

Country: *South Africa*

Topic: *Addressing Climate Migration and the Right to International Protection: balancing national sovereignty with international human rights obligations*

Committee: *Human Rights Council*

The UN Refugee Agency (UNHCR) states that “[a]ddressing climate change as a root cause of displacement is crucial to breaking this cycle [of displacement] and finding lasting solutions”¹. While the 1951 Refugee Convention² provides a framework for handling migration, it does not specify climate migration, which, due to rising temperatures, is becoming an ever more pressing issue. The UN Human Rights Council Resolution 48/13³ affirms that climate change threatens fundamental human rights, and as such needs to be tackled.

South Africa is the largest emitter of CO₂ on the African continent, contributing to the broader regional climate challenges⁴. Southern Africa’s temperature is projected to rise by 4°C, double the global average, impacting precipitation, water availability and food security⁵. South Africa faces significant migration pressures from neighbouring countries, particularly Mozambique, Zimbabwe, and Malawi, where climate-related factors such as cyclones and floods have led to increased displacement. This influx adds to South Africa’s existing migration challenges, as the country already hosts approximately 2.4 million foreign-born individuals⁶. Concurrently, South Africa is experiencing notable population growth. In 2024, the population reached approximately 64 million, and is expected to surpass 79 million by 2050⁷.

South Africa has long relied on migrant labour, particularly in mining. In recent years, poverty and political unrest have driven migration to the country. To manage these migration flows, the South African government makes a policy distinction between voluntary and forced migration in the Immigration Act⁸ (No 13 of 2002), and considers climate migration as a form of the latter. However, verifying migrant status is complex due to documentation issues⁶, and many fail to meet the Act’s moral requirements, reducing public support^{6,8}. This creates legal and humanitarian challenges, given South Africa’s obligations under the UN Refugee Convention and the Global Compact for Migration⁹. As a member of the African Union (AU), the country is committed to promoting and

¹ UNHCR. N.d. Climate change and displacement <https://www.unhcr.org/what-we-do/build-better-futures/climate-change-and-displacement>

² United Nations Refugee Agency. (1951). *Refugee Convention*. <https://www.unhcr.org/media/1951-refugee-convention-and-1967-protocol-relating-status-refugees>

³ United Nations. (2021). Resolution. *The human right to a clean, healthy and sustainable environment*. <https://digitallibrary.un.org/record/3945636?ln=en&v=pdf>

⁴ Global Carbon Atlas. (2023). *Global Carbon Atlas*. <https://globalcarbonatlas.org>

⁵ IPCC. (2023). *Summary for policymakers*. In *Climate change 2023: Synthesis report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Core Writing Team, H. Lee & J. Romero, Eds.). IPCC.

https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf

⁶ Pensulo, C. (2024, 10 oktober). *'I can't survive': Malawians hit hard by South Africa's crackdown on illegal migration*. The Guardian. <https://www.theguardian.com/world/2024/oct/10/i-cant-survive-malawians-hit-hard-by-south-africas-crackdown-on-migration>

⁷ Database.earth. (2024). *Population of South Africa 1950-2024 & Future Projections*. <https://database.earth/population/south-africa>

⁸ South African High Commission. (z.d.). *Immigration*. <https://www.sahc.org.au/immigration.htm>

⁹ Okedele, P. O., Aziza, O. R., Oduro, P., & Ishola, A. O. (2024). Climate-induced migration: Global legal implications and human rights challenges. *International Journal of Science and Technology Research Archive*, 7(2), 84–96. <https://sciresjournals.com/ijstra/sites/default/files/IJSTRA-2024-0071.pdf>

protecting human rights across the continent. The AU' leading role is in developing regional policy mechanisms to address migration issues, including the impacts of climate change¹⁰. South Africa's commitment to climate adaptation is also evident in international collaborations, such as those with the Flemish government¹¹.

South Africa faces challenges in accepting migrants, as growing xenophobic sentiments emerge in response to diverse influxes¹². Despite the National Action Plan to combat racism, racial discrimination, xenophobia, and related intolerance, and a newly appointed commissioner for migration and non-citizens' rights¹³, greater international support from fellow UN member states is needed to manage climate-driven migration and uphold refugee rights. Without it, South Africa will be forced to continue deporting illegal migrants, making it impossible to uphold the human rights recognized by the UN. In this context, South Africa emphasizes the 2017 Human Rights Council resolution, which calls for global cooperation to protect those displaced by climate change¹⁴.

In terms of the considered situation, South Africa advocates for a unified effort from all member states of the UN, especially those party to the Paris Agreement¹⁵, to prevent a further rise in temperatures due to climate change by investing into renewable energies and cutting greenhouse gas emissions significantly. International cooperation is essential in preventing even larger numbers of displaced people especially on our continent, but also world-wide. Furthermore, South Africa advocates for a model with members of the AU to tackle the migration flow and to distribute it more evenly across all able countries. In essence similar to the EU's pact on Migration and Asylum¹⁶, this model will, in conjunction with effective measures against climate change, allow to ease and relieve the manifold existing tensions and issues that arise due to migration.

As a state maintaining respect for national sovereignty as well as international human rights obligations, South Africa reiterates its commitment to both and emphasises international cooperation in the fight against rising temperatures as well as international cooperation in the distribution of displaced peoples due to ensuing natural catastrophes, without placing too much pressure on selected nations.

¹⁰ African Union. (z.d.). *AU in a nutshell*. <https://au.int/en/au-nutshell>

¹¹ South Africa / Flanders Climate Adaptation Research and Training Partnership. (z.d.). *SAF-ADAPT*. <https://saf-adapt.org>

¹² South African Human Rights Commission. (2021). *Non-nationals educational booklet*. <https://www.sahrc.org.za/home/21/files/FINAL%20Non-Nationals%20Educational%20Booklet.pdf>

¹³ South African Human Rights Commission. (2010). *Report on the investigation into issues of rule of law, justice and impunity arising out of the 2008 public violence against non-nationals*. <https://www.sahrc.org.za/home/21/files/Report%20on%20the%20SAHRC%20Investigation%20into%20Issues%20of%20Rule%20of%20Law,%20Justice%20and%20Impunity%20arising%20out%20of%20the%202008%20Public%20Violence%20against%20Non-Nationals.pdf>

¹⁴ United Nations. (2017). Resolution. *Resolution adopted by the Human Rights Council on 22 June 2017*. <https://documents.un.org/doc/undoc/gen/g17/184/52/pdf/g1718452.pdf>

¹⁵ United Nations. (2015). *Paris Agreement*. https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf

¹⁶ European Commission. (2024). *Pact on Migration and Asylum*. https://home-affairs.ec.europa.eu/policies/migration-and-asylum/pact-migration-and-asylum_en