

Submission to the UNFCCC Executive Committee to the Warsaw International Mechanism for Loss & Damage (WIM EXCOMM) On Internal and Cross Border Migration, Displacement and Other Forms of Human Mobility

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I. Introduction

Climate change is a contributing factor to human displacement and migration,¹ both within countries and across international borders. Over the coming decades, climate change is projected to increase the risk of acute disasters, gradual environmental deterioration and livelihood loss, and social disorder, all of which are expected to increase current displacement and migration trends.

While the precise number of people likely to be affected will depend on numerous factors including the rate of warming and the extent to which communities are able to effectively adapt, it has been estimated that by mid-century, climate change could induce as many as 200 million people to migrate on a temporary or permanent basis—a volume that would overwhelm the present capacity of international and national institutions and aid mechanisms.² As most movement will take place within countries, internal displacement will present a major challenge to national governments.³ Adding to the complexity of the challenge on both a national and international level, most migrant flows will not be purely related to climate change, and climate-related migrants may be indistinguishable from other migrants in practice.

In the context of climate change, migration is most often viewed as an adaptation failure.⁴ Yet migration can be an important adaptive response for people facing slow-onset environmental changes or disasters.⁵ Migration can also contribute to the socioeconomic development of climate-affected areas.⁶ Many obstacles, however, impede safe and legal migration from climate-affected areas.⁷

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II. Legal and Institutional Challenges

Overall, there is a lack of legal recognition on both the international and national level for persons uprooted by climate change (both internally and across borders). No international legal instrument directly addresses climate-related displacement or migration, and existing international and national displacement, refugee, immigration, and asylum policies are inadequate to address the problem. International law does not officially recognize “climate refugees” as a legally identifiable group within frameworks, guidelines, or protocols to protect and assist refugees.⁸ Ad hoc policies provide temporary protection from deportation for people who have crossed borders as a result of certain natural disasters in their country of origin, but this is not a permanent or comprehensive solution.⁹ International human rights law provides certain basic rights for climate-change migrants not to be sent back to a country when such action would amount to inhumane treatment, but otherwise, does not provide significant further protection.

Proposals to address legal protection gaps for those internally displaced in the context of disasters and climate change have centered around enhanced implementation of the 1998 UN *Guiding Principles on Internal Displacement*.¹⁰ Drawn from humanitarian, human rights, and analogous refugee law, the *Guiding Principles* outline the assistance and protection obligations of national governments with respect to persons forced to flee their homes “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.”¹¹ Two regional instruments have been adopted by African nations that reinforce the protection obligations outlined in the *Guiding Principles*: the 2009 *Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)* and the 2006 *Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons*. However, traditional approaches to internal displacement are in many ways ill-suited to address the more complex relationship between climate change and human mobility. For instance, existing approaches place outsized attention on responding to internal displacement rather than mitigating the risk of climate-related displacement.

Although collective action to address the issue of climate displacement is lacking at all levels, several important avenues have emerged for building international consensus on how to tackle this complex issue. One of the most comprehensive attempts to address gaps in the legal frameworks has been the “Nansen Initiative on Cross-Border Displacement in the Context of Disasters and Climate Change” (Nansen Initiative), a bottom-up, state-led consultative process that was launched in 2012 by the Norwegian and Swiss governments. Recognizing the implausibility of attaining a new international agreement on so-called “climate refugees,” the Nansen Initiative’s goal is to build consensus among governments on how to address the legal protection gaps for people displaced across international borders in the context of disasters and climate change. In October, more than 100 governments endorsed an *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (Protection Agenda)*.¹²

Acknowledging that the effects of climate change and their impacts on patterns of displacement and migration will vary regionally (as will political dynamics), the *Protection Agenda* proposes that solutions build upon a broad set of existing displacement, migration, and refugee policies and practices that have been employed by governments to protect people in such

crises (e.g., humanitarian visas, temporary protection status). In addition, the *Protection Agenda* further identifies priority action areas to prevent displacement, including through better management of internal displacement.

Recognizing the need for a normative framework to address climate change-related displacement within States, a group of climate change experts and international lawyers came together in 2013 to develop the *Peninsula Principles on Climate Displacement within States (Peninsula Principles)*.¹³ Based on principles in international law, human rights obligations and good practice, the *Peninsula Principles* build on and contextualize the *UN Guiding Principles* to address the movement of people within a State due to the effects of climate change, “either alone or in combination with other factors.”¹⁴ The *Peninsula Principles*’ particular value is in articulating the rights of “climate displaced persons” especially as relate to their right to remain in place, as well as to initiate and undertake planned relocation. The principles also offer institutional planning guidance, including for participation and consent of affected individuals, land identification and post-displacement return.¹⁵ However, the *Peninsula Principles* have not yet been formally endorsed or adopted in practice by any national government.

The *Nansen Initiative Protection Agenda*, the *Peninsula Principles* and other sources have promoted assorted recommendations for addressing the current legal insufficiencies related to climate change migration. Some of the most common recommendations include the following.

