

## RESEARCH BRIEF

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

### EXECUTIVE SUMMARY

It has long been argued that the HRC is well situated to play an early warning-prevention role, thus bridging deficits in the existing peace and security architecture. Support for this can be identified across the UN system, from the 2016 Sustaining Peace resolutions, to the Secretary-General's 2020 Call to Action for Human Rights.

But as the world continues to be struck by violence, conflicts and breaches of international law, confidence in the HRC's early warning and prevention function has yielded to criticism. A chief concern is that the huge volume of material produced by Special Procedures lacks coherency and coordination. Specifically, because this work was not synthesized and analyzed, trend data cannot be extracted, rendering the Council either blindsided or permanently reactive.

Before moving too rapidly along this logic chain, it is important to interrogate whether or not the HRC actually has the tools for it to realize an early warning and prevention function efficiently and effectively. These tools should include, at a minimum, an evidence-based understanding of what human rights precursors to conflict need to be monitored, the scope and capacity to collect the range of data required, and the authority and resources to roll out interventions likely to deescalate conflict.

This paper considers these questions against the evolving notion of environmental human rights as component elements of climate security. Specifically, it examines whether the HRC's monitoring of environmental human rights has or might serve as an early warning tool to prevent these situations from spilling over into conflict. It does this by examining the reports produced by selected special procedures (8 thematic and 12 country-specific) from 2019 to 2023. It evaluates whether the information collected is relevant for early warning and prevention, whether it is communicated in a time-sensitive manner, and whether these actions are sufficient to generate a programmatic response.

The main conclusion is that a combination of under-resourcing and ignorance of 'in plain sight' deficits may have created unrealistic expectations around what the HCR can reasonably deliver. It is indeed the case that sudden and slow-onset climatic events compromise a range of human rights, which can then spill over into conflict. The work of Special Procedures has played an important role in setting out and building clarity around such connections. But the climate insecurity-environmental human rights-conflict nexus is not linear or predictable, and this problematizes the idea that an early warning system for climate security could be operationalized. More fundamental, even if environmental human rights violations could reliably predict conflict, the system lacks the methodologies and capacity to harvest information in a timely, geographically comprehensive and granular manner. This is not a malfunctioning of the Special Procedures system but a reality of how mandates are structured and resourced.

The conclusion is that if prevention through early warning is deemed important, criticism that the HRC is underperforming needs to be replaced with action geared towards empowering it with the range of tools required for it to perform this role effectively. Principally, a mechanism for systematically and comprehensively monitoring violations of environmental human rights, as well as contingent rights, would need to be established or mainstreamed across several Special Rapporteur. Data collected would need to be pooled and analyzed to identify trends as part of an iterative process to better unpack the cause and effect relationships in play. Moreover, findings would need to be further analyzed in terms of conflict risk and fed through to relevant organs with programming and conflict de-escalation mandates.

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## INTRODUCTION

The UN Human Rights Council was established in 2006 in response to dual imperatives. First, the yawning protection gaps exposed by the Rwandan and Srebrenica genocides, and second a growing realization that human rights violations and conflict coalesced and mutually reinforced.<sup>1</sup> Principally, the Council would provide a mechanism to respond quickly and consistently to gross violations of human rights. But it was also designed around a framework of conflict prevention through more effective early warning. The logic ran that if, by assessing state human rights performance against universally-recognized standards, risks could be identified, and deficits addressed prior to them spilling over into conflict. The mechanics intended to facilitate this were the Council's 'eyes and ears'— Special Procedures, Treaty Bodies and the Universal Periodic Review. Drawing on the work of these mechanisms, the Council could then take responsive actions, including calling out violations, issuing recommendations, and mandating investigations and fact finding missions.

In addition to logical appeal, the notion of the HRC playing a prevention role added internal coherence to the multilateral system. Indeed a peace and security architecture that could only react to events was not particularly satisfying, especially when the organ responsible for such reaction (the UN Security Council) lacked representative legitimacy and was oftentimes stalled.

And indeed, support for the HRC exercising a prevention function could be identified across the multilateral system. The 2016 Sustaining Peace resolutions adopted by the General Assembly and Security Council called out human rights as a UN prevention priority;<sup>2</sup> in 2018, the Secretary-General explicitly referenced the role of existing human rights mechanisms in conflict early warning;<sup>3</sup> and in 2020 the 'Call to Action for Human Rights' underscored that human rights are essential for building safe and peaceful societies.

But as the world continued to be struck by conflicts, rights abuses and breaches of international law, confidence in the HRC's early warning and prevention function yielded to criticism. Much of this relates to the Council's unequal treatment of human rights violations, depending on the implicated member state's power and alliances. This was most recently showcased by the non-continuation of the investigation on human rights abuses in Ethiopia's Tigray region, despite credible evidence of ongoing

atrocities crimes.<sup>4</sup> Another area of criticism was that the huge volume of material produced by Special Procedures lacked coherency and coordination. Specifically, because this work was not synthesized and analyzed, trend and early warning data could not be extracted, rendering the Council either blindsided or permanently reactive.<sup>5</sup>

But like many initiatives of the UN architecture, a combination of under-resourcing and ignorance of 'in plain sight' deficits may have created unrealistic expectations. So before giving up on this important function, it is important to interrogate whether or not the HRC actually has the tools it needs for it to realize an early warning and prevention function efficiently and effectively. These tools should include, at a minimum, an evidence-based understanding of what are the human rights precursors to conflict that need to be monitored, the scope and capacity to collect the range of data required, and the authority and resources to roll out interventions likely to deescalate conflict.

This paper considers these questions against the evolving notion of environmental human rights as the component elements of climate security. In other words, can the HRC's monitoring of environmental human rights compliance/violations by Special Procedures serve as an early warning tool to prevent these situations from spilling over into conflict?

A first conclusion is that sudden and slow-onset climatic events (e.g. drought) can indeed compromise human rights (e.g. food security) which then spill over into conflict (e.g. between groups competing for resources). The work of Special Procedures has played an important role in setting out and building clarity around such connections. The climate insecurity-environmental human rights-conflict nexus, however, is not linear or predictable, but instead dynamic and context specific. Whether a situation of food insecurity manifests in conflict will depend on factors including the intensity and duration of hunger, social and resource safety nets, intra-societal dynamics, and intersection with other rights violations. Even when such factors are taken into account, deciphering why a situation does or does not descend into conflict is far from an exact science. This problematizes the idea that a reliable early warning system for climate security that links environmental human rights to conflict spillovers could be operationalized. Indeed, it would need to be accepted that any model would never be fail-proof; at best, it might be able to identify situations worthy of closer monitoring.

A more fundamental issue is that even if environmental human rights violations could reliably predict conflict, the system lacks the methodologies and capacity to harvest information in a timely, geographically comprehensive and granular manner. Importantly, this is not a malfunctioning of the Special Procedures system but a reality of how mandates are structured and resourced. To produce the depth of data that could feed into a robust (albeit not fail proof) early warning system would require a specifically-mandated monitoring system with wide geographic breadth, over a range of environmental human rights, on a real-time basis.

A final point is that preventing a situation from spilling over into conflict means acting on early warning information. Not only do mandate-holders lack a mechanism to draw the Council's attention to degrading situations, but the Council — as a non-operational agency — has few tools by which to constructively intervene. This is further complicated by the institutional siloing of human rights, from climate mitigation and adaptation, and security — something that has resulted in a dearth of intersectorial approaches and action frameworks.

The conclusion is that if prevention through early warning is deemed important, criticism that the HRC is underperforming needs to be replaced with action geared towards empowering it with the range of tools required for it to perform this role effectively. Principally, a mechanism for systematically and comprehensively monitoring violations of environmental human rights, as well as contingent rights, would need to be established or mainstreamed across several Special Rapporteur. Data collected would need to be pooled and analyzed to identify trends as part of an iterative process to better unpack the cause and effect relationships in play. Moreover, findings would need to be further analyzed in terms of conflict risk and fed through to relevant organs with programming and conflict de-escalation mandates.

If none of this was possible, it is not to say that Special Procedure mandates in areas relevant to climate security are not impactful. Their reporting has showcased the causal and mutually reinforcing links between the adverse effects of climate change, violations of environmental human rights, and conflict. The advocacy of particular mandate-holders has led to the integration of environmental rights into multilateral climate change initiatives, thus strengthening human rights-based climate actions, particularly at the national program levels. Finally, it is important not to overlook that the human right to a clean, healthy and sustainable environment — arguably the tool

with the highest potential for prevention gains — is an achievement of Special Procedures.

