

NON PAPER

Comments and Proposed Revisions

to the negotiating text prepared by the Chair of the UNFCCC Ad Hoc Working Group on long-term cooperative action

by the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the Norwegian Refugee Council, the United Nations University and with the support of the Representative of the Secretary General on the Human Rights of Internally Displaced Persons

to the 6th session of the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA 6) from 1 until 12 June in Bonn

1. The Office of the United Nations High Commissioner for Refugees, the International Organization for Migration, the Norwegian Refugee Council, the Representative of the Secretary General on the Human Rights of Internally Displaced Persons and the United Nations University – agencies directly concerned with migration and displacement issues – would like to congratulate the Chair of the UNFCCC Ad Hoc Working Group on long-term cooperative action for the prepared negotiating text which already in its current form takes into account of and addresses some of the concerns of the humanitarian community brought to the attention of the UNFCCC Secretariat in a number of earlier joint submissions.¹

2. In particular, we welcome the reference made to national and international migration in the context of adaptation action in paragraph 25, al. (e) of the negotiating text. We support the intention of the State Parties to include an established link between the effects of climate change and human mobility in an agreed outcome, including as part of the adaptation activities. In some cases, in particular at early stages of environmental degradation, migration may be used as one of the adaptation mechanisms. In other instances, leaving their places of habitual residence on their own or being evacuated or relocated may be the only survival options which need to be managed by national authorities in cooperation with the international community to ensure adequate assistance to and protection of the persons concerned. These considerations need to be factored into national adaptation policies.

3. Persons displaced across internationally recognized borders by hydro-meteorological hazards and/or other effects of climate change cannot be described as “climate refugees”, in the absence of any other ground for displacement, these persons do not meet the definition of ‘refugees’ in the 1951 Convention relating to the Status of Refugees. Consequently, the terms “environmental refugee” and “climate refugee” have no legal basis in international refugee law and should be avoided.² Nonetheless,

¹ “Change, Migration and Displacement: Who will be affected?” Working paper submitted by the informal group on Migration/Displacement and Climate Change of the IASC – 31 October 2008 to the UNFCCC Secretariat; “Disaster Risk Reduction Strategies and Risk Management Practices: Critical Elements for Adaptation to Climate Change” Submission to the UNFCCC Adhoc Working Group on Long Term Cooperative Action by The Informal Taskforce on climate change of the Inter-Agency Standing Committee and The International Strategy for Disaster Reduction 11 November 2008; and “Climate change, migration, and displacement: impacts, vulnerability, and adaptation options” Submission to the the Ad Hoc Working Group on Long-Term Cooperative Action by IOM, UNHCR, UNU in cooperation with ith NRC and the RSG on the HR of IDPs on 6 February 2009.

² For a further discussion of terminology issues please refer to “Change, Migration and Displacement: Who will be affected?” Working paper submitted by the informal group on Migration/Displacement and Climate Change of the IASC – 31 October 2008 to the UNFCCC Secretariat.

international cooperation may be needed in order to meet the needs of those displaced, and to ensure respect for their human rights.

4. To avoid undermining accepted international standards by using terminology that has no legal basis, we therefore suggest referring to accepted international protection frameworks. In line with the technical paper submitted to the UNFCCC Secretariat on “Climate Change, Migration and Displacement: Who will be affected?” by the informal group on Migration/Displacement and Climate Change of the IASC on 31 October 2008, we encourage State Parties to refer to existing terminology on displacement and migration and suggest the following rewording of paragraph 25, al. (e):

”The adaptation {framework} {programme} shall support and enhance the implementation of national adaptation plans. Adaptation action includes: [...] (e) Activities related to national and international migration and displacement or planned relocation of persons affected by climate change.”

5. We also suggest, for the sake of completion, the addition of the following sentence, either in the line (25(e)) or in a separate one (25(f), new):

“The same {framework} {programme} shall acknowledge the need to identify modalities of inter-State cooperation to respond to the needs of affected populations who either cross an international frontier as a result of or find themselves abroad and are unable to return due to the effects of climate change.”