



UNSW
Kaldor Centre
for International
Refugee Law

2021 Conference Report

Making sense of movement in the context of climate change



Making sense of movement in the context of climate change

2021 Kaldor Centre Conference Report

As the impacts of climate change are felt more broadly, more people will need to move.

In 2020, disasters displaced 31 million people within their own countries, three times as many as by conflict. Extreme weather events are growing more frequent and intense. Salination, desertification, sea-level rise and other slow-onset impacts are starting to bite. The pace of climate-related displacement is accelerating, but the public debate about it is still evolving.

The Kaldor Centre for International Refugee Law at UNSW Sydney is dedicated to undertaking rigorous research on the most pressing displacement issues in Australia, the Asia-Pacific region and around the world, and contributing to improved public policy by promoting lawful, sustainable and humane solutions to forced migration. Our research in the area of climate mobility – led by a pioneer in the field, Centre Director Professor Jane McAdam – has been at the forefront of legal debates and policy development.

What laws, policies, data and action do we need to ensure safety for people forced from their homes in a warming world?

Find the highlights, insights and solutions in this report of the cutting-edge Kaldor Centre Conference 2021, 'Whose move? Addressing displacement and migration in the face of climate change', held as a virtual event from 19–21 October 2021.

Contents

1. [Overview](#)
2. [Law and policy tools](#)
3. [Litigation](#)
4. [Data](#)
5. [Planned relocations](#)
6. [Advancing change](#)

All sessions are also available to watch and listen in full on the Kaldor Centre's website:

www.kaldorcentre.unsw.edu.au



‘The data is showing us already that the intersection of climate change, conflict and disasters is accelerating displacement to unprecedented levels, and we should expect this trend to continue.’

— Nicole Shepardson
US Department of State

1 Today’s truths: What decision-makers need to know about human mobility and climate change

Speakers

- Rabab Fatima, Bangladesh Ambassador and Permanent Representative to the United Nations
- Andrew Harper, Special Advisor on Climate Action to the UN High Commissioner for Refugees
- Frances Namoumou, Ecumenical Animator, Ecological Stewardship and Climate Justice Program, Pacific Conference of Churches
- Nicole Shepardson, Policy Team Leader, Bureau of Population, Refugees, and Migration, US State Department
- Chair: Jane McAdam, Director, Kaldor Centre for International Refugee Law

Forced migration is one of the biggest global challenges of our time. As contemporary crises interlock and compound, more people are likely to be trapped or displaced by the impacts of poverty, conflict, pandemics, disasters and climate change. Widening inequality, discrimination and limits on movement, especially during the COVID-19 pandemic, have highlighted the challenges of mobility and immobility alike.

The state of play

The impacts of climate change are already prompting people to move. Last year, 31 million people were internally displaced by disasters. Others are moving in anticipation of the longer-term impacts of disasters and climate change, including permanent relocation in safer areas. Most of this movement is internal – within countries – but some is across borders, often intersecting with other drivers of movement, like conflict, and exacerbating existing discrimination and marginalisation. And as Frances Namoumou put it, for some communities, this is about ‘the survival of our people ... on the land of our ancestors’.

Who’s moving?

No less than 90 per cent of refugees under UNHCR’s mandate and 70 per cent of the world’s internally displaced persons come from countries most vulnerable to the climate emergency, as Andrew Harper noted. Climate change is a ‘vulnerability multiplier’ which exacerbates and complicates existing drivers of displacement, such as poverty, food insecurity, persecution and conflict.

While in law, there is no such thing as a ‘climate refugee’, there are certainly refugees whose situation is made worse because of climate change. Harper urged a more proactive approach – one where we seek to understand the dynamics of why people are moving, so that we can try to address vulnerability at its source, and one that enhances resilience and adaptation, so that people are not forced to move at all.

Forging new legal pathways

Most climate-related displacement occurs within countries, but ‘there are substantial gaps in the international framework’s domestic implementation and multilateral operations to protect internally displaced persons’, Nicole Shepardson noted.

In relation to cross-border displacement, we need to both make the most of existing legal protection frameworks, and look for ways to expand access to protection, said Shepardson. Foreshadowing the [Biden report on climate-related migration](#) (since released), she noted that humanitarian protection should be expanded.

