

The Role of Law and Governance in Advancing Climate Resilience and Climate Justice

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ABSTRACT

The climate of the earth changes constantly due to natural causes. Nonetheless, human activities contribute significantly to the change, which results in untold climate disaster. In fact, over the years, governments and successive governments of nations, especially developing nations have been lackadaisical about climate and the environment, generally. Moreover, in some countries, there are laws in place to advance climate resilience and climate justice, but implementation of these laws has been the challenge. Little efforts are galvanised into ensuring adequate protection of the environment against emission of hazardous substances into the atmosphere through exploration and exploitation, or implementation of adequate mechanisms to deal with continuous environmental and ecological disasters. Thus, as global warming impacts are felt all over the world, there is a need for the law to intervene, through the government and the legal community, in ensuring adequate protection of the environment for sustainable development, climate resilience and justice.

1.0 INTRODUCTION

There is no country in the world that is not experiencing first-hand, the drastic effects of climate change. Greenhouse gas emissions continue to rise, and are now more than 50 percent higher than their 1990 level. Further, global warming is causing long-lasting changes to our climate system, which threatens irreversible consequences if we do not take action now. The annual average losses from earthquakes, tsunamis, tropical cyclones and flooding amount to hundreds of billions of dollars, requiring an investment of US\$6 billion annually in disaster

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risk management alone.¹ One of the major aims of the United Nations Development Programme for sustainable development is to mobilise \$100 billion annually by 2020 to address the needs of developing countries and help mitigate climate-related disasters; helping more vulnerable regions, such as land locked countries and island states, adapt to climate change through effective resilient approaches and climate justice.

No doubt, climate change is a threat to the earth and sustainable development. Climate change is a major threat to agriculture. Where, how and when we grow food is vitally connected to our climate's normal patterns. Worldwide, farmers are struggling to keep up with shifting weather patterns and increasingly unpredictable water supplies. Farms are more likely to face attacks from weeds, diseases and pests, which reduce yield.² The reason climate resilience and justice would be contemplated is because of the catastrophic effects of climate change. Thus, climate change results in many environmental impacts beyond temperature increases, including sea level rise, melting glaciers and reduced snow cover, extreme weather events, erratic precipitation, droughts and flooding.³ The atmosphere is under undue pressure because of emissions of catastrophic substances to the air.

Meanwhile, the world has moved far away from the era when the main yardstick for measuring the level of administration of justice and good governance in any country was the ability of such country's government to guarantee and protect the natural rights of its citizens. Modern states' citizens have acquired new rights, which are as

¹ UNDP, 'Climate Action' available at <http://www.undp.org/content/undp/en/home/sustainable-development/goals/goal-13-climate-action.html> (accessed on October 17, 2017)

² Environmental Defence Fund, "Climate Change's Effects Plunder the Planet" available at <https://www.edf.org/climate/climate-changes-effects-plunder-planet> (accessed on October 11, 2017).

³ Centre for International Sustainable Development Law, "Law, Governance and Climate Change" available at https://www.cigionline.org/sites/default/files/workshop_lima_peru_2014_web_1.pdf (accessed October 12, 2017).

inalienable as those rights which nature endows on them. Increasingly important in some countries is the right to a decent and healthy environment.⁴ A number of existing human rights rely on a safe climate for their complete realisation. These include many civil, political, economic, social and cultural rights. For example, rights to life, health, adequate standard of living, property, self-determination and just and favourable conditions of work, may all rely on conditions of a safe climate.⁵

However, climate change must go hand in hand with efforts to integrate disaster risk measures into national strategies. It is still possible, with the political will and a wide array of technological measures, to limit the increase in global mean temperature to two degrees Celsius above pre-industrial levels. This requires urgent collective action.⁶ And, if efforts are not geared towards sufficient climate resilience and advancement in climate justice, the atmosphere together with the society would face undue impact as injustice anywhere is a threat to justice everywhere. The developing world, especially Africa is almost at the mercy of climate justice and the continent feels the impact of climate change the most as a result of little resilience efforts. It is essential that civil society groups and other institutions involved in climate adaptation activities have a strong and locally driven understanding of the vulnerability of the poorest and most at-risk communities. Poor governance and weak institutions are often cited as the main drivers of vulnerability, and lack of local participation and investment in community-based climate adaptation strategies are significant barriers to a community's adaptive capacity.⁷ Thus, it is important to increase awareness, beckon and even

⁴ Emmanuel Okon, 'The Constitution and the Protection of the Environment in Nigeria' in Epiphany Azinge and Adedeji Adekunle (eds), *Administration of Justice and Good governance in Nigeria* (NIALS, Lagos 2011).

⁵ Chiara Giorge 'Role of Nongovernmental Organizations in the Climate Change Negotiations' 9 *Colo. J. Int'l Envtl. L. & Pol'y* 115 (1998).

⁶ *ibid.*

⁷ Civil Society Guide to Healthy Rivers and Climate Resilience, available at <https://www.internationalrivers.org/sites/default/files/attached->

advise the government, civil societies, legal professionals, including even the private sector to develop adaptation solutions in line with the scale and scope of climate change. Therefore, it means that the burning issue of climate resilience and climate justice is for all to be involved in ensuring a peaceful and calmer world.

2.0 CONCEPTUAL CLARIFICATIONS

It is important to delimit the terms used in this work to properly situate the topic. Concepts like climate resilience, climate justice and climate migration would to some extent be clarified. The essence is to capture the full scope of the work and make the different sections interconnected.

2.1 Climate Resilience

Climate resilience means the capacity for a socio-ecological system to adapt, reorganise, and evolve into more desirable configurations that improve the sustainability of the system, leaving it better prepared for future climate change impacts.⁸ Also, climate resilience can refer to actions that either reduce climate impacts or respond to climate impacts. More specifically, resilience deals with reducing the vulnerability of natural and human communities to climate change impacts by strengthening their ability to deal with both ongoing and one-off disturbances generated by climate change (for instance, through improving local food security or energy access).⁹ Climate resilience is similar to adaptation and mitigation. These are ways to respond to climate change, in the sense that adaptation involves actions taken to counteract new or changing environmental challenges and reduce the vulnerability of human systems to the effect of climate change. It can take place in anticipation of an event or as a response to it; it includes adjustments through climate planning as well as

[files/intlivers_civilsocietyguide2013.web_.pdf](#) (accessed on October 19, 2017).

