

POLICY BRIEF

ENVIRONMENTAL HUMAN RIGHTS AS A TOOL IN EARLY WARNING AND CONFLICT PREVENTION: THE ROLE OF THE HRC

KEY MESSAGES

- Climate security is a newly emerged and complex concept that goes beyond the traditional concept of international peace and security, predominantly centered on armed conflicts. It encompasses the adverse effects of climate change, both slow and sudden-onset climate events, directly or indirectly impacting all human rights and escalating the risks of violence and conflict spillovers significantly.
- The Human Rights Council's prevention mandate presents a significant opportunity to play a key role in advancing and strengthening climate security, alongside other multilateral efforts within the UN system. This can be achieved, in particular, through its monitoring mechanisms, such as Special Procedures (both thematic and country-mandates) and the Universal Periodic Review.
- Environmental human rights, enshrined in the International Bill of Rights, along with the right to a clean, healthy and sustainable environment recognized in the resolutions adopted by the HRC and the UNGA, can serve as valuable tools in detecting the early warning signs of potential climate-induced conflicts.
- Special Procedures, referred to as the HRC's 'eyes and ears', stand out as crucial actors in strengthening the environmental human rights-based approach to addressing climate insecurities. They have the capacity to establish connections between environmental human rights, climate change and violent conflicts; and monitor and report on the respect environmental human rights to detect early signs and prevent potential climate-induced and resources-based conflicts.
- To become an effective prevention actor capable of addressing gaps in multilateral efforts to tackle climate insecurities, the HRC would need to overcome inherent limitations in the functioning of Special Procedures by: establishing a comprehensive nexus between climate change, environmental human rights violations and conflict; addressing the absence of mechanisms for timely assessment of gathered information on potential climate-related and resources-based conflicts; and enabling better opportunities for timely programmatic response.

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INTRODUCTION

Established in 2006, the Human Rights Council (HRC) stands as the primary UN body dedicated to promoting universal respect for human rights and addressing serious violations. Its mandate extends beyond responding to grave human rights violations, integrating a preventive approach that emphasizes the interconnectedness of development, peace, security and human rights. This preventive focus positions the HRC as an emerging actor in ensuring climate security, bolstering its crucial role in advocating for a human rights-based approach to climate action. Nevertheless, the HRC faces challenges in fulfilling its preventive and early warning role due to inherent limitations rooted in the system's capacity to collect, synthesize and on field-based information.

This brief explores the HRC's potential as an actor in the prevention of climate-related conflicts. Specifically, it examines whether the HRC's Special Procedures can effectively serve as early warning tools, filling gaps in existing apparatus. Specifically, it reviews their effectiveness in collecting and disseminating relevant and timely information for the early warning and prevention of environmental human rights violations, as well as their capacity to connect early warning to action, and cooperate with other relevant UN bodies.

CLIMATE CHANGE AS 'NON-TRADITIONAL' THREATS TO PEACE AND SECURITY

Starting in 2007, the concept of climate security has progressively penetrated the international peacebuilding and security agenda. In 2009, the Secretary-General highlighted the potential of climate change to spark social and political conflicts, especially in regions with low levels of human development and weak governance institutions.

Climate security expands on traditional notions, by emphasizing the multifaceted, complex, and "non-traditional" threats posed by climate change to peace and security. Specifically, climate change leads to a wide range of both slow and sudden-onset climate events that directly or indirectly impact human rights, thereby increasing the risk of violence and conflict spillovers.

MULTILATERAL EFFORTS TO ADDRESS CLIMATE SECURITY CHALLENGES

Addressing this global and multifaceted threat requires the coordinated involvement of various entities, including the United Nations Framework Convention on Climate Change (UNFCCC), UNSC, UNDP and UNEP.

