

BOOK REVIEW — MAKING A CASE FOR MUNICIPAL AUTONOMY IN REALIZING THE PARIS AGREEMENT

COOL CITIES: URBAN SOVEREIGNTY AND THE FIX FOR GLOBAL WARMING,
BY BENJAMIN R. BARBER. YALE UNIVERSITY PRESS, NEW HAVEN,
2017, 207 PAGES. HARDCOVER, ISBN 9780300224207.

—Mrinalini Shinde*

Introduction	233	Part Two	236
Part One	234	Conclusion	238

I. INTRODUCTION

An international agreement with little binding value directing global mitigation efforts, and the increasing population of cities marks the climate change regime today. The late Dr. Barber's book 'Cool Cities: Urban Sovereignty and the Fix for Global Warming' makes a strong case for the transfer of power and finance from nation states to cities, in order to achieve reasonable success in curtailing climate change. Most national governments in their representations on climate action, cite city-based initiatives to demonstrate climate action. Dr. Barber analyses the potential for the legal devolution of power from nation states to municipal governments in order to realise the climate change mitigation and adaptation targets under the Paris Agreement.

Unfortunately, this was the last book that Dr. Barber authored before his demise in 2017. However, the skill with which he makes his arguments creates a workable manifesto to defeat climate change and ensures that the book will be a valuable part of his legacy.

* Mrinalini Shinde is a researcher in comparative environmental law at the Chair of US-American Law at the University of Cologne, where she is also a candidate for the MS in Environmental Sciences. She has previously worked as an Advocate at the National Green Tribunal in India and has experience working with non-profits and at UN Environment. She received her B.A. L.L.B. (Hons.) from NLSIU, Bangalore. mshinde@uni-koeln.de.

Dr. Barber's previous book, 'If Mayors Ruled the World' addressed the significant advantages in urban governments and local representatives playing a larger role in international decision-making. He describes 'Cool Cities' as "a kind of sequel"¹ to it, focusing on the role of local governments in specifically addressing climate change. At the very outset, Dr. Barber emphatically refuses to pander to climate deniers, saying "[t]he science is clear but the politics is decisive"; he refers to the book as a "book about politics".² The book is divided into thematic parts: Part One 'Making Politics Work for Science' and Part Two 'Making Democracy Work for Politics.'

II. PART ONE

Part One of the book explores various arguments as to why the traditional Nation-State has largely failed in adequately facing the challenges of climate change and the ways in which municipal powerbases could be more successful instead. The first chapter, 'The Social Contract and the Rights of Cities' forms the basis for the rest of the book. In it, Dr. Barber reiterates that the nations are "aging" institutions and are not capable of addressing global problems that municipalities could, owing to how the social contract plays out in practice.³ The book argues that under the theory of social contract, citizens have invested national governments with sovereignty to ensure the citizens' lives and liberties. When nations fail to carry out that promise, the social contract can be modified in favour of municipal governments who can come together across national borders to safeguard their respective citizens from climate change.⁴ Part One further goes on to discuss several themes. These include the crucial role that mayors and representatives from major cities played in the successful adoption of the Paris Agreement in 2015, and the success of the Global Parliament of Mayors, a global inter-city initiative that brings together mayors to discuss common problems, solutions, and enhance cooperation and transfer of knowledge. In Chapter 5, the book specifically addresses how national governments have been susceptible to neoliberal market forces. These forces seek to evade climate action, to ensure that government becomes increasingly redundant as an avenue of development and remediation, and to complete the process of privatization that would render public goods such as the environment increasingly beyond the control of the public.⁵ Trisolini, in her work on the role of local governments in regulating

¹ Benjamin R. Barber, *Cool Cities: Urban Sovereignty and the Fix for Global Warming* xi. (2017).

² *Id.* at 7.

³ *Id.* at 18. Barber writes, "As the representatives of citizens, who are in turn the ultimate source of sovereignty, municipalities understand that their claim to jurisdiction rests not only on their capacity to act effectively but on their right to do so when higher jurisdictions fail to discharge the responsibilities of sovereignty."