⁸ Wikipedia, 'Climate Resilience' available at https://en.wikipedia.org/wiki/Climate_resilience accessed (October 17 2017).

⁹ Supra note 8.

autonomous reactions by individuals and public bodies. The policy implications of adaptation relate to the specific risks that climate change poses to an area or sector and the practical steps needed to reduce those risks. The environmental impact of increases in heavy rain, for example, will not affect settlements on higher ground in the same way as it does on flood plains. Different adaptation, and policy responses are therefore required for different areas.¹⁰ Mitigation, however, deals with the causes of climate change and works to reduce man-made effects on the climate system. In contrast, adaptation makes changes to prepare for and negate the effects of climate change, thereby reducing the vulnerability of communities and ecosystems. By adapting to cope with the effects of climate change, communities, enterprises and institutions can build up their climate change resilience.¹¹

2.2 Climate Justice

Climate justice means trying to ensure that people and the planet are treated fairly in the ways in which we: a) try to reduce further climate changes, for example by cutting down the amount of fossil fuels we burn to produce energy (known as mitigation); and, b) adapt to the changes that bring about climate change, for example: by developing crops that are resistant to droughts where rainfall levels have dropped

¹⁰ Action on Climate Today, 'Mitigation, adaptation and resilience: climate terminology explained' <http://www.actiononclimate.today/act-on-information/mitigation-adaptation-and-resilience-climate-terminology-explained/> (accessed October 16, 2017). It further gave the relationship between adaptation and resilience thus: The benefit of adaptation is increased resilience at different levels: individual, community, organisation, country and global. For example, improving a road, so that it can withstand more severe flooding, increases the resilience of the community that uses that road. Likewise, improving emergency medical services strengthens community resilience to deal with more prevalent water-related diseases brought about by increased rainfall.

¹¹ *ibid.*

as a result of climate change (known as adaptation).¹² Climate justice, generally, entails established deserving punishment for offenders of environmental crimes.¹³ Environmental justice is fundamentally about social justice, pressing anthropocentric concerns for equitable sharing of burdens.¹⁴ Climate justice focuses attention on rights, opportunities and fairness. Climate justice links human rights and development to achieve a human-centred approach, safeguarding the rights of the most vulnerable people and sharing the burdens and benefits of climate change and its impacts equitably and fairly. Climate justice is informed by science, responds to science and acknowledges the need for equitable stewardship of the world's resources.¹⁵ Furthermore, climate justice encompasses respect for environmental rights, and violation thereof would ensure strict compliance with the "Polluter Pays" principle, i.e., companies, governments and individuals that are instrumental in causing global warming, environmental pollution and other climate disasters are to be mainly responsible for the consequences and damage.

2.3 Climate Migration

Climate migration involves people on the move as a result of climate stressors like drought, floods, storms, changing rainfall, heavy flooding, sea level rise and other environmental threats to seek refuge in another safe place of settlement. However, 'climate refugees' are not legally considered as refugees. 'Refugee' is a legal term which has a very specific meaning centring on a "well-founded fear of being

¹² The Geography of Climate Justice, available at <https://www.ria.ie/sites/default/files/the-geography-of-climate-justice.pdf> (accessed 18 October, 2017).

¹³ Environmental crime is the statutory offence involving or causing harm to the environment.

¹⁴ Mark Stallworthy, 'Sustainability, Coastal Erosion and Climate Change' (2006) 18 JEL 364.

¹⁵ MRF, 'Principles of Climate Justice' available at <https://www.mrfcj.org/principles-of-climate-justice/> (accessed 17 October, 2017).

persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”¹⁶ According to the 1951 Refugee Convention, people leaving their countries for reasons related to climate stressors may not be considered refugees because the Convention does not recognise the environment as a persecuting agent.¹⁷ The implication of this is that ‘climate refugees’ do not have a legal status that protects them. Thus, people fleeing from climate-related environmental impacts do not enjoy such protection. The effects of the stressors are that it makes their homes uninhabitable. These people could live anywhere in the world ranging from the Pacific island states such as Kiribati and Tuvalu that are dealing with sea-level rise. These have created widespread humanitarian crisis especially in Africa and Asia.

3.0 ADVANCING CLIMATE RESILIENCE AND CLIMATE JUSTICE

No doubt, the government, legal community and civil society groups have the finance and human resources to help mitigate the effects of climate change and ensure climate justice for sustainable development.¹⁸ Thus, they have huge roles to play in ensuring the world is a better place for everyone. There have been identified ways to advance and build resilience to the climate. The first is to reduce exposure; in the sense that there is a fundamental difference between

¹⁶ Art. 1, 1951 Refugee Convention. The Convention can be accessed via <http://www.unhcr.org/4ca34be29.pdf> (accessed 17 October, 2017).

¹⁷ UNU-EHR '5 Facts on Climate Migrants' available at <https://ehs.unu.edu/blog/5-facts/5-facts-on-climate-migrants.html> (accessed 17 October, 2017).

¹⁸ Sustainable development requires managing many threats and risks, including climate change. Because climate change is a growing threat to development, sustainability will be more difficult to achieve for many locations, systems, and populations unless development pathways are pursued that are resilient to effects of climate change. However, a number of studies recognise that not every possible response to climate change is consistent with sustainable development, as some strategies and actions may have negative impacts on the well-being of others and of future generations. See, Fatima Denton and Thomas Wilbanks, 'Climate-Resilient Pathways: Adaptation, Mitigation, and Sustainable Development' available at https://www.ipcc.ch/pdf/assessment-report/ar5/wg2/WGIIAR5-Chap20_FINAL.pdf (accessed 18 October, 2017).

climatic and non-climatic shocks;¹⁹ because most of the shocks on-farm can be reduced at the source, or limited in their extension, contrary to climatic shocks. Here, the best example is probably the eradication of rinderpest, which has totally suppressed a major risk for livestock and those depending on it. The second is to reduce the sensitivity of systems to shocks. Sensitivity to drought can, for instance, be reduced by using drought-resistant varieties or keeping stocks of hay and finally to increase adaptive capacity. This includes considering the modifications of a system, taking into account all the potential shocks and changes altogether (to take into account compensating, cumulative or exacerbating effects).²⁰

