

Brot für die Welt ANALYSIS No. 107

Addressing the Protection Gap – Human Mobility and the Climate Crisis in International Frameworks



Publisher
Brot für die Welt
Evangelisches Werk für Diakonie
und Entwicklung e. V.

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Donations
Brot für die Welt
Bank für Kirche und Diakonie
IBAN: DE10 1006 1006 0500 5005 00
BIC: GENODED1KDB

Berlin, January 2023

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Executive Summary

Global warming has already compelled people to leave their homes. According to the Internal Displacement Monitoring Centre (IDMC), 30.7 million people in 149 countries were displaced in 2020 alone due to disasters. This is in addition to an unknown number of people who had to leave their homes due to slow-onset processes such as drought and sea level rise. The IPCC Special Report on “Global Warming of 1.5°C” states that climate change will significantly accelerate this trend. In Sub-Saharan Africa, Latin America and South Asia more than 140 million people will be at risk of drought, increased desertification, crop failure, storm surges and sea level rise by 2050. In this process, the climate crisis amplifies and interacts with already existing threats and security risks, exacerbating humanitarian crises, social and political conflicts, economic insecurities, and existing vulnerabilities.

Industrialized countries with high-level emissions are primarily responsible for climate change. Although they have contributed the least to the current crisis, the poorest countries have been the most affected by its impacts – and within them, the most marginalized groups. They are constrained by their geographic location, but also by limited coping and adaptation capacities. More comprehensive climate adaptation measures are becoming important. Yet, there is a lack of sufficient and appropriate support for affected countries at the international level. Many climate-vulnerable countries in the Global South have already reached a point where existing approaches to climate change adaptation and disaster risk reduction will not be sufficient, leading to irreversible loss and damage. Many affected people will not have the resources to move very far and will either remain in their own region, in their own countries or, in acute cases, will remain “trapped” in climate-vulnerable locations.

Human mobility can be an adaptation and risk reduction strategy and may help reduce vulnerability, if human and social rights are protected and if movement is voluntary, safe and orderly. This was confirmed in the 6th IPCC-Assessment Report on Vulnerability and Adaptation. However, the freedom to move remains severely restricted, and many migrants lack effective protection and continue to be at increased risk of exploitation and human rights violations. Regular pathways for migration can support vital coping strategies that can protect lives and better prepare communities for future loss and damage.

At the same time, people should also have a right to stay. It is the responsibility of the international community to protect people affected by the adverse effects of climate change, to assist with adaptation measures, and to address loss and damage in order to ensure a life in dignity.

This analysis aims to provide a better understanding of the complex relationship between different forms of human mobility and the effects of climate change. It seeks to identify key actors, relevant legal and policy frameworks and instruments, and to identify gaps in climate change, migration and displacement policies. The analysis reveals that existing frameworks and instruments often fail to recognize the interconnected dimensions of human mobility in the context of climate change. Protecting those who move within and across borders due to climate change impacts remains a major obstacle.

Processes and tools that conceptually include displacement, planned resettlement and migration now exist, but progress is very slow and they are far from implementation. Moreover, it is apparent that the few existing instruments focus on adaptation measures and disaster risk prevention and reduction, rather than on facilitating human mobility, which is increasingly seen as a security threat, or at least politically undesirable, by a large number of states. In addition, affected local communities have major obstacles gaining information and access to international policy processes and appropriate funding sources. However, this is necessary in order to develop people-centered and local-approach solutions.

With this paper, we aim to provide a solid platform to facilitate future advocacy work that focuses on the rights and agency of those people at its core.

At a glance

Human Mobility in the Context of Climate Change (HMCCC)

Cross-cutting Issues

1.

- States should consistently adopt a human rights-based approach in all measures regarding HMCCC and take situations of vulnerability into account.
- Meaningful and effective participation of affected communities and civil society organizations should be ensured in all policies around HMCCC with a view towards promoting local-approach solutions.
- Gender-responsive approaches should guide emerging policies to account for the differentiated impacts of climate change on the mobility of people by their age, gender and diversity.
- Silos between different policy fields must be bridged to ensure a complementary and holistic approach to displacement, planned relocation and migration.

HMCCC in Climate Policy

2.

- States should ensure the full implementation of the Paris Agreement to keep global warming at 1.5°C and harmonize their reduction of greenhouse gas emissions with the United Nations Framework Convention on Climate Change (UNFCCC) goals.
- States should address mobility-related gaps in national planning processes on adaptation, disaster risk reduction, loss and damage and scale up their ambition to fulfill mitigation, adaptation, loss and damage and finance commitments.
- Stakeholders should include human mobility more effectively in UNFCCC processes, through strengthening existing international initiatives, and including HMCCC in workstreams on adaptation as well as loss and damage.

HMCCC in Migration and Displacement Policies

3.

- States should enhance resilience to prevent displacement and distress migration through effective access to social protection measures to help address inequities. Nonetheless, the right to mobility should not be denied.
- Existing regional initiatives addressing trans-boundary disasters and slow-onset weather events should be strengthened and expanded.

- Human rights-based legal and policy instruments should respond to the needs of people displaced or at risk of displacement by climate-induced disasters, both in sudden-onset and slow-onset scenarios.
- Protection measures and durable solutions for internally displaced persons should be strengthened by fully adopting and implementing existing guidelines and including them in disaster risk reduction (DRR) plans and development strategies.
- States should improve the protection of migrants in situations of vulnerability by applying more predictable and human rights-based frameworks centered around the provision of both non-discretionary and discretionary pathways for regular migration, including those based on humanitarian and compassionate grounds.
- Additional protocols to protect climate-induced cross-border migration should be adopted based on international human rights obligations.

Financing HMCCC

4.

- Industrialized countries must fulfil their climate finance commitments under the UNFCCC and Paris Agreement, and ensure that 50% of funds support adaptation measures.
- According to the polluter-pays-principle and to respond to climate justice, a needs-based Loss and Damage Fund should secure additional funding to mitigation, adaptation, Official Development Assistance (ODA) and humanitarian aid.
- Human mobility needs to be promoted as a pillar of proposals to international climate financing instruments, including in adaptation and loss and damage scenarios.
- Funding needs to be linked more effectively with sources outside the UNFCCC process and aligned with climate justice efforts, including ODA and humanitarian funding streams.
- The politization of HMCCC should be resisted. Conditionalities designed to force countries of origin to reduce migration numbers must be avoided.
- Existing regional initiatives should be strengthened and expanded.

Foreword

Dear Readers,

The recent report by the Intergovernmental Panel on Climate Change (IPCC) on Impacts, Adaptation and Vulnerability confirms what many of our partner organizations and members in the Global South have been saying all along: climate change, its related hazards, including extreme weather events and slow-onset events, pose a major threat to the existence of poor and vulnerable communities who have contributed the least to global warming.

Migration and displacement numbers continue to be on the rise globally. Many people on the move continue to face exploitation and human rights challenges, and little progress has been made in addressing protection deficits over the last few years.

Climate change is widely recognized as the defining crisis of our time, and its impacts on human mobility are increasingly clear. Disasters linked to climate change, both in sudden-onset and slow-onset scenarios, can compel people to leave their homes, either temporarily or permanently, often without adequate solutions and support. Therefore, migration, which has always been a response to adverse circumstances, a search for better opportunities or a combination of both, often becomes a measure of last resort, undertaken in circumstances that endanger the human rights of those on the move. Consequences of climate change also include cases where entire populations need to relocate and give up their ancestral lands, or where they lack the resources to move out of harm's way and remain "trapped". In all these scenarios, vulnerable people living in some of the most fragile and conflict-affected regions in the Global South are disproportionately affected.

As faith-based organizations that are called upon to care for the "least among us", we are very concerned about the worsening impacts of climate change on the lives and livelihoods of marginalized and vulnerable people everywhere, including those on the move as a consequence, as well as the lack of political will to provide adequate resources and legal measures to ensure their protection. If we fail to address climate change and to strengthen our efforts to protect the affected communities, we will pass on incalculable risks to them. We strongly condemn policies that address climate-induced migration as a security threat. Instead, we urge states to respect the needs and dignity, and protect the rights of people on the move.

While there are various legal and policy tools available to tackle the growing protection gap, their application remains inconsistent, and comprehensive approaches to protecting people's rights with respect to human mobility in the context of climate change are few and far between. There might be no one-size-fits-all solution, but tailored responses to people's protection needs using different policies and legal instruments are possible, and must be strengthened, based on a rights-based and gender-responsive approach. This is not just a technical issue but a question of justice. The global community, especially high-polluting countries, must demonstrate the political will to recognize and accept their responsibility towards climate change and the protection of affected communities.

This report provides an overview of existing frameworks, policies and legal instruments in the areas of climate change, migration, humanitarian response and applicable international law that provide opportunities to close the protection gap.

We hope that civil society advocates and policy-makers alike will find this publication useful as a solid basis for discussing ways to strengthen their commitment to protecting people who are affected, and to ensuring that no one will be left behind in the climate crisis.

Limiting global warming and providing support and protection to affected communities is a human rights, humanitarian and moral imperative, and we firmly believe that financially, legally and politically sound solutions are possible. Therefore we must act now.

Dr. Dagmar Pruin

President, Brot für die Welt

Rudelmar Bueno de Faria

General Secretary, ACT Alliance

Introduction

The impact of climate change on human mobility is a pressing issue of our time. Global warming has already led to significant changes on various levels. According to the World Meteorological Organization (WMO), the Earth's global average surface temperature has already increased by approx. 1.2°C compared to pre-industrial levels.¹ This warming has led to more intense and frequent weather events around the world, slowly evolving changes such as desertification, and sudden events such as drought, tropical storms and hurricanes, heavy rain-fall and floods.

These direct and indirect impacts are already disrupting the lives of millions of people. According to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC), 3.3 to 3.6 billion people worldwide currently live in environments vulnerable to climate change.² According to the Global Climate Risk Index, more than 475,000 people lost their lives between 2000 and 2019 as a direct result of approximately 11,000 global extreme weather events. According to the Internal Displacement Monitoring Centre (IDMC), an average of 24 million people have been displaced by disaster events every year since 2008. Weather-related events accounted for 98 percent of all disaster displacement in 2020 (IDMC 2021). According to IDMC, 30.7 million people in 149 countries were displaced in 2020 alone due to disasters (ibid.). This is in addition to an unknown number of people who had to leave their homes due to slow-onset processes such as drought or the rising sea level. The economic damage amounted to around USD 2.56 trillion in 2019 (Germanwatch 2021).

The IPCC Special Report “Global Warming of 1.5°C” (IPCC 2018) states that climate change will significantly accelerate this trend. In Sub-Saharan Africa, Latin America and South Asia more than 140 million people will be at risk of drought, increased desertification, crop failure, storm surge and rising sea level by 2050. Rising temperatures will lead to the extinction of animal and plant species, and heat-related diseases and epidemics will increase. Water insecurity will affect poverty and food security, and resource conflicts and other political conflicts will increase.

Even in the most optimistic scenarios, slow-onset processes and extreme weather events will drastically impact the habitability of the world's most affected areas. The World Bank estimates that without targeted climate and development policies, more than 216 million people will migrate within their region by 2050 due to gradual

climate change (Worldbank 2021).³ Within this process, climate change amplifies and interacts with already existing threats and security risks. Although concrete numbers are difficult to assess, different sources significantly demonstrate that the climate crisis is thereby exacerbating humanitarian crises and existing vulnerabilities, and intensifying political and social conflict.

Against this background, in order to ensure their survival and a life in dignity, the only chance for many people is often to leave their place of residence, either temporarily or permanently. The latest IPCC Assessment Report on Impacts, Adaptation and Vulnerability (IPCC 2022) notes that migration may be a way to adapt to climate change if it is voluntary, safe and orderly (ibid.:22) and human rights are respected. Leaving agency to people on the move is key, as it results in better developmental effects for individuals, their communities and the host countries (IPCC 2022:58). However, this freedom remains severely restricted, leaving migrants and displaced persons in protection gaps.

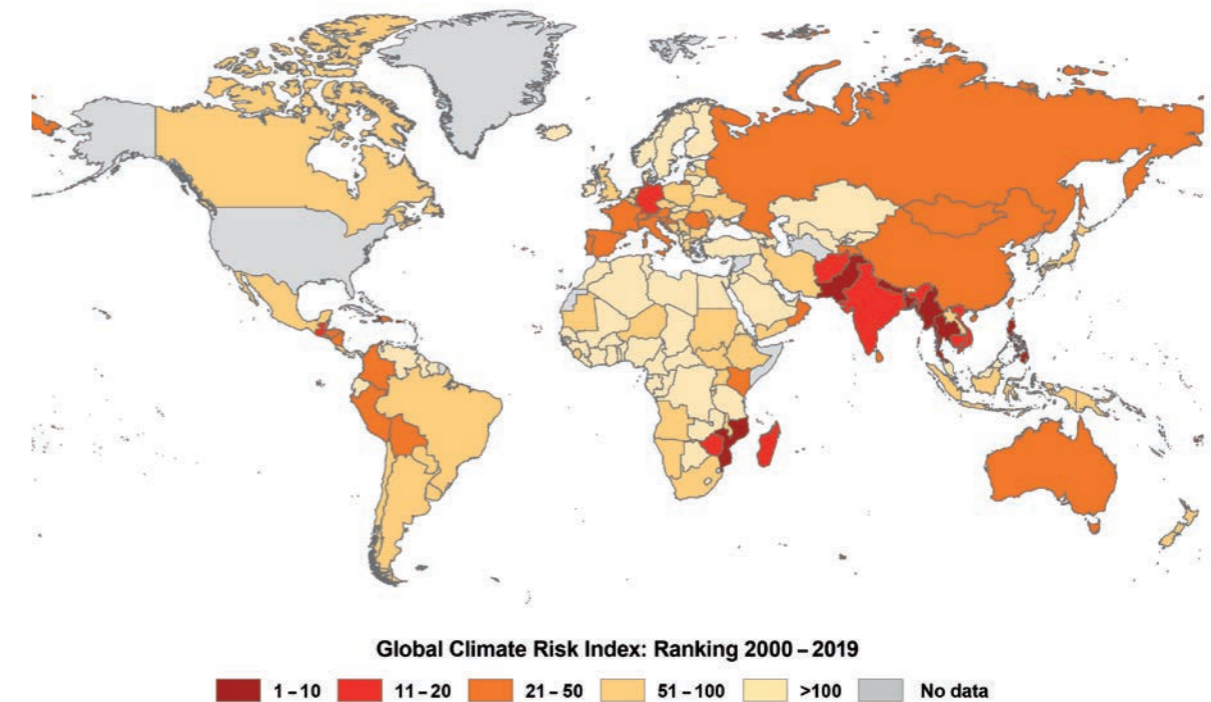
In fact, climate-induced migration is increasingly seen as a security threat rather than a humanitarian and human rights challenge closely linked to issues of global inequality, vulnerability, development and justice. Some governments in the Global North have increasingly instrumentalized the fight against the so-called root causes of migration to legitimize anti-migration policies.

