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Challenges of Global Environmental Governance

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Challenges of Global Environmental Governance

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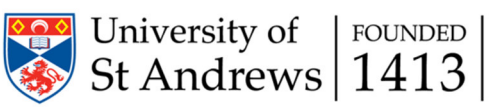

Preface

In October and November 2021, Scotland hosted the 2021 United Nations Climate Change Conference, more commonly referred to as COP26. The summit brought together state parties and non-state representatives to accelerate action towards the goals of the Paris Agreement and the UN Framework Convention on Climate Change. It also provided a great opportunity for St Andrews students to follow the high-level discussions and side events more closely. Despite the obstacles presented by the ongoing pandemic, many of our students found innovative ways to engage with the topic they care about. Climate change and environmental concerns more broadly are one of the most important topics of today, and will define the world our students grow up in. So when it came to choosing the overarching topic for this year's Junior Scholar Working Paper Series (JSWPS), the decision was easy. As our small contribution to all the activities and energy surrounding COP26 in Scotland, we wanted our student interns to think and research on the topic of environment and global governance. We were not wrong, as even at the application stage, we had an incredibly hard task, reading inspired short essays covering a whole gamut of environmental topics.

What you have in front of you is a collection of research essays developed by our talented interns on the overarching topic of *Challenges of Global Environmental Governance*. The five essays represent important voices from young scholars, with their own perspectives on a timely and growing debate. Taken together, they highlight the multifaceted impacts that climate change and environmental degradation are already having on global governance. They also suggest future implications we are only beginning to grapple with. The essays are suitably diverse, exploring the role of non-governmental actors and small coastal states in climate change, how emotions and scientific uncertainty intersect in climate discussions, and the link between climate change and migration, both from a practical angle looking at the Rohingya refugees and a legal one through exploring the applicability of international human rights law to environmental migrants. As appropriate given the complexity of the subject matter, their findings defy easy categorisation. All are intellectually rich and stimulating interventions in an ongoing event.

The Centre for Global Law and Governance (CGLG) is immensely proud of our internship programme. Each autumn, we hold a competitive selection process open to undergraduate and post-graduate taught students from across the University. Our 2021-22 cohort includes

undergraduate and MLitt students from the Schools of International Relations, History and Geography, reflecting the kind of interdisciplinarity we seek to cultivate in the Centre.

The internship programme is a vital part of the CGLG's broader community of scholars. Our PhD Fellows Josephine Jackson, Karen Katiyo, Haley Rice, Simon Taeuber, and Ruoxi Wang served as academic mentors for the individual research projects and provided superb guidance and moral support in the development of the essays. We are grateful for their help as, we are sure, are the interns. Yet the work presented here is the product of our interns' own thinking. They are their own biggest support network, and actively provided peer review on each other's drafts at an internal workshop. We enjoy this process tremendously and are delighted to be part of their learning process.

The ongoing pandemic continued reshaping Centre events in the 2021-22 academic year. Our public and internal events transitioned to the online environment, with superb organisational assistance provided by Mrs Jenny Halley, the School of IR's Research and Impact Administrator. But after two years, we are delighted that we are able to return to a small in-person JSWPS launch event. This is always a nice celebration of our interns' achievements and serves to wrap-up our activities for the academic year. We are looking forward to toasting to our interns' success and celebrating their achievement.

We sincerely hope that you enjoy the outcome of this scholarly process.

Adam Bower and Mateja Peter
Co-Directors, Centre for Global Law and Governance

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Bridging Between Actors: The Function of Non-Governmental Organisations in Global Environmental Governance

Jasmin Zheng [*]

Abstract

Civil societies, particularly non-governmental organisations, play an important role in Global Environmental Governance. This research examines the role of non-governmental organisations as a bridge between three actors in a multilevel structure – individuals, states, and international organisations – in the context of Global Environmental Governance. According to this research, the process of global governance can be broken down into four steps: 1) agenda setting, 2) policy formulation, 3) implementation and evaluation, and 4) evaluation. Non-governmental organisations are argued to act as delegators, negotiators, and supervisors in each of these three steps in order to fulfil their role as the bridge. The paper also recognises that non-governmental organisations can perform each role in a variety of ways: proactive delegation and invitation delegation as delegators, forum construction and direct participation as negotiators, implementational support of international policies and assistance with evaluation as supervisors, among other things. The World Wildlife Fund and the International Union for Conservation of Nature as two organisations with distinct influencing areas will be presented and compared as case studies. The World Wildlife Fund is more willing to produce public influences, while the International Union for Conservation of Nature acts directly on the governing body. By recognising the differences in practises between two organisations, it is suggested that additional research can be conducted on evaluating the effectiveness of non-governmental organisations on a broader scale.

Introduction

Global Environmental Governance (GEG) is a transnational governance system with multiple layers of rulemaking and implementation. It is marked by "multilevel governance" at the international, national, and subnational levels, as well as "multipolar governance" among various actors (Biermann and Pattberg 2008, 285). The latter is a focus of academic research, and many scholars have observed a shift in environmental policy from a state-centric to an organic interaction between states, international organisations (IOs), and global civil society (Auer 2000). "People voluntarily organise to pursue various aims that exist in

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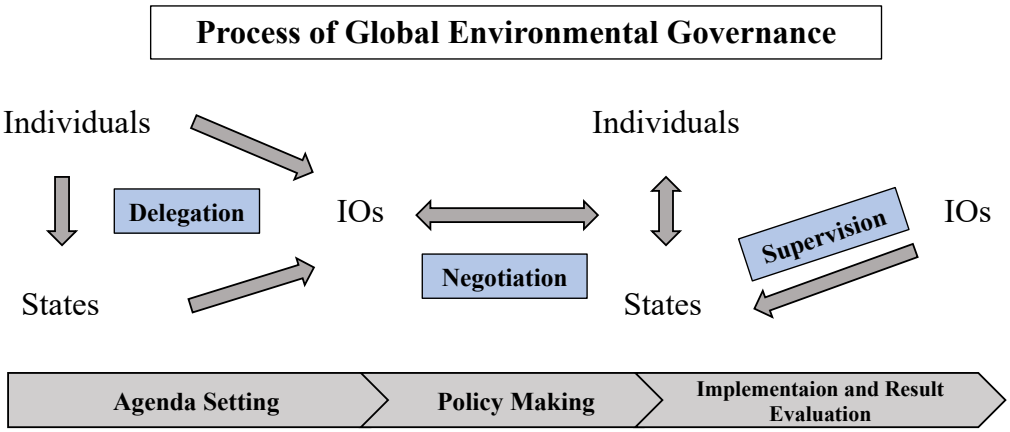
the domain above individuals and below the state but also across state boundaries," according to the definition of global civil society (Wapner 1997, 66). In GEG, global civil society takes many different forms. Non-governmental organisations (NGOs), for example, are more structured, systematic, and goal-oriented (Gemmill and Bamidele-Izu 2002, 1). Because it is easier to recognise and evaluate the nature of global civil society using NGOs as units of analysis, the current study focuses on their role in GEG. NGOs are involved in "negotiation between states, information gathering and dissemination, and appraisal," according to scholars (Auer 2000). Setting the agenda, making policy, implementing policy, and evaluating results are all parts of the global governance process, argued on Avant, Finnemore, and Sell (2010). The current study examines one of the roles that Environmental NGOs (ENGOs) play in the global governance process: serving as a bridge between international organisations, states, and individuals. To examine how ENGOs participate in GEG, the following sections will divide the bridging functions into roles of delegators, negotiators, and supervisors, and summarise as follows:



Furthermore, examining NGOs that work with various groups can reveal how they perform bridging functions in GEG. As a result, case studies of the World Wildlife Fund (WWF) and the International Union for Conservation of Nature (IUCN) are presented. IUCN collaborates more closely with governments and international organisations, producing technical reports and advice for government agencies. In contrast, WWF was founded in order to raise funds for the IUCN, recognising the lack of public awareness of the organisation. So the WWF is more public-facing, as it operates in over 100 countries and has more social media followers than any other environmental organisation (Duberry 2019).

ENGOs as Delegators

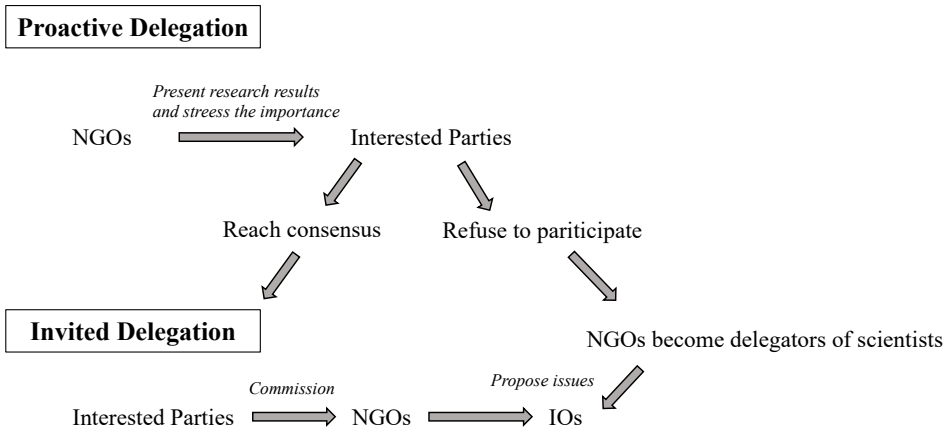
ENGOs serve as delegators in the GEG agenda setting process, bridging the gap between individuals, states, and IOs. "A conditional grant of authority from a principal to an agent that empowers the latter to act on behalf of the former" is what delegation refers to (Hawkins et al 2006, 7). Individuals and states can appoint ENGOs to act on their behalf, such as raising issues that the principals would like to include on the GEG agenda or expressing concerns about certain policies.

Non-governmental organisations can be both invited and proactive delegaters. In the invitation mode, NGOs are tasked with bringing the concerns of interested parties to the attention of higher institutions. In other words, NGOs are being asked to act as middlemen. NGOs, for example, can represent affected individuals in bringing their issues to the attention of states and international organisations, as well as represent a group of states in bringing their common concerns to international organisations. ENGOs propose environmental issues based on their own investigations, then present the results of scientific or sociological evaluations as evidence to interested parties to emphasise the importance of problems in a proactive process. The proactive process may result in two types of delegations. NGOs will be given the right and obligation to raise the problem to higher level institutions if the interested parties recognise the urgency and need to solve their local issues. If the affected parties' representatives are unwilling to resolve the problem, NGOs could intervene on behalf of scientists or academics to bring the issue to the negotiating table.

NGOs serve as intermediaries between actors, whether proactive or reactive, in order to establish more legitimate international institutions and ensure that environmental issues are included in the global governance agenda-setting process. Because not all actors have equal voice, especially relative weaker actors, bridging actors in the agenda setting process is critical in GEG. Because of the nature of environmental issues, some states overlook the importance of long-term sustainability and give environmental issues little weight when weighing development strategies. Individuals in affected groups, on the other hand, are frequently silenced or denied access to express their concerns. Similarly, the voices of weak states are more likely to be ignored during global governance than the voices of powerful states. As a result, international institutions sometimes overlook or downplay regional issues affecting weak states, leaving problems unsolved, especially when it comes to

environmental issues, which often necessitate collaborative efforts. ENGOs with international or domestic clout can then step in to assist interested parties in making their voices heard (Esty 1998; Charnovitz 1997). Because NGOs, in contrast to bureaucratic institutions, are seen as neutral participants with no political strategic interests, they enjoy greater trust and recognition from both affected parties and agenda-setting institutions. As a result, they are able to act on behalf of their principals to ensure that their voices are heard on the global environmental agenda. Large ENGOs, on the other hand, are more influential than other types of civil society because they have long-term experience participating in GEG across a variety of issue areas.

ENGOs act as negotiators in the GEG agenda setting process by bridging the gap between voiceless affected parties and states or IOs.



ENGOs as Negotiators

Moving on to the next step of the GEG, policymaking, ENGOs act as negotiators between individuals, states, and IOs. As negotiators, NGOs can serve as forums for encouraging and facilitating information exchanges, as well as participants in the policy-making process, communicating needs and offering opinions.

As negotiation forums, ENGOs can provide a neutral platform for different actors involved in the policy-making process to facilitate "interactions of different knowledges, ideas, and information" (Gunderson 2018, 370). The forums that ENGOs provide are more focused on Track II diplomacy, which encourages non-state actors such as civil society, researchers, and some private actors to communicate and dialogue. As a result, ENGOs use this

'backchannel' of diplomacy to bridge the gap between formal and informal diplomacy. Scholars working on similar topics or private actors conducting similar practises can interact without or with less considerations on political issues, resulting in a greater consensus on the need to create environmental policy that benefits all rather than favouring the interests of certain states. As a result, the understanding developed during Track II diplomacy forums can contribute positively to formal diplomatic actors' decision-making processes. Because of having transnational visions and lack of political positions, ENGOs play an important role in facilitating the forums (Berkes 2009). The venues provided by transnational NGOs can empower actors to "have the ability for competent, unrestricted communication" in order to make rational decisions (Dietz 1994, 305).

ENGOs can participate as actors in the bargaining process as intermediaries in policy making of GEG. By approaching government officials and affected parties in each state, ENGOs can build a state-to-state bridge to communicate their needs, and then aim to produce a decision outcome that benefits the global environment the most, but is based on consensus. Bridging between states by a non-state actor is beneficial because it can informally transmit the actual concerns that decision makers had, increasing proximity and generating deeper understanding to achieve breakthroughs in the negotiation process (Bosco 2014). ENGOs are usually more capable and efficient negotiators because they have a transnational network with both formal and informal connections with domestic institutions across different states.

Furthermore, ENGOs can act as neutral third parties who offer scholarly opinions and support their recommendations or proposals with scientific evidence. As "knowledge brokers," they use the opportunity of negotiation to build a bridge between "factual information and policymakers" (Litfin 1995). It is critical because politicians require scientific advice on policies they proposed in order to ensure that they are feasible. As Betsill and Corell (2001, 80) argued, NGOs' suggestions are effective, and when NGOs intentionally deliver information to GEG negotiators, both the negotiation process and the outcome may be altered. Another reason for the importance of the ENGO's negotiator role is that it can exert pressure on states based on factual knowledge. ENGOs can "exert clearly visible pressure on states" to ratify environmental policies by presenting research findings as scientific facts. Since states tend to choose policies that bring them more interests rather than those that benefit the entire globe, ENGOs can "exert clearly visible pressure on states" to

ratify environmental policies by presenting research findings as scientific facts (Bernauer, Bohmelt and Koubi 2013, 88).

