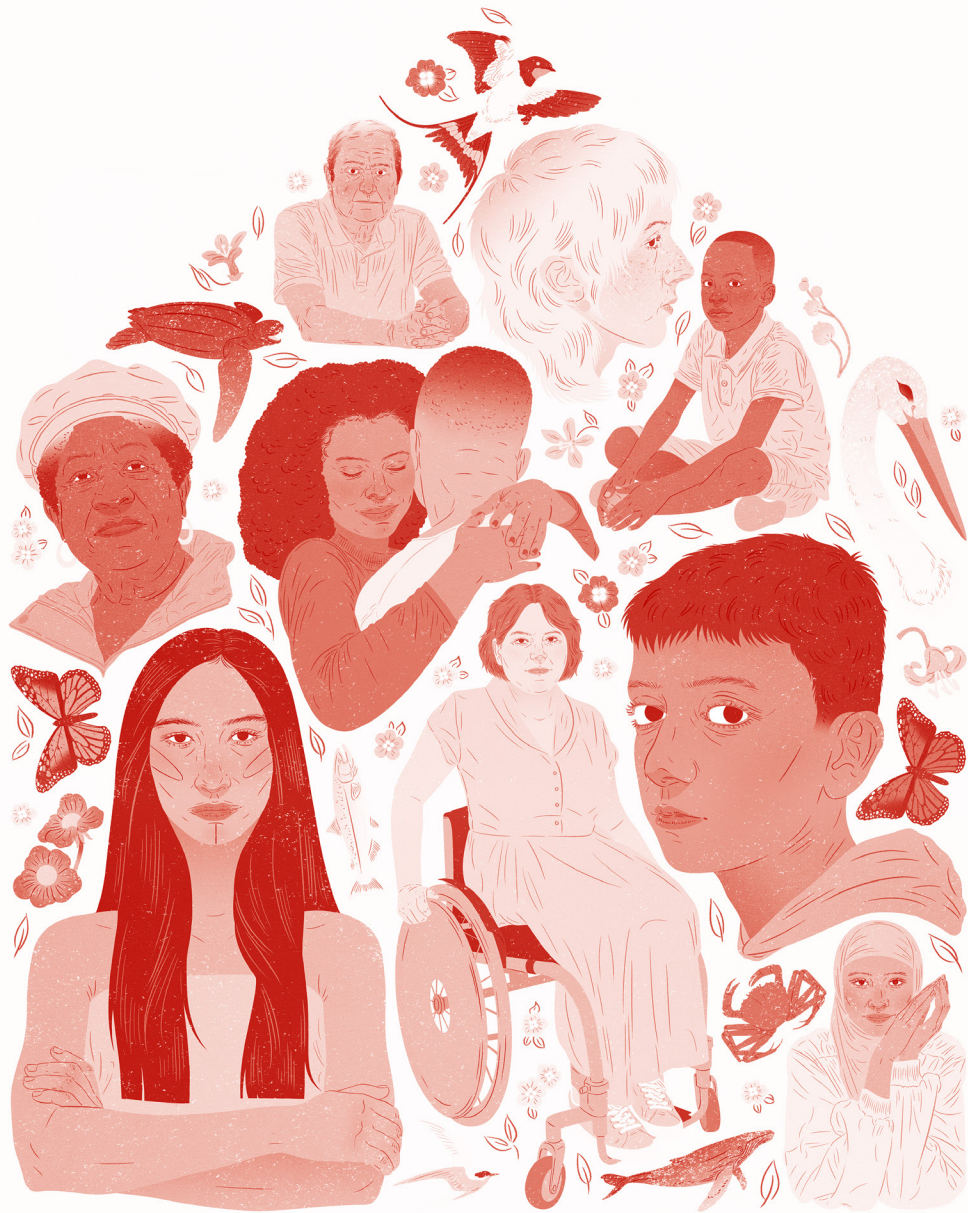


# Justice on the Move:

## THE NEXUS OF CLIMATE CHANGE, INJUSTICE, AND DISPLACEMENT



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## About Pathfinders Grand Challenge on Justice

5.1 billion people—two thirds of the world's population—lack meaningful access to justice. To achieve SDG16+ and deliver equal access to justice for all by 2030, we need to put people at the center of justice systems and move from words and planning to action and implementation.

The Pathfinders' Grand Challenge on Justice acts as an impact hub, convening countries, civil society, and multilateral and regional organizations to close the justice gap by accelerating action on people-centered justice. The Grand Challenge provides a platform to exchange innovative practices on data collection, evidence-based policy making, and effective use of resources to bridge silos and transform justice systems in preventing and resolving people's common justice problems.

The Grand Challenge is an initiative of the Pathfinders for Peaceful, Just and Inclusive Societies, a cross-regional impact hub of 46 member states, as well as partners across international organizations, civil society, and the private sector committed to advancing the Sustainable Development Goal targets for peace, justice, inclusion, and equality (SDG16+). The Pathfinders is hosted at New York University's Center on International Cooperation.

## About the Zolberg Institute on Migration and Mobility at The New School

The Zolberg Institute on Migration and Mobility at The New School supports critical and applied scholarship and provides opportunities for social action and policy engagement. The Institute fosters concentric circles of scholarship and action—in our University, our city, and the world. We contribute to the University community by offering courses, sponsoring lectures and events, and supporting extended visits of leading scholars. We engage deeply with New York City, supporting student work with the wide range of groups and communities in the City. We undertake initiatives to inform and influence public debate and public policy at the national and global level. Our five key research themes are: mobility; refugees and forced migration; climate induced migration; NYC and Beyond; and Changing the Narrative.

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## About this publication

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## Executive Summary

Climate change is increasingly exacerbating displacement and justice challenges across the globe. As climate injustice intensifies, the risk of displacement grows, especially for vulnerable populations. This displacement often leads to a cascade of new justice challenges, including the loss of property, lack of access to services, and increased vulnerability to exploitation.

Current climate justice dialogues frequently focus on macro-level concerns like North-South reparations and state-level inequities, which, while important, can overlook the day-to-day injustices experienced by those in climate-impacted communities. Climate displacement calls for us to take a people-centered approach to the climate justice arena.

This paper explores the intersection of climate change, justice, and displacement, shedding light on the ways in which the global justice gap can sit at the intersection of climate-related events and human mobility. Key findings highlight that climate change is exacerbating existing inequalities and creating new challenges that often force individuals and communities to relocate. Current resources and legal frameworks are inadequate to address the justice needs of climate-displaced populations, leaving many without proper support.

The paper argues that humanitarian and justice actors have a critical role to play in addressing these issues by supporting people-centered resilience and adaptation strategies that protect individuals' rights amidst the climate crisis. It emphasizes the need for proactive justice strategies to prevent and mitigate the harms of displacement, support resilience and adaptation, and ensure the protection of rights throughout the migration process, advocating for a shift towards anticipatory action, holistic access to justice services, and the inclusion of migration considerations in national policies. It also stresses the importance of community-led efforts and just transitions, ensuring that those most affected by climate change have a voice in policy development.

**By bridging the gaps between climate justice, displacement, and legal support, this paper argues for more effective, equitable solutions that address the root causes of displacement and support climate-impacted communities in their fight for justice.**



# Introduction<sup>1</sup>

For the billions of individuals who already grapple with justice problems, the impacts of climate change will exacerbate the challenges they face in their daily lives.<sup>2</sup> For others on the precipice of environmental disaster—such as small island nation residents facing sea level rise and inundation, Indigenous peoples witnessing the erosion of their lands, or those living in informal settlements losing their homes to floods—justice problems will only increase when climate impacts set in. Without decisive action, climate change will impede justice, create injustice, and grow the global justice gap.<sup>3</sup> Communities affected by climate change are at heightened risk of justice problems in areas such as lost livelihoods, labor exploitation, physical and mental health, accelerated urbanization, and discrimination.

Climate justice arguments are often tied to North-South reparations and state-to-state inequities.<sup>4</sup> While important, these conversations can fail to address the daily injustices people face in climate-impacted communities. Justice and humanitarian actors have an important role to play in supporting people-centered climate resilience and adaptation strategies that uphold people’s rights in the face of climate change. And yet, these actors have very little time, and almost no institutional mechanisms, to foresee, adapt, and meet the growing legal needs and structural injustices impacting climate-impacted communities.<sup>5</sup> This is particularly the case when it comes to people displaced by the climate crisis.

**The existing framework for international protection does not adequately encompass those impacted by climate events.** First, the majority of those displaced by climate impacts relocate within their own country, and additionally, those who do move across borders often do not fall under the legal classification of “refugee” because they cannot demonstrate a threat of persecution within their home country.<sup>6</sup> Therefore, the need to address the justice challenges that climate change brings, and the ability to resolve these challenges, directly relate to all aspects of environmental mobility—including displacement, migration, and planned or forced relocation.<sup>7</sup>

While the challenges people face can be due to the climate impacts themselves, in other instances, other factors are at play. These can include being exploited by ill-intentioned actors or even well-intended efforts by third parties to support adaptation or just transitions can exacerbate challenges—including displacement—by failing to apply a people-centered justice approach.<sup>8</sup> In some places, climate policies and carbon reduction efforts are fueling forced evictions and development displacement,<sup>9</sup> causing populations to relocate, often under dire conditions. Meanwhile, other justice challenges can exacerbate displacement by placing people in vulnerable situations where ultimately uprooting themselves is a more viable option than staying put. When people are displaced due to climate impacts, many are exposed to additional justice challenges when trying to return home or at the point of arrival to a new host community which can result in a series of additional micro displacements.

