



SIDE EVENT ON BUILDING CLIMATE RESILIENCE THE RIGHTS OF GROUPS IN FOCUS

18 March 2015



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“Moving from words to effective actions requires the full and effective participation and accessibility of individuals and communities affected, including women, persons with disabilities, indigenous peoples, older persons, as well as those displaced internally notably by the effects of climate change, in all phases of disaster risk reduction and building resilience strategies and policies”¹

Mr. Chaloka Beyani, Special Rapporteur on the Human Rights of Internally Displaced Persons

Ms. Rosa Kornfeld-Matte, Independent Expert on the enjoyment of all human rights by older persons

Ms. Catalina Devandas Aguilar, Special Rapporteur on the rights of persons with disabilities

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¹ PR/OHCHR/20March2015.

BACKGROUND

At the end of this year COP21 in Paris will adopt a new binding climate agreement. Building on the legacy of the Cancun Agreements adopted at COP16, which emphasize that State Parties to the UNFCCC “should, in all climate change related actions, fully respect human rights,” UN human rights experts are calling upon the Parties to the UNFCCC to ensure that the future agreement expressly recognizes human rights obligations that apply in the context of climate change. They are requesting the incorporation of core and operative language in the new agreement that provides that States Parties “shall, in all climate change-related actions, respect, protect, promote, and fulfil human rights for all.”

The effects of climate change directly interfere with the full enjoyment of human rights and have, in particular, a disproportionate effect on many disadvantaged, marginalized, excluded and vulnerable individuals and groups. Older people and persons with disabilities are disproportionately affected by the increase in natural disasters and climate change.

The specific vulnerabilities and needs of older persons and persons in emergencies are very different from those of other groups, such as children. Older age and disability bring reduced mobility and strength, impaired sight and hearing, and greater vulnerability to heat and cold. Minor conditions can quickly become major handicaps that overwhelm and their ability to cope. During emergencies, many frail or housebound older people and persons with disability are less able or less willing to flee from potential harm. They can struggle to obtain food, travel long distances or endure short periods without shelter.

Indigenous peoples are at particular risk of being affected by disasters. They are among the first to face the direct consequences of climate change, owing to their dependence upon and close relationship with the environment and its resources.

Changes in the environment and climate also have an impact on human mobility, and are predicted to increase displacement and alter its patterns. As a result of disasters triggered by natural hazards, millions of people are forced to flee their homes every year. In 2013 alone, almost 22 million people were newly displaced by disasters.

Consequences of climate change, such as the erosion of livelihoods, are in part considered a push factor for the increase in rural-to-urban migration, most of which will be to urban slums and informal settlements offering precarious living conditions and putting IDPs at risk of secondary displacement.

Human rights can also be threatened through mitigation and adaptation measures seeking to reduce, control and prevent climate change and its impacts. Where such measures are adopted without the full and effective participation of concerned individuals and communities, they can result in violations of human rights and may lead to the adoption of measures that are unsustainable and do not respond to the needs of rights-holders.

Building resilience does not mean building hard infrastructure or giving aid. It means sharing information, tools, and access with the community so that they have agency to build resilience into their own lives. All individuals, without discrimination, should be considered as a resource for resilience and their equal participation in resilience building activities should also be recognized. While older persons, for instance, are highly vulnerable to disasters, they have a wealth of knowledge and skills which are central to planning for disasters and a changing climate.

In light of the above, Displacement Solutions in collaboration with the applied research association on justice, peace and development (ara-jpd) and the Office of the High Commissioner for Human

Rights on 18 March organized a side-event on the margins of the 28th session of the Human Rights Council on *Building climate resilience: the rights of groups in focus* bringing together several Special Rapporteurs of the Human Rights Council as well as governments, humanitarian actors, the academia and non-governmental organizations. This was made accessible.

The event was moderated by Tom Corsellis, Director of Shelter Center, to whom we are very much indebted.

I. OPENING

DISPLACEMENT SOLUTIONS

Thank you all for coming and welcome to our side event which will highlight some of the key human rights issues that arise within the context of climate change, and which will focus on both the content of the Peninsula Principles on Climate Displacement Within States and how they can and already are being applied in some of the world's climate displacement hotspots.

The process leading up to the development of the Peninsula Principles was a fascinating one starting in 2011 and made possible by the collective efforts of scores of people across the planet who all care passionately about the displacement that is already being generated because of climate change.

All of us who work on this issue in the field have witnessed climate displacement in its rawest forms; the embarrassed smile of a father unable to provide a safe home for his family as sea levels rise around them; the glint of hope in the eyes of children who know something is wrong, but precisely what it is still baffles them, even as it becomes ever more clear to those adults around them; and the worrying looks of gradual despair we have seen in the eyes of well-meaning, honest and caring politicians (yes, they still exist in the world!), as they contemplate the immense challenges facing them in the era of climate change.

Displacement Solutions has been engaged on in the issue of climate displacement since our founding in 2006 and since then has continually expanded our attention to this problem in an ever-growing array of countries in virtually every corner of the world. We have tried to tackle these challenges head on and have consistently taken a rights-based and solutions-based approach towards this expanding crisis, whether in Bangladesh or Tuvalu, or Alaska, Panama or Myanmar and beyond.

The more we worked on these issues, the more it became clear that besides the problem-solving work we engaged in, the research, the meetings with officials and communities and countless visits to field locations in numerous countries, that the idea of a new global rights framework on the question of climate displacement would be an endeavour worth pursuing, notwithstanding how difficult it might be, and one that would assist climate displaced communities and their governments to find viable ways to address what had previously often been seen as a problem so large that it was effectively without solution.

And, to make a long story short, with that the Peninsula Principles were finally agreed in August 2013. Our book about the Principles themselves will be published by Routledge later this year and is really a one-stop shop for understanding every term and sentiment in this normative framework designed to repair climate displacement in a rights-based manner.

In the one and a half years since their adoption, the Principles have been very widely distributed, translated into six languages, covered extensively in the media and are now starting to be used in cases of current climate displacement as a tool for stimulating the policies and laws required to ensure the protection of the full spectrum of rights held by individuals, households and communities facing or experiencing climate displacement.

We hope this meeting here today will assist in generating greater support for the Principles and identify yet additional areas where they might be applied.

I wish all of you the best of luck today and hope we can all build on today's event and work together for a climate displaced persons wherever they may be.

Thank you,

Scott Leckie
Founder and Director of Displacement Solutions

OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

Excellencies,

Distinguished Panelists,

Ladies and Gentlemen,

It is a real pleasure and honour to welcome you to this Side Event discussion on Building Climate Resilience: The rights of groups in focus, which will address one of the most pressing global challenges we face today. Literally today as sad news from Vanuatu reach us and remind us of the challenges ahead.

The effects of climate change directly interferes with the full enjoyment of human rights and has, in particular, a disproportionate effect on many disadvantaged, marginalized, excluded and vulnerable individuals and groups, older people and persons with disabilities are disproportionately affected by the increase in natural disasters and climate change. Changes in the environment and climate also have an impact on human mobility.

As a matter of fact, a comprehensive human rights-based approach that puts people first and treats them as rights-holder – especially the elderly, children, women, persons with disabilities and those displaced by the effects of climate change, as well as others, is what we need to support.

Human rights can also be threatened through mitigation and adaptation measures seeking to reduce, control and prevent climate change and its impacts. Where such measures are adopted without the full and effective participation of concerned individuals and communities, they can result in violations of human rights and may lead to the adoption of measures that are unsustainable and do not respond to the needs of rights-holders.

Building resilience does not mean building hard infrastructure or giving aid. It means sharing information, tools, and access with the community so that they have agency to build resilience into their own lives. All individuals, without discrimination, should be considered, as a resource for resilience and their equal participation in resilience building activities should also be recognized. While older persons, for instance, are highly vulnerable to disasters, they have a wealth of knowledge and skills which are central to planning for disasters and a changing climate.

Particular attention needs to be paid in resilience, adaptation, planning and response measures to the human rights of groups in focus – meaning marginalized groups – ostracized because they have a certain characteristic – age, an impairment, belong to an ethnic/linguistic minority or simply because they are displaced.

This side event– a first in its configuration - not only brings together UN human rights and humanitarian experts, representatives from the academia and the civil society and States but also starts a discussion and supports an approach that goes beyond silos and consolidates a common approach in the pursuit for concrete solutions - bringing into the center of discussion and subsequent action to fight adverse effects of climate change that are felt not only by States and economies, but also – and more fundamentally – by individuals and communities.

In sum, the human rights dimension can inform and strengthen policy-making in the area of climate change and promoting policy coherence, legitimacy and sustainable outcomes.

Before closing I would also like to thank the co-organizers, the applied research association (ara-jpd) as well as Displacement Solutions, including for having made this side event accessible.

I thank you for your attention and wish you a fruitful and inspiring discussion and hand-over to the moderator Tom Corsellis, the Director of the Shelter Center and a true human rights hero.

Natacha Foucard,

Chief a.i. Groups & Accountability Section
Special Procedures Branch

II. PANEL

OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS

Ladies and Gentlemen,

Colleagues,

I would like to thank the Office of the High Commissioner for Human Rights (OHCHR) for inviting me to give a few opening remarks at today's side panel which will focus on building climate resilience, and in particular with regard to the rights of particular vulnerable groups.

Climate-related disasters are on the rise and will change the future of humanitarian crisis.

Climate-related disasters now represent three quarters of all humanitarian natural disasters and pose major threat for the future. Between 2008 and 2013, on average, 23.4 million people were displaced each year by climate related disasters, and climate-related disasters could affect 375 million people in 2015, up from 263 million in 2010.

And this trend will continue. Climate change is likely to amplify existing risks and create new risks. According to IPCC, climate change is affecting the frequency, intensity, and geographical distribution of natural hazards. Destructive heavy precipitation events are very likely to increase in frequency, increasing flood risk. Climate change is expected to lead more prolonged droughts. The intensity of tropical storms will increase.

These effects will be coupled with increased climate unpredictability and variability that will expose larger, often less prepared areas to extreme weather events. The recent disaster in Port Vila Vanuatu is a point of reference of this.

Those who will suffer most are the poorest and most vulnerable.

The effects of climate change are already increasing food insecurity and threatening the livelihoods of the people. These impacts are likely to have significant secondary consequences on society as people are displaced or migrate as a result of increased disasters, sea level rise, and competition over scarce natural resources or environmental degradation.

Although climate change effects are being felt in all parts of the world, the poorest and most vulnerable communities will suffer the most. People who are already vulnerable to hazards—whether due to poverty, social marginalisation, gender barriers, minority groups such as pastoralists, age, or a lack of access and knowledge of how to prepare themselves in the face of extreme hazards—are most at risk. IPCC's spatial analysis shows that hazards such as cyclones, droughts, floods and landslides largely concentrate in certain areas and that the poor are at significantly higher risk from most climate hazards.

Rising global temperatures, changing precipitation patterns, climbing sea levels and more extreme weather events will intensify conflicts and displacement.

The link between climate change and conflict has been debated for years. A working group of the Intergovernmental Panel on Climate Change wrote in 2014 that there was “justifiable common concern” that climate change increased the risk of armed conflict in certain circumstances, but said it was unclear how strong the effect was. The WEF’s 2015 global risks report already places interstate conflict as the world’s top risk in terms of likelihood. Climate Change will exacerbate this in the coming years.

Disaster-related displacement risk has quadrupled since the 1970s, and displacement risk has increased at twice the rate of population growth, meaning that people are twice as likely to be displaced now than they were in the 1970s.

Forced from their homes, women and children often face heightened protection risks such as family separation and sexual and gender-based violence.

In the face of increasing climate-related disasters, the humanitarian system needs to shift from crisis response to crisis risk management.

With climate change as one of the main drivers of disaster risk, it will affect the operating environment for humanitarian operations. What we need in this operating environment is a new business model for humanitarian action, with a risk management approach at the core, to be able to better analyse, plan, programme and fund aid operations in conjunction with development actors.

Better risk management includes taking into account the consequences of the failure of climate change mitigation and adaptation in humanitarian planning. Risk models and triggers must become more sophisticated and there must be clear processes and mechanisms for acting upon identified risks. We also need to improve the humanitarian system’s forecasting of slow-onset events, including drought and floods, which are expected to increase.

OCHA is committed to support countries at high risk of climate-related disasters that need systematic and long-term support to increase their resilience.

Climate change affects the most vulnerable, who have limited or no access to decision-making to influence policies and are susceptible to the impact of extreme weather events.

