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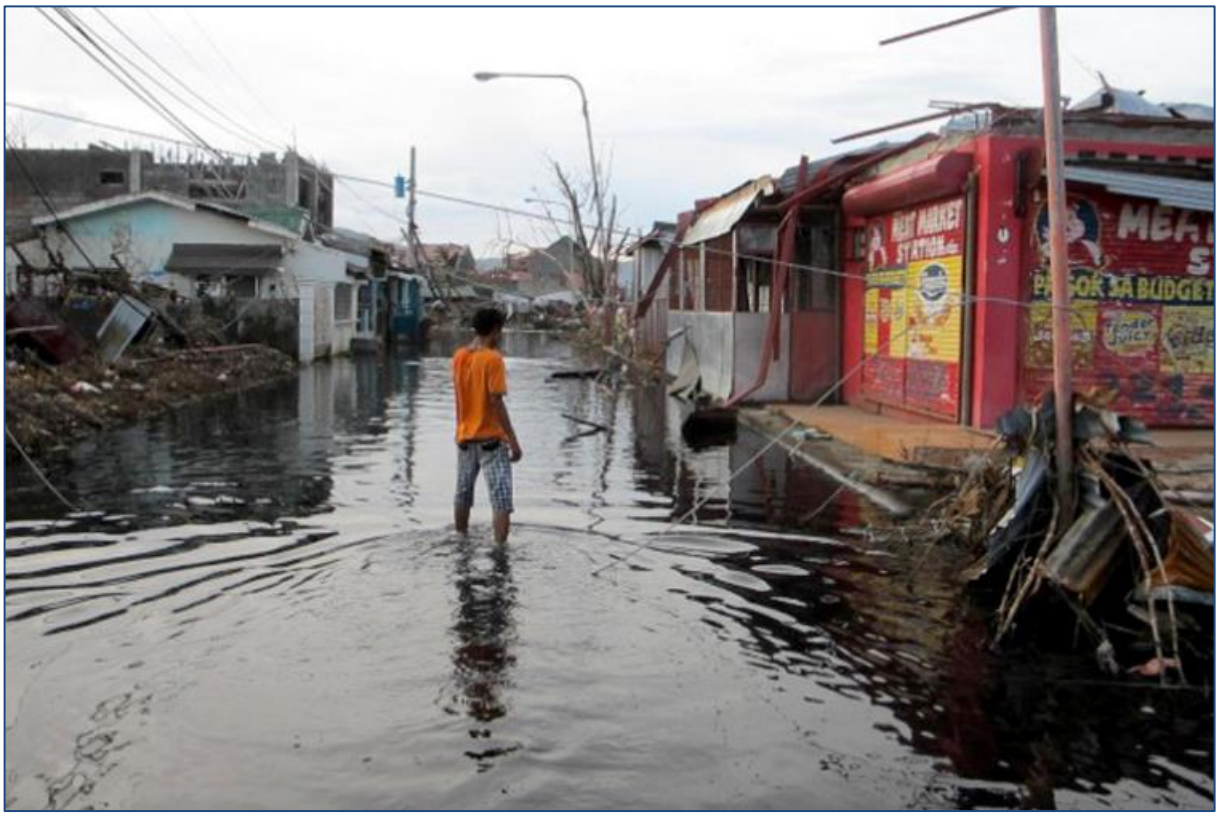

Climate Change and Internal Displacement

Front Cover Photograph: Views of the city of Tacloban, Philippines, ruined by Typhoon Haiyan on November 8, 2013. (IOM /Joe Lowry, November 14, 2013).

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FOREWORD

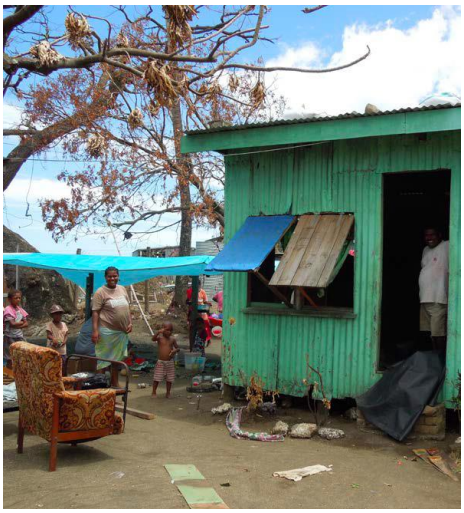
These reports were prepared in my official capacity as United Nations Special Rapporteur for the Human Rights of Internally Displaced Persons. Versions of them were presented to UN General Assembly and to the UN Human Rights Council as part of the reporting requirements of my mandate. Publishing the reports in this format provides me with an opportunity share them with the broader public in order to highlight important thematic issues which are urgent for the lives of internally displaced person (IDPs). Thus I have focused on the state of normative developments on internal displacement, on climate change and displacement, on the particular needs of displaced women, on the challenges of protecting and assisting IDPs living in non-camp settings, and on the important role that development actors play in bringing about solutions for IDPs. By raising up these issues, my intention is to encourage governments, international actors and local civil society groups to consider how they can more effectively respond to the needs of IDPs.

In an effort to broaden the discussion of these issues, the Brookings-LSE Project on Internal Displacement has expanded on the issues raised in my official UN reports and to circulate them widely. Hence, I am delighted to introduce this report on Displacement and Climate Change. Since my original report to the General Assembly in 2011, I am more convinced than ever of the importance of addressing climate change and hope that this report encourages more creative thinking on the issue.

Chaloka Beyani
Special Rapporteur on the Human Rights of Internally Displaced Persons

I. INTRODUCTION

Over the past five years, an average of nearly 27 million people have been displaced annually by natural hazard-related disasters.[1]



It has long been recognized that the effects of climate change will displace people and that most of this displacement will be within national borders. The Intergovernmental Panel on Climate Change' very first report from 1990 stated that the greatest single impact of climate change may be on human migration.[2] The report estimated that by 2050, 150 million people could be displaced by desertification, water scarcity, floods, storms and other climate change-related disasters. Scholars, practitioners and researchers have generally accepted the fact that climate change will result in large-scale movements of people and that developing states will bear the greatest costs. Indeed, the socio-economic impacts of climate change may further limit access to human rights as well as the implementation of the Millennium Development goals and human security.[3] The effects of climate change also have the potential to trigger or exacerbate tension, conflict and violence thus leading to displacement.[4]

The UN General Assembly's resolution 64/162 of December 2009 recognized natural disasters as a cause of internal displacement and raised concerns that climate change could exacerbate the impact of both sudden- and slow-onset disasters, such as flooding, mudslides, droughts, or violent storms. In 2010, the Conference of the Parties to the United Nations Framework Convention on Climate Change recognized that mobility – migration, displacement and planned relocations – is an important form of adaptation to climate change. In its "Cancun Adaptation Framework," it invites all parties to go further in understanding, coordinating and cooperating on climate change-induced displacement, migration and planned relocation, where appropriate, at national, regional and international levels.

