



Thirty years on: Planetary climate planning and the Intergovernmental Negotiating Committee

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ABSTRACT

On the occasion of the thirtieth anniversary of the United Nations Framework Convention on Climate Change, this principal supra-national institution remains paramount to the project of planetary climate planning and governance. Reflections on this anniversary should serve to recall the contestations through which this foundational institution was formed, and the delegate dynamics that continue to be reproduced in its wake. The contentious debates and political dynamics that afflicted the Intergovernmental Negotiating Committee tasked with crafting the Framework Convention on Climate Change, as well as dissension in the periphery, remain as relevant today as they were three decades ago. Reprising these dynamics through detailed historical and archival analysis, this article excavates the negotiations of the 1992 Framework Convention on Climate Change by the Intergovernmental Negotiating Committee, which met in 5 sessions during 1991–1992. The aim is to identify key fault-lines and conflicts in the lead-up to the finalization of the 1992 Convention, in order to demonstrate whose epistemic and normative commitments came to be reflected in the final outcome and to show how the legacy of this process endures to date. I seek to render visible actors and proposals peripheralized in the formation of planetary climate governance to extrapolate normative boundaries and proffer heterodox lessons from the margins.

1. Introduction

The instituted institution makes us forget that it issues out of a long series of institution (in the active sense) and hence has all the appearances of the natural. That is why there is no more potent tool for rupture than the reconstruction of genesis: by bringing back into view the conflicts and confrontations of the early beginnings and therefore all the discarded possibles, it retrieves the possibility that things could have been (and still could be) otherwise. And, through such a practical utopia, it questions the “possible” which, among all others, was actualized (Bourdieu et al. 1994, 4).

The United Nations Framework Convention on Climate Change constitutes both an interstate treaty (herein Framework Convention) opened for signature in 1992 following a fifteen month process of institutional bargaining and the United Nations Climate Change Secretariat that was formed in its wake. This paper derives from a straightforward inquiry: How was the UNFCCC set on its institutional development path? On the occasion of the thirtieth anniversary of the opening of the Framework Convention for signature and the

establishment of the Secretariat, reflections on the institution have been ample. Many have admonished the failure of governments as opposed to revisiting the system’s configuration and its development paths (Kinley et al. 2021; Stoddard et al. 2021). Three decades since inter-state negotiations first began, contemporary planetary climate management remains fixed within the institutional boundaries prescribed by the Framework Convention, a now sacrosanct constitution for managing the planet’s climate.

Today’s contentious inter-state negotiations and impasse are entangled with the logics and contestations that informed the first round of negotiations within the Intergovernmental Negotiating Committee (herein INC) convened to craft the Framework Convention between 1991 and 1992 (Djoghla 1994). Delegations of UN member states toiled to form a consensus-based framework in preparation for signature by state leaders at the 1992 UN Conference on Environment and Development. Considered now a highly routinized, standard-setting institution at the core of climate governance, the UNFCCC is in particular need of critical scrutiny on the occasion of this anniversary, especially in the wake of praise from governmental leadership and increasingly from

Abbreviations: INC, Intergovernmental Negotiating Committee; UNFCCC, United Nations Framework Convention on Climate Change.

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owners of the means of production who have become enveloped in the negotiating process (Kinley et al. 2021). The bureaucratic institutionalization of future planning codified by the UNFCCC has developed a set of logics, practices, and discourses both generative and constraining.

To expose the normative dimensions and inequities structured into this social order, I seek to bring to the fore questions about institutional design and the social processes that rendered this playing field uneven from the start (Jasanoff 2004a). Few works have pieced together the antecedent conditions that formed a cleavage among state delegations and sparked the elusive committee and the tedious negotiating process that yielded today's enduring institution of planetary governance.

The formation of the INC and its crafting of the Framework Convention represent a critical juncture—a major episode of institutional innovation and period of significant change—in the history of climate change politics (Collier and Collier 1991). By studying this critical juncture, we can ask: Why did this institution come into existence? What historical processes yielded this particular path of institutional development over all other possible paths? And how did the institution reproduce an enduring legacy?

Positioning the INC and its legacy planning document, the Framework Convention, as a critical juncture, I analyze the sequence of this institution with the understanding that the UNFCCC is now enduring and normative. After a brief note on methodology and a review of relevant literature and its gap, I begin by outlining a sequence of events leading up to the formation of the INC. This section provides a global historical context for climate planning. I then focus on critical antecedents of the Framework Convention—those historical events and conditions without which the Framework Convention would not have taken the development path it did. Finally, I conclude by questioning “the ‘possible’ which, among all others, was actualized” (Bourdieu et al. 1994, 4) and offering lessons from the margins.

2. Methodology: Opening the black box of the climate institution

Empirical attention must be paid to the context in which global climate management was actively instituted through the UN. I follow calls in political geography to “open the black box of the organization” by conceptualizing organizations as socio-material networks that emerge from contentious processes of ordering (Müller 2012). A close historical reading of the INC highlights the processes through which various authorities, knowledges, and norms converged to form the Framework Convention (Eriksen et al. 2015). By retracing the history of planetary climate management and focusing on the contestations of this social process, I analyze the tacit political and epistemic commitments and the circulation of geopolitical ideas reproduced through these negotiations.

To unmask these normative dimensions, I draw on two methods of qualitative data collection. Driving this paper empirically is an extensive archival analysis of hundreds of hours of audio materials accessed on request from the Audiovisual Archives of the UNFCCC Secretariat. These recordings of the INC captured live translations of the plenary stage, general debates, and working group oral reports. While the scarcity of ethnographic data remains a clear limitation to the reconstruction of the genesis of this institution, including the crucial informal negotiations that took place in the absence of rapporteurs, I address these shortcomings by triangulating the significantly detailed archival audio materials with extensive textual analysis of primary UNFCCC documents and submissions including: reports, draft decisions, informal delegate papers, and the rapporteur's proceedings of the five sessions of the INC; resolutions of the UN General Assembly; legal texts of UNFCCC agreements; and other primary documents from the UNFCCC Archives.

I follow Weisser's (2014) work on the “documentality” (Ferraris 2013) of contemporary UNFCCC environmental negotiations which conceives of documents and the policies they contain as “effects of practice,” encoding various arguments, interests, and divergent points of

view. While this conception might be easily perceived in the context of contentious inter-state environmental negotiations, the tendency to conceive of UNFCCC documents and the policies they contain as apolitical and technical the moment consensus is reached demands that we interrogate the archeology of the document (Müller 2012, 379).

The institution is not apolitical but built on a series of normative geographical assumptions—geopolitical norms that defined the global/planet and the United Nations model as the relevant scale for climate science and political responses (Arefin 2019; Arefin and Weinger 2021; Weinger 2021; Weinger in progress). This archival approach informed by the political geography literature links macro-scale processes of geopolitical economic processes to the mundane practices of institutional bargaining on the ground (Potts 2019).

3. Historicizing the climate institution

The formation of organizations is a crucial point of study. While organizations like the UNFCCC develop over time, social processes are recursive and delimited by self-reinforcing lock-ins and cumulative dynamics (Sydow et al. 2009). To understand the institutional innovation of the INC and the constitutional moment of the Framework Convention, I draw on two primary bodies of literature that outline how institutions come about and how knowledge is instrumentalized and politicized to engender certain development paths. Historical institutionalism emphasizes how a sequence of antecedent conditions and mechanisms yields a critical juncture and shapes the institutional development of global climate politics (Collier and Collier 1991; Capoccia and Keleman 2007). Science and Technology Studies (STS) then questions the normative boundaries around a politics of expertise and knowledge production. Together these bodies of literature illuminate how avowedly scientific practices of climate and global kinds of knowledge—knowledge claiming to offer a view from everywhere (Hulme 2010)—constitute or privilege certain epistemes over others (Jasanoff 2004b; Miller 2007).

Historical institutionalism and organizational theories of path dependency offer an effective framework of analysis to structure examinations of the active genesis of institutions and identify critical antecedent conditions, mechanisms that engender a cleavage and the critical juncture of institutional innovation, and explain its reproduction and legacy (Collier and Monck 2017). Critical junctures are concentrated episodes of “synoptic policy innovation” when new logics or practices can be instituted (Collier and Monck 2017). A critical juncture comes about amid a shock or cleavage that triggers a policy breakthrough and institutional innovation. These are necessarily delimited by a series of antecedent conditions (economic, social, and political developments) that set the parameters for change. Mechanisms of reproduction therein create an enduring institutional legacy that stabilizes the institution (or reverberates outward) for a substantial period (Collier and Monck 2017).

The guiding question for those studying critical junctures thus becomes: Why does a given institution come into existence, or what sequence of events is undertaken to yield a particular path of institutional development over all other possible paths? And further, how does an institution reproduce an enduring legacy? These questions matter because institutions are not simply bureaucratic organizations, but rather “durable structures of knowledge that define the rules and expectations of recurrent behaviors” (Viterna and Robertson 2015, 252; Patterson 2014, 14). An institution is a patterned way of doing and knowing, the “reciprocal typification of habitualized action” (Berger and Luckman 1990, 52). Organizational theories of path dependency illustrate how history matters and how established decisions and networks shape and oftentimes lock-in ways of doing and knowing that indeed may not be the most efficient or just solutions (Sydow et al. 2009). To understand these particular ways of doing and knowing, STS literature probes how epistemic and political authority are reproduced in a particular context.