Within this context, when used proactively, justice can be a tool to mitigate and prevent the harms of displacement and uphold rights, to ensure that there are pathways for safe movement, and to facilitate a just settlement or return. Strategies that have successfully been utilized to resolve justice challenges faced by climate-impacted communities include **locally-led adaptation efforts** working with community paralegals, **pursuing litigation**, engaging in **global advocacy**, and **planned relocations** that directly involve affected communities in their planning and execution.

The ways in which climate change intersects with existing inequalities and vulnerabilities shape the injustices people face, their ability to seek redress, and whether they move. Those who are the most vulnerable often have the least ability to resolve their justice problems, with climate change acting as a “threat multiplier” that amplifies existing injustices. This is exacerbated by factors such as “poor governance, undermining public order, scarce natural resources, fragile ecosystems, demographic changes, socio-economic inequality, xenophobia, and political and religious tensions.”<sup>10</sup> Alongside this, the type of climate event impacts the challenges, recovery efforts, and movements of impacted

populations. For example, rapid-onset disasters like cyclones or floods will create immediate humanitarian and justice needs and may lead to temporary displacement. Meanwhile, slow-onset dynamics often lead to gradual, more permanent forms of movements over a longer time and can interact with other key drivers of migrations, such as lack of decent work and employment, weak governance, and intercommunity violence.<sup>11 12</sup> Just as climate change is an injustice multiplier, **access to justice can undergird solutions to a number of climate impacts**, particularly when it comes to increasing resilience, upholding rights, and improving livelihoods.

Although the prevalence and harms of climate-related dislocations are increasingly obvious, resources available to resolve justice issues caused by climate change are limited and individuals and communities are often left with little support from governments, donors, or international climate mechanisms.<sup>13</sup> Oftentimes, populations at the highest risk of vulnerability are left to lead rebuilding and adaptation efforts, or to make decisions about migration, without a full understanding of their rights. This can fuel further injustices. If populations are forced, or driven, to move by climate impacts, their justice challenges often increase. In these scenarios, climate displacement can cause significant justice concerns for communities, including vis-à-vis issues related to property rights, resettlement opportunities, access to services, citizenship and/or legal status, work authorization, and the protection of vulnerable populations, such as Indigenous communities.<sup>14</sup>

The “multi-causal nature of migration” means that it is important to avoid positioning any one factor as the sole driver of forced movement.<sup>15</sup> Climate justice challenges can be one of many interconnected factors influencing mobility, with socio-economic, cultural, and political factors—all impacting how communities prepare and respond to climate hazards and decide to migrate. When climate does play a role, it remains difficult to determine the extent of its influence as compared to these other factors.<sup>16</sup> Nevertheless, a growing body of research shows that climate injustice is impacting mobility, often being part of the decision or the final reason why people move, if not the primary driver.

While a growing number of actors are examining the individual legal needs of climate-impacted populations and the structural injustices that lead to displacement, **much more concerted efforts and coordination are needed between justice actors and those in the humanitarian sector to understand the climate-justice-displacement nexus and to design future collaborations.** To better understand the relationship between justice challenges and climate displacement, data gaps must be filled. These include gaps in knowledge on the justice challenges people face in climate-impacted contexts, how those fuel environmental mobility, and what new justice challenges displacement causes on the other side of migration corridors. Overlaying justice journeys and migration pathways can help identify locations in which policymakers can come together to address injustice faced by those most impacted by our changing climate.

This discussion paper begins to address these questions.

- First, it examines how the global justice gap is fueling climate displacement and argues that a better understanding of the interlinkages between injustice, climate, and movement can lead to more effective solutions for climate-impacted communities.
- Second, it considers existing and emerging research on climate change’s impact on justice challenges, how people resolve these challenges, the relationship between these challenges and the likelihood of moving, and the additional justice challenges faced by climate-displaced populations.
- Finally, it outlines how disciplinary silos can hinder effective interventions and presents opportunities for collaboration between humanitarian and justice actors to address climate justice challenges and support displaced populations facing justice issues moving forward.



# 1. Justice Challenges in Climate-Affected Contexts

When looking at climate change, injustice, and displacement, through people-centered lens,<sup>17</sup> several interlinkages begin to appear. Communities being impacted by climate change face a growing number of justice challenges related to livelihood loss, health risks, haphazard urbanization, resource conflicts, and displacement.<sup>18</sup> These challenges cover numerous aspects of people’s lives from “food insecurity and famine; increasingly scarce habitual land and potable water; exposure to labor exploitation and trafficking; as well as to human, material, economic or environmental losses, including lost incomes, homes, livelihoods, and even lives.”<sup>19</sup>

**Without coordinated action, the most vulnerable will continue to be left behind, suffering from the causes and consequences of climate change.** Marginalized communities suffer the most at the hands of climate change. Key causes of displacement, such as fossil fuel extraction, industrial pollution, and deforestation, are concentrated in marginalized communities in rich and poor countries alike. Marginalized communities already suffer disproportionately from more frequent and more severe floods, storms, droughts, heat waves, and crop failures, and this is only predicted to rise.<sup>20</sup> On top of this, vulnerable and poor communities face extensive barriers to access justice,<sup>21</sup> are the most likely to be left without support to overcome justice challenges, and forced to lead rebuilding and adaptation efforts themselves. This can result in communities rebuilding their lives in places that continue to be impacted by climate events, trapped in a cyclical relationship that fuels further injustices.<sup>22</sup> Ultimately, migration can become a more viable option for people in these communities than the ongoing injustices from which they suffer. This can be particularly true for communities suffering from intersectional vulnerabilities. There have been collective efforts across international bodies in recent years, to ensure the rights of these populations are not left to the wayside.<sup>23</sup>

Indeed, a number of governments and multilateral bodies are recognizing the adverse impacts of climate change on civil, political, economic, social, and cultural rights. The International Law Commission has documented increased attention to the intersection of human rights and climate change within the multilateral system since 2010<sup>24</sup> and Office of the United Nations High Commissioner for Human Rights (OHCHR) has recognized “access to justice for those affected by climate change” as one of their key messages when it comes to human rights, climate change, and migration.<sup>25</sup>

This recognition has led to increased calls for the human rights risks at the intersection of climate change and displacement to be addressed. For example, by marrying human rights obligations and climate change legal frameworks.<sup>26</sup> In the Caribbean, Pacific, and Indian oceans, a number of efforts in response to adverse climate impacts have established “rights-based frameworks that seek to respect, protect and ensure the rights of displaced persons in different stages of displacement and during the search for durable solutions.”<sup>27</sup> Countries like Samoa and Tuvalu have been staunch advocates for upholding human rights protections of those impacted by climate change.<sup>28</sup> In the absence of durable solutions, people-centered justice mechanisms are primed to play a key role in upholding these rights and localizing interventions.

The following section examines common justice challenges and their causes that directly or indirectly impact environmental mobility.

## 1.1 Common justice challenges and their causes in a climate-affected context

### 1.1.1 Loss of livelihoods

**Climate change impacts a wide range of sectors, leading to loss of livelihood for many, especially those dependent on agriculture, fisheries, forestry, and informal economy workers.** In the last two decades, climate change has wiped out one-fifth of the wealth<sup>29</sup> of the world's most vulnerable economies, with communities bearing the brunt of these costs and with little recourse for those left without employment. For example, in the Sundarbans region of India about five million people who depend on the ecosystem for their livelihoods are facing uncertainties due to extreme weather events. A study of three villages found that 62 percent of the workforce has lost their original livelihoods and has been forced to rely on much more uncertain incomes.<sup>30</sup> In Delhi, extreme heat conditions are predicted to reduce the number of working days for those who work outside by 10-20 this year. However, many impacted workers have recently migrated to Delhi due to the loss of livelihoods in other parts of the country.<sup>31</sup> The UN secretary-general has recently put forth a call to action on extreme heat with consideration for those in situations of vulnerability marking an increased international focus on the impacts of extreme heat.<sup>32</sup> **Loss of livelihood due to climate change increases justice challenges related to labor and employment disputes, debt, affordability of services, neighbor disputes, and the use of land, forests, and fishing resources.**

