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IOM moves 110 families to "transitional shelter", a temporary house designed to last for three to five years, in Corail, outside of Port-au-Prince, after tents were damaged or flooded by a storm, following the 2010 Haiti earthquake.
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Climate change and climate policy induced relocations: A challenge for social justice

Recommendations of the Bielefeld Consultation[1]

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This policy brief concerns those who have already been, or are likely to be permanently displaced by the effects of climate change or as a result of investments and programme activities related to climate policy, and who may

[1] This policy brief is the result of an interdisciplinary research workshop with academics and practitioners, held at Bielefeld University, Germany, in November 2014, in cooperation with COST Action IS1011 on Climate Change and Migration (For more information, please see www.uni-bielefeld.de/%28en%29/tdrc/ag_comcad/research/cost.html). The policy brief targets policymakers and practitioners engaged in climate change adaptation and mitigation.

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require or pursue permanent relocation.[2] Though it is difficult to establish precisely how many people have been displaced by climate change and climate policies, the numbers are set to increase, which raises a series of concerns. Some estimates may serve as indicators of the dimension of the challenges ahead. Between 2008 and 2014, it is estimated that 157.8 million people were displaced by weather-related disasters, and a further 15 million people were relocated or evicted annually in the context of development-based projects (IDMC, 2015; Cernea and Mathur, 2008). Though it is difficult to disaggregate how many of those relocations, evictions and related displacements can be clearly identified as the result of climate change and/or climate policies, there is a rising trend in disaster-related displacement (IDMC, 2014). It is further acknowledged that climate policies create strong incentives for – often large-scale – development projects to mitigate climate change and to adapt to it. As such, it can be assumed that both climate change and climate policies will have an impact on the future numbers of those displaced by natural disasters and development projects.

This policy brief thus addresses both: (a) planned relocation as a means to adapt to climate change and accommodate persons at risk of displacement as a result of extreme weather events and slow-onset events such as sea-level rise; and (b) planned relocation as second order consequence of climate change mitigation measures and in-situ adaptation measures.[3] Planned relocation thus encompasses a series of interconnected policy arenas concerned with disaster risk reduction and recovery, humanitarian aid, sustainable development, climate change adaptation and mitigation. Examining this issue is particularly timely in the context of a number of recent and upcoming events in relevant policy arenas:

(a) The Sendai Framework for Disaster Risk Reduction, adopted in March 2015, acknowledges planned relocation as a way to achieve durable solutions;

(b) A new global climate treaty is expected to be signed at the 21st Conference of the Parties (COP 21) in Paris at the end of 2015.

(c) Negotiations on the post-2015 development agenda and the Sustainable Development Goals just concluded.

(d) The World Humanitarian Summit 2016 is upcoming.

All these events are expected to produce new paradigms in policy fields relevant to planned relocations.

The Bielefeld Consultation identified the need to make policymakers and practitioners engaged in climate change adaptation and mitigation aware of the challenges attached to planned relocation as an adaptive strategy to climate change or as a consequence of climate policies. The history of planned relocations in other contexts, such as mining, transport, agricultural and energy production projects, shows that planned relocation often infringes human rights and is a cause for concern. Relocation of communities, though unavoidable in some cases, should not be undertaken lightly. Freedom of movement and freedom of residence are basic human rights enshrined in the Universal Declaration of Human Rights and the International Human Rights Covenants and affirmed in other important human rights treaties. Restrictions of such rights can only be taken by competent legal authorities for reasons of compelling public interest in accordance with national laws and the provisions of international human rights law. Indeed, there might be times that people need to be moved in order to protect their lives (such as evacuations in the context of emergencies), and there might be other occasions when public interest in improving overall living conditions (such as broad access to clean and secure energy supply) may justify limited numbers of relocations. However, planned relocations most often involve changes in the way land is used – changes that either bear the potential for conflict and impoverishment of many people or constitute a source of enrichment for a few people. Thus, the narrative of "public interest" must neither serve to obscure such dynamics nor justify that some bear disproportionately high social costs for the benefit of the many.

While there is a place for planned relocation in the basket of policy options dealing with climate change adaptation, sustainable development and disaster risk reduction and recovery, a series of legal, socioeconomic and normative issues indicate that the regulation and implementation of planned relocation is a contentious and complicated endeavor that requires attention and caution.