## **PART 1: THE RISE OF 'NON-TRADITIONAL' THREATS TO PEACE AND SECURITY**

### **1.1 CLIMATE SECURITY AS AN EVOLVING CONCEPT WITHIN INTERNATIONAL PEACE AND SECURITY**

The concept of climate security first emerged in 2007 during discussions on the intersection of energy, climate and security at the UN Security Council (UNSC).<sup>6</sup> In 2009, the UN General Assembly (UNGA) acted on a proposal made by the Pacific Small Island Developing States (SIDS),<sup>7</sup> and called on the UN Secretary-General to prepare a report on climate change and its possible security implications.<sup>8</sup> This report highlighted climate change as a potential source of social and political tensions, as well as armed conflicts in regions with low levels of human development and fragile governance institutions.<sup>9</sup> This assessment has since been confirmed by successive reports of the Intergovernmental Panel on Climate Change (IPCC)<sup>10</sup>, as well as anecdotally in the sharp increase in climate-induced extreme weather events, cementing climate security as an essential component of international peace and security.

The climate security concept is a departure from traditional understandings of and approaches to international peace and security.<sup>11</sup> It pushes back on the idea that insecurity is exclusively tied to armed conflict,<sup>12</sup> and likewise that national security can only be promoted through military, political, economic and diplomatic means.<sup>13</sup> Instead, it advocates a broader conceptualization which recognizes that increases in global atmospheric temperatures (driven primarily by fossil fuel consumption) cause a broad spectrum of both slow onset and sudden onset climate events, that in turn (directly or indirectly) negatively impact human rights, increasing the likelihood of violence and conflict spillovers. Finally, unlike conventional security concepts that typically involve tangible actors or sources of insecurity, climate insecurity presents as a complex and multifaceted threat. Specifically, it speaks to dynamic relationships between climate-induced stressors and their implications for the safety, well-being, peace and stability of States, communities and individuals.<sup>14</sup> To this end, in 2021, then-High Commissioner for Human Rights, Michelle Bachelet, termed climate change and its externalities such as resource scarcity a “non-traditional threat”<sup>15</sup> to peace and security, highlighting it as a root cause of intercommunal conflicts and the proliferation of small arms.

## 1.2 MULTILATERAL EFFORTS TO ADDRESS CLIMATE SECURITY CHALLENGES

Established in 1992 to stabilize the “greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system”,<sup>16</sup> the UNFCCC plays a crucial role in addressing the security implications of climate change. A primary function is to promote international cooperation and, through its negotiations, offer a platform for countries to craft strategies that limit emissions and adapt to the adverse effects of climate change. Its Conference of the Parties (COP),<sup>17</sup> is an annual forum where Parties gather to negotiate and make decisions on climate change mitigation and adaptation. The meetings also allow for a continuous assessment of progress, the sharing of best practices, and a recalibration of strategies in response to evolving scientific understandings of climate change and climate-related threats.

The adoption of the Kyoto Protocol and Paris Agreement represent the UNFCCC’s most significant achievements. The Kyoto Protocol introduced the concept of ‘country vulnerability’<sup>18</sup> to climate change, and emphasized the principle of common but differentiated responsibilities and respective capabilities.<sup>19</sup> The 2015 Paris Agreement aimed to “strengthen the global response to the threat of climate change” by committing to limit the increase in global average temperature to “well below 2°C above pre-industrial levels and efforts to limit the temperature increase to 1.5°C above pre-industrial levels”.<sup>20</sup> A further significant development took place at COP 27 in Sharm el-Sheikh,<sup>21</sup> with Parties deciding to create a fund dedicated to responding to loss and damage caused by climate change,<sup>22</sup> and emphasizing the need to establish early warning and climate information systems, especially in developing countries.<sup>23</sup> And while the outcomes of COP 28 arguably fell short of expectations,<sup>24</sup> the decisions made have been presented as marking “the beginning of the end”<sup>25</sup> of the fossil fuel era<sup>26</sup> and a step forward in terms of operationalizing the loss and damage concept.<sup>27</sup>

Another multilateral actor with a role in responding to climate-related security challenges is the UNSC — the principal body responsible for maintaining international peace and security. During its first debate on the matter in 2007,<sup>28</sup> Member States failed to reach a consensus around the Council’s role and mandate. Some countries, specifically SIDS, argued that climate change was a matter of collective security that justified a strong UNSC role. Others, notably China, Pakistan and Russia, contested that the mandate of the UNSC extended this far.<sup>29</sup> Time

has somewhat softened these divisions, with the UNSC increasingly acknowledging that climate-induced events, both sudden and slow-onset, are potential triggers for violent conflict. Resolutions addressing conflicts in Lake Chad, Somalia, West Africa and the Sahel, and Darfur, for example, have explicitly recognized the “adverse effects of climate change and ecological changes among other factors on the stability of the Region, including through water scarcity, drought, desertification, land degradation, and food insecurity.”<sup>30</sup>

While progress should be acknowledged, both the UNFCCC and UNSC face complex challenges in forging consensus around effective climate action. The UNSC’s operating structure — specifically the veto exercisable by its five permanent members, each major historical greenhouse gas emitters<sup>31</sup> — problematizes its ability to address climate risks, and underscores its lack of inclusiveness, particularly with respect to those States most vulnerable.<sup>32</sup> The main challenge for the UNFCCC is that COP commitments are non-binding. Progress thus depends on the willingness of individual countries to implement and enforce agreed-upon measures. Even then, the process has also struggled to foster agreement on actions that are sufficiently comprehensive to meet climate targets, and to strike a balance between the diverse needs and priorities of participating countries. This situation begs questions around the role of other actors<sup>33</sup> in the multilateral system, or whether new mandates need to be created to close gaps.

## 1.3 THE RISE OF ENVIRONMENTAL HUMAN RIGHTS

Emerging in parallel to the discourse on climate security sits the notion of environmental human rights. Arguably, all environmental human rights can be traced to provisions in the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Over the past few decades, however, there has been a discernable transition to recognizing specific and standalone rights around environmental themes.<sup>34</sup> A high water mark was reached on 8 October 2021, when the Human Rights Council recognized the right to a clean, healthy and sustainable environment.<sup>35</sup> This move was affirmed by the General Assembly in its adoption of resolution 76/300 on 28 July 2022.<sup>36</sup> This right has been interpreted broadly, encompassing rights to clean air,<sup>37</sup> a safe climate,<sup>38</sup> healthy and sustainable produced food<sup>39</sup>, access to safe water and adequate sanitation,<sup>40</sup> non-toxic environments in which to live, work and play,<sup>41</sup> healthy ecosystems and biodiversity.<sup>42</sup>

Also noteworthy is that both resolutions recognize climate change, along with environmental degradation, biodiversity loss and desertification, as among the “most pressing and serious threats to the ability of present and future generations to effectively enjoy all human rights.”

#### **1.4 ENVIRONMENTAL HUMAN RIGHTS AS A TOOL IN MULTILATERAL EFFORTS TO ADDRESS CLIMATE INSECURITY**

The HRC — with its mandate to promote and protect human rights, including environmental human rights — has been posited as an emerging actor in climate security. Key entry points include fostering rights-based approaches to climate action,<sup>43</sup> and preventing violations of environmental human rights that could manifest in conflict.<sup>44</sup> It may also be well positioned to close gaps around early warning, by detecting and communicating the initial signs of climate-related conflicts to relevant stakeholders. Indeed, the Secretary-General has explicitly emphasized the role of existing human rights mechanisms in conflict early warning and prevention.<sup>45</sup>

*HRC mechanisms “often identify early warning signs years before risks become imminent,”<sup>46</sup> 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”<sup>47</sup>*

The HRC’s ability to fulfil such roles is grounded in its function of monitoring and assessing human rights protection and compliance at the domestic level. This is done, inter alia, through Special Procedures — independent experts responsible for investigating and reporting on specific themes, including environmental human rights. Unlike treaty mechanisms, which require States’ acceptance and active participation in their implementation, Special Procedures are not limited *ratione materiae* or *ratione loci*, providing mandate-holders with unique scope to gather data and report.<sup>48</sup> Importantly, over the last decade Special Procedure mandates have been established with respect to human rights obligations in the context of climate change,<sup>49</sup> and on the enjoyment of a safe, clean, healthy and sustainable environment.<sup>50</sup>

Whether the information produced by Special Procedures is of such a nature that its synthesis could allow for the detection of the early signs of climate-induced conflicts, remains an open question. Moreover, the effectiveness of the HRC as a climate security early warning and response actor depends on various factors, including the timely collection and communication of information, its ability to bridge the gap between early warning and actionable

response, and cooperation with other relevant bodies such as the UNSC, UNGA and Office of the Secretary-General.

To answer some of these questions, this paper examines the reports produced by selected special procedures (thematic and country-specific) from 2019 to 2023 insofar as these address climate security. Specifically, it evaluates reports submitted by the Special Rapporteur 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 evaluates reports submitted by Special Rapporteur with country-mandates, namely: 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.

