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Sustainable development: protection of global climate for present and future generations of humankind

Tuvalu: draft resolution

Providing legal protection for persons displaced by the impacts of climate change

The General Assembly,

Expressing its deep concern at the increasing challenges to Member States and to the United Nations humanitarian response capacity to deal with the impacts of climate change,

Recalling that the Intergovernmental Panel on Climate Change in its special report entitled *Global Warming of 1.5°C* noted that 1.5 degrees Celsius of global warming would pose heightened risks to eradicating poverty, reducing inequalities and ensuring human and ecosystem well-being and that the impacts of 1.5 degrees Celsius would disproportionately affect disadvantaged and vulnerable populations through food insecurity, higher food prices, loss of income, lost livelihood opportunities, adverse health impacts and population displacements,

Noting with extreme alarm the growing number of persons displaced internally and across borders as a consequence of the impacts of climate change,

Taking note of the outcomes of the first World Humanitarian Summit, held in Istanbul, Turkey, on 23 and 24 May 2016,¹

Reaffirming that persons displaced as a consequence of the impacts of climate change 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 impacts of climate change,

Recognizing that the risk of becoming displaced as a result of the impacts of climate change has doubled in the past four decades,

Recognizing also that the adverse effects of climate change may create short-term or slow-onset impacts that may affect people and force displacement as an immediate or long-term response to these impacts,

¹ See [A/71/353](#).



Deeply disturbed by the alarmingly high numbers of displaced persons throughout the world as a consequence of the impacts of climate change, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Recognizing the changing scope, scale and complexity of humanitarian crises as a result of climate change- and natural disaster-induced displacement, and their adverse impact on efforts to achieve economic growth, sustainable development and internationally agreed development goals, including the Sustainable Development Goals,² and noting the positive contribution that these efforts can make in strengthening the resilience of populations to such impacts and disasters,

Reaffirming that all persons, including those who are displaced as a consequence of the impacts of climate change, have the right to freedom of movement and residence and should be protected against arbitrary displacement,

Recognizing the particular vulnerability of women and children among displaced persons, including exposure to discrimination and sexual and physical abuse, violence and exploitation, and in this regard acknowledging the importance of preventing, responding to and addressing sexual and gender-based violence as well as violations and abuses committed against displaced children,

Taking note of Human Rights Council resolution [35/20](#) of 22 June 2017,³ which highlights the urgency of protecting and promoting human rights of migrants and persons displaced across international borders in the context of the adverse impact of climate change, including those from small island developing States and least developed countries,

Recognizing that displaced persons and, in particular, women and children are at an increased risk of exposure to HIV and AIDS, malaria and other infectious diseases,

Recognizing also that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Recognizing further that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

Reaffirming the principles of humanity, neutrality, impartiality and independence for the provision of humanitarian assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction, as well as to address the root causes of the displacement problem, in appropriate cooperation with the international community,

Noting that climate change is a global problem that requires an international response,

Recognizing the need to expand resettlement opportunities to address the needs of persons displaced by the impacts of climate change,

² See resolution [70/1](#).

³ See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53 (A/72/53)*, chap. V, sect. A.

Recognizing also the need to encourage increased efforts towards voluntary return and local integration,

Recognizing further that no solution to displacement can be durable unless it is sustainable, and therefore encouraging the international community to support the sustainability of voluntary return, reintegration and resettlement, where possible,

Welcoming the adoption of the Global Compact for Safe, Orderly and Regular Migration,⁴ and noting the statement in the Global Compact that there are some geographical areas from which irregular migration systematically originates owing to a number of factors, including climate change,

Recalling that the Warsaw International Mechanism on Loss and Damage associated with Climate Change Impacts, created by the Conference of the Parties to the United Nations Framework Convention on Climate Change, has established a task force on displacement,

Reaffirming that the 1951 Convention relating to the Status of Refugees,⁵ together with the 1967 Protocol thereto,⁶ remains the foundation for international refugee protection,

Noting with concern that persons displaced by the impacts of climate change are not afforded the same level of legal protection under international law as refugees, including such principles of protection as non-refoulement and protection from unlawful expulsion and physical attacks,

1. *Encourages* Member States to address the humanitarian and development needs arising from displacement caused by the impacts of climate change, including through national policies and resilience-building, and in this regard encourages Member States, supported by the United Nations, to develop national laws and policies on displacement, as appropriate, which address such displacement, and also encourages Member States to adopt standards, as appropriate, in line with the Guiding Principles on Internal Displacement,⁷ the Framework on Durable Solutions for Internally Displaced Persons of the Inter-Agency Standing Committee⁸ and the basic principles and guidelines on development-based evictions and displacement;⁹

2. *Calls upon* the international community, including Member States, in particular parties to the United Nations Framework Convention on Climate Change¹⁰ and the Paris Agreement,¹¹ and other relevant United Nations organizations, within their respective mandates, to take concrete action to meet the protection and assistance needs of displaced persons and to contribute generously to projects and programmes aimed at alleviating their plight, facilitating durable solutions and supporting vulnerable local host communities;

3. *Reaffirms* the importance of timely and adequate assistance and protection for displaced persons, also reaffirms that assistance and protection are mutually reinforcing and that inadequate material assistance and food shortages undermine protection, notes the importance of a rights- and community-based approach in engaging constructively with displaced persons and their communities so as to achieve fair and equitable access to food and other forms of material assistance, and expresses concern with regard to situations in which minimum standards of assistance

⁴ Resolution 73/195, annex.

