

Outcome report of the Climate Justice Dialogue: Human Rights, Climate Change and Migration in the context of the global compact for safe orderly and regular migration

Introduction

On 16 May 2017 the Mary Robinson Foundation – Climate Justice and the United Nations Office of the High Commissioner for Human Rights co-hosted a climate justice dialogue for Permanent Representatives and other stakeholders on the topic of ‘Human Rights, Climate Change and Migration in the context of the global compact for safe orderly and regular migration.’ The meeting encouraged participants to share their thoughts on how climate change and human rights can be best addressed by the global compact for safe, orderly and regular migration (the global compact). The meeting was held in advance of the global compact’s second thematic consultation in New York from 22-23 May 2017, titled ‘Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution.’

Meeting participants were asked to deliberate on the basis of the discussion question ‘What practical steps can be undertaken to ensure that the connection between human rights, climate change and migration are recognised in the global compact on migration?’ Participants offered country level experiences and concrete recommendations highlighting the links between climate displacement and human rights.

The meeting was well attended (attendance list at Annex A) and participants expressed the importance of incorporating climate change as a driver of migration in the global compact and the necessity of ensuring that human rights underpins policy responses throughout the discussions.

Background

Climate displacement, whether as a result of voluntary, forced or planned responses to the impacts of climate change, is a growing issue faced by millions of people and its results are already felt at all levels of society, particularly by those countries most vulnerable to climate change. Climate displacement can occur internally within a jurisdiction or across international borders. Where this movement crosses borders it falls under the category of international migration, the subject of the negotiations of the global compact. As the impacts of climate change will be more keenly felt in the decades to come it is critical that comprehensive, coordinated and targeted solutions are found to address migration resulting from the adverse effects of climate change. These solutions will be best where

they incorporate a human rights based approach and are couched in the principles of climate justice.

Although all persons are protected under international human rights law, the obligations owed to persons displaced and migrating as a result of the adverse effects of climate change are routinely not met. And where persons or populations seek refuge across an international border, but do not qualify for protection under the Refugee Convention, there is not yet a universally recognised category that allows them freedom of entry or the right to stay.

The thematic consultation considered the rights of persons affected by climate change, and how responses and policies intended to protect people who migrate as a result of the adverse effects of climate change or adaptive responses to climate change could be informed by human rights.

Meeting Outcomes

Meeting participants identified a number of key outcomes that the global compact should address under its elements:

Drivers:

- Climate displacement is currently happening, and there is an increasing threat from the impacts of climate change to large segments of the global population. The compact should recognise this fact.
- The inclusion of climate change as a driver of displacement, and an acknowledgement that human rights must underpin policy outcomes addressing climate-induced movement of persons, will be critical elements of a global compact that is forward looking and robust.
- Solutions must address both rapid-onset manifestations of climate change (e.g., extreme weather events) and slow-onset situations, such as gradual desertification, both of which threaten human rights.

Implementing and integrating existing agreements

- The global compact should recognise that fulfilling the objectives of the Paris Agreement, to hold the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C, will significantly reduce the number of people who are required to move due to climate change.
- Crosscutting frameworks such as the Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change under the Nansen Initiative, the Platform on Disaster Displacement and the Taskforce on Displacement under the United Nations Framework Convention on Climate Change (UNFCCC) should be integrated into the global compact to ensure work is not duplicated.
- United Nations human rights treaties provide an agreed legal basis for action, and should be explicitly integrated into the global compact by reference.

- The signatories to the Geneva Pledge on Human Rights and Climate Change should be mobilized as a vehicle for advocating for the links between human rights, climate change and migration.

Human Rights

- Communities that have their human rights guaranteed and fulfilled at home are at a lower risk of needing to move as a result of the impacts of climate change. The global compact should recognise that countries and regional organisations must ensure that communities at risk of slow onset events have key human rights (such as the rights to food, water, housing, health and work) protected to reduce the likelihood of the creation of conditions that would necessitate movement.
- The global compact should urge countries to take steps to ensure that communities at risk of climate displacement have access to education, particularly education on pathways to achieve safe, orderly and regular migration, if necessary
- The right to self-determination is threatened by mass climate displacement, and is key to successful management of communities and populations that do need to move. All relocation based on responses to climate impacts must engage communities in decision making, and this should be included as a principle in the global compact.
- Where people are compelled to move as a result of climate factors, their rights under international human rights law must be recognized and upheld, including *non-refoulement*, self-determination, non-discrimination, and the full range of civil, political, economic, social and cultural rights to which they are entitled.
- The global compact should urge countries to take steps to protect the right to culture and physical heritage of communities identified as being at risk of climate displacement.
- Persons compelled to move in search of their human rights as a result of climate change should not be prejudiced by the use of terms such as “economic migrants.”
- A climate justice approach, built on human rights principles and responsibilities, should form the basis of action in this field.
- Particular attention is owed to those who are most vulnerable, including coastal and small island communities, indigenous peoples, minorities, older persons, children, persons with disabilities, women and others.

Process

- The voices of those displaced by climate change should be incorporated into the consultation processes going forward. It is these voices that have the experience necessary and lessons learned necessary to deliver positive outcomes to climate displacement events in the future.
- Countries, regional organisations and the United Nations should make efforts to improve data collection and methodology to identify communities at risk of slow and sudden onset climate displacement. The compact should include an objective of improving international understanding and data collection of this issue.

Annex I

The following participants attended the discussions

Luke	Daunivalu	Deputy Permanent Representative	Fiji
Masud Bin	Momen	Ambassador Extraordinary and Plenipotentiary	Bangladesh
Pham	Thi Kim Anh	Deputy Permanent Representative	Vietnam
Andrina	Frey	First Secretary	Switzerland
Juan Carlos	Mendoza García	Ambassador Extraordinary and Plenipotentiary	Costa Rica
Mary	Robinson	President	Mary Robinson Foundation - Climate Justice
David	Donoghue	Ambassador Extraordinary and Plenipotentiary	Ireland
Cristián	Barros Melet	Ambassador Extraordinary and Plenipotentiary	Chile
Loe	Marianne	Minister Counsellor	Norway
Joanne	Adamson	Deputy Head of Delegation	EU
Ninette	Kelley	Director New York Office	UNHCR
Zack	Hsu	Legal Advisor	Tuvalu
Craig	Mokhiber	Director, New York Office	OHCHR
Jerry	Matjila	Ambassador Extraordinary and Plenipotentiary	South Africa
Mariam	Traore Chazalnoel	Thematic Specialist – Migration, Environment and Climate Change (MECC)	IOM