



Creating a Culture  
of Justice  
International Development  
Law Organization

# RULE OF LAW RESPONSES TO CLIMATE INSECURITY

ISSUE BRIEF



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This issue brief elaborates upon a key recommendation in IDLO's 2021 policy brief *Climate Justice: A Rule of Law Approach for Transformative Climate Action*. It explores how the rule of law can contribute to reducing and preventing insecurity and conflict arising from climate change. The paper highlights specific justice interventions that empower climate-vulnerable people, build people-centred laws and institutions, and resolve climate-related disputes over land and natural resources.

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# INTRODUCTION

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**The adverse effects of climate change undermine security and increase the risk of violent conflict.**<sup>1</sup> Climate change poses risks to security and peace when interacting with pre-existing grievances, such as social injustice and economic exclusion.<sup>2</sup> It is a “risk multiplier”<sup>3</sup> that intensifies scarcities of natural resources, disrupts livelihoods, generates displacement and migration, and raises pressure on state-citizen relations and state capacity to advance development. Taken together, these factors heighten the potential for instability and violence.<sup>4</sup> The people most vulnerable to the impact of *climate insecurity* and conflict are those who already experience systematic exclusion and marginalization, with women and girls, youth and children, indigenous peoples, and climate migrants most exposed to harm.<sup>5</sup>

**The rule of law is an essential framework for responding to climate-driven insecurity and conflict.** Working at the intersection of Sustainable Development Goal (SDG) 13 (climate action) and SDG 16 (peace, justice, and strong institutions) is key to achieving climate justice.<sup>6</sup> People-centered justice systems and inclusive governance arrangements can allow those most affected by climate change to claim their rights and seek redress for grievances. With its emphasis on the rule of law and inclusive governance as enablers of peace, justice, and inclusion, SDG 16 can help foster the truly transformative climate action envisioned by SDG 13, and ultimately climate justice.

## Key concepts: Climate insecurity and climate justice

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*Climate insecurity* is used to describe the threat or occurrence of conflict and violence arising, at least in part, due to physical effects of climate change such as long-term changes in weather patterns and extreme weather events. While climate change may not directly create conflict and violence, its effects on social political, and environment factors can substantially increase the risk of conflict and violence.<sup>7</sup>

*Climate justice* is used to describe a wide-ranging set of legal and policy approaches that recognize that addressing justice issues must be a part of the response to climate change. Climate justice links human rights and development to tackle pre-existing inequalities contributing to and exacerbated by climate change, prioritizes the most climate-vulnerable groups to ensure that no one is left behind, and ensures fair and inclusive decision-making, particularly for people and groups traditionally excluded from such processes.<sup>8</sup>



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As the only global intergovernmental organization exclusively dedicated to promoting the rule of law to advance peace and sustainable development, the International Development Law Organization (IDLO) is committed to centring the rule of law in efforts to deliver transformative climate action, including reducing climate insecurity risks. Building on recommendations in IDLO's policy brief *Climate Justice: A Rule of Law Approach for Transformative Climate Action*, this issue brief explores **rule of law interventions to reduce and prevent insecurity and conflict**

**arising from climate change**, with a focus on empowering climate-vulnerable people, building people-centred laws and institutions, and preventing or resolving climate-related disputes over land and natural resources. Drawing on existing literature and case studies from IDLO's programmatic work in climate-vulnerable contexts such as Burundi, Indonesia, Rwanda, and Somalia, the paper concludes with a summary of key rule of law responses to climate insecurity, relevant to policymakers and practitioners.

# CLIMATE INSECURITY CHALLENGES

**Climate change and associated phenomena such as biodiversity loss and desertification interact with a broad spectrum of vulnerabilities to increase the risk of insecurity and conflict.** These include social injustice, economic exclusion, and political marginalization of specific constituencies. Such interactions undermine livelihood security, food, and water security, as well as the physical safety of people and communities.<sup>9</sup> Growing competition for land and natural resources, deteriorating livelihood security, changing migration patterns, and exclusive governance arrangements determine how and to what extent the physical effects of climate change (for example, on temperature and precipitation) intensify risks of violent conflict.

**Climate insecurity is most acute when climate-driven scarcities occur in a context of fragility,** characterized by poor state-citizen

relations and weak management of disputes. “States that are already politically fragile are the most likely future epicentres for climate-related violence and forced migration events.”<sup>10</sup> Climate vulnerability and fragility tend to overlap, compounding risks: the greatest risks of climate insecurity emerge when the impacts of climate change are concentrated in fragile contexts. Climate change is the ultimate fragility ‘threat multiplier’,<sup>11</sup> exacerbating injustice and insecurity around access to and availability of land and water. In addition to rendering resource-dependent livelihoods even more precarious and straining natural resource management and dispute settlement mechanisms,<sup>12</sup> climate change fuels conflict over housing and access to services in urban areas which host migrants from the climate-stressed countryside.<sup>13</sup> This positive correlation of climate change with



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insecurity and conflict undercuts prospects for stability, peace, and sustainable development. There is also emerging evidence of a reverse association, from violent conflict to climate risks; the destructive impact of violent conflict (“development in reverse”) and its effects, such as poor growth and political instability, contribute to environmental vulnerability.<sup>14</sup>

