**Submission to the Report of the UN Special Rapporteur on addressing the human rights implications of climate change displacement including legal protection of people displaced across international borders**

**November 15, 2022**

As an organization rooted in faith, [Church World Service (CWS)](https://cwsglobal.org/) believes that all people deserve to lead lives of dignity, wherever we find ourselves. In the context of climate change, we live out our mission by increasing access to skills, information, technology, and financial resources by climate-impacted families and communities to adapt locally to climate change, reduce disaster risks, and expand safe options for human mobility.

In 2021, CWS conducted research on climate, in-place adaptation, and migration in five countries – Cambodia, Georgia, Haiti, Indonesia and Kenya – where we support local adaptation and disaster risk reduction.[[1]](#footnote-1) We conducted 211 one-on-one interviews and 26 focus group discussions, in 30 communities. Community report-back workshops were held in June 2021, to share interpretations of the data and discuss potential recommendations with respondents and local stakeholders. CWS [issued a report from the research](https://cwsglobal.org/reports/moving-towards-resilience-a-study-of-climate-change-adaption-and-migration/) in August 2021. This submission highlights findings from our study in relation to questions posed by the Special Rapporteur for their forthcoming report.

**Experiences of displacement and ‘low-agency migration’ in relation to climate change**

Human mobility is relatively common in communities where CWS works. Climate change effects – particularly through their impact on agriculture and livelihoods – are one factor in human mobility, though not the only factor. We heard a variety of mobility patterns described: short- and long-distance; circular, temporary, and longer-term migration; internal and cross-border; regular and irregular; and forced, voluntary, or “reluctant” migration, including examples where climate impacts are among the factors compelling migration into vulnerable situations.

The [IPCC’s WGII 2022 report on Adaptation](https://www.ipcc.ch/report/ar6/wg2/) describes “low-agency migration,” which occurs when climate hazards cause people to move in ways that are involuntary or with low agency. This contrasts to migration with access to support and higher levels of assets or agency, which can be adaptive. The IPCC report observes evidence of similar threats facing people, whether mobility is characterized as displacement or low-agency migration, i.e., both are “associated with poor health, wellbeing and socio-economic outcomes for migrants, and returns fewer benefits to sending or receiving communities.”[[2]](#footnote-2)

This frame of low-agency migration is relevant to the experiences shared with CWS, as climate impacts on livelihoods compel people to migrate under precarious situations, sometimes at high costs. Cross-border migration experiences included incidents of fraud, workplace abuse, harassment, detention, limited access to health care in case of accidents or sickness, and even death in transit. Internal migration experiences included economic and physical insecurities, particularly for persons working in informal sectors or who lack access safe housing.

Many people described migration as a way of coping with slow-onset climate change impacts, such as increasingly unpredictable rainfall, extreme heat, and growing water scarcity. In Cambodia’s Battambang province, farming households described how debt is becoming unsustainable because of agricultural losses from drought, or the financial costs of in-place adaptation. This compels some to migrate: “*I* *would live in Cambodia and do farming,”* described one farmer, *“but since because of debt, I have to move to work in Thailand.”* A woman in rural Georgia, whose family relies on agriculture, perceives migration as a last resort but one that she must consider given the pressures on agriculture. *“I do not see any other way. We must migrate to a* *place where we can survive and carry out the same* *activities as here.”*

In its [2021 Global Report on Internal Displacement](https://www.internal-displacement.org/publications/2021-global-report-on-internal-displacement), IDMC describes how climate change acts as a tipping point for displacement: “Climate impacts deplete the resources needed to sustain agricultural production and meet basic living standards in places with few alternative livelihood options. Over time this leads to critical thresholds at which people become displaced or forcibly immobile.”[[3]](#footnote-3) One community in Haiti described their experience along such lines: *“A lot of people* *had no intention to leave. Now they don’t find* *anything to encourage them in the area,”* shared residents of the island community of La Tortue. Given the cumulative impacts of climate change – extreme heat, unpredictable rain, increasing intensity of storms, sea level rise – mobility is seen as the only option, even with a sense of the risks involved: *“The weather* *changes cause everybody wanting to run and leave* *the country, meaning that we cross the ocean* *however rough it is, just to get out of here.”*

A few of our study respondents described adverse climate impacts as a source of subjective fear. A mother in Haiti’s northwest department explained how she felt climate change as a threat to her family, and how this affects her perceptions about migration: “*I feel changes in weather conditions here because it hardly rains… there is a lot of impact, especially on the harvests, which means there is more hunger. Adaptations are not useful at all because things are getting worse*… *The main reason I left is to search for life because misery wanted to kill me and my children. I consider the option of migration as a way to cope with change and weather. If I leave, I will find some relief*.”

In mountainous regions of Georgia, climate change is increasing already-high disaster risks. *“Of course, the danger is growing. Life in this place* *becomes more life-threatening after every rain,”* noted a woman in rural Dusheti village. The costs of disaster risk reduction and agricultural adaptation are out of reach for impacted communities: “*It* *[adaptation] is costly and family cannot afford* *without outside help. Villagers do not have enough* *resources”* described one respondent in Georgia. Another explained that without these investments, return after displacement is unlikely: “*In places where avalanches are expected,* *dams and embankments must be done. It is* *impossible to return otherwise.*”

In all these examples, in-place adaptation remains technically possible, and our study reaffirmed a strong desire to make local climate adaptation succeed. In some of our partner communities, people are already adapting agricultural practices or increasing climate resilience in other ways, with resources available and with modest external technical support, and there is keen interest for more information and especially more financial and technical resources for local adaptation and disaster risk reduction.