Those particularly susceptible to the adverse effects of climate change are the world's poor, 'low-lying and other small island countries; countries with low-lying coastal, arid and semi-arid areas or areas liable to floods, drought and desertification, and developing countries with fragile mountainous ecosystems.'²¹ Climate resilient pathways include strategies, choices, and actions that reduce climate change and its impacts. They also include actions to ensure that effective risk management and adaptation can be implemented and sustained.²²

Although insurance is an effective risk transfer instrument, it is far too seldom used in developing nations. Schemes can offer victims

¹⁹ The use of shocks is in consonance with the author's definition of resilience as: Resilience can be described as the capacity of systems, communities, households or individuals to prevent, mitigate or cope with risk, and recover from shocks. At first approximation, resilience is the contrary of vulnerability, but importantly it adds a time dimension to the concept: a system is resilient when it is less vulnerable to shocks across time, and can recover from them. See, Vincent Gitz and Alexandre Meybeck, 'Risks, Vulnerabilities and Resilience in a Context of Climate Change' available at <http://www.fao.org/3/a-i3084e/i3084e03.pdf> (accessed 17 October, 2017).

²⁰ *ibid.*

²¹ *ibid.*

²² Fatima Denton and Thomas Wilbanks, 'Climate-Resilient Pathways: Adaptation, Mitigation, and Sustainable Development' available at https://www.ipcc.ch/pdf/assessmentreport/ar5/wg2/WGIIAR5Chap20_FINAL.pdf (accessed 18 October, 2017).

compensation in the case of loss from climate change, and to some extent, climate injustice. This is particularly important for the poorest and most vulnerable countries and people, because extreme weather events such as hurricanes or droughts can threaten their very existence.²³ In addition, sustainable management, preservation, conservation and utilisation of natural resources culminate in environmental protection to advance climate resilience. The courts, legal practitioners, civil societies, the government can effectively press for climate actions thereby enhancing transparency, ensuring accountability of the perpetrators of climate injustice, and integrating human rights into climate actions. The UN Human Rights Council (HRC) has included climate change and human rights on its agenda, and has issued several resolutions in which they acknowledge that climate change is a threat to human rights.²⁴

In advancing climate justice, priority pathways to achieving climate justice have been identified²⁵ as:

- i. Giving Voice: The world cannot respond adequately to climate change unless people and communities are at the centre of decision-making at all levels – local, national and international. By sharing their knowledge, communities can take the lead in shaping effective solutions. We will only succeed if we give voice to those most affected, listen to their solutions, and empower them to act.
- ii. A New Way to Grow: There is a global limit to the carbon we can emit while maintaining a safe climate and it is essential that equitable ways to limit these emissions are achieved. Transforming our

²³ Climate-Related Loss and Damage: Finding a Just Solution to the Political Challenges. available at https://www.brotfuerdiewelt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Profil/Profil19_E_LossAndDamage.pdf (accessed 19 October, 2017).

²⁴ Human Rights Council Resolutions 7/23, March 28, 2008; 10/4, March 25, 2009; 18/22, September 18, 2011.

²⁵ Declaration on Climate Justice, available at https://www.wri.org/sites/default/files/declaration_on_climate_justice_0_0.pdf (accessed 18 October, 2017).

economic system to one based on low-carbon production and consumption can create inclusive sustainable development and reduce inequality. As a global community, we must innovate now to enable us to leave the majority of the remaining fossil fuel reserves in the ground – driving our transition to a climate resilient future.

To achieve a just transition, it is crucial that we invest in social protection, enhance worker's skills for redeployment in a low-carbon economy and promote access to sustainable development for all. Access to sustainable energy for the poorest is fundamental to making this transition fair and to achieving the right to development. Climate justice also means free worldwide access to breakthrough technologies for the transition to sustainability, for example, efficient organic solar panels and new chemical energy storage schemes.

iii. Investing in the Future: A new investment model is required to deal with the risks posed by climate change – now and in the future, so that intergenerational equity can be achieved. Policy certainty sends signals to invest in the right things. By avoiding investment in high-carbon assets that become obsolete, and prioritising sustainable alternatives, we create a new investment model that builds capacity and resilience while lowering emissions.

Citizens are entitled to have a say in how their savings, such as pensions, are invested to achieve the climate future they want. It is critical that companies fulfil their social compact to invest in ways that benefit communities and the environment. Political leaders have to provide clear signals to business and investors that an equitable low-carbon economic future is the only sustainable option.

iv. Commitment and Accountability: Achieving climate justice requires that broader issues of inequality and weak governance are addressed both within countries and at a global level. Accountability is key. It is imperative that Governments commit to bold action informed by science, and deliver on commitments made in the climate change regime to reduce emissions and provide climate finance, in particular for the most vulnerable countries.

All countries are part of the solution but developed countries must take the lead, followed by those less developed, but with the capacity to act. Climate justice increases the likelihood of strong commitments being made as all countries need to be treated fairly to play their part in a global deal. For many communities, including indigenous peoples around the world, adaptation to climate change is an urgent priority that has to be addressed much more assertively than before.

v. Rule of Law: Climate change will exacerbate the vulnerability of urban and rural communities already suffering from unequal protection from the law. In the absence of adequate climate action there will be increased litigation by communities, companies and countries. International and national legal processes and systems will need to evolve and be used more imaginatively to ensure accountability and justice. Strong legal frameworks can provide certainty to ensure transparency, longevity, credibility and effective enforcement of climate and related policies.

3.1 Role of Civil Society and Individuals

Civil society groups have been empowered to champion courses of climate in some countries. For instance, the European Union law confers many rights on individuals and non-governmental organisations (NGOs) to equip them to act as environmental watchdogs.²⁶ Moreover, as a part of global collective action, greater emphasis should be given to the role of diverse coalitions that are already emerging at the community, local, city, corporate and country levels and the vital role they play in mobilising actions. Some of these coalitions are already championing the solutions needed to solve the crisis and their effect can be maximised by supporting them to connect and scale up for greater impact.²⁷

Advocacy on behalf of the climate is ultimately advocacy on behalf of the billions of people whose lives depend on a healthy planet. The global climate is interconnected, both environmentally and socially.

²⁶ Aine Ryall, 'Access to Environmental Information in Ireland: Implementation Challenges' (2011) 23 JEL 45.

²⁷ *Supra*, note 26.