**The people most vulnerable to the impact of climate-related insecurity and conflict are those who already experience systematic exclusion and marginalization**, with women and girls, youth and children, and indigenous peoples most exposed to harm.<sup>15</sup> In many regions, climate-induced impacts on natural resources and increasing resource competition occur against the backdrop of social, economic, and political exclusion and marginalization. In particular, the effects of climate-conflict linkages are pervasive and gendered: despite being the stewards and users of land and other resources, women lack equal rights of ownership and control over land and resources.<sup>16</sup> These gendered disparities, coupled with systemic discrimination that excludes them from processes surrounding natural resource management and conflict mediation, disadvantage women in situations of conflict and increase their vulnerability to climate impacts.<sup>17</sup> Similarly, youth and children, due to systemic exclusion, are less resilient to climate-related shocks and thus disproportionately affected by livelihood loss or disruption of essential services such as education. As climate change increases encroachment on the traditional territories of indigenous peoples, indigenous environmental human rights defenders are exposed to higher levels of persecution and violence.

For these reasons, justice and inclusion must be at the centre of climate change analysis and response. The rights, needs, and expectations of those affected by climate change and conflict should inform responses to complex

intersecting challenges, based on international human rights norms. The following points highlight how the effects of climate change can lead to fragility and violent conflict, and how weak governance arrangements can exacerbate climate-driven conflict.

### **Increased competition over scarce land and natural resources, and deteriorating livelihood conditions**

**As the world becomes hotter and drier, and the incidence of extreme weather events increases, competition over ever-scarcer arable land, water, and other natural resources within and between communities will grow, in some cases leading to violent conflict.**<sup>18</sup> Climate change drives up competition for increasingly scarce arable land, leading to dispossession and displacement of many.<sup>19</sup> Climate-driven drought reduces net agricultural production and contributes to rising food prices, which can prompt domestic turmoil and political instability.<sup>20</sup> Climate change also affects water availability, due to shifting rainfall patterns, glacial melt, and saltwater encroachment in groundwater. In water-stressed areas with existing competition over resources between communities, “the impact of climate change on water resources might increase tensions, particularly in the absence of strong institutional capacity”.<sup>21</sup> Protracted conflict can also disrupt the dispute resolution mechanisms that people traditionally use to resolve tensions over natural resource management, significantly reducing justice avenues for vulnerable and marginalized groups in particular.<sup>22</sup> The combined effects of climate change and violent conflict alter men’s and women’s livelihood security in different ways.<sup>23</sup>

**The adverse effects of climate change can increase the risk of violent conflict between people and communities that earn their livelihoods in climate-sensitive agriculture, pastoralism, and fisheries.**

Worsening livelihood conditions feed perceived injustice and grievances by accentuating the marginalization of affected constituencies. Livelihoods that are closely tied to climate-sensitive natural resources are both less resilient to the effects of climate change and potentially more vulnerable to conflict-and climate-related displacement.<sup>24</sup> Livelihoods based on pastoralism, for example, are especially vulnerable to disruption: shifting availability of grazing land and water in regions such as East Africa and the Sahel can cause friction between farmers and herders, exacerbated by the fact that remote and cross-border pastoralist groups often lack influence in national policymaking.<sup>25</sup> In the absence of alternative livelihoods, people are more likely to use violence to protect or access natural resources<sup>26</sup>. Where adaptation capacities are weak, there is greater risk of climate change effects fostering local resource conflicts; climate change can accentuate environmental degradation and lead natural resource users to adapt by seeking alternative livelihood strategies that increase the risk of violent conflict.<sup>27</sup> People and communities may shift to illicit agricultural production, cultivating crops such as poppy and coca that are resilient to the effects of climate change; or adopt violent criminal livelihoods,<sup>28</sup> such as participation in organized transnational crime networks or non-state armed groups.<sup>29</sup>

**Increased migration and changing pastoral mobility patterns**

**Climate change will intensify conditions that drive migration, mainly from the most climate-vulnerable areas.**<sup>30</sup> While conflict and disasters can lead to displacement,

the effects of gradual climate change on migration are more diffuse, with large-scale rural-urban, coastal-inland, or transboundary migration as a means of coping with longer-term adverse effects.<sup>31</sup> In this way, migration functions as an adaptation strategy for climate-affected people and communities. As a result, climate insecurity risks may be highest in regions where the direct effects of climate change are less significant, which fits with research findings indicating that climate change, migration, and conflict can intersect in situations of resource abundance as well as scarcity.<sup>32</sup> Rapid, unregulated rural-urban migration, for example, can shift the adverse effects of climate change in the countryside to cities, especially to the informal peri-urban areas where new migrants tend to settle, and where the capacity of local, municipal and national governments to provide housing and basic services is weakest.<sup>33</sup> The gendered nature of rural-urban climate migration is notable, with men more likely to move to cities while women and children remain in hard-hit resource-dependent communities.

