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Climate rights: a spatial framework for environmental action

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In a rapidly warming world, civil society is increasingly turning to courts to pursue climate justice and land rights. Against the background of this “rights turn,” this article explores the intersections of legal processes, artistic research, and policy frameworks and their repercussions for exposing environmental destruction and ecocide in legal contexts. We consider how artists have engaged with law by proposing alternative forums as a form of institutional critique and the rise of artistic research as investigative practice, before arguing that new investigative methodologies and spatial frameworks are urgently needed to pursue climate justice through the courts. By way of example, we introduce the “Climate Rights” project, which demonstrates how arts-driven visual and spatial analysis and participatory methods can be put to work in assisting frontline communities—most recently, in cases fighting “green colonialism” in Sápmi. In contextualising this work, we point to how the climate-culture-policy nexus of the green transition in Europe might actually undermine the territorial and cultural rights of minority and Indigenous communities. Our position is to advocate for collective work, as well as progressive climate policies, that will prioritise environmental justice over the neoliberalisation of nature and ensure accountability for climate action.

KEYWORDS

artistic research, climate justice, climate rights, green colonialism, investigative practice

Introduction

On 22 December 2020, the Norwegian Supreme Court ruled on its first climate case by dismissing the claim brought by six young Norwegians and several non-governmental organisations (NGOs) that oil licences issued by the Norwegian government would violate their constitutional right to a healthy environment. In 2021, the climate activists took their case to the European Court of Human Rights (ECHR), where it was adjourned pending the rulings on other similar cases. In 2024, the Norwegian youths’ case was found to be inadmissible, but, in another case brought by an association of older Swiss women, the court found that Switzerland had failed to comply with its duties under the European Convention on Human Rights concerning climate change, setting an important precedent.

Norway’s first climate case—in which the court effectively sided with the government’s policy of unfettered petroleum extraction—describes the challenge explored in this article

(Voigt, 2021). Even as climate policies are lagging behind in a warming world, civil society is increasingly turning to courts to seek climate justice with mixed success. Yet, within what we call the “the climate-culture-policy nexus”—the intersection of climate policy and cultural work—climate justice remains under-researched.

Climate change—understood as the destabilisation of the Earth system under capitalism and its resulting effects, such as sea-level rise and the intensification of extreme weather—deepens the inequalities of environmental destruction. At the same time, climate mitigation approaches are opening new vectors of injustice by undermining the land rights of minority and Indigenous communities. If we are to pursue accountability both inside and outside courts, how do we document and design effective evidence? And whose expertise and what tools do we need to do so? All of this is to ask the question: what constitutes evidence in emerging legal forums for the pursuit of climate justice?

In this article, we argue artistic research can create impact by exposing accountability gaps and investigating under-reported cases of environmental destruction and ecocide. Within this article, “ecocide,” or crimes against the environment, is understood to be the actions and policies by powerful states and corporations that knowingly constitute severe, widespread or long-term environmental destruction. We first consider how artists and artist collectives have critically intervened within the form of the legal forum to highlight the shortcomings of political processes, make justice more accessible, and drive progressive policies. In particular, we consider those initiating citizen’s tribunals on environmental concerns. We then consider the ‘rights turn’ in climate litigation and a conceptual framework, between theory and practice, for designing evidence for climate justice in the context of contemporary investigative practice. Finally, we interrogate a key piece of the EU’s climate-culture-policy nexus—particularly in the context of the European Green Deal.

Art and the legal forum

Judicial architecture and artistic tribunals

In courtrooms, judicial hierarchies and traditions are reinforced by architecture. This includes placing the judges’ bench higher than all others in the courtroom and the architecture of the dock (Moore, 2018; Mulcahy, 2013). In the 1940s, courtroom architecture was dramatically updated by American architect Dan Kiley, who was appointed to redesign Courtroom 600 in Nuremberg’s Palace of Justice for the Nuremberg trials (le Roux, 2007). Kiley’s design, for the first time, both explicitly accommodated the world’s media and supported the presentation of visual evidence (Delage and Goodrich, 2013). In this way, Nuremberg became the first

international criminal trial-as-a-media-space, its legal architecture reconfigured to better prosecute a new category of crimes against humanity.

