



Expert Meeting

Slow onset effects of climate change and human rights protection for cross-border migrants

**Geneva, 5 October 2017
Palais Wilson, Room 1-016**

Climate change causes or contributes to an increase in the frequency and intensity of climate and weather events which affect the full enjoyment of a multitude of internationally guaranteed human rights and aggravate or interact with other factors that prompt people to move.

Since 2008, an average of 22.5 million persons per year have been displaced (internally or across borders) by weather and climate-related disasters.¹ Whereas movement driven by such sudden onset events has been estimated or documented, the data does not include many of those who move as a result of the adverse effects of slow onset processes driven by climate change such as sea level rise, salinization, and desertification. Global temperatures and sea level are expected to rise significantly by the end of the century, with the full extent of these increases being directly related to the extent of contemporary efforts to mitigate climate change.

The impacts from slow onset climate processes, coupled with individual vulnerabilities and socio-economic, demographic and political contexts, affect the ability and agency of people to respond to climate change. It can lead some to move internally or across borders or trap others in their homes and communities. Migration itself can also cause or exacerbate vulnerabilities. Precarious conditions while in transit, in places of temporary refuge, or upon arrival can expose migrants to exploitation or human rights violations.² The protection and fulfilment of human rights is critical throughout migration.

The Office of the United Nations High Commissioner for Human Rights (OHCHR), in collaboration with the Platform on Disaster Displacement, has commissioned a study

¹ IDMC, 'Global Estimates 2015: People Displaced by Disasters' (2015) 8 <<http://www.internal-displacement.org/assets/library/Media/201507-globalEstimates-2015/20150713-global-estimates-2015-en-v1.pdf>>.

² See OHCHR and Global Migration Group, 'Principles and Guidelines, Supported by Practical Guidance, on the Human Rights Protection of Migrants in Vulnerable Situations - Draft' (2017).

on slow onset climate change events and processes, international migration, and the protection of human rights. The study highlights the impacts of climate change, and its slow onset effects in particular, in the context of migration through four case studies: Bangladesh, the Sahel region, the Pacific Island States, and Central America.

These case studies also illustrate the importance of context, resilience and vulnerability, which will interact with slow onset climate change effects to influence whether and how affected individuals and communities may migrate, stay put, or be unable to leave. The study analyses the international legal landscape for cross-border migration, and discusses both potential sources of State obligations and gaps in legal protection for those who cross borders. It emphasises the need for planning and preparation for impacts, international cooperation, and human-rights based approaches.

Meeting Scope and Participation

This one-day convening of experts will provide a forum for exploring the intersections between slow onset climate change events, international migration, and the protection of human rights of people on the move. It will discuss issues raised in the study and human rights protection challenges posed by slow onset processes and migration. Each session is intended to build on the next, and should also feed into the final session, which aims to discuss recommendations and ways forward.

Programme

9.30 – 10.00 Opening

Facilitator: Ms. Pia Oberoi, Adviser on Migration and Human Rights, OHCHR

- Ms. Peggy Hicks, Director, TESPDD, OHCHR
- Mr. Walter Kaelin, Envoy of the Chair of the Platform on Disaster Displacement
- Ms. Lauren Nishimura, OHCHR Climate and Migration Consultant, Grotius Research Scholar, University of Michigan Law School

10.00 – 11.00 Setting the scene: conceptual issues and concerns

Facilitator: Ms. Pia Oberoi, Adviser on Migration and Human Rights, OHCHR

Session goal: Introduce some of the conceptual challenges in analysing the relationship between slow onset processes driven by climate change and migration, in particular through exploring the human rights impact of these processes. The session will begin with a short discussion on terminology to clarify OHCHR's use of concepts in the study and beyond.

Session discussion topics:

- *Harm caused by slow onset events and processes:* slow onset events are associated with various negative impacts, including human rights harms but the

full extent of these harms is not well-understood. What human rights harms or risks are caused by slow onset events, and how are these harms related to current migration patterns?

- *Causality and migration*: it is difficult to isolate the extent to which slow onset events and processes contribute to migration decisions. Does this difficulty matter, to what extent can the environmental factors of migration be determined, and how can issues of causality be addressed?

11.00 – 11.15 Break

11.15 – 13.15 Protection Needs: Understanding the intersecting factors that cause or exacerbate vulnerability in the context of slow onset events

Facilitator: Atle Solberg, Head of Coordination Unit, Platform on Disaster Displacement

Opening discussants (no more than 5 minutes each)

- Ms. Susana B. Adamo, Research Scientist, CIESIN-Columbia University
- Ms. Danielle Botti, Coordinator of the Regional Mixed Migration Secretariat (East Africa and Yemen).
- Ms. Erika Pires Ramos, Founder of South American Network for Environmental Migrations - RESAMA (Brazil)

Session goal: To explore the complex intersection of vulnerabilities and other factors that may influence migration and their implications for the human rights protection of people on the move in the context of slow onset climate events. The foundational principles of a human rights-based approach will be used to frame this discussion, recognising that all migrants are rights-holders entitled to claim protection from duty-bearers. Accordingly, while the focus of this discussion is on vulnerability and protection gaps, the intention must not be to deny the agency and empowerment of people on the move.

Session discussion topics:

- *A focus on vulnerabilities and needs:* As the study emphasises, vulnerabilities and other contextual factors (social, economic, demographic, political and cultural) interact with slow onset events to influence migration. A focus on vulnerabilities is one way to address human rights protection needs, before, during and after migration. We would like your expert input on who is in a particularly vulnerable situation and whether such vulnerability plays a role in ‘trapping’ persons in place. What vulnerabilities or capacities contribute to people moving and why do people stay? Are protection needs any different in the context of slow onset events and effects?

