

The Aarhus Convention and the prevention of destructive conflict

Using access rights to build peace and prevent conflict around environmental issues

Lynn Finnegan, June 2014



building
peace
around
water, land
and food

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QUNO's work on Natural Resources, Conflict and Cooperation seeks to influence policy and practice to take account of the links between natural resource management, human rights and peacebuilding. We recognize that weak and inequitable governance of natural resources can lead to destructive conflict, exacerbating tensions between groups and in some cases escalating to violence.

We encourage dialogue, cooperation and the constructive handling of conflicts. QUNO works with laws and guidelines from international frameworks that support inclusive decision making and equitable access to natural resources, while also bringing expertise and good practices from the local level to the international policy environment.

Introduction

The Aarhus Convention on Access to Information, Public Participation in Decision making and Access to Justice in Environmental Matters is a unique international convention that provides a useful and rare link between environmental and human rights. It sets out three procedural rights - or 'access' rights - relating to the environment. These three rights are:

- the right to access to information in environmental matters
- the right to participate in decision making in environmental matters
- the right to justice in environmental matters

They provide promising and essential steps towards participatory environmental policy and decision making, building on principle 10 of the 1992 Rio Declaration on Environment and Development¹. The Convention aims to protect the right of every person - in present and future generations - to an environment adequate to their health and wellbeing.

There are important links between these three environmental access rights and destructive conflict around environmental issues. Poorly planned, exclusive environmental decision making can create, or exacerbate, destructive conflict, if it contributes to a breakdown of communication among groups, damages social relations or escalates tensions that can lead to violence. In contrast, successfully implemented access rights can

1. Adopted at the 1992 United Nations Conference on Environment and Development, or 'Earth Summit', Rio de Janeiro

Box one: key terms

Destructive Conflict

Conflict in itself is not negative. It is an inevitable part of life and can function as a motor for change and development in society if handled constructively. Conflict becomes destructive when it leads to a breakdown of communication among groups, damaging social relations and exacerbating tensions that can lead to violence.

Peacebuilding and Conflict Prevention

Peacebuilding is both the development of human and institutional capacity for resolving conflicts without violence, and the transformation of the conditions that generate destructive conflict. In this sense it is closely allied to the prevention of destructive conflict and is not only relevant to post-conflict settings.

help give all stakeholders, including marginalised and vulnerable groups, a voice in environmental decision making, helping to build sustainable and peaceful environments for everyone. This briefing paper will explore two elements relating to access rights, destructive conflict and peacebuilding:

- Aarhus's environmental access rights can help prevent destructive conflict
- Peacebuilding approaches can help make environmental access rights effective

Access rights can help prevent destructive conflict

When successfully implemented, Aarhus's environmental access rights can contribute to the prevention of destructive conflict. Access to

information, participation in decision making and access to justice help underpin inclusive, equitable and peaceful environmental governance.

If implemented successfully, access rights can provide many opportunities for the constructive resolution of environment related conflict: the dissemination of appropriate information accessible to all stakeholders; early and meaningful opportunities for public participation which is taken into account by public authorities and; an accessible, affordable way for people to get their complaints heard and acted upon.

Legal frameworks that do not provide for environmental access rights risk exclusionary decision making where local communities' aspirations are not taken into account. The absence or exclusion of a particular stakeholder group throughout the decision making process can lead to the needs and vulnerabilities of that group going unrecognised. This can lead to the deepening of environmental injustice that leads to destructive conflict and even violence. Such practices can result in the development of unsustainable solutions, which can lead to a resurgence of violence further down the line. These risks are particularly salient in contexts where local people's livelihoods, health, identity and wellbeing are shaped by the local environment and natural resources such as land and water.

Climate change makes it increasingly urgent to address access rights and their contribution to the constructive handling of conflict. Rising greenhouse gas emissions will lead to greater uncertainty in precipitation levels, growing seasons, extreme weather events and significant seasonal temperature increases. Societal resilience to these uncertainties can be increased by putting in place conflict prevention and management systems that relate to the environment. Central to these will be the availability of appropriate and relevant

information, the ability of all citizens to participate in environmental decisions that affect them, and access to justice in cases where these rights have been violated. Building a policy environment which respects and protects environmental access rights will provide a solid base from which to address increasing climate uncertainties now and in the coming decades.

Peacebuilding approaches can help make access rights effective

Aarhus's three access rights are closely linked; to participate effectively in decisions relating to the environment it is necessary to have access to all the relevant information, and both access to information and participation in decision making mean little if there are no review mechanisms in place when such rights are denied. But there are also other important factors relevant to the achievement of environmental access rights. In many environmental matters there is a potential for injustice and conflict within and between social groups. In order to be able to respond to conflict constructively, local communities need the capacity to analyse the situation, understand the options available to them and articulate their needs and aspirations.