Climate (in-)justice

Industrialized nations and emerging economies with high-level emissions are primarily responsible for climate change. Although they have contributed the least to the current crisis, the most affected by the impacts of climate change have been the low and middle income countries, especially the so-called least developed countries (LDCs), and within them, the most marginalized groups. They are constrained by their geographic location, but also by limited coping and adaptation capacities: lack of financial, technological and technical resources, insufficient social protection systems and poor governance. Many vulnerable countries in the Global South, such as small island developing states (SIDS) and least developed countries (LDCs), have already reached a point where existing approaches to climate change adaptation and disaster risk reduction are inadequate, leading to irreversible loss and damage. Loss and damage refers to the

Figure 1: Climate Risk Index 2000–2019

The Global Climate Risk Index 2021 analyses to what extent countries and regions have been affected by impacts of weather-related loss events (storms, floods, heat waves etc.)



Source: Germanwatch 2020 (https://www.germanwatch.org/sites/default/files/Global%20Climate%20Risk%20Index%202021_2.pdf), p. 15

impacts of climate change that go beyond what people can adapt to, or when a community does not have the financial resources to take advantage of the available options. This includes economic and non-economic loss and damage.⁴

Therefore, more comprehensive climate adaptation measures and additional financial support are becoming increasingly important. Yet, the latest IPCC report shows that there is a lack of sufficient and appropriate support for affected countries at the international level.⁵ In particular, the report highlights the urgency of strengthening measures to address loss and damage due to rapidly increasing climate impacts.

In this context, industrialized countries not only have a responsibility to significantly reduce emissions as a matter of urgency, but also – in line with the “common but differentiated responsibilities” (or “polluter-pays-principle”) – to provide financial means to counter the consequences of climate change. Emitter states must

also be held responsible for providing resources and assistance for adaptation and addressing loss and damage, for supporting humanitarian action and building resilience in vulnerable countries.

Human mobility and climate change

High-income countries must additionally step up efforts to create more regular migration pathways and support reception conditions as part of adaptation strategies for countries in the Global South. This includes pathways based on humanitarian and compassionate considerations,⁶ which should be used more consistently, and, in some cases, planned relocation and other measures for those who may not be able to move. If regions gradually become uninhabitable due to the climate crisis, temporary migration may become permanent. Legal pathways are vital coping strategies that can protect lives and

better prepare for future loss and damage. Taken together, these tools should be used to address inequality and injustice, livelihood crises, and loss of social and environmental capital, which are critical to ensuring resilience in the context of climate change impacts.

Such measures must be part of holistic migration policies that are consistent with individual state human rights' and international law obligations. They should be coherent with other measures taken in pursuit of related policy objectives in the areas of climate change, loss and damage, disaster risk reduction, protection measures for people on the move, including refugees and internally displaced people, overall sustainable development efforts and appropriate adequate funding.

This analysis presents iterative steps towards the development of a solid basis for a better understanding and advocacy that puts the rights and agency of those affected at its core. The analysis seeks to identify key actors, relevant legal and policy frameworks and instruments in the field of climate action, disaster risk reduction, international protection and migration governance for people on the move in the context of climate change, and further identifies existing gaps and challenges and assesses ongoing processes. The analysis identifies entry points for civil society participation and develops recommendations on human mobility in the context of climate change for advocacy work in the different policy fields.

The study is organized as follows: first, the complex phenomenon of human mobility in the context of climate change (HMCCC) is discussed and key concepts are introduced. An insight into climate change impacts and mobility patterns in different regions is given. A second step presents, examines and evaluates central policy frameworks with regard to their relation to HMCCC and the opportunities for civil society to participate. The study ends with policy recommendations.



Kenia: People across East Africa suffer from increasing droughts that destroy many crops and cause severe water shortages.

1. Human Mobility and Climate Change – A Complex Relationship

1.1 From migration to human mobility

Human mobility has always been an important way of adapting to changing external conditions and an effective way of dealing with social and economic constraints and persecution throughout human history. Several factors are relevant for the decision to migrate (Foresight 2011:11): the current political climate, social, environmental, demographic as well as economic conditions. Personal factors play a major role, as do gender, age, health and social status. All of these factors shape people's options and choices, as do legal frameworks that constrain regular cross-border migration. An overly deterministic view often fails to recognize human agency and self-will.

HMCCC takes so many different forms that generalizations can be misleading: while HMCCC can be “forced” by sudden events or the result of a longer deliberative process, very few people enjoy complete freedom over their migration decisions. Movement can be temporary, circular (sometimes recurrent, including seasonal) or permanent; it can also occur as a series of successive moves (scalar migration); and it can occur over short or long distances, within a country, to cities or internationally within or between regions. Internal migration and displacement is the most prevalent form of mobility.

The UN Climate Change Secretariat, therefore, proposes the term “human mobility” in the context of climate change. The concept can be applied to a variety of forms of movement (displacement, internal and cross-border migration, resettlement, rural exodus), and is consistent with the language used in official UNFCCC documents.

Migration terminology

Migration: Migration can take place over different spatial and temporal scales and is mostly seen as movement crossing national borders. Drivers of migration are diverse and multicausal, it depends on existing resources. Statistically,⁷ two-thirds of international movements are labor-related. The term “migrant” includes legal categories such as “migrant workers”, international students, migrants without regular status and refugees.

Internal migration: Refers to movement within borders, it can be temporary or permanent,⁸ and is more common than international migration due to the lower thresholds and resources required, the greater availability of support networks, common culture and language, etc. It can be seasonal and involve single family members to improve the income of households and communities. Rural-urban migration has been a hallmark of internal migration in many countries.

Displacement: Displacements are referred to as “forced” and “involuntary” movements within the country. Although drivers can include both disasters and conflicts, displacements involve force, compulsion or coercion. Some displacements are temporary and primarily internal, with affected populations intending to return once damage has been fixed. Disaster displacements often trigger new and further secondary displacements. In cases where return is not possible, displacements can become permanent. A displacement is considered “protracted” when it has lasted for several consecutive years.⁹ This is often the case when situations still retain a possibility of return, but existing political conflicts prevent a durable solution, e.g., Somalis in Kenya, Rohingyas in Bangladesh, Afghans in Iran and Pakistan, etc.

Planned relocation: Under certain circumstances, states provide for the planned relocation of people, in which a community is physically moved to another location and resettled there. This is distinct from evacuation, but may play a role

¹ <https://www.noaa.gov/news/2020-was-earth-s-2nd-hottest-year-just-behind-2016>

² <https://www.ipcc.ch/assessment-report/ar6/>

³ <https://www.worldbank.org/en/news/press-release/2021/09/13/climate-change-could-force-216-million-people-to-migrate-within-their-own-countries-by-2050>

⁴ https://www.brot-fuer-die-welt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Analyse/Analyse76-en-v06.pdf

⁵ <https://www.ipcc.ch/working-group/wg2/>

⁶ GCM Objective 5 (g), https://refugeemigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf

⁷ <https://www.un.org/en/global-issues/migration#:~:text=According%20to%20the%20IOM%20World,the%20global%20population%20in%202019.>

⁸ <https://www.iom.int/key-migration-terms>

⁹ <https://www.unhcr.org/globaltrends2018/>

following evacuations where places of origin are no longer habitable. Planned relocation is seen as a “last resort” option, seriously circumscribing the context of “voluntariness”.

Trapped populations and forced immobility: When people do not have the means to leave their place of residence it can lead to “forced immobility”. Due to a lack of financial resources, as well as access to the necessary social networks and health and other services, trapped populations are considered to be particularly vulnerable.

Voluntary immobility: People who refuse to leave their place of residence remain voluntarily immobile. Voluntary non-migration is related to place-attachment and other factors that empower people, rather than just a lack of capability. Affected people, such as the inhabitants of Kiribati, for example, mention social and cultural ties to the community as the primary factors holding them back.

The blurred line between “forced” and “voluntary” movements

While the distinction between “forced” and “voluntary” mobility is primarily important as a legal category, it is becoming increasingly clear that this strict division does not reflect the reality of people on the move, nor does it stand up to scientific evidence (Collinson 1999; Crawley/Skleparis 2018; Pijenburg/Rijken 2021): The distinction is blurred due to increasing political and social conflict and loss of sustainable livelihoods, and even voluntary migration in these contexts involves a degree of coercion (Betts 2010), especially in the context of the climate crisis. Furthermore, transitions are often fluid and depend on opportunities and options. The strict division into “forced” and “voluntary” mobility does not meet the complexity of human mobility.

The distinction between both terms is related to the legal and political distinction between refugees deemed to be in need of international protection and other migrants, with the former falling under the mandate of the 1951 Geneva Convention on the Status of Refugees and its 1967 Protocol (CSR51). However, many reasons for forced migration are not recognized by the Convention, such as the interplay of climate crises, economic, political, social, religious or ethnic factors and violence. This places migrants in a protection gap (see Chapter 3), even though migrants and refugees travel the same routes, face the same protection risks and have similar needs. Moreover, the statistical definition of migrants includes refugees who leave their country of residence.

Policy makers have suggested the term “mixed migration”, while others have referred to “people on the move” to reflect the diverse nature of movement. This encompasses people with different legal statuses, or without any legal status, who often find themselves in a variety of vulnerable situations during their journey and might encounter trafficking, labor exploitation and other human rights violations.

1.2 Human mobility in the context of climate change

Various factors, which are often intertwined, play a role in the decision to leave one’s place of residence. Human mobility due to environmental or climate change is additionally determined by a variety of contextual factors, varying with respect to the nature of the hazard, the social, economic, political and demographic factors, as well as individual vulnerabilities. Historical and political processes of marginalization, colonialism and its cascading effects such as poverty, sustainable livelihood opportunities, access to basic services and the impacts of climate change influence each other. The impacts on movement decisions are often indirect, especially with respect to slow-onset processes that unfold gradually over the course of seasons and years.

Climate terminology

Rising average temperatures and increases in greenhouse gas (GHG) concentrations in the atmosphere can have different impacts that may directly or indirectly contribute to displacement and migration. These impacts are usually described as either “sudden-onset” or “slow-onset”. Sudden-onset disasters have been much more visible triggers of displacement, while the role of slow-onset processes or disasters in driving displacement and distress migration can be more difficult to detect.

Sudden-onset events refer to extreme weather events, which have immediate and obvious effect and usually last for hours or days. Examples are tropical cyclones, hurricanes, typhoons and other storms, as well as floods, landslides, heat waves and wildfires, which are increasing in their frequency and intensity as the climate warms. They cause loss and damage to people and communities and may affect the habitability of particular places. Extreme climate events can act as both direct drivers (e.g. destruction of homes by tropical cyclones) and indirect drivers (e.g. rural income loss during prolonged drought) of involuntary migration and sudden displacement.

Slow-onset events are more gradual (months, years, decades), longer-term changes including glacial melt and the rising sea level, ocean acidification, soil and water salinization, desertification, loss of biodiversity and even changing rainfall patterns. They can affect varying areas but do not have a clearly defined beginning and end. The effects might lead to loss of agricultural land and decreased productivity. They represent permanent, irreversible changes which may, over time, compel people to move in order to ensure their survival and/or safeguard a dignified livelihood.

Combinations of sudden- and slow-onset events and processes: Some communities, particularly islands and other low-lying coastal communities, will experience both sudden-onset and slow-onset events, with the saltwater inundation of storm surges as well as the rising sea level. Sea-level rise itself is contributing to increased flooding from “king tides”, which, although predictable, still exert their effects within a short time frame. Drought can increase wildfire severity.

Climate change can reinforce, decrease or redirect existing movement, often from rural to urban areas. It influences temporary and seasonal as well as permanent migration patterns (IPCC 2022:52).

Gradually developing hazards such as increasing desertification and soil erosion, as well as soil salinization due to the rising sea level, threaten the food security and subsistence of rural populations. However, the number of people displaced in relation to slow-onset processes cannot be precisely estimated due to the indirect nature of the effect of impacts. Studies vary significantly in their findings and are based on projections. In terms of sudden-onset events, on the other hand, there are numbers. According to the IDMC, 24.9 million internal displacements occurred in 2019 within the context of sudden-onset disasters arising from extreme weather events, of which 23.9 million were related to storms and floods (IDMC 2020).

It is important to highlight that even in high-risk places, people might choose to stay or be unable to move, resulting in “trapped” populations. While migration might be an adaptation strategy for some, it also comes with significant risks. Migration is costly; it may result in more precarious lives or livelihoods for family members who remain behind, and for migrants themselves. It may involve non-economic loss¹⁰ such as the loss of health, cultural heritage, indigenous or local knowledge, and societal or cultural identity loss. This loss is particularly evident when migration is permanent, for example, due to loss of territory during planned relocation, as was the case with indigenous people in Alaska and with people relocating within Fiji.

Slow-onset and sudden-onset events in different regions

The largest number of people displaced by extreme weather events each year is found in Asia (South, Southeast and East Asia), followed by Sub-Saharan Africa, but small island states in the Caribbean and South Pacific are also disproportionately affected (IPCC 2022:52).

Disaster-related displacements in **Sub-Saharan Africa** exceeded 3.4 million in 2019. This is 13.9 percent of the global total and one of the highest historical figures for the region, with East and West Africa being the most affected (IPCC 2022:52). The combination of slow- and sudden-onset events such as heavy rains, environmental degradation and climate variability, has negatively affected food security and exacerbated vulnerability and displacement risk (Schraven et.al.2020).

