

To: General Secretary  
United Nation (UN)

Sub: CSO call to facilitate climate induced cross-border displacement and migration in UN-Global Compacts on Refugee and Migration

We, the undersigned Non Government Organizations/ Civil Society Organizations from different countries have been submitting our appeal and would like to request you to play your positive role and provide your support to facilitate the issue of climate induced cross-border displaced and migration with appropriate international law under UN global compacts (one is for Refugee and another one is on Safe, Regular and Orderly Migration) those are going to formulate and will be adopt in upcoming UN summit in 2018.

### 1. We face the reality of global warming and climate change

The Intergovernmental Panel on Climate Change (IPCC) has predicted that the climate change phenomenon like slow-onset disasters and sudden-onset disasters will increase in severity and frequency, and will be major cause of threatening lives and livelihoods across the region. Although the IPCC also speculates that, current population movements are driven by economic and social factors, but the climate change and associated with environmental problem will have a significant impact on mass movement and migratory flows in the future (IPCC, 2014b) both internally and cross border. Now the IPCC prediction has come into reality in recent years. The latest IDMC (Internal Displacement Monitoring Center) report 2016 revealed that the disasters have displaced around 19.2 million people across 113 countries in 2015. The report also has recorded a total of 203.4 million, or an average of 25.4 million displacements in every year. This number is more than double, those who have fled conflict and violence over the past eight years.

South and East Asia dominated in terms of absolute figures (85% of total displacement), but no region of the world was unaffected. India, China and Nepal had the highest number of displaced, with 3.7 million, 3.6 million and 2.6 million respectively. Cyclone "Komen" was the largest trigger of displacement in Bangladesh and it struck the southeast of the country at the end of July'15 and displaced around 331,000 people. Myanmar has affected simultaneously with flood & cyclone "Komen" and displaced 1.6 million at that time. The report shown that the vast majority of displacements are taken place in developing countries, and the populations of small-island countries were hit hard relative to their size. The devastation cyclone "Pam" is a case point in Vanuatu.

### 2. Lack of capacity poses humanitarian challenge for vulnerable countries

Forced displacement related to disasters, including the adverse effects of climate change (disaster displacement), is now a reality and the biggest humanitarian challenges has been facing among states and the international community at present. The Nansen Initiative has identified at least 50 countries that in recent decades have received or refrained from returning people in the aftermath of disasters, in particular those caused by tropical storms, flooding, drought, tsunamis etc. This has also been observe that most of disaster displaced persons remain within their own country and some cross borders in order to reach safety and having assistance in another country. Africa along with central and South America, in particular have seen the largest number of incidences of cross-border disaster-displacement and migration. But these movement of both internal and cross border affects human rights with humanitarian services, undermines development effort of many states especially in poor and vulnerable countries, even in some cases, security situations also affects. Lack of capacity results depriving the disaster displaced persons who crossed the border or stay in their own country does not getting appropriate and essential humanitarian protection and assistance by respective state either country of origin or in the destination.

### 3. We take the opportunities in the process of developing global compacts

It has been experiencing that international law does not explicitly address whether and under which circumstances disaster displaced persons shall be admitted to another country, what rights they have during their stay, and under what conditions they may be returned or find another lasting solution . In the absence of clear provisions in current international law, some states, particularly in America, selected regions in Africa and a few states in Europe, have developed multifarious management tools that allow them to admit or not return disaster displaced persons in their territory on an individual or group basis.

Secondly; on the issue of cross-border disaster displacement, Nansen Initiatives have devised, the Agenda for Protection of cross-border displaced persons in the context of disasters and climate change that has been endorsed by a global intergovernmental consultation held in October 2015 in Geneva, Switzerland. We think that this process is insufficient due to state-led and non-binding mechanism, because the Agenda uses the word "protection" that refers to any positive

action undertaken by the states on the ground of humanitarian response, but it does not aim to expand states' legal obligations under international refugee and human rights law for cross-border disaster-displaced persons and persons those are at risk of being displaced. In doing so, the Agenda has entirely ignored in addressing the root cause (global warming) and historical responsibility and liability of the rich countries for creating present-day migrants' crisis, rather puts more responsibilities to the states of migrant's origin to solve the crisis that unexpected.

