

Behind the Scenes at the COP21

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The climate has become a major stake in international cooperation. The sociologist Jean Foyer, who observed the COP21 at Le Bourget (France) in December 2015, considers the major trends and defining moments of the latest round of climate negotiations.

Last December, during the COP21, Paris became, for two weeks, a massive forum for discussing climate related issues. Along the sidelines of the Le Bourget negotiations, which were the heart of the event, a large number of presentations, debates, and exhibits helped to turn the COP21 into a happening. Hundreds of official side-events, including the alternative village at Montreuil, the Climate Generation areas, the Climate Action Zone (ZAC) at the Cent-Quatre, the two Solutions Galleries (at the Grand Palais and Le Bourget), and the Global Landscape Forum at the Palais des Congrès made it clear that the theme of climate change lends itself to very different perspectives and modalities.

This essay will dwell less on the progress made on the diplomatic front than on the way in which the world of climate change has become a laboratory for global governance, with its own geopolitics, power relations, tenacious structures, and emerging ideas. Specifically, it will analyze what one might call the symmetrical processes of the globalization of the climate, on the one hand, and the “climatization of the globe,” on the other. Indeed, the climate regime is continuously expanding, incorporating new themes and actors, even as the latter redefine their activities in climatic terms. We will, in particular, examine this phenomena’s various iterations (which sectors have been redefined by the climate regime?), its causes (how are we to explain the climate regime’s appeal?), and the different forms it assumes. Beyond this process, we shall also consider three points that, in our view, marked this COP21, namely a readjustment of the North-South equilibrium, a new spirit of international law, and, finally, the evolving role of civil society.

The Climate Arena: A Global Totem?

The COP21 was a further and most likely important step in what we have described as the dialogical relationship between the globalization of the climate and the “climatization” of the globe. Over the past twenty years, the climate issue has indeed become globalized, as it has expanded, incorporating many other problems (notably development and energy) that arise in negotiations (Dahan et al., 2009), while also extending to different social spaces, in ways that involve a wide range of actors. Conversely, the world has simultaneously become “climatized” to the extent that many actors have seized upon this issue in order to formulate their interests in climatic terms.

In Paris, this dual movement was operating at its full potential. Climate has become an issue that is no longer construed exclusively as a scientific and political matter of planetary concern, but also and most importantly as one that can crystallize a broad array of issues that transcend distinctions between scientific, environmental, and economic concerns. Over and above the problem of global warming, the climate is more than ever a metaphor for the world’s problems, a global controversy replete with the faults, preoccupations, and competing visions of the

planet's socio-environmental system. In its ability to unite and identify, the climate plays a totemic role, as it were, through its ability to embody intersecting and overlapping social, political, and environmental issues.

While this phenomenon is not unique to the COP21, the event nonetheless accentuated it and represented an expansion and culmination of this movement. It was thus possible to make note of where the trend towards global climatization stands in relation to a wide range of questions.

Whether it relates to food or migration, **security** is henceforth a climate question. It has now become commonplace to connect Syria's drought, war, and the migratory crisis. **Agriculture** appears as one of the causes of deforestation and thus of climate change, as well as a possible solution to the latter, in the form either of "climate start" agro-industry or of agro-ecology (see box).

Smart Farming and Agro-Ecology

"Climate smart" farming refers to efforts to combine agricultural productivity, adaptation to climate change, and the reduction of carbon emissions. Widely promoted by institutions like the FAO (the United Nations Food and Agricultural Organization), it makes possible, among other things, the reorientation of a wide array of agro-industrial modes of production towards ecological modes of production, to the extent that they rely on specific techniques such as soil conservation. The initiative "4 for 1000," launched at the international level by France's Agriculture Minister Stéphane le Foll, broadly partakes in this vision. It is based on the theory that a 0.4% (4 for 1000) annual increase in the growth rate of soil carbon stocks will make it possible to absorb carbon emissions in their entirety. Agro-ecology, which since its beginnings has been presented as an alternative environmental model to the agro-industrial production model, has also found an opportunity to legitimate itself in the fight against climate change.