Migration can also be a form of climate change adaptation – an essential response in some cases, said Shepardson, adding: ‘We need to manage it carefully so that it is safe, orderly and humane.’ Equity (eg considering gender-based violence, indigenous land rights, the needs of persons with disabilities) and inclusion (consulting and working with affected communities) should be integral to policy responses.

Creating change

Ambassador Fatima noted that while the nexus of environmental damage and human displacement is now well-recognised, the international community lags behind in translating this into action. She noted that progress at the international level needs to be evidence-based, multi-stakeholder and incremental. She noted progress through formal UN processes, the State-led [Platform on Disaster Displacement](#), and increasingly through informal groups at the UN where shared understanding and consensus can be developed. Global meetings can provide important opportunities for those States facing the greatest risk of displacement to highlight their situation, and for collective advocacy by regions facing common threats.

‘It is very, very important to have a clear understanding and consensus if we are to have a coherent, effective and collaborative mechanism,’ Fatima said.

Minding the narrative

There is a risk that climate-related displacement could too easily become a politically contested and exploited issue. In developed countries, increasing human movement is often framed as a security threat. ‘Over-securitisation’ of the issue is problematic but also very real, said Fatima, noting that ‘climate security’ is debated in the UN Security Council, the Peace-Building Commission, and in informal dialogue. Empirical studies have failed to produce consistent evidence for a causal connection between migration and subsequent conflict, noted Shepardson; it is the ‘human security’ of those on the move that is the real issue.

Many climate-vulnerable countries are shifting from the prevailing ‘victim-centric’ narrative of vulnerability to one of resilience. For instance, Bangladesh has developed a world-first Mujib Climate Prosperity Plan, which Fatima described as a transformative ‘vision under which we will strive to enhance resilience, grow our economy, create jobs and expand opportunities using climate action on climate change as a catalyst’.

For Pacific peoples, said Namoumou, the unifying and dignifying advocacy message is ‘survival’ – of communities and their connections to land, place and home. Regional civil society groups highlight people’s deep ties to the environment, including at COP and other fora. Costs are not just economic: as Namoumou said, ‘How do you put a value on identity or culture and tradition?’

It’s a rational adaptation strategy for people to try to move away from harm – either in anticipation of future climate impacts, or because of immediate threats to their lives or livelihoods. The impacts of climate change prompt different forms of movement:

Displacement: People may be forced from their homes because of the impacts of disasters and climate change, typically in combination with other factors. The vast majority of climate-related displacement is occurring within countries, but it is likely that there will be increased movement across international borders as well.

Migration: Migration can enable people to move in a safer and more predictable way – whether on a temporary, seasonal, circular or permanent basis. At present, there are no specific visas that enable people to move away from the impacts of climate change. For this reason, people who have the opportunity to migrate to other countries for employment, education or family reasons may use this pathway to move to a safer environment.

Planned relocation: Where areas of land are considered too unsafe for continued habitation, people or communities may be relocated. This process may be initiated by the community or the government, and requires very careful consultation, planning and oversight.

Immobility: Sometimes, people who are at risk don’t move at all. This may be because they are unable to move (for instance, because they lack the resources or ability) or because they don’t want to (for instance, because of close cultural ties to the land).

Key take-aways

- Climate change is a ‘vulnerability multiplier’ which already contributes to displacement.
- Most of this displacement occurs within countries, rather than across borders.
- Existing laws can be used to support resilience, adaptation and mobility in some cases, but new legal pathways are needed as people’s lives and livelihoods are increasingly put at risk by the impacts of climate change.
- Climate-related movement is not a security threat.
- There is a lag in translating political commitments into practice.



[Watch the video](#)



[Hear the podcast](#)

2 Moving beyond ‘climate refugees’: Readyng law, policy and practice for displacement in a warming world

Speakers

- *Bruce Burson, Manager, Refugee and Protection Stream, New Zealand Immigration and Protection Tribunal*
- *Lucy Daxbacher, Head of Mission to Uganda & Program Manager Protocols on Free Movement of Persons and Transhumance, Intergovernmental Authority on Development*
- *Walter Kälin, Envoy of the Chair, Platform on Disaster Displacement*
- *Caroline Zickgraf, Deputy Director, The Hugo Observatory*
- *Chair: Tamara Wood, Visiting Fellow, Kaldor Centre for International Refugee Law*

Under international law, there is no such thing as a ‘climate refugee’. Nevertheless, there is a range of law and policy frameworks that provide, or could provide, avenues to safety and solutions for those forced to leave their homes in the context of disasters and climate change. More work is required to ensure that these frameworks operate effectively in practice, and to fill the law and policy gaps that remain.