⁴ *Id.* at 19: Dr. Barber clarifies that the insistence on urban sovereignty is in no way taking away the rights of nations to govern, and both urban and national governments must exist in tandem; See Katherine A. Trisolini, *All Hands on Deck: Local Governments and the Potential for Bidirectional Climate Change Regulation*, 62 *STAN. L. REV.* 669, 745 (2009-2010).

⁵ Barber, *supra* note 1 at 56-57.

climate change, mentions a caveat against treating local governance as a primary response. This is owing to the fact that it might not be self-sufficient in terms of funding, and the suggested approach would be based on “multilevel and bidirectional climate change regulation.”⁶

The book is based around the premise that increasing autonomy of cities to govern themselves and come together on a global platform is essential to achieve the goals of the Paris Agreement, given the fact that cities generate both 80% of global GDP and 80% of global greenhouse gas emissions.⁷ According to the data released by the United Nations, 54 % of the global population resided in cities in 2014, which is projected to rise to 66% by 2050.⁸ 197 countries adopted the Paris Agreement of which 176 have ratified the Agreement as of May, 2018. It makes it obligatory for ratifying nations to set and report their national determined contributions towards mitigation of emissions, and a ratchet mechanism that requires countries to successively scale up their ambition with each reporting period. The Paris Agreement aims to limit “global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C”.⁹ However, it has been criticised for having weak enforcement mechanisms at the cost of global consensus, and for its vulnerability to vacillating political will at the domestic level.¹⁰ The United States’ decision to withdraw from the Paris Agreement¹¹ further illustrates how a change in political regimes can derail international mitigation efforts. The lack of national leadership on climate change must therefore, prompt the strengthening of local governments.¹² It is this strengthening of urban institutions that Dr. Barber profiles in this book.

The idea of local initiatives addressing questions of local commons, part of the global commons, which Dr. Barber emphasizes, is already seeing traction. For instance, the state of Connecticut has 170 Municipal Inland Wetlands Agencies (MIWAs) representing 169 towns in the State which are responsible for governing wetlands, under the Inland Wetlands and Watercourses Act, and comprise of volunteers and unpaid appointees with independence from state or federal influence.¹³ This relates to a notable observation made by Zimmermann,

⁶ Trisolini, *supra* note 4.

⁷ Barber, *supra* note 1 at 16.

⁸ United Nations, ‘World Urbanization Prospects (Highlights)’ (2014) 1 <https://esa.un.org/unpd/publications/files/wup2014-highlights.Pdf> (last visited Jun. 05, 2018).

⁹ Art. 2(1)(a), Paris Agreement.

¹⁰ Michael B. Gerrard, *Sadly the Paris Agreement Isn’t Nearly Enough* (2016) <http://files/2016/10/Gerrard-2016-10-Paris-Agreement-Isn't-Nearly-Enough.pdf> (last visited Jun. 06, 2018).

¹¹ Michael D. Shear, Trump Will Withdraw U.S. From Paris Climate Agreement, *NY Times* (Jun. 1, 2017) <https://www.nytimes.com/2017/06/01/climate/trump-paris-climate.html> (last visited Jun. 06, 2018).

¹² See Kirsten Engel, *State and Local Climate Change Initiatives: What Is Motivating State and Local Governments to Address a Global Problem and What Does This Say About Federalism and Environmental Law?*, 38 *URB. LAW.* 1015, 1028-1029 (2006).

¹³ Carl L. Zimmerman and Katharine Owens, *A Local Solution for Climate Change: The Climate Adaptation Board*, 5 *Sea Grant L. P. J.* 41, 50 (2012).