ENGOs as Supervisors

NGOs mainly serve as supervisors between IOs and states during the GEG implementation and evaluation process. While IOs are the major law-making bodies in GEG, states are the actual implementor of laws, and some of these are not enforced. The reason is that the binding force of international law is limited, and states lack sufficient motivation to preserve the environment. Since implementing environmental policies provided few political incentives for some states, and international goals occasionally conflict with local government's strategic objectives and interests of elites (Persha and Andersson 2014). Furthermore, some are unable to put the relevant law into effect due to a scarcity of local professionals who can develop an area-specific plan. Because communities in some states are still poorly organised, they face challenges in providing technical, financial, and human resources to carry out the GEG agenda (Larsen 2008).

As a result, NGOs can act as a bridge by assisting and supervising states for IOs. This includes both implementation of international policies for states, as well as support for IOs when evaluating individual states' actions, or helping states to measure their own performance. This can be accomplished by providing technical assistance to governments or by initiating local projects in which governments are not necessarily involved. The former type of supervision necessitates ENGOs collaborating closely with local governments by sending technical staff or hosting educational sessions in order to formally integrate international environmental laws into the bureaucratic system. When the government is not supportive or effective in implementing programmes, the latter form is more of a collaboration with private actors, such as businesses or local research institutes, to realise GEG's visions. As Folke et al. (2005) suggested, NGOs increase cooperation between different levels of governance in GEG by fostering relationships within comanagement networks as well as with the outside world.

Because of their professional and area-focused characteristics, non-governmental organisations are frequently considered essential in both the implementation and evaluation processes. Many international NGOs have opened offices around the world to achieve their global goals by focusing on problems in a specific region at each location. ENGOs' regional

offices can provide particular insight into localising international policies and environmental projects into areas within their working scope. By having extensive experiences in environmental governance, ENGOs making it easier for IOs to supervise and evaluate local practises, Furthermore, ENGOs' global network allows them to seek the assistance of and mobilise specialists with knowledge on specific issues to the affected area if necessary. Because the effectiveness of NGOs' oversight role is more visible in developing and underdeveloped countries, they are seen as critical to the success of ecomanagement in those countries (Plummer 2009).

As a result, NGOs help achieve international goals by bridging the gap between IOs and states during the implementation and evaluation of the GEG. According to Geping (2005, 85), NGOs can "influence the decision-making process, monitor international obligations, and participate in project implementations" by providing information to both states and IOs. The bridging function of NGOs will be further examined in the sections that follow, using WWF and IUCN as examples.

Case Study 1: World Wildlife Fund

The WWF is one the most influential NGOs in general public, it was founded in 1961 and now has 5 million supporters globally (Duberry 2019). Unlike scientific research or academic practice focused NGO, the WWF is focusing on raising awareness of environmental issues and collaborating with private sectors than governments.

The WWF is very active in being the agent to promote and advocate rights for affected parties, and pay additional attention on indigenous rights, by “respecting their cultural as well as economic needs”, as suggested in ‘WWF’s mission, guiding principles and goals’. Besides, along with IUCN and five other organisations, the WWF initiated The Conservation Initiation on Human Rights (CIHR), to stress the importance of respecting human rights and the voice of indigenous people. Accordingly, WWF then conducted several projects in Tanzania and Nepal as a proactive delegator (WWF a). After researching for unsolved problems in underdeveloped areas, WWF advocated and mobilised local communities act to save the environment by presenting potential business interests to them. Then the WWF became the delegator for indigenous people to act on behalf of their interests during implementation of conversation programme.

In the policy making process, the WWF both works as a negotiation forum and a negotiation between parties. For example, WWF has a tradition of publishing an "expectation" papers before every Conference of the Parties (COP) meeting which includes the priorities that should be discussed in the conference. In order to draft the paper, WWF consult the opinions of delegations in a roundtable style conference to communicate about their needs and anticipations, so that create opportunities for opinion leaders to talk before the actual negotiation starts (Varley et al. 2018, 9). Moreover, the WWF will keep on track on negotiation processes to facilitate and ensure that priorities problems has solutions respectively. For example, the WWF is in favour of the negotiation of Reducing Emissions from Deforestation and Forest Degradation, and they have set up a Forest and Climate unit to follow and influence negotiations (ibid., 10). Therefore, the WWF bridges the gap between negotiation parties and provide its own advice accordingly.

In implementation and evaluation process, the WWF prefers work with non-governmental actors to initiate its own programme. For example, WWF in Kilwa was working closely with the local partner the Mpingo Conservation & Development Initiative (MCDI) to implement a forest management project. WWF localised the international expectation on forest stewardship by establishing a community-managed scheme that encouraging locals to take control over their environment, as to "put the management of fort into the hands of people best suited to protect them" (WWF b). In this programme, WWF as a supervisor bridges the gap between individuals, states and IOs by practicing on international agenda to assist the formation of a conversation measure that involves all three levels of global governance, and provide further help on evaluating and improving the scheme.

In short, the WWF provides an example for the bridging role of ENGOs, and suggests that ENGOs with a public-influence focus are more active and effective in bridging the gap in the civil level instead of acting directly upon bureaucratic structures.

Case Study 2: The Case of International Union for the Conservation of Nature

The IUCN offers insight for bridging role of ENGOs in another perspective. It is often described as a "hybrid" NGO because it consists of governmental and non-governmental members (Heselink and Goldstein 2000, 123). But since the private sector dominates its governance, it is still considered an NGO (Willetts 1996). While the IUCN is lack of awareness among the general public, it has a special status in GEG since it is the only NGO

that is a permanent observer in the United Nations General Assembly (UNGA), where it can observe the Plenary, the Committee of the Whole, Ministerial Consultation's discussions, and also provide information (Duberry 2019). As a result, in comparison to the WWF, the IUCN engages in more formal collaboration with governments and institutions. As a legal participant in GEG, it has also successfully built connections between IOs, states, and individuals.

The IUCN, in its capacity as delegator, serves as an invited as well as proactive actor. However, it makes a greater contribution to governance as an invited delegator because it is more professionalised in providing advice on appealing through bureaucratic processes, as opposed to the WWF's focus on raising awareness among the affected parties. Between 2019 and 2021, seven UNGA documents referred directly to the IUCN, four of which acknowledged the efforts of the organisations in doing so. For example, a report on the rights of indigenous peoples (UNGA 2020a) and a summary of the consultation on the rights of indigenous people in Asia (UNGA 2020b) credited the IUCN's work in facilitating dialogue between representatives of Asian indigenous people across 13 countries at the World Summit of Indigenous People and Nature (UNGA 2020b). In this instance, the IUCN, which had close relationships with local indigenous peoples, introduced said peoples to IOs to ensure that their voices would be heard as part of the process of GEG.

The IUCN has a greater impact when acting as a third-party negotiator during the GEG policy-making process. Six scientific commissions make up the IUCN's structure, which Haas (1990, 349) describes as "transnational networks of knowledge-based communities that are both politically empowered through their claims to exercise authoritative knowledge and motivated by shared causal and principled beliefs." As a result, the IUCN is actively conducting environmental research in order to bridge the gap between scientists and policymakers, ensuring that both scientists' recommendations can be proposed to political discussion, and the policies suggested by politicians during negotiations are feasible. For example, one of the UNGA documents endorsed the IUCN's contribution to the definition of species that needed to be protected and the law-making procedure associated with the red list of threatened species (UNGA 2019; IUCN 2019). The Red List provided a scientific foundation on which decision-makers could negotiate, as well as a list of priorities that scholars believe should be prioritised in the policy-making process. As Betts et al (2019, 634) argues, the Red List is a "highly respected source of information and has influenced policy development, priority setting and resource allocation in GEG".

In comparison to the WWF, the IUCN focuses on government policy implementation rather than working with private actors as a GEG supervisor. One example of its participation was its contribution to the 2021 UNGA sub programme for the forest industry (UNGA 2020c). The IUCN was referred to as one of the organisations that have extensive experience and expertise in this area and was asked to assist in the implementation of the programme. An example of its indirect participation was its development of an education programme to protected areas (PAs) law. To train local practitioners in affected territories, it designed a series of workshops to introduce the legal aspects of managing and governing PAs to help local governments keep up with the global calls for protection. NGOs such as the IUCN have a significant impact on implementation of environmental agenda, especially in developing or underdeveloped countries, by forming Middle Power - NGO coalitions (Bolton and Nash 2010). However, in developed countries, their effectiveness is limited. Bernauer, Bohmelt, and Koubi (2013, 104) argue that in "highly democratic countries," the marginal effect of environmental NGOs fades and even becomes negative. Therefore, the general effectiveness of NGOs as the bridge can be called into question. As part of its contribution to evaluation and monitoring processes, the IUCN has published three series of tools – *project guidelines*, *standards and guidelines*, and an *evaluation database* – that allows project managers or governments to assess their work according to international expectations and, in turn, enable IOs and states to monitor the work of the IUCN.

In conclusion, the IUCN and WWF provide two examples of how NGOs act as a bridge between IOs, states, and individuals in GEG, with the following differences in how they do so:

		WWF	**IUCN**
Features	**Influencing Area**	***General Public***: through advocacy programmes	***Governing bodies****:* as the only NGO permanent observer of UNGA
	Preferred Partners	Private actors	Domestic governments and international organisations
Preferred Form of Bridging	**Delegation**	***Proactive****:* raise awareness in local communities then advocate for their rights	***Invited***: formally raise the issue to negotiation table
	Negotiation	***Facilitate*** forums and negotiating process	***Participate*** as a third party in negotiation
	Supervision	Initiate individual programmes	Provide implementing and evaluation scheme for governments

After all, non-governmental actors are concerned that "the IUCN's image as a bridge-builder may have weakened in the process" because the IUCN is working more closely with

governing bodies such as local governments and international organisations (Christoffersen 1997, 64). Further research is needed to determine how the governance structure and influencing areas affect the effectiveness of NGOs in bridging.

Conclusion

As an important pillar in the *multi-polar* governance structure of GEG, NGOs encourage individuals and states to intervene in environmental issues and serve as a bridge between the institutions involved in *multilevel governance*. Having examined the case of the WWF and the IUCN, it may be concluded that NGOs have a significant positive impact on environmental policymaking in the context of GEG to the extent that they are essential and unreplaceable. However, it is also important to analyse their effectiveness. The factors of analysis should include the different types of environmental NGOs, the different degrees of states' development, and the different segments of IOs.

Ultimately, enabling the participation of civil society through NGOs in GEG is one of the most important tasks for decision-makers in environment policy-making (Gemmill, Ivanova, and Chee 2002). Solving environmental issues should incorporate collective action and organic collaboration between IOs, states, individuals, and civil society.

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A Path to Protection: Cross-Border Environmental Migrants and International Human Rights Law

Andrew Yingling [*]

Abstract

This essay explores the applicability of international human rights law in providing for the protection needs of cross-border environmental migrants. I argue that despite the failures of previous claimants, protections enshrined within existing legal institutions provide a pragmatic means of guaranteeing the human security of environmental migrants. Specifically, Articles 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR) and their relationship to the United Nations Human Rights Committee (HRC), the body responsible for monitoring the implementation of the ICCPR, are shown as viable pathways through which protection can be pursued. Importantly, the HCR permits individuals to make claims against state parties when violations of the ICCPR occur. This allows for acts of individual agency to overcome issues of state-level inertia. To demonstrate this course of action at work, I use the case of Ioane Teitiota v. New Zealand. While ultimately unsuccessful, Teitiota's case provides an important foundation upon which both legal scholars and climate activists can construct of cogent and global protection agenda for environmental migrants.

Introduction

Human migration in response to climate change is not a new phenomenon. Increasingly, however, migration patterns are in response to anthropogenic climate change rather than natural variations in long-term weather patterns. Yet cross-border migration of this nature is contested territory in international human rights law. This is despite the fact that climate-induced migration has the potential to undermine the right to life which is protected under Article 6 of the International Covenant on Civil and Political Rights (ICCPR). Moreover, denying environmental migrants protection when crossing international borders could arbitrarily subject them to inhuman or degrading treatment, a violation of Article 7 of the ICCPR. To date, however, applications of these articles by environmental migrants have failed to provide for their protection needs. Without a comprehensive legal framework or body of applicable case law precedence governing this complex global issue, questions remain regarding what forms of protection truly exist for environmental migrants. Still,

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United Nations (UN) bodies acknowledge "that environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life" (*Ioane Teitiota v. New Zealand* 2020, 9). The contradiction of international legal bodies simultaneously recognizing that climate change directly impacts the right to life, while rejecting arguments from claimants based on this very reasoning is worth exploring. Specifically, I argue that despite the failures of previous claimants, protections enshrined within existing legal institutions provide a pragmatic means of guaranteeing the human security of environmental migrants. Importantly, as will be demonstrated by the case of *Ioane Teitiota v. New Zealand,* this justice can sought by empowering the individual to act where they have standing rather than waiting for an impotent international system to adjust to their needs. With the urgency of the climate crisis necessitating immediate action, this path to protection is one worth pursuing.

To substantiate my argument, I proceed in four parts. First, I discuss the feasibility and appropriateness of various theoretical mechanisms by which cross-border environmental migrants could claim protection. Next, I explain why the ICCPR, in conjunction with the United Nations Human Rights Committee (HRC), are the most viable means for pursuing such claims. I then move to discuss recent developments in the establishment of a cogent protection agenda for those displaced by climate change. I conclude by offering my thoughts on the moral and ethical considerations that underpin a human-rights based approach to global environmental governance.