- Prioritize the prevention of displacement through adaptations focused on vulnerability and risk reduction.¹⁶
- Incorporate local perspectives and participation in developing solutions.¹⁷
- Maintain a focus on equity, anti-discrimination, safety, dignity, and the human rights of displaced people.¹⁸
- Develop more robust institutional frameworks for global migration governance.¹⁹

Building upon these initiatives and prior recommendations, outlined below are practical policy guidance and potential tools that incorporate existing knowledge and understanding regarding the impacts of climate change on migration and displacement, and which are intended to support the WIM ExComm in implementing Action Area 6 of its initial two-year workplan.²⁰ Acknowledging the multifaceted nature of the issue, we offer practical guidance on approaches to address climate-related migration both across borders and within countries. In Part III we explore the role that regional governance might play in harnessing the synergies between cross-border labour mobility and climate adaptation. Part IV explores how states might proactively address climate-related risks of internal displacement.

III. Labour Mobility and Regional Climate Adaptation

As global climate change intensifies and diminishes economic opportunity, people may consider migration as a potential coping strategy.²¹ Many workers are already seeking decent work and income security abroad due to poor economic opportunities at home, conflict or disaster.²² At present, it is estimated that over 150 million migrant workers are in the world of work today.²³ The growing gap between the opportunities for prosperity in home communities and the opportunities available abroad, compounded by climate-related shocks and stresses that

increasingly will serve to undermine traditional livelihoods and aggravate poverty, suggest increasingly links between climate change and labour mobility in the decades to come.

At present, migrants who are forced to cross international borders due to natural disaster or climate impacts are not viewed as persons in need of protection, aid or assistance.²⁴ To survive in climate affected regions, households may choose to send a member or several members of the household into migration through irregular (illegal) channels. This may result in migrants taking low paying jobs in the informal sector, paying high costs to recruiters, and working without adequate social protection. Irregular migrant workers report frequent instances of non-payment or underpayment of wages, which means that they return home with little or no savings to support their families or to help rebuild their communities. Such costs undercut the economic, social and environmental contributions migrants can make.

Migration, although not traditionally pursued under the UNFCCC framework, is an adaptation strategy that can, if well managed, serve dual adaptive purposes. Migration can contribute to development objectives while also reducing population pressure in climate-affected areas, particularly pressure on areas prone to drought or desertification. It can also help build resilience in destination countries, particularly when labour migration is channeled into sustainable industries.

A. Links between Climate Change and Labor Mobility

The search for work in a neighbouring country can serve as a safety valve in coping with economic distress. As The UK Climate Change Coalition has argued, migration “gives an individual a chance to diversify their income [and] spread risk for the household.²⁵” At the same time, when migration is well-managed, it can be a positive contributor to development of the host community. A survey conducted by the United Nations University for Environment and Human Security (UNU-EHS) found that remittances play an important role to “improve resilience to environmental stressors and the capacity to cope with future climate change impacts.²⁶” When migration is framed only as a negative consequence of climate disaster, it fails to account for these positive contributions.

The potential for economic growth to be supported by labour mobility has led to increasing dialogue bilaterally and within regional economic integration processes and economic communities (RECs) on how to foster free movement pathways. Reducing cross border barriers to free movement supports economic growth by enabling people to travel, shop, invest and pursue decent work across borders. A review of Asian-Pacific nations has shown that the countries that perform best in generating decent work opportunities that reduce vulnerability for migrant workers (since the early 2000s) also have maintained higher rates of per capita income growth.²⁷

The contribution of migration to development is also now better-recognized by the international community. Although absent from the Millennium Development Goals, the 2030 Sustainable Development Agenda and Goals (SDGs) confirm the importance of this link. SDG 10 calls on member states to “facilitate[e] orderly, safe, regular and responsible migration and mobility of people including through the implementation of planned and well-managed migration policies.” SDG 8 includes a target on promoting decent work opportunities for all workers, including migrant workers.²⁸

The contributions migrants can make has not, however, been widely applied in the context of climate change. There are a few pilot projects and case studies that begin to demonstrate how labour migration can help climate vulnerable areas boost resilience and adapt to changes. Several recent international initiatives to combat climate change may provide impetus to connect the two issues in a more coherent manner.

Although migration has long served as an individual coping strategy to deal with the effects extreme weather events, it has yet to be routinely integrated into adaptation plans. Where regular or more formal migration channels are available to provide decent work there could also be an opportunity to boost resilience at home through employment opportunities abroad. Labour mobility programs should therefore seek to support economic development, be aligned with international labour standards and support, rather than displace, national workers. There may be potential for regional economic integration processes now considering labour mobility or free movement to consider whether labour mobility programs can target climate vulnerable groups within a broader adaptation strategy. Because most migrants move within their own regions, particularly for work, regional mobility is a key area of migration governance.

B. Regional Governance Approaches

Working within geographically defined groups that share common cultural, linguistic and economic characteristics allows national actors to collaborate and coordinate on actions at a higher level. Regional economic groups refer to the geographically defined groups of states that serve as the basis for progressive economic integration.

