

MIGRATION RESEARCH LEADERS SYNDICATE
IN SUPPORT OF THE GLOBAL COMPACT ON MIGRATION

Environmental Migrants and Global Governance: Facts, Policies and Practices



International Organization for Migration (IOM)

The UN Migration Agency

The opinions expressed in the report are those of the authors and do not necessarily reflect the views of the International Organization for Migration (IOM). The designations employed and the presentation of material throughout the report do not imply the expression of any opinion whatsoever on the part of IOM concerning the legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

This publication has been issued without formal editing by IOM. Any errors or oversights in this publication are the sole responsibility of the authors.

Suggested citation: Kälin, W. and S. Weerasinghe (2017) 'Environmental Migrants and Global Governance: Facts, Policies and Practices', in McAuliffe, M. and M. Klein Solomon (Conveners) (2017) *Ideas to Inform International Cooperation on Safe, Orderly and Regular Migration*, IOM: Geneva.

Publisher: International Organization for Migration
17 route des Morillons
P.O. Box 17
1211 Geneva 19
Switzerland
Tel: + 41 22 717 91 11
Fax: + 41 22 798 61 50
E-mail: hq@iom.int
Internet: www.iom.int

© 2017 International Organization for Migration (IOM)

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise without the prior written permission of the publisher.



Environmental Migrants and Global Governance: Facts, Policies and Practices

Walter Kälin* and Sanjula Weerasinghe

Executive summary

Human mobility linked to environmental factors such as sudden- or slow-onset disasters is a reality. Although the global governance of environmental mobility is fragmented, many of the principles and elements to improve it are, at least implicitly, enshrined in hard and soft-law agreements, policies, agendas and action plans adopted by the international community. The Global Compact on Safe, Orderly and Regular Migration (GCM) provides an indispensable opportunity to bring these principles and elements together into a State-led, global-level, normative framework. This can provide States and the international community with a clearer understanding of obligations, policy options and actions necessary at different levels of governance.

To protect persons moving in the context of disasters and environmental changes, including adverse impacts of climate change, and improve responses to environmental mobility, the GCM must be underpinned by a recognition that such mobility takes different forms ranging from (predominantly) voluntary migration to (predominantly) forced displacement. Regardless of the form, environmental mobility is multi-causal, and the significance of the environment as a driver of human movement is context dependent. Most environmental mobility will be within countries although there is also evidence of cross-border movements. Continuing changes in the climate is expected to increase displacement.

This knowledge presents States and other actors with a series of policy options. Efforts to prevent, minimize and address displacement can encompass: (1) action to reduce vulnerability and strengthen resilience of at risk populations; (2) action to facilitate movement away from harm; and (3) action to protect displaced persons within their country or across borders.

I. Introduction

An increasing number of people are displaced or migrating in the context of disasters, climate change and other environmental factors. IOM calls such people “environmental migrants”, a term covering both forced displacement *and* (predominantly) voluntary migration of people.¹

The relationship between environmental changes, including adverse effects of climate change and human mobility, is complex. The environment-mobility conundrum includes: (i) a limited understanding of the environment-mobility nexus (section 2); (ii) the multi-causality of human mobility in the context of disasters and environmental change and the difficulties of attributing such mobility to environmental causes (section 3.1); and (iii) the available and appropriate policy options (section 3.2). These aspects inform the conclusions and recommendations for the GCM (sections 4 and 5).²

* The opinions expressed in this article are the author’s own and do not necessarily reflect the views of the Platform on Disaster Displacement (PDD).

1 According to IOM, environmental migrants are “persons or groups of persons who, for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad.” To the extent that movement is involuntary and across borders, the Nansen Initiative uses the term “cross-border disaster-displaced persons”. In contrast, the UN and other actors discourage the use of the term “climate refugee”.

2 See Annex 1 for annotations to some of the key reference documents noted in this paper.

2. Background

Human mobility linked to environmental factors such as sudden-onset natural hazards or slow-onset environmental degradation caused by global warming is a reality.

