Law, Religion and the Environment in Africa

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12 REFLECTIONS ON LAW, RELIGION AND THE ENVIRONMENT FROM AN INTERNATIONAL JUDGE AND UN HIGH COMMISSIONER FOR HUMAN RIGHTS

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INTRODUCTION

My life experience of over five decades lies in law: international humanitarian law, international human rights law and international criminal law. But I readily acknowledge that religious, ethical and philosophical texts preceded international law in upholding the universality of humankind, the sanctity of human life and the corresponding individual and collective responsibilities that are grounded in faith and belief. There are diverse points of views and conflicting interpretations in matters of faith, so safety lies in referencing internationally accepted standards and norms developed over many years by civil society, including faith-based actors, who form the international legal framework.

The overwhelming masses of people on earth order their conduct in accordance with spiritual values. A United Nations Environment Programme report of 2016 notes that: "Today, 80% of people worldwide identify with an estimated 4 300 religious or spiritual communities and even more with cultural traditions which influence how people treat the world around them."² Spiritual values promote tolerance and respect for the other, inclusive societies with equitable sharing of resources, and respect for human rights and dignity for all. The moral imperative and value systems of religion are indispensable for harnessing the sensibilities of people towards protecting the environment for future generations.

The threats to the planet from climate change, global warming, desertification, conflict and reactionary forces are urgent and unequivocal. When the planet faces destruction, all of us are at risk; life on earth is at risk. The struggle goes beyond congregations, beyond focusing on conservation of wildlife alone. This conference provides an important opportunity to consider the convergence of religion, human rights and the environment. The urgency to address these challenges has led world leaders, along a wide spectrum of belief systems, to an unprecedented agreement to achieve a shared vision for humanity by 2030 and a deep conviction that dialogue and cooperation amongst civilisations can lead to actions that generate lasting

1 Judge, International Criminal Court; President, International Criminal Tribunal for Rwanda; United Nations High Commissioner for Human Rights, 2008-2014.

2 United Nations Environment Programme (UNEP). 2016. "Environment, Religion and Culture in the Context of the 2030 Agenda for Sustainable Development". Nairobi: UNEP, iv.

solutions for sustainable peace and development. Faith leaders from 24 belief traditions have declared their support for the UN 2030 Agenda for Sustainable Development. A statement issued in April 2015 by a group of religious, political, business, scientific and development leaders convened at Pontifical Academies of Sciences and Social Sciences stated: "We join together from many faiths and walks of life, reflecting humanity's shared yearning for peoples' happiness, prosperity, justice and environmental sustainability. We have considered the overwhelming scientific evidence regarding human-induced climate change, the loss of bio-diversity and the vulnerabilities of the poor to economic, social and environmental shocks."³

What kind of world do we want? The Rio +20 Outcome Document of 2012 and subsequent UN documents spell out such a future: "We envisage a world of universal respect for human rights and human dignity, rule of law, justice, equality and non-discrimination, of respect for race, ethnicity, cultural diversity and equal opportunity, permitting the full realisation of human potential and contributing to shared prosperity."⁴ Religious and cultural leaders were significant participants in the global discourse on the future we want. Then UN Secretary General Ban Ki Moon said: "Faith leaders are well placed to build bridges of understanding and cooperation."⁵

In the course of my work as an international judge on the United Nations International Criminal Tribunal for Rwanda and UN High Commissioner for Human Rights, I was acutely aware of the minimal space, let alone lead, given by political leaders to faith-based leaders in the peace and reconciliation process. Last month, on 6 April 2019, Rwanda commemorated the twenty-fifth anniversary of the genocide that occurred there. As you know, close to 800 000 Tutsis were killed in 100 days. Corpses were left unburied on farmlands or thrown into the rivers, resulting in untold devastation and pollution long after. The UN tribunal tried and convicted political, military and religious leaders responsible for the genocide. I served as a judge in the trial of Pastor Elizaphan Ntakirutimana, the head of the Seventh-day Adventist Church in Rwanda. Witnesses testified to his participation in locking up Tutsi priests and refugees in his church and driving the killers to slaughter them. Forty Tutsi priests were killed in one such incident. At the same time, we also heard testimony of courageous religious leaders who helped protect the Tutsis from certain death. Evidence in another case was that the killers refused to kill Tutsis sheltering in a mosque. But once they were forced out of the mosque,

3 Pontifical Academies of Sciences/Pontifical Academy of Social Sciences. 2015. "Declaration of Religious Leaders, Political Leaders, Business Leaders, Scientists and Development Practitioners", 28 April. Online at: <http://www.endslavery.va/content/endslavery/en/events/protect/declaration.html>

4 UN General Assembly. 2015. "Transforming our world: the 2030 Agenda for Sustainable Development", A/Res/70/1, 25 April [<https://doi.org/10.4332/KJHPA.2015.25.3.149>]. See also UN General Assembly. 2012. "The Future We Want", A/Res/66/288, 27 July. The latter is the Rio + 20 outcome document of 2012.