Possible Responses to Climate-Related Displacement

According to Caskey (2020, 1), "experts are cautious not to exaggerate the link between climate change and cross-border migration." However, there is growing acceptance that climate change is a significant contributor to forced migration. While progress has been made on improving the prospects of those faced with internal displacement, there is still considerable debate regarding the best means by which to protect environmental migrants who are forced to cross borders (McAdam 2018). Proposed solutions fall into three broad categories. First, new or amended international treaties could enshrine in law specific protections for environmental migrants (Scott 2016). Alternatively, existing experts with thematic competences, such as the Special Rapporteur on Climate Change, could have their remit broadened and authority expanded in order to compel states to more proactively

embrace their human rights obligations. Lastly, rather than relying on the creation of new bodies or legislation, opportunities within existing structures, like the HRC, could be more vigorously pursued, particularly since individuals have standing before such bodies.

To date, however, no new environmental migrant convention has been approved, no amendments to the Refugee Convention have been accepted, and the Special Rapporteur, though having his mandate extended, is still subject to the compliance of state parties (McAdam 2020; McAdam 2018). In signs of progress, the United Nations Framework Convention on Climate Change (UNFCCC) established the Executive Committee of the Warsaw International Mechanism for Loss and Damage, regional bodies have established agreements for providing temporary protected status to those fleeing from climate-related disasters, and tireless advocacy work has thrust the plight of environmental migrants into popular discourse (Mayer 2021; Podesta 2019). On balance, however, there has been little substantive change in the protection opportunities for cross-border environmental migrants despite their needs being more readily recognized as priority items on policy agendas.

Why might this be the case? With respect to solutions that require concerted, multilateral cooperation and agreement, namely those related to creating or amending international conventions, the answer is simple: politics. In particular, the case for amending the Refugee Convention is a political non-starter. Working within existing refugee law, McAdam (2020) and Scott (2016) acknowledge that the deeply social nature of climate change could exacerbate the conditions of persecution which would rightly qualify someone for refugee status. However, this application of the law would be tantamount to a "wait and see" approach and require the individual to experience additional, recognizable harms in order to claim protection. This limited route to protection is all but closed off according to Podesta (2019, 4), who claims that "opening the [Refugee Convention] debate in the current political context would be fraught with difficulty" because "the nationalist, anti-immigrant, and xenophobic atmosphere in Europe and the U.S. would most likely lead to limiting refugee protections rather than expanding them." Kolmannskog and Trebbi (2010) further argue that in the absence of a global refugee court, and with discretion in interpreting refugee law being retained by individual states, countries are recognizing an ever-narrowing class of people as refugees. This is due in part to the widespread resentment and intentional demonization fomented across the political spectrum toward migrants.

If domestic actions to assist migrants are insufficient and the global political climate is decidedly anti-migrant, what other opportunities exist? Mayer (2021, 410) states "human rights treaties require states to take measures to protect human rights" and "climate change hinders the enjoyment of various human rights." This creates a plausible argument for the use of existing international human rights law and legal bodies as mechanisms for providing protection to environmental migrants in situations where human rights violations occur. Despite the observable protection needs of environmental migrants, recourse to human rights law has thus far proved unsuccessful. Boyle (2018) claims that the common yet differentiated nature of climate change is the result of actions too numerous and widely spread to respond to individual claims of human rights violations. Moreover, Thorton (2021) argues that causal links between climate change and the infringement of human rights might be too diffuse to mount a convincing legal argument. These views do not, in and of themselves, negate international human rights law as a protection mechanism for environmental migrants. Rather, they anticipate the obstacles to the successful adjudication of climate-induced human rights violations.

Non-refoulement, the International Covenant on Civil and Political Rights (ICCPR), and the UN-Human Right Committee (HRC)

The aforementioned difficulties in both interpreting and applying international human rights law for the protection of cross-border environmental migrants do not necessarily lead to a forgone conclusion. Opportunities exist, if to date, only theoretically, for claims with sound legal bases to be successful. Such claims involve the principle of non-refoulement, the rights enshrined in the legally-binding ICCPR, and the authoritative views put forth by the HRC. Applied holistically, a roadmap of a rights-based protection agenda can be drawn relying solely on existing legal structures.

An accepted pillar of refugee law is the principle of non-refoulement. Caskey (2020, 3) defines non-refoulement as the principle "whereby a person must not be removed from a place of safety, to a place where there is a risk that they may face a qualifying type of harm." In other words, a host country cannot send a refugee back to an area where there is a real risk of being subjected to the conditions that gave rise to their protected status. While including environmental migrants as a new class of refugees is impractical at present, the principle of non-refoulement is included in other sources of international human rights law, namely the Convention Against Torture, the International Convention for the Protection of

All Persons from Enforced Disappearance, the International Covenant on Economic, Social and Cultural Rights, and, significantly, the ICCPR (Caskey 2020). Chetail (2014) claims that proving a violation of any proviso in these agreements, whereby the consequence is inhuman or degrading treatment or a threat to life, is grounds for triggering non-refoulement obligations on behalf of the host country.

With respect to environmental migrants seeking to avoid deportation, Articles 6 and 7 of the ICCPR, quoted below, provide viable entry points for evoking the principle of non-refoulement and the protection it affords (Çali, Costello, and Cunningham 2020; McAdam 2020).

> Article 6.1: Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
> Article 7: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Caskey (2020, 2) notes that Article 6 "relates to the risk that a person may be subject to arbitrary deprivation of life, or other serious human rights violations. This claim has arisen in emerging jurisprudence where human rights bodies have found an implicit duty of non-refoulement on the part of sending States, where the applicant can substantiate individual grounds for believing such a risk exists in the receiving territory." While climate change directly impacts the right to life, the "risk [associated with refoulement] must be personal in nature, and cannot be derived merely from the general conditions in the receiving state, except in the most extreme circumstances" (*Ioane Teitiota v. New Zealand* 2020, 9). In other words, to invoke Article 6, claimants must prove how refoulement to the receiving territory would uniquely affect their right to life due to conditions that are not generalizable to the wider population of said territory. However, it is incumbent upon the sending state authorities to assess whether the risk to life indeed warrants the protections sought.

With respect to Article 7, the same conditions must be met. That is, the threat of torture or cruel, inhuman or degrading treatment or punishment must be personal in nature and not merely a product of the geopolitical context of the receiving territory. While the link between climate change and torture, as defined within the Covenant, might be too tenuous to be viable, there is growing consensus that climate change can create the conditions by which inhuman and degrading treatment might meet the threshold for engaging non-

refoulement obligations (Kolmannskog and Trebbi 2010; Caskey 2020; McAdam 2020). Such a threshold could be met by proving that climate change submerged a place of residence, altered the soil biochemistry to the extent the agricultural and pastoral livelihoods were no longer possible, or led to temperature increases that made an area uninhabitable. To refoul an applicant to such areas could amount to the personal, inhuman and degrading treatment protected by Article 7.

In order to provide oversight of the ICCPR, the United Nations established the HRC. Though decisions of the HRC "are not legally binding on states, they are grounded in international legal obligations that do bind states" (McAdam 2020, 709). Therefore, the views of the Committee are seen as authoritative interpretations of the ICCPR and influence case law precedence within human rights law. Importantly, the First Optional Protocol to the ICCPR allows the HRC to examine "individual complaints with regard to alleged violations of the Covenant by States parties to the Protocol" (*Introduction of the Committee* 2021). This is significant because it gives standing to rights violations experienced by individuals whereas other tribunals require cases to be between State parties. Thus, empowering individual claimants to pursue their cases through the HRC allows for personal agency to prevail over state-level inertia.

While the above provides a theoretical pathway to securing protection via non-refoulement, *Ioane Teitiota v. New Zealand* provides a case study through which the difficulties associated with pursuing such a course can be analyzed. Ioane Teitota moved to New Zealand from Kiribati, an island nation in the Pacific comprised of low-lying atolls, on a three-year work visa. He failed to renew his visa prior to its expiration which led to his apprehension after being cited for a traffic violation. Given that the deadline to renew his visa passed, he applied for refugee status. The New Zealand government repeatedly rejected his claims and he was issued with deportation orders after he lost his appeal to the Supreme Court. At this point, he lodged a complaint with the HRC claiming that New Zealand would be reneging on its non-refoulement obligations by returning him to Kiribati. Teitiota claimed that to deport him to Kiribati would infringe upon his Article 6 rights in three particular ways: 1) Kiribati was no longer a safe and stable environment due to sea level rise, 2) saltwater intrusion to both drinking water supplies and arable land made a subsistence agriculture livelihood untenable, 3) land disputes and a lack of housing due to decreased habitable areas subjected him to specific violence and danger (McAdam 2020, 711).

Despite providing uncontested evidence related to each point, the HRC ultimately decided that New Zealand had not violated his Article 6 rights. With respect to his first claim, the HRC recognized that New Zealand misrepresented the threat posed to Kiribati by climate change and, barring any intervention, "Kiribati would become uninhabitable within 10 to 15 years" (*Ioane Teitiota v. New Zealand* 2020, 11). However, because the government of Kiribati was taking positive steps to improve its adaptive capacity and resilience, the potential threat of sea level rise was not imminent. The HRC further acknowledged that climate change was having negative effects on freshwater supplies and agricultural land. It even went so far as to describe obtaining food and freshwater would amount to "hardships", but it ruled that Teitota failed to show that it was impossible to secure either. Lastly, with respect to Teitiota's claims related to land disputes and violence, the HRC found that sporadic incidences of violence did not amount to a credible threat of personal risk different from that faced by all other residents of Kiribati.

The HRC's decision in *Ioane Teitiota v. New Zealand*, despite its failure, was not a death knell. Indeed, the HRC clearly stated that "without robust national and international efforts, the effects of climate change in receiving States may expose individuals to a violation of their rights under articles 6 or 7 of the Covenant, thereby triggering the non-refoulement obligations of sending States" (*Ioane Teitiota v. New Zealand* 2020, 11). This is a particularly valuable statement in that it broadens, rather than limits, the protection opportunities inherent in the ICCPR. By invoking Article 7, in line with the reasoning presented by Cali, Costello, and Cunningham (2020) and McAdam (2020), the HRC gave credence to the multiple rights impacted by climate change despite the fact that Article 6 was the only substantive issue being adjudicated by the tribunal.

The dissenting opinions of Muhumuza and Sancin provide further insight into how future claims might be successfully argued. Both jurists took issue with the expectations placed upon Teitiota in demonstrating the violation of his Article 6 rights. Muhumuza claimed, "The State party [New Zealand] placed an unreasonable burden of proof on the author [Teitiota] to establish the real risk and danger of arbitrary deprivation of life" while Sancin argued, "that it falls to the State party, not the author, to demonstrate that the author and his family would in fact enjoy access to safe drinking water" (*Ioane Teitiota v. New Zealand* 2020, 13-15). Considering the evidence presented by Teitiota was deemed credible and was not contested by the court, and he had demonstrated real and foreseeable risk, these comments strike at a contentious and subjective assessment of the threat threshold. Muhumuza

addressed this point in arguing, "It would indeed be counter-intuitive to the protection of life to wait for deaths to be very frequent and considerable in number in order to consider the threshold of risk as met" (*Ioane Teitiota v. New Zealand* 2020, 13-14). He was even more critical in his disagreement with the majority that Teitiota had not established a unique, personal threat of harm by being deported when he stated "the action taken by New Zealand is more like forcing a drowning person back into a sinking vessel, with the "justification" that after all, there are other passengers on board" (*Ioane Teitiota v. New Zealand* 2020, 14). While the majority decided that the particular circumstances of Teitiota's case did not infringe upon ICCPR protections, the HRC explicitly stated that climate-change related harms have the capacity to violate these rights. This recognition, alongside the unsparing dissenting opinions, provide optimism for future claimants seeking protection from environmental violence.

Developments Post- ***Ioane Teitiota v. New Zealand***

Since the HRC's decision in Teitiota, several promising initiatives have taken form. In 2018, the Global Compact for Safe, Orderly and Regular Migration was adopted by 164 UN Member States. The Global Compact, as "a non-legally binding cooperative framework" facilitates cooperation among all members in recognition that migration is an international issue that requires international action (*Global Compact* 2018, 2). Though the Global Compact goes to lengths to acknowledge the sovereignty retained by individual Member States, it also serves as a reminder of their obligations within international law. While one might be critical of the change such a compact can affect, language included in its objectives and commitments is worth noting. The Global Compact lists a distinct subheading entitled "Natural disasters, the adverse effects of climate change, and environmental degradation" (*Ibid.*, 9). Included thereunder, are five actionable points that Member States have agreed to work towards. Importantly, the Global Compact explicitly acknowledges that "environmental degradation, such as desertification, land degradation, drought, and sea level rise" will impact on cross-border migration while at the same committing Member States to show "full respect" for the rights of environmental migrants "wherever they are" (*Ibid.*). Whereas Pécoud (2021, 657) classifies the Global Compact as a weak attempt to affect global governance, Newland (2018) strikes a more optimistic tone in claiming it to be "an unlikely achievement." While the Global Compact is conceivably both, it nonetheless gives further voice to the needs of environmental migrants, even if that voice is not accompanied by enforceable action.

The Global Compact is not the only advancement at the international level. In October 2021, the UN Human Rights Council passed resolution 48/13 in which it "recognize[d] the right to a clean, healthy and sustainable environment as a human right that is important for the enjoyment of human rights" (UN HRC Res. 48/13 2021). It further reminded UN Member states that to enjoy this right required "the full implementation of the multilateral environmental agreements under the principles of international environmental law" (*Ibid*.). The resolution, achieved after decades of advocacy, further substantiated claims that climate change is having consequential and contemporaneous impacts on human rights. With respect to cross-border migrants, this affects an important procedural caveat. Rather than having to prove that they are, or are imminently likely to become, victims of human rights violations via environmental degradation, the degradation itself is now a rights violation. While Resolution 48/13 does not address issues related to threshold specificities as noted in the *Ioane Teitiota v. New Zealand* decision, it is nevertheless a remarkable breakthrough for environmental human rights and the governance thereof.