STS approaches assess contentious negotiations within institutional settings. These approaches point to the mechanisms through which scientific knowledge inevitably comes to rest on tacit assumptions and values that carry consequential implications when forming the basis of political decisions (Miller 2004, 93). The approach identifies an underlying politics of expertise that animates inherently political contexts of knowledge production and negotiation (Beck et al. 2017). Probing the precise moments through which an institution-in-the-making validates and bounds certain knowledge claims fundamentally identifies those knowledge claims rendered out-of-bounds.

Attending to knowledge production in the case of climate institutions has involved probing which types of knowledge claims have been considered authoritative and of universal relevance to climate change responses (Miller 2007, 327; Hulme 2010, 561; Eriksen et al. 2015, 528). STS approaches draw attention to the practices, strategies, and devices through which knowledge acquires authority (Jasanoff and Martello 2004; Beck et al. 2017, 539). Often this occurs through a process of co-production, whereby societies form their epistemic and normative understandings of the world in a joint process of articulation (Jasanoff 2004b).

Little empirical work has yet assessed the formation of the INC and its contentious negotiations. This institution has not been historicized or studied as a critical juncture, a framework that elucidates the critical conditions that bring about institutional change. On the thirtieth anniversary of the formation of this institution, applying critical scrutiny to this institution's genesis may aid in charting a new path and proffering heterodox proposals for more just climatic futures.

4. A sequence of planetary climate planning and the formation of the Intergovernmental Negotiating Committee

The history of climate planning is rooted in a series of co-productions (Jasanoff 2004b) between scientists and policy actors who represented climate change as a global problem and a common concern of humanity that required solutions global in scope and management (Löfbrand and Stripple 2006). If global climate change produced by humanity writ large was the problem, then anything less than global solutions between sovereign states would be inadequate in this disputed formulation. This section briefly sketches the arc of activities leading to the establishment of the INC and its subsequent negotiations for a Framework Convention as scientists and policy makers set the boundaries of climate change as a global issue requiring a global management solution (Weinger in progress).

Specialized agencies of the UN were among the key conveners of climate scientists in the mid-twentieth century. In 1979, the World Meteorological Organization (WMO) and numerous scientific bodies¹ convened the First World Climate Conference headlined "A Conference of Experts on Climate and Mankind" (Zillman 2009). Held in Geneva from 12 to 23 February 1979, organizers welcomed 350 technical specialists from 53 countries and 24 international organizations during the first week. In the following week, organizers extended invitations to a group of one hundred policy specialists who together released the Declaration of the World Climate Conference (World Meteorological Organization 1979). The declaration's "Appeal to Nations" called on national actors to work together toward the "long-term survival of mankind" (716).

Following this conference at the Eighth WMO Congress (World Meteorological Organization 1980) in April and May 1979, the WMO established the World Climate Programme to formally study the role of increasing atmospheric concentrations of greenhouse gasses. "In the

field of climatology a new era is looming large," declared WMO President Mohamed Fathi Taha at the first plenary meeting, "thanks in large measure to the highly successful World Climate Conference which WMO organized" (9).

Following a series of conferences hosted by the WMO, and joint efforts of the UNEP and WMO to form the Intergovernmental Panel on Climate Change (IPCC), the two organizations convened in Toronto, Canada from 27 to 30 June 1988 to host the World Conference on the Changing Atmosphere: Implications for Global Security (the Toronto Conference). Over 340 delegates represented forty-six countries at the conference, although roughly sixty percent of delegates were from North America alone. Unlike previous conferences on emerging climate data, the Toronto Conference facilitated debate among the 20 politicians, 118 policy advisors, 73 physical and 50 social scientists, 50 environmental activists, and 50 industry representatives in attendance. These debates, examined in the following section, were captured in detail in the conference proceedings in which scientists and policy-makers co-produced a political vision of a globally coordinated, interstate management institution (WMO/UNEP 1988). Negotiations provide a glimpse into the contestations that defined early climate negotiations, namely the normative dilemma of the scale in which and actors by which to govern a planet's climate.

The year 1990 marked a turning point in the translation of climate science to planetary climate planning with three key events. First, following UN General Assembly (1989) Resolution 44/207 of 22 December 1989, "Protection of global climate for present and future generations of mankind," an Ad Hoc Working Group of Government Representatives (UN General Assembly 1990a) from seventy countries convened in Geneva from 24 to 26 September 1990 to prepare for negotiations on a Framework Convention on climate change, a putatively legally binding treaty of international law. Adopted by consensus, the group's twenty recommendations formed the foundation of planetary climate planning by identifying "one option regarding the organization of the negotiating process": namely, the convention-protocol approach (UN General Assembly 1990a; Bodansky 1994, 53; Kuyper et al. 2018). This approach, extracted from the inter-state precedent of the 1985 Vienna Convention for the Protection of the Ozone Layer and its 1987 Montreal Protocol, effectively withdrew binding commitments from an institutional framework in favor of a reaching a broad framework convention with subsequent and more detailed protocols to come at later points in time. Ultimately, the Ad Hoc Working Group laid the groundwork for the negotiating body that would soon continue this work.

Next, from 2 October to 7 November 1990, the Second World Climate Conference convened in Geneva. The conference convened six days of technical scientific discussions among 747 participants from 116 countries. Organizers then shifted venues to the Palais des Nations in a symbolic act of epistemic ordering (Miller 2004). Ministerial sessions among 908 participants from 137 countries produced a political declaration differing dramatically from the final statement of the technical sessions (United Nations General Assembly 1990a).

Animating the conference was a divide within the inter-state system over global inequality that had long afflicted previous UN negotiations. Within the category of the "Third World Front," represented by the G77, distinctive groups began to emerge, including: the Alliance of Small Island States (AOSIS); oil-producing states; and other developing countries (Ramakrishna and Young 1992, 258). While many delegates from industrial states centered their discussions on the unsettled scientific and environmental dimensions of climate planning, delegates of developing states discussed power and inequality, poverty, and development.

Discussing results from the first decade of research of the World Climate Programme and the recently convened IPCC, the technical statement established that "a clear scientific consensus has emerged on estimates of the range of global warming" expected during the next century, signaling the impacts that will be felt "most severely in regions already under stress, mainly in developing countries" (3–5). The

¹ The United Nations Educational, Scientific and Cultural Organization (UNESCO), the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), the United Nations Environment Programme (UNEP), and the International Council of Scientific Unions (ISCU).

statement insisted that historical growth in emissions had been a direct consequence of, among other phenomena, “the related exploitation of fossil fuels by industrialized societies [...] some 75 percent of total CO₂ emissions have come from the industrialized countries” (4–5). The language in this text was unambiguous. Meanwhile, the subsequent Ministerial Declaration, agreed upon by consensus by heads of state and their policymakers, drew upon a limited discursive bank, represented by keywords underlined throughout the declaration text, such as *reaffirm*, *stress*, *recommend*, *recognize*, *note*, *welcome*. It was in this context of co-production that political pacts began to assemble to oppose what delegates described as a sanitizing consensus process.

Delegates on behalf of developing countries argued that the globalizing technoscientific IPCC process did not address their concerns. The decontextualized, top-down form of knowledge production and management represented by the IPCC rendered an otherwise abstract concept—the longterm statistics that define the global climate—governable (Head and Gibson 2021, 700; Oels 2005, 197). Delegates feared that this particular form of globalized knowledge effectively opened the way for “managerialism on a planetary scale” (Hulme 2010, 561). Many delegates thereby rejected the proposal that a negotiating committee be convened under the auspices of the WMO and UNEP.

Finally, on 21 December 1990, at the 71st plenary meeting, the UN General Assembly (1990b) passed Resolution 45/212 formally establishing “a single intergovernmental negotiating process under the auspices of the General Assembly, supported by the United Nations Environment Programme and the World Meteorological Organization, for the preparation by an Intergovernmental Negotiating Committee of an effective Framework Convention on climate change” (148). It was in this resolution that the United Nations decided that the INC would be open to all member states of the UN or specialized agencies, “with the participation of observers in accordance with the established practice of the General Assembly” (148). The Resolution declared the maximum duration of each negotiating session to be two weeks, a timeline that persists in negotiations today. The resolution also established a Special Voluntary Fund to ensure developing state participation, and nongovernmental organizations were invited to “make contributions [...] on the understanding that these organizations shall not have any negotiating role during the process” (149).

The normative boundaries of climate governance were beginning to take shape as contestations over knowledge production and institutional inequalities were brought to light.

