

JULY 14, 2021

# **Task Force Report to the President on the Climate Crisis and Global Migration**

A Pathway to Protection for  
People on the Move

Prepared in May–July 2021 under the auspices of Refugees International, this Task Force publication is designed to inform the report requested by President Biden in Section 6 (Climate Change and Migration) of Executive Order 14013 (February 4, 2021) on “Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration.” Refugees International expresses its deep appreciation to members of the Task Force, all of whom have endorsed this report and whose names appear below. We are also grateful to those who have provided invaluable support during the convening and drafting processes, including Hardin Lang, Miriam Ernest, Irla Atanda, Yael Schacher (Refugees International), Ama Francis, Emmy Hammond (International Refugee Assistance Project), Andrew Fuys (Church World Service), and Salote Soqo (Unitarian Universalist Service Committee).



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# Table of Contents

- Members of the Task Force ..... 3**
- Acronyms..... 4**
- Summary of Report and Recommendations..... 5**
  - The President’s Directive and the Task Force ..... 5*
  - Key Task Force Findings..... 5*
  - Prevention: Minimizing and Averting the Need to Migrate..... 6*
  - Displacement, Protection, and Migration Pathways..... 7*
- Introduction ..... 10**
- I. The Challenge: The Inevitable Impacts of Climate Change on Migration ..... 11**
- II. Prevention: Minimizing and Averting the Need to Migrate..... 14**
  - Disaster Risk Reduction (DRR)..... 14*
  - Climate Change Adaptation and Resilience Measures ..... 15*
  - Localization: Empowering Local Institutions and Actors..... 17*
  - Task Force Recommendations Relating to Prevention ..... 18*
- III. Displacement, Protection, and Migration Pathways ..... 21**
  - Protection and Support for Those Who Cross Borders ..... 21*
  - Internally Displaced People Whose Displacement is Impacted by Climate ..... 24*
  - Planned Relocation..... 25*
  - Global Coordination on Climate-related Migration and Displacement..... 26*
  - Task Force Recommendations Relating to Displacement, Protection, and Migration Pathways..... 27*
- IV. Conclusion ..... 32**

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## Acronyms

ASEAN	Association of Southeast Asian Nations
CCA	Climate Change Adaptation
CWS	Church World Service
DHS	Department of Homeland Security
EOIR	Department of Justice's Executive Office for Immigration Review
DRR	Disaster Risk Reduction
EO	Executive Order
GCF	Green Climate Fund
GCM	Global Compact for Safe, Orderly, and Regular Migration
GEF	Global Environment Facility
GtCO <sub>2</sub>	Gigatons of carbon dioxide
HIV/AIDS	Human immunodeficiency virus/acquired immunodeficiency syndrome
IBRD	International Bank for Reconstruction and Developing
IDA	International Development Association
IDMC	Internal Displacement Monitoring Centre
IDPs	Internally displaced people
IGAD	Intergovernmental Authority on Development
INA	Immigration and Nationality Act
IOM	International Organization for Migration
MCC	Millennium Challenge Corporation
NGO	Non-governmental organization
ODA	Official development assistance
PDD	Platform on Disaster Displacement
PEPFAR	President's Emergency Plan for AIDS Relief
RAIO	Refugees, Asylum, and International Affairs Operations Directorate
RI	Refugees International
SICA	Central American Integration System
TPS	Temporary Protected Status
DED	Deferred Enforced Departure
USCIS	United States Citizenship Immigration Services
UN	United Nations
UNEP	UN Environment Programme
UNHCR	United Nations High Commissioner of Refugees
USAID	United States Agency for International Development
UUSC	Unitarian Universalist Service Committee

# Summary of Report and Recommendations

## The President's Directive and the Task Force:

On February 4, President Biden issued an Executive Order on Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration.<sup>1</sup>

Although most of the EO focuses on implementation of the current U.S. Refugee Admissions Program, Section 6 of the EO requests that the National Security Adviser deliver a report to the President within 180 days that includes “options for protection and resettlement of individuals displaced directly or indirectly from climate change” as well as options for policy measures on a range of related objectives. This directive presents a historic opportunity to advance U.S. policy and global efforts. While climate change is increasingly recognized as a driver of global migration, governments, international organizations, and civil society have yet to develop comprehensive measures that 1) effectively target at-risk communities that may want to adapt, 2) ensure that those on the move do so safely and with dignity, and 3) enable those who need to cross borders to obtain adequate protection and respect for their basic rights.

