

# **Recommendations for Integrated Approaches to Avert, Minimize and Address Displacement Related to the Adverse Impacts of Climate Change:**

## **Integrating Climate Displacement Risk into National Laws and Policies**

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Refugees International (RI) respectfully makes this submission<sup>1</sup> in response to a call by the UNFCCC WIM Task Force from stakeholders for recommendations on “integrated approaches based on good practices and lessons learned, with a specific focus on the experience of developing countries that are particularly vulnerable to the adverse effects of climate change.”

### **Summary of Key Recommendations**

States are encouraged to act upon the enormous opportunities that exist to avert and minimize internal (and potential cross-border) displacement of vulnerable populations from climate change effects by adapting laws and policies to address climate displacement risk. Towards this end, the following actions are recommended:

- **Improve understanding of climate displacement risk and vulnerability, including at a local level, and develop climate displacement risk indicators based on a range of physical, socio-economic and other relevant factors.**
- **Revise disaster risk management (DRM) laws and policies to ensure that they include mandates and processes for understanding and identifying climate displacement risk.**
  - **Provide technical and scientific bodies responsible for providing weather, climate, hydrological and environmental monitoring and prediction services with sufficient human, financial and technical capacity.**
- **Use a multi-sector approach to develop strategies for mitigating displacement risk at the national and local level.**
- **Ensure that systems are in place to communicate climate hazards at the local level and empower local governments and affected communities, as well as vulnerable and disenfranchised groups, to be involved in their own risk management, including managing climate displacement risk.**
  - **Provide local governments and affected communities with sufficient human, financial and technical capacity to effectively manage climate displacement risk.**
- **Articulate institutional roles and responsibilities among governmental authorities, as well as UN agencies, for managing climate displacement risk including as relates to planned relocation within states.**

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<sup>1</sup> Portions of this submission are adapted from a draft chapter of a report prepared by Meredith Byrne, Michael Gerrard, Michelle Leighton, and Alice Thomas for the International Bar Association which is pending publication.

## I. Shifting the Point of Intervention from Climate-Displaced to Climate Displacement Risk

It is well recognized that most human mobility driven by climate change adverse effects will occur within national borders. Traditional approaches to addressing displacement within states are in many ways ill-suited to address the more complex relationship between climate change and human mobility. For example, the 1998 U.N. *Guiding Principles on Internal Displacement* (Guiding Principles).<sup>2</sup> Drawn from humanitarian, human rights, and refugee law, the Guiding Principles outline the assistance and protection obligations of national governments with respect to persons “forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of . . . natural or human-made disasters, and who have not crossed an internationally recognized state border”.<sup>3</sup> While the Guiding Principles reinforce the prohibition on forced and arbitrary displacement, they do little in the way of providing guidance in terms of proactive measures states must take in order to avoid involuntary movements arising in the context of climate change. Rather, as is the case with numerous national laws, policies and operational practices on internal displacement, the Guiding Principles are for the most part focused on responding to people already uprooted. As such, they fail to take advantage of the enormous opportunities to avert and minimize climate change-related displacement.

In order to avert, minimize, and address internal displacement and migration resulting from climate change, national governments are urged to adopt an approach that uses climate displacement risk as its starting point. It is only by focusing on climate change-related risk that national and local governments will be able to take advantage of opportunities to implement more effective displacement prevention measures. This approach is consistent with both the *Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change* (Nansen Protection Agenda)<sup>4</sup> and *Peninsula Principles on Climate Displacement within States* (Peninsula Principles).<sup>5</sup>

### A. The Starting Point: Understanding Local-Level Climate Displacement Risk

National government actions to address climate change impacts on internal displacement should take as their starting point *local-level climate displacement risk*. (“Risk” as used herein is based on the standard formulation of risk as the product of hazard, exposure and vulnerability.) This

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<sup>2</sup> U.N. High Commissioner for Refugees (UNHCR), *Guiding Principles on Internal Displacement* 22 July 1998, ADM 1.1, PRL 12.1, PR00/98/109. <http://www.refworld.org/docid/3c3da07f7.html%3E> accessed 10 May 2018.

<sup>3</sup> 1998 U.N. Guiding Principles on Internal Displacement, *Introduction*, para 2.

<sup>4</sup> The Nansen Initiative on Disaster-Induced Cross-Border Displacement, <https://www.nanseninitiative.org> accessed 10 May 2018.

<sup>5</sup> Displacement Solutions, *The Peninsula Principles on Climate Displacement Within States* (18 August 2013) <http://displacementsolutions.org/peninsula-principles/> accessed 10 May 2018.

will require an improved understanding of where, when, and why displacement occurs in relation to hazards that are linked to climate change.

