

Brown bag lunch

Climate change, cross-border displacement and human rights: is there a protection gap and will COP21 help close it?

12:00 – 14:00, Monday 26th October

Room 3, International Environment House I
(11 ch. des Anémones, 1219 Geneva)

RSVP: gen.secretary@unep.org

Programme

- 12:00** **Welcome**
- Barbara RUIS, Legal Officer, Division of Environmental Law and Conventions, UNEP
- 12:05** **Prospects for COP21 and its implications for human rights and cross-border displacement**
- Professor John KNOX, UN Special Rapporteur on human rights and the environment
- 12:20** **Is there a human rights protection gap for people displaced across international borders in the context of climate change impacts?**
- Marc LIMON, Director, Universal Rights Group
- 12:35** **Is the international community doing enough to acknowledge and to bridge the protection gaps that exist? Which UN bodies and/or organisations should take the lead?**
- Dina IONESCO, Head of Division, Migration, Environment and Climate Change, International Organisation for Migration
- 12:50** **Why is it important, especially for the rights of people in climate vulnerable States, to act now? What is the role of the Human Rights Council and its mechanisms?**
- Nahida SOBHAN, Minister, Permanent Mission of Bangladesh, member of the Climate Vulnerable Forum – *to be confirmed*
- 13:20** **Open question and answer session**
- 14:00** **End**

Background

In October 2014, in his first press conference after being appointed UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, spoke of the 'stark and vital' implications of climate change for the full enjoyment of human rights, and drew attention to the 'multiple implications' of climate change 'for displacement, statelessness, land-rights, resources, security and development.'¹

Some may find it strange that the UN's most senior human rights official would use his first press conference to highlight an issue seemingly far beyond his official remit: climate change. However, as the High Commissioner made clear, global warming is not only one of the greatest environmental challenges of our time, it is also one of the greatest human challenges, with immediate and acute implications for the enjoyment of human rights.

With that in mind, the 21st Conference of Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC), to be held in Paris later this year, will not only be one of the most important environmental conferences ever held, but also one of the most important human rights gatherings of the past half-century. The ability of states to reach – or not – a new and ambitious global agreement in Paris will have a determinative impact on the lives, prospects, hopes, dignity and rights of millions of people around the world.

The consequences of climate change for the enjoyment of human rights have been considered and recognised by the UN on many occasions. Both the UN Human Rights Council (the Council)² and the Conference of Parties to the UNFCCC (COP UNFCCC)³ have recognised that climate change impacts, such as rising sea levels and more frequent and severe extreme weather events, undermine a range of internationally-protected human rights – from the rights to water and sanitation, to food, to health, to adequate housing, and even to life. What is more, the Council and the Conference of Parties have acknowledged that these consequences are felt most acutely by individuals in already vulnerable situations, such as young children, the elderly, persons with disabilities, and indigenous groups. This, in turn, raises concerns about equality and non-discrimination, and highlights the issue of 'climate injustice' – that those suffering most due to climate change have contributed least to the problem.

¹ Press Conference by United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, 16 October 2014 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15173&LangID=E#sthash.szM1rhZS.dpuf>

² E.g. in Council Resolution 7/23, 'Human Rights and Climate Change' 28 March 2008; and Council Resolution 10/4, 'Human Rights and Climate Change' 25 March 2009.

³ E.g. United Nations Framework Convention on Climate Change (UNFCCC), The Cancún Agreements: Outcome of the Work of the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention, UNFCCC Dec 1/CP.16, 9th plen. mtg. UN Doc FCCC/CP/2010/7/Add.1 (10–11 December 2010) <http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf>.

The international community has also repeatedly called for human rights principles to be integrated into global climate change policy responses, in order to strengthen those responses and make them more reflective of, and accountable to, the needs of vulnerable people.

As the High Commissioner for Human Rights noted at his press conference, the human rights implications of climate change are particularly striking in the case of displacement. Climate change is anticipated to lead to more frequent and severe natural disasters, and in some cases its impacts may render certain parts of the world uninhabitable. Some people will seek to migrate before conditions deteriorate, while others will be displaced by sudden-onset disasters (e.g. cyclones) or slower-onset processes (e.g. drought). In other cases, governments may relocate people out of hazardous areas for their own safety (i.e. planned relocation or resettlement).

