

THE BROOKINGS INSTITUTION

ADDRESSING THE LEGAL GAPS IN CLIMATE CHANGE MIGRATION,
DISPLACEMENT, AND RESETTLEMENT:
FROM SINKING ISLANDS TO FLOODED DELTAS

Washington, D.C.
Tuesday, April 3, 2012

PARTICIPANTS:

Moderator:

VINCENT COCHETEL
Representative to the United States and the
Caribbean
Office of the UN High Commissioner for Refugees

Panelists:

JANE McADAM
Nonresident Senior Fellow
The Brookings Institution

ELIZABETH FERRIS
Senior Fellow and Co-Director, Brookings-LSE
Project on Internal Displacement
The Brookings Institution

MICHELE KLEIN SOLOMON
Permanent Observer to the United Nations
International Organization for Migration

* * * * *

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

P R O C E E D I N G S

MR. COCHETEL: Good morning, everyone. Good morning, ladies and gentlemen. Thank you very much to be with us today and let me extend a warm welcome to all of you on behalf of The Brookings Institute. My name is Vincent Cochetel. I'm the regional representative for the United Nations High Commissioner for Refugees based here in Washington, D.C.

A few housekeeping issues this morning. If you could make sure that you turn your cellular phone off or putting on a vibrating mode so we won't be disturbed by phone calls. And if you want to take a coffee, please feel free to take one in the back of the room and bring it back to your seat.

Today we'll be looking at some aspect of mobility induced by climate change. I have to say, from my perspective working for the protection agency, you know, it's still very, very much new ground for us. At the beginning of the year, when the Tuareg armed movement started a rebellion against the Mali military forces in the northeast of Mali, about 40,000 people fled from Mali into Mauritania, Niger, Burkina Faso. And it was quite interesting for the aid agencies working in Niger and Burkina Faso to realize that they could not just look at those refugees coming from Mali. There were lots of other people there that had been displaced, either externally displaced from Mali because of other phenomenon linked to climate change, linked to the drought taking place in northeastern Mali, but they were also people from Niger, people from Burkina Faso, who had been internally displaced in their own country, among their own communities. Some of them have been even relocated by local municipalities to the places where those arriving Malian refugees were.

And it was a challenge for the UN humanitarian response on the NGO

partners there on the ground, what do we do with those populations? Should we assist them the same way? What sort of legal framework should apply to those populations? And we are here today to look at some aspect of this problem.

I think we all agree that the problem is difficult to quantify at this stage. What's going to be the scope of displacement caused or mobility caused by climate change? What we all agree about is there will be more people moving because of climate change. There are lots of disputes amongst scholars, amongst governments on the scope of the problem, but I think there is a general rural commission looking at some case studies that this phenomenon is taking place in many parts of the world.

At the Cancun Summit three types of mobilities were identified in relation to climate change. One is forced displacement or voluntary displacement, and we'll be looking first at this issue, whether normative frameworks that exist today are sufficient to provide adequate protection and assistance to people who are forced to leave their community because of climate change.

The second issue will be looking at this from the perspective of migration, is whether the present international system for managing migration -- or bilateral agreements existing to manage migration -- whether those systems will work if hundreds of thousands of people have to move, migrate, because of the effect of climate change.

And finally, we will be looking at a more organized form of movement, which is planned relocation. If some communities have to be relocated because their habitat becomes uninhabitable because of the effect of climate change, what are going to be the norms applicable for the relocation of the people? What practices exist out there in order to protect the rights of those people who will be relocated?

So, today with us we have three experts on those issues and I'm certainly not an expert, so I'll be here to help you with the conversation. And it's first my pleasure to introduce Jane McAdam, who is a nonresident senior fellow in the Brookings-LSE Project on Internal Displacement. Professor McAdam is an Australian researcher and a future fellow at the faculty of law at the University of New South Wales in Sydney. And she's also the director of the International Refugee and Migration Law Project in the Gilbert & Tobin Centre of Public Law. I won't go over her extensive bio, but just suffice to say that Jane is an expert on the issue. She has published a very interesting publication called, *Climate Change, Forced Migration, and International Law* in 2012, and she's the editor of another publication on climate change and displacement from a more multidisciplinary perspective, a book that was published in 2008.

The floor is yours, Jane.

MS. McADAM: Thank you very much. It's a great delight to be here in Washington and have the opportunity to speak to you today about the displacement side of the way in which climate change may impact on human movement.

The UN emergency relief coordinator last year said that more frequent and severe disasters may now be the new normal. And the UN high commissioner for refugees said that while the nature of forced displacement is rapidly evolving, the responses available to the international community have not kept pace.

Now there's a lot that we don't yet know about the impacts of climate change on human movement, but I think what we do know will assist us to, firstly, identify the legal gaps in the international protection regime. And secondly, in identifying those, help us to develop legal and policy responses that are adequately attuned to the needs of those who will move in the future. What this means is having a sufficiently nuanced

understanding of the likely nature, scope, timing, and scale of movement.

At the beginning I think it's important to say that while the concept of the environmental, or climate change, refugee might be useful in advocacy terms, in order to generate attention and to mobilize civil society around the dangers of global warming, the downside is that it can contribute to misunderstandings about the likely patterns and timing of climate related movement. Even as a merely descriptive term, the notion of the climate refugee is at best preemptive and, at worst, offensive to those whom it's used to describe.

For example, in the small island states in the Pacific of Kiribis and Tuvalu, which I had the opportunity to visit a couple of years ago, people see the refugee terminology as invoking a sense of helplessness and a lack of dignity. And that is seen as quite offensive to Pacific Islanders who have a very strong sense of pride in who they are. So the president of Kiribis said to me, when you talk about refugees or climate refugees -- and I quote -- "you're putting the stigma on the victims, not the offenders." And he went on to say, "We don't want to lose our dignity. We're sacrificing much by being displaced in any case, so we don't want to lose that, whatever dignity is left. The last thing we want to be called is a refugee." He said, "We're going to be given as a matter of right something that we deserve because they've taken away what we have."

So Kiribis is one of the countries that you sometimes hear referred to as a sinking island or a disappearing state, again, terms that are strongly rejected within that community, but which show what it is that the president was referring to when he says, you know, our very homeland, our sense of identity, is at risk. And it's because of other countries that have contributed the most to climate change, as opposed to countries like Kiribis and Tuvalu, which are among the smallest in meters in the world.

So, as a matter of law then, the term “refugee” is a legal term of art. It’s defined in the 1951 Refugee Convention as a person with a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, or membership of a particular social group. And it also is defined as a person who is outside their country of origin and whose government is unable to protect them. So there are a number of hurdles here in a legal context that we try and extend that term to people affected by climate impacts.

First of all, you’ve got a hurdle in characterizing climate change as persecution. Even though the adverse impacts of climate change, such as rising sea levels and increases in the frequency and severity of storms, cyclones, floods, and so on are very harmful, they don’t make the threshold of persecution as that’s currently understood in law, which normally requires human agency. Now, if anything, here the persecutor is, in fact, the industrialized states whose failure to cut greenhouse gas emissions has led to the predicament now being faced. In other words, the very countries to which movement might be sought if the land becomes unsustainable, which is complete reversal of the refugee paradigm.

Secondly, even if the impacts of climate change could be characterized as persecution it would be very difficult to show that this was for reasons of those five convention grounds I mentioned before, such as political opinion and so on. This is because the impacts of climate change are indiscriminate rather than tied to particular characteristics, such as a person’s background or beliefs.

And finally, refugee law only applied to people who’ve already crossed an international border, not people who are merely contemplating having to move.