Eager to encourage the Biden administration to seize this opportunity, Refugees International assembled a Task Force of distinguished stakeholders with particular experience and deep knowledge on these and related issues. Task Force recommendations are organized around key challenges relevant to prevention of forced displacement and protection and respect for the rights of those who must move in the face of a changing climate. Though Task Force members have endorsed and are responsible for findings in this report, the analysis and recommendations build on a large body of work from dozens of official institutions, non-governmental organizations, and civil society in the United States and around the world.

## Key Task Force Findings:

The world is in the midst of a climate crisis, with conclusive evidence that climate change is already influencing human mobility. Estimates of those who will be forced to migrate vary widely—and will be impacted by policy decisions made today. But there is little doubt that at least tens of millions of people will be displaced over the next two to three decades due in large measure to disaster and other environmental changes affected by climate, with the majority displaced within the borders of their own countries.<sup>2</sup> From Haiti and Honduras to Bangladesh,

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<sup>1</sup> President, Executive Order. “Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration, 2021, Executive Order 14013 of February 4, 2021,” *Federal Register* 86, no. 25 (February 9, 2021): 8839, <https://www.govinfo.gov/content/pkg/FR-2021-02-09/pdf/2021-02804.pdf>.

<sup>2</sup> Kanta Kumari Rigaud et al, *Groundswell: Preparing for Internal Climate Migration*, (Washington, DC: World Bank, 2018), accessed July 6, 2021, <http://hdl.handle.net/10986/29461>.

Burkina Faso, and thousands of communities in both the Global South and Global North, those at risk need policy solutions today, as both slow- and sudden-onset disasters are becoming more frequent and intense and leading to protracted displacement around the world, and those displaced by disaster are receiving inadequate support on a range of critical issues such as durable shelter, planned relocation, and alternative livelihoods.

The United States has a special responsibility to lead on issues of climate change, migration, and displacement. And projections of climate-related migration are sobering, they are not beyond the capacity of governments and the international community to address effectively and humanely.

## **Prevention: Minimizing and Averting the Need to Migrate**

People around the world who are impacted by climate change have made it clear that they do not want to move if they do not have to move. Disaster risk reduction (DRR) is a key tool, encompassing the broad range of local, regional, national, and international measures to prevent or reduce the damage resulting from droughts, cyclones, earthquakes, and tsunamis. Yet, as a percentage of development assistance in general and humanitarian assistance in particular, support for DRR has been far too modest a part of the aid financing landscape. Similarly, and close in concept and objectives to DRR, climate change adaptation (CCA) programs focus on future climate change risks and on broader aims aligned with sustainable development agendas. But despite efforts from a broad array of actors, there is a significant gap in climate change adaptation financing. President Biden's FY 2022 proposal of \$2.5 billion for international climate programs, including funds focused on adaptation, is very significant but still less than the amounts needed.<sup>3</sup> Additional resources, in particular, should be directed at empowering local institutions and actors in affected countries.

In the area of prevention, the Task Force recommends:

- **A substantial increase in support for disaster risk reduction (DRR) and support for an international “Global Risk Reduction and Resilience Fund” to encourage and coordinate support from other governments:** The Biden administration should ensure that, by 2023, at least 10 percent of overall U.S. humanitarian assistance (now estimated at about \$10 billion) is devoted to DRR. With current annual DRR commitments estimated at well under \$500 million, this will require substantial increases, which would also put the administration in a strong position to promote greater funding from others and the establishment of a Global Risk Reduction and Resilience fund.

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<sup>3</sup> United States Office of Management and Budget, *Budget of the U.S. Government: Fiscal Year 2022*, (Washington, DC: OMB, 2021), 22, [https://www.whitehouse.gov/wp-content/uploads/2021/05/budget\\_fy22.pdf](https://www.whitehouse.gov/wp-content/uploads/2021/05/budget_fy22.pdf).