Regional groupings have three additional distinct advantages in pursuing collective objectives on labour migration more generally. First, they understand the social, economic and cultural contexts better than international actors. These contexts will dictate local opportunities, constraints and barriers for labour migration. Second, there are more cultural, linguistic and economic ties within regional groups, making labour market integration an easier process for migrant workers (though certainly not without its challenges). Third, regional groups have pre-existing bilateral relations and multilateral agreements that can be built upon and strengthened to support climate dimensions. Regional fora may therefore serve as an appropriate space to discuss and develop regional labour mobility arrangements that can target climate vulnerable areas. There are a number of recent international instruments that encourage regional cooperation on climate adaptation. A new African and European agreement forged in Valletta in November 2015 calls for strengthening cooperation around climate change and migration issues.

Regional Cooperation on Labour Mobility

One factor that may support discussion on the topic is the existence of free mobility arrangements between member states. In this vein, the EU, the Southern Africa Development Community (SADC)²⁹ and the Economic Community of West African States (ECOWAS) are among the few that have set out protocols on the free movement of people. Other regional bodies, such as MERCOSUR, while not proposing free movement, have established special provisions and privileges to citizens of member States. This includes the regional mobility of registered skilled professionals in ASEAN and CARICOM. Other special privileges short of full mobility include waving visa fees, expediting visa procedures and permitting temporary mobility for specific groups.

Whether or not the region is highly vulnerable to the effects of climate change, free mobility arrangements can help address skills and jobs mismatches and labour shortages. In the EU, a Seasonal Workers Directive grants admission to workers outside the EU territory for seasonal work in agriculture, horticulture and tourism. The Directive provides uniform protections, common criteria for admission and standardized conditions for residence. Quotas are also driven by labour shortages. Critics have, however, raised concerns over inadequate social protection measures illustrating another important variable that will help develop and implement sustainable labour migration schemes that uphold the human rights of workers. The provision of social protection for migrant workers, particularly those outside a regional group and therefore not covered by the same protection regimes, is critical. Other practical measures to facilitate free movement include standardizing social security agreements across nations and establishing common qualification criteria.³⁰

Regional Platforms on Migration

A number of other intra-regional platforms support cooperation between countries of origin, transit and destination. They bring key actors together at regular meetings where they can discuss and potentially develop non-binding strategies and initiatives on issues of mutual concern. While few platforms mention the climate dimension of displacement, however, several provide platforms for discussion on social protection and the generation of decent work opportunities. The Rabat Process is an initiative launched by European and African ministers in charge of migration and development. It covers nearly 50 countries in North Africa, Central Africa, West Africa and Europe.³¹ The Khartoum Process is an additional intra-regional process which joins 28 EU countries, Eritrea, Ethiopia, Somalia, South Sudan, Sudan, Djibouti, Kenya, Egypt and Tunisia to specifically consider how to best combat human trafficking channels between the two regions.

These platforms are receiving renewed support in line with the Valletta Summit Action Plan, a key plan launched by EU member States and the AU to support development actions that can reduce pressure for irregular and forced migration, particularly to Europe, and which seek to stimulate economic development, job creation and labour mobility within RECs, as well as combat smuggling and trafficking. Among the key root causes of irregular migration and displacement which the Declaration makes mention are, “environmental and climate change issues.”^{32,}

Other Regional Migration Dialogue Processes

In recent years, multilateral organizations and UN agencies have played an important role in mobilizing regional dialogue through ministerial meetings and consultative processes. The ILO has supported its constituent governments, employers and workers organizations to ensure business and trade unions can participate directly in migration dialogue processes at national and regional levels. The ILO supports, for example, the ASEAN Forum on Migrant Labour³³ a tripartite labour migration process addressing issues related to migrant workers at the regional level. The ILO and the IOM jointly support a number of processes, including the Joint Labour Migration Program for Africa (JLMP).

Regional Consultative Processes, supported by the IOM, provide an informal forum for regional actors to build consensus leading up to international meetings on migration.³⁴ These

consultations have allowed regional actors to develop coordinated action plans, outline draft legislation and establish information-sharing networks. Some have even served to coordinate regional recognition of vulnerable migrant groups, demonstrating the capacity non-binding, informal processes have to guide coordinated action on migration that is in line with international standards.³⁵

C. Key Challenges, Opportunities, and Approaches

To coordinate a labour migration strategy that can also support regional adaptation and climate resilience, reliable labour market information will be required to identify genuine labour market needs and trends. Labour market information systems are, however, weak in many countries. This presents a challenge for sharing data within a region. Furthermore, migration policies and labour policies are often developed in isolation. Labour ministers, workers organizations and employers are typically not included in the development of migration policies. If labour migration programs are developed without tripartite consultation between workers, employers and government ministries, they risk simply replacing national labour for migrant labour and can lead to social dumping and unfair business competition, exchanging one development dilemma for another. Social dialogue is therefore an important pre-condition for the development of sustainable labour migration schemes.