Established in 1992, the UNFCCC has a primary objective: to stabilize the "greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" (Article 2). Serving as a crucial platform for international dialogue and cooperation, the UNFCCC addresses the challenges posed by climate change through annual COP meetings. Key achievements of this convention include the Kyoto Protocol and the Paris Agreement. The former introduces the crucial concepts of country vulnerability to climate change and the principle of common but differentiated responsibilities, while the latter poses a clear limit on the increase in global average temperature to well below 2°C above pre-industrial levels and aims to limit it to 1.5°C (Article 2).

The UNSC, the primary UN body responsible for international peace and security, initially resisted recognizing climate change as a threat to collective security. Clear disagreements emerged, with Small Island Developing States (SIDS) advocating for the recognition of climate change as a matter of collective security, and China, Pakistan and Russia contesting any extension of its mandate. However, a shift is apparent in the SC's stance, recognizing climate-induced events as potential triggers for violent conflicts, as resolutions on situations in Lake Chad, Somalia, West Africa and the Sahel, Mali and Darfur demonstrate.

In summary, both fora face inherent challenges in reaching a consensus for making effective and timely decisions advancing climate security. The SC's structure, granting veto power to permanent members (which are major historical greenhouse gas-emitters) and lacking inclusiveness for vulnerable countries, hinders its ability to effectively address climate risks. Additionally, the non-binding nature of COP commitments relies on the willingness of individual countries to implement their pledges. These shortcomings highlight the ongoing struggle to achieve a comprehensive agreement on actions that meet climate targets and balance the sometimes-contradictory interests of states. This situation raises questions about the role of the HRC in the multilateral

system and the potential need for new mandates to address gaps.

THE RISE OF ENVIRONMENTAL HUMAN RIGHTS IN ADDRESSING CLIMATE INSECURITY

Environmental human rights, emphasizing the crucial importance of the environment for human health, well-being and dignity, encompass a range of substantive and procedural human rights primarily rooted in provisions of the UDHR, the ICCPR and the ICESCR. A significant milestone was reached on 8 October 2021, when the HRC recognized the stand-alone human right to a clean, healthy, and sustainable environment, marking a notable shift from indirect to a direct protection. This human right includes various elements such as clean air, a safe climate, healthy and sustainably produced food, access to safe water and sanitation, non-toxic living environments, and the protection of ecosystems and biodiversity. This recognition was later affirmed by the UNGA in resolution 76/300 on 28 July 2022.

Both resolutions recognize climate change, along with environmental degradation, biodiversity loss and desertification, as major threats to the full enjoyment of all human rights by both present and future generations. By actively developing and monitoring compliance with environmental human rights, especially the right to a clean, healthy and sustainable environment, the HRC has the capacity to detect early signs of potential climate-related conflicts. This underscores the HRC's potential to play a crucial role in prevention and early warning.

THE ROLE OF HRC AS A PREVENTION AND EARLY WARNING ACTOR IN CLIMATE SECURITY

The Secretary-General has highlighted the role of existing HRC's mechanisms in conflict early warning:

HRC mechanisms “often identify early warning signs years before risks become imminent,” leaving it “well placed to recommend measures to prevent situations from escalating towards atrocity crimes and highlight situations that ought to be addressed by the Security Council”.

Unlike treaty mechanisms constrained by *ratione materiae* or *ratione loci* limitations, Special Procedures have the flexibility to address human rights issues or countries of their choice, benefiting from a unique scope to gather

data and report. This brief presents the findings of an assessment of reports submitted by thematic and country-specific Special Procedures from 2019 to 2023. It specifically focuses on thematic mandates directly concerned with climate security considerations, including the Special Rapporteurs on the Promotion and Protection of Human Rights in the Context of Climate Change (SR-CC); the Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment (SR-Env); the Right to Food (SR-F); the Human Right to Safe Drinking Water and Sanitation (SR-Wat); the Right to an Adequate Standard of Living (including housing SR-Hou), Violence Against Women and Girls its Causes and Consequences (SR-VAW); the Human Rights of Indigenous Peoples (SR-Ind); and the Human Rights of Internally Displaced Persons (SR-IDP). Moreover, it provides an analysis of reports submitted by all country-mandates: Belarus, Burundi, Central African Republic, Eritrea, Islamic Republic of Iran, Democratic People's Republic of Korea, Myanmar, Palestinian territories occupied since 1967, Afghanistan, Mali, Cambodia and Somalia.