### 1.1.2 Labor exploitation

**Climate change exacerbates labor exploitation and abusive working conditions for climate-impacted communities.** As livelihoods are lost, individuals become more susceptible to accepting poor working conditions and unfair treatment, often migrating in search of work. For instance, in the Philippines, climate change has significantly increased the number of Overseas Filipino Workers (OFWs).<sup>33</sup> Reports show that these workers face significant levels of exploitation, with over 24,000 cases of abuse against OFWs reported in 2022 in Kuwait alone.<sup>34</sup> In addition, those who are internally displaced or become refugees as a result of climate change often lack documentation and legal pathways for climate migrants and displaced populations to move remain limited. This lack of legal status forces more people into the informal sector, making them more vulnerable to exploitative labor practices. Employers in various industries, from agriculture to construction, exploit this vulnerability, knowing that workers have limited options to obtain legal status and are less likely to report abuses.<sup>35</sup> Those forced to migrate also face greater risks of human trafficking, forced labor, and, in the worst cases, modern slavery.<sup>36</sup> Limited legal pathways for climate-displaced populations, coupled with weak laws for those in informal employment and underfunded labor standards enforcement exacerbate these issues. **In places where social safety nets and legal systems are strained, it becomes even harder for workers to seek justice and remediation for labor abuses.**<sup>37</sup>

### 1.1.3 Health and mental health

**Climate change poses significant challenges to the physical and mental health of people living in impacted communities, exacerbating existing environmental injustices.** In places like Curtis Bay, Baltimore in the US and designated Sacrifice Zones in Chile, residents face a myriad of health risks attributed to pollution from various industrial operations.<sup>38</sup> From chronic respiratory diseases to increased mortality rates, the toll on public health is staggering. However, **access to justice for these communities remains elusive, and regulatory oversight often falls short of addressing the disproportionate burden of environmental hazards borne by marginalized populations.** Vulnerable communities in the slums of Dhaka and Khulna in Bangladesh report mental health issues and dissatisfaction with life tied to climate injustice.<sup>39</sup> Barriers to resources, from affordable air purifiers to public health infrastructure, further exacerbate disparities and increase justice challenges. For displaced people, these injustices are compounded.

## 1.1.4 Property destruction

**Climate-induced weather events lead to property destruction, raising concerns about property rights and resettlement.**

In the United States, an estimated 3.3 million households, equivalent to over USD 11 billion worth of property, are at risk of wildfire damage annually. To shield themselves from ballooning losses, many insurance companies are scaling back or halting home insurance businesses in states like California and Colorado.<sup>40</sup> Millions of homeowners are having to find different kinds of coverage, which typically come at a higher price with less protection. Wealthier people are more likely to source and afford insurance and navigate bureaucracies to qualify for federal disaster aid.<sup>41</sup> It is often poorer households who don't have adequate home insurance and suffer from multiple justice challenges, including having to move because they can't pay to repair their homes and long-term damage to their finances with no remediation. **In places where residents are offered no home insurance or government safety nets, and limited access to legal recourse, they are left with even fewer options to resolve property damage and loss.**

## 1.1.5 Accelerated urbanization

**The climate crisis is wreaking havoc on rural economies.** Much of the resulting internal population movement drives people toward cities, while cross-border displacement is urbanizing at an equally unprecedented clip.<sup>42</sup> Increasing, **push-driven urbanization stretches municipal institutions and infrastructure and exacerbates the justice challenges people face.**

These include access to secure housing and municipal services, neighbor disputes, increased informal employment in cities, higher victimization among female-headed households, and higher incidence of crime, thefts, and burglary.<sup>43</sup> Currently, 60 percent of Africa's urban population lives in informal settlements, and by 2050, Africa's urban population is expected to double—yet cities are not being designed for this influx.<sup>44</sup> As a result, informal settlements are predicted to balloon and migrants moving from rural areas of high environmental risk end up in urban areas where the environmental risk is even higher.<sup>45</sup>

Some of the fastest urbanizing cities on earth are those experiencing influxes of internally displaced peoples (IDPs) and are also extremely climate affected—among them Mogadishu in Somalia.<sup>46</sup> While formally planned urban areas, which are typically accessible to wealthier households, are zoned in locations safe for habitation, informal settlements are in precarious locations—often beside rivers and vulnerable to floods. Along Kenya's Ngong River, climate-induced heavy rainfall leads to flooding and homes floating away. Oftentimes, after these weather events, residents are left without support or recourse and must search for their belongings and missing relatives.<sup>47</sup> Many residents of informal settlements or slums will experience a series of “micro-displacements,” defined as moving multiple times within a city or neighborhood in response to climate events. Each displacement brings with it heightened vulnerabilities which can increase unremedied legal problems.

## 1.1.6 Discrimination

**Already marginalized groups can face additional injustices because of climate change.** Women, children, the elderly, people with disabilities, minority groups, and Indigenous peoples are especially at risk depending on political, religious, and socio-economic circumstances.<sup>48</sup> An example of this is in Bangladesh, where women are often not able to stay in cyclone shelters as they feel harassed, or men perceive an unmarried woman in the shelter as a sign of dishonor. This can pressure women to stay home or outside when a disaster strikes, potentially trapped in dangerous situations.<sup>49</sup> Environmental defenders are also targeted for defending, conserving, and reporting on environmental injustice. **Strategic lawsuits against public participation have been used to silence campaigners and 1,910 defenders were killed between 2012 and 2022.**<sup>50</sup>

In addition, **the location where populations reside is often the result of discriminatory policies.** In Somalia, Ethiopia, and Chad, historical and political divides have led to structural forms of discrimination, ensuring that certain groups live

in underdeveloped areas with fewer resources. The climate issues they face further compound existing discrimination. Moreover, before or in the aftermath of a disaster, particular populations may be left out of conversations, leading to some being disproportionately affected or even targeted. This “can result in situations in which a government withholds, or de-prioritizes protection by denying relief aid to specific populations; post-disaster relief is politicized; and the environment, its natural resources, or ancestral lands are deliberately destroyed to persecute particular populations (i.e., promoting or deliberately failing to prevent environmental degradation as a weapon of oppression).”<sup>51</sup>



*Source: "Model resettlement village to accommodate people from areas prone to floods and landslides in Rwanda," © Adobe Stock/Roel.*

## 1.2 Key causes of climate-induced Injustices

### 1.2.1 Infrastructure

**Infrastructure projects force the displacement and resettlement of more than 20 million people each year**—leading to loss of shelter, housing and/or livelihoods, food sources, water supplies, access to services, and even their lives.<sup>52</sup>

Often it is those with the least power who are forced to endure the consequences of large-scale fossil fuel and industrial projects. During the construction of the Cerrejón coal mine in Colombia, homes were demolished, and Indigenous communities were displaced without adequate compensation or relocation support.<sup>53</sup> The largest iron ore mine in Sierra Leone also caused severe environmental damage and displacement, leading to pollution, unusable farmland, and substandard living conditions for relocated villagers.<sup>54</sup> In the US, there has been a strong correlation between where America puts toxins, where people of color live, and displacement.<sup>55</sup> Unfortunately, these are not isolated examples.

### 1.2.2 Renewables

In an effort to curb fossil fuel usage, **half a trillion dollars was invested in renewables globally last year**. However, some in the renewables industry appear to be replicating trends in infrastructure project-related displacement and coming into conflict with Indigenous communities over land rights, with more than 200 allegations of abuse by renewable energy



companies globally in the last 10 years. These include “land and water grabs, rights violations of indigenous nations, and the denial of the right to decent work and living wages. Nearly half (44 percent) of these allegations are from the wind and solar sectors.”<sup>56</sup> In India, local villagers from Rajasthan have been forced to litigate against renewable energy projects.<sup>57</sup> In Nedan, the government did not recognize village commons and allotted the land to a power company for a solar project, overlooking the community's agriculture and grazing uses.<sup>58</sup> While in Kutch, local protests prevented windmills from being installed on forests and grazing lands.<sup>59</sup> A growing argument from analysts is “that respecting community rights causes more problems than it solves, because opposition from local communities can hinder a rapid transition toward renewable energy.”<sup>60</sup> But recent evidence suggests that the local communities being asked—or forced—to bear the brunt of the climate transition are precisely those who have not caused the climate crisis, the most vulnerable to its devastating effects, and those not afforded the space or resources to ensure the transition is a just one.

### 1.2.3 Conservation displacement

Governments, from Kenya to Thailand, are reclassifying much of the forested land where Indigenous communities reside as conservation areas, propelling displacement of those communities while simultaneously granting commercial concessions.<sup>61</sup> In Tanzania, the government announced plans to relocate mostly Indigenous Maasai residents from the Ngorongoro Conservation Area.<sup>62</sup> Observers say the process has fallen far below internationally recognized standards, including that of free, prior, and informed consent.<sup>63</sup> Reports alleged that 70,000 people have been evicted, with many more forced to flee during violent clashes with security forces; 90,000 are reportedly without access to basic services;<sup>64</sup> and allegations have been made that restricted access to water and grazing land has resulted in the death of over half a million livestock. There are reports of community members who have been imprisoned on false charges.<sup>65</sup> In Lagos, Nigeria, environmental arguments have been used to clear and destroy riverside settlements despite a court injunction prohibiting them to do so.<sup>66</sup> Once again, these are not isolated incidents but part of a growing, troubling trend.