The state of play

Contemporary legal responses to climate-related displacement generally fall into two categories, with measures that:

- provide protection to people displaced internally or across borders (for example, using refugee law and human rights law); and
- enhance access to alternative migration pathways (for example, labour migration programs and free movement of persons agreements).

At the international level, progressive development of legal and policy frameworks is necessary to expand protection and durable solutions for those displaced internally or across borders, particularly as the impacts of climate change are likely to worsen over time.

Law and policy-makers are drawing on a broad ‘toolbox’ of possible approaches to allow communities impacted by disasters and climate change to stay safely at home where possible and desired, and to access safety and protection if they are forced to move. These approaches vary across the globe and must be attuned to particular circumstances at the regional and local levels.

In some regions, discretionary humanitarian visas are widely used to provide lawful entry and stay for people fleeing sudden-onset disasters, such as storms and flooding. In others, the expanded scope of refugee protection frameworks may provide a basis for international protection for at least some of those who move. Some countries have developed seasonal, or ongoing, labour migration schemes that allow some people to move while supporting others to stay at home. Yet others have entered into multilateral agreements for the free movement of persons that provide opportunities for climate-affected populations to pursue safety and livelihoods elsewhere.



‘A lot of academic ink has been spilt about the boundary of who is a ‘climate refugee’... We need to focus less on that academic debate... and focus on needs and meeting needs by best practice.’

— Bruce Burson
New Zealand Immigration and Protection
Tribunal

From treaty to toolbox

When it first became clear that people would flee the impacts of a warming world, there were calls for greater legal protection of ‘climate refugees’.

As Walter Kälin noted, today, few expect change to come through the Refugee Convention or another universal treaty, given the current weakness of multilateralism, the multi-causality of climate-related displacement, and the preference among populations at greatest existential risk to have agency not often associated with refugee status.

In the decade since the [2010 Cancun Agreements](#) – in which States grudgingly included a few lines noting that displacement would be among the adaptation challenges presented by climate change – this cross-cutting issue has become firmly anchored on the international agenda. But instead of opening treaty negotiations, States are discussing the issue in other forums – from COP’s [Warsaw International Mechanism on Loss and Damage](#) (with a [Task Force on Displacement](#) to avert, minimise and address displacement) to the UN Secretary-General’s [High Level Panel on Internal Displacement](#).

Looking to the future, Kälin noted that the most significant developments are likely to be seen at the regional level, with regional organisations already playing an important role.

International legal protections today

Being exposed to a climate hazard does not alone satisfy the requirement of ‘being persecuted’ under international refugee law, noted Bruce Burson. However, climate vulnerability often heightens other vulnerabilities, such that some people displaced in the context of climate-related events may satisfy the criteria for protection under the Refugee Convention.

Regional refugee protection instruments in Africa and Latin America hold even more potential for protecting those forced to move, by extending refugee status to people fleeing serious disturbances to public order.

International and regional human rights law may also come into play. Rights – including the right to life and the right to freedom from torture or cruel, inhuman or degrading treatment or punishment – may form the basis of State obligations allowing affected people to move out of harm’s way.

The 2019 decision of the UN Human Rights Committee in [Teitiota v New Zealand](#) found that the principle of non-refoulement, under human rights law, prohibits the return of individuals to countries where they face a real risk of being arbitrarily deprived of life, or suffering inhuman or degrading treatment, on account of the (cumulative) impacts of climate change.

Regional frameworks

Regional agreements for the free movement of persons can, and sometimes do, facilitate the cross-border movement of people displaced in the context of disasters and climate change. In recent years, specific steps have been taken to advance the role of free movement agreements in addressing this issue. For example, in 2020 in Eastern Africa, the [Intergovernmental Authority on Development](#) (IGAD) adopted the Protocol on the Free Movement of Persons in the IGAD Region. As noted by Lucy Daxbacher, the new Protocol includes

specific provisions facilitating entry and lawful stay for people moving between Member States of the IGAD region in anticipation of, during, or in the aftermath of disasters – and ensures that they will not be sent home until it is safe and reasonable for them to return.

The IGAD Free Movement Protocol aims to incentivise prevention, develop response capacities, and facilitate collaboration between Member States to build resilience in communities that are prone to disasters, so that people can return when it is safe to do so. Elsewhere, the Organization of Eastern Caribbean States is also working to address climate change impacts on human mobility within its own free movement frameworks.