5 Moon BK. 2015. "Message to faith representatives meeting on faith and sustainable development", 7-10 September.

they had no scruples in hacking them to death. As an aside, we see that modern-day terrorism has no conscience over killing of worshippers in mosques, churches and synagogues.

Ahmad Al-Faqi Mahdi, a religious consultant to Al-Qaeda during the religious conflict in Mali, was found guilty by the International Criminal Court in the Hague of committing crimes against humanity. On 22 through 24 August 2016, he pleaded guilty to intentionally directing attacks against ten buildings of a religious and historical character in Timbuktu in 2012. These were UNESCO world heritage sites and included four thousand year old Buddhist statues that were desecrated. He was sentenced to nine years imprisonment. His co-accused, Al-Hassan, is still on trial. The case represents, for the first time, the reach of international criminal law in prosecuting serious cases of environmental destruction.

ENVIRONMENTAL RIGHTS: THE INTERNATIONAL LEGAL FRAMEWORK

Indeed, there is an international legal framework for human rights and environmental protection – encompassing conflicts in West Africa and the Sahel region, discrimination against climate refugees in Nigeria and Guinea, and refugees and migrants in religion-driven conflicts and their impact on the environment in places such as Syria, Myanmar and Somalia. First, there is the human right to a safe, clean, healthy and sustainable environment, as set forth in the UN “Framework principles on human rights and the environment” document annexed to the Report of the special rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment.⁶ This is echoed in the African Charter on Human and People’s Rights, Article 24 of which states: “All peoples shall have the right to a general satisfactory environment favorable to their development.”⁷

Second, there is freedom of religion or belief. Article 18 of the Universal Declaration of Human Rights (UDHR) proclaims: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”⁸ Article 18 of the International Covenant on Civil and Political Rights (ICCPR) states: “1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public

6 UN Human Rights Council (UNHRC). 2018. “Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment”, A/HRC/37/59, 24 January.

7 African [Banjul] Charter on Human and Peoples’ Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), *entered into force* Oct. 21, 1986, art 24.

8 Universal Declaration of Human Rights [UDHR], G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948), art 18.

or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”⁹ Article 8 of the African Charter on Human and Peoples’ Rights states: “Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.”¹⁰ Further, the Beirut Declaration and its eighteen commitments on “Faith for Rights” maintain: “We understand our respective religious or belief convictions as a source for the protection of the whole spectrum of inalienable human entitlements – from the preservation of the gift of life, the freedoms of thought, conscience, religion, belief, opinion and expression to the freedoms from want and fear, including from violence in all its forms.”¹¹

Third, there is prohibition of discrimination based on religion. Article 2 of the UDHR states: “1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. 2. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.”¹² Article 2 of the ICCPR provides: “1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”¹³ Similarly, Article 2 the African Charter states: “Every individual shall be entitled to the enjoyment of the rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.”¹⁴

Fourth, there is the right to equality before the law and to equal protection of the law. On this, Article 7 the UDHR proclaims: “All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and

⁹ International Covenant on Civil and Political Rights [ICCPR], G.A. res. 2200A (XXI), 21 U.N., GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976, art 18.

¹⁰ African Charter, art 8.

¹¹ Office of the UN High Commissioner for Human Rights (OHCHR). 2019. Seventh Edition. “The Beirut Declaration and its 18 commitments on ‘Faith for Rights’: Report and outlook”. Geneva: OHCHR, November. Online at: <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx>

¹² UDHR, art 2.

¹³ ICCPR, art 2(1).