- **An increase in the administration’s commitment to climate change adaptation programs:** The administration should substantially increase its current request of \$2.5 billion for international climate change programming and focus that increase in large measure on climate change adaptation.
- **Targeted development assistance to those most impacted by climate change:** The administration should couple its increased investments in development assistance with support to those at greatest risk of suffering negative impacts of climate change. The president should direct that U.S. development financing agencies increase the focus and scope of their work in fragile, climate-affected countries and subnational regions to address the huge global gap in resilience infrastructure.
- **A strengthened commitment to support and empower local communities:** The administration should augment its commitment to the inclusion of affected communities in decision-making. With respect to DRR and CCA funding in particular, such administration efforts should be guided by the goals of a U.S.-supported 2016 Grand Bargain among donors and humanitarian organizations, recognizing that a 25 percent target of support directed at national and local providers represents more of a floor than a target due to the critical importance of national and, in particular, local leadership and empowerment on issues of risk reduction and climate adaptation.

## Displacement, Protection, and Migration Pathways

The Executive Order calls for “options for protection and resettlement of individuals displaced directly or indirectly from climate change,” as well as identification of “opportunities to work collaboratively” with others around the world “to respond to migration resulting directly or indirectly from climate change.” In fact, it is increasingly clear that migration will be the best adaptation strategy for many individuals and communities living in high-risk areas.

The Refugee Convention defines refugees as those outside their country of origin with a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a social group. Many of those who are forced to flee countries experiencing climate-affected stresses may be particularly vulnerable to persecution as traditionally defined. For example, with resource scarcity and conflict, some governments may be more likely to deny access to services in a discriminatory manner, resulting in persecution as defined in the Convention.

Beyond the direct applicability of the 1951 Convention (and its 1967 Protocol) to those who are migrating from countries experiencing climate-related stresses, governments have over the years expanded protections beyond the Convention in ways that are directly related to displacement impacted by climate, permitting refuge and in some cases residence to those affected by conflict, trafficking in persons, environmental disaster, and other severe risks and harms.

Nonetheless, it is still the case that those forced to flee their homes due to climate impacts are generally not provided robust protections. In addition, internally displaced people also have limited protections.

In the areas of displacement, protection, and migration pathways, the Task Force recommends:

- **U.S. government recognition that those forced to migrate due to climate change are in many cases likely to face particular risks of return that would amount to persecution within the definition of the 1951 Refugee Convention:** The president should direct the Department of Homeland Security to develop and implement administrative procedures consistent with this recognition, informed by UNHCR guidance relating to “claims for international protection made in the context of the adverse effects of climate change and disasters.”<sup>4</sup>
- **A system of complementary protection in parallel with the U.S. Refugee Admissions Program:** The Biden administration should propose and the Congress should adopt a form of complementary protection in the United States for forced migrants who do not meet the refugee definition under the Immigration and Nationality Act (INA), but who are unable to return safely to their countries of origin due to a variety of dire threats, including those due to disaster resulting from the effects of climate change.
- **A system of complementary protection in parallel with asylum for those seeking protection at U.S. borders:** The administration should propose and the Congress should adopt a form of complementary protection in the United States for asylum applicants who do not meet the refugee definition under the Immigration and Nationality Act (INA), but who are unable to return safely to their countries of origin due to a variety of dire threats, including those due to disaster resulting from the effects of climate change. In the absence of legislation, the administration should consider an administrative parole program for those who do not meet the refugee definition but who could not safely return to their countries of origin.
- **Strengthening Temporary Protected Status (TPS) and Deferred Enforced Departure (DED):** The administration should continue to use these measures to protect those whose displacement is caused by disasters exacerbated by the effects of climate change, and should work with Congress to enact legislation that would authorize the administration to provide a pathway to permanent residence and citizenship for designated groups who have had TPS status for more than five years.

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<sup>4</sup> UN High Commissioner for Refugees, “Legal Considerations Regarding Claims for International Protection Made in the Context of the Adverse Effects of Climate Change and Disasters,” *refworld*, October 1, 2020, <https://www.refworld.org/docid/5f75f2734.html>.