There could be up to 325 million extremely poor people living in the 49 countries most exposed to the full range of natural hazards and climate extremes in 2030. 192 million more people will live in urban coastal floodplains in Africa and Asia by 2060 compared with 30 million today.

There is therefore a need for increased focus and attention in helping countries and communities better withstand, adapt and quickly recover when shocks and stresses occur. Greater investment in building resilience will help ensure lives and livelihoods are not destroyed in an instant, reduce the risk and scale of humanitarian crises, and make sure development gains are safeguarded.

Building resilience is a long term process, which requires the commitments from all. OCHA is committed to support this process, through providing systematic support to build preparedness and recovery capacities that leave communities more resilient to crises.

Reducing vulnerabilities and managing risks is one of the core-theme of the upcoming World Humanitarian Summit in 2016 that OCHA is organising in Turkey.

WHS will look at how to build the resilience of vulnerable populations throughout the world that are exposed to a diverse set of risks – whether women and children facing repeated displacement in areas of conflict, urban poor living in flood prone settlements, pastoralists and farmers affected by recurrent drought or rural households exposed to hurricanes and storm surge in coastal areas.

The reality is that many people are faced with multiple risks, and that the impact of disasters can be mitigated only by better managing the compound effect of different risks and their cascading effect, and addressing the root causes of vulnerability, through combination of humanitarian, development, climate change adaptation and political actions.

In approaching this theme, it will be important to make sure there are close links with the discussions leading up to the agreement of a post-2015 development framework, the successor to the Hyogo Framework for Action, the Conference of the Parties negotiations on climate change and the UN Summit on Human Settlements, so that collectively they enhance the management of disaster risk for the future.

Thank you.

Rudolph Muller
Deputy Director and
Chief of Emergency Services Branch
OCHA Geneva

INDEPENDENT EXPERT ON THE ENJOYMENT OF ALL HUMAN RIGHTS BY OLDER PERSONS

Distinguished delegates,

Colleagues,

Ladies and gentlemen,

Allow me to begin by expressing my gratitude to OHCHR and the NGOs Displacement Solutions for having organized this side-event. It is an honour to be part of such a distinguished panel of experts from different backgrounds in order to discuss this important issue of building climate resilience, with particular focus on the role of individuals and groups in this process.

As the first Independent Expert on the enjoyment of all human rights by older persons, I have been mandated by the UN Human Rights Council to assess the implementation of existing international instruments with regard to older persons, while identifying both best practices and gaps in the implementation of existing law related to the promotion and protection of the rights of older persons.

In the discharge of this function, I am taking into account the views of stakeholders, including States, civil society, academic institutions, associations of older persons and older persons themselves, and other special procedures mandate-holders. Today, this side-event is a concrete example of the method of work of this mandate, which is to constantly looking for cooperation with different players in order to better assess the situation of older persons worldwide.

Additionally, in the exercise of my mandate, I have been requested to include a gender and disability perspective, and to pay particular attention to different groups, such as older women, those with disabilities, persons of African descent, those belonging to indigenous peoples, to national or ethnic groups, religious, linguistic minorities, rural persons, persons living on the streets and refugees. As we can see there are crosscutting issues between my mandate and those of other mandate-holders here on this podium. This event is therefore a great opportunity to share information in order to embrace the complexity of climate resilience and assess the needs of each group in a holistic way.

Ladies and gentlemen,

Climate change is one of the greatest challenges of our generation, and it adversely impacts the livelihoods of many people. In particular, the effects of climate change have a disproportionate effect on certain groups, due to their age, their mobility, dependence, physical, emotional or mental condition. These are often aggravated by poverty and location, such as remote rural areas or coastal areas.

During emergency situations, there is a lack of adequate humanitarian response, service, support and information adapted to the needs and condition of older persons. Older persons tend to be excluded, isolated and left behind. This negligence has a human cost that States can no longer ignore.

In this context, much more must be done to mitigate and reduce the impact of disasters on older persons. As they are rights-holders, States must comply with their obligations under the

international human rights and humanitarian frameworks. This includes the importance of adopting an age perspective in disaster risk reduction and building resilience.

Older persons must be the object of, and the actor in disaster risk reduction management and resilience policies.

Firstly, disaster management and climate policies, strategies and practices must target older persons. An age perspective should be included in all stages of disaster management and policies, from their elaboration to their execution. This encompasses the elaboration and implementation of comprehensive capacity-building programs that address the root causes of vulnerability of targeted groups, such as older persons. These programs should also include, but not be limited to, team building and decision making, personal safety and self-defence, environmental awareness, first aid, and community-based disaster risk assessment. The elaboration and adoption of a checklist could be a good starting point to guide States to consider the needs and requirements of targeted groups, such as older persons, in all phases of the disaster risk reduction strategy.

Positive initiatives exist, such as the Inter-Agency Standing Committee (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters that recommend the inclusion of the needs of older persons in humanitarian responses and related-activities.

It is fundamental to building a culture of resilience, through targeted actions that include the needs of different groups, especially regarding their access to information, infrastructure, food security, recovery support and healthcare. Early warning and disaster awareness raising could also enhance the preparedness of older persons.

Secondly, older persons can have an important role to play in disaster relief activities. Their contribution must be taken into consideration by policy-makers when addressing disaster risk reduction. All things being equal, older persons should be able to participate in disaster preparedness planning in their communities and in the reconstruction process after disasters. They have much to contribute to building climate resilience, in all phases of the strategy, from mapping exercises to implementing solutions at the local level. Their experience and support must be part of any disaster risk reduction strategy. Particular attention should be given to older women. As they are often caregivers and head-households, States should implement policies that empower them through introducing a sustainable community risk management system, and reinforcing their skills during disaster emergency response and disaster recovery and rehabilitation.

Only by empowering older persons, will States turn their vulnerability into resilience. Older persons will then be able to better protect their lives and livelihoods. A participatory and bottom-up approach is definitely needed to make older persons part of a long-term solution and to improve resilience.

In general terms, the UN principles for older persons address the rights of older persons in any circumstance. For instance, principle 7 states that: “Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations”.

More specifically, the Inter-Agency Standing Committee Operational Guidelines on the Protection of Persons in Situations of Natural Disasters and the Peninsula Principles on climate displacement within States, clearly mention the importance of including older persons in the national implementation process. For instance, Principle 7 of the Peninsula Principles states that “States should ensure the right of all individuals [...] to adequate, timely and effective participation in all

stages of policy development and implementation [...], ensuring in particular such participation by indigenous peoples, women, the elderly, minorities, persons with disabilities, children, those living in poverty, and marginalized groups and people”.

Although there are several positive initiatives, much more can and should be done. Risk sharing mechanisms, monitoring, disaggregated data collection and research on the needs of older persons are insufficient. The Disaster Risk and Age Index could be a useful tool in the elaboration of national strategies and plans for disaster risk reduction.

Distinguished delegates,

Special consideration for the vulnerabilities and to the potential role of older persons in disaster risk management and building resilience must be included in the post-2015 framework for disaster risk reduction. I call on all States to renew their efforts and adopt, today, an inclusive disaster risk reduction framework at the Third UN World Conference on Disaster Risk Reduction in Sendai, Japan.

Before I conclude, I would like to reiterate the importance of cooperation including between the public and private sector, civil society, scientific institutions, as well as organizations of the United Nations system and regional organizations. Only through partnership and cooperation will we be able to address the challenges posed by the effects of climate change on our societies and our response to disasters.

I thank you for your attention and look forward to engaging in fruitful discussions and answering any questions you may have.

Thank you.

Rosa Kornfeld-Matte
Independent Expert on the enjoyment
of all human rights by older persons

SPECIAL RAPPOREUR ON THE RIGHTS OF PERSONS WITH DISABILITIES

Excellencies, fellow panellists, ladies and gentlemen: good afternoon.

I am very happy to be here today and bring the perspective of persons with disabilities to the discussions on such an important topic as climate change and resilience and its impact on the population which I represent.

(As we have heard by those who have spoken before me,) Climate change is having the largest impact on the world's poorest and most vulnerable people. Within this group, the World Report on Disability estimates that at least 20% of the poorest people worldwide are persons with disabilities, and that 82% of persons with disabilities in developing countries live below the poverty line.

Persons with disabilities are nearly always multiply disadvantaged due to socio-economic factors such as poverty, unemployment, lack of education and negative social perceptions related to disability, or personal characteristics such as gender, age, displacement, indigenous origin or minority status.

While some attention has been given to the impact of climate change on the world's most vulnerable groups of people, who is anticipated to be disproportionately affected, there is little literature that discusses the vulnerability of persons with disabilities within these groups. Few existing climate related efforts identify persons with disabilities as requiring particular inclusion measures in adapting to their changing environment.

This reflects the invisibility that persons with disabilities as a group has traditionally experienced in many contexts of global dialogue and policy development. Luckily, we are seeing a shift towards the positive: for instance in the current negotiations of a strategy on disaster reduction beyond 2015 in Sendai, Japan, efforts have been made to ensure disability-inclusive disaster risk reduction responses and we are hopeful to see a positive outcome later now at the end of the Conference.

How does climate change affect persons with disabilities?

For persons with disabilities and their families, just like for everyone else, climate change and the consequential changing environments is about increasing challenges related to basic necessities for survival such as food, water, shelter and security. It is about their right to access health, education and livelihood opportunities.

If we assume the validity of observed and anticipated increases in average global temperature, extreme weather events, rising sea levels and changes to the timing and amount of rainfall, we are sure to witness particular challenges for persons with disabilities. Like other vulnerable groups, it is anticipated that climate change will cause increasing hardship and deterioration of conditions for life for persons with disabilities.

Among the key issues that have been identified as impacting on the quality of life and well-being of persons with disabilities as a result of climate change include: decreasing food security and resulting malnutrition; decreasing access to clean water, sanitation and hygiene (WASH); increasing emergencies due to extreme weather events; reducing access to infrastructure, shelter and basic

services; increasing displacement and/or migration or situations in which necessary migration is not possible due to disability; increasing human security and protection issues, including due to conflicts resulting from climate change, and reduced accessibility and participation.

What does the CRPD say?

I would like to highlight five elements of the CRPD which I consider relevant for building climate resilience:

First, the CRPD covers the full range of human rights – civil, cultural, economic, political and social – and should be the guiding framework for all actions related to persons with disabilities, including in the context of building inclusive climate change responses and resilience and all the elements of life at stake when a disaster occurs. The better we have established a holistic rights protection framework, the more resilient will we be when faced with crisis.

Second, article 11 of the Convention on situations of risk and humanitarian emergencies creates an obligation on States parties to take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including in the occurrence of natural disasters. This provision is key to making sure that the process of developing programmes and policies related to climate change, and the entire cycle from prevention and planning to response, are inclusive and fully consider the rights of persons with disabilities. Article 11 of the CRPD is an entry point to humanitarian responses based on human rights norms and principles, and should be promoted as a benchmark across disciplinary borders.

Third, the CRPD further establishes the general obligation on States parties to closely consult with and actively involve persons with disabilities in all decision-making concerning their lives, including climate change.

Fourth, the CRPD lays out a set of general principles which should guide the implementation of article 11 and therefore all work related to climate change and resilience. In this context, I believe that the most important ones are non-discrimination; full and effective participation and inclusion in society – also in a changing society –; equality of opportunity; accessibility; and equality between men and women.

And fifth, the CRPD recognizes that disability is an evolving concept and results from the interaction between persons with impairments and various barriers that hinders their full and effective participation in society on an equal basis with others. As changing environments is at the core of the challenges brought by climate change, persons with disabilities will face changing barriers which will bring a higher level of risk and need for adaptability. In this light, infrastructure needs to be planned not only taking account accessibility in so far as the world looks like today, but with an attempt to foresee the barriers of the future.

How can we build inclusive resilience and response?

In order to move away from exclusion and high risk of vulnerability of persons with disabilities in a changing environment, we need multi-faceted and multi-sectoral responses to address all the risks, concerns, and needs that persons with disabilities and other population groups may face and

identify. While I will not attempt to lay out a full picture of how to do this, I would like to conclude with a few key considerations:

First, achieving a high standard of protection and resilience is only possible if we adopt an inclusive and participatory approach. Persons with disabilities need to be included in resilience initiatives and policy planning, at the centre of seeking to create awareness, understanding and solutions to climate change. The inclusion of persons with disabilities in policy formulation and consultation processes is key to developing and implementing appropriate solutions to the problems that they face. Consultation and participation through all phases of crises is essential, being mindful to the fact that the needs of different people with different kinds of impairments may vary considerably from each other and all voices need to be taken into account. We should also make sure that persons with disabilities are able to apply their skills and capacities to benefit themselves, their families and their communities, to ensure that their strengths and vulnerabilities are represented in all key international, national and local forums, strategies and research on climate change and resilience.