¹⁴ African Charter, art 2.

against any incitement to such discrimination.”¹⁵ Article 26 of the ICCPR provides: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”¹⁶ And, finally, Article 3 of the African Charter states: “1. Every individual shall be equal before the law. 2. Every individual shall be entitled to equal protection of the law.”¹⁷

EFFECTS OF CLIMATE CHANGE ON THE ENJOYMENT OF HUMAN RIGHTS

Climate change threatens the full enjoyment of a wide range of rights, including the rights to life, health, water, food, housing, development and self-determination.¹⁸ Climate change can lead to the fight for scarce resources, which in turn can exacerbate religious tensions

Most fundamentally, climate change will compound the problem of access to safe drinking water, currently denied to about 1.1 billion people.¹⁹ It has been estimated that about 8 percent of the global population will see a severe reduction in water resources with a 1°C rise in the global mean temperature, rising to 14 percent at 2°C.²⁰ More generally, as a result of reduced rainfall and snowpack, increased evaporation, and contaminated freshwater resources due to rising sea levels, climate change is projected to reduce the availability of water in most dry subtropical regions and to increase the frequency of droughts in many already dry areas.²¹ With respect to the right to food, climate change is already impairing the ability of some communities to feed themselves, and the number affected will grow as temperatures rise.²²

Religious leaders are potentially very important human rights actors in view of their considerable influence on the hearts and minds of millions of people.

15 UDHR, art 7.

16 ICCPR, art 26.

17 African Charter, art 3.

18 UNHRC. 2016. “Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment”, A/HRC/31/52, 16 February, para 23.

19 OHCHR. 2015 Joint statement by UN Special Procedures on the occasion of World Environment Day, 5 June.

20 Intergovernmental Panel on Climate Change. 2014. *Climate Change 2014 – Impacts, Adaptation and Vulnerability, Part A: Global and Sectoral Aspects*. New York: Cambridge University Press, 250.

21 UNHRC, “Report of the Special Rapporteur on safe, clean, healthy and sustainable environment”, para 25.

22 UNHRC, “Report of the Special Rapporteur on safe, clean, healthy and sustainable environment”, para 26.

Religious leaders play a crucial role, either by defending or undermining human rights, peace and security. Therefore, we have to support faith-based actors in their positive contributions and at the same time prevent manipulation of religions as a tool in conflicts and counter that some religious texts are interpreted to negate human rights.

In 2012, the Rabat Plan of Action on the prohibition of incitement to hatred laid out some of religious leaders' core responsibilities to refrain from inciting violence, to speak out firmly and promptly against hate speech and not to justify violence by prior provocation.²³ These core responsibilities were expanded in 2017 to the full spectrum of human rights in the Beirut Declaration and its 18 commitments on "Faith for Rights".²⁴ They include the commitments to stand up for the rights of all persons belonging to minorities, to revisit religious interpretations that appear to perpetuate gender inequality, and to publicly denounce all instances of advocacy of hatred that incites to violence, discrimination or hostility. The Beirut Declaration also envisages follow-up action through inter-communal social, developmental and environmental faith-based projects at the local, national, regional and global levels.²⁵

CONFLICT AND ENVIRONMENT IN WEST AFRICA AND THE SAHEL REGION

West Africa and the Sahel region is experiencing a surge in violent conflicts between pastoralists and farmers.²⁶ These conflicts are primarily driven by competition for land, water, and forage, but there are also political and socio-economic factors involved, as the main issue is about how these essential natural resources are managed and allocated.²⁷ Conflicts between pastoralists and farmers are often triggered by and are contributing to communal tensions; they are often instrumentalised along ethnic and religious lines.²⁸ The eighteen commitments on "Faith for Rights" include the pledge to build on experiences and lessons learned

23 UNHRC. 2013. Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Conclusions and recommendations emanating from the four regional expert workshops organised by OHCHR in 2011, and adopted by experts at the meeting in Rabat, Morocco, on 5 October 2012, addendum to the Annual report of the United Nations High Commissioner for Human Rights, A/HRC/22/17/Add.4, 11 January.

24 OHCHR. 2019. "The Beirut Declaration and its 18 commitments on 'Faith for Rights': Report and outlook". Seventh Edition. Geneva: OHCHR, November. Online at: <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx>

25 UNHRC. 2019. "Report of the Special Rapporteur on freedom of religion or belief", A/HRC/40/58, annex I, para 13. See also: <https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx>

26 United Nations Office for West Africa and the Sahel (UNOWAS). 2018. "Pastoralism and Security in West Africa and the Sahel: Towards Peaceful Coexistence", 19 August. Online at: <https://bit.ly/2VZwhLG>

27 UNOWAS, "Pastoralism and Security in West Africa and the Sahel", 19.

28 UNOWAS, "Pastoralism and Security in West Africa and the Sahel", 19.

in engaging with children and youth, who are either victims of or vulnerable to incitement to violence in the name of religion, in order to design methodologies and adapted tools and narratives to enable religious communities to deal with this phenomenon effectively.²⁹