Fixing an interconnected world demands interconnected movement; anyone who believes that all individuals deserve basic human and civil rights should see the climate crisis as an imminent threat. The issue of climate resilience and climate justice apparently involves all hands to be on deck if not the threats climate change portends will persist. In the same vein, social or institutional assets within a determined society are needed. Partnership with other civil society groups and the government could be of immense help to facilitate climate resilience and fight for climate justice. For instance, PADELIA²⁸ seeks to assist African governments in building capacities for developing, strengthening, implementing and harmonising their environmental legislation.²⁹ The role of civil society groups can be further outlined below.

i. Accelerating Climate Action: Civil society groups should encourage decision-makers to explicitly adopt the precautionary principle when planning new projects that might have a large environmental or social impact. The precautionary principle is defined as where an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically.³⁰ Also, civil society groups can develop small-scale integrated river-basin projects that help promote climate resilience by helping vulnerable groups prepare for, withstand and recover from the negative effects of climate change. An integrated project, for instance, could be a micro-hydro project whose water is augmented by extensive watershed protection, and which recycles water coming out from the turbines to be used on croplands.³¹

²⁸ PADELIA means Partnership for the Development of Environmental Law in Africa. The overall vision is to enhance the capacity of African countries in building capacity for development, implementation and enforcement of environmental laws and to strengthen environmental institutions for sustainable development and poverty reduction.

²⁹ Nicholas Kimani, 'A Collaborative Approach to Environmental Governance in East Africa' (2010) 22 JEL 30.

³⁰ See note 8.

³¹ *ibid.*

ii. Enhancing Transparency and Accountability: Decision-making processes should follow widely accepted principles of good governance, chiefly: transparency, accountability and responsiveness. Groups can urge the government to recognise that the community groups that are most affected have a legitimate claim for being involved in decision-making processes. Decision-making processes should also be transparent, representative, timely and accountable; include avenues for affected parties and different interest groups to provide input including complaints; and ensure that dispute resolution processes are accessible and fair³² in order to attain climate justice and good governance in society.

iii. Integrating Human Rights into Climate Actions: Civil society groups can submit parallel reports on human rights and climate change to the appropriate authorities. Also, build coalitions with local groups to document and report human rights issues at the national level and bring them to the attention of international human rights mechanisms.³³ Furthermore, they can monitor, lobby, and support governments, businesses and other actors in implementation of climate commitments. For example, advocate inclusion of human rights in national adaptation plans and nationally determined contributions. Raise awareness of climate change and its human rights impacts and build capacity at the state and national level. Bring appropriate actions to human rights mechanisms and courts to flesh out state and business obligations related to climate change. Engage and collaborate with other relevant actors to improve understanding of crucial human rights issues such as: climate change, human mobility and complementary protection, the impacts of climate change on persons in vulnerable situations, particularly those experiencing

³² *ibid.*

³³ Summary of Recommended Actions on Human Rights and Climate Change from OHCHR Expert Meeting of 6 – 7 October'. Available at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKewig0fnMP7WAhWDYVAKHUmcAmEQfggIMAA&url=http%3A%2F%2Fwww.ohchr.org%2FDocuments%2FIssues%2FClimateChange%2FEM2016%2FSummaryRecommendations.docx&usg=AOvVawIFikbp5brRm_HJOK84TC95 (accessed 19 October, 2017).

intersecting forms of discrimination, and the responsibilities of businesses for climate-related human rights impacts. Bring appropriate actions before human rights mechanisms and courts to flesh out State and business obligations related to climate change. Sometimes the victims of the climate injustice may not have the opportunity to table their complaints to the appropriate authorities. Therefore, reporting incidences of violation to the human rights arm of the United Nations or Amnesty International would engage support of human rights mechanisms in this area for the poor victims.

iv. Improved Public Access to Climate Information: Organised civil society groups can, in their capacities, provide adequate information concerning climatic situations. Civil society groups could act as a tunnel between research institutes and the population, leading to a more direct dialogue. Arming themselves with such information, the government can better formulate policies and help the judiciary reason sagaciously in judgements for climate justice. Information could as well come through education of the masses about their rights to climate justice.³⁴

Individuals can play vital roles in climate resilience, as well. For instance, having adequate sewage system, the use of environmental friendly gadgets and equipment, reduction in burning of fossils and gases to the detriment of the environment, improving roads so that it can withstand flooding,³⁵ improvement of medical services in the community to deal with casualties in the event of climate change

³⁴ Article 3(4) of European Union Directive 90/313 on the freedom of access to information on the environment (OJ L 154, 56) provides that a public authority is to respond to a person requesting information as soon as possible and at the latest within two months and that the reason for a refusal to provide the information requested must be given. See, Vanessa Edwards, 'European Court of Justice – Significant Environmental Cases 2005' (2006) 18 JEL 163.

³⁵ For instance, the monumental floods that ravaged Benue and Ebonyi states of Nigeria were as a result of people building on waterways which hampered the free flow of water and thereby caused flooding.

disaster. Furthermore, it has been suggested³⁶ that individuals can walk, cycle or use public transport for journeys that do not need a car; take part in a car-sharing arrangement, especially during peak traffic times; consider replacing their cars with an electric or hybrid car; if you have a petrol or diesel engine car, try and fill up during the cooler hours of the day and keep your fuel-tank lid tightly sealed; accelerate gradually instead of over-revving; use cruise control when on the motorway; do regular engine tuning and car maintenance, e.g. change your oil filters regularly and repair any fuel leak. In addition, eat less meat and dairy products.³⁷

3.2 Role of the Legal Community

Courts provide a public forum for persons who are affected by climate change to have their concerns and claims heard and determined. Any person with a justiciable claim is entitled to bring proceedings in a court of competent jurisdiction and have it heard and determined. This accessibility is a hallmark of the judicial branch of government.³⁸ Thus, there are a number of cases which the courts have successfully handled as regards climate change. These are landmark cases that prove that the legal community has a fundamental role to play in

³⁶ Law and Your Environment 'Climate Change' <http://www.environmentlaw.org.uk/rte.asp?id=26> (accessed 12 October, 2017).

³⁷ The United Nations Food and Agriculture Organisation (FAO) estimates that livestock production (rearing animals for food) is responsible for 14.5 per cent of man-made global greenhouse gas emissions. The majority of emissions from this sector are from raising cattle for beef and from dairy farms. The Meat Free Monday campaign aims to raise awareness of the environmental and health benefits of reducing meat and dairy consumption, by encouraging people and restaurants to have at least one meat-free day a week. These helps reduce emissions caused by evaporation. For more, see: UNFOA, 'Tackling Climate Change through Livestock – A Global Assessment of Emissions and Mitigation Opportunities' available at <http://www.fao.org/3/a-i3437e.pdf> (accessed 19 October, 2017).