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[2] "Effects of climate change" for the purpose of this brief also comprises the interaction of climate change with other environmental changes, including man-made environmental degradation. "Activities related to climate policy" comprises activities under the United Nations Framework Convention for Climate Change framework, as well as similar activities carried out in the context of other schemes (such as development cooperation). Further, to a large extent, the proposals made in the policy brief are also applicable to (and derived from experiences with) planned relocations in other contexts, particularly development projects and disaster response measures.

[3] In contrast to the 2014 San Remo Consultations, which focused solely on relocation needs due to climatic changes. For more information, refer to www.brookings.edu/research/papers/2014/03/14-planned-relocations-climate-change

Threats to livelihoods and human rights

The risks and failures of planned relocation have been widely acknowledged. Empirical evidence suggests that such interventions can compound and intensify impoverishment (Bennett and McDowell, 2012; Oliver-Smith, 2014). The major threats are about "interlocking disadvantages" that limit people's opportunities to maintain and improve their livelihoods, undermine their assets and capabilities, and increase the risks they face. Such imposed disadvantages include a variety of forms of exclusion, discrimination and disempowerment, which in turn determine people's ability to access natural resources, social networks, education, health care, as well as labour, commodity and financial markets. Access to these and other resources and forms of capital are essential to securing livelihoods and overcoming poverty. These interlocking disadvantages also include the disorganization and social disarticulation of community and family relations, and generate long-lasting impacts that also affect future generations within the community. The deprivation that arises from these forms of exclusion is embedded in social and political relations and affects different groups of people in different ways.

In addition, inadequate resettlement design may also negatively impact host communities and their relation to the new settlers due to increased pressure on common resources, particularly water and land, or competition for local jobs. As a consequence, relocation frequently impairs the enjoyment of substantive human rights, such as the right to housing, food, water, health and property, as well as civil and political rights, such as the right to self-determination, participate in elections and decision-making, and last but not the least to choose freely the place of residence. Though there may be occasions where relocation is preferable to in-situ arrangements, in general, it should be avoided.[4] Such decisions should be based on thorough environmental and social impact assessments and consultations of the affected population.

Who is affected?

Foreseeably, the populations of the global South will be more affected by climate change and climate policy-induced relocations than those of the global North due to a mixture of geographic, demographic, economic and societal reasons. This particularly applies to those living at the margins of society in urban slums and remote rural areas, those who are weakly protected by their respective societies, who suffer unequal access to material and immaterial resources, who are discriminated by societal norms and statutory law and who cannot access legal, administrative and political institutions and decision makers on equal terms. Their inequality is commonly entrenched in their heterogeneity from the dominant population, such as speaking a different language, following a different faith and pursuing precarious livelihoods (such as small-scale pastoralism, farming, fishing or trading). The same, however, also applies to those who live at the margins of society of developed economies and who lack the means and capabilities to negotiate for acceptable livelihood outcomes as their wealthier fellow citizens usually have when they are affected by displacement and relocation. Affected host communities might also rarely belong to the upper classes of societies. Additionally, indigenous populations in many parts of the world are frequently in a disadvantaged position when it comes to decisions about relocation despite the specific rights protecting them.

Types of climate-related planned relocation

The Bielefeld Consultation identified four types of planned relocation, which all share the above-mentioned livelihood risks and human rights threats to some degree. These are:

(a) Reactive relocation after a natural hazard if return is not feasible;

(b) Preventive relocation from high-risk zones before a disaster happens;

(c) Relocation as a component of larger adaptation projects, such as dam building to protect populations from flooding and sea-level rise; and

(d) Relocation as a component of major mitigation projects, such as the extension and protection of carbon sinks (forest programmes) and the exploration of renewable energy resources.

These four types of situations have much in common – and share these commonalities with relocation measures in other development contexts – but also differ in important ways. Thus, the general objective should be to improve livelihoods and make relocation, if it cannot be avoided, a development undertaking in its own right.

To ensure this, the following principles should be applied:

(a) Prior to relocation, communities have to be informed and consulted adequately, the compelling and overriding public interest in that measure has to be demonstrated, alternatives to relocation

[4] This is not meant to negate a right to assisted relocation if relocation is deemed to be necessary and the most appropriate solution.

have to be explored and, if relocation cannot be avoided, an agreement with the communities on the new settlement (including the consideration of several alternative settlement sites) and fair compensation measures has to be reached.

(b) To ensure fair procedures during the entire process, core requirements and structures for impact assessment, information sharing, transparent processes, participation in decision-making, adequate complaint mechanisms and access to remedies have to be in place. Particularly, the continuous and genuine participation of affected vulnerable groups has to be ensured.