Experience shows that, in general, people who are evacuated, who flee, or whose homes are destroyed due to floods, storms, and other rapid-onset, weather-related hazards are often able to return relatively quickly. The Internal Displacement Monitoring Centre (IDMC) prepares annual global estimates of people evacuated or forced to flee their homes due to rapid-onset hazards.<sup>6</sup> However, little is known about the rates of return, the duration of displacement or the patterns of movement after initial flight, and there are no global estimates for the number of people living in protracted displacement after disasters bourn of natural hazards.<sup>7</sup> Lack of information on post-disaster protracted displacement leaves “a significant knowledge blind spot that requires increased attention from governments, the U.N., the International Red Cross and Red Crescent Movement and other international and civil society organizations”.<sup>8</sup> Nor are there global estimates for people displaced by slow-onset hazards. In addition, there is little understanding of other contributing push factors in such situations despite the fact that drought and gradual environmental changes can be significant drivers of displacement and migration.<sup>9</sup>

The IPCC Fifth Assessment Report’s Working Group II on Adaptation found that structural economic causes of social vulnerability may determine whether temporary displacement turns into permanent migration following disasters and climate-related events. For example, a study of post-Hurricane Katrina New Orleans found that most of the economically disadvantaged populations displaced in the immediate aftermath of the disaster never returned.<sup>10</sup> The IPCC further cites studies showing no correlation between extreme events and displacement<sup>11</sup> suggesting that protracted displacement following such events has more to do with socio-economic or political factors than the hazard itself. Another more recent study by IDMC based on 34 cases of protracted displacement following disasters supports these findings. In some cases, the hazard itself became a barrier to return either because it persisted for a long time or because of the repeated impacts of frequent, short-lived hazards. In other cases, however, obstacles to return included lack of access to land and discrimination against vulnerable and marginalized groups.<sup>12</sup>

A study of displacement from hurricanes along the Gulf of Mexico in the United States noted that “[i]n the context of disasters, much of the empirical research has focused on identifying

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<sup>6</sup> IDMC collects annual global estimates of people displaced by disasters. See generally <http://www.internal-displacement.org>

<sup>7</sup> IDMC (2015), 80.

<sup>8</sup> Ibid, 11.

<sup>9</sup> Ibid, 79.

<sup>10</sup> IPCC Fifth Assessment Report, *Climate Change 2014: Impacts, Adaptation, and Vulnerability*, 767. [http://www.ipcc.ch/pdf/assessment-report/ar5/wg2/WGIIAR5-Chap12\\_FINAL.pdf](http://www.ipcc.ch/pdf/assessment-report/ar5/wg2/WGIIAR5-Chap12_FINAL.pdf) accessed 10 May 2018.

<sup>11</sup> Ibid.

<sup>12</sup> IDMC (2015), 47.

places and populations that are vulnerable to catastrophic hurricane and flood disasters. However, there have not been parallel efforts to capture measures for displacement risk”. Analyzing displacement risk from hurricanes in 158 counties in the United States, the study’s authors developed a displacement risk index (DRI) based on three components – vulnerability, resilience (understood as capacity to recover thereby offsetting vulnerability) and risk.<sup>13</sup> The DRI provides a useful model that could be used by national and local governments for assessing and using climate displacement risk. (See Attachment 1)

Together, these studies suggest that in order to understand and identify climate displacement risk, governments will need to have in place procedures and institutions for (1) identifying climate hazard risk; (2) mapping areas of exposure; (3) identifying vulnerable populations based on both physical and socio-economic factors that make certain people vulnerable to displacement, and (4) monitoring changes in risk, exposure and vulnerability over time. Table 1 below sets forth some relevant factors governments may need to consider when devising laws and policies to mitigate climate displacement risk.

## **II. Recommendations for Managing Climate Displacement Risk**

### **A. *Incorporating Climate Displacement Risk into Disaster Risk Management Law and Policy***

In contrast to national legal instruments on internal displacement, almost all countries in the world have adopted laws and policies on disaster risk management (DRM) or disaster risk reduction (DRR). The universal development of DRM laws and policies corresponds to the global trend upward in economic losses resulting from disasters (compounded by rapid population growth, urbanisation and climate change) and the realisation of the enormous potential of disasters to undermine development gains and human security.