Second, accessible and inclusive environments are more likely to be resilient in the face of disaster. It is essential that universal and durable accessibility standards are applied in the planning phases and reconstruction efforts following severe weather and other emergencies. This is important for all public buildings and spaces, water and sanitation points and for the homes where persons with disabilities live, be they temporary or permanent solutions. It is also important to secure accessibility of information and communication, including accessible information and communication technologies (ICTs), as these may play a crucial role both in informing about potential crisis and acting as a catalyst for participatory approaches.

Third, we need to work from a rights-based approach ensuring, for persons with disabilities and other potentially vulnerable population groups, equal access to health and education, the inclusion of persons with disabilities and their families into mainstream livelihood, food production, water, sanitation & hygiene (WASH) and energy programmes in both rural and urban areas, as an essential step in building resilient societies.

Thank you.

Catalina Devandas-Aguilar
Special Rapporteur on the rights of persons with disabilities

SPECIAL RAPPORTEUR ON THE HUMANA RIGHTS OF INTERNALLY DISPLACED PERSONS

Remote participation

Distinguished representatives, colleagues, ladies and gentlemen,

It is a pleasure to have the opportunity to address this important event on building climate resilience: the rights of groups in focus. As you may know, this has been a topic on which this mandate has focused on for some years, and which I also indicated as a priority area for the mandate when I assumed office in November 2010. As such, I am pleased to be able to reflect today on how climate change and natural disasters may impact on human rights and affect the scale and nature of internal displacement.

In 2013 alone, about 22 million people were newly displaced in at least 119 countries by sudden onset natural disasters, the increased frequency and intensity of which can be associated with changes in our climate. The majority of such displacements over the past years have been due to a number of large and mega-disasters. In 2013, more than 600 events were recorded, of which 37 involved mass movements of 100,000 to four million-plus people. Eighteen of the twentieth largest events took place in Asia³. In contrast to the visibility of large and mega-disasters, smaller disasters go relatively under-reported. Yet, their impact on low-income households and communities, especially if they are recurrent, has the effect of undermining resilience and aggravating or creating new vulnerabilities.

While significant data and research exists with regard to internal displacement due to sudden onset hazards, slow onset natural hazards and disasters – such as desertification and increased droughts – and their impact on internal displacement are a feature of climate change which is less understood and on which much less data is readily available. It is essential that work continues to be undertaken in this area in order to improve monitoring of displacement patterns, the availability and quality of data collection, and appropriate prevention and response systems. While less is known on the exact extent of internal displacement resulting from slow onset disasters, we know that it is a significant and growing issue, which amongst other things can undermine agricultural livelihoods and reduce food security.

Preventing and addressing internal displacement will therefore be a key adaptation challenge to the effects of climate change. The importance of climate induced displacement and the need to put in place adaptation measures to address it was recognized by the UN Framework Convention on Climate Change (UNFCCC) at its meeting in Cancun, in December 2010, during which the Conference of the Parties called for measures to enhance understanding, coordination and cooperation on the issue, at the national, regional and international levels.⁴ In this context, it is of utmost importance to

² IDMC, Global Estimates 2014: People displaced by disasters, p.18.

³ Ibid, p.18.

⁴ UNFCCC/CP/2010/7/Add.1, Framework Convention on Climate Change, Report of the Conference of the Parties on its sixteenth session, held in Cancun from 29 November to 10 December 2010,

monitor and understand regional and local particularities around related displacement patterns and their various causes, and to develop and support climate change adaptation frameworks which comprehensively integrate internal displacement from a human rights based approach. Increased awareness, research and monitoring mechanisms are also necessary in order to better understand the possible impact on displacement caused by the interaction of global mega trends such as increased human mobility, population growth, and rapid urbanisation with the various effects of climate change. Filling these knowledge gaps will enable governments to better anticipate, plan for, and adapt their socio-economic and development strategies accordingly.

In 2011, I dedicated my report to the General Assembly to the topic of climate change and internal displacement, in which I explored the linkages between these two phenomena from a human rights perspective, as well as from the broader context of other global trends. In addition to acting as a trigger and accelerator of displacement, which is predicted to be predominantly internal, the socio-economic impact of climate change is also expected to have significant consequences for the enjoyment of human rights of certain groups in particular, such as IDPs during their displacement. IDPs are considered to be especially at risk given the material, social and psychological consequences associated with displacement, such as loss of housing and livelihoods, and family separation. This is all the more so since the most serious effects of climate change are predicted to disproportionately affect poor regions and countries, and populations already in a vulnerable situation due to poverty and other factors.

When considering the potential displacement likely to be triggered by the effects of climate change, it would be a mistake to think that the causal link will be a simple and linear one. In addition to the spontaneous displacement attributable to sudden onset natural disasters, slow onset disasters and the secondary effects of climate change, such as increased competition over scarcer resources, the loss of livelihoods and increased security concerns are also expected to increase internal displacement.

The phenomenon of urban migration is another trend expected to interact in significant ways with increased internal displacement due to climate change. Half of the world's population currently lives in urban areas, a third of which live in precarious informal settlements and slums. The loss of livelihoods, in part provoked by climate change, is considered a push factor for the increase in rural to urban migration, most of which will be to urban slums. Those displaced by sudden natural disaster may also look to urban centres as opportunities to rebuild their lives and search for employment.

Yet, unplanned urban migration represents a number of dangers for IDPs. With few resources, they are likely to have to accept substandard housing conditions with little or no security of tenure, often in informal settlements such as urban slums, where they will be more vulnerable to evictions and generally more difficult to identify and assist as they join the masses of the urban poor. Often, they will likely resort to living in hazard prone locations, such as low lying areas, making them vulnerable to further disasters and potential secondary displacement. I had the opportunity to observe this phenomenon and to speak to IDPs in these situations in urban areas during my country missions to Kenya (2011), Cote d'Ivoire (2012), and more recently during my mission to Haiti (2014). In these cases, there was significant evidence that many IDPs decided to live amongst host communities in urban centres, often in difficult conditions in environmentally precarious areas or informal

settlements of interest for development projects, thus rendering them vulnerable to mass evictions and secondary displacement.

It is critical that IDPs be provided better options, through timely and durable solutions so that climate induced displacement does not also add to the social pressures and precarious human conditions associated with rapid and unplanned urban migration.

In 2011, I visited the Maldives to complement, through country visits, the thematic interest of my mandate on natural disasters and climate induced internal displacement. There, I found that the effects of climate change were already impacting on the right to housing, safe water and livelihoods on many islands affected by coastal erosion, salination, rising sea levels, and more frequent storms and flooding. Addressing these effects through mitigation and adaptation measures, including measures to address internal displacement is urgent. Affected persons will need protection and assistance to find durable solutions as their small islands become uninhabitable or need to be rehabilitated.

In such cases, laws on disaster risk reduction and management are necessary and useful, but will be insufficient without frameworks to address internal displacement as such. In addition to laws and policies specifically addressing internal displacement, institutional support structures with sufficient capacity and expertise must also be set in place to handle displacement when it becomes inevitable. Some low lying islands whose very territorial integrity may be put at risk due to the effects of climate change, must be supported to put in place a three-pronged approach which includes: environmentally sustainable development policies and disaster risk reduction and management; robust national IDP frameworks in line with international standards; and the development of creative alternative domestic solutions and international arrangements with neighbouring and other countries to safeguard the human rights of their citizens.

Awareness raising, training and capacity building also continue to be need with regard to displacement and natural disasters. There is a need to invest in sharing and providing expertise to affected States and regional organisations in order to strengthen local, national and regional capacities. Areas in need of further capacity building include the development of legal frameworks and policies on disaster risk reduction and internal displacement. More efforts can also be made in order to develop specific guidance for affected States on a number of issues such as on how to ensure that displacement is taken into account in the climate change debate; on the normative standards and guidance documents available; and on the human rights implications and broader dynamics related to climate change induced displacement, such as its impact on security and urban migration.

Addressing the challenges brought about by displacement related to natural disasters and climate change will require comprehensive strategies which can deal with complex patterns of internal displacement and place more emphasis on preparedness, prevention and effective durable solutions. These strategies must address internal displacement due to both sudden and slow onset disasters, and more effectively transition from humanitarian assistance to early

recovery and development, so that displacement does not become protracted or dissipate into ever more impoverished populations. All programmes and policies to address internal displacement must apply a human rights based approach at all phases of displacement.

Important tools are already at our disposal in this regard. The Guiding Principles on Internal Displacement provide an internationally recognised framework for the protection of internally

displaced persons,⁵ including in the context of climate change induced internal displacement. To assist in applying the Guiding Principles, the Inter-Agency Standing Committee has also developed Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, and at the regional level, the Kampala Convention also deals with internal displacement related to climate change. It is critical that these standards be translated into national laws and policies and that disaster risk reduction and management frameworks be put in place – these are indispensable steps in preparedness, which is an essential ingredient of good governance in the age of climate change.

To conclude, ongoing and upcoming processes at the international level, such as the final negotiations of the Post-2015 development agenda to be adopted in September 2015 and the COP21 to be held in Paris in December 2015, should address the adverse impacts of climate change on the enjoyment of all human rights and on the scale and nature of internal displacement.

Thank you for your attention.

Chaloka Beyani
Special Rapporteur on the human rights of IDPs

⁵ The 2005 World Summit Outcome, General Assembly Resolution A/Res/60/1 (2005), para.132; see also A/RES/64/162, preamble, and para. 10

PERMANENT REPRESENTATIVE OF THE REPUBLIC OF ECUADOR

Ladies and gentleman,

Climate change is a global problem that requires a collective action based on an equitable use of the atmospheric space and the right to development.

States have the responsibility to take measures to protect people and nature when facing natural and anthropic caused disasters. Those measures must include risk prevention, disaster mitigation and remediation, as well as the improvement of the social, economic and environmental conditions that allow the reduction of the vulnerability conditions of people and specifically persons with disabilities.

As you may know, Ecuador is the only country in the world who's Constitution recognizes rights of nature, as Nature, or Pacha Mama, where life is reproduced and takes place. Nature has the right to exist and to maintain and regenerate its life cycles, structure, functions and evolutionary processes. From this perspective, climate change constitutes an alteration to the vital carbon cycle, and it affects the rights of nature and human beings.

The effects of climate change constitute a serious risk and are a threat to human rights, under the form of the limitation of the full enjoyment of the rights to a healthy environment, drinking water and sanitation, to food, to housing, to health, and in general, to development. In this scenario, the most affected are unfortunately the poorest and more vulnerable groups, such as indigenous peoples, elders, women and persons with disabilities.

Therefore State Parties have agreed to take measures to prevent and reduce the causes of climate change and to mitigate its adverse effects.

As I mentioned, prevention is crucial, and the application of the precautionary principle must be carried out taking into account that policies and measures to address climate change must be implemented according national capacities, taking into account the different socio-economic contexts, with special attention to vulnerable groups.

Climate change, risk management and sustainable development are issues and processes closely interconnected, that should be subject to coordinated work to building resilient societies under a rights approach, with the main goal of achieving sustainable development based on poverty eradication.

The last climate change COP held in Lima in December 2014, opened the door to strengthen the issue of "adaptation" and "loses and damages" for the negotiation of the new 2015 agreement. This provides a great opportunity for partnerships with less developed countries, with small island states and to enhance South-South cooperation.

Current climate negotiations and the new risk reduction platform coming out of Sendai, should be based on the key principle of common but differentiated responsibilities. This represents a possibility for a global agreement with a focus on rights and climate justice in Paris, at the end of this year.

The Constitution of Ecuador provides particular importance to risk reduction and risk management. The Good Living regime includes a specific section on disaster risk reduction that establishes the obligation of the State in protecting persons, collectivities and nature in the face of natural or manmade disasters. It also describes the composition and functions of the disaster risk reduction national system. The Constitution mentions that risk reduction management should be undertaken under the principle of decentralized subsidiary responsibility (Article 390).

Ecuador in its Good Living National Plan strengthens territorial planning and the pursuit of sustainable human settlements in urban and rural areas. Disaster risk reduction is a cross cutting theme in the Climate Change National Strategy in Ecuador which aims at enhancing preparedness, response and recovery practices so that risks could be faced in a preventive fashion and not as a reaction to a catastrophe.

According to the UN, a billion people, or 15% of global population are persons with disabilities. Thus the world must work in order to respond to their needs, especially in education, access to decent work, housing and health, but also to security and safety during disasters.

