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# A Climate Justice Perspective

**4<sup>th</sup> Judicial Training on Climate Justice**  
**13-14 April 2022, Mestil Hotel, Kampala**



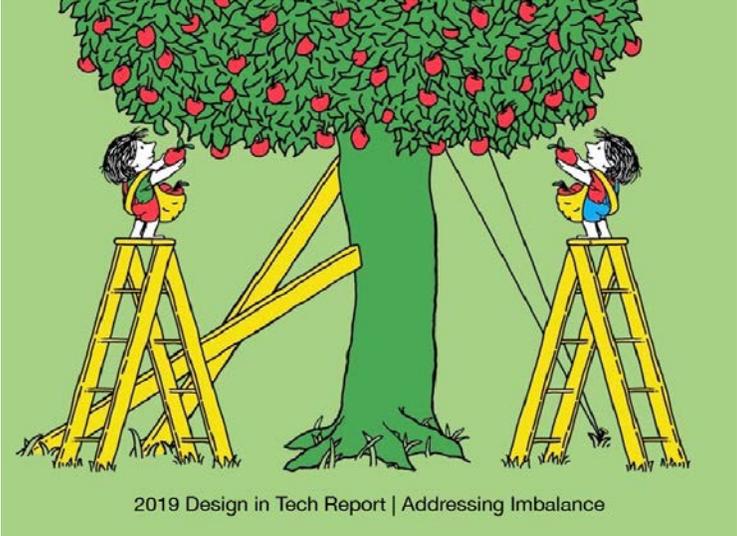
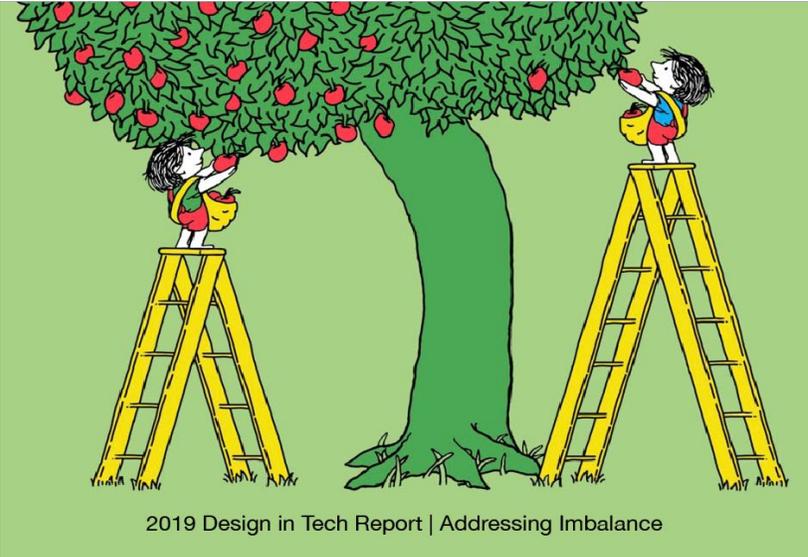
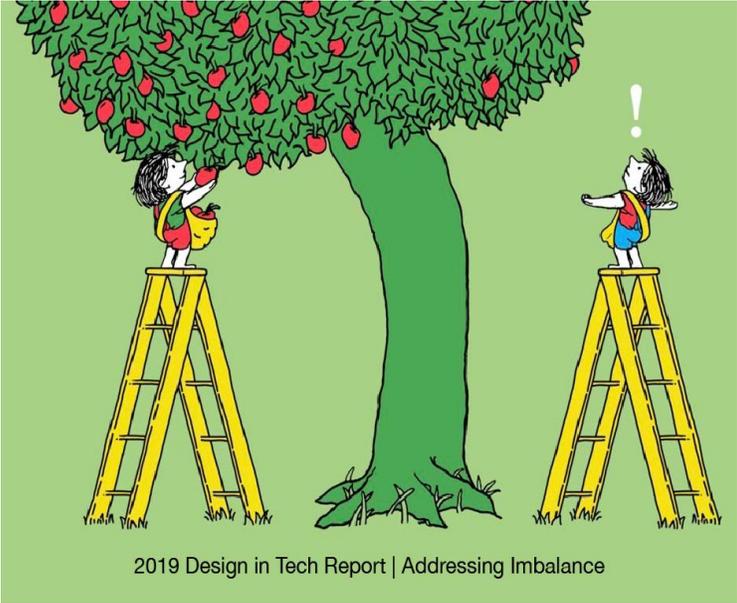
**Robert Bakiika, Consultant**

