

## HiIL POLICY BRIEF

# Climate Change & Access to Justice

## Executive Summary

This policy brief explores the connection between climate change and access to justice. Across the world, billions of people encounter justice problems. Roughly half do not manage to resolve their justice issues. Strong evidence emerges that the consequences of climate change will multiply and exacerbate these problems. Robust data is still lacking, but recognising and understanding how climate change affects access to justice is crucial.

We assert that it is possible to anticipate the effects of climate change on the demand for justice. In the policy brief, we analyse how justice problems will increase due to driving forces such as loss of livelihood, displacement and migration, urbanisation, increased risks to human health, growing conflicts over dwindling resources, and the transition to a CO2 net zero economy. Each driving force will generate more justice problems. Individuals and communities already need people-centred justice to resolve their justice issues. In the near future, the demand will grow.

We appeal to policymakers, formal and informal leaders, and service providers to take seriously the impact of climate change on the widening access to justice gap. Although the future appears unsettling, there are existing policy initiatives and people-centred solutions already at play to mitigate and adapt to these changes. We call on national and global leaders to:

- Gather additional **data** on the interaction between climate change and justice
- **Predict and model** the legal needs for various climate change scenarios
- Promote innovative **people-centred justice solutions**
- Foster inclusion and **empower communities**
- Position climate change at the forefront of **justice strategies**
- Integrate people-centred justice in **climate change strategies**
- **Fund** the resolution of legal needs caused or aggravated by climate change
- Place particular focus on the most **vulnerable populations**
- Invest in **Green Justice**

# Climate Change

Human-induced climate change is the biggest crisis of our time. The increased rate of greenhouse gas emissions into the atmosphere is causing temperatures to rise and extreme weather events such as droughts, hurricanes and floods to occur more often and with more intensity. As a result, people across the world are suffering life-changing consequences. More intensive and perhaps different legal needs will be an inevitable part of such consequences.

Framing climate change exclusively as an environmental concern is inaccurate. Yes, the heat is increasing, causing the ice caps to melt. But this, in turn, causes sea levels to rise and warmer water to expand in volume, inundating our coastal communities and island states. Warmer air holds more moisture, thereby strengthening and intensifying hurricanes and tropical storms and ravaging communities worldwide. Frequent and intensifying heatwaves mean farmers are increasingly plagued with droughts, destroying crops and sparking food insecurities, leading to conflict over natural resources, forced migration and political unrest. Climate change acts as a threat multiplier to countries with weak governance, scarce resources and

other vulnerabilities. Although developed countries have contributed the most to the emission of greenhouse gases, vulnerable countries with fewer resources to adapt will bear the brunt of the effects, including loss of access to water, food, health and housing.

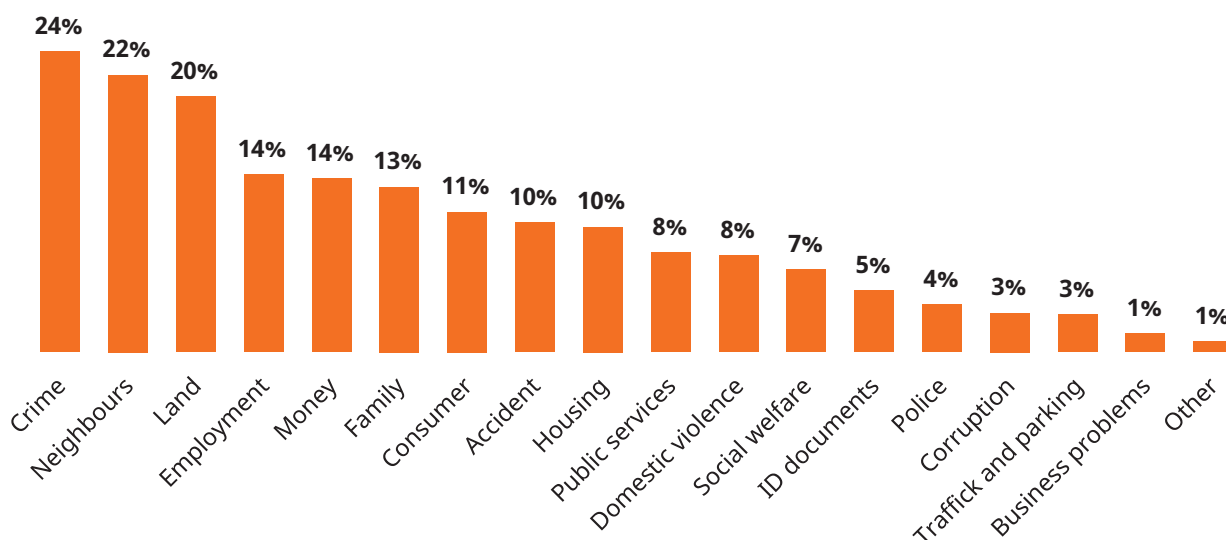
As these extreme weather events intensify in frequency and severity, so too will people's needs to access justice. Robust data for this association is still lacking, but recognising and understanding the ways in which climate change creates and exacerbates justice problems is crucial to understanding its impact on people and the urgency for immediate action. Although the future appears unsettling, there are existing policy initiatives and people-centred solutions already at play to mitigate and adapt to these changes.

