Item 5 of the provisional agenda*

Multidimensional approaches by Governments to promoting the rule of law by, inter alia, providing access to justice for all; building effective, accountable, impartial and inclusive institutions; and considering social, educational and other relevant measures, including fostering a culture of lawfulness while respecting cultural identities, in line with the Doha Declaration

Background documents received from individual experts**

Climate change education as part of a comprehensive implementation of the United Nations migration policy

Prepared by Slawomir Redo

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** The designations employed, the presentation of material and the views expressed in the paper do not necessarily reflect the views of the United Nations Secretariat and do not imply the expression of any opinion whatsoever concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.
Introduction

At the 24th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 24) in Katowice, Poland, Greta Thunberg — a 15-year-old Swedish climate activist and candidate for the 2019 Nobel Peace Prize — pointed out that no decisions commensurate with the gravity of the situation have been implemented. At COP 24 she asked her government and other countries’ governments to take action against climate change: to strive to limit global warming to 1.5°C over pre-industrial levels. To manifest her concern, she called for an international school-day strike on 14 December 2018.

She strikes before the Swedish Parliament building in Stockholm every Friday during school hours. Time and time again her conduct has motivated high-school and university students around the world to carry out protests expressing their concern about governmental climate inactivity. Reportedly, students have protested in over 2,000 cities in 123 countries of the Northern and Southern hemispheres. They carried banners with slogans like: ‘If you don’t act like adults, we will’, ‘We demand climate justice’, ‘Too warm 4 school’, ‘Don’t deny climate change’, ‘Denial gets us nowhere’ and ‘Our future is in your hands’. They chanted ‘We are loud/We are here/Because you’re stealing our future’.1 In March 2019 in several cities across Poland,
high-school students joined the strikes under the slogan ‘We want to be taught about climate change’.

In response, this short public policy essay first draws on the reviews of climatological and criminological macroscopic research relevant to the culture of lawfulness; second, it points to Earth jurisprudence (EJ) as the area where global civic education for sustainable development, multicultural integration and crime prevention is needed.

**Old climatological assumptions and the culture of lawfulness**

Twenty-three centuries ago the Greek philosopher Herodotus (484–c. 425 BC) implied that the stable climate of Ionia makes for goodness of character and civic institutions. Herodotus writes, ‘There has never been a time when poverty was not a factor in the rearing of the Greeks, but their courage has been acquired as a result of intelligence and the force of law’.

On the strength of Herodotus’ remarks, Raymond Kierstead credited him for hypothesising that it ‘was not climate that explained the dynamic quality of the Greek states aligned against Persia, nor riches, but law that defined a political culture within which liberty, collective self-discipline, and civic heroism could all prosper’.

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3 For the genesis and current interpretations of this concept, see: E.W. Pływaczewski, S. Redo (eds.), *Advancing Culture of Lawfulness. Towards the Achievement of the 2030 Agenda*, “Białostockie Studia Prawnicze” 2018, vol. 23, no. 3.

4 Ancient region on the central part of the western coast of Anatolia in present-day Turkey, the region nearest Izmir (f. Smyrna).


Kierstead goes on to say that according to Herodotus:

[p]olitical success was related to the character or culture of a society. The particular genius of the city-state was its adherence to self-imposed law, in other words, a certain conception of liberty... Virtuous citizens, informed by law, brought about the greatness of states and, moreover, the promise of stability and the possibility of staving off the decay and inevitable fall that states shared with all organisms. For states, as for individuals, there was then a realm of freedom, a realm of contingency where good cultural traits and sound constitutions potentially made a difference, perhaps assured the rise of states and their longevity. Thus culture and constitutions, and the relations between them, became a major theme of Herodotus' study.\(^8\)

The commentator seems to be taking poetic licence insofar as his interpretation unreservedly denies the impossibility of such rule in Asian societies, e.g. Persia. And so looks the result of a multifactor analysis of the impact of climate on human behaviour carried out by Charles-Louis de Montesquieu (1689–1755), the French legal and moral philosopher from the pre-industrial era. Emphasising that he treated ‘all the peoples of Europe with the same impartiality as … the peoples of the Island of Madagascar’ in his *The Spirit of Laws* (1748),\(^9\) supported by some 3,000 citations, he believed he proved a climatically deterministic anti-Oriental thesis.