Kiley’s provisions were as impactful as the trials themselves, influencing future international tribunals and domestic trials (Touloumi, 2015). In some jurisdictions of the contemporary courtroom, such as the International Court of Justice, the live, global broadcast of proceedings can be read as countering the spatial enclosure of the court and as a representation of its global standing. Yet, this access remains highly mediated and controlled by the legal process, opening up a number of critical questions on the visual culture of courtroom proceedings as a form of networked media.

Artists have long engaged with the court or tribunal form (Loick, 2023), whether in collaboration with cultural institutions or by creating itinerant para-institutions themselves—often deploying theatre, spectacle and farce. These works have highlighted where law has fallen short, practised a parallel form of justice, or mocked or undermined law itself—critiquing it as a form of structural violence that diverts accountability from capitalism, or as a rigged system that is inadequate to address injury and damage on a massive scale. Arts-driven tribunals stand in reference to the form of the people’s tribunal, the Russell Tribunal in particular, which was convened by the philosopher Bertrand Russell in 1967 to draw attention to American war crimes in the Vietnam War and the double standards of international justice (Duffett 1968).

In 1934, outraged by Salvador Dalí’s inclusion of a swastika in a recent painting, surrealist leader André Breton initiated a kind of court in which Dalí was to defend himself. The artist appeared in seven sweaters with a thermometer in his mouth, progressively taking off his clothes, mocking the proceedings. In 1998, the Lunatic Offensive staged the “Foucault Tribunal” in Berlin, demanding to establish a ‘new concept for madness’, which would counter the destructiveness and arbitrariness of psychiatry as it had hitherto been theorised and practiced (Foucault Tribunal, 1998). Both tribunals had narrow but precise targets. For the surrealists, it was one of their own, whose infatuation with Hitler was considered catastrophic. For the Lunatic Offensive, it was an entire profession, whose victims had become innumerable.

More recently, in 2016, the Berlin-based artists’ group Haus Bartleby launched the Capitalism Tribunal, at Brut Wien, a gallery in Vienna. Asking whether capitalism itself was a crime, the tribunal allowed the public to make charges via an online form, yielding 400 in total. A year later, activists and individuals organised another tribunal at the Schauspiel Köln theatre, alleging crimes committed by the so-called National Socialist Underground (NSU). While ‘symbolic’, the tribunal nonetheless considered itself “shed[ding] light” on a juridical blindspot in Germany (Akademie der Künste der Welt, 2021). In other cases, art practices have agitated for change while leaving the wider legal framework unchallenged. This approach is typified by the

TY10 campaign, established by artists to force the closure of Tamms Correctional Center, a supermax prison in Illinois, USA (Parsa and Snodgrass, 2022). While TY10 deployed many different classic forms of activist media, it also engaged with public officials and arranged hearings, eventually succeeding in the closure of the prison and the change in a number of laws—in other words, art as carceral policy reform.

Artists have also turned to interrogating the role of law in addressing climate change. One recent example of an alternative climate tribunal is the “Court for Intergenerational Climate Crimes,” first organised by the legal scholar Radha d’Souza and artist Jonas Staal in Amsterdam in 2021 and subsequently held at other locations around the world. In this court, conceived as an ‘embodied performative work’, the public was asked to form both a jury and to perform as witnesses (Staal and Ramos, 2021). “In the matter Re: Rights of Nature,” a “fictional National Green Tribunal (NGT) hearing” organised by Khoj International Artists’ Association, Zuleikha Chaudhari and Maya Anandan sought to explore the relationship between the air pollution of Delhi and the burning of straw stubble in the neighbouring states of Punjab and Haryana. In both cases, the performative space of an extra-legal tribunal expressed a form of a political imaginary of justice commensurate with the enormity and complexity of climate change. While artistic tribunals have become a somewhat normative form of cultural production, the practice as a whole can have an impact in highlighting under-represented stories of institutional failure and can work towards democratic accountability (Borowiak, 2008).