[1] IDMC, "Global Estimates: People Displaced by Disaster," September 2014, http://www.internal-displacement.org/assets/publications/2014/201409-global-estimates.pdf.
[2] First Assessment report, available from www.ipcc.ch.
[3] A/HRC/10/61.
[4] Andrea Warnecke, Dennis Tanzler and Ruth Vollmer, "Climate Change, Migration and Conflict: Receiving Communities Under Pressure," The German Marshall Fund of the United States, June 1010, http://www.ehs.unu.edu/file/get/7105.

Excerpt from Cancun Adaptation Framework

"Affirms that climate change is one of the greatest challenges of our time and that all Parties share a vision for long-term cooperative action in order to achieve the objective of the Convention under its Article 2, including through the achievement of a global goal, on the basis of equity and in accordance with common but differentiated responsibilities and respective capabilities; this vision is to guide the policies and actions of all Parties, while taking into full consideration the different circumstances of Parties in accordance with the principles and provisions of the Convention; the vision addresses mitigation, adaptation, finance, technology development and transfer, and capacity-building in a balanced, integrated and comprehensive manner to enhance and achieve the full, effective and sustained implementation of the Convention, now, up to and beyond 2012;

….

Invites all Parties to enhance action on adaptation under the Cancun Adaptation Framework, taking into account their common but differentiated responsibilities and respective capabilities, and specific national and regional development priorities, objectives and circumstances, by undertaking, inter alia, the following:

(a) Planning, prioritizing and implementing adaptation actions, including projects and programmes,[1] and actions identified in national and subnational adaptation plans and strategies, national adaptation programmes of action of the least developed countries, national communications, technology needs assessments and other relevant national planning documents;

(b) Impact, vulnerability and adaptation assessments, including assessments of financial needs as well as economic, social and environmental evaluation of adaptation options;

(c) Strengthening institutional capacities and enabling environments for adaptation, including for climate-resilient development and vulnerability reduction;

(d) Building resilience of socio-economic and ecological systems, including through economic diversification and sustainable management of natural resources;

(e) Enhancing climate change related disaster risk reduction strategies, taking into consideration the Hyogo Framework for Action,[2] where appropriate, early warning systems, risk assessment and management, and sharing and transfer mechanisms such as insurance, at the local, national, subregional and regional levels, as appropriate;

(f) Measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels;

(g) Research, development, demonstration, diffusion, deployment and transfer of technologies, practices and processes, and capacity-building for adaptation, with a view to promoting access to technologies, in particular in developing country Parties;

(h) Strengthening data, information and knowledge systems, education and public awareness;

(i) Improving climate-related research and systematic observation for climate data collection, archiving, analysis and modelling in order to provide decision makers at the national and regional levels with improved climate-related data and information…"

Source: http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf#page=4

This report is adapted from the August 2011 report to the Secretary-General by the Special Rapporteur on the human rights of internally displaced people, Chaloka Beyani.[5] It explores the linkages between climate change and internal displacement from a human rights perspective. Drawing on the 1998 Guiding Principles on Internal Displacement, the report highlights key

[5] Available from: http://www.brookings.edu/~/media/Projects/idp/GA2011Report.pdf.

principles, concepts, and complexities around the issue and makes recommendations for future action.

Basic Concepts and Terms

Climate change is defined by the Intergovernmental Panel on Climate Change as "any change in the climate over time, whether due to natural variability or […] human activity."[6] However, the United Nations Framework Convention on Climate Change focuses specifically on climate change that is "attributed directly or indirectly to human activity" and is "in addition to natural climate variability."[7]

"Mitigation" and "adaptation" refer to the strategies used in response to climate change threats. In the context of climate change policy:

- **Mitigation** refers to measures aimed at minimizing the extent of global warming by reducing emission levels and stabilizing greenhouse gas concentrations in the atmosphere.[1]
- **Adaptation** refers to adjustments in natural or human systems in response to actual or expected climate stimuli or their effects, which moderate harm or exploit beneficial opportunities.[1] In other words, they are measures to reduce harm and strengthen the capacity of societies and ecosystems to cope with and adapt to climate change risks and impacts.

Resilience is another relevant term in climate change discourse and is considered as "the ability of the system, community or society exposed to hazards to resist, absorb, accommodate, and recover from the effects of a hazard in a timely and efficient manner."[8]

The impact of climate change on mobility

The way that climate change impacts displacement is affected by mega-trends like population growth, rapid urbanization, increased human mobility and food, water and energy insecurity.[9] Local and regional factors, such as pre-existing socio-economic and governance situations, can also affect the scale and nature of displacement.

[6] Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, Summary for Policymakers, p. 21. Available from www.ipcc.ch.
[7] United Nations, Treaty Series, vol. 1771, No. 30822, art. 1, para. 2. The definitions of mitigation and adaptation (in the box below) are adapted from United Nations Framework Convention on Climate Change, Glossary of climate change acronyms (http://unfccc.int/essential_background/glossary/items/3666.php).
[8] UNISDR (Secretariat of the International Strategy for Disaster Reduction), "Terminology on Disaster Risk Reduction," 2009, http://www.unisdr.org/files/7817_UNISDRTerminologyEnglish.pdf.
[9] UNHCR, Summary of deliberations on climate change and displacement, resulting from the expert round table on climate change and displacement held in Bellagio, Italy, from 22 to 25 February 2011, p. 2.

In this larger context, climate change can be seen as an impact multiplier and accelerator.[10] In other words, in addition to its own negative impacts, climate change may exacerbate the risk of conflict which can, in turn, cause further displacement. Subsequently, the effects of climate change may lead to increased competition over scarce resources and the loss of livelihoods which may increase the risk of conflict and violence, causing additional displacement.