- **Expanded use of visas focused on labor migration and family reunification:** The administration should explore expanding traditional migration pathways for labor, education, and family reunification to respond to migration pressures resulting from climate change.
- **Strengthening protections for those displaced internally due to climate change:** The administration should take a range of actions, such as encouraging UN member states to formally adopt the Guiding Principles on Internal Displacement, supporting the appointment of a Special Representative of the Secretary General on Internal Displacement, and supporting efforts by the World Bank to focus resources on research and financing for support of internally displaced people, including those affected by climate change.
- **The development of a U.S. approach on planned relocation:** The Biden administration should provide international financial support to international planned relocation initiatives, support capacity building and training programs for governments likely to face relocation requirements, and strengthen and support planned relocation efforts within the United States.
- **Enhanced global coordination on climate-related migration and displacement:** The Biden administration should promote the establishment of an empowered, global, multi-stakeholder platform, or standing forum, on climate change and displacement, with a strong focus on resource mobilization as well as development of best practices and norms around prevention and protection (including migration pathways).

In sum, predictions about climate migration are sobering, but they are not beyond the capacity of governments and the international community to address effectively and humanely. We hope that this report will contribute to the overall effort to promote the will and the capacity to achieve this outcome.

## Introduction

On February 4, President Biden issued an Executive Order (EO) on Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration.<sup>5</sup>

Although most of the EO focuses on implementation of the current U.S. Refugee Admissions Program, Section 6 of the EO directs the National Security Adviser to deliver a report to the President within 180 days that includes “discussion of the international security implications of climate-related migration; options for protection and resettlement of individuals displaced directly or indirectly from climate change; mechanisms for identifying such individuals, including through referrals; proposals for how these findings should affect use of United States foreign assistance to mitigate the negative impacts of climate change; and opportunities to work collaboratively with other countries, international organizations and bodies, non-governmental organizations, and localities to respond to migration resulting directly or indirectly from climate change.”

This EO is a potentially groundbreaking development. It presents a historic opportunity to advance U.S. policy on these critical issues. While climate change is increasingly recognized as a driver of migration around the world, governments, international organizations, and civil society have yet to develop comprehensive measures that effectively target at-risk communities that may want to stay and adapt, ensure that those on the move do so safely and with dignity, and enable those who need to cross borders to obtain adequate protection and respect for their basic rights.

Eager to encourage the Biden administration to seize this opportunity and articulate a responsible plan of action, Refugees International assembled a Task Force of diverse and distinguished stakeholders with particular experience and deep knowledge on development, climate, and migration issues, including former government officials, heads of non-governmental organizations (NGOs), and experts in the research and academic communities. In convenings in May and June 2021, Task Force members discussed issues detailed in the executive order and agreed on a series of recommendations. These recommendations are organized around key challenges relevant to prevention of forced displacement and protection and respect for the rights of those who must move in the face of a changing climate.

The Executive Order refers to climate change, as does the Task Force in many parts of this report. We use this phrase to refer to the range of impacts owing to changes in the climate system, and we acknowledge that not every climate-related disaster can be attributed directly to changes originating in human activity. And as will be clear in the material that follows, we also

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<sup>5</sup> President, Executive Order. “Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration, 2021, Executive Order 14013 of February 4, 2021,” *Federal Register* 86, no. 25 (February 9, 2021): 8839, <https://www.govinfo.gov/content/pkg/FR-2021-02-09/pdf/2021-02804.pdf>.

recognize that many if not most of our recommendations are applicable to the prevention of and response to disasters resulting from natural hazards that may not involve climate-related risks.

Though Task Force members are responsible for findings in this report, the analysis and recommendations build on a large body of work from dozens of official institutions, non-governmental organizations, and civil society in the United States and around the world. Because this report has been endorsed by a broad panel of experts who have spent significant portions of their careers engaged in issues of development, forced displacement, migration, and the connections between climate change and human mobility, we hope it will be reviewed carefully by the Biden administration as officials finalize their own report and consider these crucial issues.

## I. The Challenge: The Inevitable Impacts of Climate Change on Migration<sup>6</sup>

**The world is in the midst of a climate crisis.** Credible and evidenced-based predictions indicate that global temperatures will rise by between 2.7 to 3.1°C by the end of this century under current policies.<sup>7</sup> This scale of change means that disruptive and deadly events such as extreme heatwaves and precipitation will be more frequent and intense in the future. It also means devastating and irreversible impacts on the ecosystems on which we depend, including large-scale ocean acidification and declining fishery stock, reduced quantity and reliability of renewable surface and groundwater, and mass extinction of flora and fauna.<sup>8</sup> Ecosystem loss creates food insecurity and threatens the well-being of the world’s poorest people, 80 percent of whom live in rural areas and are dependent on agriculture for their livelihoods.<sup>9</sup> And global