Domestic approaches to cross-border movement

Protection for people displaced in the context of disasters and climate change depends on effective implementation of relevant laws and policies at the domestic level. Here, the approaches taken by States vary depending on the regional and national context and the existing migration frameworks.

Some States use a temporary protection status or other discretionary-based humanitarian visas to facilitate entry and stay for displaced persons. These are used in Latin America, the US, Canada and some European countries. While these types of visas or status can be usefully extended to deal with displacement in the context climate change, they are generally discretionary and lack predictability.

Elsewhere, States have been drawing on temporary or seasonal migration programs to allow some of those impacted by climate change to move. Pacific labour schemes in Australia and New Zealand provide examples of this approach. Such programs may be economically beneficial for host countries, by minimising labour shortages. They may also enhance individual agency among affected communities and, through remittances, may support the resilience of those who remain at home. They are unlikely to address the needs of the most vulnerable, however, who likely won't be able to satisfy minimum job requirements. And in any case, such programs offer opportunities to only a very limited number of people.

Remaining gaps

Despite the important role that existing law and policy frameworks can play, there remain significant gaps in overall responses to displacement in the context of disasters and climate change. There is a need for more sophisticated integration between relevant fields of law and policy, between migration and human rights law on the one hand, and disaster risk reduction, climate change, development and urban planning laws and policies on the other. Moreover, law and policy-makers must ensure proper attention is paid to those who cannot, or do not wish to, move to help them adapt to the impacts of disasters and climate change, as Caroline Zickgraf noted.

To support countries to continue developing and refining their law and policy responses to climate change-related human mobility, the gathering and sharing of information is critical. For more on this, see [panel 4](#).

Key take-aways

- A wide range of law and policy responses is needed to increase resilience and support communities at risk of the impacts of climate change, and to ensure those who move can do so safely and with dignity.
- Migration and displacement dynamics are region-specific, and regional fora may provide better opportunities for building consensus and advancing appropriate law and policy responses. Greater support for relevant regional organisations is vital.
- To 'future-proof' migration policies, policy-makers need to be alive to the cascading impacts of climate change, and ensure that relevant frameworks take into account the need to preserve individual agency, protect family unity and create pathways to durable solutions for those affected.



[Watch the video](#)



[Hear the podcast](#)

'It's really important to highlight that the majority of people who are on the move in the context of climate change are black, indigenous and people of colour... That means it's really important to centre justice as part of this work.'

- Ama Francis
International Refugee Assistance Project



3 Litigating climate change displacement: Cutting-edge cases and decisions

Speakers

- Robin Bronen, Executive Director, Alaska Institute for Justice
- Ama Francis, Climate Displacement Project Strategist, International Refugee Assistance Project
- Adam McBeth, Barrister, Victorian Bar
- Solomon Yeo, Campaign Director, Pacific Islands Students Fighting Climate Change
- Chair: Ilona Millar, Partner, Environmental Markets & Climate Change Practice, Baker McKenzie

Across the world today, courts and tribunals are considering how laws may be shaped and developed to address not only unprecedented disasters, but also the slow-onset impacts of the changing climate. With no multilateral treaties or domestic frameworks in place that comprehensively address protection for those displaced by such impacts, different approaches are emerging in different jurisdictions – and so are common obstacles and themes.

The state of play from four viewpoints

Alaska's experience: Robin Bronen

At a polar extreme that is warming far faster than lower latitudes, Alaskan coastal communities are facing the loss of their homes. Bronen said that communities around the world are either making the choice – or being ordered by the government – to relocate. Yet, she said, there is no human rights-based relocation governance framework, few resources or technical services, and a legacy of colonialism and racism in government agencies involved. Advocacy alone has not achieved government action; to achieve justice for these communities, litigation is of critical importance.

At the international level, the [Alaska Institute for Justice](#) has [filed complaints](#) with 10 United Nations Special Rapporteurs, attempting to hold the United States accountable for failures to act and its role in causing the climate crisis. The Institute is also petitioning President Biden to invite the UN Special Rapporteur on the Human Rights of the Internally Displaced to the US to investigate violations 'being caused by the climate crisis and the US government's failure to act' on behalf of indigenous communities.