in 2009. She pointed out that local agenda is underlined in Chapter 28 of the Rio Convention and the importance of local action has been recognised under an international convention. Yet, it was problematic that representatives from local governments continue to participate in international climate negotiations as members of civil society,¹⁴ as opposed to governments in their own right and with a clear mandate under the Paris Agreement. Increasing frequency and intensity of extreme weather events arising out of climate change require municipalities to have greater autonomy in dispersal of funds to strengthen urban infrastructure.¹⁵ The ability to build “climate-resilient urban communities” is also dependent on inclusive local governments that take historical socio-economic inequalities into account when planning land and water use.¹⁶ Climate change adaptation requires the fortification of emergency services, healthcare, and sanitation in response to climate disasters, which are often under the purview of local governments, emphasizing their place as first responders of a kind, in the governmental hierarchy in event of climate disasters.¹⁷ We see Dr. Barber addressing this when he quotes Mayor Bill de Blasio of New York, after the election of Donald Trump as President of the United States in 2016. He vehemently expressed the commitment of the city’s government to resist any federal directions to engage in racial profiling and targeting of minorities, emphasizing that the police forces were not national, but of the city, as was the education system.¹⁸ De Blasio’s words can be extended to the infrastructure necessary to develop resilience to climate change, build public transportation, incentivise less consumption of energy, and install renewable energy sources in housing projects, all of which are issues that fall under the purview of local planning and permitting authorities.

III. PART TWO

After making the case in Part One for increased local sovereignty in order to ensure that politics works for science, Part Two lays out the methods in which democracy and public participation can be effectively mobilised to shape the politics of climate change in the necessary direction. The book explores the various ways in which cities that seek to come together for cooperation can do so under various platforms. In such platforms, they can share common principles and goals, such as the Sustainable Development Goals and the Earth Charter under the 1994 Rio Summit,¹⁹ while ensuring that collective decision-making takes

¹⁴ See Monika Zimmermann, *Local Governments in International Negotiations*, 39 *Envtl. Pol’y. & L.* 92, 96 (2009).

¹⁵ See generally Simone Savino, *A Taxing Endeavor: Local Government Protection of Our Nation’s Coasts in the “Wake” Of Climate Change*, 31 *J. LAND USE & ENVTL. L.* 95, 115 (2015-2016).

¹⁶ Liza Guerra Garcia, *Free the Land: A Call for Local Governments to Address Climate-Induced Food Insecurity in Environmental Justice Communities*, 41 *WM. MITCHELL L. REV.* 572, 617 (2015).

¹⁷ See Sean B. Hecht, *Local Governments Feel the Heat: Principles for Local Government Adaptation to the Impacts of Climate Change*, 47 *J. MARSHALL L. REV.* 635, 655 (2013-2014).

¹⁸ Barber, *supra* note 1 at 21.

¹⁹ *Id.* at 93-95.

into account the diversity and special needs of each city.²⁰ One of the important suggestions that the book makes with respect to realising urban sovereignty is arguing for cities being autonomous to regulate and create their own power supply, a principle that is gaining increasing traction of late under the umbrella term “energy democracy.”²¹

The very idea of local sustainability is based on participation, and requires active involvement of local residents, given the direct benefits that they receive in their immediate environment through such participation.²² The United States has seen “horizontal policy duplication” with states replicating initiatives like the regional emissions trading arrangement and public benefits charge. This strengthens the case for larger participation of local governments in order to achieve national emission targets.²³ It will be advantageous to set up institutional collaboration between cities, develop common standards of measuring progress and climate-resilience, in order to evaluate performance of cities, and share innovation with each other.²⁴ This is especially relevant when the cities are facing similar challenges as seen at the Union of the Baltic Cities where representatives from cities in ten Baltic countries collaborate through thematic commissions on energy and environment and share best practices with each other.²⁵

If one were to discern the objective of the book, it is apparent that the book seeks to inform and inspire citizens to take an active interest in shaping their municipal response to climate change. This objective is achieved in Chapter 13, in which Dr. Barber sets out 15 distinct “policy options for cities pursuing sustainability” which inter alia include “divestment of public funds from carbon energy companies,”²⁶ imposition of carbon taxes,²⁷ banning fracking and drilling rigs,²⁸ local energy generation,²⁹ mandating energy efficient built infrastructure,³⁰ and fortifying accessible and energy-efficient public transportation systems.³¹

²⁰ *Id.* at 103.

²¹ Matthew J. Burke & Jennie C. Stephens, *Energy democracy: Goals and policy instruments for sociotechnical transitions*, 33 ENERGY RES. & SOC. SCI. 35, 45 (2017).