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<sup>6</sup> Kayly Ober, *At a Climate Change Crossroads: How a Biden-Harris Administration Can Support and Protect Communities Displaced by Climate Change*, (Washington, DC: Refugees International, 2021), accessed July 6, 2021, <https://www.refugeesinternational.org/reports/2021/2/10/at-a-climate-change-crossroads-how-a-biden-harris-administration-can-support-and-protect-communities-displaced-by-climate-change>. Most of the language of this section is drawn from this Refugees International report.

<sup>7</sup> “Temperatures,” *Climate Action Tracker*, accessed July 12, 2021, <https://climateactiontracker.org/global/temperatures/>.

<sup>8</sup> Gretta T. Pecl et al, “Biodiversity Redistribution Under Climate Change: Impacts on Ecosystems and Human Well-Being,” *Science* 355, no. 6332 (2017), <https://doi.org/10.1126/science.aai9214>; Jelle Bijma et al, “Climate Change and the Oceans — What Does the Future Hold?” *Marine Pollution Bulletin* 74, no. 2 (2013): 495-505, <https://doi.org/10.1016/j.marpolbul.2013.07.022>; World Bank Group, *Turn Down the Heat: Confronting the New Climate Normal* (Washington, DC: World Bank, 2014), 131-133, <https://doi.org/10.1016/j.marpolbul.2013.07.022>; Christian Román-Palacios and John J. Wiens, “Recent Responses to Climate Change Reveal the Drivers of Species Extinction and Survival,” *Proceedings of the National Academy of Sciences* 117, no. 8 (2020), <https://doi.org/10.1073/pnas.1913007117>.

<sup>9</sup> Food and Agriculture Organization of the United Nations, “The Role of Agriculture and Rural Development in Achieving SDG 1.1,” February 22, 2019, <https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2019/03/FAO-ending-extreme-rural-poverty-1.pdf>.

warming at more modest levels, resulting from successful efforts at mitigation, will still result in an acceleration of natural hazards exacerbated by climate change.

**Climate change is already influencing patterns and trends related to human mobility.** In 2020, the Internal Displacement Monitoring Centre (IDMC) calculated that weather-related disasters displaced more than 30 million people—three times more than those displaced by conflict in the same year.<sup>10</sup> This number is underpinned by sudden-onset events that had tangible ties to climate change, including unprecedented flooding in Bangladesh and East Africa, Hurricanes Eta and Iota, which struck Central America in rapid succession, and Tropical Cyclone Harold in the Pacific.<sup>11</sup> The United States also experienced a high rate of weather-related displacement in 2020, due to a record number of cyclones that formed in the Atlantic, intense heat waves in the West and Southwest, and some of the largest wildfires on record in California.<sup>12</sup>

**Those already displaced or at risk of displacement in the context of climate change need policy solutions today.** Over the course of the last decade, the Climate Displacement Program of Refugees International (RI) has reported from dozens of countries where sudden-onset disasters are becoming more frequent and intense; disasters are leading to protracted displacement; and people displaced by disaster are receiving inadequate support from their governments and the international humanitarian community on a range of issues, including durable shelter, planned relocation, and alternative livelihoods. For example, in 2017, RI researchers spoke with internally displaced people (IDPs) in Somalia, where climate change was affecting livelihoods and forcing people to migrate. “The rains failed year after year. We sold our animals and now we have nothing,” one IDP from Qoryoley reported.<sup>13</sup>

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<sup>10</sup> Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2021: Internal Displacement in a Changing Climate* (2021), 7, accessed July 6, 2021, [https://www.internal-displacement.org/sites/default/files/publications/documents/grid2021\\_idmc.pdf](https://www.internal-displacement.org/sites/default/files/publications/documents/grid2021_idmc.pdf).