# Access to Justice

Justice, like climate change, is intertwined with and affects every aspect of our daily lives. Every day millions of people encounter problems that require fair resolutions. Two datasets tell the story of the need for justice. In the last 12 years, HiiL conducted legal needs surveys in more than 25 countries worldwide. On average, more than half (55%) of the adult population in these countries had to deal with one or more serious justice needs in the last four years. A similar picture emerges from the extensive dataset gathered by the World Justice Project. In 101 countries around the world, about half of the people (48%) encounter legal issues every two years. The influential “Justice For All” report estimates that around 1.5 billion people do not attain fair resolutions to their justice problems. In total, 5.1 billion individuals currently have problems with access to justice.

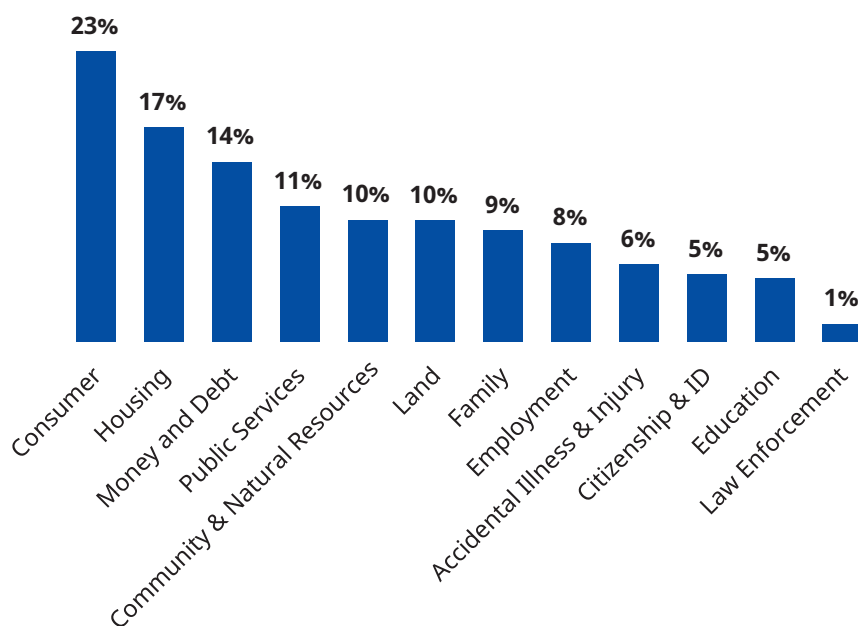
What types of legal problems do people encounter in their everyday lives? HiiL’s dataset, which covers primarily low and middle-income countries, reveals that people often have to deal with various types of crimes, disputes with neighbours, land-related problems, employment issues, debt, and family matters.