Artistic research as investigative practice

The impact of artistic research also lies in critically engaging *through* the law to speak truth to power, directly producing arts-driven visual and spatial analysis and participating in court proceedings as expert witnesses. These developments are in part a response to the explosive growth of data available on the internet, which has allowed open-source intelligence (OSINT) and media data-driven design research to expose human rights violations and environmental destruction. As such, practitioners include artist-researchers, architects, investigative journalists, filmmakers, and citizen journalists. A leading form includes the “investigative practices” pioneered by Forensic Architecture and the member organisations of Investigative Commons, in which visual and spatial evidence-making takes place in parallel to the questioning of the epistemic basis of institutionalised truth (Davidson, 2019). These practices synthesise archival and cartographic research, the geo-location of photos and videos, the 3D reconstruction of crime scenes, the collection of situated testimonies, and many other methodologies in order to produce counter-narratives and reveal accountability gaps. These methodologies draw on artistic and architectural research that can either work as material that is admissible to courts or work in broader public forums such as the media.

This kind of spatial activism is given urgency by the fact that the massive uptick in publicly available data is attended by the spread of mis- and disinformation, which dramatically outpaces jurisprudence. As a counter-form of representation, it also demands fluency with new technology. Artists working with technology have a rich history going back to the 1960s (Stark and Crawford, 2019). Now, an increasing number of artists are experimenting with artificial intelligence (AI), including deep learning architectures, recurrent neural networks (RNNs), and large language models (LLMs) (Lossin, 2025; Kumar, 2023; Nordström et al., 2023; Qiu and Long, 2019). This engagement with emerging technologies comes within the context of the complex representational challenges associated with both twenty-first century conflict and climate change.

Climate rights: a spatial framework for environmental action

The turn towards rights and designing evidence for climate justice

Across the globe, civil society is increasingly bringing climate cases from below, by which we mean by via grassroots organisations, local communities and organisers, and people from marginalised groups, including Indigenous groups and communities from across the Global South (United Nations Environment Programme, 2023). These cases are in turn pushing for more equitable changes in climate policy and challenging existing notions, such as risk. Here, we understand risk as constituting a dynamic relation between the adverse consequences (ecological, social, mental and infrastructural) of, and human responses to, climate change (Reisinger et al., 2020). Courts are part of a contingent space of risk regulation in which we must be willing to ‘grasp every available lever in the strive for sustainability where evolving complexities of climate change impacts are at play’ (Lin and Kysar, 2020). Therefore, climate cases can be seen as part of a broader “rights turn,” in which legal cases link climate change risks with the violation of fundamental human rights (UNEP, 2020). Yet, turning to international law and human rights presents a paradox: international law is both an instrument to address the climate crisis and a core part of the system that produces it. Most recently, this has been felt and seen in the double-standards of some Western countries’ complicity in genocide in Gaza: even as they selectively (if ever) condemn the violence of Israel’s war on Gaza and against the Palestinian people, key nations such as the United States and Germany continue to supply Israel either directly with weapons, via logistics, or through diplomatic cover. At the same time, nations such as the United States and Hungary have directly ignored arrest warrants issued by the ICC, such as that for Israeli prime minister Benjamin Netanyahu and former minister of

defense Yoav Gallant, charged with the war crimes of starvation, attacks against the civilian population, and the crimes against humanity of murder, persecution, and other inhumane acts in November 2024—acts by omission that undermine the legitimacy of international law. This situation once again foregrounds the question: does international law demand accountability equally or are some states immune?

The arts-driven Climate Rights project is funded by the Norwegian Research Council and situated at the Trondheim Academy of Fine Art (NTNU). The project situates climate cases in an interdisciplinary context that goes beyond a singular focus on human rights to one that is complementary to the Earth sciences and law, which have dominated climate change discourse and policy. This includes combining the approaches afforded by spatial disciplines, political ecology and climate science to critically address the interconnected questions of responsibility, causality, and legibility. Methodologically, the project shares much with the broader Investigative Commons, even as it develops its own strategies and techniques suited to represent the evidentiary breadth of climate cases. For example, the project recently made novel use of a Gaussian splat—a new form of 3D visualisation comparable but distinct from photogrammetry—to spatially contextualise still and video material from a field expedition.