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# Reflection



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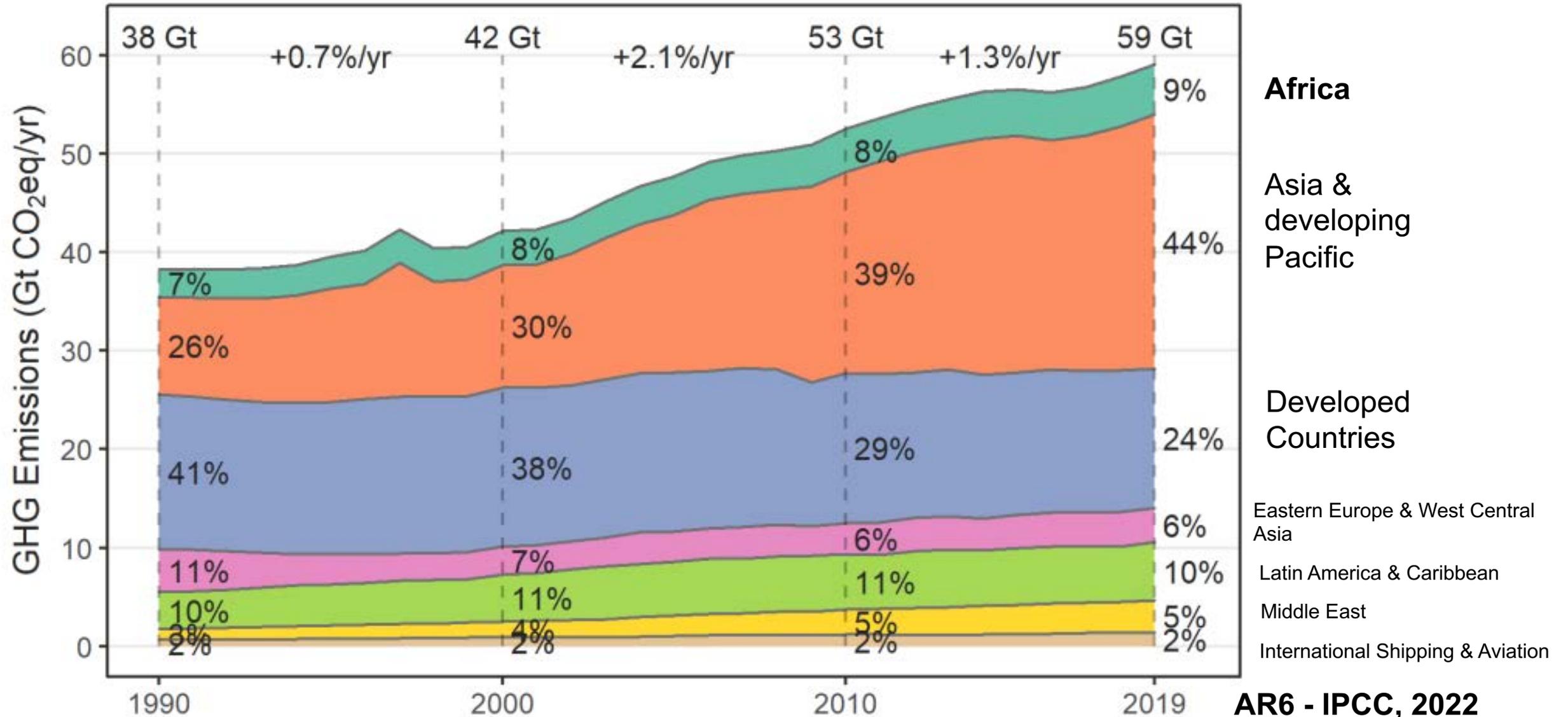
“That neither the impact of climate change nor that of mitigation policies exacerbates existing inequities both within and across nations”, specifically because “restrictions on emissions will continue to be viewed by many people in developing countries as yet another constraint on the development process”.

— IPCC, 2001.



# Overview of Trends in Regional GHG emissions 1990 - 2019

a. Trends in global and regional greenhouse gas emissions



# Climate Debt

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## 1) Emissions debt

- Direct, linear relationship between anthropogenic CO<sub>2</sub> emissions and the level of warming of Earth's surface
- 62% of total cumulative CO<sub>2</sub> emissions from 1850 to 2019 occurred since 1970 (1500±140 GtCO<sub>2</sub>)
- About 43% since 1990 (1000±90 GtCO<sub>2</sub>). About 17% since 2010 (410±30 GtCO<sub>2</sub>)
- Assuming 2,504 GtCO<sub>2</sub> into the atmosphere since 1850, cumulative CO<sub>2</sub> emissions correspond to warming of around **1.13°C (TCRE) is estimated at 0.45°C per 1,000) GtCO<sub>2</sub>**
- **Developed countries (esp. US) account for largest share of cumulative CO<sub>2</sub> emissions since the year 1850.**

## Available carbon budget (space)

- **Remaining Carbon budget** for pathways that limit warming to 1.5°C = **510 GtCO<sub>2</sub>**
  - **Remaining Carbon budget** for pathways that limit likely warming to 2°C = **890 GtCO<sub>2</sub>**
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## 2) Adaptation debt

- Extreme weather- and climate-related events e.g. increasing temperature, generate impacts e.g. reduced water availability for irrigation, hydropower and such impacts adversely affect the most vulnerable women, men and children including PWDs
  - Impacts may be **economic** - loss of property, assets, and **non-economic** - losses induced by human mobility, loss of cultural heritage
  - Means to cover both the cost of adaptation requires support in form of Finance, Tech Dev't & Capacity.
  - Adaptation costs in developing countries alone are est. USD140-300bn in 2030. Economic Impacts of CC in Uganda is valued at 2-4% of GDP between 2010 and 2050.
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# UNFCCC & Equity

