## **Call for inputs Internal displacement in the context of the slow-onset adverse effects of climate change Report of the Special Rapporteur on the human rights of internally displaced persons  Deadline: 17 June 2020**

Dr. Armelle Gouritin, Researcher – Consejo Nacional de la Ciencia y Tecnología, México (CONACyT, *National Research Council*). Plaza cátedra – afiliated to the Facultad Latinoamericana de Ciencias Sociales/México (FLACSO).

Contact: [armellegouritin@gmail.com](mailto:armellegouritin@gmail.com)

The views expressed in the questionnaire are mines, and do not represent the views of the Mexican National Research Council nor those of the FLACSO.

Introductory note: In 2019, I have coordinated a one-year research project on forced internal displacement induced by climate change in Mexico. Together with two research assistants we completed this project.

The project had three main objectives:

* to map the theoretical and contextual background,
* to provide first insights on the national public policies and legal framework that apply to climate forced displacement, and
* to formulate some reflections on possible guiding principles that would guide the adoption of public policies and formulation of legal instruments.

To fulfill the objectives, we have adopted a rights-based approach based upon a differentiated approach (women, Indigenous Peoples, and economically vulnerable personas).

The outcome of the research (a book) is currently going through a peer-review process.

The brief answers to the questionnaire are based on the said research.

Time constraints in the current context hamper us from giving more detailed answers at this stage. We remain at the disposal of the Special Rapporteur to answer those questions in more detail if she wishes us to do so, and more generally to provide more information and support her for the elaboration of the Report.

Armelle Gouritin

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**Questionnaire**

**The Special Rapporteur is particularly interested in receiving inputs on any or all of the following issues with a focus on the slow-onset adverse effects of climate change, including case studies and specific examples of good practices and challenges:**

1. **Examples of national and/or regional laws and policies relevant to internal displacement in the context of disasters and climate change.**

The sudden-onset scenario is by far the scenario mostly addressed by the Mexican public policies framework. Mexico is regularly and severely concerned with sudden-onset events.

The Mexican public policies are not adequately implementing a differentiated approach (for example re. women).

At the time being the Mexican legal framework does not recognize the ‘forcefully internally displaced’ persons. The only mention to climate mobility is to be found in the National Law on Climate Change, but no definition is provided, nor a clear responsibility.

Against that background, the National Institute on Ecology and Climate Change (*Instituto Nacional de Ecología y Cambio Climático*) has shown interest to the research and willingness to address the phenomenon.

1. **Available data and evidence on internal displacement linked to slow-onset natural hazards in the context of the adverse effects of climate change (globally or in a specific region or country), trends and/or challenges and gaps with regards to data collection, analysis and use.**

In the opinion of the research team, the slow-onset scenario is largely in the shadows of the other scenarios that induce climate forced displacement not only at the national Mexican level, but also at the global level. It might be because the slow-onset phenomenon is, per definition, gradual. It does regularly appear on media front pages. The persons and communities forcefully displaced by climate change suffer from a lack of visibility, and it might particularly be the case for those displaced by the slow-onset scenario. Maybe because it concerns a large number of persons of communities, the displacement itself is more gradual: some family members, some families as a whole, but – in general – in a gradual way. In other words, the displacement is not as expected to be less important than the displacements induced by sudden-onset events in quantitative terms, but it might be more discrete.

Also, the UN Guiding Principles on Internal Displacement only partially apply to slow-onset displacements (it they apply at all).

In short, the phenomenon lacks recent quantitative findings in the Mexican context, is largely invisible (in Mexico and globally), and clearly lacks regulatory attention (globally and at the Mexican levels).

1. **The impact of climate change-related internal displacement on the enjoyment of human rights by specific groups, such as indigenous peoples, minorities, children, older persons and persons with disabilities.**

In the research, we have identified a vast array of human Rights at risk in the climate forced displacement context. It applies to Human Rights in a general approach or through a differentiated approach (women, Indigenous Peoples, and economically vulnerable persons). We have identified human rights violations or risks of violations in the Mexican context.

The situation of economically vulnerable persons should be of particular importance when considering human rights violations and the policies aimed at preventing or addressing said violations. Particularly vulnerable persons or communities (among other factors, economic vulnerability) are more inclined to be trapped. Trapped populations have become a recurrent theme in the academic literature, but reliable and recent quantitative and qualitative data is missing in the Mexican context. The Mexican context could be particularly concerned with this phenomenon, given the high poverty rates.