The rights of persons with disabilities were absent in the Millennium Development Goals. With this background, the process of construction of the Sustainable Development Objectives (SDO) and the Post 2015 Development Agenda provides with the opportunity for the International Community to make these objectives not only sustainable but also inclusive for the next 15 years. It is important to emphasize the need that inequality reduction should be especially directed to persons with disabilities.

For Ecuador persons with disabilities as well as elders, children and youth, people in mobility, refugees and people in extreme poverty are priority groups. In this sense, we are working on strengthening care and comprehensive attention and protection systems.

Social inclusion has to be mainstreamed in all levels of education, employment, investment, accessibility, innovation, science and technology, to ensure the right of persons with disabilities to development, justice, public participation, and a life with dignity.

Just as an example, Ecuador has included persons with disabilities in all its strategies for evacuation and built shelters that are fully adapted to their special needs, in accordance with our national registry system which allows us to have a geo locator for each person with special needs. Our contingency plans include specialized teams working together under the leadership of our coordinating ministry for security.

During the last Tsunami alert in the central coast of Ecuador, 120 persons with disabilities were the first of being evacuated and protected with their personal assistants with full access to medical treatment, technical aid, several minutes before the rest of the people. This is of course connected to a larger concept of sustainable and resilient cities where disaster risk reduction is at the core of our planning processes, in order to properly assess not only anthropogenic climate related risks but also social and economic risks.

Finally Mr. Chair I would like to recall that Ecuador will be hosting in 2016 UN Habitat Conference, which will be a cornerstone in the world's commitment to international, national and subnational public policies and actions regarding resilience against climate change, sustainable transportation and renewable energy, solid waste management, and of course the great challenge that we face to build inclusive and safe cities for persons with disabilities in order to reach a true society for Buen Vivir, Sumak Kawsay or Good Living for all.

Thank you very much.

H.E. Ambassador María Fernanda Espinosa Garcés,
Permanent Representative of the
Republic of Ecuador to the United Nations Office at Geneva

Ladies and gentlemen, I am very honoured to be here with you today to talk about the Peninsula Principles on Climate Displacement within States. These Principles offer a guiding and normative framework to protect and enhance the resilience of those groups and individuals displaced as a result of climate change and climate-related disasters. It offers special protection for marginalised groups, including indigenous communities, women, the elderly, minorities, the excluded, persons with disabilities, children, and those living in poverty. These groups are most vulnerable to the risks of climate change and thus to climate displacement. This side-event, dedicated to the rights of 'groups in focus', is therefore of utmost importance to raise awareness to their needs.

Climate displacement is one of the gravest human rights challenges of the 21st century. The Intergovernmental Panel on Climate Change warns that global warming will displace millions of people from their homes. According to the UN Office for Disaster Risk Reduction, already 87% of all disasters are climate-related, triggering displacement. Through the effects of sea-level rise, heavier storms, extreme floods, and severe drought, climate-related disasters will severely impact on people's livelihoods through massive loss of land, property resources and through changing natural habitats. In countries like Bangladesh, the Maldives, Panama, Tuvalu, the US state of Alaska, and many more, climate displacement is already becoming a reality. In Bangladesh, for example, sea-level rise further exacerbates existing problems of storm surges, flooding and coastal erosion, and is making coastal settlements increasingly vulnerable. Or just think of what happened just a few days ago in the Pacific Island Nation Vanuatu, where at least 15,000 homes have become uninhabitable due to the cyclone Pam.

As mentioned, especially the marginalised groups are most at risk. These groups, such as the elderly or those living in poverty, may not have the means or resources to move to better protected places where they can build an alternative and better livelihood. Left unprotected, these groups and individuals have nowhere to turn to and are destined to stay behind, or some may set out for a life in the urban slums.

Climate displacement is gaining increasing attention among the international community. But it is a slow process, it is too slow. 2010 was the first year that the Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC) recognised climate change induced displacement in the context of enhanced action on adaptation. But neither the UNFCCC nor any other UN body has thus far seriously taken up the issue of climate displacement, other than in the most general terms.

To fill that gap, the NGO Displacement Solutions, in collaboration with experts in the field, has developed the Peninsula Principles on Climate Displacement within States. Guided by UN human rights law and building on the Guiding Principles for Internal Displacement, the Peninsula Principles aim to protect the human rights of climate displaced persons and to address the issue in a preventive and planned manner, with dedicated attention to the protection and resilience of groups in focus. The Peninsula Principles define climate displaced persons as those individuals, households or communities who are facing or experiencing climate displacement. It therefore not only offers protection to those already displaced, but also to those who are facing the prospect of displacement due to threatening circumstances, such as coastal flooding.

The Peninsula Principles are a product of a long period of deliberation. Displacement Solutions has travelled throughout the world to meet with government officials, academics, communities and other experts to obtain input into the drafting of the Principles. As a final step, in mid-August 2013, a

number of UN officials, legal scholars and experts in the field, came together at the Mornington Peninsula in Redhill, Australia, and fine-tuned and approved the Principles. I am proud to have been one of these experts.

These Principles are especially tailored to the needs of climate displaced persons within states. The vast majority of those affected by climate change are expected to become displaced within their own territory. People often do not have the resources to cross the border, and do not want to leave their original habitats. People move to nearby villages or cities, or try to return to their places following a flood, cyclone or drought. The Peninsula Principles provide guidelines tailored to the specific needs of such internal displacement.

The Principles consist of seven building blocks, including the Preamble, the Introduction outlining the scope and key definitions; the General Obligations for states and the international community; followed by sets of principles on Preparation and Planning; Displacement; Post-Displacement and Return, and finally, Implementation. Let me now go through some of the key provisions offered by the Peninsula Principles.

First of all, key is the focus on prevention and adaptation. States should comply in full with their obligations under international law so as to avoid any conditions that may lead to climate displacement. States should therefore prioritise adaptation assistance to ensure the right for communities to stay in their homes as long as possible. But climate displacement is also a matter of global responsibility. States should cooperate in the provision of adaptation assistance and provide help when requested to do so.

Second, in the preparation and planning phase, provisions on participation and consent are central. States should always ensure that no relocation takes place without full and informed consent by the community, and should guarantee that climate displaced persons can actively participate in relevant decisions and in actual implementation of adaptation, relocation and protection programmes. In doing so, efforts should be made to ensure that marginalised groups, such as persons with disabilities, women or minorities, are also actively involved in these decision-making processes.

Third, in planning for relocation programmes, states should ensure that communities can enjoy the full spectrum of rights in their new places. States should adopt measures that promote livelihoods, acquisition of new skills, and economic prosperity for both displaced and host communities.

Fourth, the importance of land in the resolution of climate displacement should be recognised. Through a National Climate Land Bank, states should identify and reserve sufficient, suitable and habitable land to plan for and develop relocation sites. In doing so, states should provide easily accessible information to affected communities and individuals concerning potential changes to their homes and provide evidence that all viable alternatives to relocation have been considered.

Fifth, in case of people displaced and not relocated in time, states should provide humanitarian assistance, ranging from emergency assistance and shelter to education facilities and assistance in family reunion.

Sixth, states should develop a framework for return in the event that displacement is temporary and return to original homes and land is possible and agreed by those affected. In any case, states should respect the freedom of movement of climate displaced persons, and should facilitate their voluntarily return to their homes in safety and dignity, where return does not pose a significant risk to life and livelihood.

Finally, with regards to implementation, the primary obligation rests with the home state responsible for the protection of its citizens displaced by climate-related events within its own territory.

The Peninsula Principles are more than just a document. They actually offer practical guidelines for states experiencing climate displacement, and are being applied as we speak. Since 2014, Displacement Solutions, in collaboration with the Government of Panama and affected indigenous communities, has used the Peninsula Principles as a guiding framework for the planned relocation of island communities to the mainland in the Gunayala region in Panama. The islands in the Gunayala region are threatened by extreme weather events and rising sea-levels. In 2010, the indigenous community on the Gardi Sugdub island therefore decided to relocate to the mainland. This is a community-led initiative. The community itself arranged for seventeen hectares of land on the mainland. This land was donated by several families from the community and will be the site where the first houses should be built. But the community cannot do it all by itself. It needs help.

When Displacement Solutions came to Panama in 2014 to assist in the relocation project, both the community and the Government of Panama reacted with enthusiasm. The relocation process, if done well and guided by the Peninsula Principles, could provide a model for climate displacement in Gunayala and elsewhere. This is essential as the Gardi Sugdub island community will not be the last one who needs to relocate to the mainland. More communities will follow when climate change impacts become more severe. For that reason, it is crucial to develop a relocation strategy for the Gunayala region in Panama, building on international principles of human rights. The Government of Panama is taking measures on further pursuing that objective, for which it builds on the Peninsula Principles as a guiding framework.

Panama is amongst the first countries Displacement Solutions collaborated with to implement the Peninsula Principles on Climate Displacement within States. But Panama is not alone in that regard. More states have showed an interest in these Principles and have requested assistance to address climate displacement. Displacement Solutions is therefore also pursuing collaboration with a number of other states, including Bangladesh and Papua New Guinea.

We hope that more states will join in the protection of climate displaced persons and that the UN Human Rights Council will endorse the Peninsula Principles on Climate Displacement within States. The case of Panama shows that affected communities are no passive victims and take action, and have much knowledge to offer. But they cannot do it alone. It is therefore our responsibility, the responsibility of the international community, to ensure that normative and regulatory frameworks are in place to protect the rights of those facing or experiencing climate displacement and are seeking our help.

Thank you.

Dr. Ingrid Boas
Environmental Policy Group
Wageningen University

SOUTH CENTRE

Thank you for inviting the South Centre⁶ to participate in this very timely and important side event. South Centre is an intergovernmental think tank of developing countries. We are in the shadow of Tropical Cyclone Pam, which has hit the Pacific Island of Vanuatu hard and devastatingly.

Described as 'one of the worst storm in the pacific history' and 'apocalyptic' (the Red Cross), Pam has created widespread destruction in Port Vila and elsewhere in the Island. This event follows the almost yearly pattern of terrible typhoons that hit the Philippines at just about the beginning of the annual meetings of the Conference of the Parties of the United Nations Framework Convention on Climate Change, UNFCCC): Bopha 2012, Haiyan 2013 and Hagupit 2014.

All these extreme weather events imposed challenging conditions of death, homelessness, destruction of infrastructure and retrogression in economic and social development pathways. It is the case, that even in a developed country such as the US many men and women still have not fully recovered from the devastating impacts of Sandy, which created havoc in the Northeast of the US in 2012.

Climate change and its short, medium and longer term impacts

Extreme weather events and other disasters in developing countries and regions, such as the Vanutu, Panama and the Philippines, the Pacific the Caribbean and Central America, can set local, and regional and national development efforts back several years and even generations. They also impose hash burden on social development and poverty eradication at the national level and crushing daily grinds for the men, women and children so affected.

These events create challenging conditions for the enjoyment of the human rights of vulnerable groups such as children, youths, the elders, indigenous men and women, men and women living with disabilities and those who have already been displaced by economic and social factors. These weather events and so-called disasters also tend to exacerbate the situation by creating even more displacement of people, which adds to pre-existing issues of age, racism, gender and ethnic discriminations.

Increasingly, many of these disasters are linked to climate change, some more definitively than others; but most all are related to underlying issues of climate change and climate variability. Additionally, slow onset climatic events such as droughts, glacial retreat, ocean acidification also create longer term challenges around food security (crop failure, declining crop yields etc.,) water security (salinization and impaired to fresh water sources) and livelihood security (loss of jobs or reduce economic opportunities such as can accompany destruction of coral reef and challenges around fish stocks etc.).

⁶ The South Centre has been exploring the issues of human rights and climate change since at least 2010. Our two most read publications on the issue are Addressing climate change Through sustainable Development and the Promotion of human rights (2010) and The equitable sharing of atmospheric and development space: Some critical aspects (2010).

The IPCC and other scientists predict that extreme weather events and the related changes they bring will become increasingly more frequent over time.

It is therefore imperative that climate protection policies both globally, regional, national and local have a comprehensive understanding of the underlying vulnerabilities and rights impacts of climate change. Ultimately, there is need for comprehensive approach to human rights and climate change.

This approach must bolster states' obligations for the human rights of all its citizens in a context that provides both for the operationalisation of the right to development (which is important for those groups living in developing countries) and practical programmes and policies that meets the specific vulnerabilities and heightened sensitivities of the elderly and persons living with disabilities (which are also predicated on current socio-economic and cultural realities). Policies and programmes and projects must focus on the differentiate needs arising from the concerns of vulnerable groups.