**Changing pastoral mobility patterns play a key role in the relationship between climate change and violent conflict.** In the Sahel, migrant pastoralists are especially climate-vulnerable, as they need freshwater and pasture access year-round. Competition over natural resources risks igniting conflict between farmers and herders, particularly when competition occurs in a broader context of changing land use. Evolving livelihood strategies can mean migrating to comparatively fertile areas, with large-scale migration contributing to a concentration of resource users and intensification of resource use. As described below, exploitative governance of the effects of climate change, and deficient governance of the resulting increases in migration, also elevate the risk of violent farmer-herder conflict.<sup>34</sup>



## Exclusive or exploitative governance arrangements

**Governance is a critical variable in vulnerability to climate insecurity.** Governance arrangements that exclude specific constituencies or exploit local grievances can aggravate inequalities, worsening the effects of climate change on specific people and communities. Violence associated with climate extremes is more likely to occur in those contexts where institutions are weaker, climate-vulnerable people are politically marginalized, and basic services are lacking.<sup>35</sup> Inequitable governance and institutional failure in response to the climate crisis can also exacerbate drivers of violence. In the presence of functioning conflict management mechanisms, local competition over resources is less likely to turn violent; likewise, migration is not a risk in itself, but policies that exclude and marginalize migrants give rise to social tension. The effect of climate change on political order depends on the perceived commitment of authorities to protect and assist adversely affected people, as well as

the ability of affected people to generate and sustain cooperation and cohesion amongst themselves.<sup>36</sup> Adequate state responses and relief can forestall the emergence of grievances and prevent large negative impacts from disasters and other climate shocks.

**Local grievances and conflict increase where governance is weak or divisive.** Climate change is most likely to increase the risk of localized conflicts, as reflected in evidence from East Africa and South and Southeast Asia.<sup>37</sup> If exploited by local or national elites, small-scale tensions can increase the risk of broader conflict. In East Africa, political elites have incited farmer-herder violence in the run-up to national elections and mobilized voters, resulting in ethnic tensions which escalated to violence.<sup>38</sup> Similarly, ineffective or inequitable natural resource governance increases the risk of resource conflicts, which may then be politicized and manipulated by elites. The risk of resource conflict escalation in Burkina Faso and Mali, for example, is higher when local disputes coincide with election campaigns.<sup>39</sup>

# RULE OF LAW RESPONSES TO CLIMATE INSECURITY

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IDLO advocates for **rule of law interventions, including access to people-centred justice and inclusive governance arrangements, as effective responses to climate-driven insecurity and conflict.** In this section, rule of law responses to the climate insecurity challenges outlined in the previous section are elaborated and unpacked, with specific case studies from countries where IDLO operates.

## Empowering climate-vulnerable people and communities

**Legal empowerment of the most climate-vulnerable people and communities can contribute to reducing inequality, preventing conflict.**<sup>40</sup> Those most vulnerable to climate change are often those least able to access justice, a situation which can entrench injustice and fuel social conflict. The combination of a fragile context and the adverse effects of climate change can intensify perceived injustice and insecurity, and thus trigger inter- and intra-communal conflicts, for example over natural resources. Targeted legal empowerment of women and girls, youth and children, and climate migrants can provide these constituencies with the tools to realize their rights. Legal empowerment strategies and tools might include legal education, provision of paralegal services, and efforts to improve social accountability of justice providers.

**Where women overcome structural barriers to their participation in decision-making, their contributions to both sustainable natural resource management and enhanced peace, security, and stability are transformative.**<sup>41</sup>

Women are uniquely positioned to contribute to sustainable natural resource management, climate-resilient communities, and enhanced peace and security.<sup>42</sup> Thus, an explicitly feminist approach to addressing climate insecurity, which locates women at the centre of climate-related conflict mitigation and prevention efforts, is needed.<sup>43</sup> These efforts should include applying a gender lens to conflict prevention and climate adaptation; dismantling legal, institutional, and structural barriers to women's participation, using sustained financing and technical support to scale-up women-led grassroots initiatives in communities at risk of violent conflict; empowering women to voice their needs and interests and integrating them into all stages of peace negotiation and implementation processes. To this end, working at the intersection of the emerging climate, peace, and security agenda and the better-established Women, Peace, and Security agenda, will be of essence, as well as enhancing accurate data and evidence collection to understand those interconnections.<sup>44</sup>

**Empowering civil society to mobilize climate-vulnerable constituencies is critical to upholding environmental rights and achieving climate justice.** Civil society organizations (CSOs), especially those led by or representing women, youth, and other climate-vulnerable constituencies, play a catalytic and central role in overcoming the legal, practical, and social barriers to achieving climate justice faced by

those constituencies. CSOs can advocate for and provide climate-vulnerable people and communities with important channels and platforms to voice their interests. As such, protection of civic space for women- and youth-led movements should be prioritized, especially in light of growing violence against environmental human rights defenders.

**Case Study: Enabling access to justice through legal empowerment in peatland villages**

<b>Country:</b>	Indonesia
<b>Climate insecurity challenge:</b>	Increased competition over scarce land and natural resources, and deteriorating livelihood conditions
<b>Rule of law entry point:</b>	Legal empowerment of marginalized groups

**Conceptual model:**

The conceptual model consists of three main stages:

- Climate and Environmental Change:** Includes 'Exploitation and burning of peat lands' and 'Massive carbon emissions'.
- Insecurity Risks:** Includes 'Displacement, criminalization and impoverishment of peat villagers', 'Conflict with companies', 'Conflict amongst villagers', and 'Grievances against the State'.
- Rule of Law Entry Points:** Includes 'Legal empowerment of forest and peat land villages, inc. Indigenous people' and 'Community-based forest and peat land management'.

Arrows indicate the flow: from Climate and Environmental Change to Insecurity Risks, and from Insecurity Risks to Rule of Law Entry Points.

