

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



“Climate Change, Migration and Human Rights”

Address by Ms. Kyung-wha Kang

Deputy High Commissioner for Human Rights

Office of the United Nations High Commissioner for Human Rights

**Conference on Climate Change and Migration: Addressing
Vulnerabilities and Harnessing Opportunities**

19 February 2008

Geneva

Mr. Chairman Ambassador Verros, Mr. Skylakaski, Mr. McKinley, Mr. Jarraud Excellencies, Ladies and Gentlemen,

It is a great pleasure for me to be here today on behalf of the High Commissioner for Human Rights, Louise Arbour. I would like to take this opportunity to thank the Permanent Mission of Greece in Geneva and the International Organization for Migration (IOM) for organizing and inviting me to this important conference, which offers those of us at the Office of the High Commissioner for Human Rights (OHCHR) an opportunity to further explore the human rights implications of climate as part of our work on human rights and the environment.

Mr. McKinley has discussed the human face of climate change. Indeed, we must address the human consequences of climate change and environmental degradation. And we believe the rich body of international human rights norms and jurisprudence that have been accumulated over the past six decades since the adoption of the Universal Declaration of Human Rights provides the most effective framework in addressing the human consequences of climate change.

Ladies and gentlemen,

At the Bali Conference in December last year, I had the opportunity to raise some preliminary issues regarding the linkages between global warming and human rights, stressing the need of integrating human rights principles in the framework of the post Kyoto Protocol era, and pointing out all related policy or programme, whether international, regional or national, should factor in and address the human rights dimension of climate change.

Regrettably—and I must say, perilously so—human rights have remained a peripheral concern in negotiations, discussions and research related to global warming. While the environmental, technical, economic, and more recently, developmental aspects of climate change have been explored, much less has been heard about its human rights dimension. By focussing on migrations led by climate change and specific vulnerabilities stemming from it, this conference represents an important opportunity to close such a glaring knowledge gap. And time is of the essence.

Research points out that global warming and extreme weather conditions may have calamitous consequences for the human rights of millions of people. They can be among the leading causes or contributing factors that trigger hunger, malnutrition, lack of access to water and adequate housing, exposure to disease, loss of livelihoods and permanent displacement. Ultimately, climate change may affect the very right to life of countless individuals.

Each and all of these factors and risks can lead to displacement and migration on an unprecedented scale. In turn, such climate-induced movements can also carry a wide range of implications for the enjoyment of human rights.

Ladies and Gentlemen,

Several human rights mechanisms have already begun to address the linkages between displacement and the protection of the environment. Thus, for example, the former Special Rapporteur on the human rights of migrants identified environmental degradation among the reasons that force people to leave their countries, while the current Representative of the Secretary General on the human rights of internally displaced persons highlighted that natural disasters are among the leading causes of internal displacement. His predecessor had expanded the definition of “internally displaced persons” to include those individuals who in large numbers have been forced to flee their homes suddenly or unexpectedly as a result of natural disasters, as well as those relocated by environmental causes. These contributions are important stepping stones towards a better understanding of the connection between human rights and climate change.

The urgency of such an endeavour is underscored by alarming predictions, many of which have already been mentioned this morning. By 2050, hundreds of millions more people may become permanently displaced due to rising sea levels, floods, droughts, famine and hurricanes.¹ The melting or collapse of ice sheets alone

¹ Stern Review Report on the Economics of Climate Change, Part II: Impacts of Climate Change on Growth and Development, p. 56; Christian Aid, *Human tide: the real migration crisis*, May 2007, p. 6

threatens the homes of 1 in every 20 people.² Increased desertification and the alteration of ecosystems, by endangering communities' livelihoods, are also likely to trigger large population displacements.

Available data also confirm that today almost as many people are forced to leave their homes because of environmental disasters and natural resource scarcity that affect their economic and social rights as those who flee their communities to escape political oppression, religious persecution, ethnic discrimination, and conflict.

