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04/14/2022

**The impact of climate change and the protection of the human rights of migrants Report of the Special Rapporteur on the human rights of migrants. Submission: by Kanlungan Centre Foundation Inc.**

**Context:**

The right to freedom of mobility[[1]](#footnote-1)is woven and inseparable from human being’s inherent right to life,[[2]](#footnote-2) and the pursuit of life’s development or in many cases, for the preservation of life itself. Viewed from this larger context, migration becomes a natural part of human activity. Migration in fact, is part of humanity’s continuing story[[3]](#footnote-3) and could even be, genetically encoded.[[4]](#footnote-4)

According to UN’s Office of Human Rights High Commissioner, an estimated 281 million people, approximately 3.6 percent of the world’s populations currently live outside their country of origin, and many cases of these migrations are characterized by varying degrees of compulsion.[[5]](#footnote-5) The key word is compulsion. It underscores the importance of mainstreaming in the current narrative humanity’s collective survival in a world affected by changing climate at a planetary level but divided by politically constructed boundaries.

Migration is continually being labeled and defined by states, scholars and institutions working on migration or related discipline in various ways and category. Some of these labels and categorization include regular migrants, economic migrants, asylum seekers or refugees, and others in similar condition. Others migrate to escape wars, famine, persecution, and natural catastrophes.

But whether one is economic or labor migrant or asylum seeker, that individual’s mobility is a privilege and dependent upon the authorization of the state or private entities that has the power and control to grant.

Mobility, then, becomes a very limited and highly restricted right.

Migrants are oftentimes confronted with security policies oftentimes by State through immigration or other security mantles. This in effect blocks the person’s ability to move became insecure and vulnerable in the process. Migration is a highly charged and contested political issue in most destination states, as control of national borders is seen as essential aspects of a sovereign state. The question now is, what should prevail, the human rights of a person or an individual’s right to mobility, or the sovereign power of the state to “protect its borders” from “ unwanted people” or groups of people?

But even if some of these migrants are eventually allowed to enter countries other than their own, these migrants or refugees suffer insecurity, the constant worry of whether they can stay temporarily or permanently. The right to mobility, to work or find livelihood, start a family and raise children are now subjected to myriad of State conditions and regulations.

From all the different reasons for migrating, extreme weather conditions brought about by changing climate is becoming a major push factor for seeking new areas to live, and the basic need for survival is the main driving force. The UN is projecting that there would be 200 million climate migrants by 2050,[[6]](#footnote-6) and that one person is displaced every second anywhere in the world.[[7]](#footnote-7)

According to the policy paper of the European Commission entitled *Migration in Response to Environmental Change*, the underlying causes and drivers of environmental migration are summarized in “extreme environmental events and human migration” is interlinked. The policy paper presented that vulnerability to extreme events and the ability to move is related to social and economic and political capital. Clearly, the link or links of migration or movement of people to climate change can be established.

Meanwhile, accountability and obligation are being demanded from the rich developed countries and governments for the historical responsibility and their refusal to immediately take steps to reduce the GHG emissions[[8]](#footnote-8). The failure of the COP 26 in Glasgow to deliver immediate action to enable the world not exceed the critical 1.5 C average global temperature increase is a criminal act among the leaders of the rich nations.[[9]](#footnote-9) Failure to provide the 2009 Copenhagen Accord commitment of the immediate funds needed to address climate impacts and help develop countries to move out from coal and fossil fuel reinforces the understanding of the profit driven and business as usual attitude of world leaders towards the crisis.

**Philippines:**

The Philippines, a country at the top of the list of the most vulnerable to impacts of climate change, have yet to declare a national Climate Emergency situation. The recently exited tropical depression Agaton[[10]](#footnote-10) (internationally known as Tropical Storm Megi), the first major storm to impact the country this year, slammed the disaster-prone regions of Visayas, flooding houses, destroying roads and knocking out power, more than 17,000 people were forced to flee their homes. The list of catastrophes that could have been prevented, in recent years alone, is long.