It aims to ascertain whether these reports effectively collect information that is relevant and useful for early warning and the prevention of environmental human rights violations, thus contributing to climate security. It also considers whether the information produced is communicated in a time-sensitive manner, and evaluates the information’s utility in terms of detecting trends or broader connections between environmental human rights violations and conflict spillovers. Finally, the paper presents concrete recommendations regarding the potential role of the HRC in early warning and the prevention of climate insecurity-driven conflict.

## **PART 2: EVALUATING THE ROLE OF HRC AS A PREVENTION AND EARLY WARNING ACTOR IN CLIMATE SECURITY**

### **2.1 REPORTING ON THE RIGHT TO A CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT**

The thematic reports submitted by the SR-Env, David R. Boyd, between 2019 and 2023 contain only a few general references to the terms conflict or security. In his 2022 report, he lists conflict as an underlying cause of hunger and state-level fragility.<sup>51</sup> ‘Social-environmental conflict’ is mentioned in his report on the non-toxic environment, and is described as tensions or disagreements between environmental human rights defenders and national authorities or private actors.<sup>52</sup> His report on a safe and stable climate<sup>53</sup> points to Somalia and Turkana County in Kenya as examples of where climate change, together with conflicts, have caused or exacerbated “food insecurity, loss of livelihoods, infrastructure breakdown and loss of access to essential services including electricity, water, sanitation and health care”.<sup>54</sup> Referring to the Secretary-General’s report on women, peace and security,<sup>55</sup> the Special Rapporteur highlighted that climate change, together with biodiversity loss and pollution, increases the risk of conflicts. This is particularly the case “in fragile States that are ill-equipped to confront these environmental crises — posing serious threats to peace and national security”.<sup>56</sup> He further highlighted that “overlooking the security implications of climate change can jeopardize peace, adaptation and gender equality”.<sup>57</sup>

### **2.2 REPORTING ON THE RIGHT TO FOOD<sup>58</sup>**

The reports of the SR-F, Michael Fakhri, have recognized that climate-induced weather events and armed conflicts have a symbiotic relationship in that both exacerbate inequality, drive displacement, degrade land and water ecosystems, and undermine sustainable development.<sup>59</sup> Armed conflicts, natural disasters and extreme weather events likewise serve as mutually reinforcing obstacles to eradicating hunger and achieving food security.<sup>60</sup> To illustrate, the Special Rapporteur cited the war in Ukraine, drawing specific attention to how conflicts drive fluctuations in international markets, carrying over to impact countries’ food import and export capacity.<sup>61</sup>

The Special Rapporteur has welcomed a broader recognition of these connections, drawing particular attention to the 2022 COP 27 held in Sharm el-Sheikh, where food security was “finally included in the climate

agenda”.<sup>62</sup> He also applauded the report of the SR-Env on reducing the environmental impacts of food systems, as a step towards a more integrated understanding of human rights interplay.<sup>63</sup>

### **2.3 REPORTING ON THE RIGHT TO WATER AND SANITATION<sup>64</sup>**

The reports of the SR-Wat note that climate change and water insecurity have contributed to competition over available water flows, ecological and socioeconomic breakdowns, displacement, violence and the delegitimization of institutions at the local, national and international levels.<sup>65</sup> Violent conflict in regions along the Tigris and Euphrates rivers in the southern part of Iran, are referenced as cases in point.<sup>66</sup> Clashes between Fulani herders from Burkina Faso and Bambara and Dogon farmers from Mali, particularly over the Inner Niger Delta<sup>67</sup>, similarly illustrate how water can be a catalyst for the militarization of self-defense groups.<sup>68</sup> Reciprocally, the reports note how warfare strategies can include the exploitation of culturally-significant hydro-sources such as lakes, rivers, and springs.<sup>69</sup>

### **2.4 REPORTING ON THE RIGHT TO ADEQUATE HOUSING**

While the current SR-Hou has not explicitly connected housing, climate change and conflict, he has presented separate reports on the right to housing in the context of climate change<sup>70</sup> and in the context of violent conflicts<sup>71</sup>. Moreover, in his report on indigenous peoples<sup>72</sup> it is noted how conflicts over natural resources and the militarization of indigenous territories undermine their housing security.<sup>73</sup> Finally, although it falls outside of the analysis, it is noteworthy that the SR-Hou’s 2010 report highlighted how violations of the right to adequate housing “can both contribute to and result from armed conflicts and natural disasters”.<sup>74</sup>

### **2.5 REPORTING ON GENDER INEQUALITY AND THE RIGHTS OF WOMEN AND GIRLS**

Concerning the nexus between women’s rights, climate change and violent conflicts, the SR-VAW has affirmed that violence against women intersects with various sociopolitical factors, including armed conflict and resource scarcity.<sup>75</sup> Moreover, there has been insufficient recognition of the significance of climate change in relation to peace and human security.<sup>76</sup> As such, she recommended that “all stakeholders should strengthen understanding of the nexus between violence against women, conflict and climate change by examining the women and peace and security agenda and related national

action plans, as well as assessing security-related risk”.<sup>77</sup>

The SR-Env has also made significant contributions to understanding the interplay between the rights of women right to a clean, healthy and sustainable environment, climate change and violent conflict. He observed that armed conflicts are significant drivers of gender inequality and environmental degradation, leading to deteriorated rights and living conditions of women and girls.<sup>78</sup> The Special Rapporteur also homed in on how the adverse effects of climate change, such as floods, droughts, food and water insecurity, disproportionately impact women’s and girls’ rights, as showcased in Cameroon, Chad, the Niger and Nigeria.<sup>79</sup> He noted that the shrinking of Lake Chad<sup>80</sup> — which impacts around 25 percent of Sub-Saharan Africa’s population who rely on it as a source of water for farming and herding — has led to conflicts between pastoral herders and farmers, increasing the risk of violence against women and girls.<sup>81</sup>

## 2.6 REPORTING ON THE RIGHTS OF INDIGENOUS PEOPLES

During the period of analysis, the SR-Ind highlighted only indirect linkages to climate change and/or violent conflict. For example, it was noted that displacement from indigenous lands drives loss of livelihoods, and food and housing insecurity, both of which have been linked to conflict.<sup>82</sup> Following a visit to Canada, the Special Rapporteur highlighted extractive industry as among the root causes of conflicts between Indigenous Peoples, private actors and/or national governments.<sup>83</sup> Likewise in Ecuador<sup>84</sup>, the Special Rapporteur emphasized that government failures around recognizing Indigenous Peoples’ land rights has exacerbated large-scale extraction, leading to both conflicts and human rights violations.

## 2.7 REPORTING ON THE RIGHTS OF INTERNALLY DISPLACED PEOPLE

The SR-IDP, Cecilia Jimenez-Damary, examined internal displacement within the context of the slow-onset adverse effects of climate change in 2020.<sup>85</sup> She noted that such events increase people’s vulnerability and weaken their ability to adapt, exacerbating displacement factors and driving intercommunal tensions, violence and armed conflict.<sup>86</sup> She also noted the nexus between slow-onset events, violent conflict and human rights, including environmental human rights such as the right to housing, food, water and sanitation, and the disproportionate vulnerability of groups such as women, children, Indigenous Peoples, farmers, pastoralists, herders, fisherfolk and older persons. The previous SR-IDP

Chaloka Beyani, highlighted in 2011 that climate change, when interlinked with other social and political factors, can intensify the risk of conflict and thus displacement.<sup>87</sup>

The SR-CC has also explored the connections between climate events and displacement, highlighting that in 2019 approximately 1,900 disasters led to 24.9 million<sup>88</sup> new displacements across 140 countries.<sup>89</sup> Notably, this figure is three times higher than the number of displacements resulting from conflict and violence over the same period. He noted that among the many externalities stemming from climate-induced displacement, exposure to discrimination, violence and persecution are frequent.<sup>90</sup> To illustrate, he referenced flooding in Sudan which displaced hundreds of thousands of people, leading to conflicts between herders and farmers.<sup>91</sup>

## 2.8 COUNTRY MANDATES

Special Procedure country mandates create an opportunity to investigate a country’s vulnerability to the adverse effects of climate change, violent conflicts and potential interconnections at the local level. They can also provide tailored recommendations and strategies for addressing climate-related security issues through a lens of environmental human rights. The general finding, however, was that country mandate holders rarely address climate security issues. Indeed, reports by the Special Rapporteur on Belarus, Burundi, Central African Republic, Eritrea, Islamic Republic of Iran, Democratic People’s Republic of Korea, Myanmar, and the Palestinian territories occupied since 1967, made no mention of climate change-related concerns. Such underreporting is unlikely to be because such nexus issues are not present, but instead because during situations of high fragility, armed conflict or post-conflict peacebuilding, the focus tends to be on the gravest forms of human rights abuses, including loss of life, forced displacement, due process violations, torture etc.

