

Towards a Convention for Persons Displaced by Climate Change

CCDP project foundation members: David Hodgkinson, Tess Burton, Simon Dawkins and Lucy Young

Climate change will cause large-scale human displacement

The effects of climate change will cause large-scale human displacement. Although precise figures cannot be known, the World Bank has recently reported that

the overall magnitudes for the developing world are sobering: Within this century, hundreds of millions of people are likely to be displaced by SLR [sea level rise]; accompanying economic and ecological damage will be severe for many. The world has not previously faced a crisis on this scale, and planning for adaptation should begin immediately (Dasgupta, 2007).

The existing legal and institutional architecture is inadequate

There is no “home” for climate migrants in the international system, both literally and figuratively (Brown, 2007).

The status of climate change displaced persons (CCDPs) in international law is unclear. They are not afforded protection under the Convention Relating to the Status of Refugees. There has been no coordinated response by governments to address human displacement due to climate change. Ad hoc measures based on existing legal regimes could lead to inconsistency, confusion, conflict and human rights abuses.

Innovative and creative policy solutions are required

Climate change shows up countless weaknesses in our current institutional architecture, including its human rights mechanisms. To effectively address it will require a transformation of global policy capacity – from information-gathering and collective decision-making to law enforcement and resource distribution (Robinson, 2008).

There is increasingly a need to move away from traditional approaches of dealing with migration and the refugee problem created by environmental change (Williams, 2008).

A Convention for Persons Displaced by Climate Change

We propose a Convention for Persons Displaced by Climate Change. The Convention would establish an international regime for the status, treatment, rights and protections of CCDPs.

Convention Framework

The main features of the Convention include:

1 Recognition of the existence and status of CCDPs

An acknowledgement by the parties that the effects of climate change are likely to trigger the temporary or permanent displacement of large numbers of people and that action on the issue is needed, including action prior to displacement.

Provision for temporary or permanent, internal or transborder displacement, resulting from either sudden or slow-onset climatic events.

2 Provision for the resettlement of CCDPs, if required, either internally within affected countries or internationally

The Convention would recognise that international resettlement should involve, where possible, CCDPs being received by parties in the same geographic area of, or with particular connections to, affected countries.

3 Resettlement and CCDP assistance ‘on the basis of equity and in accordance with ... common but differentiated responsibilities and respective capabilities...’

In common with UNFCCC principles, Convention parties would provide for resettlement and CCDP assistance “on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities ...”

The Convention would require that parties accommodate or assist CCDPs on the basis of the parties’ greenhouse gas emissions.

4 Linking displacement to climate change adaptation and mitigation measures

An acknowledgement that proper funding of appropriate climate change adaptation measures would decrease the vulnerability of populations to climate change displacement and may therefore reduce the volume of CCDPs.

Establishment of a fund to which developed country parties contribute in order to assist internal resettlement, enable responses to specific climate change events, and assist adaptation and mitigation by affected parties.

Inclusion of an acknowledgement that parties with populations at risk of climate change displacement continue to take climate change adaptation and mitigation actions.

5 As an initial step, the establishment of an institution for CCDPs and research programme

The Convention would establish an international organisation with responsibility for CCDPs.

As an initial step, parties would agree to participate in a study conducted by the organisation to identify that part of each party’s population (if any) at risk from climate change, the nature of the threat, and the potential for each party to resettle those at risk of displacement.