In domestic courts, there is scope to explore the discriminatory impact of government agencies' decision-making, or as Bronen put it, 'Who gets the funding to respond to climate-change impacts?'

A networked effort in the US: Ama Francis

The US-based [International Refugee Assistance Project](#) (IRAP) provides direct legal services to clients, undertakes strategic litigation, and engages in advocacy. IRAP organises law students and lawyers to enforce the rights of refugees and displaced people from various places of origin. In the asylum law context, IRAP seeks to compile cases where 'climate change' was a key part of a successful claim, or where environmental defenders were persecuted and provided with asylum.

In domestic courts, IRAP is also seeking 'to push the law a little bit within existing frameworks', for example, seeking relief from companies and governments that invest in extractive industries where those activities result in harm, such as food insecurity from impacted wells and crops. 'It's really important that the law be able to recognise that as harm [and provide relief],' Francis said.

'Climate gentrification' is raising equity issues, she added, and IRAP is exploring whether conservation laws that require developers to consider the socio-economic impacts of development can also be used in the aftermath of a disaster.

Long-view diplomacy by Pacific students: Solomon Yeo

Self-described 'living experts on the climate crisis', the [Pacific Islands Students Fighting Climate Change](#) (PISFCC) members are working with the government of Vanuatu to seek an advisory opinion from the International Court of Justice (ICJ), as part of a longer [campaign](#) to force action at the UN General Assembly. The core question is: what are the obligations of States under international law to protect the rights of current and future generations from the adverse effects of climate change?

'The climate change regime internationally originally has been moving at a glacial progress in terms of addressing the issues that we are facing on the ground,' Yeo said of the motivation behind PISFCC's 'rights-focused' international campaign. In the Pacific, sea-level rise poses an existential threat to territory, livelihoods, traditions, customs and homes. There is strong political will to address this domestically in Pacific countries, where frameworks are being developed to guide responses. As such, there is presently little domestic litigation, although some legislation (such as Fiji's Climate Change Act) would enable citizens to sue their governments for the failure to uphold targets or fulfil obligations, and that may prompt future actions.

International means of influencing change in Australia: Adam McBeth

A [group of eight Torres Strait Islanders](#) lodged a complaint against Australia with the UN Human Rights Committee. They argue that Australia's inaction on climate change has resulted in multiple human rights violations, including the right to life, the right to home and family life, and the right of minorities to enjoy their culture. According to the complaints, sea-level rise has irreparably damaged houses, subsistence gardens and ancestral burial sites in the Torres Strait, resulting not only in physical damage, but also damage to culture and heritage. The complainants want to be able to stay in their homes, and to that end want Australia to mitigate the impacts of climate change (eg through lowering emissions) and to provide funding for adaptation measures (such as sea walls and drainage pumps). While the findings of the Human Rights Committee cannot legally bind Australia, they will provide an authoritative assessment of States' obligations in this context, and will form part of an emerging body of significant decisions on human rights and climate change.

McBeth noted that a perennial problem in climate change litigation is the argument that no one country is responsible for rising sea levels, 'So how do you sue any one government?' Under public international law, however, there are certain types of wrongful acts for which States can be jointly responsible.

In an Australian case concerning the approval of a coal mine (now on appeal (*Sharma*)), the [Federal Court of Australia](#) recognised a novel duty of care to prevent harm to young people. McBeth noted that this was an important step in the liability landscape; the judgment might influence the litigation choices of climate change activists in future, leading them to connect complaints to specific statutory requirements, rather than climate change in general.

Key take-aways

- The effects of climate change are not neutral, but differentiate across social, cultural and economic lines. Those engaging in climate change litigation frequently come from marginalised or disenfranchised communities.
- Discriminatory application of laws in context of the climate crisis needs further research to inform litigation strategies.
- Proving causation or responsibility for climate change has been a consistent stumbling block nationally and internationally.
- The rights of children and future generations will likely play a greater role in strategic litigation.



[Watch the video](#)



[Hear the podcast](#)

4 Does the data on climate and disaster displacement add up?

Speakers

- *Vicente Anzellini, Manager, Global Monitoring and Reporting, Internal Displacement Monitoring Centre*
- *Tautala Mauala, Secretary General, Samoan Red Cross*
- *Andrea Milan, Data Manager, Migration Governance Indicators Project, Global Migration Data Analysis Center, International Organization for Migration*
- *Kira Vinke, Head, Center for Climate and Foreign Policy, German Council on Foreign Relations*
- *Chair: Sanjula Weerasinghe, Affiliate, Kaldor Centre for International Refugee Law*

Good decisions need good data. We know that people are increasingly being driven from their homes by the impacts of climate change and disasters. But in order to develop evidence-based strategies to manage this, policy-makers need reliable information about the scale, location, length of time and grounded realities of this human movement.