We feel these are preconditions for achieving environmental rights such as those enshrined in the Aarhus Convention. Peacebuilding approaches, which are relevant not only to post-conflict settings, can contribute to the successful implementation of environmental access rights.

Peacebuilding approaches focus on building capacity among local communities, building opportunities and providing tools for social groups to understand their own and others' needs and

resolve conflicts constructively within and between communities. Peacebuilding approaches also address confidence issues and power imbalances that often affect decision making, as well as seeking to strengthen non-violent communication skills. Individuals and groups can then engage in joint problem solving with other stakeholders, developing solutions and environmental management plans that are legitimate and accepted by all parties. Such work helps lay the foundations necessary for social groups to respond effectively to the environmental information they are given as well as future opportunities to participate in environmental decision making.

“Peacebuilding approaches, which are relevant not only to post-conflict settings, can contribute to the successful implementation of environmental access rights”

National governments and NGOs can play an important role in supporting such community empowerment. Indeed, new skill sets and attitude change is needed at all levels, including capacity building within government departments so they can take on a more facilitative role in supporting collective decision making that responds to local needs. It is essential, however, that these efforts include marginalized and vulnerable stakeholders, such as women's organisations, the poorest and those facing stigma or oppression. These stakeholders are often excluded from decision making processes even when there are opportunities for the public to input into environmental policy. It is often difficult to reach all community groups without careful planning

and consideration of the needs and challenges each group face. For instance, the time, place and format of public discussions and training workshops can inhibit the access and participation of some groups; it is essential to accommodate young peoples', women's or other marginalised groups' responsibilities with school, paid or unpaid work, childcare or livelihood activities, to ensure the full participation of all groups affected. In some areas, such lack of access is related to wider patterns

of social exclusion, presenting other challenges that need to be addressed in order to secure full participation.

Boxes two and three look at case studies from Colombia and Uganda that have carefully considered peacebuilding approaches in their work relating to participatory environmental management and decision making.

Box two: Conversatorios of Citizen Action, Colombia

In Colombia, the 1991 National Constitution sets out the right to democratic participation in decision making, public access to decision making spaces and national support for citizen's committees to monitor the use of public resources. The government supports Conversatorios of Citizen Action (CACs) to empower local communities to participate effectively in environmental management and decision making. The CAC methodology involves a significant preparatory phase - sometimes lasting up to three years - working particularly with marginalised and vulnerable stakeholders such as women's organisations.

Workshops developed by Asociación del Deporte Solidario (ASDES) and World Wide Fund for Nature (WWF) help women's groups improve their understanding of their legal rights, help participants identify, analyse and resolve conflict and develop communication skills for formulating questions and arguments when speaking in public. Information was purposefully tailored to suit the strong tradition of oral communication so low literacy rates did not become a barrier to accessing information. The women involved in the workshops reported feeling more able to speak in public consultation meetings and to articulate their legal rights and environmental needs. Some participants who traditionally felt the most marginalised came to be perceived by many as legitimate community leaders. The CAC methodology highlights some of the benefits of peacebuilding approaches to achieving environmental access rights such as access to information and participation in decision making.

Córdoba, D. and D. White (2011) Citizen Participation in Managing Water: Do Conversatorios generate collective action? CGIAR Challenge Programme on Water and Food

Candelo, C., L. Cantillo, J. Gonzalez, A.M. Roldan and N. Johnson (2008) 'Empowering communities to co-manage natural resources: impacts of the Conversatorio de Acción Ciudadana', Fighting Poverty Through Sustainable Water Use, Volumes I, II, III, IV, CGIAR Challenge Programme on Water and Food

Box three: Community Land Documentation, Uganda

Uganda's 1998 Land Act recognises customary land tenure and community land use rights, giving an opportunity for communities to register their communally held lands. This has the potential to improve local participation in land and environmental decision making, to strengthen long term conservation efforts and sustainable environmental management of grasslands and wetlands. Despite the Land Act, however, access to information and community members' participation in decision making have not been fully realised. In post-war northern and eastern Uganda, conflict around land remains a huge social and environmental problem, with a significant proportion of people imprisoned on charges directly relating to land disputes. Preventing destructive conflict around land is therefore a key challenge.

The Land and Equity Movement in Uganda (LEMU) and Namati are two organisations that work with local communities using participatory peacebuilding approaches to create positive change around rural environmental management. LEMU and Namati recognise that improvements in environmental policy must go hand in hand with peacebuilding work around land and environmental management, and transmission of indigenous knowledge. They help bring together social groups that share an environment (such as a common grazing area or wetland) to analyse their needs and aspirations, document community rules for land and natural resource use, and facilitate communities to resolve their own land-based conflicts in order to document their communal land claims.