1. **Analysis of the response of States and the international community to: /**
   1. prevent the conditions that might lead to displacement and prepare for internal displacement in climate change contexts, including early warning, climate change mitigation and adaptation, and disaster risk reduction.
   2. protect and assist those internally displaced in such disaster situations, and
   3. provide effective remedies, overcome protracted displacement and support durable solutions for them.
2. **Responsibility of the business sector in the prevention, response and provision of remedy to climate change-related displacement, for example by including considerations relating to climate change and displacement in human rights due diligence processes, in line with the UN Guiding Principles on Business and Human Rights.**

In the research, we considered ‘Clean energy development projects’ as one of the scenarios that generate climate forced climate displacement.

This is usually not addressed in academic literature and reports. Forced displacements induced by such projects tend to be addressed as development projects displacements.

However, we consider that ‘clean energy’ projects that induce forced displacement should be addressed under the climate change heading for several reasons, including because such projects are meant to support the Mexican state to comply with its mitigation goals.

In the Mexican context those projects are of crucial importance. They have induced a huge number of persons, and given rise to many very violent socio-environmental conflicts (for example regarding wind-mills in Oaxaca).

We therefore consider that such projects should be addressed by any attempt to address the climate forced displacement phenomenon aimed at protecting displaced personas and communities.

1. **The role of National Human Rights Institutions in monitoring, reporting and promoting accountability for climate change-related internal displacement, handling complaints and gathering disaggregated data, supporting States in preventing the conditions that might lead to displacement and responding to displacement in line with their human rights obligations, and promoting sustainable development, in accordance with the Paris Principles.**

For the time being the Mexican National Human Rights Commission has not addressed the phenomenon. It has begun to incorporate climate change in its Recommendations, but to date it has not addressed climate forced displacement.

1. **Examples of mechanisms used to hold States, companies or other actors accountable for climate change-related displacement, and to provide effective remedy to those affected.**

For the time being the Mexican legal and public policies framework is largely deficient to address the phenomenon. To begin with, the Mexican legal framework does not recognize the ‘forcefully displaced’ figure. A law is currently proposed to do so. But for the time being no study has addressed the question of the proposed legislative framework’s relevance to cover climate induced forced displacement (we plan to do it in the second phase of the project, depending on access to financing).

1. **The impact of health crises such as the current one related to COVID-19, and of the measures taken to respond to them, on climate change-related internal displacement, including their impact on: a) displacement patterns, b) climate change mitigation and adaptation strategies, c) preparedness and disaster risk reduction, and d) humanitarian assistance and protection to internally displaced persons. /**
2. **Any other information stakeholders wish to share regarding internal displacement in the context of the adverse effects of climate change. /**
3. **Information on how slow-onset effects of climate change are inter-related with conflict, i.e. how climate change and conflict combine to act as drivers and causes of internal displacement, and what specific combined effects they have on internally displaced persons.**

The violent conflicts scenario is one of the scenarios we address in the research.

For the time being the World Bank has provided reliable quantitative data on the phenomenon in Mexico as a whole. A wealth of data is also available regarding conflicts related to, for example, access to scant natural resources. However, there remains to firmly establish the link between climate change and violent conflicts in the context of forced climate displacement.

In the Mexican context, a number of elements should be taken into account when researching, reporting, or trying to attend the phenomenon:

* The interplay between violent conflicts and activities of drug trafficking (e.g. re. access to land),
* Indigenous Peoples’ land-tenure is not always firmly grounded, and suffering great pressures from development projects (including ‘clean energy’ projects). The Mexican legal framework and its implementation are commonly regarded as inefficient in that regard (see for example the various reports of other UN Rapporteurs).

The responses to the above questionnaire can be submitted in English, French or Spanish. Please send your inputs by email to [idp@ohchr.org](mailto:idp@ohchr.org)**by 17 June 2020**. Please limit your responses to a **maximum of 2,000 words**. Reports, academic studies and other types of background materials can be attached as **annexes** to the submission. Please submit your responses in an accessible format, such as MS Word.

If not stated otherwise in your submission, the responses received will be published on the [website](https://www.ohchr.org/EN/Issues/IDPersons/pages/idpersonsindex.aspx) of the Special Rapporteur. Unless requested otherwise, the submissions may also be quoted, in part or in full, or referenced in the report and briefings of the Special Rapporteur and related information products.

For any questions or clarifications, please do not hesitate to contact the mandate through the Office of the United Nations High Commissioner for Human Rights ([idp@ohchr.org](mailto:idp@ohchr.org)).