

Envisioning a Transitional Justice- Based Approach to Climate-Induced Conflicts in Africa

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This publication is produced by the Life & Peace Institute (LPI) with support from the Swedish International Development Cooperation Agency (Sida). The articles are the opinion and research of the authors not the donor or LPI. LPI has provided editorial support to the author, however, the content, opinions, and recommendations are those of the authors.

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Kungsängsgatan 17
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ISSN 2002-1666

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We build peace one change at a time. For more than 35 years, we have promoted nonviolent approaches to conflict in the Horn and the Great Lakes Region. Working across 8 key programmes in 6 countries and with more than 70 staff, we support the capacity of people living with violent conflict to transform their own communities and societies into inclusive, just, and peaceful ones. We also work to influence regional and global policy agendas, making sure local voices are heard around the world.

Introduction

Global debates about the impacts of climate change have moved from international conference halls to real-life locations with immediate implications for local communities and the environment. In addition to exacerbating existing causes of internal conflicts, climate change is a trigger in transnational conflicts in some parts of Africa and exerts pressure on the fragile peace in other locations. From the unprecedented drought and water shortage in the Horn and a dwindling Lake Chad, to the intense drought and desertification in the Sahel, the nexus between climate security and transnational conflicts can no longer be considered a remote possibility.

The African Union Transitional Justice Policy (AUTJP) that was adopted in 2019 contemplated traditional causes and exacerbating factors of conflicts such as socioeconomic and historical injustices, governance deficits, and developmental challenges. The AUTJP does not, however, directly address emerging issues such as the impacts of climate change, environmental injustices, and other non-traditional causes of conflicts. Various principles and mechanisms in the AUTJP may be useful in addressing the impacts of climate-induced conflicts and their implications for African communities. More deliberate collaboration between state and non-state actors, global actors, the African Union, and regional mechanisms would also be useful in addressing the challenges posed by climate change to peace and security in Africa.

Transitional justice (TJ) is described as the processes, programmes, and mechanisms that a society emerging from violent conflict or instability may adopt to deal with the legacies of violent conflict to achieve accountability, reconciliation, and redress for victims.¹² TJ may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all), such as: individual prosecution, reparations, truth-seeking institutional reform, or a combination of these approaches.³ This definition incorporates four essential elements; namely, criminal justice, truth telling, reparations, and guarantees of non-recurrence (through institutional reforms).

Due to its multidimensional approach to post-conflict reconstruction and peacebuilding processes, TJ mechanisms have become the preferred choice of redress among societies grappling with the legacies of violent conflicts.⁴ As a result, this has led to the institutionalisation of TJ processes by international organisations such as the United Nations (UN), at the regional level by the African Union (AU) and the European Union (EU), and by national legislatures. The historic adoption of the AUTJP by the AU Assembly in 2019 and the EU Policy Framework on

Support to Transitional Justice by the EU Council on Foreign Affairs in 2015 are regional examples.⁵

TJ mechanisms have been effectively deployed in addressing post-conflict situations arising from armed conflicts, authoritarian and despotic rule, and political or ethnic conflicts to achieve reconciliation and national reintegration. Little has been done, however, about the prospects of addressing climate-induced conflicts with TJ mechanisms. No matter what the trigger, conflicts leave societies broken and in need of some form of healing, accountability for perpetrators of violence, and reparation for losses suffered. In the face of recent realities about the increasing impacts of climate change, especially in vulnerable communities in Africa, attempts at finding lasting solutions to both its direct impacts on the environment and its indirect impacts on peace and stability become more imperative. Therefore, there is a need to explore all possible solutions, including addressing climate-induced conflicts through TJ.

How can TJ mitigate and prevent environmental destruction, advance climate justice, and ultimately contribute to both the rehabilitation and restoration of the environment? This article analyses the problems and impacts of climate change as a risk multiplier in transnational conflicts, with a particular focus on the Horn, the Lake Chad region, and the Sahel. It considers existing international and regional frameworks for climate diplomacy and adherence to environmental standards in Africa, and concludes with recommendations on the prospects of addressing climate-induced conflicts through the principles and mechanisms provided in the AUTJP.

