**Submission to the call for inputs of the Special Rapporteur on the promotion and protection of human rights in the context of climate change: “Addressing the human rights implications of climate change displacement including legal protection of people displaced across international borders”**

by the following researchers in the Environment and Migration: Interactions and Choices (EMIC) section of the UNU Institute for Environment and Human Security (UNU-EHS), Bonn, Germany:

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**A people-centred approach to climate change and human mobility**

Our contribution is guided by a people-centred perspective which has formed the basis for UNU-EHS research on human mobility for nearly 20 years. We research climate mobility with a focus on how and why people who live in areas of climatic risks decide to move or stay and the outcomes of their decisions.

Methodologically, our people-centred approach is based mostly on qualitative methods, mixed with some more quantitative methods (open interviews, livelihood histories, surveys, Q-method, agent-based modelling). We encourage the increased and widespread use of such research methodologies for understanding the interactions between climate change - including extreme weather events and climatic change - and human mobilities. We warn against an excessive reliance on purely quantitative methods that rely on existing data and don’t capture the subjective and situated human experiences of climate change and displacement.[[1]](#footnote-1)

Adopting a people-centred approach also demands recognition of the hurdles involved. An effective people-centred approach necessitates, *inter alia*, a long-term commitment to dialogue marked by careful, competent listening and communication. Additionally, people-centred approaches need to be undertaken with care, lest they disproportionately *burden* affected communities with the tasks of adaptation. In particular, care needs to be taken in how responsibilities for action are negotiated and distributed between stakeholders.[[2]](#footnote-2)

To simplify and concentrate our contribution, we identify four sets of questions in the call for inputs:

* The first question concerns identifiable examples of climate-related displacement **(Q1)**.
* A second set of questions concerns the terminology available to designate people on the move in the context of climate change **(Q2, Q7)**.
* A third set of questions concerns the legal mechanisms, policies, and practices to address climate-related displacement **(Q3, Q4, Q5)** at various scales **(Q6)**.
* A fourth set concerns the analytical and practical distinctions that may need to be drawn between different groups of people, depending on whether their potential movements may cross borders and their belonging to indigenous communities **(Q8)**.

**Experiences and examples of individuals and communities
displaced by climate change impacts**

Before outlining some of the examples of individuals and communities displaced by climate change impacts, we offer a few general considerations that are relevant to any attempt to identify such cases. **(Q1)** Great care should be exercised when attempting to identify cases of climate-related displacement based on *a priori* or superficial assumptions that a changing climate is the sole or dominant cause behind an individual’s or community’s decision to move.

Migration is an inherently multi-causal process, which means that **decisions to migrate are influenced by multiple context-dependent factors that are difficult, if not impossible, to disentangle.** Any attempt to unambiguously designate people displaced *by anthropogenic climate change* is therefore very difficult and open to contestation. Indeed, people thus designated can reject such labels, especially when they are applied by external actors with limited knowledge of the local realities.

We note that the Global South is most seriously affected by climate change impacts, including droughts, floods and heatwaves. We also note that communities across the Global North are increasingly confronted with the possibility of climate-related displacement. Additionally, we note that communities around the world are relocating or planning for relocation as a result of climate change impacts that affect their homes and livelihoods.[[3]](#footnote-3)

In practical terms, however, we recommend that, when identifying individuals and communities displaced by the impacts from climate change, **the emphasis should be on the right to self-determination**.[[4]](#footnote-4) Ultimately, human mobility involves “people’s capability to choose where to live, including the option to stay, rather than the act of moving or migrating itself”.[[5]](#footnote-5) Following this principle of self-determination, we see that some communities and leaders around the world are actively advocating for the recognition of increased displacement-risk related to climate change impacts. The communities are, to name only some, in island states such as Fiji, Kiribati, or Marshall Islands,[[6]](#footnote-6) but also Bangladesh, and the USA.[[7]](#footnote-7) Their perspectives need to be front and centre in any effort to identify examples of climate-induced displacement.

Furthermore, we note that there is a risk inherent to the identification of such examples. **The difficulty in identifying climate migration with certainty has led to a disproportionate and often mistaken focus on iconic locations.** These are localities, communities, even individuals who come to embody climate change displacement in international policy, academic, and media discourses. One thinks here of places such as the Isle de Jean-Charles in Louisiana, the relocated village of Vunidogoloa in Fiji, the Carteret Islands, or to take an individual example mentioned in the call: Ioane Teitiota. These localities or “cases” tend to attract disproportionate media, research, and policy attention. This can be positive if it serves to mobilise resources towards community-led adaptation measures. But it can also be to their detriment, when communities fail to see concrete progress in achieving their adaptation priorities, even as they expend time and effort in interactions with visitors who give little in return.[[8]](#footnote-8)

**Terminology**

The three terms identified for discussion in the call for inputs are “climate change migrants”, “people displaced by climate change”, and “climate change refugees”.