(c) The new settlements have to comply with certain minimum requirements. These include, for instance, appropriate infrastructure and services (such as roads, public and social services such as health care, education and security), proximity to and/or mobility to reach former livelihoods and/or new job markets, access to fertile land and water to enable food security, security of tenure and adequate housing. This also includes environmental safety of the new sites.

(d) Social dynamics and cohesion have to be taken into account. Relocation should therefore secure the unity of families and communities, as well as facilitate integration with host communities. Measures to relate to host communities during planning, implementation and afterward have to be put in place, and after implementation both resettled and host communities should receive adequate support to ensure the sustainability of relocation.

(e) Arrangements for benefit-sharing with affected communities should be made in cases of relocations where land-use change generates income for private or public entities. This is typically the case with mitigation projects that invest in the energy sector and are, in addition, rewarded with emission certificates. But benefits might also accrue when previous settlement areas that have been permanently vacated to prevent or respond to a disaster will be used in income-generating ways. An example might be coastlines that are vacated to protect dwellers from sea-level rise and then used for mangrove forest programmes or as recreational sites with clean beaches to attract tourists.

People of Carteret Islands and other atolls in Papua New Guinea are threatened by impacts of climate change, such as sea-level rise and coastal erosion. © IOM 2015

Ensuring justice in climate change and climate policy-related relocations requires, however, additional precautionary measures:

(a) In times of climate change, any proposal for new settlements should undergo risk assessment, including the consideration of climate projections based on high-resolution data and scenarios, with the aim to avoid a situation where people move to places that are equally or even more at risk.

(b) Each of the aforementioned types of relocation faces the risk that climate change becomes a convenient narrative to vacate land and facilitate its further exploitation. To stay with the example above, this might happen when the tourism branch lobbies decision makers that vacating beaches from poor settlements benefits both the tourist sector and the security of fisherfolks and their families. Solutions to this challenge are more type-specific: In case of reactive and preventive relocation (types (a) and (b)), land-use change is not yet predetermined as it is the case with second-order relocations in the context of adaptation and mitigation measures (type (c) and (d)). Thus, to prevent such abuse, the affected should have a voice in determining the future land use of the evacuated land they occupied and entitled to benefit-sharing, if applicable.

(c) Risk assessments of the current settlements including proposals for in-situ measures to adapt locally to climate change risks are due before a decision to relocate can be taken. Further, the affected people should have a right to remedies if agreements on land use are breached and/or the assessment determining the need for reactive/preventive relocation turns out to have been false or flawed. In the latter case, the reason for relocation ceases to exist and people relocated from areas that are not endangered should have the right to return.

(d) Planned relocations as a second-order impact of major adaptation or mitigation measures (type (c) and (d)), in contrast, are usually justified by the public interest in implementing such measures. This legitimates – under certain conditions – the fact that some people bear the social costs for realizing the measure that is said to benefit many. Particularly, mitigation measures, such as those under the Clean Development Mechanism (CDM), thereby profit from the general public interest in reducing greenhouse gases but typically involve the private sector and its vested interests. Therefore, the process of determining the "public interest" in a specific project (such as building hydrothermal or geothermal power plants) deserves great attention. Determining public interest should not be left to governments alone, but should, inter alia, be backed by decisions of parliaments and affected local authorities. Here, the civil society, media and affected communities play important roles in informing decision-making and ensuring transparency. Public interest, in any case, does not legitimize the breach of human rights, and relocation should be conducted in an adequate manner that respects human rights.

Weak policy and governance framework

Currently, a scattered and fluctuating field of institutions, mechanisms, standards and policy processes exists that play into the governance of relocation processes in response to the challenges of climate change. In the case of reactive relocation after a disaster (type (a)), the humanitarian sector provides considerable operational guidance based on human rights, the Guiding Principles on Internal Displacement, the Inter-Agency Standing Committee's (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters and its Framework on Durable Solutions for Internally Displaced Persons. However, these are neither domesticated by many governments as standards for their own relocation practices nor do the IASC documents yet consider the special requirements this policy brief suggests to include in case of climate change and climate policy-related relocation.