Climate Change and Conflicts without Borders

Perhaps the most prominent impacts of climate change in Africa can be identified in the Horn, a region that includes Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Uganda, Sudan, and South Sudan.⁶ According to the UN, more than 37 million people in the region are at risk of acute hunger, malnutrition, and additional problems occasioned by food insecurity due to the lack of rainfall, leading to severe droughts, and subsequently, unprecedented flooding.⁷ In fact, the Horn has been described as one of the most vulnerable regions in the world to the impacts of climate change.⁸ The persistent drought in the region has forced many people from their homes, further compounding an already volatile situation following the ongoing conflict in Tigray, with a spill over of refugees into neighbouring countries such as Eritrea and Sudan.⁹

In Somalia, armed groups such as al-Shabaab are pushing the boundaries of conflicts. They are occupying ungoverned Somali territories abandoned due to droughts and desertification, as well as spreading their activities to Kenya and other parts of the region.¹⁰ Al-Shabaab exploits both the heightened tensions between communities caused by scarce environmental resources and the porous borders in the region to strengthen their stronghold across Somalia.¹¹

Current tensions between Ethiopia, Egypt, and later, Sudan, around the Great Ethiopian Renaissance Dam (GERD) and the Blue Nile may be viewed entirely from the right to the use of environmental resources. The increasing implications of climate change also remain a potential threat to peace and stability in the region. The shrinking size of the Nile endangers both Egypt and Sudan, as more than 90% of Egypt's agricultural and industrial needs,¹² and Sudan's 77 % fresh water needs depend on the river.¹³ Situated upstream, Ethiopia also relies on the Nile for its domestic and industrial energy supply (in particular during a global energy crisis). The importance of the river for all three countries underlies the current diplomatic tension in the region. Sudan and Egypt are worried about the increasing implications of climate change, which will continue to result in more erratic and unpredictable rainfall patterns. This will impact water levels on the Nile. Attempts to fill the GERD from the Nile will potentially stifle its flow downstream, with adverse economic implications. The GERD is not, however, the only cause of tension around the use of the Nile. Recent developments indicate serious threats to the sustainability of the Nile as a result of the impact of climate change. In 50 years, for example, it is estimated that the flow of the Nile will drop from 3,000 m³ to 2,830 m³, with projections of a 70% drop due to the worsening droughts in East Africa.¹⁴

In the Chad Basin, the disappearance of Lake Chad is exposing communities to violent conflicts and instability across the region. According to the UN Environment Programme (UNEP), more than 90% of Lake Chad has disappeared due to overuse, desertification, and the impacts of climate change.¹⁵ Fishing rights, grazing pastures and water for herders are recent factors facilitating violent conflicts between border communities in the area.¹⁶ For example, there has been an increase in violent clashes, including the loss of life and property, between border communities in Cameroon and Chad due to competition over the use of the lake and its resources.¹⁷ Across the region, the continuous migration of farmers and herders in search of additional resources has also left affected areas poorly secured by local and government security agents. As a result, extremist groups such

as Boko Haram have been able to establish a stronghold in the region, from whence they have launched transnational attacks in west and central African countries.¹⁸ The shrinking lake, along with subsequent conflicts, foreshadow a massive crisis for nearly 40 million people from Nigeria, Niger, Chad, and Cameroon who depend on the lake and surrounding region as a lifeline.

The Sahel is another sub-region heavily affected by climate change and bears the signs of societal disruption due to the overuse of dwindling natural resources.¹⁹ In the next 30 years, it is projected that rising temperatures will place immense pressure on the demand for domestic and agricultural water use in the region.²⁰ Simultaneously, desertification and drought in the region are destroying arable land, making it unsuitable for either growing crops or grazing livestock. The result is continuous migration from the region, with farmers and herders on the move to less affected areas. The scramble for limited environmental resources such as grazing areas for cattle, wood for construction and fuel, and water for both agricultural and domestic purposes has also given rise to violent transnational conflicts in areas situated in the Liptako Gourma region, which is comprised of Burkina Faso, Mali, and Niger.²¹ The region is facing human security challenges such as the activities of jihadist and other extremist groups, climate issues, and a fragmented sub-regional security architecture, which serve as compounding factors that are projected to worsen the situation in coming years.²²

The impacts of climate change pose significant global challenges, with no consideration for national boundaries. The regional and cross-border climate-induced challenges starkly highlight the need for collective responses that encompass collaborative efforts at bilateral, regional, and global levels.

Legal and Institutional Frameworks for Climate Change and Adaptation

Although Africa is the continent that contributes the least to greenhouse emissions, it is the most adversely impacted by the consequences of global warming.²³ At the same time, the African regional response to the problem is belated. This is demonstrated by a lack of a continental institutional and policy frameworks for climate regulation and adaptation, until 2021. Following its 984th meeting of heads of state and

government, however, the AU Peace and Security Council (PSC) issued a communiqué in March 2021 that does acknowledge the negative effects of climate change on socioeconomic development across the continent.