Over the last decade, government commitments to, and achievements in strengthening and improving DRM, have occurred within the context of the *Hyogo Framework of Action for Disaster Risk Reduction 2005-2015* (Hyogo Framework) and its successor, the *Sendai Framework for Disaster Risk Reduction 2015-2030* (Sendai Framework), endorsed by over 187 governments in 2015.<sup>14</sup> The *Sendai Framework* acknowledges displacement risk in the context of the need for global and regional cooperation around shared resources (such as river basins) as well as the need for national governments to better respond to disasters “and related displacement”.<sup>15</sup> Moreover, while there is no specific reference to the need for governments to act at the national level to address displacement risk, the framework document does include,

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<sup>13</sup> A. Esnard, A. Sapat, D. Mitsova, ‘An Index of Relative Displacement Risk to Hurricanes,’ *Nat. Hazards* (2011) 59:833-859 <https://link.springer.com/article/10.1007/s11069-011-9799-3> accessed 10 May 2018.

<sup>14</sup> *Sendai Framework for Disaster Risk Reduction 2015-2030* [https://www.preventionweb.net/files/43291\\_sendaiframeworkfordrren.pdf](https://www.preventionweb.net/files/43291_sendaiframeworkfordrren.pdf) accessed 10 May 2018.

<sup>15</sup> Sendai Framework, paras. 33(h), 28(d).

among its seven global targets, a substantial reduction in “global disaster mortality” as well as in “the number of affected people globally” by 2030.<sup>16</sup>

At present, however, it appears that few, if any, DRM laws include measures that specifically target preventing or mitigating displacement due to natural or man-made hazards. “Early warning” systems, where effective, do prevent risk of harm and provide an opportunity for people to minimize disaster-related losses by safeguarding assets in advance of the hazard. However, early warnings and evacuations do not necessarily prevent or mitigate displacement. Therefore, in order to meet the Sendai Framework goals, it is likely that governments will need to revise their DRM laws and policies to ensure that they include mandates and processes for identifying and mitigating climate displacement risk.

### 1. Strengthening Institutional Capacity to Identify and Manage Climate Displacement Risk

Identifying and addressing climate displacement risk will require as a prerequisite strengthening institutional capacity to understand, identify and monitor climate displacement risk. At present, most countries have technical and scientific bodies such as national meteorological or hydro-meteorological services (NMHSs) that provide weather, climate, hydrological and environmental monitoring and prediction services and which are responsible for identifying meteorological and hydrological hazards including severe storms, excessive heat, droughts and floods.<sup>17</sup> By providing early warnings of high-impact events and information on climate extremes and variability, NMHSs enable communities to better prepare for and adapt to a changing climate through improved disaster risk reduction, community resilience, water resource management and food security strategies.

Especially in developing and least developed countries as well as small-island developing states, governments must incorporate into their DRM and climate change adaptation laws and strategies the goal to enhance the human, technical, and institutional capacities of NMHSs to deliver high-quality services and information relevant to climate hazards. Ensuring that NMHSs are able to deliver information that meets the needs of decision-makers will require requisite investments in core infrastructure, information and computing technologies and human resources development.<sup>18</sup>

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<sup>16</sup> Ibid. at para.18(b).

<sup>17</sup> The World Meteorological Organization (WMO) website features a Country Profile Database Portal that contains information on national hydro-meteorological or meteorological services, see <https://www.wmo.int/cpdb/> accessed 10 May 2018.

<sup>18</sup> This is consistent with the strategic priorities of the World Meteorological Organization (WMO). See WMO Strategic Plan 2016-2019, 11.

## 2. Empowering Local Communities to Manage Climate Displacement Risk

Experience with implementing DRM laws indicates that in addition to identifying climate hazards, it is imperative that processes are in place to facilitate mapping down to the local level and allow community participation in these systems and processes.<sup>19</sup> Channels must be put in place for sharing climate risk information with local actors (as well as other relevant institutions) so that such information can be used to identify communities or even households that are at risk of displacement from such hazards. Such information will also be helpful in avoiding and mitigating displacement by integrating climate displacement risk information into early warning systems and evacuation plans as well as development processes such as local land use planning and building codes. More broadly, to be effective, sufficient financial and human resources must be available to incorporate DRM into local governance.<sup>20</sup>

In addition, communities themselves as well as socially vulnerable groups must be empowered to support local DRM governance, which experience shows has been a challenge. To the extent that poverty, exclusion and other socio-economic vulnerabilities tend to heighten the risk of climate displacement of certain populations, DRM laws and regulations must specifically mandate and include mechanisms for the participation of women and certain vulnerable and marginalized groups in the management of climate displacement risk. As a prerequisite, DRM laws must include specific provisions for the participation of civil society and communities in DRM advisory and implementing institutions, such as local DRR committees, and must clearly articulate the roles of such stakeholders.<sup>21</sup>