4.1. Forging an inter-state climate authority

The INC, opened to all State Members of the United Nations and specialized agencies, met in five sessions between February 1991 and May 1992 (see Table 1). On 19 December 1991, the UN General Assembly (1991) passed resolution 46/169 urging the Committee to expedite and complete negotiations in time for the UN Conference on Environment and Development (UNCED) in June 1992. On 9 May 1992, the Chairman agreed upon and adopted the final text of the Framework Convention and recommended it for signature during the UNCED. In this section I briefly outline the timeline and key outcomes of the five INC sessions.

Guiding the initial session of the INC was the First Assessment Report of the IPCC as well as the Report of the Ad Hoc Working Group of Government Representatives to Prepare for a Framework Convention on Climate Change (United Nations General Assembly 1990a). One hundred and two states were represented at the session, as well as specialized agencies like the UNESCO, WHO, World Bank, WMO, as well as seventy-six non-governmental organizations, including the International Petroleum Industry Environmental Conservation Association, representing a consortium of the largest oil and gas multinationals; the American Petroleum Institute, the largest U.S. trade association for the oil and natural gas industry; as well as environmentalist organizations like Greenpeace International (INC 1991a, 22).

At the first session the Committee agreed through consensus to establish two working groups to prepare draft texts for consideration by the plenary: Working Group I related to commitments (greenhouse gas reductions, financial resource allocation, special situation of developing countries) and Working Group II related to legal and institutional accountability mechanisms of the framework (24).

Of particular controversy in the oral report of Working Group I were the varying degrees of support expressed for reparative demands on the “Industrialized Front.”² There was also a divergence of views concerning the commitments to be included in the Framework Convention, with several delegations insisting that specific emissions reduction commitments, initially undertaken by industrialized countries, should be established. Delegates from industrial states argued that specific commitments “should not be sought at the present stage and that the Framework Convention should provide a flexible system permitting countries to adopt their own strategies” (13). Of relevance in the oral report of Working Group II were economic questions.³ The Working Group agreed to provide travel and subsistence costs to one delegate each from ninety-nine developing countries.

At the second session of the INC, delegates set two key processes underway. First, both working groups presented their initial findings and recommendations following private and informal sessions. Second, the Committee introduced a “Compilation of Possible Elements for a Framework Convention on Climate Change” (INC 1991c).⁴

During the third session of the INC, both working groups presented updates on the negotiations as informal bargaining took place (INC 1991d). The fourth session of the INC facilitated formal and informal readings of the draft convention, progressing toward a published “Consolidated Working Document” (INC 1991e). Yet, delegates continued to debate the scope of the Framework Convention, diverging on quantitative targets for reduction, the choice of gasses to be controlled, the measures to be taken, the criteria to be used to control emissions, and the question of categorization of countries in relation to the creation of an international climate fund and its governance (10). Lack of time was cited as the major inhibitor of agreement, while some “delegations were keener to meet in informal groups to sort out their differences and come up with compromise texts” (10).

Finally, the two-part fifth session was marked by intense contestations and accusations of marginalization. Bureau staff produced a “clean” published “Revised Text Under Negotiation” in the first part (INC 1992a, 7) marked by numerous political decisions yet to be agreed upon. In the final part, the Chairman adopted a completed Framework Convention for signature at the UN Conference on Environment and Development in June 1992.

Retracing the INC process, meticulously documented in the archives and discussed in depth in the following sections, brings back into view

² These included: climate change as a common concern of humanity, equity, differentiated responsibility, ‘polluter pays principle,’ ‘precautionary principle,’ cost-effectiveness, flexibility, compatibility with development needs, sovereignty over natural resources, need for short-term and long-term action, international cooperation, compensation for incremental costs incurred by developing countries, need for mechanisms for finance and transfer of technology, and special circumstances of different groups of countries (INC 1991a, 12).

³ These included a dispute settlement mechanism being compulsory, financial resources consisting of new funds separate from development assistance and mandatory, and the transfer of technology on a non-commercial basis (INC 1991a, 17).

⁴ This document consists of material culled from the following sources: General Assembly resolutions; Ministerial Declarations; the IPCC First Assessment Report, Volume 1; the IPCC Legal Measures Report of Topic Coordinators; the texts of existing international agreements; conventions and protocols on related subjects; and, most importantly, a set of informal papers, including “non-papers” (documents that do not carry the official seal of a government) submitted by state delegations (see INC 1991f-h for samples).

Table 1
Timeline and Key Outcomes of the Intergovernmental Negotiating Committee.

	Date	Location	Key outcomes
First session	4–14 February 1991	Washington, D.C.	Formation of Working Groups I and II
Second session	19–28 June 1991	Geneva	Compilation of Possible Elements for a Framework Convention on Climate Change (INC 1991c)
Third Session	9–20 September 1991	Nairobi	Ongoing negotiations
Fourth Session	9–20 December 1991	Geneva	Consolidated Working Document (INC 1991e)
Fifth session (part I)	18–28 February 1992	New York	Revised Text under Negotiation (INC 1992a)
Fifth session (part II)	30 April – 9 May 1992	New York	Framework Convention on Climate Change (UNFCCC 1992)

the conflicts through which the institution was formed. What emerged as a singular and unified Framework Convention was indeed predicated on divergent views concerning almost every aspect of the agreement. It is precisely in the depth of these archival materials, particularly during the second, fourth, and fifth sessions, that we can identify critical moments of cleavage and the actors responsible for the promotion or elimination of particular concepts and approaches.

5. Institutional bargaining

Emerging out of these antecedent conditions was a political cleavage, an enduring conflict between actors that polarized the political system and triggered the particular development path of this Framework Convention. In this section I sketch the cleavage between what I call the “Third World Front” and the “Industrialized Front”⁵ focusing on the political choices that animated the development of the institution and revealing the scope of discretion available in the bargaining process. First I briefly outline the technical process of the INC. Then I review a selection of the most contentious Third World Front proposals, followed by the Industrialized Front proposals that won out. To explain why delegations set the Framework Convention on its particular development path, I characterize the INC process as one that “sanitized” Third World Front proposals via institutional developmental idealism—material and ideological conditions of the negotiations—that privileged certain delegations over others (Falzon 2021).

To characterize this cleavage, I turn to audio materials from the INC negotiating process as well as three key documents from the archive (see Supplementary Materials for a visualization of this sanitizing process). First, “The Compilation of Possible Elements for a Framework Convention on Climate Change” (INC 1991c) from the second session of the INC bridged the source of virtually every element of the Framework Convention to the informal state papers that proffered the proposals of each delegation.⁶ Second, the “The Consolidated Working Document” (INC 1991e) from the fourth session of the INC identified the most controversial of proposals. Finally, the completed Framework Convention (UNFCCC 1992) that opened for signature in June 1992 revealed the proposals that were actualized.

The technical process of the INC began at the second session with

⁵ I understand the importance of complicating the binary between the categories of practice—the normative nomenclature of “developing” and “developed” deployed by social actors in the INC process—and the categories of analysis I propose here—the Third World and Industrialized Fronts (see Prashad 2007, Getachew 2019). While I deploy this binary as a category of analysis for the purpose of this paper, I acknowledge the historical debt the North has with the South and must reiterate and dispel the fiction of homogeneity within the G77 and the South.

⁶ Around two dozen state informal papers are available individually in the archives. See INC 1991f–h for samples.

Bureau staff members deriving the structure of the “Compilation of Possible Elements” from Committee decision 1/1. This decision cited the IPCC Legal and Institutional Mechanisms Report (IPCC 1988)—a guiding document linked to the scientific framing of climate change—as a possible structure for the Framework Convention. This included a preamble, definitions, principles, general obligations, specific commitments, measures to protect, enhance, and increase carbon sinks, the special situation of developing countries, financial resources, transfer of technology, compliance control, institutional arrangements, dispute settlements, and entry into force. Within each section, the document compiled quotations organized alphabetically from the various sources identified above, including past resolutions and state informal papers.

As the negotiations proceeded, the fourth session of the INC facilitated formal and informal readings of the draft convention, progressing toward a “Consolidated Working Document” (INC 1991e). This document illuminated key provisions of the proposed convention that were eliminated through the consensus process (see Supplementary Materials for select examples of the most controversial proposals as they progressed through the “sterilizing” consensus process).

5.1. The Third World Front

One category of states, composed of the Group of 77 (G77) (including pacts of oil producing and small-island states), rooted their collective climate proposals in the seminal projects of late twentieth-century Third Worldism. I analytically group these states under the label “Third World Front.” These projects were influenced, among others, by the Declaration on the Establishment of a New International Economic Order (United Nations General Assembly 1974a) and the Charter on the Economic Rights and Duties of States (United Nations General Assembly 1974b). These projects had animated environment and development debates within the inter-state halls of the United Nations system for two decades prior to climate bargaining (Agarwal et al. 1999; Getachew 2019).

