



International Organization for Migration (IOM)
The UN Migration Agency

Submission for OHCHR's research in relation to Human Rights Council Resolution A/HRC/35/20 on Human Rights and Climate Change

I. Introduction

The present document is submitted pursuant to the request from the United Nations Office of the High Commissioner for Human Rights (OHCHR) regarding paragraph 12 of the Human Rights Council Resolution A/HRC/35/20 on Human Rights and Climate Change.

In line with the Resolution's preamble noting the work of the Migration, Environment and Climate Change Division in the International Organization for Migration (IOM), and with paragraph 5 encouraging relevant United Nations agencies "to provide technical assistance to States, upon their request, to help to better promote and protect human rights when taking action to address the adverse impacts of climate change", the submission provides IOM's views, addressing the questions in OHCHR's Letter calling for inputs from relevant stakeholders.

II. IOM's Views

Question 1

a) IOM's views on the relationship between the adverse effects of climate change and the rights of migrants, and any human rights obligations to mitigate and adapt to climate change that can be derived from them

It is becoming increasingly acknowledged that the enjoyment of human rights by migrants is directly affected by the adverse effects of climate change throughout the migration cycle, in the place of origin, transit and destination.¹ In light of the triple duty of States to respect, protect and fulfill the rights of all individuals under their jurisdiction, the rights of populations who have been adversely affected by climate change, including migrants, should be protected and fulfilled. With regard more specifically to the impacts of climate change on human mobility, three main positive obligations can be identified:

First, States have an obligation to protect people from the adverse effects of climate change on their rights and thus prevent any forced movement of people, except when strictly

¹ Sironi, A., 'State obligations towards people moving in the context of disasters and environmental degradation, including when due to climate change: A Human Rights Approach', International Migration Law Series n. 34, forthcoming 2018. Pages 11-14.



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necessary to protect their life or safety². This obligation also entails the adoption of climate change mitigation and adaptation measures,³ as well as disaster risk reduction and management frameworks,⁴ and sustainable development measures that can help build communities' resilience.⁵

Second, the obligation to protect and fulfil the rights of all persons during and after the movement. This obligation entails more specifically, but not exhaustively, protection and fulfillment of the right to life, health and physical integrity, the right to dignity, freedom of movement, right to respect for private and family life, to an adequate standard of living, to be recognized as a person before the law, to property, to education, not to be discriminated against, the right to humanitarian assistance, etc.⁶

Third, the obligation to fulfil the right to freedom of movement within a State.⁷ While States have at the very least an obligation not to prevent people from moving by their own means under Article 12(1) ICCPR, they also have to fulfil such a right, all the more as the fulfilment of other rights in the context of climate change impacts may depend on the enjoyment of the right to freedom of movement (e.g. right to life, right to physical integrity, right to health or to an adequate standard of living).⁸

b) Looking forward : reflections on the relationship between the adverse effects of climate change and the rights of migrants, and any human rights obligations to mitigate and adapt to climate change that can be derived from them

IOM's input is based on a combined reflection of migration policy and practice and international migration law, the expertise drawn from IOM's observer status to UNFCCC since 2006 and expert presence on the task force on climate displacement under the Warsaw International Mechanism

² See, for example, Principles 5 and 6.2(d) of the UN Guiding Principle on Internal Displacement.

³ See, in particular, Article 4.1 (b) and 4.2(a) of the United Nations Framework Convention on Climate Change, (1991), 1771 UNTS 107; see also Articles 3 and 4 of the Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016), UN Doc FCCC/CP/2015/L.9.

⁴ See, for instance, Sendai Framework for Disaster Risk Reduction 2015 – 2030, available at <http://www.unisdr.org/we/coordinate/sendai-framework>.

⁵ For a discussion on how the sustainable development goals can contribute to reducing the risk of disasters see UNISDR, Disaster Risk Reduction and Resilience in the 2030 Agenda for Sustainable Development, October 2015, http://www.unisdr.org/files/46052_disasterriskreductioninthe2030agend.pdf.

⁶ These rights are referred to in the UN Guiding Principles on Internal Displacement, Section III. While the Principles focus on internally displaced persons, all these rights are respectively enshrined in the International Covenant on Civil and Political Rights and/or the International Covenant on Economic, Social and Cultural Rights, in addition to other human rights treaties at the universal and regional levels, and should thus also be protected and fulfilled for non-nationals who are affected by climate change.