The PSC communiqué calls for a unified continental African front at the global level. It also calls for the development of a continental framework to proactively respond to the climate-change induced security crises. The AU Climate Change Strategy (2020–2030), adopted in 2021 by the AU Specialised Technical Committee, is expected to guide AU member state interventions (especially in reducing greenhouse emissions) and help member states implement strategies to combat the impacts of climate change. The AU strategy also highlights the main parameters for an effective coordinated climate change response that builds resilient capacities for adaptation and unlocks the benefits of the massive mitigation potential of the continent.²⁴

Despite the delayed regional response, African states remain committed to addressing the problems associated with climate change and its impacts. For example, all 55 AU members are signatories to the Paris Agreement, adopted in 2015 as an international commitment to reduce global warming. AU member states are also well represented in specialised bodies such as the Subsidiary Body for Scientific and Technological Advice, which is part of the United Nations Framework Convention on Climate Change. At the sub-regional level, some organisations have also adopted frameworks to address the climate crisis. In August 2022, for example, the Intergovernmental Authority on Development (IGAD), the main regional mechanism in the Horn, adopted a region-wide climate change strategy and action plan. The strategy outlines the climate vulnerabilities across the region, acknowledges the reality of the impacts of climate change, and identifies interventions to tackle the challenges.²⁵ It also outlines a regional climate change response, including a greenhouse gas inventory for climate adaptation, and presents proposals for the effective implementation of the response.²⁶

In November 2021 and August 2022, , both the Southern African Development Community (SADC), and the Economic Community of West African States (ECOWAS) adopted the Climate Change Adaptation Strategy for the Water Sector,²⁷ and an Environmental Policy and Climate Strategy respectively.²⁸ Both frameworks are designed to improve the climate adaptation of their respective

sub-regions, and better manage environmental resources in the face of the worsening impacts of climate change on the environment.²⁹

Since climate change is a global issue, climate crises and responses to them necessarily require a global effort. Considering the power dynamics in international relations and the vast inequalities that define climate diplomacy, a question remains: How can African leadership harness existing frameworks to address the problems of climate-induced conflicts and other impacts of climate change both across the continent and at the regional level?

Transitional Justice and Climate Governance in Africa

As a regional framework for post-conflict justice, accountability, and reconciliation processes, the AUTJP is designed to standardise TJ practices across the African continent and reflect the TJ mechanisms of African societies.³⁰ It also addresses issues such as governance and development deficits, socioeconomic and historical injustices, mismanaged diversities, and other factors known to incite or exacerbate conflicts. The policy has earned global acclaim for its innovative and progressive character, especially for situating the role of African traditional justice mechanisms in a global normative framework.³¹ New threats to peace and security such as the impacts of climate change and dwindling environmental resources are, however, increasingly affecting transnational conflicts in many parts of Africa. Including climate-induced conflict as part of African peace and stability discourse would benefit from referencing TJ principles and utilising elements of the AUTJP.

An important aspect of the AUTJP is its prospects for addressing the legacies of violent conflicts and large-scale human rights violations, as well as providing “guidelines to translate comprehensive strategies for TJ into specific actions that empower affected communities”.³² Although the policy does not directly address the impacts of climate change, it is imperative to expand the rationale and principles of the AUTJP to accommodate the experiences of affected communities as a result of climate change and conflicts directly linked to its impacts. Some of these experiences include food insecurity, climate-induced displacements, violent conflicts due to fierce competition over scarce environmental resources, and the activities of violent extremist groups taking advantage of abandoned territories due to the impacts of climate change. The implication of this proposal is that regional economic communities should begin to explore cross-regional conflict

resolution through inter-regional policy and programmes of transitional justice. The AUTJP already identifies regional economic communities as one of the actors in the implementation of the policy with prescribed roles, including addressing regional and trans-boundary dimensions of conflict, and the promotion of relationships between neighbouring countries affected by trans-boundary conflicts.³³

Recommendations: Towards a Transitional Justice Approach to Climate-Induced Conflicts in Africa

The AUTJP guidelines require translation into comprehensive national and sub-regional strategies designed to provide “restorative and transformative justice”, not only for legacies of violent conflicts, but also for “developmental challenges”.³⁴ Although the policy does not directly consider the problems of climate change and its impact on regional peace and stability, the principles and mechanism that it does delineate, such as emphasis on African leadership, cooperation and coherence, and truth and justice commissions focused on environmental and climate injustice, can be utilised to address developmental challenges such as climate change, and climate-induced transnational and intra-state conflicts.