This will require moving beyond rhetorical or even simple insertion of language on human rights and climate change to concrete actions to ensure that adaptation, mitigation, technology development and transfer and climate finance strategies, instruments and mechanisms in the first instance, respect the fundamental rights and justice based principles of the UNFCCC: embodied in Common but differentiated responsibility. Conceptual frameworks and operation programmes should also integrate the essential core principles of Human rights—universality, inalienability, indivisibility, interdependence and interrelatedness non-discrimination and equality, participation and accountability universality.

These issues are fundamental because of the two fold categoric effects of climate change on rights: 1) there are the direct and indirect impacts arising from climate change phenomena. and 2) there are also subsidiary, and, often unintended consequences, from measures design to address climate change itself. [For example, in the area of mitigation, issues around land-use and forest management to promote the efficacy of sinks and reservoir for carbon can have negative impacts on the relevant communities. Adaptation measures may also require displacement and removal of communities from areas vulnerable to sea level rise etc.]

Climate protection policy and Human rights emerging frameworks

Climate protection policies are discussed under the UNFCCC whose Article 1, defines climate change in terms of “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.”

Human rights rules and operations are governed by a variety of global and regional instruments but are fundamentally grounded in the Universal Declaration of Human Rights. This system has evolved and codified a wide and comprehensive phalanx of economic, social and cultural rights, such as the right to health, education and housing and those related access to safe drinking water and sanitation.

By 2007 there has been a clear and growing recognition of the relationship between climate change and human rights. The OHCHR Council 2009 res 10/24 2009 Council resolution res 10/24 2009 recognized ‘that climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights including, inter alia, the right to life, the right to adequate food, the right to the highest attainable standard of health, the right to adequate housing..’. Furthermore, the resolutions also recognised that ‘the adverse direct and indirect effects of climate

change on the effective enjoyment of human rights and climate change will be felt by those already vulnerable: geography, gender, age, indigenous or minority status and Disability (UNHCR 2009, Knox 2009 and Limon 2009).

The Human rights system rightly precludes any trade-off between rights violation and economic, scientific or other justifications. Nor does it allow for treating different actors differently due to exigential circumstances. The expectation is that rights must be an important de facto consideration in all policy approaches that would in any way adversely affect the rights of the right holders, whether they be the elderly, women, indigenous person and persons forced to leave home due to climatic factors.

Human rights system commits governments to include all people in the meaningful participation of decision-making that impacts their lives.

The rights of vulnerable groups, hence, must be protected and ensured with regard to climate change, its impacts and the decision-making and implementation of policies designed to address climate change.

Within the UNFCCC there is slowing and growing recognition of the links to human rights. This was officially recognised at the Sixteenth meeting of the Conference of the Parties (COP, Cancun, 2010). Decision 1/CP.16, 2010, para 8 urged parties to fully respect human rights in all climate related actions.

However, this provision has not been fully operationalised and UNFCCC mechanisms such as the Clean Development Mechanism (CDM) do not take human rights into account in their rules and procedures. Many NGOs reports highlight that the CDM does not have appeal procedures for individual or communities adversely impacted by CDM projects and that there is no strong stakeholder's rights in the implementation of projects. They further point to incidence of severe violation of human rights in some CDM projects. (For example, see the Bio gas recovery project in Bajo Aguan, Honduras, Carbon Watch 2011.) More seriously it has been reported that the CDM's board say it has no mandate to address human rights concerns and there is no rights-based approach yet in CDM.

Fortunately, the reducing emissions from deforestation and forest degradation (REDD+) discussion under the UNFCCC includes many safeguards that seek to protect indigenous and local communities where such projects are implemented. REDD+ mechanisms discussed however, have a strict human rights-based approach and needs further enhancements. Likewise, the Green Climate Fund is developing safeguards for projects to be funded by it. The Fund's governing instrument mandate the board to undertake fund-wide gender sensitisation. There is, however, no dedicated stream of funds for women's and community groups, though there is a dedicated private sector facility.

In other areas of the UNFCCC there has not been any significant uptake of human rights issues. For example, the negotiations presently under auspice of the Ad Hoc Working Group on the Durban Platform for Enhanced Action terminates its work in Paris at the end of the year with a global agreement to further the implementation of the Conventions does not specifically address human rights issues. However, at its most recent negotiating session, held in Geneva in February 2015, about 18 countries raised the issue of human rights and climate change and proclaimed a Geneva Pledge on Human Rights and Climate Change

Climate Resilience and the Rights of Vulnerable Groups

Climate change is at core an issue of equity, rights, ethics and justice. The climate challenge exists because of the way humans have produced and consumed goods and services. A significant part of the production and consumption has occurred in the developed countries, who continue to consume and produce more than the rest of the world. The underlying driving factor of that production system has been reliance on fossil fuels, which generate anthropogenic GHGs that science has identified as the culprits behind the dramatic cumulative warming of the earth atmosphere. At the same time, most of the effects and impacts of that warming are being felt in the developing countries, who historical have contributed the least to the overhang of Greenhouse gases. Science also warns that most of the effects of climate change and climate variability will continue to be felt in Africa, Asia and Latin America and the Caribbean

It is undeniably that the peoples' whose lives are most exposed to the devastating effects of climate change and extreme weather events, and who have the least capacity to respond to the impacts of climate change and climate variability are the millions men and women living in poverty or at the margins of economies. What is yet under recognised is that many of these people are the elderly, young men and women (youths) and indigenous men and women, who face particular challenges due to historical circumstances and socioeconomic factors, including discrimination and biases. The elderly, women, youths and indigenous persons are vulnerable to and exposed to suffer overwhelming and in some cases irrecoverable losses and damages, given their existing economic state before a climate crisis. Many of them are also part of the displaced.

The elders (includes seniors, age 65-74 and elderly aged over 75). Many older men and women live in developing countries as rural folks, smallholders and subsistent farmers, artisanal fisher folks and coastal dwellers. They lack adequate shelter and basic access to sanitation and try to make a living in the most vulnerable areas of their countries. They, as well as millions of their counterparts in the peri-urban and densely packed urban areas of geographically vulnerable countries such as those in Least Developing African Countries and South Asia, Small Islands States of Asia, the Caribbean and the Pacific as well as many countries in Central and Latin America, are also subject to and least able to cope with the devastating effects of sea-level rise, strong, winds, floods, storms and droughts.

The elderly in developed countries are also susceptible to risks from heat waves, flooding, cold spell and storm events challenges in recovering from the aftermath of storms etc. this was the case with Katrina and Sandy in the US and the European heatwaves. In addition to these identified issues, the elderly faces other specific exposure and sensitivity to climate threatens which may reduce their coping capacity other issues with regard to climate and natural disasters: some may have chronic health and mobility issues. Poor elderly also have the double exposure in that they may not have the resource for post recovery. Their pre-existing health conditions may also increase their sensitivity to climate factors.

Persons with disabilities. Persons with disabilities are also part of the vulnerable group to a changing climate. In times of extreme events these men, women, boys and girls face threats of loss of access to support services and networks. These need to be built into disaster recovery and planning. The rights and dignity of persons with disability must be protected and systematically assured in disaster and climate protection policies. They must be assured of equal access to available services as persons living without disability.

Displaced persons. Climate change exacerbates the existing vulnerabilities of displaced persons. (to be discussed orally)

Indigenous men and women. The over 400 million (about 5% of population) indigenous men and women are estimated to comprise 15% of the poorest population of the world and Indigenous peoples live on 22% of the land. This puts them under great threat as about 80% of the world's biodiversity and tropical rainforests are on these lands. Hence, the threats from climate change for indigenous people are double so: they are over exposed to climatic impacts on water, food, loss of lives and injury, and they are also at risk from the responses to address climate change which focus on land use and ensuring carbon sinks in the form of CDM and REDD projects. In this case, they face potential loss of land and further exploitation. Under the UNFCCC there is REDD/REDD+ safeguards to protect community rights and ownership as well as ensure community co-benefits and participation (1/CP.16, para 70).

Gender. The gender related dimensions of climate change are now more readily discussed. The Committee on CEDAW adopted a statement on gender and climate change in 2009 (44th session). The UNFCCC has gender resolutions that focused promoting the balanced participation of women in its decision-making processes. The Lima work programme on gender will also explore issues of gender and adaptation, mitigation, and technology transfer and development and the Green Climate Fund's governing instrument commits it to undertake gender-sensitization of its operations, policies and programmes. In addition, many other climate funds such as the Adaptation Fund, Global Environment Facility, and the Climate Investment Funds of the World Bank, CIFs are engendering their processes. Though in adequate and slow moving with regard to promoting gender equality and women's empowerment, these are steps in in the right direction.

Unfortunately, this is not the case for other vulnerable groups such as the elders, the displaced and or climate refugees.

All vulnerable groups have the right to right to participate in responding to cc visibility in climate change policy and plans

Towards a comprehensive human rights and climate change protection system

The Paris Agreement - In thinking about linking more closely climate policy under the UNFCCC process there is need to recognise a number of factors. Climate policy is being articulate in the framework of the 2 degree Celsius guard rail. But for many countries 2 degree is quite dangerous. For over 100 countries from Africa, Least developing countries group and small island states a safe temperature guard rail that would help to ensure the enjoyment of human rights and sustainable development is somewhere between 1-1.5 degree C.

Secondly, there is a justice and equity based struggle afoot in the UNFCCC in terms of equitable access to the remaining carbon space (about 275 GtC).

Thirdly, adaptation, which is the critical base as well as complementary for resilient, has so far been neglected in terms of financing under the UNFCCC. It is still treated as a step-child, which, unlike mitigation has no global benefits so should be fully taken care of that national level. This is of course untenable in a human rights based framework. (Fortunately, the tide is turning somewhat in this regard with growing recognition of the synergies between adaptation and mitigation.)

Fourthly, the success towards promoting human rights in the face of climate change will depend on large flow of funds from developed countries to developing countries, which at the time is something of a challenge and bone of contention in the negotiations. [Developed countries have promised \$100 billion per year by 2020. In the first case, there is no clear pathway specified for this and secondly, it is widely agreed that the cost of climate change is many multiples of that amount, starting at about \$700b to trillions of dollars (IEA 2014) and Grantham research 2015.]

Without adequate financing of mitigation and adaptation, not to mention loss and damage it will be difficult if not impossible go beyond easy rhetoric about human rights and to effectively begin to promote and ensure the enjoyment of human rights by any or all vulnerable groups.

That said it, is the case that the UNFCCC, which is grounded in the equity principle (CBDR) and climate science, is particularly suitable to facilitate rights-based cooperation in accordance with the principle of affirmative action and the legal duty of all states to cooperate to realize human rights.

The UNFCCC framework, including the UNFCCC and the Kyoto Protocol, is premised on legal principles that run parallel to, and reinforce, international human rights obligations. The framework balances concerns for the development needs of developing countries with the responsibilities and obligations of all countries to address climate change and thus mitigate human rights harm. Of particular importance are the principles of equity and common but differentiated responsibilities and respective capabilities of developed and developing countries.

In accordance with these principles, developed countries have specific obligations to mitigate their emissions in order to modify the longer-term trends in global emissions and provide financing and technology transfer to developing countries for adaptation and sustainable development Sustainable economic development – that is, a development pathway that provides adequate economic opportunities and a decent quality of life in a manner that is equitable and environmentally sustainable – is needed. Yu, South Centre 2010

There are threefold entry points for building and shoring up the equity and rights basis of the UNFCCC: 1) The Cancun provisions can be expanded to include agreed references to the human rights principles of equality, non-discrimination, accountability, participation, empowerment, solidarity, and transparency, among others; 2). This must be done in a comprehensive manner grounded in operationalization of the right to development and CBDR, and 3) , a more comprehensive rights-based approach that grounds a global treatment and financing of adaptation. Adaptation is too important for resilience and rights building of vulnerable groups and others in the developing countries to be left untethered to a global framework. Likewise, loss and damages should also more comprehensively address human rights issues.

In this context, it will be important to see how the Ad Hoc Working Group on the Durban Platform for Enhanced Action deal with 'Geneva Pledge on Human Rights and Climate Action' forged by about 18 states, which States expressed support for the inclusion of strong language on human rights in forthcoming agreements. There are additional elements from the Lima Meeting that can further support grounding human rights in the UNFCCC. These include the Lima Work Programme on Gender, the provisions of education and awareness and communications and public outreach which can be tailored to meet the needs of the elderly men, women, and youths and displaced persons as well as indigenous men and women. The Loss and damage mechanism can also be expanded to include discussion around displaced persons and the livelihoods and rights of indigenous persons.