²² Kent Portney, *Civic Engagement and Sustainable Cities in the United States*, 65 PUB. ADMIN. REV. 579, 583 (2005).

²³ Kirsten H. Engel, *Whither Subnational Climate Change Initiatives in the Wake of Federal Climate Legislation?*, 39 PUBLIUS 432, 449-450 (2008-2009).

²⁴ Cynthia Rosenzweig, *All Climate Is Local*, 305 SCI. AMERICAN 70, 73 (2011).

²⁵ Jonathan Rosenbloom, *Local Governments and Global Commons*, BYU L. REV. 1489, 1537-1538 (2014).

²⁶ Barber, *supra* note 1 at 122.

²⁷ *Id.* at 123.

²⁸ *Id.* at 123-124.

²⁹ *Id.* at 128.

³⁰ *Id.* at 125.

³¹ *Id.* at 126-127.

IV. CONCLUSION

The book serves as a working blueprint on how to influence urban politics regarding climate change and is a useful read for students of climate science, environmental law and international politics, and for citizens wishing to be actively involved in local political processes. It can be overwhelming to be confronted with news about environmental destruction and apathy of national governments to reduce emissions. Nevertheless, if citizens feel that they can push their local representatives, who they have direct access to, to make steadfast commitments in building resilient infrastructure, renewable energy generation, and reduction of emission, there is a possibility to make “democracy work for politics.”³² For readers who want to gain a holistic introduction to the politics which dictate international law on climate change, ‘Cool Cities’ would be a useful addition to previous popular literature such as Amitav Ghosh’s ‘The Great Derangement’³³ and Naomi Klein’s ‘This Changes Everything: Capitalism v. The Climate.’³⁴ Further, the book prodded me to question whether city-states could be the next stage of the evolution of human societies and if we are coming full-circle towards ancient governmental structures, given that the nation-state is also a fairly modern invention, created as empires expanded beyond local limits.

The book also demonstrates the value of his writing, as he founded the Global Parliament of Mayors (GPM), a direct result of Dr. Barber’s earlier book, ‘If Mayors Ruled the World.’³⁵ The GPM conducts annual summits and brings together mayors from across the world, to collectively address local issues under common themes such as health, education and environment. The first summit took place in 2016, and the organisation continues to add member cities through their mayors.³⁶ It is therefore an optimistic read, as it not only sets forth the arguments for local municipal participation, but also showcases a platform where the author transformed his ideas into tangible form.

However, a significant drawback of the book for me as an Indian reader was the negligible space dedicated to address the unique problems which cities in the Global-South face when navigating questions of resilience to climate change, attracting economic investment and creating infrastructure for exponentially increasing populations driven by climate-induced and other immigration. In Chapter 14, when describing what he considers “exemplary cities,”³⁷ Dr. Barber chooses to showcase London, Oslo, New York and Seoul, all of which are Global-North cities. Understandably, owing to his geographic areas of expertise, Dr. Barber often refers to examples and politics from the United States and Europe.

³² Barber, *supra* note 1 at 89.

³³ Amitav Ghosh, *The Great Derangement: Climate Change and the Unthinkable* (2016).

³⁴ Naomi Klein, *This Changes Everything: Capitalism vs. The Climate* (2014).

³⁵ Barber, *supra* note 1 at 87.

³⁶ Global Parliament of Mayors, <https://globalparliamentofmayors.org/> (last visited Jun. 29, 2018).

³⁷ Barber, *supra* note 1 at 141.