This core group of delegations in the INC focused attention in climate debates around a coordinated set of proposals rooted in themes of development and equity. Represented most often by the delegations of Ghana and Pakistan, respectively presiding over the G77 during the INC period, these delegations sought to reorient climate planning around questions of economic neo-colonialism and dependency. Given the G77’s history as the formal negotiating block during the founding of the UN Conference on Trade and Development in 1964, the group continued to target processes of dependency in an unequal international economic system in the climate bargaining process (Selcer 2018). Their coordinated—although not harmonious—pact framed climate politics around what many delegates in audio archival materials hinted to as the colonial present: the inequalities that persisted after decolonization via inter-state economic relations and processes like sovereign debt (Potts 2019).

Elucidating Third World Front perspectives, Tariq Osman Hyder

(1992, 336), Director General for Economic Coordination of the Pakistani Foreign Ministry representing Pakistan and the G77 at the INC, commented: “Since 1492, Europe has expanded beyond its borders and across the world—into vast areas and continents which either belonged to the peoples of the South or lay within their natural path of expansion.”

Third World Front proposals on the stage of the INC aligned with the key principles of the New International Economic Order, including the sovereign equality of all states and their natural resources (in particular the non-interference in the environments of other states), the environmentally even exchange of resources, and the transfer of financial and technological resources under terms favorable to the developing states (INC 1991j). In the INC, these principles materialized in the form of proposals (see Table II) for new and additional financial resources and technology transfers on preferential and non-commercial terms, the reduction of industrialized emissions and convergence with developing emissions on a per capita basis, non-conditionality in climate aid (such as no structural adjustment or policy reform requirements), the right to development via an equitable use of atmospheric space (as a commons for humanity), inter-generational equity (not compromising future generations’ needs), the polluter pays principle (those responsible for causing damage to the environment bear the responsibility for rectifying that damage, i.e., historical and differentiated responsibility), the precautionary principle (taking measures which anticipate, prevent, and attack the causes of environmental degradation prior to conclusive scientific proof), and an insurance pool (considered by some a form of reparative debt) funded by developing countries to compensate the most vulnerable from climate impacts. I will briefly review a selection of these contentious proposals.

Three key themes emerged in proposals from the Third World Front: sovereignty, development, and historical responsibility. The delegation of China positioned the “principles of sovereignty of States and of non-interference in the internal affairs of other countries” as a fundamental component to protecting developing state interests (INC 1991f, 26). The delegation called for the obligations of climate change mitigation to be “equitably distributed between developed and developing countries in accordance with their responsibility and capabilities, and different time frames [...] noting that the largest part of the current emission of greenhouse gases originates in developed countries and that those countries have the main responsibility” (26). The informal Chinese paper also declared that “an appropriate level of economic development is the prerequisite for adopting concrete control measures to address climate change, and all the peoples in the world are entitled to an appropriate standard of living. Therefore, the energy consumption of developing countries must grow. Any limitation or control measures shall take full account of the per capita emission levels of various countries and the developmental needs of developing countries” (26).

The proposals of the delegation of India also focused on “reaffirming the direct interrelationship between environment and development [...] that the developing countries have as their main priority the eradication of poverty and the achievement of economic and social development and that their emissions must grow to accommodate their development needs, reflecting the equal right of all peoples in matters relating to living standards” (INC 1991g, 15). The proposal called for new financial resources and technology transfers on preferential and noncommercial terms, “without introducing a new form of conditionality in aid or development financing or constituting a pretext for unjustified barriers to trade” (16).

Finally, proposals from the Vanuatu delegation, on behalf of the Alliance of Small Island States, focused on a series of principles that would hold particular actors responsible for their historical contributions: the Polluter Pays Principle; the Precautionary Principle; sustainable development; responsibility for the Global Commons; equity (with due regard to the development requirements of developing countries); differential responsibility (different time frame taking into account the right to development); inter-generational equity (preserve and protect natural capital for the benefit of present and future generations);

liability (including historical responsibility); and clean production (24–25). Additional obligations included the “prohibition on subsidizing activities which contribute to climate change [...] elimination of subsidies and incentives for inefficient resource use [...] and the] prohibition on the dumping of goods benefitting from subsidies which support activities adversely affecting climate change” (29–30). The Vanuatu delegation, along with other small island states, also proposed an insurance mechanism for damage resulting from climate change, considered by some to be a form of climate debt or reparations (INC 1991d, 19). In the context of recent COP27 debates around financing loss and damage, the obstruction of this early proposal pushing for an insurance scheme to compensate island states for the effects of sea level rise illustrates how difficult it is to resurrect INC proposals as it has taken three additional decades of global warming to formally reinscribe.

5.2. The Industrialized Front

Proposals from the Third World Front looked radically different from those of the Industrialized Front. While I group industrial economies of the North Atlantic into the category “Industrialized Front,” I must note that Western European, Nordic, and North American proposals differed on proposals like emissions reductions. Nevertheless, these delegations shared an overarching strategy that I outline below.

On the Industrialized Front, delegations framed climate planning around the future and a shared responsibility, noting differentiated responsibility but calling on the participation and responsibilities of all states as a method to curtail the amount of emissions industrialized countries would otherwise be liable to reduce. The United States delegation (INC 1991h, 16) laid out an economic vision of climate planning, “recognizing the interdependence of environmental protection and economic growth, and the need to pursue strategies of global stewardship that advance both these goals.” The American informal paper also stressed “the need for all nations to participate in any international responses to climate change, in accordance with the means at their disposal and their capabilities” (17). With regard to specific emissions reduction obligations, the American and United Kingdom papers called for “economically efficient and effective implementation” (31), arguing that “specific commitments for emissions reductions should not be included in the Framework Convention because of the need for flexibility in nations’ choices of their own measures. Further, there is a real need for further analysis of the costs and benefits of international responses, at the same time that prudent steps may be taken by nations even in the face of great uncertainty” (46). While the American and United Kingdom papers called for the transfer of relevant technologies, there was no mention of favorable and non-commercial terms, and the goal was to “facilitate the fulfilment by the developing countries of their obligation” to reduce emissions (65). Meanwhile, European states like Norway and Germany proposed a tradable emission “clearing-house” mechanism to allow industrial states the ability to offset emission reduction commitments by funding projects in developing states.

5.3. A cleavage emerges

The cleavage between the Third World and Industrialized Fronts can be distilled into the following polemical postures: The Industrialized Front’s “wait and see” proposals focused on far-off symptoms while the Third World Front’s “no regrets” proposals targeted a structural diagnosis (Pachauri and Damodaran 1992). The Third World Front focused their temporal horizon on the historical and inequitable share of atmospheric space polluted by the Industrialized Front and the precautionary need—in spite of unsettled scientific or economic analysis—to begin reducing emissions immediately. The Third World Front therefore called for drastic reductions on the part of Industrialized states in order for the Third World Front to advance economic development using high-emitting processes via the share of the atmospheric commons they, as members of humanity, rightfully deserved. Meanwhile, the

Industrialized Front, in particular the United States (as a handful of European states had initially agreed on reductions), called for flexibility (i.e. no emissions reduction commitments) and justified a laggard global response by positioning the scientific and economic analysis required before commitments could be made as unsettled. The Industrialized Front wanted to delay commitments, and even the Framework Convention itself, to an unspecified future. Some delegations of the Industrialized Front also called for the emissions reduction of all member states, shifting the conversation away from the Industrialized state's historical use of atmospheric space towards what they repositioned as an equitable responsibility of all. Yet this delay would, as pointed out by Third World Front delegates, effectively prevent developing states from utilizing fossil fuels to the same extent as the Industrialized Front to develop, requiring them to “leap-frog” their development using Industrialized Front technologies (United Nations General Assembly 1990; Intergovernmental Negotiating Committee (INC) 1991c).

Archival data from the INC process highlights how the global kinds of knowledge deployed by elite actors of the negotiating process had material and geographical consequences. As the early negotiation phase highlighted, delegations aligned with and reproduced the existing truth regime of global climate change, which provided the impetus to cut through geographical complexities via a globally orchestrated institution (Radcliffe et al. 2010, 103). However, those peripheralized from the process—both Third World Front delegations within the INC (see Section 5.4 below) and non-state actors (such as activist, Indigenous, and community-based organizations) shut out from negotiations altogether—questioned from the beginning whether the institutional design of a global institution was best suited to the particularities of anthropogenic climatic changes (Beck et al. 2017 542). To be sure, hierarchization of knowledge occurred even within the national-state-level delegation, which sidelined alternative knowledge and knowledge rendered non-normative (Guzmán 2017; Orsaj and Guzmán 2021). Delegations and those on the sidelines peripheralized by the national-state process were concerned with the upscaling of knowledge and development of a unitary and universalizing approach (Beck et al. 2017, 541). Scaling up to the global enabled the Industrialized Front's agenda to override and circumvent Third World Front development politics taking place at ostensibly different scales (Hulme 2010, 560):

In recent years, two decades of the green movement are being erased. The local has disappeared from environmental concern. Suddenly, it seems, only “global” environmental problems exist, and it is taken for granted that their solution can only be “global” [...]. The global does not represent the universal human interest, it represents a particular local and parochial interest which has been globalized through the scope of its reach [...]. The recent emergence of a focus on “global” environmental problems has in fact narrowed the agenda (Shiva 1993, 149–156).