The state of play

The data tells us that the vast majority of climate and disaster displacement occurs within countries. We also know that, whether internal or across borders, people are displaced for different amounts of time: some people return to their places of origin soon after the emergency ends and help rebuild, others return after weeks or months once damaged homes have been repaired, and still others are forced to relocate permanently because of the scale of destruction or ongoing risks. Displacement may be one-off, or it may be cyclical, with people being displaced year-on-year by seasonal flooding. This variability makes data collection and interpretation challenging, and many gaps remain.

Data is vital to policy action

Detailed data has been instrumental in the design and implementation of disaster risk-mitigation programs at the national and community level in the Pacific. For example, as explained by Tautala Mauala, Red Cross in Samoa conducts household assessments confirming the number of households in an area, the number of people in each household, and the factors increasing their vulnerability. This information is shared with government officials making planning and funding decisions.

Data can also galvanise international political action. As Vicente Anzellini highlighted, while disaster displacement has previously been an afterthought in policy-making at this level, new data has exposed the scale of the problem, prompting UN agencies, States and other organisations to understand climate change and disaster displacement as a major humanitarian and development issue.



‘Policies need to be based on evidence...
The foundation of effective policies is better
understanding.’

— Andrea Milan
International Organization for
Migration

Collection and interpretation are difficult

Primary data is compiled through registrations of displaced people, surveys and assessments. This is done by governments, civil society (eg Red Cross and Red Crescent) and other groups. Media reports and satellite imagery may also be analysed. Proxy sources of data, such as the number of host country visa allocations in a certain period, and information about housing destruction can contribute, Anzellini explained.

At a global level, organisations like the [Internal Displacement Monitoring Centre](#) (IDMC) and the [International Organization for Migration](#) (IOM) aggregate and analyse the available data. Organising the data requires experts to equilate various sources and types of information and to harmonise meanings across geographic areas and cultures. Data is validated through a combination of machine learning and human analysis.

By the time data reaches the public, nuanced metrics often get reported wrongly or are inflated for shock value. As Anzellini noted, organisations releasing data can help with better media briefings and more accessible presentation of the data for a general audience.

Gaps result from practical and methodological challenges

There are no global data collection standards, and as a result, many opportunities for collecting useful data are missed, noted Andrea Milan. On an international scale, basic data gaps are compounded. For instance, countries of origin and host countries often use different data-recording systems. This makes it difficult for policy-makers to get a sense of important dimensions, such as the gender and age of those who are displaced.

Time-series data is particularly lacking. There is sometimes a long lag between when a person leaves and when their movement is recorded. After the initial move, there tends to be little follow-up or assessment, so we lack data about how long people remain displaced, or how they fare. Accounting for immobility is also difficult. It is challenging to untangle and account for the various drivers of movement, or to distinguish between pre-emptive movements and those that occur during or after a disaster. Displacement that appears to be because of conflict or a disaster may also be driven by existing slow-onset conditions (eg loss of arable land).

Data security

Privacy concerns always factor in data collection. With the advent of Big Data, these concerns are only likely to grow. Kira Vinke noted that the more data we generate, the higher the risk it will be abused. As noted by Milan, information obtained through mobile phones, satellite images and social media, particularly when sourced from private companies, carries particular risks of abuse for marginalised and persecuted communities.

Key take-aways

- Better data governance is needed the national and international level; standardising data collection and organisation would enable better comparison and analysis.
- Better dialogue and information-sharing among different policy actors involved in managing displacement (eg census, migration, labour and health agencies) could enable better use of existing data.
- New sources of data, such as Big Data, offer a lot of potential, but strong safeguards against misuse are required.



[Watch the
video](#)



[Hear the
podcast](#)

'The effects of climate change on Fiji are not predictions for the future, but already being experienced in the present.'