The **development** sector has also been climatized, as climate change seems to have become, at least in official speeches, the guiding principle of aid policies between the North and the South. The idea of adaptation has further bolstered this trend.

Nor is **business** sitting idly by: never has this sector been more present at a COP climate event, acknowledging the seriousness of the problem with a single voice that rose above whatever sectoral disagreements there may be. It also emphasized the importance of market solutions, notably in the form of the request that carbon be given a price.

At the opposite end of the political specter, global civil society has also become completely climatized since, far beyond the NGOs (Ollitrault, 2015) that have expertise on this issue, the climate has become a major axis of convergence, as can be seen in the number of people that Coalition 21 mobilized outside of Le Bourget (in Montreuil and at the Cent Quatre in Paris' nineteenth *arrondissement* in particular). Alter-globalization and anti-capitalist themes are systematically recycled in climate discourse, to the point that one wonders if alter-globalization has not completely converted itself into an anti-global warming movement. While it has been some time since the **sciences** took up the climate issue, now it is the local knowledge of autochthonous communities that, in the very text of the agreement itself, is being asked for help in offering less top-down approaches than satellite pictures and solutions that are more anchored in local territories and closer to nature.

The event has, moreover, a **spiritual** dimension. The publication of Pope Francis's encyclical *Laudato Si* on the environmental question, the Islamic Declaration on Global Climate Change, the Summit of Conscience, and the pre-conference declaration are all signs of the intersection between ecology and major religions. Other forms of spirituality could also be found at the COP: indigenous peoples' reference to alternative worldviews, the introduction of some of the latter's rituals (such as space inauguration ceremonies) within the context of a UN meeting, the inclusion of "Mother Earth" in the final agreement (which was even advocated by an extracting country, Bolivia), the creation of a space for meditation and prayer in the blue zone, and yoga classes for activists in the ZAC, all of which represent an opening to new, post- or non-materialistic interpretations of the climate issue.

Other names could be added to the list of objects, spaces, and actors that have been climatized (such as biodiversity, the ocean, finance, human rights, and so on). But it is more interesting to examine the reasons and mechanisms of this appeal. The obvious seriousness and scale of the problem, its inherently all-encompassing character (since the climate both surrounds and contains us), the origins of this particular round of negotiations (situated between a post-Cold War return to multilateralism and the rise of the "governance" paradigm), and a snowball effect (the bigger it gets, the more inclusive it becomes) are all partial answers that merit further exploration. The fact remains that the consequences of this appeal (as well as its causes) are that the climate change arena has become a place to talk, be heard,¹ advance one's agenda, expand one's network, and raise funds. The latter, incidentally, is one of the key activities pursued by companies seeking to finance their projects, as well by development's courtiers, NGOs, and scientific and technical institutions.

The climatic arena thus fulfills a series of functions that go well beyond the negotiations themselves. In addition to the factors explaining its appeal, it is also necessary to consider the various forms of climatization.

Climatizing at Different Speeds: The Major Oversights

It is particularly important to examine the different circles or "strata" of climatization when it is subject to political and economic interests. The efforts that some actors put into getting their "wording" (i.e., the succinct terminology that represents their interests) into the agreement would seem to suggest that "highest stage" of climatization consists in participation in negotiations and statement-writing. The presence in the text of the term "just transition," which labor unions pushed in order to refer to the retraining of fossil fuel workers and the "rights of indigenous peoples" is the fruit of years of lobbying. Some themes have already become part of the negotiations' lingo (technology transfers, mitigation, adaptation, and so on), others aspire to do so, and others still—including some of the most important—are kept at a careful distance.