Global knowledge production elided the different forms of knowledge about environments, “of living in places and of imagining the future which are embedded in local cultural practices and knowledge-making traditions” (Hulme 2010, 560). In the global knowledge production process of the INC, placed-based knowledge and the apprehension of heterogeneity and complexity were marginalized under the presumption that a single, undifferentiated changing climate existed. This upscaling invited “ontological monism” and “dreams of ‘total analysis’ (as if the world is a gigantic jigsaw and experts can assemble all the ‘correct’ pieces in given time)” (Castree 2015, 310). Enlarging the scope of governance from the local or national-state to the supranational thereby entailed the systematic elision of framings rendered marginal, unorthodox, and non-scientific (Jasanoff and Martello 2004, 339). Local knowledge—understood not as static, predetermined, or purely situated but processual and relational—may thereby frame policy problems in more holistic and heterogenous arrangements.

In particular, the narrowly technical scientific regime of the INC

constructed a partial management framework in reductionist forms (Demeritt 2001, 312) that failed to address the plurality of knowledge (Hulme 2010, 563). “Collapsing human knowledge about climate change into one global signature hides far more than it discloses. It is psychologically sterile: no-one experiences or witnesses global-mean temperature” (Hulme 2010, 560). Yet scientific expertise became “the foundation and guarantee for properly constituted [climate] politics/policies” (Swyngedouw 2010, 217). Privileging quantitative, predictive models, the knowledge infrastructure of a climate-science-informed global management regime acquired hegemony over alternative visions of the future, including visions in which the right to development—including the right to atmospheric space—would play a vital role (Dove 2015, 40).

The partial scientific framing of climate change as a global-scale issue attributable to universal and predictable physical properties of greenhouse gasses reduced the future in a “climate reductionist” process (Hulme 2011, 264) that stripped away the social, cultural, and political dynamism of the past, present, and future (Barnes 2015, 131; Masco 2010). For Hulme (2014, 302), “science has done what it can” and the universalizing tendencies of a climate science abstracted from individual human experience can have materially consequential effects (Jasanoff 2010; Head and Gibson 2021, 700). Privileging the physical over social sciences may amount to environmental determinism whereby “the physics and chemistry of climate change set the parameters for environmental and biological change; societies must then adjust as best they can to the change in their environment” (Taylor and Buttel 1992, 410; see also Barnes 2015, 131).

A key example of this partiality is the mechanism of greenhouse gasses which were assigned utmost symbolic meaning in the co-produced policies. For some, this ascription surmounts to “CO₂ fetishism,” or the universalization of a particular object of knowledge (Swyngedouw 2010; Demeritt 2001, 313). The global scaling of climate change, and reliance on globalized concepts like greenhouse gasses as the metric of change, privileged Industrialized Front authoritative scientific discourses at the expense of Third World Front ways of formulating the issue, such as the structural political economic drivers (uneven capital accumulation) and micro or localized drivers like fossil fuel corporations who were responsible for a majority of atmospheric emissions (Demeritt 2001, 313; Shiva 1993, 151). The INC consensus process, in its alignment with and reproduction of global kinds of knowledge, elided “an equally authoritative account of the socio-historical drivers of climate change” (Fraser 2021, 96).

Nevertheless, actors in and beyond the INC process refuted the dominance of this approach and pointed to the political function of this analytical division of labor between science and politics (Demeritt 2001, 313). Key among the figures refuting the truth regime of greenhouse gasses were Anil Agarwal and Sunita Narain of the Centre for Science and Environment in India. Agarwal and Narain (1991) offered a subsistence rights argument in their report, *Global Warming in an Unequal World*, that pointed to a distinction elided in the INC's alignment with the dominant truth regime: that of subsistence and luxury emissions (Raymond 2008). The fetishistic dominance and reductionism of carbon dioxide within the truth regime effectively enabled the consensus decision-making process to disavow the multiple and complex drivers of climate change rooted in a history of colonial domination, maldevelopment, and ecologically unequal exchange (Ajl 2023; Jasanoff 2004a). In the INC process, the globalized climate became a site where “rituals of dominance” became reinscribed via the deliberate abstraction of greenhouse gasses.

Agarwal and Narain (1991) noted in their calculations of the atmospheric warming potential of greenhouse gasses that commensurating all emissions under the universal banner carbon dioxide or greenhouse gasses, regardless of their source or type, would effectively penalize “subsistence” activities—generated to meet basic needs—just as severely as “luxury” ones—generated for unnecessary consumption. This process equalized and concealed a political benefit, if not intention, for those who had historically “colonized” (Sultana 2022) more

atmospheric space by eliding the different uses of resource consumption and historical paths of development (Jasanoff and Martello 2004). The dominant truth regime effectively obscured the uneven political economy of emissions, sundering atmospheric accumulation and warming from social and economic use (Demeritt 2001, 313).

As delegations with large historical emissions sought to displace the burden of debt onto others, greenhouse gases abstracted from their political history became a legitimizing tool for programs that shifted the benefits of capital exchange towards the Industrialized Front, as with cap and trade programs, technology transfer, etc. (Demeritt 2001, 313). That is, in obscuring the uneven political economy of emissions, states were positioned on a putatively equal playing field—a reset button obscuring historical emissions and power relations. The analytical abstraction represented by greenhouse gases is not invalid, I must add, but rather partial. As Demeritt (2001, 313) contended, “The atmosphere is profoundly indifferent to the source, social context, and meaning of GHG emissions—but the same is not true for us humans, so it is important to unmask the effects of this partiality. A narrowly scientific focus on greenhouse gasses dissociates their physical properties from the surrounding social relations producing them and giving them (particular) meaning(s)”.

Materially, delegations of the INC as well as those on the periphery charged that the concern with putatively global climate problems was an Industrialized Front concern that held little meaning for Third World Front states and peoples struggling with the more immediate consequences of structural adjustment and unequal exchange (Demeritt 2001, 313). The danger of the Industrialized Front’s scientific view of climate policy-making was perhaps best encapsulated in the moment following the deletion of the right to development from the Framework Convention. Delegates from Bangladesh, Egypt, Iran, Kuwait, Pakistan (on behalf of the G77 and China), and Benin expressed reservations following the adoption of the final Framework Convention by the Chairman in the fifth session over the convention’s exclusion of the right to development and other key elements.

As the delegate from Iran explained, “the right to development is an inalienable right, a natural right for all people. It emanates as the right to life, freedom, and property from natural law.”⁷ For the delegate from Bangladesh, “the need for socioeconomic development is a sine qua non for survival,” while for the delegate from Benin, “we deeply believe in the right to development and sovereignty over natural resources [...] our draft convention is weak there. Our draft convention did not seriously take into account those two principles which are dear not only to Africa but also to developing countries as a whole.”⁸ The delegate from Malaysia expressed the strongest disapproval, noting that his delegation would not recommend the signature of the Framework Convention by their government:

In our view, we have before us a document which does [sic] not been negotiated transparently and in a spirit of true partnership but rather we have a text in which key parts have been virtually dictated to us on a take it or leave it basis in a manner in which we perceive as another manifestation of the so-called new world order. For my delegation therefore the draft convention is fundamentally flawed as it has been made clear to us that this package is too delicately balanced to withstand further negotiation especially on the fundamental areas of concern to us.

For delegations of the Third World Front, the climate was not exclusively global in nature and impacts from climatic changes, at that time, were not regarded as immediate a concern as were the rights to development. The world did not have just one global climate, or one

global pathway, but rather a multitude (Hulme 2010, 563). Global accounts of climate change via the UNFCCC surmounted to a neo-environmental or geographical determinist account that offered universalizing explanations of a biophysical globe enveloping the peoples of the world (Radcliffe et al. 2010, 100; Dove 2015, 41). This understanding obfuscates the historical processes that engender colonial maldevelopment and unequal ecological exchange.

This “impersonal, apolitical and universal imaginary of climate change projected by science” (Jasanoff 2010, 233) contrasted with the discourses of delegations of the Third World Front. “Personally, my second daughter was born in the course of this [negotiating process], she will experience the consequences of what we’ll be doing” explained the delegate from Uruguay in the fifth session of the INC.⁹ For many delegates, issues about human life on a changing planet were, first and foremost, “humanistic and not scientific” (Hulme 2014, 308-309). Some delegations thereby doubted the efficacy of technical and solutions-oriented programs for climate change. As the delegate from Cuba claimed, “there has been some slippage backwards vis-a-vis the intentions behind the convening of this exercise [...] a reflection of the fact that the world as yet is not ready to abolish nasty intentions and does not intend to deal with the threats inherent in climate change by reducing and stabilizing emissions that cause the greenhouse effect. Those countries most vulnerable to those changes will be the first victims of such political negligence and as a result we can do nothing other than to express our deep disappointment.”¹⁰

For these delegations, the deployment of global scale became a means for continued ecologically unequal exchange (Ajl 2023). As Shiva (1993, 233) explained on the sidelines of the negotiations:

The “global environment” thus emerges as the principal weapon to facilitate the North’s worldwide access to natural resources and raw materials on the one hand, and on the other, to enforce a worldwide sharing of the environmental costs it has generated, while retaining a monopoly on benefits reaped from the destruction it has wreaked on biological resources.