Despite the progress signaled by the Global Compact and UN Resolution 48/13, roadblocks remain. Less than two weeks after the UN Human Rights Council adopted the resolution, the United States issued a statement on the impact of climate change and migration. This statement addressed both the evolving interpretation of the ICCPR and the recent resolution on the right to a clean, healthy and sustainable environment. It is worth quoting at length:

> *The United States interprets its non-refoulement obligations strictly according to the relevant 1951 Refugee Convention (and its 1967 Protocol) and Convention Against Torture (CAT) provisions. It does not accept that the International Covenant on Civil and Political Rights (ICCPR), to which the United States is party, includes obligations prohibiting refoulement, nor does it interpret the Article 6 prohibition on the arbitrary deprivation of life to encompass a positive duty to protect life in the face of all possible external threats. The United States does not consider its international human rights obligations to require extending international protection to individuals fleeing the impacts of climate change.* (*Report on the Impact* 2021, 19)

Such declarative statements on the rights and protections of environmental migrants are likely to embolden other nations to double-down on their own policies. Though the United States leadership on climate change has greatly diminished since the Paris Agreement, the country's ability to influence and exert pressure on global environmental policy must not be underestimated. Therefore, such clear orations regarding the interpretation of international human rights law with respect to environmental migrants must be seen as signs of things to come from other nations averse to broader interpretations of global covenants.

Conclusion

The debate and ambiguity over the rights of cross-border environmental migrants is ongoing. Pragmatically, and in recognition of contemporaneous political factors, the most effective means of ensuring their protection is through recourse to existing international human rights law. I demonstrated that those fleeing across international borders in response to climate-change related harms are protected by the principle of non-refoulement when there is evidence that Articles 6 and 7 of the ICCPR will be violated. While claims following this pathway to legal protected status have thus far been unsuccessful, multilateral movements by means of the Global Compact on Safe and Orderly Migration and UN Human Rights Council Resolution 48/13 show an increasingly international coalescence around codifying protections for environmental migrants. However, as progress is being made on some fronts, countries like the United States continue to raise objections on political grounds rather than sound legal bases. This point is telling. The ICCPR, and indeed all international human rights treaties, are founded on the central idea of upholding human dignity. While McCrudden (2008, 655) argues that the meaning of dignity is "context-specific, varying significantly from jurisdiction to jurisdiction and (often) over time within particular jurisdictions" thus allowing for substantively divergent interpretations, dignity must not be ignored for political convenience. Rather, it must be appreciated as a guiding principle that transcends legal classification and exists as a moral imperative. Indeed, as international human rights law "effectuates the humanisation of legal orders of state parties in the sense of having just evaluation of protecting human dignity and just balance between applying the legal regulation and moral values", one must consider whether law without morality can ever be dignified (Jovanovic 2017, 165). This question will continue to be adjudicated by international tribunals, and, perhaps more importantly, by the court of public opinion.

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How Does Camp Management Impact the Local Environment Surrounding Refugee Camps?

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Abstract

The connection between the environment and refugee settlement are often overlooked in both the academic and the policymaking world. This paper aims to explore the impact that refugee camps can have on the local environment. Specifically, it will explore how the structures of refugee camps negatively affects the forestry, vegetation, wildlife, soil and terrain, waste disposal and water of the local environment. The analysis of environmental concerns adds an additional dimension to previously existing concerns such as the societal impact of refugee camps and the conflict between local and refugee communities. It also needs to be situated within global trends such as an increasing environmental consciousness, an increase in displacement movements and the changing nature of refugee camps. Through this exploration I aim to shift away from the narrative of 'problematising' the refugee. I highlight the inefficient humanitarian governance maintained by aid structures and camp management that necessitate the unsustainable use of the local environment by the refugee camp. The nature and protocols of camp structures, such as the need to balance short-term needs with sustainable practices lead to the negative impact on the local environment. To demonstrate this point I will focus on the Rohingya refugee crisis in the Cox's Bazar region in Bangladesh, where more than 600,000 Rohingya refugees have settled in the Kutupalong camp (UNHCR 2022).

Introduction

Sadako Ogata, the United Nations High Commissioner of Refugees from 1991 to 2000, said that "*the relationship between refugees and the environment is often overlooked*" (UNHCR 1992). This paper explores the impact that refugee camps have on their immediate local environment. Refugee camps in this paper are defined as: "temporary facilities built to provide immediate assistance and protection to people who have been forced to flee their homes due to violence, conflict or persecution" (USA for UNHCR 2021). Despite their temporary nature, refugee camps often have a long-term environmental impact. Specifically, this paper explores how the structure of refugee camps ultimately negatively impacts the forestry, vegetation, wildlife, soil and terrain, waste management and water management. It

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highlights the precarious situation refugees are placed in, as refugees have a very limited chance to mitigate the impact or this path dependency themselves, as they are largely dependent on the structure of the aid organizations and refugee camps.

Throughout the paper the environment is defined as: "the air, water and land in or on which people, animals and plants live" (Cambridge University Press 2003, 409) which is suitable, as it includes all elements that could be affected by the environment. On the case study of the Rohingya refugees in Bangladesh, this paper exposes an additional dimension to already existing issues surrounding forced displacement, such the conflict between the host and refugee community, the problematization of refugees and how to balance short term need and long-term sustainability in aid intervention.

According to the UNHCR environmental guidelines, displacement has three waves: the emergency phase, the care and maintenance phase and the durable solutions phase (UNHCR 2005). This paper focuses on the care and maintenance phase, as policy changes in this phase arguably have the most effective impact in including environmental protocols. In the early stages, as researchers have noticed, there is little room to limit the environmental impact due to the large influx of people during a short time period (Jacobsen 1997, Whitaker 2002, Kibreab 1999). Whether or not a refugee camp is premeditated or an ad hoc structure, in the care and maintenance phase, camp management is governed by an aid organisation. Hence, regardless of how that refugee camp started, aid organisations and their structures will be accountable.

The analysis of the care and maintenance phase is most helpful because the refugee camps will necessarily be reliant on the humanitarian aid sector (Harrell-Bond 2002). Furthermore, during the care and maintenance phase, the future development of a refugee camp is decided: whether the structure becomes permanent and how a camp is built and maintained, amongst other changes. Hence one can have most input in inserting environmental governance policies.

The paper firstly demonstrates the importance of analysing environmental impact, before making the argument that the failure to include environmental protection in aid planning is the root cause of environmental degradation. Afterwards the case study is introduced, which describes the consequent environmental degradation of refugee camps in Cox's Bazar, as well as the societal impacts.

Theoretical Framework

Importance of acknowledging the environment

The environment may not be the first issue that policymakers think of when discussing the refugee camps. The literature also neglects the environment in its analysis, as Black (1994) has stated. However, concentrating on environmental policies and their impact is vital due to several reasons. Firstly, international law, codified in treaties such as the Arab Charter on Human Rights, the American Convention of Human Rights and the African Charter on Human and People's Rights, states that governments have a duty to protect and preserve the environment (Rahman 2019). Secondly, not acknowledging the importance of the environment at the very beginning of policymaking has detrimental and costly effects for the rest of the operation.

An example of poor environmental management, although not within refugee camps but still illustrative of the phenomenon, can be seen by Mirebalais MINUSTAH camp in Haiti in 2010. There, the poor and ineffective sanitation conditions at the MINUSTAH camp "did not prevent contamination of the Meye Tributary System with human faecal waste" (Lantagne et al. 2014,155). This led to a cholera epidemic in Haiti, that could have been avoided by prioritizing proper environmental protocols. As the UN 2005 Environmental Guidelines state: "The benefits of environmental interventions are the cost of environmental damage these interventions help avoid" (United Nations 2005, 10).

Additionally, some global developments mean that it is increasingly significant to consider the environment in policy making. If firstly, climate change means that environmental consciousness is increasing, more people are becoming aware of the importance and fragility of our environment and the impact that humans have on the environment. Secondly, the question of displacement is becoming more relevant because the number of refugees is increasing. In 2001 there were approximately 12.0 million refugees in the world (IOM 2003). At the end of 2020, there were 82.4 million people worldwide forcibly displaced, with 20.7 million refugees (UNHCR 2022a).

The nature of refugee camps is also changing, making the exploration of the impact of the camps on the surrounding environment critical. Refugee camps are becoming increasingly long-term and permanent. This inherently contradicts the original purpose of a refugee camp: to provide *immediate* assistance, showing the problematic nature of aid structures.

Even though these structures are supposed to be a temporary solution, they often become permanent dwellings. Perhaps the most telling example is in Kenya, where "many displaced persons spend more than 16 years living as refugees in temporary shelters" (Harrouk 2021). The fact that a camp that was intended to be a temporary solution has hosted refugees for 16 years clearly indicates that the camps are becoming more and more permanent. Therefore, the exploration of the environmental impact of refugees is vital.

The link between refugee camp management and environmental impact

This investigation argues that the structures and protocols of refugee camp management are causing the environmental degradation, shifting the accountability away from refugees. The management of the Rohingya camps, especially Kutupalong camp; the largest of its kind in the world, has been compared to "managing a city the same size as Lyon but very little means, just willing workers and in a few weeks" (Le Grand quoted in Premiere Urgence 2018). Therefore, it is not surprising that the emergent relief has led to unsustainable practices.

One of main concerns when approaching this issue is the problematization of refugees. Refugees are often seen as the 'problem', not as a 'person with problems' (Harrell-Bond 1998). There is a lot of discrimination against refugees, when analysing their impact on the local community, such as seeing refugees as "exception resource degraders" partially due to their "poverty, short time horizons, lack of local environmental knowledge and traumatized psychological status" (Jacobsen 1997, 19). However, Kibreab dismisses the link between poverty and unsustainable use of resources, stating that "empirical evidence worldwide shows that affluence and the use of pollution technologies rather than poverty are the real causes of global environmental degradation" (Kibreab 1997, 26). Analysis of the environmental degradation should not focus on the individual actions of the refugees, but on the structures and mechanisms of the refugee camps and aid organizations, that permit, or even require refugees' actions. Scholars have also stressed that analysis of the subject should not dwell on the presence of refugees or IDPs per se as exerting environmental impact (Jacobsen 1997, Black 1994, McGregor 1993; quoted in Ouchu 2007).

This paper links the environmental degradation that occurs to structures and mechanisms of the camp, rather than the refugees. The accountability and responsibility of the environmental degradation, as portrayed in the exploration of the case study, lie with the

operation protocols of the camp management and the neglect of aid organisations. Harrell-Bond rightfully stresses that refugees are "are dependent for their survival on assistance distributed by humanitarian organizations" (2002, 52). Therefore, the camp management has significantly more agency to shape the environmental impact that the camps have on the surrounding environment. The refugees are confined to actions within the fabric of the refugee camp framework. If the management does not efficiently, nor effectively, meet the refugees' needs, this can require refugees to have to depend upon unsustainable practices that harm the environment.

The environmental degradation that inevitable follows the poor management of refugee camps is linked to a common issue in the aid sector of how to balance the short-term needs with sustainable practices. Although scholars and policymakers agree that long-term environmental management strategies need to be integrated into relief efforts, environmental issues are often overlooked in emergency operations (Wilkinson 2002; Kibreab 1999; Whitaker 2002, quoted in Martin 2005). Refugee influx require emergent relief action to quickly save lives. Thus, field personnel often develop a tunnel vision in which they focus on one or two individual, proximate problem, instead of seeing the broader, interconnected impact (Kelly 2001). One of the principles of the aid sector is to 'do no harm'. The balance between providing emergency relief and limiting the damage for future generation is highly complicated and tense. There are a multitude of stakeholders involved including the refugee community, the host community, the camp management, and their associated donors that need to be considered. Hence, the structures and protocols of the aid sector inevitably result in unsustainable practices.

Jacobsen (1997) has highlighted this through her investigation contrasting the environmental impact between self-settled and settled refugees. The investigation states that gradual local integration of refugees into the host community, away from refugee camps, can have positive environmental effects. This indicates that the decision to settle refugees in camps, a decision that the host government often insists on due to security concerns, might be the underlying factor for environmental degradation (Zetter 1995). This only supports the idea that the structures of refugee camps, are accountable for environmental degradation.

Empirical Analysis

The case study below highlights specifically how structural neglect triggered environmental degradation. The current situation of the Rohingya in Bangladesh, mostly in the Cox's Bazar region has garnered steady attention from scholars, as well as from international media on the human rights violations (e.g., Alam 2019; Cheesman 2017; Kyaw 2017; Wade 2017, cited in Ansar and Khaled 2021). However, only a small number of studies focus on the impact on the environment (see UNDP and UN Women 2018). The Rohingya are a good case study to explore the impact of the environment, as it is a developing nation, significantly dependant on the environment. For example, agricultural lands made up 70.7% of the land area in 2018 (World Bank Group 2022). Although the Rohingya have been persecuted since 1978, a fresh crackdown by the Burmese military in the Rakhine state in August 2017 resulted in another mass influx of refugees arriving in Bangladesh. The majority of the Rohingya refugees have sought shelter in the Kutupalong and Nyapara camps in the Cox's Bazar region. Kutupalong now has more than 600,000 Rohingya refugees living in an area of just 13km^2 (UNHCR 2022b).

Direct impact of refugee camps on the environment

Although the "*environmental degradation is partly in the eye of the beholder*" (Jacobsen 1997, 20), using reports from international organisations and fieldwork research, one can examine how the refugee camps have had an environmental impact. There are very different ranges of analyses that include different indicators and impact, yet this paper focuses on: forestry, vegetation, soil and terrain, waste and water management. These impacts are interdependent, dynamic, and very significant: "In the worst case, these activities, if continued, could result in irreversible losses of productivity, the extinction of species of plants or animals, the destruction of unique ecosystems, the depletion or long-term pollution of ground water supplies, or a variety of other destructive outcomes" (UNHCR 1996, 3).

The first, and arguably the most substantial, impact that refugee camps have is on forestry. Deforestation occurs as refugees seek out wood in the nearby landscapes, either for cooking, warmth, building shelter, or to earn money through selling supplies in the local market (Black 1994a, Jacobsen 1994, Languy 1995 quoted in Kalpers 2001). As a result, the land surrounding refugee camps can become stripped of trees and vegetation if the camp is not adequately managed (Lynch 2002). The forestry is also impacted through the construction of

the makeshift settlements as the land is cleared to provide space. For example, 3,713 acres of forest lands in the Ukhia, Whykong and Teknaf forest range has been taken over by the Rohingya makeshift camps (UNDP and UN Women 2018). Studies using GIS systems have also shown that "the year 2018 has the lowest dense forest area in the last 30 years of the region's history, implying massive deforestation due to Rohingya migration" (Ahmed et al. 2019, 289).[1] The refugee camp management needs to take some action that could reduce the rate of forest degradation by reducing the amount of fuel needed by the refugees. Refugees rarely put out fires between meals due to the shortage of matches, and dried food rations took longer to cook (Whitaker 2002). Therefore, one can see that changes in the emergency rations and supplies could have a positive impact on the environment.