### 1.2.4 Resource conflict

**Climate change is predicted to increase the number of people displaced by conflict and disaster.**<sup>67</sup> The confluence of natural resource constraints triggered by climate shifts can heighten tensions and violence within and between communities, exacerbated by factors such as displacement and pre-existing vulnerabilities. Climate impacts on farming are fostering food insecurity, which can spark localized conflicts over access to essentials like water and farmland and escalate intergroup violence. Communities already strained by internal conflicts—such as those in Niger, Mali, Kenya, and South Sudan—find themselves locked in recurrent clashes over diminishing resources, further exacerbating livelihood insecurities and pushing more and more off their lands.<sup>68</sup>

## 2. How people look to resolve justice challenges

Despite compounding justice challenges, justice and humanitarian actors can support climate-impacted communities to overcome, adapt to and rebuild from climate injustices. When their rights are respected, climate-impacted communities have proven they can successfully address individual legal needs and overcome structural discrimination. Supporting efforts that address justice challenges in a timely manner, and finding resolutions for communities, can mitigate climate displacement. And when required these efforts support pathways for safe movement, a just settlement, or return to their place of origin.

The section below examines key strategies that have been utilized to resolve justice challenges. These include locally-led adaptation efforts, working with community paralegals, pursuing litigation and advisory opinions, engaging in global advocacy, and planned relocations. These strategies offer a useful starting point for those seeking to better support climate-impacted displaced communities.<sup>69</sup> However, limited financial resources, inadequate access to legal support, and lack of coordination among various actors, means such efforts are still piecemeal.<sup>70</sup> In addition, climate-impacted communities can face opposition from powerful actors, including governments and corporations, and inadequate or absent policies can leave them unable to seek redress. Unless these additional challenges are addressed, many communities may be left without a resolution to the deprivations they face.



Source: "CAAFS Nepal 39," 2012, © CIAT/NeilPalmer.

### 2.1 Resolving justice challenges

#### 2.1.1 Resilience building and local adaptation

Access to justice can play a key role in improving community resilience in response to environmental impacts by ensuring there are viable dispute resolution mechanisms in the face of shocks and maintaining the social contract between people and the state.<sup>71</sup> Justice actors can help to ensure rights are upheld and power imbalances are checked to support people-centered adaptation. Ultimately, preventing justice problems requires a cross-sectoral approach, especially when the roots of the problems people face stem from so many different root causes.

For example, community-led resilience-building activities such as agroecology and sustainable agriculture, water management projects, and disaster preparedness initiatives can preempt or resolve justice challenges. These face uphill



battles: local efforts are often the only available option as national safety nets are unavailable and global loss and damage funds are inaccessible, with the burden of costs for these efforts falling on impacted communities. For example, research estimates that rural families in Bangladesh spend almost USD 2 billion a year to repair or prevent climate damage. This is effectively double the amount the Bangladeshi government gives to the country's national climate fund, and 12 times what Bangladesh receives from international donors.<sup>72</sup> In the Sundarbans, local community members have been building dams, utilizing bamboo structures, and planting mangroves to cut down the intensity of the disaster impacts. Villagers attest that these solutions are more effective and affordable than cement-based methods.<sup>73</sup> Community grids and micro power plants are building community wealth and supporting workforce development, alongside generating income for investors.<sup>74</sup> From a justice angle, Indigenous communities are being supported to formalize communal land rights to lower rates of deforestation, generating billions in the form of carbon sequestration and reduced pollution.<sup>75</sup> Such support must be multiplied many times over, so that local communities no longer bear the brunt of the costs of adaptation and resilience efforts, but in ways that keep these same communities in the drivers' role.

### 2.1.2 Legal empowerment and community mobilization

Grassroots movements, community paralegals and community-based organizations help people know, use, and shape the law to resolve individual legal needs and tackle structural challenges.<sup>76</sup> Communities engaging local government and administrative institutions, invoking law with specificity, and providing simple, community-generated evidence of violations have secured enforcement of environmental regulations and prevented displacement.<sup>77</sup> In Sierra Leone, with the support of community paralegals from Namati, local residents were able to redraft a lease agreement with dramatically better terms after a Chinese rubber company had seized their land.<sup>78</sup> In Lagos, Nigeria, paralegals with the Justice and Empowerment Initiative mobilized residents, engaged in dialogue with authorities, and pursued legal avenues to halt evictions from informal settlements.<sup>79</sup>

Legal aid providers also support individual legal needs and provide communities with legal support during climate-related lawsuits, including building legal arguments and representing them in court. In Chile, ONG FIMA empowers territorial communities to access environmental justice mechanisms and is supporting over 60 litigation cases.<sup>80</sup> However, as climate-related cases can be complex and resource-intensive, requiring expertise in environmental law, human rights law, and other specialized areas, most people cannot access this support.

### 2.1.3 Strategic litigation

The Intergovernmental Panel on Climate Change (IPCC) described litigation as one of several important new ways climate policy is being shaped, with the number of climate change court cases growing from 884 in 2017 to 2,180 in 2022.<sup>81</sup> As climate litigation increases in frequency and volume, the body of legal precedent grows, forming an increasingly well-defined field of law. Globally, 55 percent of cases have had a climate-positive ruling, and some favorable outcomes have directly led to new climate policies and action.<sup>82</sup> Indirectly, climate litigation is amplifying perceptions and awareness of risks among financial regulators and the legal community, impacting the markets, with research suggesting that litigation against companies impacts their share prices, and even unsuccessful litigation can shape narratives around climate action, encouraging decision-makers to change approach.

The downsides to litigation include that it is costly, slow, and often disempowering.<sup>83</sup> Moreover, strategic litigation specifically on behalf of climate-displaced people is limited.

Recent examples include:

- **City courts:** 100 New York City community residents in the US sued the city for pollution and illness caused by the North River Wastewater Treatment Plant. They secured a court mandate forcing the plant to reduce noxious emissions and won a USD 1.1 million settlement to support community initiatives in West Harlem.<sup>84</sup>
- **KlimaSeniorinnen (Senior Women for Climate Protection) vs. Switzerland:** Swiss women argued that their human rights had been violated by climate change. The European court ruled that Switzerland had "failed to comply with its duties under the Convention concerning climate change," that it had violated the right to respect for private and family life, and that "there had been critical gaps" in the country's policies to tackle climate change.<sup>85</sup> This victory can influence law in 46 European countries.
- **Saul Luciano Lliuya vs. RWE:** A Peruvian farmer took legal action against German energy giant RWE, holding it responsible for glacial melt endangering his home. The case has been in process for eight years, with it prompting a new reading of the German civil code on the provision for protection against interference with property.<sup>86</sup>
- **South Korea National Human Rights Commission (NHRC):** 41 South Korean citizens submitted a complaint alleging their right to life and health were violated by the climate crisis. The NHRC found that the protection and promotion of human rights in the context of the climate crisis is a fundamental obligation of the state and urged the government to improve laws and regulations and take comprehensive measures to protect climate-vulnerable groups and strengthen their adaptive capacity.<sup>87</sup>
- **Daniel Billy and others vs. Australia:** Torres Strait Islanders claimed that the government's failure to adapt to climate change, including inadequate coastal defense and emissions reduction efforts, directly harmed their livelihood and traditional way of life. The UN Human Rights Committee ruled that Australia's insufficient action had violated their rights under the International Covenant on Civil and Political Rights (ICCPR). The Committee mandated Australia to compensate the Islanders, engage in meaningful consultations with communities, and take additional measures to ensure their existence on their islands.<sup>88</sup>
- **Puerto Rico vs. Exxon Mobil:** 16 Puerto Rico municipalities have filed a federal lawsuit seeking damages for losses from the intensified 2017 hurricane season and ongoing economic impacts—including increased immigration from the municipalities—alleging that the company knowingly exacerbated climate change while concealing the associated dangers which caused intensified storms and other detrimental effects.<sup>89</sup>
- **Criminal liability:** Academics, lawyers, and campaigners have urged the International Criminal Court (ICC) to investigate and prosecute individuals who harm the environment, suggesting that such actions could amount to genocide, crimes against humanity, or war crimes. In the US, there is growing interest in a legal theory proposing that fossil fuel companies could be tried for homicide for climate-related deaths.<sup>90</sup>

**Recent years have also seen successful efforts to seek advisory opinions of international courts on climate change.** In 2022, the Commission of Small Island States on Climate Change and International Law (COSIS) sought clarification on state obligations in regard to pollution of marine environments from the International Tribunal for the Law of the Sea (ITLOS) which affirmed state obligations to preventing, reducing, and controlling marine pollution.<sup>91</sup> Born from a campaign led by students from the Pacific and the Inter-American Court of Human Rights,<sup>92</sup> the UN General Assembly adopted a resolution in 2023 to seek the International Court of Justice's (ICJ) advisory opinion on state obligation to climate change which will be administered later in 2024.<sup>93</sup> Alongside this, Chile and Colombia have asked the Inter-American Court of Human Rights (IACtHR) to clarify state obligations to govern in the age of climate change which, like each advisory opinion, then informs policy related to climate change, human rights, and climate-induced migration.<sup>94</sup> This advisory opinion will be legally binding for some states.<sup>95</sup>