Home to 36 percent of the world’s vital tropical peatlands, Indonesia ranks among the top five carbon emitters due to chronic peatland degradation and fires.<sup>45</sup> Peatland health is compromised by drainage for agriculture, commercial forestry, peat extraction, infrastructure development. People living in rural peat villages are exposed to forcible eviction from their land due to lack of tenure security, and violent conflict with private sector investors granted access to communal lands declared de facto unoccupied by authorities. The peatland from which villagers are displaced is almost always despoiled through burning: private companies use fire to clear land for development and agriculture, despite a clear prohibition on this activity; fires are often used to stake claims to land in disputes between big companies and small farmers; and drained peatlands are highly flammable during the dry season, so small-scale clearing and campfires can easily burn out of control.

To address these issues, IDLO partnered with the Epistema Institute to implement the project *Strengthening Legal Empowerment of Peatland Villages to Enhance Access to Justice in Indonesia (2017-2019)*, aimed at advancing the rule of law in natural resource management with a focus on empowering indigenous people and excluded groups. Activities focused on strengthening the legal empowerment of indigenous peoples to protect and improve their access to forests and peatlands through paralegal support in the districts of Kepulauan Meranti (Riau province), Musi Banyuasin (South Sumatra province), Ogan Komering Ilir (South Sumatra), and Pulang Pisau (Central Kalimantan province).

Community members were trained to become paralegals and offer legal support, and heads of villages were trained in formulating draft village regulations related to community-based forest and peatland management. The peatland paralegals empowered local villagers to assert their rights, and to better deal with and prevent conflict. In addition to providing villagers with the capacity to develop and enact village regulations to ensure tenure security of rural communities, paralegals handled 1521 cases in 46 villages, 32% of which concerned conflicts between villagers and private companies in the peat-land area. Paralegals were also trained on methods of resolution of disputes against large companies, resulting in two trained paralegals from Kutai Kartanegara and Paser representing parties in court against mining companies.

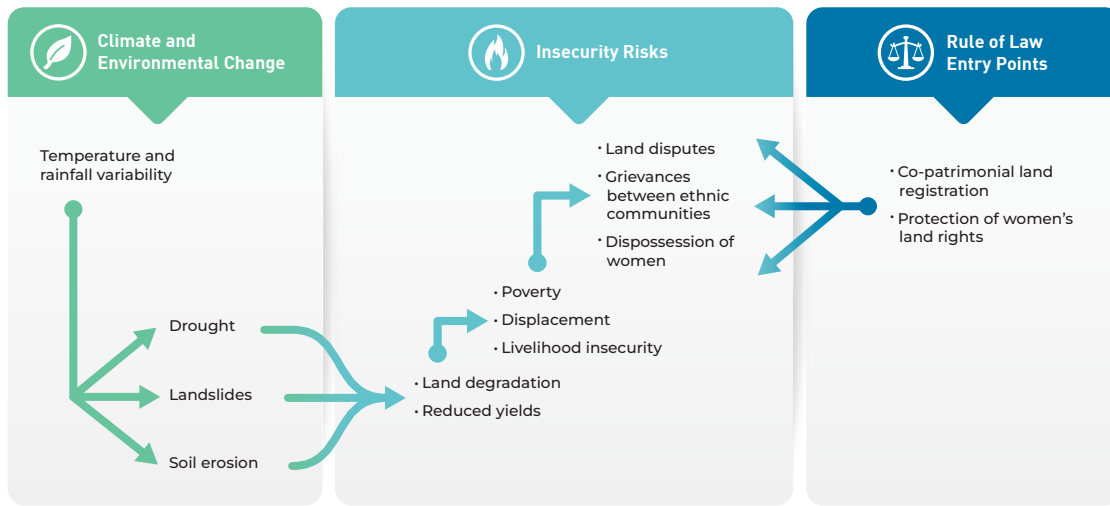


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## Case Study: Protecting women's customary land rights in Burundi

<b>Country:</b>	Burundi
<b>Climate insecurity challenge:</b>	Increased competition over scarce land and natural resources, and deteriorating livelihood conditions
<b>Rule of law entry point:</b>	Innovative land tenure registration system coupled with targeted awareness raising and capacity building

### Conceptual model:



Poverty and conflict in Burundi are closely linked to resource dependence and climate fragility. Burundi has experienced a drastic contraction of its subsistence economy, largely based on agriculture, due to civil war and land degradation. Climate change compounds these preexisting risks through rising rainfall and temperature variability, with recurrent flooding, landslides and soil erosion already destroying livelihoods, driving displacement, and exacerbating poverty. With access to arable land becoming a growing source of competition, 75% of all court cases are now linked to land disputes.<sup>46</sup> Women are disproportionately exposed to land-related injustice in this context: Burundian customary law accords women specific rights to use land (known as *igiseke*) owned by men and, in most cases, to oppose management decisions (e.g., selling and leasing to third parties) that hurt their interests. However, those customary rights were often lost in efforts to register land, since ownership certificates are most often exclusively issued in men's names.

In 2015, IDLO partnered with the Dutch NGO ZOA to research the impact of land tenure registration on land disputes and women's land rights, and identify ways to protect the latter.<sup>47</sup> Based on weak registration of women's land rights in the context of a land registration project implemented by ZOA in the province of Makamba, IDLO initiated a pilot in the *colline* (rural area) of Rurambira, with pilot activities including capacity strengthening of key actors such as land registration committee members, an intensive information campaign, and communal dialogues about ways to protect women's land rights. The pilot demonstrated that customized, innovative approaches to recording customary and statutory rights of women coupled with adequate capacity building and sensitization could have a meaningful impact on women's legal and economic empowerment in contexts of insecurity and fragility.

