

The Environment, Climate Change and Peace

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The Right to Peace

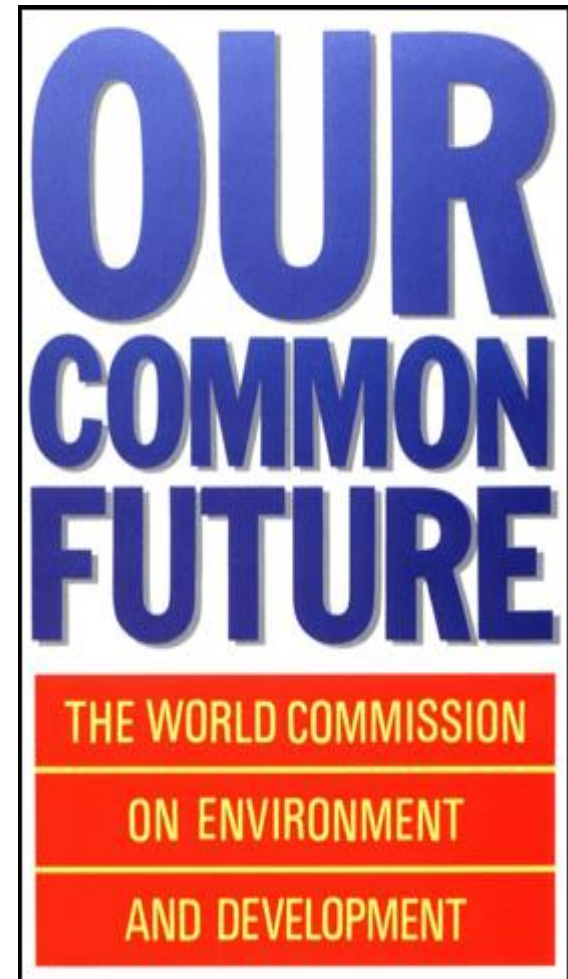
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Environment and Peace

- Safe, clean and productive environment is conducive to peace
- Many and complex connections
- Environmental factors rarely sole causes of conflict
- Natural resources often linked to ethnic tensions, marginalization of parts of the population, power politics
- Environmental stresses enhance tensions
- Likely to increase as:
 - Resources become scarcer (e.g. fresh water)
 - Human population becomes larger
 - Environmental stresses intensify (e.g. climate change)

- «Environmental stress can be an important part of the web of causality associated with any conflict and can in some cases be catalytic. Poverty, injustice, environmental degradation, and conflict interact in complex and potent ways. But the underlying causes often include the deterioration of the natural resource base and its capacity to support the population.»



What can international law do?

- Direct protection of environmental goods/functions
- Indirect protection (e.g. bans on trade)
- Sustainable management of natural resources
 - Reducing unsustainable management
 - Enhancing sustainable management

Human Rights Council; *Progress report on the right of peoples to peace, A/HRC/AC/6/CRP.3*

- «38. The Environment is a crucial aspect of the right to peace» An area of particular relevance is climate change»
- 39. Climate change negatively impacts a variety of human rights ranging from the right to life, food, water, health, housing and shelter, but also the right to self-determination and personal security in cases of conflict....»
- Proposal: «(c) All peoples and individuals have the right to live in an environment that is safe and healthy, including an atmosphere that is free from dangerous interference...»

Why did Al Gore (and the IPCC) get the
Nobel Peace price?

Climate Change and Forced Displacement

- Climate change effects (droughts, floods, environmental degradation) may trigger (threat multiplier) the movement of persons
- **Estimations vary** (UN University's Institute for Environment and Human Security: 50 million 'environmental refugees' by 2010, UN Environment Programme (UNEP): by 2060 50 million 'environmental refugees' in Africa alone, Christian Aid: nearly a billion people could be permanently displaced by 2050: 250 million by climate change-related phenomena such as droughts, floods and hurricanes, and 645 million by dams and other development projects)
- Some movement may be coercion (forced displacement)
- P: multi-causality of climate-change displacement together with other factors
- Majority of displaced persons (due to sudden-onset natural disasters or environmental degradation) remain in their country of origin
- Some displacement may be across internationally recognized state borders

Climate Change and Forced Displacement



Student assignment

- Discuss the case of Kiribati.
- Which possibilities exist for the Island?
- If you were the President's legal counsel, what would you advise?