The Security Council debate of July 20, 2011, on the impact of climate change for international peace and security, highlighted the security implications of climate change, including the ways in which it could complicate or aggravate new and existing security concerns in fragile and vulnerable states, potentially threatening global economic stability.[11]

Climate change also intensifies both sudden-onset and slow-onset disasters, both of which cause displacement. Sudden-onset disasters such as cyclones and floods are expected to become both more intense and more unpredictable as a result of climate change. Slow-onset disasters tend to prompt people to move in search of livelihoods, food security and safety—a trend that is already happening throughout much of the world. In Africa and Asia in particular, climate change-related displacement is affecting populations that are already vulnerable. For example, in 2011 an estimated 12 million people in the Horn of Africa were in need of immediate humanitarian assistance due to drought and food insecurity affecting Somalia, Kenya, Ethiopia, Uganda and Djibouti.[12] Somalia also faced drought-induced crop failures, spiralling food prices and lack of food assistance – which came on top of conflict, insecurity and limited humanitarian access. This resulted in the worst famine in decades, putting 3.7 million people in need of urgent assistance and causing large-scale displacement.[13]

Climate change-related displacement takes place in complex contexts and it is difficult to draw direct causal relationships. For example, flooding may increase as a result of the effects of climate change, (such as increased glacier melting), but also because of human action such as deforestation. As it is difficult to disentangle the particular factors causing displacement, it is important to adopt a holistic approach to understanding the impact of climate change on the movement of people.

[10] Government Office for Science, London, "Migration and Global Environmental Change," 2011, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/287717/11-1116-migration-and-global-environmental-change.pdf.

[11] Press release SC/10332 (www.un.org/News/Press/docs//2011/sc10332.doc.htm). See also the related Security Council debate on April 17, 2007 (SC/9000); and A/HCR/10/61, paras. 61-63.

[12] Food and Agriculture Organization of the United Nations (FAO), media report of July 20, 2011 (www.fao.org/news/story/en/item/82387/icode/).

[13] UN Office for the Coordination of Humanitarian Affairs, "Somalia Famine & Drought Situation Report," August 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Somalia%20Situation%20Report%20No.%2011_2011.08.30.pdf.

II. Climate Change and Displacement

Climate change-induced displacement occurs because of, or is exacerbated by, a number of different changes in the physical climate and environment, including:

- Increased droughts, environmental degradation and slow-onset disasters such as desertification, which undermines agricultural livelihoods and reduces food security;
- Higher temperatures in water and air, and increasing acidity of the seas;
- Contraction of snow-covered areas and melting of sea ice, leading to rising sea levels that can make coastal areas and low-lying island states unliveable;
- Increased frequency and intensity of weather-related natural hazards such as tropical cyclones, hurricanes, mudslides and flooding; and
- Conflict and social upheaval, directly or indirectly related to climate change-related factors, such as competition for scarcer natural resources, changing livelihood patterns, increased social tensions and the possible concentration of vulnerable populations, especially in poor urban areas

These changes to the environment and climate can increase displacement as people move to locations, generally within the borders of their own countries, in search of better human security and improved livelihood opportunities. People may also be displaced again when they move to urban centers already under pressure, or when planned relocations are unsuccessful. Sometimes displacement is cyclical as people move back and forth from their original communities in search of security and livelihoods.

A Rights-Based Approach

While the climate change debate has traditionally been centered on scientific and economic factors, it has begun to encompass the social and human rights dimensions as well. This has led to a growing body of studies and reports which look at the relationship between human rights and climate change.[14] For example, in 2008, the Human Rights Council called on the Office of the High Commissioner for Human Rights to carry out a study on climate change and human rights. The resulting study examined how climate change impacts specific rights, vulnerable groups, forced displacement and conflict.[15] It also analyzed the human rights implications of response measures to climate change, and outlined the relevant national and international obligations under international human rights law, including economic, social and cultural rights as well as the right to access to information and participation in decision-making. The study ultimately concluded that efforts to address climate change must draw on human rights standards and principles.

[14] See, for example, International Council on Human Rights Policy, Climate Change and Human Rights: A Rough Guide, 2008; and The World Bank, Human Rights and Climate Change: A Review of the International Legal Dimensions, Washington, D.C., 2011.
[15] A/HRC/10/61.

The Pacific Islands under Threat

"The Pacific Island countries are internationally regarded as a barometer for the early impacts of climate change. Their geophysical characteristics, demographic patterns and location in the Pacific Ocean make them particularly vulnerable to the effects of global warming. Small Island Developing States, a UN-established category which includes most Pacific Island countries, are characterized by a high ratio of shoreline to land, low elevation, settlement patterns concentrated in coastal areas and a narrow economic basis—all of which put them at heightened risk. Perhaps more than in any other region, the populations and governments of Pacific Island countries are keenly aware that they face severe and multifaceted risks as a result of climate change. Their lives and livelihoods are linked to the Pacific Ocean; rising sea levels and other effects of global warming threaten not only their physical assets and coastal zones, but also their way of life and perhaps their national identities.

> "For us Pacific peoples, the discussion on climate change is not just a theoretical issue that we talk about when we come to these global meetings! It is there and we see the effects in our daily lives. For us it is a matter of life and death! In many cases we have to decide whether to stay on our islands or leave our homes."

—Fiu Mataese Elisara, Executive Director, O le Siosiomaga Society, Samoa
(Presentation at the International Expert Group Meeting on Indigenous Peoples and Climate Change, Darwin,
Australia, April 2-4, 2008)

In the Pacific Islands, this acute awareness of the potential impact of climate change comes not only from books and studies, but from first-hand knowledge and ongoing experiences with the effects of the world's changing climate. The value and relevance of these experiences are not confined to the Pacific Islands, but are relevant for the world at large."