This possibility raises at least two critical questions. How can TJ practices serve as a tool to mitigate and prevent environmental destruction, advance climate justice, and ultimately contribute to both the rehabilitation and restoration of the environment? How can these practices be used to overcome the power imbalance in climate negotiations?

The following suggestions are made in support of addressing these questions.

- African leaders need to adopt a climate justice approach during climate negotiation processes at global levels such as the recently concluded Conference of Parties (COP27) held in Egypt in November 2022. This approach essentially requires a paradigm shift from the idea that climate emergencies such as the disappearing Lake Chad, the extreme drought in the Horn, or the desertification in the Sahel can be solved by a technical and market-driven solution. Rather, the impacts of climate emergencies can be addressed by the active acknowledgement of global power differentials by the Global North and the Global South in climate diplomacy, and the acknowledgement of responsibility by multinational business corporations during climate dialogues.
- The promotion of a transformative approach to transitional justice at climate diplomacy forums by African governments is important in terms of the impacts of climate change on vulnerable societies in Africa. This involves addressing not only the consequences of climate-induced conflicts, but also the underlying structural contexts, such as the impacts of industrialisation and greenhouse emissions by developed nations on climate change. Interestingly, the AUTJP promotes what may be described as the African model of transformative TJ by emphasising the need to address structural inequalities—socioeconomic and historical injustices that fuel conflicts.
- African leadership must push for reparations and long-term support at international climate negotiation fora that is reflective of the disproportionate contribution to global warming by developed nations and its impacts on the environment in Africa. As a guarantee of non-repetition to minimise additional harm, this could also be followed up with more vigorous demands for institutional change by countries with more responsibility for climate change.
- A global and regional push for the establishment of international, regional, and sub-regional TJ mechanisms on climate-induced conflicts and harms would go a long way in addressing the legacies of such harms. The objectives of such an initiative would be to establish inter-state peace and justice mechanisms for climate-induced conflicts beyond the territorial boundaries of one sovereign state. It is hoped that ECOWAS and IGAD take this recommendation into consideration as they develop their various TJ policies.
- The establishment of stabilising reparations for the impacts of climate change can assist societies worst affected by the impacts of climate change. Reparations are obviously a challenging topic as developed economies see that the admission of responsibility may crystallise into a legal right. If reparations become a legal right that should be enforced, a reparative justice mechanism that would lead to the establishment of a reparative authority and fund for the victims of climate change should be considered as well. In addition, there is the need for the inclusion of the impacts of climate change in the African Human Rights Memorial Project, which is currently ongoing at the AU commission to highlight these impacts.
- Additional collaboration between regional economic communities in the development of sub-regional TJ policies and programmes in line

with the AUTJP is very important. The goal should be to specifically address the impacts of climate change as one of the risk multipliers and exacerbating factors in violent conflicts in Africa. Given that most regional economic communities have already developed their respective climate strategies, a robust TJ policy with specific interventions on climate change-induced conflict would complement these strategies to achieve a more comprehensive solution to the problem.

- There is also a need for global collaboration towards acknowledging, identifying, and categorising specific actions as ecocide, or the deliberate destruction of the natural environment by human actions. Ecocide should also be seen as a serious international crime, with severe implications of responsibility for individuals, and state and non-state entities.

Conclusion

Although the AUTJP does not directly consider the negative impacts of climate change on the environment, especially in triggering or escalating transnational conflicts in Africa, the policy is a living document that can be adapted by regional mechanisms and AU member states to address emerging issues such as climate-induced transnational conflicts. Beyond this, the principles of TJ as provided for in the AUTJP can assist countries and relevant stakeholders by acting as a guide to address the inequitable global use of the environment and its resources. Additionally, the policy may act as a distributor of responsibility for the adverse impacts of climate change through reparation, being truthful, transparent, and equitable.

As a concept, TJ is rooted in the idea that past events, actions, and decisions that have caused

harm to others should be addressed in order for a country to transition into a peaceful and flourishing society and reduce the potential for violent conflicts and injustices associated with climate change.³⁵ This speaks to the need for justice for victims of past atrocities. In this context, the impacts of climate change and the payment of what some experts have described as “ecological debt” to the Global South by the Global North would then be more meaningful.³⁶

It must be conceded that there is no standard approach to TJ that guarantees specific outcomes in all situations. Nonetheless, the very idea of a TJ approach to address climate-induced conflicts in Africa presupposes finding solutions to both the problems of climate change and its multiplier impacts on conflicts through the recognition and acknowledgement of responsibility to the problem and support for those who have been adversely affected by it.

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