<sup>11</sup> Somini Sengupta and Julfikar Ali Manik, “A Quarter of Bangladesh Is Flooded. Millions Have Lost Everything,” *The New York Times*, July 30, 2020, <https://www.nytimes.com/2020/07/30/climate/bangladesh-floods.html>; Sarah Miller, Kayly Ober, and Stefan Bakumenko, “In East Africa, a Vexing Trifecta of Challenges: COVID-19, Locusts and Floods,” *World Politics Review*, July 16, 2020, <https://www.worldpoliticsreview.com/articles/28916/a-vexing-trifecta-of-challenges-in-east-africa-flooding-locusts-and-covid-19>; Kayly Ober and Rachel Schmidtke, “Climate Change is Upending Central America—and the US Must Take Action,” *Refugees International*, February 22, 2021, <https://www.refugeesinternational.org/reports/2021/2/22/the-hill-climate-change-is-upending-central-america-the-us-must-take-action?rq=iota>; Kayly Ober and Stefan Bakumenko, “A New Vulnerability: COVID-19 and Tropical Cyclone Harold Create the Perfect Storm in the Pacific,” *Refugees International*, June 3, 2020, <https://www.refugeesinternational.org/reports/2020/6/1/a-new-vulnerability-covid-19-and-tropical-cyclone-harold-create-the-perfect-storm-in-the-pacific>.

<sup>12</sup> Adam B. Smith, *2020 U.S. Billion-Dollar Weather and Climate Disasters in Historical Context*, January 8, 2021, <https://www.climate.gov/news-features/blogs/beyond-data/2020-us-billion-dollar-weather-and-climate-disasters-historical>; NOAA, “Summer 2020 Ranked as One of the Hottest on Record for U.S.,” September 9, 2020, <https://www.noaa.gov/news/summer-2020-ranked-as-one-of-hottest-on-record-for-us>; “Stats and Events,” *Cal Fire*, Accessed July 7, 2021, <https://www.fire.ca.gov/stats-events>.

<sup>13</sup> Alice Thomas and Mark Yarnell, *On the Edge of Disaster: Somalis Forced to Flee Drought and Near Famine Conditions* (Washington, DC: Refugees International, 2017), accessed July 6, 2021, <https://www.refugeesinternational.org/reports/somaliadroughtandfaminereport>.

In a Church World Service (CWS) study in 2021, residents in a coastal community in Haiti described how drought, erratic rainfall, and sea level rise have become a tipping point for migration: “A lot of people had no intention to leave. Now they don’t find anything to encourage them in the area. The weather changes cause everybody wanting to run and leave the country, meaning that we cross the ocean however rough it is, just to get out of here.” The Unitarian Universalist Service Committee (UUSC) also reports that in Alaska and Louisiana, effects are already being felt by community partners who receive UUSC support and are experiencing land loss, erosion, and devastating storms—but who struggle to access government assistance to support the relocation of affected tribal communities.

**Targeted policies can help mitigate the impacts of future climate-related displacement and migration crises.** Projections of future climate-related migration trends are sobering. The World Bank predicts that unchecked carbon emissions and unequal development policies could lead to 143 million internally displaced “climate migrants” by 2050 in Latin America and the Caribbean, South Asia, and Sub-Saharan Africa.<sup>14</sup> Changes in habitability could affect large parts of the planet, with significant consequences for migration.<sup>15</sup> Of course, the exact number of people displaced, internally or beyond borders, will be determined by policy decisions made today. For example, the World Bank predicts that if policies were enacted to cut carbon emissions and support a green transition—one with robust support for locally led climate change adaptation, stronger social safety nets, and more inclusive and equitable development policies—the total number of internal “climate migrants” would decrease by up to 80 percent.<sup>16</sup>

**The United States has a special responsibility to lead on issues of climate change, migration, and displacement.** While no one country is solely responsible for all carbon emissions, the United States has been responsible for the largest share over time. According to the Global Carbon Project, emissions from the United States amounted to 397 gigatons of carbon dioxide (GtCO<sub>2</sub>) between 1750 and 2019.<sup>17</sup> For context, China ranked second with a total of 214 GtCO<sub>2</sub>. The United States has also historically committed to regular and substantial funding for international humanitarian and official development assistance efforts around the world.<sup>18</sup> This continued support will be essential in a world that will be changed dramatically by climate change.

**While projections of climate-related migration are sobering, they are not beyond the capacity of governments and the international community to address effectively and humanely.** Even the more dire predictions of climate-related migration do not envision internal or external movement of a magnitude beyond the capacity of governments and civil society to address

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<sup>14</sup> Kanta Kumari Rigaud et al, *Groundswell: Preparing for Internal Climate Migration*, 110.

