**“Internal displacement in the context of the slow-onset adverse effects of climate change”**

***Submission by Franciscans International***

*In response to the call for inputs of the Special Rapporteur on the human rights of internally displaced persons*

*Introduction*

1. Franciscans International (FI) welcomes the opportunity to provide inputs to the Special Rapporteur on the human rights of internally displaced persons (IDPs) for her upcoming report on internal displacement in the context of the slow-onset adverse effects of climate change.
2. Environmental justice has been at the core of FI’s work for years, which included bringing testimonies from communities affected by the adverse human rights impacts of climate change to the United Nations (UN). Having consistently strived to reclaim the central role of human rights in global migration and climate policies, FI is pleased to contribute to further advancing a human rights-based approach to the issue of climate-induced internal displacement. Below are FI’s answers to the Questionnaire.

*Answer to Question 1:*

1. Several countries in Asia-Pacific have adopted policies addressing internal displacement in the context of disasters and climate change that are guided by or incorporate human rights considerations.
2. In December 2018, the government of Fiji published its Planned Relocation Guidelines: A framework to undertake climate change related relocation[[1]](#footnote-2), which supports the consideration of planned relocation solutions for communities affected by disasters and the slow-onset adverse effects of climate change occurring in Fiji. The guidelines follow a human rights-based approach to relocation programming, with human rights underpinning each stage of the relocation process.
3. Similarly, Vanuatu adopted in September 2018 a National Policy on Climate Change and Disaster-Induced Displacement[[2]](#footnote-3), guided by a set of principles that include human rights and dignity.
4. Kiribati established in 2012 a National Disaster Risk Management Plan[[3]](#footnote-4), which addresses several issues related to internal displacement in the context of disaster including the provision of potable water and the registration and reintegration of displaced persons.

*Combined answers to Questions 2 and 10:*

1. The collection of data on internal displacement in the context of the slow-onset adverse effects of climate change presents various challenges. Through its partners, FI has identified that the multi-causality of human mobility, seasonal migration flows within countries, voluntary displacement in anticipation of desertification or sea-level rise, lack of political interest from public authorities, and the acute attention traditionally placed on other drivers of displacement – violence, disasters, insecurity, poverty, mega-projects, corruption… - all represent obstacles in establishing clear causality links between internal displacement and the slow-onset effects of climate change.
2. In Central America, Franciscans working alongside migration routes saw the scarcity of water become a driver of internal displacement with the emergence of the Dry Corridor. For example, years of drought in El Salvador, combined with gang violence and extreme poverty, have resulted in widespread water shortages, social conflict and internal displacement, the latter often a first step towards cross-border migration. Similarly, in Guatemala, climate-induced droughts have reduced agricultural production by 70 to 80 per cent between 2014 and 2015, resulting in food insecurity and poverty. The adverse impacts of these slow-onset effects of climate change on Guatemalans, exacerbated by organised crime, violence, and the social and environmental impacts of mega-projects such as dams, have been acting as internal displacement drivers.[[4]](#footnote-5)
3. In Asia-Pacific, the combination of the slow- and fast-onset effects of climate change with poverty, development projects, violence, and discrimination have also forced millions to be displaced internally or migrate across borders. In the Philippines, for example, over half a million persons were internally displaced in 2019 as a result of violence, poverty, and disasters such as storms, floods, droughts, earthquakes, and tsunamis.[[5]](#footnote-6)

*Answer to Question 3:*

1. Climate-related internal displacement can threaten the enjoyment of various human rights including the rights to life, to equal access to public service in one’s own country, to health, housing, water, sanitation, and food. Indigenous people, who rely on their ancestral lands for their subsistence, the manifestation of their spiritual and religious traditions and their cultural expression, can face additional threats from climate-related internal displacement.
2. In Vanuatu, the slow-onset effects of climate change are threatening the traditional lifestyle and culture of some isolated indigenous communities. These groups live without reliance on the outside, in villages spread out across disparate pieces of coastline which are slowly becoming unhabitable due to sea-level rise and the impact of weather changes on farming and fishing, which will eventually force communities to relocate. The loss of traditional village life poses a threat to indigenous culture, including the use of indigenous languages. Vanuatu has over 100 indigenous dialects and three official languages: English and French, mostly used for education and business, and Bislama, widely spoken and predominantly used for communication between groups of different dialect. Climate-induced internal displacement will likely bring groups of different language closer together, fostering the use of Bislama at the expanse of indigenous languages.[[6]](#footnote-7)
3. In the Solomon Islands, rising sea levels, cyclones, and the increased weather unpredictability has forced indigenous tribes to move to Malaita, the primary and most populous island of the country. As a result, indigenous tribes of different ethnic background and cultural practices are forced to live closer to each other, resulting in increased disputes and ethnic violence.[[7]](#footnote-8)
4. Similarly, in the low-lying Torres Strait Islands that are part of the state of Queensland, Australia, indigenous people are faced with various slow-onset effects of climate change including coastal erosion, floods, damages to marine ecosystems and higher temperatures, which are threatening their livelihoods and the habitability of the islands. Eventually, the islands will disappear due to climate change, destructing Torres Strait Islanders’ sacred burial sites and ancestral lands with which they have a deep connection and resulting in their forced displacement to mainland Australia.[[8]](#footnote-9)

