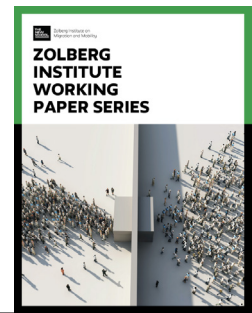




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### ENVIRONMENTAL MOBILITY

# The responsibility of the international community in situations of mobility due to environmental events

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## EXECUTIVE SUMMARY

As intensifying climate impacts and other environmental events are increasingly driving human mobility worldwide, a wide range of international organizations and other actors have put environmental mobility on the global agenda. Yet the international community has failed to produce a comprehensive strategy or structure for addressing issues related to environmental mobility and has struggled to fulfill its responsibilities to prevent, respond to, and provide solutions for displacement. Those responsibilities are anchored in existing commitments of States and flow from the duty of the international community to remedy harms that its members inflict on others.

Four responsibilities may be identified: (1) to reduce the risk of displacement and provide for the orderly movement of those facing displacement; (2) to protect and assist persons displaced by environmental events when they cannot return in safety and when they cannot be adequately protected and assisted where they have moved, including through the recognition of their rights and adhering to the principle of *non-refoulement*; (3) to provide durable solutions to displacement; and (4) to develop adequate institutions to meet these responsibilities.

Focusing on the *responsibilities* of the international community and the *rights* of persons who move (whether voluntarily or not) offers a different approach to environmental mobility, which has generally been viewed as presenting a problem of the “management” of migrant movements. A comprehensive approach to environmental mobility is a key element in an international strategy of climate action, grounded in accountability and dedicated to pursuing environmental justice.

Initiatives, processes and work plans at the global level relating to environmental mobility fall into six categories: (1) climate change and environmental degradation, (2) disaster risk reduction, (3) migration and displacement, (4) development, (5) human rights, and (6) conflict resolution, peacebuilding and security. While important analysis and activities have been undertaken in these spheres of action, efforts remain siloed, with no central coordination structure to identify synergies, overlaps and gaps.

Various institutional arrangements could help to develop and implement more comprehensive and coherent strategies to meet international responsibilities for prevention, response and solution. While there have been proposals for a new international convention or the establishment of a multilateral organization dedicated to environmental mobility, neither seems likely to be adopted due to a lack of political will and institutional turf battles.

Instead, a new global mechanism may be most effective in supporting and supplementing the many valuable sub-global processes and norms that already exist through sustained attention and increased funding for the following functions: (1) mapping of activities and responsibilities at the UN and global level, (2) developing a comprehensive and coherent approach to environmental mobility; (3) assisting regions and States regarding prevention, disaster risk reduction, planned relocations, data, monitoring, evaluation; (4) developing norms and template agreements; and (5) sharing of best practices.

Three possible structural models for meeting international responsibilities and undertaking the identified functions are (1) a coordination mechanism, (2) a lead agency, or (3) a multi-stakeholder platform.

A coordination mechanism would be comprised of the many agencies and other stakeholders that are currently involved in environmental mobility activities. It could build on either high-level operational coordination or policy coordination among equals. However, this model is not likely to produce the synergies needed for comprehensive action.

A lead agency model would identify an existing agency that could take on the numerous functions

relating to environmental mobility. But of the two candidates for such a role, neither the International Organization for Migration nor the United Nations High Commissioner for Refugees would seem able to assume such functions, in particular because each has many other competing areas of responsibility.

A multi-stakeholder platform, accompanied by a multi-donor trust fund to carry out platform functions, would appear best suited to fulfilling the responsibilities of the international community for responding to environmental mobility. The platform should develop comprehensive strategies and guidance as well as suggest norms and templates to support national and regional efforts. It would not conduct field operations. A fund should be established to support projects by States and regions consistent with the platform's priorities and overall strategy. Prevention, response and solution would be conceived of as a continuum addressed early and comprehensively—not as separate activities within the province of a particular agency or agencies that only act at the crisis stage.

International action would supplement, not replace or pre-empt, the activities of regions, sub-regions and States. The Platform could be established based on an invitation or request from the Secretary General, a General Assembly resolution, or through the joined efforts of interested States and agencies. A diverse membership would provide expertise and knowledge and strengthen legitimacy.

As the climate crisis unfolds and evidence becomes increasingly clear that environmental causes influence the movement of ever more people, comprehensive and coherent action at the global level is an imperative. A multi-stakeholder platform holds the greatest potential to jumpstart improvements in coordination, normative development, and supporting States and regions.

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## Introduction

In the next several decades, tens of millions of people will be challenged by calamities brought forth by climate and other environmental changes. Many will be forced from their homes because of disasters; others will choose to leave as they foresee an intolerable future. Some departures may be short term—once the waters recede, the rains end, or earthquake-shaken towns rebuild, people will return to their home communities. For many, however, their moves may be permanent.

Adopting the terms of the 2010 Cancun Adaptation Framework (Martin, 2017), this study will use *displacement, migration and planned relocation* to describe aspects of what we refer to as *environmental mobility*.

Environmental mobility has many causes. These include, but are not limited to, geophysical (earthquakes, extreme heat, fires) and weather-related (drought, flood, storms, sea-level rise, extreme heat) hazards. Actual movement occurs, however, when people believe they no longer have the capacity to adapt to these hazards or anticipate worsening conditions in the future (Foresight Project 2100, Martin and Singh 2021). As described by the UN High Commissioner of Refugees:

“The adverse effects of climate change and disasters are often exacerbated by other factors such as poor governance, undermining public order; scarce natural resources, fragile ecosystems, demographic changes, socio-economic inequality, xenophobia, and political and religious tensions, in some cases leading to violence (UNHCR 2020a).”

This complex set of drivers requires coherent and comprehensive responses if the needs of the most affected are to be addressed in a sustainable manner. Environmental mobility has been a part of human existence from the beginning (think Noah and the flood), and there were earthquakes and hurricanes before CO<sub>2</sub> levels began to rise. But the scientific evidence is clear that the pace of environmental mobility is increasing in our current era, and the climate crisis is plainly a significant contributing factor.

The World Bank, looking at migration within six regions of the world, estimates that the effects of climate change could contribute to the movement of more than 216 million persons within their home States by 2050 (World Bank, 2018, 2021). The Internal Displacement Monitoring Centre has reported that in 2020, 30.7 million people were displaced within their countries by the impacts of disasters—more than three times the number of persons displaced that year because of conflict and violence. Over 95% of disaster displacements were weather-related (IDMC, 2021).

States, regional and international organizations have developed structures and operations for responding to the human needs that arise from catastrophic environmental events. The Interagency Standing Committee (IASC) coordinates efforts of international organizations and NGOs to aid and protect in complex emergencies, including floods, cyclones and droughts. Significant aid is also provided bilaterally.

But despite the many international and regional meetings and working groups and billions of dollars spent on emergency relief efforts, there is no overall system for global governance of environmental mobility (Martin, 2017; McAdam, 2011a).

The international refugee regime—the most fully articulated system for dealing with displacement—is not applicable to most forms of environmental mobility for two reasons. First, most persons forced to move due to environmental causes are unlikely to fit the definition of refugee, which requires a well-founded fear of persecution based on a list of enumerated grounds (race, religion, nationality, membership in a particularly social group, or political opinion). Second, most environmental

mobility occurs within States—thus, persons who move do not qualify as refugees (who, as defined in international law, must be outside their countries of origin or places of habitual residence). The Guiding Principles on Internal Displacement, presented to the UN Human Rights Commission in 1998, pertain, *inter alia*, to persons forced to flee their homes because of disasters. The Principles, however, are not binding for States (except to the extent they restate existing human rights norms), and they provide no international mandate for the protection and assistance of internally displaced persons (IDPs).

The Nansen Initiative’s Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change (Agenda for Protection), adopted in 2015 after an extensive State-led consultation, provides important, although limited, steps towards global governance. The purpose of the Nansen Initiative was to “enhance understanding, provide a conceptual framework, and identify effective practices for strengthening the protection of cross-border disaster-displaced persons” (The Nansen Initiative, p. 15). But the Agenda for Protection establishes neither norms nor operational institutions at the global level, nor does it purport to define responsibilities of the international community regarding environmental migration. However, it did lead to the creation of the Platform on Disaster Displacement, whose functions are described in greater detail below.

As also detailed below, numerous other global actors have included issues involving environmental mobility in their work plans, including UNFCCC’s Task Force on Displacement, the UN Migration Network, the International Organization for Migration (IOM) and UNHCR. Environmental mobility has also engaged the human rights community and the International Labor Organization. And in recent years there has been a significant increase in the global level of support for State and regional disaster risk reduction efforts, consistent with the Sendai Framework on disaster risk reduction. Yet to a large degree, these efforts remain siloed, with no central coordination structure to identify gaps and overlaps.

This study will define the source and scope of the international community’s responsibility to prevent, respond to, and provide solutions for those who are involuntarily displaced (also known as distress migration) and improve access to safe, orderly and regular migration and planned relocation. It will then describe six policy and operational sectors that are engaged in work related to environmental mobility: (1) climate change and environmental degradation; (2) disaster risk reduction; (3) migration and displacement; (4) development; (5) human rights; and (6) conflict resolution, peace-building and security. Taken together the whole is less than the sum of the parts, and no coherent structure for global governance of environmental mobility currently exists.

The study examines four major elements of international responsibility: (1) reducing the risk of forced displacement and providing for the orderly movement of those facing displacement; (2) protecting and assisting affected persons, including recognition of rights and the principle of *non-refoulement*; (3) providing solutions; and (4) institutional development.

It concludes by discussing several models for institutional design that would produce a comprehensive and coherent international approach to environmental mobility. These include: (1) a cooperation model; (2) a multi-stakeholder platform, and (3) a lead agency model.

The study recommends establishment of a multi-stakeholder platform on environmental mobility, constituted by States, international organizations, civil society groups, the private sector, academia, and migrant organizations, as well as a fund for carrying out platform activities and supporting national and regional efforts consistent with the platform’s priorities and strategy. Throughout, the study emphasizes that efforts at the global level should supplement and complement activities and policies at national and regional levels.



## The Responsibility of the International Community

Establishing a comprehensive global structure to prevent, respond to and provide solutions to involuntary environmental mobility—and to support affected States and regional structures addressing these issues—should be a top priority for the international community as it confronts the climate crisis. An effort to fashion the appropriate norms, practices and institutions must begin with examination of the basis for, and scope of, the responsibility of the international community to respond to environmental mobility.

States' existing international commitments provide a starting place for this analysis. In the Sustainable Development Goals (SDG), States pledge to “facilitate safe, orderly, regular, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies” (2030 Agenda for Sustainable Development, para. 10.7).

One can see this commitment from a State perspective to be about constructing policies that effectively manage migration to promote State interests. But it is equally based on the recognition that facilitating migration and mobility benefits migrants, their families and their communities. This migrant-centered view finds support in the SDG's declaration that migration policies must fully respect “human rights and the humane treatment of migrants regardless of migration status, of refugees and of displaced persons” (*ibid*, para. 29)

The commitments relating to migration and migrants in the SDGs are made more concrete in the Global Compact for Safe, Orderly and Regular Migration (GCM). The GCM, which “places individuals at its core,” aims to

mitigate the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origin, and so compel them to seek a future elsewhere. It intends to reduce the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting and fulfilling their human rights and providing them with care and assistance (para. 12).<sup>1</sup>

The GCM makes clear that persons moving because of environmental events are included within its ambit. Thus, States are called on to adopt “adaptation and resilience strategies to sudden-onset and slow-onset natural disasters, the adverse effects of climate change, and environmental degradation... taking into account the potential implications for migration” (*ibid*, para. 10(i)).

States also commit “to address the vulnerabilities of persons affected by sudden-onset and slow-onset natural disasters, by ensuring that they have access to humanitarian assistance that meets their essential needs with full respect for their rights wherever they are, and by promoting sustainable outcomes that increase resilience and self-reliance” (*ibid*, para. 10(k)). They further agree to respond to the needs of vulnerable populations by “expanding and diversifying availability of pathways for safe, orderly and regular migration.” (*ibid*, para. 21). To accomplish these general aims, the GCM commits States to take a range of measures regarding sudden-onset and slow-onset

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1 Further elaborating SDG pledge:

This Global Compact recognizes that safe, orderly and regular migration works for all when it takes place in a well-informed, planned and consensual manner. Migration should never be an act of desperation. When it is, we must cooperate to respond to the needs of migrants in situations of vulnerability, and address the respective challenges. We must work together to create conditions that allow communities and individuals to live in safety and dignity in their own countries. We must save lives and keep migrants out of harm's way. We must empower migrants to become full members of our societies, highlight their positive contributions, and promote inclusion and social cohesion. We must generate greater predictability and certainty for States, communities and migrants alike. To achieve this, we commit to facilitate and ensure safe, orderly and regular migration for the benefit of all (para. 13).

disasters, climate change and environmental degradation (*ibid*, para. 18).

Persons moving because of environmental events are also protected by generally applicable human rights norms. In 2015, the UN High Commissioner for Human Rights (UNHCHR) outlined those rights in relationship to climate change.<sup>2</sup> In 2017, the Human Rights Council called on States to take appropriate action to protect the rights of the environmentally mobile, emphasizing “the urgent importance of continuing to address, as they relate to States’ human rights obligations, the adverse consequences of climate change impact for all, particularly in developing countries and the people whose situation is most vulnerable to climate change, including migrants and persons displaced across international borders in the context of the adverse impact of climate change (emphasis added) (Human Rights Council 2017 para 6).”

The Council specifically noted “the urgency of protecting and promoting human rights of migrants and persons displaced across international borders (para 7)”. As Jane McAdam has detailed, human rights at risk in situations of climate change and environmental mobility include rights to life, non-exposure to cruel, inhuman and degrading treatment, an adequate standard of living and means of subsistence, and freedom to enjoy one’s culture and practice one’s religion (McAdam, 2011b). McAdam and others recognize a right not to be returned to a place where environmental conditions threaten such rights. Importantly, in the case of *Teitiota v. New Zealand*, the UN Human Rights Committee emphasized the right to life and protection from inhuman treatment as a basis for *non-refoulement* obligations in the context of climate change. (*Teitiota v. New Zealand*, 2019).