In some areas of Africa, the relationship between farmers and pastoralists is, usually due to local efforts to manage access to land and water, ecological and demographic conditions and the history of pastoralism in specific states.³⁰ However, the relationship between farmers and pastoralists has deteriorated in most of Nigeria.³¹ Farmer-herder conflicts are claiming more lives in Nigeria than in the rest of West Africa combined.³² The violence extends beyond clashes between individual herders and crop farmers and engulfs whole settlements and communities. The proliferation of small arms and light weapons has rendered these conflicts deadlier in recent years. Their cumulative death toll currently runs into thousands each year in Nigeria, often with hundreds killed in single episodes of violence.

At the root of these conflicts is increased competition for rural resources and space.³³ Pressure on land has increased mainly due to exponential population growth in Nigeria. With demographic increase, there is less land available to people even as more land is being brought into cultivation throughout the country, including in the far North. In recent years, pastoralists in Nigeria have increasingly been migrating permanently or on seasonal transhumance southward from northern states in search of more favourable grazing conditions.³⁴ This has increased pressure on farmers not only in the Middle Belt, but also in places in southeast and southwest Nigeria, which previously had low populations of pastoralists. Deadly confrontations have ensued between herdsman and farmers when animals trespass on farmland.

Farmer-herder conflicts in contemporary Nigeria often merge into inter-ethnic or ethno-religious violence, as in Adamawa, Benue, Kwara, Kaduna, Nassarawa, Niger, Plateau, Taraba, Zamfara, and other states.³⁵ This generalises the violence between communities, taking it beyond clashes between cattle herders and crop farmers in the fields to wider ethnic or ethno-religious conflagrations. Tensions are further reinforced by differences in ethnicity, culture and religion: the Fulani herders are Muslim, while the populations in the South and in the Middle Belt are majority Christian.³⁶

29 UNHRC 2019. "Report of the Special Rapporteur on freedom of religion or belief", A/HRC/40/58, annex II, 5 March, para 13.

30 UNOWAS, "Pastoralism and Security in West Africa and the Sahel", 69.

31 UNOWAS, "Pastoralism and Security in West Africa and the Sahel", 68.

32 UNOWAS, "Pastoralism and Security in West Africa and the Sahel", 68.

33 UNOWAS, "Pastoralism and Security in West Africa and the Sahel", 68.

34 UNOWAS, "Pastoralism and Security in West Africa and the Sahel", 15.

35 UNOWAS, "Pastoralism and Security in West Africa and the Sahel", 77.

36 UNOWAS, "Pastoralism and Security in West Africa and the Sahel", 15.

States have often failed to address the needs of the population in an inclusive way, and conflicts between herders and farmers are often mixed up with local politics, frequently along ethno-religious lines.³⁷ During the consideration of Nigeria by the Committee on the Elimination of Discrimination against Women (CEDAW) in 2017, CEDAW members referred to the Rabat Plan of Action and the Beirut Declaration on “Faith for Rights”, which could serve as useful tools in encouraging different faith communities to work together to promote human rights.³⁸ In its concluding observations, the Committee recommended that Nigeria include religious leaders in the process of addressing issues of faith and human rights, so as to build on several “faith for rights” initiatives and identify common ground amongst all religions in the state party, as acknowledged by the delegation.³⁹ In Guinea, the disputes are not simply caused by transhumance; some of the problems arise due to cultural differences in resource management.⁴⁰ The religious and spiritual beliefs of forest peoples in relation to the natural environment may not always be known to or respected by pastoralists who are predominantly Muslim, for example.⁴¹

CLIMATE REFUGEES FACE DISCRIMINATION ON VARIOUS GROUNDS INCLUDING RELIGIOUS ONES

Climate change can contribute to forced migration and those who migrate may be particularly vulnerable to human rights abuses during their migration and in their countries of destination. What are “climate refugees”? These are “people who have to leave their habitats, immediately or in the near future, because of sudden or gradual alterations in their natural environment related to at least one of three impacts of climate change: sea-level rise, extreme weather events, and drought and water scarcity”.⁴² Climate change threatens to cause the largest refugee crisis in human history.⁴³ More than 200 million people, largely in Africa and Asia, might be forced to leave their homes to seek refuge in other places or countries over the course of the century.⁴⁴

Most climate refugees will come from Asia, Africa, Latin America and the Small Island States.⁴⁵ There are different estimates available pertaining to this emerging problem, which differ from 50 million in 2010 to hundreds of millions or even one

37 UNOWAS, “Pastoralism and Security in West Africa and the Sahel”, 68.

38 Convention on the Elimination of All Forms of Discrimination against Women [CEDAW], G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, *entered into force* Sept. 3, 1981, para 16.