South and Southeast Asian countries are especially hazard-exposed. In 2019, approximately 1,900 disasters triggered millions of displacements across 140 countries; in particular, Bangladesh, China, India and the Philippines each recorded more than 4 million disaster displacements (IPCC 2022:1469). In Southeast and East Asia, cyclones, floods and typhoons triggered internal displacement of 9.6 million people in 2019, almost 30% of the total global displacement (ibid.). Migration

hotspots include the Gangetic Plains and the Delhi-Lahore corridor, and coastal cities such as Dhaka and Mumbai, which are simultaneously exposed to climate-change impacts and rural-urban migration.

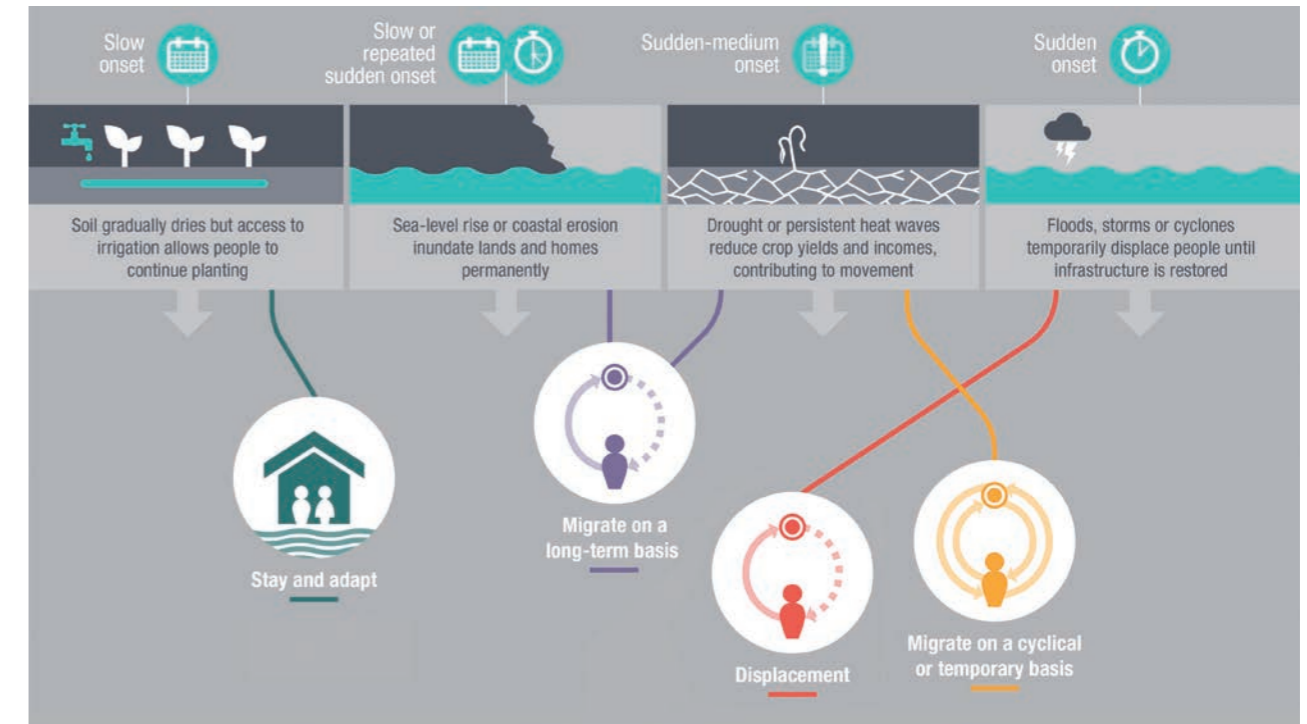
Central America, with long coastlines and vast lowland areas, is regularly affected by droughts, tropical storms and hurricanes. 10.5 million people live in the Dry Corridor region, an area recently exposed to slow-onset and sudden-onset events such as severe drought and hurricanes that have resulted in displacements (IPCC 2022: 1767). In **South America** the increase in extreme drought has led to more displacement, particularly in northeastern Brazil. Following heavy rains and mud floods in the Andes and Brazil, floods and landslides displaced 295,000 people in 2019. In Peru, glacial retreat and water scarcity is threatening livelihoods (IDMC 2020:57).



Honduras: Recovery efforts after two strong tropical cyclones hit in a row, triggering several landslides.

¹⁰ https://www.brot-fuer-die-welt.de/fileadmin/mediapool/2_Downloads/Fachinformationen/Analyse/Analyse76-en-vo6.pdf
¹¹ <https://www.unhcr.org/5f21565b4.pdf>, p. 3
¹² <https://environmentalmigration.iom.int/blogs/3-ways-which-gender-equality-interlinks-climate-migration-adaptation-strategy-exploring-links-between-migration-environment-and-sdg-5>

Figure 2: Possible mobility responses to different climate hazards



Source: UNDP 2017 (https://www.undp.org/sites/g/files/zskgke326/files/publications/Migration_Report.pdf), p. 16

1.2.1 Vulnerabilities and human (im)mobility

A person's ability to move in the context of climate change depends on exposure to environmental and climate risks and their ability to anticipate, cope, adapt and recover from the impacts of natural hazards and environmental degradation. People who are economically, politically and socially marginalized have the fewest resources to respond to the impacts of climate change. Women, children, LGBTIQ, the elderly, people with disabilities and members of ethnically and racially discriminated groups are particularly affected. Marginalized groups often have the most limited access to information and decision-making processes, and to resources required to prepare for and protect against the impacts of climate change and disasters. They have reduced access to life-saving healthcare, including sexual and reproductive rights.¹¹ This contributes to vulnerabilities and displacement dynamics exposing these groups to the negative and often deadly impacts of disasters and slow-onset impacts of climate change.

Human mobility in the context of climate change is highly gendered. For instance, the risk of sexual and

gender-based violence and other risks increases significantly in the context of disaster displacement. The lack of resources forces women and marginalized groups to remain trapped in areas of high disaster risk. The mortality rate of women in disasters is 14 times higher than that of men.¹²

In rural regions, women are the main providers of food and water for their families. During long periods of drought they are forced to travel longer distances in search of water. This exposes them to assault and other risks. Social norms and rules may also keep them from seeking protection in other places.

However, women's migration also significantly contributes to the household's adaptive capacities to climate change, especially through their financial and social remittances. Yet the lack of regular migration pathways forces many of them to move unprotected and leaves them in vulnerable situations. Women, children and LGBTIQ on the move are especially at risk of human trafficking, labor exploitation, human rights violations and gender-based violence.

1.2.2 Patterns of human mobility

Most HMCCC occurs within a country or between neighboring countries; overall, there is a tendency to move from rural to urban areas, and movements into cities pose a particular challenge. In this context, many cities in Asia and Africa are seen as “high-risk” locations due to unplanned urbanization and geographical exposure (IDMC 2020:66).

Rural-urban migration: Cities and informal settlements in coastal areas, such as island states and delta regions, are particularly affected by the rising sea level, storms and flooding. Roughly 529 million people in Asia live in such settlements (ibid.:53), which are especially affected by sudden-onset events (ibid.:52). Increasing urbanization coupled with a lack of infrastructure is accelerating the formation of slums. Cities such as **Jakarta, Dhaka** and **Mumbai** are affected by the rising sea level, as well as frequent heavy rains and mudslides, further increasing the vulnerability of already vulnerable populations.

Protracted displacement: In regions that have been repeatedly hit by disasters, vulnerable segments of the population lack the resources to rebuild and are forced to try to move to new locations or remain stuck in emergency camp limbo. For example, as slower-moving Atlantic hurricanes release more rain, the impact of the sudden-onset event becomes more severe and causes more extensive damage. This will take longer and be more expensive to repair. People are unable to return to their homes. The lack of a state protection response may motivate further movement, some of it across borders.

Seasonal migration: Many rural communities have in **seasonal migration** to supplement household incomes, aligning with the growth and harvesting periods of the most common crops in countries such as Mozambique or South Africa. Landless people who particularly depend on daily wage labor have migrated to other regions, and frequently to urban areas, during the “lean season” in the agricultural calendar to make up for income gaps. These gaps may become longer due to the impact of climate change on agricultural production, resulting in longer-term migration.

In many parts of the world, including South Asia, the Pacific Islands, Central America and West Africa, **circu- lar migration** has traditionally happened across borders:

for instance, residents of the Pacific Islands work in New Zealand during harvest periods with temporary work permits or leave for educational reasons. These movements may increase due to the climate crisis and potentially lead to permanent cross-border migration.

In the Pacific Island regions, the rising sea level and coastal flooding will lead to permanent changes in habitat and “sinking islands” in the medium term. Most islands will eventually become uninhabitable due to increasing drought and water scarcity. Some communities are planning their relocation to higher grounds.

Climate change as an amplifier of existing threats and vulnerabilities: regional examples

The impact of climate change increases existing vulnerabilities and social and political conflict. However, the interconnections between sudden- and slow-onset events, conflict and human mobility (nexus dynamics) are complex. In reality, most of the affected people are not able to move. The following examples illustrate the interactions and outcomes of different factors in different regions.

In **Sub-Saharan Africa** long periods of high climatic variability with drought, flood, erratic rainfall and storms exacerbate existing vulnerabilities and tensions and lead to increasing violence. Floods in the **East African** highlands destroy agriculture and settlements, and drought exacerbates starvation among millions of people. Crop failure, famine and water scarcity intensifies resource conflicts between pastoralists and farmers, for example, in **Somalia, Sudan** and the **Lake Chad basin** (Schraven et al. 2020; Vinke 2022: 97ff)). Furthermore, the lack of opportunities leads youth into the hands of terrorist groups such as Boko Haram. Due to fragile political and social context, and due to ongoing armed conflicts, the risk of forced displacement is especially high. However, the majority of people in Sub-Saharan Africa lack the resources to leave and remain “trapped”.

In **Asian countries** like **Myanmar**, with its heavy dependence on agriculture and lack of institutional and state support, climate impacts have

exacerbated discrimination and human rights violations against minorities such as the Rohingya (DRC 2022). Land grabbing and misguided development projects intensify the distress. Conflict situations are widespread and social and economic inequalities, persecution and human rights violations against minorities are increasing. In **Afghanistan**, where drought has led to crop failure and famine, the humanitarian crisis is worsening because of state fragility, human rights violations and an economic, health and governance crisis. Many people on the move face discrimination and are isolated from humanitarian assistance in host countries such as Iran or Turkey (ibid.).

Vulnerabilities and labor exploitation are increasing within and outside subregions. Long-established patterns of labor migration, both within **Asian subregions** and between **Asia** and the **Middle East**, are characterized by exploitative recruitment and employment practices, especially in lower-skilled sectors, leading to widespread human rights violations. This particularly affects female migrants, who are over-represented in informal sectors (Asia Foundation 2022).¹³ Livelihood crises linked to climate change have accelerated the participation of marginalized groups in international migration, especially through irregular channels, which heightens the risk of rights violations.

Central America has a long history of migration due to regional climatic conditions, such as in the so-called “dry corridor” with its long and severe drought events, armed conflicts, criminal gangs and the spiral of violence in the 1970s and 1980s. Female migrants in Central America have especially been exposed to sexual violence, abuse and human rights violations during their flight since the 1990s. Smuggler gangs, but also state actors, are the main threats women face during their journey. Violence and poverty increased, e.g., in the aftermath of hurricanes Iota and Eta in 2018. Restrictive border policies and attempts by the US to externalize border control to Mexico worsened the human rights situation and kept people “trapped” in Mexico.

2. “Leave No One Behind”: Human Mobility in Climate Policy

During the last decade, significant progress has been made in recognizing and understanding the intersections of climate change and human mobility in research and incorporating them into international policy processes. In addition to human rights and refugee protection frameworks, several international, regional and subregional policy frameworks and processes, including climate- and disaster-risk reduction as well as migration policy, also address aspects of the climate change and human mobility nexus.

The following frameworks are characterized by differing levels of implementation, as a result of varying degrees of commitment by participating states. Specific initiatives, particularly in climate policy, have been translated into national action plans; in migration policy, progress has been slow, especially when it comes to closing existing protection gaps and promoting policies that enhance the dignity and human rights of migrants, including those affected by climate change. It is apparent, however, that most relevant instruments focus on adaptation measures, and on the prevention and reduction of disaster risks, rather than on facilitating human mobility and providing durable solutions for people affected by the adverse effects of climate change.

2.1 The UNFCCC architecture and HMCCC

The United Nations Framework Convention on Climate Change (UNFCCC) is the foundational treaty which provides the basis for the international climate change negotiations signed in 1992. In 2015, the Paris Agreement was established under the UNFCCC, subsequently endorsed by 196 countries, marking a milestone of international climate policy.

All countries are obliged to contribute to the three long-term goals of the Paris Agreement on mitigation, resilience building and financial flows. The UNFCCC recognizes that industrialized countries should take the lead in combating climate change “on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities”.¹⁴

The UNFCCC is guided by the Conference of the Parties (COP) while the Paris Agreement is guided by the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement (CMA) – both of which meet annually with the meeting of the subsidiary bodies taking place twice a year.

In 2010, the **Cancun Adaptation Framework**, established at the sixteenth meeting of the COP 16, explicitly recognized the interconnection of climate change, adaptation and human mobility, calling on states to commit to enhancing a better understanding, coordination and cooperation in regard to climate change and migration, displacement and planned relocation.

At COP 19 the **Warsaw International Mechanism for Loss and Damage (WIM)** was established to address climate-related loss and damage (L&D) in vulnerable developing countries and given three primary functions: enhancing knowledge and understanding of comprehensive risk management approaches to address L&D; strengthening dialogue, coordination, coherence and synergies amongst relevant stakeholders; and enhancing action and support. The WIM is guided by an Executive Committee (ExCom) composed of ten members from developed countries and ten members from developing countries. It implements its work through a five-year rolling workplan which has five strategic workstreams focused on: (1) slow onset events; (2) non-economic losses (NELs); (3) comprehensive risk management; (4) human mobility; and (5) action and support. The WIM has been reviewed twice: once at COP 22 in 2016 and the second time at COP 25 in 2019.

The implementation of the WIM was an important breakthrough and laid the foundation for the involvement of more actors from the field of migration policy and UN agencies such as UNHCR and the International Organisation for Migration (IOM), as well as for the Nansen Initiative (see 4.3.).