Now, because of this gap in the international refugee regime, a number

of people have called for a new international treaty to address the movement of people displaced by climate change. Proposals vary from opening up the Refugee Convention for renegotiation; something I think would be quite a dangerous thing to do because it could dilute protection as much as it could expand it. Other suggestions have been creating a protocol to that treaty or a protocol to the UN Framework Convention on Climate Change, the UNFCCC. Others have said, well, why don't we create a brand new treaty, a new, standalone treaty?

In my view, though, there are a number of shortcomings to creating any new protection instrument at this point in time. First of all, treaty proposals are premised on certain assumptions about climate change and human movement that are not born out in the empirical studies which show that movement is likely to be predominantly internal. So, in other words, an international border won't be crossed and the provisions of the treaty won't be triggered. And secondly, movement is likely to be gradual rather than in the nature of refugee flight.

Secondly, it's conceptually problematic and empirically flawed to suggest that climate change alone causes people to move. Some of the treaty proposals have actually said they would seek to establish an expert scientific body that could determine this in each case. But in my view this is unworkable and inappropriate in the protection context because it misplaces the real focus of what the inquiry should be: What is the nature of harm -- fear -- if a person is forced to return home?

Thirdly, if we created a new instrument just looking at the impacts of climate change on displacement, then some scholars argue that this would privilege that particular form of movement over other kinds of movement, such as flight from poverty or flight from socioeconomic deprivation generally or flight from the lack of employment

opportunities. And perhaps this would be, without an adequate legal or moral rationale as to why.

It may be preferable instead to create an instrument responding to disasters generally as opposed to those linked to climate change. From a more pragmatic perspective, though, there would seem to be very little political appetite for a new international instrument, particularly if you consider that there are millions of convention refugees who remain without a durable solution, despite a very strong international legal framework. And even if we did get a treaty, then states would have to demonstrate sufficient political will so as to ratify, implement, and enforce it.

One of the big gaps in any treaty regime, as far as I can see, is adequately accounting for slow onset movement brought about by gradual environmental deterioration as opposed to flight from sudden disasters. The refugee paradigm, which premises protection on imminent danger, doesn't capture the need for safety from longer term processes of climate change which may ultimately render a person's home uninhabitable.

This is the same for human rights law-based protection. So we have something in the international regime known as complementary protection, and that derives from state's obligations under treaties such as the International Covenant on Civil and Political Rights and the Convention Against Torture which precludes countries from returning people to face such harms as arbitrary deprivation of life or torture or cruel, inhuman, or degrading treatment, or punishment.

Now, while the existing jurisprudence in that area doesn't preclude climate impacts from being recognized as a source of inhuman treatment, for example, it would need to be substantially developed before such harms would clearly fall within the

scope of this concept. Furthermore, these human rights-based sources of protection would only really kick in when the conditions at home were extreme. This mechanism doesn't allow for planned movement where conditions are anticipated to become dire. And so it really wouldn't help people unless conditions back home were now intolerable and people would be living in absolute destitution.

So I think it would take some decades before the effects of climate change interacting with underlying socioeconomic vulnerabilities will be seen as constituting a violation, giving rise to protection from removal under those human rights instruments.

A number of countries, such as the U.S., provide temporary protection as a blanket form of relief to people displaced by sudden disasters. Often, though, an executive decision is required before the protection can be accessed. And in the case of the U.S., temporary protective status is only granted to people who are already here when disaster strikes. It effectively operates as little more than a stay on deportation until it's safe for people to return home.

A number of other countries -- in fact, most countries -- have some form of discretionary leave to remain on humanitarian or compassionate grounds. But, again, they are discretionary. People cannot up front apply for protection because they say they're at risk. And each country has different eligibility requirements for this sort of humanitarian protection. Typically, as well, this is emergency protection after a particular event has occurred rather than preemptive protection for projected longer term impacts.

Given these protection gaps, there have been efforts among the UN humanitarian community to mobilize states to develop a global guiding framework on climate change-related displacement. The idea is that this would be similar to the guiding

principals on internal displacement, but for cross-border movement. Now, the advantage of a soft law framework like guiding principles is that they don't require states to assume any new hard law obligations. That's why they're known as soft law. Really what you would be doing here is identifying which human rights and protection norms are applicable in the climate change displacement context and drawing them together as a means for framing how we understand this sort of movement, what kinds of rights -- what kinds of needs people have and what sort of rights need to be protected.

This idea was pitched to 145 governments at UNHCR's high-level ministerial meeting last December. However, only four countries pledged to explore initiatives at the regional and sub-regional levels to assess the protection gaps created by new forms of forced displacement, such as climate-related displacement. This underwhelming support is perhaps not surprising, given that mid-last year UNHCR's Standing Committee, which is comprised of states, rejected a proposal for a pilot scheme whereby UNHCR would become the lead agency for the protection of persons affected by natural disasters.

Although half of the states involved at that point thought it was desirable in principle for UNHCR to take on this pilot leadership or pilot project, the majority of states said that there were outstanding questions relating to issues of state sovereignty, mandate implications, resources, and capacity, and, therefore, they didn't want UNHCR taking on this role. And I think that if you look at that in light of those treaty proposals I mentioned earlier on, if only four states are willing to explore a global guiding framework, I think it is highly unlikely we're going to see any more treaty-based proposals getting up at this stage.

I'm not going to address this in any detail other than to flag that managed

international migration may provide a safer and more secure mechanism for enabling people to move away from the longer term effects of climate change and, indeed, this is a strategy that the president of Kiribis is highlighting as something he wants his country or his citizens to be able to do. He talks about migration with dignity as a means of enabling people to move when they wish, to build up communities abroad, to perhaps sustain a smaller population for longer in the home country by sending back remittances, but also by relieving pressure on an already fragile atoll environment, that Michele will address this in more detail.

So, in conclusion then, I would say that I think legal and policy responses need to involve a combination of strategies rather than an either/or approach. We need to ensure that adaptation is financed, that migration options are developed, and that movement is seen as an adaptation strategy rather than automatically as a sign that adaptation has failed. This is because while movement can be a sign of vulnerability, it can also be a means to achieve security and realize human rights, especially when it can be planned. Solutions need to be developed within a human rights framework, underscored by the broader humanitarian norms, such as the fundamental principles of humanity, human dignity, human rights, and international cooperation. Thank you very much. (Applause)

MR. COCHETEL: Thank you very much, Jane. And we see the strengths of the Cancun declaration in articulating, you know, the necessary complementarity between the three options in terms of mobility. Because if there was only the development of a framework on displacement, there would be no burden on state. I mean, we really need to look at the complementarity.

The next speaker is Michele Klein Solomon. Michele is the permanent

observer of the International Organization for Migration at the United Nations Headquarters in New York. Prior to assuming her current function in August 2010, she was the director of the Migration Policy and Research Department of IOM at IOM's headquarters in Geneva. Michele played a key role in what is known as the Burns Initiative International Agenda on Migration Management. Prior to joining IOM in 2000, Michele served as advisor within the U.S. Department of State in the Office of the Legal Advisor; different portfolios you underlay, including human rights, refugees, migration.

And a warm welcome to you, Michele. Can you help us to look a bit more clearly into whether existing frameworks to manage migrations are sufficient? Whether they need to be developed to address these new types of challenges, the loose boundaries between illegal and legal migration, when it gets to climate change? And what can we expect from forums like the Global Forum, the forthcoming Rio+20 conference?

Thank you very much. The floor is yours.