Furthermore, it can be said with certainty that the dramatic rise in CO2 levels caused by humans has been a significant factor in the increasing number and intensity of extreme weather events, which in turn have led to increased human movement. To be sure, not every hurricane or drought is the result of human activities; nor is every life-threatening environmental hazard (e.g., earthquakes) climate-change related. The important point is that those who move because of environmental causes largely reside in States that have not been the major sources of high and increasing CO2 emissions. This argues for a responsibility of States to help prevent, reduce and remedy the externalities produced by their actions (including the actions of their citizens and private sectors). At the same time, it would be morally unacceptable to exclude from protection those who are forced to move by other environmental hazards when they are also in need of protection and assistance.

In many cases, States are able to respond to migration and displacement resulting from environmental causes, particularly when affected persons are able to return home after a short stay elsewhere; so no additional assistance from other States would be sought. And the responsibility of other States to assist may be less clear where a State may be, at least, partially responsible for internal movements because of poor governance or its refusal to protect its population. But, as has been noted, some of the harshest impacts of environmental events, visited upon vulnerable persons

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2 Office of the United Nations High Commissioner for Human Rights, *Understanding Human Rights and Climate Change* (2015): To mitigate climate change and to prevent its negative human rights impacts: States have an obligation to respect, protect, fulfil and promote all human rights for all persons without discrimination. Failure to take affirmative measures to prevent human rights harms caused by climate change, including foreseeable long-term harms, breaches this obligation. The Fifth Report of the Intergovernmental Panel on Climate Change confirms that climate change is caused by anthropogenic emissions of greenhouse gases. Among other impacts, climate change negatively affects people’s rights to health, housing, water and food. These negative impacts will increase exponentially according to the degree of climate change that ultimately takes place and will disproportionately affect individuals, groups and peoples in vulnerable situations including, women, children, older persons, indigenous peoples, minorities, migrants, rural workers, persons with disabilities and the poor. Therefore, States must act to limit anthropogenic emissions of greenhouse gases (e.g. mitigate climate change), including through regulatory measures, in order to prevent to the greatest extent possible the current and future negative human rights impacts of climate change (p.2).



in developing States, are due to the actions of distant persons, private entities and richer States. Because there is no extant system for meting out liability to States and private actors to remedy the harm, the international community should seek to mitigate the impact. That is, when events cause mobility that is beyond the capacity of States to prevent or adequately respond to, the international community has a role to play.

Together, these considerations suggest that a well-functioning system of responding to environmental mobility would recognize and affirm that the international community, as a whole, has a responsibility<sup>3</sup>:

- to adopt and support strategies to reduce the risk of displacement due to environmental causes and to provide for the orderly movement of persons facing such displacement;
- to protect and assist persons displaced by environmental events when they cannot return in safety and when they cannot be adequately protected and assisted where they have moved, including recognition of rights and the principle of *non-refoulement*;
- to develop and implement solutions to displacement (return, settlement or relocation); and
- to empower existing institutions, or create new norms and institutions, to enable the international community to meet these responsibilities.<sup>4</sup>

Crucially, these principles are stated in terms of **responsibilities** of the international community and **rights** of persons who move or may be forced to move. The principles thus suggest an important shift in how we think about the global response to environmental mobility—from a concern with the “management” of flows that are seen as presenting challenges to States, to the recognition of the duty of the international community to acknowledge the harms some of its members inflict on others, and its unique ability to remedy those harms. Response to environmental mobility, then, may be viewed as one element in a comprehensive international strategy of climate action, grounded in accountability and dedicated to pursuing environmental justice.

## The Shape and Scope of International Responsibility

### EXISTING PROCESSES

Consideration of environmental mobility at the global level is embedded in six independent sectors: climate change and environmental degradation; disaster risk reduction; migration and displacement; development; human rights; and conflict resolution, peace-building and security. The principal organizations responsible for each of these sectors are discussed below.

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3 The UN Framework convention on climate change recognizes that States have common but differentiated responsibilities in the area of climate change: “In accordance with the principle of ‘common but differentiated responsibility and respective capabilities’ set out in the Convention, developed country Parties are to provide financial resources to assist developing country Parties in implementing the objectives of the UNFCCC.” See <https://unfccc.int/topics/climate-finance/the-big-picture/introduction-to-climate-finance/introduction-to-climate-finance>.

4 “Remedial responsibility arises from our shared responsibility in creating the problem and the ensuing harms and injustices that are thereby created. This responsibility may require some individual actions to alleviate the problem, each in our own way, but this duty is primarily dispensed by supporting and lobbying for institutional rules to regulate the behaviour of all” (Moore, 2008).

## **1. Climate Change and Environmental Degradation**

Early discussions of environmental drivers of migration and displacement date back to the 1992 UN Conference on Environment and Development (Earth Summit). The Earth Summit's Agenda 21 recommended a long-term strategy for sustainable development, calling on States to eliminate poverty and reduce inequalities. Migration figured in the Agenda: States were urged to develop policies and programs for “handling the various types of migrations that result from or induce environmental disruptions, with special attention to women and vulnerable groups” (UN Sustainable Development, para. 5.33). The resolution also called for the enhanced capacity-building of relevant UN organs, organizations and bodies as well as regional, non-governmental and community organizations to enable them to provide assistance to environmental migrants and displaced people (para. 5.39). Shelter for displaced persons received specific attention, with development and implementation of resettlement programs where needed (para. 7.9). And drought was recognized as a driver of what were referred to as “environmental refugees,” with States being urged to develop early warning systems, comprehensive preparedness strategies and programs to avert displacement (para. 12.3(e)).

These discussions continue today in the context of the UN Framework Convention on Climate Change (UNFCCC). Human mobility was first addressed as part of discussions under the 2007 Bali Action Plan. Research and advocacy carried out by a number of UN agencies and an informal Inter-Agency Standing Committee (IASC) working group are largely credited for bringing attention to the issue. In 2010, the Conference of the Parties (COP) to the UNFCCC adopted the Cancun Adaptation Framework, which called on all countries to take “measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at national, regional and international levels” (The Cancun Agreements, para. 14(f)). In differentiating between the three forms of mobility—displacement, migration, and planned relocation—the decision acknowledged the need for different responses to different forms of human mobility. As National Adaptation Plans of Action (NAPAs) prepared by States in the leadup to Cancun pointed out, anticipatory migration and planned relocation might help people adapt to a changing climate, whereas displacement and distress migration were to be avoided through adaptation measures that allowed people to remain safely and productively in place (Martin, 2010).

In Doha in 2012, the COP reiterated the need for more attention to human mobility within the context of loss and damage, noting the need for greater understanding of “how impacts of climate change are affecting patterns of migration, displacement and human mobility” (COP 18, 2012, p. 23). The COP 21, which took place in Paris in 2015, requested “the Executive Committee of the Warsaw International Mechanism (WIM) to establish, according to its procedures and mandate, a task force . . . to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change” (COP 21, 2015, p. 8).

Although it did not specify the form that the recommendations were to take, the statement indicated that the work of the Task Force should “complement, draw upon the work of and involve, as appropriate, existing bodies and expert groups under the Convention including the Adaptation Committee and the Least Developed Countries Expert Group, as well as relevant organizations

and expert bodies outside the Convention” (Terms of Reference of the Task Force on Displacement 2016). This directive represented the first attempt by the UNFCCC process to develop concrete recommendations on ways to address an important form of human mobility associated with climate change.

The Task Force is composed of 13 members, representing multiple perspectives related to development, adaptation, human mobility, humanitarian issues, civil society, least developed countries, and loss and damage. Seven members are experts from relevant United Nations and other international and non-governmental organizations, four are representatives from the Executive Committee of WIM, and one each is a representative from the Adaptation Committee and the Least Developed Countries Expert Group (LDC Expert Group) of the UNFCCC.

The Task Force issued its first set of recommendations in 2018, with proposals to parties to the UNFCCC to adopt and implement national and sub-national legislation, policies, and strategies for integrated approaches to avert, minimize, and address displacement consistent with human rights; enhance research, data collection, risk analysis, and sharing of information to better map, understand and manage human mobility with help from communities affected and at risk of displacement; strengthen preparedness; protect and assist internally displaced persons and strengthen efforts to find durable solutions; and facilitate orderly, safe, regular and responsible migration in accordance with international labor standards. It also made recommendations to the UNFCCC itself to strengthen its work on climate mobility. Of particular relevance to this present study, the Task Force recommended “strengthening coordination, coherence and collaboration across relevant UNFCCC bodies, programmes and platforms, in view of enhancing understanding on human mobility (including migration, displacement and planned relocation), both internal and cross border, in the context of climate change” (Task Force on Displacement 2018).

Following receipt of the report, the UNFCCC parties agreed to extend the mandate of the Task Force. Its current plan of action includes activities aimed at improving understanding of climate-related human mobility and assisting governments and other actors to incorporate this knowledge into laws, policies and disaster risk strategies. Coming full circle back to Cancun, the Task Force aims to develop supplementary guidelines on integrating human mobility into the formulation and implementation of National Adaptation Plans (NAPs).

The UN Environment Programme (UNEP) also focuses on environmental mobility. Its definition of environmental migration is as follows: “Migration of populations as a result of failing ecosystems, vulnerability to natural hazards and gradual climate-driven environmental changes causing poverty and hunger.” Since 1994, UNEP has worked in collaboration with other UN agencies to strengthen national capacity to address the environmental impacts of population displacement. One such project focused on Guatemala, Lebanon, Nigeria, Brazil, Turkey and Vanuatu (UNEP 2019). It also undertakes rapid environmental assessment of the impacts of a refugee influx on the environment, for example, in Jordan and Iraq (UNEP 2017). UNEP places priority on disaster risk reduction, preparedness and recovery in the context of environmental hazards and conflict. In 2016, UNEP joined the Global Migration Group, the predecessor of the UN Network on Migration. It is also an active participant in the work of the Platform on Disaster Displacement.

## 2. Disaster Risk Reduction (DRR)

In 2015, the Sendai framework on disaster risk reduction was adopted as a way to help communities and households become more resilient in the face of increased risk from disasters. The implementation of the framework is informed by the Global Platform on Disaster Reduction, a multi-stakeholder forum that encourages the sharing of knowledge and discussion of the latest developments and trends in reducing disaster risk.

Displacement is not a central focus of the framework but does receive some mention. The preamble references the hundreds of millions of persons displaced by disasters over a 10-year period as a reason that improved DRR is needed. Governments are called upon “to formulate public policies, where applicable, aimed at addressing the issues of prevention or relocation, where possible, of human settlements in disaster risk-prone zones, subject to national law and legal systems” (Sendai Framework, 2015, para. 27(k)). The framework also encourages governments to undertake evacuation drills with a view to ensuring “rapid and effective response to disasters and related displacement, including access to safe shelter, essential food and non-food relief supplies, as appropriate to local needs” (*ibid.*, para. 33(h)). The framework emphasizes that temporarily displaced persons should be incorporated into post-disaster reconstruction and policies for the sustainable development of affected areas. Para 28(d) aims to promote transboundary cooperation “to build resilience and reduce disaster risk, including epidemic and displacement risk.”

The Sendai framework is seen as a potentially effective mechanism to address drivers of environmental mobility through risk reduction. Relevant recommendations in the Sendai framework for mitigation of displacement risk focus on early warning of disasters; disaster preparedness, response and recovery exercises; training and the establishment of area-based support systems; capacity-building of local authorities to evacuate those living in disaster-prone areas; land-use planning and structural standards; actions to establish or strengthen coordination and funding mechanisms and procedures for relief assistance; provision of basic services in the post-disaster phase; psychosocial support and mental health services for all people in need; and strengthening, as appropriate, of national laws and procedures on international cooperation. The Sendai framework encourages States, in consultation with affected populations, to relocate public facilities and infrastructures to areas outside the disaster risk range. Moreover, para 27(k) notes the importance of formulating “public policies, where applicable, aimed at addressing the issues of prevention or relocation...of human settlements in disaster risk-prone zones, subject to national law and legal systems.”

## 3. Migration and Displacement

As noted above the Global Compact for Safe, Orderly and Regular Migration (GCM) and, to a lesser degree, the Global Compact on Refugees (GCR) have provided significant impetus for addressing the drivers and identifying solutions for climate and other environmentally-driven migrants, refugees and displaced persons.

The GCR recognizes the importance of environmental drivers, stating that “population movements are not necessarily homogenous, and may be of a mixed, composite character. Some . . . may result

from sudden-onset natural disasters and environmental degradation” (para. 12). The GCR also notes that “climate, environmental degradation and natural disasters” (*ibid*, para. D(8)) are not themselves causes of refugee movements, but they may interact with refugee drivers. As such, the refugee compact states no objective related to the environmental drivers.

In contrast, the GCM is specific in setting out a series of actions related to the environmental drivers that are deemed instrumental in helping States deliver on their commitments. First, States can build on the work already undertaken on these issues through the Sustainable Development Goals (SDGs), UNFCCC Paris Agreement and the Sendai Framework for Disaster Risk Reduction 2015-2030 (GCM, 2018, para. 18a). Within this context, they could invest in programs to ameliorate adverse drivers and structural factors that compel people to leave their home countries from either sudden-onset events (e.g., disasters) or slow-onset processes, such as “desertification, land degradation, drought and sea-level rise” (*ibid*, para. 18(i)). The actions include “resilience and disaster risk reduction” and “climate change mitigation and adaptation” strategies (*ibid*, para. 18(b)).

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

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

In addition to promoting programs consistent with these global initiatives, the GCM also asks States to take into consideration the recommendations of the Nansen Initiative’s Agenda for Protection and support Nansen’s successor, the Platform on Disaster Displacement (*ibid*, para. 18(l)). In similar language, the Compact references the Migrants in Countries in Crisis (MCIC) Guidelines (*ibid*, para. 18(g)). These two initiatives are discussed below.

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



Recognizing that there will still be people who will need to move or who will be outside their countries when environmental disasters occur, the GCM sets out policies that may help manage these situations (Kälin, 2018). It aims to enhance availability and flexibility of pathways for regular migration, including national and regional practices that provide for admission and stay “based on compassionate, humanitarian or other considerations” for migrants compelled to leave their countries “owing to sudden-onset natural disasters” (*ibid*, para. 21(g)). Humanitarian visas, private sponsorships, access to education for children, and temporary work permits are cited as actions States take in this regard.

The GCM further calls for cooperation among States to identify, develop, and strengthen solutions in the case of slow-onset environmental degradation related to climate change, such as desertification, land degradation, drought, and sea level rise (*ibid*, para. 21(h)). Planned relocation and visas are cited as options in cases where adaptation in – or return to their country of origin – is not possible. Importantly, States commit to not returning a person to “risk of death . . . or other irreparable harm”—which may be read to protect against return to States (such as low-lying islands) that become uninhabitable. (Kälin, 2018).