The Special Rapporteur for Afghanistan, Cambodia, and Mali, did reference climate change, however without comprehensive analysis. Reporting on Afghanistan, the Special Rapporteur acknowledged that the severe humanitarian crisis affecting more than 29.2 million people can be attributed to “climate change and seismic activity, intensified by poor governance, the suspension of direct assistance and the almost total exclusion of half of the population in particular”.<sup>92</sup> Additionally, the adverse effects of climate change, such as droughts and floods, were identified as obstacles to girls’ access to healthcare exacerbating the effects of restrictive policies such as “mahram requirement” and the prioritisation of

expenses for food and fuel over healthcare. The Special Rapporteur on the situation of human rights in Cambodia, highlighted that challenges resulting from climate change could impact Cambodia's use and conservation of the environment, potentially affecting country's development.<sup>93</sup> Specific reference was made to the risk of conflicts resulting from competition over land and resources, exacerbated by the adverse effects of climate change, such as droughts and floods.<sup>94</sup> The Independent Expert on the situation of human rights in Mali expressed concern regarding the country's extreme vulnerability to climate change, noting that droughts, heavy rainfalls and floods, increase the risk of conflict between pastoralists, fishermen and farmers.<sup>95</sup>

In contrast, the report of the Independent Expert on Somalia demonstrates the high value of analysis that unpacks the interconnections between conflict, environmental rights violations and climate insecurity. The expert explained in detail how the humanitarian crisis<sup>96</sup> in the country was being exacerbated by conflict, insecurity, climate change impacts including floods, droughts, desert locust infestation, and the coronavirus disease (COVID-19) pandemic:<sup>97</sup>

*“... the high numbers of civilian casualties, the increasing number of incidents of violence against women and children, the growing hunger, and the malnutrition and abject poverty of youth, minorities and marginalized communities and persons with disabilities are overwhelming, due to conflicts, (...) recurring drought, exacerbated by the existential threat of climate change. This situation illustrates the interdependence and indivisibility of civil and political rights and economic, social and cultural rights in the context of the conflict and climate disaster, which could lead to imminent famine and long-term humanitarian disaster”.*<sup>98</sup>

The Expert also referenced breaches of various environmental human rights, including to a healthy environment, food, water and adequate sanitation. Water scarcity, for example, was identified as a direct cause of violent inter- and intra-clan conflicts.<sup>99</sup> The expert supported this analysis with compelling data, noting that 7.1 million people (equivalent to 45 percent of the population), suffered from food insecurity, 7 million people were affected by drought, and 918,000 displaced persons had inadequate shelter, food and water security, and little access to healthcare.

## THE UNIVERSAL PERIODIC REVIEW AS PART OF THE EARLY WARNING-PREVENTION FRAMEWORK?

The Universal Periodic Review is a peer-led assessment of the human rights record of all 193 UN Member States taking place every 4.5 years. A review of this reporting over the 2019-2023 period demonstrates a discernable trend towards incorporating environmental rights and climate issues into UPR evaluations. Prior to 2021 – the year the HRC recognized the right to a clean, healthy and sustainable environment<sup>100</sup> – references are quite general, and extended mainly to component elements such as food and water insecurity.<sup>101</sup> Post-2021, the climate-human rights nexus is dealt with more consistently and in greater detail. States that are particularly vulnerable to climate change seem to be leading this evolution. Fiji,<sup>102</sup> for example, is developing a strong track record of recommending that States under review strengthen their policies on climate change mitigation-adaptation and environmental protection.<sup>103</sup> Likewise the core group of Costa Rica, Maldives, Morocco, Switzerland and Slovenia, consistently urges Member States to incorporate into legislation and implement the human right to a clean, healthy and sustainable environment.<sup>104</sup> Vulnerable countries equally draw attention to their efforts to combat environmental externalities as evidence of their action to implement human rights. Highlighting climate change as a threat to socioeconomic development, Zimbabwe<sup>105</sup> and Tonga,<sup>106</sup> referenced their introduction of mitigation-adaptation action plans and early warning systems respectively. Most noteworthy is the countries that have explicitly linked environmental human rights, climate insecurity and conflict. During the 49th HRC session, Samoa recognized climate change as a “persistent existential threat”,<sup>107</sup> while Saint Vincent and the Grenadines<sup>108</sup> identified climate change as a significant exacerbating factor in conflicts and posited that the UN peacebuilding architecture needed to adapt to the “new type of challenges that the world is facing”.<sup>109</sup>

In terms of contributing to or strengthening the HRC's early warning capacity, the UPR is a weak tool, mainly due to the long duration between country reviews. It is important to recognize however, that the implementation of the right to a clean, healthy and sustainable environment is arguably the best protection against related conflict spillovers. To this end, the UPR is stands to contribute in important ways. Principally, it provides a framework to evaluate the impacts of environmental rights violations on vulnerable populations, identify trends in the confluence between such violations and conflict, and monitor progress in States efforts to implement their obligations with respect to environmental human rights. More systematic examination of the component elements of this right, as well as climate change adaptation and mitigation efforts, should be integrated into the UPR process.

## **PART 3: SPECIAL PROCEDURES AS A TOOL IN PREVENTION AND EARLY WARNING IN CLIMATE SECURITY?**

The HRC is endowed with a clear prevention mandate,<sup>110</sup> including to identify and address issues before they escalate into conflict. It follows that if Special Procedures report the early warning signs of emerging environmental human rights violations, the Council has the power, and indeed an obligation to “respond promptly”.<sup>111</sup> The question is whether, given the way that mandates are executed and reporting conveyed, the HRC can fulfil this role? If not, what changes would be required to support an effective early warning capacity that can be translated into preventative action?

### **3.1 ASSESSING SPECIAL PROCEDURES' INFORMATION GATHERING AND ANALYSIS FROM A PREVENTION AND EARLY WARNING PERSPECTIVE**

The above sections examined the reporting of Special Procedures whose mandates touch directly or indirectly on environmental human rights, as well as the 12 country mandate holders. The aim was to understand if Special Procedures are collecting the type of information relevant to the HRC playing an effective early warning and prevention role with respect to climate security spillovers.

Of the reports reviewed,<sup>112</sup> none invoked the term climate security, nor can the reporting be described as a consistent and/or comprehensive diagnostic of the climate-environment-conflict nexus in all its forms and in all countries. Indeed there are several examples of Special Rapporteur discussing a specific armed conflict without referencing climate change, despite this being a widely accepted driver; and vice-versa.<sup>113</sup>

Most thematic reports did reference a relationship between environmental human rights violations (including climate externalities) and violent conflict. Several detailed how the adverse impacts of climate change, such as water and food insecurity, manifested in conflict either directly (e.g. resource competition driving fighting between herder and farmer communities), or indirectly (e.g. climate-driven displacement causing opportunistic exploitation and violence). Other reports referenced how conflict drives violations of environmental human rights, as showcased in Ukraine's current state of heightened food insecurity. The exception is the report of the Independent Expert on Human Rights in Somalia, which specifically focused on the climate-environment-conflict nexus, thus delivering a vast amount of in-depth, high quality and unique insight.

Considering this reporting as a whole — specifically its geographic comprehensiveness and technical detail — the conclusion is that this is not sufficient to forewarn of the risk of climate or environment-driven conflicts in a reliable and timely manner. Nor is the analysis sufficiently granular and localized to inform an impactful prevention agenda. This is less of a criticism that an observation of the way Special Procedure mandates are configured. Rapporteur are non-remunerated, independent experts and as such do not receive direction from the HRC nor the Office of the High Commissioner for Human Rights. The subject issues they focus on are self-selected and thus may reflect their expertise, what is considered the most pressing human rights issue of the moment, or even a theme that they perceive as ‘forgotten’ or ‘neglected’.

Delivering the type and quantity of information required to support an early warning or prevention role at the HRC would thus require a fundamental change in how mandates are assigned and the purpose of Special Procedures conceptualized. This is not to say that such a shift is not possible. For example, country mandates might be asked to address climate security in their annual reports, even if this is not the overall subject of the report. The same might be applied to the SR-Env and SR-CC. Over time, this would enable a comprehensive pool of information from which trend data could be extracted.

Finally, it is not to say that Special Procedure reporting lacks utility from a climate security perspective. When pooled, the information gleaned shows that climatic, environmental and conflict phenomena connect and reinforce each other in predominately negative ways.<sup>114</sup> The principal value of Special Procedure reporting is thus that it contributes to a better understanding of the causal and mutually reinforcing links between the adverse effects of climate change, violations of environmental human rights (and component rights such as to food security and water security), and violent conflict.

