

Climate Related Displacement and the Use of UN Guiding Principles

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In recent years entire communities have been wiped out throughout the Caribbean and especially in Belize. Monkey River is one of these communities. Its population has dwindled to near extinction and most of its land mass has washed away into the sea due to erosion and climate change. Since 1980, coastal erosion has displaced hundreds of people from Monkey River, which was once considered one of the main towns in the country, home to more than 2500 people, rich in cultural heritage, and a hub for tourism. Today this village houses approximately 250 people and hundreds of yards of the village have been washed away, including several houses, entire football fields, and even several graveyards. Mr. Godwin Coleman, the eldest man in the village, recalled in an interview that years before there were houses about a mile from where he stood, but now all of that is gone and washed away. A young girl from the community similarly states that a year ago her family was forced to move as their house was washed away but now they must move again as the water is just a few feet away from their current home.¹ Most people have been forced to relocate as the entire community becomes at risk of being wiped out into the sea.

Examples like Monkey River can be found throughout the country and the wider Caribbean region as coastal erosion and climate change related disasters reign rampant and displace millions of people within the region. In 2020 alone, 4.5 million people were displaced in the Americas due to climate change related disasters and it is estimated that this number will only keep increasing.² This issue of climate displacement has become one of the most pressing yet neglected issues in climate change literature and brings up the need for proper ethical frameworks to guide response measures to this displacement. Currently, there is no such framework. Most LMIC governments within the Caribbean have opted to respond on an hoc basis, either ignoring the issue or at most providing land for relocation. As Leonel Requena, a UNDP representative, states, “Monkey River is not responsible for the climate crisis, yet they are the ones

who are suffering the greatest loss and damage.”³ Thus, the pressing question is what should be done in response to this climate migration, who should take responsibility, and how can we help climate migrants who are often displaced and left without their most basic needs?

There is a set of guiding principles that, if properly modified for climate change related displacement, could serve as a crucial tool to guide response measures to this displacement: the UN’s Guiding Principle on Internal Displacement (GPID).⁴ It is the only existing guiding instrument for internal displacement. However, it was not originally designed for climate migrants. Unlike displacement due to conflict, which is often temporary, climate related displacement is most often permanent and thus creates distinct needs for the displaced population that require specific emphasis within the guiding principles. The principles therefore need to be modified in several ways and their language needs to be clearer and more specific for it to be applicable to climate affected areas in the Caribbean and to successfully guide response measures.

There are three principles that primarily need to be modified: the principle that all feasible options will be explored; that people will be provided with necessities; and that people will not be deprived of their property without compensation. These principles fail to account for the unique conditions of climate related displacement, or the specific challenges faced by developing states in the Caribbean region such as limited resources and the urgent need for swift action. This context must be explicitly emphasized with clear, unambiguous language within these guiding principles as the current language lacks the specificity required to address these pressing needs effectively. The GPID therefore needs to be modified in a way that can guide the response of LMIC governments in the Caribbean to respond to internal displacement due to climate change.

While a framework that assigns international responsibility and demands a global response would be ideal, it

would not be realistic. Despite support in ethics, legal literature, and international agreements for the idea that HICs bear significant responsibility to support climate migrants in LMICs, the response from HICs has remained minimal to nonexistent. The struggles and urgent need for assistance by these climate migrants cannot be ignored, and while HICs do have an obligation, others cannot simply wait for action while these climate migrants suffer and HICs fall short. This is where domestic governments from Caribbean LMICs must step in. Revising these guiding principles is thus pivotal as it would serve to clearly define the responsibilities of these governments and ensure that the response measures align with the available resources and practical constraints of these governments so that the issue is effectively addressed.