Internal Displacement

- 1998 UN Guiding Principles on Internal Displacement
- "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of **natural or human-made disasters**, and who have not crossed an internationally recognized State border."
- Guiding principles provide the normative framework for protecting internally displaced persons, recognized in several UNGA resolutions (P: not legally binding)
- Which obligations do States have under international law to protect internally displaced persons? (Guiding principle 3: "states bear the primary duty and responsibility to provide assistance and protection in all phases of internal displacement")
- P: Human rights challenges during displacement and restoring rights after relocation

Cross-Border Displacement

- International protection of refugees
- 1951 Convention relating to the Status of refugees (defines who is a refugee, their rights and legal protection)

• **Refugee: a person who "owing to wellfounded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it."**

Cross-Border Displacement

- P: climate-induced displacement not considered
- Some displaced persons may fall into already marginalized groups, become more vulnerable to climate change and could qualify for refugee status
- 1969 OAU Convention Governing Specific Aspects of Refugee problems in Africa/ 1984 Cartagena declaration on refugees: include persons that are compelled to flee due to “events seriously disturbing public order”

Cross-Border Displacement

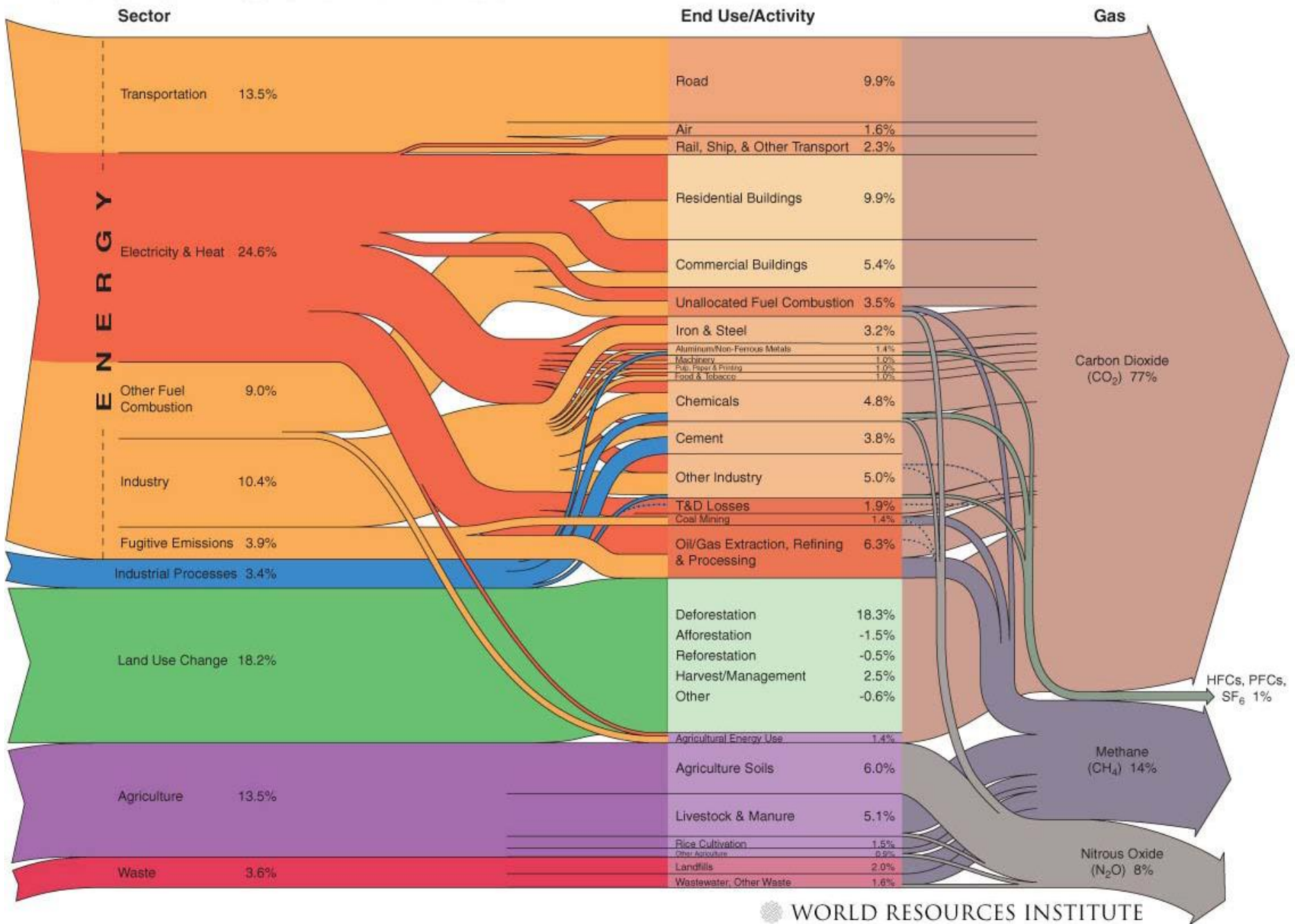
- Protection of externally displaced persons that do not qualify as refugees?
- Non-refoulement principle (no person, regardless of status or conduct, may be returned in any manner whatsoever to a country where his or her life or integrity would be at risk) (customary HR law/Art. 33.1 1951 Convention)
- Human rights law applicable to aliens
- Protection by their state of origin (state of origin may be unable or unwilling to protect its citizens)
- No right to enter a country and stay vs. Permissibility and reasonableness of return (human rights standards)
- Proposed changes: amendments to the 1951 Convention? (P. risk of renegotiation – may undermine regime for protection of refugees altogether)