### *B. Integrating Climate Displacement Risk into Other Relevant Laws and Policies*

The development of strategies for avoiding and mitigating displacement from climate-related hazards will need to go beyond DRM and be supported by other laws and policies across sectors. As a prerequisite, processes and mechanisms must be in place to ensure that up-to-date climate hazard information is communicated to national, regional and local authorities responsible for development processes such as land use planning, building and construction, natural resource management, agriculture, water management and climate change adaptation. National governments will need to identify climate displacement risk in context to determine how it must be integrated into other sectors in order to avoid displacement. For example, in countries prone to drought, laws and policies related to agricultural practices may be relevant. Where changes in

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<sup>19</sup> IFRC & UNDP, *Effective Law and Regulation for Disaster Risk Reduction: A Multi Country Report* (2014), 33-34.

<sup>20</sup> A survey of DRM laws in more than 30 countries found that the key to effective local institutional DRM structures is that they have clear authority combined with mandated resources and capacity. “[T]he most important factor is whether the capacity and resources are adequate for the DRR mandate. It is relatively easy to create institutions on paper, but their effectiveness relies on them becoming part of the system of governance in a way that is most suitable to a country’s culture, system of governance and resources.” *Ibid.*

<sup>21</sup> IFRC & UNDP (n19), 29-33.

livelihoods are likely, labour ministries and employers' and workers' organisations should also be involved in designing policies to manage climate displacement risk.

## 1. Land Use Planning and Climate Displacement Risk

Land use planning, zoning and building and construction regulations can all play a key role in mitigating climate displacement risk. However, attempts to use such planning tools as strategies for avoiding displacement will face two significant challenges. The first is a lack of political will, especially where countervailing economic development and private property interests are strong. The second, related challenge is lack of enforcement.

In developing and least developed countries, especially in fast-growing urban areas, lack of effective enforcement of building and zoning codes or proper land use management is likely to substantially contribute to climate displacement risk. Inhabitants of informal settlements are likely to be particularly vulnerable to displacement from climate-related hazards. In many instances, informal settlements spring up on hazard-prone and marginal lands that are not otherwise desirable for residential or commercial purposes such as on steep hillsides, in flood plains, or along coastlines. Additional physical vulnerabilities that characterize informal settlements include poorly constructed housing and improper drainage. These are compounded by the socio-economic vulnerabilities of those living in informal settlements which leave them at risk of prolonged displacement from climate related hazards (including small-scale recurrent hazards and medium hazards) either because they cannot afford to rebuild and recover or due to lack of secure land tenure.

Numerous governments have identified relocation of informal settlements as a strategy for avoiding and mitigating climate displacement risk. However, experience shows that especially when implemented following a disaster – and in the absence of social safety nets – relocation of at-risk communities as a risk management strategy often ends up exacerbating displacement. This risk is particularly acute for inhabitants of informal settlements who lack secure land rights.<sup>22</sup> The destruction of housing by floods, storms or other acute weather-related hazards can be used by governments as a pretext for prohibiting evacuees from returning, for preventing those who lost their homes from rebuilding in such areas and for razing unsightly housing.<sup>23</sup>

Comprehensive and well-considered land use planning is therefore the best strategy for addressing climate displacement risk. This is especially important in fast growing urban and coastal areas. (Nonetheless, as discussed below, relocation of informal settlements will, in many

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<sup>22</sup> A. Thomas, 'Accelerating Threats from Climate Change: Disasters and Displacement in Myanmar' (Refugees International, 2016). <https://www.refugeesinternational.org/reports/2016/myanmar-10-May-2016> accessed 10 May 2018; A. Thomas, 'Philippines Post-Typhoon Resettlement Plan' (Refugees International, 2015). <https://www.refugeesinternational.org/reports/2015/9/30/philippines-post-typhoon-resettlement-plan-carries-risks> accessed 10 May 2018.

<sup>23</sup> A. Thomas (2015).

cases, be a necessary measure to protect vulnerable communities from displacement risk and will require national legal frameworks, institutional arrangements and social safety nets in order to be successful.)