Importantly, the GCM emphasizes States’ commitment to support each other in realizing the objectives and commitments made in the Compact (*ibid*, Objective 23). A core premise of the GCM is that States can uphold national sovereignty while extolling the benefits of shared responsibility in managing migration, a process that crosses national borders. The new objective specifically reinforces the need for joint action to address the needs of countries facing a mix of economic and environmental stressors. It further reinforces the need for new partnerships, referencing the desirability of involving all relevant stakeholders in finding and implementing effective solutions to the pressing issues identified within the Compact.<sup>5</sup>

Several UN agencies, as well as multilateral State initiatives, have extensive experience in addressing climate and environmentally-driven movements of people.

### **International Organization for Migration (IOM)**

The IOM’s work on environmental migration began in 1992 when it collaborated with the Refugee Policy Group to host a symposium on the environmental drivers of migration in advance of the Rio Summit. The resulting report focused attention on the impact of environment degradation on movements of people, concluding: “Large numbers of people are moving as a result of environmental degradation that has increased dramatically in recent years. The number of such migrants could rise substantially as larger areas of the earth become uninhabitable as a result of climate change” (IOM, 1992). Environmental drivers were discussed at subsequent IOM Council meetings, with the UNFCCC meeting in Cancun affirming the salience of these issues for IOM’s member States.

In 2011, IOM’s International Dialogue on Migration (IDM) Programme focused on the theme of environmental migration, and the Chair’s statement included specific policy recommendations grouped around four principal needs: (1) to expand the knowledge base on environmental migration by investing in strategic, policy-relevant research and data collection; (2) to design and

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<sup>5</sup> See Kälin (2018) for additional perspectives on the relevance of the GCM for addressing climate mobility.



implement solid legal and institutional frameworks to ensure the protection of those on the move for environmental reasons; (3) to build comprehensive migration management policies to tackle environment-driven human mobility; and (4) to strengthen technical and operational capacities to support vulnerable populations and promote effective migration management (IOM, 2011).

In 2015, IOM established a Migration, Environment and Climate Change (MECC) division within its headquarters, which has “institutional responsibility to oversee, support and coordinate the development of policy guidance for activities with a migration, environment and climate change dimension” (IOM, 2015). In support of these efforts, IOM launched the IOM Wide Institutional Strategy on Migration, Climate Change and Environment in 2019, which “aims to take stock of existing knowledge and establish institution-wide priorities and processes, in line with the three pillars articulated in the IOM strategic vision: resilience, mobility and governance” (IOM, 2019).

Beyond its policy work, IOM has an important operational role in assisting people displaced by environmental drivers, including climate change. IOM is the lead agency of the Global Camp Coordination and Camp Management (CCCM) Cluster for Natural Disasters within the IASC. It is actively involved in other clusters—in particular, the protection cluster for those affected by crises, including disaster displaced persons. IOM’s Preparedness and Response Division is the institutional focal point for emergency preparedness and response, conducting contingency planning, providing early warning services, undertaking rapid needs assessments, assisting in the development of response operations and providing guidance on IOM’s role in emergency preparedness and response. An important part of IOM’s emergency programming is the Displacement Tracking Matrix, which collects and analyses data on the needs of those who have been displaced by disasters and conflict.

### **United Nations High Commissioner for Refugees (UNHCR)**

As early as 1991, a UNHCR Executive Committee Working Group on Solutions and Protection identified the needs of those “forced to leave or prevented from returning because of man-made disasters” and those “forced to leave or prevented from returning because of natural or ecological disasters or extreme poverty” (Goodwin Gill and McAdam, 2017). Although UNHCR offered assistance to persons affected by numerous disasters during the following decades, it was not until 2007, that UNHCR began to address various policy issues arising from disaster displacement and its relationship to climate change. Then-UN High Commissioner for Refugees, Antonio Guterres, set out the problem:

When we consider the different models for the impact of climate change, the picture is very worrying. The need for people to move will keep on growing. One need only look at East Africa and the Sahel region. All predictions are that desertification will expand steadily. For the population, this means decreasing livelihood prospects and increased migration. All of this is happening in the absence of international capacity and political will to respond (Guterres, 2007).

The following year, Assistant High Commissioner for Protection Erika Feller summarized the dilemma before the UNHCR Executive Committee:

New terminology is entering the displacement lexicon with some speed. The talk is now of “ecological refugees,” “climate change refugees,” the “natural disaster displaced.” This is all a serious context for UNHCR’s efforts to fulfill its mandate for its core beneficiaries...The mix of global challenges is explosive, and one with which we and our partners, government and non-government, must together strike the right balance (Feller, 2008).

In an address before the Security Council in November 2011 – with famine and displacement in Somalia heavily on his mind – High Commissioner Guterres returned to the theme. “We should be addressing the more complex issue of the way in which global warming, rising sea levels, changing weather patterns and other manifestations of climate change are... reinforcing other global imbalances, so as to produce some very powerful drivers of instability, conflict and displacement,” he said (Guterres, 2011).

In 2011, UNHCR commissioned new research on climate change and displacement and held a conference in Oslo, which resulted in the Nansen Principles (not to be confused with the Nansen Initiative). The Principles urged action on cross border movements. “A more coherent and consistent approach at the international level is needed to meet the protection needs of people displaced externally owing to sudden-onset disasters,” it said. “States, working in conjunction with UNHCR and other relevant stakeholders, could develop a guiding framework or instrument in this regard” (Nansen Conference, 2011, p. 3).

The initial hope was that governments would back reforms in the institutional arrangements, particularly for responding to natural disasters, at a December 2011 Ministerial Conference. This would have helped clarify under which situations UNHCR should take leadership in protecting victims. But governments did not agree that UNHCR should become more systematically involved with those displaced by natural disasters or climate change. Some argued that UNHCR was already overwhelmed with the growing number of refugees and internally displaced persons. The Ministerial Conference instead gave very indirect acknowledgement of the problem:

We note that today’s challenges in providing protection and achieving solutions continue to be serious, interconnected and complex...We will reinforce cooperation with each other and work with UNHCR and other relevant stakeholders, as appropriate, to deepen our understanding of evolving patterns of displacement and to agree upon ways to respond to the challenges we face in a changing global context (UNHCR, 2011).

In response, as discussed below, Switzerland and Norway created the Nansen Initiative to develop an agenda for protection of those who were forced to move in the context of climate change.

In 2014, UNHCR launched an initiative—with Georgetown University, Brookings Institution and, later, IOM and the World Bank—to develop principles and guidelines in protecting the rights of people who are relocated because of disasters or the slow-onset effects of climate change. The initiative identified pitfalls in involuntary resettlement in the context of development projects and prior environmental relocations. With input from stakeholders and experts, the team developed recommendations for planned relocations that would avoid the failures of previous projects, largely by increasing the participation of those to be relocated as well as those in potential host communities. The initiative also provided a toolkit of effective practices and technical training workshops to help prepare communities and governments for relocation. The toolkit covered each phase of planned relocation: (1) making the decision to undertake planned relocation; (2) developing a strategy for improving planned relocation initiatives; and (3) implementing the plan, including measures before, during and after physical relocation. The aim was to enhance protection and participation in decision-making of those who were to relocate as well as members of the host communities (UNHCR et al., 2017).

UNHCR engaged Jane McAdam and Guy Goodwin-Gill, well-regarded legal scholars, to provide recommendations for a short, medium and long-term strategy of climate displacement (Goodwin-Gill and McAdam 2017). Then, in 2020, UNHCR took steps to clarify the legal standing of persons who cross international borders in whole or part because of climate change and disasters. Its most detailed treatment of this issue is a paper entitled “*Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters*” (UNHCR, 2020a).

In that report, UNHCR urged States to take a broad approach in determining whether a claimant meets the refugee definition, stating that “if a narrow view is taken of the effects of climate change and disasters, there is a risk that decision-makers may decide that refugee law is inapplicable and deny access to refugee status determination.” In determining whether an applicant has a well-founded fear of persecution on the basis of protected grounds (race, religion, nationality, membership in a particular social group or political opinion), adjudicators should take into account that already marginalized communities, such as indigenous persons, may be disproportionately affected by climate change, its impacts and governmental responses. Also, environmental defenders, activists or journalists may be targeted because of their actions in defending, conserving and reporting on climate change and other environmental policies and their implementation. Governments may be unwilling or unable to protect such persons from the effects of climate change or attacks on the targeted defenders, activists and journalists. Similar problems can arise when climate change intersects with conflict and leaves marginalized or targeted persons without access to safety, shelter, food, healthcare or other resources needed to save lives. Adjudicators should also consider the extent to which climate change or the marginalization of the applicants affected by climate change may prevent them from seeking safety elsewhere in the country.

The guidance gives specific attention to the African Union (AU) Convention on Refugees and the Cartagena Declaration’s reference to events seriously disrupting public order, noting that disasters often fit this definition of reasons a refugee might take flight. Even outside of Africa and Latin America, this concept applies in complementary forms of protection offered by many States to those

fleeing humanitarian crises and other human rights violations. Among the statuses discussed by the UNHCR guidance is temporary protection that may be granted to those displaced by disasters and potentially able to return when conditions permit.

In 2021, UNHCR published a Strategic Framework for Climate Action. It adopts objectives in three areas: (1) law and policy: to “[g]uide the interpretation and application of relevant legal and policy frameworks, develop guidance and catalyze international discussions”; (2) operations: to prevent and mitigate environmental damage in operation settings, and enhance the resilience of displaced persons and host communities to environmental risks, and support protection and solutions for displaced persons and host communities; and (3) UNHCR’s environmental footprint: to “[i]mprove UNHCR’s environmental sustainability by reducing greenhouse gas emissions and minimizing negative impacts on the environment” (UNHCR 2021).

### **Nansen Initiative and the Platform for Disaster Displacement**

The Swiss and Norwegian governments took up the call in the Nansen Principles for more attention to protection needs, pledging to fund an intergovernmental process that would examine the issue and make recommendations for enhancing protection in both acute emergencies and slow-onset processes. The Nansen Initiative was formally launched in 2012 following its proposal at the 2011 UNHCR Ministerial Conference. Walter Kälin, formerly the Special Representative of the Secretary General on the human rights of internally displaced persons and one of the principal architects of the Guiding Principles on Internal Displacement, served as the Chair’s Envoy. The aim was to develop an agenda for improving protection of people displaced across borders by disasters and the slow-onset effects of climate change. The resulting Agenda for Protection was endorsed by 109 States, providing credibility to its recommendations. (See the section below on models for reform for additional information about the Agenda for Protection.)

Subsequently, the German government took on the chairmanship of the process, announcing the Platform on Disaster Displacement (PDD) in May 2016 at the World Humanitarian Summit in Istanbul. Under its current work plan, the PDD seeks to promote measures to address the protection and assistance of persons displaced across borders due to the adverse effects of climate change, and to promote measures to manage displacement risks in countries of origin that allow people at risk to stay in their homes and avoid displacement or, if necessary, move out of harm’s way in a dignified manner. In support of these objectives, PDD advocates for enhanced protection of IDPs and a broad set of instruments such as humanitarian visas, temporary protection measures and other effective practices, which provide humanitarian protection to cross-border disaster-displaced persons.

PDD identified four strategic objectives for the period 2019-2022: “(1) support integrated implementation of global policy frameworks on human mobility, climate change action and disaster risk reduction that are relevant for disaster displaced persons; (2) promote policy and normative development to address gaps in the protection of persons at risk of displacement or displaced across borders; (3) facilitate exchange of knowledge and strengthen capacity at the national and regional levels to implement effective practices and instruments that can prevent, reduce and address disaster displacement; and (4) strengthen evidence and data on disaster displacement and its impacts” (PDD, 2019b).

### **Migrants in Countries in Crisis**

The mass displacement of migrant workers in Libya during the 2011 conflict, followed by similar conflict-related crises in Cote d'Ivoire and Syria, in addition to natural hazards in Japan, Thailand and the United States that affected millions of non-nationals, generated substantial interest among governments, civil society and the private sector to identify a more systematic approach to these recurrent situations.

Under the leadership of Sir Peter Sutherland, the Secretary General's Representative on Migration, the Migrants in Countries in Crisis (MICIC) initiative was launched at the 2013 High Level Dialogue on Migration and Development when the United States and the Philippines pledged to address the problem. Sutherland referred to the initiative as mini-multilateralism—that is, an effort led by a small number of States to develop principles, guidelines and effective practices that a larger number of countries could put into place.

The results of the initiative's consultations and research contributed to a set of principles, guidelines and effective practices that were presented at the United Nations in 2016. The principles focused on core rights and responsibilities. The duty to save lives in disasters—whether spurred by conflict or natural hazards—is the first responsibility. To ensure effective protection, the principle of non-discrimination, particularly by immigration status, when lives are at risk permeates the recommendations. The principles and resulting guidelines emphasize that States have primary responsibility but that other stakeholders, including non-nationals themselves, play an important role in ensuring protection. In that respect, Principle 6 states clearly that “[m]igrants are rights holders and capable actors, resilient and creative in the face of adversities, not merely victims or passive recipients of assistance” (MICIC, 2016, p. 20).

While many of the issues raised in MICIC apply equally in conflicts and natural disasters, the initiative did make distinctions where applicable. A discussion brief prepared for MICIC observed that one of the most important differences is in the role of national authorities in the affected countries. Whereas in conflicts the national authorities may be part of the problem in protecting citizens and non-citizens alike, “in most cases of natural disasters, governments are willing to assist all persons on their territory requiring emergency assistance, including non-citizens. They may not have the capacity, however, to carry out all of the tasks needed to protect citizens and non-citizens alike and may require the assistance of other actors” (Martin, 2016).

After the MICIC guidance was launched, IOM undertook a number of activities designed to encourage implementation with funding from the US government. For example, the MICIC Smartphone Application was developed to help governments communicate more effectively with their citizens traveling or living abroad. The app allows users to access basic consular assistance, receive warnings and emergency communications, and request support when facing hardship. The agency also developed a set of training courses for consular staff, host countries and migrants.