This way, communities participate more meaningfully in environmental decisions that affect them, with clear evidence of their land ownership, agreed management structures, shared plans to manage common resources and the skills to negotiate with potential investors and government officials. This work is helping to create positive change and reduce the chance of future destructive conflict around environmental issues.

Find out more at:

www.land-in-uganda.org

www.namati.org/work/community-land-protection-program

Knight, Rachael, Judy Adoko and Theresa Auma Eilu (2013) 'Protecting Community Lands and Resources: Evidence from Uganda', Namati, LEMU and IDLO

Food and Agricultural Organisation of the United Nations (2013) Governing land for women and men: A technical guide to support the achievement of responsible, gender-equitable governance of tenure, Governance of tenure technical guide number 1, p. 57

Further Resources

There is a need for more accessible, practical information about good practices and peacebuilding approaches that help prevent conflict around environmental issues and contribute to the achievement of environmental access rights. There are a range of further resources useful to governments, civil society groups, local communities, businesses and other organisations working with local communities to support environmental access rights, peacebuilding and the Aarhus Convention.



‘Environmental Peacebuilding’ Community of Practice

The Environmental Law Institute, the United Nations Environment Programme (UNEP), McGill University and the University of Tokyo have recently launched a global community of practice around environmental peacebuilding. It aims to connect a global community of researchers, practitioners, and decision makers in sharing experiences and lessons from managing natural resources in conflict-affected settings, accessing new research on the topic, and participating in events to support the growing network of professionals active in environmental peacebuilding.

See more: www.environmentalpeacebuilding.org



Communitiesfirst.net is developing a library of community toolkits that are available to support communities in environmental decision-making that affect their lands and livelihoods. The project focuses on mining activity and dialogue-based approaches that aim to proactively and constructively address and prevent conflict relating to the environment.

See more: communitiesfirst.net/toolkits

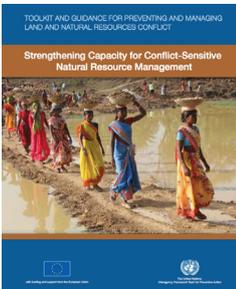
‘Promoting Environmental Mediation as a Tool for Public Participation and Conflict Resolution’

Regional Environmental Center (REC) for Central and Eastern Europe, 2007. This publication provides a comparative analysis of case studies from Austria, Germany and CEE countries in the growing area of environmental mediation.

See more: www.rec.org



promoting environmental mediation as a tool for public participation and conflict resolution
a comparative analysis of case studies from Austria, Germany and CEE countries
final report



A **UN-EU partnership** on natural resources and conflict prevention provides training courses and guidance to help countries reduce tensions and prevent conflict around natural resources. Guidance notes focus on land, extractive industries, renewable resources and capacity building.

Guidance notes: www.un.org/en/events/environmentconflictday/uneu.shtml

On-line training: www.unssc.org/home/line-training-programme-land-natural-resources-and-conflict



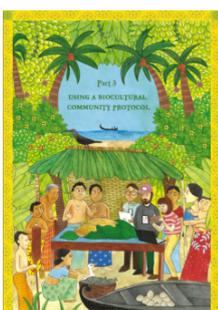
Cap-Net provides a training manual, presentations, and resource materials on managing water conflict. These bring together experience from water conflict resolution training in Asia, Africa and Latin America.

See more: www.cap-net.org/node/1300



The FAO provides training materials, working papers and other resources on collaborative conflict management of natural resources including forests. It has a lot of experience supporting and strengthening the capacity of local communities, civil society, government and private sector actors on conflict management and dispute resolution.

See more: www.fao.org/forestry/conflict



Natural Justice is an international NGO working as lawyers for communities and the environment. They aim to facilitate the full and effective participation of Indigenous peoples and local communities in the development and implementation of laws and policies that relate to the conservation and customary uses of biodiversity and the protection of associated cultural heritage.

See more: www.naturaljustice.org



The Quaker United Nations Office

The Quaker UN Office, located in Geneva and New York, represents Friends World Committee for Consultation (Quakers), an international non-governmental organisation with General Consultative Status at the UN.

QUNO works to promote the peace and justice concerns of Friends (Quakers) from around the world at the UN and other global institutions. It is supported by the American Friends Service Committee, Britain Yearly Meeting, the worldwide community of Friends, other groups and individuals.

www.quno.org

Quaker United Nations Office
13 Avenue du Mervelet
1209 Geneva
Switzerland
Tel: +41 22 748 4800

quno@quno.ch

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