



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Session 2: International Cooperation and Respect for Human Rights
**Seminar to Address the Adverse Impacts of Climate Change
on the Full Enjoyment of Human Rights**

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Remarks of Mr. José Riera

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“The fate of the most vulnerable will be the fate of the world”.

First declaration of the Climate Vulnerable Forum, Male’, Maldives, 2009

My remarks will not revisit the projected impacts of climate change nor repeat the good points evoked during this morning’s panel. Suffice it to say that the importance of upholding basic human rights norms and protection principles has been affirmed by many forums and international actors, including the General Assembly and the Human Rights Council. As a representative of the UN Refugee Agency, which considers itself a ‘rights-based agency’, I shall focus on international cooperation and respect for human rights as this relates to three dimensions of adaptation to climate change: migration, displacement and planned relocation.

Cancun Adaptation Framework

It was a welcome development when the Conference of Parties to the United Nations Framework Convention on Climate Change (UNFCCC), meeting in Cancun in December 2010 (COP 16), recognized the potential impact of climate change on the movement of people. It invited all parties to the Convention:

“to enhance action on adaptation under the Cancun Adaptation Framework ... by undertaking inter alia, the following: ... (f) Measures to enhance understanding, coordination and cooperation with regard to **climate change induced displacement, migration and planned relocation**, where appropriate, at *national, regional and international levels.*”ⁱ

Despite mounting evidence that climate change is contributing to substantial movements of people and that this will increase, the response of the international community has so far been limited. As mobility will be part of the solution for some affected populations, people must be allowed to exercise choice regarding their future. The Cancun Adaptation Framework therefore encourages more research and conceptual thinking on the various forms of mobility, while emphasizing the need for a range of actors, working on different levels, to cooperate in these efforts.ⁱⁱ

Migration

Turning to migration, there is a growing consensus that most migration will be internal. The recent ‘Foresight’ Reportⁱⁱⁱ brings fresh insights by positing that people may be forced to migrate in ways that increase their vulnerability, for example by migrating to areas of high environmental risk such as low-lying urban areas in mega-deltas or slums in water-insecure and rapidly expanding cities. Foresight also coined the term ‘trapped populations’ to describe those people who will simply be unable to move out of harm’s way.

At national level, States will need to reinforce the resilience and coping mechanisms of their citizens and communities, while also anticipating and making provision for internal migration as a form of adaptation. But relatively few countries have anticipated internal movements of population in their national adaptation planning. This must change.

The parade of horrors argument that migration will involve large-scale international movement is simply not supported by existing patterns of movement from natural disasters. In most cases, people’s poor socio-economic circumstances will preclude them from undertaking cross-border journeys. But some *will* seek to migrate abroad.

In a statement on climate change and migration adopted last November by members of the Global Migration Group (GMG), of which UNHCR and IOM are founding members, the GMG Principals encouraged States to recognize migration as an adaptation strategy to environmental risks and to make migration an option available even to the most vulnerable. When it comes to cross-border movement, the GMG also encouraged States to revisit their immigration policies to take into account the likelihood of cross-border migration and consider opening new opportunities for legal migration.

This is where regional and sub-regional frameworks, like the free movement protocols of the Economic Community of West African States or the European Union’s complementary protection regime, offer interesting opportunities. It is also imperative for the international community to make good on promises to set in place a massive programme of support for adaptation in developing countries.

Displacement within countries

In some cases, internal movements will take the form of ‘forced internal displacement’. The Guiding Principles on Internal Displacement are an important guide in this regard.^{iv} The African Union is to be commended for going a step further and formulating a binding treaty for the protection of internally displaced people. Under the AU’s Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa, States Parties commit to “take measures to protect and assist persons who have been internally displaced due to natural or human made disasters, including climate change.”^v

UNHCR has been working closely with the African Union, the African Parliamentary Union and the Inter-Parliamentary Union to promote ratification and entry into force of the Kampala Convention, while also encouraging countries and organizations in other regions of the world to consider a similar approach and to embed the Guiding Principles in national legislation and policies.

Displacement across borders

In the case of forced displacement across borders, notably in response to sudden onset events, a quick analysis of existing national legislation indicates that a number of countries have included provisions whereby persons affected by natural disasters would not be *returned*, to their countries of origin if already abroad and would enjoy a form of temporary protection.^{vi} However, the vast majority of States make no provision in their legal frameworks for the legal *entry* and sojourn, even if temporary, of people exposed to the impacts of climate change or residents of islands subjected to sea level rise. Even if they are not *refugees*, such people are entitled to be supported and to have their voices heard and taken into account. But what form should that support take?