As regional labour migration systems are developed, regional economic communities will need to pay considerable attention to safeguards against abuse of migrant workers and social dumping. For example, establishing common criteria for skills recognition is an important means of protecting migrant workers. Appropriate matching of jobs to skills can protect migrant workers from deskilling and discrimination in wages and working conditions. Nonetheless, bilateral skills recognition is challenging to adopt due to the different education and professional qualifications systems even within the same region. Labour standards and protections may also vary between countries. The issue of social protection is also an important consideration as it supports a healthier and more productive work force. The ILO Social Protection Floors Recommendation 2012 provides suggested social security guarantees.³⁶

IV. Climate Change and Internal Displacement

Empirical research indicates that the majority of human displacement resulting from climate change will be within state borders.³⁷ This is consistent with migration patterns indicating that far more people migrate internally than internationally.³⁸

Although there is evidence that climate change is already dislocating vulnerable communities in different parts of the globe from Alaska to Papua New Guinea,³⁹ the future effects of climate change threaten to have a far greater impact on displacement. The scale of future displacement will depend on the extent to which we act now to substantially reduce carbon emissions, build the resilience of vulnerable communities, mitigate climate risk and adapt to climate change effects. Thus, any strategy aimed at addressing climate change-related displacement must place a premium on avoiding or minimizing displacement, i.e., *on prevention*.

While the *Guiding Principles on Internal Displacement* reinforce the prohibition on forced and arbitrary displacement, they do little in the way of providing guidance in terms of proactive measures States must take in order to mitigate or avoid displacement and migration as it relates to natural disasters. In this regard, the *Kampala Convention* proves somewhat more prescriptive to the extent that it obligates States to protect citizens from internal displacement. “States Parties shall devise early warning systems, in the context of continental early warning system, in areas of potential displacement, establish and implement disaster risk reduction strategies, emergency and disaster preparedness and management measures and, where necessary, provide immediate protection and assistance to internally displaced persons.”⁴⁰

The *Peninsula Principles*, which were drafted to provide a strong, human rights-based foundation to guide States in developing laws and policies to address climate change-related internal displacement, fill many of the gaps left open by the *Guiding Principles* including recognizing the obligations of States to manage climate displacement risk.⁴¹ The *Nansen Initiative Protection Agenda* likewise highlights “State responsibility... [to prepare for] foreseeable disasters and take reasonable measures to prevent threats to the lives and property of people, including preventing displacement.”⁴²

Rather than taking displacement and migration regimes as starting points, it is proposed that addressing climate change impacts on internal displacement requires a different paradigm that is both far more contextual and better integrated across other sectors, and that takes as its starting point identifying climate displacement risk. It is only by focusing on climate change-related risk as a starting point that national and local governments will be able to gain a sufficient understanding to take advantage of opportunities to implement more effective displacement prevention measures.

A. Shifting the Point of Intervention: From Climate Displaced to Climate Displacement Risk

National government action to address climate change impacts on internal displacement should take as their starting point *local-level climate displacement risk*. (“Risk” as used herein is based on the standard formulation of risk as the product of hazard, exposure and vulnerability.) This will require an improved understanding of where, when and why displacement occurs in relation to hazards that are linked to climate change.

Experience shows that in general, people who are evacuated, who flee or whose homes are destroyed due to floods, storms and other rapid-onset, weather-related hazards are often able to return relatively quickly. The Internal Displacement Monitoring Centre (IDMC) prepares on an annual basis global estimates of people evacuated or forced to flee their homes due to rapid-onset hazards.⁴³ However, little is known about the rates of return, the duration of displacement, or the patterns of movement after initial flight and there are no global estimates for the number of people living in protracted displacement after disasters,⁴⁴ leaving “a significant knowledge blind spot that requires increased attention from governments, the UN, the International Red Cross and Red Crescent Movement and other international and civil society organizations.”⁴⁵ Nor are there global estimates for people displaced by slow onset hazards and little understanding of other contributing push factors in such situations despite the fact that drought and gradual environmental changes can be a significant driver of displacement and migration.⁴⁶

The IPCC Fifth Assessment Report’s Working Group II on Adaptation found that structural economic causes of social vulnerability may determine whether temporary displacement turns into permanent migration following disasters and climate-related events. For example, a study of post-Hurricane Katrina New Orleans found that most of the economically disadvantaged populations displaced in the immediate aftermath of the disaster never returned.⁴⁷ The IPCC further cites studies showing no correlation between extreme events and displacement⁴⁸ suggesting that protracted displacement following such events has more to do with socio-economic or political factors than the hazard itself. Another, more recent study by IDMC based on 34 cases of protracted displacement following disasters supports these findings. Of the post-disaster scenarios studied, while the hazard itself became a barrier to return in some cases, in others, obstacles to return included lack of access to land and discrimination against vulnerable and marginalized groups.⁴⁹

