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Tom Lantos Human Rights Commission

Hearing
on
Climate Change and Human Rights

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I would like to thank the Lantos Human Rights Commission Co-Chairs, Representative McGovern and Representative Smith, along with all members of the Commission for the opportunity to testify today.

Refugees International is a non-governmental organization that advocates for lifesaving assistance and protection for displaced people around the world. We do not accept government or United Nations funding, which helps ensure that our advocacy is impartial and independent. Our Climate Displacement Program was created more than a decade ago.

This is because climate change is already influencing migration and displacement trends.

According to the Internal Displacement Monitoring Centre (IDMC), disasters displaced 23.7 million people in 2021—almost twice the number of those displaced by conflict and violence. Extreme weather events were responsible for more than 94 percent of this disaster displacement. Not a single region in the world was left untouched—although some were more affected than others. Disaster displaced more than 13 million people in East Asia and the Pacific, 5.2 million in South Asia, 2.5 million in Sub-Saharan Africa, and 1.7 million in the Americas.

This is part of a consistent trendline. Over the last decade, the number of sudden-onset events has been steadily [increasing](#), with less than 400 recorded in 2008 to close to 1,600 in 2018. While not all of these events have led to mass displacement, the increased intensity of some of them can now be scientifically attributed to the influence of climate change. For example, scientists believe that climate change is making storms much stronger, such as 2017's Hurricane Maria in Puerto Rico, which was [30 percent more powerful](#) than any other storm ever recorded on the island. The storm [displaced](#) 86,000 Puerto Ricans, with some 130,000 leaving the island for mainland United States in the aftermath. It also leveled much of the island of Dominica and displaced [80 percent](#) of its population.

In addition, a [NASA-NOAA study also finds that hurricanes in the North Atlantic have been moving slower and stalling](#) more, which causes more destruction and displacement. In 2019, Hurricane Dorian stalled over the Bahamas for more than 24 hours, displacing [14,000 people](#).

I should note, however, that climate-related displacement disproportionately affects those in vulnerable situations.

Underlying displacement risk is often determined by complex interactions at the site of disaster, including the underlying vulnerability of people and communities, the magnitude and frequency of the given climate-related hazard, and the ability to cope with such events. For example, in the case of Hurricane Dorian, reporting shows that those most likely to be displaced and face long-term precarity are people and households that were already living in extreme poverty or who had tenuous employment status, including undocumented [Haitians](#) in the Bahamas during Hurricane Dorian. Similarly, after [Cyclone Aila](#) in 2009, lower-income groups (those earning less than \$30 per month) started to move earlier (within 4 weeks after the event) and tried to settle in neighboring cities, whereas middle- and higher-income groups waited a little longer (at least four weeks after the event) before moving.

Studies also show that small holder farmers and the [rural poor](#) are most likely to migrate when confronted with a sudden- or slow-onset event. This is mostly because of immediate and debilitating income shocks on their livelihoods. However, migrating requires financial and social capital, and the ‘poorest of the poor’ may end up [‘trapped’](#) in place even if they would like to move. Households that have [more assets](#), including [housing](#), land, and education, have a higher capacity to cope with or adapt to these shocks and are motivated to stay to safeguard these assets.

Disaster-induced displacement often leads to temporary, local movements. However, climate change is making it harder to return home.

In the face of sudden-onset disasters, such as cyclones, people tend to move into surrounding areas. Existing social networks and [support systems](#), including emergency preparedness and early warning systems, influence this spatial outcome. However, if impacts from a disaster linger and emergency support drops off, those displaced may begin to move further afield, including to [nearby cities](#), to seek out economic opportunities. While people tend to flee immediately in the face of sudden-onset disasters, they also often attempt to return as soon as possible. For example, during Cyclone Mahasen in 2013 in Bangladesh, most evacuees [returned](#) within two days.

The increasing frequency and intensity of weather-related events has led to more protracted displacement. The UN Intergovernmental Panel on Climate Change’s 2021 report confirmed that the surface of the Indian Ocean is warming faster than the global average, leading to stronger, wetter, more frequent cyclones. In 2019, two consecutive super cyclones in Southern Africa, Kenneth and Idai, displaced some 640,000 people. In 2021, another unprecedented series of five tropical storms and cyclones displaced many of the same people. Today, some [120,000 people](#) in Malawi, Mozambique, Madagascar, and Zimbabwe remain displaced from Cyclone Idai.

I should note that the rate of return is also dictated by underlying vulnerabilities or access to assets. For example, in Bangladesh, after Cyclone Aila in 2009, saline water intrusion forced rice farmers to migrate to cities for at least two years as they waited for their fields to be viable again.

Climate change will also serve to deepen and amplify existing migration trends and routes, including rural-urban migration.