39 CEDAW, para 12.

40 UNOWAS, “Pastoralism and Security in West Africa and the Sahel”, 37.

41 UNOWAS, “Pastoralism and Security in West Africa and the Sahel”, 37.

42 See Global Governance Project. 2012. “Forum on Climate Refugees”.

43 See Global Governance Project. 2012. “Forum on Climate Refugees”.

44 See Global Governance Project. 2012. “Forum on Climate Refugees”.

45 See Global Governance Project. 2012. “Forum on Climate Refugees”.

billion by 2050.⁴⁶ Many of these persons are in a particularly vulnerable situation, also in the context of humanitarian assistance activities and attempts to convert them against their will. The eighteen commitments on “Faith for Rights” include the pledge to promote the Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes, especially that aid is given regardless of the recipients’ creed and without adverse distinction of any kind and that aid will not be used to further a particular religious standpoint.⁴⁷

While for some migration is a positive and empowering experience, far too many migrants have to endure human rights violations, discrimination, and exploitation.⁴⁸ Human rights violations against migrants, including denial of access to fundamental economic and social rights, such as the right to education or the right to health, are often closely linked to discriminatory laws and practice and to deep-seated attitudes of prejudice and xenophobia against migrants.⁴⁹ In this respect, the special rapporteur on the human rights of migrants stated: “Through slowly stripping away the rights of asylum seekers and migrants, Europe is creating a scary new ‘normal’. What we now see is European governments focused on feeding their electorate with the fear of migrants for clear electoral purposes. Governments pandering to nationalist populist movements have promised to keep migrants out.”⁵⁰

RELIGIOUS-DRIVEN CONFLICT IMPACT ON THE ENVIRONMENT IN SYRIA, MYANMAR AND SOMALIA

The Independent International Commission of Inquiry on the Syrian Arab Republic has regularly documented how the Islamic State in Iraq and the Levant (ISIL) systematically perpetrates sectarian violence against religious minorities throughout the Syrian Arab Republic, including against members of the Shia, Christian, Yazidi and Druze faiths. In its latest report of January 2019, the Commission noted reasonable grounds to believe that, by attacking and abducting Druze civilians, ISIL militants committed the war crimes of making the civilian population or individual civilians, not taking a direct part in hostilities, the object of attacks, and hostage-taking.⁵¹

46 See Global Governance Project. 2012. “Forum on Climate Refugees”.

47 UNHRC, “Report of the Special Rapporteur on freedom of religion or belief”, A/HRC/40/58, annex II, para 14-15.

48 See OHCHR. 2010. “Information note: Protect the human rights of all migrants”. Infonote/Migration/27072010, 27 July. Online at: <https://www.ohchr.org/Documents/Press/MigrationInfonote27072010.pdf>

49 OHCHR, “Information note”.

50 See OHCHR. 2016. “EU Summit: ‘Migrants in Europe have become fair game’ – UN rights expert”, 18 February.

51 UNHRC. 2019. “Report of the Independent Commission of Inquiry on the Syrian Arab Republic”, A/HRC/40/70, 31 January, para 43. See also UNHRC. 2017. “Report of the

The independent international fact-finding mission on Myanmar has been deeply disturbed by the prevalence of hate speech, offline and online, often including advocacy of national, racial or religious hatred constituting incitement to discrimination, hostility or violence in Myanmar. This has accompanied outbreaks of violence, especially in Rakhine State. Dehumanising and stigmatising language against the Rohingya, and Muslims in general, has for many years been a key component of the campaign to “protect race and religion”, spearheaded by extremist Buddhist groups like MaBaTha. Hate narratives are common and the fact-finding mission explicitly noted that the government’s response to hate speech had been inadequate.⁵²

Two related resolutions by the Human Rights Council⁵³ have referred to the Rabat Plan of Action on the prohibition of incitement to hatred, for example by encouraging the government of Myanmar “to increase efforts further to promote tolerance and peaceful coexistence in all sectors of society in accordance with Human Rights Council resolution 16/18 of 24 March 2011 and the Rabat Plan of Action”. Furthermore, the High Commissioner’s update last July on the situation of human rights of Rohingya people stressed that the Beirut Declaration on ‘Faith for Rights’ could be “useful to address advocacy of hatred that incites to violence, discrimination or hostility, particularly when it is conducted in the name of religion or belief”.⁵⁴