A recent study of displacement from hurricanes along the Gulf of Mexico in the United States noted that “[i]n the context of disasters, much of the empirical research has focused on identifying places and populations that are vulnerable to catastrophic hurricane and flood disasters. However, there have not been parallel efforts to capture measures for displacement risk.” Analyzing displacement risk from hurricanes in the 158 counties in the United States, the study’s authors developed a displacement risk index (DRI) based on three components – vulnerability, resilience (understood as capacity to recover thereby offsetting vulnerability) and risk.⁵⁰ What is novel about the DRI is that rather than focus exclusively on vulnerability to the risk (e.g., a hurricane or flood), the DRI looks at what makes people vulnerable to both the shock and the ability to achieve a durable solution to displacement. The DRI not only considers the physical vulnerability of people based both on the built environment (e.g., type of housing) and exposure (e.g., percentage of housing in the flood zone), but also incorporates socio-economic factors that heighten displacement risk.

Together, these studies indicate that in order to understand and identify climate displacement risk, governments will need to have in place procedures and institutions for: (1) identifying climate hazard risk; (2) mapping areas of exposure; (3) identifying vulnerable populations based on both physical and socio-economic factors that make certain people vulnerable to displacement, offset by corresponding levels of resilience at the household and community level; and (4) monitoring changes in risk, exposure and vulnerability over time.

B. Managing Climate Displacement Risk

Effectively managing climate displacement risk will require governments to take a number of measures both to integrate those factors that aggregate risk into relevant sectors as well as strengthen their technical and institutional capacities to identify what geographic areas, communities or households are at highest risk. Below are some measures national governments can take toward improved climate displacement risk management.

Incorporating Climate Displacement Risk into Disaster Risk Management Law and Policy

At present, few, if any, DRM laws include measures that specifically target preventing or mitigating displacement due to natural or man-made hazards. “Early warning” systems, where effective, do prevent risk of harm and provide an opportunity for people to minimize disaster-

related losses by safeguarding assets in advance of the hazard. However, early warning and evacuations do not necessarily prevent or mitigate displacement. Therefore, governments need to revise their DRM laws and policies to ensure that they include mandates and processes for identifying and mitigating climate displacement risk.

Strengthening Institutional Capacity to Identify and Manage Climate Displacement Risk

Identifying and addressing climate displacement risk will require as a prerequisite strengthening institutional capacity to understand, identify and monitor climate displacement risk. At present, most countries have technical and scientific bodies such as national meteorological or hydro-meteorological services (NMHSs) that provide weather, climate, hydrological and environmental monitoring and prediction services and which are responsible for identifying hazards such as severe storms, excessive heat, droughts and floods.⁵¹ By providing early warnings of high-impact events and climate hazards, NMHS enable communities to better prepare for and adapt to a changing climate through improved disaster risk reduction, community resilience, water resource management and food security strategies. Especially in developing and least developed countries, governments must incorporate into their DRM and climate change adaptation strategies enhancing the human, technical and institutional capacities of NMHSs to deliver high-quality services and information relevant to climate displacement risk that can be utilized by local governments and communities.

Empowering Local Communities to Manage Climate Displacement Risk

Experience with implementing DRM laws indicates that in addition to identifying climate hazards, it is imperative that processes are in place to allow community participation in identifying and managing climate risk.⁵² Channels must be put in place for sharing climate risk information with local actors (as well as other relevant institutions) so that such information can be used to identify communities or even households that are at risk of displacement, and to integrate climate displacement risk information into early warning systems and evacuation plans as well as development planning (including land use and building codes) to avoid and mitigate displacement. More broadly, in order to be effective, sufficient financial and human resources must be available to incorporate DRM into local governance.⁵³

C. Integrate Climate Displacement Risk into Other Relevant Laws and Policies

The development of strategies for avoiding and mitigating displacement from climate hazards will need to go beyond DRM and be supported by other laws and policies across sectors. As a prerequisite, processes and mechanisms must be in place to ensure that up-to-date climate hazard information is communicated to national, regional and local authorities responsible for development processes such as land use planning, building and construction, natural resource management, agriculture, water management and climate change adaptation. National governments will need to identify climate displacement risk in context to determine how it must be integrated into other sectors in order to avoid displacement.

Two sectors that are likely to prove particularly relevant to climate displacement risk management are land use planning and natural resource management.

Land Use Planning and Climate Displacement Risk

Land use planning, zoning, and building and construction regulations can all play a key role in mitigating climate displacement risk. The need to better manage displacement risk is especially acute in fast-growing, urban slums where both poorly-constructed housing and underlying socio-economic vulnerabilities render large numbers of people highly vulnerable to protracted displacement.

Natural Resource Management and Climate Displacement Risk

Improved management of natural resources can also serve to mitigate the risk of displacement from climate-related hazards. In coastal areas, natural barriers such as coral reefs, mangroves and salt marshes have proven particularly effective in reducing damage from storm surge, coastal flooding and storms, and offer an attractive strategy for coastal communities at risk of displacement from climate-related hazards.