MS. SOLOMON: Thank you very much, Vincent. It's always a pleasure to see you, and thank you very much to Beth and the colleagues here for the invitation to have a chance to speak with you today.

As Vincent said, I'll be teasing out some of the migration-related context here. And I think it's useful to step back to that level because what Jane just presented to you about the potential relevance, or not, of the international refugee framework, it is not accidental because the refugee regime is really the principal binding international legal regime addressing the movement of people globally. It is the exception in the area of the movement of people rather than the norm. And I say that because -- and as Jane alluded to -- at a global level, states have been reticent to adopt binding rules, obligations

with respect to the management of migration over all. That is, most states have been reticent to subject their national level determinations about which foreigners to allow into their countries, under what conditions, for what time periods, to global binding agreements.

Now, there is, and some of you will be aware of, a 1990 UN Convention on the protection of the rights of all migrant workers and the members of their family. It's a convention that took more than 10 years to negotiate; more than 13 years after that for the minimum number of states to ratify for it to come into effect. And today, some 26 or so years later, there's still not a single major destination country that is a party to that convention, which really means that its practical relevance and applicability are quite limited.

Now, I say that not because I don't think it's a good convention, but because I think you have to be aware of the fact that in the migratory world, states have been very reticent to undertake binding international legal obligations. And even a migrant worker's convention does not touch at all the question of admission to a state. It only touches on what are the obligations with respect to the protection of migrant workers, largely from a labor law perspective.

So, if we turn now to the question that Vincent posed and the discussion that we're having here, what is the relevance of the international legal framework or its ability to address movement as a result of environmental factors exacerbated by climate change? Now, it's been very clear in the migration area, maybe less so in the refugee area, that environmental factors have always been a major reason that people move. They don't tend to be a single isolated cause of movement, but they are one of a panoply of factors that lead to the decision-making in an individual case.

Just an example, if you're a farmer and you start where there's less rainfall in an area, you may start thinking you can't retain your ability to produce a livelihood, but that may not be the tipping point of the decision to move. It may be when there's a job opportunity someplace else or a family member who maybe offers you the opportunity to come around to live with them. So it's very, very hard to identify environmental factors, and now environmental factors exacerbated by climate change, as the single causal factor leading to the movement of people.

That being said, it's clear that there is more movement as a result of environmental degradation exacerbated by climate change and there's likely to be even more in the years to come. The scientific work in the climate change area is talking a lot about the pressures on fragile ecosystems and what will that mean for the ability to retain livelihoods, whether it's a drought, a desertification, or sea level rise, or a whole host of other factors. So it's clear that from the scientific community there's going to be a lot more pressure on fragile ecosystems, and that one can deduce from that that fragility is going to create more vulnerability for people and particularly, as Jane said, more vulnerability for those people who are already vulnerable. Not everybody is equally vulnerable. Some people have different capacities to adapt, different resources available to them. It's going to exacerbate underlying vulnerabilities and, therefore, lead to the potential for more people to move.

But very importantly, what Jane said -- and I want to underline this -- it is the most vulnerable who may not be able to move because migration takes resources. Being able to move out of harm's way takes financial resources, personal resources, the ability to have networks to reach out to. So the fact that somebody doesn't move, doesn't mean that they're not vulnerable. It may, in fact, be the best indication of the greatest

vulnerability. So we have to be very careful in parsing all of this out.

Okay, what does that all mean? As Jane said, the projections are wild in terms of how many people will be affected. I mean, there's lots of people who have done studies. None of them are, you know -- I wouldn't say with any confidence that any of them are exact. The ranges are between 25 million and 2 billion people will be displaced between now and 2050. I mean, that's not very helpful. It catches your attention, but it doesn't really tell you what to do with it.

I think there's a risk that alarmist projections will put states into defensive posture and say, whoa, let's put up the barriers and stop this. That's not helpful. It's more helpful to try to break it down and look at individual country and regional situations and identify actual needs and look to target responses to the particularities of the situations.

For example, most of the movement that has already taken place related to environmental factors and then is projected to take place is internal, within the borders of a country. It is far less likely that people will move across boundaries. Even if they do move across boundaries -- again, the minimum number -- it's not likely to be across oceans into the developed states of the North. You're largely going to see cross-border movements in the same region, so that puts you into a different mindset about what are the kinds of tools to look to adapt? So, rather than Europe and the United States and Canada getting very anxious about, you know, admissions criteria, let's think a little bit more constructively about where the actual needs will be and what mechanisms will need to be put in place to address them.

It's also important to look at that temporal aspect. Is the movement going to be temporary or permanent? Meaning in very stark contrast from refugees

where the individual has lost the protection of the state or the state has turned against them in exercise of persecution. In the case of environmental displacement exacerbated by climate change, the state is not acting against the citizens and, in most cases, the state actually wants to help the people, wants to help them to remain at home as long as possible, to be able to come back home if there's been a temporary displacement and there's the opportunity to come back, that the relationship between the state and the individual and thinking about coming home is a fundamentally different thing. And so we shouldn't develop solutions that are not targeted to what the desires are.

Now, there are going to be some cases where return will simply not be possible. There may be areas that are fundamentally deforested without any possibility of productive agriculture. There may be these islands where the sea level rise is so sufficient that it's not the salinization that has made it impossible. Those are going to be the exceptions and those are going to be very limited in number and there will have to be targeted measures addressed to the needs of those people, but those people probably shouldn't be the benchmark against which comprehensive solutions are developed because they are the exception and not the rule.

And given that reticence by the international community and most states to develop comprehensive legally binding tools on migration, it will be easier to develop targeted solutions for the very needy and the specific situations -- say of the sinking island states -- rather than something that's comprehensive and that has lots of the questions, the definitional questions, the legal protection questions that Jane alluded to in her opening presentation.

In that context I think it's important that we look at, first, let me give you a couple of things going forward and I really look forward to the question-and-answer part.

The first thing that is still clear is that we need to be looking at better evidence, better analysis. And the closer to the ground that we get in doing the analysis, the more likely we are to develop targeted solutions that really address the needs of individual people. Jane and others, I know IOM has launched a huge research program in the area, together with many others; we have some information in the back about some of the publications. We need more targeted studies to really look at developing policies and responses on the basis of real evidence and real needs.

And let me say in specific relation to that, the needs of the people, in many respects, ought to be the first priority, not so much what was the cause -- was it forced; was it voluntary; was it forced; was it a polluter -- because of the difficulties in the causal links, but really focus on what are the needs that are generated, leading to what are the kinds of responses that need to be done. So the first thing is really raising the evidence base and really being much more specific about what kinds of circumstances.

Second is -- and here we're marrying the migration worlds and the climate change worlds, and that's a good thing. As Vincent and Jane referred to in the context of the UNFCCC, the Framework Convention on Climate Change, which is ultimately a climate change treaty, ultimately, about reducing greenhouse gas emissions, there is now effectively a placeholder on migration, displacement, and planned relocation. It doesn't commit states to any particular outcomes, but it does talk about creating a better understanding, creating better cooperation, and addressing these issues, and looking at measures that can be taken cooperatively in this area.

And in that context, it's very important to understand that migration can be an adaptation strategy, not simply a survival mechanism to move out of harm's way at the last moment. But when migration can be planned, legal, and orderly, where there is

either a bilateral relationship between two countries or through normal, regular immigration practices -- and here I'm thinking about the Pacific Island states, some of whom are at the greatest risk of sea level rise -- that where New Zealand or Australia had temporary labor migration programs or longer-term labor migration programs, that if priority could potentially be given to people from those areas, that may help allow for planned and orderly migration.