Data collected following completion of the pilot activities showed an increase in the level of protection of women's land rights: at the end of the project, over 50% of the parcels acquired by women through customary rights were registered in women's own name or in the form of a derived right of use in the property certificate of the husband, a significant increase compared to the collines where the pilot was not implemented, where only about 7% of existing igiseke rights had been registered. The study also revealed progress in the protection of women's statutorily guaranteed rights, that is, the right to share in the ownership of land that the husband brings to the marriage. Indeed, while none of the parcels in the intervention area had previously been registered in co-ownership by a husband and wife, following training of key land registration actors on matrimonial property during the pilot, 45.17% of the parcels in Rurambira were registered in co-ownership. Several women explained that they no longer feared their land being grabbed by male relatives, and that land disputes with their brothers or their deceased husband's family had subsided or were avoided after boundary lines had been fixed and property or customary rights of use registered.

## **Building people-centred laws and institutions that promote transformative climate action**

**Inclusion of those most vulnerable to climate change in governance arrangements, particularly on issues involving natural resource management, is crucial.** Policies unresponsive to the needs of local people and communities tend to exacerbate conflicts.<sup>48</sup> Similarly, implementation of policy frameworks without consultation with communities and their representatives, such as civil society and customary and informal actors, tends to be difficult and contentious. When barred from active participation in decision-making processes that affect their lives, excluded and marginalized constituencies are left even more vulnerable to the effects of climate change, and, in turn, the likelihood of grievance-fuelled conflict increases.<sup>49</sup> Policy frameworks that account for the realities of local communities can facilitate cooperative, constructive, and sustainable natural resource conflict resolution.<sup>50</sup> Creation of multistakeholder dialogue platforms, drawing together people with diverse and often competing interests, and legal empowerment that helps excluded and marginalized people and communities understand and realize their rights, can enable stakeholders to ensure that solutions to the adverse effects of climate change do not worsen conflict.<sup>51</sup>

**Effective governance based on the rule of law mediates climate-conflict dynamics.** This includes state action to address the adverse effects of climate change, manage farmer-herder conflict and ethnic diversity, and regulate access to land and natural resources in ways that are equitable and conducive to public confidence in state institutions. However, only a few states have adopted policy and legislative measures aimed at responding to climate change impacts. In cases where such laws exist, some are poorly drafted (e.g. overlapping land tenure laws) in ways that aggravate climate change impacts.<sup>52</sup> Laws and policies that fail to protect people or those that prevent specific groups of people from accessing natural resources and participating in their management contribute to making them more vulnerable, which can cause or intensify conflicts.<sup>53</sup> Laws must be leveraged to strengthen protections of excluded and marginalized constituencies before, during and in the aftermath of conflicts. Climate justice requires appropriate legal and policy frameworks and institutions that provide transparent and equal access to as well as ownership and control over land, water, and other natural resources. Improving governance is a critical entry point for reducing climate insecurity risks. The 2030 Agenda is a valuable framework for guiding these efforts: as states

strive to meet their sustainable development commitments, they are also reducing threats to peace.

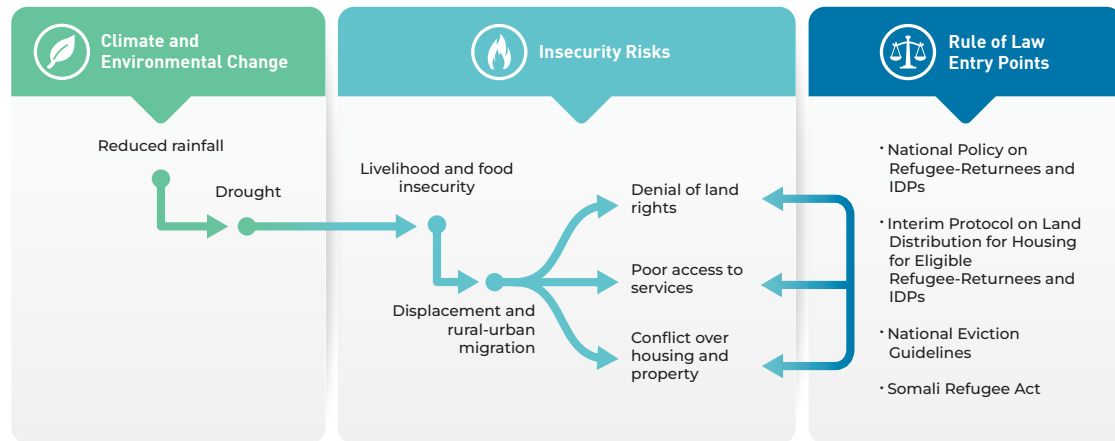
**Accessible, efficient, and fair justice institutions are key to conflict resolution and prevention, thereby building and sustaining security, peace, and development.** Beyond the development of legal and policy frameworks, institutions must be able to enforce rights. In most cases, fragile states have limited institutional capacity to adequately respond to and manage the effects of climate change.<sup>54</sup> Climate change impacts further weaken already fragile institutions by redirecting

resources and attention to respond to climate shocks.<sup>55</sup> Justice sector capacity building in land and water dispute resolution is paramount, especially with a focus on protecting the rights of those disproportionately impacted by climate change and insecurity. As customary and informal justice (CIJ) mechanisms play an important role in climate-related disputed resolution, it is equally important that the links and communication between formal institutions and CIJ justice actors in conflict prevention and resolution be fostered.