Climate migrants vs. people displaced by climate change

Focusing on the first two terms **(Q2)**, we note that the terminological distinction between migrants and displaced persons is not applied in the same way everywhere. Some use it to distinguish individuals who move across borders (migrants) from those who do not, moving only within the borders of a nation-state (displaced persons). This technical distinction is adopted, for example, by the *Secours Catholique – Caritas France.*[[9]](#footnote-9) Others operate a distinction between voluntary migration and involuntary migration, referring to the later as (forced) displacement. This is the case, for instance, of the authors responsible for reviewing the literature on human mobility and climate change as part of the IPCC WGII AR6 process.[[10]](#footnote-10)

We also note that, outside of expert circles, in the media and in public discourse, the terms migrant, displaced person, and even refugee, are often used interchangeably, with little regard for their technical or legal definitions. With this in mind, we encourage stakeholders who operate such technical distinctions to systematically make them explicit.

Climate refugees

There is a longstanding debate around the validity of the concept of “climate change refugee” **(Q7)**. From our point of view, there is currently little discernible appetite among academic, policy, or civil society actors for the inclusion of a separate category for climate refugees, as an amendment of the Geneva Convention. In line with the IPCC[[11]](#footnote-11), we acknowledge that attributable evidence of human mobility patterns to man-made climate change remains elusive. This poses a challenge for the application of any protection mechanism that relies on demonstrating individual, specific, and clearly-attributable losses from climate change impacts.

One alternative to amending the Geneva Convention would be to pursue a separate global convention, although the same issues would apply. In line with this, we note the existence of a Draft Convention on the International Status of Environmentally-Displaced Persons which could serve as a basis for discussion.[[12]](#footnote-12) Until such a convention is developed, we suggest that policies for the promotion and protection of human rights in the context of climate change focus on a range of national and regional-level mechanisms and policies.

**Legal mechanisms, policies, and practices**

Legal mechanisms

In the absence of global-level mechanisms for the protection of people displaced by climate change, we encourage **policy experimentation**. At this juncture, we recommend that a diversity of legal mechanisms be explored and piloted. This is essential to not only identify the pitfalls and promises each option may hold, but also to ensure that policymakers are presented with a diversity of options. Any given mechanism is likely to be appropriate only in some contexts, but not in others. In this spirit of experimentation, we identify the following promising pathways:

For cross-border movements

* **Humanitarian visas** **appear to be a suitable protection pathway** for people displaced in the context of climate change. Precedents for such visas exist – notably in temporary immigration relief measures by Canada and the USA, respectively following typhoons Ketsana (2009) and Haiyan (2013) in the Philippines.[[13]](#footnote-13) More recent proposals include a so-called “climate passport”[[14]](#footnote-14) and Argentinian “Special Humanitarian Visa” for people from Mexico, Central America, and the Caribbean displaced by socio-natural disasters.[[15]](#footnote-15)
* **Regional agreements that facilitate the free movement of people across borders -** such as the IGAD Free Movement Protocol in East Africa. (Another relevant effort is the Pacific Climate Change Migration and Human Security (PCCMHS) programme**.)** The flexible eligibility criteria of agreements can be designed to ensure that displaced people can move regardless of whether their displacement can be attributed to climate change with certainty. Moreover, and unlike humanitarian visas which grant permanent or long-term protection in another State, free movement agreements can facilitate temporary and circular migration patterns. This could be an advantage in some contexts, although it can also lead to limited protections for migrants in the receiving country.[[16]](#footnote-16)

While the above principally concern cross-border movement, we also identify initiatives that can be applied to internal displacement:

* **Development of national guidelines for planned relocation**. Countries that have already developed such guidelines include, for example, Fiji and the Solomon Islands.[[17]](#footnote-17)
* **Explore how extreme event attribution studies can contribute to legal cases** for financial support, compensation, and reparations following extreme events. While we recognise that drivers of migration are difficult to disentangle, attribution efforts still appear of great potential value. The World Weather Attribution initiative is one such project that has developed methods to do extreme event attribution quickly but thoroughly.[[18]](#footnote-18)

Planning and anticipation

In line with the central importance of choice in people-centred approaches to climate and human mobility, we highlight the need for planning and anticipation. The focus should be, wherever and whenever possible, on adaptation measures that increase resilience in place and reduce displacement-risk - unless the community identifies migration as an opportunity. As a last resort and when identified as a solution by affected people, participatory planning for relocation to safer areas should be initiated.