On the above context the 193 UN member states are further going to negotiate on two new global compacts. These are "Global Compact on Refugees" and another one is "Global Compact on Safe, Regular and Orderly Migration". As these compacts are in formulating process and will adopt in next UN summit in September'18 UN-GA (General Assembly), we hope that these two compact must address the cross-border disaster displacement and migration considering its reality. Regarding the issue, we CSO want to push our logical demands to global leaders through you those would be considered in global compacts. But before putting our demand, we want to reiterate the major commitments of global leaders made in New York summit in September 2016, because those are the base to make the global compacts in a realistic manner. They said that;

- i. Human rights will be protected of all refugees and migrants, regardless of status. This includes the rights of women and girls and promoting their full, equal and meaningful participation in finding solutions.
- ii. Support those countries rescuing, receiving and hosting large numbers of refugees and migrants.
- iii. Will be Improved the delivery of humanitarian and development assistance to those countries most affected, including through innovative multilateral financial solutions, with the goal of closing all funding/resource gaps.
- iv. A comprehensive refugee response will implement, based on a new framework that sets out the responsibility of member states, civil society partners and the UN system, whenever there is a large movement of refugees or a protracted refugee situation.

#### 4. Our demand in the new Global Compacts 2018

The New York declaration however expresses the political will of world leaders to save lives, protect rights and share responsibility on a global scale that made us hopeful. Now we expect to hear from world leaders about how each country will implement these commitments. If they really enthusiastic to doing something for cross-border people regardless of status and territory, the global compacts in 2018 must address the following peoples' demand;

- i. Global Compacts will review and update the existing International law time friendly for protecting the rights of disaster related cross-border migrants. Apart these compacts also call/force to the states to follow other parallel international legal frameworks (e.g. CoP, Sendai framework on DRR, SDG, CEDAW charter etc.) to strengthen the protection.
- ii. Global Compacts will develop universal criteria and redefine the definition of vulnerability that addresses the current causes of vulnerabilities (rights violation because of climate change & disaster), support to identify the cross-border disaster-displaced persons and find practical solution of protection. Regarding the issue, global compact will support the states in mapping historical cross-border displacement and migration movements, particularly in disaster contexts, to help identify areas, communities and countries at risk for potential displacement in the future.
- iii. The compacts will design and establish a new protection regime or system that capable of addressing the current complexities and nuances/debates related to disaster displaced and migration in present and future context.
- iv. Global Compacts must define the role & responsibility of states managing disaster displaced persons that ensuring full respect and human rights, and, if needed, have access to assistance that meets their basic needs, including: shelter, food, medical care, education, livelihoods, security, family unity, and respect for social and cultural identity.
- v. The new global compact must facilitate the development of "economic opportunities" for cross-border displaced and migrated person and their families in countries to minimize vulnerability and conflict. This is observed that while people migrates in cross-border have to stay forcibly in selected and protected areas in respective country with in dire conditions and have to rely on aid from international donors. This inhumanity condition must be minimized in enhancing and facilitating migrants' individual economic opportunities. In that case local communities will also be a gain for the migrants.
- vi. Global Compacts will facilitate to develop criteria and mechanisms, preferably at a bilateral (or regional) level, to determine where displaced persons will find a good solution that allows them to rebuild their lives in a sustainable way either in their country of origin or in any other country they choose. Regarding the issue, Compacts will make necessary provision that promote and encourage consultation with both origin and host countries for managing the disaster related cross-border migration.

vii. All countries will be signatories on these compacts. The current refugee management approach is now subject to systemic noncompliance by states. We observe most of the hosting states around the world are non-signatory states to the 1951 Convention. That's why the cross-border migration is being managed by their own style and interest.

We call and request to our all CSO members and friend allies to raise their voice in their respective countries on the above issue on disaster related cross-border displacement and migration. So that global voice will be strengthen and respective country delegates also have scope to put the issues in UN process and pursue to formulate the compacts in realistic approach.

Name of NGO/CSO:

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