## Case Study: Inclusion of climate migrants in Somalia

<b>Country:</b>	Somalia
<b>Climate insecurity challenge:</b>	Increased migration and changing pastoral mobility patterns
<b>Rule of law entry point:</b>	Inclusion of climate migrants in policy frameworks

### Conceptual model:



Severe dry conditions are deepening Somalia's decades-long humanitarian crisis. Three consecutive failed rainy seasons over a two-year period have led to an extreme drought affecting 6.1 million people in the Horn of Africa, and 771 000 Somalis have been internally displaced.<sup>56</sup> The loss of livelihoods has increased the influx of people towards urban centres, such as Mogadishu, but also to smaller cities as such Baidoa and Boosaaso, in which tensions and local conflicts over land tenure and urban property are escalating.<sup>57</sup> Safeguarding the rights of climate migrants is a key emerging challenge: once they are on the move, climate migrants often face violations of basic rights, coercive violence, food insecurity, lack of access to land and other natural resources, and discrimination in or exclusion from vital public services. Ensuring that climate migrants, irrespective of origin, identity, or legal status, can access effective, accountable pathways to justice (including administrative justice, vital for unlocking the benefits of public services) and resolve conflicts with host communities, requires institutional buy-in and people-centred innovation.

IDLO's work in Somalia promotes development of effective institutions through advancing the rule of law and equal access to justice for all as well as the adoption of non-discriminatory laws and policies. IDLO has supported Somalia's National Commission for Refugees and Internally Displaced Persons (IDPs) to adopt laws, policies, and administrative regulations that increase the level of protection for IDPs who were impacted by climate change.

Key policies include the first National Policy on Refugee-Returnees and IDPs, the Interim Protocol on Land Distribution for Housing for Eligible Refugee-Returnees and IDPs, and the National Eviction Guidelines. The National Eviction Guidelines are of particular interest, as these protect against arbitrary and forced evictions which often disproportionately affect women and members of minority communities, guaranteeing the human right to adequate housing and establishing a procedure for lawful evictions. IDLO also supported amendment of the Somali Refugee Act, considered a landmark tool protecting refugees in the country. These laws, policies and administrative regulations deal with the resettlement of IDPs and the granting of land titles guaranteeing and protecting their newly acquired land rights.



## Strengthening peace and stability by preventing and resolving disputes over land and natural resources

### Land access is one of the central issues around which people seek justice solutions.<sup>58</sup>

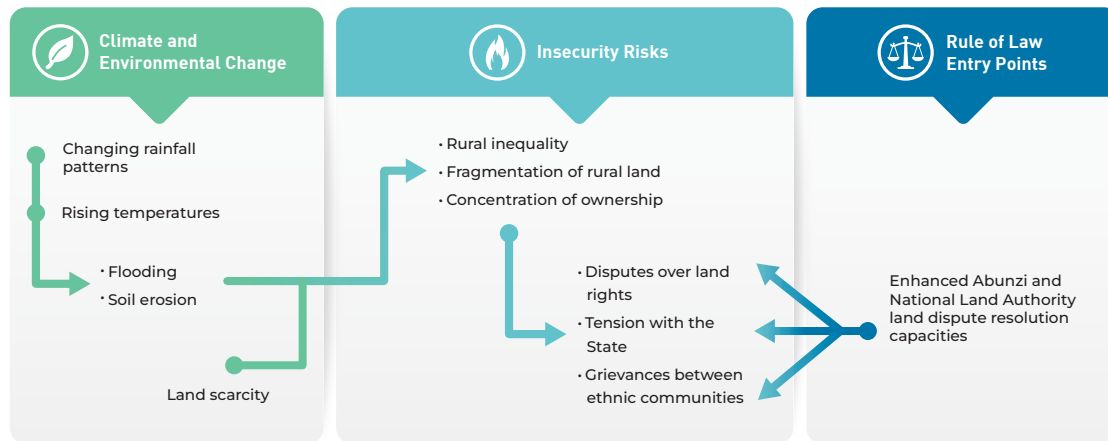
The most excluded and marginalized people, especially women and girls, youth, and indigenous peoples, struggle to claim and resolve disputes over land in a timely, fair, and consistent manner.<sup>59</sup> The rule of law improves inclusive governance of land and natural resources, increases climate-resilient development, and empowers climate-vulnerable people to actively participate in managing their natural environments, enabling the conditions for peace and development to flourish.<sup>60</sup> Effective justice pathways to ensure sustainable access to and use of land and natural resources are essential not only to the realization of people's rights, but also to prevent conflict and sustain peace. Rights-based dispute resolution mechanisms can prevent current and emerging tensions over climate-scarce resources from escalating into violent conflicts, for example, by addressing critical concerns early on and providing parties with opportunities for negotiation.<sup>61</sup> Inclusive governance of land and other natural resources has the potential to mitigate conflict and sustain peace, for example by facilitating inter-communal cooperation in ways that reduce tension and increase trust. Fostering effective state service provision around resource governance can also boost state legitimacy and reduce fragility.<sup>62</sup>

**Access to justice interventions must address everyday grievances and resolve disputes over land and natural resources through formal as well as CIJ mechanisms.** In fragile states, disputes are mostly resolved through CIJ mechanisms, instead of formal courts.<sup>63</sup> This may raise concerns, particularly as regards equal land rights for women, given the discrepancy often seen between customary practices of inheritance by women and national laws that provide equal inheritance rights. Diverse modes of governance can contribute to building local community resilience to climate-related disasters and violent conflict.<sup>64</sup> Enhancing formal and CIJ dispute resolution mechanisms on land and other natural resources, strengthening coordination and coherence between systems, and supporting community-based and customary land governance systems to become more inclusive, responsive, and accountable (especially toward women) will have the greatest effect on the most climate-vulnerable.