It often takes the form of *displacement*. During 2008 – 2016, on average more than 25 million people were displaced each year in the context of extreme weather events and other sudden-onset disasters.³ The large majority remain within their own country as internally displaced persons (IDPs). Some cross international borders to find protection and assistance – usually in neighboring countries or within their region. Dynamics vary from region to region with, for instance, sea-level rise being a key driver of human mobility in the Pacific and drought in the Horn of Africa. While some instances are well documented,⁴ the overall number of cross-border disaster-displaced persons is unknown. The same is true for persons displaced within their countries or across borders in the context of slow-onset environmental degradation such as drought. The lack of agreed criteria to distinguish displacement from (predominantly) voluntary migration makes the identification of such persons difficult.

Predominantly *voluntary migration* is often used to cope with the dangers of sudden-onset natural hazards or slow-onset environmental degradation. As stressed by the Intergovernmental Panel on Climate Change (IPCC), “[e]xpanding opportunities for mobility can reduce vulnerability” for populations at risk.⁵ Thus, “[c]hanges in migration patterns can be responses to both extreme weather events and long-term climate variability and change, and migration can also be an effective adaptation strategy... ”⁶ Migration is anticipatory when people feel that, in the long-term, their homes will become uninhabitable or their livelihoods destroyed due to environmental changes, and reactive when used to deal with the impacts of sudden- or slow-onset disasters. Circular or temporary migration can build the long-term resilience of people and communities and promote livelihood diversification when living conditions, in places such as low-lying coastal areas, become difficult.⁷ Permanent migration may be the only option for those who anticipate their homes becoming permanently uninhabitable as a consequence of environmental changes. However, if irregular and not properly supported, circular, temporary and permanent migration may expose people to exploitation, discrimination and other violations of human rights and further exacerbate vulnerability by placing individuals and families in a more precarious situation than if they had stayed in their place of origin.⁸

Permanent *relocation* of populations – whether initiated or supported by governments – is increasingly considered as a solution of last resort in contexts where areas are expected to become unsafe or uninhabitable due to natural hazards and environmental changes.⁹ The circumstances associated with a given relocation, including its timing, procedural safeguards and available choices will determine whether such mobility is characterized as displacement.¹⁰

Environmental change is also anticipated to erode different forms of economic and human capital and make movement less possible. This can create “trapped populations” lacking the resources and means to move away from locations vulnerable to disasters and environmental change.¹¹

3 Internal Displacement Monitoring Centre (IDMC), *Global Report on Internal Displacement 2017*, 2017, p. 31.

4 See e.g., The Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, 2015, Vol. II, Annex I.

5 IPCC, ‘Summary for Policymakers’, in *Climate Change 2014: Impacts, Adaptation and Vulnerability, Contribution of Working Group II to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*, Cambridge University Press, 2014, p. 20.

6 *Ibid.*

7 For example, remittances and knowledge acquired abroad can increase resilience.

8 K. Warner et al., *Where the Rain Falls: Climate Change, Food and Livelihood Security and Migration: Global Policy Report*, UNU-EHS, 2012, p. 17.

9 United Nations High Commissioner for Refugees (UNHCR), Brookings Institution and Georgetown University, *Planned Relocation, Disasters and Climate Change: Consolidating Good Practices and Preparing for the Future*, Sanremo Consultation Report, 2014.

10 See e.g., B. Burson et al., *The Duty to Move People Out of Harm’s Way in the Context of Climate Change and Disasters*, 2017 (forthcoming).

11 See e.g., Foresight, *Migration and Global Environmental Change: Final Project Report*, The Government Office for Science, 2011.

While the IPCC expects displacement to increase due to the rise of extreme weather events and other climate change effects, it highlights that “populations that lack the resources for planned migration experience higher exposure to extreme weather events, particularly in developing countries with low income”.¹² Thus people living in poverty are likely to face a higher risk of being displaced than those with means to migrate internally or abroad before disasters strike.