Resulting movement from climate-related shocks may often be the result of migrants seeking out economic opportunities outside of their places of origin, which may no longer be productive. These opportunities will likely be in [urban centers](#) in economies driven by sectors such as construction, manufacturing, and consumer services. These moves will likely be made by one member of the household, usually the young, and able-bodied; and may be seasonal in nature in order to weather the '[lean season](#).' This enables households to diversify incomes and spread risk. Across the world, rural–urban movement in the face of slow- or sudden-onset disaster is commonplace.

When cross-border movement occurs, it will likely be to neighboring countries where strong economic and sociocultural ties persist. In fact, [intra-regional](#) movement is much more likely to occur than long-distance movement. When long distance movement occurs, it will be along well-established migration routes and 'corridors' where [social networks](#) are likely to support and facilitate such movement.

Reporting by Refugees International finds that people displaced by climate change receive inadequate support from their governments and the international humanitarian community on a range of issues, including durable shelter, planned relocation, and alternative livelihood support.

For example, in 2017, Refugees International visited [Somalia](#) and spoke with drought-induced internally displaced people, or IDPs. An IDP from Qoryoley told us: “The rains failed year after year. We sold our animals and now we have nothing.”

Refugees International visited [Ethiopia](#) in 2019 during a period of protracted drought, where traditional pastoralism was no longer viable. Abdullahi, a 40-year-old man who had been displaced, told us he wanted to be trained in alternative livelihoods: “We have no food to eat. We need to be independent and stand alone.”

In [Mozambique](#) in 2019, after cyclones Kenneth and Idai, a fisherman resettled inland told us: “There is not enough food, and I don’t have any way to take care of my family, so how long can I stay here if I can’t make any money?”

These stories make clear: Displaced place people need more than shelter. They need access to jobs. They want dignity. They want a future.

Many of those displaced by climate change will remain inside their own country’s borders. When they cross borders, protection and support may be limited.

For example, the Convention Relating to the Status of Refugees, also known as the 1951 Refugee Convention, and its 1967 Protocol, does not in any way shape or form reference environmental change, disaster, or climate change. From a legal perspective, then, a “climate refugee” does not exist.

However, there has been a [growing recognition](#) that many forced to flee countries experiencing climate-related stresses may be particularly vulnerable to persecution as traditionally defined. For example, there may be situations in which a government withholds or deprioritizes protection by denying relief aid to specific populations.

Some global and regional institutions as well as governments have expanded protections beyond the Refugee Convention and Protocol in ways that are directly related to displacement impacted by climate. For example, the 1969 Organisation for African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration on Refugees contain regional refugee criteria for the recognition of refugee status in situations where there are serious ‘disruptions to public order.’ There is a tendency to view disasters or climate change as operating in isolation, yet in many countries, disasters, or adverse effects of climate change overlap and interact with conflict or violence and create or heighten disruptions to public order. Such conditions may support the recognition of refugee status under regional refugee criteria.

In addition, regional free movement arrangements may provide protection. For example, a Free Movement Protocol in the Intergovernmental Authority on Development (IGAD) region, a trade bloc consisting of Eritrea, Ethiopia, Kenya, South Sudan, Sudan, Somalia, Djibouti, and Uganda, includes specific provisions to enable those affected by disasters and climate change to move freely across contiguous borders. Bi-lateral, sub-regional, and regional free movement agreements have the potential to support cross-border displacement and adaptive migration in the context of disasters and climate change.

National governments have also used a range of mechanisms to permit entry and/or stay for a variety of humanitarian rationales. For example, individuals present in a country of destination have been permitted to stay, often temporarily and protected from immediate deportation, on the occurrence of disaster in their country of origin. In the United States, measures have included “temporary protected status” (TPS) and “deferred enforced departure” (DED). Governments have also used regular immigration channels to provide admission and stay to people fleeing in the context of disasters. Existing immigration pathways have included those related to family, education, labor, or tourism. Authorities have expedited processes, waived or relaxed substantive requirements, or used discretion to grant visas to disaster-affected people.

Moreover, national courts have begun to allude to climate displacement in decisions relating to permission to stay—or, more specifically, in decisions about non-return, or *refoulement*. This term is usually used in the context of the return of a Convention refugee to their country of origin when the refugee’s life or freedom would be threatened. But it has also been invoked by courts in questioning return on human rights grounds of individuals who were not deemed to be refugees (but still merited protection). In a December 2020 [ruling](#), a German higher administrative court determined that humanitarian conditions in Afghanistan due to COVID-19 and “environmental conditions, such as the climate and natural disasters” were relevant factors for determining the humanitarian conditions in Afghanistan for return.

And in early 2020, an authoritative [decision](#) from the UN Human Rights Committee, while not legally binding on states, was also significant in the context of climate displacement issues. The

case concerned an I-Kiribati man who attempted to apply for refugee status in New Zealand based on the impacts of climate change. When his application was denied, he brought his case to the Committee. While the Committee found that the applicant's rights had not been violated, it also "accepted, in principle, that it is unlawful for states to send people to places where the impacts of climate change expose them to life-threatening risks or cruel, inhuman or degrading treatment."

