

Shelter from the storm? - AlertNet

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A view of a street flooded with sea water at Mayangan village in Subang, Indonesia's West Java province, on July 16, 2010. REUTERS/Beawiharta

By David Hodgkinson

The Intergovernmental Panel on Climate Change, the UN, the International Organization for Migration and many other groups warn that the effects of climate change - including rising sea levels, heavier floods, more frequent and severe storms, drought and desertification - may cause large-scale population movements.

The scale of climate change displacement is often established by reference to the possible numbers of those displaced; estimates range from tens to hundreds of millions of people. Although it's not clear what climate change will mean for human population distribution, there is consensus that climate change will lead to significant displacement over time.

And while it's important to take account of the different contexts and forms that climate change displacement may take, there is a need, as one expert has said, "for international recognition of the problem, a better understanding of its dimensions and a willingness to tackle it."

One way of tackling the problem is through a treaty for climate change displaced persons (CCDPs). At the moment, neither existing climate change law nor refugee law adequately provides for CCDPs. There has been no coordinated response by governments to address human displacement due to climate change. And given the nature and magnitude of the problem which displacement presents, *ad hoc* measures may lead to inconsistency, confusion and conflict.

The international community - it seems - has an obvious interest in addressing the problem of human displacement in a coordinated fashion and in the provision of adaptation assistance or pre-emptive resettlement to those most at risk in terms of the impacts of climate change.

A single, multilateral, stand-alone treaty could address the problem of climate change displacement, the scope of which - like the problem, both in terms of causation and consequences - would be global. Parties to the treaty would be both developed and developing

states. It would encompass those displaced internally (migration experts state that most persons displaced by climate change will be unlikely to cross an international border) and those who do cross international borders.

The International Council on Human Rights Policy notes that "the most dramatic impacts of climate change are expected to occur in the world's poorest countries"; indeed, these countries, of course, already experience such impacts.

Persons displaced within state borders could be subject to a framework of assistance in which obligations would be shared between the affected 'home' state and the international community. In the case of CCDPs who have migrated across state borders, the treaty would outline the obligations of the CCDP and both the home and 'host' states.

Rather than assigning rights and protections on the basis of the *individual* satisfaction of definitional criteria, as in the 1951 Refugee Convention, *en masse* designation of CCDP status may well be more appropriate to the characteristics of climate change migration.

In the event of trans-border or international displacement, the treaty would not compel state parties to the treaty to accept CCDPs. Rather, state parties may choose to enter bilateral displacement agreements under the treaty between 'home' and 'host' states.

The prospect of entire states becoming uninhabitable differentiates the plight of small island nations from other regions in which there is likely to be large-scale displacement. The principles of proximity, self-determination and the safe-guarding of intangible culture could be applicable to regional bilateral displacement agreements between small island nations (home states) and host states concluded under the treaty.

Any treaty would contemplate the collaborative provision of pre-emptive assistance (and if necessary, resettlement) to those most at risk in terms of the impacts of climate change. Provision of assistance under the treaty could perhaps, then, be described as 'anticipatory adaptation.'

Also, any treaty would largely operate prospectively. Assistance to CCDPs would be based on a 'bottom-up/top-down' assessment of the likelihood of their environment becoming uninhabitable due to events consistent with anthropogenic climate change such that resettlement measures and assistance were necessary.

Put another way, displacement could be viewed as a form of adaptation that creates particular local vulnerabilities requiring assistance (and protection) through international cooperation

The aim of the treaty, above all, would be to enable people to remain in their homes for as long as possible or to move in a planned manner over time.

Current levels of scientific knowledge create difficult issues regarding the extent to which climate change contributes to a particular weather event or population movement. Any treaty would recognise problems with determining the extent to which climate change causes an event giving rise to displacement, identifying certain phenomena and trends as consistent with climate change, and establishing the extent to which humans contribute to climate change events.

As a starting point, the treaty could adopt a 'very likely' standard (greater than 90 percent probability) to identify certain phenomena and trends as consistent with climate change, and human contribution. This higher standard would provide increased certainty and targeted resource allocation in the context of a convention that could apply to hundreds of millions of people.

By adopting a 'very likely' standard, and in light of the current state of climate change science, it's anticipated that requests from state parties attracting the operation of any treaty would

overwhelmingly concern slow-onset, gradual displacement, which is more likely to be established as induced by anthropogenic climate change than a sudden disaster.

Causality issues - or issues of attribution - continue to be addressed. The IPCC's paper on Detection and Attribution Related to Anthropogenic Climate Change, and comments and advice from Peter Stott, head of climate monitoring and attribution at the Met Office Hadley Centre in Exeter, in the UK, have proved to be very useful.

A final note: In the Andes generally, if warming trends continue, many tropical glaciers may disappear within 20 years; among other things, the water supplies of over 70 million people would be threatened. Such a problem, Pablo Solon - Bolivia's ambassador to the United Nations - has said, is one which "even money won't completely solve."

Solon asks this question: "What do you do when your glacier disappears or your island is under water?" One viable and realistic solution could be a treaty for climate change displaced persons which sets out a framework for the collaborative provision of pre-emptive adaptation assistance – and, if necessary, relocation – *before* glaciers melt and *before* islands are under water.

David Hodgkinson leads an international project team drafting a treaty for climate change displaced persons. The project website is www.ccdpconvention.com, at which site criticisms of treaty-based approaches are also addressed.

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