3. Analysis

3.1 Multiple causes

Sudden-onset natural hazards and slow-onset environmental change alone do not create compelling reason for people to feel obliged to leave their habitual homes or to choose to do so. Rather, as is generally accepted today, human mobility in such contexts is caused by multiple factors.¹³

People are displaced or – provided they have the necessary resources – migrate when they are: (i) exposed or expect to be exposed to (ii) a sudden-onset natural hazard or slow-onset environmental change and (iii) lack the resilience to withstand impacts. People exposed to natural hazards may lack resilience for a multitude of socio-economic and political reasons, including poverty, social and economic marginalization, poor urban planning, expansion of settlements into risk-prone areas, population growth, weak governance regarding disaster risk reduction and management, and in some situations, violence or armed conflict.¹⁴ As compared to the impacts of the natural hazard itself, demographic, social, economic, institutional and political factors contribute as much as, and sometimes even more, to whether affected people will be able to stay or have to move.¹⁵

Such understanding explains why it is difficult to attribute “compelling reasons”¹⁶ to flee or migrate to natural hazards and environmental changes alone. Whether such events and changes sufficiently undermine the lives or living conditions of affected persons to make them move from their habitual homes depends on many factors that are “human” rather than “natural”. This is why the Nansen Initiative put the notion of disaster, understood as a situation where the impact of a sudden-onset natural hazard or slow-onset environmental change “exceed[s] the ability of the affected community or society to cope using its own resources”,¹⁷ as the key trigger for displacement. This notion of disaster provides a useful basis for distinguishing displacement and migration in the context of sudden-onset natural hazards and slow-onset environmental degradation (hereinafter: disaster-related displacement and migration) from other forms of human mobility, including labour migration.

3.2 Conceptualizing responses to environmental mobility: A toolbox approach

Taking the multi-causality of disaster-related displacement and migration seriously presents a plethora of policy options to address the challenges of human mobility in the context of sudden-onset natural hazards and slow-onset environmental degradation.¹⁸

12 IPCC, *supra* note 5, p. 20.

13 See in particular Foresight, *supra* note 11.

14 See e.g., Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, 2015, Vol. I. The Agenda was endorsed by more than 100 States in October 2015.

15 IDMC, *Disaster-related Displacement Risk: Measuring the Risk and Addressing its Drivers*, 2015, p. 27.

16 See the IOM definition of environmental migrant, *supra* note 1.

17 “Terminology,” UN Office for Disaster Risk Reduction (UNISDR).

18 Nansen Initiative, *supra* note 14.

Beyond mitigation measures in line with the climate change regime, available tools to prevent and minimize displacement include:

- (i) *Reducing vulnerability and strengthening resilience* through:
 - a. Disaster risk reduction (DRR) in accordance with the Sendai Framework on Disaster Risk Reduction 2015–2030 (Sendai Framework), which calls, *inter alia*, for the promotion of ‘transboundary cooperation ... to build resilience and reduce disaster risk, including ... displacement risk’;¹⁹
 - b. Climate change adaptation in accordance with the Cancun Adaptation Framework;²⁰
 - c. Full implementation of the sustainable development goals as set out in the 2030 Agenda for Sustainable Development (2030 Agenda), which refers to “more frequent and intense natural disasters” and related “forced displacement of people” as factors undermining development.²¹

A key intervention involves systematically integrating human mobility aspects, including as they relate to migrants, into regional, bi-lateral, national, and local DRR and climate change adaptation policies and strategies. Such action could be underpinned by efforts to map areas or communities at risk of disaster displacement and incorporate internal and cross-border migration and displacement scenarios into disaster preparedness processes (e.g. early warning, contingency planning, stockpiling, coordination arrangements, evacuation planning and public information). Ensuring that funding is allocated for displacement and migration related measures within local, national, bi-lateral, and regional disaster risk management plans, will be critical. In areas that are expected to experience slow-onset environmental degradation owing to factors such as desertification or sea-level rise, it may be important to adopt long-term, strategic, multi-disciplinary measures in national and local development plans to help people to stay as long as possible.