History of the GPID

When the UN's Guiding Principle on Internal Displacement was first created in 1998, it was done primarily in the context of internal displacement caused by armed conflict (Cohen. R, 2021). At the time, the rate of internal displacement was increasing at alarming rates with millions of people displaced throughout the world due to armed conflict. From the guerrilla warfare in Colombia to the Turkish-Kurdish wars in Iraq—the remnants of Cold War-related conflicts throughout the world and post-independence conflicts in Uganda and the wider African continent—conflict was at the root of this heightening rate of displacement. Colombia for example, became the country with the 2nd highest rate of internally displaced people. Since the 1940s, the country experienced internal displacement due to guerrilla warfare but since the 1990s this internal displacement picked up at alarming rates as the guerrillas' movements became more violent and powerful.⁵ Between 1995 to 2003, approximately 3 to 4 million people—more than 8% of the population—were displaced, leaving them in extremely vulnerable conditions. Not only were these people left without their most basic needs, but they were prone to higher risks of prostitution, recruitment and trafficking in human beings, forced into gangs, malnutrition, premature pregnancies and much more. Colombia is only second to Sudan, with more than 4 million people displaced in the 1990s due to post war conflicts and civil war in the country.⁶ In 2003 and 2004 alone, armed conflict broke out in the city of Darfur, which resulted in extreme human right violations, genocide and displacement with more than 400,00 people killed and more than 3 million displaced. These internally displaced people (IDPs) have been forced to live under extremely dire conditions with limited access to basic needs like food, water, health and education and are often denied humanitarian assistance and subjected to harassment, unlawful arrests, rape, and forced disappearances. These are just some examples that show the severity of internal displacement due to armed conflict in the 1990s, when more than 50 countries experienced internal displacement due to armed conflict.

In response, the Guiding Principles on Internal Displacement were created in 1998 to guide response measures to this increasing rate of internal displacement and safeguard the millions of people that had been affected. Among these crucial principles is one that states that “all feasible alternatives” must be explored to avoid displacement altogether. This was needed in internal displacement due to conflict because it often employed temporary measures like evacuation to safer areas nearby, but people would often be returned to their original place of residence once hostilities died down. This principle to explore “all feasible alternatives” to displacement, however, does not apply as well to climate change migrants, whose homes are often rendered permanently uninhabitable or entirely lost due to natural disasters, making a return to their original place of residence impossible. Another key principle at the time was one that stipulated that IDPs should not be deprived of their property, and their property should be protected against destruction. This was a useful principle when the expectation was that they would return to the property, but that's an option that was nonexistent for most climate migrants as their land was often lost or destroyed by natural disasters. These principles were therefore crucial for protecting the wellbeing of people displaced by armed conflict, whose displacement was often temporary and short term. But the situation is often different for climate migrants who face permanent displacement and loss of property, underscoring the urgent need to update these principles to ensure that the wellbeing of climate migrants are properly addressed.

The original guiding principles were needed in the 1990s to address internal displacement due to armed conflict and implemented to varying degrees of success throughout the world, with some countries like Colombia even ratifying and adopting these guidelines into their national laws. Today the rates of internal displacement have only increased. However, displacement is no longer primarily due to armed conflict but close to 50% of internal displacement is now due to climate related disasters.⁷ Measures must be put in place to guide response strategies to this new form of displacement. While the original guiding principles have proven successful in the past, I argue that the conditions and context of IDPs due to climate related disasters are unique and cannot be compared to IDPs due to armed conflict. We need to modify the guiding principles to apply them to climate displacement.

“All Feasible Alternatives” Principle

One of the first principles that must be modified to cater to the needs and context of climate displacement is Principle 7.1 where it ambiguously states that “the authorities concerned shall ensure that all feasible alternatives must be explored in order to avoid displacement altogether.” This raises critical questions around what is “feasible,” especially for LMICs that already struggle with extremely limited resources. This principle worked well for displacement due to

violence as the “feasible alternatives” mostly included temporary relocation or improved security, which were able to be done within the means of LMICs. The application of the principle to climate related displacement, on the other hand, is less clear as the proposed solutions, such as constructing sea walls, are extremely expensive and short term and don’t tend to last for too long. Thus, what some would consider “feasible alternatives” ultimately have too high an opportunity cost as they only offer short term solutions for long-term climate change impacts and are extremely expensive.