³⁸ Brian Preston, 'The Contribution of the Courts in Tackling Climate Change' (2016) 28 JEL 11–17.

ensuring climate resilient measures and climate justice. For instance, in *Urgenda Foundation v The Netherlands*,³⁹ the Hague District Court found that the Netherlands must do more to avert the imminent danger posed by climate change in view of its duty of care to protect and improve the living environment. In addressing the fact that Dutch contribution to global climate emissions is 0.5%, the Court said:

It has been established that any anthropogenic greenhouse gas emission, no matter how minor, contributes to an increase in CO₂ levels in the atmosphere and therefore to hazardous climate change.

In addition, the Court found a sufficient causal link ‘can be assumed to exist’ between Dutch emissions, global climate change, and the effects. The Court determined the Dutch government must reduce CO₂ emissions by a minimum of 25% (compared to 1990) by 2020 to fulfil its obligation to protect and improve the living environment against the imminent danger caused by climate change.⁴⁰

In *Julian v United States*,⁴¹ 21 youth plaintiffs and Dr. Hansen sued the federal government of the United States for allowing and encouraging increasing carbon emissions over the past 50 years, despite knowing about global climate change. The plaintiffs claim the federal government violated their constitutional due process and public trust rights and demanded that the government design and implement a plan to slash carbon emissions. The district court of Oregon held that there is a constitutional right to a safe climate for the youth of America and the world.

³⁹ C/09/456689/HA ZA 13-1396 (24 June, 2015) Hague District Court. For the full judgement, visit https://elaw.org/system/files/urgenda_0.pdf

⁴⁰ Case summary was culled from <https://elaw.org/nl.urgenda.15> (accessed 12 October, 2017).

⁴¹ Case No. 6:15-cv-01517. Filed 11/10/2016.

*Gbemre v Shell Petroleum Development Company of Nigeria*⁴² was an instance where an individual and community in the Niger Delta of Nigeria filed a suit in the Federal High Court of Nigeria against Shell and other major oil companies to stop gas flaring. Gas flaring in Nigeria has contributed more greenhouse gas emissions than all other sources in sub-Saharan Africa combined, as well as poisoning local communities. The court held that the gas flaring was a gross violation of constitutionally guaranteed rights to life and dignity. This was the first time that a Nigerian court applied the rights to life and dignity in an environmental case.⁴³ Petition to the Inter American Commission on Human Rights Seeking Relief from Violations Resulting from Global Warming Caused by Acts and Omissions of the United States: The Arctic Inuit filed a petition arguing that the impacts of climate change in the Arctic infringe upon the environmental, subsistence, and other human rights of Inuit. The Inuit sought a ruling from the Commission that the US must adopt mandatory limits on greenhouse gases and ‘...help the Inuit adapt to unavoidable impacts of climate change.’ The Inuit relied on the breach of the following rights set out in the American Declaration of Rights and Duties of Man: the right to life (Art. I), the right to residence and movement (Art. VIII), the right to inviolability of the home (Art. IX), the right to preservation of health and to well-being (Art. XI), the rights to benefits of culture (Art. XIII) and the right to work and to fair remuneration (Art. XIV). The Commission technically dismissed the Petition in December 2006. A hearing was however held in March 2007. No hearing report appears to have been published.⁴⁴

These decisions have inspired environmental lawyers in the same and several other countries to see if they have opportunities in their domestic courts to pursue similar litigation. The legal community should become much more active in the fight against the overwhelming problem of climate change. Though it remains unclear

⁴² (2005) AHRLR 151 (NgHC 2005)

⁴³ CJP, ‘Human Rights’ available at <http://climatejustice.org.au/issue/human-rights/> (accessed 20 October, 2017).

⁴⁴ *ibid.*

how the courts can enforce its ruling, it should still initiate a change and hopefully the other branches of government will follow suit.⁴⁵

Moreover, because court cases are often costly, cumbersome, technical and time consuming, the legal professionals can effectively use Alternative Dispute Resolution to serve as an essential function in attainment of justice, especially where loss and damage is involved. Conciliation and Mediation have both been known for many years in practically every community as methods of settling disputes by consensus rather than by adjudication. Meanwhile, Conciliation and Arbitration are similar in some jurisdictions, in others, they are distinguished. The common feature of the two is that the resolution of disputes is by consensus and entirely a decision of the parties and not of the third party, i.e. the Conciliator or Mediator. In both cases, a neutral person is appointed.⁴⁶

Creation of environmental dispute resolution mechanism to facilitate climate justice would be invaluable. The mechanism may include Conciliation, Mediation and even Arbitration. In Conciliation, climate infringement disputes may be settled between the disputing parties through consultation and negotiation. Conciliation is considered because it is probably a most speedy, flexible, inexpensive and efficient way of resolving environmental disputes, if the two parties are willing to reach a compromise. However, there is a high moral risk involved in Conciliation due to lack of external binding force between the parties.⁴⁷ The expectation in attaining climate justice is for the parties involved to experience speedy and cost-effective justice.

In addition, provision of *pro bono* services for climate justice could be of great benefit to society. Most victims of climate injustice are farmers, peasants, fishermen, rural dwellers; they may not have the

⁴⁵ Ina Quimosing and Eduardo Armas, 'The Role of the Judiciary in Climate Change' available at <https://law.stanford.edu/2015/10/11/role-judiciary-climate-change/> (accessed 20 October, 2017).

⁴⁶ Olakunle Orojo and Ayodele Ajomo, *Law and Practice of Arbitration and Conciliation in Nigeria*. (Mbeyi & Associates (Nig.) Ltd., Lagos 1999) p. 9.

⁴⁷ See generally, Yuhong Zhao, 'Environmental Dispute Resolution in China' (2004) 16 JEL.

financial wherewithal to undertake legal actions against climate injustice perpetrators such as multinational companies. Therefore, *pro bono* services could be a bedrock of advocacy for vulnerable groups and individuals in society by the legal community.