- (ii) *Allowing people to move out of harm’s way* by:
 - a. Facilitating, both legally and practically, safe, orderly, and regular migration as a coping mechanism and adaptation measure;
 - b. Implementing planned relocation in accordance with international standards as an option of last resort.²²

Policies that facilitate internal, intra- and inter-regional circular, temporary, or permanent mobility allow at-risk populations to make timely and strategic choices regarding their well-being. Expanding options for international migration as a form of adaptation can be undertaken through the creation and expansion of safe, legal pathways that leverage regional agreements on free movement, labor mobility schemes, and domestic immigration laws (related to work, family reunification, study, or other privileged access). These efforts, which can be implemented through bi-lateral, regional, multilateral, or transhumance agreements, can draw upon Regional Consultative Processes on Migration (RCPs), historical and contemporary mobility patterns, political or colonial ties, and other networks. Providing residency permit quotas or seasonal worker programs in accordance with international labor standards may be a particularly effective way to prioritize people from countries or areas facing natural hazards, high levels of disaster risks, or climate change impacts. Developing national guidelines and frameworks on planned relocation can ensure that when it needs to be used as a preventive or responsive measure to reduce the risk of disasters and displacement, the necessary structures and guidance are in place.

19 Adopted at the Third UN World Conference on Disaster Risk Reduction, 2015, para. 28(d).

20 Decision 1/CP.16, The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, UN Doc. FCCC/CP/2010/7/Add.1 (2011), paras. 11-35.

21 Transforming Our World: the 2030 Agenda for Sustainable Development, UN Doc. A/RES/70/1 (2015).

22 For more on planned relocation, see e.g., Brookings, Georgetown University and UNHCR, *Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation*, 2015.

Such measures, if fully implemented, would to a large extent reduce, but not entirely stop instances where people have to flee their homes in disaster situations and need protection and assistance as internally or cross-border displaced persons.

(iii) Available *tools to address displacement* include:

- a. Implementing existing normative frameworks to protect IDPs;
- b. Exercising discretion to admit, or refrain from returning, persons displaced across borders.

Those displaced within their own country are covered at the global-level by the framework detailed in the UN Guiding Principles on Internal Displacement and at the regional level by the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the so-called Kampala Convention).²³ These frameworks need to be fully incorporated into domestic laws and policies to encompass internal displacement in the context of disasters linked to natural hazards and environmental degradation. Strengthened implementation and the provision of swift and adequate humanitarian assistance and protection to IDPs in disaster contexts can assuage pressure to undertake subsequent movements.

When disaster-affected persons are displaced across international borders, they normally do not qualify as refugees *per se*, although forms of persecution and violence relevant under international or regional refugee law may also occur in disaster contexts.²⁴ The *non-refoulement* obligation under international human rights law may in some cases also impose constraints on returns of persons to disaster-affected countries.

Many States have used their discretion in migration matters to admit cross-border disaster-displaced persons at least on a temporary basis, and to refrain from removing foreigners who were present on their territory at the time of the disaster, even if their stay had become irregular.²⁵ Such admissions and non-returns were motivated by humanitarian considerations such as a real risk to life or safety from an ongoing or imminent disaster in the country of origin; where affected persons had experienced physical harm, loss of family, or loss of livelihood as a direct result of a disaster; or where they risked very serious hardship in the country of origin because of an inability to access humanitarian protection and assistance. Such measures were sometimes also taken as an expression of solidarity with governments whose capacity in the country of origin was temporarily overwhelmed. In legal terms, affected persons have been admitted and allowed to stay on the basis of:

- a. Regional or bilateral agreements on free movement of persons;
- b. Regular national migration laws (e.g. through the generous and expedited provision of work permits or family reunification);
- c. Exceptional migration categories (e.g. humanitarian visas or temporary protection measures); and
- d. *Ad hoc* decisions.

This evidence of State practice provides opportunities to enhance dialogue and action by regional organizations, as well as RCPs, to agree on and harmonize responses and solutions to cross-border disaster displacement. Efforts should relate to the provision of temporary protection or humanitarian visas: (1) to admit persons who are directly and seriously affected by disasters; or (2) to allow those already in another country at the time of the disaster to stay if their return is not permitted by international law, not reasonable in light of humanitarian considerations, not possible (for instance because airports are destroyed or otherwise closed), or if their country of origin is temporarily unable to protect and assist them due to a disaster. Dialogue and action could also relate to enhancing implementation of agreed responses through the adoption or harmonization of

²³ United Nations Guiding Principles on Internal Displacement, UN Doc. E/CN.4/1998/53/Add.2 (1998); African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009).