TYPES OF LEGAL PROBLEMS EXPERIENCED BY INDIVIDUALS  
HiiL data, 2023



In the WJP dataset, the most common category of legal problems are various types of consumer problems. The second most common category is housing, followed by debt, land-related legal issues, use of public services, family matters and problems with employment.

TYPES OF LEGAL PROBLEMS EXPERIENCED BY INDIVIDUALS  
World Justice Project data, 2019



## Nexus between Climate Change and Access to Justice

How will climate change affect the demand and supply of justice? Establishing a definitive connection between climate change and legal needs is a challenging task. The data above shows how many and which legal problems people experience but does not tell us the causes of the issues. The growing land disputes between farmers and herders in Sub-Saharan Africa stemming from increased droughts and a decrease in fertile land are an example of such climate related legal problems. Additionally, climate-induced migration already occurs in many of the worst affected regions.

Evidently, there are climate change-related factors that impact access to justice. The interrelationship between these factors is intricate and complex.

Is it possible to anticipate the effects of climate change on the demand for justice? How will the diverse dimensions of climate change affect the legal problems in daily life? These are complex questions to answer without more empirical research, yet addressing the issue now is of utmost importance. The justice gap is already huge and our analysis indicates that without decisive action it will increase further.

Below, we analyse the impact of several climate trends on the demand for justice. We use a simple causal pathway analysis to assess the effect of climate change on access to justice.

## A. Loss of Livelihood, Food Shortage and Water Insecurity Due to Severe Weather Events

Climate change is affecting the frequency and intensity of extreme weather events.<sup>1</sup> Floods, hurricanes, droughts and wildfires will not only wipe out infrastructure but also crops, leading to an increase in harvest failures and loss of livestock. The 2023 IPCC report estimates that 3.3 to 3.6 billion people currently live in regions highly vulnerable to climate change.<sup>2</sup> The World Bank warns that global warming has already increased food and water insecurity. The occurrence of extreme agricultural droughts and floods will increase, heavily impacting food production and causing food shortages. This will diminish the value of the crops and land, impacting families' incomes and making nutritious food less affordable and more volatile. The increase in rain and flooding will lead to more runoff (because the soil will not be able to absorb it all) that will drain into oceans and lakes, polluting the waterways. Once saltwater seeps into groundwater, communities are left without drinking water, so people will have to produce their own freshwater through desalination, which is a costly and extensive process. Ocean warming and acidification will also disturb fisheries. Temperature change leads to the stress and death of trees, and 1.6 billion people are fully or partially dependent on forests for their resilience and livelihoods.<sup>3</sup> The loss of livelihood due to climate change will evoke the justice needs on the right.

1 Food and Agriculture Organization of the United Nations. (2015). *Climate change and food insecurity: risks and responses*. Available at: [www.fao.org/3/i5188e/i5188e.pdf](http://www.fao.org/3/i5188e/i5188e.pdf) (Accessed: 30 June 2023).

2 Intergovernmental Panel on Climate Change. (2023). *Synthesis Report Climate Change 2023*. Available at: [www.ipcc.ch/report/ar6/syr/](http://www.ipcc.ch/report/ar6/syr/) (Accessed: 30 June 2023).

3 Food and Agriculture Organization of the United Nations. (2015). *Climate change and food insecurity: risks and responses*. Available at: [www.fao.org/3/i5188e/i5188e.pdf](http://www.fao.org/3/i5188e/i5188e.pdf) (Accessed: 30 June 2023).

4 Corcoran, J., Zahnow, R. (2022). *Weather and crime: a systematic review of the empirical literature*. Crime Science Available at: <https://doi.org/10.1186/s40163-022-00179-8> (Accessed: 30 June 2023).