### **UN Network on Migration**

The UN Network on Migration (UNNM) was established in 2018 as the successor to the Global Migration Group, which had previously been the principal mechanism designed to enhance



cooperation among UN agencies. The aim of the UNNM is to “ensure effective, timely and coordinated system-wide support to Member States on migration as they respond to the Global Compact for Safe, Orderly and Regular Migration” (GCM, 2018, para. 45). The financing mechanism in support of this goal—the Migration Multi-Partner Trust Fund (MPTF) Start-up Fund—has five thematic priorities: “(1) promoting fact-based and data-driven migration discourse, policy and planning; (2) protecting the human rights, safety and wellbeing of migrants, including through addressing drivers and mitigating situations of vulnerability in migration; (3) addressing irregular migration including through managing borders and combating transnational crime; (4) facilitating regular migration, decent work and enhancing the positive development effects of human mobility; and (5) improving the social inclusion and integration of migrants” (UNNM, n.d., p. 1). A notable \$2.15 million MPTF-funded project addresses drivers of movement and facilitation of safe, orderly and regular migration in the contexts of disasters and climate change in the IGAD region. The grant will help the region address data and knowledge gaps and help ensure that existing national and regional strategies on disaster risk reduction and climate action factor in the displacement of people. Key partners include IGAD, IOM, UNEP, ILO, the PDD and IFRC (MPTF 2021).

The Network has initiated a work stream focused specifically on environmentally-driven mobility, under the title: “Address migration and displacement linkages to disasters, adverse effects of climate change and environmental degradation” (UNEP, 2018). The work stream aims to analyse climate and disaster drivers of migration; research the linkages between cross-border movements and internal displacement (e.g. in conflict, climate change and slow-onset disaster contexts); research the structural drivers for all forms of human mobility to inform evidence-based discourse and policy-making; and provide technical support to countries to identify high-risk areas and structure relevant policy responses.

#### **4. Development**

An often-overlooked issue in assessing the impact of and responses to environmental mobility is the role development actors play in addressing causes and identifying potential solutions for affected persons. Among development agencies, the World Bank has placed particular focus on climate-induced mobility, building on the Bank’s development goals of eradicating extreme poverty and boosting shared prosperity. Its Groundswell reports (2018/2021) have contributed to a better understanding of the impacts of climate mitigation and development strategies on internal mobility. The World Bank Group’s support to address climate driven migration also includes the Global Facility for Disaster Reduction and Recovery and an Adaptive Social Protection Program in the Sahel, which identifies new and existing social protection systems to address potential displacement before extreme climate events become disasters.

The Bank also hosts the Knowledge Platform on Migration and Development (KNOMAD) Thematic Working Group (TWG) on Environmental Change and Migration. The TWG has been investing in three objectives, namely (1) increasing understanding of the impact of environmental change on migration by taking stock of the literature, expert consultation, research, and stakeholder dialogue; (2) increasing policy-relevant knowledge and information; and (3) ensuring that knowledge is



available to policymakers within the World Bank, other international organizations, governments and nongovernmental organizations. In particular, the TWG has aimed to strengthen the evidence base by improving data and methodologies for understanding the linkages between environmental events and mobility.<sup>6</sup>

The UN Development Programme (UNDP) is also engaged in addressing displacement related to climate and environmental events. It has incorporated this focus into its overall work on migration and development. In Zambia, for example, UNDP in collaboration with the Food and Agriculture Organization (FAO) and the World Food Program (WFP) works with the Ministry of Agriculture and Zambia Meteorological Department to strengthen climate resilience of agricultural livelihoods. The project includes refugees and host communities to enable them to plan for climate risks that threaten development goals. According to UNDP, “the aim is to build climate-resilient food security and poverty reduction measures for approximately 940,000 people, including refugees who are being integrated into Zambian communities” (UNDP, 2019, p. 13).

The International Labour Organization has a dedicated crisis unit that works with countries on prevention and after-impacts of both conflict and disaster-related displacement. ILO’s work has been particularly important in focusing on ways in which “migration can be an important adaptive response for people facing slow-onset environmental changes or disasters” (ILO, n.d.). The ILO Green Jobs, Migrant and Crisis units have collaborated on projects in the Pacific and Africa to incorporate mobility into climate change adaptation strategies. A recent report further highlights that “when climate change threatens livelihoods, temporary or permanent migration may be the only response. In this respect, by reducing the costs of migration and providing a degree of insurance to migrants, cash transfers can facilitate mobility and thus increase the options available to vulnerable households for improving their adaptive capacity” (ILO, 2018).

The organization also argues that labor migration that upholds international labor standards “can play an important role in the development of both countries of origin and destination” (ILO, n.d.). ILO has recognized that labor migration generates financial capital via remittances, human capital via the transfer of knowledge and skills, and social capital via the development of networks. The availability of safe and legal channels for labor migration is essential for obtaining these benefits for source and destination countries as well as migrants themselves.

ILO operates in collaboration with other UN agencies and partners to provide technical assistance and training on the linkages between climate change and labor migration. For example, ILO is part of a UN team focused on enhancing protection and empowerment of migrants and communities affected by climate change and disasters in the Pacific region (Kiribati, Tuvalu, Marshall Islands, Vanuatu, Fiji). Its leadership is most apparent in Objective 2 of the initiative: Migrants and communities in the Pacific Island Countries benefit from safe labor migration as a sustainable development and climate change adaptation strategy (ILO, 2019a). Within this region, ILO also held a High-Level Tripartite Forum on Climate Change and Decent Work in the Pacific (2019b) and produced a working paper that spelled out the barriers to this strategy.

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<sup>6</sup> The Working Group has provided financial and other support for this study. The co-authors are the former and current Chairs of the Working Group.

Housing and urban policies are a further development issue that affects and is affected by climate change and resulting mobility. UN-Habitat has a focus on migration, citing movements from “conflict, impact of environmental degradation and climate change, poverty, lack of (employment) opportunities and (spatial) inequalities” (UN-Habitat, n.d.). The agency also notes that local authorities are often strained and need support to manage rapid urbanization caused by large-scale movements of people. UN-Habitat, along with other UN agencies, supports the Mayor’s Migration Council, which aims to improve understanding of migration issues among the leaders of the world’s urban areas. One focus of attention is the impact of climate change and migration on the capacity of cities to provide services to their residents. A 2021 report entitled “Cities, Climate and Migration - The role of cities at the climate-migration nexus” (C40 Cities, 2021) calls for an inclusive and integrated approach to policy making that takes the needs of cities into account and ensures that municipal leaders have a seat at the table when decisions are made about climate mobility issues.

## 5. Human Rights

A range of human rights instruments protect the rights of all persons, including those on the move because of environmental events. Among these are the UN Covenant on Civil and Political Rights, UN Covenant on Social, Economic and Cultural Rights, the Convention Against Torture, the Convention on the Rights of the Child, the Convention against All Forms of Racial Discrimination, the Convention Against All Forms of Discrimination Against Women, the Convention on the Rights of Persons with Disabilities, and, more specific to this discussion, the Convention Relating to the Status of Refugees and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. A range of regional conventions are also applicable to the rights of those who move or are displaced by environmental factors.<sup>7</sup>

In 2009, pursuant to a request from the Human Rights Council, the Office of the High Commissioner for Human Rights (OHCHR) issued a report on the relationship between climate change and human rights, taking into account the views of States and other stakeholders. One section discussed displacement, while others, such as housing, had specific references. For example, rights related to housing included “access to shelter and disaster preparedness in cases of displacement caused by extreme weather events and protection of communities that are relocated away from hazardous zones, including protection against forced evictions without appropriate forms of legal or other protection, including adequate consultation with affected persons” (OHCHR, 2009, para. 38). The report was unequivocal in stating that “[p]ersons affected by displacement within national borders are entitled to the full range of human rights guarantees by a given State” (*ibid*, para. 57); but it was more equivocal about the rights of those who cross an international border: “Persons moving voluntarily or forcibly across an international border due to environmental factors would be entitled to general human rights guarantees in a receiving State, but would often not have a right of entry to that State” (*ibid*, para. 58).

A subsequent report issued in 2018, also at the request of the Human Rights Council, elaborated on the rights of those crossing international borders in the context of the adverse effects of climate

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<sup>7</sup> See, for example, para 66 of the IACtHR Advisory opinion OC-23/A of 15 November 2017 at <https://www.refworld.org/cases,IACRTHR,5e67c7744.html>.

change. Much of the report is a recap of information contained in the Nansen Initiative's Plan of Action and other studies of the rights of migrants, refugees and displaced persons. Importantly, though, the report references the applicability of the "principles and practical guidance on the human rights protection of migrants in vulnerable situations" (OHCHR, n.d.) that were submitted to the Human Rights Council by the Global Migration Group (now supplanted by the UN Network on Migration). This document addresses a key issue with regard to some forms of climate mobility—under what circumstances is *non-refoulement* (prohibition of forcible return) appropriate for those who cross international borders in context of climate change. The guidelines are straightforward in stating "[m]igrants should not be returned to areas that are experiencing extreme weather or slow onset climate events" (*ibid*, p. 32). Governments are urged to "establish or strengthen practical and effective mechanisms to assess the individual human rights situation of all migrants and prevent or suspend any expulsion until assessment and appeal processes have been completed" (*ibid*, p. 43). The guidance also notes the importance of taking human rights into account in implementing strategies to manage or mitigate climate-related drivers so as not to prevent necessary, life-saving movements when needed.

## 6. Conflict resolution, peace-building and security

Climate change is often thought of as a threat multiplier that could instigate conflicts over scarce resources. Research does not fully support the assumption that there is an inevitable link between climate change and conflict (Salehyan, 2008; Gleditsch, 2012; Abrahams, 2017). Studies show little likelihood of international conflict; they project that most internal conflict over resources will be at the community, not national levels. The further links among climate change, displacement and conflict are not well understood as to scale, timing or causal direction (for example, is displacement a cause or effect of a climate change–conflict nexus?) (Abel et al., 2019).

While perhaps a low risk, in an abundance of caution the connections between climate change, displacement and conflict have come to the attention of the UN Security Council and have relevance to the work of conflict resolution and peace-building institutions. For example, briefing the Security Council in July 2020, the Assistant Secretary General for Europe, Central Asia and the Americas, concluded that "the failure to consider the growing impacts of climate change will undermine our efforts at conflict prevention, peacemaking and sustaining peace, and risk, trapping vulnerable countries in a vicious cycle of climate disaster and conflict" (UN Security Council, 2020). The Secretary General followed up these remarks in February 2021, stating: "Where climate change dries up rivers, reduces harvests, destroys critical infrastructure, and displaces communities, it exacerbates the risks of instability and conflict" (Guterres, 2021). He also cited a study by the Stockholm International Peace Research Institute that found that about half of the 21 ongoing UN peace operations were located in countries ranked as most exposed to climate change (Krampe 2021).<sup>8</sup> Regardless of causation, the complex interaction between conflict and climate change exacerbates displacement risks, as has been seen in places such as Somalia, and makes responses and solutions more difficult.

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<sup>8</sup> Improving the evidence base regarding climate displacement as a force multiplier for conflict is essential for assessing the generalizations that now appear to be driving policy at the multilateral level. More specific case studies as well as more precise forecasting tools are needed.

## GLOBAL GOVERNANCE?

The previous section reviews the rich array of initiatives across a wide range of international organizations and processes. Yet these efforts have not coalesced into a coherent regime of norms or structures that effectively and predictably respond to the causes and impacts of environmental mobility. If “global governance” is understood to refer to the crafting of rules and establishment of institutions to respond to challenges that affect a number of States, and that require State cooperation and coordination for their effective management (Betts, 2011; Newland, 2011)<sup>9</sup>, then it is plain that global governance of environmental mobility has not been achieved (McAdam, 2011a; McCarney & Kent, 2020).<sup>10</sup>

The difficulty of achieving a coherent and comprehensive approach is in large part a function of the number of conceptual and operational “entry points” for responding to environmental mobility, which have been described in the previous section (McAdam, 2011a; McAdam 2012, ch. 8).<sup>11</sup> This complicated landscape does not necessarily mean that coordinated planning and action is impossible. Well-established norms and structures for responding to refugee flows provide an example. Refugee situations are decidedly complex, yet it is reasonable to speak of a global refugee regime anchored by international law, a global convention and regional agreements and a dedicated UN organization (UNHCR), leading and coordinating a large number of multilateral and nongovernmental organizations involved in the assistance and refugee protection. Further complexity has been added by the important outreach of UNHCR in recent years to development agencies and to the ILO to assist in supporting refugee self-reliance and solutions for protracted displacement situations.

Thus, one could envision a comparable regime for environmental mobility, based on a convention establishing binding norms on States (including guarantees similar to those found in the Refugee Convention) and the creation of a “UN Environmental Mobility Agency” (charged with developing and implementing comprehensive plans and enlisting other agencies in its work). And in fact, such

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9 Scholars have suggested a number of definitions of global governance. Weiss (2013, p. 2) maintains that global governance “is the sum of the informal and formal values, norms, procedures, and institutions, that help all actors – States, intergovernmental organizations, civil society, transnational corporations, and individuals – to identify, understand, and address trans-boundary problems”. Krasner (1983, p. 2) refers to global governance as the “implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge.”

10 See also the 2018 report of the PDD on The United Nations system’s mandates with respect to averting, minimizing and addressing displacement related to climate change: Considerations for the future, presented to the Warsaw International Mechanism for Loss and Damage:

[F]unctions and activities related to disaster displacement and climate change are dispersed across multiple entities and processes. UN entities may address disaster displacement from their respective areas, such as the human rights of internally displaced persons, food security, disaster risk reduction, livelihoods, migration management, or temporary settlements, but such efforts are not necessarily aligned or based upon a respective entity’s comparative advantage. Furthermore, because many UN entities view displaced people as a sub-set of the larger populations they serve, the specific needs of displaced people may be overlooked, which has been found to lead to difficulties finding durable solutions, and in turn, protracted displacement situations (PDD, 2018).

11 McAdam (2011a): “Because there are numerous cross-cutting and intersecting issues raised by climate-related displacement which relate to a variety of different institutional mandates (such as international protection, human rights, indigenous rights, cultural rights, and the environment), the concept risks being dealt with in an ad hoc and fragmented manner.”

proposals have been made by academics and policy analysts (see critiques by McAdam, 2011b; Cantor, 2021, Biermann and Boas 2017 of current arrangements and proposals for new environmental mobility governance).

But such proposals face daunting challenges in the current political moment. The prospects for an international convention on environmental migration appear dim. In 2019, Tuvalu introduced a draft resolution in the General Assembly that would call on States “to develop an international legally binding instrument to create appropriate protections for persons displaced by the impacts of climate change” and the convening of an intergovernmental conference for the drafting of such an instrument (Providing legal protection for persons displaced by the impacts of climate change, 2019). The proposed resolution did not get the required support. (Note that the resolution was in regard to displacement due to the impacts of climate change, not the broader category of environmental mobility.)