For example, the energy question has long been "climatized," given that it is logically seen as the heart of the problem (it was, moreover, the subject of the largest number of parallel events at Le Bourget). Yet it has been partially excluded from the negotiations, which never directly address the fact that it is imperative that fewer fossil fuels be extracted and consumed and that sustainable energy be promoted. No mention was made of air and maritime transportation, which are the subject of international negotiations in other realms. At the very moment when the final agreement says that carbon emissions, notably by assigning them a price, the cost of a

¹ An indigenous community leader told us that he did not have access to government figures in his own country, but, within the context of the COP, certain forms of dialogue were possible.

barrel of crude oil fell below \$40 thanks to the influence of Saudi Arabia, a country that has actively obstructed these negotiations.

The contrast between the intense climatization of the conference's theme and its marginalization during the negotiations themselves is also evident in the case of world trade. Along the sidelines of the COP21 negotiations, a number of civil society organizations identified free trade as one of global warming's primary causes: not only does it contradict every environmental regulation effort but, by promoting the free circulation of merchandise on a planetary scale, it increases transportation distances and thus energy consumption. Yet it was completely taken off the negotiating table and it is fair to ask what weight the Paris agreement will carry vis-à-vis international trade's restrictive legal arsenal. If, in their speeches, all or nearly all the delegates agreed that our development model must change if global warming is to be limited, the agreement nonetheless had no impact on two of this model's pillars: mass consumption of fossil fuel and global free trade. Along the same lines, the Paris agreement, according to its second article, no longer recognizes the threat of climate change to "food security," as it did before the final version was approved, but only to "food production."

This last minute semantic modification was due in particular to Argentine pressure, specifically the influence of its agro-industrial lobby. Concretely, this means that the goal is no longer to secure food access by addressing the main problem, i.e. food distribution, so much as it is to increase production, even though the impact of agricultural productivism on the climate is well known. In this case, too, the balance of power between economic interests and the general interest in the struggle against global warming clearly tilted towards the former. By considering these examples, which are clearly tied to the climate question but were not included in the negotiations, we seek to emphasize the fact that while the climate has become the primary arena for discussing the world's problems, the most important conversations remain highly selective and fail to address head on the structural causes of climate change, notably in relation to production and trade. If one wants to understand the agreement's impact, one must thus analyze its careful omissions as much as its avowed goals. One could always object that if these questions were brought into the discussion, it is likely that a comprehensive agreement would never have been reached. This is certainly true, but it points to one of multilateralism's fundamental flaws.

If one believes that multilateralism is the least bad way that states have found to not wage war, then the Paris agreement should be welcomed and French diplomacy congratulated for having managed to bring back a degree of trust between the parties. Yet one should not be taken in by this fact by refusing to address climate change's structural causes in the name of a likely agreement, but—and more importantly, no doubt—in the name of economic interests shared by the North as well as the South, the negotiations having refused from the outset to rise to the level of the political, human, and environmental concerns.

Just to be clear: by emphasizing the various degrees of climatization and the interests underpinning them, it is not our intention to say that the agreement was meaningless. It is possible, for instance, that the regular revision of national contributions will result in public policies that will have an impact on carbon emissions. The agreement, and particularly the COP21, are also significant in that they have resulted in greater awareness of and sensitivity to climate change, which is already a major achievement. COP21 and the agreement have thus undeniably moved the issue forward in a positive way. But the question is whether these developments are sufficient to address the scale (and speed) of the social and environmental problem we face. Most likely, the answer is probably "no." Worse still, one might ask whether

these adjustments along the margins do not serve to mask structural problems, by keeping on life support a sick development model that nobody wants, yet which nobody can abandon, thus contributing, in the words of the German sociologist Ingolfur Bludhorn (2007), to “sustaining the unsustainable,”

From “Shall” to “Should”: The Weakness of International Regulations

Those who followed the last day of negotiations at Le Bourget witnessed a lively controversy as well as a diplomatic trick which, their anecdotal interest notwithstanding, reveal some of the ways in which international regulation has evolved. In the late morning, when it was time to present the statement’s final version, French foreign minister Laurent Fabius and President François Hollande delivered speeches that seemed unfeigned in their gravity. Despite the rapid pace of progress in the last days, the possibility of failure could not be completely ruled out. The various parties had several hours to read the final agreement knowing that at this stage, the margin for achieving even the slightest of modifications was slim. If an agreement failed to transpire, it would be most likely due to the initiative of a major country (India and China were mentioned) or the opposition of a large group of countries (notably the small island nations). Consistent with the timeframe set by Fabius, delegates were supposed to meet at 3PM to approve the agreement. Yet at the very moment when the delegates entered the room, at least a full hour behind schedule, the hesitation was palpable: the French presidency had another problem on its hands.