Namely, he argued that depending on where people live, they are inclined toward certain sorts of socio-political governance. Accordingly, the closer we move towards the tropics, the further we move from principles of morality and the rule of law. Montesquieu dismissed the potential for freedom and welfare in the southern countries — the current Global South. Next, he argued that their peoples would remain enslaved, poor and passive, and the countries autocratic. The effect of climate can be seen even within countries. For example, he remarked that, ‘In the north of China people are more courageous than those in the south; and those in the south of Korea have less bravery than those in the north’.\(^10\) Regarding the character of people, Montesquieu

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8 Ibidem.
10 Ibidem, p. 291.
claimed that the ideal character can develop in France’s climate, which is neither too warm nor too cold. Generally, though, people in colder climates have fewer vices and express more sincerity and frankness.

They find pleasure in mental activities, while Southerners are happier simply relaxing. This is because in excessive heat the human thermodynamics affects the mind, depriving it of curiosity and an enterprising spirit, as if that type of thermodynamics irrevocably dooms a people’s mind — a true pre-Darwinian notion. To counter their vices, Montesquieu suggested that laws in warmer climates should be more explicit and stricter in encouraging industriousness and regulating violence, sexual behaviour and even the consumption of alcohol. But the greatest punishment for Southerners is to rationalise their mind. In sum, people’s different spirits, their moral characteristics and the way of thinking and acting result from a unique combination of climate, religion, laws, maxims of government, history, mores and manners. He believed that he ultimately demonstrated climate’s impact on countries and the character of their residents, because ‘the empire of the climate is the first, the most powerful, of all empires’. 

**Climate change and the culture of lawfulness in the era of global migration**

Whether true or not, the above claims suggest static climatic differences among the countries, hence in the culture of lawfulness. Obviously, these claims could not address the dynamic impact of climate change on such culture. This question has only recently entered the United Nations world through the reports of the Intergovernmental Panel on Climate Change (IPCC).

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13 Ibidem, p. 238.

- Associations between climate change and conflict are inconsistent, as are relationships between climate change, migration and conflict;
- Across world regions and from the international to the micro level, the strength of the correlation between drought and conflict under most circumstances is limited;
- Drought significantly increases the likelihood of sustained conflict for particularly vulnerable nations or groups due to their livelihood dependence on agriculture. Due to a warmer climate, maize, wheat and other major crops have experienced significant yield reductions at the global level of 40 megatons per year between 1981–2002; from 1880 to 2012, average global temperature increased by 0.85°C. To put this into perspective, for each 1 degree of temperature increase, grain yields decline by about 5 per cent. This growing food scarcity is particularly relevant to farmers in the least developed countries, especially those in sub-Saharan Africa;
- A 1°C increase in temperature or more extreme rainfall increases the frequency of intergroup conflicts by 14%. If the world warms by 2°C–4°C by 2050, then the rates of human conflict could increase;
- A temperature rise by one standard deviation — that is, the amount by which temperatures differ from the standard temperature — increases the risk of interpersonal conflict by 2.4% and intergroup conflict by 11.3%;
- Armed-conflict risks and climate-related disasters are associated with ethnically fractionalised countries, indicating there is no clear signal that environmental disasters directly trigger armed conflicts.

In sum, the above IPCC findings on the relationship between climate change and the culture of lawfulness is ambiguous. However, one finding is less ambiguous, namely that climate change and interpersonal and intergroup conflicts may emerge in the most ethnically fractionalised countries, particularly in sub-Saharan Africa.

In the above climatological findings, migration is hardly, if at all, connected with climate change and its criminological implications.
If it is connected, then — and this is merely conjuncture — it is as a possible consequence, if not a side effect, of conflict. This basic ambiguity may be credited to the IPCC’s lack of clear-cut criminological findings on the positive relationship between climate change, migration and various factors regarding the culture of lawfulness in host countries.\(^\text{16}\)

The 2016 New York Declaration for Refugees and Migrants is more comprehensive, hence multifactorial:

Since earliest times, humanity has been on the move. Some people move in search of new economic opportunities and horizons. Others move to escape armed conflict, poverty, food insecurity, persecution, terrorism, or human rights violations and abuses. Still others do so in response to the adverse effects of climate change, natural disasters (some of which may be linked to climate change), or other environmental factors. Many move, indeed, for a combination of these reasons (PP 1, emphasis added).\(^\text{17}\)

Consequently, the 2018 Global Compact on Safe, Orderly and Regular Migration called for action in the above analytical framework. Countries should:

\[i\]nvest in programmes that accelerate States’ fulfilment of the Sustainable Development Goals\(^\text{18}\) with the aim of eliminating the adverse drivers and structural factors that compel people to leave their country of origin, including through poverty eradication, food security, health and sanitation, education, inclusive economic growth, infrastructure, urban and rural development, employment creation, decent work, gender equality and

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empowerment of women and girls, resilience and disaster risk reduction, climate change mitigation and adaptation, addressing the socioeconomic effects of all forms of violence, non-discrimination, rule of law and good governance, access to justice and protection of human rights, as well as creating and maintaining peaceful and inclusive societies with effective, accountable and transparent institutions (objective 2, emphasis added).\(^{19}\)

**Earth jurisprudence as an educational objective**

In the 2015 United Nations report on ‘Harmony with Nature’ the Secretary-General (S-G) invoked the concept of EJ and argued that ‘the golden rule’ of reciprocity extends to the mutually satisfactory relationship between people and nature: ‘[r]eciprocity forms part of natural universal laws, and is a consistent feature in codes of conduct of indigenous communities governing their interactions with the natural world’\(^{20}\) (A/70/268, para. 40).

In the 2018 report the S-G emphasised:

the challenge was to create new everyday experiences that accustom people to a new paradigm, and thus give rise to a society where people comprehend nature as their home instead of an endless source of capital. In contrast to the current economic system, in which short-term economic gains are prioritized over long-term human and ecological health, there are alternative strategies and mechanisms, such as the solidarity economy, which is based on the principle of the non-accumulation of capital.\(^{21}\)

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Reportedly, this challenge is addressed by the World Federation of United Nations Associations. It described how young people worldwide were engaged in model United Nations programmes. Those popular educational activities exposed youth to global issues being addressed by the United Nations, including Earth jurisprudence, Earth-centred law and ecological economics, and inspired them to become more involved in the 2030 Agenda for Sustainable Development and the Harmony with Nature programme.22

**Earth jurisprudence and crime prevention**23

In countries supporting emancipative values24 in immigration policy, EJ is instrumental in sustainable development, multicultural integration and — directly or indirectly — in crime prevention. A few examples follow.

The first example comes from the Canadian ‘Parc-Extension’ project, so named after the residential area in Montreal, Quebec inhabited by more than a hundred cultural communities.25 Reportedly, women and girls living there face daily various structural hurdles on their way to full integration, e.g., linguistic and cultural barriers, important family burdens and psychological and other pressures caused by migration.26 One of their safety concerns has been the reactions to the dress code of Muslim women (head scarves). In the expert opinion of the cited report, this context marked those women as not only more vulnerable to discrimination,

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22 Ibidem, para. 12.
26 Ibidem, p. 7.
marginalisation, poverty and isolation, but also more vulnerable to sexist violence.

The Montreal Parc-Extension study was concerned with violence experienced by women and girls in general and not from members of their own communities or families; this was its main advantage.

Auditing the residents for safety revealed that young people were most likely to be the victims of violent acts like harassment and assault. Respondents felt these youth were the ones who cause insecurity – loitering, drug use, delinquency and youth crime. However, in a seven-item questionnaire on safe planning of public spaces, the replies concerning the layout and maintenance of public spaces — i.e., living together in a clean and hospitable environment — ‘turned out to be the most important issue in [the] questionnaire’.

Areas identified as problematic were streets, alleys, parks and metro stations. The researchers concluded that graffiti, litter and the lack of maintenance seemed to strongly affect residents’ perception of safety and their sense of belonging to the neighbourhood.

The second example comes from Mississauga, another Canadian city near Toronto. That city has over 700,000 inhabitants, the majority of whose native language is not English. Its local government committees on sexual assault and violence against women implemented a safety audit sponsored by the Catholic Cross Cultural Services (CCCS), a non-governmental organisation that provides a wide range of services to assist in refugee and immigrant integration, including counselling services on countering violence against women.

