

# The climate-migration nexus: *an international law perspective*

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# General observations

- Our climate is changing.
- This has far-reaching impacts on human societies.
- These impacts are often indirect.
- These impacts are not necessarily of a new kind.
- Climate change may help open our eyes on long-unaddressed issues.



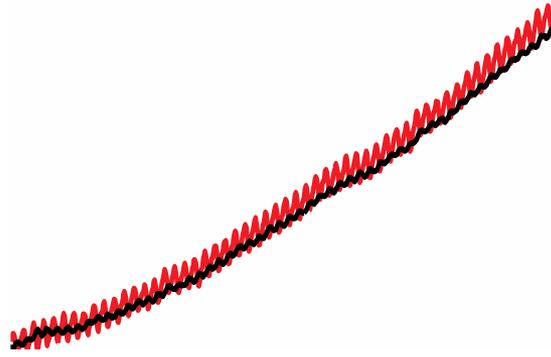
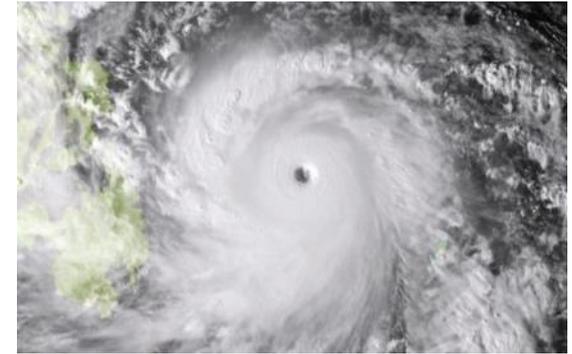
# The climate-migration nexus

- Climate change has diverse, often indirect impacts on human migration.
- It often increases forced migration, in particular within States or across borders.
- Yet, it is generally impossible to attribute individual migrants to climate change (“climate migrants”): migration results from a cluster of causes.

Climate change



Weather event



Social, economic, political, demographic factors



Migration

Vulnerability

Physical impacts



# Mongolia: herders migration to Ulanbaator

- Climate change > drought / snowfalls (“dzud”) > loss of livestock > migration

But also:

- Economic migration
- Development policies
- Social factors
- Cultural representation



# The climate-migration nexus

- Debates on “climate migration” have revealed gaps in international governance – our failure to protect (forced) migrants / disaster-stricken populations.
- For the most, these gaps pre-existed climate change.

# The climate-migration nexus and the law

1. Environment and climate law
2. Refugee, migration and human rights law
3. Specific provisions on the climate-migration nexus

# 1. Environment and climate law

- Obligation of States not to cause serious transboundary environmental harm
- Treaty regime established by the 1992 United Nations Framework Convention on Climate Change
  - Kyoto Protocol
  - Cancún pledges
  - Paris Agreement
- Arguments on responsibility and compensation
  - Adaptation to climate change
  - Loss and damage associated with the adverse impacts of climate change

## 2. Refugee, migration and human rights law

- International protection of human rights
  - 1948 Universal Declaration of Human Rights
  - 1966 Covenants on Economic, Social and Political Rights, and on Civil and Political Rights
  - 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
- 1951 Convention on the Status of Refugees
  - Condition: “persecute[ion] for reasons of race, religion, nationality, membership of a particular social group or political opinion”
- Debates on the extension of protection
  - 1998 Guiding Principles on Internal Displacement
  - Convention on “climate refugees”? “Survival migrants”?

# 3. Specific provisions on the climate-migration nexus

- Mentions in decisions of the Conference of the Parties to the UN Framework Convention on Climate Change
- Allusions in the Sendai Framework for Disaster Risk Reduction
- Consultations:
  - Nansen initiative on disaster-induced cross-border displacement (2012-15)
  - Platform on Disaster Displacement (since 2015)

# State of the normative debate on the climate-migration nexus

- Arguments for the protection of the environment / climate change mitigation
- Arguments for the protection of the human rights of (forced) migrants
- Arguments based on perceived security-threats and the defense of national interests

# Any solutions in sight?

- The climate-migration nexus is not a distinct problem. Rather, it reveals several broader issues which exist for long but are yet to be addressed.
- Climate change mitigation: progress is being made (e.g. Paris Agreement), but insufficient.
- Protection of migrants: much more needs to be done.
- The climate-migration nexus illustrates the difficulties of nation-States to address global issues.

Thank you for  
your attention!



RESEARCH HANDBOOK ON  
**Climate Change,  
Migration and the Law**

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RESEARCH HANDBOOKS IN CLIMATE LAW