A proposal to create a new multilateral agency is no more likely to succeed. Member States would be hesitant to establish a new UN structure, particularly given the number of agencies now seized, in some manner, with the issue. And there is a significant risk that existing agencies will resist any new player in the field who appears to be treading on their turf.

Another consideration working against the establishment of new governance structures at the global level is the existence of a plethora of processes and norms at regional and sub-regional levels. Again, it is useful to contrast the current situation with the creation of the international refugee regime. When UNHCR was established and the Refugee Convention drafted in the 1950s, national and regional refugee norms and institutions relating to refugees were embryonic at best. Indeed, the developments at the global level provided a spark for later developments at other levels of governance, including the adoption of the OAU Convention and the enactment of numerous national laws based on the international convention. These initiatives spurred action in other regions. Most notably, the Cartagena Declaration on Refugees, adopted in 1984, is a non-binding agreement enhancing international protection of refugees in Latin America that includes provisions similar to those in the OAU Convention.

Today there are scores of regional, sub-regional, national and sub-national structures, agreements and binding norms that deal in some fashion with environmental mobility (See Panizzon & van Riemsdijk, 2019; Zapata-Barrero et al., 2017; Shivakoti et al., 2019). Moreover, non-State actors—from civil society and the private sector—influence responses to climate change and the mobility that accompanies it. To be sure, approaches vary widely in scope and content; and gaps remain both in terms of protection and assistance for persons on the move and funding for risk reduction and adaptation measures. But sub-global processes are active and evolving in innovative ways.<sup>12</sup> Accordingly, any new global mechanism must consider these multiple layers of governance and bring stakeholders from each domain—regional, national, local and nongovernmental—into the decision-making process. There is already precedent for this. For example, the Global Forum on Migration and

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<sup>12</sup> See Francis (2021), which explores several case studies of regional and sub-regional innovations. For example, Article 6 of the Ley de Interculturalidad, Atención a Migrantes y Movilidad en el D.F. in Mexico recognizes that “displaced persons can include those displaced by natural phenomena that cause disasters” (p. 25).



Development includes venues for international organizations, civil society, businesses and mayors to participate in a dialogue that was launched and run by States (Rother, 2019).

The significance of these activities at the sub-global should be underscored. International actors (and lawyers) faced with a global challenge are often quick to propose a global solution—a convention, an adjudicatory body, a UN agency. But as David Cantor notes in a persuasive case study of environmental movement in the Americas:

[T]he existence of a gap in international law does not mean that no law exists, nor does it imply that proposed solutions to the problem can start from a blank canvas...[M]any States in this region have long recognized the challenges involved and also developed legal responses at the national level to accommodate affected persons. At least for the Americas, this body of legal practice robustly challenges the contention in much of the legal literature that national law can simply be dismissed as irrelevant or as comprised merely of isolated protection provisions in the national law of States in the Global North. Rather, a broadly similar legal approach to these mobility challenges is evident in national laws across this region, including among States in the Global South. ...This existing practice raises a question about the role of international law, and its added value to the existing response in this region, especially in light of international efforts in some subregions to develop harmonized guidance on such legal practice.

...

[G]rand proposals for new global treaties on international protection or environmental law to address the legal implications of such mobility are less likely to gain traction with States in this region than efforts to develop the existing approach in international immigration law at the regional or subregional levels...Overall, then, it seems that international law may still have a role to play in shaping the response to international mobility linked to environmental factors. However, for better or worse, in the Americas and elsewhere, its future development seems more likely to build on existing State practice than on the flights of fancy of...international law scholars (Cantor, 2021).<sup>13</sup>

Taken together, these factors suggest that a global role might best be conceived of as primarily supportive of, and supplementary to, efforts being undertaken at other levels of governance. This might still chart a robust set of global responsibilities, including, for instance, normative and technical guidance and significant financial support. But defining the global role would not be an abstract “top down” exercise; rather it would be constructed by understanding the dynamics on the ground and through sub-global initiatives on prevention, response and solution.

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<sup>13</sup> Indeed, Cantor argues that State practice can helpfully influence norm creation at the global level: “[G]iven that it is States that are the creators of international law, a better understanding of the ways in which they already see the pertinent challenges, and respond to them in law, offers an insight into how those existing views and practice might influence the development of international law in the future” (Cantor, 2021, p. 321).



## Meeting International Responsibilities

The preceding discussion argues that it is unlikely States and other actors will agree to adopt a new international convention or establish a new multilateral organization dedicated to environmental mobility. It is further suggested that, in any event, a proper global role must be conceptualized as supplemental and supportive of sub-global efforts, rather than regulating or supplanting them. *That is, the goal is not global governance per se; the aim of the international community should be to develop structures and practices that help prevent and respond to the harms caused by environmental events in a comprehensive and effective manner—including supporting regional, sub-regional and national efforts.* Accordingly, rather than sketching out provisions for a new international convention or terms of reference for a new agency, it will be more fruitful to begin with the several aspects of international responsibility described above, identify strategies for meeting those responsibilities, and then consider the institutional arrangements best able to implement the strategies.

This analysis will be undertaken based on the following factual premises:

- All regions of the world experience a wide variety of environmental events—severe heat, desertification, salinization, sea-level rise, major storms, flooding, earthquakes, volcanic eruptions, forest fires, tsunamis.
- Most environmental mobility is internal to States.
- Most environmental mobility is movement into urban areas (although environmental events will also cause some movement out of urban areas).
- The effects of climate change threaten, in particular, coastal cities and the continued physical existence of a number of small island nations.
- The number of persons moving due to environmental events is large and increasing (due to the effects of climate change) but remains a relatively small percentage of overall global mobility and constitutes a relatively small factor in urban population growth.
- It is often difficult to specify the precise role of environmental factors in decisions of individuals to move in response to sudden-onset and slow-onset conditions.
- Current forecasts suggest that mitigation of climate change and increases in development assistance to affected communities will significantly reduce the numbers of people who are forced to move as a result of climate change.

## REDUCING THE RISK OF FORCED DISPLACEMENT AND PROVIDING FOR THE ORDERLY MOVEMENT OF THOSE FACING DISPLACEMENT

### 1. Helping people stay home<sup>14</sup>

Dramatic environmental events and long-term climate change do not automatically translate into an increase in human mobility. Disaster displacement risk has been defined as “the probability that displacement at a certain scale will take place during a specific period of time as a result of the onset of a hazardous event”; and the central variables in assessing displacement risk are “the type

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<sup>14</sup> See De Shalit (2011) (there is a duty to prevent displacement, not just provide compensation for displacement, since the harm of loss of place can't be adequately compensated for).

and intensity of the hazard concerned, and people's exposure and vulnerability to it" (UNDRR, 2019). According to the UN Office of Disaster Risk Reduction (UNDRR):

Disaster displacement risk has quadrupled since the 1970s, largely because exposure has increased without a corresponding reduction in vulnerability. Greater exposure has primarily been driven by rapid, unplanned urbanisation that concentrates people in hazard-prone areas. Other drivers include weak or corrupt governance that permits or even encourages settlement in dangerous areas, and conflict and violence, which reduce people's resilience to hazards. Weather-related hazards are expected to become ever more frequent and intense as a result of climate change, which in turn increases vulnerability and displacement. The growing use of life-saving evacuations also increases disaster displacement risk (UNDRR, 2019, p. 28).

Actions taken in the place of origin can reduce exposure to the hazard and the vulnerability of those exposed— buildings can be constructed to withstand earthquakes and stronger storms; irrigation systems can mitigate the effects of desertification; barriers can protect against sea-level rise; general economic development can increase standards of living and ability of affected populations to be resilient. Thus, strategies of adaptation, combined with improved systems of prediction, may permit people to stay in their homes despite significant environmental events and climate change.<sup>15</sup>

The international community supports these kinds of activities in a variety of ways. As noted above, the Sendai framework's goal of preventing and reducing hazard exposure and vulnerability to disaster and increasing preparedness for response and recovery (UNDRR, 2015, para. 17)<sup>16</sup> has obvious implications for preventing disaster displacement. UNDRR and the Global Platform for Disaster Risk Reduction, a multi-stakeholder forum established by the UN General Assembly, are charged with assisting in monitoring and implementation of the Sendai framework. In addition, a substantial level of Overseas Development Assistance (ODA) (more than \$1 billion annually) is provided for activities whose primary focus is disaster risk reduction.<sup>17</sup>

The Platform on Disaster Displacement works with regional organizations and states to "promote better implementation of existing standards and legal instruments" and "support ongoing and

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15 See PDD (2018): adaptation strategies can include investments in safer housing construction and climate proofing existing infrastructure, broad development programming that increases the overall standard of living of exposed populations, and peacebuilding projects to reduce conflict over scarce resources.

16 See also (Sendai Framework for Disaster Risk Reduction, 2015): "Formulate public policies, where applicable, aimed at addressing the issues of prevention or relocation, where possible, of human settlements in disaster risk zones, subject to national law and legal systems."

17 "In 2018, a total of US\$1.3 billion ODA was provided for activities with DRR as a primary focus. Of this total, 36% (US\$452 million) went to 11 countries at very high risk of experiencing natural hazards, with a further 41% (US\$521 million) to 49 countries at high risk. . . . Although it is well targeted, funding for activities with DRR as the primary focus accounts for only a small proportion of total ODA to most countries" (Development Initiatives, 2020a).

promote future standard-setting activities” consistent with the Nansen Initiative’s Agenda for Protection (PDD, 2019a, p. 5).<sup>18</sup> A central “Strategic Priority” of the PDD is to

promote the use of effective practices to prevent and reduce displacement through measures that reduce disaster and displacement risk, enhance the adaptive capacity to the adverse effects of climate change, strengthen resilience and facilitate movement out of harm’s way. ...This includes supporting States and promoting efforts to integrate human mobility challenges into national disaster risk reduction and climate change adaptation strategies and plans, and to promote their strategic combination and integration where possible (*ibid*).

To support this Strategic Priority, PDD commits to providing “advice and guidance, technical support, workshops and capacity building or organize binational or regional knowledge exchange workshops on effective practices, simulation exercises etc., upon request and in close cooperation with States, partners and existing coordination mechanisms” (*ibid*).

## 2. Orderly movement

### Migration as adaptation

It is recognized that migration can itself be a form of adaptation to mitigate the risk of displacement due to (predictable) disasters and slow-onset environmental change. There are, however, no global norms or policies that address migration as adaptation or support regional or national programs or legislation.<sup>19</sup> The international community, including multi-lateral organizations and civil society, could support efforts to catalogue effective practices at regional and State levels, drafting templates for bilateral and regional agreements, and building capacity.

### Planned relocation

There have been hundreds of activities categorized as planned relocations. They span a variety of situations, and relocations have occurred with varying degrees of success (in terms of the voluntariness of relocation, reintegration of relocated populations, and respect for human rights). At the global level, a full accounting of these events, combined with “lessons learned,” could assist in future relocations. The international community could also undertake concerted efforts to ensure compliance with human rights norms through monitoring and reporting (Bower & Weerasinghe, 2021).

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18 Regional organizations that the Nansen Initiative and PDD have engaged with include the Pacific Islands Forum (PIF) in the Pacific, the Central American Integration System (SICA) in Central America, MERCOSUR in South America, the Intergovernmental Authority on Development (IGAD) in the Greater Horn of Africa region, the Southern African Development Community (SADC) in Southern Africa, the Association of Southeast Asian Nations (ASEAN) in Southeast Asia, and the South Asian Association for Regional Cooperation (SAARC) in South Asia and the European Union (EU) in Europe (PDD, 2019a, p. 4, footnote 10).

19 New Zealand’s Pacific Access Category (PAC) (n.d.), under which 75 people from Tuvalu, 75 from Kiribati, and 250 from Tonga may immigrate to New Zealand each year, is sometimes described as climate change related legislation. The program is based on employment, however, not environmental factors. The immigrants must be between 18-45 years old, have an offer of employment in New Zealand, have English skills, meet minimum income requirement, undergo a health check, and have no history of illegal entrance.

As noted above, guidelines on planned relocation have been drafted by civil society, with participation of UNHCR, IOM and the World Bank; they were not developed as part of State-led process or vetted through all relevant international organizations. Some States (e.g., Fiji, Vanuatu, Solomon Islands) are now developing their own guidelines. The international community could evaluate the guidelines as a step toward formally adopting them (as drafted or in amended form as per the situation in different countries and regions).

## **PROTECTING AND ASSISTING AFFECTED PERSONS, INCLUDING RECOGNITION OF RIGHTS AND THE PRINCIPLE OF NON-REFOULEMENT**

### **1. Protection**

#### **Cross-border movement**

The background papers for this report<sup>20</sup> show a range of strategies by which regions, sub-regions and States permit the entry of persons moving due to environmental causes. In addition to refugees as defined in the 1951 Convention, the OAU refugee convention protects persons “compelled to leave [their] place of habitual residence” due to “events seriously disturbing public order”—terminology that may be interpreted to apply to persons fleeing natural disasters.<sup>21</sup> Another possible route is provided by free movement agreements that either explicitly<sup>22</sup> or implicitly<sup>23</sup> permit entry due to disasters. National immigration laws may also allow for the admission of environmental migrants or may forestall the return of persons to places that have experienced natural disasters (USCIS, 2020).

Rules extending a permanent status or guaranteeing rights to environmental migrants are less well developed, both at the global and regional levels. As noted in the Nansen Initiative Agenda for Protection, while human rights law offers all persons on the move various protections, “international law does not address critical issues such as admission, access to basic services during temporary or permanent stay, and conditions for return” for environmental migrants. And although “a small number of States have national laws or bilateral or (sub-)regional agreements that specifically address the admission or temporary stay of foreigners displaced by disasters, the vast majority of countries lack any normative framework” (The Nansen Initiative, 2015, vol 1., p. 18).

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20 The four regional papers include: “Global Governance of Environmental Mobility Regional Paper: Latin America the Caribbean,” by Ama Francis; “Global Governance of Environmental Mobility: a Regional Assessment of Conditions, Norms and Processes in sub-Saharan Africa” by Achilles Kallergis; “Global Governance of Environmental Mobility Regional Paper: Southeast Asia and South Asia,” by Sanjula Weerasinghe; and “Global Governance of Environmental Mobility Regional Paper: China,” by Stephen Minas. These reports will be published as Working Papers in this Series and posted on the Zolberg Institute website, <https://zolberginstitute.org>.