→ **Conclusion:** The review of the WIM provided the political momentum during COP 25 to establish a new funding arm under the WIM in the future and, more importantly, to recognize the need to mobilize funding in addition to adaptation to address L&D. The industrialized countries have committed to providing funding to developing countries for mitigation and adaptation but not for addressing loss and damage. This leaves the

poorest populations to fend for themselves with voluntary pledges their only hope for finance in addition to already underfunded emergency assistance. That said, while the scale of the needs have been recognized, industrialized countries continue to resist committing to binding financial pledges in accordance with the “polluter-pays-principle”.

2.1.1 The Task Force on Displacement

At COP 21 in 2015 the ExCom was asked to create the **Task Force on Displacement (TFD)** to “make recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change” (UNFCCC, 2015). The TFD is comprised of experts on human mobility from across UN agencies (UNDP, UNHCR, IOM and ILO) and international organizations as well as members of the ExCom and other constituted bodies under the UNFCCC including the Adaptation Committee and the Least Developed Countries Expert Group.

Human mobility in climate action

In international climate policy, parties commit to **avert, minimize and address** displacement and enhance countries’ capacities to adapt to climate change. **Averting** refers to measures taken to reduce or avoid, to the greatest possible extent, the conditions that lead to forced movement. **Minimizing** displacement refers to measures taken to facilitate safe, orderly and regular migration as part of climate change adaptation strategies, thus reducing the need to migrate under exploitative conditions by providing alternative livelihoods. **Addressing** means taking action to prepare for and respond to displacement when it occurs, including ensuring assistance and protection for those on the move due to climate change and finding durable solutions.

The TFD was mandated to consider responses to the different forms of human mobility such as internal and cross-border displacement at national, regional and international level, bringing them into the L&D discussions. In the first phase of its work (2017–2019) the TFD examined available data and methodologies, policies and international frameworks relevant to climate related human mobility and guidance and tools, including National Adaptation Plans (NAPs) and Nationally Determined Contributions. Based on that work, the Task Force presented its recommendations to the ExCom (TFD, 2018) some of which were included in the report of the ExCom endorsed by the COP and the CMA at COP 24 (UNFCCC, 2019). COP 24 extended the TFD mandate.

For the second phase, which began in 2019, the TFD developed a plan of action to build on its recommendations. The 2019–2021 plan of action had a significant focus on enhancing understanding and knowledge of issues relevant to averting, minimizing and addressing displacement but also includes activities such as enhancing the capacity of countries to include human mobility in their long-term planning, collect and analyze data and undertake risk assessments as well as supporting countries in implementing integrated approaches. The third rolling plan of action (2022–2024) builds on this work to foster a shared understanding of measures to avert, minimize and address displacement and to support Parties in implementing them.

In addition to the TFD, the ExCom has established Expert Groups corresponding to four of its thematic workstreams (slow-onset events, NELs, comprehensive risk management, action and support), all of which have aspects relevant to human mobility and thus offer opportunities for cooperation, exchange and synergies across groups.

In the first phase of their work, the **WIM Expert Group on Slow-Onset Events** is focusing on water-related hazards – including glacial retreat, the rising sea level and desertification – and their compound effects. Human mobility will be taken into account in the context of related processes and cascading effects resulting from these events (UNFCCC, 2021).

→ **Conclusion:** The TFD has been significant for establishing human mobility as an issue to be discussed within the UNFCCC framework. The activities of the first phase (2017–2019) have created a good overview of existing instruments and policies, especially in the area of adaptation and the integration of HMCCC, including useful recommendations.¹⁷ Further engagement from parties and other stakeholders for the TFD 2022–2024 plan of action is still needed. However, its impact has been somewhat limited by the slow-moving nature of the overall framework and its components, and the need for member state consensus to approve the result of its work. Although civil society can participate through the representative seat on the TFD, the work plan and objectives tend to represent established priorities of the bigger UN agencies. It is hoped that the Santiago Network for Loss and Damage (SNLD) will allow more space for innovation and ambition (see next page).

¹³ <https://asiafoundation.org/2022/03/02/a-crisis-within-a-crisis-climate-change-and-gender-based-violence/>

¹⁴ <https://unfccc.int/resource/ccsites/tanzania/conven/text/arto3.htm>

¹⁵ <https://unfccc.int/process/bodies/constituted-bodies/WIMExCom/TFD>

¹⁶ <https://unfccc.int/process-and-meetings/bodies/constituted-bodies/executive-committee-of-the-warsaw-international-mechanism-for-loss-and-damage-wim-excom/task-force-on-displacement/tfd-knowledge-products#eq-2>

¹⁷ <https://unfccc.int/sites/default/files/resource/TFD%20Output%20activity%20L1.pdf>

2.1.2 Santiago Network for Loss and Damage

The Santiago Network for Loss and Damage (SNLD) was established at COP 25 in 2019 as an outcome of the second review of the WIM. The SNLD is mandated to catalyze and facilitate the technical assistance of relevant organizations, bodies, networks and experts for the implementation of relevant approaches at the local, national and regional levels in developing countries that are particularly vulnerable to the adverse effects of climate change (UNFCCC, 2020).

The functions of the SNLD were determined at COP 26 and the modalities and structure at COP 27 with the host institution to be selected in 2023. The SNLD presents an opportunity to provide and enhance delivery of technical assistance to developing countries, including on human mobility, as one of the strategic streams of the work plan of the ExCom.

→ **Conclusions:** While the SNLD does not replace loss and damage financing, the effective operationalization of the SNLD represents an important opportunity for increased support, better coordination and enhanced policy coherence, both under and outside of the UNFCCC. The effective operationalization of the SNLD can be supported by making resources available for technical assistance for the implementation of relevant approaches to avert, minimize and address loss and damage, including displacement. But it is important to encourage organizations, networks and experts working on human mobility to join and support the SNLD.

Civil society has been participating in the deliberations of the modalities and structure of the SNLD and will continue to engage as it is operationalized. Concerns have been expressed about its openness to participation, as well as its effectiveness, also in the absence of clarity about the expected level and continuity of financing.

2.1.3 National Adaptation Plans and Nationally Determined Contributions

Nationally Determined Contributions (NDCs) were established to capture Parties' contributions to the global goals of the Paris Agreement. All Parties are obliged to communicate their efforts to reduce national emissions through **NDCs** to achieve the long-term-goals of the Paris Agreement every five years.

As of March 23, 2022, 156 of the 191 Parties that have signed the Paris Agreement had submitted their updated or revised NDCs for 2020–2022 (SLYCAN Trust 2022). While only 33 Parties (20%) made reference to human mobility in the NDCs submitted by 2019 (Wright et.al. 2021:18), the acknowledgement of human mobility has increased considerably. 61 Parties (39%) include human mobility in the NDCs that were revised and updated by 2022, 75% of which refer to migration, 54% to displacement and 33% to planned relocation. The majority of these NDCs are from Africa, followed by Asia-Pacific and Central or South America. 18 parties have concrete provisions for migration, 11 parties for relocation and 10 for displacement.

However, there are significant variations in the degree to which human mobility is included in NDCs, with most including broad commitments to improve policy coherence and strengthen efforts to prevent displacement and reduce disaster risk (ibid.).¹⁸

National Adaptation Plans (NAPs) were established in the Cancun Adaptation Framework at COP16 in 2010. Their primary objectives are to reduce vulnerability and build adaptive capacity and resilience to climate impacts, and to integrate adaptation into existing frameworks and strategies, notably development strategies. As a strategic process, NAPs enable countries to identify their priorities and funding needs. Therefore, they are an important tool to address climate-related human mobility at the national level.

The Least Developed Countries Expert Group (LEG) has developed technical guidance¹⁹ for the NAP process that provides four key elements and steps for planning and implementation phases such as prioritization, assessment, planning and financing, among others. The guidance also identifies actions such as capacity building, stakeholder engagement, information sharing, securing funding from international sources and integrating adaptation measures into national budgets.

33 countries, mainly from Africa (12), Latin America (10) and Asia-Pacific (10), have submitted their NAPs to the UNFCCC as of March 23, 2022 (ibid.:5).²⁰ However, even these NAPs do not outline specific goals to address migration, disaster displacement or planned relocation, and there are no references to national legislation and documents in the field. And although HMCCC is mentioned, these policies are for the most part not yet in an implementation phase (Wright et.al 2021). Experts from the fields of disaster risk reduction, climate change and human mobility were not sufficiently involved in most processes.²¹

→ **Conclusion:** Human mobility needs to be effectively integrated into more NDCs and NAPs, and greater coherence is required between policy areas such as climate policy, adaptation, disaster risk reduction and existing frameworks and guidelines for internally displaced persons (IDPs) and migrants.²² Many countries lack the resources and capacities to develop and implement long-term approaches to tackle the complex field of HMCCC.

The UNFCCC process has highlighted the need for multi-stakeholder driven climate action, at all levels of activities related to all levels of the NDC and NAP processes. The engagement of civil society organisations (CSOs) can be crucial to advocate for higher ambitions and amplify the voices of the most vulnerable and marginalized populations. However, there are a number of gaps, needs and challenges concerning civil society engagement in the NDC process. These include gaps in technical capacity, implementation of legal and policy frameworks, national processes, coordination and communication mechanisms, access and participation, as well as monitoring and evaluation mechanisms.

2.1.4 Climate finance and HMCCC

Climate finance under the UNFCCC is based on the principle of common but differentiated responsibilities and is central to constructively addressing human mobility issues related to climate change

In 2009, at COP15 in Copenhagen, industrialized countries committed to providing and mobilizing USD 100 billion annually by 2020 for developing countries to support their climate mitigation and adaptation efforts. This goal has not yet been achieved. Although amounts have increased over the years, for 2020 the provided and mobilized total was still only USD 83 billion (OECD 2022),²³ and much less is going to adaptation than reported – widening the adaptation gap which is central for building resilience towards displacements.

Developing countries have long called for finance to address loss and damage, the costs of which are escalating. At COP 27 a new L&D Fund was established as part of funding arrangements – with a focus on providing support to vulnerable developing countries to address L&D (UNFCCC, 2022). However, while this is a positive development finance will need to be mobilized to channel through the fund in addition to support provided to enable the SNLD to be operationalized.

HMCCC in the different funds

A recent analysis of major international climate finance mechanisms, notably the GCF, the Adaptation Fund (AF), the Least Developed Countries Fund (LDCF) and the Special Climate Change Fund (SCCF), and bilateral approaches, such as the International Climate Initiative (IKI), indicate that climate funds and financial mechanisms only fund a very small number of programs and projects that explicitly address migration and human mobility issues (Wright et al. 2021; Schäfer et al. 2021; Tänzler/Bernstein 2022).

There is a difference between funding measures for planned relocation programs that have access to adaptation finance and those to assist displaced persons as a result of climate-induced loss and damage. The AF, GCF and LDCF funding areas potentially cover relocation activities as adaptation measures. The AF and GCF already provide funding for projects with a resettlement component. For example, an AF project in Rwanda (Tänzler/Bernstein 2022:13) supports a resettlement

process for the most vulnerable households living in high-risk areas, and a GCF project in Senegal resettles people in flood-prone areas when adaptation limits are reached.

Support activities for displaced people appear potentially fundable through the AF, GCF and LDCF, but there is a large gap in actual funding. So far, no programs that include components related to IDPs can be identified and important components such as social protection for arriving migrants do not exist.

→ **Conclusion:** Funding for loss and damage in addition to existing climate finance and aid commitments is urgently needed to support people living at risk of displacement and those compelled to move. Affected communities will otherwise have to rely on the humanitarian system and other humanitarian funding appeals to trigger financial support in the aftermath of a disaster.

While the L&D Fund is being set up, the GCF and the AF provide a strategic opportunity to develop large-scale projects aimed at reducing or avoiding climate-related displacement through targeted adaptation actions and relocation projects. But scaled-up financial support for a Loss and Damage Fund is an immediate necessity to address climate-induced displacement. Once operationalized the L&D Fund must provide finance for addressing loss and damage that is accessible and sustained, is additional to adaptation, mitigation, humanitarian aid and ODA and aligned commitments, and is delivered in.

Human mobility additionally needs to be better integrated into climate change adaptation and loss and damage policy and financing, and dedicated programs need to be promoted as a pillar of proposals to international climate financing instruments.

Civil society has not only been at the forefront of advocating for adequate financing for climate justice including mitigation, adaptation and loss and damage, but also for an overhaul of the humanitarian finance architecture. The focus has been on empowering local actors and making such

financing more predictable and flexible. CSOs have played a major role in supporting calls for a Loss and Damage Finance Facility and influencing the UNFCCC process to provide loss and damage finance that serves the needs of the people. The main obstacle remains high-emitter countries escaping their responsibility to provide loss and damage finance including finance for HMCCC, such as planned relocation, durable solutions for displaced persons, DRR and regular pathways for migration.

¹⁸ <https://migration4development.org/sites/default/files/2022-08/Scoping%20Paper%20-%20Human%20Mobility%20in%20NDCs%20and%20NAPs.pdf>, p. 3

¹⁹ https://unfccc.int/files/adaptation/cancun_adaptation_framework/national_adaptation_plans/application/pdf/nap_initial_guidelines_annex_to_decision_5cp17_eng.pdf

²⁰ SLYCAN Trust (2022). Scoping Paper: Integrating Climate-Related Human Mobility into Nationally Determined Contributions and National Adaptation Plans. Human Mobility in the Context of Climate Change #5. Colombo, Sri Lanka: SLYCAN Trust.

<https://migration4development.org/sites/default/files/2022-08/Scoping%20Paper%20-%20Human%20Mobility%20in%20NDCs%20and%20NAPs.pdf>, p. 5

²¹ <https://unfccc.int/sites/default/files/resource/TFD%20Output%20activity%20I.1.pdf>, p. 5

²² <https://unfccc.int/sites/default/files/resource/TFD%20Output%20activity%20I.1.pdf>

²³ <https://www.oecd.org/climate-change/finance-usd-100-billion-goal/>

²⁴ <https://disasterdisplacement.org/>

²⁵ https://www.undrr.org/sites/default/files/2021-02/WiA_Displacement_Checklist_En_o.pdf

3. Climate-related Human Mobility and Disaster Risk Reduction

As shown in Chapter 1.2, climate and disaster risks do not exist in a vacuum but interact with other risks and exacerbate socio-economic vulnerabilities. In fragile contexts, disaster risks can exacerbate other risks and conflicts, and social instability may contribute to displacement and migration. Disasters can slow down and, in extreme cases, undermine progress toward sustainable and peaceful development and the achievement of the sustainable development goals (SDGs).