It was discovered that the United States was resisting the word “shall” in article 4.4., which stated: “Developed country Parties shall continue taking the lead by undertaking economy-wide absolute emission reduction targets.” The United States was asking that this more explicitly obligatory “shall” be replaced by a more conditional and less constraining “should.” The reason for this request, according to the American negotiators, was that President Obama would have to send the text to a Republican-dominated Congress which, without the language change, would never have ratified it. In addition to these realistic concerns about procedure, this change also represented the American desire to infuse to the text with the most non-restrictive and “voluntarist” spirit possible. Under American and Chinese pressure, this “minor obstacle” was acrobatically resolved through a procedural trick. Before Fabius submitted the absolutely final version of the text for approval, protocol dictated that the representative of one of the United Nations’ technical offices express its view on the last minor corrections to the text, a logical necessity given the urgency with which it had been written. Thus the replacement of “shall” by “should” was presented as nothing more than one of several purely formal corrections. Those present did not raise their eyebrows about this move, which allowed Fabius to submit the text for their approval, to note hurriedly that there were no objections, and to sound his gavel, which promptly became an important artifact in the history of environmental multilateralism.

This episode tells us much, needless to say, about the United States’ negotiating power, but also about the spirit of the Paris text and, more generally, the new spirit of international regulations. The argument about the danger of presenting a text with an obligatory character before the United States Congress effectively hung over the gathering like a sword of Damocles, in the form of the risk of a possible American defection, which threatened to amputate much of the agreement’s effectiveness and legitimacy, as had happened previously with the Kyoto Protocol. Even so, one sees in the spirit of Paris that the United States managed to drive and impose much more of a structural change in the regulation of climate issues and, perhaps even more generally, international law. Rather than a restrictive protocol outlining clear measures and mechanisms for enforcing them, the Paris agreement is based on voluntary contributions

and goals that are elastic because they are vague. Instead of a sovereign conception of law imposed by a central authority (the UN) according to the “command and control” mode,² a “soft,” flexible, and adaptable conception of law prevailed. The regulation-sanction couplet, based on clear goals and timeframes, was replaced by that of “pledge and review.” One of the arguments made by those who defend legal approaches of this kind is that it is more pragmatic. An agreement based on all parties’ goodwill and in which they control one another’s commitments will not only be more likely to enlist a maximum number of participants, but also has a better chance of being implemented than an agreement that is so constraining that all signatories seek to find a way around it. It is based on the principle that one only does well that to which one consents, though one might wonder if this principle is consistent with the *realpolitik* which characterizes international relations.

While a formally constraining agreement comes with no guarantee that it will be actually enforced, it is clear that this softer conception offers no assurances, either: without political will, every law can remain a dead letter. Whether one sees it as an argument for a more pragmatic conception of law or as a cynical desire to free the economy of constraints, the American view, which has prevailed since the late 1980s, has triumphed over the long run (Aykut & Dahan, 2015). While the United States has been one of the architects of this course, it must be noted that this trend is also supported by many of the developing countries that belong to the G77. Indeed, the latter prefer to subject themselves to the ritual of voluntary contributions than to have policies dictated to them by the UN.

This trend towards a “softening” of international law is not really new, nor is it unique to climate issues. It was already evident in the large number of multilateral environmental agreements that were signed in the 1990s (Maljean Dubois, 2003), in the proliferation of market standards and tools as instruments of governance, and in capitalism’s influence on global regulations in the 2000s (Levi-Faur, 2005). Even so, the Paris agreement most likely represents a consecration of sorts for this kind of law.