⁷ Sironi, A., forthcoming 2018, p. 26.

⁸ Sironi, A., forthcoming 2018, p. 28.



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for loss and damage and the body of data and information developed under the Migration, environment and the climate change division mandate.

While there is currently no commonly recognized obligation for States to provide migration options as an adaptation strategy flowing from the right to freedom of movement within a country or that to leave any country, IOM analysis shows that such an obligation may be derived in connection to the progressive realization of economic and social rights and to States' obligation to adapt to the changing climate under the UNFCCC.⁹

- The obligation of States to adapt to the changing climate recognized in the UNFCCC and reiterated in the Paris Agreement could be a solid basis for an emerging obligation for States to develop policies and collaborate with other States to ensure that people can move if they wish to do so.
- The obligation to fulfil the freedom of movement of persons under their jurisdiction, which could help them moving in dignity and avoid displacement, could also be related to measures that States will have to adopt to avert, minimize and address loss and damage in the context of the Warsaw International Mechanism for loss and damage (Article 8 Paris Agreement). Particularly, given that displacement, but in some cases also unassisted migration and negative examples of planned relocation, are recognized as forms of non-economic loss.¹⁰
- Some State practice supports such an approach, with certain countries having already included migration measures in the National Adaptation Frameworks.¹¹
- Furthermore, such an approach is the one adopted in the Zero Draft of the Global Compact on Migration.¹²

Question 2: IOM's contributions to processes, policy and legislation

Integrating climate change considerations in migration policy as well as human mobility aspects in climate change negotiations, while promoting policy coherence, has been one of the main policy

⁹ Sironi, A., forthcoming 2018, p. 30.

¹⁰ UNFCCC, 'Non-Economic Losses in the Context of the Work Programme on Loss and Damage,' FCCC/TP/2013/2, para. 83 and below Part III.b.

¹¹ IOM, 'Migration as Adaptation?: A Comparative Analysis of Policy Frameworks on the Environment and Development in MECLEP Countries' Policy Brief Series (5:1, 2015), available at http://publications.iom.int/system/files/policy_brief_series_issue5.pdf.

¹² Global Compact on Safe, Orderly and Regular Migration, Zero Draft, 5 February 2018, para. 16(j).



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priorities for IOM in the past ten years, in the area of migration, environment and climate change, as identified by its Member States.¹³ The organization has been directly contributing to international policy processes through evidence building, advocacy as well as technical expertise and communication campaigns.¹⁴

At the international policy level, IOM has been actively supporting the recognition of the migration, environment and climate change nexus in key global policy processes, such as the process towards the adoption of a global compact for safe, orderly and regular migration, the United Nations Framework Convention on Climate Change (UNFCCC), the United Nations Convention to Combat Desertification (UNCCD), the Sendai Framework for Disaster Risk Reduction, the 2030 Agenda for Sustainable Development, the Global Forum on Migration and Development; the Nansen Initiative Protection Agenda, and has also been promoting regional dialogue and collaboration on these issues as part of the Regional Consultative Processes on Migration.¹⁵

IOM has also been advising and supporting States, upon request, to define and refine their migration policies, including on mainstreaming environmental and climate change considerations in existing mobility policies.¹⁶ In addition, IOM has also been supporting specific State-led initiatives to identify and implement solutions addressing gaps, such as the Migrants in Countries in Crisis Initiative (MICIC), the Platform on Disaster Displacement (PDD) and its predecessor the Nansen Initiative.

Question 3: IOM's efforts on data collection and analysis

IOM has been conducting research in the area of migration, environment and climate change since the early 1990s to support the development of evidence-based policy and practice, with more than 130 publications to date.¹⁷ The main IOM mechanisms and outputs on data and knowledge are:

- IOM Displacement Tracking Matrix (DTM) <https://displacement.iom.int/>

¹³ IOM, 'Outlook on Migration, Environment and climate change Brief 2: IOM Institutional Engagement on Migration, Environment and Climate Change', (IOM 2014) and IOM, Standing Committee for Programmes and Finance, 'Migration and the environment', (IOM 2008). <http://www.environmentalmigration.iom.int/iom-and-migration-environment-and-climate-change-mecc>.

¹⁴ IOM, 'Migration, Environment and Climate Change', Infosheet, forthcoming 2018.