21 See also (Weerasinghe, 2018) on how the Geneva Convention may apply in certain circumstances.

22 Article 16 of IGAD Protocol on free movement provides:

1. Member States shall allow citizens of another Member State who are moving in anticipation of, during or in the aftermath of disaster to enter into their territory provided that upon arrival they shall be registered in accordance with national law.
2. Member States shall take measures to facilitate the extension of stay or the exercise of other rights by citizens of other Member States who are affected by disaster in accordance with the provisions of this Protocol when return to their state of origin is not possible or reasonable.

23 It is plausible that the Cartagena Declaration’s (1984) language referring to “events seriously disturbing public order” could include environmental events.

There are a number of possible strategies for closing protection gaps for cross-border forced migrants, including the drafting of a binding international convention, inclusion of environmental migrants in existing international conventions (such as the Refugee Convention), or the adoption of “Guiding Principles” or other “soft law” instruments. The difficulty of the first route—an international convention on environmental migrants—has already been noted. While scholarly articles have supported the inclusion of (some classes) of environmental forced migrants in the Refugee Convention (Scott, 2020; Burson, 2010), a number of commentators have noted the shortcomings of such an approach (Cantor, 2021; McAdam, 2012b, pp.197-200). These include the difficulties of assigning environmental events (or climate change) as the motivating factor in a decision to move and of identifying “persecution” from which a person is fleeing (McAdam, 2021).

The Nansen Initiative adopted an approach of identifying “effective practices” implemented by States to provide protection to cross-border movers—with the aim of inducing other States to adopt similar practices.<sup>24</sup> A collection of “effective practices” combined into a set of Guiding Principles, similar to the Guiding Principles on Internal Displacement, could also be envisaged to aid in the development of harmonized regional approaches and the evaluation of domestic laws. Such practices could address, for example, inclusion of environmental migrants in free movement agreements, immigration-based rules that permit temporary stays (and withholding of removal) for persons displaced by disaster, and the inclusion of environmental displacement in regional forced migration instruments.

### **Internal movement**

As noted, most environmental mobility takes place within a State. The Guiding Principles on Internal Displacement are widely recognized as providing a soft law foundation for the protection of the rights of the internally displaced.<sup>25</sup> Persons forced to leave their homes because of “natural or human-made disasters” are expressly included in the Principles’ definition of IDPs (OHCHR, 1998). The set of rights identified in the Guiding Principles are impressive, but the document is non-binding. Importantly, the African Union has adopted a convention that establishes State obligations along the lines of the Guiding Principles (Kampala Convention) (see article 4(3) dealing with specific obligations relating to natural disasters).

The “cluster system,” under OCHA’s aegis, includes a protection cluster that is mobilized in large emergencies, including natural disasters. There are also clusters that address other relevant issues related to disaster displacement, including camp management, coordination and early recovery.

A useful role for the international community would be to continue to affirm the importance of the Guiding Principles and to seek to move them in the direction of hard law, either through the adoption of additional regional agreements like the Kampala Convention or by persuading States to

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<sup>24</sup> See (The Nansen Initiative Agenda, 2015, p. 46).

<sup>25</sup> See also: Article 13, Universal Declaration of Human Rights (1948) (“everyone has the right to freedom of movement and residence within the borders of each State”); Article 12, International Covenant on Civil and Political Rights (ICCPR) (1966) (“Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence”).



adopt them into domestic law. On the operational side, better coordination on protection in disasters under the cluster system is an issue to address.<sup>26</sup>

### **The evolving norm of *non-refoulement***

The norm of *non-refoulement* provides a central protection for refugees who would suffer a real risk of persecution or other serious harm upon return to their home States or removal to another State. Such protection has not generally been understood to extend to persons being returned to places that have not recovered from natural disasters or which are threatened with sea-level rise, desertification or other long-term deleterious climatic change.<sup>27</sup>

However, international law appears to be evolving. In a widely noted opinion, the Human Rights Committee has concluded “that without robust national and international efforts, the effects of climate change in receiving States may expose individuals to a violation of their rights under articles 6 or 7 of the Covenant on Civil and Political Rights, thereby triggering the *non-refoulement* obligations of sending States. Furthermore, given that the risk of an entire country becoming submerged under water is such an extreme risk, the conditions of life in such a country may become incompatible with the right to life with dignity before the risk is realized” (*Teitiota v. New Zealand*, 2019, para. 9.11).<sup>28</sup>

The formalization of a norm of *non-refoulement* for environmental migrants would be a significant step for the international community to take. Difficult questions would need to be addressed, such as the kind and degree of harm that would trigger the non-return obligation and the rights and status that would pertain to persons so recognized.<sup>29</sup> That work could be undertaken in the drafting of a General Assembly resolution or in the Human Rights Council. In 2019, the Parliamentary Assembly of the Council of Europe adopted a resolution on “the status of ‘climate refugees’” that called for “specific action to be taken at local, national and international levels... [t]o develop in the asylum systems of member States and in international law protection for people fleeing long-term climate change in their native country” (Resolution 2307: A legal status for “climate refugees”, 2019, para. 5).

## **2. Assistance**

The displacement of tens of millions of persons due to sudden-onset and slow-onset environmental events imposes significant costs on States. Most of these burdens will fall on States in the Global South—States that have not been major contributors to the rise in CO<sub>2</sub> levels. For the reasons discussed above, the international community has a responsibility to assist these States and displaced persons within them.

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26 “At the country-level, leadership over the Protection Cluster in disaster situations remains unpredictable, as it depends upon an agreement between UNHCR, UNICEF and OHCHR in conversation with the UN Humanitarian Coordinator after a disaster occurs. This uncertainty over leadership often results in inadequate financing for protection-related activities for internally displaced persons” (WIM, 2017, p. 6).

27 Although “legal scholars and texts had long pointed to the capacity of the principle of *non-refoulement* under human rights law to protect people in this context.” (McAdam, 2020, p. 709 (citing sources).

28 See also (Schloss, 2021).

29 See (Kälén & Schrepfer, 2012) for a discussion of these issues and the proposal of a “returnability” test.

The international community contributes substantially to relief efforts following natural disasters, through funding to multilateral organizations and NGOs and bilateral assistance to affected States. Nonetheless the needs of displaced persons and hosting communities far outstrip the funding provided. In 2019, funding covered only 64% of the \$30.4 billion in needs identified in UN-coordinated humanitarian appeals,<sup>30</sup> and global humanitarian assistance fell by \$1.6 billion from 2018 levels (Development Initiatives, 2020a). (These are pre-COVID statistics, with the pandemic plainly increasing needs and decreasing international funding for relief.)

There are two potential types of adaptation programs that could be funded in slow-onset situations: (1) those designed to help people remain in place despite slow-onset effects of climate change; and (2) those designed to facilitate migration-as-adaptation when moving is the best solution. Funding for such programs is difficult to track but appears to be scarce. The Adaptation Fund established by the UNFCCC is under-funded relative to projected need in both categories. Although some funded programs refer to migration or displacement as an issue, they tend not to focus directly on these phenomena. A Cook Island program funded through the Adaptation Fund, for example, aimed to improve integrated water security management planning and implementation and revitalize agricultural production systems. Only a close reading of the proposal revealed concerns about emigration. Moreover, organizations such as IOM and ILO, which are aware of the adaptation potential of migration, tend not to prioritize operational programs to achieve this end. Rather, they tend to focus on capacity-building to enable States to respond effectively to the needs of those uprooted by the slow-impact processes of climate change.

Assistance efforts for environmental displacement and migration as adaptation could be aided by a better structuring of the international effort, perhaps best accomplished at the regional or sub-regional level. The Global Compact on Refugees provided for the creation of “support platforms” for displacement situations, to be made up of members of the international community and regional actors. Support platforms have been established for Mexico and Central America, the Horn of Africa, and the Afghan refugee situation. According to UNHCR, “[t]he Support Platforms create the necessary momentum to redefine the way in which the international community as a whole responds to the most protracted and complex refugee situations” (UNHCR, 2020b). Their functions include: “(i) galvanizing political commitment and advocacy for prevention, protection, response and solutions; (ii) mobilizing financial, material and technical assistance, as well as enhancing resettlement and complementary pathways; and (iii) facilitating coherent humanitarian and development responses” (*ibid*).

The support platform model could be expanded to include situations of environmental displacement, both cross-border and internal to an affected State. Platform activities could go well beyond response to displacement emergencies, including (1) development aid to hosting communities, (2) work on solutions to protracted displacement situations, and (3) assistance for other forms of migration and planned relocation in anticipation of future harm, rather than in response to already dire conditions.

### 3. Urban policies

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<sup>30</sup> These appeals seek funding for needs beyond those arising from displacement. “In 2019, an estimated 215.6 million people living in 69 countries were assessed to be in need of humanitarian assistance” (Development Initiatives, 2020c).

Most environmental mobility will produce movement of persons to urban areas, although some environmental events and trends—such as sea-level rise and heat—will cause persons to leave cities. The number of persons moving is likely to be large. As noted above, a World Bank study of six regions estimates that by 2050 up to 216 million may move within their home countries, largely to urban centers, due to the impacts of climate change (World Bank, 2021). Environmental migration, however, will constitute only a small proportion of overall urban growth. For example, the population of African cities is estimated to increase by nearly one billion persons by 2050, but less than 10% of that growth is likely to be from migration due to climate conditions.<sup>31</sup> This suggests that efforts to assist environmentally mobile persons might usefully be folded into broader programs to meet the needs of the urban poor (e.g. housing and improving public services such as sanitation), as well as planning for growth in a manner that protects developing areas environmentally at risk. These kinds of policies, going beyond humanitarian assistance for the forcibly displaced, would require engagement of development actors and take into account the needs of migrants and those who are relocated.

## **SOLUTIONS**

Displacement and migration due to environmental events can be of short duration. Waters may recede; the damage of storms and earthquakes may be cleared away. But disasters can do damage that takes many years to overcome or that can never be remedied. And slow-onset events (e.g. sea-level rise, desertification) may render areas forever uninhabitable. In these situations, displacement can be protracted, and ultimately solutions will need to be found: eventual return to the place of origin, emplacement in the hosting community or movement to another location for permanent settlement.

Experience from protracted refugee and IDP situations shows that solutions are difficult to achieve for a number of reasons (High Level Panel on Internal Displacement 2021). These include the opposition of hosting communities and the difficulty of identifying other resettlement areas, as well as the long-term continuation of conflict and violence. But solutions for migration and displacement due to environmental causes may be more readily available. While long-standing internal displacement of millions of persons is present in a number of countries (including Colombia, the Democratic Republic of Congo, Somalia and Yemen), these situations result from conflict and violence that prevent safe return home; there may be fewer barriers to return (except in situations of permanent—or repeated—inhabitability), in situations of environmental displacement. Furthermore, because most movement will be internal, local settlement in host communities is likely to be more feasible than it would be for displaced persons located outside their States of origin.

The international community should play an active role in the development and implementation of solutions (see OCHA, 2004, principle 28-30). Some of this work has already been done: the Inter-agency Standing Committee (IASC)'s Framework on Durable Solutions for Internally Displaced Persons (2010) sets out useful guidance on solutions for conflict and natural disaster IDP situations. So too is the guidance on internal planned relocations in the context of disasters and the effects of climate change.

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<sup>31</sup> See (Tacoli et al., 2015).

Similar policy guidance—combined with existing solutions standards for refugees—could be developed for cross-border situations. Such guidance could include templates for national legislation that regularizes the status of environmental migrants unable to return to their States of origin as well as strategies in situations where the existence of the home State is under threat (including migration agreements).<sup>32</sup> As ever, funding will be a crucial element of a successful solutions. A global platform of the kind described in greater detail below could be a source of funding and other support for national and regional solutions programs.

## Institutional Development

The final element of international responsibility is to empower existing institutions, or to create new norms and institutions, to enable the international community to meet the other identified responsibilities. The question of institutional design should begin with specification of the functions that should be assigned at the international level. The previous discussion suggests a number of such functions, including:

- Support for comprehensive data production and analysis (on such topics as predicted environmental events and trends, movement of persons, impacts on urban areas);
- Promotion of integration of displacement considerations into disaster preparedness strategies, and development of adaptation and resilience strategies in the country of origin (GCM, 2018, para. 18(j));
- Support for cooperation among States “to prepare for early warning, contingency planning, stockpiling, coordination mechanisms, evacuation planning, reception and assistance arrangements, and public information” (*ibid*);
- Formalization/assistance in implementation of Planned Relocation guidelines;
- Fostering and implementation of “effective practices” identified by Nansen Initiative Protection Agenda;
- Assistance in harmonization and development of approaches and mechanisms at regional and sub-regional levels “to address the vulnerabilities of persons affected by sudden-onset and slow-onset natural disasters, by ensuring that they have access to humanitarian assistance that meets their essential needs with full respect for their rights wherever they are” (GCM, para. 18(k));<sup>33</sup>
- Development of a relevant norm of *non-refoulement*;
- Crafting of guidelines on durable solutions;
- Support for urban policies that would include populations displaced to urban areas, in

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32 See, for example, the Pacific Climate Change and Migration Project, which is funded by the European Union, implemented by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), the International Labour Organization (ILO) & the United Nations Development Programme (UNDP) with the aim of addressing the migration of Pacific Islanders in response to climate disaster (ESCAP, n.d.).

33 See also, (para. 23): “We commit to respond to the needs of migrants who face situations of vulnerability, which may arise from the circumstances in which they travel or the conditions they face in countries of origin, transit and destination, by assisting them and protecting their human rights, in accordance with our obligations under international law.”

particular housing and public services;

- Funding for prevention and adaptation, response and solutions;
- Drafting of principles or templates for bi-lateral and regional agreements and national laws (on migration, free movement, access to territory and regularization of status); and
- Compilation and sharing of “best practices”.

Four central points about this list. First, it is long. This is a strength, not a weakness. It makes clear the numerous ways that the international community can, and should, fulfill its responsibilities to persons displaced, or threatened with displacement, due to environmental events and climate change. Making progress on the identified tasks would be a major step forward in preventing and responding to environmental mobility and protecting the rights and meeting the needs of those displaced.

Second, the functions identified fall across the mandates of a large number of multilateral organizations and within the activities of various ministries within States. Helping people stay home through better prediction, preparedness and adaptation is the work of the climate change, development and disaster risk reduction communities; responding to the needs of displaced persons involves humanitarian and human rights agencies and actors crafting urban policy; the implementation of solution strategies is the work of humanitarian, peace-building, development and human rights actors. A similar array of functions and organizations occurs at the regional and sub-regional levels.