Despite all these developments, it is still fair to say that those forced to flee their homes due to climate impacts—such as repeated and more intense sudden-onset hazards or prolonged drought and desertification—are generally not provided robust protections under international, regional, or domestic law. And as mentioned earlier, protections are also very limited in the case of those displaced by disasters resulting from other kinds of natural hazards. At the same time, the developments described suggest that such protections are increasingly under discussion at national and global levels and should be strengthened.

This is why solutions to protect and support people displaced by climate change must be multi-faceted.

Last year, Refugees International convened an [expert Task Force](#) to support the Biden administration's call for a White House report on climate change and migration issues. Our Task Force issued a series of findings and recommendations. Many were referenced in the final October 2021 [White House report](#) and remain relevant today.

First, people around the world who are impacted by climate change have made it clear that they do not want to move.

Disaster risk reduction (DRR) is a key tool to mitigate displacement, yet, to date, it has been a modest part of development assistance in general and humanitarian assistance in particular. There is a strong business case to increase investments in DRR, resilient infrastructure, and early warning systems. By one informed [estimate](#), annual investments in DRR of \$6 billion each year could generate benefits of \$360 billion—and investments in resilient infrastructure and early warning systems are particularly important. World Bank [reporting](#) indicates that each dollar invested in resilient infrastructure in low- and middle-income countries generates four dollars in benefits. And according to the [Global Center on Adaptation](#), investing \$800 million in early warning systems in countries in the Global South could reduce damage caused by storms and heat waves by 30 percent, avoiding \$3 to \$16 billion in losses per year.

Similarly, there remains a huge gap in climate change adaptation financing. The UN Environment Programme's (UNEP) 2020 ["Adaptation Gap Report"](#) found that the international community has failed to keep pace with necessary climate change adaptation investments. The report notes that while about \$30 billion is provided each year in development aid to help countries adapt to climate impacts, this amount constitutes less than half of the \$70 billion needed. This is a source of concern because costs are likely to increase to between \$140 billion and \$300 billion by the end of the decade.

Therefore, our Task Force recommended increasing support for DRR and climate change adaptation measures so people could stay in their communities. Refugees International applauds President Biden's pledges to increase financing for climate change adaptation—and we await the mobilization of this financing through appropriations approved by Congress.

Second, people are already on the move. Congress should help ensure such movement is safe and dignified.

Our Task Force recommended adopting a form of complementary protection for forced migrants who do not meet the refugee definition, but who are unable to return safely to their countries of origin due to a variety of dire threats, including those due to disaster related to climate change. The INA should be revised so that those who do not qualify as refugees (within the meaning of section 101(a)(42)(A) of the INA) could be granted this complementary protection if there is a reasonable possibility that if forced to return to their country of origin, their life or physical or mental integrity would be seriously threatened due to (1) cruel, inhuman, or degrading treatment or punishment; (2) violence; (3) abduction, arbitrary detention, forced recruitment, or extortion; or (4) exceptional situations, such as natural or human-made disasters, including from the effects of climate change. Each year, when the president issues the U.S. refugee resettlement determination and ceiling, the administration could also provide a separate numerical ceiling for the numbers of individuals who would be eligible for complementary protection.

The Task Force also recommended expansion of labor migration and family reunification visas, especially for climate-vulnerable countries. Increasing these pathways would provide work opportunities for those impacted by climate change and sources of support (through remittances) for climate affected populations. Of course, any such visas should enable migrants to work under fair, responsible standards, including a living wage and access to healthcare. Such visas could be issued outside existing ceilings and, in coordination with U.S. Agency for International Development (USAID), the administration could provide beneficiaries with resources, such as stipends, for support of livelihoods, adaptation, and resilience measures in communities to which visa holders would eventually return.

In addition, the Biden administration could expand and strengthen the use of TPS and DED when climate-related disasters strike and make it difficult for countries to welcome back their own citizens. Designations should be made in consultation with those monitoring evolving situations on the ground, including U.S. Embassies and USAID missions, and other U.S. government, UN, and civil society partners working in countries and regions affected by climate change. Should climate-related factors continue to result in forced flight after TPS or DED designation dates, the administration could redesignate TPS or DED and advance effective dates to accommodate later arrivals.

The administration should also work with the Congress to develop legislation to guarantee that TPS-holders do not remain in that uncertain status indefinitely. The legislation should authorize the administration to provide a pathway to permanent residence and citizenship for people with TPS status for more than five years (the time period that the UN Refugee Agency—UNHCR—associated with a protracted refugee situation). The legislation could direct the administration to take account of several factors before making a group designation (such as the prospect of

changed conditions in the country of origin, which might permit return shortly after the five-year period).

We believe that while climate change and migration challenges are sobering, they are not beyond the capacity of governments and the international community to address effectively and humanely.

Thank you.