¹⁵ IOM, 'Migration, Environment and Climate Change', Infosheet, forthcoming 2018.

¹⁶ Appave, G., A. Sironi, M. Traore Chazalnoël, D. Ionesco, D. Mokhnacheva (2017), 'Organizational perspectives: International Organization for Migration's role and perspectives on climate change, migration and the law', in F. Crépeau & B. Mayer (eds.), Research Handbook on Climate Change, Migration and the Law, Research Handbooks in Climate Law series, Edward Elgar Pub. <http://www.environmentalmigration.iom.int/research-handbook-climate-change-migration-and-law>.

¹⁷ For all IOM publications on MECC, visit: <https://environmentalmigration.iom.int/iom-publications>



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- IOM Migration Data Portal (GMDAC) <https://migrationdataportal.org>
- IOM Migration, Environment and Climate Change: Evidence for Policy (MECLEP) <http://www.environmentalmigration.iom.int/migration-environment-and-climate-change-evidence-policy-meclep>
- Ionesco, D., D. Mokhnacheva and F. Gemenne (2016), *The Atlas of Environmental Migration*, Routledge, (especially pages 2-7, 86-87, 106-113, 118-119, 122-123). <http://www.environmentalmigration.iom.int/atlas-environmental-migration>

Regarding the focus on migrants living with disabilities, please see:

- Ghenis A., 'Making migration accessible: Inclusive relocation for people with disabilities'. IOM MECC Policy Brief Series Issue 6, Vol. 2, June 23, 2016. <http://www.environmentalmigration.iom.int/policy-brief-series-issue-6-vol-2>

Questions 4 and 5: IOM's work

As the only inter-governmental organization exclusively focused on migration, IOM works towards orderly and humane migration by delivering people-centered services and advocating for the well-being of migrants and their families. IOM's mandate allows it to work with migrants, refugees, displaced persons and others in need of migration services or assistance.¹⁸

IOM's work on a rights-based approach to migration is led by the International Migration Law Unit (IML Unit) and in the realm of the common work of the International Migration Law Unit with The Migration Environment and Climate Change Division (MECC Division), a paper will be released in 2018 that will provide in depth analysis on the topic and on which this submission is also based.

Many of IOM's operational activities providing assistance to those who migrate result in protection of the rights of migrants.¹⁹ Since its establishment in 1951, IOM has worked extensively to support the promotion, protection and fulfillment of the human rights of migrants, including environmental migrants. IOM has been providing policy and operational responses on migrant rights issues since its inception, and over the past 20 years the Organization has also developed a fully-fledged programme on migration, environment and climate change, including research, capacity building,

¹⁸ See, *inter alia*, the IOM Constitution.

¹⁹ See Council Resolution No. 923 (LXXI) of 29 November 1995 on "Future activities of IOM" and Resolution No. 908 (LXIX) of 30 November 1994 on "Role of IOM with regard to trafficking in migrants and the safeguarding of migrants rights". See also "The Human Rights of Migrants IOM Policy and Activities" of 12 November 2009 (MC/INF/298), "IOM Strategy" of 9 November 2007 (MC/INF/287), "Protection of Persons Involved in Migration: Note on IOM's Role" of June 2007, "IOM and International Migration Law" of 30 April 2003 (IC/2004/3) and "Migrants' Rights IOM Policy and Activities" of 13 November 2002 (MC/INF/259).



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and promoting policy coherence and development and has established at the request of its member states the Migration, Environment and Climate Change Division.²⁰ In the context of disasters, IOM is the leading agency on coordinating camp management, provides humanitarian relief, including shelter, non-food items and health support, supports communities to build their resilience and adapt to climate change, and provides socio-economic support to returnees in post-disaster contexts, catering to wide range of needs and rights.²¹

III. Relevant IOM Publications Related to Human Rights and Migration, Environment and Climate Change

Appave, G., A. Sironi, M. Traore Chazalnoël, D. Ionesco, D. Mokhnacheva (2017), ‘Organizational perspectives: International Organization for Migration’s role and perspectives on climate change, migration and the law’, in F. Crépeau & B. Mayer (eds.), *Research Handbook on Climate Change, Migration and the Law*, Research Handbooks in Climate Law series, Edward Elgar Pub. <http://www.environmentalmigration.iom.int/research-handbook-climate-change-migration-and-law>

Ghenis A., ‘Making migration accessible: Inclusive relocation for people with disabilities’. IOM MECC Policy Brief Series Issue 6, Vol. 2, June 23, 2016. <http://www.environmentalmigration.iom.int/policy-brief-series-issue-6-vol-2>

IOM, ‘Human Rights, Climate Change, Environmental Degradation: A New Paradigm’, IOM-MPI Issue in Brief No. 8, 2013, available at: <https://environmentalmigration.iom.int/iom-mpi-issue-brief-no-8-%E2%80%93-human-rights-climate-change-environmental-degradation-new-paradigm>.