The North-South Divide in an Evolving Geopolitical Order

Whether in the negotiation rooms or in the Coalition 21’s general assembly, we were struck by the importance and persistence of the North-South divide as an interpretive framework for understanding climate change. At Le Bourget, southern states were constantly insisting on “common but differentiated responsibility.” This principle holds that northern countries, which are deemed historically responsible, due to their industrial development, for the surplus of greenhouse gasses in the atmosphere, should assume most of the burden for addressing this problem and pay for southern countries. It implies that southern countries have a right, as it were, to development.

From civil society’s perspective, climate justice as an interpretive framework seems to lead to the North-South framework and the claim that large multinational corporations and northern governments are responsible for climate change. The narrative and political efficacy of so bipolar a framework, which is the legacy of anticolonial politics, is perfectly understandable, yet its geopolitical relevance is dubious. To sum up these two frameworks rather crudely but accurately, the balance of power in the early 1990s was between the North, led by the United States and Europe, which, after the East Bloc’s collapse, seemed all-powerful,

² In contrast to more distributed and participatory conceptions, this model evokes the classic notion of authority wielded from a center and enforced through control mechanisms. In the context of climate negotiations, it entails a top-down approach to climate governance.

and a South from which virtually not a single country had emerged. The situation in 2015 is completely different.

The growing power of BRICS, their accelerated growth, driven by massive energy consumption, and the rise of elite and middle classes in southern countries are all factors that make it necessary to rethink and transcend this framework. The point is not to deny the northern countries' historic responsibility, nor even less to forget that southern countries' emissions help to produce goods consumed in the North, but to avoid all abusive simplifications and objective alliances with indefensible governments. When, during negotiations, Saudi Arabia spoke in the name of southern countries to demand that the revision of national contributions occur at a slower rate, on the grounds that they constitute an unsustainable technological and financial investment, the instrumentalization of the North-South framework was obvious. Defending India's right to development may well be a necessity, but it should not lead to the neglect of problems arising from a country's internal distribution of wealth or its current government's responsibilities. The theme of climate justice has the great merit of reintroducing questions of equity into our broader understanding of environmental issues, which had tended to conflate past, present,³ and future responsibilities. This interpretive framework applies poorly, however, to negotiations between nations in which the boundary between poor and rich has shifted, not only between countries but also internally. This framework must thus be considerably "denationalized." Under these circumstances, one might well ask how a group like G77+China can continue. Institutional inertia (climate and other international negotiations have been organized around this bloc), the perpetuation of certain habits of thought due to a shared colonial past, and the need to form a strategic negotiating bloc probably explain, in part, the G77's survival. Yet one senses that a transformation of the geopolitical order is underway.

Along similar lines, the North-South interpretive framework is tied to the demand for a right to development and, somewhat automatically, to the aid that is presumed to accompany it. No one in civil society, and even less in UN circles, would dare challenge the legitimacy of such aid, even if some refuse to pay it. The United Nations' Green Climate Fund and development aid are seen at the macro level as legitimate tools for rebalancing North-South relations. But work on the concrete mechanics of this aid (Olivier De Sardan, 1995) has made clear the forms of dependency it promotes. It makes sense to ask if this general alignment of southern countries in favor of development aid will have the desired effects. Without fully embracing the radical critiques of the very idea of development and the "aid" that it is intended to trigger, one can nevertheless note that these ideas, like that of economic growth, still constitute global society's unsurpassable horizon, which contributes undoubtedly to the deepening of the schism between the international sphere and reality (Aykut & Dahan, 2015).

Civil Society Steps Back

Turning to the dynamic of civil society's organization, climate change has become a major point of convergence for a global society that is still under construction. The size of Coalition 21, an initially French, then international coalition formed two years prior to the COP, testifies to the issue's ability to bring together an extremely broad range of groups, focused on environmental issues, human rights, development, farmers' struggles, feminism, or specifically on the problem of climate change itself. From ATTAC to the WWF, from Avaaz to the

³ Thomas Piketty cites the following decisive figures: "the top 1% of the world's greatest polluters, which corresponds to 70 million people, have average emissions of around 100 tons of CO₂ per person, meaning that they alone emit 15% of all emissions, or the same as the lowest 50%. By our estimates, 57% of them live in North America, 16% in Europe, and barely more than 5% in China (less than in Russia and the Middle East, which each represent 6%)." (Piketty 2015).