The majority of these reports lack a comprehensive examination of the security implications of climate change. They briefly and sporadically touch on climate security issues, merely acknowledging, without deeper analysis, the interconnections between the adverse effects of climate change, environmental human rights and violent conflicts. For instance, the SR-Env highlighted the ‘social-environmental’ nature of conflicts, linking food insecurity and state-level fragility to conflicts. Similarly, the SR-Wat underscored such a nexus in relation to water security, providing examples from Iran and clashes between herders and farmers in Burkina Faso and Mali.

Some reports only indirectly link human rights to both climate change and violent conflicts. For instance, the SR-Hou did not explicitly link housing, climate change, and conflict, as the expert presented housing issues separately first in the context of climate change and then during violent conflicts. However, the SR-Hou referenced conflicts over natural resources and the militarization of indigenous territories as sources of housing insecurities. Similarly, the SR-Ind only indirectly linked the rights of Indigenous Peoples to climate change and/or violent conflict, noting only that displacement leads to conflict-related issues. However, in reports on country visits, the SR-Ind highlighted the extractive industry impact on conflicts between Indigenous Peoples', private actors and/or governments in Canada and Ecuador.

Few Special Procedures offer detailed analyses of climate insecurities in several reports, such as the analysis

provided by the SR-IDP on internal displacement within the context of slow-onset adverse effects. The report highlights increased human vulnerability and weakened adaptation capacity, exacerbating intercommunal tensions, violence and armed conflicts. Reports submitted by the SR-F acknowledge the symbiotic relationship between climate-induced weather events and armed conflicts, underscoring their role in exacerbating inequalities, environmental degradation, and mass displacement. The SR notes their “mutually reinforcing” effect in hindering the eradication of hunger and achieving food security. The SR-CC explores the interplay between climate events, displacement, and conflicts, noting climate-induced displacement as a frequent source of discrimination, violence, and persecution. The SR-VAW and the SR-Env, both highlighted the interconnections between women’s and girls’ rights, climate change and violent conflict. The SR-VAW went further, urging stakeholders to put additional efforts into understanding the nexus between violence against women, conflict, and climate change.

Country mandate holders offer a valuable opportunity to examine State’s vulnerability to the adverse effects of climate change and potential interplay with violent conflicts. While these mandates can provide tailored recommendations through an environmental human rights lens, they often underreport climate security issues. Reports on Belarus, Burundi, Central African Republic, Eritrea, Iran, North Korea, Myanmar, and Palestinian territories made no mention of climate-related concerns, likely due to the focus on other severe human rights abuses during conflict situations. Afghanistan, Cambodia, and Mali were exceptions, with some acknowledgment of climate change’s impact, but no comprehensive analysis.

In contrast, the Independent Expert on Somalia provided a comprehensive analysis of the interconnected issues involving conflict, environmental rights violations and climate insecurity. The report meticulously outlined how conflicts and the adverse effects of climate change, i.e. floods, droughts, and desert locust infestation, exacerbate the humanitarian crisis. Emphasizing the interdependence between civil and political rights and economic, social, and cultural rights, the expert concluded the likelihood of imminent famine and a long-term humanitarian disaster. The report noted various violations of environmental human rights, such as the right to a clean, healthy and sustainable environment, food, water, and sanitation, and the direct role of water scarcity in fueling violent conflicts. The analysis was substantiated by compelling data, revealing alarming levels of food insecurity, the profound impact of droughts on millions

of people, and inadequate conditions for displaced persons.