DRR contributes to strengthening resilience to disasters and mitigating climate and disaster-related risks. It aims to minimize avoidable loss and damage and address displacement where it occurs. Current frameworks address preparedness and response, including climate change adaptation and durable solutions, linking humanitarian action and sustainable development.

3.1 The Sendai Framework for Disaster Risk Reduction

The Sendai Framework for Disaster Risk Reduction 2015–2030, endorsed by the United Nations General Assembly (UNGA), is the first major agreement aiming to substantially reduce disaster risks and losses. The framework directly links disasters, climate change and displacement and acknowledges the reality of cross-border disaster displacement. The global and regional panels created in the context of the framework allow states with national disaster risk reduction strategies to exchange and facilitate collaboration. The United Nations International Strategy for Disaster Risk Reduction (UNISDR) has been tasked with supporting the implementation, follow-up and review of the Sendai Framework.

However, despite the framework's target of substantially reducing the number of people affected by disasters by 2030, displacement is not adequately addressed in the majority of national DRR strategies. Although awareness and willingness to incorporate displacement in DRR strategies is increasing.

The **Global Platform for Disaster Risk Reduction (GPDRR)** is a multi-stakeholder forum including civil society organizations. The platform serves as an

instrument for monitoring and implementing the Sendai Framework for Disaster Risk Reduction. The outcomes are brought to the annual High-Level Political Forum on Sustainable Development (HLPF) contributing to the implementation of the 2030 Agenda for Sustainable Development. The work of the platform also informs other multilateral processes such as the Task Force on Displacement, the Global Compacts for Migration (GCM) and on Refugees (GCR) (see below).

3.2 The UN Office for Disaster Risk Reduction

National-level state implementation of the Sendai Framework is supported by the **UN Office for Disaster Risk Reduction (UNDRR)**. The UNDRR aims to work with policymakers and stakeholders, taking into account region-specific vulnerabilities. Published in 2019, the “Words into Action” guidance on disaster displacement was developed in cooperation with the **Platform on Disaster Displacement (PDD)**,²⁴ the Norwegian Refugee Council (NRC) and UNHCR among others. It aims to support actors in integrating disaster displacement risks into national strategies and policies with checklists and guidelines.²⁵

→ **Conclusion:** Disaster risk reduction (DRR), humanitarian assistance, durable solutions and development assistance are key factors in protecting the rights of people whose mobility is affected by climate change. They need to be addressed in a holistic manner. However, they should not replace legal and administrative solutions for people on the move. Definitions, rules, institutions and funding must be coherent and discussed with all states.

Civil society has been an instrumental partner in promoting rights-based approaches to human mobility in the context of disasters under the GPDRR. However, not all regions pay the same attention to this issue as part of the Sendai Framework. In addition, the number of civil society actors able to participate in technical discussions is limited. There is a need for capacity building on both migration and displacement and climate action.

4. Closing the Protection Gap? International and (Sub-) Regional Policy Initiatives

4.1 The Protection Gap

Migrants who move due to the adverse effects of climate change often find themselves in vulnerable situations²⁶ and are at increased risk of exploitation and human rights violations. Many of them do not qualify as refugees under the 1951 Geneva Convention on the Status of Refugees and its 1967 Protocol (CSR51). Despite the general “right to leave any country including one’s own”,²⁷ states retain the right to decide whom to admit. The lack of regular pathways for migration forces people to take life-threatening migration routes and exposes them to human rights violations, labor exploitation and gender-based violence, among other threats.

While there are a few instruments in place for persons internally displaced due to climate-related disasters (see below), people crossing borders, especially those

affected by slow onset events, remain inadequately protected. This lack of protection includes issues such as admission, stay and access to fundamental rights.

As shown in Chapter 2, climate-induced human mobility is highly contextual and varies depending on the impact of climate change. Tailored solutions are necessary to respond to the needs of affected populations. In addition to already existing regular pathways that facilitate work, education and family reunification, expanded pathways based on humanitarian and compassionate reasons and human rights grounds are also needed.²⁸

Many state-led initiatives and multilateral processes under the mandate of the UN seek to address this issue through existing and newly-developed instruments. This includes non-discretionary and discretionary pathways.

Non-discretionary pathways are based on existing state obligations under international humanitarian law, refugee law and human rights law. Regular **discretionary pathways** can supplement these by making additional contingencies for visas and stay arrangements available. They are driven by international cooperation between concerned states and regions and based on humanitarian considerations.



Philippines: Destructions after Typhoon Haiyan. The island nation is threatened by an increasing number of storms and typhoons.

4.2 International and Regional Protection, Refugee Law and Human Rights Law

4.2.1 The 1951 Refugee Convention

The 1951 Geneva Convention on the Status of Refugees and its 1967 Protocol (hereinafter CSR51)²⁹ is at the heart of international refugee law (IRL). The convention defines who counts as a refugee and defines what protection and rights refugees should have.

A refugee under this definition is a person who is outside their country of nationality or habitual residence and who cannot return because of a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, and who is unable or unwilling to seek protection from their own government. Climate change is not listed as an explicit reason for persecution. Moreover, identifying a “persecutor” in the context of climate change is difficult. In a few cases where the dynamics of the nexus interact in such a way that individuals are affected by both natural disasters and political persecution, refugee status has been granted under CSR51. This occurred after the 2010 earthquake in **Haiti**, with Peru and Panama recognizing Haitians as refugees because of a well-founded fear of persecution by non-state actors and a lack of state authority. Nevertheless, the effects of climate change alone do not usually trigger such protections.

4.2.2 Regional instruments for refugee protection

The fact that most forced displacement is caused by hostilities and associated public disturbances, such as the destruction of homes and food, has led to (sub)regional additions to the CSR51. The **1969 Convention Governing the Specific Aspects of Refugee Problems in Africa** by the Organization of African Unity (OAU) includes flight necessitated by “events seriously disturbing the public order”.³⁰ This broader definition includes those at risk of generalized conflict, widespread human rights abuses and serious disturbances to public order, and not only recognizes persecution risk as an individual but also as a group characteristic. Climate change is not specifically mentioned, but its interaction with conflict is recognized.

Kenya continued to grant refugee status to Somalis who arrived in 2011–2012 in the context of drought and food insecurity underlying conflict, generalized insecurity or disruption to public order until 2016 with a group-based approach. They were recognized within the broader refugee criteria under the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Convention, Weerasinghe 2018:41f).³¹

The **Cartagena Declaration** is a regional non-binding agreement for refugees adopted in 1984 by members of the South American Conference on Migration (CSM) (see Chapter 4.3). Although not a treaty, the wording used in the Declaration to define refugees is similar to the wording on “public disturbances” in the 1969 OAU Convention and allows for recognition of people displaced by climate change. Fifteen states have incorporated this definition into their national law.

Brazil’s humanitarian visa: Brazil’s response to the cross-border movement of Haitians in the aftermath of the 2010 earthquake in Haiti builds on the broader refugee definition of the Cartagena Declaration. Haitians were not only exposed to the aftermath of the earthquake, but also to insecurity, violence and human rights violations (Piacentini de Andrade 2015). The Normative Resolution 97, an exceptional legislation limited in time and scope, was installed to grant Haitians a humanitarian visa for five years, from which at least 100,000 Haitians had benefited by mid-2018.

While the protection afforded by the OAU and the Cartagena Declaration only provides a temporary and regional solution in times of public disturbance, it is, nevertheless, an example on how to include climate change and disaster-related displacement in legislation.³²

²⁶ https://migrationnetwork.un.org/sites/g/files/tmzbd416/files/docs/guidance_note-regular_pathways_for_admission_and_stay_for_migrants_in_situations_of_vulnerability_final.pdf

²⁷ Article 13(2) of the Universal Declaration of Human Rights 1948

The difficulty with broadening the refugee definition

Whether people fleeing due to climate change should receive refugee protection is the subject of current debate. For them to fall under the CSR51 mandate, the convention would have to be expanded or modified.

However, practitioners of international law emphasize that people fleeing in the context of armed conflict have special protection needs and that this definition should remain untouched. Any redefinition of the CSR51 risks renegotiating the existing convention entirely and jeopardizing the protection of individual refugee groups already recognized under international law.

This is especially important given that the already existing obligations under IRL are being increasingly disregarded by states. Governments have repeatedly sought to undermine the established protection instrument, and people fleeing conflicts are increasingly denied protection. For example, Germany has long attempted to exclude persons fleeing persecution by non-state actors from the scope of the CSR51.

Therefore, the application of the already existing human rights frameworks, the principle of non-refoulement and complementary pathways based on humanitarian grounds are becoming increasingly important. Climate change as a threat to human security is becoming more relevant here, which could be an entry point for the formulation of additional protection claims.

4.2.3 The Human Rights Framework

Principle of non-refoulement

The principle of non-refoulement under **International Human Rights Law (IHRL)** prevents states from sending people back to places where they might be at risk of death, torture, inhuman and degrading treatment or punishment, or other irreparable harm. The latter could be extended to people whose lives or living conditions would be severely impacted by climate crisis or disaster.³³ The principle of non-refoulement is not only central to CSR51 and the Convention Against Torture (CAT), it is also crucial to decisions on asylum admission and deportation prohibitions.

The climate crisis impacts human rights such as food security, the right to life and well-being, and is a threat to lives and livelihoods. Climate change can impact individual lives and prevent people from returning home. Human rights principles, based on the Universal Declaration of Human Rights (UDHR), which in itself is not a binding instrument, are applicable to all people at all times, and thus nevertheless offer a promising approach to finding ways to legally protect climate-related human mobility. This has been recognized by the UN Human Rights Council in 2020.³⁴

The Human Rights Council (HRC) and the United Nations human rights mechanisms play an important role in monitoring member state compliance with human rights obligations in the area of HMCCC. While the primary responsibility for protecting the human rights of those within their territory or under their jurisdiction rests with national governments, the UN Committee on Economic and Social Rights and the Special Rapporteur on Human Rights and the Environment emphasized the collective responsibility of states to ensure that appropriate capacities are in place.

Teitiota case (Kiribati Case Law): Mr. Teitiota had petitioned against his removal from New Zealand. He argued that in his country of origin, Kiribati, there was insufficient livelihood for him and his family. The rising sea level would salinate fresh water supplies and fertile land would be flooded. Therefore, there would be problems with access to drinking water, with the cultivation of

crops and disputes over the land. When his application was denied, he brought his case to the HR Committee: while it found that the applicant's rights had not been violated, it also accepted, in principle, that it is unlawful for states to send people back to places where the impacts of climate change would expose them to life-threatening risks or cruel, inhuman or degrading treatment, meaning that in some cases inaction in the face of global warming could trigger the non-refoulement obligation.

Examples of important recent thematic reports include the report of the Special Rapporteur on the human rights of internally displaced persons in the context of adverse slow-onset climate change effects (A/75/207),³⁵ and the report of the Special Rapporteur on the human rights of migrants under the effects of climate change and the protection of their human rights (A/77/189).³⁶ The Council recently additionally created the new mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change, who is expected to present a report on the human rights impacts of climate-induced migration and displacement in 2023.

→ **Conclusion:** The International Human Rights Framework can be an important tool for addressing the protection gap. The impact of the climate crisis should be reasoned when applying the non-refoulement principle in status decisions and return procedures. Based on the situation in the country of origin and projections for future circumstances, states should consider additional pathways, including alternative residence permits and, on that basis, a protocol for developing climate-related protection measures. International human rights standards and existing regional protocols could serve as a basis for future solutions that broaden the application of the principle of non-refoulement.

³⁵ <https://www.ohchr.org/en/documents/thematic-reports/a77189-report-special-rapporteur-human-rights-migrants>
³⁶ <https://www.unhcr.org/people-forced-to-flee-book/wp-content/uploads/sites/137/2021/10/Tamara-Wood-The-role-of-complementary-pathways-in-refugee-protection.pdf>

4.2.4 Humanitarian response, temporary protection and complementary pathways

In view of the difficulties of including climate-induced displacement as a reason for granting international protection, humanitarian response and temporary protection measures have assumed increased significance for closing the protection gap. Important examples of this are temporary protection programs and complementary pathways.

Temporary protection mechanisms and humanitarian visas and admission programs: Humanitarian admission programs provide individuals in need of international protection with admission and stay in a third country to address immediate crises and large-scale displacements. While humanitarian admission programs may provide access to permanent residency, in practice, most only provide a temporary status, which are also referred to as **Temporary Protection or Stay Arrangements (TPSAs)**. A host country may provide temporary protection immediately after a sudden-onset disaster when the country mobilizes resources, including international assistance. The temporary protection status includes a number of rights such as access to health and other (mostly basic) social services. Further opportunities such as family reunification and the right to work are limited under such arrangements. Non-climate related TPSAs, such as those displaced due to the Ukrainian war, may be a blueprint for climate-related disasters.

Disaster-related TPSA in the US: Over 331,000 nationals of Honduras, Nicaragua, El Salvador and 50,000 Haitians benefited from TPSA-designated "environmental disaster" stay in the U.S. after the 1998 Hurricane Mitch in Honduras and Nicaragua, the 2000 earthquake in El Salvador and 2010 earthquake in Haiti.

Complementary pathways³⁷ are based on humanitarian and other grounds and are not intended to be a substitute for the protection provided to refugees under the international protection frameworks. They have been designed to complement more formal refugee resettlement schemes and they vary according to their objectives, where humanitarian but also economic considerations play a role (Woods 2020:9).