Climate Change and Peace

- Causes
- [Effects](#)
- Action: What do we need to do?

Causes and Effects

World GHG Emissions Flow Chart



Climate change global processes and effects

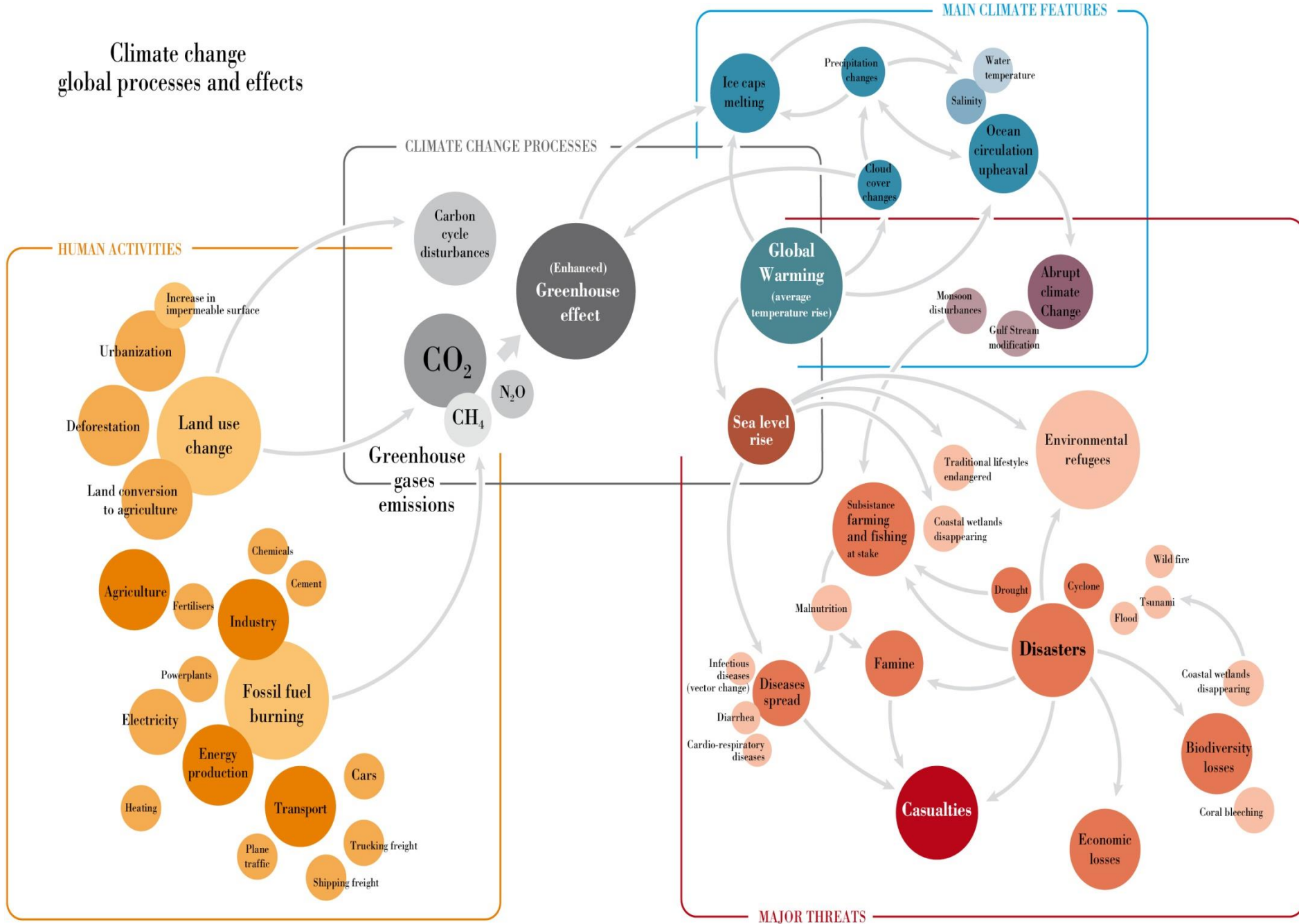
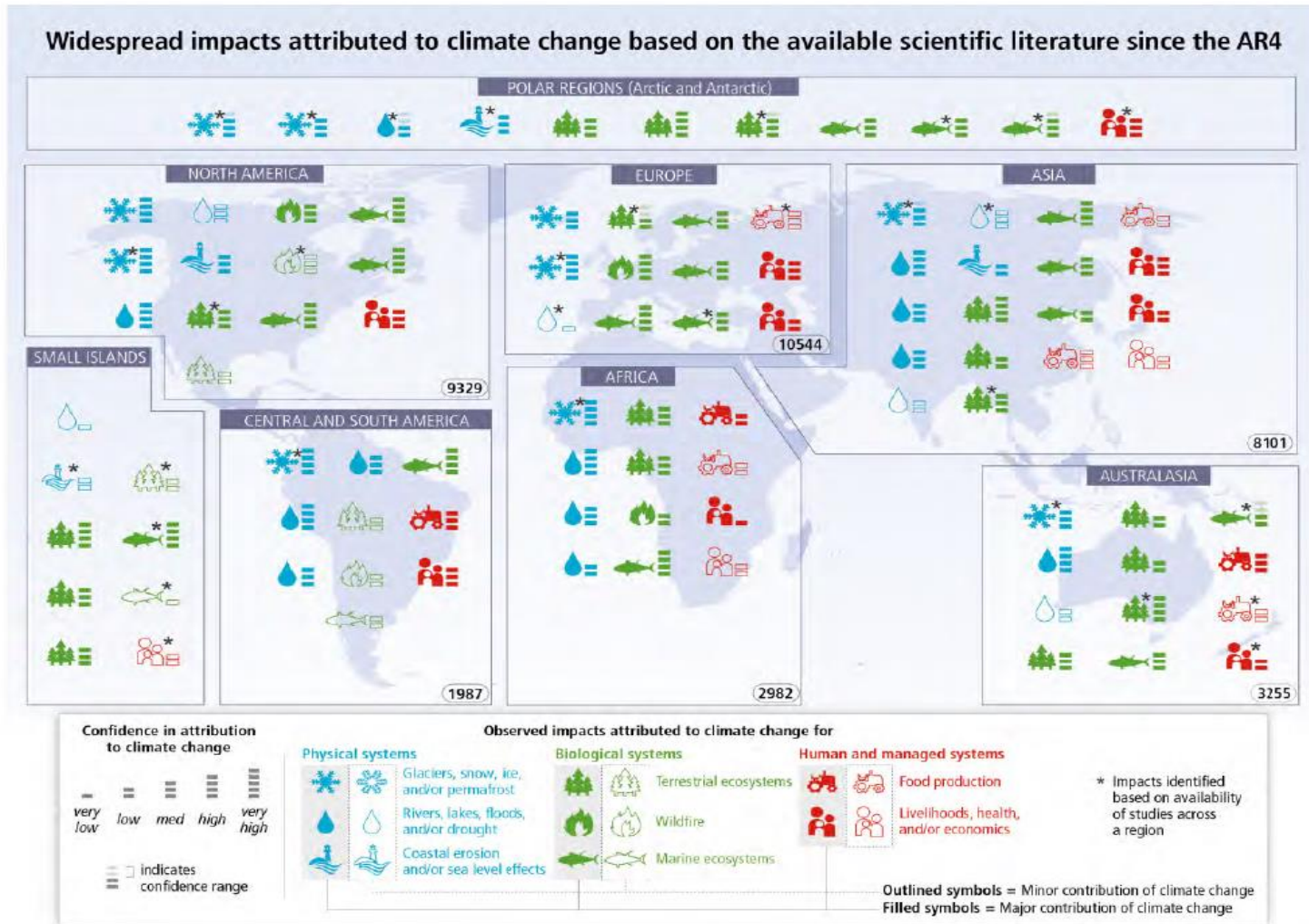