The community of Monkey River illustrates this challenge firsthand as NGOs and the UNDP came together there to fund a sand bag project to combat erosion. This project cost hundreds of thousands of dollars, yet coastal erosion continues largely unchecked, displacing hundreds of people every year. For communities like Monkey River these options carry high opportunity costs as it diverts the limited funds from other urgent needs such as healthcare and infrastructure development of neighboring areas and yields little to no return as coastal erosion continues rampant. In most cases, if it does stop the erosion, it does so for a limited amount of time, eventually being destroyed and coastal erosion and other natural disasters continue to displace the population. Thus, asking LMICs to explore every potential alternative as the principle states, risks saddling them with policies that have extremely high costs and only short-term effects.

While it is true that the principle only calls for us to ‘explore’ all feasible options and not necessarily implement them, it is followed by the directive: “Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.” This suggests that it is only after all alternatives have been exhausted that we should consider displacement as an option. This principle was adequate for its original purpose of IDPs due to armed conflict, as engaging in prevention measures allowed them to remain or eventually return to their place of residence once hostilities subsided, which was within the means of LMICs. However, this is not an option when it comes to climate displacement due to the high opportunity costs that most alternatives have.

A potential rephrasing could be: “Only those alternatives that are both financially feasible within available resources and demonstrates sustainable and long-term benefits should be considered to prevent displacement. Where such options are not viable, governments may resort to managed displacement to ensure the welfare and stability of the affected population”. By making the principle more precise, LMICs can focus on practical solutions within their specific means. As presently constructed, Principle 7.1 is too ambitious and ambiguous to effectively address internal displacement due to climate change, which highlights the need to update these principles.

“Minimum Requirement” Principle

Another principle that should be revisited to be made

applicable to climate displacement is Principle 18.2, which states that IDPs should “at minimum have access to: essential food and potable water; basic shelter and housing; appropriate clothing; and essential medical services and sanitation.” This would have been applicable to IDPs due to violence as it often entailed temporary displacement, relocation, or even remaining in or close to their homes where they would have access to their needs. However, these minimum requirements are not enough for addressing the long-term well-being of climate-displaced populations for whom displacement is often permanent. Unlike conflict displaced IDPs, who may eventually return home and reintegrate into the social and economic fabric of their original place of residence, climate displaced IDPs must often rebuild their entire life, requiring social and economic help to integrate into their new communities. When people are displaced, they face a “lower quality of life, which often include: high levels of poverty; the loss of cultural and social bonds; the abandonment of the scarce patrimonial assets held before displacement; low levels of education; being forced to live in alien settings with no social or official support; severe difficulties in finding employment in urban areas; limited educational opportunities for children; and limited access to social security, health and pension benefits.”⁸ This shows that the above-mentioned minimum requirements stipulated by the guiding principles come nowhere close to the minimum needs that should be provided for these climate migrants, as they often face permanent displacement with no prospect of return.

This is why it is important to add into the guiding principle the need for “socio-economic stabilization” as the “Law 387 of 1997 for Internally Displaced People in Colombia” includes. While Colombia’s framework was originally crafted to address the temporary nature of conflict displacement it also contained principles uniquely suited for longer term and permanent displacement. In the ruling of 2004, the Colombian court provided the minimum rights that all internally displaced people must be provided with, which not only included the right to life, dignity, and integrity but also included the right to family unity, minimum level of subsistence, right to health, right to basic education and the “right to the provision of support for self-sufficiency, by way of the socio-economic stabilization of persons in conditions of displacement.”⁹ These minimum requirements defined by the Colombian government should serve as a guide to modify the current minimum requirement for displaced persons in the UN Guiding principles when applied to climate displacement, where permanent relocation requires deeper socio-economic support for successful integration into their new communities.