²⁸ <https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/docs/guidance-note-regular-pathways-for-admission-and-stay-for-migrants-in-situations-of-vulnerability-final.pdf>, p. 6

²⁹ <https://www.unhcr.org/3b66c2aa10>

³⁰ <https://www.refworld.org/pd/fid/5f75f2734.pdf>

³¹ <https://www.unhcr.org/5c1ba88d4.pdf>

³² <https://www.fmreview.org/climatechange-disasters/piacentini>

³³ <https://www.ohchr.org/sites/default/files/Documents/Issues/ClimateChange/COP21.pdf>

³⁴ [https://www.ohchr.org/en/climate-change/human-rights-council-resolutions-human-rights-and-climate-change#:~:text=Resolution%2044%2F7%20\(July%202020,47th%20session%20of%20the%20Council](https://www.ohchr.org/en/climate-change/human-rights-council-resolutions-human-rights-and-climate-change#:~:text=Resolution%2044%2F7%20(July%202020,47th%20session%20of%20the%20Council)

³⁵ <https://www.ohchr.org/en/calls-for-input/report-internal-displacement-context-slow-onset-adverse-effects-climate-change>

Resettlement refers to the transfer of refugees from an asylum country to a receiving country based on an annual quota, thereby making protection available to new groups of refugees. It involves the selection and transfer of refugees from a state in which they have sought protection to a third state that has agreed to admit them as refugees with permanent residence status. Like resettlement, complementary pathways are given by discretion and depend on the mere will of receiving states and international cooperation and solidarity, rather than on legal obligations. Complementary pathways based on humanitarian grounds can include humanitarian visas, family reunification and community sponsorship schemes³⁸, among others. Such pathways are based on pre-identified needs. There are additional complementary pathways that are based on refugee qualifications, e.g., by offering access to education or labor market opportunities. Thus, they can also result in labor exploitation if labor rights are not protected. Such approaches have been criticized for the disproportionate amount of discretion on the part of the receiving states, when weighed against the pressing protection needs of large numbers of people on the move.

In case of sudden disaster both **humanitarian visas** and **humanitarian corridors** may be important measures. In some cases **humanitarian visas** are used in conjunction with “protected entry schemes”, allowing individuals to apply for protection prior to travelling to the country of destination. Humanitarian corridors are safe pathways that enable travel to a host country and application for refugee status upon arrival.

Family reunification may be a way to deal with the impacts of climate change in both sudden- and slow-onset scenarios. This applies, for example, in cases where family members are already residing in other less affected countries. As a complementary pathway, family reunification is grounded in the rights to family protection and unity in international refugee and human rights law. As such, family reunification is now considered as a separate standalone pathway, as it is the only one that is explicitly rights-based.³⁹

Further complementary pathways which can be applied on humanitarian grounds are **community sponsorship programs**. These describe refugee admission programs in which groups of individuals or organizations provide support for the reception and integration of refugees admitted to third countries.



Somalia: Many women are compelled to flee with their children to camps near Mogadishu after prolonged droughts.

Complementary pathways, based on humanitarian grounds, can play a central role when it comes to addressing the protection needs of migrants in situations of vulnerability within the context of climate change, especially when they can be applied for groups. However, authorities have a great deal of discretion in deciding whether and under what conditions to accept them. This lack of predictability can be reduced if states apply such provisions in a principled and non-discriminatory manner, guided by human rights considerations. While temporary labour migration schemes can be important complementary pathways, people’s protection needs must not be defined by their economic utility for receiving countries. Challenges may arise from pre-existing vulnerabilities such as age or disability, lack of economic or social capital, or legal technicalities regarding access to social services. Additional gaps exist between the rights afforded to refugees under international law and the rights afforded to refugees under existing or proposed complementary pathways, as well as in the access to durable solutions.

³⁸ https://www.unhcr.org/people-forced-to-flee-book/wp-content/uploads/sites/137/2021/10/Tamara-Wood_The-role-of-complementary-pathways-in-refugee-protection.pdf, p.11

³⁹ <https://globalcompactrefugees.org/sites/default/files/2022-08/Third%20Country%20Solutions%20for%20Refugees%20-%20Roadmap%202030.pdf>

⁴⁰ <https://www.unhcr.org/4ea969729.pdf>

A climate passport?

In 2018, the German Advisory Council on Global Change (WBGU) proposed to issue climate passports to people whose territories have become uninhabitable due to climate change. The concept refers to the Nansen Passport that was first issued in 1922. It was named after Fridtjof Nansen, High Commissioner for Refugees of the League of Nations, and served as both an identity document and a travel permit for stateless-people after World War I.

Climate passports shall be issued by states that have contributed significantly to climate change. The concept opens an important debate on legal pathways as compensation for L&D. In practice, however, several pitfalls remain. While the climate passport might be a solution for a clearly defined group, such as inhabitants of small island states, it does not grasp central dimensions of HMCCC: (i) the Global North is not the primary destination of migration movements; (ii) HMCCC usually takes place in several stages over many years, first moving internally until it finally may become trans-boundary; (iii) climate change is rarely the only factor forcing people to move. This makes it difficult to identify those that might be eligible for a passport as well as those that may benefit from it.

4.3 The Nansen Protection Agenda and the Platform on Disaster Displacement

The Nansen Protection Agenda is a state-led and non-binding initiative to help countries close existing protection gaps for cross-border displacement in the context of disasters and climate change. The initiative was launched in 2012 by the governments of Norway and Switzerland and builds on Paragraph 14(f) of the **2010 UNFCCC Cancun Agreement**.

In October 2015, this state-led consultative process resulted in a non-binding protection agenda endorsed by 109 countries, covering all phases of climate-related mobility: preparedness, protection, assistance during migration and displacement and transition to durable solutions. The agenda was based on three pillars,

1) international cooperation and solidarity, 2) standards for affected people regarding admission and stay and, (3) operational responses, including funding mechanisms and responsibilities of international humanitarian and development actors. Furthermore the agenda proposed 10 action points, 32 of which became known as the ten Nansen principles.⁴⁰ These principles emphasize the duty of the states considering the protection of their population, and the need to support actions at national level through regional frameworks and international cooperation, building national capacity. The initiative’s political, strategic and technical efforts did not develop new standards, but focused on existing laws and standards. In 2017 the initiative also addressed planned relocation⁴¹ with an accompanying toolbox developed in cooperation with IOM, the UN University and the World Bank.

The Platform on Disaster Displacement

The follow-up to the Nansen initiative is the Platform on Disaster Displacement (PDD). Since the adoption of the Nansen Protection Agenda, the PDD has been involved in most of the relevant intergovernmental processes and has undertaken strategic partnerships with UN Agencies, regional and civil society organizations, academia and others. The platform is a member of the Task Force on Displacement (TFD) and plays an important role in the development of the Global Compact for Migration (GCM) and Global Compact on Refugees (GCR). It maintains a strategic partnership with the UNDRR. The PDD also plays a supporting role by working with states, especially at the regional and subregional level.

Building on the Nansen Protection Agenda, the PDD seeks to promote measures to address the protection and assistance needs of persons displaced across borders and manage displacement risks.⁴² The strategic objectives for the 2019–2022 period include (1) supporting the integrated implementation of global policy frameworks on disaster and displacement, (2) identifying protection gaps and elaborating strategies based on existing instruments, (3) promoting knowledge sharing and capacity strengthening at national and regional levels, and (4) contributing to improved data collection on climate displacement.⁴³

⁴¹ <https://www.unhcr.org/protection/environment/596f1bb47/planned-relocation-toolbox.html>

⁴² https://disasterdisplacement.org/wp-content/uploads/2019/06/26062019-PDD-Strategy-2019-2022-FINAL_to_post_on_website.pdf

⁴³ https://disasterdisplacement.org/wp-content/uploads/2019/06/26062019-PDD-Strategy-2019-2022-FINAL_to_post_on_website.pdf; p. 3

4.4 Protection frameworks for internally displaced persons

4.4.1 The UN Guiding Principles on Internal Displacement

The UN Guiding Principles on Internal Displacement (GPID) were developed in 1998 under the UN Commission on Human Rights in the absence of clear standards for the protection and assistance of internally displaced persons. The principles explicitly refer to disasters as causes of displacement. They contain 30 standards that cover all stages of protection to achieve durable solutions.

While not a binding instrument, they are based on international human rights and humanitarian law and, by analogy, draw on international refugee law (which applies to people displaced outside their country). The GPID provide a solid framework for the protection and treatment of people displaced within their country. Implementation depends on national laws and institutions, which vary widely from state to state due to differences in political will and existing financial and institutional capacity. Additional issues such as lack of documentation and IDP identification, or the persistent discrepancy between regulations and practice on the ground, make the IDP situation complex and highly vulnerable.

4.4.2 The Kampala Convention

At the regional level, the **African Union (AU) Convention on Protection and Assistance to Internally Displaced Persons in Africa (Kampala Convention)** plays an important role, particularly with regard to people displaced in the context of climate change and nexus dynamics. Adopted in 2009 and approved in 2012, it builds on the Guiding Principles on Internal Displacement GPID.

Over the past decade, 30 members of the AU have joined the Convention. It remains the world's only legally binding regional instrument on internal displacement. It explicitly recognizes climate change as a cause of internal displacement and commits signatories to the Convention to take action to prevent displacement due to climate change. However, there is still a need to follow up the legal commitment with action.

4.4.3 The High-level Panel on Internal Displacement

To address the increase in protracted internal displacement, and the continuing discrepancy between state sovereignty and the government responsibility to protect its own citizens, the United Nations Secretary-General (UNSG) established a High-Level Panel on Internal Displacement (HLP) in 2019. The panel began its work in early 2020, conducting thematic and regional consultations with CSOs and interviewing internally displaced persons in all regions. Its “Shining a Light on Internal Displacement – A Vision for the Future”⁴⁴ report was released in October 2021. The report aims to accelerate coordinated and coherent action that provides more effective multilateral support, including financial and technical assistance, while strengthening national ownership and enabling a joint approach that links DRR, humanitarian, development and climate action. It has led to the development of an Action Agenda for implementation, which is now being overseen by the newly appointed UN Special Advisor on Solutions to Internal Displacement.

→ **Conclusion:** The majority of displacement, including and in particular displacement related to climate change, takes place within state borders. Although legal instruments and guidelines for IDPs now exist, their implementation is still inadequate, and IDPs continue to lack protection and social services. States should fully adopt and implement the **Guiding Principles on IDPs** and fully include IDPs in both national disaster risk reduction plans and national development strategies and plans. The recommendations of the **HLP** should be supported and implemented, including with regard to humanitarian funding and the coherence of system support to states dealing with displacement.

CSOs have been closely involved in the consultation process leading to the report and the formulation of the action agenda. It will be crucial to critically accompany its implementation.

⁴⁴ <https://internaldisplacement-panel.org/wp-content/uploads/2021/09/HLP-report-WEB.pdf>

5. International Migration Governance and HMCCC

In addition to initiatives focused on human rights, other mechanisms have concentrated on migration governance and management initiatives, and/or on elaborating further rights-based solutions for safe and regular pathways for climate-induced human mobility, including new and expanded pathways for admission and stay.

5.1 The Global Forum on Migration and Development

The Global Forum on Migration and Development (GFMD) was founded as a state-led initiative in 2007 to create a forum for governments to discuss and enhance multilateral collaboration on migration issues, with a view towards contributing to sustainable development. The forum initially had a migration management focus, but has gradually expanded to look at broader issues, including migrant human rights, largely as a result of sustained pressure from civil society. Its annual meetings focus on a changing variety of topics, with an agenda defined by the current chair of the process (in consultation with stakeholders, including civil society – although its influence fluctuates depending on the chair in any given GFMD cycle). The links between climate change and migration have been discussed in several past GFMDs, and now form the central focus of the French chairmanship until 2024.

→ **Conclusion:** Civil society has been involved in the planning and discussions of the GFMD, with varying levels of influence. Aside from the changes in access, style and topic of discussion, depending on the chairmanship, the GFMD also suffers from not producing any binding or dependable outcomes. Nevertheless, it provides a regular discussion space about migration issues, including the link to climate change, which is not available in this format in any of the other processes (see below).

5.2 UN processes: The Global Compacts

In the context of the United Nations' approach to migration, as in other policy areas, there has recently been an increased emphasis on “whole-of-government” and “whole-of-society” approaches.

A **whole-of-government approach** refers to an approach that integrates diverse departments and agencies of the government in order to provide a common solution toward a particular issue. A **whole-of-society approach** is an inclusive and participatory approach that integrates the collaborative efforts of a range of different societal stakeholder groups to achieve unity of effort across society towards a shared goal.

5.2.1 The New York Declaration for Refugees and Migrants and the Global Compacts

In 2016, the New York Declaration for Refugees and Migrants was adopted at the High-Level Summit on Refugees and Migrants at the United Nations. It recognized the interconnection and multi-causal dimensions of HMCCC. The declaration brought attention to the range of migration policy options, from addressing the drivers of distress migration (including climate change) to providing regular pathways, safe passage and preventing involuntary returns. The Declaration mandated a two-year consultation process, which in December 2018 resulted in the adoption of the Global Compact on Refugees (GCR) and the Global Compact for Safe, Orderly and Regular Migration (GCM).

5.2.2 The Global Compact on Refugees

The GCR provides a framework for shared responsibility and recognition of the need for international cooperation in addressing the needs of refugees and host communities. While the GCR itself does not address climate-induced displacement with the same specificity as the GCM, it does note that “averting and addressing large-scale refugee situations is also a serious concern for the entire international community and requires early efforts to address their causes and triggers, as well as improved cooperation among political, humanitarian, development and peace actors”.

Complementary pathways are a central component of the GCR, which is of particular significance for broadening access to protection for people on the move in the context of climate change, as noted above in Chapter 4.2.4.

Beyond, but not independent of, the GCR, the UNHCR has developed a three-pillar strategic framework⁴⁵ for climate action that addresses legal, policy and operational aspects of protection related to internal and transboundary displacement.⁴⁶ The objectives of the strategy focus on 1) new resettlement countries and locations, 2) improving access and developing opportunities for complementary pathways and 3) promoting inclusive societies.

5.2.3 The Global Compact for Safe, Orderly and Regular Migration

The **Global Compact for Safe, Orderly and Regular Migration** (GCM)⁴⁷ is a non-binding cooperative framework with a set of shared commitments for states based on 23 objectives. States have committed to formulating provisions for implementation, follow-up and review. The GCM explicitly refers to the UNFCCC, the Paris Agreement, the Sendai Framework and the 2030 Agenda, as well as the Nansen Protection Agenda and the work of the Platform on Disaster Displacement. Objectives 2, 5, 21 and 23 of the GCM are of particular importance. Objective 2 calls for states to minimize the adverse drivers and structural factors that compel people to leave their country of origin, including climate change-related drivers linked to slow- and sudden-onset events. Objective 5 calls for enhancing the availability and flexibility of pathways for regular migration, including practices for admission and stay based on “compassionate, humanitarian or other considerations”. This explicitly includes climate-affected migrants in both sudden- and slow-onset scenarios, and provision of planned resettlement and additional visa options for those who cannot return because of the effects of climate change. Objective 21 focuses on voluntary return. Aside from these specific references, the GCM also contains language emphasizing the principle of non-refoulement.

