

CLIMATE JUSTICE: A RULE OF LAW APPROACH FOR TRANSFORMATIVE CLIMATE ACTION

- As the world grows hotter, drier, and harder-hit by extreme weather events and the effects of sea level rise, prospects of achieving the SDGs are at risk.
- The people most vulnerable to the effects of climate change are those who already experience systematic exclusion and marginalization, and will be disproportionately affected. Women and girls, youth and children, indigenous peoples, and climate migrants will bear the brunt of the impact.
- Climate change will act as a threat multiplier, disrupting livelihoods, driving displacement and migration, intensifying scarcities of natural resources which can drive violence and conflict, and raising pressure on state-citizen relations and state capacity to advance development.



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What is climate justice?

Climate justice has been used to describe a wide range of legal and policy approaches to addressing climate change. At the core of this diverse set of definitions is the realization that issues of justice are inextricably linked to the causes of climate change and that addressing them must be an essential part of the solution. IDLO's approach to climate justice seeks to advance bold and ambitious climate action by:

- Linking human rights and development to tackle pre-existing vulnerabilities and inequalities contributing to and exacerbated by climate change.
- Prioritizing the most climate vulnerable to ensure that no one is left behind.
- Ensuring fair and inclusive climate decision-making, particularly for people and groups traditionally excluded from such processes.
- Investing in people-centered laws and institutions to enable ambitious climate action while equitably distributing costs and benefits of climate mitigation and adaptation measures.

Key elements to accelerate transformative climate action through rule of law approaches



Empowering the most climate-vulnerable people to realize environmental rights and actively participate in decision-making processes



Strengthening regulatory frameworks and institutional capacity for climate-resilient development



Improving governance of land and other natural resources with a focus on enhancing land rights and sustaining peace

POLICY RECOMMENDATIONS FOR TRANSFORMATIVE CLIMATE ACTION

1

Empower climate-vulnerable communities and people

Legal empowerment and protection of civic space can enable people and communities to claim their environmental rights, while inclusive policymaking ensures climate policies are informed by and more responsive to their needs. Priority must be given to the most climate-vulnerable: women and girls, youth and children, indigenous peoples and local communities, and climate migrants.

2

Invest in people-centered laws and institutions to promote transformative climate action

Effective, inclusive and transparent institutions, particularly in the justice sector, are essential for climate resilient development and the implementation of climate commitments. People-centered justice systems can foster an investment environment attractive to climate finance mechanisms, and allow those most affected by climate change to seek redress and claim their rights.

3

Champion feminist climate action and integrate gender-transformative approaches

States must work to better understand and address the different and disproportionate impact of climate change on women and girls, empower women to claim their rights, and integrate women's active engagement in climate decision-making at all levels, with dedicated support to women-led movements.

4

Strengthen prospects for sustaining peace and stability by preventing and resolving climate related disputes

Strengthening frameworks for governance of land and natural resources, and equitable access to both formal and customary and informal justice mechanisms, can help reduce conflict risks related to contestation over natural resources by preventing disputes and resolving them peacefully.

5

Engage with customary, informal and indigenous justice systems to protect biodiversity and promote sustainable use of natural resources

Customary, informal and indigenous actors that govern access to land and natural resources for many of the most climate-vulnerable people should be supported to enable inclusive climate action and facilitate the participation and leadership of indigenous peoples and local communities in climate action.

6

Harness the transformative potential of the rule of law to address the intersecting effects of climate change

The rule of law, as articulated in SDG 16, can serve as a powerful enabler for the institutional and policy transformations needed to address the complex transversal effects of climate change in areas like food and nutrition (SDG 2), health (SDG 3), gender equality (SDG 5), and climate action (SDG 13).

7

Mobilize global multi-stakeholder coalitions to accelerate climate action

Multilateral frameworks, including the SDGs and UN Framework Convention on Climate Change, can foster international cooperation and coordinated action on climate change and related challenges like conflict and migration.