

## **Questionnaire on the on Human Rights and Climate Change Response of Ireland**

**Question 1: Please describe the relationship between the adverse effects of climate change and the rights of migrants, and any human rights obligations to mitigate and adapt to climate change that can be derived from them.**

UNHCR estimate that over 21m people have been forced to flee their homes each year since 2008 as a result of extreme weather-related disasters such as floods, storms and wildfires. Thousands of others move because of slow-onset hazards such as droughts or coastal erosion linked to sea level rise, although it is harder to quantify these. The vast majority of the climate displaced populations are women and children, often concentrated in least developed and developing countries. These countries are predicted to suffer disproportionately from the impacts of climate change including increased food and water insecurity, loss of traditional livelihoods, and slow-onset events. It is widely believed that climate change related stress may exacerbate pre-existing tensions and discontent within communities and States, in some cases contributing to conflict, displacement and complicating required responses.

While people displaced within their own countries are covered by national laws, international human rights law, the UN Guiding Principles on Internal Displacement and some regional instruments, a serious legal gap exists with regard to cross-border movements in the context of disasters and the effects of climate change. Such people are in most cases not refugees under international refugee law, and human rights law does not address critical issues such as their admission, stay and basic rights. Criteria to distinguish between forced and voluntary movements in the context of disasters have not yet been elaborated. Currently protection frameworks don't allow people to move across borders as a response to risk. Human rights law prevents people from being sent back to where there is an arbitrary risk to their life. In a climate change context it is difficult to definitively prove that conditions in a country, e.g. increased occurrence of extreme events, can constitute exposure to inhuman or degrading treatment or an arbitrary risk to life. So far, recognition for disaster induced displacement is a discretionary measure by states rather than a right of the individuals concerned.

The Paris Agreement recognises the rights of migrants in the preamble; *“Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights.....the rights of...migrants... and people in vulnerable situations...”*. The Paris decision also requests the Executive Committee of the Warsaw International Mechanism on Loss and Damage to establish a task force to “develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change”. In 2015, Ireland, alongside 109 government delegations also signed up to the ‘Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change’, to improve understanding and mobilise practical action to assist displaced persons affected by Climate Change, however key legal gaps remain in supporting refugees and migrants displaced due to climate change across international borders.

Ireland's Policy for International Development ‘One World One Future’, aims to re-orientate our efforts towards developing countries that are experiencing greater degrees of fragility and instability, because of conflict, disaster or the harmful effects of climate change. These are the areas where the needs are greatest, and where human life and human rights are most at risk, and where our support can have the most impact.

**Question 2: Please describe any relevant commitments, legislation and other measures that you have taken to adapt to and mitigate climate change, and/or protect migrants affected by climate change. Please also note and identify any relevant mechanisms for ensuring accountability for these commitments including about their means of implementation for these commitments.**

Ireland's National Policy Position on Climate Action and Low Carbon Development sets out an objective to move to a low carbon economy by 2050, based on an aggregate reduction in CO<sub>2</sub> emissions of at least 80% compared with 1990 levels across the electricity generation, built environment and transport sectors. This will be echoed by an approach to carbon neutrality in the agriculture and land use sector which does not compromise capacity for sustainable food production.

The National Policy Position was given a legislative underpinning by the Climate Action and Low Carbon Development Act 2015, which set out a structure for the achievement of the transition objective. A series of National Mitigation Plans and National Adaptation Frameworks will successively lead to the achievement of the national transition objective in 2050.

Ireland's first statutory National Mitigation Plan was published in July 2017 and adopts a whole-of-Government approach to tackling greenhouse gas emissions. The Plan recognises the threat of climate change on human life and health and sets out over 70 mitigation measures and 106 related actions. It recognises the reality of Ireland's progress towards its decarbonisation transition. It is a living document that will be updated as ongoing analysis, dialogue and technological innovation generate more and more cost-effective sectoral mitigation options. The Plan is a first step towards decarbonising Ireland's economy and, as a work-in-progress, will be built upon with further policy development and expansion of the suite of measures already in place.

Ireland's first statutory National Adaptation Framework was published in January 2018 and sets out the national strategy to reduce the vulnerability of the country to the negative effects of climate change and to avail of positive impacts. It outlines a whole of Government and society approach to climate adaptation, requiring key Government Departments to prepare sectoral adaptation plans and improving the enabling environment for adaptation through ongoing engagement with civil society and the research community. Like the National Mitigation Plan, the National Adaptation Framework is underpinned and informed by international commitments including Article 7 of the United Nations Framework Convention on Climate Change (UNFCCC) which recognises that action should follow a country-driven, gender responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems. Both documents were also informed by the 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs).

Irish adaptation policy is also informed by the Sendai Framework for Disaster Risk Reduction 2015-2030. One of the guiding principles of this Framework is managing the risk of disasters is aimed at protecting persons and their property, health, livelihoods and productive assets, as well as cultural and environmental assets, while promoting and protecting all human rights, including the right to development.

The National Adaptation Framework commits Ireland to continue to support partners in the developing world and to collaborate where possible in developing new partnerships so as to contribute to the goal of achieving global climate resilience in line with our national and international obligations. It also notes that ensuring a just transition is an important element to consider when prioritising adaptation options. Additionally, the Framework recognises that climate change is likely to disproportionately impact on the lowest socio-economic groups in society, which are also the worst positioned to adapt to the changing climate.

Ireland's Climate Act provides for the institutional and governance framework for the development of its National Mitigation Plans and National Adaptation Frameworks on a regular basis, together with independent advisory and parliamentary accountability arrangements.