²⁴ For a discussion of the (non-)applicability of refugee law see in particular AF (Kiribati) [2013] NZIPT 800413 (25 June 2013, B. Burson).

²⁵ For more on this, including the following discussion, see Nansen Initiative, *supra* note 14, paras. 33, 47 and 65.

relevant domestic laws and policies or regional or bilateral agreements on admission and non-return of such persons that are in accordance with international human rights law. Where, in the long run, a whole country becomes uninhabitable or even disappears as in the case of low-lying atoll States, admission and non-return would have to become permanent.

All these approaches to environmental mobility, including facilitating migration and protecting cross-border displaced persons have to be in line with human rights standards. In particular, the duty to protect the right to life applies to situations where a natural hazard is imminent and clearly identifiable,²⁶ imposing on States the obligation to take measures ensuring that affected persons are not exposed to life-threatening situations. More generally, “protecting and promoting human rights of migrants and persons displaced across international borders, in the context of the adverse impacts of climate change”, as recently recognized by the Human Rights Council, is essential.²⁷

4. Conclusions

As is apparent from the frameworks and tools highlighted briefly in this paper (and further annotated in Annex I), the global governance of environmental mobility is fragmented.²⁸ The primary responsibility for the protection of affected persons is on the States under whose jurisdiction they find themselves. Despite their human rights obligations with regard to displaced or migrating people, States possess a large degree of discretion when responding to such situations. Bilateral or regional agreements, standard-setting by regional organizations and discussions within the framework of RCPs still play only limited roles, but have a huge potential to harmonize and improve responses.

In this context, it is important that the New York Declaration for Refugees and Migrants recognizes that some people migrate or are displaced “in response to the adverse effects of climate change, natural disasters (some of which may be linked to climate change), or other environmental factors.”²⁹ More specifically, member States agreed that the GCM should address the drivers of migration, facilitate “safe, orderly, regular and responsible migration and mobility of people,” including by creating and expanding “safe, regular pathways for migration”, as well as provide effective protection for the human rights and “specific needs of migrants in vulnerable situations.”³⁰ People displaced or migrating in the context of disasters and environmental change certainly belong to this category of migrants.

The above analysis suggests that many elements necessary for the global governance of environmental mobility are, at least implicitly, already in place in hard and soft-law agreements, policies, agendas and action plans agreed by the international community. The GCM provides a unique opportunity to strengthen the global governance framework for environmental mobility by bringing together and synthesizing principles in the climate change regime, including the Paris Agreement, the Sendai Framework, the 2030 Agenda and other instruments that are particularly relevant for addressing drivers of migration. It is also an opportunity to build on domestic laws and practices and frameworks such as the Nansen Initiative Protection Agenda and the Migrants in Countries in Crisis (MICIC) Initiative Guidelines developed through ‘mini-multilateralism’ to achieve the goal of safe, orderly and regular migration for all, including those crossing borders in the context of climate change and disasters.³¹

26 European Court of Human Rights, *Budayeva and Others v. Russia*, Application Nos. 15339/02, 21166/02, 20058/02, 11673/02, and 15343/02, Reports of Judgments and Decisions 2008-II, para. 137.

27 Human Rights and Climate Change, UN Doc. A/HRC/RES/35/20 (2017), para. 7.

28 One definition of global governance suggests that it can be defined in either substantive or procedural terms. “On a procedural level, it can be understood as the process by which states engage in collective action to address common problems arising around a particular issue. This process involves agenda-setting, negotiations, monitoring, implementation, and enforcement. On a substantive level, global governance is identifiable by the norms, rules, principles, and decision-making procedures that regulate the behaviour of states (and other transnational actors) in a particular issue area.” A. Betts, ‘The Governance of International Migration: Gaps and Way Forward’, in Bertelsmann Stiftung and Migration Policy Institute (eds.), *Improving the Governance of International Migration*, Verlag Bertelsmann Stiftung, 2011, p.69.