IOM, ‘IOM Framework for Addressing Internal Displacement’, available at https://www.iom.int/sites/default/files/press_release/file/170829_IDP_Framework_LowRes.pdf.

IOM, ‘IOM International Dialogue on Migration N°18, Climate Change, Environmental Degradation and Migration’, 2012, available at: <https://environmentalmigration.iom.int/international-dialogue-migration-n%C2%B018-climate-change-environmental-degradation-and-migration>.

²⁰ For examples please see: <http://www.environmentalmigration.iom.int/>.

²¹ For examples please see IOM, ‘IOM Framework for Addressing Internal Displacement’, available at https://www.iom.int/sites/default/files/press_release/file/170829_IDP_Framework_LowRes.pdf. See also IOM, ‘IOM Operations on Internal Displacement, (IOM March 2017), available at: https://reliefweb.int/sites/reliefweb.int/files/resources/iom_intdisplacement_country_summaries_2017_0.pdf.



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IOM, 'IOM Migration, Environment and Climate Change: Training Manual (Facilitators' Guide), Module 5: Legal Perspectives', (IOM 2016), available at: <http://environmentalmigration.iom.int/training-manual>.

IOM, 'IOM Operations on Internal Displacement', (IOM March 2017), available at: https://reliefweb.int/sites/reliefweb.int/files/resources/iom_intdisplacement_country_summaries_2017_0.pdf.

IOM, 'Migration as Adaptation?: A Comparative Analysis of Policy Frameworks on the Environment and Development in MECLEP Countries' Policy Brief Series (5:1, 2015), available at http://publications.iom.int/system/files/policy_brief_series_issue5.pdf.

IOM, 'Migration, Environment and Climate Change', Infosheet,. (IOM 2018).

IOM, 'Outlook on Migration, Environment and climate change', Brief 2: IOM Institutional Engagement on Migration, Environment and Climate Change and Brief 4: Legal Frameworks and Challenges, (IOM 2014), available at: http://publications.iom.int/system/files/pdf/mecc_outlook.pdf.

IOM, Migration, Environment and Climate Change Country Profiles: Bangladesh, Viet Nam, PNG, Mauritius, Kenya, Haiti, Dominican Republic, Morocco, Cambodia, Kyrgyz Republic, South Asia, available at: <http://www.environmentalmigration.iom.int/country-profiles>.

IOM, Standing Committee for Programmes and Finance, 'Migration and the environment', (IOM 2008). <http://www.environmentalmigration.iom.int/iom-and-migration-environment-and-climate-change-mecc>.

Ionesco, D., D. Mokhnacheva and F. Gemenne (2016), 'The Atlas of Environmental Migration', Routledge, (especially pages 2-7, 86-87, 106-113, 118-119, 122-123). <http://www.environmentalmigration.iom.int/atlas-environmental-migration>

Ionesco, D., E. Mach and M. Traore Chazalnoël (2016), 'Migration in the INDCs and NDCs', IOM. <http://www.environmentalmigration.iom.int/migration-indcs-and-ndcs>

Melde, S., F. Laczko and F. Gemenne (eds.) (2017), 'Making mobility work for adaptation to environmental changes: Results from the MECLEP global research', IOM.



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<http://www.environmentalmigration.iom.int/making-mobility-work-adaptation-environmental-changes-results-meclep-global-research>.

Sironi, A. and L. Guadagno, 'The Protection of Migrants in Disasters', in F. Zorzi Giustiniani, E. Sommaro and others (eds.), *Routledge Handbook on Human Rights and Disasters*, forthcoming 2018.

Sironi, A., 'State obligations towards people moving in the context of disasters and environmental degradation, including when due to climate change: A Human Rights Approach', IOM, International Migration Law Series n. 34, forthcoming 2018.