

The Global Compacts and Environmental Drivers

Susan Martin, Elizabeth Ferris, Kanta Kumari and Jonas Bergmann

The Global Compacts on Migration and Refugees should expand on the relationship between internal and international migration and displacement, identify ways to enhance international cooperation in identifying solutions for those who may otherwise become trapped at home, address mixed migration situations who cannot return home because of environmental or other life-threatening situation, and expand on the ways in which safe, orderly and regular migration can help communities adapt to the effects of climate change.

Background and Context

The Global Compact on Safe, Orderly and Regular Migration and, to a lesser degree, the Global Compact on Refugees highlight the need for new approaches as people migrate, are displaced or relocate across borders as a result of sudden- and slow-onset natural disasters, environmental degradation, and the adverse effects of climate change.

It is a significant development that environmental drivers of mobility are taken into account in these agreements, as the compacts represent a set of voluntary but critical commitments on the part of States to work collaboratively in order to improve responses to movements across borders, whether voluntary or forced.

That these compacts incorporate environmental drivers is consistent with the New York Declaration, the outcome document of the 2016 UN High Level Meeting on Large Movements of Refugees and Migrants, which acknowledged the importance of environmental drivers as it called for a process that would result in the compacts. This meeting in turn built on other inter-governmental processes, most importantly the UN Framework Convention on Climate Change (UNFCCC), which as early as 2010, referenced the need for more attention to migration, displacement, and relocation stemming from the effects of climate change. A number of State-led initiatives added to the discussion, making recommendations as to how to better manage such movements—most notably the Nansen Initiative’s Agenda for Protection of persons affected by natural disasters and the longer-term effects of climate change¹ and the Migrants in Countries Experiencing Crises (MICIC) initiative that developed principles, guidelines and effective practices for protection of migrants caught in conflict or natural disasters.²

These efforts have paved the way, particularly in the migration compact, for a holistic approach to cross-border environmental migration, displacement, and relocation. By embedding environmental drivers of movement into the global migration compact, a large number of countries are poised to make specific commitments that address environmental drivers at all phases of cross-border human mobility. With the active engagement of

ministries focused on migration issues, actions cited in the current draft of the migration compact range from addressing the causes to finding solutions for those who have moved and cannot immediately return because of the very causes of their movement. However, as will be discussed in further detail, neither compact addresses internal movements from the same types of environmental drivers, weakening the initiative. Nor does either compact address adequately mixed movements of people that include refugees and others fleeing life threatening situations, including those stemming from environmental drivers.

Environmental issues arise in a number of the objectives laid out in the migration compact.³ Objective 2 of the migration draft sets out commitments related to the drivers of environmental movements among others: “We commit to create conducive political, economic, social and environmental conditions for people to lead peaceful, productive and sustainable lives in their own country and to fulfil their personal aspirations, while ensuring that desperation and deteriorating environments do not compel them to seek a livelihood elsewhere through irregular migration (para 18).” The refugee compact also recognizes the importance of environmental drivers, stating that “population movements are not necessarily homogenous, and may be of a mixed, composite character. Some ... may result from sudden-onset natural disasters and environmental degradation (para 12).” The refugee compact also notes that “climate, environmental degradation and natural disasters” are not themselves causes of refugee movements but they may interact with refugee drivers (para 8). As such the refugee compact states no objective related to the environmental drivers. It does offer several aims related to the environmental impact of refugees on local communities.

The migration compact, on the other hand, is specific in setting out a series of actions related to the environmental drivers that are deemed instrumental in helping States deliver on their commitments. First, States can build on the work already undertaken on these issues, specifically through the Sustainable Development Goals (SDGs), UNFCCC Paris Agreement, and the Sendai Framework for Disaster Risk Reduction 2015-2030 (para 18a).