29 New York Declaration for Refugees and Migrants, UN. Doc. A/RES/71/1 (2016), para. 1.

30 *Ibid.*, Annex II, para. 8.

31 Such an approach was promoted by several delegations at the second informal thematic session on addressing drivers of migration, 22-23 May 2017, New York. See the Co-facilitators' summary, pp. 3 and 7.

5. Recommendations

Elements that should be considered for inclusion in the GCM include the following principles:

- The commitment to take, in accordance with relevant international frameworks and instruments, effective DRR and climate change adaptation measures that integrate human mobility aspects to prevent and mitigate environment-related displacement of persons living in areas at risk;
- Recognition that temporary, circular, or permanent migration can be an important means for persons to adapt to climate change and cope with disasters and, in order to expand the number and range of regular pathways for affected persons, the commitment of States to review, existing domestic laws, bilateral and multilateral agreements, and regional migration arrangements, and consider new laws and agreements, to facilitate migration as an adaptation measure, in accordance with international human rights and international labour law;
- The commitment to exercise States' discretion in matters of migration to admit on humanitarian grounds – and not return – persons displaced across borders if they are personally and seriously at risk of, or already affected by a disaster, or if their country of origin is temporarily unable to protect and assist them due to a disaster, and to find durable solutions for such persons;
- Recognition of and support for the crucial role played by regional organizations and processes such as the RCPs to agree on and harmonize responses to environment-related displacement and migration and to enhance their application; and
- The commitment to enhance international cooperation to assist affected States to prevent, avoid, and respond to disaster- and climate change-related risks, including the risk of displacement.

Annex I: Key reference documents

The documents listed below relate to the global-level and many suggest further reading.

1. Background materials

Reference Document(s)	Relevance
<p>Foresight: Migration and Global Environmental Change (2011), Final Project Report: Executive Summary (and full report) (www.gov.uk/government/publications/migration-and-global-environmental-change-future-challenges-and-opportunities)</p>	<p>Produced by the UK Government Office for Science to inform policymakers on necessary decisions and choices in contemporary settings, this report, which examined cutting-edge science and evidence from a range of disciplines and involved more than 350 experts, explores how movement may be affected by environmental changes into 2060. Key findings include recognition that environmental change influences the multi-causal drivers of migration and discussion of ways in which environmental change can hinder mobility and increase vulnerability.</p>
<p>Climate Change 2014: Impacts, Adaptation and Vulnerability: Summary for Policymakers (www.ipcc.ch/report/ar5/wg2/)</p>	<p>A part of the fifth (and latest) assessment report by the Intergovernmental Panel on Climate Change (IPCC), this report summarizes 30 chapters that examine vulnerability and exposure, observed impacts, future risks and adaptation. Mobility is examined and discussed, particularly in the context of human security (Chapter 12). It notes that climate change over the 21st century is projected to increase displacement and expanding opportunities for mobility can reduce the vulnerability of such populations.</p>
<p>Global Report on Internal Displacement (GRID) 2017 (and earlier reports) (www.internal-displacement.org/global-report/) and database (www.internal-displacement.org/database/)</p>	<p>The Internal Displacement Monitoring Center (IDMC) is the reference for global statistics on people displaced within countries in the context of disasters. Its annual GRID reports (e.g. 2017; 2016), provide a global overview of data, while identifying challenges (e.g. disentangling the immediate cause when conflict coexists with disaster) and key gaps (e.g. cumulative totals; movements in the context of slow-onset disasters)).</p>