### PATHWAYS:

- **Disputes related to the use of land, forests and fishing resources:** dispossession of land, disappearance of land, loss of value
- **Disputes between neighbours:** clash between herders and farmers over limited resources, encroachment of neighbouring communities on dwindling resources, pressure on ownership or tenure of fertile lands
- **Employment:** disputes due to loss of livelihoods for individuals and small business owners, impact on tourism, restaurants, and industries dependent on the natural environment (ski resorts, island states) as well as agricultural and fishing sectors, informal sector
- **Social welfare:** higher reliance on public services and government aid, violent extremist groups moving in as alternative service providers in conflict-affected regions
- **Debt:** loss of livelihood pushes people to borrow, take out loans and get into excessive debt, financial instability
- **Health:** lack of access to healthcare, increase in malnutrition, spread of diseases through contaminated water, pressure on hospitals and caretakers, loss of medical infrastructure
- **Gender-based violence:** increase in domestic violence, increase in child marriage
- **Insurance:** increase in number of (home, car, flood, health) insurance claims, increase in cost of premiums, increased financial risks from payouts and claims
- **Displacement:** increase in "climate" refugees and IDPs
- **Crime:** high heat exacerbates aggressive tendencies<sup>4</sup>, increase in poverty leads to higher rates of crime, financially motivated crime

## B. Displacement and Migration

If timely and coordinated action on climate and development is not taken, up to 216 million individuals may be compelled to relocate within their respective countries by 2050 due to the consequences of climate change.<sup>5</sup> For reference, in 2022 the number of forcibly displaced people, refugees and internally displaced, is 108 million. Over a third of the world's population is concerned by climate change and worries that they will be forced from their homes within 25 years.<sup>6</sup> Climate change has already caused many people to leave their homes in search of livelihood and better opportunities.<sup>7</sup> Some move across borders, and others migrate within their own countries. The most vulnerable to climate-triggered displacement are those from the least developed nations and island states. Environmental change amplifies the other factors driving migration.<sup>8</sup>

5 Clement, V. et al. (2021). *Groundswell Part 2: Acting on Internal Climate Migration*. World Bank Group. Available at: <http://hdl.handle.net/10986/36248> (Accessed: 30 June 2023).

6 Bloom, D. (2022). *This is how much people around the world think climate change is impacting their lives*. World Economic Forum. Available at: [www.weforum.org/agenda/2022/09/climate-change-severe-impacts-lives/](http://www.weforum.org/agenda/2022/09/climate-change-severe-impacts-lives/) (Accessed: 30 June 2023).

7 Warner, K. et al. (2009). *Mapping the Effects of Climate Change on Human Migration and Displacement*. Research Gate. Available at: [www.researchgate.net/publication/228804812\\_Mapping\\_the\\_Effects\\_of\\_Climate\\_Change\\_on\\_Human\\_Migration\\_and\\_Displacement](http://www.researchgate.net/publication/228804812_Mapping_the_Effects_of_Climate_Change_on_Human_Migration_and_Displacement) (Accessed: 30 June 2023).

8 Id.

### PATHWAYS:

- **Citizenship and documentation:** voluntary and forced migration
- **Employment:** migrants and displaced persons find jobs in the informal economy, exploitation of undocumented workers, difficulty obtaining work permits, work discrimination
- **Education:** children displaced, forced to work and unable to attend school
- **Crime:** human trafficking, extortion, kidnapping, modern slavery, work exploitation, fraud and theft, domestic violence, sexual assault
- **Debt:** migrants accumulate significant debt during and after migration
- **Housing:** migrants must find housing in already overcrowded markets, particularly in dense urban areas, problems with property and tenure in their communities or countries of origin, subject to housing discrimination
- **Social welfare:** problems claiming welfare benefits in their countries of origin, as well as in the destination countries, the problem is particularly severe for undocumented migrants and unaccompanied children
- **Health:** inadequate and insufficient access to health services
- **Family:** unaccompanied migrant children, separations of families, conflict-induced divorce and separation
- **Administrative legal problems:** voluntary or compulsory relocation and resettlement programmes, access to basic public services in the destination countries

## C. Urbanisation and Overpopulation of the Less Affected Areas

Climate change will accelerate the ongoing urbanisation process. Africa and Southeast Asia are undergoing significant urbanisation, with six of the world's top ten countries experiencing rapid urban growth. In Africa alone, an estimated 450 million people will move from rural to urban areas by 2050.<sup>9</sup> Vulnerable populations will seek to build their lives in cities and metropolitan areas. Urban areas already struggle with more crime, employment, pollution and road accidents than rural areas. The increasing urbanisation trend will pose significant challenges for urban institutions and infrastructure. More land and housing will be needed to accommodate the newcomers. More jobs, schools, hospitals and police stations will be needed. Current residents will not always be welcoming. This will increase the prevalence and impact of legal problems already experienced by urban residents.