UNHCR explored this question during expert discussions organized as part of last year's commemorations of the 60th anniversary of the Refugee Convention. The Bellagio Expert Roundtable examined protection gaps and potential responses linked to climate-related external displacement, and reached a number of broad understandings.^{vii} The Norwegian Government's Nansen Conference on Climate Change and Displacement in June 2011 last year developed 10 'Nansen Principles', which include recognition that, "A more coherent and consistent approach at the international level is needed to meet the protection needs of people displaced externally owing to sudden-onset disasters."^{viii} Norway, Switzerland, Germany, Mexico, and Costa Rica have undertaken to work with UNHCR and other stakeholders in 2012 and 2013 to determine how best to fill this international normative gap.

Nansen Principle IV also affirms that when national capacity is limited, regional frameworks and international cooperation should support action at national level and contribute to building national capacity, underpinning development plans, preventing displacement, assisting and protecting communities affected by such displacement and finding durable solutions. Regional organizations and funds need to play an important role here.

Addressing the situation of low-lying small island nations will be a particular challenge. How best to protect and promote the human rights of affected communities? Given that the most climate impacts in small island States will be slow-onset, interim migration measures that permit temporary and circular movement will be necessary. This should be promised, on the understanding that a permanent migration outcome will ultimately be possible once relocation is imperative. As suggested by Professor Jane McAdam, a small but sustained migration response may enable communities to remain living in their homes for longer, with

certain members of the household working abroad temporarily to generate income than can be invested back into the home community and to assist with adaptation.

Planned relocation

My last point relates to planned relocation. The issue of climate change, displacement and human rights was the focus of the first report to the U.N. General Assembly of the Special Rapporteur on the Human Rights of IDPs, Mr. Chaloka Beyani, whom we had the pleasure to hear this morning. He noted that “it may at times be necessary to relocate people from high-risk or disaster-prone areas or in response to a slow-onset disaster which has made life unsustainable in a particular area”. In those cases, the basic human rights principles included in the Guiding Principles on Internal Displacement should be applied, encompassing the active participation of the affected population.

Planned relocation is an area which has received little attention in the international discourse, but where sub-regional, regional and international cooperation will also be important. Governments may legitimately wish to move communities out of harm’s way or from areas that are no longer inhabitable. States have a lot of experience with development-forced displacement and resettlement (DFDR), the term now used more commonly than development-induced displacement. This refers to the involuntary displacement of people and communities due to large-scale infrastructure projects.^{ix} In this context, resettlement refers to a process of relocation to assist displaced persons to replace their housing, assets, livelihoods and land and to ensure their access to resources and services.

Despite guidelines from the World Bank and multilateral banks intended to ensure that resettled populations are at least as well off as they were before resettlement, the record of DFDR is not a positive one.^x There seems to be a sense within the DFDR community that successful cases are the exception and that in the vast majority of cases, the resettled population is left much worse off than before.^{xi}

If planned relocation becomes a component of State policies on adaptation to climate change, more research will be needed to identify good practice examples and what made them successful, while also developing additional guidance on protecting the human rights of those who will be affected.

Conclusion

In closing Madame Chair, it has to be acknowledged that the international community has lacked the political will and cooperative spirit required to reduce the pace of climate change. Immediate steps are necessary to mitigate this process, to introduce appropriate adaptation strategies and to limit the extent to which climate change acts as a driver migration and displacement. I am grateful for the opportunity to present the views of UNHCR in this important seminar.

ⁱ UNFCCC, Outcome of the work of the Ad Hoc Working Group on long-term Cooperative Action under the Convention, CP 16, 2010, http://unfccc.int/files/meetings/cop_16/application/pdf/cop16_lca.pdf#page=3, para 14(f)

ⁱⁱ See Ferris, *op cit*. For a description of the process in which this resolution was adopted, see Koko Warner, *Climate Change Induced Displacement: Adaptation Policy in the Context of the UNFCCC Climate Negotiations*, May 2011.

ⁱⁱⁱ *Foresight: Migration and Global Environmental Change (2011)*, Final Report, The Government Office for Science, London, page 13.

^{iv} <http://www.idpguidingprinciples.org/>

^v Article 5, para. 4, <http://www.unhcr.org/4ae9bede9.html>

^{vi} See for example the legislation of the United States of America.

<http://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-7226.html>

^{vii} UNHCR, Summary of Deliberations on Climate Change and Displacement,

<http://www.unhcr.org/4da2b5e19.html>

^{viii} <http://pnc.iucnp.org/wp/wp-content/uploads/2011/06/Chairpersons-Summary-Nansen-Conference-on-Climate-Change-and-Displacement.pdf>

^{ix} Such as capital-intensive, high-technology, large-scale projects which convert farmlands, fishing grounds and forests into dam-created reservoirs, irrigation schemes, mining projects, plantations and the like. See Anthony Oliver-Smith, *Development-Forced Displacement and Resettlement: A Global Human Rights Crisis*, in Anthony Oliver-Smith (ed.), *Development and Dispossession, The Crisis of Forced Displacement and Resettlement*, 2009.

^x Elizabeth Ferris, *Protection and Planned Relocation in the Context of Climate Change*, Unpublished study, Legal and Protection Policy Research Series, UNHCR, 2012

^{xi} *Ibid*.