

EJF view on the Global Compact on Migration

A new international agreement on migration – the UN Global Compact on Migration – is set to be adopted in autumn 2018. It covers a range of issues, from the drivers of migration to access to social services, and offers a chance to improve the governance of migration. However, as a soft-power tool that does not place any binding obligations on states, it cannot replace the unambiguous, legally binding agreement to protect climate refugees that EJF is calling for.

A first draft of the Global Compact on Migration (GCM) was released in February 2018, and will be negotiated by governments, with full adoption planned for September 2018.

The Environmental Justice Foundation (EJF) welcomes the clear recognition of climate as a driver of migration in the GCM draft, along with acknowledgement of the importance of climate mitigation.

- Investment in climate change adaptation and mitigation are listed as key ways of minimizing the drivers that force people from their country of origin – one of the GCM’s central objectives.
- The draft also highlights the need for better understanding of the movements of those affected by both sudden-onset natural hazards and slow-onset environmental degradation linked to climate change.
- Facilitating migration as an adaptation strategy to slow-onset environmental degradation related to climate change, such as desertification and sea level rise, is listed as a priority.

EJF has long been calling for explicit recognition that people are being forcibly displaced from their homelands by climate change, and the need to

understand that this can be the result of either slow-onset degradation like drought and rising sea levels, or sudden-onset disasters including storms, heatwaves, and floods. Climate mitigation is also absolutely essential.

Rights and recognition for climate refugees

Although the GCM acknowledges that climate change is a driver of migration, there is no recognition of climate refugees. The draft does highlight the need for protection for “*migrants compelled to leave their countries of origin [...] due to sudden-onset natural disasters, [or] slow-onset environmental degradation.*” But there is no mention of climate change.

A clear, legal definition of the status of those fleeing their homelands and forced to seek refuge as a result of climate change is urgently needed. Such action must take place entirely outside of the scope of the 1951 Convention Relating to the Status of Refugees.

The draft GCM commits to developing human rights-based mechanisms for “*the identification and status determination of all migrants.*” This is a step in the right direction, but we must be more explicit. EJF is calling for a precise legal definition for climate refugees and clarification on the obligations that all countries have to people displaced by climate change.



EJF has long been calling for explicit recognition that people are being forcibly displaced from their homelands by climate change.

Climate refugees are defined by EJF as:

Persons or groups of persons who, for reasons of sudden or progressive climate-related change in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes either temporarily or permanently, and who move either within their country or abroad.

The fact that those fleeing their countries as a result of climate change have no clear status as refugees means that they are largely absent from the Global Compact on Refugees, which is being developed in tandem with the GCM.

However, the need for clearer definitions and status determination was also raised here, along with a statement that, where appropriate, the UN Refugee Agency will advise on measures to protect those displaced by climate change.

The tacit acknowledgement from both the Global Compact on Migration and the Global Compact on Refugees that clearer definitions and protections are needed for those displaced by climate change shows that the time to act is now.

EJF calls on governments to recognise climate refugees and support a new legal agreement to guarantee their rights and their fair claim to our shared world. These populations currently have no support under existing legislation.

EJF recommends that:

- All countries implement the Paris Agreement and keep global temperature rise below 1.5°C above pre-industrial levels.
- UN member states develop an international agreement that will clarify the rights and ensure the protection of climate refugees. Such action must take place entirely outside of the scope of the 1951 Convention Relating to the Status of Refugees.
- Clear definitions of climate-induced migration are developed to ensure a rights-based approach and give clarity to the legal status of 'climate refugees'.
- A UN Special Rapporteur on Human Rights and Climate Change be appointed to both examine the issues surrounding climate change and forced displacement and identify the most effective means to build complementarity between initiatives, existing legal agreements and current commitments from the international community.
- The EU initiate the creation of a high-profile inter-agency taskforce to coordinate the work of the multiple bodies in the Commission, such as Environment, Climate Action, Migration and Humanitarian Affairs, as well as the High Representative of the Union for Foreign Affairs and Security Policy, in order to drive a more effective, integrated approach into wider international responses to climate change.
- All stakeholders be included deliberations and negotiations, with special reference to local communities and the most vulnerable and disenfranchised.

References

1. UN (2018) Global Compact for Safe, Orderly and Regular Migration Zero Draft, accessed 09.02.2018 http://refugeesmigrants.un.org/sites/default/files/180205_gcm_zero_draft_final.pdf
2. UN (2018) The Global Compact on Refugees Zero Draft, accessed 09.02.2018 <http://www.unhcr.org/Zero-Draft.pdf>