*Answer to Question 5:*

1. Among other human rights bodies, the UN Committee on Economic, Social and Cultural Rights clearly indicated that States’ obligation to protect human rights "requires that States parties […] ensure effective protection against […] rights violations linked to business activities, and that they provide victims of such corporate abuses with access to effective remedies.”[[9]](#footnote-10)
2. In addition, businesses have an obligation to respect human rights under the UN Guiding Principles on business and human rights (UNGPs). With climate change threatening the enjoyment of all human rights, businesses have a clear responsibility to mitigate their climate impact, contribute to climate change mitigation and adaptation, and remediate any adverse human rights impacts they caused or to which they contributed.
3. Businesses should adopt a policy at the strategic level outlining their commitment to climate resilience and respect for human rights, in line with expectations set in the Paris agreement and the UNGPs. Such policy commitment should recognize the human rights impacts of climate change, which can include internal displacement, and be complemented by targets for greenhouse gas (GHG) emissions reduction as well as other adequate measures for climate change mitigation and adaptation.
4. Businesses should consider climate change and displacement in their human rights and environmental due diligence processes. This can include carrying out an inventory of GHG emissions throughout the supply chain, assessing the impact of the company’s operations on climate-induced displacement, and mapping out areas where the company is working with communities vulnerable to or affected by climate-induced internal displacement. Businesses should also monitor the implementation and effectiveness of their responses to mitigate the human rights impacts of climate change, including internal displacement, and publicly report on their findings.
5. Businesses’ policy commitments, human rights and environmental due diligence processes, as well as other responses addressing the adverse human rights impacts of climate change, including internal displacement, should apply to business partners and subsidiaries throughout the supply chain. UN Secretary-General António Guterres also stated that “Climate risks and opportunities must be incorporated into the financial system”.[[10]](#footnote-11)
6. Businesses should also ensure that communities vulnerable to or affected by climate-related displacement are consulted in corporate decisions that may impact them. Businesses should be encouraged to use their leverage by engaging with public authorities to improve the participation of these communities in decision-making and in the design of preventive and remediation measures including, where appropriate, resettlement.

*Answer to Question 6:*

1. National human rights institutions (NHRI), in particular those that are established under and function in line with the Paris Principles, have an important role to play in promoting accountability for the human rights impacts of climate change - including internal displacement - due to their independence, broad mandate, and capacity to carry out investigations.
2. The National Commission on Human Rights of the Philippines became the first NHRI to launch an investigation into the responsibilities of the top 47 fossil fuel companies for human rights violations arising from climate change in December 2015. The Commission paved the way for future climate litigation by stating, in December 2019, that the Carbon Majors contributed to the climate crisis and could be held legally liable for human rights violations arising from climate change. The Commission noted that these companies could be held liable not only under civil but also criminal law, if they could be found to have engaged in acts of obstruction, wilful obfuscation or climate denial, as this could demonstrate criminal intent.[[11]](#footnote-12) This landmark investigation is likely to support future lawsuits against Carbon Majors for various climate-related human rights violations, which could include internal displacement.
3. The Scottish Human Rights Commission also promoted accountability for human rights violations arising from climate change by suggesting that the government adopts a human rights-based approach to climate change in its new Climate Change Bill. Incorporating human rights language in climate legislation helps to lay out the various human rights obligations of duty-bearers in relation to the human rights impacts of climate change and therefore, promote accountability.[[12]](#footnote-13)
4. Similarly, the Australian Human Rights Commission advocated for the adoption of a human rights-based approach to climate change adaptation, disaster management, and “climate change refugees”.[[13]](#footnote-14)