2. Normative frameworks and tools

Reference Document(s)	Relevance
<p>1992 United Nations Framework Convention on Climate Change (UNFCCC), its Conference of the Parties (COP) Decisions (e.g. 2010 (http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf#page=4), 2012 (http://unfccc.int/resource/docs/2012/cop18/eng/08a01.pdf), and 2015 (http://unfccc.int/resource/docs/2015/cop21/eng/10a01.pdf)) and the 2015 Paris Agreement (http://unfccc.int/paris_agreement/items/9485.php)</p>	<p>The UNFCCC does not explicitly address climate related mobility, but COP decisions have increasingly done so. Notably, in the Cancun Adaptation Framework (2010), within the context of adaptation, the COP first called on Parties to undertake “[m]easures to enhance understanding, coordination, and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels.” (para 14(f)). In 2012, within the context of loss and damage, the COP acknowledged the need for greater understanding and expertise on “how impacts of climate change are affecting patterns of migration, displacement and human mobility” (Decision 3/CP.18, para 7(vi)). In its preamble, the Paris Agreement explicitly references migrants: “Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, ... the rights of ... migrants, and people in vulnerable situations”. The associated COP decision also required the establishment of a task force “to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change” (para 49).</p>
<p>1998 United Nations Guiding Principles on Internal Displacement (GPID) (www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html) and Annotations (2008, 2nd Edition) (www.brookings.edu/research/the-guiding-principles-on-internal-displacement-annotations-2nd-edition/).</p>	<p>The GPID, which reflects and is consistent with international human rights and humanitarian law, is the global normative framework on the rights of, and obligations towards, IDPs, including those displaced in the context of disasters and environmental change. IDPs are described as including persons “forced or obliged to flee or leave their homes or habitual residences’ in the context of ‘natural or human-made disasters”. The GPID covers all phases of displacement – from pre-flight to return. Although non-binding, the GPID were unanimously recognized as “an important legal framework” for IDP protection at the 2005 World Summit and the UN General Assembly has welcomed and encouraged their use. The Annotations sets out the legal antecedents to the GPID.</p>
<p>Sendai Framework for Disaster Risk Reduction 2015-2030 (SFDRR) (www.unisdr.org/files/43291_sendaiframeworkfordrren.pdf)</p>	<p>The highly authoritative (albeit voluntary and non-binding) SFDRR, adopted by 187 country delegations to the Third UN World Conference on Disaster Risk Reduction (DRR) in 2015 and subsequently endorsed by the UN General Assembly, seeks to substantially reduce disaster risk and losses through the prevention of new, and the reduction of existing, disaster risk. In this context, in its preamble, the SFDRR acknowledges that displacement is one of the devastating effects of disasters and that migrants are a relevant stakeholder. The multiple references to different forms of mobility throughout the SFDD reflect the fact that both displaced persons and migrants are encompassed with the SFDRR’s global targets, including the one on reducing “the number of affected people globally” (para 18(b)) and they, along with their property need to be protected in the context of managing the risk of disasters (para 19(c)). Among the variety of activities for States and other actors, the SFDRR encourages “the adoption of policies and programmes addressing disaster-induced human mobility to strengthen the resilience of affected people and that of host communities” (para 30(l)).</p>

UN Human Rights Council (HRC) Resolution on Human Rights and Climate Change (2017) (UN Doc. A/HRC/RES/35/20, 7 July 2017, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/184/52/PDF/G1718452.pdf?OpenElement>) and earlier resolutions (www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRCAction.aspx)

The HRC has adopted a series of resolutions recognizing the interactions between, and implications of, climate change on human rights. Its 2017 resolution, the most detailed and comprehensive to date, “recognizes that climate change-related human mobility and human rights are cross-cutting in nature” (para. 9) and makes multiple references to better understanding and addressing the protection of migrants and persons displaced across international borders in the context of adverse impacts of climate change.

Nansen Initiative Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, Volumes I and II (2015) (www.nanseninitiative.org/global-consultations/) and follow up work being undertaken by the **Platform on Disaster Displacement** (<http://disasterdisplacement.org/>) and the publications, perspectives and other resources on each website.

The 3-year Nansen Initiative, the State-led process begun in 2012, culminated in the endorsement of its non-binding Protection Agenda by 109 government delegations. The Agenda consolidates the outcomes of extensive consultation, evidence gathering and consensus-building. To assist States and other stakeholders to improve preparedness and responses to address cross-border displacement, the Agenda conceptualizes a comprehensive approach, a toolbox that not only focuses on protecting those who cross borders, but also presents measures to manage risks in the country of origin. The Agenda compiles a broad set of effective practices and highlights three priority areas for action at the national, (sub-)regional, and international levels: (1) Collecting data and enhancing knowledge on cross border displacement; (2) Enhancing the use of humanitarian protection measures for those who cross borders in the context of disasters and climate change; and (3) Strengthening the management of disaster displacement risk in the country of origin by: (a) Integrating human mobility within disaster risk reduction and climate change adaptation strategies and other relevant development processes; (b) Facilitating migration with dignity as a potentially positive way to cope with the effects of natural hazards and climate change; (c) Improving the use of planned relocation as a preventative or responsive measure to disaster risk and displacement; and (d) Ensuring the needs of IDPs displaced in disaster situations are specifically addressed in relevant laws and policies on disaster risk management and internal displacement.