Not only are these requirements for climate migrants’ wellbeing but, as Nancy Berlinger argues, migrants must be supported in developing a feeling of belonging to this new place where they are resettled. At minimum, they should be recognized as members of the community to allow them to

settle and grow within these societies.¹⁰ This is especially important for climate migrants as they are likely to permanently resettle. At minimum, LMIC governments should allow and assist climate migrants to settle into their new society, providing them their most basic needs, which includes the socio-economic resources to allow them to become part of the fabric of their new society and to thrive and contribute within it. It goes even beyond this, however. Providing for their socio-economic needs includes assisting them in settling and getting a job or skill, which allows them to sustain themselves rather than continuing to receive support for their most basic needs in regard to shelter, food and health, etc.

“Property and Possessions Should Be Protected against Destruction” Principle

The last principle that must be revised within the UN guiding principles is Principle 21.1, which states that “no one shall be arbitrarily deprived of property and possessions” and Principle 21.3, which states that “property and possessions left behind by internally displaced persons should be protected against destruction...” As previously stated, these guidelines were originally designed for internal displacement due to violence and thus Principle 21 worked for those IDPs, as it ensured that all measures were taken to protect their homes and that they had a home to come back to, once it was safe. This is not applicable to situations of internal displacement caused by climate change, however, where homes are often destroyed completely and washed away by environmental forces, as in the case of Monkey River.

The question regarding climate displacement is, what responsibility do LMIC governments have if climate change itself deprives these migrants of their property and possessions? Given the persistent and irreversible nature of climate change impact throughout the region, can LMICs realistically be expected to compensate for every loss as Principle 21 suggests? Mr. Antonio Guterres, then UN High Commissioner for Refugees and current UN Secretary General, in his 2008 keynote speech, highlighted a similar concern: “if an island sinks, do these people need temporary protection? The island is gone forever”.¹¹ That is the case for climate migration in the Caribbean where climate change permanently destroys communities and displaces climate migrants, whether due to coastal erosion that wipes out communities in the coast, flooding, or even natural disasters that have come close to wiping out entire islands.

We should therefore adjust Principle 21 to impose clear limits on this compensation for property and possessions, as it is not feasible for LMIC governments to protect these lands from being destroyed and compensating for every property and possession destroyed would be too expensive for them. Instead of providing full compensation for every destroyed property, these governments could focus on relocating displaced individuals, as discussed in the revised

recommendation for Principle 7, while providing the minimum required to protect their social and economic rights. This revision narrows the scope of Principle 21 to ensure that the IDPs are provided with their basic rights and have access to essential resources rather than full compensation, which would be unsustainable. In this way, LMIC governments could more effectively allocate their limited resources to support the wellbeing of IDPs, without the unsustainable expectation that they protect property that will be rendered uninhabitable by climate change or provide unrealistic compensation.

Conclusion

In his keynote address in 2008, Mr. Antonio Guterres famously asked, “can the international community address these challenges with the current legal and normative framework, including the Guiding Principles?”.¹² While his call was directed towards the international community, there has been little to no response, despite clear ethical calls to action. However, the governments of LMICs cannot afford to remain idle as their population is devastated by climate displacement; they must respond to the urgent need of these climate migrants. As it stands, the current set of Guiding Principles on Internal Displacement does not fully address the realities of climate related displacement.

This does not mean that an entirely new set of guiding principles needs to be created but rather that the UN Guiding Principles on Internal Displacement needs to be revised to reflect the distinct and permanent challenges that climate migrants are faced with. The existing GPIDs have been rightly lauded for their success in guiding response measures and adapting to international and national legislations, but they do not account for forms of internal displacement not due to violence. Once the UN Guiding Principle is revised, however, to incorporate the distinct needs of climate migrants, including feasibility limits and compensation guidelines, then this framework can be adapted to address climate displacement more comprehensively. Ultimately, even without direct international aid, this revised GPID will equip LMICs in the Caribbean to safeguard the rights and welfare of climate migrants, enabling them to proactively respond to their needs, while working with the limited resources they have available.

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The creation of this collection of essays was supported by the Fogarty International Center of the National Institutes of Health under Award Number R25TW009731 for the Caribbean Research Ethics Education Initiative (CREEi).