*Answer to Question 8:*

1. The Covid-19 crisis has reaffirmed the need to take urgent action to mitigate climate change. UN Secretary-General António Guterres stated that the “current crisis is an unprecedented wake-up call” and proposed six climate actions to guide the recovery process and “protect our planet from […] the existential threat of climate disruption”.[[14]](#footnote-15) The UN High Commissioner for Human Rights and the UN Special Rapporteur on human rights and the environment have also both stressed the link between environmental degradation, which causes animals and humans to come into contact more often, and the emergence of infectious diseases, seventy five percent of which are transferred to humans by animals.[[15]](#footnote-16) The slow-onset effects of climate change, combined with deforestation, industrial agriculture, and illegal wildlife trade, can therefore increase the risk of pandemics.[[16]](#footnote-17) This is one of many reasons why FI supports the international recognition of the right to a safe, clean, healthy and sustainable environment, needed in order to ensure the realization of human rights for all.
2. With the postponement to 2021 of the 26th Conference of Parties of the UNFCCC due to the Covid-19 crisis, it is crucial to preserve and further build on the momentum for climate action. This can be done, for example, by ensuring that Covid-19 recovery responses and economic stimulus packages support the transition towards a green and sustainable economy, and by ensuring that States align the ambition of their nationally determined contributions with their obligations to respect, protect and fulfil human rights for all.[[17]](#footnote-18) To this end, FI strongly supports the creation of a dedicated Special Procedure Mandate on Climate Change and Human Rights. This would elevate the nexus of climate change and human rights in the work of the Human Rights Council and help States meet their obligation, under the Paris Agreement, to respect and promote human rights when taking action to address climate change.

1. See <https://cop23.com.fj/wp-content/uploads/2018/12/CC-PRG-BOOKLET-22-1.pdf> [↑](#footnote-ref-2)
2. See <https://www.iom.int/sites/default/files/press_release/file/iom-vanuatu-policy-climate-change-disaster-induced-displacement-2018.pdf> [↑](#footnote-ref-3)
3. See <http://extwprlegs1.fao.org/docs/pdf/kir158407.pdf> [↑](#footnote-ref-4)
4. See <https://www.fmreview.org/latinamerica-caribbean/hernandezbonilla> [↑](#footnote-ref-5)
5. See <https://www.internal-displacement.org/countries/philippines> [↑](#footnote-ref-6)
6. See <https://minorityrights.org/vanuatu-indigenous-language/> [↑](#footnote-ref-7)
7. See <https://www.dw.com/en/climate-change-drives-solomon-islands-people-of-the-sea-ashore/a-40777201> [↑](#footnote-ref-8)
8. See <https://www.oxfam.org.au/wp-content/uploads/2018/04/Oxfam-Australia-Submission-to-the-Senate-Inquiry-on-the-UN-SDG.pdf> [↑](#footnote-ref-9)
9. See UN Committee on Economic, Social and Cultural Rights (CESCR), *General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities*, 10 August 2017, E/C.12/GC/24, para 14, available at: <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f24&Lang=en> [↑](#footnote-ref-10)
10. See UN Secretary-General’s message for International Mother Earth Day on 22 April 2020: <https://www.un.org/press/en/2020/sgsm20051.doc.htm> [↑](#footnote-ref-11)
11. See <https://www.business-humanrights.org/en/philippines-commission-on-human-rights-investigation-of-47-fossil-fuel-companies-contribution-to-climate-human-rights-impacts> [↑](#footnote-ref-12)
12. See <https://www.scottishhumanrights.com/other-issues/climate-justice/> [↑](#footnote-ref-13)
13. See <https://humanrights.gov.au/our-work/commission-general/publications/human-rights-climate-change-2008#3> [↑](#footnote-ref-14)
14. See UN Secretary-General’s message for International Mother Earth Day on 22 April 2020: <https://www.un.org/press/en/2020/sgsm20051.doc.htm> [↑](#footnote-ref-15)
15. See Statement of UNEP <https://www.unenvironment.org/news-and-stories/statement/unep-statement-covid-19> [↑](#footnote-ref-16)
16. See the Statement of the UN Special Rapporteur on human rights and the environment <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25794&LangID=E> [↑](#footnote-ref-17)
17. <https://www.ohchr.org/Documents/Issues/ClimateChange/UNFCCCCOP25_OpenletterfromHCMemberStates_Nov2019.pdf> [↑](#footnote-ref-18)