

Tilburg University

Just transition politics without privilege?

Paiement, Phillip

Published in:
Arts of the Working Class

Publication date:
2023

Document Version
Publisher's PDF, also known as Version of record

[Link to publication in Tilburg University Research Portal](#)

Citation for published version (APA):
Paiement, P. (2023). Just transition politics without privilege? How decarbonization is affecting labor and land rights in Latin America. *Arts of the Working Class*, (26), 25.

General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

Gegend oder ein Format, das Du Dir als Projektraum wünschen würdest?

LHW: Projektträume spiegeln auch immer eine Realität. So konnte man beispielsweise gut sehen, dass es kaum Projektträume in Charlottenburg, keinen in Wilmersdorf oder im Grunewald gab und langsam auch immer weniger in Neukölln. Eine große Ballung herrscht aber zum Beispiel im Wedding. Weil der nach wie vor Ecken hat, in denen solche nicht profitorientierten Projekte unterkommen können. Die Verteilung im Stadtraum zeigt eigentlich immer nur die Bewegungen der Gentrifizierung auf. Das ist auch die Stärke der Projektträume und des Project Space Festival. Prinzipiell war ich beeindruckt von der Vielfalt der eingereichten Beiträge und habe mich wirklich über den Mut gefreut, den anscheinend viele in dieser Stadt noch haben, Dinge einfach zu machen und so diese Freiräume lebendig zu halten.

LHW: Wie prekär ist zu prekär?

KB: Prekarität darf nicht nur finanziell betrachtet werden, sondern auch in Bezug auf Zeit, Energie und räumliche Bedingungen, die alle miteinander zusammenhängen. Finanzielle Instabilität ist offensichtlich das größte Problem, und doch kann die Belastung durch kreative Ansätze für kollektives Arbeiten und flexible Formate verteilt werden: Ein Ausstellungsprogramm benötigt nicht die Kontinuität eines Museums, um bedeutungsvoll, es braucht keinen physischen Raum, um für eine Gemeinschaft wertvoll zu sein. Andererseits ist ein prekärer Zustand natürlich nicht ideal, aber er ist oft die Ausgangssituation für viele innovative Projektträume. Wenn ein Projekt sich in Richtung langfristige Stabilität bewegt - was ein logisches Ziel ist - könnte man darüber nachdenken, wie man die Grunddynamik und Improvisationsmentalität beibehalten kann, die dem oft eine solche Lebendigkeit verleihen. Wie

können wir uns in Richtung Stabilität bewegen, ohne zu sehr reglementiert, institutionalisiert oder an die starren Vorgaben der Markenbildung gebunden zu sein, die oft damit einhergehen? Es ist ein schmaler Grat.

Kate Brown ist eine kanadische Kuratorin, Kunstjournalistin und Podcasterin aus Berlin. Als europäische Redakteurin für Artnet News schreibt sie unter anderem für das Elephant Magazine, Kaleidoscope und Spike Magazine. Kate Brown und Laury Youden gründeten 2013 den Projektraum Ashley Berlin, derzeit geleitet von Steph Holl-Trieu.

Kira Dell ist Kuratorin und betreibt gemeinsam mit **Laura Seidel** den Projektraum Neun Kelche. Sie arbeitet als Projektmanagerin für Das NETZ gGmbH, eine Vernetzungsstelle gegen Hassrede und Desinformation. Zuvor war sie Projektkoordinatorin beim Goldrausch Künstlerinnenprojekt.

Christopher Kline betreibt seit 2011 mit Sol Calero den Projektraum Kinderhook & Caracas. Er lebt seit 2006 in Berlin und arbeitet an zahlreichen künstlerischen und kuratorischen Projekten, darunter *Early Labyrinth*, *CONGLOMERATE*, *O.K. - The Musical* und *Wooden Veil*.

Sakrowski ist Kunsthistoriker und Kurator. Seit 1986 arbeitet er an der Schnittstelle von Musik und Medienkunst. In den Jahren 2014/15 arbeitete er als Kurator für das *transmediale Festival* und seit 2017 kuratiert er die *panke.gallery* in Berlin-Wedding.

Laura Helena Wurth kuratiert mit **Pola van den Hövel** und **Marlene A. Schenk** den Projektraum FKA Six im Ringcenter. Sie schreibt und spricht als freie Autorin über Kunst, Kultur und Gesellschaft für Deutschlandfunk Kultur, FAZ, Die Zeit, Kunstforum, Spiegel, Monopol Magazin.

