

Input on the Global Compact for Safe, Orderly and Regular Migration
Second Informal Thematic Session on
“Addressing drivers of migration, including the adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication and resolution”

UN Headquarters, May 22-23, 2017

Introduction

Refugees International (RI) welcomes the development of a UN global compact for safe, orderly and regular migration (GCM), and the opportunity it presents for States to act on commitments made in the UN New York Declaration for Refugees and Migrants to address the drivers of unsafe, disorderly and irregular migration.¹

RI respectfully submits these comments on the GCM Second Informal Thematic Session on “addressing drivers of migration, including the adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication and resolution” (2nd Thematic Session) held in UN Headquarters in New York on May 22-23, 2017. **These comments are specifically addressed to Panel 3 of the 2nd Thematic Session on the adverse effects of climate change and natural disasters as drivers of migration.**

As recognized in the UN New York Declaration, the drivers of displacement and migration in the 21st century are complex and increasingly include environmental factors, natural disasters, food insecurity, and the adverse effects of climate change.² Since launching its Climate Displacement Program in 2010, RI has been advocating for law, policy, and operational solutions both to minimize displacement and forced migration from extreme weather and other adverse climate change effects, and to better protect vulnerable populations uprooted by climate-related crises. The development of a global compact on migration presents an opportunity for States to act on commitments made in the New York Declaration including to “combat[] environmental degradation and ensur[e] effective responses to natural disasters and the adverse impacts of climate change.”³

The Issues Brief for the 2nd Thematic Session examines the drivers of migration with a view towards identifying “ways and means to better manage international migration by facilitating safe, orderly and regular migration and ways of reducing the drivers that encourage, often out of

¹ GA Res. 71/1, 19 September 2016.

² *Ibid.*, at para.1.

³ *Ibid.*, at para. 43. It further includes a commitment by nations to assist migrants in countries that are experiencing natural disasters. *Ibid.*, at para. 50.

necessity, unsafe, disorderly and irregular migration.” The issues brief emphasizes that the primary focus is not to stop migration but to “reduce the adverse factors that motivate people to move out of necessity in unsafe, often desperate and dangerous, conditions.” Among the drivers of migration identified in the paper are people who move “in response to a crisis – both natural and man-made – and, increasingly, in response to environmental change.”

Natural Disasters, Climate Change, and other Environmental Drivers of Unsafe, Disorderly, and Irregular Migration

There is mounting evidence that more extreme weather and other climate change adverse effects are increasingly acting – both alone and in combination with other factors – to drive displacement and migration both within countries and across international borders. Global figures recently released by the Internal Displacement Monitoring Centre (IDMC) indicate that in 2016 alone, more than 24 million people were newly displaced by disasters brought on by rapid onset hazards, 97% of which were weather-related (e.g., floods, cyclones, hurricanes).⁴ The number of people newly displaced by these disasters far exceeds those displaced each year by conflict and other human-made crises.⁵ According to IDMC, most disaster-related displacement occurs in low and lower-middle income countries with small island states suffering disproportionately.⁶

Moreover, given limitations on available data regarding displacement and migration, the actual scale of displacement and forced migration resulting from environmental drivers is far higher. IDMC’s figures do not include displacement or forced migration from slow-onset, climate-related effects like drought and growing food insecurity. While at present no global estimates for the number of people displaced or forced to migrate due in whole or in part to slow-onset, climate-related events exist, these crises clearly play a significant and increasing role in driving large-scale displacement. These slow-onset disasters often combine with pre-existing vulnerabilities and conflict to drive mass movements, as is the case in Somalia at present where the worst drought in 50 years, exacerbated by ongoing conflict, has displaced nearly 700,000 people since November 2016 both internally and abroad.⁷

Rising temperatures, coastal erosion, sea level rise, and other adverse effects linked to anthropogenic climate change are also already forcing people to migrate out of necessity, not

⁴ IDMC, Global Report on Internal Displacement, May 2017, at p. 32, available at <http://www.internal-displacement.org/global-report/grid2017/pdfs/2017-GRID.pdf>

⁵ In 2016, three times as many people were displaced by disasters than by conflict and violence. *Ibid.*, at p. 31.