However, its non-binding nature has led to an uneven implementation process. In particular, many countries of destination have made little or no progress on providing more regular pathways, focusing instead on border control and management (Objective 11).

In 2022, the first **International Migration Review Forum** (IMRF) was held to discuss progress on implementation at the global level under the UN mandate. At the regional level, **Regional Migration Review Forums** (RMRFs) are also held every four years, two years before each IMRF. The first regional review processes began in 2020, but due to the pandemic, reviews in most regions were extended into 2021. In the Voluntary National Reports (VNRs) prepared for the regional reviews, only 21 states (of 78 states that issued a VNR)⁴⁸ made explicit reference to climate-related issues.

→ **Conclusion:** Additional efforts should be made to ensure coherence between national and subregional approaches to the GCM and state commitments and strategies to UNFCCC processes, such as the NAPs. Complementarity in the implementation of both GCR and GCM must additionally be strengthened, especially in relation to the elaboration and application of “complementary pathways” and “regular pathways”, which often require similar policy decisions and administrative measures. The importance of rights-based approaches and adequate funding for related activities should be emphasized and states should be supported in capacity building, including by experts from the field of DRR, climate change, internal displacement and migration.

CSOs have been participating in the negotiation and implementation process for the GCM. Nevertheless, their participation must be better established and expanded. There is high demand for an inclusive and participatory national and international consultation process. In particular, the participation of affected communities and vulnerable groups has not yet been adequately enabled. This is true at the international level, but also at the regional and national levels. The participation is also necessary to highlight the different situations of affected people and to offer people-centered solutions.

The United Nations Network on Migration – implementing the GCM

The UN system provides coordinated support for GCM implementation through the **UN Network on Migration** (UNNM), which comprises 39 UN entities, nine of which form an Executive Committee. IOM serves as the

coordinator of the network. In addition to the global level, the UNNM is also present at the regional level in several regions and at the national level in several countries. The main priorities are to support member states and strengthen countries and regions in implementing the GCM. The UNNM is working closely with a growing group of “Champion Countries”⁴⁹ to promote GCM implementation. This group includes several key climate-vulnerable regions and countries, including Bangladesh, the Philippines and Intergovernmental Authority on Development (IGAD) member states Kenya and Ethiopia.

In addition to its core working groups (CWGs) addressing knowledge management, as well as UN system strengthening and member state support in GCM implementation, the UNNM has established **thematic working groups** (TWGs), including a climate change workstream⁵⁰ as a priority co-chaired by the International Labor Organization (ILO), IOM and UNFCCC. The TWG consists of three pillars based on the production and dissemination of knowledge, the creation of spaces for exchange and dialogue, and the development of common advocacy for migration in the context of disaster, climate change and environmental degradation.

One of the previous TWGs additionally developed guidance for member states on Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability, which included an analysis of and recommendations for addressing instances of climate-induced migration.⁵¹

The Migration Multi-Partner Trust Fund – first steps in financing

A **Migration Multi-Partner Trust Fund** (MMPTF)⁵² administered by the United Nations Development Programme provides relatively small amounts of funding to assist countries and regions with projects to implement specific GCM provisions collaboratively between UN member states, UN agencies and other stakeholders. Ongoing projects address gaps in data and knowledge, national and regional policy frameworks, disaster preparedness and regular migration pathways. The Fund aims to help states recognize the strong link between GCM and the achievement of SDGs.

⁴⁵ <https://www.unhcr.org/604a26d84.pdf>

⁴⁶ UNHCR 2021

⁴⁷ https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_o.pdf

⁴⁸ Guinea, Nigeria, Azerbaijan, Mongolia, Republic of Korea, Tajikistan, Tonga, Vanuatu, Viet Nam, Denmark, Finland, Germany, Ireland, UK, Argentina, Bolivia, Costa Rica, El Salvador, Honduras, Mexico

5.3 Regional, sub-national and bilateral mobility agreements

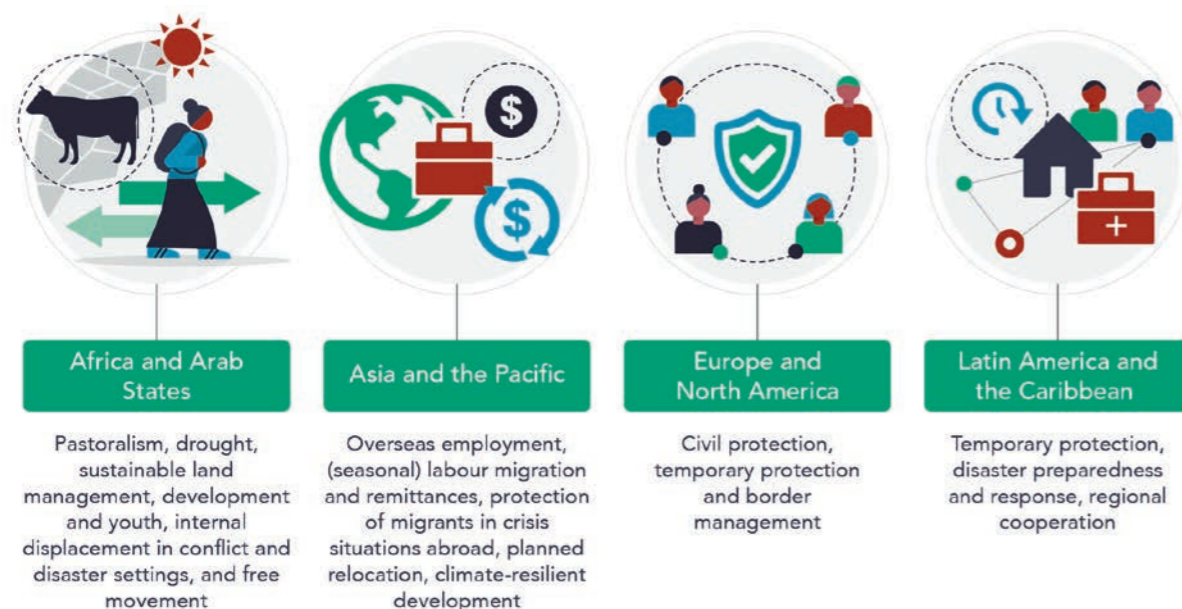
As part of discretionary regular pathways, states and sub-regions have developed agreements that address human mobility in the context of climate change. They address different forms of mobility such as transboundary displacement, pastoral and transhumant movements and seasonal migration. Regional priorities are set, depending on a number of factors: geographic location, exposure to slow-onset and sudden-onset events, readiness for violent conflict and displacement, but historically and economically evolved migration patterns also play a key role.

The different instruments draw on human rights law and international protection standards, and take into account the specific challenges related to protection and increased and emerging vulnerabilities of people on the move due to climate change. Most agreements and programs are embedded in and supported by global initiatives such as the Nansen Initiative and PDD, Agenda 2030, the GCM and the MMPTF in collaboration with the IOM, UNHCR, and others.

Regional priorities regarding HMCCC: According to a mapping conducted by PDD in preparation for the first International Migration Review Forum (IMRF),⁵³ which highlights policy developments and gaps in member state commitments to climate-related objectives of the GCM, all regions have developed tools related to HMCCC, but with clearly differentiated objectives. The largest numbers of instruments are specifically dedicated to addressing human mobility challenges related to disasters, including labor schemes and protection of migrant workers, and are found in **Asia** and the **Pacific**. **Latin America** and the **Caribbean States** have primarily focused on migrants in vulnerable situations due to disasters. **Africa** and the **Arab States** have mainly been concerned with freedom of movement, pastoralism, internal displacement and disaster preparedness. **Europe** and **North America** have primarily focused on reducing drivers and risks, and on return policies, rather than facilitating human mobility. In summary, much more state attention has been given to addressing adverse drivers of migration (Objective 2) than on providing more regular pathways (Objective 5).

Figure 3: Regional Priorities

The figure shows, broadly summarized, the regional priorities in the HMCCC area (PDD 2022)



Source: https://www.adaptationcommunity.net/wp-content/uploads/2022/05/Ten_Insights_GCM-Baseline-Mapping.pdf, (p.3)

Africa

The Protocol on Free Movement in the IGAD Region: the **East African region** (Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda) established the **Intergovernmental Authority on Development (IGAD)**, which adopted the **Protocol on Free Movement in the IGAD Region** in 2020. The protocol stipulates that people fleeing disasters may seek refuge in a neighboring country until it is safe to return, helping to close a gap in the protection of people displaced by natural disasters.

In December 2021, the MMPTF “Addressing Drivers and Facilitating Safe, Orderly and Regular Migration in the Contexts of Disasters and Climate Change in the IGAD Region” regional joint program⁵⁴ was launched. The joint program builds on ongoing work to help facilitate regular pathways and minimize the risk of displacement in the context of climate change, environmental degradation and disasters in the GCM framework.

The **Economic Community of West African States (ECOWAS)** and the **Migration Dialogue for West Africa (MIDWA)**: MIDWA is a migration dialogue for ECOWAS member states in West Africa, established in 2017, with

the aim of strengthening regular regional pathways for migrants. In 2020, the “Implementing Global Policies on Environmental Migration and Disaster Displacement in West Africa” project was initiated by ECOWAS under the GCM framework with support from the UNHCR, as well as the IOM, PDD and UNHCR.⁵⁵

South and Central America

Temporary protection, disaster preparedness and response and regional cooperation are key issues in South and Central America. The Cartagena Declaration (Chapter 3.2.2.) is the basis for consultation processes, such as the consultation process for the **Brazil Declaration and Plan of Action (BPA)** in 2014. The BPA provides a regional framework and 11 strategic programs to expand protection for refugees, displaced persons and stateless persons, and explicitly addresses natural disasters.

In 2016, the **Regional Conference on Migration (RCM)** adopted the “**Protection for Persons Moving across Borders in the Context of Disasters**” guide for member countries in Central and North America. This

guide assists RCM member countries in their response to the **temporary humanitarian protection needs** of persons affected by sudden-onset disasters, using examples from current legislation, policy and practice. The conference was supported by the Nansen Initiative and PDD. In 2017, the 12 member states of the **South American Migration Conference (CSM)** adopted similar regional guidelines for the protection and assistance of cross-border displaced persons and migrants in countries affected by natural disasters. The guidelines were developed with support from the Nansen Initiative to promote more predictable national responses and subregional cooperation in the event of future disaster displacement.

Colombia’s Temporary and Circular Labour Migration (TCLM) is a bilateral agreement between Colombia and Spain that provides temporary residence in Spain for Colombians affected by recurring natural disasters to earn income through seasonal work while the affected regions in Colombia recover. The program targets various vulnerable groups such as indigenous people and single mothers affected by environmental disasters.

Asia and the Pacific

Planned resettlement and working arrangements in the Pacific Islands: Fiji presented its Planned Relocation Guidelines at COP24 in 2018. The guidelines are aligned with the country’s national development plans, national action plans and national climate change policy. These processes take a human rights-based and participatory approach, with a particular focus on those most affected, i.e., women, children and people with disabilities.

Kiribati’s Migration with Dignity Policy covers issues of planned resettlement and labor migration. The government considers labor migration, provided it is voluntary and human rights are respected, as a good adjustment strategy and a possible pathway for permanent labor migration or resettlement. To support this process, the skill level in Kiribati will be raised to the level of New Zealand and Australia, which will facilitate permanent labor migration.

New Zealand’s Pacific Access Category (PAC) program has expanded the permanent residence quota for migrants from the Pacific Islands and introduced a Special Quota Resident visa for migrants from Samoa.

Southeast Asia

Protecting migrant workers from labor exploitation (especially domestic workers) is a key concern in the Asia-Pacific region. The Association of Southeast Asian Nations (ASEAN) and its Vision 2025 Agreement on Disaster Management and Emergency Response⁵⁶ focus on disaster risk reduction and climate change response, which explicitly includes the protection of migrant workers. Cambodia, Indonesia, the Philippines and Thailand are “champion countries” for GCM implementation, i.e., countries committed to effectively implementing the GCM and achieving the SDGs, with additional support from the UN Migration Network.⁵⁷

→ **Conclusion:** Although there are initial regional approaches, protection gaps are far from being closed. Cooperation efforts primarily exist in disaster management and climate change adaptation, including disaster risk reduction. As the PDD Mapping⁵⁸ shows, while there are initial approaches to displacement due to climate-related disasters and disaster reduction, sustainable integration of displaced persons or/and sustainable return after the event of a disaster are not addressed. The biggest gap regards key protection and assistance needs in relation to cross-border human mobility in the context of slow-onset events and environmental degradation. Only very few countries address the protection needs of migrants in vulnerable situations, including the rights of migrant workers. It should also be emphasized that the existence of provisions does not always lead to concrete actions and where there are regional agreements, not all states participate.

⁴⁹ <https://migrationnetwork.un.org/champion-countries>

⁵⁰ https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/resources_files/workplan_climate_change_and_migration_final.pdf

⁵¹ <https://migrationnetwork.un.org/resources/guidance-note-regular-pathways-admission-and-stay-migrants-situations-vulnerability-0>

⁵² <https://mptf.undp.org/fund/mig00>

⁵³ https://www.adaptationcommunity.net/wp-content/uploads/2022/05/17052022_PDD_Baseline_Mapping_Report_final_compressed.pdf; p. 68

⁵⁴ <https://mptf.undp.org/project/00126022>

⁵⁵ <https://environmentalmigration.iom.int/implementing-global-policies-environmental-migration-and-disaster-displacement-west-africa>

⁵⁶ <https://migrationnetwork.un.org/champion-countries>

⁵⁷ <https://www.migrationdataportal.org/de/node/3120>

⁵⁸ https://www.adaptationcommunity.net/wp-content/uploads/2022/05/17052022_PDD_Baseline_Mapping_Report_final_compressed.pdf, p. 66

6. Conclusion: Beyond Silos, Toward Holistic, Rights-Based Approaches

Although the UN General Assembly recognized in 2022 that living in a clean, healthy and sustainable environment is a fundamental human right, we still have a long way to go. Many climate-related migrants and displaced people, as well as those at risk of displacement, are currently left to fend for themselves without sufficient protection to ensure their rights. The number of these people is increasing rapidly. Moreover, HMCCC is increasingly seen as a security risk, and we are far from closing existing protection gaps for affected people.