Below, we list relevant policies and practices. We are inspired here by community-led discussions on climate migration, in particular those led by the Anthropocene Alliance and Climigration network in the USA.[[19]](#footnote-19)

* **Prompt initiation of community dialogues** in areas identified as at-risk of displacement, to provide time and space for communities to weigh the different adaptation options available to them. Donors and relevant administrations should not wait for communities to face forced displacement before embarking on adaptation efforts, whether *in situ* or involving relocation. This process should give space for sharing community insights, but also provide opportunities for participants to access the external expertise they require.
* **Capacity building, training, and coordination** for the agencies facilitating community dialogues is essential. This is to ensure that community perspectives are adequately considered, and dialogue is conducted in culturally appropriate ways.
* **Support for receiving communities** is also crucial in cases where relocation to an existing settlement is deemed necessary by the departing community.
* **Prompt mobilisation of the necessary means** for action once a decision to relocate has been made is crucial.
* **Adequate financing** for such policies is essential even before natural hazards materialise and turn into disasters. **Forecast-based financing (FbF)** is a specific finance mechanism to support anticipatory humanitarian action. Based on scientific forecasts and risk analysis, FbF automatically releases funds for humanitarian actions agreed in advance. This way, FbF helps to ensure funding is mobilised before the need for financial resources becomes urgent while reducing the impact from extreme weather and associated human suffering and losses.[[20]](#footnote-20)
* **Gender responsive approaches** should be integrated into all these policies and practices, in order to not exacerbate existing gender inequalities. As a first step, this involves recognising that people of different genders have different needs and face different types of discrimination and challenges whilst on the move.

**Particular considerations for groups of people displaced by climate change**

General considerations

Human mobility in the context of climate change can take many forms and affects people in highly varied contexts. Communities and individuals facing analogous climate-related challenges may react differently. In general, we note that “people’s reasoning and decision-making leading up to their disaster (im)mobility are strongly embedded in social structures such as gender systems”,[[21]](#footnote-21) and also factors such as age, education, livelihood occupations, or patterns of land ownership. On this basis, policies to address climate displacement in context need to be sensitive to these variations both across and within communities.

Focusing on gender systems as an example, we see a scarcity of gender-disaggregated data. Going forward, stakeholders need to address this data gap to ensure that policies on planned relocation, displacement and migration are carried out in a gender-responsive manner. This is key to better respond to the needs and protect the rights of people on the move.

Specific considerations for indigenous peoples

We also consider that there are some separate and particular considerations that apply to indigenous peoples with respect to climate-related displacement **(Q8)**.

* **Indigenous groups are disproportionately affected by displacement risk.** A review of relocation projects (1970-2020) finds that about half concern groups who identify as Indigenous.[[22]](#footnote-22)
* **Displacement or relocation pose questions of cultural survival for Indigenous peoples.** Indigenous peoples have strong cultural and personal ties to ancestral lands (and seas) that are central to their social and cultural life. Attention should thus be paid, *inter alia*, to memorialisation, continued access to immovable sacred sites (including burial grounds), and continued access to traditional means of subsistence and medicine.
* **Policies and practices to address climate displacement should also be attentive to the historical, systemic inequalities that made communities vulnerable to climate impacts in the first place.** Climate change is but one way in which Indigenous lands have been stolen, destroyed, or polluted. Relocation processes, when they take place with free and informed consent, represent opportunities to correct historical inequalities in areas such as access to quality housing, exposure to environmental risks and pollution, and economic opportunity. Further, we highlight that Indigenous peoples are often subjected to racism and other systemic forms of discrimination. Policies should account for this fact, including within receiving communities.

**Conclusion**

Here, we contributed a set of four people-centred themes to support this call. First, we provided examples of climate-related displacement with the need for self-determination, showing that mobility reasons vary and climate change impacts being one of many drivers. Second, focussing on terminology, we recommend using technical distinctions to systematically make the differences between human mobility types explicit. Third, we sketch out important humanitarian considerations, anticipatory approaches, and pathways for legal consideration to support people’s adaptive capacity. Fourth, we outline the need to consider the diversity of groups most affected by climate change impacts and the risk of displacement.

**Who we are**

Environment and Migration: Interactions and Choices Section (EMIC) undertakes pioneering research to strengthen the evidence base on the multiple linkages between human mobility and environmental change. EMIC research informs policy and action of UN organizations, governments and civil society. Specific themes within the migration-environment nexus include environmentally induced migration and displacement, trapped populations, migration into risk-prone environments, and environmental impacts of migration. Cross-cutting research themes include decision-making, health, well-being, livelihoods, adaptation, risk, ecosystem services, food security, development, urbanization, gender, conflict, social cohesion and culture. An important feature of the EMIC Section is its people-cantered approach, showing the human face of climate change and migration. EMIC researchers have also played an important role in advancing the science on the emerging topic of ‘loss and damage’ from climate change. See more at: <https://ehs.unu.edu/about/departments/migration-and-environment>.

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