## Case Study: Land conflict resolution in Rwanda

<b>Country:</b>	Rwanda
<b>Climate insecurity challenge:</b>	Increased competition over scarce land and natural resources, and deteriorating livelihood conditions
<b>Rule of law entry point:</b>	Land governance and land conflict resolution

### Conceptual model:



Rwanda has been affected by land scarcity throughout its history, a condition amplified by unequal distribution of land in favour of political elites. As the growth of Rwanda's rural population has pushed farmers onto acidic soils and steep hillsides vulnerable to excess rainfall and soil erosion, the rural poor are highly exposed to risks associated with climate-driven phenomena such as changing rainfall patterns and rising temperatures. The declining availability and fragmentation of productive land fuels conflict amongst farmers and between farmers and the Rwandan state over land access and rights.<sup>65</sup>

IDLO's Land Conflict Resolution Project (LCRP) works with key land governance stakeholders to improve understanding of the barriers limiting inclusive, accessible, transparent and predictable access to land at local level; enhancing the capacity of the customary *Abunzi* mechanisms and statutory dispute resolution mechanism (notably the National Land Authority, or NLA, which exercises a quasi-judicial resolution function pursuant to the 2021 Law Governing Land), to make just decisions on land-related disputes. In early 2022, the project conducted on land disputes in relation to the *Abunzi* committees, including a survey of 172 justice seekers, 187 *Abunzi*, and 130 Land Committee members, and key informant interviews and focus group discussions with relevant stakeholders. In the survey, fewer than one-third of justice seeker respondents recognized a nexus between climate change and land disputes (although almost 70% noted recent effects of climate change).

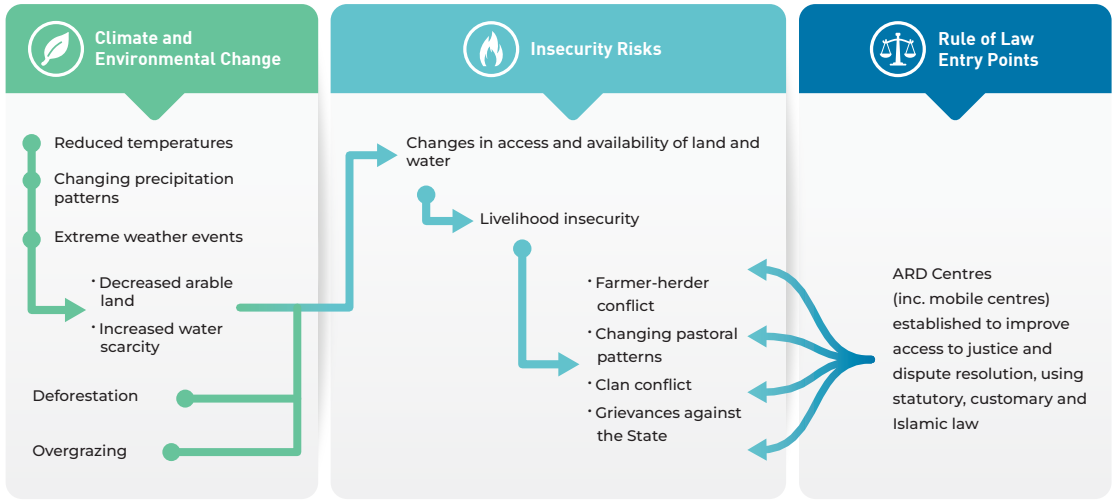
The next phase of the project, running to 2023, will implement activities in the pilot districts aimed at increasing the capacity of the *Abunzi*, NLA, and other land dispute resolution actors to contribute to resolving land-related disputes in a fair and efficient manner, including through the development of practice manuals, operating procedures and training materials focused on conflict resolution and mediation, family law, and gender-sensitive justice. A land dispute management system will be developed for the NLA and linked with the information management systems of other justice actors.

Awareness-raising activities will also be conducted to increase understanding by both justice seekers and relevant institutions of land rights and how to protect them, as well as of the role of the different land dispute resolution actors. Considering that climate change impacts aggravate land degradation and scarcity and, thereby, exacerbate land insecurity and conflict, the LCRP will contribute to strengthening Rwanda’s resilience to the effects of climate change and adaptive capacities. In the longer-term, strengthening land conflict management institutions, including through enhancing legal knowledge and adjudication capacities of *Abunzi* and NLA, will reduce and prevent climate change-exacerbated land insecurity and conflict.