Figure SPM.4 [FIGURE SUBJECT TO FINAL COPYEDIT AND QUALITY CONTROL]






Effects

- If by 2020, efforts to prevent dangerous cc have failed:
 - International community must prepare itself for climate change related conflicts
 - Conflicts over resources (arable land, widespread shortage of water, diminishing food and fish stocks, increased flooding, prolonged droughts)
 - Conflicts over loss of territories and border disputes
 - Situations of fragility and instability in weak and failing states
 - Tension over energy supply
 - Climate induced migration

Actions
...so far.

Legally binding international climate agreements

- UNFCCC 1992/1994 
- Kyoto Protocol 1997/2005 
- Amendmend to the Kyoto Protocol 2013-2020?
- Paris Agreement 2015/2016 

UNFCCC

- Adopted in 1992 in NY
- In force since 21 March 1994
- Almost universal participation:
 - 194 States and the EU
- *Framework Convention*
- Legally binding international agreement
 - Ultimate objective, art. 2
 - Principles. Art. 3
 - Groups of States, art. 4 and Annexes I and II
 - Institutional Framework and Reporting

UNFCCC

- Ultimate Objective, Art. 2:

"stabilizing of greenhouse gas concentrations at a level that would prevent dangerous anthropogenic interference with the climate system."

- BUT:

"such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened, and to enable economic development to proceed in a sustainable manner."

