

Women's Development and Environment Organization

The relationship between transitional justice, climate and Environmental justice

Transitional Justice and Its Intersection with Environmental and Climate Justice:

Transitional justice relies on five fundamental pillars, which intersect with environmental and climate justice in several significant ways:

Justice:

Judicial trials play a crucial role in holding individuals or companies accountable for pollution or environmental damage that affects local communities. These trials should be part of transitional justice, especially if environmental violations occurred in the context of armed conflicts or under repressive regimes. Similarly, holding responsible parties accountable for climate change—whether states or corporations—can be a component of international legal efforts for climate justice. Legal actions taken before international courts for climate-induced displacement or environmental destruction highlight these aspects. Thus, judicial trials in transitional justice should include cases related to environmental and climate issues, particularly when such violations are part of broader conflicts.

Truth and Reconciliation Commissions

Truth commissions can uncover and document environmental violations that occurred during conflicts or under repressive regimes, contributing to

narratives of environmental and climate injustice. These commissions can also investigate how climate change exacerbated conflicts or caused significant environmental and social harm. Therefore, truth commissions in transitional justice should play a role in revealing and documenting environmental and climate violations as part of a broader human rights narrative.

Reparations and Compensation Programs

Providing reparations to communities affected by environmental pollution or natural resource destruction is part of achieving environmental justice. These reparations may include environmental restoration or the provision of social services to mitigate or adapt to the impacts. Similarly, climate reparations might involve financial and technical support for communities affected by climate change, such as those who have lost agricultural land due to drought or floods. Consequently, reparations programs in transitional justice should be expanded to cover environmental and climate damages experienced by communities during conflicts or under repressive regimes.

Institutional Reform

Reforming environmental institutions is crucial to ensure they can effectively protect environmental rights and enforce laws fairly. These reforms might include strengthening environmental regulatory agencies and overhauling the judicial system to be more responsive to environmental violations. Additionally, such reforms could involve implementing new climate policies or enhancing the capacities of institutions dealing with climate change to ensure equitable distribution of responsibilities and benefits. Institutional reforms in transitional justice should include enhancing environmental and climate capacities to

prevent the recurrence of violations and protect communities' rights in a healthy and sustainable environment.

Collective Memory and Commemoration

Commemorating environmental disasters and significant pollution events should be part of building collective memory to prevent the recurrence of such violations and enhance environmental awareness. Establishing memorials or museums to document the impacts of climate change on communities can help preserve collective memory and increase awareness of climate challenges. Therefore, commemoration efforts in transitional justice should include remembering environmental and climate violations, contributing to public awareness and ensuring that the harm inflicted on communities is not forgotten.

For more information

<https://www.ohchr.org/en/calls-for-input/2023/minimum-international-legal-standards-underpinning-pillars-transitional>