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Climate-Related Disasters and Displacement

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Abstract

Whether 200 million people are eventually displaced by climate change, as is most commonly asserted, if it is one billion who lose their homes, lands and most important financial assets as several NGOs have predicted in worst case scenario circumstances, or even if only five million face the spectre of forced migration, it is clear that displacement caused by climate change will have severe and long-lasting repercussions on human rights, security and land use.

Taking a human rights approach to climate change, grounded as the international human rights regime is, in the principle of the inherent dignity of the human person, implies that each and every single person who is forced from their home, against their will, must have a remedy available to them which respects their rights, protects their rights and, if necessary, fulfils their rights as recognised under international human rights law.

As with all dramatic events in any society, human rights play a direct role within the context of climate change in a myriad of ways. These include the full spectrum of civil, cultural, economic, political and social rights. More specifically, rights such as the right to life, the right to water, the right to freedom of expression, the right to health, the right to food, the right to an adequate standard of living, the right to political participation, the right to information, the right to be free from discrimination, the right to equal treatment, the right to security of the person and a host of other rights will have a direct bearing on a wide cross section of climate change decisions made by Governments and how the consequences of these decisions and the impact of climate change will be felt by individual rights-holders.

If we focus on the displacement dimensions of climate change, a variety of rights found within the international human rights legal code, which are particularly relevant to the discussion of climate change-induced displacement. These are surely more extensive than is commonly assumed and include:

- The right to adequate housing and rights in housing
- The right to security of tenure
- The right not to be arbitrarily evicted
- The right to land and rights in land
- The right to property and the peaceful enjoyment of possessions



- The right to privacy and respect for the home
- The right to security of the person
- The right to HLP restitution/compensation following forced displacement
- The right to freedom of movement and to choose one's residence

When combining together all of the entitlements and obligations inherent within this bundle rights or HLP (housing, land and property) rights as they are now commonly referred to, people everywhere are meant to be able to live safely and securely on a piece of land, to reside within an adequate and affordable home with access to all basic services and to feel safe in the knowledge that these attributes of a full life will be fully respected, protected and fulfilled.

Indeed, the normative framework enshrining these rights is considerable, constantly evolving and ever expanding. Combining the sentiments of the Universal Declaration on Human Rights, the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights and a range of other treaties, together with a vast array of equally important instruments and interpretive standards such as the UN Committee on Economic, Social and Cultural Rights General Comment No. 4 on the Right to Adequate Housing, General Comment No. 7 on Forced Evictions and General Comment No. 15 on the Right to Water and the UN's Guiding Principles on the Rights of Internally Displaced Persons, the UN 'Pinheiro' Principles on Housing and Property Restitution for Refugees and Displaced Persons and many others, leads us to a very considerable body of international human rights laws and standards which can be used by Governments to build the legal, policy and institutional frameworks required to ensure that any rights related to climate change - particularly those related to durable solutions to due to displacement. This is, in effect, the good news to share with you today: Everyone, everywhere possesses a body of HLP rights and every Government in every State is obliged to ensure the protection and enforcement of these rights. Of this, there is no doubt.

However - and here begins the bad news - when we look at the performance of States and the international community over the past 60 years of the human rights experiment and when we listen to the voices of the hundreds of millions of rights-holders throughout the world who remain as far as ever from enjoying their legitimate HLP rights, we can quickly surmise that solving the HLP consequences of climate change is going to be far from a simple task. Indeed, the prospects of this are truly daunting, and will require leadership, commitment and creativity the likes of which the world has all too rarely seen in recent decades. And this is where the necessity of adaptation and human rights must converge and together build a stronger and more vibrant response than we have witnessed to date.

We need all recall that our planet, the people of our 191 nations already faces a severe, massive and dramatic global housing crisis. Well over one billion people - one in every six human beings alive today - live out their lives in one of the more than 250,000 slums that dot every corner of our planet. If recent predications hold true, as they almost surely will, we can expect two billion



or more slum dwellers by 2030. This tragic and yet solvable crisis bodes extremely worryingly for the displacement to come as a result of climate change. If Governments - as I have said before - which already have legal obligations to ensure access to adequate and affordable housing for everyone have all too often failed in achieving these objectives, and if ordinary citizens in Egypt, India, Botswana, Dili, Belgrade, Detroit and everywhere else are increasingly less likely to be able to afford safe, secure and decent homes in accordance with their rights, how can we possibly expect that things will suddenly improve for climate change forced migrants, simply because the nature of their displacement and their misery may be of a different, more environmentally-based source?

Beyond the global housing crisis - which policy-makers, States, the UN and the donor community continues to effectively ignore - let us now point our minds towards the mass of humanity which has faced forced displacement in past decades; displacement caused by conflict, by investor greed, by poorly-planned development, by disasters, earthquakes, floods, tsunamis and beyond. Millions upon millions of people have lost their homes and lands due to these events and, sadly, far too few have seen either their rights respected in the process or a slow, gradual improvement in their housing and living conditions once the circumstances leading to their displacement have ended or altered. This we also need to remember, and place at the forefront of human rights-based strategies to address the displacement dimensions of climate change. Whether we are speaking about dam displacement in China, conflict displacement in Bosnia, discriminatory displacement by Israel or tsunami displacement in Sri Lanka, the track record of most countries in treating victims of displacement as rights-holders, in particular HLP rights holders, is very, very poor.

Yes, there are some positive highlights that we can focus on - the growing recognition of the right of refugees and displaced persons, for instance, to return to their original homes and the realization by growing numbers of international agencies that displacement (often labelled as involuntary resettlement) should be a last policy option rather than the first one, and others - but overall the situation and the perspectives taken by too many actors remains alarming and constitutes yet another serious obstacle which must be taken into account in developing rights-based responses to the human dimension of climate change.