Due to the deforestation, and the bulldozing to ensure space in the camps, as well as the use of insecticides and pesticides, soil degradation can occur (Gurman 1991). The soil degradation in turn triggers unsustainable agricultural practices such as shorter fallow periods, overgrazing and neglecting long-term soil fertility. In the Rohingya camps especially several hills have been cleaned and cut indiscriminately to make space for shelters. This loosens the soil, resulting in soil erosion, sedimentation, and siltation, resulting in further consequences in itself (e.g., habitat loss, water pollution, downstream water scarcity) (UNDP and UN Women 2018).

Furthermore, ineffective waste management, as hinted in the introduction, often results in environmental degradation. In the Rohingya camps more than 100 tonnes of human waste have polluted to canals and waterways (Hammer and Ahmed 2021). A proper method needs to be introduced in the refugee camps. Due to the nature of the rapid influx, quick decisions had to be made, that resulted in unsustainable practices in the long run. Regarding waste management for example, latrines were installed close to the shelters and water points, increasing the danger of contamination (UNDP and UN Women 2018). Furthermore, the management of the refugee camp has yet to decommission large numbers of non-functional latrines and tube wells. If left unresolved, "solid waste management will be an issue for as long as the Rohingya remain in the camp" (UNDP and UN Women 2018, 47). Therefore, the management of the refugee camps needs to take accountability for their waste management set up.

[1] For other studies indicating the loss of forest area please consult, e.g., Babu 2020, Hammer and Ahmed 2021.

The last dimension explored in this investigation is water pollution. The WHO advises 7.5 – 15L of water for personal use (WHO 2011). However, the influx of refugees can often place an additional burden on scarce resources, which are used by both the host and the refugee community. Results of ground water samples testing for E. coli from Kutupalong and Balukhali camp are alarming because 70% of the samples were heavily polluted. This poor water management can also be traced back to initial emergency responses to refugee movements. New sources of water are often found and used before the capacity is assessed and sustainable practices can be implemented (Hoerz 1995). The issue is that, due to the rapid influx, camp management does not have time to assess the resources and environment before constructing the refugee camp.

Societal impacts of environmental degradation

These direct impacts are interconnected with the social effects of the environmental degradation. The ineffective camp management also has a severe effect on the host community, and in turn, on relations between the refugee and local population. The host community suffer from the environmental consequences of poor management, particularly from deforestation. In developing countries, especially in rural populations, the natural environment is a noteworthy source of revenue for the local population (Shepherd 1995). The occurring deforestation and land degradation can have an economic cost for the local population due to the loss of revenue from natural sources and reduced availability of fuel from nearby forests (Lynch 2002). In Cox's Bazar, more than 1,500 participants of a survey have lost their benefits as plantations have been cleared for the refugee camps and around 20% of the participants who previously made a living from the local forests reported a change in occupation (UNDP and UN Women 2018, Ansar and Khaled 2021).

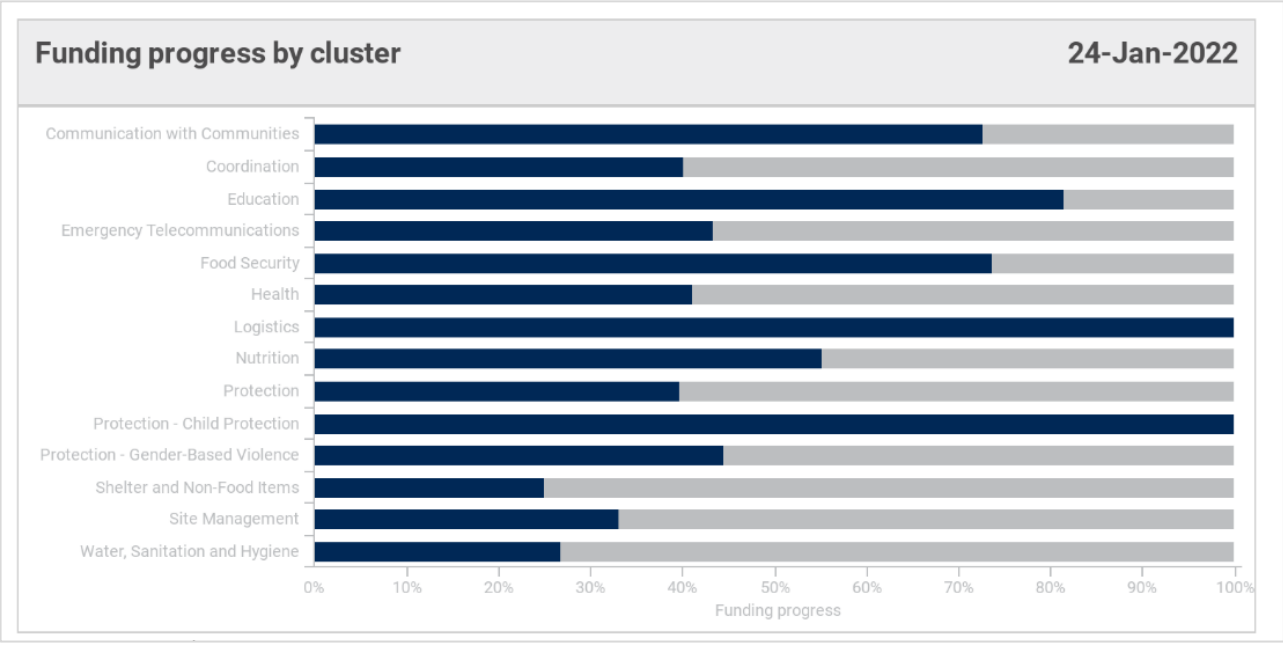
Due to the lack of effective camp leadership, the refugee community are driven to use the local resources. The hostility between refugees and host communities can lead to conflict between the two groups. The host community often bears the impacts of the decrease in resources, deteriorating shifts in the markets and the impact on their daily livelihoods, without immediate compensation (Shepherd 1995, UNHCR 2011). Hosting refugees can increase hostilities due to various reasons including competition over common property resources (Crisps 2003, Chambers 1986, Jacobsen 2002). Host communities will often feel that the common property resources are being appropriated by the added pressure of the refugee influx, increasing tensions over the environmental degradation (Martin 2005,

Jacobsen 2002). The rising tensions can specifically be the case where resources are scarce to begin with (Homer-Dixon 1999; Goldstone 2001). For example, more than 20% of Bangladeshis still live below the poverty line (Asian Development Bank 2020) and Cox's Bazar is one of the most impoverished areas of Bangladesh (Ansar and Khaled 2021).

Ansar and Khaled trace the attitudes of the local population in Cox's Bazar towards the refugees from 'solidarity to resistance', naming the difference in resource opportunities as a major factor in the turning point in local and refugee hostility (Ansar and Khaled 2021). The hostility between the two communities can have a severe impact on the willingness of host countries to take in a sudden influx of refugees. For example, Sudan is already demanding compensation for the environmental damage of the influx of refugees (Kibreab 1996). Hammer and Ahmed even argue that "countries offering safe harbour to refugees should have a legal option to sue the sending country for environmental damage" (Hammer and Ahmed 2021).

Taking these points into consideration, I will now illustrate the lack of inclusion of environmental needs in the response plans to the Rohingya influx. Looking at the Joint Response Plans, it becomes very clear that the environment is not on the priority list. I only look at the Joint Response Plan (JRP) of 2018, as it was established in the 'care and maintenance phase', which this essay focuses on. Throughout the JRP there seems to be an acknowledgement of the environmental degradation, yet the action taken against it is minimal. For example, looking at the priority activities, there are 12 targeted sectors. If one is being generous the environment is mentioned two times: under ‚Shelter and NFIs' and ‚Site Management'. Even then, the environment is only mentioned in sub-sections, clearly an afterthought of the response (UNHCR 2018). Yet, as we see below, environmental degradation can impact all 12 sectors, especially 'Water, Sanitation and Hygiene (WASH)' priorities. If we look at the ongoing and planned assessments that are taking place in Bangladesh, there is no mention of an environmental impact assessment or similar evaluations. This neglect of environmental needs is also reflected in the funding patterns of the refugee response. The two sectors that mention protecting the environment, 'Shelter and Non-Food Items' and 'Site Management' only meet their funding progress from 25% and 33.1% respectively (Financial Tracking Service 2021). It is obvious that the environment, despite its importance, is glaringly absent from response plans. Analysing this response plan and seeing the faulty planning protocols neglecting environmental needs, it becomes clear why the environmental degradation is severe in Bangladesh.

Figure 1 – Bangladesh: Rohingya Refugee Crisis Joint Response Plan 2018



(Financial Tracking Service 2022)

Conclusion

In conclusion this paper has thoroughly explored the impacts of the environment that refugee camps have. Particularly it has explored the impact on forestry, vegetation, soil and terrain and water and waste management using the case study of the influx of Rohingya refugees in Bangladesh. The impact on forestry is by far the greatest. Nevertheless, the environmental impact does not stand alone, but also has knock on effects on women, on the economic resources of host communities, and on tensions between the host and refugee communities. Furthermore, this paper illustrated the importance of acknowledging the environment due to changing nature of displacement, and the cost-benefit analysis for aid organisations. This paper has shown that aid and camp structures are responsible and accountable for the environmental degradation due to the prioritization of short-term needs and neglect of environmental calculations. Further research, and more detail is needed, which is beyond the scope of this paper. For example, one could investigate the gendered impacts of the environmental degradation. Nevertheless, the paper is relevant considering recent trends such as climate change and the increase in displacement. Based on these findings, I make the following policy recommendations.

Policy Recommendations

These policy recommendations concentrate on the structures of refugee camps.

1. **Focus on preventative action:** Generally, management should have a systematic disaster response plan that carefully chooses the location of refugee camps and pre-empts refugee outflows. The refugee camp management need to take additional care to propose appropriate settlement patterns and construction protocols. For example in Cox's Bazar, even though 3,049 areas of the camps are at risk for landslides, relocation is challenging due to the limited space of refugee camps (UNHCR 2021a) The problem here is that the refugee camp management is responding reactively, instead of focusing on *preventative* action against soil degradation.
2. **Acknowledging environmental needs**:
    a. Sustainable environmental practices must be in-built into emergency response protocols to ensure long term relief. If the focus on environmental damage is not integrated, within the aid context, one cannot assess the irreversible damage done to the local surroundings in the long term. Joint Response Plans need to integrate environmental needs in the other sectors. For example, in the Bangladesh Joint Response Plan's Water, Sanitation and Hygiene Sector, one could include the impact of the refugee camps on the availability of water.
    b. The environmental needs of the local population need to also be considered. Refugee camp management need to think of a scheme that can integrate the needs of the local environment, based off communications held with the local population.
3. **Inclusion of environmental assessments**: A vital part of acknowledging environmental needs and preventative action is to conduct environmental assessments. Environmental assessments should be included in aid responses to refugee influxes.
4. **Operational and supply changes:** Each environmental damage can be adapted by small changes to the daily routine, supplies and resources of refugees. Small changes in other sectors can have a big impact on the environment. For example:
    a. Using fuel-efficient stoves, building community kitchens, providing more matches so fuel can be saved. Supplying fuel economy cookers and charcoal. 100,000 families were covered, yet shortage of supply meant that they could not continue the service. These programmes need to be supported.

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How Has the Maldives Been Lobbying for Climate Justice Through AOSIS in UN COP from 2015-2021?

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Abstract

The Maldives is a highly proficient climate lobbyist, using both multilateral diplomacy and public media coverage to highlight the precarious climatic position of Small Island States. This research uses critical perspectives influenced by decolonial schools of thought, to make a normative argument that climate diplomacy (in its current iteration) is not fit for purpose. Current climate diplomacy literature explains and analyses large-scale actors such as USA, EU, China, rather than exploring smaller, more vulnerable states like the Maldives. One possible solution to reorientate this literature is to decolonise climate diplomacy; this would broaden the scope of diplomatic studies and create space(s) for the most climate-affected nations to speak in the global conversation on climate justice. This research indicates that academic perspectives on climate diplomacy are hugely varied and often conflicting. Also, there is limited research on how the media are reporting climate diplomacy. The paper starts by overviewing the Maldives and explaining why the Alliance of Small Island States (AOSIS) has attracted attention. I will use content analysis and discourse analysis to identify the patterns of the Maldives' narratives and climate diplomacy. I have found that through the two mechanisms of multilateral diplomacy and media coverage, the Maldives and AOSIS are leveraging the vulnerability narrative to generate moral authority in climate negotiations.

Introduction

The Maldives is an excellent climate lobbyist within the forum of the Alliance of Small Island States (hereafter AOSIS). The Maldives uses both multilateral diplomacy and public media coverage to highlight the precarious climatic position of Small Island Developing States (SIDS). This research focuses on climate diplomacy and takes a normative position on anthropogenically-induced climate change, based on an acknowledgement of the colonialities of climate change and based on a need to decolonise climate diplomacy. In an era of climate breakdown, Climate diplomacy is one (of several) avenues through which to explore climate solutions. Climate diplomacy is a nascent research field, and academic perspectives on climate diplomacy are hugely varied and often conflicting. This paper

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makes three main arguments; one, in its current iteration, climate diplomacy is not fit for purpose; two, we need to decolonise climate diplomacy; three, the Maldivian mechanisms of multilateral diplomacy are very effective to lobby for climate justice through AOSIS in the United Nations Conference of the Parties (hereafter UN COP). The paper starts by overviewing the Maldives, explaining why AOSIS has attracted attention and reviewing climate diplomacy literature. Then, the paper uses a frequency analysis to explore the relationship between literature and observable climate-diplomacy behaviour of states, and the mechanisms employed by the Maldives to lobby in climate negotiations. Finally, concluding that, through the two mechanisms of multilateral diplomacy and media coverage, the Maldives are leveraging the vulnerability narrative to generate moral authority in climate negotiations. This research is important because climate negotiations are incredibly complex, and we need further understanding of places like Maldives and groups like AOSIS to move forward successfully into more justice-orientated climate-future(s).