That kind of planned and orderly migration has several benefits. In the short term it can allow for income diversification for families, so that actually the money that's earned overseas can go back to help support family members at home, including in building resilience and having opportunities to be able to stay at home to the extent that they want to. It also has the benefit of establishing networks, so in the event that permanent migration is necessary there's effectively someone who goes first and lays the groundwork, creates the networks, creates the -- eases the adaptation. So there's a lot of reasons why that can be beneficial. It can also reduce pressure on fragile ecosystems.

So I'm not suggesting that migration, planned migration, is going to be the solution for large numbers, but we have to be careful to remember that migration is one adaptation strategy and not simply a last resort survival mechanism in the event of an immediate displacement. So it can be part of solutions.

And in that same regard, regional responses, really looking at regional mechanisms for working together. Because most is going to be internal because what takes place across borders is going to most likely immediately cross-border, the opportunities for interstate cooperation are really great.

Now let me come to, as my last area, focus what Vincent asked at the beginning, and that's to talk a little bit about global forum on migration and development,

Rio+20. And these are efforts that -- global efforts to generate consensus around, in the first instance, migration and development issues; and the second instance on sustainable development. And that's important given what I said at the outset, that there really is no binding regime on migration.

What has happened over the course of the last seven years, since 2006, and there were precursors to it, it was in 2006 there was a first UN General Assembly High-Level Dialogue on International Migration and Development. Now, that may not seem like a big deal to most of you who have worked in UN context and where there's binding treaty negotiations, but it was the first time that the international community came together and said we as states can talk about migration issues without it dividing on north-south lines or destination country lines. We can look at our shared and complementary interests in these issues and see if we can start to evolve some good practices that may be useful.

That dialogue in 2006 led to what is now called the Global Forum on Migration and Development, which is very much a state-led process. Every year a different government hosts and convenes this gathering of states from around the world within very much a focus on a bottom-up, confidence-building, sharing the good practices, recognizing that they can work together means to approach making migration as positive a force as development and minimizing negative consequences. It's slow. It doesn't have any negotiated outcome. It's not binding, but it is an important step in terms of building confidence in the ability of states to be able to work together in this area.

They did take up one time, a year and a half ago, this issues of climate change and migration. They held a panel on it. They did not take it up in the last round and it's not clear to what extent there will be continued motivation in favor of using that

forum as a place to further the discussions. But even if it's not, its model may be useful because the format of a state-led, non-binding, informal, focusing on best practices, focusing on confidence-building may be the most productive way to work in this area.

Now, Rio+20, many of you may be following the sustainable development discussions that will be taking place in Rio in June of this year. It's the 20th anniversary of the Earth Summit. There were obviously major initiatives launched in that context. It's time to review that.

I sit in New York, so I hear about this every day and pop into the negotiations on a regular basis. And we have been trying -- as I wanted to make sure that the migration-related implications are factored into the considerations there. Now, I don't think there's going to be terribly much on migration in Rio, but from our perspective how do you look at long-term sustainable development if you don't think about the implications for the movement of people or the implications of the movement of people for sustainable development? It simply is one of the megatrends of the world that we live in, and to ignore it is ignoring a very significant component.

We have just, together with UNHCR, put in a proposal to host a side event in Rio during the high-level segment that would focus specifically on the issue that we're talking about today. And the heads of our two agencies, hopefully, if our proposal is accepted, would then be there to really try to continue on the awareness-raising, with a view toward, again, making sure that the thinking about these issues is well informed so that any decision-making and policy-making can be equally well informed and not reactionary.

I think I will stop there and look forward very much to the question-and-answer session. Thank you. (Applause)

MR. COCHETEL: Thank you very much, Michele. I think we've understood from you and from Jane that, you know, the chance to have a comprehensive binding solution is very limited and that we should rather focus on a targeted regional or national response. And thank you for reminding us that those national or regional frameworks need to be more needs-based rather than focused on the causes of the movement of people. I think it was also very useful that you reminded us that resilience among populations may differ a lot. Some are far more vulnerable than others; some might be able to move on their own, legally or illegally, while others may not be able to move. Hence the issue also of relocation, unplanned relocation, and that will be the focus of the presentation of our next speaker, Elizabeth Ferris.

Elizabeth is the senior fellow and co-director at Brookings-LSE Project on Internal Displacement. Prior to joining Brookings in 2006, Dr. Ferris has spent more than 20 years in the field of humanitarian assistance, in Geneva, with the World Council of Churches, but also with the Church World Service. She had also a very rich life as an academic at the Universidad Nacional Autónoma de México and at the Lafayette College in Miami University and Pembroke State University.

Elizabeth has published so many articles that it will take me half an hour to give you the least of the articles that she has written, but she's been recently working on one document commissioned by UN trying to draw some lessons, if I understand well, from the development practice on the relocation scheme. And I'd be interested to -- for us to understand better how they work, how they can address some of those dimensions of displacement caused by climate change, and also what has been the experience I understand of the World Bank in this area since you've been looking at this issue.

The floor is yours, Beth. Thank you.

MS. FERRIS: Thank you very much, Vincent. As the Cancun decision made clear, there are three forms of mobility which can be considered as adaptation to the effects of climate change. Jane has talked about displacement, Michele has talked about migration, and there's a lot we don't know about either of those. But I would contend that we know far less about that third category, of planned relocations. Very few people are writing about it or thinking about it. The national plans of action that many governments have developed as adaptation strategies to climate change rarely mention the possibility of planned relocations. And the four or five that do mention it almost in passing as if it's something that happens automatically or easily or without tremendous cost. So I wrote this paper for UNHCR -- I thought it would be published by now, but it will be up shortly, I'm sure, in the Legal and Protection Policy series -- to look at this particular issue of planned relocations.

First of all, let's think a minute about what kinds of people are likely to be affected or need to be relocated. There may be, for example, areas that are prone to sudden onset natural disasters, where people need to be moved to protect them from future floods or droughts or landslides and so on. And we've heard a lot from IPCC recently about the likelihood of increased severity and frequency of sudden onset natural disasters or extreme events in the most iteration.

There may also be people who need to be relocated because their livelihoods are threatened by some of the effects of slow onset disasters: increasing aridity; as Michele pointed out, it's rarely environmental factors alone. In fact, if you consider the fact that 41 percent of the Earth's surface is covered by drylands and 10 to 20 percent of those drylands have been degraded, primarily because of human action, then the potential for people not being able to survive where they are, a need of some

kind of relation scheme could be quite great.

A third category would be people who need to be relocated because their country or parts of their country face destructive from the effects of climate change. And here we've talked about small island states. And as Jane and Michele both point out, it's unlikely to be that islands suddenly disappear or even completely disappear over a period of decades, but rather that people will need to be moved because of some of the other effects of erosion and salinization of water.

Finally, there's the case that people may need to be relocated because of projects intended to mitigate the effects of climate change. To develop biofuels, for example, as an alternative to carbon emissions may mean that people need to be moved, and that displacement is happening right now in many regions of the world around palm oil cultivation and so on.

Now, the kind of people who are likely to be in need of planned relocations or resettlement are likely to be those that Michele called those who are left behind, you know, people who are less mobile, who are less healthy, less young, who aren't able to avail themselves of existing migration possibilities -- those who are left behind. Some of you may have seen the article in *The Economist* last week on resettlement in China. And it talked about, you know, hundreds of thousands of people being moved because of environmental conditions. And then one little sentence it said something like actually many of the young men are already living in cities and working and sending remittances back to those who stay behind. In other words, those populations who may need to be relocated may be the particularly vulnerable sectors of the population, which seems to be a theme running through all three presentations.