Excerpt from Brookings-LSE September 2011 Report, "On the Front Line of Climate Change and Displacement: Learning from and with Pacific Island Countries," available from: http://www.brookings.edu/~/media/research/files/reports/2011/9/idp%20climate%20change/09_idp_climate_cha

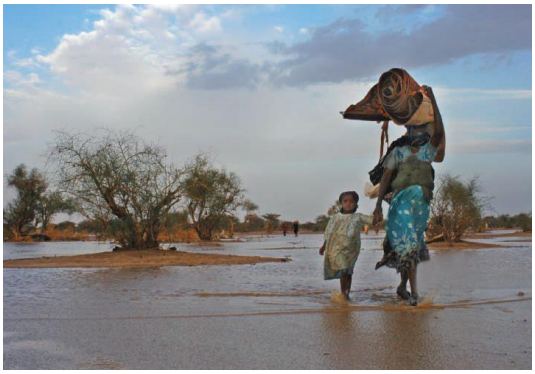
There has also been discussion of the potential impact of climate change on particular sectors (such as food,[16] housing,[17] water, health and overall standards of living) and groups.[18] Internally displaced persons (IDPs) as a specific group are also especially at risk because they are already more likely to face a host of material, social and psychological challenges resulting from their displacement. This is only heightened by the fact that climate change is likely to disproportionately affect poor regions, locations and populations (like the displaced) that are already in poverty or other vulnerable situations.[19]

[16] A/HRC/7/5.
[17] A/64/255.
[18] See A/HRC/SF/2010/2, paras. 11, 14 and 18-20, and A/HRC/10/61, paras. 42-60, which analyse the impact of the effects of climate change on women, children, indigenous peoples and internally displaced persons.
[19] See A/HRC/10/61, paras. 42-54; A/HRC/16/62, para. 48; and UNFCCC/CP/2010/7/Add.1, preamble.

Human rights principles should be at the core of any response to these challenges and vulnerabilities, and at all phases of a disaster or displacement. The Nansen principles, which were developed in commemoration of the 60th anniversary of the Refugee Convention in 2011, underscore this.[20] Principle I states that, "responses to climate and environmentally-related displacement need to be informed by adequate knowledge and guided by the fundamental principles of humanity, human dignity, human rights and international cooperation."[21]

Frameworks for Human Rights and Climate Displacement

A Global Framework



UNHCR/2014

Over the past two decades, a strong normative framework has been developed to uphold the human rights of IDPs which applies directly to those displaced by natural disasters or the effects of climate change.[22] The Guiding Principles on Internal Displacement, presented to the United Nations in 1998, provide a normative standard for the protection of IDPs in the context of conflict, human rights violations, natural disasters and development projects. While not legally binding, they are drawn from existing international human rights, humanitarian law and by analogy, refugee law, thus receiving affirmation by the international community. In 2005, the World Summit affirmed them as "an important international framework for the protection of internally displaced persons."[23] Indeed, many of the principles enumerated in the Guiding Principles have been cited as forming part of customary international law.[24]

The Guiding Principles define IDPs as:

> "persons or groups of persons who have been 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 armed conflicts, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border."

The Guiding Principles have provided a basis for the creation of subsequent frameworks and operational guidelines at the international, regional and national levels, including the Operational

[20] Developed at the Nansen Conference on Climate Change and Displacement, which gathered 230 delegates from national governments, civil society, the humanitarian community and the scientific community to explore the pressing need for policies and operational capacities to manage climate-change-induced displacement.; the "Refugee Convention" refers to the 1951 Convention Relating to the Status of Refugees.
[21] For information on the Nansen Conference and the principles, see http://www.unhcr.org/4ea969729.pdf.
[22] See A/HRC/13/21, paras. 2 and 41-44.
[23] The 2005 World Summit Outcome (see General Assembly resolution 60/1), para. 132. See also resolution 64/162, preamble and para. 10.
[24] See for example Rule 129 of the ICRC study on 'Customary International Humanitarian Law Rules'. Jean-Marie Heankearts and Louise Doswald Beck, Customary International Humanitarian Law, (Cambridge University Press, 2005 reprinted 2009) p.457.

Guidelines on the Protection of Persons in Situations of Natural Disasters, which applies a human-rights based approach to situations of natural disasters (and thus are relevant to climate change and climate-related disasters).[25] The Framework on Durable Solutions for Internally Displaced Persons (A/HRC/13/21/Add.4) is another example of operational guidelines based on the Guiding Principles. In addition to applying to different contexts, the Guiding Principles also provide specific standards of assistance and protection for IDPs during all stages of displacement, including the prevention of displacement, protection during displacement, and finding durable solutions for the displaced.

The Nansen Principles are another initiative seeking to provide guidance in response to challenges raised by climate change and environmental hazards. They also recognize the importance of the Guiding Principles in addressing climate change-induced internal displacement at the national level. [26] Principle VIII states:

> "The Guiding Principles on Internal Displacement provide a sound legal framework to address protection concerns arising from climate and other environmentally-related internal displacement. States are encouraged to ensure the adequate implementation and operationalization of these principles through national legislation, policies and institutions."[27]

THE REGIONAL LEVEL

The Guiding Principles also paved the way for the first legally binding regional instrument on the protection of IDPs, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (also known as the Kampala Convention).[28] Adopted in 2009, it is the only binding continent-wide convention that outlines detailed responsibilities and duties with respect to IDPs irrespective of the cause of their displacement. Article 5(4) specifically requires actors to protect and assist those internally displaced by natural or human-made disasters, including those triggered by climate change. Article 2(a) also states that the Convention seeks to prevent, mitigate, prohibit and eliminate the root causes of internal displacement. Prevention and mitigation (also discussed in article 4(2)) requires parties to develop early warning systems in areas of potential displacement, disaster risk reduction strategies and emergency management measures. The Kampala Convention entered into force in December 2012.[29]

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[25] A/HRC/16/43/Add.5. By 2008 it was noted that the number of disasters had doubled in the preceding 20 years, while in 2010 it was estimated that 90 per cent of disasters were climate-related. See United Nations News Centre, "Time to prepare for disasters is now says UN," at http://www.un.org/apps/news/story.asp?NewsID=29154&Cr=Disaster&Cr1=Climate#, and Internal Displacement Monitoring Centre, note 2 above.

[26] The Nansen Conference on Climate Change and Displacement in the 21st Century, Oslo Norway, June 2011, http://www.unhcr.org/4ea969729.pdf.

[27] Ibid.

[28] The Kampala Convention entered into force, upon the ratification of 15 member states, in December 2012.

[29] For more on the Kampala Convention, see the statement by Chaloka Beyani to the 24th Session of the Human Rights Council, available from: http://www.brookings.edu/about/projects/idp/sr-press-releases/20130916-statement-syria.