## 2. Natural Resource Management and Climate Displacement Risk

Improved management of natural resources can also serve to mitigate the risk of displacement from climate-related hazards. In coastal areas, natural barriers such as coral reefs, mangroves and salt marshes have proven particularly effective in reducing damage from storm surge, coastal flooding and storms and offer an attractive strategy for coastal communities at risk of displacement from climate-related hazards. The Nature Conservancy's Coastal Resilience project uses a network of practitioners and a web-based mapping tool to help communities understand their vulnerability to coastal hazards, reduce their risk, and examine the use of nature-based solutions to mitigate risk.<sup>24</sup> The World Wildlife Fund has also developed several projects to integrate ecosystem-based DRR into development planning and climate change adaptation as well as pre- and post-disaster humanitarian action.<sup>25</sup> The ecosystem-based DRR activities used by WWF such as stabilizing hillsides with vegetation to avoid landslides caused by intense rain and creating open spaces to absorb flood waters also show promise as strategies for avoiding displacement risk.

### *C. Relocation and Climate Displacement Risk*

The international legal framework for planned relocation of populations threatened by climate change emphasizes the principle that when relocation remains within a particular country, it is considered to be primarily the concern of that individual state.<sup>26</sup> Each country is responsible for the maintenance of all people within its boundaries and jurisdiction, and this obligation is understood to extend not only to remedial actions but to preventative ones as well. As such, each country bears the burden of limiting the necessity for planned relocation, as well as ensuring that where it does prove necessary as a last resort for those who cannot adapt in place, the human rights of affected individuals and communities are fully respected and upheld.<sup>27</sup>

Even when planned, relocation policies remain complicated, time-intensive, and difficult. In order for future attempts to succeed, an overarching legal framework needs to be established that

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<sup>24</sup> See Coastal Resilience website. <http://coastalresilience.org> accessed 10 May 2018.

<sup>25</sup> See WWF DRR webpage.

[http://wwf.panda.org/our\\_work/people/people\\_and\\_conservation/our\\_work/disaster\\_risk\\_reduction/](http://wwf.panda.org/our_work/people/people_and_conservation/our_work/disaster_risk_reduction/) accessed 10 May 2018.

<sup>26</sup> M. Franck, *UNFCCC*, 'Planned relocation as an adaptation strategy' (2014).

<http://www.unhcr.org/543e78a89.pdf> accessed 10 May 2018.

<sup>27</sup> *Ibid.*

adequately foresees and responds to potential risks.<sup>28</sup> This is especially true given the abysmal track record of planned resettlement of affected communities in the context of large-scale development projects.<sup>29</sup>

Recognizing the need for a normative framework to address climate change-related displacement within states, a group of climate change experts and international lawyers came together in 2013 to develop the *Peninsula Principles on Climate Displacement within States* (Peninsula Principles).<sup>30</sup> Based on principles in international law, human rights obligations and good practice, the Peninsula Principles address the movement of people within a state due to the effects of climate change, “either alone or in combination with other factors”.<sup>31</sup> The Peninsula Principles’ particular value is in articulating the rights of “climate-displaced persons” especially their right to remain in place, as well as to initiate and undertake planned relocation. The Peninsula Principles also offer institutional planning guidance for many aspects of internal displacement such as participation and consent of affected individuals, land identification, and post-displacement return.<sup>32</sup>

As clearly spelled out in the Peninsula Principles, relocation should only take place when absolutely necessary and provisions for incorporation of displaced people into their new environment will be paramount. Sustained relocation programmes must involve meaningful input and coordination from local communities including the relocated citizens themselves as well as other affected parties and actors.<sup>33</sup>

In 2015, based on research and lessons learned from displacement in the context of development projects, the Brookings Institution, Georgetown University’s Institute for the Study of International Migration (ISIM), and the Office of the UN High Commissioner for Refugees (UNHCR) invited a group of experts to partake in a project to develop consolidated best practices for government-led planned relocation and apply them to a climate change context. The resulting *Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation* (Planned Relocation Guidance) is intended to assist states seeking to

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<sup>28</sup> The Brookings Institution and others, ‘Guidance on Protecting People From Disasters and Environmental Change Through Planned Relocation’ (2015) 2. <https://www.brookings.edu/research/guidance-on-protecting-people-from-disasters-and-environmental-change-through-planned-relocation/> accessed 10 May 2018.

<sup>29</sup> According to a research by the International Consortium of Investigative Journalists, World Bank financed infrastructure projects including dams, power plants, conservation programmes and other projects pushed an estimated 3.4 million people out of their homes or otherwise threatened their livelihoods despite the use of preventative safeguards. International Consortium of Investigative Journalists, ‘New Investigation Reveals 34m displaced by World Bank,’ April 16, 2015. <https://www.icij.org/blog/2015/04/new-investigation-reveals-34m-displaced-world-bank/> accessed 10 May 2018.

<sup>30</sup> Peninsula Principles (n 5).