⁶ *Ibid.*, at p. 10.

⁷ Save the Children, “Nearly 700,000 have fled drought and hunger in Somalia,” May 7, 2017, available at <http://www.savethechildren.org.uk/2017-05/nearly-700000-people-have-fled-drought-and-hunger-somalia-0>

choice. In the Arctic, for example, which is warming at twice the rate of the rest of the planet, dozens of Native Alaskan communities are already being forced to retreat inland.⁸⁹

At present, the national and international law, policy, and operational frameworks for protecting refugees, migrants, and internally displaced persons (IDPs) are insufficient to address disasters and climate change as drivers of displacement and forced migration. The 1951 *UN Convention Relating to the Status of Refugees* does not extend to people forced to flee their countries due to disasters or climate change,¹⁰ and people forced to migrate abroad due to disasters or because their livelihoods at home have been undermined by environmental factors are not distinguished from economic migrants. Moreover, current laws and policies related to displacement and migration offer few opportunities to climate-affected individuals who choose to use migration as a form of climate change adaptation to do so in a legal and supported manner that fully respects their dignity and human rights.

Opportunities Presented by the GCM to Minimize Drivers

1. The GCM Must Reaffirm States' Commitments under the *UN Framework Convention on Climate Change* (UNFCCC) and the Paris Climate Change Agreement

A global compact on migration must acknowledge the responsibilities of all countries to take action to minimize drivers of unsafe, disorderly, and irregular migration. **The GCM must reaffirm States' commitments under the UNFCCC and the Paris Climate Change Agreement to effectively address anthropogenic climate change.** In particular, the GCM should acknowledge the long-term goal agreed to by State Parties to the UNFCCC of keeping the increase in global average temperature to **well below 2°C** above pre-industrial levels, and seeking to **limit temperature increase to 1.5°C in order to significantly reduce climate risks and impacts, and avoid loss and damage including forced displacement.** The extent of future displacement and forced migration due to climate change will depend on the ability of the States to effectively meet the 1.5°C target.

The GCM must also reaffirm **States' commitment under the UNFCCC to provide continued and enhanced international financial support to help developing and Least Developed Countries (LDCs) adapt to climate change.** Specifically, the GCM should acknowledge

⁸ Erica Goode, "Wrenching Choice for Alaskan Towns in the Path of Climate Change," *The New York Times*, November 29, 2016, available at <https://www.nytimes.com/interactive/2016/11/29/science/alaska-global-warming.html>

⁹ Robin Bronen, 'Climate-Induced Community Relocations: Using Integrated Social-Ecological Assessments to Foster Adaptation and Resilience' (2015) 20 *Ecology & Society* 36, available at <http://dx.doi.org/10.5751/ES-07801-200336>

¹⁰ UN Convention Relating to the Status of Refugees (28 July 1951) 189 UNTS 137.

developed countries' commitment to collectively mobilize USD 100 billion per year by 2020¹¹ and extend this until 2025.

In addition, the GCM should acknowledge the importance of linking national adaptation plans to strategies to build resilience to natural hazards and other climate change-related adverse effects with an eye **to empowering communities to adapt in place and minimizing displacement and forced migration.**

Finally, the development of the GCM should acknowledge the ongoing work of the Climate Displacement Task Force set up under the UNFCCC Executive Committee of the Warsaw International Committee on Loss and Damage which is charged with developing recommendations for “integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change.”¹² **Recommendations coming out of the Climate Displacement Task Force will be presented at the UNFCCC Conference of the Parties in November 2018 and should inform the development of the GCM.**

2. The GCM Must Reiterate States' Commitment to Effectively Implement the *Sendai Framework for Disaster Risk Reduction*

The GCM must **include a commitment by States to implement the *Sendai Framework for Disaster Risk Reduction 2015-2030 (Sendai Framework)***.¹³ Along with the 2030 Sustainable Development Goals and the Paris Agreement, the Sendai Framework represents a key contribution to, and is critical to the achievement of, the post-2015 development agenda.