**Case Study: Alternative Dispute Resolution (ADR) Centres in Somalia<sup>66</sup>**

<b>Country:</b>	Somalia
<b>Climate insecurity challenge:</b>	Increased competition over scarce land and natural resources, and deteriorating livelihood conditions
<b>Rule of law entry point:</b>	Establishment of ADR Centres

**Conceptual model:**



Somalia is experiencing significant increases in average temperatures, shifts in precipitation patterns, and a reduction in total rainfall due to the adverse effects of climate change. Existing fragility risks, such as the absence of effective state institutions, are aggravated by recurrent droughts that cause crop failures, food instability, livelihood loss, and large-scale internal displacement. Climate change, along with unregulated and unsustainable water and land use practices (e.g., deforestation for charcoal production and overgrazing) is exacerbating pressures on already scarce arable land and water resources. Growing herder-farmer competition over arable land and water is intensifying and becoming increasingly intractable, threatening peace and stability in many areas of the country.<sup>67</sup> Tension over access to land and water also fuels conflict among Somalia’s powerful clans.

IDLO contributes to rebuild Somali institutions undermined by violent conflict, promoting a peaceful and inclusive society for sustainable development, and enhancing the country's capacity to respond to climate-related inter- and intra-communal conflicts. Toward this end, IDLO has supported the establishment of 15 Alternative Dispute Resolution (ADR) Centres in Benadir (Hamar-Jajab, Hodan, and Karan) and Puntland (Badhan, Buhoodle, and Galkayo). The ADR Centres provide a space for peaceful resolution of conflicts by improving access to justice, using Somali statutory law, Somali customary law (*xeer*), and Islamic law (*shari'a*). Free redress for basic criminal and civil law disputes, including many disputes generated or exacerbated by the effects of climate change, is available to all justice seekers, and safeguards for the rights of marginalized groups such as women and children strengthened.

As the ADR Centres have gained expertise in resolving land disputes over the years, they have become a reliable dispute settlement mechanism for conflicts over land across communities in Benadir and Puntland. IDLO's recent assessment of six ADR Centres indicates that 23% of all justice problems addressed through the programme relate to land and immovable property; 17% of such cases were initiated by women justice seekers. IDLO-supported ADR Centres, including mobile centres, are in an especially favourable position to contribute to resolve climate-exacerbated land disputes between pastoralists and farmers. Notably, the overall level of user satisfaction is high. Justice seekers assess the services provided by ADR Centres as reliable, inclusive, fair, legitimate, transparent, and culturally responsive. Users indicated that they felt they could safely present their case (96%), that their needs and concerns were considered (92%), and that they had received necessary and valuable legal information (71%). Overall, 93% of users indicated feeling that justice had improved in their community since the opening of an ADR Centre.

# CONCLUSION

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**The interactions among climate change, conflict, and violence are complex.** There is no simple causal relationship between climate change and conflict, even though there is a growing confluence between fragility and vulnerability to climate change. Climate change is increasingly convergent with and compounds a range of other contextual factors which increase risks to peace and stability, such as land scarcity, pastoral mobility, and urban-rural migration. Climate change can aggravate drivers of conflict and function as a threat multiplier, and its effects can constitute root causes of conflict; conflict can also erode the resilience of communities to the effects of climate change.

Rule of law interventions described in the previous section and supported by the case studies can, in many contexts, act as effective means to address the effects of climate change on conflict and violence, including (among others) increased competition over land and natural resources, increase migration and changing pastoral mobility patterns, and deteriorating livelihood conditions. While managing climate insecurity risks will require action far beyond the rule of law sector, **the rule of law can serve as a robust framework for enhancing climate action and mitigating climate insecurity risks.** Policymakers and practitioners engaging in contexts affected by the nexus of climate change, insecurity, and conflict must develop and support holistic engagements integrating both climate adaptation and rule of law dimensions, with special attention to the participation and leadership of the most climate-vulnerable constituencies in climate-related decision-making.

There are specific approaches, policies, and tools in the rule of law sector that can contribute to reducing the threat of climate insecurity and conflict. Justice and inclusion are conflict preventive and must be at the centre of climate change analysis and response, foregrounding the rights, needs, and expectations of those most affected by climate change. **People-centered justice systems** can allow those most affected by climate change to claim their rights and seek redress for grievances. Key people-centred justice approaches to climate insecurity might include:

- Development of capacities in both the formal justice and CIJ systems to protect peoples' and communities' rights to land and natural resources and address climate-related disputes
- Legal empowerment and protection of civic space to enable people and communities to claim their environmental rights, with priority given to those most vulnerable to the effects of climate change, including women and girls, indigenous peoples, and climate migrants; and those disproportionately affected by conflict and insecurity, such as youth

The effects of climate change also challenge state effectiveness and legitimacy. These can be mediated by more **inclusive governance arrangements** based on the rule of law. Key inclusive governance approaches to climate insecurity might include:

- Strengthening frameworks for governance and the peaceful resolution of disputes over land and natural resources, to reduce conflict risks related to competition over scarce resources



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- Establishing effective, inclusive, and transparent institutions for climate-resilient development at local, sub-national, and national levels

**Climate-related threats to peace and security must be addressed through coherent multilateral action at all levels**, predicated on realization of the SDGs, especially SDG 13 and 16, and grounded in the 2030 Agenda’s pledge to leave no one behind. Justice must be rooted at the heart of conflict prevention. Successful rule of law approaches to climate-

driven insecurity will depend upon enhanced partnerships, both in support to grassroots initiatives and boosting partnerships at the international level in the area of climate and security; and increased funding dedicated to community-led or locally-driven initiatives climate justice initiatives.

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