What is the ethical case for civil society organisations leveraging their human rights in the fight against climate change? Responsibility describes the challenge that governments around the world are failing to achieve climate policy goals that meet the needs of the world's most vulnerable (Allan, 2019). While acknowledging that legal processes themselves can be prolonged and can often favour powerful actors, we argue climate litigation holds the potential to be an effective tool for both accountability and driving climate change governance.

In which ways does climate change challenge the attribution of causality? In legal contexts, it is usually the direct causation between cause and effect, or victim or perpetrator, that counts. However, environmental damage related to climate change requires us to broaden the nature of causality from a linear cascade of events into a force-field operating across multiple scales of times, space, and history and a plurality of actors.

What is the role of legibility in making climate rights violations more adjudicable? Visuality has played a transformative role at almost every stage in the emergence of scientific discourse and its dissemination—that is to say, its acceptance (Daston and Galison, 2010). Decisive moments include pivotal experiments conducted by the Royal Society in Britain (Latour, 1993), the articulation and integration of modern philosophy with physiology (Crary, 1990; Crary, 1999), and the recognition of the landscape as a form of

nature in modernity (Solnit, 2003). The aesthetic indeterminacy (visibility) of environmental damage, being neither easy to capture or communicate, poses thorny contemporary representational challenges.

Following these three interconnected and multilayered lines of inquiry has led us to develop an expanded, spatial framework of artistic research. This framework opens new aesthetic, technological and political imaginaries that can deal with the transversal violence of climate change; deepens the understanding of accountability and evidence; and reframes climate cases beyond conventional human rights and jurisdictional frameworks. The Climate Rights project has used this framework to conduct a series of investigations, publish across online platforms and exhibitions, and operate both inside and beyond the courtroom. Its interdisciplinary team is using a novel combination of arts-driven visual and spatial analysis, fieldwork, and is working in close cooperation with impacted communities. The project is also engaging with Indigenous knowledge and the emerging field of attribution science to reconceptualise the ways in which scientific evidence and ecological knowledge of environmental destruction are produced, represented, and contested.

Øyfjellet: from the frontline of land rights in Sápmi

Below, we report on an ongoing legal case and the Climate Rights project in action. This case demonstrates how arts-driven visual and spatial analysis can assist frontline communities in the fight to protect their territorial and cultural rights.

Øyfjellet Wind Energy is located in Jillen-Njaarke, a reindeer herding community in Vefsn municipality, in Southern Sámi, in Helgeland in Nordland county. This area is both in Norway and in Sápmi, the land of the Sámi spanning parts of Norway, Sweden, Finland and Russia. Norway's largest onshore wind energy project, with 72 wind turbines and more than 70 km of roads across 40 square kilometres, Øyfjellet occupies a crucial reindeer migration route and winter grazing area. Jillen-Njaarke brought legal action against Øyfjellet Wind as they never consented to the wind turbines being built on their ancestral land.

Øyfjellet Wind has enjoyed the direct support of the Norwegian state during the protracted legal process. The government granted operating licence to the company through a contested process of 'corporate dialogue' without Free, Prior, and Informed Consent (FPIC) (Fjellheim, 2023). As we experienced, lawyers from the attorney general's office also litigated alongside Øyfjellet Wind's corporate lawyers, in a clear show of the imbalance of power.

Between 2023 and 2024, Climate Rights and INTERPRT—an environmental justice research agency, co-directed by Nabil Ahmed—assisted Jillen-Njaarke to review, interpret, analyse,

and present visual and spatial evidence that could be used in their case. This investigation originally began as *Counter Present*, a ‘counter-mapping’ exhibition by INTERPRT and commissioned by the Helsinki Biennale in the context of the Truth and Reconciliation Commissions concerning the Sámi people (Helsinki Biennial, 2024). As part of the development of the investigation, we used a game engine to develop a 3D model of the disputed area that brought together interviews, timelines, and other spatial and environmental data and then produce a film. In 2024, for the court case, we produced a series of evidentiary videos to support Jillen-Njaarke’s testimony. Our Principal Investigator, Professor Nabil Ahmed, also provided expert testimony to the court, explaining how our analysis of GPS data correlated the reindeer herders’ deep knowledge of their animals and their territory, and their claims that Øyfjellet infrastructure had negatively impacted the herds. All of this work was developed in close collaboration with Jillen-Njaarke through participatory methods, including a number of workshops in which the Climate Rights project and INTERPRT sat with Jillen-Njaarke herders to review the 3D model and GPS reindeer data, to ensure their knowledge was both present and accurately represented. Additionally, drone footage, which was also key to ground-truthing the model, was undertaken by members of the Jillen-Njaarke community themselves.