## 2.1.4 Global advocacy

Communities seek to resolve climate injustices by influencing global climate frameworks. Climate-impacted communities have advocated for a just transition, called for communities to be fairly compensated through loss and damage funds, and for carbon markets and green development projects to uphold human and Indigenous peoples' rights, and provide legal avenues for meaningful consent and redress, outside of litigation.<sup>96</sup> Recently Indigenous people, Amnesty International, and the United Nations Special Rapporteur on Indigenous Peoples called for a moratorium on carbon markets to stop human rights violations, noting that “polluters can use [carbon markets] to offset – rather than actually reduce – their greenhouse gas emissions by buying carbon credits for schemes involving Indigenous Peoples' lands”.<sup>97</sup> Climate-displaced populations have noted that global policy discussions and spaces are mostly top-down and do not prioritize the voices or lived experiences of those who have experienced climate injustice or displacement. The wider refugee movement has noted similar concerns and has documented that meaningful, substantive, and sustained engagement between refugees and a wider range of actors helps improve the effectiveness and legitimacy of global refugee regimes and the solutions being deployed to support refugees.<sup>98</sup> To ensure that solutions reach climate-impacted populations facing injustices, their voices and solutions must be prioritized in global conversations and processes on climate justice and climate displacement.

## 2.1.5 Migration as adaptation

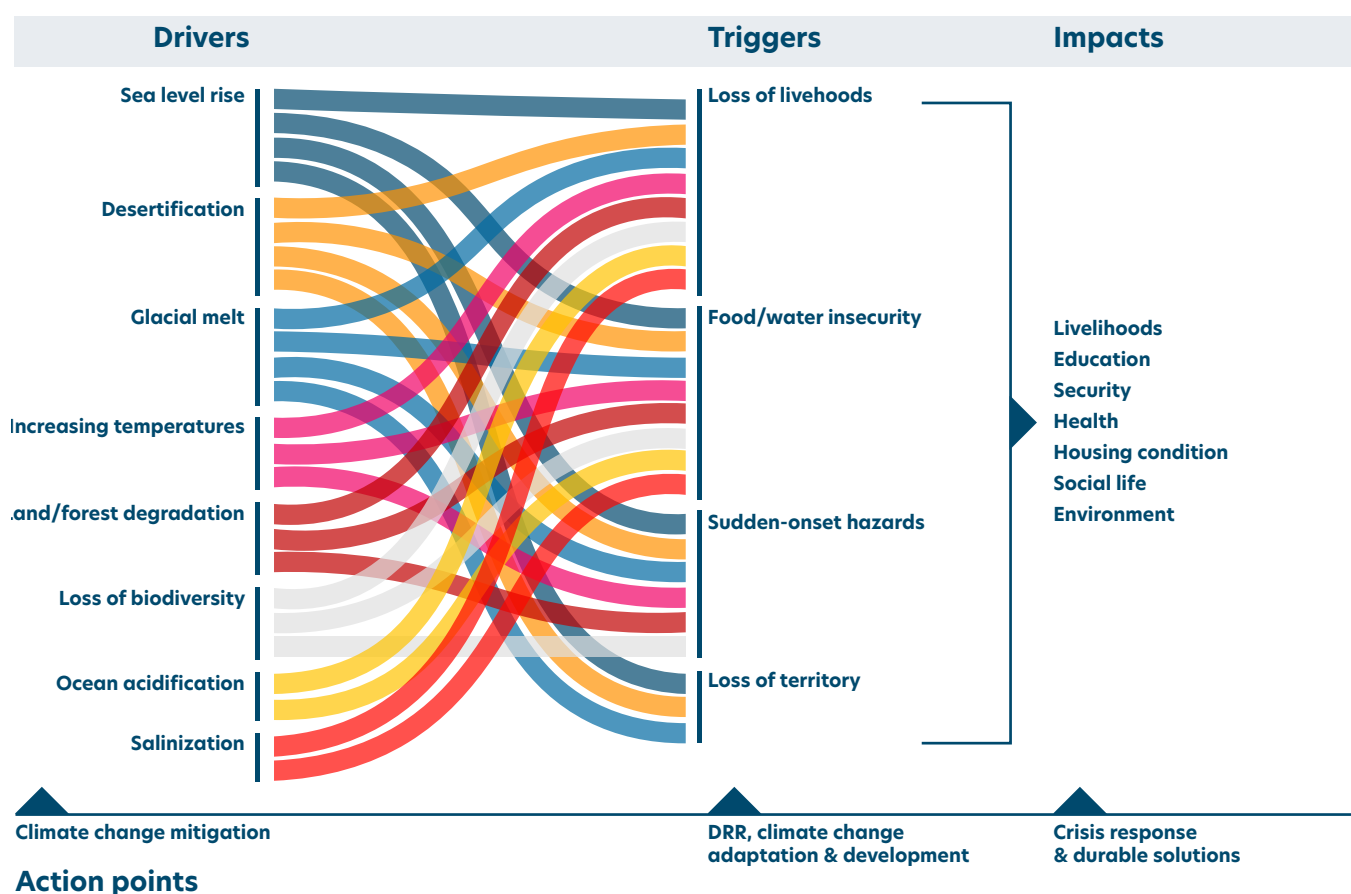
While for many, migration is a last resort, research on the climate-migration nexus shows that migration and mobility can act as an adaptation strategy and should be treated—and facilitated—as such. When done voluntarily and preemptively, movement can positively affect people. For example, labor migration schemes and talent and skills partnership programs can offer employment to individuals displaced by climate disasters, aligning their proficiencies with the transitioning economy.<sup>99</sup> Labor migration remittances can fund improvements to withstand more extreme climate events in places of origin. Safe pathways for movement, anti-exploitative labor migration policies, and well-prepared destination programs (such as community sponsorship schemes) can support communities in overcoming climate injustices. To be done well, more data on environmental mobility patterns, understanding household choices, and capturing neighborhood conditions in places of destination and how these could be improved is required. Equally important is more sophisticated political economy analysis that can surface ways of combating or counteracting hostility toward climate migration in destination countries.

Other means of resolving justice challenges through adaptive migration include **managed retreat and planned relocation**, a “process in which persons move or are assisted to move away from their homes or places of temporary residence, are settled in a new location, and provided with the conditions for rebuilding their lives.” Planned relocation carries significant risks for those it is intended to benefit and is considered a measure of last resort with national authorities bearing particular responsibility to ensure the application of relevant international standards and procedures.<sup>100</sup> The government of Fiji was the first to develop guidelines and steps to follow before, during, and after planned relocation. Designed in partnership with scientific experts and impacted communities, the guidelines seek to reduce vulnerabilities associated with displacement as well as solutions to prevent and minimize drivers of displacement. Several countries, including Benin, the Solomon Islands, Vanuatu, and Vietnam, are following their model.<sup>101</sup> However, in other locations, planned relocations are more akin to forced evictions rather than supportive of just resettlement schemes.

### 3. The Relationship between Climate Justice Challenges and the Likelihood to Migrate

In 2022, the IPCC provided robust evidence to demonstrate that climate and weather extremes are increasingly driving environmental mobility.<sup>102</sup> At present, most movement is internal rather than cross-border and temporary rather than permanent, and the number of those seeking migration **exclusively** as an adaptation strategy to climate change is relatively small.<sup>103</sup> This could all change. The linkages between human mobility and climate injustice are highly complex and nonlinear; in most cases, people choose or are forced to migrate due to several interacting factors. That the climate crisis is and will be a major exacerbator of multi-causal displacement is increasingly beyond dispute.

**Figure 1: Linkages between drivers, triggers, and impacts of internal displacement in the context of climate change and policy action points**



Source: IDMC, "No Matter of Choice: Displacement in a changing climate," 2021, 7, <https://www.internal-displacement.org/publications/2021-global-report-on-internal-displacement-grid>.

Econometric modeling and survey data find that while climate change is rarely (so far) the primary **proximate** cause of migration, it is often one of many secondary factors and a significant structural driver that prompts an individual, family, or whole community to move.<sup>104</sup> This may be because when questioned, people focus on challenges such as lost livelihoods or increased conflict, and do not attribute these challenges to climate. This failure to identify climate injustice as a driver for forced migration, and one that merits protection, can fuel a negative narrative of economic migrants and “bogus refugees” and overlook the role that justice actors could play in addressing climate injustice and reducing forced migration from a people-centered perspective.