### PATHWAYS:

- **Housing:** rural residents struggle to find housing in already overcrowded markets, particularly in dense urban areas, the urban poor struggle to find appropriate housing
- **Disputes between neighbours:** overpopulation puts pressure on communities which leads to more disputes between neighbours, a burden on infrastructure, water, electricity etc. intensifies disputes, declining mental health increases the intensity and manageability of disputes between neighbours
- **Land:** decrease of secure land (particularly in coastal areas) increases the competition and prices
- **Employment:** informal markets in swelling cities create more informal jobs
- **Crime:** increase in crime rates due to overpopulation, higher victimisation among female-headed households in big cities, incidence of thefts and burglary increase in cities, some crimes such as cattle raiding are less prevalent in urban settings

<sup>9</sup> United Nations Environment. (2016). *Annual Report 2016: Engaging People to Protect the Planet*. Available at: [www.unep.org/annualreport/2016/index.php](http://www.unep.org/annualreport/2016/index.php) (Accessed: 30 June 2023).

**D.**

## Human Health Risks

Climate change impacts human health in a myriad of ways. From death to malnutrition, insect-borne diseases to heat stress, climate change has and will continue to cause an increase in mortality and morbidity.<sup>10</sup> Due to the dwindling water and food supply, malnutrition is considered to be the biggest health effect of climate change. The degradation of air quality is also cause for concern. Air pollution from the burning of fossil fuels, the increase in quantity and severity of wildfires, and the use of wooden and gas stoves will soon become the highest cause of death. Climate change will also impact mental health, resulting in an increase in suicide rates, regardless of socio-economic status. The link between higher temperatures and increased suicide rates and depression has already been studied and established.<sup>11</sup>

### PATHWAYS:

- **Access to health care and other public services:** as more people need health services, disputes will arise around access to and use of health care services
- **Debt:** employment loss due to illness can lead to accumulated debt, medical debt
- **Employment:** frequently sick or too sick to work, resulting in loss of benefits or healthcare protection
- **Children:** most at risk (particularly for malnutrition and air pollution), risk of inadequate medical care
- **Gender inequality:** women more likely to experience health risks, lack of access to maternal and reproductive healthcare
- **Crime:** poor mental health and loss of access to healthcare can lead to increased likelihood of involvement in a crime

<sup>10</sup> World Health Organization. (2021). *Climate change and health*. Available at: [www.who.int/news-room/fact-sheets/detail/climate-change-and-health](http://www.who.int/news-room/fact-sheets/detail/climate-change-and-health) (Accessed: 30 June 2023).

<sup>11</sup> Horton, M. (2019). The effects of climate change on suicide rates. *Stanford Earth Matters* magazine. Available at: <https://earth.stanford.edu/news/effects-climate-change-suicide-rates> (Accessed: 30 June 2023).



## E. Escalation of Conflicts between Stressed Populations

Conflicts between communities are already occurring, and competition over scarce resources will inevitably surge. Violence over decreasing food and water supplies is putting livelihoods at risk. Countries already weakened by internal conflict will be less likely to cope with the social and economic repercussions of climate change. In Niger, Mali, Kenya and South Sudan, pastoralists and herders regularly clash because of diminishing water sources and decreasing land quality. In Yemen, water scarcity led to power struggles, which, combined with food insecurity, increased the number of internally displaced people, as well as refugees and migrants.<sup>12</sup> Research shows that a one standard deviation increase in temperature increases interpersonal conflict by 2.4% and intergroup conflict by 11.3%.