One of the safety audit methods pursued and assessed in this project was interethnic groups of women walking into places they did not feel safe: to local parks, shopping malls, a shopping complex with an underground parking garage and a low-income area of subsidised housing with loitering youths. On the exploratory walks, the women engaged with the other users of the public space. The women found their cultural diversity to be advantageous. This is because many of the

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28 Ibidem.
people they approached did not speak English, so the volunteers acted as interpreters. This allowed local voices to be included in the audits.

The age of safety auditors varied between 20 and 65. These were refugee women and immigrants from diverse cultural backgrounds. Generally, this pan-Canadian programme implemented through projects in several municipalities provided recent immigrants with an opportunity to take co-responsibility for their new communities. In some project areas, it also ‘allowed CCCS to expand the scope of its work on violence against women and girls encompassing the public realm in addition to the private’.30

The last real-life example comes from the city of Zürich, Switzerland, which has a 30-year-old history of EJ education that takes place in the city’s forest schools.31 Zürich has 80 parks and urban forests, altogether comprising 43% of the municipal area. Aiming at making sustainable living for 42.5% of the immigrant inhabitants, the city experiments with the civic rights and duties of its multicultural residents through various projects.

The Zürich forest schools have a splendid reputation for a pedagogical approach.32 Drawing on their pedagogical input, researchers in Zürich conducted an empirical survey of intercultural socialisation among 437 primary and secondary school pupils (aged 10 through 17) by involving them in forest schooling. Immigrants comprised from 16% to 81% of the pupils in those general schools — 48.5% on average.

The project investigated their level of social exclusion/inclusion (or socialising) in Zürich’s green spaces. In fact, it really looked into the right to dignity in a multicultural society. The researchers asked the youths and the teachers (most of whom had never taken their classes to the forest) about leisure activities such as meeting friends, talking, having a barbeque, walking, playing football or other games or gymnastics.

The Zürich project found a relationship between these activities in forests and parks and the frequency of cross-cultural circles of friends.

30 Ibidem, p. 20.
31 K. Seeland, S. Dübendorfer, R. Hansmann, Making friends in Zurich’s urban forests and parks. The role of public green space for social inclusion of youths from different cultures, “Forest Policy and Economics” 2009, no. 11, pp. 10–17.
Specifically, the project showed that walking in forests positively correlated to the percentage of youth reporting cross-national friendships.

The positive relationship between socialising and talking with friends in parks and the percentage of youth who reported cross-national friendships was ‘almost significant’ statistically speaking and the youngsters who engaged in team sports other than football also tended to report more cross-national friendships than those who did not play such games in parks. Finally, the study pointed out that multicultural enjoying time outdoors is connected with caring for public space by city authorities. They should create public urban green spaces that foster social functions through green space architecture from both European and non-European cultural traditions. The Zürich researchers recommended that because urban landscapes are representations of culture, making various cultural traditions of green space visible might help make all youths feel ‘at home’. Indeed, this is an important feeling of place identification (a sense of belonging) — a precondition to social cohesion or inclusiveness and vice versa.33

The last EJ project did not look into specific gender roles in developing friendships that cross the boundaries of ethnicity, nationality and faith. Other Swiss research findings on making such friendships in the city of Bern show that such friendships were rare among immigrant youths and between them and the native youths, even among the second-generation immigrants.34

Discussion

The ‘City Integration Machine’35 works slowly. Integration can be incomplete, especially if it is not combined with other measures. This has been separately documented in the book edited by Witold Klaus, Katarzyna Łaskowska and Irena Rzeplińska, The Criminality of For-

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eigners: Legal, Criminological and Practical Aspects. Among these aspects, the book illustrates, on the one hand, economic and cultural barriers in immigrant integration into Global North host countries and, on the other hand, the occasionally rather mechanistic, if not conservative, treatment of immigrants by the authorities of these countries.

It goes without saying that the Zürich project has no direct relationship with crime prevention. However, it is likewise obvious that this and other projects discussed here impeded the UN Sustainable Development Agenda’s Goal 11 — ‘Make cities and human settlements inclusive, safe, resilient and sustainable’ — and especially to goal 11.7, to provide by 2030 ‘universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities’. Last but not least, goal 13.2, ‘Integrate climate change measures into national policies, strategies and planning’ is also impending. Urban planners and decision-makers should implement these interconnected targets for multicultural integration through crime prevention.

