

CSO Submission to the Task Force on Displacement

Introduction

As members of civil society engaged in displacement / forced migration, humanitarian affairs, climate change and development, we welcome the opportunity to participate in the work of the Task Force on Displacement (TfD).

Reflecting on discussions during the 14-15 May TfD stakeholder consultation meeting in Bogis-Bossey, we respectfully submit these additional recommendations for consideration by the TfD as it moves forward with its work. These recommendations are aimed at ensuring that the TfD's work (a) is objective and ambitious, (b) is sufficiently informed by and inclusive of least developed and other climate-vulnerable countries as well as communities and civil society organizations who work with them or on their behalf; and (c) remains grounded in the UNFCCC.

1. The TfD should be ambitious and forward-looking in delivery of its mandate

Overall, we believe it is the role of the TfD to provide objective recommendations based on the information, analysis and submitted views gathered. These should be ambitious, taking into account the scale of the problem now and in future, the cross-cutting aspects highlighted in the WIM's 5-year work plan (paragraph 3)¹, and should propose solutions that in principle would be commensurate to address the problem of climate change-related displacement. Whether their immediate implementation is realistic or politically agreeable is not what should define the TfD's approach and ambition. It is the role of the ExCom and the COP to figure out where the political compromises lie. Thus, if needed, the TfD might also make recommendations agreed by majority of members, which may not necessarily reflect a full consensus.

2. Suggestions for an inclusive and comprehensive engagement process

We encourage the TfD to identify measures to reach out to a broader range of stakeholders, including least developed and other climate vulnerable countries, as well as communities through members of civil society. One possibility would be for the TfD to share draft recommendations or the report from the Stakeholder Meeting with members of the Least Developed Countries Expert Group for their input and feedback.

In addition, the TfD should identify ways to ensure that its work is more inclusive of civil society groups including those from climate-vulnerable countries. At present, CSO representation on the TfD is limited to a CSO representative of the Advisory Group on Climate Change and Human Mobility, which has helped coordinate and contribute to TfD work plan deliverables. While the contribution of the CSOs has been extremely valuable, we strongly encourage the TfD to identify additional ways to reach out to civil society more broadly. The contribution of local CSOs, in particular, is valuable as they are closer to communities, especially women and

¹ <https://unfccc.int/sites/default/files/resource/docs/2017/sb/eng/01a01e.pdf>

children, and can provide concrete information on their needs and amplify community members' voices.

Broadening civil society engagement should include publishing background papers and summary presentations on the Tfd webpage from the stakeholders meeting as well as the draft report. We also recommend to hold specific regional consultations in Latin America, Africa (in French and English) and Asia, at least through virtual communication means, if physical meetings are not feasible, and offer to help with facilitating outreach to CSOs in the respective regions.

In addition, we recommend that the Tfd consider publicly releasing its draft recommendations well in advance of the next meeting of the WIM ExCom in order to provide organizations with sufficient time to prepare consolidated comments that feed into the final recommendations and the ExCom considerations. We stand ready to work with the Tfd on a CSO outreach strategy.

3. Human-Rights based approach and people-centered

The impacts of climate change-related adverse effects threaten to violate a range of human rights. Most at risk are impoverished communities in developing countries who bear little responsibility to cause the crisis. It is therefore fundamental that the approaches adopted to address the impacts vulnerable communities face due to climate change are grounded on human rights principles, including public participation, free, prior and informed consent, and nondiscrimination, and are gender-sensitive and holistic.