¹ Nansen Initiative, Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change Volume I, Geneva: Nansen Initiative, 2015

² Migrants in Countries in Crisis Initiative, *Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster*, 2016 available at <https://micicinitiative.iom.int/guidelines>

³ Unless otherwise noted, all quotes are from the June drafts of the migration refugee compacts.

Within this context, they could invest in programs to ameliorate adverse drivers and structural factors that compel people to leave their home countries from either sudden-onset events (e.g., natural disasters) or slow-onset processes, such as “desertification, land degradation, drought and sea level rise” (para 18h). The actions include “resilience and disaster risk reduction” and “climate change mitigation and adaptation” strategies (para 18b).

Further, States are called on to “integrate displacement considerations into disaster preparedness strategies (para 18i).” The compact references the need for cooperation among neighboring and other countries to ensure more effective “early warning, contingency planning, stockpiling, coordination mechanisms, evacuation planning, reception and assistance arrangements, and public information (para 18i). This provision is key to more effective responses, especially in the case of acute natural hazards, in which early preparedness and response not only saves lives but also may reduce the number of people who are displaced from their home communities.

Recognizing that large-scale displacement often results from lack of capacity to respond quickly and effectively to acute natural hazards, the compact notes strategies to identify “risks and threats that might trigger or affect internal and onward cross-border migration movements (para 18c).” More specifically, States would work towards strengthening early warning systems, developing emergency procedures and toolkits, launching emergency operations, and supporting post-emergency recovery. Such improvements require “joint analysis and sharing of information to better map, understand, predict and address migration movements.” (para 18d).

In addition to promoting programs consistent with these global initiatives, the compact also asks States to take into consideration the recommendations of the Nansen Initiative and support Nansen’s successor, the Platform on Disaster Displacement (para 18k). In similar language, the compact references the MICIC Guidelines (para 18l). As mentioned above, these two State-led processes made considerable progress in setting out principles, articulating guidelines and identifying effective practices to address potential vulnerabilities of those who may move in the context of environmental drivers.

Finally, the paragraph on drivers commits to strengthening collaboration between humanitarian and development actors to address longer-term resilience and coping capacities (para 18g). It emphasizes the importance of subregional and regional mechanisms that address vulnerabilities of people affected by sudden and slow-onset natural disasters. The assumption appears to be that if they are able to receive humanitarian protection and assistance within their own or a neighboring country, and return with increased resilience to their homes, they will not seek to migrate elsewhere (para 18).

Recognizing that there will still be people who will need to move or be outside of their countries when environmental catastrophes occur, Objective 5 sets out policies that may help manage these situations. It aims to enhance availability and flexibility of pathways for regular migration (para 21). In paragraph 21(g), a good practice is for States to develop or build on existing national and regional practices that provide for admission and stay “based on compassionate, humanitarian or other considerations” when migrants “face unsurmountable obstacles to return, including due to sudden-onset natural disasters,” Humanitarian visas, private sponsorships, access to education

for children, and temporary work permits are cited as actions States take in this regard. Paragraph 21(h) calls for cooperation among states to identify, develop, and strengthen solutions in the case of slow-onset environmental degradation related to the adverse effects of climate change, such as desertification, land degradation, drought, and sea level rise. In this context, planned relocation and visa options are cited as options in cases where adaptation in or return to their country of origin is not possible.

While Objectives 2 and 7 include language specific to environmental drivers of movement, other objectives refer to them indirectly, generally through references to situations of vulnerability. For example, Objective 7 is relevant in responding “to the needs of migrants who face situations of vulnerability, which may arise from the circumstances in which they travel or the conditions they face in countries of origin, transit and destination, by assisting them and protecting their human rights, in accordance with our obligations under international law. (para 23).” Reasons related to environmental harm clearly fit this understanding of vulnerability. It also references support to “migrants caught up in situations of crisis in countries of destination and transit,” as well as taking migration into account in crisis preparedness, emergency response and post-crisis action” (para 23k).