The Lima Call for Climate Action, which sets the foundation for the ongoing negotiations toward a final agreement in Paris, also had a ministerial declaration on Education and Awareness raising with regard to climate. The declaration emphasised the ‘fundamental role of education, training, public awareness, public participation, public access to information and international cooperation in meeting the ultimate objective of the Convention and in promoting climate-resilient sustainable development’. This outcome, which is a further enhancement of article 6 of the Convention, is a likely springboard for integrating human rights concerns and issues specific about participation and inclusion for the elderly, persons with disabilities, displaced persons and youths.

Finally, finance and technology transfer to support the kind of adaptation and mitigation actions needed to safeguard the lives of men, women and children taking into account their specific age, and socio economic needs and constraints are important for ensuring appropriate responses and sustainable development and poverty eradication. Additionally, the full development and operationalization of the Warsaw International Mechanism on Loss and damage will be important particularly for vulnerable groups.

The financing of climate change, its scale, scope, sources, timely delivery, challenges and constraints have serious implications for poverty eradication, social development and social protection programming in developing countries. To the extent that developing countries, either must trade-off national budgetary expenditures from the social sector budgets and channel these funds towards climate change measures, and or make up for the damages and losses to infrastructure and the livelihoods of women and men caused by climate related events, this will weaken or retard progress on core development objectives. It will also adversely impact trends toward enhancing social protection and employment generation for women and men living in poor communities. Where the financing of climate change adaptation or mitigation compel developing countries to borrow in order to finance such activities, this will result in rising indebtedness of developing countries. High level of indebtedness will impose further constraints on the fiscal policy space of these countries.

Mariama Williams
Senior Programme Officer
South Centre

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Good afternoon. I would like to thank the Office of the High Commissioner for Human Rights for organizing this event and I would like to briefly give UNHCR's perspective, particularly on the protection challenges in the context of climate change induced displacement.

While growing numbers of people are obliged to abandon their homes in the context of climate change, many of them will not qualify for refugee status under the terms of the 1951 UN Refugee Convention.⁷ There is therefore a legal gap on the protection of people displaced across borders in the context of climate change.

UNHCR is deeply concerned about the massive protection challenges raised by climate- and environment-related displacement and planned relocation. The majority of the 51.2 million 'persons of concern' to UNHCR (including refugees, asylum-seekers, returnees, internally displaced and stateless persons) are concentrated in 'climate change hotspots' around the world. Countries already experiencing conflict are especially vulnerable to forced displacement in the context of disasters, rendering both the humanitarian needs and responses in such situations even more complex.

UNHCR supports the State-led Nansen Initiative on Disasters and Cross-border Movements, launched by Norway and Switzerland in 2012 that aims to build a consensus on key principles and elements regarding the protection of persons displaced across borders in the context of climate change. UNHCR stands ready to support States in the development of protection arrangements, by adapting current law and good practices to new realities while building on the many good practices at regional level.

UNHCR is working with a range of partners, especially members of the Advisory Group on Climate Change and Human Mobility⁸, to ensure that protection gets the requisite attention not just conceptually for example in the UNFCCC process, but also operationally. The Advisory Group is of the view, underpinned by robust academic research, that National adaptation plans and Disaster risk reduction strategies are vehicles to effectively address linkages between climate change, human rights and human mobility. Voluntary migration and relocation that are facilitated and planned in advance are tools to avoid forced displacement.

For these to be effective, however we must all first listen to the voices of those on the front lines of climate change. The front lines of climate change are at household and community level. Indeed, when it is no longer viable for people to live in their usual place of residence, they must be allowed to exercise choices regarding their future. The success of planned relocation strategies for example depends on the participation and consent of affected populations. UNHCR, the Brookings Institution and Georgetown University are working together to ensure that States and supporting actors

⁷ The 1951 Refugee Convention defines a refugee as someone with "a well-founded fear of persecution" on the basis of one of five grounds: race, religion, nationality, membership in a particular social group, and political opinion. UNHCR would therefore feel more comfortable with terminology such as 'cross-border displacement' in the context of disasters or environmental factors or 'externally displaced' to avoid confusion with the term 'Internally Displaced Persons'.

⁸ UNHCR, IOM, Norwegian Refugee Council/Internal Displacement Monitoring Centre, UNU-Bonn, UNDP, ILO, OHCHR, Sciences Po (CERI) and Refugees International.

undertake planned relocation in a manner that respects the humanity, dignity and the human rights of affected populations.

Thank you.

Marine Franck
Climate change Officer
UNHCR

RADDHO

Mr. Chairman,

We are fully aware and agree that Climate change is a complex and cross-cutting issue which affects the lives of peoples around the world. It is an global challenge and an enourmous threat to the achievement of all human rights.

The Raddho fully supports the ongoing efforts of the international community in this important year of negotiations of the United Nations Framework Convention on Climate Change (UNFCCC). We look ahead to a successful outcome in Paris later this year.

In this regard, we fully support the need for respecting the key principles already agreed under the Convention such as the principles of equity and common but differentiated responsibilities. Developed countries, who most contributed to climate change, have a historical responsibility in this process. Therefore, they must provide financial, technological and capacity building support to developing countries, particularly the most vulnerable ones so that they can properly address the adverse impacts of climate change. The lives of individuals living in these areas remain constantly threatened.

Increase in frequency and intensity of tropical storms, change in rainfall patterns, changing temperatures and salinization of water among other hazards must be addressed with the provision of adequate assistance.

In defining climate change policies, there is a real need to an effective response connecting all aspects of human rights. This response must take into account the most vulnerable and marginalized populations. Climate changes policies must be connected to the full range of human rights including the right to food, water, health and adequate housing.

Adverse impacts of climate change on States' also undermines efforts to realize the right to food. As said by the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment « No right is more threatened by climate change that the right to food ». We also call attention for others threats related to right to food. For example, the marketization and commoditization of these rights by corporates. In this regard, we are particularly concerned by the need to properly address the linkages between the wishes to have so-called clean biofuels for cars in the West and the challenge of avoiding possible negative impacts of reduction of agricultural land, and thereby food availability.

We are also concerned by some practices aiming at boosting climate change mitigation and mechanisms which were initially defined to guarantee a clean development policies such as forest preservation which are shifting land use for agriculture, and as result, threatening the right to food, especially in Africa and South Asia. The actual practice of reforestation in several countries, especially in Africa, the region which I know well, is a clear example of a situation when the aimed solution can result worse than the initial problem.

We need also to improve the status of local people's knowledge of their land if we want to build a resilient cooperative and a truly global strategy to address climate changes issues.

Finally we also endorse the call for the establishment of Special Rapporteur on climate change and human rights which would contribute to enhance the efforts towards the full enjoyment of all human rights, particularly by the most vulnerable populations.

Thank you

Biro Diawara
Rencontre Africaine
pour la Défense des Droits de l'Homme

III. BIOS

Catalina Devandas Aguilar is a lawyer by training and human rights advocate, who has worked extensively on disability issues at the national, regional and international levels. Before taking up her duties as first Special Rapporteur on the rights of persons with disabilities on 1 December 2014, she was working as a Program Officer for Strategic Partnerships with the Disability Rights Advocacy Fund, and was formerly with the United Nations Secretariat unit responsible for the Convention on the Rights of Persons with Disabilities (CRPD) and the World Bank as a consultant for the Disability and Inclusive Development team for Latin America and the Caribbean region. Ms. Devandas Aguilar has previously served as a Board Member of the Latin American Network of Persons with Disabilities representing the region in the International Disability Alliance. Her work has focused on the rights of women with disabilities and the rights of indigenous peoples with disabilities, and she has experience supporting capacity building and technical assistance projects with Governments, United Nations system actors, national human rights institutions, and organizations of persons with disabilities.

Chaloka Beyani, Special Rapporteur on the human rights of Internally Displaced Persons. D.Phil (Oxford); LL.M and LLB (University of Zambia). Dr. Chaloka Beyani is a Zambian national and professor of International Law at the London School of Economics. Dr. Beyani has worked and published extensively in the fields of human rights, international criminal and humanitarian law, as well as on issues relating to humanitarian assistance and population displacements, including internal displacement. Dr. Beyani has also acted as an advisor to a number of UN agencies and other international and regional organisations. In particular, he drafted and participated in the negotiation of a number of important international instruments including the International Conference on the Great Lakes Region, and the African Union Convention on Internally Displaced Persons (also known as the "Kampala Convention").

Tom Corsellis, Executive Director of the Shelter Centre and one of its founding members. He is also the co-founder of the University of Cambridge shelterproject and co-lead author and executive editor of the guidelines 'Transitional settlement: displaced populations' (Corsellis & Vitale, 2005). He has operations experience in the shelter sector in Africa, Asia and Europe with humanitarian agencies including UNHCR, IOM, DFID, CARE, Oxfam GB and MSF-F. Tom Corsellis holds a PhD (University of Cambridge) and lectured, taught and trained at universities including Cambridge, Catalonia, Coventry, Oxford, Oxford Brooke and York.

Biro Diawara, representative of Rencontre Africaine pour la Défense des Droits de l'Homme.

Marine Franck, Climate change and Nansen Initiative Officer in the Division of International Protection at the United Nations High Commissioner for Refugees. She previously worked for ÉcoRessources, WECF (Women in Europe for a Common Future) and as an Asia-Pacific foreign affairs Officer in the French Ministry for Sustainable Development. Marine Franck studied law and political science, including at the Université Jean Moulin (Lyon III), the University of Helsinki, and the IRIS International and strategic relations institute.

H.E. Ambassador María Fernanda Espinosa Garcés is Permanent Representative of the Republic of Ecuador to the United Nations Office at Geneva. Before her current position, she held several Ministerial posts. She was Minister for Foreign Affairs, Commerce and Integration from January 2007 to December 2007 and from October 2009 till November 2012 she was Coordinating

Minister of Heritage. In November 2012 she got the post of Minister of National Defense. H.E. María Fernanda Espinosa holds a Masters degree in Social Science and Amazonic Studies, as well as a postgraduate degree in Anthropology and Political Science from the Facultad Latinoamericana de Ciencias Sociales in Quito and a licentiate in Applied Linguistics from the Pontificia Universidad Católica del Ecuador. She was also a graduate student in Environmental geography at Rutgers University.

Rosa Kornfeld-Matte, Independent Expert on the enjoyment of all human rights by older persons. In May 2014, the Human Rights Council appointed Ms. Rosa Kornfeld-Matte as the first Independent Expert on the enjoyment of all human rights by older persons (HROP). Ms. Kornfeld-Matte served as the National Director of the Chilean National Service of Ageing where she designed and implemented the National Policy of Ageing. She has a long career as an academic and is the founder of the programme for older persons at the Pontifical Catholic University of Chile.

Rudolf Müller, Deputy Director and Chief, Emergency Services Branch, OCHA Geneva, a graduate from the Austrian Military Academy, served in the Austrian Army and as verification expert in the United Nations Special Commission for Iraq (for the verification of Chemical Weapons) before joining DHA in 1993, followed by OCHA. He worked as a Desk Officer and disaster expert on major emergencies such as the earthquake in Bam, Iran and the Indian Ocean Earthquake/Tsunami. From 2005 to 2006 he was Head of OCHA's office in Southern Sudan, after the signing of the Comprehensive Peace Agreement. For nearly two years (2006 to 2008), he was Chief of the Central Emergency Response Fund (CERF) Secretariat before he was appointed Deputy Director of the Coordination and Response Division (CRD) of OCHA in New York. Rudolf Müller has led numerous emergency missions to support the Resident/Humanitarian Coordinators and OCHA offices in situ, and humanitarian coordination in general. Most recently, Rudolf Müller was deployed to Turkey and Jordan to set up the UN Monitoring Mechanism for UN cross border assistance into Syria, as per UN Security Council Resolution 2165. Since March 2010, Rudolf Müller is Chief, Emergency Services Branch with OCHA in Geneva where he manages OCHA's emergency tools and services, such as the UN Disaster Assessment and Coordination teams (UNDAC), Civil-Military Coordination, and Surge support.