⁵ United Nations, *Treaty Series*, vol. 189, No. 2545.

⁶ Ibid., vol. 606, No. 8791.

⁷ E/CN.4/1998/53/Add.2, annex.

⁸ A/HRC/13/21/Add.4.

⁹ A/HRC/4/18, annex I.

¹⁰ United Nations, *Treaty Series*, vol. 1771, No. 30822.

¹¹ See FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex.

are not met, including those in which adequate needs assessments have yet to be undertaken;

4. *Acknowledges* the important contribution of age, gender and diversity mainstreaming in identifying, through a participatory approach, the protection risks faced by communities displaced by the impacts of climate change, in particular the non-discriminatory treatment and protection of women, children, persons with disabilities and the elderly;

5. *Reaffirms* the right of return and the principle of voluntary repatriation, appeals to countries of origin and countries of asylum to create conditions that are conducive to voluntary repatriation, and recognizes that, while voluntary repatriation remains the pre-eminent solution, local integration and third-country resettlement, where appropriate and feasible, are also viable options;

6. *Calls upon* the international donor community to provide financial and material assistance that allows for the implementation of community-based development programmes that benefit both displaced persons and host communities, as appropriate, in agreement with host countries and consistent with humanitarian objectives;

7. *Also calls upon* the international donor community to provide material and financial assistance for the implementation of programmes intended for the rehabilitation of the environment and infrastructure in countries impacted by climate change or natural disasters and for the persons displaced by these impacts;

8. *Encourages* all States, together with development and humanitarian actors, to work closely on multi-year strategies for persons displaced by the impacts of climate change;

9. *Invites* the Office of the United Nations High Commissioner for Human Rights and relevant special rapporteurs to continue to engage on issues relating to the human rights of persons displaced by the impacts of climate change and to include information thereon in their reports to the Human Rights Council and the General Assembly;

10. *Decides* to develop an international legally binding instrument to create appropriate protections for persons displaced by the impacts of climate change;

11. *Also decides* to establish, prior to holding an intergovernmental conference, a preparatory committee, open to all States Members of the United Nations and members of the specialized agencies, with others invited as observers in accordance with past practice of the United Nations, to make substantive recommendations to the General Assembly on the elements of a draft text of an international legally binding instrument, and that the preparatory committee will start its work in 2020 and, by the end of 2021, report to the Assembly on its progress;

12. *Further decides* that the preparatory committee shall meet for one session of a duration of 10 working days in 2020 as well as one session of 10 working days in 2021 with full conference services, with the recognition that, with respect to documentation, any documents of the preparatory committee other than the agenda, the programme of work and the report of the preparatory committee shall be considered informal working documents;

13. *Requests* the Secretary-General to convene the first session of the preparatory committee in December 2020;

14. *Decides* that the preparatory committee shall be chaired by one presiding officer, who will be appointed by the President of the General Assembly, in consultation with Member States, as soon as possible;

15. *Also decides* that the preparatory committee shall elect a bureau consisting of two members from each regional group, and that these 10 members shall assist the Chair on procedural matters in the general conduct of his or her work;

16. *Requests* the President of the General Assembly to invite the regional groups to nominate candidates to the bureau as soon as possible;

17. *Recognizes* the importance of proceeding efficiently in the preparatory committee on the development of the elements of a draft text of an international legally binding instrument;

18. *Decides* that the rules relating to the procedure and the established practice of the committees of the General Assembly shall apply to the procedure of the preparatory committee;

19. *Also decides* that, before the end of its seventy-fourth session, and taking into account the aforementioned report of the preparatory committee, it will decide on the convening and on the starting date of an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the preparatory committee on the elements and to elaborate the text of an international legally binding instrument;

20. *Recognizes* that the process indicated in paragraph 11 above should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies;

21. *Requests* the Secretary-General to establish a special voluntary trust fund for the purpose of assisting developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, in attending the meetings of the preparatory committee and the intergovernmental conference referred to in paragraph 11 above, and invites Member States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to make financial contributions to the voluntary trust fund;

22. *Also requests* the Secretary-General to provide the preparatory committee with the necessary assistance for the performance of its work, including secretariat services and the provision of essential background information and relevant documents;

23. *Further requests* the Secretary-General to submit to the General Assembly at its seventy-fourth session a comprehensive report on progress made towards the development of an international legally binding instrument for the protection of persons displaced by the impacts of climate change.