— Merewalesi Yee
University of Queensland



5 Should I stay or should I go? Planned relocations

Speakers

- Erica Bower, Affiliate, Kaldor Centre for International Refugee Law
- Daniel Fitzpatrick, Professor of Law, Monash University
- Salote Soqo, Senior Partnership Officer, Unitarian Universalist Service Committee
- Merewalesi Yee, PhD candidate, University of Queensland
- Chair: Elizabeth Ferris, Research Professor, Institute for the Study of International Migration, Georgetown University

Planned relocation – or retreat, managed retreat or resettlement, as it also sometimes called – is already occurring in every region for communities at risk of climate-related displacement. While there is still a lot to learn, some countries on the frontline have already developed frameworks on internal relocation. For instance, Fiji has created Planned Relocation Guidelines, and a trust fund to support the costs of movement, while the Marshall Islands is developing a culturally relevant governance framework. Immobility also must factor into relocation planning, as some communities may choose to stay in the face of climate change.

What does a planned relocation look like?

Planned relocation is the physical movement of individuals, households or entire communities to a new location. In the context of climate change, planned relocations may occur in anticipation of, or in response to, changes that threaten livelihoods and the capacity to remain in a certain location. Generally, the varied effects of climate change intersect with underlying social, economic and cultural factors to produce the impetus to relocate, typically within the borders of a country.

Planned relocations vary – single communities may relocate to multiple destinations, multiple communities may move to a single destination, or some mix of this pattern may occur, as Erica Bower explained. The process may be voluntary or involuntary (ie forced by the State). It may be governed by the State, with specific instruments designed to facilitate movement, or may occur at a community level, outside any normative legal framework. Financing is critical; whether a relocation is culturally sensitive and meets community needs depends on who's funding it and who controls finances.

Once people have moved, the process is not over: policies that support successful adaptation and integration are vital. When relocation is centrally organised, it is important to consider the consequences of merging or dividing existing communities, both at the origin and destination.

For a global mapping of planned relocation, see Erica Bower and Sanjula Weerasinghe, [Leaving Place, Restoring Home: Enhancing the evidence base on planned relocation cases in the context of hazards, disasters and climate change](#), Kaldor Centre for International Refugee Law & Platform on Disaster Displacement, March 2021.

Planned relocation as a last resort

'While planned relocation is a safe, proactive way to address displacement risks from climate change impacts, it's generally still perceived as the last option, because nobody wants to lose their home,' said Salote Soqo. There are concerns that even the best planned relocation can still perpetuate the violation of human rights. Soqo emphasised the need to support communities to adapt in place, to advance localised solutions to help them protect their livelihoods and their cultural ties to their natural resources. Failing that, decision-makers need to implement culturally appropriate participatory mechanisms that enable community agency and control in any relocation process.

Place and 'belongingness'

In the Pacific, communities have strong connections to the land, described by Merewalesi Yee as 'place belongingness', a product of personal, historical, cultural, legal and economic connections to place. As Yee noted, communities' preferences to remain in place should be accounted for in any discussion of planned relocation.

Kinship networks between sites of origin and destination greatly assist the relocation process. Due to cultural connections to land and between peoples, many choose to move as short a distance as possible, to preserve the elements of belonging and heritage. Nevertheless, the process of relocation can transform these, as well as community structures and individual lives. The same is true for destination communities, impacted by the arrival of those relocating. Decision-makers need to understand the dynamics of both the community of origin and the community of destination, to avert conflict or alienation.

Yee emphasised that for relocation to be successful or sustainable, it must be led by the needs and values of affected communities.

The challenges of land tenure

In the context of planned relocations, land tenure creates myriad challenges. Hazard-mapping tends to be a technical process that does not incorporate informal tenure relationships, yet an understanding of community dynamics is vital in planning relocations in a community-centric, culturally appropriate way.

As Daniel Fitzpatrick explained, those most at risk of climate-related displacement often have insecure land rights, and, when the relocation process is government-led, undocumented landholders tend to miss out. There is also intrinsic scope for discriminatory practices, exclusion and marginalisation.

This corresponds with challenges in destination communities, where often those arriving struggle to acquire ownership over land on which to establish their new lives. The poorest tend to go back to informal settlements because the new location is too expensive or inconvenient. This imbues relocations with a degree of insecurity.

Key take-aways

- Community dynamics and perspectives are crucial but often overlooked in institutional responses to relocation.
- By understanding kinship networks, resource relationships and hazard areas, communities can develop a 'risk reduction process' informed by lived experience.
- The best outcome is usually for communities to be supported to adapt in place, with localised solutions. Failing that, decision-makers should implement participatory mechanisms that enable community agency and control in any relocation process.