Further, those moving because of environmental drivers could potentially benefit from all of the initiatives outlined in the compact to improve migration management. These include options to: improve the human and labor rights of migrants; provide migrants with proof of legal identity, proper identification and documentation; provide access to basic services; promote faster, safer and cheaper transfer of remittances; to name only a few.

Finally, Objective 23 (new to Draft 2) emphasizes the commitment of States to support each other in realizing the objectives and commitments made in the compact. Objective 23, in effect, sets out the core premise of the compact: that States can uphold national sovereignty while extolling the benefits of shared responsibility in managing migration, a process that crosses national borders. The new objective specifically reinforces the need for joint action to address the needs of countries facing a mix of economic and environmental stressors such as climate change and natural disasters, among other structural factors. It further reinforces the need for new partnerships, referencing the desirability of involving all relevant stakeholders in finding and implementing effective solutions to the pressing issues identified within the compact.

The remainder of this policy brief identifies gaps in the approaches taken in the migration compact, focusing on those which are also absent from the draft Global Compact on Refugees, which is being developed simultaneously. The concluding section makes recommendations to be considered in future drafts and beyond the compact process.

Gaps and Weaknesses in the Compacts

There are four major gaps and weaknesses in the ways in which the global migration compact incorporates environmental drivers of mobility. In some cases, the gap is widened because the refugee compact also fails to address the issue in any comprehensive manner.

First, by design, the compacts do not include internal migration or internal displacement from environmental or any other drivers. As a result, internal movements are largely ignored in both

processes. In the context of environmental drivers, the absence of attention to internal movements is particularly problematic because the vast majority of environmental migrants, displaced and relocated persons are expected to be moving within the borders of their own country.⁴ A recent World Bank report, *Groundswell: Preparing for Internal Climate Migration*, projects that “without urgent global and national climate action, Sub-Saharan Africa, South Asia and Latin America could see more than 140 million people move within their countries’ borders by 2050” as a consequence of slow onset effects of climate change.⁵

Research on conflict displacement shows that people often move internally before they move to another country; they can also become internally displaced when returning to their home communities, for example because of continued instability, high unemployment, and destroyed infrastructure. Similar types of movement can already be seen with respect to environmental drivers.⁶ Planning for these interconnections between internal and international movements is essential if responses are to be effective.

Second, there is little in either compact on mixed movements of people, often referred to as mixed migration.⁷ The migration compact refers to mixed movements twice, once in the context of vulnerable migrants, with a special emphasis on children and gender sensitive policies, and a second with regard to access to asylum. The refugee compact also has two references. The first is in the context of immediate reception of large numbers of refugees, and the second in reference to capacity to address specific needs of refugees. None of these references focus directly on environmental drivers although both compacts recognize that these factors influence both migrants and refugees. Many mixed movements are composed of those who would face life-threatening situations if returned to their home countries but who do not qualify for recognition as refugees. Among them are those displaced by acute natural hazards as well as the long-term effects of climate change.

The third gap is the absence of any reference to migration as a tool that can help people adapt to environmental change. For the most part, movements of people are depicted in negative terms in relationship to acute disasters, slow-onset effects of climate change and environmental degradation—as a driver of irregular migration, rather than as a mechanism for building resilience and reducing vulnerability to these drivers. Yet, the research that KNOMAD has undertaken, along with other research on environmental migration, point to the value of migration as a risk management strategy that can help some households and communities.⁸ Remittances, for example, often support families during periods of prolonged drought, enabling some to remain at home while others migrate elsewhere. They are also used to build stronger houses that can withstand high winds and storm surges. In this sense, it is important to differ-

entiate between distress movements, which hold potential harm and should be diverted to the extent possible, and voluntary migration that can play an important positive role in promoting sustainable development for those affected by environmental change.