In contrast, preventive relocation and relocation as a second-order impact of adaptation policies (type (b) and (c)) will figure prominently under activities funded by the Adaptation Fund.[5] With regard to preventive relocation, there exists at least an ongoing process to develop voluntary guidance that might be accepted by selected States in the future.[6] The current Adaptation Fund social policy, however, might be best described as the lowest common denominator of existing standards of multilateral development banks, bilateral donors, export credit agencies, leading commercial banks and

[5] The Adaptation Fund finances climate change adaptation projects in economically developing countries, which are party to the Kyoto Protocol. See www.adaptation-fund.org/

[6] The series of consultation initiated by the Brookings Institution in San Remo (see footnote 3) resulted in a guidance note on planned relocation (Brookings Institution et al., 2015), which is planned to be complemented by suggestions for an operational policy.

alike (Adaptation Fund, 2013). World Bank safeguard policies, which in the past played a standard-setting role, are currently under revision and face the risk of being weakened. In light of the first drafts, the mandate holders of the United Nations Special Procedures expressed their concern that these "seem to be driven by the desire to privilege rapid approval of loans over all else" including human rights concerns (OHCHR, 2014).[7] The revision of the safeguards will also impact upon adaptation and mitigation projects (type (c) and (d)). The latter are prominently financed by the Global Environment Facility (GEF),[8] the Climate Investment Funds (CIF)[9] and the new Green Climate Fund (GCF).[10] The GEF yet confirmed that it will update its safeguards accordingly (GEF, 2011), CIF is already under the trusteeship of the World Bank and the GCF is likely to follow this approach (Fry, 2011). Further, the mechanisms under the United Nations Framework Convention on Climate Change (UNFCCC) so far did not establish social and human rights-based safeguards of their own. Attempts to introduce such safeguards, for example for the CDM, so far have been rejected on grounds of interference with State sovereignty (Schade and Obergassel, 2014).

Non-conclusive list of minimum safeguards

Taking into account the challenges, the Bielefeld Consultation therefore formulated the following non-conclusive list of minimum standards for planned relocation:

- Independent environmental risk and human rights impact assessments of the need for relocation, which verify the severity and permanent nature of environmental change (the level of risk) in case of reactive and responsive relocation measures, and which consider alternative in-situ solutions to relocation;
- Independent assessment of public interest, parliamentary and local approval, and public consultations to legitimize second-order relocations in the context of adaptation and mitigation projects;
- Independent environmental and human rights impact assessments of the proposed relocation sites, including an assessment of its sustainability under the conditions of climate change ("climate check") to avoid the threat of being relocated to risk-prone sites, which triggers continued displacement/need for relocation;
- Transparency throughout the land-acquisition process and legal protection of traditional land tenure systems, the right of persons affected by responsive or preventive relocation to participate in decision-making on the land use of the vacated land, benefit-sharing agreements whenever

[7] The World Bank's first draft of the revised safeguard policies allowed, among others, borrowers to opt out of applying the special safeguards for indigenous people and their relocation, and no longer required resettlement planning and budgeting for projects that involve development-based evictions (Civil Society Statement on World Bank safeguards; the revision is however ongoing. Available from https://consultations.worldbank.org/Data/hub/files/civil_society_statement_on_world_bank_safeguards_1.pdf, accessed 4 December 2014).

[8] The GEF is a multiparty-funded facility established to address environmental issues, particularly in developing countries, by providing grants for projects. These include climate change mitigation and adaptation projects. For more information, refer to www.thegef.org/gef/

[9] The CIF funds mitigation and adaptation projects in developing and middle-income countries. For more information, refer to www-cif.climateinvestmentfunds.org

[10] Under the paradigm of sustainable development, the GCF channels funding for climate change mitigation and adaptation projects in developing countries. For more information, refer to www.gcfund.org/about/the-fund.html

applicable (that is, when the vacated site is used by the State or investors to generate income), and a right to assisted return to that land if the reason for relocation ceases to exist;

- Consideration of all other already existing and human rights-based best practice in carrying out planned relocations, which includes, inter alia, adequate mechanisms for genuine participation, special attention to vulnerable groups, full and fair compensation at replacement cost including citizens' rights to replacement land, the above-mentioned requirements for new settlements, and adequate measures to relate to host communities and consider their concerns; and
- Access to justice and redress by providing appropriate grievance and complaint mechanisms at operational and institutional levels of project implementers and funders, as well as access to national non-judicial and judicial systems.

The Bielefeld Consultation urges to consider these points in future and ongoing deliberations on planned relocation in the context of climate change and climate policies. They should particularly be integrated into the governance principles and operational policies of engaged funds, lending institutions and their implementing entities, as well as being directly integrated into the administration of current and future UNFCCC mechanisms that trigger planned relocations. In addition, organizations engaged in disaster management and disaster risk reduction, but also in other related fields are invited to consider the issues raised.

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