To our knowledge, this was the first time a game-engine-driven 3D model had been used as part of the evidence on behalf of a frontline community in a climate and land rights legal case in a Norwegian court. We were also told by Jillen-Njaarke that they felt the presentation of scientific data took into account their perspective. The Sámi, like many other Indigenous communities, have the legitimate concern that their knowledge is not considered valid in legal-scientific contexts. This situation represents a policy paradox, as Indigenous knowledge holders are also crucial in the fight against climate change.

Building accountability for green colonialism

The climate-culture-policy nexus

In 2020, Aili Keskitalo, former president of the Sámi parliament in Norway, described “green colonialism”: the process of the intensification of the colonial injustice of denying the Sámi, Europe’s only indigenous people, their ancestral land rights through the expansion of extractive projects justified by the climate crisis, a global process (Normann, 2021). We consider Øyfjellet to be a paradigmatic case of green colonialism experienced across Sápmi.

Øyfjellet Wind AS is owned by Aquila Capital, a German investment management company that ‘offers compelling

investment opportunities that drive global decarbonisation’ (Aquila Capital, 2024). The battle for Øyfjellet can therefore be placed within a wider context of the EU’s ‘European Green Deal’: an ambitious and laudable policy agenda to make Europe the first carbon neutral continent by 2030. Accompanying the Green Deal is the New European Bauhaus (NEB), established at the behest of European Commission President Ursula von der Leyen in 2020 to impart the policy with a kind of ‘soul’, as part of what we call a the ‘climate-culture-policy nexus’ (European Commission, 2025). The NEB’s slogan—“beautiful, sustainable, together”—was reportedly coined by the EU’s own ‘policy designer’, Alessandro Rancati, who was hired by the commission in 2015 to advise on the implications on policy-making of room design (Van Dorpe, 2023).

Encoded in the project’s name is its ambition to be as transformative as the original Bauhaus of the 1930s, which saw the wide involvement of leading artists, architects, and designers exercise tremendous influence across disciplinary boundaries. However, that such a ‘movement’ should be initiated from the top down—as a policy—suggests a misreading of the original. Moreover, the NEB holds that architecture can be charged with the responsibility to deliver the EU’s carbon targets and that this work should not only be ‘sustainable, but also inclusive and beautiful’. Yet, architecture as a profession has never been so marginalised, its agency so captured by neoliberal capital, nor the field of aesthetics so contested and fragmented (CRIT, 2024). To the extent that the project, and by extension the Green Deal policy, uses the language of sustainability and inclusivity it does not appear committed, or even capable, of matching it with environmental action.

To understand how the EU undermines its own policy, we need only consider a parallel policy framework of the commission: the EU’s Critical Raw Minerals Act (CRMA), which entered into force in 2023. Designed to promote circularity and secure strategic raw minerals in the face of geopolitical risks, the CRMA does not explicitly recognize FPIC, a crucial right for Indigenous peoples. In fact, the CRMA raises significant concerns for the welfare of the Sámi people (Sámi Council, 2024). This means that at the same time the Commission is vaunting the ‘soul’ of its Green Deal policy it is potentially sanctioning further mineral exploration, extraction, and land grabbing. The CRMA has global implications, as many of the critical minerals such as cobalt and lithium also come from parts of Sápmi and the Global South, producing new zones of sacrifice and deepening existing inequalities.