But given limited capacity to adapt in-place – and considering that vulnerabilities are high even before factoring in adverse climate impacts – mobility is coming to be seen, at least by some, as the only option for meeting basic needs and staying safe in the face of increasing climate risks. The IPCC WG2’s Adaptation report also notes this trend: “Involuntary migration occurs when adaptation alternatives are exhausted or not viable, and reflects non-climatic factors that constrain adaptive capacity and create high levels of exposure and vulnerability.”[[4]](#footnote-4)

**Responses to climate-related displacement and low-agency migration**

In our study, CWS heard demand for safer and more predictable pathways, and stronger institutional support for persons displaced or relocating internally. Recommendations that emerged from community validation meetings at the research include:

* MORE OPTIONS FOR SAFE INTERNAL MOBILITY, in consultation with climate-impacted communities and local governments; and increase access to decent work, safe housing, and social protections for persons migrating internally. In Georgia, an ‘eco-migration’ (i.e., internal relocation) program exists, but lacks a clear legal framework to ensure access to human rights and essential services. Establishing minimal standards for access to housing, land, water, livelihoods, and labor market integration are necessary to ensure the human rights of persons relocating internally because of increasing climate risks and limited local adaptation capacity.
* EXPAND SAFE AND REGULAR INTERNATIONAL MIGRATION PATHWAYS, for people compelled to leave their country of origin in the context of adverse climate impacts. These pathways should be more accessible and affordable for households who are already struggling with the costs of in-place adaptation and climate impacts on livelihoods. Regular pathways may include temporary residence permits, humanitarian visas and temporary protection status, and relaxed visa requirements and fees, including through regional and sub-regional agreements for the free movement of persons, and the application of human rights law standards.[[5]](#footnote-5) Employment-based pathways may also offer protection, but must ensure that migrants and displaced persons have full access to human rights in labor settings, and that temporary labor programs do not replace more comprehensive or permanent protections for displaced persons who need them.
* ACCESS TO INFORMATION, through information centers or other activities that can make available accurate, reliably sourced information about migration, including requirements for safe, regular migration. This can also include training about personal safety and rights and responsibilities in migration, across places of origin, transit, and destination.
* MIGRATION SUPPORT SERVICES such as skills training, financial and pre-departure planning; contact with consular services; border reception and safe transit assistance; communicating with and monitoring employers to ensure labor rights of migrants and displaced persons are respected; assisting migrants and displaced persons to access essential services and legal support; and providing provide information, incentives, and support to reinvest skills, savings, and remittances in climate adaptation.

These responses reflect concerns and needs shared with CWS in communities where climate vulnerability is increasing, and where low-agency migration and displacement tipping points are already a concern. In contexts where climate is a factor compelling migration across borders, these steps can make mobility more adaptive, less erosive, and reduce the prevalence of low-agency migration that is associated with threats to safety, dignity, and human rights.

**Use of refugee and asylum frameworks**

One additional legal option is to use existing asylum and refugee resettlement frameworks to extend a complementary pathway to persons who qualify based on climate-related humanitarian grounds. This would increase access to international protection in exceptional situations, in which people face threats to life, physical or psychological integrity, such as from climate-related disasters or extreme adverse impacts on livelihoods. This could apply in situations in which there is no adequate remedy in the country of origin, while also recognizing that the possibility of viable remedies increasingly depends on member states – and particularly climate-polluting countries – fulfilling their Paris Agreement commitments.

For member states that are parties to the 1951 Refugee Convention, this could be done through their own national legal frameworks, without revisiting the convention definition of “refugee”. Additionally, UNHCR’s Legal considerations paper (October 2020) provides guidance on how existing international refugee law, including the Refugee Convention as well as regional agreements, may apply to claims for international protection made in the context of adverse effects of climate change.

These existing options are only viable if member states fulfill their existing legal commitments, including the right to claim asylum, and strengthen existing institutions, including refugee resettlement. In too many countries, these crucial laws and institutions are under attack, at the very moment when greater access to international protection is desperately needed. As such, CWS encourages the Special Rapporteur to focus their diplomacy on applying and strengthening existing asylum and refugee frameworks, in ways that complement expanded use of humanitarian, migration and other mechanisms for the admission of climate-displaced persons, rather than seeking to expand definitions in the Refugee Convention itself.

END

1. CWS staff teams undertook research in Cambodia, Haiti, Indonesia, and Kenya. Study activities in Georgia were led by Rural Communities Development Agency (RCDA), a long-standing CWS partner organization. [↑](#footnote-ref-1)
2. IPCC Sixth Assessment Report: Impacts, Adaptation and Vulnerability, *Technical Summary*, TS.B.6.3, p. 52 (2022). [↑](#footnote-ref-2)
3. Internal Displacement Monitoring Centre (IDMC), Global Report on Internal Displacement 2021, p. 93. [↑](#footnote-ref-3)
4. IPCC Sixth Assessment Report: Impacts Adaptation and Vulnerability, *Technical Report*, TS.B.6.3, p. 52 (2022). [↑](#footnote-ref-4)
5. See [UN Network on Migration Guidance Note, *Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability*](https://migrationnetwork.un.org/resources/guidance-note-regular-pathways-admission-and-stay-migrants-situations-vulnerability-0), July 2021, p. 9. [↑](#footnote-ref-5)