Even if one focuses on just one of these scenarios – displacement in the event of sudden-onset disasters – the scale of the (actual and potential) human rights challenge is enormous. Major extreme weather events have already resulted in significant displacement, and the increased frequency and magnitude of extreme events in the context of climate change will amplify the challenges and risks associated with it. ‘Between 2008 and 2012, sudden-onset disasters displaced an estimated 144 million people.’⁴ In 2013, almost three times as many people were newly displaced by disasters than by conflict.⁵ Some 22 million people were displaced in at least 119 countries, mostly by rapid-onset weather-related disasters.⁶ The vast majority of such displacement, 97 per cent between 2008 and 2013, occurred within developing countries (almost 81 per cent in Asia).⁷

While it is harder to quantify the number of people displaced by the slower-onset impacts of climate change – partly because it is impossible to attribute movement to ‘climate change’ alone, but also because mitigation and adaptation over time may mean that people are able to remain in their homes – national and local case studies give a sense of the possible scale of the phenomenon and, by extension, of the human rights implications. For example, in 2011 some 1.3 million people were internally displaced in the context of drought and instability within Somalia.⁸

While the vast majority of people displaced in the context of disasters will remain within their own country,⁹ some may seek protection in another country. Like internal displacement, this cross-border displacement will be linked both to slow-onset processes (e.g. drought) and sudden-onset events (e.g. a higher frequency and intensity

⁴ Nansen Initiative, Perspective, ‘Linking Human Mobility, Disasters and Disaster Risk Reduction’ September 2014

⁵ Internal Displacement Monitoring Centre (IDMC), *Global Estimates 2014: People Displaced by Disasters* (2014) 7.

⁶ IDMC (n 5) 7, 9.

⁷ IDMC (n 5) 9.

⁸ UNHCR, ‘Number of Somali Refugees in Horn of Africa Passes 1 Million Mark’ (17 July 2012) <http://www.unhcr.org/500554ed9.html>.

⁹ The Government Office for Science, *Foresight: Migration and Global Environmental Change: Future Challenges and Opportunities* (The Government Office for Science, London, 2011) 37; Asian Development Bank, *Addressing Climate Change and Migration in Asia and the Pacific: Final Report* (Asian Development Bank, 2012) viii, 4.

of extreme hydro-meteorological events). As an example of the former, during the above-mentioned drought in the Horn of Africa, over 290,000 people crossed an international border in search of assistance.¹⁰ They moved for a range of intersecting reasons, including famine, conflict, food insecurity and environmental degradation.

Displacement can have devastating effects on people and communities, and create complex challenges for recovery and reconstruction efforts. All this has clear and immediate implications for a range of internationally protected human rights, particularly the rights of people in already vulnerable situations, whether due to geography (e.g. low-lying and deltaic regions), underlying socio-economic conditions (e.g. poverty, weak governance), or individual circumstances (e.g. gender, age, disability) – or a combination of these. Indeed, as states recognised in the Sendai Framework for Disaster Risk Reduction (2015–2030), adopted in March 2015, displacement is one of the most devastating consequences of disasters, and disaster risk reduction is about ‘protecting persons and their property, health, livelihoods, and productive assets, as well as cultural and environmental assets, while promoting and protecting all human rights.’¹¹

With all this in mind, it is clear that as the international community looks towards the Paris COP meeting in December, it should take concrete steps to ensure that human rights concerns are an accepted and integral part of any new international responses to climate change. At a practical level, this means that the human rights community (led by the Human Rights Council, its mechanisms and the Office of the High Commissioner for Human Rights (OHCHR)) and the climate change community (led by states parties to the UNFCCC) must work together to introduce a rights-informed approach that supports better and more effective climate action. It also means that the Paris agreement, like the Cancun Agreements, should explicitly recognise the important contribution to be played by human rights in shaping an ambitious, fair and workable international response to one of the greatest challenges of the 21st century: anthropogenic climate change.

At the same time, the international human rights community, led by the Council, should consider how best to promote and protect the human rights of those directly affected by the impacts of climate change, including people displaced across borders. Discussions over the past several years in the Council demonstrate a broad awareness of the scale of the human rights challenge posed by climate change-related displacement, but to date states have failed to match expressions of sympathy and anxiety with concrete steps to understand the nature of the human rights challenge, and to consider and implement the most effective policy interventions.

¹⁰ UNHCR (n 8).

¹¹ Sendai Framework for Disaster Risk Reduction 2015–2030, UN Doc A/CONF.224/CRP.1 (18 March 2015), Preamble, para 4; para 19(c) respectively.