One of seven global targets under the Sendai Framework is reducing “the number of affected people globally” by 2030.¹⁴ Affected persons include those who are “evacuated, displaced, relocated or have suffered direct damage to their livelihoods, economic, physical, social, cultural and environmental assets.”¹⁵ However, at present, it appears that few, if any, national disaster risk management laws include measures that specifically target preventing or mitigating displacement or forced migration due to natural hazards or climate change. “Early warning” systems, where effective, do reduce risk of harm and provide an opportunity for people to minimize disaster-related losses by safeguarding assets in advance of the hazard. However, early warnings and evacuations do not necessarily prevent or mitigate protracted displacement in the

¹¹ FCCC/CP/2010/7/Add.1, para. 98.

¹² Decision 1/CP.21, para. 49.

¹³ UN Office for Disaster Risk Reduction, *Sendai Framework for Disaster Risk Reduction 2015-2030* (2015), available at http://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf

¹⁴ *Ibid.*, para. 18(b).

¹⁵ UN Resolution A/71/L.54, 17 January 2017. Adopting the Report of the open-ended intergovernmental expert working group on indicators and terminology relating to disaster risk reduction; Report of the open-ended intergovernmental expert working group on indicators and terminology related to disaster risk reduction, Section, Section V, p. 11, available at <file:///C:/Users/alice/Desktop/Report%20Sendai%20Indicators.pdf>

wake of disasters. Thus, in order to meet the Sendai Framework goals and to address disasters as drivers of displacement and forced migration, **governments will need to revise their disaster risk management laws and policies to ensure that they include strategies for reducing the number of people displaced by disasters.**

In addition, States, along with humanitarian and development actors, should **commit to providing humanitarian response and recovery assistance to climate-vulnerable countries in the wake of disasters.** At present, lack of sustained support for not just humanitarian response but also for recovery is leaving people more vulnerable to the next shock and increasing the likelihood of protracted displacement.¹⁶

3. The GCM Should Encourage States to Adopt Laws and Policies for Planned Relocation of At-Risk Communities Within National Borders to Minimize Displacement Risk

Across the globe, millions of people live in densely populated, low-lying coastal areas, river deltas and basins, and other areas where they are exposed to high levels of hazard risk. As the adverse effects of climate change become more pronounced, governments are increasingly looking to relocate hazard-exposed, at-risk communities out of harm's way. However, because few countries have adopted laws, policies, and institutional arrangements for planned relocation, it is usually not until after the disaster strikes and people are displaced that governments undertake planned relocation. However, planned relocation – especially in the wake of disasters – carries significant protection risks.¹⁷

In order to address this, **States, which bear the primary responsibility to protect the health and safety of those residing within their territories, will need to incorporate proactive measures to assist at-risk households to relocate to safer areas.** At present, laws, policies, and procedures are needed at the national level to ensure that planned relocation is (a) voluntary and undertaken as a last resort, (b) allows for meaningful input of affected communities and other stakeholders, and (c) sufficiently supports displaced people to incorporate into their new environment.

Toward that end, the GCM should **encourage States to adopt laws, policies, and procedure regarding planned relocation within States in the context of disasters and climate change,** such as those endorsed in the *Peninsula Principles on Climate Displacement within States*

¹⁶ See e.g., Refugees International, “Two Steps Back: Haiti Still Reeling from Hurricane Matthew” (April 2017), available at <https://www.refugeesinternational.org/reports/2017/4/6/haiti>

