

Mountain Seminar, the land beyond, Greece

International Environmental Laws and Climate Change:

Is There Global Climate Justice?

The Problem

Climate change is very real and we are approaching the point of no return. Therefore, action to address the adverse effects of global warming is urgently needed. In addition to the strong scientific evidence of serious and possibly irreversible environmental damage caused by anthropogenic climate change, the human impacts are also devastating. Climate change leads to uncompromising and dangerous zero-sum situations, as evidenced by many strong examples, and will potentially lead to profound insecurity and war if institutions are not in place and equipped to prevent this global problem. The burden of climate change is not distributed evenly - particularly in Africa and parts of Asia, which require greatly more resources in order to adapt to, and mitigate, the effects of climate change.

A Rights-Based Approach

International Human Rights Law has the potential to provide solutions for victims of climate change, but the framework must be strengthened. We need to identify and create a rights-based and legally-binding approach to redress climate change. Additionally, and related to this, the environment must be recognized as a fundamental right – not merely domestically, but also universally.

The Roles of Finance and Technology

Effective and targeted climate finance can empower the countries most burdened by climate change to take ownership in adaptation and sustainable development. To support these efforts, global financial resources must be diverted away from dangerous or unhelpful ends such as continued nuclear arms developments, and channeled towards the crucial needs of developing countries.

Energy transition is a key aspect of fighting climate change. The merging of the energy sector and climate change as an issue is a cause for optimism in that area of governance, as is the advancement of new technologies that can help to move us away from reliance on fossil fuels. Technology is also vital for promoting and continuing education to deal with climate change.

The Role of the State

Given the challenges posed by the international legal structure and the lessons learned in the recent past, the Paris Agreement has generated a complex but relatively familiar framework that States can work within in order to reduce greenhouse gas emissions together, which likely bodes well for the future.

Domestically, in passing the first rigorous climate change legislation in 2008, the UK has provided the world with a crucial opportunity to learn from its successes and failures – not least given its complex constitutional environment. The 2008 Climate Change Act is a useful model for how other States can implement legally binding targets to combat climate change.

Overall, a federalist-style structural arrangement that places a significant onus on localized action, not merely vertical hierarchical governance, can help us attend properly to the challenge of climate change.

Proposals and Suggestions

One unifying theme from our discussions on how to achieve climate justice was a strong desire amongst most expert participants to see an explicitly developed and recognized right to environment at the international level. Such a right could be actualized by the United Nations, and this may be best achieved through the empowerment and democratization of the UN and recognition of individual, not just State, rights. One suggestion, for example, was that a parliamentary assembly at the UN could aid in the recognition of environmental rights and governance of climate justice.

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