Predating the Kampala Convention was the Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons[30]. This is another regional instrument that incorporates the Guiding Principles into a binding regional agreement, and obliges state parties to incorporate the Guiding Principles into their national legislation.[31]

Finally, the 2005 Agreement on Disaster Management and Emergency Response of the Association of South East Asian Nations is also another regional instrument providing legal and policy frameworks to address displacement, including climate change-induced displacement. Regional instruments such as these provide a means for strengthening coordination of humanitarian assistance, developing displacement-related adaptation schemes and allocating climate change adaptation funding.[32]

NATIONAL FRAMEWORKS

At the national level, the Guiding Principles are increasingly used by states to develop domestic laws and policies.[33] Many countries such as Uganda[34], Sudan,[35] Kenya,[36] and Burundi[37] have already passed IDP policies and legislation, and others such as Nigeria and Yemen drafting legislation.

As natural disasters increase in frequency, displacing greater numbers of people, it is more important than ever that national laws and policies address more than conflict-induced displacement. The Cancun Adaptation Framework specifically urges all parties to the United Nations Framework Convention on Climate Change to "strengthen and, where necessary, establish and/or designate national-level institutional arrangements, with a view to enhancing work on the full range of adaptation actions [including displacement-related adaptation measures], from planning to implementation."[38]

[30] Adopted by the International Conference of the Great Lakes Region in 2006.
[31] Article 12 of the Pact on Security, Stability and Development in the Great Lakes Region.
[32] UNHCR, note 12 above, p. 6.
[33] See A/HRC/13/21, para. 15, and General Assembly resolution 64/162, paras. 10 and 13.
[34] National Policy for IDPs 2004. See http://www.brookings.edu/~/media/Projects/idp/Uganda_IDPpolicy_2004.PDF.
[35] National Policy on Internal Displacement, 2009.
[36] The Prevention, Protection and Assistance of Internally Displaced Persons Act 2012, See http://www.brookings.edu/~/media/Projects/idp/Kenya_IDP_Act_2012.pdf.
[37] Protocol for the Creation of a Permanent Framework for Consultation on the Protection of Displaced Persons, 2001. See http://www.brookings.edu/~/media/Projects/idp/Burundi_protocol_Eng.PDF.
[38] FCCC/CP/2010/7/Add.1, decision 1/CP.16, para. 32.

III. DISASTER PREPAREDNESS AND RESPONSE

Displacement, including climate change-induced displacement, always presents many challenges to humanitarian actors, but in the case of climate change, more actors are called to act. The international community must move beyond traditional models of assistance and reactive governance models if it is to truly address the human rights challenges related to climate change-induced displacement. Nansen Principles IV and V outline this clearly, noting that internal displacement in the context of climate change needs more foresight, reliable data and monitoring systems, and the positive obligations of prevention, resilience building and durable solutions. In particular, work is needed to incorporate a specific focus on displacement within climate change adaptation strategies, disaster risk management, and durable solutions to displacement.

Disaster Risk Reduction and Disaster Preparedness

Disaster risk reduction (DRR) is a term used to describe the ways in which local communities, international actors, governments and civil society, can better prepare for disasters and limit their impact. It is defined as:

> "…the conceptual framework of elements considered with the possibility to minimize vulnerabilities and disaster risks throughout society, to avoid (prevention) or to limit (mitigation and preparedness) the adverse impacts of hazards, within the broad context of sustainable development."[39]

In other words, DRR seeks to address the underlying risk factors in order to reduce the loss of life, property and livelihoods, many of which affect IDPs directly. In response to this goal, the 2005 World Conference on Disaster Reduction adopted a 10-year plan that was signed by 168 UN member states.[40] Following extensive regional consultations, the Third UN World Conference on Disaster Risk Reduction will be held in 2015 with the aim of building resiliency amongst nations and communities in responding to climate change.

With natural hazards increasing in both frequency and intensity, governments are under growing pressure to take preventive actions to reduce exposure, minimize vulnerabilities and avoid or limit the adverse impact of hazards.[41] Governments are responsible for protecting their populations, including through the integration of disaster risk reduction strategies into national development policies, as affirmed by General Assembly resolution 64/142. These strategies may include physical infrastructure, strengthening the resilience of affected persons, expanding early recovery capacities, as well as activities like building national and local humanitarian response systems, disaster management systems, and participation mechanisms.

[39] UNISDR, "Living with risk: a global review of disaster reduction initiatives," 2004, p. 17.
[40] Hyogo Framework for Action 2005-2015: Building the Resilience of Nations and Communities to Disasters (A/CONF.206/6 and Corr.1, chap. I, resolution 2).
[41] A/HRC/10/61, paras. 72-74; General Assembly resolution 64/162, preamble; see also discussion of obligations of States to reduce vulnerabilities and disaster risks, including interpretations by the European Court of Human Rights, in "Conceptualising climate-induced displacement", by Walter Kälin, in J. McAdam (ed), Climate Change and Displacement: Multidisciplinary Perspectives, Oxford, 2010, pp. 82 and 83.

Early Warning Mechanisms

While early warning systems can also minimize damage, loss of life and displacement, early warnings alone are insufficient: they need to be followed by timely action. Preliminary analyses of the famine and resulting displacement in Somalia in July and August 2011 show that while a disaster was forecast as early as November 2010 by the Famine Early Warning Systems Network, the famine was not declared until July 2011, and even then, response by donors to funding appeals by the United Nations was insufficient.[42] Given insecurity and lack of humanitarian access, Somalia is clearly a complicated case, but one that demonstrates the systemic difficulties in mobilizing early proactive response to early warnings. Thus, technical mechanisms like early warning systems need to be supported by effective action based on commitment, political will and response mechanisms.

Legal preparedness measures are needed. National legislation and policies, as well as other measures to protect the human rights of IDPs, can be put in place before disaster strikes to limit the negative impacts of potential displacement. These laws and policies should include measures to:

- Preserve and restore family unity (e.g. during evacuations)
- Replace personal documentation through rapid and simplified procedures
- Protect housing, land and property rights through registration and keep land titles safe
- Resolve property disputes after a disaster
- Ensure that there is no discrimination (e.g. based on gender, age or ethnicity) during disaster relief interventions.[43]
- Facilitate delivery of international relief assistance.[44]

Preventing Displacement and Minimizing its Effects

When considering protection from displacement, most attention has focused on protecting people from "arbitrary" displacement (Guiding Principle 6) which results from violations of human rights (as when displacement is used as punishment or when ethnic cleansing occurs) or when large-scale development projects are not implemented according to international guidelines. This prohibition of displacement tends to impose negative obligations, preventing actors from taking specific actions that would cause displacement. In contrast, climate change-induced displacement puts more emphasis on the positive obligations of states to anticipate and take measures to prevent or mitigate conditions that may bring about displacement.