**Different kinds of climate stressors and the injustices they create shape not only whether people move but for how long and if they can return.** The table below provides a useful summary:

**Table 1: Risks and temporal dimensions of human mobility in the context of climate change**

| Risks related to mobility and climate stressors  | Temporal dimension of departures  | Temporal dimension of return   |
|--|---|--|
| 1. (Physical) safety from climate-related extreme events.  | Conditions that can contribute to displacement, such as extreme weather and climate events.   | When circumstances return to pre-event levels.   |
| 2. Interactions of climate stressors on sustainable livelihoods.   | Conditions that contribute to movements of individuals and communities seeking livelihoods over an extended period, return is possible.   | When livelihood alternatives are available.  |
| 3. Interaction of climate stressors with complex conflict.   | Conditions that contribute to the movements of people, such as when climate stress interacts with complex conflict, social unrest, and deteriorating social cohesion.                                       | When circumstances reach a degree of stability and non-conflict that people have safety and livelihood options.  |
| 4. Interaction of climate stressors (particularly slow onset processes with tipping points) with habitability. | Conditions that contribute to ensuring trends in which population distribution shifts toward places that can sustain communities and livelihoods as circumstances in areas of origin change or deteriorate. | Uncertain, may correlate with an array of parameters affecting how people persist in a particular location such as the availability of goods and services, interacting with biome shift, availability of freshwater, heat stress severity and frequency of droughts and storms, and the progression of slow-onset phenomena like sea level rise. |

Source: Koko Werner.<sup>105</sup>

The decision and ability to migrate are intrinsically linked to pre-existing vulnerabilities including economic inequality. Wealthier households are often better equipped to adapt and they are more likely to have insurance, invest in drought-resistant crops, purchase better fishing equipment, and build homes that can withstand climate events. Wealthier people are also more likely to have access to legal support, navigate bureaucracies, and qualify for aid and adaptation funds.<sup>106</sup> Some choose to migrate either as a family or with one person sending financial remittances back to those who remain. But, when people from wealthy districts decide to move, there is a more positive climate-migration relationship.<sup>107</sup>

For others, limited financial and social means hinder migration aspirations. In the US, relocating communities out of vulnerable areas requires expensive investments in public services. As a result, most available disaster aid focuses on rebuilding and people have little support to move.<sup>108</sup> Evidence from West Africa shows that households tend to allocate dwindling resources to basics such as food, water, and shelter rather than investing in migration because of significant social and economic barriers to mobility.<sup>109</sup> Climate change also severely damages socio-economic capacities, especially in less developed contexts, reducing vulnerable populations' ability to migrate by about 35 percent.<sup>110</sup> This gives rise to the notions of “trapped populations” and “forced immobility.”<sup>111</sup> **While poverty is the biggest driver of trapped populations, it is almost always an intersection of social and political inequities that lead to involuntary immobility.** Limited social networks outside one's place of origin, age, disability status, and gender all impact a person's ability to migrate—as do structural barriers such as legal or administrative rules or politically motivated constraints.

Some people and communities do not want to leave their homes and lands, choosing to stay in areas at risk, exposing themselves to greater danger and more justice challenges.<sup>112</sup> Factors including attachment to a physical place, cultural ties, social status, kinship obligations, land ownership, and assets all contribute to staying. Community leaders in Kiribati and Tuvalu have voiced their intentions to stay for “cultural, spiritual, and political reasons, fully aware of the negative health and livelihood impacts they face as the waters rise.”<sup>113</sup> Two-thirds of Americans polled in 2021 said they would rather rebuild than relocate if their home were damaged by climate. This perspective also underscores that “non-migrating populations are not necessarily victims of circumstance, but rather people engaging in complex behaviors based on an array of factors.”<sup>114</sup>

Ill-intentioned actors will often exploit the limited options and knowledge people have surrounding environmental mobility. In many places, human traffickers are entering already vulnerable climate populations and leveraging the dissatisfaction of the internally displaced in urban areas. Research has found that traffickers will “target people who want to migrate, or lure them with promises of work to places such as Dublar Char—a remote Sundarbans island where children can be found working in fish processing.”<sup>115</sup> Unscrupulous employers and landlords are likewise exploiting the vulnerabilities produced by the climate-displacement nexus to devastating but highly profitable effect.

### 3.1 Limited legal pathways for climate migration

Legal pathways for migrants and displaced populations to move remain limited. There is no internationally coordinated response to climate-induced migration or displacement or environmental mobility, no international legal category for climate refugees, and climate change is not, with rare exceptions, considered to be grounds for international protection.<sup>116</sup> Frameworks based on a binary distinction between forced and voluntary migration, are already stressed. Having mixed motives for movement makes it especially hard for people to fit into pre-existing—and increasingly outdated—categories of “refugee” or “migrant,” and an acceleration of climate migration will only complicate this further.<sup>117</sup> On occasion, countries have provided relief for the victims of natural disasters through “asylum, subsidiary or temporary protection, humanitarian admissions, suspension of removal and, more rarely, by facilitating family reunification or legal migration through other channels.”<sup>118</sup> But these channels remain ad hoc and inadequate to tackle the challenges facing those most threatened by the climate crisis—and the inequities that produce and maintain its disparate impacts.



## 4. Opportunities for collaboration between humanitarian and justice actors

Conversations on climate justice are often tied to North-South reparations and state-to-state inequities. While these conversations are necessary, they can overlook the daily injustices that people face as a result of climate change and fail to offer timely resolutions. **The climate-justice-displacement nexus offers a new way to view the relationship between climate change and justice, one which recognizes the chain reaction that climate change has on people’s justice problems and how these in turn fuel further marginalization and environmental (im)mobility.**

To address the climate-justice-displacement nexus, actors in the humanitarian and justice sector can support climate resilience and adaptation efforts and embrace people-centered justice strategies that uphold people’s rights at the point of impact from climate change and across the resulting migratory journey. These actors should also recognize that resolving justice challenges for climate-impacted communities requires a collaborative, multi-dimensional approach that spans prevention, preparedness, access to people-centered justice, community-led efforts, and policy interventions.

The section below looks at principles that would support deeper collaboration between humanitarian and justice actors. Box 1 then offers examples of policies that put these principles into action to support climate-impacted communities to overcome justice challenges.

### 4.1 Prevention and preparedness: a shift towards anticipatory action

The traditional approach of reacting to crises as they unfold is no longer sustainable. Instead, a paradigm shift towards prevention—including prevention of displacement—and preparedness is necessary. Collaboration between humanitarian actors and justice practitioners must focus on early action for resilience-building and disaster preparedness to reduce displacement risks and their impacts. This includes **leveraging forecast-based financing, expanding early warning systems, and implementing recommendations and commitments such as those outlined in the Sendai framework and the United Nations Secretary-General’s Action Agenda on Internal Displacement, and supporting the Task Force on Displacement under the Warsaw International Mechanism for Loss and Damage.**<sup>119</sup> It also means **ensuring that there are viable and supported dispute resolution mechanisms in place for those facing climate impacts, including grievance redressal mechanisms for corruption or discrimination and pathways to ensure access to services.** It is worth recognizing the majority of the global population resolves their disputes and claims their rights outside of formal systems,<sup>120</sup> and in order to support resilience in the face of climate shocks, interventions must look at the diverse ways people utilize formal and informal justice systems.

Both physical and social science data, including data related to inequalities, demographics, and disparate impacts, will be required to understand potential adaptation and development scenarios. Integrating weather event prediction with political economy analysis can help identify at-risk populations and initiate safeguarding measures, particularly in regions where state support is lacking. For example, understanding how people respond to heat in Country A could be used to understand possible future behavior patterns in Country B that has a warming climate and a similar pattern of inequality.<sup>121</sup>

Such a political economy analysis should include a justice lens. Traditionally, legal needs surveys have been used to understand people’s justice problems and their ability to address them. While an imperative starting point to understanding people’s justice needs, this methodology can fail to capture structural injustices that are being exacerbated by climate and solutions that focus on the prevention of climate injustices. Therefore, they must be paired with additional research.

Generating more knowledge on the root causes of vulnerabilities and structural injustices will be crucial for addressing underlying issues that lead to displacement. Finding ways to integrate community and Indigenous knowledge of localized risks and threats, alongside traditional prevention and preparedness measures will also be a necessary part of this process.<sup>122</sup>

## 4.2 Enhancing access to people-centered justice services

Limited resources often result in fragmented services, leaving climate-impacted communities without comprehensive support or recourse for the injustices they may face. To address this, **a shift towards holistic, accessible, affordable, and adequate justice services is required.** Colombia's Justice Houses are an interesting model to be considered. They are a one-stop shop for people with a multitude of justice needs, providing information, guidance, and conflict resolution services that engage with formal and non-formal justice mechanisms alike.<sup>123</sup> This approach can improve efficiency, ensure that communities receive support across various justice needs, and in the future, increase our understanding of how multi-causal injustices lead to environmental mobility. Furthermore, legal information must be made more readily available to communities considering migration, empowering them to make informed decisions about their rights and options and reducing the ability of smugglers and profiteers to capitalize on knowledge gaps. Significantly, a collaboration between justice and humanitarian actors at the point of return can support returning populations to overcome justice challenges including stolen property and land titling.