In Somalia, there have been links between environmental destruction, the illegal charcoal trade and financing of the religious extremist group Al-Shabaab and other criminal networks. During an international conference on illegal charcoal trade held in Mogadishu in May 2018, De Clercq said the production and use of charcoal has a negative impact on the country’s environment, security and economy and aggravates an already delicate humanitarian situation in the country.⁵⁵

Charcoal production, in particular, is contributing to environmental degradation in Somalia. During the above-mentioned international conference on illegal charcoal trade held in Mogadishu in May 2018, the Deputy Special Representative of the UN Secretary-General and Resident Humanitarian Coordinator for Somalia, Peter de Clercq said: “Between 2011 and 2017, 8.2 million trees were cut down to make

Independent Commission of Inquiry on the Syrian Arab Republic”, A/HRC/36/55, 8 August, para 44-45.

52 UNHRC. 2018. “Report of the independent international fact-finding mission of Myanmar”, A/HRC/39/64, 9 September, para 73.

53 UNHRC. 2017. “Resolution adopted by the Human Rights Council on 24 March 2017: 34/22. Situation of human rights in Myanmar”, A/HRC/RES/34/22, 3 April; UNHRC. 2018. “Resolution adopted by the Human Rights Council on 23 March 2018: 37/32. Situation of human rights in Myanmar”, A/HRC/RES/37/32, 9 April.

54 UNHRC. 2018. “Oral update of the High Commissioner for Human Rights on Situation of human rights of Rohingya people”, A/HRC/38/CRP.2, 18 June–6 July, para 49.

55 United Nations Assistance Mission in Somalia (UNSOM). 2018. “International conference on illegal charcoal trade opens in Mogadishu”, 7 May.

charcoal. Every 30 seconds a tree is cut down to make charcoal in this country.”⁵⁶ De Clercq also noted that the illegal trade contributes to frequent drought cycles, flooding, the loss of livelihoods and an increase in food insecurity.⁵⁷ According to UNEP, over-exploitation of the acacia for charcoal and fuelwood is a threat to livestock and the livelihoods of pastoralists.⁵⁸ In 1996, the War-Torn Societies Project reported that northeastern Somalia was producing approximately 4.8 million sacks of charcoal annually.⁵⁹ Such a volume would require the logging of nearly 2.1 million Acacia trees.⁶⁰

Illegal charcoal trade is contributing to financing the religious extremist group Al-Shabaab and other criminal networks. According to the Monitoring Group on Somalia and Eritrea established by the UN Security Council, the charcoal trade continues to be a significant source of revenue for Al-Shabaab, generating at least \$7.5 million from checkpoint taxation in Middle Juba and Lower Juba regions.⁶¹ Using false certificates of origin to import Somali charcoal into foreign markets, criminal networks based in Dubai, United Arab Emirates and Kismayo continue to generate substantial profits.⁶² In export markets, such as the United Arab Emirates, the estimated total wholesale value of illicit Somali charcoal is \$150 million per year.⁶³

CONCLUSION

Let me conclude with an inspirational quote from the Beirut Declaration: “Faith and rights should be mutually reinforcing spheres. Individual and communal expression of religions or beliefs thrive and flourish in environments where human rights, based on the equal worth of all individuals, are protected. Similarly, human rights can benefit from deeply rooted ethical and spiritual foundations provided by religions or beliefs.”⁶⁴

56 UNSOM, “International conference on illegal charcoal trade opens in Mogadishu”.

57 UNSOM, “International conference on illegal charcoal trade opens in Mogadishu”.

58 UNEP. 2018. “How Somalia’s charcoal trade is fuelling the Acacia’s demise”, 21 March.

59 UNEP, “How Somalia’s charcoal trade is fuelling the Acacia’s demise”.

60 UNEP, “How Somalia’s charcoal trade is fuelling the Acacia’s demise”.

61 UN Security Council. 2018. “Letter dated 7 November 2018 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council”, S/2018/1002, 9 November, 6.

62 UN Security Council, “Letter dated 7 November 2018”, S/2018/1002, 6.

63 UN Security Council, “Letter dated 7 November 2018”, 6.

64 OHCHR, “The Beirut Declaration and its 18 commitments on ‘Faith for Rights’”.