Now, in looking at, you know, what models there might be for supporting

these relocations of people, the most obvious comes from those who have been displaced by a development project, now called Development-Forced Displacement and Resettlement, DFDR by its acronym. And let me tell you as someone coming from a humanitarian background, this is a strange world. I mean, they use different budgets and assumptions and timeframes and jargon. And I think it's a real challenge for humanitarian actors to engage with our friends and colleagues at the World Bank and Asian Development Bank and other development agencies that have lots of experience in moving people when a dam is built or when there's a major infrastructure project.

The scale of such displacement is enormous. We have no definitive statistics on how many people have been moved by development projects. The last good estimate was about 20 years ago and reported that 15 million people a year are being moved as a result of development projects. But there's been, as far as we can tell, no systematic effort to count how many people are being moved in a year because of development projects.

The multilateral development banks, particularly the World Bank, but now virtually all of them, have developed operational guidelines to be used in moving people, resettling people. And they define very carefully resettlement as the process to assist displaced persons to replace their housing, assets, livelihoods, land, access to resources and services, and to enhance or at least restore their living standards. In other words, resettlement is a process. It isn't a one-off thing. And resettlement includes a whole host of issues of restoration of livelihoods and land and services and so on that can be difficult, particularly for a humanitarian actors to think in the long timeframes that are necessary to carry this out.

In contrast, the term "relocation" usually refers to the physical movement

of people. You can relocate people either temporarily or permanently. You can -- it can be voluntary, it can be involuntary. But it usually refers to the movement of people rather than the process of restoring one's lives. In practice, the two terms are often used interchangeably. And it's sometimes frustrating for an academic to realize, oh, you're talking about that. I thought we'd agreed that this was the definition. But that's the situation.

Some of the lessons from DFDR, Development-Forced Displacement and Resettlement, seem to be that most of the time that people are not better off than when they -- before their displacement. There's been no overall comprehensive evaluation, which would be really nice to say, you know, there have been 500 DFDR experiences and 300 have been positive and 400 have been pretty good and 200 are -- that adds up to more than 500, but anyway, but some of them have been successful or not successful. But in the absence of that, what we have are a multitude of studies of individual cases. And certainly there have been some very good cases where people's lives have been -- their livelihoods and standards of living have been better after a displacement than before. But I think the consensus in the literature is that most people are probably worse off, primarily because of the issue of livelihoods. And one of the key lessons learned from DFDR is the importance of looking at livelihoods, how people will support themselves.

In its best iterations, resettlement is conceived of as development programming. It isn't just moving you from here to there. It's creating opportunities to enable the full enjoyment of your economic, social, cultural, and political rights.

Another key finding from the literature is that consultation with affected communities is critical. The talking with people, identifying their needs, giving them some

say to the extent possible in the decision of where to move and when to move and how to move and what kind of livelihoods to reconstruct seems to be very important.

In comparison with a lot of the displacement, indeed a lot of the migration, when we think about planned relocation of communities because of the effects of climate change, it's almost always permanent. In other words, the people can't go back because their land, by definition, has become uninhabitable.

There are some key differences, however, in looking at DFDR, the development-induced displacement, and climate change-induced displacement. Perhaps the most crucial element difference is the question of financing. Right now when a country decides to build a big dam, it gets financing from one of the multilateral development banks. Receiving those funds is contingent on coming up with a good resettlement plan and, in the best of cases, actually implementing that plan. But what's going to happen with climate change-induced relocations? Will there be any external funding? If there is funding from these new adaptation funds, will there have been any criteria that the rights of people to be displaced or relocated will be upheld? The jury is still out on that. The adaptation funds haven't even begun to talk about mobility in general as a form of adaptation, but particularly planned relocations.

The need for advanced planning, you look at some of the really good cases that the World Bank has financed of resettled populations and it takes years of planning and armies of social scientists to study the land tenure system before, and the particularly needs of indigenous groups and how to ensure that these services are available. Will that be available in the case of climate change? And perhaps more importantly, will there be land available to move people to? The counties that are most likely to be hit hard by climate changes, to have large areas of their territory become

uninhabitable and that's in need of resettlement or relocations, are probably those countries that don't have a lot of extra arable land, which is uninhabited or inhabited by community that will be delighted to welcome lots of newcomers.

Questions of livelihoods, do you move people from the coastal region whose livelihoods are fishing to an urban setting or -- you know, how do to deal with the land issue is something that's absolutely critical.

In terms of normative frameworks, in the absence of any new anything, governments are likely to use their existing national plans for resettlement of populations because of development projects or land management policies, and so on.

People who are relocated because of climate change are internally displaced persons under the normative framework of the guiding principles on internal displacement. If you look at the other existing normative instruments that might be applicable, there are operational guidelines for protecting people in situations of natural disasters, which are very specific guidance given to humanitarian organizations and responding to those displaced or otherwise affected by natural disasters. And then there are the operational guidelines on involuntary population resettlement at the World Bank, OP 412, which are -- these are three very different kinds of documents. You know, one is an overarching normative framework. Everyone has the right to life and security of person under guiding principles.

The operational guidance by the World Bank is written for their staff. You know, when you're out there looking at a resettlement project how is compensation for land figured? You know, what are the standards for constructing housing? Very detailed operational guidance.

In trying to think about what a normative framework would look like there

are a couple of really big conceptual issues. How do you tell and who decides when land is uninhabitable? And is this permanent? I mean, sometimes things can get really bad with a drought and a few years later it's better. You know, it's not just a one-way end process. And who decides? Is it the government? Is it scientists? Is it communities themselves? And sometimes an area of land may be uninhabitable for the current population, but maybe if there were few people it would be okay.

It becomes even more complicated when you introduce climate change. To what extent is climate change responsible for the uninhabitability of this particular land? And we know that there are multiple factors that make land uninhabitable. So there are lost of conceptual problems. Why try to do it on the paper, however, as to draw the best from these three different standards: the operational guidelines, guiding principles on internal displacement, and then the World Bank's guidelines. They each have certain advantages and strengths, and try to bring them together in what I call 23 preliminary understandings we can -- PUs, I don't know -- we can, you know, think of them as, you know, what some kind of a normative framework like guiding principles might look like that have a human rights focus.

You know, most of the World Bank documents dealing with resettlement are not addressing human rights issues. They're talking about preventing impoverishment rather than upholding basic rights. So bringing those together is a bit of a challenge, but it includes such things as the right of people to petition their governments to relocate them when they deem that the conditions have become unsustainable. There are communities in Alaska now -- Robin Bronin has written about some of them -- where because of the effects of climate change now -- actually over the past 10 years, the melting of the permafrost, increased erosion, more extreme weather

events where communities can no longer live in the areas where they have traditionally settled, and have asked the U.S. Government help us move. And by the way, we've picked out an area where we can move that would be safer for us and nearby and uninhabited. Can you help us to actually make that transition? And so far, U.S. legislation has been unable to support those communities who desire to relocate.

Finally, I mean, as has been said many, many times before that humanitarian development actors need to talk about this and need to find a common vocabulary that would enable them to communicate about different varieties of resettlement. These adaptation funds that are now being discussed and preliminary discussions held need to develop criteria to encourage governments to think now about relocation that may be necessary in the next decade or 20 years.

One of the things we've learned from responding to sudden onset natural disasters is that in the heat of the moment, when people -- when the disaster occurs is not the time to be developing legislation and policy. You know, we've got some time now to develop some good guidelines. I think some studies really looking at how governments likely to be affected by climate change and likely to engage in planned relocations, some studies of what their existing legislation and policies look like could be very helpful.