Project Space Festival: Vom 01.-30. Juni 2023 lädt das Project Space Festival ein, 30 kostenfreie Veranstaltungen der freien Projektraum-Szene in Berlin zu besuchen. Mit seinem einmonatigen Programm ermöglicht das Festival einen umfassenden Einblick in die künstlerischen und gemeinschaftlich organisierten Projektträume der Stadt. (projectspacefestival.berlin)

Project Space Festival
The Only Legitimate Community of Spaces

Projectspacefestival.berlin

@projectspacefestival
Free and Open to the Public

Berlin's Grassroots Festival
of Self-Organized Spaces



30 Spaces, 30 Events, 30 Days
1.-30. June 2023

01/06	Cultural Workers Studio
02/06	Sangt Hipolyt & Zyrland Zoiropa
03/06	TROPEZ
04/06	super bien!
05/06	Scherben
06/06	Changing Room
07/06	Medium P
08/06	sign,CIAT
09/06	alpha nova & galerie futura
10/06	soft power
11/06	SCHNEEEULE
12/06	Salve
13/06	Mehringplatz 20
14/06	Netzwerk Stimmenhören & Bureaucracy Studies
15/06	gr_und
16/06	Project Space 17
17/06	A:D:Curatorial
18/06	SONNTAG
19/06	diffrakt
20/06	Cittipunkt
21/06	GUTS
22/06	Scheusal
23/06	Kleine Humboldt Galerie
24/06	Scharaun
25/06	CCCCCOMA
26/06	ROSALUX
27/06	anorak
28/06	BETON
29/06	Spoiler
30/06	Xanadu

Just Transition Politics Without Privilege? How Decarbonization is Affecting Labor and Land Rights in Latin America

“In Chile there are neither privileged persons nor groups. In Chile there are no slaves, and anyone that sets foot on its territory will become free. Men and women are equal before the law.”
(Article 19(2) of the Political Constitution of the Republic of Chile)

Throughout 2019 and 2020, Chile's Ministry of Energy entered into a series of agreements with private energy companies that aimed to facilitate the decarbonization of the country's energy sector. These agreements were made without any input from the labor unions that represented workers in power plants or other impacted infrastructures, such as the port facility that was being used for transferring coal to the electricity plant in Tocopilla. Facing the risk of unemployment amid the closure of coal-fired electricity plants, labor unions filed an administrative appeal against the Ministry's "Energy Sector Decarbonization Plan," as well as the decrees issued in its subsequent implementation.

The unions claimed that the Ministry's Plan failed to uphold the rights of laborers and thus fell short of the government's obligations related to the "just transition" to a decarbonized energy sector. After the unions' appeal was first rejected by Chile's Court of Appeals, the case was then heard by the Supreme Court of Chile, which issued its decision in August 2021. The Supreme Court decision, which was one of the first high court rulings on labor rights amid the Chilean energy transition, ordered that the Ministry of Energy must develop a plan in consultation with workers and labor unions for retraining workers affected by decarbonization. The goal was, according to the Court, "to ensure that the transition towards an environmentally sustainable economy occurs while also protecting the rights of workers who have seen their labor rights threatened." In other words, a just transition cannot only pursue the decarbonization of Chile's energy sector. It must also secure the well-being of laborers affected by the closure of coal-fired electricity facilities, both directly and indirectly.

The ruling forewarns of the political and legal conflicts on the horizon of just energy transitions and "green deals" all over the world. While climate deniers and "Carbon Majors"—the roughly 100 corporations responsible for more than half of all emissions—have been the principal opponents of climate justice movements, the actualization of energy transition policies poses new

Legal mobilizations question why vulnerable communities must carry the burden of the green energy transition through long-term impacts on their wages and land

confrontations as renewable energy corporations emerge as new profit-seeking actors looking for business opportunities in a favorable political landscape.

Take the case of Mexico. In Oaxaca, a dispute is ongoing between the Unión Hidalgo Zapotec community and *Électricité de France*, who hopes to construct a wind turbine farm on the community's lands. In both Chile and Mexico, the interests and well-being of the communities most affected by both the national policies and private infrastructures of the energy transition are forgotten, as capital is rapidly redirected from carbon to renewable energy infrastructures. While energy companies receive the support of public authorities and capital investors in overcoming the challenges and obstacles of a just transition to green energy, laborers and community landowners are faced with long-term, detrimental impacts to their livelihoods. Excluded from involvement in public decision-making, they understandably turn to the courts in the hopes of drawing attention to the many injustices of decarbonization.

Cynics may try to suggest that the labor unions and Zapotec community are akin to climate deniers; that they are seeking the postponement of climate action in order to extract as much profit as possible from existing carbon-based energy systems. But to make such a comparison is to ignore the injustices taking place in the green energy transition. Their legal mobilizations question why vulnerable communities must carry the burden of the transition through long-term impacts on their wages and land. The impact these court decisions have on their livelihoods carries all the more weight when viewed in light of the tremendous profits that

energy companies—both carbon and renewable—continue to earn year in and year out. As much as we ought to fear the authoritarianism of climate denial, the legal struggles of laborers in Chile and Indigenous communities in Mexico draw attention to the injustices that are all too likely to occur if policies of "immediate decarbonization at all costs" are pursued. Moreover, the very notion of "at all costs" hides the fact that "stranded assets" and the capital investments of oil and gas companies are already being generously compensated to facilitate the transition to renewable energy. All the while, the very same marginalized communities are often the least capable of shifting their resources and expertise to meet the private-public demands of the energy transition. They are, therefore, the most exposed to its risks—an exposure that is thoroughly structured and facilitated by law. As such, the courts are poised to play an essential role in overseeing challenges to the distribution of privilege; a vital matter in the politics of our just transition.

Phillip Paiement is an Associate Professor in Jurisprudence at Tilburg Law School (the Netherlands) conducting research on transnational environmental and climate litigation. This research is funded by the European Union (ERC STG TransLitigate 101039648). Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or ERC. Neither the European Union nor the ERC can be held responsible for them.