Nowhere are the policy challenges of advancing the green transition while balancing profit more entangled with preserving complex ecosystems (and as-yet unknown, more-than-human life) than in deep-sea mining, which involves extracting minerals from the ocean floor. Marine science and policy experts,

international fisheries bodies, global businesses, the IUCN, governments, including 11 EU member states, and civil society have called for a moratorium or an outright ban. The European Commission itself says it advocates for prohibiting deep-sea mining (Environmental Justice Foundation, 2024).

The NEB's concept paper, written by members of the high-level roundtable of 'advanced thinkers and practitioners', offers a vision of the transformation of nature-society relations in the language of justice: 'Climate justice is predicated upon radically inclusive social and cultural relationships and interactions, both human and more-than-human'. Yet, in 2021, BIG, the architecture firm founded by Bjarke Ingels (and one of the members of the NEB's high-level roundtable) produced visual communications for TMC, a notorious Canadian deep-sea mining company.

In a previous investigation, we debunked the image conveyed by BIG's material that suggests deep-sea mining is environmentally friendly with no impact or waste (INTERPRT and Deep Sea Mining Campaign, 2024). TMC has been embroiled in a number of controversies around its influence on governments and institutions in the context of accelerating deep-sea mining. To give one example, serious questions have been raised on the relationship between TMC and Michael Lodge, the outgoing general secretary of the International Seabed Authority (ISA), the UN's seabed agency, not least by incoming ISA secretary general, Leticia Carvalho, who has pointed towards the fact that a 'multilateral organisation [has been] embracing one company's demands, pushing it [...] to develop a mining code' (McVeigh, 2024).

Impact trajectories

For the European Commission at least, culture and institutionalised creativity, as exemplified by the New European Bauhaus, can enable change towards sustainable development goals and the green transition. Yet, despite its good intentions, and despite being an urgently needed initiative, it has not engaged meaningfully with the concerns of the Sámi people—as expressed by Sámi artists and cultural workers themselves. At the same, as we have shown, its mission is undercut by contradictory EU policy elsewhere. How, then, will artists, artistic researchers and practitioners establish their impact in Europe and beyond? And how will they interrogate the nexus of climate and cultural policy?

First, let's place climate justice at the heart of a collective effort to decarbonize. This means keeping oil in the ground, forests intact, and land rights respected, in addition to mitigation and adaptation efforts. Secondly, let's facilitate critical debates on reparations and loss and damage beyond the co-option, appropriation and neoliberalization of non-

human nature in the climate-cultural policy nexus. This includes listening to the demands from the Global South that are about making the case for climate reparations and loss and damage compensations. To date, work along this trajectory has been practiced by the likes of the Creative Climate Justice programme at Julie's Bicycle (a not-for-profit organisation that works within the arts and culture to sponsor action on the climate) and programs by the Prince Claus Fund (an arts and development foundation), such as Art for Climate Justice, a series of events that explored responses to the climate crisis.

Artistic research places a strong emphasis on flexible, participatory collaborations bringing together seemingly disparate disciplines, methodologies, and forms of decolonized knowledge. So, thirdly, let's promote and empower arts-driven practices that meaningfully work towards accountability, advocacy and for public interest—because the struggle for social and environmental justice neither begins nor ends in a courtroom.

Concluding reflections

Climate change poses continuously evolving risks, creating a pressing need for new imaginaries. In response, our arts-driven research focuses on the social and scientific production of evidence in climate cases and questions where we establish responsibility and the agency of visibility, especially when faced with the indirect causes and effects of environmental destruction.

Insofar as practice through research, supported by progressive policy, seeks to make its impact, these interlinked trajectories serve as an outline. As trajectories, they do not offer solutions themselves, but rather lines of flight to open up spaces of debate. Through access to justice, criticality, and empowerment, we believe that civil society in Europe and around the world will be best placed as it continues to seek effective climate action.

Data availability statement

The original contributions presented in the study are included in the article/supplementary material, further inquiries can be directed to the corresponding author.

Author contributions

All authors listed have made a substantial, direct, and intellectual contribution to the work and approved it for publication.

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environmental justice research agency, in particular with regards to the Øyfellet Wind case.

Conflict of interest

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

Generative AI statement

The author(s) declare that no Generative AI was used in the creation of this manuscript.

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