Accountability mechanisms can be set up to ensure that follow-up prevention and protection measures are taken when there are signs that people may be displaced by the effects of climate

[42] The Economist, July 30- August 5,2011, p. 32; Office for the Coordination of Humanitarian Affairs, Famine and drought situation report No. 6, 3 August 2011, p. 4.
[43] Walter Kälin, "A human rights-based approach to resilience building", presented at Nansen Conference on Climate Change and Displacement, in the 21st Century, Oslo, June 5-7, 2011, p. 2. Available at www.brookings.edu/papers/2011/0606_disasters_human_rights_kaelin.
[44] See for example the International Federation of Red Cross Red Crescent Societies, Guidelines on International Disaster Relief Law, http://www.ifrc.org/what-we-do/disaster-law/about-disaster-law/international-disaster-response-laws-rules-and-principles/idrl-guidelines/.

change. Effective systems of local and regional consultation can enable those who are most affected by the impact of climate change to decide on future solutions. In the case of slow-onset disasters both environmental adaptation measures (e.g. preventing soil erosion) and social issues are likely to be needed. These may include, for example, developing different forms of livelihoods, addressing issues of management of natural resources or establishing safety nets for the most vulnerable people.

For example, the Special Rapporteur on the Right to Food has looked at food security and livelihoods in relation to climate change.[45] He reported that climate change has impacted agricultural production in developing countries, which has in turn resulted in volatile markets and threats to the food security of millions of people. Choices about the type of agricultural production may, then, need to be re-evaluated in certain contexts to avoid displacement.[46] In cases where displacement cannot be prevented, it is important to set up data collection and monitoring systems to minimize its negative impact, including its effects on host communities.[47]

The Cancun Adaptation Framework, in particular, recognizes the need to strengthen international cooperation and national capacities in order to reduce loss and damage associated with climate change.[48] The Framework also highlights activities related to risk reduction, resilience building, micro-insurance, risk sharing and economic diversification, as well as the need to address rehabilitation measures associated with slow-onset events.[49]

Relocations

There are times when it is necessary for governments to relocate people from high-risk or disaster-prone areas, or in response to slow-onset disasters that make life unsustainable in a particular area.[50] Pre-emptive relocations by the government differ from emergency evacuations, should only be used as a last resort and must respect individual rights.[51] Guiding Principle 7(3) provides procedural guarantees, which include: a specific decision by an appropriate state authority; the dissemination of information to IDPs on why they are being displaced, where they

[45] See A/HRC/7/5, para. 51, and A/HRC/7/5/Add.2, paras. 11 and 15. See also Committee on Economic, Social and Cultural Rights general comment No. 12 (1999) on the right to adequate food (art. 11), para. 28; and A/HRC/10/61, paras. 25-27.
[46] News release, "Cancun climate Summit: UN food expert calls for a 'Green Marshall Plan for Agriculture", November 29, 2010.
[47] See International Organization for Migration, Policy Brief on Migration, Climate Change and Environment (2009), available at www.iom.int/envig. Also see UNHCR, note 12 above, para. 39.
[48] FCCC/CP/2010/7/Add.1, decision 1/CP.16, paras. 25 and 26.
[49] Ibid., paras. 28 (b) and (c).
[50] Planned relocations are distinguishable from evacuations or spontaneous displacements, which occur in an emergency context.
[51] As stated in the Guiding Principles (see 7(1)), displacement must be an option of last resort, and undertaken for legitimate purposes with legal and procedural guarantees. Also see Walter Kälin, Guiding Principles on Internal Displacement: Annotations, revised edition, pp. 27 and 30; and American Society of International Law, Studies in Transnational Legal Policy, No. 38 (2008). Note that the term protection against displacement refers to protection against arbitrary displacement (i.e., an order or forced displacement by authorities) and that prevention of displacement refers to measures which seek to alleviate the need for populations to move — and never to prevent the act of fleeing or moving by those displaced.

are being relocated and how they will be compensated; and obtaining free and informed consent of IDPs whenever possible. Authorities must involve affected persons, including marginalized populations, in the management and planning of their relocation and ensure that the right to an effective remedy, including the review of decisions, is respected.

Relocation plans must also be sensitive to community, ethnic and cultural identity issues, and should take measures to avoid tensions with the receiving community. For example, the host community may be concerned about the number of displaced persons it can integrate given the pressures on existing community services and on its natural resources. Relocation plans should foster trust and support the relocation of the displaced as well as the capacity of the receiving communities. Other key issues to be addressed in include access to land, livelihood opportunities, and compensation for those displaced.

Relocating people – even from areas where their lives are at risk -- is a challenging endeavour, as people often resist moving when it means losing their homes and livelihoods. They may simply refuse to move and thus remain vulnerable to disaster. In other cases, they may return to the original high-risk area.[52] This is often the case with informal settlements in urban areas, where people may return to their community of origin in order to be closer to their livelihoods, communities, social networks or other sources of support.[53]

Those living in low-lying island states are another example of a group that may wish to move as a community and/or stay close to their original location, even if that means moving to a different island (see box below).[54]

> As a small island nation, Maldives has a long history of resilience in the face of its delicate geographic and environmental profile. However, pressure sin the form of climate change factors now increase the threat of rising sea levels and sea temperatures, as well as more frequent and severe weather events. A total of 90 inhabited islands have been flooded at least once in the course of the last six years and 37 islands have been flooded regularly, at least once a year. Given that over 40 per cent of the population and housing structures in Maldives are within 100 meters of the coastline, flooding and other natural disaster risks threaten to damage infrastructure and the provision of essential services potentially affecting food security, livelihoods, health and the overall well-being of vulnerable groups such as children, the elderly and the poor, in particular.
>
> -Report of Chaloka Beyani, Special Rapporteur on the Human Rights of Internally Displaced Persons, to the UN Human Rights Council on "Mission to the Maldives," January 2012.
> *Source: http://www.brookings.edu/~/media/Projects/idp/Maldives%20Mission%20Report%20Jan%202012.pdf*

[52] Report of the Wilton Park conference on "Urban risks: moving from humanitarian responses to disaster prevention", 22-25 November 2010.
[53] Ibid.
[54] This was observed during the visit of the Special Rapporteur to Maldives in July 2011.