- *Localized approaches and regional variation:* How are these issues being dealt with on a regional basis? Are there good practices that can be applied more broadly?

13.15 – 14.15 Lunch

Sandwiches and refreshments available outside the room courtesy of the Platform on Disaster Displacement

14.15 – 15.45 Potential solutions: Providing protection through State practice, law, policy, and international cooperation and assistance

Facilitator: Mr. Benjamin Schachter, Focal point on Climate Change and Environment, OHCHR

Opening discussants (no more than 5 minutes each)

- Ms. Robin Bronen, Executive Director, Alaska Institute for Justice
- Ms. Alice Thomas, Climate Displacement Program Manager, Refugees International
- Mr. Oliver Toohey, Senior Policy Officer, Mary Robinson Foundation – Climate Justice

Session goal: To discuss potential measures to provide protection for migrants and to generate ideas about the types of international cooperation and assistance necessary to ensure appropriate actions to address the challenges of migration in the context of climate change.

Session discussion topics:

- *Climate action:* Climate change mitigation action can contribute to the reduction of vulnerabilities and risks, and reduce the likelihood of migration for those who do not wish to migrate. Climate change adaptation action responds to the impacts of climate change, including in some instances through the facilitation of migration and planned relocation when necessary. The study highlights human rights obligations related to climate adaptation and mitigation, as well as the need for cooperation and assistance to satisfy them. How can these potential solutions be used or implemented to provide human rights protection and build resilience to climate and disaster risks (1) at places of residence (before migration); (2) in transit; and (3) upon arrival? Similarly, how can vulnerabilities be addressed at different points in the migration journey and what framework is needed to ensure the protection of the human rights of migrants who move in the context of slow onset processes and events?
- *Human-rights based approach:* A human-rights based approach seeks to ensure that migration is a matter of free and informed choice, and that the protection of their human rights as well as migrants' safety and dignity is ensured throughout their migration. A human rights approach is based on principles of universality and interdependence of all human rights, and directed towards non-discrimination,

empowerment, and accountability. What measures can be taken to implement such an approach? How can migration as an adaptive measure be facilitated in a safe and rights-respecting manner?

- *Status of migrants:* A migrant's status in this context is also uncertain. What role can human rights complementary protection pathways provide for cross-border migrants? Are there other measures or solutions that can provide alternative legal pathways for those moving in the context of slow onset effects?
- *International cooperation and assistance:* What approaches can facilitate international cooperation and assistance to help address protection needs, particularly for those most vulnerable to the adverse impacts of climate change? How can cooperation and assistance be used to ensure planned relocation occurs in a rights-based manner?

15.45 – 16.00 Break

16.00 – 18.00 Recommendations and next steps (breakout groups followed by plenary reporting session)

Session goal: To produce recommendations for States and stakeholders to address international migration in the context of slow onset events, and to discuss action within ongoing forums that are addressing various aspects of the issue.

Session discussion topics:

- *Conclusions and recommendations:* What are the key recommendations you have to address slow onset processes and events and ensure appropriate human rights protection for migrants as well as for others who are unable or unwilling to move? What activities or measures should be avoided? How can we translate knowledge about the expected global impacts of climate change into actions, laws and policies to protect migrants?
- *Ongoing processes:* there are several global processes currently working to address climate change, migration, and human rights. These provide an opportunity to contribute information and guidance, and for collaboration across policy areas. They include the development of a Global Compact for safe, orderly and regular migration, the Human Rights Council, UNFCCC (e.g. Adaptation Committee, and the Warsaw International Mechanism for Loss and Damage Task Force on Displacement), the Sendai Framework for Disaster Risk Reduction 2015-2030, 2030 Agenda for Sustainable Development and the implementation of Sustainable Development Goals, the Platform on Disaster Displacement, Migrants in Countries in Crisis initiative and others. Who should be doing what and where? How do we ensure human rights policy coherence? What is the role of non-state actors? What could be the role of regional organisations and processes?

- *Gaps in data:* What are the gaps in data on slow onset events and their impact on migration, and how should these gaps be addressed?

18.30 Meeting participants are invited to a dinner discussion with the Geneva Climate Change Consultation Group at the Chateau Bruyant

Expected Outcomes

The goals of the meeting are to (1) identify and discuss challenges posed by slow onset events and gaps in protection for cross-border migrants, which will help inform the final version of the study; (2) generate recommendations and next steps to address these challenges and gaps in protection; and (3) identify areas of focus for the report requested in Human Rights Council resolution 35/20 on this topic and on means to implement adaptation and mitigation plans to help bridge protection gaps.³

This expert meeting will take place immediately preceding a Human Rights Council panel discussion focused on human rights, climate change, and cross-border migration, which is mandated by resolution 35/20. The meeting will be held 6 October 2017, and participants in this meeting are welcome to attend.

The resolution acknowledges the urgent need to protect and promote the human rights of migrants and persons displaced across international borders in the context of climate change. Resolution 35/20 also calls upon OHCHR to submit a summary report of the panel discussion to the consultative phase of the global compact on safe, orderly and regular migration, the UNFCCC Warsaw International Mechanism for Loss and Damage, and the Council at its 37th session. The outcomes of the panel discussion and expert meeting are intended to relate to and complement each other in identifying next steps for addressing the complex issues at the heart of the human rights, climate change and migration nexus.

³ [Human Rights Council resolution 35/20](#). A/HRC/35/L.32 (19 June 2017).