



Main findings from the online seminar: Exploring the Intersections of Climate Change, Access to Justice and Rule of Law

17 June 2021, 9.30 – 12.30 (CEST). Online participants: 45.

- In this seminar, organizers IDLO, CICAM and CRU invited the Dutch Ministry of Foreign Affairs to step into dialogue on the intersections of climate change, access to justice and rule of law. The event was hosted by KPSRL.
- Climate change is a threat multiplier for conflicts around land and other resources, complementing other factors like resource distribution and exclusion. Interventions for access to justice and rule of law need to better understand these diverse intersections between climate change and resource conflicts.
- In various cases, trends like irregular rainfall, resource competition but also climate mitigation interventions have contributed to transboundary and/or rural-urban migration and displacement. Again, the interconnections and vulnerabilities are diverse, and often global.
- At national level, climate change can serve as an entry point for engagement with complex justice problems; by mitigating the negative effects for vulnerable groups and by promoting conflict sensitive approaches, but also by enhancing awareness of who pays the price for or benefits from adaptation measures.
- On a global level, joint efforts on environmental rights, climate-resilient development and access to land/resources is necessary to close the widening justice gap, combining SDG13 and SDG16.

In this seminar, organizers IDLO, Radboud's CICAM and Clingendael's CRU invited the Dutch MFA¹ to engage in dialogue on the intersections of climate change, access to justice and rule of law. The event was hosted by the Knowledge Platform Security & Rule of Law. The seminar was motivated by the observation that it is still difficult to translate the transformative implications of climate change into access to justice policy and programming. Moreover, promoting access to justice and rule of law is expected to contribute to the realization of other SDGs - in this case SDG13 on climate action.

The seminar thus aimed to share recent insights and evolving practices, and to explore opportunities for a longer-term joint learning agenda. The session was organized around the three themes below.

Access to land, water and natural resources

Climate-change increases pressure on land and other natural resources, thereby increasing pressure on the justice sector. Yet, competition around resources is never just a matter of scarcity only. Climate change is better seen as a threat multiplier, complementing other factors like resource distribution and exclusion. Therefore, climate change can serve as an entry point for engagement with the management of land and other natural resource. Interventions need to be conflict-sensitive, so particularly concerned about mitigating the negative effects for vulnerable groups and better aware of who pays the price for or benefits from adaptation measures.

¹ IDLO: International Development Law Organization, CICAM: Centre for International Conflict Analysis and Management, CRU: Conflict Research Unit, MFA: Ministry of Foreign Affairs



A crucial factor in this is inclusive governance. Often, vulnerable groups like rural and remote communities, indigenous people, women are excluded in processes of land governance. To empower these vulnerable groups interveners should carefully analyze which groups are vulnerable in specific contexts. Moreover, as vulnerable groups are dependent on informal types of governance and justice, promoting more responsive and accountable customary and informal justice is crucial. Achieving justice for all is not only a means of accelerating climate action; climate action can be an enabler of action on justice and inclusion.

Rural-urban and transboundary migration

There are various examples where trends like irregular rainfall and resource competition, but also climate mitigation methods have led to transboundary and/or rural-urban migration and displacement. A prominent example is the internationally incentivized switch to biofuels, which drives small-scale producers of their land and endangers livelihoods and food security. These farmers end up living a more risky life in the urban informal economy, which is unable to absorb large quantities of migrants, and where access to justice for such migrants tends to be limited.

Here too, experts emphasize the need for a thorough political economy analysis and a nuanced understanding of power relations as a basis for policy and programming, given how assumptions about migration and associated justice problems may be flawed.

Climate-justice in global policy

Given its profound implications, climate change will constitute the most critical challenge to global justice in the 21st century. Both substantively, insofar as its adverse effects will be unevenly distributed and disproportionately impact the most vulnerable, but also in terms of the practical challenges it poses to the capacities of justice systems and the rule of law. Moreover, the global justice gap is likely to be widened by the effects of climate change in the long-term, undermining the progress we seek to make during the Decade of Action.

Work on, for example, realizing environmental rights, supporting climate-resilient development and increasing access to land, natural resources, and food security, is necessary to close that justice gap. It is just as important to integrate rule of law, people-centred justice and a rights-based approach into global policy discussions on climate change, to ensure costs and benefits of climate adaptation are fairly and legitimately distributed. Justice stakeholders can respond, for example, by adopting clear climate justice strategies and targets, and ensuring that they work at the intersection of SDG13 (and the UNFCCC) and SDG16. This is an area where (I)NGO action and MFA efforts can also strengthen each other.