Urban Migration

The erosion of livelihoods, in part provoked by climate change, is considered a key push factor for the increase in rural-to-urban migration, most of which will be to urban slums and informal settlements with precarious living conditions.[55] More than 50 percent of the world's population currently live in urban areas, most of which are situated in low- and middle-income nations. One third of this urban population (1 billion people) live in precarious informal settlements and slums, which exacerbates their susceptibility to humanitarian crises.[56] By 2030, it is estimated that urban populations will surpass 5 billion and that 80 percent of the world's urban population will live in cities in the developing world.[57] In Asia and Africa, experts note that "urban growth is accentuated by the increasing number of refugees and internally displaced persons who tend to migrate to cities."[58]

The urban dimension of climate change-induced displacement is therefore a key factor to consider in medium- and long-term national development strategies and adaptation measures to address potential displacement. Cities may need to become more "expandable" to absorb the influx of people, or better plan and manage urban migratory flows.

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Unplanned influxes to urban settings can put IDPs at risk as they may lack registration or documentation. While these risks may have existed beforehand, they are usually made worse by disasters.[59] IDPs tend to have limited access to resources and livelihoods, to live in slum areas, and to be the potential targets of violence in urban settings. Like other impoverished slum-dwellers they may be forced to live in hazard-prone locations such as low-lying areas and landfill sites,[60] exposing them to risks to their physical safety, to loss of housing and to further displacement. According to experts, the very "concentration of resources, assets and services in cities can lead to more debilitating impacts of disasters, conflict and violence."[61] As a result, the humanitarian community is turning its attention to the particular impact of climate change on urban settings, with a focus on the increasing urban vulnerability gap, housing challenges and the need to develop specific disaster prevention strategies.[62]

[55] A/HRC/10/61, para. 37.
[56] Report of the Wilton Park conference, note 40 above, p. 1.
[57] Ibid.
[58] Ibid.
[59] Ibid. p. 8.
[60] Ibid. p. 3.
[61] Ibid. p. 2.
[62] Ibid. The need to strengthen humanitarian responses to emergencies in urban centres has also been recognized by the Inter-Agency Standing Committee, which addresses this issue through its reference group on meeting humanitarian challenges in urban areas. See Inter-Agency Standing Committee Strategy: Meeting Humanitarian Challenges in Urban Areas, 2010.

IV. EFFECTS OF CLIMATE CHANGE DISPLACEMENT

Negative Effects of Climate Change Mitigation Measures

The international community has acknowledged that climate change may have negative economic and social effects which means that financial, technological and capacity-building support are needed to "…build up the resilience of societies and economies negatively affected by response measures."[63] But steps taken to mitigate climate change, such as investments in clean technologies (e.g. hydropower, wind power), agro-fuel production, forest conservation projects or the restoration of marshlands, are also predicted to cause internal displacement. In spite of this acknowledgment, there are still few safeguards in place that prevent or minimize displacement resulting from climate change mitigation efforts.

For example, in some cases agro-fuel production and programs to preserve forest cover have led to forced displacement.[64] Likewise some development actors undertaking large-scale development projects (including those that promote clean energy like hydroelectric dams) have been criticized for failing to minimize displacement and sufficiently apply human rights standards.[65] Mitigation projects like these should revisit the Guiding Principles (6(c) and 7(1)(3)), which provide for specific standards when displacement is carried out in a non-emergency context.

Durable Solutions to Climate Change Displacement

While moving or fleeing to a safer location may provide temporary relief from the negative impacts of climate change, prolonged displacement is not a long-term solution. Protracted displacement often exacerbates existing vulnerabilities, creates dependency, and leads to social tensions and other serious protection, humanitarian and human rights challenges. Finding durable solutions to displacement is a human rights issue.

IDPs living in settlements or camps may be vulnerable to sexual and gender-based violence or other threats to their personal safety. They may feel that humanitarian assistance (assistance that sometimes goes on for too long at the expense of early recovery and durable solutions) is an incentive to stay. As climate change displacement continues, the urgency of finding solutions and avoiding marginalization, instability and other problems with protracted displacement become national, and potentially regional, security imperatives.

In the context of internal displacement, three durable solutions are generally recognized: return, local integration or settlement in another part of the country.[66] However, in the context of climate

[63] See FCCC/CP/2010/7/Add.1, decision 1/CP.16, para. 89; see also Kyoto Protocol, arts. 2, para. 3 and 3, para. 14.
[64] A/HRC/10/61, paras. 66-68; E/C.19/2008/13, para. 45. Programmes to preserve forest cover have also at times prevented displacement by involving local communities closely in the project and by shielding them from agro-industrial projects.
[65] See A/64/255, para. 47 with regard to large dam projects.
[66] Guiding Principles 28 and 30.

change, durable solutions are likely to be more complex. A combination of solutions may be necessary, including seasonal or temporary movements, including to the community of origin. Different solutions may be used by different members of family, as when some family members return to the place of origin (permanently or on a seasonal basis), while others work in another location. Solutions must therefore be flexible, and based on free and informed consent.

The Framework for Durable Solutions provides that a durable solution is achieved "when internally displaced persons no longer have specific assistance and protection needs that are linked to their displacement and such persons can enjoy their human rights without discrimination resulting from their displacement."[67]

Certain factors make durable solutions more likely, including:

- Ensuring a transition early on from the humanitarian assistance phase to early recovery and reconstruction, thus allowing IDPs to return to their places of origin and rebuild their lives as early as possible after the disaster;
- Ensuring that humanitarian assistance and development are mutually reinforcing from the beginning of the emergency. Indeed, different humanitarian and development actors have different criteria and goals for their activities, and national governments as well may not have a clear long-term strategy;
- Re-establishing local economies and livelihoods, encouraging self-reliance and promoting IDP participation in all activities, from humanitarian assistance delivery to engagement with development actors;
- Implementing planned relocations, which include strategies related to land, housing and livelihoods;
- Taking into account the needs of receiving communities, including mechanisms which address possible integration challenges and tensions.