### PATHWAYS:

- **Violence:** wars, political violence, inter and intra-group violence
- **Land:** compressed communities encroach on the land of neighbouring communities
- **Employment:** conflict deprives people of their livelihood and presses them into new areas of employment, individuals and small business owners lose their livelihoods due to unsustainable business models, more people find jobs in the informal economy
- **Access to Public Services:** people fleeing from conflicts encounter issues with accessing public services
- **Crime:** forced or voluntary migration increases the risk of victimisation from various crimes - human trafficking, extortion, kidnapping, modern slavery, work exploitation, fraud and theft, domestic violence

12 Glass, N. (2010). *The Water Crisis in Yemen: Causes, Consequences and Solutions*. Global Majority E-Journal. Available at: [www.american.edu/cas/economics/ejournal/upload/glass\\_accessible.pdf](http://www.american.edu/cas/economics/ejournal/upload/glass_accessible.pdf) (Accessed: 3 July 2023); United Nations Environment. (2016). *Annual Report 2016: Engaging People to Protect the Planet*, ibid note 9. Available at: [www.unep.org/annualreport/2016/index.php](http://www.unep.org/annualreport/2016/index.php) (Accessed: 30 June 2023).

## F. Transition to Net Zero Economy

The Paris Agreement, adopted by 196 countries, stipulates that greenhouse gas emissions must be reduced by 45% by 2030 (compared to the 2010 levels) and brought to neutral levels by 2050. Transitioning to net zero is critical for humanity, but it is still an aspiration, not a reality. It will also happen at different speeds in various regions and countries.

Irrespective of the pace, the journey towards achieving a net zero CO<sub>2</sub> economy will inevitably give rise to considerable legal problems. The justice systems already feel the pressure of this transition, but the real effects are imminent. Individuals, small and medium-sized enterprises (SMEs), and big businesses will witness a profound transformation which will generate more and sometimes new justice problems. We acknowledge that, unlike the other driving forces, the transition towards a CO<sub>2</sub> net zero economy is a response to climate change.

According to estimates, between \$150-275 trillion need to be invested to reach the net zero goal by 2050.<sup>13</sup> Others estimate that the price of the transition to net zero will cost between 2-3% of annual global GDP.<sup>14</sup> This colossal amount of money and other resources will generate small and big conflicts. In the Netherlands, the anger of farmers and real-estate developers over the nitrogen-reduction policies led to profound political changes.

Hundreds of millions of people employed in emission-intense industries will see their jobs disappear. An estimated 1.3 million workers in the United Kingdom alone will have to change jobs, including miners, truck drivers, farmers, steel plant and fossil-fuel industry workers.<sup>15</sup> The impacts will be

particularly severe in Asia Pacific, China, India and Africa, with many workforces in these regions occupying more than 40% of employment in highly exposed industries.<sup>16</sup> Farmers and fishermen in developing countries in the Asia Pacific and Africa will experience considerable stress.

Moreover, the process of decarbonisation will inevitably involve the pricing of CO<sub>2</sub> consumption. CO<sub>2</sub>-intensive products and services will be levied with national or import taxes. Consumers will need to move from goods based on fossil fuels to green energy goods. Higher costs for low-emissions shipping will be passed on to the consumer for goods shipped internationally. This will raise prices, fuel inflation and affect whole sectors of the economy. After centuries of exponential increase, humanity will need to learn how to consume less rather than more. Populist movements will likely exploit such sentiments causing political and social protests.

SMEs will face additional costs and the challenge of adapting their business models to align with the changing realities of the net zero transition. Big businesses, especially from the energy sector, steel making, and transportation, must also change. Moreover, they will be responsible for the zero-emission of their complex supply chains.

Decarbonisation will yield huge benefits for humanity, but the process will not be easy and will come at the cost of countless conflicts and disagreements. The justice systems have very little time to foresee, adapt and meet the growing demand of legal needs caused by climate change.