## 4.3 Mainstreaming migration in policy and planning

Governments must be supported to include climate risks, justice challenges, and migration considerations into relevant national policies, including national climate action plans, disaster risk reduction plans, and urban planning and development plans. For example, by incorporating climate risk assessments into urban planning, cities could begin preparing future residential areas and improving access to basic services in both destination and origin areas.<sup>124</sup> Furthermore, it will be important to find ways to support relocation frameworks and expand humanitarian pathways at national, regional, and international levels, alongside designing normative guidance and legal protections for climate-induced migrants and refugees.

## 4.4 Ensuring that policy and planning prioritize the furthest behind first

By recognizing that the most vulnerable continue to bear the brunt of both climate injustices and displacement hardships, enhanced justice and humanitarian collaboration can support inclusive policy and planning approaches that prioritize these populations—in alignment with the 2030 Agenda's commitment to "leave no one behind." This can be achieved through joint assessments to identify at-risk groups, shared data platforms for real-time monitoring, robust political economy analysis of the sort noted above, and coordinated advocacy efforts to ensure that policies are equitable and inclusive. Vulnerable groups must also be better resourced: governments and other donors should be encouraged to invest in locally-led prevention, resilience, and adaptation efforts that curb climate injustice and its related effects (such as labor exploitation). Intermediary funds including Global Green Grants and the Legal Empowerment Fund, are interesting examples of how to support grassroots organizations and vulnerable communities to resolve climate injustice.<sup>125</sup>

## 4.5 Community-led efforts and just transition

Community actors, including Indigenous communities and members of displaced populations, must be supported to engage in policy spaces and have their demands and solutions listened to by decision-makers. The refugee movement has demonstrated the importance of refugee leadership in global dialogues and the principle of nothing for us, without us, and offers a model for how other climate-impacted communities can be meaningfully integrated into policymaking. Justice and humanitarian actors can support global advocacy efforts on just transitions<sup>126</sup> by joining communities calling on loss and damage, adaptation, and reparations efforts to address climate-induced justice challenges and environmental mobility. There are a growing number of tools emerging to facilitate community engagement in just transitions.<sup>127</sup>

### Box 1: Examples of legislative, executive, judicial, and other reforms to address justice challenges in climate-impacted context

#### Sierra Leone: Free prior and informed consent

Sierra Leone is among the 10 percent of countries most vulnerable to the adverse consequences of climate change.<sup>128</sup> Sierra Leone's recently adopted Customary Land Rights and National Land Commission laws grant communities the right to Free Prior Informed Consent over industrial projects and establish land use committees to secure effective land administration.<sup>128</sup> Granting local communities these rights and slowing disruptive development in ecologically sensitive areas is predicted to reduce displacement. Moreover, the inclusion of women in decision-making processes through local land use committees promotes gender equity and social justice.

#### Peru: Framework Law on Climate Change

Adopted in 2018, this law exemplifies a proactive approach to addressing climate-induced migration. The law recognizes the need for “a plan of action to prevent and attend forced migration caused by the effects of climate change, to avoid increasing pressure on the infrastructure and urban services, the increase of possible social conflicts, and for the migrants themselves, the worsening of health, education, and social indicators” (art.9).<sup>130</sup> By prioritizing the prevention of migration through adaptation measures and ensuring adequate support for impacted communities, Peru sets a precedent for integrating climate justice into national policy frameworks.

#### Colombia: Climate Displacement Law

People displaced by the effects of climate change in Colombia could soon receive legal recognition. The relevant bill, which has passed the first stage in Congress, proposes that the Colombian government “recognize the existence of forced internal displacement due to causes associated with climate change and environmental degradation.”<sup>131</sup> The proposed law encompasses climate displacement from sudden weather events to slow-onset events and aims to give individuals internally displaced by the effects of climate change priority access to housing, health services, and education. The law would create a national register of climate-displaced people, critical for identifying and guaranteeing protection for those displaced by the effects of climate change.

### **Chile and Colombia: Advisory Opinion on the Climate Emergency and Human Rights**

As previously noted, in 2023 Chile and Colombia requested an advisory opinion on human rights and the climate emergency from the Inter-American Court of Human Rights. The request raises questions about states' obligations to prevent and guarantee human rights, the right to life, and the rights of children and future generations in relation to climate change, alongside obligations for the protection of environmental defenders. The open proceedings will ensure the court hears directly from communities about the impacts and risks posed by climate change.<sup>132</sup> A joint amicus brief has been submitted focused on corporate accountability for the climate crisis.<sup>133</sup>

### **US, El Salvador: Disaster Risk Reduction**

National agencies, such as FEMA in the US, and Protección Civil in El Salvador, play a crucial role in disaster readiness and response. They utilize early warning systems, evacuation procedures, and budget for severe disasters. Comprehensive recovery policies also support the resettlement and rehabilitation of displaced populations, ensuring their access to essential services and infrastructure during periods of displacement. Limited resourcing can impact the effectiveness of national agencies, however. In Mexico, for example, the government evacuated villagers from a climate event but only provided two weeks of temporary accommodation. Unable to return home, evacuated people were left homeless.<sup>134</sup>

### **Horn of Africa, Ethiopia, Somaliland, Uganda: Mekelle Resolution of Cities**

Urban expansion planning provides a simple way for cities to plan their growth proactively.<sup>135</sup> More than 13 cities from the Horn of Africa developed and signed the Mekelle Resolution of Cities, committing to supporting urban growth that is planned, inclusive, and sustainable.<sup>136</sup> The Cities Alliance-supported urban expansion plans in Ethiopia, Somaliland, and Uganda aims to manage rapid population growth, crucial for reducing vulnerability to climate risks. Moreover, integrating migration into national urban strategies can help address rural-urban disparities and promote inclusive urban development.

### **The Guiding Principles on Internal Displacement**

offer a framework for addressing justice challenges in climate-impacted contexts. The principles are designed to uphold the rights and dignity of internally displaced persons. By emphasizing protection, assistance, and solutions, they provide a roadmap for governments, humanitarian actors, and policymakers to navigate the complex intersection of climate-induced displacement and justice. Through adherence to these principles, justice can be supported by ensuring equitable access to resources, recognition of rights, and the establishment of mechanisms for accountability. The principles also underscore the importance of participation, empowering impacted communities in decision-making processes concerning their displacement and reintegration.<sup>137</sup> Some countries have incorporated aspects of the Principles into their national legislation or policies, but overall their lack of binding legal status leaves implementation subject to the discretion of states, relying heavily on political will, and resource allocation. The UN Secretary-General's High-Level Panel on Internal Displacement offers concrete recommendations on how to translate the guiding principles into effective policies for IDPs, including for those displaced internally by climate change.<sup>138</sup>

### **Argentina: Humanitarian Visa Program**

Argentina's humanitarian visa program for disaster-displaced individuals showcases a comprehensive approach to integration and support. The humanitarian visa allows people displaced by disasters from Mexico, Central America, and the Caribbean to stay in the country for three years. Visa holders are guaranteed housing, food, and other essential support needed for their integration and can receive sponsored access to services such as health care, by a civil society organization.<sup>139</sup> Through this, visa holders are offered a pathway to stability and resilience. The collaboration between government agencies and civil society organizations demonstrates the strength of multi-sectoral partnerships.

### **Latin America and the Caribbean: Escazú Agreement**

The Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, or the “Escazú Agreement,” is aimed at confronting inequality and discrimination to ensure every person’s rights to a healthy environment and sustainable development.<sup>140</sup> Article 8 of the agreement stipulates commitments to access to justice in environmental matters including a focus on the inclusion of groups living in vulnerable situations.<sup>141</sup> Furthermore, it is the first agreement in the world to include provisions on environmental human rights defenders.<sup>142</sup> The agreement includes the creation of a “universally accessible clearinghouse on access rights” overseen by the UN Economic Commission of Latin America and the Caribbean (ECLAC) and a voluntary fund to finance its implementation.<sup>143</sup> It currently has 16 parties and entered into force in 2021.<sup>144</sup>

## 5. Working at the Climate-Justice-Displacement Nexus

As highlighted, climate-induced displacement presents complex challenges that intersect with legal, humanitarian, and developmental domains. Those who move because of rapid-onset disasters will have much in common with those who flee sudden-onset violence needing shelter, food, water, and medical care, with temporary shelters being required in the immediate term. Unlike refugees, who are displaced for several decades on average, many climate-displaced people will return home and start rebuilding before too long. Those who move because of slow-onset factors have more in common with those who leave their communities because of poverty, protracted conflict, or chronic political insecurity, likely increasing urbanization. They will be less likely to return home, but instead, settle permanently in their new locations or move further again.<sup>145</sup>

**An effective policy formulation and humanitarian response that addresses immediate challenges and justice needs include:**