[Watch the video](#)



[Hear the podcast](#)



‘There’s really no way that the right solutions... can be reached without the voices of the people who are directly impacted by climate change, from the experiences of people who are already on the move.’

— Alex Randall
Climate and
Migration Coalition

6 To Glasgow and beyond: Building support for people moving away from climate change

Speakers

- Nisreen Elsaim, Chair, UN Secretary General’s Youth Advisory Group on Climate Change
- Alex Randall, Senior Programme Lead, Climate and Migration Coalition
- Koko Warner, Vulnerability Subdivision Manager, UN Climate Change (UNFCCC)
- Martijn Wilder, Founding Partner, Pollination Group
- Chair: Linh Do, Head of Campaign Networks, Climate Catalyst

The UN climate talks (‘COP’) process alone is not enough to tackle the issue of climate-related displacement. International negotiations have been progressing slowly for decades, and the voices of affected people get little prominence in such forums. Change is also being driven by activists, and by investors committing capital to sustainable projects. Solutions will be most effective if they are based on communities’ experiences, needs and wishes.

Making use of various processes

A ‘jigsaw puzzle’ of protection tools and processes is required to effectively manage increasing climate mobility, said Alex Randall. The [Platform on Disaster Displacement](#), the United Nations’ [Sustainable Development Goals](#), and Global Compacts on [refugees](#) and [migration](#) are all alternative avenues for creating change at the international level.

Creating change at the domestic level

As most climate-related movement will continue to be internal, much of the work needs to be done at the domestic level, Randall noted.

In relation to cross-border movement, Randall warned against a potential ‘border-industrial complex’, as the securitisation of climate change migration drives companies profiting from detention centres and new remote border surveillance technologies. He argued that we should be looking to promote the creation of safe, legal migration pathways. Nisreen Elsaim noted that opening borders may be more difficult for some nations than others, in light of inequalities between the Global North and Global South.

In the Australian context, the government has lagged in acknowledging the real challenges of climate change, Martijn Wilder noted. Surrounded by Pacific and Torres Strait Islands communities facing dire threats, Australia needs to do more and find new mechanisms to get money flowing to its neighbours.

Capital markets

Capital markets are rapidly making the transition away from investing in coal and fossil fuels, towards cleaner energy and new technologies. Wilder noted several recent multi-billion-dollar funds – a ‘wall of capital’ – but argued that large investors would also need to be held to account with pressure to adhere to their environmental action commitments.

Research and transfers of knowledge

Right now, decision-makers rarely foresee the future needs of government or displaced people when making policies about employment, real-estate zoning, taxation or other areas outside environment or migration policy. Koko Warner called for more imagination and broad-based conversations between policy-makers from all areas. Research plays a vital role in creating policies that better accommodate the needs of displaced groups.

Investment in research is needed to push climate-related displacement higher on the policy agenda, said Elsaim. She noted that it is important for relevant organisations – in both the Global North and South – to better network in order to increase awareness of their work and learn from each other.

Key take-aways

- The voices of people affected by climate change mobility are essential to identifying workable and dignified solutions.
- Progress needs to be advanced on multiple fronts and in various fora – not only at the international level, but at the national and local levels as well.
- Civil society, researchers, and the private sector all have an important role to play in developing solutions and advancing change.



[Watch the video](#)



[Hear the podcast](#)

The Kaldor Centre wishes to acknowledge the generous support of its conference sponsors.

Premier sponsor:



Opening panel sponsor:



Sponsors:



Image credits: Cover, Roger Arnold/UNHCR; pp 2, 11 & 13, IOM/Muse Mohammed; p5, UNHCR/Vivian Tan; p7, Supplied Facebook; p10, UNHCR/Luke Hueller.

About the Kaldor Centre for International Refugee Law

The Andrew & Renata Kaldor Centre for International Refugee Law at UNSW Sydney is the world’s leading research centre dedicated to the study of international refugee law. Founded in October 2013, the Kaldor Centre undertakes rigorous research on the most pressing displacement issues in Australia, the Asia-Pacific region and around the world, and contributes to public policy by promoting lawful, sustainable and humane solutions to forced migration. Through outstanding research and engagement, the Kaldor Centre has become recognised as an intellectual powerhouse with global impact.

www.kaldorcentre.unsw.edu.au