Excellencies,

At this point, as Mr. McKinley has already stated, I would like to underline that the effects of climate change on peoples' lives may not be experienced uniformly. Climate-related risks are more likely to affect the poor and the already vulnerable whose ability, options and strategies to adapt to climate change are already curtailed by discrimination and injustice. Women are likely to be more severely affected than men by climate change. The traditional female roles in many societies – such as collecting water– are largely dependent on weather conditions. In many parts of the world, especially the poorest, women are overrepresented in agriculture, a sector that will be hardest hit by climate change. By the same token, other small-scale farmers in Africa and Asia, as well as indigenous people in every continent -- those who do not have access to safe drinking water, sanitation, healthcare or social security -- will suffer the consequences of climate change earlier and disproportionately.

Against this background, it is not farfetched to predict that growing numbers of people in search of a better livelihood may be pushed to migrate to cities. In these urban centers, the newly arrived often end up settling in locations where a lack of security of tenure, and inadequate basic services, as well as a perpetually looming threat of forced evictions, compound and perpetuate the vicious cycle of abuse and deprivation. Waves of new slum dwellers will thus swell the ranks of the urban poor who live in precarious shelters vulnerable to landslides and flooding, and are harshly exposed to the risks of extreme weather conditions and consequent displacement.

² Stern Review Report on the Economics of Climate Change, Part II: Impacts of Climate Change on Growth and Development, p. 56

Dear Colleagues,

A human rights approach to climate change compels us to look at the people whose lives may be most adversely affected and to put in place a wider range of remedies, and to mobilize the international community to assist in this endeavour. Crucially, it insists on States' obligations under international law to prevent and address some of the direst consequences that climate change may wreak on basic human entitlements and fundamental rights. Several of these obligations are relevant to addressing specific vulnerabilities to climate change. These include the obligation to provide better housing, located away from hazardous zones; improved access to sanitation, safe drinking water and healthcare; access to adequate food; effective participation in planning and decision-making; accountability; as well as access to information and justice. Ensuring that these basic rights and entitlements are fulfilled may also help to prevent displacement or migration related to climate change.

Building on this indispensable basis, innovative jurisprudence and practice have ensured that since the early 1990s, millions of refugees and IDPs have been able to repossess their homes and lands once they returned to their place of habitual residence. Generally referred to as the "right to housing and property restitution", this emerging norm asserts that refugees and others displaced involuntarily have a right to return to their original homes.

Let me emphasize that existing international human rights standards apply not only to nationals of a country but also to non-nationals, irrespective of their legal status. In the context of today's discussion, it is especially relevant to recall that the Committee on Economic, Social and Cultural Rights, the treaty body that monitors the implementation of the International Covenant on Economic, Social and Cultural Rights, has clearly specified that States are under an obligation to respect the economic, social and cultural rights of migrants, including irregular migrants. This is

particularly important with respect to their right to have access to health services³, their right to food⁴, their right to adequate housing⁵ and their right to water⁶.

Distinguished Participants,

Climate change carries complex technical questions related to the environment, science, economics and development. But looking at the human impact of global warming also raises important challenges that involve principles of equality, non-discrimination, access to information, access to justice and other core human rights norms. These considerations should be integrated in the vision leading up to and in the post Kyoto era after 2012. They should also prompt us to reflect upon gaps in protection, and notably those related to international refugee law, as well as concerning questions of accountability for extraterritorial harm.

On December 10, this year, we will celebrate the 60th anniversary of the Universal Declaration of Human Rights. Last year on that day, the Secretary-General, with the assistance of OHCHR, launched a year-long advocacy campaign to deliver the message everywhere that all human beings are entitled to live a life in dignity and justice that the Declaration envisaged. In honouring that promise made six decades ago we cannot afford to neglect the linkage between climate change and human rights. Understanding and addressing that connection are vital and inescapable undertakings that concern and affect all of us.

We at OHCHR look forward to our continued collaboration on this important issue.

Thank you.

³ CESCR general comment No. 14 (2000), para 34.

⁴ CESCR general comment No. 12 (1999), para. 18

⁵ CESCR general comment No. 4 (1991), para. 6

⁶ CESCR general comment No. 15 (2002), para 16