And finally, we've got to tackle the question of land. Land policy is central to any discussions of relocations and resettlement.

So this was an interesting area, a little bit different for me to look at, but a fascinating one that I think is terribly important and needs far more attention. Thanks.

(Applause)

MR. COCHETEL: Well, thanks a million, Elizabeth, for bridging the gap

in terms of knowledge between the humanitarian migration actors and development actors because I think we have to get used to this acronym, DFDR. When we all leave this room today we know it's Development-Forced Displacement and Resettlement.

MS. FERRIS: Very good, Vincent.

MR. COCHETEL: But it's interesting because when preparing for this panel discussion, last week I was in Haiti. There was a landslide on one of the hills of Port-au-Prince, but then people were killed. The landslide caused by heavy rain, but heavy rain do not kill people as such. It's because of the deforestation that we have those landslides.

And I was looking at the disaster response plan in Haiti. After the earthquake each commune had to work on their disaster response plan, and I was thinking maybe I'll find something there about relocation, planned relocation. No, we don't find that because they are returned by civil defense personnel, by humanitarian actors. And the assumption is people will return to the place where they have been displaced from, which is wrong. So some of the dots are not connected there.

Another thing I was trying to look at the literature on relocation in the context of industrial disaster, what happened after Chernobyl. Less than a year after, the Ukrainian authorities had to work out some plans as to what we do in terms of return of affected populations, and it was quite interesting that they developed a national system. But at that time, that part of Europe was not open to public scrutiny, but it was an interesting discussion about internal displacement, about external displacement to Belarus in the context of industrial disaster and what sort of relocation scheme could be put in place for affected populations.

Anyway, the floor is yours now for questions to the panelists. If you don't

mind introducing yourself, and I'll probably take a couple of questions I will direct to the panelists. Please, if you can, come around with the microphone. Thank you very much.

MS. FRIEDMAN: Thank you. Hi. I'm Lisa Friedman from *ClimateWire*. We're an energy policy magazine here in Washington. And this has been really, really interesting.

We did, about five years ago, a big series on the implications of climate migration in Bangladesh, and it was a country we picked specifically because it wasn't I want to say easy, but that's not the word, that's not precise. It wasn't a linear, you know, or relatively simple story of, you know, sea levels rise, you know, island nation is in trouble, people move, but rather a very complicated story of climate change acting upon extreme poverty and poor infrastructure and poor civic infrastructure, and also urbanization. And we were able to see a lot of the things that you're talking about on the ground about the overwhelming internal migration and the tensions not between countries far away from Bangladesh or Western countries, but with neighboring India.

And sorry, just as an aside, you know, it's fascinating to see the -- I think we were one of the first outlets to really write thoroughly about this tension over the language, over the word "refugee." And at the time, the concern was really about using the word "refugee" would undermine the hard-fought definition of a refugee. And so it's interesting to see how that learning and understanding has developed and the thinking on that.

But I was hoping to turn this to some concrete things that are happening now. You mentioned Haiti and some other countries. Can you talk about maybe Pakistan or Horn of Africa or other places where people are moving now for reasons -- you know, Colombia -- for reasons that maybe have to do directly with climate change or

partially to do with climate change? What are you seeing? Why are people moving? For how long are they moving? Where are they moving? And what are the needs that you see people have that are or aren't being met in the kind of on-the-ground disasters in this decade? Thanks.

MR. COCHETEL: Thank you. I'll take other questions here in the back.

MR. CARR: Thanks to the panel. I'm Ed Carr. I'm an AAAS fellow on the climate change team at USAID. I'm also a professor in the Department of Geography at the University of South Carolina. This is part of what I work on actually, so this has been really interesting. An observation and a question.

The observation: I'm surprised no one here has said REDD+ yet and displacement because of safe forest carbon issues. I'd be interested to hear folks talk about that a little.

And then sort of a specific question to Jane. While environmental migration, "environmental migrants" is a really shaky term, especially when you get to "refugee," when we think about the legal categories, we also know that the impacts of climate change, as has been mentioned up here, are quite disproportionate across populations and oftentimes the populations most impacted might fall into those categories. In other words, these things might converge in certain places where the impacts of climate change that might lead people to move actually fall under, the converge and actually become part of those categories. Has anyone been looking at where those things might converge? Has anyone tried to leverage that into legal arguments? I'd be interested to hear about that.

MR. COCHETEL: Thank you. I'll take a last question on this side and then we'll have a second group of questions after the panelists answer those first three

questions. Please.

MR. BEARY: Yes. Brian Beary, Washington correspondent for *Europolitics*, a European affairs newspaper based in Brussels.

A question I think more for Jane. You mentioned four countries were interested in potentially moving forward. I'm curious as to which four they were and what the European Union's position has been on this debate.

And then secondly, just in terms of you seemed to indicate that there was not much support for an international treaty on this issue. I'm just wondering if there was a treaty that was very, say, narrowly defined say for the island states in the Pacific, where there is a risk of submergence and, you know, it's a limited population. Do you think that they're -- for a more targeted, limited instrument there might be some kind of support for that?

MR. COCHETEL: Thank you very much. Maybe we'll have a first set of replies. Jane, the floor is yours maybe to -- on the first three questions, I mean, you may have something.

MS. McADAM: Well, I'll start with the last one. I mean, I think -- because it connects with Lisa's question as well. I think you contrasted Bangladesh as a very complex environment with the small island states.

They are the places where I've done fieldwork, the small island states and Bangladesh and India. Partly because of that sense that, well, these are really different environments, well, in fact, they're in many ways quite similar. Because in the small island states, again, the rhetoric is around sea levels will rise, population will have to go. In fact, long before sea level rise occurs, populations may have to go because of a lack of fresh drinking water. So, in fact, it's not the territory that's going to disappear first. It will

be a population perhaps with a government. So in Tuvalu last year, they ran out of fresh drinking water, so Australia and New Zealand had to ship in water supplies, had to send across temporary desalination plants, and that's really not sustainable.

So I think that, again -- so coming to that last question about, well, could we have a more narrowly defined treaty, I don't think that's the best way of approaching it. First of all, Kiribis and Tuvalu, we're talking about 120,000 people. That's less than Australia's annual immigration intake. So, in my view, what would be the point of lengthy treaty negotiations for, purely in numerical terms, such a small group of people?

Secondly, that's not how those populations themselves want to be treated. They would rather develop, as Michele mentioned, existing migration options. So New Zealand has something called the Pacific access category, which allows 75 people from Tuvalu and Kiribis annually to move as permanent residents to New Zealand. Now, that's a small number, but, on the other hand, that's the kind of thing that those governments are trying to build up because they see it as a transitioning mechanism for people who want to move, who are able to move to do so; to move in a kind of cyclical manner. So they'll go home and they'll talk to their family and friends. The people at home say, oh, you know, I never wanted to go to Australia, but now I actually hear it's not that bad, so I would entertain that idea. And it's a way, as I said before, of actually relieving some of that population pressure on the island.

So Beth mentioned, well, there are places that might actually be able to sustain a population, just not a population of the present size. And, in fact, back in the '80s, you've got Kiribis and Tuvalu lobbying governments at that time saying we've got men who are off working in the phosphate mines in other islands in the Pacific. When they come back, we're not going to be able to have jobs for them. We need migration

options now. And Australia's development agency in 1984 said migration is the best way to facilitate development, but it's never really acted on that.

You asked about which four countries were they that offered to work with UNHCR. In the report that I looked at they don't mention which they are. I'd have to go through -- Beth might know. Norway was one.