13 World Economic Forum. (2022). The Choreography Needed for Net-Zero Industry Transition. Available at: [www3.weforum.org/docs/WEF\\_GFC\\_Net\\_Zero\\_Choreography\\_Paper\\_2022.pdf](https://www.weforum.org/docs/WEF_GFC_Net_Zero_Choreography_Paper_2022.pdf) (Accessed: 30 June 2023).

14 Id.

15 Broome, M. et al. (2022). *Net zero transition to mean significant change for 1.3 million workers*. London School of Economics. Available at: <https://blogs.lse.ac.uk/businessreview/2022/06/30/net-zero-transition-to-mean-significant-change-for-1-3-million-workers/> (Accessed: 30 June 2023).

16 Deloitte. (2023). *Work toward net zero*. Available at: [www.deloitte.com/an/en/issues/climate/work-toward-net-zero.html](https://www.deloitte.com/an/en/issues/climate/work-toward-net-zero.html) (Accessed: 30 June 2023).

## PATHWAYS:

- **Business problems:** business owners must adapt to changing regulations and markets, certain business models will be unsustainable
- **Tax:** decarbonisation will bring about new taxes and duties
- **Employment:** people working in emission-intense industries will have to deal with legal problems around termination or change of employment contracts

## Policy Implications and Recommendations



### Gather additional data on the interaction between climate change and justice

There is a significant gap in data and research on the impact climate change is having on justice needs. We advocate for the establishment of an access to justice equivalent to the IPCC. Monitoring the social drivers and their impact, as well as conducting additional research on the intersectionality of climate change, will help provide policymakers and service providers with the evidence and analysis needed to bridge the growing justice gap.



### Predict and model the legal needs in various climate change scenarios

More data and insights should be used to predict and anticipate the justice needs of individuals and businesses. Risks and vulnerabilities must be identified early. People-centred solutions should prevent situations from turning into unresolved legal needs.



### Promote innovative people-centred justice solutions

A hotter world with more disputes and legal problems will need specific justice journeys that deliver fair results. Many of the problems will be unprecedented. Therefore business-as-usual responses like institutional building, more legal aid, and awareness campaigns are insufficient to provide solutions at scale. The justice gap can only be addressed by establishing incentives and an environment for innovative people-centred rules and dispute-resolution processes. Innovators and investors from the private, public and academic sectors already see the need for more legal and justice services. Innovative people-centred justice solutions will come from lawyers, judges, legal academics and policymakers but also from entrepreneurs, engineers, and climate change activists. The latter will need investments and an enabling environment to ensure that the people-centred solutions can flourish.



## Inclusion and empowerment of communities

Collaboration among communities is essential to responding and adapting to the changing climate. A people-centred approach, where those most affected are at the centre, can be used to both mitigate and adapt to the effects of climate change. Local communities directly affected by climate change need to participate in the decision-making process. We cannot rely only on courts or legal services provided by lawyers. Justice needs will emerge at the local level, and people directly affected by climate change must be included in the conversation.

Incorporating the coping strategies of communities currently facing environmental stress and supporting community-led responses to climate change has proven to be effective.<sup>17</sup> In Fiji, the Pacific Centre for Peacebuilding works with communities across the island to develop conflict-sensitive responses to climate change, offering a range of services in the areas of peacebuilding, restorative justice, stress and trauma awareness and healing, conflict analysis, prevention and resolution.



## Position climate change at the forefront of justice strategies

Policymakers must integrate the link between climate change and access to justice into national and regional strategies and policies. As justice needs increase, reliance on courts and legal services will not suffice. People-centred justice responses to climate change must be integrated into existing frameworks.



## Integrate people-centred justice in climate-change strategies

Conflicts will increase, and fair resolution of emerging disputes and disagreements will be a critical part of the response to climate change. As these conflicts exacerbate injustice, inequality, and exclusion, the effectiveness of current responses to climate change will diminish. People-centred justice must be integrated into broader policies and actions.



## Fund the resolution of legal needs caused or aggravated by climate change

Dedicated climate funds are necessary to design and implement justice journeys that will deliver justice to the affected individuals and communities. In Botswana, the government has made drought relief part of the national budget rather than an emergency fund.