<sup>31</sup> Ibid, Principle 2(b).

<sup>32</sup> Ibid, Principles 9-11, 17.

<sup>33</sup> Ibid.

orchestrate planned relocation as a form of mitigating displacement and adapting to climate change.<sup>34</sup>

Given the significant human rights implications of undertaking planned relocation in the context of climate change, national governments will need to look closely at how to develop laws, policies and related institutional arrangements for undertaking planned relocation as a strategy to avoid displacement risk. National governments are encouraged to endorse the Peninsula Principles and incorporate them into a regulatory framework for addressing planned relocation. Experience from Alaska, where numerous Native American villages already experiencing rapid climate change have been trying for years to retreat inland, presents a microcosm of the numerous legal and institutional challenges governments are likely to confront in undertaking planned relocation.<sup>35</sup> States are also encouraged to refer to the Planned Relocation Guidance which provides useful and comprehensive guidance in this regard.

*D. Articulate Institutional Roles and Responsibilities among Governmental Authorities, as well as UN Agencies, for Managing Climate Displacement Risk*

One of the most challenging aspects of mitigating climate displacement risk will be articulating institutional responsibility among myriad government agencies at the national, sub-national and local level for managing climate displacement risk. Despite the clear human rights obligations of national governments to protect their citizens from known, imminent hazards, in the complex and ever-evolving world of climate change effects, taking proactive measures to address displacement risk becomes far more complicated. Attempts to adopt laws and policies to discourage or prohibit people from living in at-risk areas are likely to run up against other rights including freedom from forced eviction, private property rights, freedom of movement, the right to self-determination and certain cultural rights associated with place, not to mention the lack of financial, technical and managerial resources.

It is therefore critical that national governments articulate roles and responsibilities among governmental authorities at all levels for managing climate displacement risk. As indicated above, numerous government agencies are implicated in the management of climate displacement risk, especially in the context of DRM, land use and development planning and climate change adaptation. Particularly in the absence of a central agency responsible for addressing the impacts of climate change on communities, coordinating various near- and long-term strategies for avoiding or mitigating displacement from sudden- and slow-onset climate hazards will need to be take place at the local level. This will require ensuring that local governments and local civil society organizations representing communities—as well as

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<sup>34</sup> Brookings (n 5).

<sup>35</sup> Robin Bronen, 'Climate-Induced Community Relocations: Using Integrated Social-Ecological Assessments to Foster Adaptation and Resilience' *Ecology and Society* (2015) 20(3):36. <https://www.ecologyandsociety.org/vol20/iss3/art36/> accessed 10 May 2018.

communities themselves – are providing with sufficient human, financial and technical capacity to effectively manage climate displacement risk.

Agencies of the United Nations (UN) must also align their various mandates and activities to support states in managing climate displacement risk. At present, there is a lack of coherence between and among UN agencies with various mandates relating to development, DRR, humanitarian affairs, displaced persons, and human rights regarding their relative roles and responsibilities with respect to climate change and human mobility. For example, in natural disasters situation, which UN agency will co-lead (with the national government) protection of displaced persons is determined on an *ad hoc* basis between the UN Office of the High Commissioner for Refugees (UNHCR), the UN International Children’s Emergency Fund (UNICEF), and the UN Office for the High Commissioner for Human Rights (OHCHR), often leading to unsatisfactory results and protection gaps.<sup>36</sup> The role of the UN Office for the Coordination of Humanitarian Affairs (OCHA) in coordinating activities related to the protection and assistance for displaced persons is also unclear. In post-disaster situations in which the UN is supporting the government response in relocating displaced or affected persons, members of the UN humanitarian country team must develop guidelines for operationalizing their role with ensuring the human rights of affected persons are respected and upheld. UNHCR, the International Organization for Migration (IOM) and other UN agencies should work with the government and development agencies to ensure that planned relocation is accompanied by comprehensive long-term support and monitoring so that it is sustainable and does not increase vulnerability or protection risks of affected populations.<sup>37</sup>

### **III. Conclusion**

Given the fact that the majority of climate-related displacement will occur within national borders and the fact that enormous opportunities currently exist to avert and minimize displacement, a more proactive approach is needed that not only seeks to protect those already on the move but also addresses local-level displacement risk. Identifying climate displacement risk will require consideration of not only hazard exposure, but also of socio-economic factors that bear on the ability of certain people to return home following a disaster, to find a durable solution elsewhere, or to move at all (a significant problem for trapped populations).