In particular, the INC consensus process rendered proposals by the delegations of India and Vanuatu for the concessional, preferential, and non-commercial public-domain transfer of technology obsolete in favor of the Industrialized Front’s proposals by the United States and United Kingdom. These latter proposals encouraged the development and transfer of technologies although argued that “most technologies were developed in the private sector, protected by intellectual property rights and, consequently, transferred in general on commercial terms” (INC 1991b, 15). The final text of the Framework Convention was thereby devoid of language about fair and favorable conditions. In its final formulation, “solutions to the global environmental problems can come only from the global, that is the North. Since the North has abundant industrial technology and capital, if it has to provide a solution to environmental problems, they must be reduced to a currency that the North dominates” (Shiva 1993, 233). The UNFCCC effectively reconstituted the imperial core through technology transfer and a “trickle down green politics” (Ajl 2021), situating the Industrialized Front in a dominating position. The transfer of technology from Industrialized Front to the Third World Front was predicated on the assumption that solutions were founded in the Industrialized Front’s halls of innovation. But delegations of the Third World Front were more interested in institutionalizing a solution for uneven resource and atmospheric use that is itself the core of the problem (Taylor and Buttel 1992).

Another issue widening the political cleavage between Industrialized and Third World Fronts was the creation of financial resources “on the basis of new, additional and adequate financial resources which will not

⁷ (INC5-2_INC 9th meeting_19920509) (I herein cite audio materials from the INC using the UNFCCC Archive’s codes).

⁸ (INC5-2_INC 9th meeting_19920509).

⁹ (INC5-2_INC 9th meeting_19920509_20:47–21:19).

¹⁰ (INC5-2_INC 9th meeting_19920509).

have any effect on existing multilateral or bilateral financial assistance arrangements” (INC 1991c, 59). The delegation from India called for a Climate Fund to be financed by contributions from developed countries Parties in convertible currency and “disbursed only to developing countries Parties” (56). Yet some delegations “felt that there was no need to establish a new institution, which would be expensive to operate” (INC 1991b, 14). Delegations to the Third World Front made it clear that industrialized countries owed those marred by the violence of colonialism a climate debt due to historical and ongoing unequal ecological exchange (Roberts and Parks 2009; Sultana 2021, 2022). “Remission of debts is one of the first actions needed to reverse the actual negative north–south transfer,” the delegate from Senegal explained at the Toronto Conference (1988, 287), a proposal considered by Working Group I in the third session of the INC (INC 1991d, 19).

The lack of commitments from industrialized countries served as another key source widening the cleavage. For the delegation from Malaysia,

We have serious reservations over important parts of the package. Our primary concern is over the text on commitments in Article 4, especially the section on specific commitments in paragraph 2 which we all agree is the core of the convention. We are told that this part of the convention is especially finely balanced and therefore so fragile that it is not negotiable. This non-negotiable heart to the convention contains no commitment on the part of industrialized countries to stabilize the emissions of greenhouse gases but instead offers ambiguous indications that this may take place under equally obscured circumstances [...] It is clear now that we expected too much in hoping that the developed countries would show the necessary political vision and commitment for this to have happened. My delegation considers that there are important principles at stake here and we are not prepared to accept less than what we strongly believe in for the sake of arriving at an agreement.¹¹

Similarly for the delegate from Colombia, speaking on behalf of the Latin America and Caribbean Group, the text was not cohesive or in keeping with the magnitude of climatic changes.¹² The delegate from Bangladesh offered a similar argument,

We had hoped that those who had contributed more than three-fourths of the anthropogenic emissions of greenhouse gases in the atmosphere could make clear commitments to rectify the present state of affairs. We have noted with appreciation that some developed countries have set targets and timetables on stabilizing emissions. While we welcome those announcements, we also note that those targets have nothing to do with the convention. How will the international community protect and compensate [developing countries] for the effects of the actions of others?¹³

These archived debates highlight the widening cleavage between the Industrialized and Third World Fronts in the INC process of climate bargaining. Yet, the symbolic arrangements do not necessarily explain why or how the Industrialized Front’s proposals won out. In the following section, I discuss the material conditions of the negotiations that privileged Industrialized Front proposals through an uneven playing field from the very beginning.

5.4. *Fracture in the eleventh hour? Institutionalizing the political cleavage*

I am going too fast, and I should have taken up the gavel. But I will do it now. I have asked you the question several times with regard to which I have received a positive response. Requests for clarification

have been met, so at this time I’d like to give you the package as described, with this question of the texts already indicated. I propose that the committee express its agreement and adopt the text and recommend it for signature at the next conference. Do you agree with those sentences that would appear—

—Jean Ripert, INC Chairman, fifth session.

Before Jean Ripert, Chairman of the INC, could complete his sentence in the final moment before the Framework Convention was adopted, over ninety seconds of applause broke loose, met by a standing ovation. But not everyone in the room was celebrating the moment. In this section I examine the culmination of the INC: a final text of the Framework Convention. This critical juncture of ostensible policy breakthrough and institutional innovation is mirrored in the cleavage between Third World delegates and the elite decision makers crystallized in this constitutional moment. It was via the INC process that the political cleavage long brewing between these groups reached its peak via a “sanitizing” consensus process and uneven material conditions.

At the final session of the INC, the second meeting of the fifth session, the committee entered the last phase of its mandate in preparation for signature of the Convention at the United Nations Conference on Environment and Development scheduled the following month (INC 1992b). Following informal, inter-sessional meetings, on 9 May 1992, at its ninth plenary meeting, the Chairman announced the adoption of the text of the Framework Convention and recommended it for signature. While some delegations met the announcement with a standing ovation and applause, thirty-eight delegations followed the announcement with statements of reflection and disappointment. These statements highlighted the widest political cleavage in the foundational institution of planetary climate governance, revealing its embroilment in unresolved questions over power and inequality.

Delegates of the Third World Front enumerated four key material deficiencies of the negotiating process: a feeling of marginalization and lack of transparency; a take-it-or-leave-it prescription; lack of commitments from developed countries; and the removal of the right to development. Three rejoinders were recapitulated by delegates of the Industrialized Front celebrating the moment: the negotiations transpired under a spirit of compromise and a delicate balance; the agreed upon framework represented only what was politically feasible; and these negotiations represented merely the first step in an ongoing process. I briefly review these reflections below.

Numerous delegates, particularly of the Third World Front, expressed their disappointments about the manner in which these negotiations were held. “It’s true that there is a great deal of politics going on” explained the delegate from Brazil decrying the “vagaries of our negotiations.”¹⁴ The report of the fifth session, as well as audio recordings from the ninth plenary, noted that the Chairman introduced the proposed working document of a draft convention which “arose out of extensive consultations in the inter-sessional period and broadbased requests to the Chairman to produce a clean negotiating text [...] that could assist in moving the Committee towards agreement” (INC 1992b, 4). The Chairman advised the Committee that his inter-sessional work “did not in any way invalidate the revised text [...] rather, by merit of the absence of brackets, it was an effort to advance the negotiating process by incorporating points of convergence and building bridges among different points of view” (4–5). Yet the Chairman’s hastened production of a clean draft, eliminating not-yet negotiated political choices represented in previous textual iterations by brackets, was described by some delegations as a deeply political perversion of a purportedly consensual and transparent process.

For the delegates from Malaysia, Uruguay, India, Iran, Bangladesh, Cuba, Saudi Arabia, and Brazil, the final text of the Framework Convention, completed via an informal revision process by the

¹¹ (INC5-2_INC 9th meeting_19920509).

¹² (INC5-2_INC 9th meeting_19920509).

¹³ (INC5-2_INC 9th meeting_19920509).

¹⁴ (INC5-2_INC 9th meeting_19920509).