A people-centered, human rights- and equity-based approach to “averting, minimizing and addressing displacement” requires that policy frameworks respond to the rights, needs and aspirations of people on the ground, the lives and livelihoods of which are directly affected by the impacts of climate change, especially when those impacts in combination with other stressors make them particularly vulnerable.

This approach demands diverse, multi-pronged but coherent policy approaches that ensure that people are able to stay in the face of a changing climate or to migrate freely and with dignity within or across borders if they so desire.

International agreements and processes to protect those on the move within and across borders due to the impacts of climate change are underway, but progress is very slow. Many of the agreements are based on a regionally fragmented and/or legally non-binding approach. Existing frameworks and instruments are still organized in silos, and fail to recognize the multicausal and inter-related dimensions of HMCCC.

In this regard, HM needs to be better integrated with climate change, disaster, development and humanitarian responses to internal displacement.

Even though HMCCC has been included into climate negotiations and the UNFCCC mechanisms since the Cancun Agreement in 2010, it is still not sufficiently included in climate policy, and there is still far too little funding available, especially with regard to migration as adaptation. International and national climate policy adaptation programs do include HMCCC components in

a few cases, such as the GCF, AF and several NDCs, but most references are very vague and remain unimplemented. In terms of funding, while some programs have been funded for planned relocation, the large numbers of IDPs and cross-border migration remain unaddressed, with a few exceptions such as the Pacific Islands. In addition, affected local communities have difficulty obtaining information and access to provided funds. Another key problem is inadequate implementation, particularly with regard to a human rights-based approach.

There is also a lack of cross-silo strategies that conceptualize the relationship between internal displacement, migration and internal migration. Last but not least, people on the move in situations of vulnerability on their migration journeys or during displacement must have their rights strengthened and must be better protected against a plethora of risks, discrimination, gender-based violence and labour exploitation.

In summary, the provision of financial resources and response capacity building, as well as the inadequate legal incorporation of international agreements, standards and guidelines into national law remain major obstacles, and many governments lack political will, despite the high economic and human cost of inaction.

More efforts need to be invested into expanding the variety and accessibility of regular migration pathways, which include both legal instruments mandated by international human rights obligations such as humanitarian visa and temporary protection status, family reunification as well as discretionary measures adopted by states such as visa options and labor permits, among others, which need to be applied more consistently.

This would go a long way towards addressing the protection needs of people on the move, including as a consequence of the impacts of climate change. It would additionally send an important signal that states are ready to take their legal and moral obligations to address historic global inequalities that lie at the heart of the climate crisis, as much as the protection crisis affecting people on the move, seriously. An open discussion about this has been hampered by the growing climate of exclusion and marginalization prevailing within many societies today.

In this challenging environment, civil society has a key role to play in mobilizing and demanding action – especially action that is responsive and accountable to the needs and aspirations of communities affected by the impacts of climate change.



Ethiopia: Droughts threaten the survival of large livestock herds that are the livelihood of pastoralists in East Africa.

Policy Recommendations

1. Cross-cutting Issues

Protection of human rights: It is essential that states adopt a human rights-based approach that actively supports effective mechanisms to prevent and redress human rights violations in the context of climate change and human mobility.

Enable participation of affected communities and CSOs: More serious efforts must also be made to enable effective participation by affected communities and CSOs, and to adequately resource and promote local-approach solutions. Getting resources to the local level and enabling local authorities to work with local stakeholders to develop appropriate and holistic strategies and plans is urgently needed.

Gender-responsive approaches: Climate change impacts people differently according to their gender roles and responsibilities. Women's and girls' participation and empowerment is key to preventing disaster displacement and exploitative migration practices, and their harmful outcomes such as increased socioeconomic vulnerabilities, or risk of sexual and gender-based violence.

Complementarity between frameworks: to ensure holistic and inclusive approaches, silos must be bridged. Implementation efforts should be coordinated and momentum for mutually reinforcing initiatives should be maximized between GCM, GCR, the Sendai Framework and mobility-relevant components of UNFCCC processes, and in line with the SDGs. This includes more effectively connecting policy areas (e.g. climate action, human mobility, humanitarian response and disaster risk reduction and management) at international, national and local levels, as well as pursuing whole-of-government and whole-of-society approaches. A shift from dialogue to concrete action and support is needed.

2. HMCCC in Climate Policy

Ensuring full implementation of the Paris Agreement to keep 1.5°C: Respond to the climate change threat by keeping the global temperature rise at 1.5 degrees Celsius. Cut global greenhouse gas emissions in half by 2030 with industrialized countries taking the lead and significant emerging-economy contribution: past and present high-emitter countries, in particular the G20 members that currently account for more than 75% of greenhouse gas emissions, based on the polluter-pays- and precautionary-principle, must immediately and deeply cut their emissions in alignment with the UNFCCC goals, the Paris Agreement and the findings of the latest IPCC special and assessment reports.

Addressing gaps in national planning processes: All countries must fulfill their commitments under the Paris Agreement. In addition, more countries need to integrate human mobility into their national planning processes, including NDCs, as well as NAPs, DRR strategies and long-term SDGs. Developing countries will require support to do so, however, which will require scaling up of climate finance for both adaptation and L&D.

Strengthen the TFD: The TFD has been the main focal point of discussions related to human mobility within the UNFCCC architecture. Its role should be strengthened by promoting the implementation of the 2018 WIM ExCom recommendations. Parties and other stakeholders should additionally be encouraged to further engage with and support the TFD 2022–2024 plan of action and work on integrated approaches to human mobility under the strategic workstream (d) of the new five-year rolling work plan of the WIM.

Include HMCCC into adaptation measures: The review process for the Global Goal on Adaptation (GGA) should include adaptation goals and targets aimed at averting, minimizing and addressing displacement. This includes provision of regular pathways for migration, which can reduce the vulnerabilities of people on the move, planned relocation

processes that ensure meaningful participation of affected communities and other measures.

Include HMCCC in workstreams on loss and damage: The SNLD needs to be fully operationalized. It needs a clear structure embedded in the UNFCCC architecture and sufficient financial resources in order to ensure delivery of technical support for vulnerable countries, including in the context of human mobility. The SNLD should be encouraged to invite a wide variety of relevant organizations, bodies, networks and experts, including at the local level, with technical expertise and assistance capacity on human mobility issues, including migrant organizations.

3. HMCCC in Migration and Displacement Policies and Protection Frameworks

Enhancing resilience to prevent displacement and distress migration in the context of climate change: States and other stakeholders should step up efforts to enhance resilience, including by providing effective access to social protection measures to help address inequities that make people more vulnerable to the impacts of climate change. They should protect affected people from being compelled to move in unsustainable ways that expose them to further rights violations. None of these actions, however, must be undertaken in ways which deny the affected population its right to mobility and/or compel people to pay for their own adaptation without support.

Ensuring human rights-based responses to disaster displacement: Human rights-based national and regional legal and policy instruments should respond to the needs of people displaced or those threatened to be displaced by climate-induced disasters, both in sudden- and slow-onset scenarios. This includes the development of risk models for anticipating disasters and measures such as planned relocation and resettlement. All measures

should be human rights-based and be undertaken transparently and with the informed consent of, or upon the request of, affected communities.

Addressing internal displacement: Most climate-related migration and displacement takes place within borders. States should fully adopt and implement the Guiding Principles on Internal Displacement and fully include IDPs in both national disaster risk reduction plans and national development strategies and plans. The UN Secretary General's Action Agenda on Internal Displacement should be comprehensively implemented, with support from the UN system and national-level capacity building of relevant authorities and sufficient financing from member states, and it must ensure the effective participation of IDPs themselves.

Expand the availability and accessibility of regular pathways for migration and strengthen the application of human rights-based frameworks for migrants in situations of vulnerability: There is a need for states to provide more predictable and human rights-based regular pathways for migrants in situations of vulnerability, which would also address migratory movements already occurring in the context of climate change. This includes both non-discretionary pathways based on IHL, RL and HRL, and discretionary pathways (e.g. through additional visas and stay arrangements, regularization, family reunification, access to employment and education, etc.). The application of non-discretionary pathways should include consideration of additional protocols to protect climate-induced cross-border migration based on human rights obligations, and to strengthen the inclusion of climate change when applying the non-refoulement principle in status decisions and return procedures.

Strengthen regional initiatives: Existing regional initiatives should be strengthened and expanded to support affected states to include procedures in their respective disaster management legislation that specifically address human mobility issues, including human-rights based responses to displaced persons from neighboring countries in the event of

transboundary disasters and slow-onset weather events. While these efforts should be locally and regionally led and developed, industrialized countries should assist in facilitating and adequately funding such processes.

4. Financing HMCCC

Fulfilling commitments: Industrialized countries must fulfil their commitments under the UNFCCC and Paris Agreement to annually dedicate USD 100 billion to support mitigation and adaptation measures for developing countries between 2020–2025, ensuring that adaptation accounts for at least 50% of the total grant equivalent amount. This approach should also provide the basis of the post-2025 scaled-up climate finance goal called the New Collective Quantified Goal on Climate Finance (NCQG). In addition to mitigation and adaptation finance, loss and damage finance needs to be part of the NCQG. Climate finance providers must take the evolving climate action needs of climate vulnerable countries in the Global South into account as the costs of addressing and adapting to climate change and dealing with loss and damage have grown.

Improving the architecture: Human mobility must become a pillar of proposals for international climate finance instruments and financing practices. Climate finance should support action on displacement and migration as an adaptation strategy. States should be supported by the UNFCCC in addressing HMCCC. Therefore, the financial architecture needs to be improved to meet different needs, e.g., through differentiated, targeted funding streams.

A Loss and Damage Fund should finance measures to respond to slow-onset and extreme weather events, including measures to safeguard the human rights of people on the move. According to the polluter-pays-principle and to respond to climate justice, a needs-based Loss and Damage Fund

should secure additional funding to mitigation, adaptation, ODA and humanitarian aid.

Increasing and linking sources: Member states and other stakeholders should additionally be supported in their efforts to access humanitarian and development funding outside the UNFCCC process to address HMCCC, such as through multilateral vertical funds, the MPTF, insurance, social protection safety nets and anticipatory financing mechanisms. Just as importantly, ODA and humanitarian funding need to be more effectively linked and aligned with climate justice efforts.

Resisting politicization: Industrialized countries should live up to their commitments to dedicate 0.7% of their respective GNIs towards ODA, which can also contribute to financing measures to address HMCCC. In this context, it is essential to avoid conditionalities that link the provision of ODA to the establishment of restrictive border and migration policies. In addition, financial support should favor grants over loans, particularly in interactions with LDCs and especially climate-vulnerable countries, and be accompanied by swift and effective debt relief for these countries.

Abbreviations

AF	Adaptation Fund
ASEAN	Association of Southeast Asian Nations
AU	African Union, formerly OAU, Organization of African Unity
BPA	Brazil Declaration and Plan of Action
CAT	Convention Against Torture
CMA	Conference of the Parties serving as the meeting of the Parties to the Paris Agreement
COP	Conference of the Parties to the UN Framework Convention on Climate Change
CSM	South American Conference on Migration
CSOs	Civil Society Organizations
CSR51	1967 Protocol of the 1951 Geneva Convention on the Status of Refugees
CWGs	Core Working Groups
DRR	Disaster Risk Reduction
ECOWAS	Economic Community of West African States
ExCom	Executive Committee
GCF	Green Climate Fund
GCM	Global Compact for Safe, Orderly and Regular Migration
GCR	Global Compact on Refugees
GFMD	Global Forum on Migration and Development
GGA	Global Goal on Adaptation
GHG	Greenhouse Gases
GPDRR	Global Platform for Disaster Reduction
GPID	Guiding Principles on Internal Displacement
HLP	UN Secretary General's High-Level Panel on Internal Displacement
HLPF	High-Level Political Forum on Sustainable Development
HMCCC	Human Mobility in the Context of Climate Change
HRC	UN Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IDMC	International Displacement Monitoring Centre
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development
IHRL	International Human Rights Law
IKI	International Climate Initiative
ILO	International Labor Organization
IMRF	International Migration Review Forum
IOM	International Organization for Migration
IPCC	Intergovernmental Panel on Climate Change
IRL	International Refugee Law
L&D	Loss and Damage
LDCF	Least Developed Country Fund
LDCs	Least Developed Countries
LEG	Least Developed Countries Expert Group
MIDWA	Migration Dialogue for West Africa
MMPTF	Migration Multi-Partner Trust Fund
NAP	National Adaptation Plan (under the UNFCCC / Paris Agreement)

NCQG	New Collective Quantified Goal on Climate Finance
NDC	Nationally Determined Contribution (under the UNFCCC / Paris Agreement)
NELs	Expert Group on Non-economic Losses
NRC	Norwegian Refugee Council
OAU	Organization of African Unity
ODA	Official Development Assistance
OHCHR	Office of the UN High Commissioner for Human Rights
PAC	Pacific Access Category
PDD	Platform on Disaster Displacement
RCM	Regional Conference on Migration
RMRFs	Regional Migration Review Forums
SCCF	Special Climate Change Fund
SDGs	Sustainable Development Goals
SIDS	Small Island Developing States
SNLD	Santiago Network for Loss and Damage
SOEs	Expert Group on Slow-Onset Events
TCLM	Temporary and Circular Labour Migration (TCLM)
TEG-CRM	Technical Expert Group on Comprehensive Risk Management
TFD	Task Force on Displacement
TPSAs	Temporary Protection or Stay Arrangements
TWGs	Thematic Working Groups
UDHR	Universal Declaration of Human Rights
UNDRR	UN Office for Disaster Risk Reduction (formerly UNISDR)
UNFCCC	UN Framework Convention on Climate Change
UNGA	UN General Assembly
UNHCR	UN High Commissioner for Refugees, the UN Refugee Agency
UNISDR	United Nations International Strategy for Disaster Risk Reduction
UNNM	UN Network on Migration
UNSG	United Nations Secretary-General
VNR	Voluntary National Report
WIM	Warsaw International Mechanism for Loss and Damage
WMO	World Meteorological Organization

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