The UNFCCC WIM Executive Committee’s Climate Displacement Task Force provides an important opportunity to catalyze state action and cooperation on the development of strategies to address climate displacement risk. In addition, the Green Climate Fund, the Least Developed Countries Fund, and related financial instruments aimed at promoting adaptation and resilience

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<sup>36</sup> A. Thomas, ‘Two Steps Back: Haiti Still Reeling from Hurricane Matthew’ (Refugees International 2017) 10-11. <https://www.refugeesinternational.org/reports/2017/4/6/haiti> accessed 11 May 2019.

<sup>37</sup> A. Thomas, ‘Disasters and Displacement in Myanmar’ (n 22).

should be used to aid displacement mitigation efforts. With current global trends such as rapid urbanisation, population growth, and poverty all acting to put more and more vulnerable people in harm's way, a far more proactive approach to managing climate displacement risk by governments at all levels, as well as by humanitarian response and development agencies, will be crucial.

### **Summary of Key Recommendations**

States must act upon the enormous opportunities that exist to avert and minimize internal displacement of vulnerable populations from climate change effects by adapting laws and policies to address climate displacement risk. Towards this end, the following actions are recommended:

- **Improve understanding of climate displacement risk and vulnerability at a local level and develop indicators of displacement risks based on a range of physical, socio-economic and other relevant factors.**
- **Revise DRM laws and policies to ensure that they include mandates and processes for understanding and identifying climate displacement risk and ensure that technical and scientific bodies responsible for providing weather, climate, hydrological and environmental monitoring and prediction services have sufficient human, financial and technical capacity.**
- **Use a multi-sector approach to develop strategies for mitigating displacement risk at the local, regional and national level.**
- **Ensure that systems are in place to communicate climate hazards at the local level and empower local governments and communities, as well as vulnerable and disenfranchised groups, to be involved in their own risk management, including managing climate displacement risk.**

### **IV. About Refugees International**

Refugees International (RI) is an independent, non-profit organization based in Washington, DC that advocates for lifesaving assistance for displaced persons and solutions to displacement crises. Informed by field missions to countries experiencing humanitarian crises, RI advocates to national governments, donors, UN agencies and others for concrete, actionable measures to better assist and protect displaced persons and support them to achieve durable solutions. Wholly independent, RI does not accept funding from any government or the United Nations.

In 2009 RI launched the Climate Displacement Program to address the growing impacts of more extreme weather and other adverse effects of climate change on displacement of vulnerable populations. Since then, RI has conducted more than a dozen missions to assess the efficacy of the response to displacement from climate change-related disasters. Recognizing that there are

opportunities to avoid or minimize disaster-related displacement, RI urges governments and UN agencies to invest in programs to reduce disaster and climate change-related risk and build resilience. At the global level, RI is actively engaged in international efforts to fill gaps in the legal, policy, and institutional frameworks for addressing those uprooted by climate change who do not fall within the protection of the 1951 Refugee Convention and its protocol.

## ATTACHMENT 1

### DISPLACEMENT RISK INDEX (DRI)

A study by A. Esnard, A. Sapat, D. Mitsova of displacement trends from hurricanes in 158 counties along the Gulf of Mexico developed a displacement risk index (DRI) based on three components – vulnerability, resilience (understood as capacity to recover thereby offsetting vulnerability) and risk.<sup>38</sup>

The vulnerabilities of certain groups to disasters have been well documented<sup>39</sup> and is most often associated with poverty.<sup>40</sup> What is novel about the DRI is that, rather than focus exclusively on vulnerability to the risk (e.g., a hurricane or flood), the DRI looks at what makes people vulnerable to both the shock and the ability to achieve a durable solution to displacement. In other words, the DRI not only considers the physical vulnerability of people based both on the built environment (e.g., type of housing) and exposure (e.g., percentage of housing in the flood zone), but also incorporates socio-economic factors that heighten displacement risk. Such socio-economic indicators include income, race/ethnicity, age, affordable housing (i.e., renters, but in other contexts this could be extended to those who lack secure land tenure), disadvantaged status, residence (i.e., how long a person had resided in the area as an indication of access to social networks), and education. The index also looked at community resilience indicators including economic resilience, emergency response capacity, state performance/capacity and institutional resilience.

At the most basic level, the DRI provides percentile scores showing displacement risk for coastal and inland communities. Yet the DRI analysis provides a host of other information relevant to policy makers for mitigating and addressing displacement risk. For example, maps showing spatial patterns are included which can be used by local planners and policy makers – as well as the public – to increase awareness regarding displacement risk in the study area. These maps not only allowed for enhanced mitigation levels at various levels of government (local, regional and

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<sup>38</sup> A. Esnard, A. Sapat, D. Mitsova, 'An Index of Relative Displacement Risk to Hurricanes,' *Nat. Hazards* (2011) 59:833-859 <<http://link.springer.com/article/10.1007%2Fs11069-011-9799-3#page-1>> accessed 16 May 2016.