Overview of the Maldives

The Maldives has a population of 550,000 and consists of just over 1,200 islands. The Maldives is an atoll country with high population density, limited freshwater reserves, and low physical infrastructure. The Maldives is built on coral reefs and 'over 80 per cent of the land area of Maldives is less than one meter above mean sea level; as such, a sea level rise of even a meter would cause the loss of the entire land area of Maldives' (MHAHE, 2001). These human and environmental characteristics, position Maldives as highly likely to experience adverse effects from climate change.

This is one (of many) reasons that the Maldives created AOSIS (Malé Declaration 1989, 1). The joint declaration was issued with other small island developing states (SIDS), acknowledging their 'decidedly greater predicament' (Male 1989, 1) in the advent of significant sea-level rise. The declaration states: 'resources and technology should be made available by the industrialized nations, particularly to the most vulnerable states, which may not have the financial and technical means' (Male 1989, 2). This statement (alongside biophysical characteristics like low-lying-land) laid the foundations for concepts such as 'vulnerability' and 'climate justice', which now, have come to characterise the Maldivians' climate diplomacy techniques. For this reason, the paper considers how "vulnerability" is leveraged by the Maldives through AOSIS.

Why Has AOSIS Attracted Attention?

Since the genesis of AOSIS in 1989, AOSIS membership has grown from only SIDS to low-lying coastal developing states (such as Guinea Bissau) who are directly affected by anthropogenic climate change. AOSIS has attracted much attention in (UN COP) fora for several reasons; firstly, the threat-level faced by many AOSIS countries is existential. In countries like the Maldives, under current emissions trajectories, are they will be underwater by 2050. The Maldives, in particular, are facing climate-induced state-deterritorialization. Under this (literal) survival imperative, AOSIS generates diplomatic and media attention which, in turn, attracts scholarly attention. Secondly, AOSIS attracts attention because they are a relatively large group of forty-three states, 'representing 28% of developing countries, 20% of the total UN's membership though only around 5% of the world's total population' (Yamamoto & Esteban 2014, 111). Despite their low population and 'developing' economic status, AOSIS member states, (especially atoll island states like Maldives) have significant moral, normative arguments and wield power in UN General Assembly international climate negotiations and COPs 'that is often disproportionate to their sizes and populations' (Yamamoto & Esteban 2014, 111). Finally, and most importantly, AOSIS attracts attention because they are a very dynamic, active lobbying group who have altered the outcome of international climate agreements and COP decisions. For example, 'they have become one of the key players in UNFCCC negotiations' (Betzold *et al* 2012, 591) and played a very important role in the Kyoto Protocol negotiations (paraphrasing Betzold *et al* 2012, 594). Furthermore, AOSIS were strongly advocating 1.5^{o}C emissions pathway in Paris Agreement negotiations, successfully gaining recognition of their special vulnerability, for instance, Articles 4.6[1] and 9.4[2] are specifically written for AOSIS (Bolon 2018). These achievements have attracted attention in the form of scholarly interest, increased visibility in international negotiations, collaboration with international NGOs and increased recognition from other states such as USA, France, Norway, and China. For these three reasons, this paper will focus on the climate diplomacy of one of AOSIS's most climate-affected member states, the Maldives.

[1] Article 4.6 - "The least developed countries and small island developing States may prepare and communicate strategies, plans and actions for low greenhouse gas emissions development reflecting their special circumstances" (UNFCC 2015, 4).

[2] Article 9.4 – "The provision of scaled-up financial resources should aim to achieve a balance between adaptation and mitigation, taking into account country-driven strategies, and the priorities and needs of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change and have significant capacity constraints, such as the least developed countries and small island developing States, considering the need for public and grant-based resources for adaptation" (UNFCCC 2015, 13).

Literature Review

Climate diplomacy

Climate change diplomacy is a sub-set of environmental diplomacy which can be defined as 'the practice, mechanisms, and response measures aimed at creating the international climate change regime and ensuring its effective operation. Typically, climate diplomacy is conducted through multilateral institutions such as AOSIS, UN, and is a logical consequence of the long-lasting concern about nature.' (Purdy 2010, 1122).

Climate diplomacy is a fringe-discipline within International Relations. The academic canon conceptualises 'climate diplomacy as between equal and sovereign states', (paraphrasing Kaufmann, 1988). This form of climate diplomacy is outdated because it predominantly focuses on diplomatic interactions between powerful actors and smaller actors, or more powerful actors like US or China; for instance, Yang *et al.* 'the binary relationship between the US and China carries crucial impact over global affairs' (2017, 1048). Recently, the canon has turned towards hybridised versions of climate diplomacy that 'contains multiple actors' (Blaxekjær 2016, 2) and 'emerging practices' (Sending *et al.* 2011, 528) where the state seeks to collaborate with non-state actors 'through the state's diplomatic outreach' (Sending *et al.* 2011, 528). There is a comparative lack of attention to forms of diplomacy between developing-developing state actors, how developing states interact and "do" diplomacy on the international stage. Despite these oversights, more canonical climate diplomacy scholarship is helpful because it acknowledges that current climate agreements and diplomatic efforts are not working. For example, a recent article by the think-tank Chatham House stated that 'diplomacy – a combination of carrot and stick, of the handshake and the megaphone – is not succeeding' (Kampfner 2021, 1). This suggests an urgent need to rethink climate diplomacy, to reflect the situation of people, like Maldivians, who are at risk of losing their homes to sea-level rise. This research hopes to extend existing studies by focusing on an under-studied actor, the Maldives, and by extension other small island states.

Decolonising climate diplomacy

One approach to rethink climate diplomacy is through the lens of decolonialism. This normative perspective forces us to acknowledge the colonialities inherent to the multilateral diplomatic system and in forums like UN COP. Colonialities in the diplomatic system include: the privileging of scientific ways of knowing (shown by heavily quantitative policy-

reports), promoting neoliberal economic structures, and delegitimising narrative forms of story-telling from small-island states like the Maldives who are voicing their climate-concerns. Acknowledging these colonialities is important for several reasons; first, we can begin to reorientate the focus of climate diplomacy scholars, away from 'great powers' like US or China, towards actors like AOSIS and the Maldives. Secondly, removing these colonialities creates space for Maldivian voices to be heard in the academy, and shows that the Maldives are not passive actors. For example, the Maldives maintains diplomatic relations with 178 countries (Maldivian Government 2021), and also maintains thousands of other connections (laterally, embassy-embassy, between state environment departments and vertically to other AOSIS members). Thirdly, it reveals that at its core, AOSIS's small-island state climate diplomacy revolves around 'vulnerability' and climate justice issues. For example, in practice within the UN, climate diplomacy revolves around climate justice issues: 'Contestations over justice have been one of the most prominent features of the international climate regime' (Okereke 2010, 462). The implication of this is two-fold; one, it suggests that how states *do* climate diplomacy depends on their conception of climate justice; two, it suggests that different conceptions of climate justice contribute towards negotiation blocs when environmental negotiations occur within the UN. Therefore, implying that states within AOSIS think about climate justice in similar ways. AOSIS states contribute a negligible proportion to global carbon emissions and argue strongly that states who are high carbon emitters, whether current or historical, are the largest contributors to the problem. These factors, 'combines with the likelihood that they will be worst affected to give them victim status in international negotiations, allowing them to act 'above politics' (Benwell 2011, 206). This means that small states appear as natural leaders in climate negotiations and arbitrators of climate justice. These factors create a situation where in COP negotiations, small states emerge as natural leaders in climate politics and as arbitrators of justice and are pioneers of using mechanisms to achieve climate justice. For these three reasons, a decolonial approach to climate diplomacy is important.

Research Expectations

The previous paragraphs have outlined a case study of the Maldives and why AOSIS has attracted attention, and then described gaps in the climate diplomacy literature. In the next section I will explain and discuss why and how the Maldives (through AOSIS) acted to promote its demands in COP climate negotiations through the deployment of specific language and diplomatic mechanisms.

During the Presidency of AOSIS by the Maldives, AOSIS were active participants in the international arena. The Maldives as a (self-professed) climate-vulnerable country, acted in COP negotiations to demand stronger emissions targets, more financing from the UN Climate Fund and more binding international commitments. To promote its demands in climate negotiations, Maldives and AOSIS used the mechanism of peer-peer multilateral diplomacy and used the language of vulnerability to leverage a vulnerability discourse within climate negotiations. Using this mechanism and language of vulnerability, Maldivian leadership strengthened AOSIS' position as a key player in pre-inter-post negotiations within the UN institution of COP.

Data Collection

The data source is the AOSIS document archive, collected by the UN Secretariat. The archive was created in 2015, there are only 104 pieces of data including AOSIS's own podcasts, news, reports and press releases. My data is a mixture of press-releases, AOSIS chair statements, ministerial statements, high-level statements, COP statements, and policy documents. Each piece of data was selected to coincide with key events between 2015-2021. For example, data from 2015 was chosen to reflect the stance of AOSIS and Maldives in negotiations leading to the Paris Agreement, and in 2017, the Maldivian press release was chosen because it was a statement in reaction to America rescinding their ratification of the Paris Agreement. Each piece of data was chosen to reflect all the ways that Maldivian diplomacy is interacting with AOSIS, the rest of the international community and the global citizenship. There are 15 pieces of data, ranging from the years 2015-2021 (for data citations please see Table 1 in Appendix 1). This data range was chosen due to the availability of data in the archive and because the Maldivian government was AOSIS chair in 2015-2018.

Data Methodology

The data was explored through a frequency analysis. The codes are used to analyse the frequency of words like 'vulnerability'. The codes are used to determine whether there are shifts in the language of AOSIS and Maldives over time in COP negotiations. The coding refers to specific themes like vulnerability that were identified in the preliminary analysis. The content of the theme vulnerability includes the two synonyms of 'vulnerable', 'existential threat', and tries to identify how the Maldives and AOSIS are characterising themselves as 'vulnerable'. The 'climate leadership' coding refers to the Maldives chairing

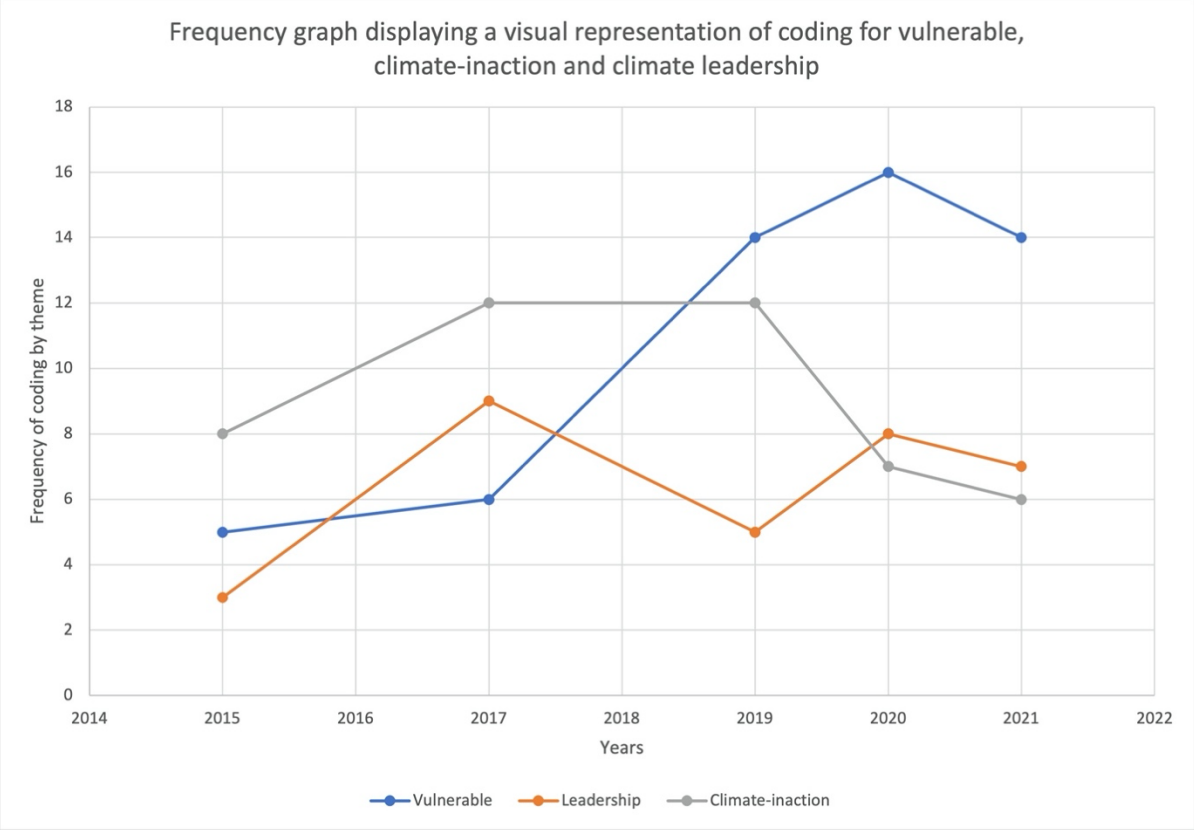
AOSIS and leading climate negotiations, both at the negotiation table and in practice. The 'climate inaction' coding refers to the Maldives and AOSIS members highlighting that more developed states are not meeting their climate finance pledges or climate mitigation targets.

Results

Table 1: Numerical results by year for coding of themes

Year	Vulnerable	Leadership	Climate-inaction
2015	5	3	8
2017	6	9	12
2019	14	5	12
2020	16	8	7
2021	14	7	6

Figure 1: Frequency Line graph showing the coding



The data demonstrates that the Maldives have been consistent, active advocates for AOSIS and SIDS in climate-change negotiations across the period 2015-2021.[3] This suggests that

[3] For a full break-down of coding in each piece of data, please see Appendix 3.

within the setting of COP themes, such as vulnerability, are important to achieving their climate goals. In addition, it might suggest that public engagement and support of AOSIS member states helps create moral leverage in negotiations, however a larger dataset and more research is needed to confirm this hunch.

Figure 1 displays a frequency line graph showing the coding for vulnerable, climate-inaction and climate leadership. The graph is a visual representation of the entire dataset. It shows that the Maldives have been very active, but consistent climate leaders between 2015-2021.