¹⁷ For example, in the wake of Typhoon Haiyan, which devastated wide swaths of coastal areas in the Philippines in late 2013 and displaced more than four million people, President Aquino implemented “no build zones” for residential dwellings in all areas within 40 meters of high tide levels along the coastline. However, the implementation of the project ran into numerous challenges, lacked appropriate safeguards to protect the human rights of those being displaced, and ultimately resulted in a fraction of people being successfully relocated. Refugees International, “Philippines: Post-Typhoon Resettlement Plan Carries Risks” (2015), available at http://reliefweb.int/sites/reliefweb.int/files/resources/150226_philippines_post-typhoon_v5.pdf

(Peninsula Principles).¹⁸ States should be encouraged to look to the Peninsula Principles and other international guidance on planned relocation¹⁹ that offer institutional planning guidance regarding many aspects of internal displacement such as participation and consent of affected individuals, land identification, and post-displacement return.²⁰

4. The GCM Must Include Commitments by States to Better Protect and Assist Those Internally Displaced by Disasters and Climate Change-Related Events

At present, there are no global estimates of how many people who are internally displaced by disasters end up crossing an international border.²¹ However, available data provides dozens of instances of cross-border, disaster-induced displacement.²² At present, an insufficient number of States have laws and policies on internal displacement and even where they have, they are frequently poorly implemented or have not sufficiently take into account disaster- and climate-related displacement.

The GCM should **encourage States to implement more effective laws and policies to address internal displacement from natural disasters and climate change**. States should be encouraged to look to models and good practices such as the 2009 *Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa* (Kampala Convention).²³ The Kampala Convention obligates States not only to protect and assist “persons who have been internally displaced due to natural or human made disasters, including climate change,” but also to protect citizens from internal displacement: “States Parties shall devise early warning systems, in the context of continental early warning system, in areas of potential displacement, establish and implement disaster risk reduction strategies, emergency and disaster preparedness and management measures and, where necessary, provide immediate protection and assistance to internally displaced persons.”²⁴

In addition, the GCM must **acknowledge the need for national governments, donor governments, humanitarian and development agencies, and the private sector to increase both humanitarian and development support for IDPs**. Current humanitarian budgets are not designed to respond to the many and complex needs of the millions of IDPs caught up in protracted, cyclical, and repeated displacement.

¹⁸ Displacement Solutions, *Peninsula Principles on Climate Displacement within States* (2013), available at <http://displacementsolutions.org/wp-content/uploads/2014/12/Peninsula-Principles.pdf>

¹⁹ The Brookings Institution, Georgetown University Institute for the Study of International Migration, and UNHCR, *Guidance on Protecting People From Disasters and Environmental Change Through Planned Relocation* (2015), available at https://www.brookings.edu/wp-content/uploads/2016/06/GUIDANCE_PLANNED-RELOCATION_14-OCT-2015.pdf

²⁰ *Supra*, n. 18, Principles 9-11, 17.

²¹ *Supra*, n. 4, at p. 49.

²² Nansen Initiative Protection Agenda, December 2015, at p. 14 and Annex.

²³ AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (23 October 2009) 49 ILM 86 (2010) (Kampala Convention).

²⁴ *Ibid.*, Art 4, para 2.

Finally, while it is presumed that most people displaced by sudden-onset natural hazards return relatively quickly after the danger subsides, more recent evidence indicates that substantial numbers of people are displaced for substantially longer periods of time.²⁵ Evidence also shows that in the wake of disasters, it is often poor and socially marginalized people who are at greatest risk of protracted or recurrent displacement, and that the longer displacement lasts, the greater the risk to human rights abuses.²⁶ **States therefore must ensure that when implementing IDP laws and policies, they prioritize assistance, protection, and durable solutions for vulnerable IDP communities and households who are at greatest risk of protracted or recurrent displacement in the wake of disasters.**

Opportunities Presented by the GCM to Promote Voluntary, Safe, Orderly, and Regular Migration in Response to Natural Disasters and Climate Change

Acknowledging that LDCs not only often rely on migration as a way to support development at home, but also are among the most vulnerable to climate change, the GCM must **allow for safe, legal pathways for migration in response to disasters and climate change to ensure that they are by choice, and not necessity.**