THE EFFECTIVENESS OF SPECIAL PROCEDURES AS A TOOL IN PREVENTION AND EARLY WARNING IN CLIMATE SECURITY

Special Procedures, insofar as they are tasked with reporting on the early warning signs of environmental human rights violations, have the potential to empower the HRC to respond promptly. The success stories of Special Rapporteurs’ contributions to the integration of human rights into climate negotiations emphasize the substantial impact they can make. While they may not serve as a standalone early warning mechanism, their contributions to a broader system and advocacy for security narratives underscore their importance.

However, this comprehensive review of Special Procedures’ reporting indicates a lack of consistent and detailed analysis of the climate-human rights-conflict nexus in all its forms and regions. Moreover, they do not sufficiently address existing or potential conflicts arising from competition for scarce resources. While thematic reports occasionally reference links between environmental human rights violations and violent conflict, the information lacks geographic comprehensiveness and granular detail, hindering reliable early warning.

To enhance the early warning role, fundamental efforts and changes in mandate assignment and conceptualization would be needed. Country mandates could include climate security concerns in annual reports, feeding a more comprehensive information pool. Moreover, the fragmented treatment of environmental human rights, conflicts and climate change could be replaced by a more integrated and holistic approach. Special Procedures, armed with tools like receiving individual complaints and issuing calls for inputs, occupy a unique position to identify at early stages situations at risk of escalating into violent conflict. However, these tools alone may not suffice, and collaboration with governments and UN bodies is crucial.

In terms of prevention, Special Rapporteur can contribute by raising concerns through communications, statements and urgent appeals. However, the lack of analysis in linking environmental human rights violations to climate security risks, along with lack of concrete prevention guidance, challenge the HRC’s prevention role. To improve this function, Special Procedures could integrate specific

and pragmatic recommendations into advocacy, leveraging their connection to civil society for crafting solutions. Alternatively, they might facilitate expert collaborations or disseminate good practices. The effectiveness of these measures would rely on their ability to translate concerns into actionable prevention strategies.

CONCLUSION

The challenges posed by climate security call for a comprehensive, holistic, conflict-sensitive and human rights-based approach, along with coordinated multilateral efforts. Environmental human rights emerge as a valuable tool for the HRC in addressing climate insecurities. In particular, Special Procedures serve as a mechanism to actively monitor the respect of environmental human rights, providing a unique opportunity to act as an early warning actor for climate security. However, for the HRC to effectively detect the early signs of climate-induced conflicts, it should adopt a proactive and prevention-focused approach in addressing environmental human rights violations. Four key challenges need to be addressed: the lack of a clear relationship between environmental human rights violations and conflict, insufficient granularity in the information collected by the Special Procedures, the absence of mechanisms for timely attention to potential conflict situations, and limitations in the HRC's capacity to mandate action.

RECOMMENDATIONS:

1. **Synthesize information:** Pooling the information relevant to climate security including by identifying patterns, analyzing cause-and-effect relationships, collecting good practices and feeding it to relevant multilateral organs.
2. **Evaluate Protocols for Emergency Monitoring:** Communicating negative trends in environmental human rights violations to the Council for additional and specific monitoring; exploring the utility of a bespoke mechanism within the HRC for tracking violations.
3. **Environmental Human Rights as Prevention:** Recognizing the implementation of environmental human rights by States as a potent conflict prevention tool. Monitoring country-level compliance by creating a dedicated mechanism or integrating this function into the UPR.

4. **Mainstream the Nexus:** Addressing the 'siloing' issue by incorporating environmental human rights into multilateral climate change initiatives, security discourse, and adaptation/mitigation programming.
5. **Close the Early Warning-Action Gap:** Complement early warning with early action by integrating specific recommendations into Special Procedures' advocacy, and establishing linkages with operational agencies like the World Food Program, Food and Agricultural Organization, UNEP and UNDP.
6. **Strengthen Understanding of the Nexus:** Facilitate a more sophisticated understanding of the climate security-environmental human rights-conflict nexus. Encourage participation from climate scientists, civil society, and affected populations in HRC sessions. Foster collaboration between the HRC and climate-mandated processes such as the UNFCCC and the IPCC for information exchange and expertise on climate-related security implications.

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