The blue line representing "vulnerability" is particularly striking, from 2015-2020 the frequency of mentions increases from 5 to 16. In the raw data there are 55 mentions of vulnerable and an extra 34 occurrences of synonyms such as "vulnerability" and "vulnerableness". The year-by-year increased usage of the word vulnerability strongly suggests that 'vulnerability' is a key concern of the Maldives and states in AOSIS's membership. Additionally, in data from 2019 onwards, there is a significant increase in mentions of "vulnerable" suggesting that there was a critical juncture or significant policy-change or other external factors to the dataset which encouraged Maldives/AOSIS to leverage the vulnerability discourse more strongly.

The coding of the theme 'climate inaction' decreases (on average) between 2015-2021, suggesting that the 'blaming' discourse was not working and so in multilateral diplomatic forums the Maldives leveraged the vulnerability discourse instead. The data suggests that for Maldives and AOSIS, it is not useful to reiterate that states are not acting on their climate-change mitigation pledges. This shift takes place around 2018/2019, may coincide with the post-2019 increased emphasis on "vulnerability" and suggests that the Maldives/AOSIS started doing multilateral diplomacy differently.

Discussion

This dataset, albeit limited, demonstrates that Small Island Developing States (SIDS) in AOSIS cannot be underestimated. As the leader of AOSIS for 5 years, the Maldives were able to lobby for climate justice in COP using vulnerability narrative(s) in multilateral diplomacy. The Maldives and AOSIS press releases were issued to news agencies and observers attending COP, engaging with a relatively elite audience of media personnel and policymakers, and following their diplomatic tactics within COP.

Second, my data reveals that the Maldives and AOSIS heavily engage in multilateral diplomacy, being very active advocates and communicators of their experiences of climate-impacts. The data suggests that the vulnerability narrative is a mechanism that 'the Maldives use today to tell their climate story' (Rasheed 2019, 4). The data begins to suggest that the Maldives and AOSIS changed tactics away from 'blaming' historical polluting-states towards highlighting their own vulnerability. My data shows that diplomacy using the vulnerability narrative is an important mechanism to raise awareness of climate-impacts. Further research might confirm a correlation between heightened public awareness and increased leverage and strength in negotiating positions.

Thirdly, my data indicates that the rise of the vulnerability discourse is helping to justify Maldives leadership in AOSIS and across climate negotiations and suggests that the vulnerability narrative supports the negotiating position of AOSIS. Historically, AOSIS and SIDS have been marginalised in climate negotiations, they have become a (relatively) influential negotiating bloc. The climate diplomacy literature criticises AOSIS for continuing to leverage the vulnerability narrative. However, the literature is not speaking to the fact that it works, for instance, AOSIS members were successful in lobbying for 1.5C target, it was ratified in the Paris Agreement (Dimitrov 2016), their success (perhaps) may be attributed to the leveraging of vulnerability narrative(s) in statements from diplomatic envoys, and Ambassadors. Moreover, the literature places a lot of emphasis on the vulnerability narrative, and very few scholars question where this narrative comes from. Some scholarship attributes the vulnerability narrative to scientific bodies such as the IPCC, which is true, however a large body of scholarship is missing the point. Some climate diplomacy scholarship is not able to speak to the Maldivian behaviour in COP because it is ontologically focused on the bigger powers such as India, China, and their role in climate negotiations, rather than focusing on smaller states or alliances of smaller states. (Other problems include very few female scholars, or scholars from global south countries.) Therefore, for a state that represents itself through peer-to-peer multilateral diplomacy and press-releases, as well as constructing itself to be highly climate vulnerable through multilateral diplomacy; it is a shame that the Maldives do not get more explicit attention in climate diplomacy scholarship.

Conclusion

In conclusion, this paper has shown that the Maldives are highly proficient climate lobbyists. Through AOSIS, the Maldives increased the vulnerability narrative and calls for climate justice over the period 2015-2021. The Maldives lobby through two main mechanisms: first, multilateral diplomacy as a member of AOSIS; second, through leveraging the vulnerability narrative, trying to attract media attention and engage the public to generate moral leverage. This essay used a decolonial approach to critique climate diplomacy scholarship and advocated for a decolonised climate diplomacy that makes space for the voices of historically marginalised actors like the Maldives. This paper used data gathered from the Maldives official speeches and statements in AOSIS archive, and analysed data using NVivo to demonstrate that multilateral diplomacy through AOSIS is used to generate state-state support and action, and the vulnerability narrative is used to generate moral leverage, justifying Maldives' position as climate leaders. These findings merit further research to see whether this style of diplomacy actually works, and evaluate the effectiveness of public outreach. There is a peculiar dearth of scholarly attention to climate diplomacy, even though climate change awareness is starting to become mainstream. More research is urgently required to remedy this gap and update the literature, so it moves beyond narrow commentary on UN COP outcomes towards a broader consideration of alternative sites of diplomacy (such as AOSIS) and media. Moreover, in the face of 30 years of failed climate talks, the literature – aptly – considers diplomacy a useless tool to climate change mitigation, scholars need to devise strategies (that can be put into practise in international forums) to break the climate-talk deadlocks. Secondly, scholars need to consider how to repurpose diplomacy into a powerful advocacy tool, so it can empower the most vulnerable and most affected by climate change, such as women, indigenous peoples and small island developing states.

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Appendix 1: Naming and Ordering of Data – AOSIS Policy, Press Releases 2015-2021

Data Number	Year	Data Title
1	2015	Maldivian Ambassadorial statement – AOSIS COP21 opening plenary in Paris
2	2015	Maldivian ministerial Statement – pre-Paris high level meeting
3	2017	Presidential Statement - President of the Maldives reacts to American withdrawal from Paris Agreement
4	2017	Press Release – Maldivian chair of AOSIS hosting renewable energy ministerial meeting
5	2017	Maldivian Ambassadorial statement - AOSIS COP23 High-level statement
6	2019	Maldivian Ambassadorial remarks – AOSIS at 30 opening statement
7	2019	Maldivian Ambassadorial statement – AOSIS closing plenary statement of COP25
8	2019	Maldivian Ambassadorial statement – AOSIS opening plenary of COP25
9	2020	Press Release – Maldivian chairmanship of AOSIS summary of key actions taken
10	2021	Press Release – Maldives, Nauru, St Lucia joint declaration on new climate action plans submitted to UNFCCC
11	2021	2021 – Ambassadorial statement – AOSIS COP25 high-level event on climate action
12	2021	Press Release – AOSIS pre-plenary statement "last stand to keep 1.5C target"
13	2021	Press Release – AOSIS and IRENA joint statement of co-operation to accelerate green energy transition
14	2021	Ambassadorial statement – Chair of AOSIS statement to COP26
15	2021	Maldivian Ambassadorial Statement – AOSIS closing plenary of COP26

Appendix 2: References for Data

Data number	Reference
1	AOSIS (2015). AOSIS opening statement for 21st Conference of Parties to the UNFCCC. https://unfccc.int/files/meetings/paris_nov_2015/application/pdf/cop21cmp11_hls_speech_aosis_maldives.pdf
2	2015 – Maldivian ministerial Statement – pre-Paris high level meeting Environment and Energy Ministry, Government of the Maldives. (2015). Opportunity to Tackle Climate change many never come again, statement by Thoriq Ibrahim, Maldives minister of Environment and Energy on 15th July 2015. www.aosis.org/2015-opportunity-to-tackle-climate-change-may-never-come-again/
3	Government of the Republic of the Maldives (2017). President of Maldives reacts to US Paris withdrawal. Statement by H.E Abdulla Yameen Abdul Gayoom, President of Maldives on the United States Withdrawal from Paris Agreement, 02 June 2017. https://www.aosis.org/president-of-maldives-reacts-to-us-paris-withdrawal/
4	Government of the Maldives (2017). Press release – Maldives hosts ground-breaking renewable energy ministerial meeting, in partnership with the International Renewable Energy Agency (IRENA), hosted by Maldives in capacity as chair of AOSIS. 10th October 2017. https://www.aosis.org/press-release-maldives-hosts-groundbreaking-renewable-energy-ministerial-meeting/
5	AOSIS (2017) AOSIS COP23 High Level Statement to Fiji, the leaders of Island COP. https://www.aosis.org/cop23-high-level-statement/
6	AOSIS (2019). AOSIS@30 – Small Island Developing States: Building Resilience and Expanding Development Horizons through Global Partnerships. Opening Remarks by H.E. Ms. Lois M. Young of Belize at the AOSIS Launch Event on 19 February 2019. https://www.aosis.org/aosis30-small-island-developing-states-building-resilience-and-expanding-development-horizons-through-global-partnerships/
7	Government of the Republic of the Maldives (2019). UNFCCC COP25 – AOSIS Closing Statement in the closing plenary, 12th December 2019. https://www.aosis.org/cop-25-aosis-closing-statement/
8	AOSIS (2019). UNFCCC COP25 – Opening Statement in opening plenary delivered on behalf of AOSIS by Ambassador Lois Young on 2nd December 2019. https://www.aosis.org/opening-remarks-at-cop-25/
9	Ministry of Foreign Affairs, Maldives. (2020). Small States: Maldives Chairmanship of the Alliance of Small Island States. Published by Government of the Republic of the Maldives on 31st August 2020. https://www.gov.mv/en/publications/small-states
10	Government of the Republic of the Maldives. (2021). Press Release - Nauru, Maldives, and St Lucia announce new Climate Action Plans on December 4, 2021. https://www.aosis.org/nauru-maldives-and-st-lucia-announce-new-climate-action-plans/

11	AOSIS, Government of the Dominican Republic (2021). COP25 High Level Event on Global Climate Action. Statement by Her Excellency Milagros De Camps, Deputy Minister of International Cooperation, Ministry of Environment and Natural Resources, Dominican Republic on November 11, 2021. https://www.aosis.org/aosis-statement-at-the-high-level-event-on-global-climate-action/
12	AOSIS (2021). Island Nations: COP26 might be the "last stand" to keep 1.5C alive. https://www.aosis.org/island-nations-cop26-might-be-the-last-stand-to-keep-1-5c-alive/
13	AOSIS (2021). IRENA Partners with Alliance of Small Island States to Accelerate Energy Transition in SIDS. Press release on 08 November 2021 in partnership with IRENA. https://www.aosis.org/irena-partners-with-alliance-of-small-island-states-to-accelerate-energy-transition-in-sids/
14	AOSIS (2021). COP26 World Leaders' Summit 2021. Statement by the Honourable Gaston Browne, Prime Minister of Antigua and Barbuda and Chair of the Alliance of Small Island States on 1st November 2021 https://www.aosis.org/aosis-statement-at-cop26-world-leaders-summit/
15	AOSIS (2021). Statement on behalf of the Alliance of Small Island States (AOSIS) at the Joint Closing Plenary of COP, CMP, CMA. Remarks delivered by Antigua and Barbada on 13 November 2021. https://www.aosis.org/statement-on-behalf-of-the-alliance-of-small-island-states-aosis-at-the-joint-closing-plenary-of-cop-cmp-cma-sbsta-and-sbi/

Appendix 3: Numerical Results for Coding of Themes

Data number	Year	Vulnerable	Leadership	Climate-inaction
1	2015	3	2	2
2	2015	2	1	6
3	2017	2	3	4
4	2017	0	5	3
5	2017	4	1	5
6	2019	6	2	3
7	2019	4	2	5
8	2019	4	1	4
9	2020	10	6	2
10	2020	3	1	2
11	2020	3	1	3
12	2021	3	1	2
13	2021	1	3	2
14	2021	4	2	1
15	2021	6	1	1

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Climates of Fear: Emotion, Risk, and Uncertainty in a Consideration of the 'Precautionary Principle'

Poppy Kershaw [*]

Abstract

This essay will explore the prospect of an emotions-based treatment of the precautionary principle (PP). Primarily focusing on the role of the PP in establishing environmental 'risks' in international law, I will discuss the relationship between scientific expertise, indeterminacy, and uncertainty in light of public responses to the climate crisis. I will also provide overview of what insights an emotions-based approach may or may not provide in understanding the constitutive relationship between emotions and legal rationality in IR theory. Whilst any definitive solutions to these problems lies well beyond the scope of this paper, I will suggest some questions IR theorists interested in the role of emotions in global environmental governance might want to ask. Concluding that what the PP offers is a framework in which 'emotion', 'risk' and scientific 'uncertainty' are understood not as causally separate elements of environmental law-making, but mutually constitutive of each other.

Introduction

The conservationist Wallace. J. Nichols has stressed the importance of appealing to human emotions in the fight against climate change. He argues that environmental problems may be better addressed using "neuroscience and empathy, in addition to using facts, figures and statistics" (Kaplan 2011). "People", Nichols argues, make decisions "based on emotions", the problem, is that "institutionally, we are not set up to talk about it, to begin a real conversation about human emotions and how important they are" in finding solutions to the climate crisis. Nichols is not suggesting "that we jettison rational thinking", instead, he proposes we ought to be thinking "rationally about our emotions" (2011). This appeal to the emotions in the sphere of climate-activism has been increasingly apparent in the last few years. Greta Thunberg's tearful speech at the 2019 UN climate summit rendered her something of an ecological Joan of Arc, some hailing her a child saviour, others vying for her demise. In similarly reverential fashion, an Oxford vicar physically sewed his mouth shut in protest to perpetuation of climate denial by Murdoch owned media. And even more recently we have seen images of the Tuvalu foreign minister, Simon Kofe, giving a speech at

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the Cop26 summit, waist deep in rising sea water (Thunberg 2019; Campbell 2021; Guardian Staff and Agencies 2021). These are emotionally charged images, which feel somewhat mythical in their ability to provoke and perhaps more importantly - frighten.