MR. COCHETEL: Norway, Switzerland.

MS. FERRIS: Switzerland.

MS. McADAM: Switzerland.

MS. FERRIS: Germany.

MR. COCHETEL: Germany.

MS. McADAM: Germany.

MS. FERRIS: And Mexico.

MS. McADAM: And Mexico. Thank you. And Norway's been very proactive on this issue.

As for the EU, my sense is that there's not a strong kind of unilateral position, but they have been -- I mean, certainly the Council of Europe has produced some very interesting reports on this, but you've then had on the other side some of the security agencies of the EU conceiving of this in security terms, not as a security threat to the populations that might have to move, but rather as to the security of Europe's borders. And similarly, you've had various defense organizations in a number of countries talking about the security aspects, not of those who are going to be displaced, but rather of the populations of the U.S., Canada, Australia, and so on.

What are the other -- sorry, just the question about the refugee definition. There are certainly some cases where people who are affected by climate change

impacts may well be refugees, but that would be where you could point to the fact that their governments have instituted particular policies which deprive certain groups of, you know, access to agricultural land or to fresh water or that sort of thing. So it's not that we're shutting down the refugee definition ever as a possibility, but just to say that might be an exception, but it's not going to be a catch-all generally.

MR. COCHETEL: Maybe, Elizabeth, on some of the displacement from Pakistan, Horn of Africa, Colombia, do you have any --

MS. FERRIS: I mean, I think that the question was to what extent is there displacement or migration or relocations going on now because of climate change. I mean, a lot of it's really difficult to say how much in the Horn of Africa displacement right now is because of climate change or the terrible flooding in Pakistan. Certainly a lot of people on the ground think that it's related to climate change.

You know, climate change occurs over a period. I don't think you can say we had a warm winter because of climate change. It takes a whole -- you know, it takes time to see those tendencies, but people perceive it in that way. And there seem to be cases, such as the ones I cited in Alaska. The Carteret Islands off of Papua New Guinea is another one that's usually cited as a case where people need to move because of the effects of climate change, in that case particularly "high king tides" as they're called. But it's hard to tell, you know, to what extent climate is a factor in movements from Bangladesh or within Bangladesh. It's hard to know. And I'm very suspicious of a lot of the studies and research that come out with numbers, you know, 2 billion people or 753 million. I mean, we just don't know.

I think it would be really interesting to do some research at the micro level, at household communities, of who decides to move and when and to what extent

you can correlate that with patterns. Some of the research is pretty inconclusive. Looking at migration from Mexico in terms of rainfall patterns from certain communities, some of the studies find that there's increased migration and some find that there's less migration. That's not real definitive.

MR. COCHETEL: Michele, maybe the first part of the question from the colleague from USAID.

MS. SOLOMON: Yes, and actually coming back to the very first question, also, if you don't mind. I think one element I'd like to add is about the international community's response from the humanitarian perspective. And here, I mean, this is obviously after the fact, but the whole what's called the Interagency Standing Committee, which is made up of all the UN actors in humanitarian response, IOM, the Red Cross and Red Crescent movements, and the NGO community is increasingly being called upon in humanitarian response to respond to situations involving natural disasters. Again, whether it's climate change caused or not is less consequential than the fact that there are natural disasters that are displacing lots of people.

And in that context it's been a real evolution for the humanitarian community because when you're addressing those kinds of circumstances, you have to be thinking about supporting national actors and their efforts to assist people. It's not a refugee-like situation. It's not a war situation. Because in the long run what you want to be able to do is build up the capacities of the local authorities to be able to reduce disaster risk, increase resilience, and be able to have their own early warning systems, response mechanisms way in the long term to be able to deal with that. Now, that's perfect. The Bangladesh example is precisely that.

And so the international community has to reorient its thinking to really work with local authorities, to enhance their capacities and support them in being able to protect and assist people. And it's really been a big change in the last 10, 15 years about how the humanitarian response world addresses these issues. That's not to say that there's not still displacement as a result of conflict and human rights violations, more traditional things, but this is becoming a really predominant paradigm and really challenging the international community as a whole to work in a different way on humanitarian response.

But even before getting to that, it's really important to focus on disaster risk reduction, and that's really critical. The Hyogo Framework, which will be up for renewal, now, is critical in terms of really putting in place mechanisms to reduce disaster risk. I mean, obviously we all watched with horror what happened in Japan last year. But had that not been Japan, had that been any other country, the number of people who would have been killed, the number of people who would have been permanently displaced, the economic consequences would have been far, far graver because of the measures that the Japanese government had already put in place in terms of disaster risk and warning. You know, that was a horrible situation that would have been infinitely worse if it had been any other government. So I think we need to really focus on the disaster risk aspects as well.

MR. COCHETEL: Thank you.

MS. SOLOMON: Could I just add something in about the way we understand or frame these sorts of movement because I think the climate change migration or displacement label now gets attached to all sorts of things which historically have been going on anyway. And so in Bangladesh, when we went across the border to

India and said are you preparing for this huge number of people expected to cross the border because they're now being displaced by the impacts of climate change, everybody looked at us like we were crazy. I mean, there was nobody we could really find for whom this was now an emerging issue. And I wonder whether that's because there has always been some cross-border movement between Bangladesh and India, and that's expected to continue much as it always has, but it's not being seen in this new way.

And similarly, with the Carteret Islands, certainly there is -- you know, there are king tides and a lot of the -- they can't grow crops anymore because there's saltwater there that's corrupting the soil and contaminating the soil. But, again, they've talked about moving since the 1980s and, in fact, have had various relocation options around since the 1980s, long before we ever started to talk about climate change. And so there is a degree to which that becomes a hook for -- I'm sorry, that makes it sound very disingenuous, which is not what I mean to do at all, but rather to say if you're going to get attention around an issue, because climate change provides that attention, then why wouldn't you start to reconsider things in this way?

And with the Carterets there is some confusion as to -- you know, scientific uncertainty as to whether climate change is now accelerating things that are happening there or whether it's a process of natural subsidence. Either way, people are at risk and they're going to have to move, and I don't think it should actually make a difference. The problem is, and this links back to the treaty debate, if you have a, you know, climate change displacement treaty that links the reason why you're moving to this thing called climate change and you can't demonstrate that, then does that mean you don't get help, but some other group does? And that's one of the big problems, I think, with some of the rhetoric being used.

MR. COCHETEL: Thank you very much. I have two, three questions over there.

MS. REDMAN: Thank you. My name is Janet Redman. I work with the Institute for Policy Studies and I focus mostly on climate finance in the UN Framework Convention on Climate Change. And so my question -- actually I just want to first thank you all. This is really interesting. This is not my primary area of focus, so it's been a wonderful learning experience to get all of your perspectives.

Recognizing the resource constraints of dealing with the whole issue of all of these kind of three forms of movement and that there's a real lack of political will to do more stuff in the multilateral regimes across the board, I wanted to push back a little bit on the idea of focusing kind of mainly on the needs of the folks who are migrating and less on the causes, in part because the piece that I look at is what's moving people. Why are people moving, right? But also who's responsible for the financing piece? Because I look at climate finance. So it moves back to the question you just asked, which is if you have to link to finance, are big groups going to miss out?

But I also wanted to link back to the idea of this REDD+, the idea of reducing emissions from deforestation and forest degradation and biofuels and dams, looking at dams as a mitigation strategy. Because people are going to be moved when we think about climate change from the actions that we use to solve climate change. And those are premeditated actions; those aren't the same things as sea level rising. So people are on the hook then for paying for that kind of resettlement or paying -- but that reflects the bigger question of people being on the hook for causing climate crisis in the first place.