Confédération paysanne, this alliance managed to transcend the cleavage, which characterized previous mobilizations around climate issues, between those who viewed the issue in terms of social justice, who were more likely to be critical of the negotiating process, and those who saw it primarily as an environmental problem, who were more inclined to play by the UN rules and belong to the Climate Action Network (CAN) (Buffet et Ollitrault, 2015).

This cleavage shaped, in particular, the Copenhagen COP in 2009. For civil society organizations engaged in the negotiating process, Copenhagen was an enormous disillusionment, since the lack of results seemed inversely proportional to the scale of civil society's human and financial mobilization. This trauma was still largely apparent at the Rio+20 Earth Summit, during which civil society was undergoing a process of reorganization (Chartier & Le Crosnier, 2015). Though it took some time, the Copenhagen fiasco precipitated the victory of a position that, while not openly opposed to negotiations, at least sought to take some distance from them. While this increasing distance did not result in their complete absence in Le Bourget (many NGOs play the game of being both "in" and "out" of negotiations), most of civil society was mobilized in Paris.

This mobilization of civil society received, however, a hard blow from a relatively unexpected enemy, since they unquestionably suffered the most from the November 13 attacks in Paris. For public authorities, the terrorist attacks constituted a "perfect excuse"⁴ for shutting down mobilization that had been planned prior to the COP. This had two important consequences. In the minds of the organizers, the November 29 demonstration, at which NGOs expected over a million people, was meant to trigger a dynamic that would last for the entire COP. Needless to say, its banning immediately broke the mobilization dynamic, though the possibility of mass mobilization may in fact have been permanently damaged after November 13. Even if it had been authorized, it seems unlikely that this demonstration would have brought down hundreds of thousands of people into the streets in a post-terrorist attack climate. In addition, the fact that the authorities engaged in occasionally harsh repression (such as at the Grand Palais on the day when the Solutions Gallery opened), other anticipated highlights in the mobilization effort (at the Alternatives Village at Montreuil or at the Climate Action Zone) were unable to take place as planned.

A second consequence of the high levels of security at the COP was that they reopened the cleavages (discussed earlier) between the social justice line and CAN. Broadly speaking, the partisans of climate justice, who are more "radical" and inclined to favor civil disobedience activities, were the most critical of the government's security measures, while the tenants of the more "moderate" line tended to respect these orders. Even if the cleavage around the security question did not correspond exactly to the positions on the climate issue, it constituted a major point of friction that may have undermined efforts to achieve unity. In any event, the coalition around this COP did not collapse, despite the difficult circumstances and internal pressures to which it was exposed. Prior preparation of the COP21, as well as the event itself, were an important moment in shaping the process. A meeting next year in Berlin will determine the movement's future. Creating a more autonomous form of mobilization, one that would be independent of the imperatives and timetable of the negotiation process (notably that of the COP itself) is probably one of the major challenges facing civil society in its quest to achieve an appropriate degree of critical distance and cultivate its own creativity as a movement.

⁴ We obviously do not mean to suggest that the security measures enforced during such events was nothing more than an attempt to exploit the attacks and to restrict demonstrations. The security measures were for the most part justified and understandable. Even so, they allowed the authorities to control these demonstrations much more easily.

We have sought to show that in addition to the negotiations around the agreement and its results, the COP21 and its preparation constituted an important moment in the reconfiguration of North-South relations, a new stage in forms of international regulation, and a no doubt decisive step in the emergence of a global civil society mobilized around climate issues. COP21 marks a new phase in the expansion of the climate regime, in addition to being of considerable appeal to a broad array of actors and issues that are now conceived in terms of the climate. More than ever, the climate is a total and global socio-environmental fact.

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