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- The UNFCCC :
    - Acknowledges that largest share of historical emissions originated in developed countries – provides for polluter pays
    - Provides for principle of Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC)
    - Undertook efforts on Equity & Sustainable development
    - And the Paris Agreement, encourages 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
      - the right to development, as well as gender equality, empowerment of women and intergenerational equity
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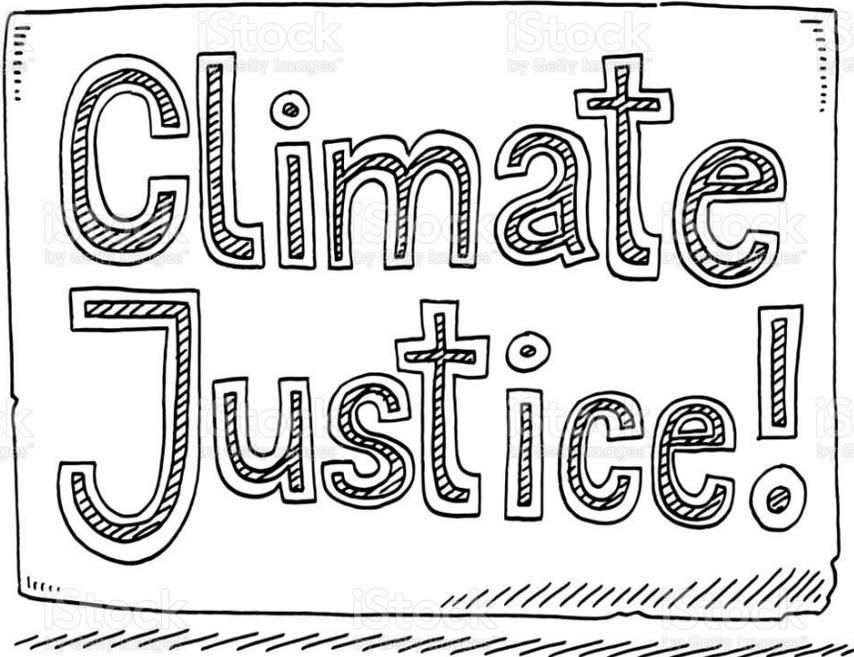
# UNFCCC & Equity - Equity & Sustainable Development

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- At COP16, Cancun – Mexico in 2010, Parties agreed:
    - To work towards identifying a global goal for substantially reducing global emissions by 2050
    - To cooperate in achieving the peaking of global and national GHG emissions as soon as possible
    - To work towards identifying a timeframe for global peaking of GHG emissions based on the **best available scientific knowledge** and **equitable access to sustainable development**
    - That the time frame for peaking will be longer in developing countries, and that social and economic development and poverty eradication were the first and overriding priorities
    - That low-carbon development strategy was indispensable to sustainable development
  - Parties also,
    - Recognized the need to engage a broad range of stakeholders at global, regional, national and local levels
    - Emphasized the fully respect human rights in all climate change-related actions
    - Recognized the need for deep cuts in global GHG emissions so as to hold the increase in global average temperature below 2°C above pre-industrial levels and a global average temperature rise of 1.5°C
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# Understanding Climate Justice

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## Principles of Climate Justice by MRF-CJ

- 1) Respect and Protect Human Rights
- 2) Support the Right to Development
- 3) Share Benefits and Burdens Equitably
- 4) Ensure that Decisions on Climate Change are Participatory, Transparent and Accountable
- 5) Highlight Gender Equality and Equity
- 6) Harness the Transformative Power of Education for Climate Stewardship
- 7) Use Effective Partnerships to Secure Climate Justice

**Climate Justice** is the broader process of safeguarding the rights of the most vulnerable people and sharing the burdens and benefits of climate change and its impacts equitably and fairly.

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# Framing Climate Justice

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- Politically acceptable and effective national climate response strategies foster substantial techno-economic, institutional, and lifestyle shifts needed to reduce emissions and enable adaptive responses
  - Governments are increasingly obligated to honor the '**duty of care for climate change**'
  - The Rule of Law should proactively serve as a mechanism to seek climate justice, including:
    - ❖ Recognizing and empowering climate-vulnerable communities and people
    - ❖ Promoting transformative climate action and integrating gender-transformative approaches
    - ❖ Preventing conflicts and resolving climate-related disputes
    - ❖ Strengthening sustainability approaches
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# Conclusions

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- Without an effective response to climate change, including both timely mitigation and proactive adaptation, development can be neither sustainable nor equitable.
- Politically acceptable and effective national climate response strategies foster substantial techno-economic, institutional, and lifestyle shifts needed to reduce emissions and enable adaptive responses
- An equitable regime with fair burden sharing is likely to be a key condition for an effective global response
- globe may be deprived of their basic right to water, to food, to home, to land.
- Specific country circumstances;
- historic and future contributions to overall emissions;
- capacity of Parties to address the consequences of climate change