Furthermore, building capacity to undertake legal reforms is apt for both climate resilience and climate justice, although, legal reforms require appropriate institutional, technological, financial and human capacities. Capacity building refers to strengthening skills, competencies and abilities of people, as well as improving technological support to the reform process. These measures are often complementary instruments to legal reform and often attract international financing support.⁴⁸

3.3 The Role of Government

Most times, suits on climate violation are against the government. This is against the backdrop that there is an obvious duty on the State to protect its people.⁴⁹ The government through governance which involves reference to some notion of order, or a set of explicit or implicit normative proscriptions or rules about the way things ought to be,⁵⁰ can effectively make policies for adequate resilience and combat injustice. The government can integrate climate change measures into national policies, strategies and planning and promote mechanisms for raising capacity for effective climate change-related planning and management in least developed countries and small island developing states, including focusing on women, youth and local and marginalised communities, strengthen resilience and adaptive capacity

⁴⁸ UNEP, *The Role of Legal Instruments to Support Green Low-Emission and Climate-Resilient Development*
http://www.undp.org/content/dam/undp/library/Environment%20and%20Energy/Climate%20Strategies/LECRDS_Legal_Guide.pdf (accessed 12 October, 2017).

⁴⁹ For instance, *Section 14(2)(b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)* provides that the security and welfare of the people shall be the primary purpose of government.

⁵⁰ R Rhodes, 'The New Governance: Governing without Government' (1996) 44 *Pol Stud* 652.

to climate-related hazards and natural disasters in all countries. The government can build on existing development and human rights agreements, set up actions to slow climate change, back investment approaches to climate change to facilitate climate resilience and environmental justice.

The government, especially the African government should fight against dumping of hazardous waste on the continent which triggers climate change. One of such fights was when African countries wanted a complete ban on the export of hazardous wastes to developing countries through the decline to sign the Basel Convention,⁵¹ arguing that the Convention failed to address some basic issues.⁵² Administrative policies should be taken to cover protective and preventive measures to reduce potential harm in case of natural disasters and catastrophic accidents. Also, in view of security interest of its citizens, a high level of meticulousness should be required of the state in matters of environment which affect the climate.⁵³

The government has to help in improving our knowledge. Information about climate change and information about technical adaptation measures are typical public goods: the cost of generating the information has to be incurred once, whereas the information can be used at no additional cost. Without government intervention, too little information would be generated. More so, financing basic research in this area is one of the fundamental tasks for a central government.⁵⁴

Furthermore, the government has to provide the regulatory framework for insurance markets. The economic consequences of

⁵¹ Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

⁵² See, Bolanle Erinosh, *Environmental Law in Africa* (Kraft Books Ltd., Ibadan 2015) 90-91.

⁵³ K. J. de Graaf and J. H. Jans, 'The Urgenda Decision: Netherlands Liable for Role in Causing Dangerous Global Climate Change' (2015) 27 JEL 522.

⁵⁴ Kai Konrad and Marcel Thum, 'What is the role of governments in climate change adaptation?' available at <https://blog.oup.com/2014/07/government-adaptation-climate-change/> (accessed 20 October, 2017).

natural disasters can be cushioned through insurance markets. However, the incentives to buy insurance are often insufficient for several reasons. If the government wants to avoid being pressured for disaster relief, it has to make disaster insurance mandatory. And to induce citizens to the appropriate amount of self-protection, insurance premiums have to be differentiated according to local disaster risks.⁵⁵

3.4 International Community

The international community must continuously address the associated problem by deepening their understanding, determining and implementing actions, and agreeing on means of support. This would resemble the way that discussions continue on adaptation and mitigation, as awareness grows, and solutions are enacted.⁵⁶ At the international level and through the United Nations, it is crucial that leaders focus attention on climate change as an issue of justice, global development and human security. By treating people and countries fairly, climate justice can help to deliver a strong, legally binding climate agreement among nations. It is the responsibility of leaders to ensure that the developmental agenda and the UNFCCC climate negotiations support each other to deliver a fair and ambitious global framework for climate resilience and justice. Local and national leaders will implement these policies on the ground, creating an understanding of the shared challenge among the citizens of the world and facilitating a transformation to a sustainable global society.⁵⁷ International climate negotiations over recent decades have attempted to represent the plight of nations and groups most affected by climate change. Efforts have focused on providing funding from richer nations for climate

⁵⁵ *ibid.*

⁵⁶ Loss and Damage: Climate Reality in the 21st Century. available at <http://careclimatechange.org/wp-content/uploads/2015/11/Loss-and-damage-climate-reality-in-the-21st-century.pdf> (accessed 19 October, 2017).

⁵⁷ See note 26.

mitigation and adaptation, and addressing food and nutrition security, gender issues and access to renewable energies for all people.⁵⁸

In addition, the international community can call on both industrialised and developing countries to set climate and development targets. This would help in making sure that climate resilient measures are incorporated in their policies for a better environment.

In the area of addressing adequate insurance mechanism from the international community, a rapid expansion of insurance against climate-related losses in developing countries would be an important response to increasing risks. The G7's new Climate Risk Insurance Initiative, a German initiative, is a good start in this sense. Its success will depend to a great degree on whether intelligent public-private-partnership arrangements can extend insurance to the poor, which as a group cannot afford insurance and are not a primary target group for insurance companies.⁵⁹

The international community can develop a better advanced loss and damage system with human rights considerations, including the rights of persons displaced by climate change in mind, by ensuring that those who are negatively affected by climate change have access to remedies. Raise awareness and improve coordination and information-sharing between international human rights mechanisms, governments, media, civil society, the UNFCCC and other relevant actors. Establish mechanisms and processes to ensure effective communications and cooperation between various human rights bodies at all levels.

4.0 MECHANISMS FOR LOSS AND DAMAGE

As a result of failure to have resilient measures against climate change, loss and damage becomes the consequence. Loss and damage is the term used in climate policy for the worst impacts of climate change – those that go beyond people's ability to cope and adapt. It includes extreme events, like droughts and tropical storms, and slow-onset

⁵⁸ Operation Noah, 'Climate Justice Briefing' available at http://operationnoah.org/wpcontent/uploads/2015/03/ClimateJustice_Mar2015.pdf (accessed 18 October, 2017).