### **3.2 ASSESSING HOW SPECIAL PROCEDURES CONTRIBUTE TO THE HRC'S ROLE AS AN EARLY WARNING ACTOR**

Special Procedures occupy a unique vantage point from which to identify and draw attention to situations where the adverse effects of climate change and/or violations of environmental human rights risk escalating into violent conflict.<sup>115</sup> Especially important is that rapporteur are empowered to receive individual complaints and issue ‘calls for inputs’,<sup>116</sup> providing them with an important communication channel to national civil society actors, environmental human rights defenders and affected

communities.

Whether such tools are sufficient for the HRC to service a standalone early warning function is unlikely, but it could play an integral role in a broader system. For example, it could feed relevant information to governments and UN bodies, including the UNSC, Office of the Secretary General, General Assembly, Peacebuilding Commission etc.

The main challenge is that environmental human rights, violent conflicts and the adverse effects of climate change are generally dealt with singularly as opposed to component elements of a broader problem. Careful advocacy has helped to soften these divisions. For example, the notion of environmental human rights has been recognized in some multilateral initiatives on climate change, largely due to the proactivity of the current SR-Env David R. Boyd, and his predecessor John Knox. Their work was pivotal in the 2015 Paris Agreement recognizing the necessity of a human rights-based approach to climate action. The preamble urges Parties to:

*“... respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”.*<sup>117</sup>

This move has significantly strengthened human rights-based climate actions and the integration of human rights into national determined contributions (NDCs).<sup>118</sup> A further example is how, in anticipation of the 27th COP to the UNFCCC, a group of Special Rapporteur released an official statement<sup>119</sup> urging States to integrate human rights standards and principles into climate negotiations and actions, and highlighting how climate change threatens a wide range of rights, including the right to life, adequate food, safe drinking water etc. This was undoubtedly impactful. The decision adopted<sup>120</sup> elevated the right to a clean, healthy and sustainable environment as the primary consideration when taking action to address climate change,<sup>121</sup> and incorporated food security into the climate agenda.<sup>122</sup>

Even in the highly sensitive area of cooperation and information sharing between the UN human rights and security pillars,<sup>123</sup> some Special Rapporteurs have managed to break ground. On 21 April 2022, the SR-Food addressed an Arria formula meeting of the Security Council on conflict and hunger,<sup>124</sup> emphasizing food insecurity as

a “cause and effect of armed conflict”, and the criticality of prevention.<sup>125</sup> Special Procedures can also be seen invoking security narratives in their reporting to the HRC. Referencing a 2011 Security Council debate,<sup>126</sup> the SR-IDP stressed the potential security implications of climate change undermining environmental human rights. He posited that this could worsen existing security issues, especially in already fragile and vulnerable areas, intensifying competition for natural resources and potentially impacting global economic stability.<sup>127</sup>

### **3.3 ASSESSING HOW SPECIAL PROCEDURES CONTRIBUTE TO THE HRC’S ROLE AS A PREVENTION ACTOR**

A final question is whether and how Special Rapporteur can contribute to the HRC preventing environmental human rights violations from becoming root causes of violent conflict. The best example of this in action again comes from the work of SR-Env David R. Boyd and John Knox. Their compilation of high-quality information and human rights analysis, enabled them to draw attention to emerging issues and potential crises, culminating in resolutions at the HRC and the UNGA.<sup>128</sup> While it remains to be seen how States will move forward in terms of implementation, the recognition of a human right to a clean, healthy and sustainable environment is arguably the strongest conceivable tool for actualizing prevention.

Other tools by which Special Procedures might contribute to prevention include raising their concerns through communications to governments, statements, press releases, urgent appeals and collective actions.<sup>129</sup> Such communications are often criticized for doing little to close the ‘early-warning action gap’, however. Specifically, they insufficiently link an environmental rights violation to a security risk, and lack concrete guidance with respect to the prevention actions required. The upshot is that Special Procedures could serve a more effective prevention role by integrating specific and pragmatic recommendations into their advocacy. In this regard, their link to civil society and other grassroots organizations — who are often best placed to craft solutions — is a powerful yet under-exploited opportunity. Alternatively, they might dedicate time and resources to convening experts that can forge solutions to the problems they raise, or collect and disseminate good practices.<sup>130</sup>

## **PART 4: CONCLUSION AND RECOMMENDATIONS**

Climate security is a relational process linking unsustainable resource exploitation, sudden and slow-onset climatic events, negative human rights externalities and conflict. Environmental human rights are critical to understanding and responding to climate security insofar as they unpack and give tangibility to these externalities by breaking them down into component elements: water insecurity, hunger, displacement etc. When understood in this manner, the HRC can be seen as uniquely positioned within multilateral system to respond to the challenges posed by climate insecurity. As standalone human rights, component elements can be monitored for compliance as part of a structural prevention framework. Moreover, when viewed as precursors to conflict, environmental human rights violations can serve as an early warning tool.

But while logically appealing, it does not necessarily follow that the Council's set up and functioning enables it to deliver on these ends. To this end, this paper sets out four stumbling blocks that would have to be overcome for the HRC to effectively and efficiently play the role of an early warning and prevention actor in climate security. A first challenge is that there is no clear and discernable relationship between environmental rights violations and conflict upon which to ground a reliable early warning-prevention function. A second challenge is that the HRC's Special Procedures — the mechanism set up to examine key thematic and country-level rights — does not collect information on environmental human rights violations at a sufficiently granular level to be of early warning value. A third challenge is the absence of mechanisms that would facilitate Special Procedures drawing the attention of the Council to situations that might spill over into conflict in a time sensitive manner. Finally, effective prevention requires that early warning be linked to early action. As an inter-governmental body, the HRC's willingness to engage will always be subject to political forces, and even then its capacity to mandate action is limited to non-programmatic measures.

In response to these challenges, the following recommendations should be considered:

### **1. Synthesis of information produced by Special Procedures**

The information produced by Special Procedures relevant to climate security spans numerous mandates, both thematic and country-specific. This information needs to be pooled and analyzed to identify trends, unpack cause

and effect relationships and collect good practices. Such extracted information needs to be further analyzed from a conflict sensitivity perspective and fed through to relevant organs in the multilateral system.

### **2. Evaluate protocols to trigger emergency monitoring**

It is unlikely that environmental human rights alone can serve as the basis of a reliable conflict early warning mechanism. Negative trends in environmental human rights violations could, however be communicated to the Council as situations that require additional and specific monitoring. Such violation tracking could not be done by Special Procedures as currently configured, but could be the responsibility of a bespoke mechanism within the HRC.

### **3. Environmental human rights as prevention**

The implementation of environmental human rights by States should be understood as the most effective conflict prevention tool. The HRC is well-situated to promote and monitor country-level compliance, either by creating a bespoke mechanism or (preferably) integrating such a function into the work of the Universal Periodic Review.

### **4. Mainstreaming the climate-environmental human rights-conflict nexus**

Environmental human rights, violent conflict and the adverse effects of climate change are generally understood as standalone phenomena as opposed to component elements of a broader problem. Such 'siloing' problematizes the HRC feeding relevant information through to other organs such as the UNSC, Office of the Secretary General, General Assembly, Peacebuilding Commission etc. To address this, environmental human rights should be incorporated into multilateral climate change initiatives, as a theme in the security discourse, and as a tool in adaptation and mitigation programming.

### **5. Closing the early warning-action gap**

To prevent climate insecurity from spilling over into conflict, early warning needs to be complemented by early action. Special Procedures could promote this by integrating specific and pragmatic recommendations into their advocacy, as well as through better linkages to operational agencies such as the World Food Program, Food and Agricultural Organization and UN Environmental Program.

## **6. Strengthening the HRC's understanding of the climate security-environmental human rights-conflict nexus**

A more sophisticated understanding of the cause and effect relationships between climate change, environmental human rights and conflict could be facilitated by encouraging the participation of climate scientists, civil society and affected populations in HRC sessions. Collaboration between the HRC and climate-mandated processes such as the UNFCCC and the IPCC, should also be used to promote the exchange of information and expertise on climate-related security implications.

## END NOTES

1 In fact, Secretary-General Annan explicitly linked the proposal for a HRC to peace and security, stating that, “while poverty and denial of human rights may not be said to ‘cause’ civil war, terrorism or organized crime, they all greatly increase the risk of instability and violence.”. Annan K., “In Larger Freedom: “In Larger Freedom”: Decision Time at the UN”, 25 April 2005, <<https://www.un.org/sg/en/content/sg/articles/2005-04-25/larger-freedom-decision-time-un>>. This relationship was recognized by the General Assembly in 2006 where it noted the “mutually reinforcing” interlinkages between development, peace and security, and human rights.

2 SC/12340 ‘Security Council Unanimously Adopts Resolution 2282’ (2016) on Review of United Nations Peacebuilding Architecture (27 April 2016) <<https://press.un.org/en/2016/sc12340.doc.htm>>.