A fourth gap is with regard to mechanisms and financing to promote future cooperation on migration, displacement, and relocation, including that resulting from environmental drivers. This reflects a broader criticism of the migration compact. The refugee compact outlines a number of mechanisms to promote more financial (and other) responsibility-sharing for refugees but these do not extend to environmentally-displaced persons. The main financing mechanism for the migration compact is described as a “capacity-building mechanism in the United Nations,” that would allow “Members States, the United Nations and other stakeholders, including the private sector and philanthropic foundations, to contribute technical, financial and human resources on a voluntary basis in order to strengthen capacities and foster multi-partner cooperation” (para 43). This mechanism would include a start-up fund for initial financing of projects. The compact has little reference to how projects might affect different drivers of migration, including environmental ones, or the people who move as a consequence. It also does not describe how the capacity-building mechanism will interact with ongoing processes to address environmentally-induced movements, such as the UNFCCC taskforce on displacement, Platform on Disaster-Displacement, or the International Organization for Migration’s Environmental Migration Portal.

Conclusion

The global compact on migration holds great potential for increasing international cooperation in managing all types of movements, including those driven by environmental factors. The refugee compact, by contrast, merely acknowledges the need for such responses. In the migration compact’s current form, States commit (albeit in a voluntary, non-binding agreement) to take a range of steps towards addressing the drivers of irregular migration and putting into place policies designed towards a more humane and systematic response to movements from natural disasters, other environmental shocks, and the longer-term effects of climate change. It references (albeit briefly in the case of displacement and relocation) all three of the forms of movement outlined in the UNFCCC Cancun agreement.

Nevertheless, there are still gaps and weaknesses in the framework elucidated in the compacts. As the refugee compact is more narrowly focused, the migration compact is the likely instrument to address these issues, but more can be done in both documents. To ensure that they are as effective as possible in addressing what is acknowledged to be a primary driver of movement today, the compact negotiators should seek to

⁴ Foresight Project, *Migration and Global Environmental Change*, Final Project Report. London: The Government Office for Science.

⁵ World Bank, *Groundswell: Preparing for Internal Climate Migration*, Washington: World Bank, 2018. Quote at <http://www.worldbank.org/en/news/infographic/2018/03/19/groundswell---preparing-for-internal-climate-migration>

⁶ For more on the complex interplay of internal and international migration, see Elizabeth Ferris, “Recurrent Acute Disasters, Crisis Migration: Haiti has had it all,” in Susan Martin, Sanjula Weerasinghe and Abbie Taylor, London: Routledge Press, 2014

⁷ Although there are a number of competing definitions of mixed migration, the one used by the Mixed Migration Hub comes closest to the sense in which it is used herein: “complex population movements including refugees, asylum seekers, economic migrants and other migrants’. Unaccompanied minors, environmental migrants, smuggled persons, victims of trafficking and stranded migrants, among others, may also form part of a mixed flow.” See <http://www.mixedmigrationhub.org>

⁸ See, for example, the following KNOMAD publications: Soumyadeep Banerjee, Dominic Kniveton, Richard Black, Suman Bisht, “Do Financial Remittances Build Household-Level Adaptive Capacity? A Case Study of Flood-Affected Households in India” and Caroline Zickgraf, Sara Vigil, Florence de Longueville, Pierre Ozer, François Gemenne, “The Impact of Vulnerability and Resilience to Environmental Changes on Mobility Patterns in West Africa” for nuanced discussions of the advantages and disadvantages of migration as an adaptation strategy.

highlight the complex but highly relevant relationships between internal and international movements, particularly in the context of environmental drivers. Internal movements—both voluntary and forced—are far-reaching and deserving of attention both on their own merits and in relationship to international migration. The compacts should expand on the relationship between internal and international migration and displacement, committing, at a minimum, to bring states, experts and other stakeholders together to identify mechanisms to improve protection of the rights of internal migrants and displaced persons; assess the relationship between internal and international movements; improve access to assistance and sustainable livelihoods for these populations; and identify ways to improve the responses of the broader international community, including the UN system, in these situations.