How do we think about who needs to pay into things like The Adaptation

Fund, a new green climate fund, et cetera, if we're not going to be looking at the causes and implications of who has caused it? Thanks.

MR. COCHETEL: Thank you very much. I'll take two more.

MS. MARTIN-NAGLE: My name is Renee Martin-Nagle with the Environmental Law Institute. I have a question for Michele and one for Elizabeth.

Michele, you mentioned the idea of regional solutions, and I wonder if you could talk about whether you're seeing any of those right now, and some examples and some trends?

And, Elizabeth, you had talked about migrations in the primary case and I'm wondering if we're seeing secondary migrations as well, people can't go home and they can't stay where they are? Thank you.

MR. COCHETEL: Thank you. I take the last question, thank you.

MS. THOMAS: Hello. I'm Alice Thomas from Refugees International. Beth, I have a question for you, and I know the panel is about legal gaps, but I actually have a question about institutional responses.

Given all the work that Brookings has done just generally about displacement and institutional responses by the U.S. Government to displacement, can you discuss a little bit whether the current institutional arrangements between, you know, the State Department and USAID are sufficient to address this issue? Thank you.

MR. COCHETEL: Thank you. Beth, if I could ask you to respond to the first and the third questions to start with.

MS. FERRIS: Okay. Let me start with the third question in terms of current use policy, where responsibility for IDPs is generally split between the Bureau of Population, Refugees, and Migration and USAID, with USAID expected to take the lead

in case of natural disasters. I mean, we have made very clear that we think there should be better coordination, cooperation, discussion between those two arms of our government to ensure that aren't gaps that develop between them. I think that there's been some progress in the last year in doing so, but you know natural disasters is kind of hard, I think, for PRM, Population, Refugees, and Migration.

This is not an easy issue for those who've worked with traditional refugees for years and developed lots of expertise to look at the particular needs and situation of those affected by natural disaster and the effect of climate change. I think that the State Department actually needs our support to kind of figure out what they really should be doing and concentrating on. It's hard to project, as we've, I think, made it very clear.

I wanted to comment briefly on this question of needs versus causes. I mean, it's not just a question of responsibility and financing. There are also moral issues. I mean, do you treat somebody who's displaced by a flood preferentially in comparison to somebody displaced by an earthquake? Earthquakes are not generally considered to be caused by climate change. I mean, do you set up a preferential category for those displaced by effects of climate change while those who have desperate poverty or are fleeing other kinds of disasters?

And the whole question of responsibility, of, you know, a polluter pays and -- so when you look at relocations, you know, you think about who's going to pay for their resettlement? The best cases the World Bank has come up with costs about \$5,000 per person. That's a lot of money when you're talking about hundreds of thousands of people. Is it the responsibility of the national government of Bangladesh or the United States -- this isn't necessarily a North/South issue -- to pay all the costs? Or should it be

the ones who caused it, say, in Kiribis or Tuvalu or other places? There are real murky issues there.

MR. COCHETEL: Thank you. Michele, would you like to comment on the question that was related to region solutions?

MS. SOLOMON: Just very briefly picking up where Beth left off. I think it's really important -- I understand that from the climate change area people really focus on this responsibility question and that's a mindset that is very firm.

In the migration and refugee area that doesn't work at all, and I think for a lot of the reasons that Beth just mentioned. And, you know, I've seen -- actually where I met Jane for the first time a little less than a year ago was at a conference at Columbia Law School that was sponsored by the Republic of the Marshall Islands with a major cry for responsibility and compensation that would be attached to the people who were responsible for the sea level rise as a problem. And you could just see the disconnect immediately.

I think this comes back to the point that all of us have made about needing to have the dialogue and really come around on terminology because while I think we, from the movement of people area, understand why that's so important in terms of responsibility in the climate change area, with respect to the movement of people it's a very, very troubling notion and is probably something that will generate a negative reaction rather than actually opening doors for doing something positively.

Now, about regional possible solutions, there's actually some really interesting bilateral measures that are being explored now. Some of the small island states are in informal discussions. Some have said -- I mean, we don't know exactly, but some have said they've actually reached informal agreements with some countries to

relocate their populations in the event that that becomes necessary. Obviously that's not something that most governments want to publicize. They don't want to raise the fear level, but there are discussions that are going on, both on a bilateral basis and some in a regional context, primarily in the South Pacific, primarily with -- including there was -- actually I saw something in the press just last week about buying a part of Fiji and -- was it Kiribis? Kiribis is looking to buy some territory in Fiji as a safeguard in the event that they need to move their population.

So that kind of thing is taking place, but there are some regional forums, particularly in Asia, that are having discussions about what kinds of burden sharing and cooperation mechanisms could be developed. Those are intended to be voluntary. They're not intended to be legally binding, but they're meant to be in the spirit of really looking at the numbers and how to allocate.

The last point I wanted to make, and it's relevant to both of those questions, is it really is time to look at integrating into National Adaptation Plans of Action considerations about mobility of people. And so that is going to be a big area of work in the coming years. I think it really needs to take place at that level. I know IOM's working with other colleagues to create a handbook on this as a guide to people about what it would take to integrate mobility people into the NAPAs, and that hopefully will give us more information about -- in the event there is adaptation funding, how that could be used effectively. Thank you.

MR. COCHETEL: Thank you very much, Michele.

A few last concluding remarks, Jane, Elizabeth, and Michele?

MS. McADAM: Thank you. I actually just wanted to pick up on that example of Kiribis and Fiji because I think it's a really interesting contemporary one.

Kiribis is looking at purchasing part of an island or an island in Fiji. And they're using that so they do have some residual territory to which they can move part of their population. But what they recognize and what, you know, is certainly the case as a matter of international law is that they have no right to pick up and move their citizens because that would be a private property transaction, and any citizens of Kiribis who wish to relocate or to move to Fiji have to comply with Fiji's immigration law. And that, I think, is one of the biggest sticking points when we talk about moving whole communities, is that unless you've actually got an assurance -- which basically means a right for those people moving to acquire the nationality of the new country, then they remain -- you know, that other country can, if it wishes to, expel those people at some later point.

And so people's entitlement to remain becomes incredibly insecure. And that really is a matter that it will be down to governments themselves to conclude. But you can see what a huge challenge that is, even if you can get the territory for people to move to at all.

MR. COCHETEL: Thank you. Elizabeth?

MS. FERRIS: Yes, in one word. May I hope that what we have been able to convey is that this is a terribly important issue and a very complex one where there's a lot of uncertainty. And I hope that all of you will go back and think about this from your particular perspectives because we need a lot more creativity and attention and research and discussion to move it up on the agenda because lots of people are going to move because of the effects of climate change, even if we don't know the number or direction or timing.

MR. COCHETEL: Michele?

MS. SOLOMON: Just one last thought and it's very much picking up on

where Beth left us, and that's about the planning. The better that we plan and anticipate, the less that there will be loss of life, less displacement, less economic cost. So the better prepared we are, the better we plan, the better people will fare as a result of what we know is coming, even if we don't know the precise place or perimeters. So, thank you.

MR. COCHETEL: On these words, let me thank you for coming here and thank the panelists for having shed some lights on those challenges facing us as citizens or representatives of different institutions. Thank you very much. (Applause)

* * * * *

CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

/s/Carleton J. Anderson, III

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

Expires: November 30, 2012

ANDERSON COURT REPORTING
706 Duke Street, Suite 100
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190