3 Secretary-General, Report, « Responsibility to protect: from early warning to early action”, 1 June 2018, A/72/884-S/2018/525, p. 4. Moreover, it’s constituting Resolution (UNGA, “Human Rights Council”, A/RES/60/251) acknowledges a clear and mutually reinforcing connection between development, peace and security, and human rights, and moreover the significance of human rights within the UN system in realizing “collective security and well-being”.

4 <https://www.justsecurity.org/89012/un-human-rights-council-should-extend-investigation-commission-on-ethiopia/>

5 Some have given concrete guidance. A 2021 study for the UN General Assembly called on Special Procedures to become more oriented around early warning, ‘Study on the contribution of the special procedures in assisting States and other stakeholders in the prevention of human rights violations and abuses’, 13 October 2021, A/HRC/48/21. <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/286/27/PDF/G2128627.pdf?OpenElement>>.

6 Climate Security Expert Network, “Climate Security at the UN Security Council – a short history”, Climate Diplomacy, 18 January 2022. Available online: <https://climate-diplomacy.org/magazine/conflict/climate-security-un-security-council-short-history>. Day A., Harper E., “Climate change in the Security Council. Obstacles, Opportunities, and Options”, Research brief, Geneva Academy of International Humanitarian Law and Human Rights, United Nations University.

7 UN Secretary-General, “Climate change and its possible security implications”, (2009), A/64/350.

8 Federated States of Micronesia, Fiji, Kiribati, Nauru, Palau, Papua New Guinea, Republic of the Marshall Islands, Samoa, Solomon Islands, Tuvalu, Tonga and Vanuatu.

9 Ibidem, p. 6.

10 For example, the last report: IPCC, Working Group II contribution to the Sixth Assessment Report of the IPCC, Climate Change 2022. Impacts, Adaptation and Vulnerability. Summary for Policymakers, 2022, p. SPM-12. Available online: [https://report.ipcc.ch/ar6wg2/pdf/IPCC\\_AR6\\_WGII\\_SummaryForPolicymakers.pdf](https://report.ipcc.ch/ar6wg2/pdf/IPCC_AR6_WGII_SummaryForPolicymakers.pdf)

11 See also a scan of the literature on climate and security: Busby J., “The Field of Climate and Security: A Scan of the Literature”, Social Science Research Council, April 2019.

12 Barnett J., “Climate change science and policy, as if people mattered”, in Climate change, Ethics and Human Security, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 2010, p. 49; Thakur R., The United Nations, Peace and Security, Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA, 2006, p. 72; Day A., Harper E., “Climate change in the Security Council. Obstacles, Opportunities, and Options”, Research brief, Geneva Academy of International Humanitarian Law and Human Rights, United Nations University, p. 2.

13 UN, World Bank Group, Pathways for Peace. Inclusive Approaches to Preventing Violent Conflict, World Bank, Washington D.C., 2018. Available online: <https://openknowledge.worldbank.org/handle/10986/28337>

14 Mosello B., Destrijcker L., McMurray S. A., Roots for peace: Uncovering climate security in Haiti and what to do about them, adelphi Research Gemeinnützige GmbH, October 2023, p. 10.

15 UN High Commissioner for Human Rights, Statement at the Alpach Forum Human Security. Human Rights. Fundamental Rights, 31 August 2021.

16 Article 2 of the UNFCCC.

17 Article 7 of the UNFCCC.

18 Article 12 of Kyoto Protocol.

19 Article 10 of Kyoto Protocol.

20 Article 2 of the Paris Agreement.

21 COP, Decision /CP.27 “Sharm el-Sheikh Implementation Plan”, 20 November 2022.

22 See the recent disappointing developments regarding the Transitional Committee’s (TC), which is responsible for operationalizing the Loss and Damage Fund by COP28. These developments involve TC’s decision to delete the explicit references to human rights from the objectives of the Fund. Vandamme L., “Only two days left to get it right: a Loss and Damage Fund that promotes human rights”, CIEL Blog Post, 3 November 2023, accessible online: <https://www.ciel.org/only-two-days-left-to-get-it-right-a-loss-and-damage-fund-that-promotes-human-rights/>

23 The decision noted that given that “one third of the world, including sixty per cent of Africa, does not have access to early warning and climate information services”, ibidem.

24 CIEL, “COP28 Comment: COP28 Dubai Summit « People-Powered Progress and Fossil-Fueled Failure », 13 December 2023. Accessible online: <https://www.ciel.org/news/cop28-ciel-comment-cop28-dubai-summit-people-powered-progress-and-fossil-fueled-failure/>

25 Stiehl S., Speech of the UN Climate Change Executive Secretary at COP28 closing, <https://unfccc.int/news/we-didn-t-turn-the-page-on-the-fossil-fuel-era-but-this-outcome-is-the-beginning-of-the-end-un>

26 Given the outcome of the first global stocktake decision recognizing the need for a rapid and sustained reduction of 43% in global greenhouse gas emissions by 2030, compared to 2019 levels, COP, Decision /CMA.5 “Outcome of the first global stocktake”, 13 December 2023. [https://unfccc.int/sites/default/files/resource/cma2023\\_117\\_adv.pdf](https://unfccc.int/sites/default/files/resource/cma2023_117_adv.pdf)

27 Countries made financial commitments exceeding USD 700 million by the end of COP. Nevertheless, given the scale of loss and damages in vulnerable countries, additional financial commitments are required. For decision see, COP, Decision /CP.28 and /CMA.5, 28 November 2023, [https://unfccc.int/sites/default/files/resource/cp2023\\_09\\_cma2023\\_09.pdf](https://unfccc.int/sites/default/files/resource/cp2023_09_cma2023_09.pdf)

28 UNSC, Press release, “Security Council holds first-ever debate on impact of climate change on peace, security, hearing over 50 speakers”, 17 April 2007, New York. Accessible online: <https://press.un.org/en/2007/sc9000.doc.htm>

29 Vivekananda J., Day A., Wolfmaier S., “What can the UN Security Council do on climate and security?”, Climate Security Expert Network, adelphi, July 2020, p. 6.

30 UNSC resolutions: on Lake Chad, S/RES/2349 (2017); Somalia, S/RES/2408 (2018); West Africa and the Sahel, S/PRST/2018/16; Mali, S/RES/2423 (2018); Darfur, S/RES/2429 (2018). See on this matter, Vivekananda J., Day A., Wolfmaier S., “What can the UN Security Council do on climate and security?”, Climate Security Expert Network.

31 Evans S., “Analysis: Which countries are historically responsible for climate change?”, Carbon Brief, 5 October 2021, <https://www.carbonbrief.org/analysis-which-countries-are-historically-responsible-for-climate-change/>

32 Day A., Harper E., « Delivering the right to peace. Towards a strengthened role of the Human Rights Council in the UN’s peace and security architecture”, Research brief, Geneva Academy of International Humanitarian Law and Human Rights, United Nations University, October 2023, p. 2.

33 The United Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP) – while not directly engaged on climate security policy – play crucial leadership roles by providing technical assistance and policy advice on sustainable development, environmental conservation and climate justice. This assistance passes through the development of prevention, mitigation and adaptation programmes, advocacy with governments and coordination on matters related to violent conflict. Particularly noteworthy is UNEP’s contributions to investigating the implications of climate insecurity. See, UNEP, “Climate change and security risks”, <https://www.unep.org/explore-topics/disasters-conflicts/what-we-do/disaster-risk-reduction/climate-change-and-security>

34 A first acknowledgment is contained in the Stockholm Declaration (1972), Principle 1 of which states that there is a fundamental human right “to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being”, involving “a solemn

responsibility to protect and improve the environment for present and future generations." Over time, the notion of environmental human rights became more distilled: rights to enjoy "environmental conditions of a specified quality", including for human health, well-being, and dignity. In 2010, for example, the General Assembly recognized a right to safe and clean drinking water and sanitation; UNGA, Resolution « The human right to water and sanitation », 28 July 2010, A/RES/64/292. UNEP, *Environmental Rule of Law. First Global Report*, Nairobi, January 2019, p. 140. See: Atapattu S., Schapper A., *Human Rights and the Environment. Key Issues*, Earthscan from Routledge, New York, 2019, pp. 4-5; Ahuja N., Bruch C., Kreilhuber A., Maruma Mrema E., Pendergrass J., "Advancing human rights through environmental rule of law", in *Human Rights and the Environment. Legality, Indivisibility, Dignity and Geography*, May J.R., Daly E. (ed.), Elgar Publishing, Cheltenham, 2019, p. 16.

35 UNGA, "The human right to a clean, healthy and sustainable environment", A/RES/76/300, 28 July 2022; HRC, "The human right to a clean, healthy and sustainable environment", A/HRC/RES/48/13, 18 October 2021

36 UNGA, "The human right to a clean, healthy and sustainable environment", A/RES/76/300.

37 Special Rapporteur on human rights and the environment, Executive summary, "Clean air and human rights", A/HRC/40/55.

38 Special Rapporteur on human rights and the environment, Executive summary, "Human rights and a safe climate", A/74/161.