Projected impact of climate change

Global temperature change (relative to pre-industrial)

0°C 1°C 2°C 3°C 4°C 5°C 6°C

Food

Falling crop yields in many areas, particularly developing regions

Possible rising yields in some high latitude regions

Falling yields in many developed regions

Water

Small mountain glaciers disappear – water supplies threatened in several areas

Significant decreases in water availability in many areas, including Mediterranean and Southern Africa

Sea level rise threatens major cities

Ecosystems

Extensive damage to coral reefs

Rising number of species face extinction

Extreme weather events

Rising intensity of storms, forest fires, droughts, flooding and heat waves

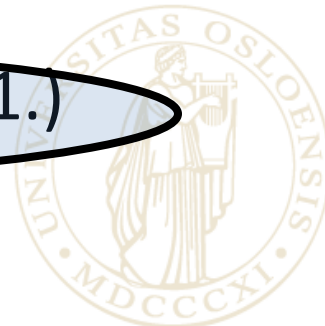
Risk of abrupt and major irreversible changes

Increasing risk of dangerous feedbacks and abrupt, large-scale shifts in the climate system

UNFCCC

Principles:

- Precautionary Principle (3.3.)
- Sustainable Development (3.4.)
- Cost-Effectiveness (3.1 and 3.2)
- Inter-generational Equity (3.1.)
- Common but Different Responsibilities (3.1.)



UNFCCC, art. 3

- ...Parties should protect the climate system...on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.
- Accordingly, developed country Parties should take the lead in combating climate change and the adverse effects thereof.

UNFCCC

Differentiated commitments: 4 groups (Art. 4 UNFCCC):

- All Parties
- Annex-I Parties
- Annex-II Parties
- Non-Annex Parties

Paris Agreement

- 1. Goals:** «well under 2 degrees», 1.5 degrees, «zero net emissions»
- 2. NDCs: Nationally Determined Contributions**
- 3. Obligations for all** – «diversified differentiation»
- 4. Enhanced Transparency Framework**
- 5. «Ratcheting up»:** dynamic, iterative processes (5 year cycles, stock-take) and principles (progression and highest possible ambition)

GOALS

- **Global temperature goal(s):**
 - «...holding the increase in global temperature to well below 2 degrees C ... and to pursue efforts to limit the temperature increase to 1.5 degrees C» (Art. 2)
- **Mid and long-term mitigation goals:**
 - Global peaking asap (recognizing that this will take longer for developing countries) and rapid reductions thereafter to achieve «a balance between anthropogenic emissions and removals in the second half of this century» (Art. 3, so-called «net zero emission»)
- **Adaptation goal**
 - «enhancing adaptive capacity, strengthening resilience and reducing vulnerability» (Art. 7)
- **Finance goal:** collective, quantified goal of developed countries from a floor of USD 100 billion per year (para 54)

OBLIGATIONS FOR ALL

- «**Each Party shall** prepare, communicate and maintain successive nationally determined contributions» (Art. 4.2)
- «**Each Party shall** pursue domestic measures, with the aim of achieving the objectives of such contributions.» (Art. 4.2)
- «... **all Parties shall** provide information necessary for clarity, transparency and understanding...» (Art. 4.8)
- «**Each Party shall** communicate a NDC every five years...» (Art. 4.9)
- “ **Each Party’s** successive NDC **will** represent a progression beyond current NDC and reflect its highest possible level of ambition.” (Art.4.3)
- «**Parties shall** account for their NDCs...In accounting, Parties *shall* promote environmental integrity, transparency, accuracy, completeness, comparability and consistency..» (Art. 4.13)
- «**Each Party shall** regularly provide information on national inventories and information necessary to track progress made in implementing and achieving its NDC..» (Art. 13.7)
- «**Each Party shall** engage in adaptation planning... (Art. 7.1)