Third, many of the functions identified are already within the work plans of a number of international organizations and initiatives, including the PDD, the WIM Task Force, UNHCR, IOM, the UN Migration Network, OHCHR and the ILO. Progress is being made on a number of core issues.

Fourth, success on all fronts requires more resources—for international and regional organizations, States, and local organizations.

There are a number of models through which more coherent global governance on environmental mobility could be established. Three general categories are covered in this report: (1) models for strengthening **coordination** among the large number of agencies that are currently involved in environmental mobility activities; (2) a **multi-stakeholder body** that develops comprehensive strategies and guidance, suggests norms/templates, funds projects by States consistent with strategy and; (3) models that grant **lead-agency** responsibility to one international organization to address comprehensively the protection and assistance needs of affected populations and communities.



## COORDINATION MODELS

The central problem at the global level is a fundamental lack of coordination among the multitude of actors seized with the issue of environmental mobility.<sup>34</sup> This state of affairs makes comprehensive planning difficult, misses potentially powerful synergies, fails to share lessons learned among actors, renders norm development less likely, and produces inadequately resourced activities at all levels (PDD, 2018). Improving coordination requires a “networked approach” that enables interdependent organizations to work together towards the same objectives.

### 1. High-level operational coordination: OCHA model

A coordination mechanism could be modeled on the Office for the Coordination of Humanitarian Assistance (OCHA), which is headed by the Under Secretary General for Humanitarian Affairs (USG) who also serves as the Emergency Relief Coordinator (ERC). As an Under Secretary General, the ERC has direct access to the Secretary General. OCHA has headquarters in New York and Geneva, where most of the key humanitarian offices are located, and has regional offices and field operations in 30 countries around the world. Its aim is to “expand the reach of humanitarian action, improve prioritization and reduce duplication, ensuring that assistance and protection reach the people who need it most” (OCHA, 2018, p. 9). OCHA is not operational in terms of direct delivery of humanitarian aid. Rather, it describes itself as “an honest broker, facilitator, thought leader and global advocate, providing support to the humanitarian system” (*ibid*, p. 7). OCHA oversees humanitarian financing through a Consolidated Appeals Process through which all participating agencies submit budget requests for complex humanitarian emergencies in designated countries. The USG also manages the Central Emergency Revolving Fund (CERF) as well as the Country-Based Pooled Funds (CBPF) that allow donors to pool contributions into a single, unearmarked fund used to support local humanitarian efforts.

As ERC, the USG leads the Inter-Agency Standing Committee (IASC), which includes nine UN organizations in addition to OCHA,<sup>35</sup> as well as standing invitations to other international and nongovernmental organizations that respond to humanitarian crises to participate. These include the ICRC, IFRC, OHCHR, the Special Rapporteur on the Human Rights of IDPs, the International Council of Voluntary Agencies and InterAction. The IASC performs a number of functions, including the development of humanitarian policies; taking steps to define a clear division of responsibility for various aspects of humanitarian assistance; identification of gaps and ways to address them; advocacy for effective application of humanitarian principles; dispute resolution; and designation of country-level Humanitarian Coordinators. The “cluster approach” is an important part of the

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34 As early as 2014, there have been discussions within the UNFCCC process for establishment of a climate change displacement coordination facility. Nepal, on behalf of the least developed countries, floated the idea of such a mechanism, suggesting it would “provide assistance to people displaced by the impacts of climate change” (LDCG, 2014). The mechanism’s functions would include establishing measures for emergency relief, assisting in organized migration and planned relocation, and crafting procedures for coordinating compensation measures for those who were displaced by climate change. During the run up to adoption of the Paris Accords, the contours shifted and the parties to the UNFCCC established the less operational Task Force on Displacement described above.

35 These are FAO, IOM, UNDP, UNFPA, UNHABITAT, UNHCR, UNICEF, WFP and WHO.

coordination function. The clusters include UN and non-UN humanitarian organizations active in each of the main sectors of humanitarian action (e.g., water, health, camp management, shelter, protection).

The IASC brings together agencies from within and outside the United Nations to develop joint policies and procedures. The cluster approach organizes responses by sector, generally with one UN agency given lead responsibility to ensure a coherent response. Not without its hiccups, the cluster approach has led to more predictable action, identification of gaps in humanitarian responses and ways to fill them, stronger partnerships between UN and other humanitarian organizations, and smoother process and higher quality proposals for raising funds for humanitarian operations. On the other hand, the cluster approach has, in some cases, led to the exclusion of national governments and local civil society from decision-making and implementation of humanitarian programs.

For environmental mobility, this model could take the following form: (1) appointment of an Under Secretary General for Environmental Mobility; (2) establishment of a policy unit reporting to the Under Secretary; members of the policy team could be drawn from UN agencies or liaise with relevant agencies (and States and civil society); (3) creation of a steering committee made up of relevant UN agencies (and perhaps States and civil society) that would support operational activities, such as DRR work and response to emergencies and slow-onset events; and (4) establishment of a fund for the work of the various units and to support regional and State efforts. The Under Secretary could be charged with developing a comprehensive plan for prevention, response and solutions, based on a review of existing gaps and overlaps in agency mandates and activities. Additional functions could include: norm development, data production and analysis, and the drafting of templates for regional and bilateral agreements. These could either be performed in a newly established Under Secretary office or by agencies already at work on these issues.

To avoid creation of another Under Secretary, the functions identified above could be added to the ERC's (and OCHA's) responsibilities. The USG for Humanitarian Affairs could address the protection and assistance needs of those most vulnerable to climate and other environmental drivers of mobility. The operational agencies that respond already to displacement and migration (for example, UNHCR and IOM) are already part of the IASC. However, the IASC would need to be broadened to include the UNFCCC, UN Environment Programme, UN Office for Disaster Risk Reduction (UNDRR) and other agencies that can bring a deeper understanding of environmental drivers of mobility as well as the prevention, mitigation and adaptation measures needed to help people remain in place. Since labor migration and planned relocation are important pathways to safety for many of those experiencing climate drivers, ILO would be a useful addition. Alternatively, a separate UN-wide coordination structure could be established to focus exclusively on environmental drivers and the impacts of climate change on human mobility. It would help coordinate the multiple actors and issues that require international attention.

The OCHA/IASC model holds promise as a way to address displacement and provide operational support to efforts to prevent, respond and find solutions in emergency contexts. It would, however, mean a significant expansion of OCHA's humanitarian mandate, as it is not currently focused on the root causes of environmental mobility, disaster risk reduction and adaptation, planned relocation, or climate-driven migration. Even in the context of acute climate-related events, weaknesses in the current approaches would need to be addressed, particularly in strengthening the protection

of displaced persons. Furthermore, the IASC does not include State members, which will be crucial actors in the forming and funding of comprehensive strategies.

## **2. Policy coordination among equals**

### **UN Network on Migration (UNNM) model**

The UN Network on Migration (UNNM) provides an alternative coordination structure. As noted above, UNNM is charged with fostering system-wide support to States in implementation of the GCM.

The UNNM operates under Terms of Reference mutually agreed upon by its members and approved by the Secretary General. The Director General of IOM serves as the UNNM official coordinator. Managing day-to-day functioning is the responsibility of the Network's Head of Secretariat. The secretariat has 18 staff, some of whom are seconded or hired from UN agencies; others come from outside the UN system. An Executive Committee constituted by nine UN organizations is charged with providing overall guidance to the work of the Network, setting strategic priorities to support Member States in the effective implementation of the GCM, and supporting follow-up and review, including in the International Migration Review Forum established in the GCM. More than two dozen other UN agencies, offices, departments and units are members of the Network. The Network operates on a consensus basis. It develops key messages and joint positions for the UN system. It does not oversee operations.

The Secretariat of the Network also serves as Secretariat of the Start-Up Fund for Safe, Orderly and Regular Migration (or Migration MPTF), called for by the GCM. A Steering Committee, constituted by 12 representative members (origin States and destination/donor States, UN agencies and civil society), funds projects proposed by regions and countries that further implementation of the GCM.

This model of coordination could be adopted for environmental mobility by creating a network of agencies working on environmental mobility, governed by an Executive Committee and Secretariat. The Network would agree upon a comprehensive approach to environmental mobility and establish working groups, made up by UN agencies, with perhaps State and civil society members, to pursue key elements of the approach. The Network could also manage a "pooled fund" (which would have to be raised) that would support projects from regions and States consistent with the Network's priorities.

### **Joint United Nations Programme on HIV/AIDS (UNAIDS)**

UNAIDS was founded through a resolution of the Economic and Social Council (ECOSOC) at the recommendation of a UN Interagency Working Group on HIV/AIDS. UNAIDS provides the "strategic direction, advocacy, coordination and technical support needed to catalyze and connect leadership from governments, the private sector and communities to deliver life-saving HIV services" (UNAIDS, n.d.). The organization leads the effort, as part of the Sustainable Development Goals, to end AIDS as a public health threat by 2030.

UNAIDS is led by a Programme Coordinating Board (PCB) that includes representatives of 22 governments from all geographic regions, ten UN agencies (“co-sponsors”)<sup>36</sup>, and five representatives of nongovernmental organizations (NGOs), including associations of people living with HIV. It has offices in 70 countries; 70% of its staff is based in the field. A priority of the organization is to empower people living with HIV/AIDS to be involved in all aspects of designing, delivering, and monitoring the AIDS response.

The Spectrum and Estimation and Projection Package (EPP) is a major UNAIDS project, assisting States to estimate and project the course of the HIV epidemic in their countries. EPP development has been funded by the US, the Bill and Melinda Gates Foundation, WHO, UNICEF, UN Population Division, UNFPA and others.

More than a decade ago, UNAIDS was recognized as a possible model for a multi-sectoral response to climate migration (McAdam, 2011a).<sup>37</sup>

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To fully meet the responsibilities of the international community, a coordination model would need to address all phases, from prevention to solutions, and types of mobility (migration, displacement and planned relocation). Hence, regardless of what form a coordination system takes, it will need to go beyond a response-focused approach to environmental mobility and provide leadership on climate mitigation, disaster risk reduction, adaptation, emergency preparedness and planning and other activities designed to enable people to remain in place. It will further need to address voluntary migration as adaptation and other forms of migration through safe, orderly and regular channels. This means active involvement of the UNFCCC, UNDP and UNEP on the mitigation and adaptation front, UNDRR and UNDP on disaster risk reduction, and a broad range of development agencies in providing alternatives for climate-affected populations.

To be successful, coordination approaches require strong ties among the participating organizations. As described in a study of networked governance in the EU for crises: “Typical mechanisms to strengthen these ties include the increase of ‘compatibility,’ establishing communication across institutional boundaries, creating coordinating bodies, and organizing exercises that induce cooperation and build trust” (Boin et al., 2013). An important question is, given the number and variety of agencies currently engaged on issues relating to environmental mobility, whether such communication and trust can be readily established.

A second concern that a coordination model must address is the brute reality that it depends on the willingness of member agencies (and other parties) to make it work. Typically, agencies in the UN system are primarily interested in pursuing their own agendas, answering to their governing bodies,

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<sup>36</sup> The original co-sponsors were the members of the Interagency Working Group (UNDP, WHO, UNICEF, UNFPA, UNESCO and the World Bank). Subsequently, UNHCR, WFP, UNODC, ILO, and UN Women joined as co-sponsors.

<sup>37</sup> “At a meeting of UN agencies, international and local non-governmental organizations (NGOs) in Fiji on climate change and human security in the Pacific in 2008, there was a strong sense that the cross-cutting and global nature of climate change impacts on human rights and human security required a multi-sectoral response. One suggestion was that an agency structure like that of UNAIDS might be appropriate—namely, one that made full use of UN expertise across its associated organizations to create a coordinated global response” (p. 51).

funding sources, and stakeholders. That is, they will permit themselves to be “coordinated” only if they perceive such coordination as furthering their priorities, or if they are commanded to do so by a higher authority. Given the huge range of interests and priorities among the relevant actors, it would seem that the second alternative would be necessary. For example, while UNAIDS is viewed as largely successful, the principal UN agencies tasked with co-sponsoring UNAIDS can view it as a competitor, acting to redirect funding from them to other entities and itself (Graham, 2016). This problem is exacerbated by the very donors who pushed for better coordination at the same time they encourage individual agencies to augment their activities, even when they are not the most appropriate agencies to pursue them (Graham, 2016; Piot, 2012).

Having studied a variety of similar coordination mechanisms, Graham identified a number of pre-conditions that would apply to a coordination model for environmental mobility. These include: (1) consistency of member States in what they propose and how they act across governance forums; (2) buy-in from the agencies to be coordinated—Graham notes that coordination mechanisms initiated by the entities to be coordinated were generally more effective than those imposed by donor States; and (3) making funds available contingent on international organizations’ consultation and collaboration even if this means fewer programs and longer timeframes to develop them (Graham, 2016).

## **MULTI-STAKEHOLDER PLATFORM**

There are several relevant models for multi-stakeholder organizations (or “platforms”), constituted by UN agencies, States and civil society. These organizations may generate and analyze data and supply information and advice to States and regions and may also provide funding for State programs.<sup>38</sup>

### **1. Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund)**

The Global Fund is a multi-stakeholder platform that provides funding to States and communities to prevent and respond to HIV/AIDS, tuberculosis and malaria. The Fund allocates support by country. Each country, through a Country Coordinating Mechanism (a national committee with multi-sector representation), develops funding requests for eligible programs (The Global Fund, n.d.a.). The Fund currently raises and invests nearly US \$4 billion a year. It provides 21% of all international funding for HIV/AIDS, 73% for tuberculosis and 56% for malaria.

The Global Fund reports its establishment as follows:

The idea was discussed at a G8 summit in Okinawa, Japan, in 2000. The real commitment began to coalesce at the African Union summit in April 2001, continued at the United Nations General Assembly Special Session in June of that year, and was finally endorsed by the G8 at their summit in Genoa, Italy, in July 2001. A Transitional

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<sup>38</sup> These examples are not exhaustive. Aspects of the work of the Global Forum on Migration and Development, a State-led process of consultation with a strong civil society, business and international organizations, Alliance 8.7, which brings together actors at all levels to collaborate, strategize, share knowledge and ultimately accelerate progress on human trafficking, and the Global Platform on Disaster Risk Reduction are relevant.