D. Relocation and Climate Displacement Risk

Even when planned, relocation of communities in order to make way for development projects or to avoid risk of harm remains complicated, time-intensive and difficult.⁵⁴ In order for future attempts to succeed, an overarching legal framework needs to be established that adequately foresees and responds to potential risks.⁵⁵ (This is especially true in light of the abysmal track record of planned resettlement of affected communities in the context of large scale development projects.⁵⁶) As clearly spelled out in the *Peninsula Principles*, relocation should only take place when absolutely necessary. Sustained relocation programs must involve meaningful input and coordination from local communities.⁵⁷

Given the significant human rights implications of undertaking planned relocation in the context of climate change, national governments will need to look closely at how to develop laws, policies and related institutional arrangements for undertaking planned relocation as a strategy to avoid displacement risk. National governments are encouraged to endorse the *Peninsula Principles* and incorporate them into a regulatory framework for addressing planned relocation. Experience from Alaska, where numerous Native American villages threatened by the rapid onset of climate change effects have been trying for years to retreat inland, presents a microcosm of the numerous legal and institutional challenges governments are likely to confront in undertaking planned relocation.⁵⁸ A helpful resource in this regard is the “Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation” developed by the Brookings Institution, Georgetown University’s Institute for the Study of International Migration (ISIM), and UNHCR with the assistance of other experts and which consolidates lessons learned and best practices for government-led planned relocation.⁵⁹

E. State Obligations to Address Climate Displacement Risk

Perhaps the most challenging aspect of managing and mitigation climate displacement risk will be articulating institutional responsibility among myriad government agencies at the national, regional and local level for managing climate displacement risk. Despite the clear human rights obligation of national governments to protect their citizens from known, imminent hazards, in the more complex and ever-evolving world of climate change effects, taking proactive measures to address displacement risk becomes far more complicated as it runs up

against other rights including freedom from forced eviction, private property rights, freedom of movement and the right to self-determination, as well as certain cultural rights associated with place.

As indicated above, numerous government agencies are implicated in the management of climate displacement risk, especially as relate to DRM, land use and development planning, and climate change adaptation but possibly a host of other sectors. Particularly in the absence of a central agency responsible for addressing the impacts of climate change on communities, coordinating various near- and long-term strategies for avoiding or mitigating displacement from sudden and slow-onset climate hazards will need to take place at the local level and be driven by at-risk communities themselves in order to be successful.

V. CONCLUSIONS AND RECOMMENDATIONS

Despite labour migration's adaptive potential, it has yet to feature as a potentially positive component of national or regional climate change adaptation strategies. Where migration is already occurring from climate affected areas, this may be a missed opportunity. Developing regular channels of migration to help those suffering economic hardship due to natural disaster or long-term climate damage can help to avoid climate-related migrants entering into the informal economy or exploitive forms of employment abroad. In order to harness the adaptive capacity of labour migration, we recommend that States:

- Link existing labour policies, migration agreements and climate adaptation strategies through better coordination and collective efforts.
- Make labour migration a just option for climate-affected communities by reducing the high cost of movement, including through progressive elimination of exploitative recruitment practices.
- Further explore how regional cooperation on climate change adaptation and labour mobility can be better linked, e.g., by undertaking pilot programs in a bilateral or regional context that could help to contribute guidance for good practice in this regard.

It is further recommended that States act upon the enormous opportunities that exist to avert or mitigate internal displacement of vulnerable populations from climate change effects by adapting laws and policies to address climate displacement risk. In order to do so, we recommend that States:

- Improve understanding of climate displacement risk and vulnerability at a local level and develop indicators of displacement risk based on a range of physical, socio-economic and other relevant factors.
- Revise DRM laws and policies to ensure that they include mandates and processes for understanding and identifying climate displacement risk, and ensure that technical and scientific bodies responsible for providing weather, climate, hydrological and environmental monitoring and prediction services have sufficient human, financial and technical capacity.
- Using a multi-sectoral approach, develop strategies for mitigating displacement risk at the local, regional and national level.
- Ensure that systems are in place to communicate climate hazards down to the local level and empower local governments and communities, as well as vulnerable and disenfranchised groups, to be involved in their own risk management, including managing climate displacement risk.

¹ The Intergovernmental Panel on Climate Change defines “migration” as “a permanent or semi-permanent move by a person of at least one year that involves crossing an administrative, but not necessarily a national, border.” IPCC, “Working Group II: Impacts, Adaptation and Vulnerability” (2013), 767.

² Norman Myers (2005) “Environmental Refugees: An emergent security issue”, 13th Economic Forum, May 2005, Prague.

⁴ IOM, “A Complex Nexus” (2015) <https://www.iom.int/complex-nexus>

⁵ Phillippe Bonocour, “The Moment of Truth: Adaptation to Climate Change” (2009).

⁶ See, e.g., Somalia is already receiving temporary protection status due to drought (see US Citizenship and Immigration Services (2016) Temporary Protection Status Designated Country), the ILO is working with Kiribati, Tuvalu, and Nehru on a hybrid cash-for-work program (see ILO Disaster Preparedness and Response in the Pacific

Island Countries); the U.S. Government has adopted temporary protection status for Hurricane Mitch victims in Honduras (see Meyer, Peter J (2015) Honduras: Background and U.S. Relations, Congressional Research Services).