<sup>39</sup> . For example, the IFRC defines “vulnerability” in the context of disasters as “the diminished capacity of an individual or group to anticipate, cope with, resist and recover from the impact of a natural or man-made hazard”. IFRC, *What is vulnerability?*, <<http://www.ifrc.org/en/what-we-do/disaster-management/about-disasters/what-is-a-disaster/what-is-vulnerability/>> accessed 16 May 2016.

<sup>40</sup> Vulnerability can also arise when people are isolated, insecure and defenseless in the face of risk, shock or stress. Physical, economic, social and political factors determine people’s level of vulnerability and the extent of their capacity to resist, cope with and recover from hazards. Examples of potentially vulnerable groups include specific groups within the local population, such as marginalized, excluded or destitute people; and young children, pregnant and nursing women, unaccompanied children, widows, elderly people without family support and disabled persons. With respect to gender, the IFRC explains that, “In a disaster, women in general may be affected differently from men because of their social status, family responsibilities or reproductive role, but they are not necessarily vulnerable. They are also resourceful and resilient in a crisis and play a crucial role in recovery. Gender analysis can help to identify those women or girls who may be vulnerable and in what way.” Ibid.

state), but also aided neighboring counties (immediately inland from the study areas) that wished to enter mutual agreements on issues of evacuation and hosting of those displaced. The vulnerability component scores were also valuable for informing policy makers as to the household and community vulnerability factors that required attention. Similarly, the community resilience component includes policy indicators of community capacity, institutional strength, and state commitment all of which can affect and reduce risk, vulnerability and potential displacement.<sup>41</sup>

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<sup>41</sup> Esnard, et al., 840.

**Table 1: Understanding Climate Displacement Risk**

Just as climate change effects will vary depending on geographical location, so will climate change impacts on humans and their environment. How those effects on humans and the environment will interact with other social and economic factors to drive displacement will also vary. Thus, in devising laws and policies to prevent and respond to displacement caused in whole or in part by climate change effects, governments will need to understand how the various factors and dynamics that drive climate-related displacement or that prevent return are likely to play out within their own territories and regions. Relevant factors include

- Anticipated climate change effects within a country/sub-region and on a local level (e.g., changes in temperature, changes in weather, changes in precipitation, sea level rise, ocean acidification, changes in disease vectors).
- Geographic areas of climate hazard exposure (GAE) within a country/sub-region and on a local level (e.g., low-lying areas, coastal areas, rivers basins, glaciers, agricultural areas, pastureland, cities).
- Climate hazard vulnerability pathways, e.g.,
  - human settlements located within the GAE (e.g., coastal communities, farming communities, indigenous lands/communities, urban areas);
  - social, economic and other demographic vulnerabilities of certain populations/households within the GAE; and
  - the environment, natural resources and livelihoods upon which humans depend in the GAE (e.g., fresh water availability, rain-fed agriculture, fishing, pastoralism).
- Types of human movements likely to result, e.g.,
  - Rapid displacement from destruction of housing, loss of livelihood (e.g., large-scale flooding that destroys homes, crops, food stocks);
  - Rapid displacement from loss of food or water (e.g., large-scale storms that wipe out fresh water sources, crops/food stocks);
  - Seasonal or permanent migration from loss of livelihood (either alone or in combination with other factors) (e.g., repeated seasons of below average or failed rains, low agricultural output, deletion of household assets or food stocks thus leading certain individuals to migrate to other rural areas or to towns and cities either seasonally or permanently); or
  - Permanent displacement from loss of land (e.g., storm surge, coastal erosion, sea level rise that renders certain areas uninhabitable).
- Potential influence of existing patterns of displacement and migration.
- Barriers to return, e.g.,
  - Loss of housing, land, schools, or vital services;
  - Loss of livelihood or lack of employment opportunities;
  - Lack of access to recovery assistance;
  - Lack of social networks; and
  - Lack of affordable housing or secure land tenure.
- Resilience of affected households and communities and of government institutions at the local, regional and national level, e.g.,
  - At the household/community level: income levels, savings, available social and familial networks, access to insurance, security of land tenure, etc.
  - At the institutional level: level of participatory decision-making, access to information and complaints procedures, accountability mechanisms, requisite human and financial capacity, etc.