Working Group was established to determine the principles and working modalities of the new organization, and the Global Fund came into being in January 2002 (The Global Fund, n.d.b.).

The Fund, based in Geneva, is managed by an Executive Director and has a staff of 700. It is governed by a Board with twenty voting members, equally representing implementing States and donors, and includes NGOs, affected communities, the private sector and private foundations. Non-voting members include WHO, the World Bank, and other donors.

UNAIDS and the Global Fund seek to align their work, and they have operated under a Memorandum of Understanding for a number of years affirming their “mutual intention to collaborate to strengthen the global response to the HIV/AIDS epidemic and to accelerate progress towards impact on the epidemic” (UNAIDS & The Global Fund, 2008, p. 4). In 2019, the organizations signed a new strategic framework of enhanced cooperation toward advocacy, data collection, information sharing and strategic decision-making.

## **2. Platform on Disaster Displacement**

The PDD is a State-led body that operates outside of the United Nations but in close cooperation with UN and other international and regional organizations. It is governed by a Steering Group that consists of 15 to 20 States and the European Union, represented through their Permanent Missions in Geneva. UNHCR and IOM are standing invitees to the Steering Group.<sup>39</sup> The PDD has also organized a “Group of Friends” to increase outreach to additional States, and it has established a large Advisory Committee of international and regional organizations, civil society stakeholders and academic experts (PDD, n.d.). A small Secretariat is responsible for day-to-day management.

The PDD has adopted a work plan (2019)<sup>40</sup> based on its four major priorities for 2019-2022:

- To support integrated implementation of global policy frameworks on human mobility, climate change action and disaster risk reduction that are relevant for disaster displaced persons;
- To promote policy and normative development to address gaps in the protection of persons at risk of displacement or displaced across borders;
- To facilitate exchange of knowledge and strengthen capacity at the national and regional levels to implement effective practices and instruments that can prevent, reduce and address disaster displacement; and
- To strengthen evidence and data on disaster displacement and its impacts.

While many of the PDD’s projects are regionally focused at present, they hold potential for identifying more broadly applicable policy and legal frameworks. Examples are its support for developing a Regional Human Mobility Framework and/or Guide in the Pacific and its project on the

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<sup>39</sup> The current members of the Steering Group are: Australia, Bangladesh, Brazil, Canada, Costa Rica, European Union, Fiji (Chair), France (Vice-Chair), Germany, Kenya, Madagascar, Maldives, Mexico, Morocco, Norway, Philippines, Senegal, and Switzerland.

<sup>40</sup> The work plan was drafted by the PDD Secretariat, in consultation with the Advisory Committee, and approved by the Steering Committee.

potential for a Free Movement of Persons Agreements to address disaster displacement in Africa. It is also helping to develop guidance on important global issues, such as the application of international standards in nexus situations where climate change and disasters interact with conflict and violence. PDD's work in building capacity of States to implement more effective programs is also a strength.

The PDD is less focused on slow-onset processes that result in anticipatory migration and planned relocation, except as seen through the prism of displacement prevention. The PDD has no operational role.

### **3. WIM Task Force on Displacement (Task Force)**

The Task Force came into being following a request by the COP in 2015 that the WIM Executive Committee establish one “to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change” (PDD, 2018). The Task Force is composed of 14 members, drawn from UN agencies, NGOs, the PDD, four representatives from the Executive Committee of WIM and a representative from each of the UNFCCC's Adaptation Committee, Least Developed Countries Expert Group, and Youth NGOs constituency group. The Task Force makes recommendations to the WIM Executive Committee, which can transmit them to all UNFCCC parties.

The Task Force has developed a multi-year plan of action, which includes the mapping of State policies and the inclusion of displacement in National Adaptation plans and Nationally Determined Contributions, synthesis of knowledge on slow-onset displacement, mapping mandates within the UN system, and analysis of data on climate-related displacement and the risk of displacement. The Task Force draws on a roster of experts and encourages other stakeholders to share data and analyses on the impacts of climate change on human mobility.

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These three entities represent variations on a multi-stakeholder model. Although established under differing authorities, the membership of each includes States, UN agencies and NGO representatives. The Global Fund also includes the private sector and foundations. Rather than coordinating the work of a number of agencies and organizations, these bodies seek to provide information, analysis and recommendations or funding to States on topics within their remit. None is operational. Due to inclusive memberships, expertise and a service-oriented approach, they appear to have garnered trust and respect from the States, organizations and communities with which they interact.

The establishment of a multi-stakeholder platform for environmental mobility would require an authorizing body or bodies (the Secretary General, a group of States and organizations, a “parent” UN agency) to develop Terms of Reference that fix its membership, governance, staff structure and principal functions. To aim for a comprehensive approach, the platform would take on the functions identified above—excluding perhaps direct operations in the field. It would draw from UN agencies already concerned with environmental mobility and also from other organizations, such as the PDD, Task Force, UNNM and regional organizations. The inclusion of civil society, the private sector and foundations among the platform's membership would contribute to a diversity of viewpoints beyond that of existing models.

## LEAD AGENCY MODEL

Empowering a lead agency—on its own or within a network—with responsibilities for addressing the full range of issues related to environmental mobility is a final possible model. This model has long characterized emergency responses: “lead agencies’ for crisis management...impose control on network elements to enhance coherence of the system and maintain efficiency. This model is often thought to facilitate a decisive response to large-scale disasters as it limits the number of actors that have a final say over the use of capacities” (Boin et al., 2013). This does not mean that the lead agency would carry out all functions required to manage environmental mobility from prevention to solutions. Rather, it would mean that it would have the responsibility for ensuring that such functions are carried out, performing them itself if no other agency is willing and able.<sup>41</sup>

Rather than discuss this model in the abstract, it is better to look at what agencies in the UN system might be able to take on the functions identified above. Two existing UN institutions stand out as potential lead agencies for environmental mobility: the UN High Commissioner for Refugees and the International Organization for Migration. Each has both policy and operational experience with regard to mobility; each promotes approaches that range from prevention to solutions, although the likelihood of achieving success at each stage varies; each has emphasized the importance of data and analysis, building their own capacities for an evidence base in support of their work; each has taken leadership within the networks discussed in the previous section; each promulgates guidelines and identifies effective practices for States and other actors; and each has been involved in a range of initiatives aimed at improving responses, including the Nansen Initiative/PDD; MICIC, Planned Relocation guidelines and toolkit, and drafting of bilateral and regional agreements. They differ, however, in their strengths and weaknesses related to many of these issues and, importantly, in the depth of their institutional expertise and experience with climate mobility issues.

As discussed above, then-UN High Commissioner for Refugees, Antonio Guterres, now Secretary General, broached the idea of UNHCR taking on greater responsibility for protecting and finding sustainable solutions for persons moving in the context of environmental change (Guterres, 2011). However, he was rebuffed by member States of its Executive Committee.

But the arguments in favor of such an arrangement remain powerful, particularly in relation to the protection of persons displaced by acute natural events linked to climate change. UNHCR has the operational know-how to respond in crisis situations and has a large field presence. In fact, it has responded to disaster displacement previously when these crises occurred in areas in which refugees or conflict-induced internally displaced persons were located.

The agency does not have experience, however, in helping States manage anticipatory migration, the form of movement likely to be prevalent in slow-onset processes of climate change. And, while it has a strong normative position with regards to refugees, the same cannot be said in regard to other forms of migration. Finally, there is no evidence that its governing body would be receptive to a

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<sup>41</sup> The cluster system within the OCHA/IASC model functions on the basis of lead agency. However, a weakness of that system is the limited responsibility of any one cluster as well as lack of a clear cluster lead agency for all forms of climate-related mobility.

major shift in UNHCR's mission to encompass assistance and protection for those affected by climate change and other environmental events.

IOM presents another option to be the lead agency for movements resulting from environmental drivers. As the designated coordinator of the UN Network on Migration, it works with Network members to identify priorities and opportunities for action by the Network, convening and seeking to ensure the smooth functioning of the Network capacity building mechanism (CBM); it facilitates regular interaction between the Principals of the Executive Committee of the Network, and briefs the UN system, Member States and other stakeholders on the activities of the Network; it proactively identifies funding opportunities for Network operations; and it maintains an effective Secretariat in support of the Network. IOM also plays a strong role as the cluster lead for camp management in many situations of disaster displacement. Unlike UNHCR's current role, IOM focuses on a broad range of situations in which migration takes place in the context of environmental change. It has worked on these issues for decades and more recently institutionalized this work in the MECC division and IOM Wide Institutional Strategy on Migration, Climate Change and Environment.

However, IOM has been criticized for taking on too broad a mission, partly because it is primarily funded project by project. Perhaps of greatest concern, IOM does not have a strong normative mandate underlying its work. Unlike UNHCR, IOM has no convention obligations—although the gap may be closing with IOM's particular role in assisting States to implement the Global Compact for Safe, Orderly and Regular Migration's principles and commitments.<sup>42</sup>

Both agencies fit a number of the criteria listed above, including production, collection and analysis of mobility data;<sup>43</sup> promotion of cooperation among States;<sup>44</sup> crafting of relevant guidelines;<sup>45</sup> drafting of templates for bilateral and regional agreements and national laws; and compilation of effective practices. They have also taken leadership in initiatives aimed at improving protection of and solutions for migrants, displaced persons and relocated communities. In addition, both have been involved constructively in regional processes and dialogues for improving humanitarian and migration responses and have governing bodies that include the majority of States as their members. They have strong field presences as well.

For either agency to accept responsibility for additional functions related to environmental mobility would require approval of their governing bodies. For UNHCR, this is technically the General Assembly—although UNHCR's Executive Committee, made up of nearly 100 States, would first need to indicate support for this increase in mandate. IOM's Governing Council would be the approving body.

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<sup>42</sup> This is not to say that there is no skepticism about IOM's protection role. See Goodwin-Gill (2019).

<sup>43</sup> For example, see (UNHCR, n.d.-c.; Migration Data Portal, n.d.; IOM, n.d.).

<sup>44</sup> See work on the Global Compact on Refugees (UNHCR) and Global Compact for Safe, Orderly and Regular Migration (IOM) as well as venues such as the annual UNHCR's Dialogue on Protection Challenges (n.d.-d).

<sup>45</sup> See UNHCR's considerable body of guidance to States regarding protection and assistance to refugees, including its recent legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters (UNHCR, 2020a).

## **Recommendation: Establishment of a Multi-stakeholder Platform for Environmental Mobility**

Of the various models examined in this section, it appears a multi-stakeholder platform would be best suited to fulfilling the responsibilities of the international community for responding to environmental mobility. The central functions of such a structure have been identified above: (1) mapping activities and responsibilities at the UN and global level; (2) developing a comprehensive and coherent approach to environmental mobility; (3) assisting regions and States regarding prevention, DRR, planned relocations, data, monitoring, evaluation; (4) developing norms and template agreements; and (5) sharing best practices. The platform would not conduct field operations; existing organizations and structures (including UNHCR, IOM and OCHA/IASC) could continue to offer assistance and protection to displaced persons and returnees. A diverse membership for the platform—drawn from States, UN agencies, civil society, the private sector, affected populations, and foundations—would provide expertise and knowledge and strengthen the institution’s legitimacy. Establishment of a fund to accompany the platform would be crucial to its success, both to support the activities and to permit support for the efforts of regions and States consistent with the platform’s aims and priorities.

A coordination model, as described above, is not likely to produce the synergies necessary for comprehensive action across a wide range of fields and issues. And a “lead agency” model would add functions not deemed central to the agency’s mandate and is likely to spark turf battles. This is not to suggest that improvements in coordination and a strengthening of operational capacity in institutions such as UNHCR and IOM are not needed. Rather, a multi-stakeholder platform holds the potential to jumpstart both processes by providing a venue for promoting effective coordination and funding to strengthen capacity for addressing environmentally-induced mobility within the leading operational agencies.

An important issue for such a platform would be the source of its mandate and legitimacy. For reasons noted above, an international convention establishing the platform is unlikely. A request from the Secretary General that relevant parties jointly establish the platform would put the institution on firm footing (such was the source of the UN Network on Migration and the Global Forum on Migration and Development). So, too, would a resolution of the General Assembly. Either way, the call for the platform should include a requirement of regular reporting to the Secretary General or General Assembly. Alternatively, a group of motivated parties (States, agencies) could come together to create the platform—as was the case with the Nansen Initiative and PDD. From this source, the platform could gain legitimacy and influence through its work more than its provenance.

The platform should be guided by a steering or executive committee, with representatives from founding members and other institutions important for its functioning. A secretariat could handle day-to-day administrative matters.



## Conclusion

This study began with a recognition of the responsibility of the international community to respond to environmental mobility, understood as migration, planned relocation and displacement. While climate change is a major factor in producing displacement and the need for migration and planned relocation, it is not the only factor. The current focus on mitigating and adapting to climate change is fully justified—the future of the human species is at stake. And international responsibility is surely heightened for those impacts caused by some States and imposed on others. But there is no reason why a migration perspective should only consider environmental mobility due to climate change. Storms, floods, droughts, fires, earthquakes, tsunamis and nuclear accidents cause severe damage to vulnerable populations, whether or not caused by climate change (assuming one can know with assurance the cause). It would seem artificial, and frankly inhumane, to seek to assist those persons affected due to an increase in CO<sub>2</sub> in the atmosphere, but not those harmed by other environmental events.

Currently the international community has no coherent and comprehensive approach for fulfilling its responsibilities to environmental migrants. Activities are underway at all levels of governance, but efforts remain fragmented. Synergies and efficiencies are underexplored. The international community has constructed a landscape of silos.

Were the international community to meet its responsibilities, more people would be able to stay safely in their homes. At the same time, those who choose to move as conditions worsen would have access to orderly pathways of migration and planned relocation. The rights of those forced to move would be recognized when they cross an international border or when they remain in their home State. Prevention, response and solution would be conceived of as a continuum, not as separate activities within the province of a particular agency or agencies with action triggered only at the crisis stage. International action would supplement, not replace or pre-empt, the activities of regions, sub-regions and States.

The most efficacious route to institutional change would be the establishment of a multi-stakeholder platform of interested parties (States, multilateral organizations, civil society, migrants and displaced persons), accompanied by a multi-donor trust fund to carry out platform functions.

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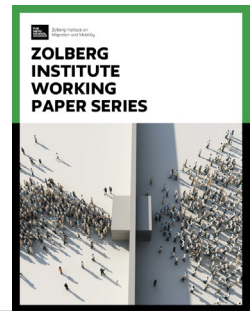
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