Highest possible ambition

Progression

2020

1st NDC

2023

1st
stocktake

2025

2nd NDC

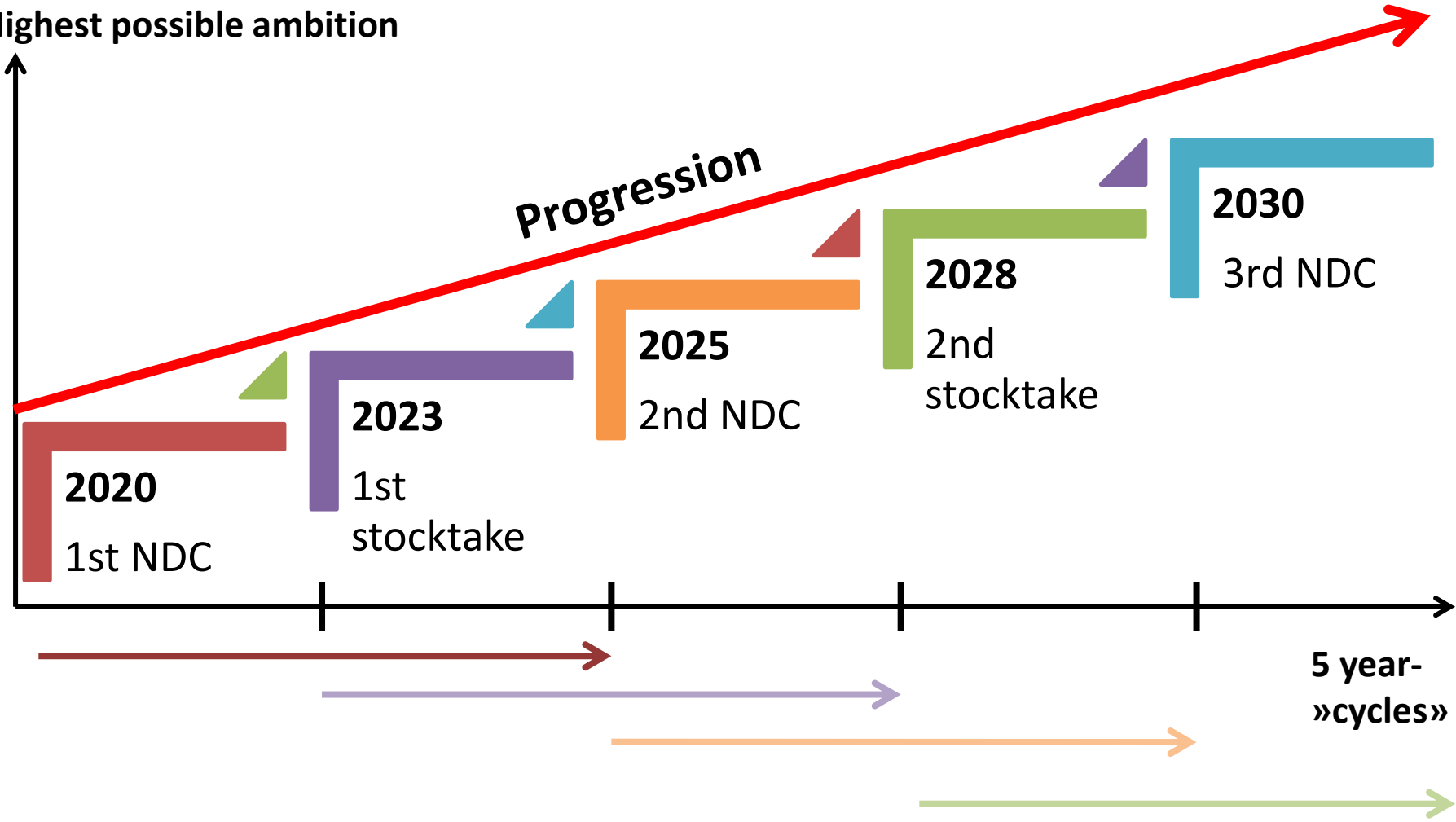
2028

2nd
stocktake

2030

3rd NDC

5 year-
»cycles«



In Sum

- The effects of cc could lead to increased instability and insecurity in already fragile and vulnerable regions
- Solving cc does not mean peace....
-but with the effects of cc the chances of peaceful coexistence seem dim.
- Durable peace depends on sustainable development: Creating long-term sustainable livelihoods, protection of life-sustaining ecosystem services and sound management of the natural resources base
- Global effort necessary! «The costs of inaction and the benefits of action of fighting climate change are so high that you do not need to think about the costs of actions» (Pachauri, 12.11.2014)

- « We are the first and we are the last generation that can do something about this problem.» (Nina Jensen, Secretary General, WWF Norway)