Earthjustice,

Yves Lador

oral intervention

Advisory Committee,

Pt 3, Reflections and research proposals

Displacement, due to the change climatiqus

Geneva, Palais des Nations, August 11, 2016

Thank you Mr. President

Earthjustice congratulates the Advisory Committee for choosing the theme of reflection and especially Mr. Tamrat Imeru Yigezu for its preparatory activities and for its openness to discuss with the various stakeholders.

It is true that climate change has become a real concern for organizations promoting and protecting human rights, both governmental and inter-non-governmental. The Council for Human Rights and addressed the issue soon after its creation and requested a study to OHCHR, which was presented to him in 2009. Since then, the Council holds regular panels on specific aspects of the problem and almost annually adopted a resolution on the subject.

The Special Rapporteur on human rights and the environment has devoted several reports to the impacts on human rights climate change and measures to combat them. Numerous other rapporteurs have approached this problem as part of their mandate. The Paris Conference has also received the call aped by the largest comun number of special procedures, requesting it to take this issue seriously, conventional committees begin to do so, as the Committee on the Rights of the child, who devotes a discussion at the end of September.

The bodies of the United Nations Framework Convention against climate change have also gradually interested in the human rights dimension of their own work. The most obvious result is the series of preambular provisions of the Paris Agreement, making it the instrument of the most explicit environmental law on human rights.

In all these developments, the Committee can play an important role, particularly on the issue of displacement, because it is an area that suffers greatly from the fragmentation of approaches.

It is true that cross-border displacementsl are the ones that attract the most attention. But they are also those who raise the most resistance to any developments in international law that can better respond to this challenge. Hence the importance of the Nansen Initiative, supported by countries such as Costa Rica or Switzerland.

By focusing your research on internal displacement you can bring a more global vision that can do many other organs, limited by their mandate.

First, what is called “science of attribution” today helps identify better what is related to climate change in many phenomena. Thus more and more internal circumstances show to be related to climate impacts.

But above all, it is urgent to show the great inadequacy of traditional legal systems to capture these emerging new realities and develop appropriate policies that can protect the fundamental rights of persons under national jurisdictions.

It is urgent to highlight the specific needs of situations of "slow onset events" that change the living conditions, making them progressively unlivable, but without major disruption, which would trigger a state of emergency. Thus, the use of common, everyday rules do not allow to cope with these changes.

Also noteworthy is the difficulty to limit these internal phenomena to inter-state borders. In the Pacific, some states have already purchased land in other states, either to prepare future resource or to move to it if needed. What then is the status of these territories? What are the internal and external obligations of the States concerned? What are the rights of the persons concerned?

This pushes us to reming the Committee avbout the study by Prof Ms. Françoise Hampson, then a member of the Sub-Commission, on "The legal implications of disappearance of States and territories for environmental --other Reasons, Including the implications for the human rights of their residents "particularly relevant on this subject.

In conclusion, we encourage the Committee to continue its work on this subject, recommending that any proposal that might be made of directives or guidelines should be preceded by a study to clearly define the reality and the components involved . Ourselves, and all the NGOs concerned with this question will of course be happy to make our contribution to this work.