⁷ Migration (2009).

⁸ Glahn (2009).

⁹ Susan Martin, "Climate Change and International Migration" (2010) GMF Study Team on Climate-Induced Migration. http://www.preventionweb.net/files/14679_MartinV3.pdf

¹⁰ See Nansen Initiative Protection Agenda, 39 <http://www.nanseninitiative.org>

¹¹ *1998 UN Guidelines on Internal Displacement*, Introduction, para. 2
<http://www.brookings.edu/~media/Projects/idp/GPEnglish.pdf>

¹³ *The Peninsula Principles on Climate Displacement Within States* (18 August 2013),
<http://displacementsolutions.org/peninsula-principles/>

¹⁴ *Ibid*, Principle 2(b).

¹⁵ *Ibid*, Principles 9-11, 17.

¹⁶ *See, e.g.*, Report of the Executive Committee of the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts. (2015). *UNFCCC*. <http://unfccc.int/resource/docs/2015/sb/eng/03.pdf>; Leckie, S. (2013); Warner (2011); Laczó, F., & Aghazarm, C. (2009).

¹⁷ *See, e.g.*, Gahre (2011); Leckie, S. (2013).

¹⁸ *See, e.g.*, Leckie, S. (2013). *The Peninsula Principles on Climate Displacement within States. Displacement Solutions*. <http://displacementsolutions.org/wp-content/uploads/2014/12/Peninsula-Principles.pdf>; Gahre (2011); Warner (2011); Laczó, F., & Aghazarm, C. (2009); Migration (2009).

¹⁹ *See, e.g.*, Kaelin & Schrepfer (2012); Warner (2011); Laczó, F., & Aghazarm, C. (2009); Wahlstrom 2011.

²⁰ WIM ExComm Initial Two Year Workplan, Action Area 6.
http://unfccc.int/adaptation/groups_committees/loss_and_damage_executive_committee/items/9508.php

²¹ Michelle Leighton, "Drought, desertification, and migration: past experiences, predicted impacts, and human rights" (2011) In Piquet, E., Pecoud, A., de Guchteneire, P (Eds.) *Migration and Climate Change* (pp. 331-358).

²² Jordan, Lisa, Clionadh Raleigh and Idean Salehyan "Assessing the Impact of Climate Change on Migration and Conflict. Social Dimensions of Climate Change" (2011) The World Bank Group
<https://environmentalmigration.iom.int/assessing-impact-climate-change-migration-and-conflict>

²³ ILO, "ILO Global Estimates on Migrant Workers: Results and Methodology" (2011) International Labour Office, Labour Migration Branch, Conditions of Work and Equality, Department of Statistics.

²⁴ In a few special cases temporary humanitarian visas have been granted to populations displaced by extreme weather events, although the practice is far from standard. *See* Nansen Initiative, "Discussion Paper: Draft Elements of a Guide to Effective Practices on Admission and Stay for Persons Moving across Borders in the Context of Disasters," for more detail.

²⁵ The UK Climate Change and Migration Coalition, "Migration as Adaptation: Exploring mobility as a coping strategy for climate change" (2011), 4.

²⁶ Pacific Climate Change and Migration, "Project Newsletter" (2016). COP21 Special Edition. 4.

²⁷ Asia-Pacific RCM Thematic Working Group on International Migration including Human Trafficking (2016). Asia-Pacific Migration Report 2015. Migrants' Contributions to Development.

²⁸ United Nations General Assembly, “Transforming our world: the 2030 Agenda for Sustainable Development” (2015) A/70/L.1. Seventieth Session: Agenda Items 15 and 116. October 21, 2015. New York, New York.

²⁹ In 2005, SADC proposed a protocol on Free Mobility Movement although it is not yet operational due to ratification issues in member states

³⁰ International Labour Organization. Social Protection for Migrant Workers. <http://www.ilo.org/global/topics/labour-migration/policy-areas/social-protection/lang--en/index.htm> Accessed March 29, 2016.

³¹ *North Africa**: Algeria (observer) and Tunisia; *Central Africa*: Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Gabon; *West Africa*: Benin, Burkina Faso, Cabo Verde, Ivory Coast, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mauritania, Niger, Nigeria, Sierra Leone, and Togo; *Europe*: Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein Lithuania, Luxembourg, Malta, the Netherlands, Norway, Netherlands, Poland, Romania, Slovenia, Sweden, Switzerland and the United Kingdom. <http://www.icmpd.org/our-work/migration-dialogues/rabat-process/participants/>

³² European Council, “Valetta Action Plan” (2015) Valetta Summit on Migration, Valetta, Malta. November 11-12, 2015, 3.

³³ ILO, “The ASEAN Forum on Migrant Labour (AFML) Background information booklet” (2015) http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-bangkok/documents/publication/wcms_310994.pdf

³⁴ Amanda Klekowski von Koppenfels, “The Role of Regional Consultative Processes in Managing International Migration” (2001).