* After the onslaught of Typhoon Ondoy (international name: Ketsana, 2009) and Pepeng (international name: Parma, 2009) which devastated the country within two weeks-period, affected sectors and communities were paralyzed by shock seeing most of their properties and livelihoods previously thought impervious to environmental impacts were submerged and taken away by tides caused by relentless down pour of rain that engulfed many parts of Metro Manila and surrounding areas. All were affected whether they were usually prepared for floods or not, all experienced unimaginable loss from a crisis that we as a developing country did not largely create.
* Last year typhoon Odette (international name: Rai, 2021) affected over 4.8 million, few days before the Christmas holidays. More than 42,000 people remain displaced across the typhoon affected areas. Over 2.1 million houses were damaged of which 425,000 were completely destroyed and 1.7 million partially damaged.[[11]](#footnote-11) More than 70,000 hectares of agricultural lands damaged from torrential rains.
* The Philippine government must also be held accountable to the many deaths and loss of lives, displacement of communities and people, the destruction of livelihood and environment as a result of the crisis. Its failure to prepare the people to deal with the impacts is unconscionable for a country frequently visited by an yearly average of 20 - 21 typhoons where 30 percent of these are super typhoon categories. The climate emergency declaration of the House of Representatives exactly a year ago, albeit late, should have been the chance to consolidate the efforts towards a strategic vision and action.
* The Duterte Government and some local government units are also liable for the criminal neglect, from allowing affected people to needlessly die and suffer from every storm that hit the country. Like their predecessors, they have yet to seriously implement immediate and long term preparation for the ongoing climate crisis. Their constitutional mandate to protect and prepare the people for disasters and calamities is very clear. Time and again though, the level of government preparation for a category 5 super typhoon is a dismal signal number 1.
* The Duterte Administration should be held liable for its failure to immediately release the much needed calamity fund and undertake immediate response and relief to severely ravaged areas. The communities still suffering from the impacts of super typhoon Odette are demanding the Duterte Government’s immediate action, and to immediately release the funds to alleviate the situation of the affected people in the Visayas and Mindanao.
* Declare a nationwide climate emergency and reorient all the plans and policies of preparing the economy, the environment and the people on the long term and immediate impacts of the climate crisis and the multiple crises the people have been facing, including migrant workers.
* With only a few years left to stop global temperatures from rising beyond 1.5 C and causing major climate catastrophe across the globe, the Philippine government is way behind schedule with the declaration and action of climate emergency, and that their blatant disregard of climate justice is indeed criminal.
* The Philippines as a country in the global south most vulnerable to climate change and from the impacts of developed countries’ continued use of fossil fuels, the Philippine Movement for Climate Justice (PMCJ) is demanding that the Duterte government start phasing out coal and fossil fuel and transition to renewable energy. It must call on the rich countries and demand climate justice and reparations for the Philippines.
* The concept of climate justice as being popularized by environmental activist like PMCJ is not limited to reparation of climate debt committed by the North to the South, but should also include the right to travel and migrate. This is justice well within the context of right to mobility and development; a right which is essentially being restricted by strict immigration policies and border control.
* Around the world, 967 jurisdictions in 18 countries have already declared a climate emergency. These countries acted on declarations for climate emergency to empower local governments in curbing the effects of climate change and impacts of the climate crisis.
* In the Philippines, as the climate crisis continues to devastate communities and peoples, it is imperative to campaign for climate emergency, and this work and responsibility should not only fall on the shoulders of different climate movements or organizations but on local government units as well.
* Recognizing the local government’s important role and efforts in reducing carbon emissions and implementing climate adaptation programs, fast tracking local declarations for climate emergency is also key in putting more resources in place and enable executive councils to urgently address the climate crisis.

**Calls and Demand**

Kanlungan Centre Foundation has been suggesting the following actions for all migrants and asylum-seekers all over the world specially those impacted by climate change and other disasters:

1. For governments and authorities to immediately expand and intensify the search and rescue operations of the women, men and children, whose lives remain at risk at sea in overcrowded boats;
2. For governments and authorities to provide organized transportation to countries fulfilling their duty to guarantee their right to asylum and migrate;
3. For governments and authorities to provide rights-based approach in delivering protection in all countries, including immediate medical attention with state funding;
4. Release of those who were inhumanely confined in detention. Provide humane treatment and safe open accommodation for all;
5. For the governments to comply with the obligation to protect children as per the UN Convention on the Rights of the Child, (1989), and to not send them back to face persecution and death - Respect the norm of non-refoulement;
6. For governments and authorities to facilitate access to justice with free legal services;
7. For authorities to monitor and protect these people from any further human rights violations, and guarantee their rights under the 1951 International Convention on the Status of Refugees - grant asylum, not just humanitarian rescue and assistance;
8. For all stakeholders to challenge consistently any dehumanizing, anti-migrant language and behaviors, including myths and negative stereotypes;
9. For governments and authorities to revoke laws that prevent family reunification;
10. For all the stakeholders to unite in calling for climate justice in the Philippines, demand from authorities and other responsible, accountability for the ongoing crisis of climate change affecting humanity;
11. For governments and authorities to stop public or and private sectors engage in extractive businesses or environment-affecting economic activities as root cause of the climate crisis, and claim reparations for the “Danos Y Perjuicios” made by developed countries and pay up for their climate debt (payment for the historical impacts, adaptation measures for recent and projected climate change impacts and payment for the large quantity of emissions that instigated the climate crisis);
12. For governments and authorities to demand developed countries reparations to impacted countries and communities through payment of Climate Debt so that we can finance our adaptation and mitigation needs.

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1. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [↑](#footnote-ref-1)
2. Ibid [↑](#footnote-ref-2)
3. William H. McNeill, *Human Migration in Historical Perspective*, Population Council, 1984 [↑](#footnote-ref-3)
4. <https://www.smithsonianmag.com/history/the-great-human-migration-13561/> [↑](#footnote-ref-4)
5. <https://www.ohchr.org/en/migration/about-migration-and-human-rights> [↑](#footnote-ref-5)
6. <https://reliefweb.int/report/world/climate-migrants-might-reach-one-billion-2050> [↑](#footnote-ref-6)
7. <https://reliefweb.int/report/world/climate-victims-every-second-one-person-displaced-disaster> [↑](#footnote-ref-7)
8. <https://www.carnegiecouncil.org/publications/journal/17_1/review_essays/899> [↑](#footnote-ref-8)
9. <https://climatenetwork.org/2021/11/13/cop26-rich-nations-betray-vulnerable-people-of-the-world/> [↑](#footnote-ref-9)
10. <https://ndrrmc.gov.ph/21-disaster-events/2783-effects-of-tropical-depression-agaton> [↑](#footnote-ref-10)
11. <https://reports.unocha.org/en/country/philippines/> [↑](#footnote-ref-11)