

## Amid Global Warning of 'Exodus', Pacific Countries Lead the Way on Mobility Responses

This short piece challenges policymakers to develop a broad suite of policy responses to safeguard the rights of those moving or displaced in the context of climate change and disasters. Drawing upon human rights principles and highlighting innovative practices of Pacific nations, the author shows how those most affected by climate change can be active participants in the search for durable solutions.

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Jane McAdam

Earlier this year, the UN Secretary-General issued a <u>sober warning</u> that hundreds of millions of people may be displaced by the devastating impacts of climate change. The rate at which sea levels are rising threatens 'a mass exodus of entire populations on a biblical scale', he said. He rightly noted that people's 'human rights do not disappear because their homes do' and suggested that the answer lies in international refugee law.

But while international refugee law may have a role to play in some circumstances, on its own it is not the answer. Most people displaced by the impacts of climate change will not qualify, but some will – particularly when disasters <u>compound</u> conflict or discrimination, or lead to a breakdown of law and order. There are also refugees whose circumstances will be worsened because of the adverse effects of climate change, or whose return home will be hampered.

Human rights law provides broader protection, preventing governments from removing people to any place where they face a real risk of inhuman or degrading treatment, or to their life. This has been affirmed in a series of cases by the UN Human Rights Committee, which — importantly — has <a href="recognized">recognized</a> that conditions 'may become incompatible with the right to life with dignity before the risk is realized', meaning that protection should be available before the situation is imminently life-threatening.

Both these solutions, however, depend on people having already fled their country to find safety elsewhere. And in response to the eyewatering figures cited by the Secretary-General, it must be noted that most climate-related displacement will occur within countries, not across borders.

As such, we need to develop a suite of proactive policy responses that:
(a) help people stay safely at home when they so desire, through adaptation and disaster risk reduction; (b) facilitate safe and dignified opportunities for migration and planned relocation for those who wish to move; (c) provide protection to those who are displaced, whether internally or across international borders; and (d) safeguard the rights of all who are affected by climate mobility.

In my work with Pacific communities over many years, as a researcher, consultant, listener and advisor, it is clear that most people do not want to leave their homes permanently, if at all. They are deeply concerned about the social, emotional, spiritual and cultural losses that come with dislocation from land, which go to the heart of identity and well-being. But there is also recognition that thinking about mobility pre-emptively and proactively provides the best chance of ensuring that it can enhance people's well-being, rather than diminishing it.

First, when it comes to displacement, the 1998 <u>UN Guiding Principles on</u> <u>Internal Displacement</u> are a helpful tool. They set out national

governments' responsibilities when people are at risk of displacement, or have been displaced, and expressly include those '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... natural or human-made disasters'. The Guiding Principles extend to those who flee (or are evacuated) from the anticipated impacts of a disaster, as well as those who leave in the aftermath of a disaster.

Although the Guiding Principles themselves are not legally binding on States, they reflect widely accepted principles and standards from international refugee, human rights and humanitarian law and set out standards for protection and assistance before, during and after displacement, implicating a range of policy areas including disaster risk management, adaptation and development. They are a useful practical tool for governments to anticipate and plan for the needs of people who are displaced, including as a result of evacuations. Indeed, there are already world-leading practices in the Pacific. Tuvalu and the Marshall Islands have established a four-pronged 'Rising Nation Initiative', part of which includes a comprehensive program to build and finance adaptation and resilience projects to assist communities remain in place and sustain their livelihoods. Fiji and Vanuatu have developed national guidelines on displacement in the context of climate change and disasters, and both Fiji and the Solomon Islands also have guidelines on internal relocation in this context. Fiji has even established a trust fund to support its relocation efforts.

There are many other concrete steps that national governments can and should undertake to protect people from the risk of internal displacement — in the Pacific and beyond. Governments should proactively identify places where people may be at risk of internal displacement. They should ensure that settlements are not constructed in unsafe areas, that land is not overdeveloped, and that there are buffer zones for coastal communities to minimize the impacts of saltwater intrusion and inundation. They should develop early-warning

systems and evacuation routes. They should ensure that evacuations are provided for by law; only carried out when necessary and proportionate; safeguard people's safety, health and human rights; and are for the shortest time possible. They should ensure that all people, and especially those in vulnerable situations, have non-discriminatory access to appropriate humanitarian support and assistance.

Secondly, both internal and cross-border migration can be harnessed as proactive forms of movement, enabling people to move in their own time and on their own terms, rather than being displaced when disaster strikes. Temporary or circular migration can provide an important risk-management strategy, giving people access to job opportunities, higher wages and remittances. These, in turn, may help to provide greater security back home. A 2021 report by the White House recognized that migration is not only 'an important form of adaptation to the impacts of climate change', but sometimes 'an essential response'. And in the 2018 Global Compact for Safe, Orderly and Regular Migration, most of the world's governments agreed to consider 'providing humanitarian visas, private sponsorships, access to education for children, and temporary work permits' to assist in this regard.

When it comes to internal movement, there are again some interesting examples from the Pacific. In Vanuatu, people have established <u>second homes</u> and gardens to support internal seasonal mobility in the face of climate impacts and disasters. During the COVID-19 pandemic, Tuvalu saw a <u>reverse trend</u> of people leaving the main island (which, as the international entry point, was most at risk of an outbreak) and returning to ancestral lands on the outer islands. Customary land tenure (based on communal, kinship-based ties) — sometimes viewed as an impediment to internal movement — in fact facilitated mobility.

Crucially, Pacific peoples affected by climate impacts are not passive victims, but rather active participants in the search for durable solutions to their predicament. Their views, needs and desires must be front and

centre of national, regional and international responses. Too often, western notions of 'habitability' and 'uninhabitability' drive external assumptions and tropes about the Pacific that are not only insensitive but may limit thinking about what might be possible. Over millennia, Pacific communities have demonstrated immense resilience and innovation in adapting to changing environments, their responses underpinned and shaped by traditional knowledges and collective action, buttressed by more recent technological developments.

For some people, remaining in place will be a deliberate <u>political choice</u>: an act of <u>resistance</u> and resilience. Other people will move internally, at least initially; yet others may seek to migrate elsewhere. These decisions will not be made lightly, and calculations may shift over time as physical conditions change. Such considerations may also explain fluctuating Pacific approaches to mobility at the policy level – from outward-focused advocacy on 'migration with dignity', to a more inward focus on resilience-building and internal migration.

Jane McAdam AO is Scientia Professor of Law and Director of the Kaldor Centre for International Refugee Law, UNSW Sydney. She was a lead drafter of the 2018 Sydney Declaration of Principles on the Protection of Persons Displaced in the context of Sea Level Rise for the International Law Association, and the Pacific Regional Framework on Climate Mobility (which is currently under political deliberation).