

‘A Typology for Climate-Induced Population Movements’

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Climate change

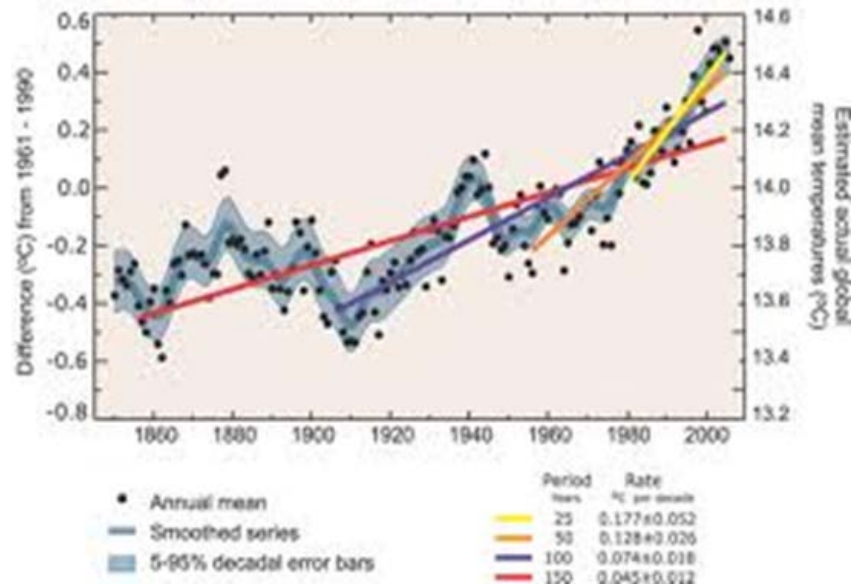
Intergovernmental Panel on Climate Change
(IPCC)

„Climate change (...) refers to a change in the state of the climate that can be identified (...) by changes in the means and/or the variability of its properties, and that persists for an extended period, typically decades or longer. It refers to any change in climate over time, whether due to natural variability or as a result of human activity.“

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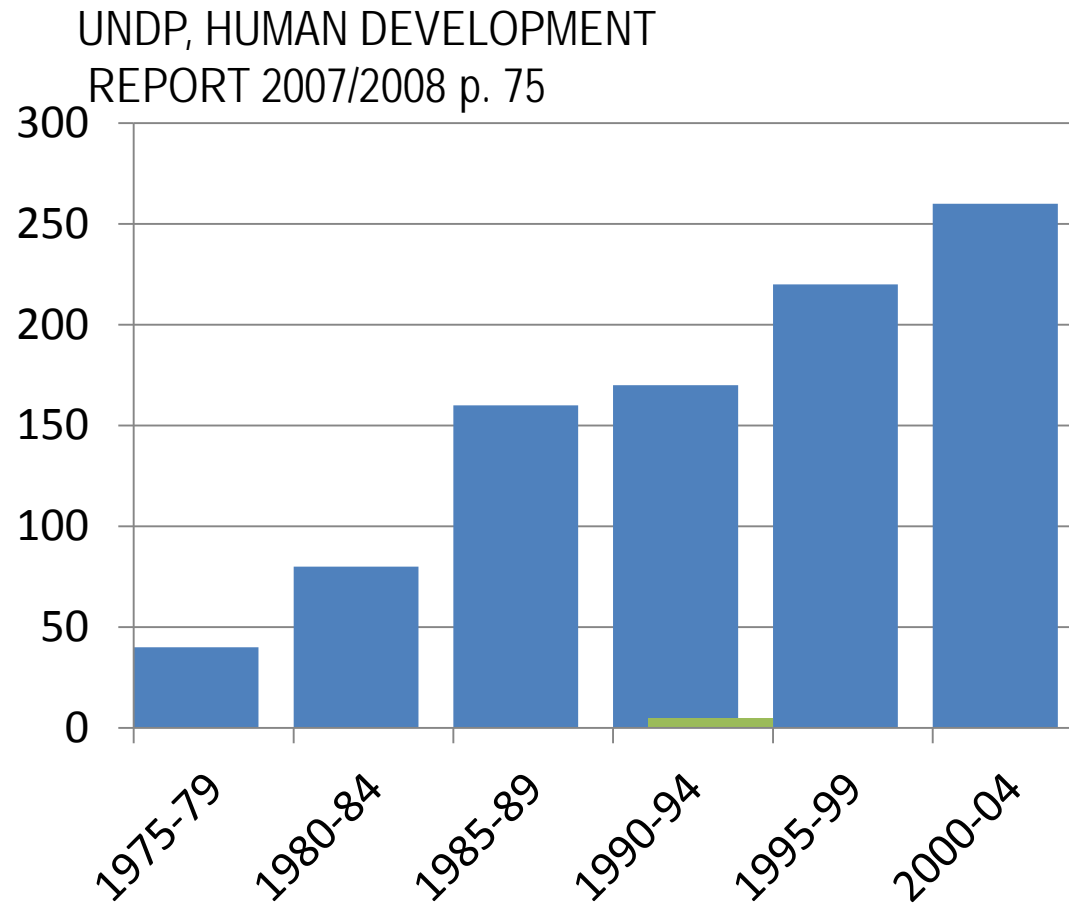
Climate change means:

- Global warming
- More and more intensive windstorms and flooding
- Rising sea levels
- Desertification
- etc



Population movements in the context of climate change

- Growing number of people affected by hydro-meteorological disasters (UNDP 2007/08)
- Large numbers displaced by such disasters: 15 mio in 2009, 38 mio in 2010 (IDMC 2011)



- Causalities are complex but it is likely that climate change induced population movements will increase
- Most of these movements will take place inside affected countries, but some will be cross-border
- Existing models do not allow yet to predict the magnitude and location of such movements
- Consequences for migration law and policies are different depending on specific scenarios

Questions and issues:

- Terminology: “Climate refugees”? “Environmental migrants”?
- Assessment: Negative: flight / positive: adaptation
- Causes: Climate change *per se* does not trigger movement of persons, but some of its effects may, including sudden and slow on-set disasters. BUT: No mono-causal relationship between these effects and movements
- Typology: Such movement may
 - be voluntary or forced;
 - take place inside a country or across borders

International reaction:

- No consensus on key issues; no comprehensive instrument;
- BUT elements of emerging consensus
 - Long-term Cooperative Action under the Convention, para 14: *"(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"* recognized as necessary adaptation measures
 - Regional: Article 5 Kampala Convention „4. States Parties shall take measures to protect and assist persons who have been internally displaced due to natural or human made disasters, including climate change."

Typology: Five Scenarios

1. *Sudden-onset* hydro-meteorological disasters (flooding, hurricanes, landslides, etc)
2. Environmental degradation and/or *slow onset* disasters (desertification, rising sea levels, droughts)
3. Significant *permanent losses in state territory* as a result of sea level rise ("sinking" small island states)
4. Increased need for governments to designate areas as *unfit for human habitation* (high-risk zones; zones designated for mitigation/adaptation measures)
5. *Unrest/violence/armed conflict* over diminished resources (water, grazing grounds, etc)

(1) Sudden-onset disasters

- Forced displacement
- Most remain within their countries = *Internally displaced persons* => 1998 UN Guiding Principles on Internal Displacement
- Some will cross international borders= Neither refugees nor migrants as defined by the 1951 Refugee Convention or the 1990 Migrant Workers Convention => **GAP** (no right to admission, no status) but general human rights law.

(2) Slow-onset disasters / environmental degradation

- *Migration as adaptation*: Initially “voluntary” migration (temporary, circular migration to supplement family income -> gradual permanent out-migration of families):
 - Internal => General human rights law
 - Cross-border: General human rights law; no right to admission
- *Forced displacement*: At a later stage:
 - Permanent displacement inside the country => Guiding Principles on Internal Displacement
 - Permanent cross-border displacement => **GAP** (no right to admission, no status) but general human rights law.

(3) Low-lying small island states

- Starting with voluntary migration (circular or permanent - internal and cross-border) => Human rights law; no right to admission
- Later: Permanent cross-border displacement / planned relocation => **GAP** (no right to admission, no status), but general human rights law.
- Not necessarily causing statelessness, but necessity to clarify legal status of persons concerned / their country of origin

(4) Declaration of areas unfit for human habitation

- Forced relocations / permanent displacement inside the country => Guiding Principles on Internal Displacement / Human rights law / soft law on (development induced) relocations
- Problem: tension between freedom of movement and duty to protect life
- Voluntary cross-border migration => general human rights law

(5) Unrest, violence, armed conflict caused by effects of climate change

- Those remaining within their country are *internally displaced persons* => Guiding Principles on Internal Displacement
- Those who cross borders are *refugees* under the 1951 Convention or regional instruments OR persons receiving subsidiary/temporary protection
- Refugee law also applies where the victims of natural disasters flee because their government has consciously withheld or obstructed assistance in order to punish or marginalize them on one of the five relevant grounds of persecution (Art. 1A(2) CSR51)

Challenge: How to fill the gap?

- How to distinguish between voluntary and forced movement? Returnability Test: Persons are displaced / should be admitted and not returned if it would not be
 - permissible (legal impediments; e.g. prohibition of inhuman treatment)
 - feasible (factual impediments; e.g. closed roads; lack of travel documents/IDs); or
 - reasonable (humanitarian impediments; e.g. lack of protection and assistance)to oblige the person concerned to return to his or her country of origin or permanent residence
- What instrument? Which forum?