Studying the Emotions

The role of emotions in international decision making has been of increasing interest to scholars in the last ten to twenty years. Since the 'emotional turn' thinkers from a variety of different backgrounds, such as IR, law, history, and politics, have considered ways to approach 'the emotions' in law and policy making (Ariffin, Coicaud and Popovski 2016). But, similarly to Nichols' "institutions" that "are not set up" to discuss the emotions in a meaningful way – different schools of thought face their own distinct challenges (Kaplan 2011). It is difficult to paint a complete picture of these problems, and to do so would be beyond the remit of this paper, but Neta Crawford's work provides a helpful outline for IR theory. The first difficulty is that emotions are too frequently understood to be "primitive and biological", and simply taken for granted as universal to 'human nature' (Crawford 2014, 536). The second, is that strong emotions and passions are viewed as "not theorizable or amenable to systemic analysis", the third, that western philosophy and social science has for too long relied upon the dualisms of "mind/body, thinking/feeling, rational/irrational", without sufficient interrogation of these premises. And finally, perhaps most particularly to IR, that much scholarship "assumes a dichotomy between individual agency and group behaviour" which assumes emotional agency to be the domain of the individual (Crawford 2014, 536). It is for these reasons that interdisciplinary scholarship is to be encouraged. History and anthropology can provide insights into how emotional rules and behaviours "vary from one society to the next and […] over time", neuroscience and psychology clarifies the true complexity of how our biology becomes embedded with emotional learning, and perhaps most importantly, that "individual and group agency share many features […] characterised by processes of reflection, feedback, interconnection and tension between agency and structure" (Sterns 2016, 51; Crawford 2014, 537).

The ephemeral and indefinite nature of emotions themselves, alongside a consideration of how they interact with governmental structures, makes them an incredibly complex object for analysis. As Bleiker and Hutchison note, a study of emotions on a structural level, requires "conceptualising the influence of emotions" even when they are not immediately visible (Bleiker and Hutchison 2008, 115). And yet, the relationship between 'risk' and

emotions, especially 'fear', has long been recognised as present at the level of international law-making – even if not explicitly so (Kahan 2010). As Ariffin notes, classical realist approaches convert the "fear of failure into 'risk assessment', which converts uncertainty into probability" (Ariffin 2016, 2). However, the subject of 'fear' in international law and policy making has mostly enjoyed the attention of security studies, where fear is seen as "embodied in pre-emptive and preventative military doctrines" (Crawford 2014, 548). If we view these notions of 'pre-emptive' and 'preventative' action as legal mechanisms for dealing with uncertainty and 'fear', where might we locate these considerations in environmental law-making? What can this tell us about the interconnective tensions between agency and structure at this level of environmental governance?

The Precautionary Principle

International policy and law making concerned with health and environmental risk are framed by two competing paradigms: 'The Precautionary Principle', prevalent in Europe, and the notion of 'Sound Science', commonly employed in the US. I will primarily be focusing on the Precautionary Principle (PP). This is due to its unique emphasis on "the need for risk regulation despite scientific uncertainty" (Peel 2010, 112).

> *The Precautionary Principle mandates that when there is a risk of significant health or environmental damage to others or to future generations, and when there is scientific uncertainty as to the nature of that damage or the likelihood of risk, the decisions should be made as to prevent such activities being conducted unless and until scientific evidence shows that damage will not occur*. (Sunstein, quoting Blackwelder 2005, 19)

As Klaus Meßerschmidt has elegantly described, "the spirit" of the PP is inherently flexible and indefinite (Meßerschmidt 2020, 291). At its core is a value-based claim to "prevent potential harm" caused by environmental risks before scientific consensus has been reached (Meßerschmidt 2020, 291). This vagueness, argues Meßerschmidt, is both its key strength and weakness (Meßerschmidt 2020, 271 fn. 20). On the one hand, it allows for pre-emptive action to be taken against "dangers that are distant in time and space" - though I would suggest we may wish to enquire to whom these dangers are distant. It also prevents scientific consensus, which is notoriously difficult to achieve, from becoming an ultimatum when urgent risk response may be required (Meßerschmidt 2020, 273). On the other hand, "from a legal point of view" it provokes important considerations of what "effect a lack of evidence has on legal validity" (Meßerschmidt 2020, 283). Moreover, "the expectations shared collectively at a particular point in time may be remembered months or years later as

an exaggerated perception of risk" (Meßerschmidt 2020, 277). This has been a particularly pressing concern in relation to the role of the PP during the Covid-19 pandemic, in restricting civil liberties and it is a concern that is frequently referred to by the PP's critics more generally (Meßerschmidt 2020, 269). But it is important to note that the PP does not "supplant" the principle of proportionality. Instead, it behaves as a guideline for the courts, outlining risk response according to "necessity, proportionality, the need for continuous review and updating as science improves" (Meßerschmidt 2020, 291). Science as bastion for 'rationality' falters in times of scientific indeterminacy and the PP supposedly provides legal strategies to navigate these problems.

The Precautionary Principle and Scientific Indeterminacy

The role of scientific consensus is of particular importance in a consideration of the PP, specifically because the principle is typically employed before scientific consensus is reached – supposedly lending itself to environmental governance which has a "strong tendency to think in terms of risk avoidance […] and an emphasis on altruism" (Meßerschmidt 2020, 270). But whilst 'science' has classically been seen as a source of rationality and determinacy in international law, since the 1980s this conviction has been fraying at the seams (Peel 2010, 59-60). Two decades of rapid de-regulation of environmental safeguards were fuelled by opposing claims that "federal agencies were locked in a 'vicious circle' of overreaction to public risk concerns […] based on questionable science" (Peel 2010, 119). Peel notes that analytical approaches to, and experiences of uncertainty, "are framed in light of differing sensitivities […] and socio-cultural values" (Peel 2010, 111-112). For example, the Bush administration's adoption of the 'Sound Science' approach offered stark contrast to the PP's treatment of scientific indeterminacy. While the scientific evidence employed by both approaches is often "much the same", it is the level of risk deemed "acceptable" to respective nations that differs (Peel 2010, 114). Environmental policy is not driven by scientific consensus alone, but the level of uncertainty that nations deems tolerable – or even favourable. The Bush administration went on to "transfer its understanding of sound science to the international sphere" (Peel 2010, 125). Propped up by the fossil fuel industry, Bush "worked hard to present […] climate change science as highly uncertain", publicly undermining the Kyoto Protocol as being "fatally flawed" and the evidence for GHG emissions as "arbitrary and not based on science" (Peel 2010, 127). The room for scientific indeterminacy built into the PP, laid it bare to the critiques that indeterminacy was

equivalent to 'bad science' and therefore, bad law-making. 'Good' science, and 'good' laws, should be 'rational', and therefore, definitive.

The PP, however, does provide some legal mechanisms for dealing with this attack on scientific indeterminacy – or perhaps the public awareness of it. When "causal chains and networks" become so varied and open to interpretation that "'we don't know what we need to know'", the role of scientific expertise takes on a complicated role in the legal sphere (Peel 2010, 101). As a scientist quipped during an EC panel on meat safety measures, "You know the story of the two-handed scientists: On the one hand and on the other. Lawyers are often looking for one-handed scientists" (Peel 2010, 101). This apparent demand for determinacy in producing forms of legal action opens up a series of stimulating questions. Perhaps most interesting is the paradoxical nature of the PP in its ability to take scientific indeterminacy and treat it in such a way that it can still be legally determinate. It allows in some ways for environmental lawmakers to both have their cake and eat it. Does this, as Jacqueline Peel suggests, offer insights into the inherently "value-laden" processes of risk assessment? Moreover, what can these values embedded at the heart of PP, or its "spirit", tell us about the "implicit socio-cultural judgments" made in global environmental risk calculation (Meßerschmidt 2020, 291).

Risk, Emotions, and the Precautionary Principle

This paper does not seek to offer any conclusions about the overall efficacy of the PP. However, both its admirers and critics provide us with much to consider. Of particular interest is the ways in which institutional conceptions of 'risk' are embedded with emotion. Slovic has argued that "now we are beginning to understand the complex interplay between emotion and reason that it essential to rational behaviour, the challenge before us is to think creatively about what this means for managing risk" (Slovic 2004, 311). The PP, he suggests, provides a fresh and holistic approach to what some see as "overly narrow" and "technical" risk assessments (Slovic 2004, 320). Describing statistics as "human beings with the tears wiped off", the task of the scholar interested in emotion – and as Nichols would argue, the environmental activist interested in emotion - is attempting to "put the tears back on" (Slovic 2004, 320). But how would such an approach apply to invocations of the PP? Where would investigation be best placed? As Crawford argues, "once institutionalised […] passion seems to recede from view, as overtly emotional language is replaced with the language of justification, belief and reasons" (Crawford 2014, 546). How would one prove

the presence of emotions in invocations the PP, even when they are not empirically evident? (Bleiker and Hutchison 2008, 115). I would suggest that the quality, or "spirit" of the PP, as inherently uncertain and changeable, provides insight into the ways emotions, especially fears, are embedded at the level of global environmental governance. These emotions do not necessarily exist in opposition to scientific or legal rationalities but can be seen as part of their very construction.

The concept that 'fear' is indeed embedded in the PP, has also laid it bare to critique as well as praise. In his work 'Laws of Fear', Cass Sunstein accuses the invocation of "harder" uses of the PP to be overly cautious and waning to unfounded public fears, declaring that the PP conceals the fact that, "societies, like individuals, cannot be highly precautionary with respect to all risks […] selectivity of precautions is not merely an empirical fact; it is a conceptual inevitability" (Sunstein 2005, 21). Existential risks such as environmental catastrophe are too multifaceted to be treated by the PP: "there are risks on all sides of social situations" and the principle, "forbids the very steps that it requires" to effect change (Sunstein 2005, 3). Furthermore, he contends that in terms of public acceptance and adoption of new preventative measures, "what matters is not whether people are right on the facts, but whether they are frightened" (Sunstein 2002, 3). This is where emotions are confined to for Sunstein - the public. According to Sunstein, the public make misjudgements about risk, "partly because of emotions and partly because of cognition" - unlike experts, who are apparently less likely to fall sway to emotional biases (Sunstein 2002, 33). According to this logic, the PP is rendered vulnerable to the whims of public fear and opinion – sometimes founded in science but more often not. Perhaps unsurprisingly, a scholar interested in the emotions may want to take issue with some of these propositions. Not least that experts are somehow free from affective biases, but also the subtle suggestion that that 'good' science ought to provide definitive environmental solutions (Slovic 2004, 315).

Slovic contends that one cannot pay attention to questions of 'risk' without also paying attention to 'feelings' or emotions. On an individual level, reason is shaped not only by logical analysis but experience and feeling.

> *Epstein argues that individuals apprehend reality by two interactive, parallel processing systems. The rational system is a deliberative, analytical system that functions by way of established rules of logic and evidence (e.g., probability theory). The experiential system encodes reality in images, metaphors, and narratives to which affective feelings have become attached.* (Slovic 2004, 316)

When we attempt to apply this concept to the PP, a series of interesting considerations are brought to light. The first, is whether or not we can find "interconnectivity" between the individual emotional model thus described, and the broader connectivity to institutional structure described by Crawford (Crawford 2014, 537). If "emotions and beliefs structure the organisation of knowledge" on both an individual and institutional level, how might we analyse the PP in light of this? (Crawford 2014, 247) As Bleiker and Hutchison have noted, "psychological studies of decision-makers can illuminate their behaviour but fall short of explaining how emotions are enmeshed in larger socio-political dynamics" (Bleiker and Hutchison 2008, 117). Hence, questions of methodology are a distinct problem. This also relates to another concern: understanding what is 'rational' under the PP, which as we've seen, does not necessarily find its basis in scientific consensus, but the emotional, value-based principle "better safe than sorry" (Meßerschmidt 2020, 268). The PP has shown itself to be an ornate tapestry of scientific and legal logics, continually embroidered but also unpicked as circumstances change. This complex interplay between scientific indeterminacy, the legal desire for definitiveness, and proportionate response to environmental risks can perhaps be seen as mirroring the relationship between emotional and rational processes in the individual psychological model. However, if, as Crawford argues "emotions are not a causally separate sphere" from global decision making – it becomes very difficult for the scholar to locate where these threads might be best untied (Crawford 2014, 554). If we were to draw the comparison between individual psychological models and the way emotions become structurally embedded in invocations of the PP, we would have to consider whether or not it could be studied as a framework that embodies both "the rational" and the "experiential", and, more importantly, how we could prove it (Slovic 2004, 316). Moreover, specific invocations of the PP, would require detailed and particular analysis, despite the international scale of the legal problems addressed.

The problems I have briefly outlined, are primarily problems of methodology. However, this does not imply that a theoretical consideration of some of the themes discussed would be of no use. Whether one agrees with Sunstein that, "people's intuitions are unreliable, and they are prone to blunder about the facts" (Sunstein 2002, 35). Or with Slovic, that emotions offer intuitive "doses of feeling," often lacking from more quantitative risk analysis (Slovic 2004, 311, 321). It is clear that the emotional dynamics both internal and external to PP, deserve thorough academic treatment. Emotion, risk, and uncertainty are themes which appear time and time again in the literature surrounding the PP, and to ignore them would be a great loss.

Conclusion

I have attempted to outline some of the potential questions and challenges that might be raised from an emotions-based treatment of the Precautionary Principle. As we've seen, such a study would face serious methodological limitations. However, an interdisciplinary approach could provide valuable holistic insights into how environmental 'risks' are conceptualised more broadly in IR theory. Moreover, the flexibility and nuance of the PP itself, offers fertile ground for considering the relationship between individual agency and institutional structure, in novel and provocative ways.

The climate crisis clearly invokes extreme emotional responses, but these responses are not equally felt. We do not all face the same risks. And yet on the level of global environmental governance we all have to live with the same decisions, whatever they might mean for us. As the Hungarian biochemist Szent Gyorgi once lamented, "I am deeply moved if I see one man suffering and would risk my life for him […] I am unable to multiply one man's suffering by a hundred million" (quoted by Slovic 2004, 319) And yet, in terms of climate catastrophe, these are the odds we face. In terms of global environmental decision making, this is the scale at which decisions are made. It is perhaps for this reason, that the aesthetics of emotion have become particularly prevalent in how we conceptualise growing climate risk, providing us with images that transgress state boundaries, and allow for individual interaction with inconceivable risk. However, it is important to recognise that these responses are not contained to the sphere of climate activism but become embedded at levels we do not ordinarily consider to be the realms of emotion.

If, as Nichols argues, we are not "institutionally set up" to talk about the emotions – a good place to start would be normalising the language of emotion in our approaches to global environmental governance more broadly (Kaplan 2011). What the PP offers to IR theorists interested in these problems is a framework in which 'emotion', 'risk' and scientific 'uncertainty' are understood not as causally separate elements of environmental law-making, but mutually constitutive of each other.

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