Mariama Williams, Ph.D., is a Senior Programme Officer with the South Centre, Geneva, Switzerland. She is also a director of the Institute of Law and Economics, Jamaica. Dr. Williams is the author of *Trading Stories: Experiences with Gender and Trade* (co-edited with Marilyn Carr, 2010), co-author, *Gender and Trade Action Guide: A Training Resource* (2007), author, *Gender Issues in the Multilateral Trading System* (2003) and *Climate Change Financing, Development and Gender – An Introduction* (forthcoming 2015). Her current research areas are the debt & financial crisis and climate change & climate change financing. Williams has extensive experience in the areas of sovereign debt crises, international trade policy and macroeconomics and economic development. Dr. Williams is also a member of the International Working Group on Gender, Macroeconomics and International Trade (IWG-GEM), a former member of the Steering Committee and Co-research Coordinator, *Political Economy of Globalization (Trade) for Development Alternative with Women for a New Era* (DAWN, 2003-2008), past Research Coordinator with the International Gender and Trade Network (IGTN, 2000-2008) and served on the Advisory Committee of *Progress of the World's Women*, a biennial report published by UNIFEM (2000 and past member of the board of the Association for Women's Rights and Development (AWID, 2002-2004). She is currently a member of the Board of Trustee of the Dag Hammarskjöld Foundation, Sweden.

ANNEXES

PENINSULA PRINCIPLES ON CLIMATE DISPLACEMENT WITHIN STATES

18 August 2013

PREAMBLE

Concerned that events and processes caused or exacerbated by climate change have and will continue to contribute to displacement of populations resulting in the erosion of the rights of those affected, in particular vulnerable and marginalised groups, the loss of assets, housing, land, property and livelihoods, and the further loss of cultural, customary and/or spiritual identity;

Guided by the Charter of the United Nations, and Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights as well as the Vienna Declaration and Programme of Action;

Noting that these Peninsula Principles on Climate Displacement within States ('Peninsula Principles') build on and contextualise the United Nations Guiding Principles on Internal Displacement to climate displacement within States;

Understanding that when an activity raises threats of harm to human health, life or the environment, precautionary measures should be taken;

Cognisant that the vast majority of climate displaced persons are not responsible for the processes driving climate change;

Noting that while climate displacement can involve both internal and cross-border displacement, most climate displacement will likely occur within State borders;

Reaffirming the right of climate displaced persons to remain in their homes and retain connections to the land on which they live for as long as possible, and the need for States to prioritise appropriate mitigation, adaptation and other preventative measures to give effect to that right;

Recognising that voluntary and involuntary relocation often result in the violation of human rights, impoverishment, social fragmentation and other negative consequences, and recognising the imperative to avoid such outcomes;

Noting further that climate displacement if not properly planned for and managed may give rise to tensions and instability within States;

Acknowledging that States bear the primary responsibility for their citizens and others living within their territory, but recognising that, for many States, addressing the issue of and responding to climate displacement presents financial, logistical, political, resource and other difficulties;

Convinced, that as climate change is a global problem, States should, on request by affected States, provide adequate and appropriate support for mitigation, adaptation, relocation and protection measures, and provide assistance to climate displaced persons;

Realising that the international community has humanitarian, social, cultural, financial and security interests in addressing the problem of climate displacement in a timely, coordinated and targeted manner;

Realising further that there has been no significant coordinated response by States to address climate displacement, whether temporary or permanent in nature;

Recognising that the United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol neither contemplate nor address the issue of climate displacement, and that conferences and meetings of the parties to these instruments have not substantively addressed climate displacement other than in the most general of terms;

Noting, however, that paragraph 14(f) of the UNFCCC 16th session of the Convention of the Parties (COP16) Cancun Adaptation Framework refers to enhanced action on adaptation, including '[m]easures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation ...';

Noting further that UNFCCC COP18 in Doha decided to establish, at UNFCCC COP19, institutional arrangements to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change as part of the Cancun Adaptation Framework;

Recognising the work being undertaken by the United Nations and other inter-governmental and non-governmental organisations to address climate displacement and related factors;

Realising the need for a globally applicable normative framework to provide a coherent and principled approach for the collaborative provision of pre-emptive assistance to those who may be displaced by the effects of climate change, as well as effective remedial assistance to those who have been so displaced, and legal protections for both;

Acknowledging the Inter-Agency Standing Committee (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters, the Hyogo Framework for Action, the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons and other relevant standards, the incorporation of a number of their principles within these Peninsula Principles, and their application to climate displaced persons;

Acknowledging also regional initiatives addressing internal displacement such as the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa;

Noting the work of the Nansen Initiative on disaster-induced cross-border displacement;

Noting that these Peninsula Principles, addressing climate displacement within States, necessarily complement other efforts to address cross-border displacement; and

Recognising judicial decisions and the writings of eminent jurists and experts as a source of international law, and acknowledging their importance and contribution to formulating the present Peninsula Principles;

These Peninsula Principles provide as follows:

INTRODUCTION

PRINCIPLE 1: SCOPE AND PURPOSE

These Peninsula Principles:

- a. provide a comprehensive normative framework, based on principles of international law, human rights obligations and good practice, within which the rights of climate displaced persons can be addressed; address climate displacement within a State and not cross-border climate displacement; and
- b. set out protection and assistance principles, consistent with the UN Guiding Principles on Internal Displacement, to be applied to climate displaced persons.

PRINCIPLE 2: DEFINITIONS

For the purposes of these Peninsula Principles:

- a. 'Climate change' means the alteration in the composition of the global atmosphere that is in addition to natural variability over comparable time periods (as defined by the Inter-governmental Panel on Climate Change (IPCC)).
- b. 'Climate displacement' means the movement of people within a State due to the effects of climate change, including sudden and slow-onset environmental events and processes, occurring either alone or in combination with other factors.
- c. 'Climate displaced persons' means individuals, households or communities who are facing or experiencing climate displacement.
- d. 'Relocation' means the voluntary, planned and coordinated movement of climate displaced persons within States to suitable locations, away from risk-prone areas, where they can enjoy the full spectrum of rights including housing, land and property and livelihood rights and all other livelihood and related rights.

PRINCIPLE 3: NON-DISCRIMINATION, RIGHTS AND FREEDOMS

- a. States shall not discriminate against climate displaced persons on the basis of their potential or actual displacement, and should take steps to repeal unjust or arbitrary laws and laws that otherwise discriminate against, or have a discriminatory effect on, climate displaced persons. Climate displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country, in particular housing, land and property rights.
- b. States should ensure that climate displaced persons are entitled to and supported in claiming and exercising their rights and are provided with effective remedies as well as unimpeded access to the justice system.

PRINCIPLE 4: INTERPRETATION

- a. These Peninsula Principles shall not be interpreted as limiting, altering or otherwise prejudicing rights recognised in international law, including human rights, humanitarian law and related standards, or rights consistent with those laws and standards as recognised under domestic law.
- b. States should interpret these Peninsula Principles broadly, be guided by their humanitarian purpose, and display fairness, reasonableness, generosity and flexibility in their interpretation.

I. GENERAL OBLIGATIONS

PRINCIPLE 5: PREVENTION AND AVOIDANCE

States should, in all circumstances, comply in full with their obligations under international law so as to prevent and avoid conditions that might lead to climate displacement.

PRINCIPLE 6: PROVISION OF ADAPTATION ASSISTANCE, PROTECTION AND OTHER MEASURES

- a. States should provide adaptation assistance, protection and other measures to ensure that individuals, households and communities can remain in their lands or places of habitual residence for as long as possible in a manner fully consistent with their rights.
- b. States should, in particular, ensure protection against climate displacement and demonstrate sensitivity to those individuals, households and communities within their territory who are particularly dependent on and/or attached to their land, including indigenous peoples and those reliant on customary rules relating to the use and allocation of land.

PRINCIPLE 7: NATIONAL IMPLEMENTATION MEASURES

- a. States should incorporate climate displacement prevention, assistance and protection provisions as set out in these Peninsula Principles into domestic law and policies, prioritising the prevention of displacement.
- b. Institutions and mechanisms – at all levels of government (local, regional and national) to implement these Peninsula Principles and give effect to their provisions through specially earmarked budgetary allocations and other resources to facilitate that implementation.
- c. States should ensure that durable solutions to climate displacement are adequately addressed by legislation and other administrative measures.
- d. States should ensure the right of all individuals, households and communities to adequate, timely and effective participation in all stages of policy development and implementation of these Peninsula Principles, ensuring in particular such participation by indigenous peoples, women, the elderly, minorities, persons with disabilities, children, those living in poverty, and marginalised groups and people.
- e. All relevant legislation must be fully consistent with human rights laws and must in particular explicitly protect the rights of indigenous peoples, women, the elderly, minorities, persons with disabilities, children, those living in poverty, and marginalized groups and people.

PRINCIPLE 8: INTERNATIONAL COOPERATION AND ASSISTANCE

- a. Climate displacement is a matter of global responsibility, and States should cooperate in the provision of adaptation assistance (to the maximum of their available resources) and protection for climate displaced persons.
- b. In fulfilling their obligations to prevent and respond to climate displacement within their territory, States have the right to seek cooperation and assistance from other States and relevant international agencies.

c. States and relevant international agencies, either separately or together, should provide such cooperation and assistance to requesting States, in particular where the requesting State is unable to adequately prevent and respond to climate displacement.

d. States that are otherwise unable to adequately prevent and respond to climate displacement should accept appropriate assistance and support from other States and relevant international agencies, whether made individually or collectively.

II. CLIMATE DISPLACEMENT PREPARATION AND PLANNING

PRINCIPLE 9: CLIMATE DISPLACEMENT RISK MANAGEMENT

With regard to climate displacement risk management, monitoring, and modeling, States, using a rights-based approach, should:

a. identify, design and implement risk management strategies, including risk reduction, risk transfer and risk sharing mechanisms, in relation to climate displacement;

b. undertake systematic observation and monitoring of, and disaggregated data collection at the household, local, regional and national levels on, current and anticipated climate displacement;

c. enhance sharing, access to and the use of such data at the household, local, regional and national levels, mindful of the need for data protection and predetermined use of data, and facilitate the assessment and management of climate displacement;

d. model likely climate displacement scenarios (including timeframes and financial implications), locations threatened by climate change, and possible relocation sites for climate displaced persons;

e. integrate relocation rights, procedures and mechanisms, as defined in these Peninsula Principles, within national laws and policies; and

f. develop institutional frameworks, procedures and mechanisms with the participation of individuals, households and communities that:

(i) identify indicators that will, with as much precision as possible, classify where, at what point in time, and for whom, relocation will be required as a means of providing durable solutions to those affected;

(ii) require and facilitate governmental technical assistance and funding; and

(iii) outline steps individuals, households and communities can take prior to climate displacement in order to receive such technical assistance and financial support.

PRINCIPLE 10: PARTICIPATION AND CONSENT

To enable successful preparation and planning for climate displacement, States should:

a. ensure that priority consideration is given to requests from individuals, households and communities for relocation;

b. ensure that no relocation shall take place unless individuals, households and communities (both displaced and host) provide full and informed consent for such relocation;

c. only require relocation to take place without such consent in exceptional circumstances when necessary to protect public health and safety or when individuals, households and communities face imminent loss of life or limb;

d. adopt measures that promote livelihoods, acquisition of new skills, and economic prosperity for both displaced and host individuals, households and communities;

e. make certain that:

(i) affected individuals, households and communities (both displaced and host) are fully informed and can actively participate in relevant decisions and the implementation of those decisions, including the planning and implementation of laws, policies and Programmes designed to ensure respect for and protection of housing, land and property and livelihood rights;

(ii) basic services, adequate and affordable housing, education and access to livelihoods (without discrimination) will be available for climate displaced persons in the host community at a standard ensuring equity between the host and relocating communities, and consistent with the basic human rights of each;

(iii) adequate mechanisms, safeguards and remedies are in place to prevent and resolve conflicts over land and resources; and

(iv) the rights of individuals, households and communities are protected at all stages of the relocation process;

(v) prior to any relocation, prepare a master relocation plan that addresses critical matters including:

(vi) land acquisition;

(vii) community preferences;

(viii) transitional shelter and permanent housing;

(ix) the preservation of existing social and cultural institutions and places of climate displaced persons;

(x) access to public services;

(xi) support needed during the transitional period;

(xii) family and community cohesion;

(xiii) concerns of the host community;

(xiv) monitoring mechanisms; and

(xv) grievance procedures and effective remedies.