Durable solutions for those displaced by the effects of climate change should be incorporated into national and development plans. These efforts require financial support. There is also a need for flexibility among the solutions. For example, some slow-onset disasters may make return impossible. Thus, various solutions should be explored early on and integrated into national planning processes. In extreme situations, such as the case of some low-lying island states, where conditions are no longer fit for human habitation, durable solutions might include regional and international cooperative efforts. This may pave the way for new standards and options, including cross-border displacements.[68]

Participation and Procedural Rights of Affected Persons

If the human rights of IDPs are to be respected, individuals and communities need access to information; consultation and effective participation in decision-making processes; and access to effective remedies. The involvement of IDPs in these processes directly affects resilience and adaptation over the long term.

[67] A/HRC/13/21/Add.4, para. 8.
[68] The Nansen Initiative, http://www.nanseninitiative.org/

Guiding Principles 7, 28 and 30 speak to the procedural rights of IDPs in relation to prevention of displacement and guarantees of their participation in relocation and durable solution processes. Host and receiving communities should also undertake these participatory and consultation processes.[69]

The Cancun Adaptation Framework recognizes the need to support adaptation measures that are "country driven, gender sensitive, participatory and fully transparent […] taking into consideration vulnerable groups [and] communities."[70] It further recognizes the need for measures which enhance understanding and cooperation with regard to climate change-induced displacement and planned relocation and the need to undertake impact vulnerability and adaptation assessments, including on the social and economic consequences of climate change adaptation options and response measures.[71]

International Cooperation Frameworks

In the context of climate change-induced displacement, poorer states bear a disproportionate burden in responsible for protecting and assisting displaced persons within their borders – even when wealthier states have contributed more to emissions causing climate change. Although there has been some acknowledgment of international responsibility, international actors and other states should do more to assist states that do not have the capacity or resources to adapt to climate change.[72]

[69] See General Assembly resolution 64/162, para. 7; A/HRC/16/43/Add.5, pp. 11, 14-15, 26 and 33.
Host communities refer to communities to which internally displaced persons have spontaneously fled, whereas receiving communities refer to communities in which the displaced have, in an intentional or planned fashion, resettled or been relocated.
[70] FCCC/CP/2010/7/Add.1, decision 1/CP.16, para. 12.
[71] Paras. 14 (b) and (f) and preamble to section III.E.
[72] As outlined in human rights principles (A/HRC/10/61, para. 87) and the Cancun Adaptation Framework (FCCC/CP/2010/7/Add.1, decision 1/CP.16, para. 14). Paragraph 14 (f) further recognizes the need for national, regional and international cooperation regarding adaptation strategies for displacement, migration and relocation.

V. Conclusions and Recommendations

A Human Rights-Based Approach

A human rights-based approach recognizes a displaced person's environmental rights, livelihood rights, standard of living rights, housing rights, and other classes of rights. This approach is important for ensuring that responses to climate change-related internal displacement are sustainable. The Guiding Principles on Internal Displacement link the prevention, protection and assistance of IDPs to their human rights entitlements and guarantees.

Adaptation and Mitigation Measures

States and other actors must adapt to climate change threats and risks. This may mean employing disaster risk-reduction and management policies early on to pre-emptively minimize displacement. In some cases this may also mean implementing planned relocations in response to slow-onset disasters.

Climate change adaptation funds should be used to support adaptation measures related to climate change-induced internal displacement and other forms of human mobility. Financing bodies should support national governments, engage with communities, and insist on a comprehensive approach which encompasses prevention to durable solutions. Financing bodies and research institutions should also continue to support, and engage in research and policy which addresses human mobility and climate change.

Disaster risk reduction and disaster preparedness measures should also seek to prevent displacement to the extent possible. National disaster management systems, laws and policies should also draw on human rights approaches and encourage local community involvement. Meaningful participation on the part of local governments, communities, civil society and the private sector is essential to addressing climate change impacts on vulnerable populations.

Knowledge, Guidance and Information

More research is needed on a host of issues involving climate change-related displacement, including:

- The scope and scale of displacement;[73]
- Slow-onset disasters resulting from climate change and causing displacement;
- The effects of climate change mitigation and adaptation projects on displacement, such as projects promoting clean energy;
- Urban displacement and climate change

Research and policy papers could also provide needed guidance to states on how to make sure that displacement and human rights are part of national climate change debates.

[73] See, for example, the Cancun Adaptation Framework, FCCC/CP/2010/7/Add.1, decision 1/CP.16.

COOPERATION AND ASSISTANCE

The cooperation of regional organizations and institutions is essential to shaping climate change responses at all stages of the process. Similarly, the international community has a role to play in supporting climate change adaptation efforts. More international support is needed to strengthen local and national capacities, including legal frameworks and policies to address climate change-related displacement. This requires a greater focus on advocacy efforts. The role of the Inter-Agency Standing Committee (IASC) should also be strengthened to address climate change-related displacement. Greater participation by humanitarian actors in forums like the UN Framework Convention on Climate Change, and input at regional, national and subnational levels is very useful in building resilience, and scaling up practical climate change activities and adaptation measures.

The role of the Special Rapporteur on the Human Rights of IDPs

Over the past twenty years, the mandate on the human rights of IDPs has successfully built on its partnerships, working methods, thematic expertise and normative standards to be a strong advocate for IDPs in a context where there is no single UN agency tasked with this activity. The mandate works at multiple levels: with IDPs, national governments, international organizations and regional bodies. The mandate of the Special Representative has also helped to shine a spotlight on IDPs, and to mainstream their specific human rights needs into the UN system more broadly. Good working relationships with UNHCR, OCHA and OHCHR, as well as the General Assembly and the Human Rights Council have also been paramount to this success. The mandate-holder has also been able to raise specific themes and issues in various reports on internal displacement, including in relation to climate change, natural disasters, and IDPs outside of camps.

The primary responsibility for IDPs lies with the state and the mandate has explicitly spelled out what this means for governments through visits to countries affected by displacement. Building capacity to develop national laws and policies has been carried out through training events and workshops, including an annual course for government officials on the Law of Internal Displacement held in Sanremo in association with UNHCR.