Chairman, had not been negotiated in “a spirit of true partnership.”¹⁵ The delegate from Malaysia asserted that “the text adopted had not been seen before the resumed fifth session, that important and substantive parts of the text had been drafted after consultations with the Bureau and selected delegates only and that there had been no plenary discussion” (INC 1992b, 10). The delegate of India continued: “Rather unexpectedly we find within the document circulated today certain changes, some language that we have not seen before.”¹⁶ The delegate from Bangladesh agreed: “At our first meeting we had agreed that there would be transparency in the process of negotiations. We had also agreed that there would not be any intersessional meetings. Most of the text we are asked to approve today is new. We have not seen it before the resumed fifth session.”¹⁷

For many delegates, the happenings of the eleventh hour crystallized a broader process of marginalization they claimed to have experienced throughout the fifteen-month negotiating process. The delegate from Uruguay explained how “a number of delegations were marginalized arbitrarily from the negotiations,” with the delegate from Iran adding “we were intentionally overlooked,” and the delegate from Saudi Arabia contending that “developing countries weren’t entirely given full and effective opportunity to participate in negotiations” or informal sessions.¹⁸ Finally, the delegate from Cuba expressed that “we do not agree with the way in which there has been a marginalization from aspects of the convention, that is to say a large group of member states has been marginalized.”¹⁹

This marginalization represented a precise moment in which the institution-in-the-making validates and bounds certain knowledge claims over others (Miller 2007; Hulme 2010). The Chairman privileged developmental ideals within the UNFCCC (Falzon 2021), namely normative characteristics of national development (in which those that vary from the ideal are considered to be falling behind) and an ideal-type for how delegations should negotiate and behave that have been embedded into the institutional structures of the UNFCCC. Archival data points these structures to the INC process and this particular moment of bargaining. These ideals reproduced hierarchies of power in global climate governance whereby delegations could not contribute equally to negotiations. Normative ideals identified by Falzon (2021) include 1) the size of delegations (dependent on the national-state’s fiscal ability to support a delegation), 2) the language abilities of a delegation (and the privileging of English), 3) the knowledge of Western scientific and legal standards given the history of climate science and the liberal foundations of the United Nations, and 4) maintaining a consistent knowledge base and network of relations by sending the same negotiators every session and year thereafter. While the rhetoric of INC delegations, albeit in relatively private negotiations, might not be enough on its own to validate the systematic disadvantages faced by delegations rendered nonnormative, when triangulated with Falzon’s participant observation of contemporary negotiations, the archival material reveals a similar process of ideal type formation (Gerth and Mills 1959) and the bounding of knowledge claims.

In a consensus-based process of decision-making that transpired across multiple working groups, the INC effectively bestowed institutional privilege upon larger delegations that could afford to send enough personnel to contribute to each meeting, especially the informal meetings. The list of participants available for each session of the INC, for instance, illustrates the gap in delegation sizes (see INC 1991i). Developing countries sent one to three delegates, if any, who were expected to navigate the range of techno-scientific, political, and legal dimensions of the negotiations. Meanwhile, larger delegations from industrialized

countries like the United States sent upwards of two dozen delegates comprising specialists from each field.

In the general debate of the first session of the INC in Washington, D. C., “many countries stressed the need to ensure the participation of developing countries, in particular that of the least developed among them and small island developing countries, in the negotiating process through provision of financial resources from the special voluntary fund” (15). The Special Voluntary Fund, established by United Nations General Assembly (1990b, 148) Resolution 45/212 in 1990 aimed to ensure that developing countries were able to “participate fully and effectively in the negotiating process.” Indeed, the report of the fourth session of the INC (1991e, 12) thanked entities for their support in “mobilizing the participation of developing countries” through contributions to the fund, supporting eighty developing country delegations, dozens more than the first session. Yet while participation of delegations representing developing states increased over the course of the sessions due to support from the Special Fund, delegation sizes remained incommensurate through the last session of the INC. In a consensus-based process taking place across a range of working groups, the number of delegates present makes a difference.

The developmental idealism of the UNFCCC helps to explain how the marginalization of certain delegations, especially Third World Front delegations and those absent from negotiations altogether, shaped which knowledge claims were within and out of bounds.

The question of language also features prominently in archival materials. “Will there be [language] interpretation on Saturday?” asked the Saudi Arabia delegate of the Chairman in the third session of the INC.²⁰ The question sparked a discussion in the plenary session in which delegates, especially from the Third World Front, expressed difficulties in the negotiating process due to the scarcity of translated materials and the pace of sessions preventing adequate time for the translation of materials before each session. These meetings, held most often in English, were inaccessible for many delegates, especially in informal sessions that often lacked language interpreters.

The material cleavage between delegates, animated by developmental idealism, a feeling of marginalization and lack of transparency, and a take-it-or-leave-it prescription help explain why delegations set the critical juncture—the Framework Convention—on its particular institutional development path in which Industrialized Front delegates shaped a sanitized governance infrastructure in the wake of negotiations delimited physically by accessibility. Lack of commitments from developed countries, deletion of the right to development, and exclusion of a host of proposals from the Third World Front can be traced to these precise moments in the INC and the institutional structure of negotiations. Power asymmetries facilitated through a global knowledge infrastructure that privileged technical as opposed to political-economic drivers, as well a path dependence on the United Nations brokerage system and the material conditions of negotiating, created the Framework Convention as a system that privileged certain actors and epistemes over others.

5.5. Consensual conventions: A critical juncture emerges

The Framework Convention’s formation as an institution of global governance and the production of its institutional norms were not apolitical and did not take place in a ‘postpolitical’ world (Kythreotis 2011; Swyngedouw 2007, 2010, 2011). Rather, the objective of the INC, to craft a Framework Convention via consensus, carried with it spatial assumptions and knowledge claims about the climate as a unit of management (Mahony and Hulme 2018, 411). In this section I sharpen an argument about the INC as a bargaining process prefigured by normative developmental ideals that privileged certain delegations and forms of knowledge over others (Falzon 2021).

¹⁵ (INC5-2_INC 9th meeting_19920509).

¹⁶ (INC5-2_INC 9th meeting_19920509).

¹⁷ (INC5-2_INC 9th meeting_19920509).

¹⁸ (INC5-2_INC 9th meeting_19920509).

¹⁹ (INC5-2_INC 9th meeting_19920509).

²⁰ (INC5-2_INC 9th meeting_19920509).

Amidst reflections on marginalization and transparency, the Chairman of the INC, as well as delegations from the United States, Russia, Sweden, Finland, Australia, and other Industrialized Front states expressed similar reactions that they completed the negotiations in a spirit of compromise and that the final text represented a delicate balance that should not be disturbed in the eleventh hour. “Please do not ask me for further explanation, the texts are there, they say what they say, and you yourself were involved at the time when I was carrying out informal conversations in this room on those points, so I don’t think that anyone can claim that they were completely kept out or things were marginalized,” declared the INC Chairman in response to delegate claims of marginalization.²¹ The delegate from Sweden added that the time for negotiations was over—the Framework was a package deal and there was no more time for getting into the details: “We are not here as country negotiators, but to take into concern questions of climate change.”²² This rhetorical move aimed to render the final text apolitical.

Decision-making within the INC was set up by consensus. Decisions thereby reflected not that of an apolitical global citizenry (Demeritt 2001, 313), but rather the “will of the laggards,” or those least inclined to commit to emissions reductions (Kuyper et al. 2018, 345). Just one delegation, such as the United States, could and indeed did shape the Framework Convention through the affordances of consensual decision making. If one delegation did not accept a principle, they could hold up the entire negotiation process until such a principle was removed. This was often the case in the INC.

The developmental idealism of the INC, as I described above, further delimited which delegates were physically and socially (via language and the system of knowledge) present for negotiations. The Chairman and delegates of the Industrialized Front utilized the claim of consensus as a performative expression of a post-political condition, appearing to foreclose politicization and erase dissent by claiming that the resulting Framework Convention was a collective agreement (Swyngedouw 2010, 227). Technocratic management and consensual policy-making such as those of the INC reinforce a depoliticized, post-democratic institutional configuration (Swyngedouw 2011).

Yet, however neutral such discourses and technocratic action may appear on the surface, they are precisely political and normative in the ways that delegates staked uneven claims over authority and resources (Jasanoff and Martello 2004, 342). A close historical reading reveals the profoundly political process that shaped the development path of the institution. The INC’s process of consensus indeed reflected the least-common-denominator of political will, namely delegations like that of the United States (Kuyper et al. 2018, 345). If the question becomes what is being secured if not the climate (Oels 2005, 201), the Bush Administration proverbially made clear in Rio de Janeiro following the 1992 signing of the Framework Convention: “The American life-style is not up for negotiation” (Elmer-DeWitt 1992). The process of the INC was such that the climate itself was not inherently secured for future generations. No universal agreement on binding emissions reduction commitments was met because of the unwillingness shown by a handful of delegations including that from the United States. That is why the final text of the Framework Convention, including only a nonbinding goal to stabilize emissions by 2000 at 1990 levels, deferred commitments to future accords.