**Question 3: Please share a summary of relevant data as well as any related mechanisms to measure and monitor the impacts of climate change on the enjoyment of human rights for migrants, especially for vulnerable groups such as children, women or migrants living with a disability and the allocation of resources to address these impacts.**

Nil Response.

**Question 4: Please identify and share examples of good practice and challenges in the promotion, protection and fulfilment of human rights of migrants in the context of the adverse impacts of climate change.**

Since 2010, Ireland has been providing support to the Mary Robinson Foundation for Climate Justice (MRF-CJ). The Foundation works with actors in the fields of international migration law, climate change and human rights to identify and promote measures to protect the rights of people in the context of human mobility associated with climate change. The MRF-CJ is well placed to lead on such issues, given that Mary Robinson has been previously UN Special Envoy for Climate Change, and has also been appointed Special Envoy for El Niño and Climate, therefore maximising influence on policy formulation and development at the highest level.

With the support of Irish Aid, the Mary Robinson Foundation for Climate Justice has undertaken high-level advocacy around the rights of climate displaced populations. In 2016, the Foundation published a report entitled 'Protecting the Rights of Climate Displaced People First', to draw attention to the issues, and particular the precarious position of women and children. In the margins of the UN Summit for Refugees and Migrants, the Foundation co-hosted a dialogue on climate displacement with the UN Under-Secretary General for Least Developed Countries, Landlocked Developing Countries and Small Island Developing States. This provided a forum for States most impacted by climate change to share practical experiences. The Foundation also supported a technical expert meeting organised by the Office of the High Commissioner for Human Rights (OHCHR) on human rights and climate change, leading a panel discussion on climate-induced migration and displacement. This developed a number of recommendations for protecting the rights of climate displaced people.

In 2017, the Foundation worked with member states and the Human Rights Council on the adoption of the new resolution in June 2017 on 'Human rights, climate change, migrants and persons displaced across international borders', which was successfully adopted by consensus, demonstrating the international communities' desire to better understand these two issues. The Foundation continues to provide submissions and recommendations to the Global Compact for Safe, Orderly and Regular Migration as well as the UNFCCC Taskforce on Displacement, and continues to organise panel discussions on Climate Induced Displacement during key events and platforms, including the UN Human Rights Council, as a means of increasing understanding, advocacy and influencing policy decision making and action in this area.

Ireland will continue to support the MRF-CJ for the 2016-18 period totalling €450,000 (€150,000 per year).

**Question 5: Please provide any additional information you believe would be useful to understand efforts made and challenges faced as well as the necessary means of implementation for climate change adaptation and mitigation related to the protection of migrants and persons displaced across international borders because of the sudden-onset and slow-onset adverse effects of climate change.**

Ireland believes the simplest means of prevention involve addressing the factors that trigger displacement, so people are not obliged to move. This involves urgent investment in the disaster risk reduction capabilities of the poorest and most vulnerable States, as well as initiatives to build the resilience of the exposed populations themselves. Ireland's support to the United Nations Office for

Disaster Risk Reduction is providing support to some of the most climate-vulnerable countries to explicitly plan for climate extremes, and reflect those in their disaster preparedness plans. Addressing displacement in the context of disasters and climate change will require a range of responses that go beyond traditional humanitarian approaches to encompass disaster risk reduction, climate change adaptation, and sustainable development.

Ireland believes the most important action to address the underlying causes and prevent climate-induced displacement and migration, is through investing in climate adaptation of the poorest countries, and direct resources to the most vulnerable people. In areas prone to flooding, infrastructure investments can prevent homes being washed away. Food security in drought-prone areas can be addressed through a mixture of climate resilient agriculture investments, and support to diversified livelihoods. Investments are needed to protect basic services in the context of climate extremes, and to address emerging threats to human health arising from higher temperatures, water scarcity and projected increases in vector-borne diseases. In the short-term, social protection schemes play a vital role in providing a safety net that prevents people from needing to move, and helps them withstand shocks. Governments have access to support to predict longer term trends and threats, which can enable public policy and support to economic growth to be 'climate-proofed', through a combination of diversified economic base, infrastructure investments to address specific threats, and support to sustainable migration to less vulnerable locations. In particular, such efforts must have women and children at the centre, as they are the most likely to be displaced.

As part of the Paris Agreement, the Programme for Government commits Ireland to providing €175m in total in climate finance by 2020. In 2016, the Department of Foreign Affairs and Trade provided €50.6m in climate finance as part of our Overseas Development Assistance (ODA) programme. Adaptation support for Least Developed Countries forms the greatest share of Ireland's international climate finance, in particular to support climate adaptation in agriculture, food and energy systems, disaster risk reduction, and support to strengthen the resilience of poor and vulnerable households, primarily in sub-Saharan Africa. Thus aiming to address the underlying causes of climate-induced displacement and enhance climate resilience. This bilateral support is in addition to that provided directly to international organisations working on these issues at global level, including the Mary Robinson Foundation- Climate Justice as outlined in response to question 4.

We recognise that climate adaptation and disaster risk reduction initiatives may take time to have an impact or may be limited if resources are not provided for larger scale investments. In some areas, such as Small Island Developing States, and low-lying areas, such measures may be already too late, as sea levels continue to rise and place vulnerable communities at risk. Therefore, in the short term other measures are required to support climate-induced displacement and migration at the Global and National level. For example, States could undertake planned relocation for the most vulnerable populations (eg in low-lying areas exposed to sea-level rise). Such initiatives must have the human rights of the target populations as the focus, and must be properly planned and resourced. States could also put in place plans to ensure sufficient resources and basic services are in future locations under stress, for example cities, to accommodate future projected migration patterns. It may be a challenge, however, to obtain cross-government commitment to such initiatives, and political will to respond proactively to anticipated challenges rather than a reactive response.