Thus, there is a missed opportunity in not closely examining the trajectories of major urban centres in the Global-South such as Mumbai, Manila, and Mexico City. The book would have benefitted from an inspection of “not-so-exemplary” cities and the challenges they face, because those are the cities with significant need and potential to achieve the “urban climate agenda.”³⁸

Dr. Barber does a remarkable job of addressing complex concepts such as the theory of social contract with respect to citizens’ participation in governing their local commons, urban sovereignty, and the rights of cities. He explains crucial principles in climate science with simplicity, which made it an enjoyable and informative read. Advocating for climate action often requires inspirational or shock value, but Dr. Barber strikes a right balance between rhetoric and facts in such a manner that the book feels less like a text, and more like an extended conversation with your favourite professor. I dwell on his style simply because one of the major challenges in communicating climate change today is that the literature is seen as far too technical, broad or abstract for the public to appreciate.³⁹ The book overcomes that challenge through the continuous focus on citizens’ involvement and local politics, making it a welcome addition to the extant literature in environmental law, climate change, and urban planning. In a media landscape dominated by cries to make nations great again, ‘Cool Cities’ serves to remind its audience that there is some hope to make our cities cool again.

³⁸ *Id.* at 122.

³⁹ Walter Leal Filho, *Communicating Climate Change: Challenges Ahead and Action Needed*, 1 INT’L. J. CLIMATE CHANGE STRATEGIES & MGMT. 6, 10 (2009).

ABOUT THE JOURNAL

Objective of the Journal

The *Socio-Legal Review* (SLR) is a student-edited, peer-reviewed interdisciplinary journal published annually by the National Law School of India University. The Journal aims to be a forum that involves, promotes and engages students and scholars to express and share their ideas and opinions on themes and methodologies relating to the interface of law and society. SLR thus features guest articles by eminent scholars as well as student essays, providing an interface for the two communities to interact.

The Journal subscribes to an expansive view on the interpretation of “law and society” thereby keeping its basic criteria for contributions simply that of high academic merit, as long as there is a perceivable link. This would include not just writing about the role played by law in social change, or the role played by social dynamics in the formulation and implementation of law, but also writing that simply takes cognizance of legal institutions/ institutions of governance/ administration, power structures in social commentary and so on. Through this effort, the journal also hopes to fill the lacunae relating to academic debate on socio-legal matters among law students.

The Editorial Board

The journal is edited by a Board of Editors selected from amongst students of the National Law School of India University, Bangalore through a selection test conducted by the Law and Society Committee. Prof. Sarasu Esther Thomas, Professor of Law at the National Law School of India University is the faculty advisor for the Socio-Legal Review.

Editorial and Peer Review Policy

All manuscripts have to undergo the peer review process. The practice of peer review is to ensure that work of quality and merit is published. All manuscripts received are evaluated by two editors of the Board. Besides an assessment of whether they fit within the mandate and scope of the journal, the key parameters for review include content and analysis etc., originality, structure, style, clarity of expression and grammar. Authors of manuscripts rejected at this stage will be informed within approximately one month after receipt of their manuscript.

Manuscripts that are provisionally selected by the Board of Editors is sent for peer review to an expert in the field. The *Socio-Legal Review* follows a double-blind peer review process, where both the referee(s) and author(s) remain anonymous throughout the process.

Instructions for Contributors

Manuscripts offered for publication in the *Socio-Legal Review* can only be submitted by e-mail. Email submissions should be sent preferably in Microsoft Word 2010 format to sociolegalreview.nls@gmail.com.

The manuscript should be on any theme exploring the interface between law and society. Each volume of the *Socio-Legal Review* consists of Articles, Comments, Notes from the Field and Book Reviews. Note from the Field consist of shorter pieces designed to provide a glimpse into a new legal strategy, political initiative or advocacy technique applied in the field, a current problem or obstacle faced in legal reform or development work, or a new issue that has not yet received much attention and needs to be brought to light. This section is designed for student researchers, legal practitioners, field staffers, and activists who often have the most significant insights to contribute, but the least time to write longer, scholarly articles.

The *Socio-Legal Review* will not accept manuscripts that have already been published in either printed or electronic form. Contributors should include their name(s), contact address, professional affiliation, acknowledgments and other biographical information in a separate title page, to facilitate the anonymous review process.

The offer of a manuscript to the *Socio-Legal Review* by a contributor will, upon the manuscript being accepted by the board of editors, imply a transfer of the copyright to National Law School of India University. The author retains his / her moral rights in the submission.

Citations in the *Socio-Legal Review* conform to *The Bluebook A Uniform System of Citation* (20th edn., 2010) and we request submissions to conform to this method of citation.