PRINCIPLE 11: LAND IDENTIFICATION, HABITABILITY AND USE

a. Recognising the importance of land in the resolution of climate displacement, States should:

(i) identify, acquire and reserve sufficient, suitable, habitable and appropriate public and other land to provide viable and affordable land-based solutions to climate displacement, including through a National Climate Land Bank;

(ii) develop fair and just land acquisition and compensation processes and appropriate land allocation programmes, with priority given to those most in need; and

(iii) plan for and develop relocation sites including new human settlements on land not at risk from the effects of climate change or other natural or human hazards and, in so planning, consider the safety and environmental integrity of the new site(s), and ensure that the rights of both those relocated and the communities that host them are upheld.

b. In order to determine the habitability and feasibility of any relocation site, and to ensure that climate displaced persons being relocated and the relevant jurisdictional authority are in agreement as to the habitability of any such site, States should create and make publicly available specific, geographically appropriate, standard criteria including:

(i) current and future land use;

(ii) restrictions (including those of a customary nature or not otherwise formally codified) associated with the land and its use;

(iii) habitability of the land, including issues such as accessibility, availability of water, vulnerability to climate or other natural or human hazards, and use; and

(iv) feasibility of subsistence/agricultural use, together with mechanisms for climate displaced persons to decide to where they wish to voluntarily relocate.

c. States should provide easily accessible information to individuals, households and communities concerning:

(i) the nature and extent of the actual and potential changes to the habitability of their homes, lands and places of habitual residence, resulting from climate change, including the evidence on which such assessments are made;

(ii) evidence that all viable alternatives to relocation have been considered, including mitigation and adaptation measures that could be taken to enable people to remain in their homes and places of habitual residence;

(iii) planned efforts to assist climate displaced persons in relocation;

(iv) available compensation and alternative relocation options if the relocation site offered is unacceptable to climate displaced persons; and

(v) rights under international and domestic law, in particular housing, land and property and livelihood rights.

d. States should include in relocation planning:

(i) measures to compensate climate displaced persons for lost housing, land and property;

(ii) assurances that housing, land, property and livelihood rights will be met for all climate displaced persons, including those who have informal land rights, customary land rights, occupancy rights or rights of customary usage, and assurances that such rights are ongoing; and

(iii) assurances that rights to access traditional lands and waters (for example, for hunting, grazing, fishing and religious purposes) are maintained or similarly replicated.

PRINCIPLE 12: LOSS AND DAMAGE

States should develop appropriate laws and policies for loss suffered and damage incurred in the context of climate displacement.

PRINCIPLE 13: INSTITUTIONAL FRAMEWORKS TO SUPPORT AND FACILITATE THE PROVISION OF ASSISTANCE AND PROTECTION

a. States should strengthen national capacities and capabilities to identify and address the protection and assistance needs of climate displaced persons through the establishment of effective institutional frameworks and the inclusion of climate displacement in National Adaptation Programmes of Action as appropriate.

b. States should take all appropriate administrative, legislative and judicial measures, including the creation of adequately funded Ministries, departments, offices and/or agencies at the local (in particular), regional and national levels empowered to develop, establish and implement an institutional framework to:

(i) enable government technical assistance and funding to prevent, prepare for and respond to climate displacement;

(ii) support and facilitate the provision of assistance and protection to climate displaced persons;

(iii) exchange information and cooperate with indigenous peoples, women, the elderly, minorities, persons with disabilities, children, those living in poverty, and marginalised groups and people.

(iv) represent the needs of climate displaced persons.

c. Responsibility for establishing Ministries, departments, offices and/or agencies should lie with national governments, and such governments should consult and collaborate with regional and local authorities, and integrate such Ministries, departments, offices and/or agencies in relevant institutional frameworks.

d. States should ensure the provision of adequate resources (including points of contact and assistance) at all levels of government that directly address the concerns of climate displaced persons.

III. DISPLACEMENT

PRINCIPLE 14: STATE ASSISTANCE TO THOSE CLIMATE DISPLACED PERSONS EXPERIENCING DISPLACEMENT BUT WHO HAVE NOT BEEN RELOCATED

a. States have the primary obligation to provide all necessary legal, economic, social and other forms of protection and assistance to those climate displaced persons experiencing displacement but who have not been relocated.

b. Protection and assistance activities undertaken by States should be carried out in a manner that respects both the cultural sensitivities prevailing in the affected area and the principles of maintaining family and community cohesion.

c. States should provide climate displaced persons experiencing displacement but who have not been relocated with a practicable level of age and gender-sensitive humanitarian assistance including, without limitation, as the context requires:

(i) emergency humanitarian services;

(ii) evacuation and temporary and effective permanent relocation;

(iii) medical assistance and other health services;

(iv) shelter;

(v) food;

(vi) potable water;

(vii) sanitation;

(viii) measures necessary for social and economic inclusion including, without limitation, anti-poverty measures, free and compulsory education, training and skills development, and work and livelihood options, and issuance and replacement of lost personal documentation; and

(ix) facilitation of family reunion.

PRINCIPLE 15: HOUSING AND LIVELIHOOD

a. States should respect, protect and fulfill the right to adequate housing of climate displaced persons experiencing displacement but who have not been relocated, which includes accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and non-discriminatory access to basic services (for example, health and education).

b. Where climate displacement results in the inability of climate displaced persons to return to previous sources of livelihood, appropriate measures should be taken to ensure such livelihoods can be continued in a sustainable manner and will not result in further displacement, and opportunities created by such measures should be available without discrimination of any kind.

PRINCIPLE 16: REMEDIES AND COMPENSATION

Climate displaced persons experiencing displacement but who have not been relocated and whose rights have been violated shall have fair and equitable access to appropriate remedies and compensation.

IV. POST-DISPLACEMENT AND RETURN

PRINCIPLE 17: FRAMEWORK FOR RETURN

a. States should develop a framework for the process of return in the event that displacement is temporary and return to homes, lands or places of habitual residence is possible and agreed to by those affected.

b. States should allow climate displaced persons experiencing displacement to voluntarily return to their former homes, lands or places of habitual residence, and should facilitate their effective return in safety and with dignity, in circumstances where such homes, lands or places of habitual residence are habitable and where return does not pose significant risk to life or livelihood.

c. States should enable climate displaced persons to decide on whether to return to their homes, lands or places of habitual residence, and provide such persons with complete, objective, up-to-date and accurate information (including on physical, material and legal safety issues) necessary to exercise their right to freedom of movement and to choose their residence.

d. States should provide transitional assistance to individuals, households and communities during the process of return until livelihoods and access to services are restored.

V. IMPLEMENTATION

PRINCIPLE 18: IMPLEMENTATION AND DISSEMINATION

States, who have the primary obligation to ensure the full enjoyment of the rights of all climate displaced persons within their territory, should implement and disseminate these Peninsula Principles without delay and cooperate closely with inter-governmental organisations, non-government organisations, practitioners, civil society, and community-based groups toward this end.

GUIDING PRINCIPLES ON INTERNAL DISPLACEMENT

INTRODUCTION: SCOPE AND PURPOSE

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.

2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

3. These Principles reflect and are consistent with international human rights law and international humanitarian law. They provide guidance to:

(a) The Representative of the Secretary-General on internally displaced persons in carrying out his mandate;

(b) States when faced with the phenomenon of internal displacement;

(c) All other authorities, groups and persons in their relations with internally displaced persons; and

(d) Intergovernmental and non-governmental organizations when addressing internal displacement.

4. These Guiding Principles should be disseminated and applied as widely as possible.

SECTION I — GENERAL PRINCIPLES

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.

2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to

persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.
2. Internally displaced persons have the right to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.
2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

SECTION II — PRINCIPLES RELATING TO PROTECTION FROM DISPLACEMENT

Principle 5

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.
2. The prohibition of arbitrary displacement includes displacement:
 - (a) When it is based on policies of apartheid, " ethnic cleansing " or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
 - (b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
 - (c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
 - (d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and

(e) When it is used as a collective punishment.

3. Displacement shall last no longer than required by the circumstances.

Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.

2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.

3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:

(a) A specific decision shall be taken by a State authority empowered by law to order such measures;

(b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;

(c) The free and informed consent of those to be displaced shall be sought;

(d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning

and management of their relocation;

(e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and

(f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

SECTION III — PRINCIPLES RELATING TO PROTECTION DURING DISPLACEMENT

Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:

(a) Genocide;

(b) Murder;

(c) Summary or arbitrary executions; and

(d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:

(a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;

(b) Starvation as a method of combat;

(c) Their use to shield military objectives from attack or to shield, favour or impede military operations;

(d) Attacks against their camps or settlements; and

(e) The use of anti-personnel landmines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

(a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;

(b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and

(c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.

3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.

4. In no case shall internally displaced persons be taken hostage.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.

2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

(a) The right to seek safety in another part of the country;

(b) The right to leave their country;

(c) The right to seek asylum in another country; and

(d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.
2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.
3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.
4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Principle 17

1. Every human being has the right to respect of his or her family life.
2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.
3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.
4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.
2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:
 - (a) Essential food and potable water;
 - (b) Basic shelter and housing;
 - (c) Appropriate clothing; and
 - (d) Essential medical services and sanitation.

3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.

3. Special attention should also be given to the prevention of contagious and infectious diseases, including AIDS, among internally displaced persons.

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.

2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.

3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

Principle 21

1. No one shall be arbitrarily deprived of property and possessions.

2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

(a) Pillage;

(b) Direct or indiscriminate attacks or other acts of violence;

(c) Being used to shield military operations or objectives;

(d) Being made the object of reprisal; and

(e) Being destroyed or appropriated as a form of collective punishment.

3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:

(a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;

(b) The right to seek freely opportunities for employment and to participate in economic activities;

(c) The right to associate freely and participate equally in community affairs;

(d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and

(e) The right to communicate in a language they understand.

Principle 23

1. Every human being has the right to education.

2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.

3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.

4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

SECTION IV — PRINCIPLES RELATING TO HUMANITARIAN ASSISTANCE

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.

2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.

2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

SECTION V — PRINCIPLES RELATING TO RETURN, RESETTLEMENT AND REINTEGRATION

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which

they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

UNITED NATIONS PRINCIPLES FOR OLDER PERSONS

Adopted by General Assembly resolution 46/91 of 16 December 1991

The General Assembly,

Appreciating the contribution that older persons make to their societies,

Recognizing that, in the Charter of the United Nations, the peoples of the United Nations declare, inter alia, their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Noting the elaboration of those rights in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and other declarations to ensure the application of universal standards to particular groups,

In pursuance of the International Plan of Action on Ageing, adopted by the World Assembly on Ageing and endorsed by the General Assembly in its resolution 37/51 of 3 December 1982,

Appreciating the tremendous diversity in the situation of older persons, not only between countries but within countries and between individuals, which requires a variety of policy responses,

Aware that in all countries, individuals are reaching an advanced age in greater numbers and in better health than ever before,

Aware of the scientific research disproving many stereotypes about inevitable and irreversible declines with age,

Convinced that in a world characterized by an increasing number and proportion of older persons, opportunities must be provided for willing and capable older persons to participate in and contribute to the ongoing activities of society,

Mindful that the strains on family life in both developed and developing countries require support for those providing care to frail older persons,

Bearing in mind the standards already set by the International Plan of Action on Ageing and the conventions, recommendations and resolutions of the International Labour Organization, the World Health Organization and other United Nations entities,

Encourages Governments to incorporate the following principles into their national programmes whenever possible:

Independence

1. Older persons should have access to adequate food, water, shelter, clothing and health care through the provision of income, family and community support and self-help.

2. Older persons should have the opportunity to work or to have access to other income-generating opportunities.

3. Older persons should be able to participate in determining when and at what pace withdrawal from the labour force takes place.

4. Older persons should have access to appropriate educational and training programmes.

5. Older persons should be able to live in environments that are safe and adaptable to personal preferences and changing capacities.

6. Older persons should be able to reside at for as long as possible.

Participation

7. Older persons should remain integrated in society, participate actively in the formulation and implementation of policies that directly affect their well-being and share their knowledge and skills with younger generations.

8. Older persons should be able to seek and develop opportunities for service to the community and to serve as volunteers in positions appropriate to their interests and capabilities.

9. Older persons should be able to form movements or associations of older persons.

Care

10. Older persons should benefit from family and community care and protection in accordance with each society's system of cultural values.

11. Older persons should have access to health care to help them to maintain or regain the optimum level of physical, mental and emotional well-being and to prevent or delay the onset of illness.

12. Older persons should have access to social and legal services to enhance their autonomy, protection and care.

13. Older persons should be able to utilize appropriate levels of institutional care providing protection, rehabilitation and social and mental stimulation in a humane and secure environment.

14. Older persons should be able to enjoy human rights and fundamental freedoms when residing in any shelter, care or treatment facility, including full respect for their dignity, beliefs, needs and privacy and for the right to make decisions about their care and the quality of their lives.

Self-fulfilment

15. Older persons should be able to pursue opportunities for the full development of their potential.

16. Older persons should have access to the educational, cultural, spiritual and recreational resources of society.

Dignity

17. Older persons should be able to live in dignity and security and be free of exploitation and physical or mental abuse.

18. Older persons should be treated fairly regardless of age, gender, racial or ethnic background, disability or other status, and be valued independently of their economic contribution.



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