⁵⁹ See note 24.

events like sea-level rise, increasing temperatures, glacial retreat causing flooding and eventual drought, and desertification.⁶⁰ Climate Focus Client Brief on the Paris Agreement IV⁶¹ defines loss and damage as:

Sudden and slow-onset events of climate change – such as floods, hurricanes, sea level rise and desertification – cause harm in developed and developing countries alike. Conceptually, loss and damage arises when the adverse effects are not avoided through mitigation and adaptation (e.g. the impacts exceed adaptive capacities). In the UNFCCC context, loss and damage involves the development of approaches to address the effects of such events on the most vulnerable developing countries, who are recognised as bearing disproportionate costs from climate change, having both contributed the least to the problem and the least capacity to manage its negative impacts.

The best aspect of climate justice is the enforcement of mechanisms for accessing and proper award of damages and apportioning of loss to deserving parties. Meanwhile, in ensuring that these mechanisms are fully implemented, suggested areas include but are not limited to, enhancing knowledge and understanding of risk management approaches; strengthening dialogue, coordination, coherence and synergies among relevant stakeholders; enhancing action and support on loss and damage, including finance, technology and capacity building, etc. Many climate change researchers and practitioners argue that to best facilitate resilience-building, loss and damage action should aim to result in multiple benefits to nations and communities, such as sustainable development and poverty reduction gains.⁶²

⁶⁰ Keely Boom, Julie-Anne Richards and Stephen Leonard 'Climate Justice: The International Momentum towards Climate Litigation' available at <https://www.boell.de/sites/default/files/report-climate-justice-2016.pdf> (accessed 18 October, 2017) P. 8.

⁶¹ Climate Focus, 'Loss and Damage in the Paris Agreement' available at http://www.climatefocus.com/sites/default/files/20160214%20Loss%20and%20Damage%20Paris_FIN.pdf (accessed 16 October, 2017).

⁶² Alex Durand and Saleemul Huq, 'A Simple Guide to the Warsaw International Mechanism on Loss and Damage' available at <http://www.icccd.net/wp->

The Warsaw International Mechanism for Loss and Damage (WIM) was established at COP-19 (Conference of Parties) in 2013, WIM is the main institution under the UNFCCC⁶³ to address loss and damage associated with the impacts of climate change, including extreme and slow onset events, in developing countries that are particularly vulnerable to the adverse impacts of climate change. WIM has three key functions: (1) enhancing knowledge and understanding loss and damage and how to address it; (2) strengthening dialogue among relevant stakeholders; and (3) enhancing action and support on loss and damage, including in the areas of finance, technology and capacity building.⁶⁴ Whether WIM will be enough to meet the needs of vulnerable countries in managing the challenge of loss and damage will be judged over time. WIM is not (yet) meant to be an instrument for delivering much needed additional finance to poor countries and communities. However, it can lay the basis for a meaningful response from the international community.⁶⁵

4.1 Adequate Insurance Mechanism

The provision of adequate insurance mechanism can alleviate the plight of the victims of climate disasters. Thus, climate-risk insurance has the following potential benefits:

- a. It helps promote guaranteed, timely finance, and provides farmers with financial liquidity in the aftermath of extreme weather events and prevents the farmer from falling into the trap of poverty as a result of losses incurred due to climate impacts.
- b. Agricultural insurance results in stabilising income in the entire agriculture value chain, resulting in improved food security, secured

[content/uploads/2015/09/A-simple-guide-to-the-Warsaw-International-Mechanism.pdf](#) (accessed 17 October, 2017).

⁶³ UNFCCC means the United Nations Framework Convention on Climate Change

⁶⁴ Julia Kreienkamp and Lisa Vanhala, 'Climate Change Loss and Damage' available at <https://www.ucl.ac.uk/global-governance/downloads/policybriefs/policy-brief-loss-and-damage> (accessed 19 October, 2017).

⁶⁵ See note 57.

future food production and secured financing options as a result of stable income. Revenues for agricultural businesses (seeds, fertilizers) are also stabilised by sales to farmers and elaborated customer base as a result of subsidised insurance.

c. It facilitates risk management practices.

d. It is also transformative in terms of promoting a planned, systematic and well-designed approach to risk rather than ad-hoc crisis response.⁶⁶

Meanwhile, key limitations of insurance include: (1) it does not prevent or reduce the likelihood of direct damage and fatalities from extreme weather events; and (2) it is not always the most appropriate option to manage risks (for example, in terms of cost-effectiveness or affordability). These same limitations are potentially aggravated in a climate change context (i.e. more frequent and intense extreme events). Climate change also poses additional challenges for insurance, a point that further underscores the vital importance of disaster risk reduction. Two of these issues include: Potential un-insurability associated with increasing frequency and magnitude of extreme weather events and unsuitability of traditional insurance for longer-term foreseeable hazards like sea-level rise and desertification.⁶⁷

However, the government, legal community and civil societies should ensure the provision of insurance to climate change prone areas to increase surveillance, because insurance can be seen as an important tool for addressing climate change and disaster risk management, in addition to other prevention and security measures, such as development of a disaster modelling system beyond risk sharing and incorporation of risk management cycle into the government budget planning. When properly designed, the insurance system can be used

⁶⁶ Bond Development and Environment Group (DEG) 'Equitable, Effective and Pro-poor Climate Risk Insurance. Working Paper.' Available at https://www.bond.org.uk/sites/default/files/resourcedocuments/deg_climate_risk_insurance_august_2016.pdf (accessed 18 October, 2017).

⁶⁷ Munich Climate Insurance Initiative, 'Adaptation to Climate Change: Linking Disaster Risk Reduction and Insurance' available at <http://unfccc.int/resource/docs/2009/smsn/ngo/163.pdf> (accessed 21 October, 2017).

as a market-based instrument against moral hazards and influencing risk behaviour. It can also positively impact awareness raising and disaster proofing for adaptation actions and financial decisions.⁶⁸

4.2 Adequate Finance for Loss and Damage:

The government can legislate stiffer and stringent laws to help improve climate justice. For instance, in Nigeria, *Paragraph 8.1 of EGASPIN*⁶⁹ provides that ‘a spiller shall be liable for the damage from a spill for which he is responsible. Where more than one spiller is liable, the liability shall be joint and several.’⁷⁰

Some governments, especially in developing countries shy away from being signatories to international conventions. For example, The Paris Agreement.⁷¹ Therefore, other international treaties that are aimed at

⁶⁸ World Bank Group, ‘Insurance against Climate Change’, available at http://www.moew.government.bg/static/media/ups/tiny/file/Climate/Insurance_Against_Climate_Change.pdf (accessed 21 October, 2017).