International Law Commission (ILC) Draft Articles on the Protection of Persons in the Event of Disasters (with Commentaries) (2015) (http://legal.un.org/ilc/guide/6_3.shtml)

In 2016, the ILC – the UN body of legal experts elected by States to promote the progressive development of international law and its codification – adopted the Draft Articles with Commentaries and recommended to the UN General Assembly the elaboration of a convention based on the document. The Draft Articles, while not explicitly addressing human mobility, detail the scope and content of State’s duties in the context of sudden and slow onset disasters with respect to preventive and remedial actions. Article 9 states that States have an obligation, derived from widespread State practice, to reduce the risk of disasters. The Draft Articles are also underpinned by general principles of international law, including respect for human dignity, human rights, the principles of humanity, neutrality, impartiality, and non-discrimination, and the duty to cooperate.

The Migrants in Countries in Crisis (MICIC) Initiative Guidelines to Protect People in Countries Experiencing Conflict and Natural Disaster (2016) (<https://micicinitiative.iom.int/>) and other tools listed in website, including practices repository.

Developed through a State-led Initiative, these non-binding Guidelines provide a normative framework for protecting non-citizens affected by disasters in the country in which they are present. The principles, guidelines and practices targeted towards States, private sector actors, international organizations and civil society relate to migrant protection from pre-departure to return.

Guidance on Protecting People from Disasters and Environmental Change Through Planned Relocation (2015) and A Toolbox: Planning Relocations to Protect People from Disasters and Environmental Change (2017) (<https://isim.georgetown.edu/Planned-Relocations>) and other resource listed in the Guidance, Toolbox and website.

The Guidance and Toolbox, developed by institutional actors, academics and other multidisciplinary experts, with input from States, seek to fill a knowledge gap on relocation of populations in the context of disasters and environmental change. The Guidance sets out principles to assist States and other actors to develop laws, policies, plans and programs. The Toolbox highlights cross-cutting issues integral to all planned relocations and identifies practical considerations and challenges to assist with planning and implementation.

UNHCR Guidelines on Temporary Protection or Stay Arrangements (2014) (www.refworld.org/docid/52fba2404.html)

This document provides guidance on the development of temporary protection or stay arrangements as a response to humanitarian crises and population movements, particularly where existing responses are inadequate.



Walter Kälin is professor emeritus for international and (Swiss) constitutional law, University of Bern/Switzerland. He is the present Envoy of the Chair of the Platform on Disaster Displacement and the former Envoy of the Nansen Initiative on disaster-induced cross-border displacement (2012 – 2015). Prof. Kälin also served as Representative of the UN Secretary-General on the Human Rights of internally displaced persons (2004 – 2010), as a member of the UN Human Rights Committee (2003 – 2008 / 2012 – 2014) and as Special Rapporteur of the UN Human Rights Commission on the situation of human rights in Iraqi occupied Kuwait (1991/92).



Sanjula Weerasinghe is a Senior Research Officer within IOM's Migration Policy Research Division and a non-resident Fellow with the Institute for the Study of International Migration (ISIM) at Georgetown University. Prior to her work with MPRD, Sanjula worked with the Migrants in Countries in Crisis Initiative Secretariat, based within IOM, where she was the lead secretariat drafter of the MICIC Initiative Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster. Sanjula's past experience includes work with ISIM, UNHCR, the Brookings Institution and the UNSW Kaldor Centre for International Refugee Law. She has also represented refugees and asylum seekers, managed legal aid centers in Thailand and Hong Kong and worked as a legal practitioner.