In response to permanent and irreversible loss and damage, measures of planned relocation when necessary as a last resort, must take into account that the rights of affected communities are respected and they are involved in each and every stage by practising the principle of free, prior and informed consent. Additional human rights principles and guidelines that respect the human rights of communities faced with planned relocation should be taken into account including the *Peinciples on Planned Relocation within States*.²

4. Integrate Gender Equality

It has been well documented that climate change impacts affect men and women differently and often change household and community dynamics. Women often face a disproportionate burden of climate change impacts and particularly displacement. They either may migrate with male members of the family to stay in an insecure environment, they may face trafficking and exploitation if migrating alone, or they must be required to stay behind to live as 'trapped communities' while caring for children, and demonstrate strong leadership to counter the crisis. They endure numerous several hardships to survive and face a series of human rights violations, including violence. At the same time, they can be agents of change and resilience, and displacement are based on sound gender analysis; and empower as well as involve women

² <http://displacementsolutions.org/ds-initiatives/the-peninsula-principles/>

at all stages. The recommendations developed by the Tfd must fully integrate aspects of gender equality and a gender-differentiated approach.

5. Legal protection

According to the latest report from the IDMC, in 2017 disasters brought on by sudden-onset natural hazards forced close to 20 million people from their homes in 135 countries. Millions more were uprooted by slow-onset climate-related crises including protracted drought. Temperatures continue to rise, leading to more intense and extensive impacts in the forms of floods, droughts and storms. People forced to flee their countries due to climate change adverse effects are not included as refugees under the 1951 Refugee Convention or its 1967 Protocol. This lack of legal protection leaves those most vulnerable to climate change in a very vulnerable situation and open to human rights abuses, and without defined rights or access to basic services, safety, or security.

It is therefore the responsibility of the global community to ensure that displaced individuals and communities, particularly those who are forced to cross borders, have legal protection at national, regional and international levels and have access to basic services. Exploring legal issues and potential approaches related to climate displacement, and providing appropriate recommendations, is clearly within the terms of reference of the Tfd.

6. Legal mandate anchored in UNFCCC

The Tfd has been set up under the WIM, which is a UNFCCC established body. There are other institutions involved in the Tfd have their specific mandates, and other, potentially complementary frameworks such as the Global Compact on Migration and the Compact on Refugees are emerging. However, this per se does not affect the role of the UNFCCC in pursuing recommendations for legal solutions to the specific link between climate change and human mobility, and promoting appropriate solutions on the basis of the Convention and the Paris Agreement.

The UNFCCC must hold its specific legal responsibility for providing protection to climate-displaced communities in coordination with other UN bodies and institutions at various levels, while also working in tandem with national governments.

7. Strengthening national and regional institutions

The mandate to avert, minimize and address displacement cannot be achieved unless we have strong national and regional institutions to build resilience and provide protection and assistance to people displaced by climate change-related adverse effects. Developing countries, which have few resources and large development deficits to meet, require adequate support to strengthen their institutions so that they can sustainably and successfully carry out policy and programmatic interventions including the recommendations of the Tfd. External technical support and training can be valuable but in order to build national capacity, available resources should be invested primarily in building the capacity of these institutions through technology transfer and facilitating learning opportunities.

8. Finance

The Terms of Reference of the TfD clearly expects that measures and recommendations will be formed across all three functions of the WIM, including facilitating action and support, including finance. While the finance discussion is often contentious, the TfD has to address this issue and bring in its expertise for formulating recommendations to the COP. Furthermore, reports such as the one from the 2016 Morocco expert meeting have clearly highlighted that there are substantial financing gaps, which need to be addressed. Particular questions that the TfD should look into include:

- To what extent displacement-related approaches are already funded by existing climate finance architecture (e.g., within adaptation projects funded by the GCF, Adaptation Fund, LDCF), as well as key institutions in the migration-displacement context, and what conclusions can be drawn from those;
- Key criteria and arrangements, which need to be in place to ensure that those people and communities most affected benefit from the measures funded;
- Based on future projections on climate impacts and displacement, what information is available on potential financial needs and gaps, and what approaches should be proposed to raise additional finance to address displacement - whether temporary or permanent internal or cross border (including options for raising finance from those that particularly contribute to the causes of climate change).

Submitted by:

- ActionAid International (Harjeet Singh - Harjeet.Singh@actionaid.org)
- CARE International (Sven Harmeling - Harmeling@care.de)
- Refugees International (Alice Thomas - alice@refugeesinternational.org)