These projects’ idiosyncrasies aside, such challenges should not disqualify one or the other (Canadian/Zürich) findings, even if the Bern study alone would lead to the opposite conclusion. In fact, these projects suggest that integration can be advanced by intermediate measures, such as EJ projects. This is because through educational programmes with such measures one may deflect the interculturally divisive gender issue and aim at replicating elsewhere the otherwise successful integration through EJ experience (not addressed in the Bern study). Moreover, these projects show an interculturally mobilising motif to accord their new home certain emancipative rights which may be absent in the countries of the refugees’ or migrants’ origin in the Global South. In the city ‘integration machine’, the emancipative values of a host country mix with survival and conservative values of newcomers (values even more conservative than those of xenophobic natives).

In this mix of values, cities are the global standard setters. This is true not only in raising worldwide environmental awareness, as

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37 UN General Assembly, Transforming..., op. cit.
documented by the World Value Surveys, but also in multicultural integration efforts, as documented by various city charters, for example, those of Vienna, Austria or Gdańsk, Poland, among dozens of other European cities, including London, Lviv and Warsaw. Globally, the cities’ normative advancements are evidenced by evaluations of their student residents’ sense of fairness or justice. In any place where such surveys were conducted, the participants unanimously agreed to almost a 50/50 sense of fairness.

It follows that an urban environment is viable for the purposes of EJ and crime prevention, because this environment enhances the awareness of what is fair or otherwise for sustainable living. With this evidence in mind, looking for a solution to the problem of immigrants’ exclusion in cities may be facilitated and rationally answered by an EJ ‘urban stewardship project,’ through which immigrants and natives alike may find more common ground for sustainable and safe living. Despite somewhat contrasting values, all city residents have a chance to practically demonstrate their loyalty to Mother Earth and to each other. This is what the 2030 United Nations Sustainable Development Agenda recommends when, in goal 12.8, it speaks of ensuring ‘that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature.’

In this way, the political focus on the alleged failure of multicultural living due to intergenerationally resilient sociopsychological attitudes between men and women who are culturally alien to each other shifts to a more constructive and eventually sustainable way of living. Along these lines, field projects in cities hosting refugees and immigrants should help through EJ to depoliticise the issue of multicultural integration, to naturalise women’s rights and to give a host city a new face and equal chances for all. The S-G argues that ‘our

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struggle for global sustainability will be won or lost in cities’,\textsuperscript{42} where 60\% of refugees worldwide live;\textsuperscript{43} thus it makes sense to make the case for EJ in an urban context because the cities of the Global North are the bedrock of democracy and multicultural integration.

Criminology as a discipline has for decades been involved in researching cities as places — if not sources — of vice. Eminent scholars and other experts have documented this dark side of city life very well. Now comes the time for the flip side amid climate change and sustainable development, in a culture of lawfulness that generates social energies to protect the natural environment for ourselves and future generations.

\textbf{Conclusion}

The above inscribes itself into Herodotus’ broader call regarding city-states’ successful legal culture, where liberty, collective self-discipline and civic heroism can all prosper. While ‘heroism’ in some cases may indeed be present, more often than not it is simple elementary civic activism which may impart Earth jurisprudence in reacting to climate change, the environment, migration and crime prevention. In the present era of climate change and migration, the era of global ecological and intergenerational interdependency responding all over the world to students’ call — ‘We want to be taught about climate change’ — is new and urgent and must be constructive. Governments of countries listening to and meeting the demands of students are at the forefront of emancipative education for a sustainable world. As already noted, ‘Denial gets us nowhere’. Therefore, it is better to generate a new evidence base on the effects of climate change on sustainable development and crime prevention, and to identify new approaches and policy solutions in order to build more inclusive societies. Accordingly, this brief public policy essay sought to highlight that educating students through Earth jurisprudence is needed globally and locally and is viable for sustainable development and crime prevention anywhere under the sun.


\textsuperscript{43} UN General Assembly, New York..., op. cit., para. 73.