
- ▶ To reverse ecocide requires a political reorientation focused on structural transformation (for example, toward a de-growth future) – the alternative is economic and political authoritarianism and the ascendancy of a ‘fortress mentality’ that privileges some and protects none
- ▶ This historical moment calls on all of us. For real, tangible, transformational hope flows from the convergence of necessity and possibility. And the future, while perilous, is still in our hands.

# Further Reading

IPCC (2018) *Special Report: Global Warming of 1.5C*. Summary for Policymakers.

IPCC (2022) *Climate Change 2022: Impacts, Adaptation and Vulnerability*. Summary for Policymakers.

IPCC (2022) *Climate Change 2022: Mitigation of Climate Change*. Summary for Policymakers

World Meteorological Organization (2020) *State of the Global Climate 2020*. WMO, Geneva, Switzerland.

Kramer, R. (2020) *Carbon Criminals, Climate Crimes*. New Brunswick, New Jersey: Rutgers University Press.

Portner, H., Scholes, R., Agard, J, Archer, E., Ameth, A., Bai, X. et al. Ngo, H. (2021) IPBES-IPCC co-sponsored workshop report on biodiversity and climate change. IPBES and IPCC. DOI: 10.5281/zenodo.4782538.

Stop Ecocide Foundation (2021) *Independent Expert Panel for the Legal Definition of Ecocide, Commentary and Core Text*, June 2021. <

<https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6d/t/60d7479cf8e7e5461534dd07/1624721314430/SE+Foundation+Commentary+and+core+text+revised+%281%29.pdf>>

van der Velden, J. & White, R. (2021). *The Extinction Curve: Growth and Globalisation in the Climate Endgame*. Bingley, UK: Emerald Publishing Limited.

White, R. (2018) *Climate Change Criminology*. Bristol: Bristol University Press.

Whyte, D. (2020) *Ecocide: Kill the Corporation Before It Kills Us*. Manchester: Manchester University Press.