The compacts should also make the point that entrapment in situations of great harm, including from sudden and slow-onset natural disasters, environmental degradation and the effects of climate change could be the most deleterious outcome for large numbers of people who do not have the resources needed to move to safer locations either within their own countries or cross-border. Greater international cooperation in identifying solutions for these people should be a high priority for States and other stakeholders.⁹ Options to be considered include resilience building programs for those who could remain in situ with greater resources and assistance as well as planned relocation initiatives for those who need to move but cannot do so on their own. Special focus should be given to addressing the needs of the elderly, disabled, separated children, those living in extreme poverty and other vulnerable populations.

Similarly, better systems are needed for identifying and, where necessary, providing protection and assistance for those in mixed migration situations who cannot return home because of environmental or other life-threatening situation. At present, both the refugee and migration compacts address the issue to an inadequate extent. The refugee compact’s language has actually softened somewhat between drafts. The zero draft included language on the effects of climate change that has since been removed. It also committed UNHCR to “provide guidance and support for measures to address broader international protection challenges, together with other stakeholders with relevant expertise” on measures to protect those displaced by natural disasters (para 55). In the current draft, UNHCR is not specifically mentioned in this context although it has relevant expertise that could be usefully deployed (para 63). The migration compact, as described above, discusses the need for developing or building on national and regional practices to address both natural disasters and slow-onset effects of climate change and lists a variety of mechanisms, such as humanitarian visas, temporary work permits, and temporary protection. It too does not indicate which agencies will have responsibility to work with States to develop such policies. Moreover, without new legal standards at the national, regional or global level that

identify under what circumstances those fleeing or threatened by life-threatening environmental drivers will be protected from forcible return (refoulement in refugee terms), many thousands of those now labeled as migrants, not asylum seekers, may remain at risk.

The migration compact should expand on the ways in which safe, orderly and regular migration can be an effective component of a toolkit to help communities reduce the risk of disasters and adapt to the slow-onset effects of climate change. This perspective could be incorporated into Objective 5, which already recognizes that new policies will be needed in many countries to address environmental drivers. For the most part, however, the focus presently is on humanitarian admissions rather than labor migration, education and training, and family reunification—the likely vehicles through which migration can promote adaptation and enhance disaster risk reduction. It can also be incorporated into Objective 19 on the role of diasporas in promoting sustainable development and Objective 20 on remittances.

Finally, the compacts should expand on the role, relationships, and funding mechanisms to be used in building the capacity of States to implement their commitments under the compact, including those that relate to environmental drivers of migration. At present, the language in the migration compact, in particular, is very general and does not link the activities listed to the types of migration that States are facing. As it is elsewhere made clear in the compact, the capacities to respond to labor migration may be quite different than those needed to respond to movements stemming from natural disasters, which are themselves different than those arising in the context of slow-onset effects of climate change. The compact should at a minimum make clear that these considerations will need to be taken into account in establishing the capacity-building mechanism. It should reference the various funding mechanisms for climate adaptation and mitigation and disaster risk reduction to ensure that they fund the type of activities addressed in the compact. It should cite the need to ensure that all adaptation and mitigation projects assess the extent to which they may become the source of displacement or the need for relocation of people.¹⁰

Adoption of the two compacts would herald an important step forward in improving international cooperation to address issues arising from movements of people. The process through which the global migration compact, in particular, has been negotiated means it is likely to break new ground in bringing visibility to environmental movements. The draft compact is already replete with useful commitments and actions that will address both drivers and responses to environmental migration, displacement and relocation. With the enhancements recommended herein, the international community will be even better positioned to respond to what is already a significant source of population movements now and in the future.

⁹ See Foresight: Migration and Global Environmental Change (2011) Final Project Report. London: The Government Office for Science for further analysis of entrapment in the context of environmental change

¹⁰ Sara Vigil, “Displacement as a consequence of climate change mitigation policies” in Forced Migration Review 49, May 2015 at <http://www.fmreview.org/climatechange-disasters/vigil.html>