³⁵ The Inter-Governmental Asia-Pacific Consultations on Refugees and Displaced Persons. The consultations began as an informal process to discuss refugee movements and developed into an advisory body on refugee policy for governments not signed onto the 1951 Refugee Convention.

³⁷ Vikram Kolmannskog, “Climate Change, Disaster, Displacement and Migration: Initial Evidence from Africa” (2009) 3, 16. <http://www.unhcr.org/4b18e3599.html> ; Andras Vag et al., Environmental Change and Forced Migration Scenarios: Project Synthesis (2009) Report 72. http://seri.at/wp-content/uploads/2010/06/EACH-FOR_Synthesis_Report_090515.pdf

³⁸ Walter Kälin, “Conceptualizing Climate Change-Induced Displacement” (2010) in *Climate Change and Displacement: Multidisciplinary Perspectives* 81, 86 (Jane McAdam ed., 2010).

³⁹ C. Mooney, “A remote Alaska Village that needs to be relocated because of climate change,” Feb. 24, 2015, Washington Post, <https://www.washingtonpost.com/news/energy-environment/wp/2015/02/24/the-remote-alaskan-village-that-needs-to-be-relocated-due-to-climate-change/>; Robin Bronen, “Forced Migration of Alaskan Indigenous Communities Due to Climate Change: Creating a Human Rights Response,” (2010) *Environment, Forced Migration and Social Vulnerability*, 87, 89 (Tamer Afifi & Jill Jäger eds., 2010); Julia B. Edwards, “The Logistics of Climate-Induced Resettlement: Lessons from the Cateret Islands, Papua New Guinea” (2013) 32 (3): 52-78.

⁴⁰ Kampala Convention, Art. 4, Para. 2. The AU Model Law for the implementation of the Kampala Convention states that, in order to “prevent and avoid conditions that might lead to displacement of persons,” Competent Authorities must take measures to address factors and prevent conditions that have the potential to result in displacement, review national legislation to ensure that it comports with IDP protections, and raise public awareness and undertake training and education on the causes, impact and consequences of internal displacement, means of prevention, early warning, disaster risk reduction and planned relocation. AU Model Law, Chapter II, Article 6. Article 9 “Climate Change and Other Disasters [stet] Induced Displacement” further provides: “Competent authorities should take specific measures to integrate internal displacement in their contingency planning and national adaptation programs.” *Ibid.* at Article 9.

⁴¹ Peninsula Principle 9 provides that:

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.

The Peninsula Principles on Climate Displacement Within States (18 August 2013)
<http://displacementsolutions.org/peninsula-principles/>

⁴² Nansen Initiative Global Conference Report, 44.

⁴³ IDMC collects annual global estimates of people displaced by disasters. See generally IDMC Global Estimates 2015.

⁴⁴ IDMC Global Estimates 2015, 80.

⁴⁵ *Ibid*, 11.

⁴⁶ *Ibid*, 79.

⁴⁷ IPCC AR5 WGII, Chapter 12, 767.

⁴⁸ *Ibid*.

⁴⁹ IDMC Global Estimates 2015, 47.

⁵⁰ A. Esnard, A. Sapat, D. Mitsova, “An index of relative displacement risk to hurricanes,” *Nat. Hazards* (2011) 59:833-859 <http://link.springer.com/article/10.1007%2Fs11069-011-9799-3#page-1>

⁵¹ The World Meteorological Organization (WMO) website collects a list of national hydro-meteorological or meteorological services, see https://www.wmo.int/pages/members/members_en.html

⁵² IFRC & UNDP, “Effective law and regulation for disaster risk reduction: a multi country report” (2014), 33-34.

⁵³ A survey DRM laws in more than 30 countries found that the key to effective local institutional DRM structures is that they have clear authority combined with mandated resources and capacity. “[T]he most important factor is whether the capacity and resources are adequate for the DRR mandate. It is relatively easy to create institutions on paper, but their effectiveness relies on them becoming part of the system of governance in a way that is most suitable to a country’s culture, system of governance and resources.” *Ibid*.

⁵⁴ *Ibid*.

⁵⁵ Brookings (2015)

⁵⁶ According to a research by the International Consortium of Investigative Journalists, despite the use of safeguards, World-Bank financed infrastructure projects including dams, power plants, conservation programs and other projects Bank pushed an estimated 3.4 million people out of their homes, off their lands or threatened their livelihoods. International Consortium of Investigative Journalists, “New Investigation Reveals 34m displaced by World Bank,” April 16, 2015 <https://www.icij.org/blog/2015/04/new-investigation-reveals-34m-displaced-world-bank>

⁵⁷ *Ibid.*

⁵⁸ Bronen, R. 2015. Climate-induced community relocations: using integrated social-ecological assessments to foster adaptation and resilience. *Ecology and Society* 20(3):36. <http://dx.doi.org/10.5751/ES-07801-200336>.

⁵⁹ Brookings (2015).