## Place a special focus on the most vulnerable populations

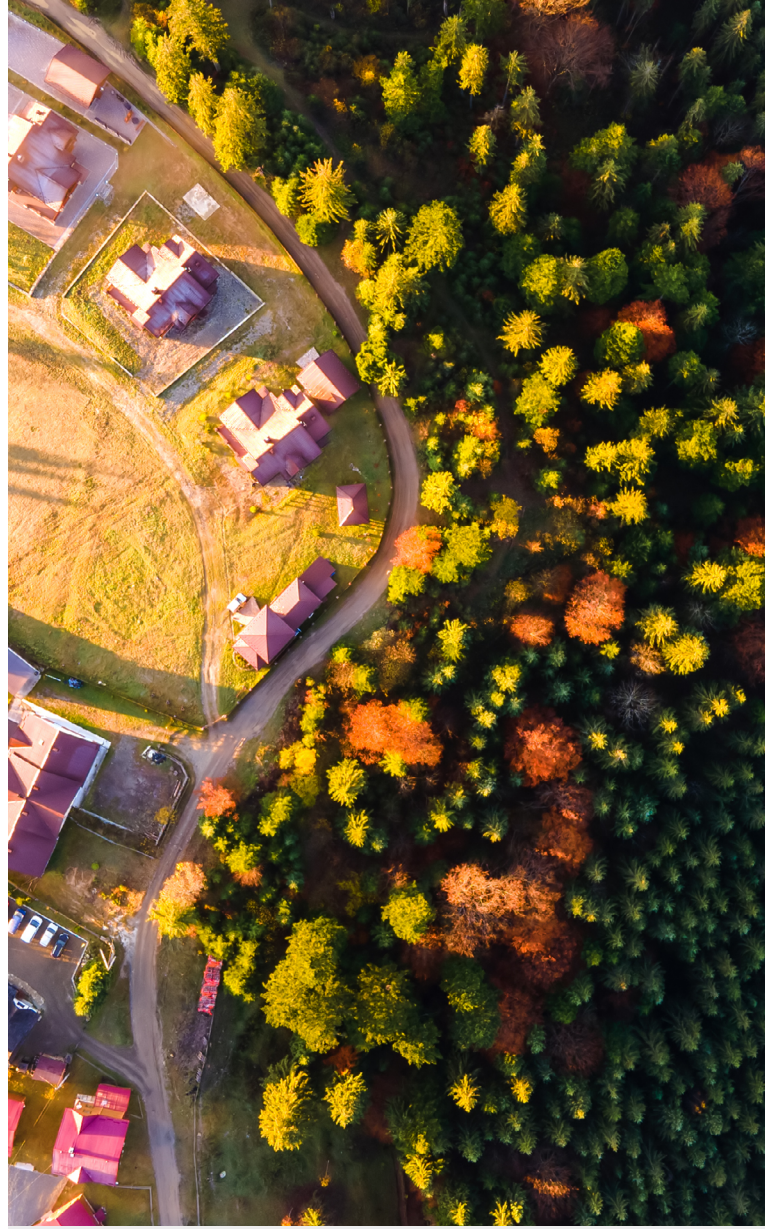
Policies and services must be especially sensitive to the needs of populations that will be particularly vulnerable to the effects of climate change on legal needs. Migrants, women, children and youth, indigenous peoples, the poor, the elderly, and the disabled need specific protection. These needs must be taken into account when people-centred justice journeys are designed and delivered.

17 Ayeb-Karlsson, S. et al. (2016). *A people-centred perspective on climate change, environmental stress, and livelihood resilience in Bangladesh*. *Sustainability Science*. Available at: <https://doi.org/10.1007/s11625-016-0379-z> (Accessed: 30 June 2023).



## Invest in Green Justice

Justice is not among the significant sources of greenhouse gases, but it is a great practice to decarbonise justice processes as much as possible. Green courtrooms powered by solar and wind energy, online procedures, and paperless processes are some of the examples through which the justice sectors can contribute to saving the planet.



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