39 Special Rapporteur on human rights and the environment, Executive summary, "Human rights depend on healthy and sustainable food systems", A/76/179.

40 Special Rapporteur on human rights and the environment, Executive summary, "The global water crisis and human rights", A/HRC/6/28.

41 Special Rapporteur on human rights and the environment, Executive summary, "Human rights depend on a non-toxic environment", A/HRC/49/53.

42 Special Rapporteur on human rights and the environment, Executive summary, "Human rights depend on a healthy biosphere", A/75/161. See further, OHCHR, UNEP, UNDP, Information Note, "What is the Right to a Healthy Environment?", p. 9. See also, Donald M., *Human Rights and the Environment*, Academy Briefing N° 21, Geneva Academy of International Humanitarian Law and Human Rights, December 2022. See further Knox J. H., "The United Nations mandate on human rights and the environment", in *Human Rights and the Environment. Legality, Indivisibility, Dignity and Geography*, May J.R., Daly E. (ed.), Elgar Publishing, Cheltenham, 2019, p. 35.

43 The HRC is mandated to enhance the universal promotion and protection of all human rights "in a fair and equal manner" and to "address situations of violations of human rights, including gross and systematic violations".

44 Paragraph 5f of resolution 60/251, it should prevent human rights violations and promptly respond to human rights emergencies through dialogue and cooperation. See further Universal Rights Group, *Global Human Rights Dialogue 2017 (Glon IV)*, "How to operationalize the Council's 'prevention' mandate: the effective implementation of paragraph 5f of GA Res. 60/251", 2017.

45 Secretary-General, Report, « Responsibility to protect: from early warning to early action », 1 June 2018, A/72/884-S/2018/525, p. 4. Moreover, it's constituting Resolution (UNGA, "Human Rights Council", A/RES/60/251) acknowledges a clear and mutually reinforcing connection between development, peace and security, and human rights, and moreover the significance of human rights within the UN system in realizing "collective security and well-being".

46 Ibidem, p. 9.

47 Ibidem.

48 Some mandates are thematic – focusing on a specific right, a particular form of abuse or a specific segment of the human population – while others concern serious and systemic human rights concerns within a specific country. As of October 2022, there are 45 thematic special procedures, and 14 country-specific mandates (Afghanistan, Belarus, Burundi, Cambodia, Central African Republic, Democratic People's Republic of Korea, Eritrea, Iran, Mali, Myanmar, Palestinian territories occupied since 1967, Russian Federation, Somalia, Syrian Arab Republic).

49 The mandate was established by the HRC during the 48th session in October 2021 in its resolution 48/14. In March 2022, the HRC appointed Mr. Ian Fry as the first Special Rapporteur on the promotion and protection of human rights in the context of climate change.

50 The HRC established the mandate for the Independent Expert on Human Rights and the

Environment in 2012 through Resolution 19/10. Mr. John Knox was initially appointed for a three-year term, which was later extended until 2018. In March 2018, the HRC appointed Mr. David R. Boyd as the Special Rapporteur by resolution 37/8, and extended his mandate for another three years.

51 Special Rapporteur on human rights and the environment, "The human right to a clean, healthy and sustainable environment: a catalyst for accelerated action to achieve the Sustainable Development Goals", A/77/284, 10 August 2022.

52 Ibidem. Special Rapporteur on human rights and the environment, "The human right to a clean, healthy and sustainable environment: non-toxic environment", 12 January 2022, A/HRC/49/53, p. 12.

53 Special Rapporteur on human rights and the environment, Report, "Human rights and a safe climate", A/74/161, 15 July 2019.

54 Ibidem, p. 5. He similarly notes that climate change "interacts with poverty, conflict, resource depletion and other factors to cause or exacerbate food insecurity, loss of livelihood, infrastructure breakdown and loss of access to essential services including electricity, water, sanitation and health care", ibidem.

55 UN Secretary-General, Report "Women and peace and security", S/2021/827, 27 September 2021.

56 Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd, Report on "Women, girls and the right to a clean, healthy and sustainable environment", A/HRC/52/33, 5 January 2023.

57 Ibidem.

58 In addition to being an integral component of the right to a clean, healthy and sustainable environment, healthy and sustainable (i.e. adequate) food is recognized as a separate human right by the ICESCR. The FAO describes "healthy and sustainable food" as food that is of low environmental impact, protects biodiversity, ecosystems and the climate, and "contribut[es] to food security, and meeting the health and nutritional needs of current and future generations through culturally acceptable, accessible and affordable food"; Special Rapporteur on human rights and the environment, Report, "Healthy and sustainable food: reducing the environmental impacts of food systems on human rights", A/76/179, 19 July 2021.

59 Special Rapporteur on the right to food, Report, "Sustainable Development Goal 2 and the right to food", A/74/164, 28 October 2019.

60 Special Rapporteur on the right to food, Report, A/HRC/37/61, 25 January 2018.

61 Special Rapporteur on the right to food, Interim Report, « Right to food for food system recovery and transformation », A/78/202, 18 July 2023. This is further unpacked in a FAO-World Food Programme study, which identifies categories of countries particularly exposed to food security vulnerability. Among such countries there are countries of the highest concern (Afghanistan, Burkina, Haiti, Mali, Nigeria, Somalia, South Sudan, the Sudan, and Yemen), countries of very high concern (Central African Republic, the Democratic Republic of the Congo, Ethiopia, Kenya, Myanmar, Pakistan and the Syrian Arab Republic), and countries of high concern (El Salvador, Guatemala, Honduras, Lebanon, Malawi and Nicaragua); Food and Agriculture Organization of the United Nations (FAO) and World Food Programme (WFP), *Hunger Hotspots: FAO WFP Early Warnings on Acute Food Insecurity – June to November 2023 Outlook* (Rome, 2023), p. vii.

62 The new workplan included a reference to human rights for the first time.

63 Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd, Report, "Healthy and sustainable food: reducing the environmental impacts of food systems on human rights", A/76/179, 19 July 2021.

64 Water insecurity is often presented as a direct consequence of the adverse effects of climate change. SR-Env, David R. Boyd, for example, has drawn specific attention to "natural disasters and changes attributable to climate change, including droughts that have led to water rationing as well as intense rainfall and storms". Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, David R. Boyd, Country Visit to Saint Vincent and the Grenadines, A/HRC/49/53/Add.1, 4 March 2022.

65 Special Rapporteur on the rights to water and sanitation, Report, "Water as an argument for peace, twinning and cooperation", A/78/253, 28 July 2023.

66 Ibidem.

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67 Ibidem.

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90 The Special Rapporteur on the promotion and protection of human rights in the context of climate change offers an analysis that explores the consequences rather than the root causes of the nexus between climate change, rights of climate-displaced people and violent conflict. Notably, the Special Rapporteur focuses essentially on the consequences of displacement, addressing issues related to the legal status of climate-displaced people in host countries. For example, in line with the Office of the UN High Commissioner for Refugees (UNHCR), the Special Rapporteur highlighted that the combination of violent conflicts, the adverse effects of climate change and disaster events, may lead to the applicability of the Convention relating to the Status of Refugees of 1951 Report, "Providing legal options to protect the human rights of persons displaced across international borders due to climate change", A/HRC/53/34, p. 2.

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92 Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, Report, A/78/338, 1 September 2023.

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93 Cambodia currently holds the 144th position out of 190 countries in the Human Development Index issued by the UNDP. Special Rapporteur on the situation of human rights in Cambodia, Report, "Situation of human rights in Cambodia", A/HRC/48/79, 3 August 2021, p. 16.

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97 Independent Expert on the situation of human rights in Somalia, Report, Situation of human rights in Somalia, A/HRC/51/65, 19 August 2022.

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100 Before this, environmental human rights were discussed as component elements of States existing obligations under relevant international instruments like the ICESCR, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child.

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101 Examples include Benin and the right to food, 53rd HRC session, A/HRC/53/10, and Syria and the rights to food, water and sanitation, 50th HRC session, A/HRC/50/6.

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102 Fiji's contributions during the UPR sessions: to Jordan, A/HRC/40/10; to Nigeria, A/HRC/40/7; to China, A/HRC/40/6; to Ethiopia, A/HRC/42/14; to Brunei Darussalam, A/HRC/42/11; to Portugal, A/HRC/42/7; to Côte d'Ivoire, A/HRC/42/6; to the USA, A/HRC/46/15; to Liberia, A/HRC/46/6; to Rwanda, A/HRC/47/14; to Myanmar, A/HRC/47/13; to Mauritania, A/HRC/47/6; to Niger, A/HRC/48/5; to Saint Vincent and the Grenadines, A/HRC/49/10; to South Sudan, A/HRC/50/14; to Zimbabwe, A/HRC/50/9.