### 5.1 Basic needs provision

Displaced populations, whether due to rapid-onset disasters or slow-onset factors, require immediate access to shelter, food, water, education, and medical care. Temporary shelters or camps may be necessary initially, but most internally displaced, including those displaced by the climate, do not end up in camps. Moreover, encampments that persist beyond a few weeks or months are often an injustice by themselves. Those outside of camps, meanwhile, are largely not supported under IDP laws or frameworks, and in many places, the UN Refugee Agency (UNHCR) is not given a mandate to offer services. Public services offered by local cities and states are also inaccessible, especially if displaced persons do not have access to documents or legal support. A survey of 107 IDPs in urban settings in Nigeria found that 100 percent reported not having access to all of the basic needs, 56 percent had no stable livelihood, 10 percent required legal documentation, and 8 percent were homeless.<sup>146</sup> In India, the government has responded to this challenge by developing a National Database of Unorganised Workers to support migrant workers and their families to access basic services; many have already benefited, but discrimination remains an issue for others.<sup>147</sup> Long-term solutions are vital for sustainable resettlement, and justice actors should work closely with humanitarian actors in exploring possibilities for strengthening local public systems to include displaced people and utilizing justice mechanisms to ensure access to services.<sup>148</sup>

### 5.2 Legal representation and access to justice

Climate-induced displacement often intersects with complex legal and administrative barriers, limiting access to justice. Discrimination, restrictive procedures, and lack of legal aid exacerbate the vulnerabilities of displaced individuals, particularly those in protracted displacement situations. Legal support is vital for IDPs to recover civil documentation and access public services. Many displaced populations are unaware of their rights. For example, in Kenya, most climate-displaced populations do not know they have rights under existing IDP law and, therefore, do not claim their rights. Legal empowerment is a critical tool for improving justice journeys, particularly for displaced people and refugees who are marginalized and deprived of power. For refugees, legal empowerment is often fundamental to their ability to survive and rebuild.<sup>149</sup>



## 5.3 Micro displacement in urban settings

Many displaced individuals experience multiple relocations, settling in informal urban areas vulnerable to climate change. Urbanization without adequate development and services exacerbates their vulnerabilities, necessitating inclusive policies that address urban poverty and provide support for marginalized communities.<sup>150</sup>

## 5.4 Conflict and friction with host communities

Displacement can strain resources and lead to tensions between displaced populations and host communities. For example, drought helped push many Syrians into cities before the war, worsening tensions and leading to rising discontent.<sup>151</sup>

Unequal distribution of resources may exacerbate existing inequalities and fuel conflict, highlighting the importance of inclusive approaches to resource allocation and community engagement. Research finds that the best violence prevention strategies are networked, coordinate action across sectors, and involve stakeholders from all levels—from transnational law enforcement units to grassroots community leaders. Access to justice is identified as indispensable since it “offers an alternative to resolving personal and political disputes through violence and provides support to victims.”<sup>152</sup>

## 5.5 Additional risks for vulnerable groups

Displacement increases the risk of gender-based violence and child protection issues.<sup>153</sup> Awareness-raising, psychosocial support, and legal assistance are essential to address these challenges and ensure the safety and well-being of vulnerable individuals.

## 5.6 Refugee status and cross-border displacement

Unlike refugees fleeing persecution or conflict, climate-impacted migrants often do not qualify for refugee status when crossing borders. This raises questions about their legal status and protection and justice challenges become more acute for those with precarious legal status and without access to dispute resolution mechanisms. Comprehensive international frameworks are needed to address climate-related displacement and legal support for the displaced.

All actors supporting climate-displaced populations have key responsibilities to adhere to, including risk reduction and orderly movement, protection and assistance for displaced persons, providing durable solutions to displacement, and developing adequate institutions to meet these responsibilities. Additionally, international legal principles, such as non-refoulement and non-discrimination, underscore the importance of protecting displaced individuals regardless of their migration status or the reasons for their flight.<sup>154</sup>

# Conclusion

## Next steps for justice, climate, refugee and humanitarian actors

The intersection of climate change, injustice, and displacement presents a complex and pressing challenge that requires a multifaceted and collaborative approach to resolve. The evidence outlined in this paper highlights how climate change is increasing the number and severity of injustices that climate-impacted communities face. A failure to address these injustices, in turn, can fuel climate-induced displacement, and this displacement further exacerbates vulnerabilities and injustices. Marginalized communities are disproportionately impacted by these consequences and without concerted effort, climate injustice will stall progress toward poverty alleviation and sustainable development, exacerbate conflict, inequality, and human rights abuses, and lead the world further down the path of hostility rather than hospitality. The nexus presents a cycle that must be broken by working across the silos between humanitarian, development, climate, and justice experts.

**When used proactively, people-centered justice strategies offer effective solutions to address both immediate humanitarian needs and long-term justice concerns of climate-impacted and climate-displaced populations.** Finding solutions to justice challenges and ensuring that the rights and dignity of impacted communities are upheld is essential to address the root causes of displacement, ensure pathways for safe movement when it does occur, and support a just return or resettlement when appropriate.

Humanitarian and justice actors have critical roles to play in supporting and implementing strategies that resolve justice challenges, enhance resilience, provide legal support, and facilitate safe and legal pathways when populations are displaced. Collaborative efforts, such as integrating early warning systems, legal empowerment and assistance, strategic litigation, and community-based approaches, are essential for proactive intervention and support. Additionally, there is a significant need for comprehensive data and research to inform policy and practice, particularly with a focus on the nuanced experiences of climate-impacted and climate-displaced populations and the intersectionality of climate change, justice, inequality, and environmental (im)mobility.

Of course, financing is a limiting factor to any effective intervention at the intersection of the climate crisis, access to justice, and displacement. Unfortunately, resources are constrained on all three fronts. Justice is a low priority among donors' budgets at USD 2.9 billion or 1.4 percent of total aid. When it comes to climate change, funding goals have not been reached, nor has there been an equitable distribution of resources, with only 8 percent of funding going to low-income countries in 2020 while middle-income countries are being saddled with loans.<sup>156</sup> Even the resources pledged to the Loss and Damage Fund, while promising, are limited compared to the need.<sup>157</sup> Meanwhile, humanitarian financing needs are increasing faster than funding can grow as the world faces climate change, rising conflict, and economic instability.<sup>158</sup> Such fiscal constraints are a challenge, but they also present an opportunity to bridge disciplinary silos not only in practice but also in financing approaches in order to support interventions that are people-centered and evidence-based. Such an approach should recognize the interdependencies across the climate, justice, and displacement nexus. There is work to be done to rethink current aid models across these disciplines.

As we move forward, it is crucial to foster global conversations and advocacy efforts that address the root causes of climate injustice and displacement, and to consider the potential of international legal frameworks to better protect climate-displaced persons. By strengthening coordination and information-sharing mechanisms, and leveraging technology and innovation, we can enhance the effectiveness of our collective response.

The following questions are proposed to guide future research and collaboration between justice, climate, refugee, and humanitarian actors.

# Questions to consider for future research and collaboration between justice, climate, refugee and humanitarian actors

## Collaboration on the ground

- How can collaboration support the development of early warning systems for communities at risk of climate-related displacement, allowing for proactive intervention and support?
- In what ways can legal assistance and humanitarian aid be integrated to provide comprehensive support to climate-displaced populations, addressing both immediate needs and long-term justice concerns?
- What role can community-based approaches play in facilitating collaboration between justice and humanitarian actors, and how can these approaches be supported?
- How can coordination help ensure access to safe and legal pathways for climate-displaced persons, including options for resettlement and relocation?
- What opportunities exist to re-imagine financing for the climate-justice-displacement nexus within national budget planning?

## Research and data gaps

- What steps can be taken to bridge the gap in data and research on the intersectionality of climate change, justice needs, and migration, and how can this data inform policy and service provision?
- How can we ensure that researchers with lived experience lead research to capture the nuance of justice issues faced by populations with limited rule of law?
- How can perspectives from the humanitarian, refugee, IDP, and justice sectors be brought together to create a shared understanding and agenda for addressing climate displacement and injustice?
- What is needed to ensure that robust political economy analysis and due attention to structural inequities become a critical part of responses to climate-induced displacement?

## Global conversations

- How can joint advocacy efforts be leveraged to address the root causes of climate injustice and displacement, including advocating for policy changes and resource allocation?
- Would a convention on forced migrants and displacement, including climate refugees, be a useful tool in addressing current gaps in international law and policy?
- How can existing frameworks, such as the Guiding Principles on Internal Displacement and the Kampala Convention, be effectively implemented or updated to address the needs of climate-displaced populations?
- How can international donors effectively finance the climate-justice-displacement nexus?

## Streamlining collaboration

- What mechanisms can be put in place to facilitate information-sharing and coordination between different actors working on climate/justice/displacement-related issues, both at local and international levels?
- How can training and capacity-building initiatives be designed to foster collaboration between actors across different sectors, ensuring that these sectors understand each other's mandates and can work effectively together?
- In what ways can technology and innovation be utilized to enhance collaboration between actors, for example, through digital platforms for information-sharing and coordination?
- How can funding mechanisms be structured to incentivize collaboration between actors across sectors, encouraging joint projects and initiatives focused on addressing climate-related justice and mobility challenges?

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