While the Industrialized Front justified the hasty conclusion of negotiations through iterations of a delicate balance, numerous delegations of the Third World Front accused the Chairman of offering no other option but to accept or decline the final convention. The delegate from Cuba described the final decision as having been “adopted on the basis of take it or leave it. Such a procedure faults the spirit of universality and democracy inherent in the United Nations.”²³ The delegate from Kuwait

similarly contended that “the principle of global partnership which is so important in dealing with climate change was not adhered to in this final round of negotiations [...]. We had to decide to either leave it or take it.”²⁴ For the delegate from Malaysia, citing the power dynamics of the bargaining, it was “with deep regret [that we reserve our] position on the draft convention on climate change and cannot join in the adoption nor participate in any resolution emanating from this meeting.”²⁵

For other delegates, the final convention represented the maximum that was politically feasible at the time. “We are accepting what is achievable and not what is desirable. We are accepting what we can achieve today and not, I repeat not, what we expect to achieve tomorrow,” contended the delegate from Vanuatu on behalf of the Small Island States.²⁶ As the delegate from India explained, “my delegation recognizes that this is all that is possible at the present moment.”²⁷ The outcome was just barely acceptable to the delegate from Uruguay: “This is not the best text that we might have gotten, in fact some paragraphs contain a seed of inoperance, however we can support its adoption because it’s the only text we have, particularly it’s the only one that would make it possible for us to make progress in the future to ensure a healthy and secure world for our children.”²⁸

In response to the dissatisfaction over the elimination of commitments from the final Framework Convention, delegates from the United Kingdom, the United States, and Canada, representing the Industrialized Front, and the INC Chairman (a French national) expressed similar sentiments laying aside the past and turning to the future. For the delegate from Australia, “this was not as some have expressed, in our judgment, a take it or leave it option but rather take it as the best we could achieve at this time and build on it to make it stronger and better in the future option. We all know that it represents, we’ve heard it again and again, careful balances and compromises. We all know that no one is fully satisfied and that everyone has had to shift ground to accommodate the concerns of others.”²⁹ For the delegate from the United States, “we need to look to the future. We have created something here for the future, for future generations that offers many opportunities for a partnership among all nations [...] the way in which we have come together in the end to transcend the national interests and perspectives that each of us had to bring here, to build something together, to go beyond that which could have limited us and prevented an agreement.”³⁰ Similarly for the delegate from Canada, “at a moment such as this, there is a tendency to look back and reflect on what has been accomplished, but I’d like to focus on the future, for much remains to be done. Resolutions adopted today on interim steps are a key element in preparing for early and effective operation of our convention.”²⁸

Closing the fifteenth-month negotiation process, the Chairman acknowledged the dissatisfaction in the room but justified the process he oversaw:

I had heard previously that ‘you didn’t keep your promises; you didn’t respect the commitment to ensure transparency.’ But everyone knows that when it’s time to prepare a decision, with complex documents in a room of one-hundred and fifty people, with one hundred thirty seven delegations here, well some at one time or another must get together and propose arrangements. The problem for the UN is to utilize its best possible means to find machinery that ensures that the voice of the large and small will be heard. Those in the room have the mandate to speak and have made a decision. I’m not saying this to defend what we did, but we finally have been able

²¹ (INC5-2_INC 9th meeting_19920509).

²² (INC5-2_INC 9th meeting_19920509).

²³ (INC5-2_INC 9th meeting_19920509).

²⁴ (INC5-2_INC 9th meeting_19920509).

²⁵ (INC5-2_INC 9th meeting_19920509).

²⁶ (INC5-2_INC 9th meeting_19920509).

²⁷ (INC5-2_INC 9th meeting_19920509).

²⁸ (INC5-2_INC 9th meeting_19920509).

²⁹ (INC5-2_INC 9th meeting_19920509).

³⁰ (INC5-2_INC 9th meeting_19920509).

to find a way, a response to that question, particularly if we want this institution to be more and more useful. How can we find an institution that will make it possible for us to prepare decisions among a few and at the same time ensure that everyone sees each other's rights respected? We have not found the best response, but I do think we made a strive forward. I would like to say goodbye and until Rio at the conference.³¹

The Framework Convention was not perfect. It is now clear through close archival reading that uneven geographies of scientific authority (Mahony and Hulme 2018, 396) encoded normative developmental ideals—characteristics valued by elites that privileged certain delegations and forms of knowledge over others (Falzon 2021). These ideological postures further translated into material consequences: continued ecologically unequal exchange and dominance in a world economic system (Ajl 2021, 2023). The INC became a setting in which power relations between national state delegations were configured in ways that undermined the knowledge claims of Third World Front actors (Hulme 2010, 561). This configuration set the agenda of future negotiations—each successive Accord widening the cleavage by moving closer to the proposals of the Industrialized Front towards a “flexible,” all-hands-on-deck approach devoid of historical responsibility. Today's institution—and its most recent 2015 Paris Agreement assigning emissions reduction obligations to each member state (as opposed to the 1997 Kyoto Protocol assigning commitments to OECD member states)—is a product of this institutional structure of the INC and the normative mechanisms of climate planning it reproduced.

6. Conclusion: Heterodox climate planning and lessons from the margins

The rupturing of the institution of the UNFCCC via a close historical reading of its contentious genesis should not be construed as an abandonment of the project of a planetary climate coalition. So too, it should not be read as an endorsement or methodologically nationalist engagement siloing climate change governance within the inter-state system. At the same time, three decades of contentious negotiating surmounting to no robust or historically-just plan to avert uneven use of atmospheric space demands that critical scrutiny be applied and lessons from the margins sought out. The critical juncture approach evidently helps to identify why and how the UNFCCC took the development path it did over all others. This approach perhaps more importantly illuminates those development paths not actualized with meaningful lessons for more just future pathways. A historical institutionalist perspective has helped to trace the genesis of climate planning and identify critical antecedent conditions, the mechanisms that engender a cleavage and the critical juncture of institutional innovation, and the mechanisms that reproduce the UNFCCC's enduring legacy. Meanwhile, the STS literature has identified mechanisms of knowledge production to link antecedent conditions of climate science paradigms to the global kinds of knowledge about climate change that qualified this issue for management in the inter-state system of global governance.

The Framework Convention emerged through particular antecedent conditions, transformational mechanisms, and a cleavage between the Third World and Industrialized Fronts as the analysis sets forth. The INC process renders visible key lessons that were peripheralized.

First, proposals of the Third World Front attempted to imbricate the ecological diagnosis of climate change with its major political-economic connections, namely world-scale developmental inequities (Fraser 2021). This involved a reversal of the relations of epistemic power away from “single-issue ecologism” (Fraser 2021, 97) or science-as-authority toward the human and more-than-human experiences of change, or “technologies of humility” (Jasanoff 2007) that privilege modes of

knowing often pushed aside (Jasanoff and Martello 2004, 345; Hulme 2014; Harris 2020). Only by addressing the underlying dynamics of a system rooted in unequal exchange can a strong heterodox bloc be constructed. These delegations represented climate change as a crisis of hegemony, one where the reproduction of capital outweighed the history of colonialism, uneven ecological exchange, and dependency.

Two decades following the INC negotiations, these lessons were actualized in one of the largest projects imagining an alternative to the UNFCCC yet: the World People's Conference on Climate Change and the Rights of Mother Earth held in Cochabamba, Bolivia, in April 2010. With the participation of more than 35,000 delegates from social movements and organizations from 140 countries, these meetings offered an alternative approach to the deadlocked UNFCCC institution (Dawson 2013). The submission by the Plurinational State of Bolivia (2011) to the UNFCCC stressed the structural roots and historical drivers of anthropogenic climatic changes. This project called for the principles of historical responsibility and climate debt, the equitable allocation of atmospheric space to all peoples (including the right for developing nations to emit greenhouse gasses), the removal of restrictive policies on migration, technology transfer in the public domain and free from conditionalities, and the establishment of an International Court of Climate and Environmental Justice, among other proposals. Most of these proposals are rooted in the cleavage that emerged in the INC process, highlighting its continued relevance. But this counter-project has yet to solve the insufficiencies of the UNFCCC.

Reflections on the thirtieth anniversary of the institution should thereby serve to recall the contestations that formed this foundational institution and the normative geographical assumptions reproduced in its wake as standoffs between the Third World Front and the Industrialized Front remain ever constant as the Industrialized Front continues to delay climate action (Weinger 2021). The debates and political dynamics that afflicted the INC, as well as dissension and counter-hegemonic projects in the periphery, remain as relevant today as they were three decades ago. UNFCCC processes have remained largely in line with the dominant institutional, epistemic, normative, and political impositions that animated the INC. It is my hope that by reprising the critical juncture that informed the institutional innovation of the UNFCCC, those building a counter-hegemony can be supplied with the critical knowledge of the past and normative implications such an institution has produced. One important step would be to trace how the most controversial proposals from the INC process (see Table II) have developed in the subsequent Kyoto Protocol and Paris Agreement.

Ironically, with regard to many of the most fought-over elements in the 1991–1992 negotiations, delegations of the Third World Front now often look back nostalgically to the UNFCCC's principles of equity and historically differentiated responsibility in the lead-up to and post the 2015 Paris Agreement negotiations. If the victories for these countries in 1992 were tenuous at best, what they managed to wrest in the final 1992 outcome is also, arguably, being whittled away even further. While the G77 bloc was able to leverage their unity to bring a three-decade struggle for an insurance or loss-and-damage funding mechanism to be adopted, key principles of historical responsibility, issues of finance, mandatory emission reduction targets via bottom-up, flexible, nationally determined contributions have accelerated over time as the present day UNFCCC moves closer to the early, laggard proposals of the Industrialized Front.

CRediT authorship contribution statement

Benjamin Kaplan Weinger: Conceptualization, Methodology, Software, Validation, Formal analysis, Investigation, Resources, Data curation, Visualization, Project administration, Funding acquisition.

Declaration of Competing Interest

The authors declare that they have no known competing financial

³¹ (INC5-2_INC 9th meeting.19920509).

interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

The authors do not have permission to share data.

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Appendix A. Supplementary data

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