As mentioned above, States must include in the climate change adaptation and development plans actions to allow vulnerable populations to adapt in place. However, in order to effectively address the protection and assistance needs of cross-border disaster-displaced persons at a policy level, additional measures are needed to address environmental factors as drivers of unsafe, disorderly, and irregular migration. Towards this end, the GCM should acknowledge and build upon best practices identified in the *Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change* (Nansen Protection Agenda) endorsed by over 100 governments in October 2015.²⁷ Among the recommended areas of action highlighted in the Nansen Protection Agenda are **enhancing the use of humanitarian protection measures for cross-border disaster-displaced persons** (e.g., temporary protection status) and **facilitating migration with dignity as a potentially positive way to cope with the effects of natural hazards and climate change.**²⁸

The Nansen Initiative has since been replaced by the Platform on Disaster Displacement (PDD) which, with the support of Germany, Bangladesh, and a handful of other countries will seek to

²⁵ IDMC, *Global Estimates 2015, People Displaced by Disasters* (July 2015), p. 47, available at <http://reliefweb.int/sites/reliefweb.int/files/resources/20150713-global-estimates-2015-en.pdf>.

²⁶ *Ibid.*

²⁷ The Nansen Initiative on Disaster-Induced Cross-Border Displacement (Nansen Initiative), <http://www.nanseninitiative.org>.

²⁸ Nansen Initiative Protection Agenda, at p. 44.

move forward with concrete actions to implement the Nansen Protection Agenda.²⁹ Other **States should be encouraged to implement the Nansen Initiative Protection Agenda, to build upon the knowledge and best practices developed under the Nansen Initiative and PDD, and to support the implementation of the PDD Workplan.**³⁰

Empowering Affected Communities to Identify Solutions

States must commit in the GCM not only to prioritizing those most vulnerable to disasters and climate change but also empowering them to be part of the solution. **States must commit in the GCM to supporting and empowering local governments, local civil society organizations, and affected communities themselves to address the drivers of displacement and forced migration.** States must implement measures to empower local governments, civil society organizations, and communities *themselves* to address climate risk. This must include giving affected communities the information and resources they need to effectively confront the threat that climate change presents to their enjoyment of human rights and security.

Conclusion

In order to effectively address natural disasters and climate change as drivers of unsafe, disorderly, and irregular migration, the GCM should:

- Reaffirm States' commitments under the UNFCCC and the Paris Climate Change Agreement to limit temperature increase, to support developing and least developed countries to adapt, and to avoid loss and damage including displacement and forced migration.
- Reaffirm States' commitments to implement the Sendai Framework including by revising disaster risk management laws and policies to ensure that they:
 - Include strategies for reducing the number of people displaced by disasters; and
 - Prioritize assistance, protection, and durable solutions for vulnerable communities and households who are at greatest risk of protracted or recurrent displacement in the wake of disasters.
- Encourage States to adopt laws, policies, and procedure regarding planned relocation within States in the context of disasters and climate change, and implement measures to empower local governments, civil society organizations, and communities *themselves* to address climate risk.

²⁹ Platform on Disaster Displacement: Follow-Up to the Nansen Initiative, <http://www.disasterdisplacement.org>.

³⁰ PDD Workplan (2016-2019), available at <http://disasterdisplacement.org/wp-content/uploads/2015/02/15012017-PDD-Workplan.pdf>

- Encourage States to implement more effective laws and policies to address internal displacement from natural disasters and climate change.

In order to promote voluntary, safe, orderly, and regular migration in response to natural disasters and climate change, the GCM should:

- Commit States to enhancing the use of humanitarian protection measures for cross-border disaster-displaced persons.
- Commit States to implementing measures, programs, and financial support to facilitate migration with dignity as a potentially positive way to cope with the effects of natural hazards and climate change.
- Encourage States to support implementation of the Nansen Protection Agenda and the PDD.

The GCM should include commitments to support and empower local governments, local civil society organizations, and affected communities themselves to address the drivers of displacement and forced migration.