⁶⁹ Environmental Guidelines and Standards for the petroleum Industry in Nigeria 2002. Published by the Department of Petroleum Resources (DPR). Paragraph 8.1, ‘Liability’

⁷⁰ Further, *Article 41 of Environmental Protection Law of China* provides that ‘those who have caused environmental population and damage shall eliminate harm and pay compensation to the units or individuals directly injured by the harm’

⁷¹ The Paris Agreement builds upon the Convention and – for the first time – brings all nations into a common cause to undertake ambitious efforts to combat climate change and adapt to its effects, with enhanced support to assist developing countries to do so. As such, it charts a new course in the global climate effort. The Paris Agreement’s central aim is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. Additionally, the agreement aims to strengthen the ability of countries to deal with the impacts of climate change. To reach these ambitious goals, appropriate financial flows, a new technology framework and an enhanced capacity building framework will be put in place, thus supporting action by developing countries and the most vulnerable countries, in line with their own national objectives. The Agreement also provides for enhanced transparency of action and support through a more robust transparency framework. Culled from United Nations Framework Convention on Climate Change, ‘Paris

building resilience and encourage fight for climate justice should be opted in by African countries, and are encouraged to participate actively.

The UNFCCC texts specify a wide range of elements of funding provision for loss and damage. The texts outline an assortment of approaches for preventing and dealing with loss and damage (including financial support for development of insurance schemes and risk transfer mechanisms, early warning systems, emergency preparedness measures, and so on). Additionally, the texts discuss the provision of financial support for parties' efforts to implement their own risk management strategies and for the financial support for international institutions.⁷² The bane has always been the full implementation of the provisions of the Convention. Therefore, member States are encouraged to give effect to those provisions.

In addition, innovative finance mechanisms could provide a viable way to mobilise predictable funding for loss and damage. The idea of a global carbon tax, a financial transaction tax, an international airline passenger levy or a fossil fuel extraction levy has received particular attention. On a global level, however, these mechanisms remain largely untested so far. Inevitably, they will also raise questions about how finance should be distributed.⁷³

4.3 Addressing Climate Migration

Climate change, on its own, does not directly displace people or cause them to move but it produces environmental effects and exacerbates current vulnerabilities that make it difficult for people to survive where they are. Climate change is expected to make the world hotter, rainfall more intense, and result in more extreme weather events such as

Agreement' http://unfccc.int/paris_agreement/items/9485.php (accessed 12 October, 2017).

⁷² Alexis Durand, *et al.* Financing Options for Loss and Damage: A Review and Roadmap, available at https://unfccc.int/files/adaptation/groups_committees/loss_and_damage_executive_committee/application/pdf/browncdliccadfinancinglossanddamagepaperdraft.pdf (accessed 19 October, 2017).

⁷³ See note 65.

droughts, storms and floods. These changes, in turn, will likely result in further population movements. According to the UN International Strategy for Disaster Reduction (UNISDR) – storms, floods and droughts – have increased threefold over the past 30 years.⁷⁴

Some environmental changes, such as hurricanes and earthquakes, occur with little or no warning and require that people move quickly. Others develop more slowly and may provide time for people to assess their options, leave in an orderly manner and even bring resources with them. However, certain thresholds or “tipping points” may be reached, where there is little choice left but to move. The extent to which the environment, including climate change, is the primary driver of migration remains debatable for several reasons. Migration can also affect the environment in terms of additional stress on already degraded lands and competition for scarce resources in both rural and urban settings.⁷⁵

In addressing climate migration, the government and the legal community can formulate policy response and legal framework, respectively. More efforts are needed to identify, test and implement new programmes, policies, frameworks to manage future movements of people linked to environmental and climate change. The capacities of governments to implement existing ones need to be enhanced. Migration can be among several adaptation strategies as exemplified in several National Adaptation Programmes of Action (NAPAs). Countries of destination lack coherent policies to address potential future flows. Measures specifically targeting migration in relation to the environment are *ad hoc* at best.⁷⁶

Meanwhile, in the event of movement of persons, civil society groups can help provide alternative destinations. Most times, those affected

⁷⁴ IOM, Migration, Environment and Climate Change: Accessing the Evidence’ available at http://publications.iom.int/system/files/pdf/migration_and_environment.pdf (accessed 21 October, 2017).

⁷⁵ *ibid.*

⁷⁶ *ibid.*

have no other place to go. They tend to settle in any place they find, which may be dangerous. Hence, creation of internally or internationally displaced persons camp can help mitigate the sufferings of the displaced persons.

5.0 CONCLUSION

Climate change is a world problem. Unfortunately, these problems are exacerbated by reluctant approaches to stimulate resilience to climate change. The principle of good governance is essential to the rule of law. In the climate change context, it requires the enactment and enforcement of clear and effective laws that support sustainable development—development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. On the other hand, many victims of climate justice have suffered huge environmental losses and damage without adequate compensation from the perpetrators of the injustice. Thus, the role of civil society groups in monitoring the implementation of international treaties, their relevance in the organisation of development projects, and their importance in the representation and education of the society has been acknowledged and valued by both international organisations and national governments.⁷⁷

The role of the international community to advance climate resilience and climate justice cannot be overstated. For instance, the Warsaw international mechanism on loss and damage created approaches to ensure adequate compensation for climate injustice. In the same vein, the legal community through assurance of justice can effectively harmonise and ensure climate justice especially as the cases come to court. The legal community, i.e. the courts and the legal professionals, have a higher burden to integrate human rights into climate actions—through fight for human rights.

In all, there are identified challenges to the full actualisation of climate resilience and fight for climate justice. Some of these challenges include lack of enforcement of climate laws, reluctance of government to

⁷⁷ See note 5.

collect and provide requisite information required to make informed decision, corruption and inefficiency, especially in developing countries, undue political interference with the work of regulatory agencies, inconsistent political positions and structures, abject poverty and lack of knowledge, and in the oil producing states, overdependence on oil which has environmental effect.⁷⁸ The key to achieving climate resilience and climate justice is for the government, the court, legal professionals, civil organisations and stakeholders, generally to effectively play their roles to make the world, collectively, a better place.

⁷⁸ An environmental effect means a natural or artificial disturbance of the physical, chemical, or biological components that make up the environment. See Generally, Bryan A. Garner, *Black's Law Dictionary*, (9th edn., West Publishing Co., 2009) p. 614.