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103 For example, Vanuatu, at the 43rd HRC session, recommended that France strengthening its policies on climate change and environmental conservation to address the urgent and serious threat of climate change and protect the environment for present and future generations; France, A/HRC/54/5.

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104 Costa Rica, Slovenia and Maldives made such recommendations to following countries: United Arab Emirates, A/HRC/54/15; Israel, A/HRC/54/16; Liechtenstein, A/HRC/54/17; Japan, A/HRC/53/15; India, A/HRC/52/11; Poland, A/HRC/52/1; Indonesia, A/HRC/52/8; Iceland, A/HRC/50/7; Haiti, A/HRC/50/15.

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105 Zimbabwe, A/HRC/50/9.

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106 Tonga, A/HRC/54/6. The Joint National Action Plan on Climate Change and Disaster Risk Management 2018-2028 has garnered widespread approval, particularly from small island developing countries, such as Marshall Islands, Maldives, Vanuatu, Fiji. Additionally, countries such as Costa Rica, Indonesia, Singapore and Nepal have also expressed their support for this initiative.

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107 A/HRC/49/7.

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108 A/HRC/49/10.

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109 Letter from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council, 5 November 2020, S/2020/1090, p. 105.

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110 Paragraph 5f of GA Res. 60/251. Notably, the Manual of Operations of the Special Procedures of the HRC explicitly emphasizes the role of special procedures in providing “early warning” and promoting preventive measures, alerting United Nations organs, agencies, and especially, the HRC, as well as the broader international community, to the need of addressing specific situations and issues.

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111 Ibidem.

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112 SR-Env: “Human rights and a safe climate”, A/74/161, 15 July 2019; “Healthy and sustainable food: reducing the environmental impacts of food systems on human rights”, A/76/179, 19 July 2021; “The human right to a clean, healthy and sustainable environment: non-toxic environment”, 12 January 2022, A/HRC/49/53; Country Visit to Saint Vincent and the Grenadines, A/HRC/49/53/Add.1, 4 March 2022; “The human right to a clean, healthy and sustainable environment: a catalyst for accelerated action to achieve the Sustainable Development Goals”, A/77/284, 10 August 2022; “Women, girls and the right to a clean, healthy and sustainable environment”, A/HRC/52/33, 5 January 2023. SR-F: Report, A/HRC/37/61, 25 January 2018; “Sustainable Development Goal 2 and the right to food”, A/74/164, 28 October 2019; Interim Report, « Right to food for food system recovery and transformation », A/78/202, 18 July 2023. SR-Wat: “Water as an argument for peace, twinning and cooperation”, A/78/253, 28 July 2023. SR-Hou: “Report on the right to adequate housing, in post disaster and post-conflict reconstruction processes”, A/HRC/16/42, 20 December 2010; Report on the right to adequate housing of Indigenous Peoples, A/74/183, 17 July 2019. SR-VAW: “Violence against women and girls in the context of the climate crisis, including environmental degradation and related disaster risk mitigation and response”, A/77/136, 11 July 2022. SR-Ind: “Visit to Ecuador”, A/HRC/42/37/Add.1, 4 July 2019; Report on the rights of indigenous peoples living in urban areas, A/76/202, 21 July 2021; “Visit to Canada”, A/HRC/54/31/Add.2, 24 July 2023. SR-IDP: “Protection of and assistance to internally displaced persons”, A/66/285, 9 August 2011; “Human rights of internally displaced persons”, A/75/207, 21 July 2020. SR-CC: Report on initial planning and vision for the mandate, A/HRC50/39, 3 June 2022; Report, “Promotion and protection of human rights in the context of climate change mitigation, loss and damage and participation”, A/77/226, 26 July 2022; “Providing legal options to protect the human rights of persons displaced across international borders due to climate change”, A/HRC/53/34, 18 April 2023. SR-Afghanistan: Report, A/78/338, 1 September 2023. SR-Cambodia: “Situation of human rights in Cambodia », A/HRC/48/79, 3 August 2021; “Situation of human rights in Cambodia », A/HRC/51/66, 18 August 2022, IE-Mali, Situation of human rights in Mali, A/HRC/43/76, 15 January 2020, IE-Somalia, Situation of human rights in Somalia, A/HRC/42/62, 16 September 2019; Situation of human rights in Somalia, A/HRC/45/52, 24 August 2020; Situation of human rights in Somalia, A/HRC/51/65, 19 August 2022.

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113 The visit of the Special Rapporteur on the rights of migrants to Bangladesh and Niger considered the climate context, and security respectively, but not the interlinkages. Likewise, the report of the SR-Ind on Congo included references to climate change but not conflict, while his report on Ecuador referenced conflict but not climate change. Special Rapporteur on the human rights of migrants, Report, “Visit to the Niger”, A/HR/C41/38/Add.1, 16 May 2019; Special Rapporteur on the rights of indigenous peoples, Report, “Visit to Timor-Leste”, A/HRC/42/37/Add.2, 2 August 2019; Special Rapporteur on the rights of indigenous peoples, Report, “Visit to Ecuador”, A/HRC/42/37/Add.1, 4 July 2019.

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114 Indeed, in the annual report on the activities of special procedures presented at the 52nd session of the HRC noted seven cross-cutting themes, among which featured climate change, security and peacebuilding. OHCHR, Activities of special rapporteurs, independent experts and working groups of the special procedures of the Human Rights Council undertaken in 2022, including updated information on special procedures and information on the twenty-eight annual meeting of special rapporteurs, independent experts and chairs of working groups, A/HRC/52/70, 4 April 2023.

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115 OHCHR, Manual of Operations of the Special Procedures of the Human Rights Council, p.15.

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116 See: <https://www.ohchr.org/en/special-procedures-human-rights-council/reports-and-related-calls-input>

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117 Preamble of the Paris Agreement.

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118 OHCHR and CIEL, “Integrating Human Rights in Nationally Determined Contributions”. Toolkit for Practitioners, November 2022.

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119 “COP27: Urgent need to respect human rights in all climate change action, say UN experts”, OHCHR website, 4 November 2022.

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120 COP, Decision /CP.27 “Sharm el-Sheikh Implementation Plan”, 20 November 2022.

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121 “Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to a clean, healthy and sustainable environment, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”, *ibidem*.

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122 The new workplan included a reference to human rights for the first time.

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123 The 26th annual meeting of special procedures in 2020 highlighted the importance of collaboration between the UN offices in Geneva and New York to strengthen the preventive role of special procedures OHCHR, “Twenty-sixth annual meeting of special rapporteurs, special representatives, independent experts and chairs of working groups of the special procedures of the Human Rights Council, held in Geneva from 17 to 21 June 2019, including updated information on special procedures”, A/HRC/43/64, 20 April 2020, p. 12.

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124 OHCHR, Report of the Secretariat, “Activities of special rapporteurs, independent experts and working groups of the special procedures of the Human Rights Council undertaken in 2022, including updated information on special procedures and information on the twenty-eighth annual meeting of special rapporteurs, independent experts and chairs of working groups”, A/HRC/52/70, 4 April 2023, p. 10. See, Special Rapporteur on the right to food, Fakhri M., Opening brief, 21 April 2022, <https://www.ohchr.org/sites/default/files/2022-05/UNSC-Aria-Hunger-Conflict.pdf>

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125 Special Rapporteur on the right to food, Fakhri M., *ibidem*.

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126 See the related Security Council debate on 17 April 2007 (SC/9000), and A/HCR/10/61, paras. 61-63.

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127 Ibidem.

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128 See above on the right to a clean, healthy and sustainable environment.

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129 OHCHR, “Study on the contribution of the special procedures in assisting States and other stakeholders in the prevention of human rights violations and abuses”, A/HRC/48/21, 13 October 2021, p. 10. Also, OHCHR, “Early warning and economic, social and cultural rights”, E/2016/58, 13 May 2016, p. 11. They can send letters to the concerned states, outlining the specifics of a potential violation of environmental human rights, and request follow-up action. These communications can address individual cases, general patterns of violations, issues affecting specific groups or communities, and aspects of legislation, policy, or practice presumed inconsistent with international human rights standards. OHCHR, “Early warning and economic, social and cultural rights”, *ibidem*, p. 11.

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130 Moreover, special procedures have the capacity to collect best practices in safeguarding environmental human rights from around the world and provide relevant recommendations to countries to prevent their potential violations. Special Rapporteur on human rights and the environment, “Right to a healthy environment: good practices”, A/HRC/43/53.

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Homing in on six country hotspots for environmental conflict spillovers, we will also identify entry points for engaging at the UN Human Rights Council and UN Security Council, as well as strategies to overcome challenges to policy uptake.

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