<sup>15</sup> Rigaud et al; Radley M. Horton et al, “Assessing Human Habitability and Migration,” *Science* 372, no. 6548 (2021), <http://doi.org/10.1126/science.abi8603>.

<sup>16</sup> Rigaud et al., “Assessing Human Habitability and Migration,” 185.

<sup>17</sup> Carbon Brief, Twitter Post, April 23, 2019, <https://twitter.com/CarbonBrief/status/1120715988532629506?s=20>.

<sup>18</sup> OECD, “Official Development Assistance,” Accessed July 7, 2021, <https://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/official-development-assistance.htm>.

effectively and humanely. The challenge, of course, is to put policies in place that reflect sufficient political will and ensure sufficient capacity to achieve this outcome. Climate-related displacement and migration bring great complexities that must be matched by robust and carefully tailored interventions.

Our Task Force has identified two distinct areas of focus, including i) prevention and ii) protection and migration pathways, both of which will require bold policy approaches in the years and decades to come.

## II. Prevention: Minimizing and Averting the Need to Migrate

People around the world who are impacted by climate change have made it clear that they do not want to move if they do not have to move, and local communities have expressed the strongest desire for measures that are broadly considered prevention. Over the years, the United States, other governments, and international organizations have developed and implemented policy measures designed to enable people to remain and thrive in the face of national hazards exacerbated by climate change, with a focus on disaster risk reduction, climate change adaptation, and related actions to build resilience and otherwise avert or minimize the need to migrate.

### Disaster Risk Reduction (DRR)

Disaster risk reduction (DRR) is a key tool, encompassing the broad range of local, regional, national, and international measures to prevent or reduce the damage resulting from hazards such as floods, droughts, cyclones, earthquakes, and tsunamis. Comprehensive DRR policies and practices involve short-, medium-, and long-term actions, including early warning systems, public education, development of environmentally sensitive building codes, and other forms of structural mitigation, as well as land use planning.

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.<sup>19</sup> World Bank reporting indicates that each dollar invested in resilient infrastructure in low- and middle-income countries generates four dollars in

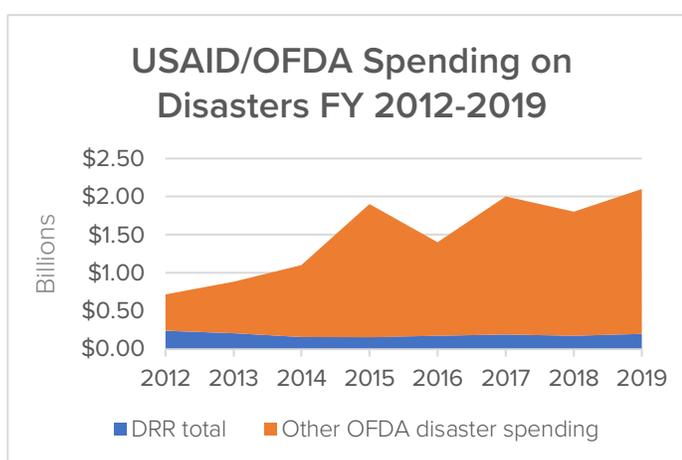
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<sup>19</sup> United Nations Office for Disaster Risk Reduction, *Global Assessment Report on Disaster Risk Reduction 2015*, (Geneva: UNDRR, 2015), 4, [https://www.preventionweb.net/english/hyogo/gar/2015/en/gar-pdf/GAR2015\\_EN.pdf](https://www.preventionweb.net/english/hyogo/gar/2015/en/gar-pdf/GAR2015_EN.pdf).

benefits.<sup>20</sup> 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.<sup>21</sup>

Yet DRR is a consistently modest part of the international aid financing landscape. According to the UN Task Force on Financing for Development, only about 0.1 percent of official development assistance (ODA) over the past ten years has gone to DRR, while 10 percent has supported emergency response.<sup>22</sup> OECD data also show that DRR makes up a small proportion of disaster-specific ODA. According to OECD estimates, of the total \$137 billion in ODA for disasters from 2005–2017, 89 percent went to emergency response, 7.2 percent to reconstruction relief and rehabilitation, and only 3.8 percent to DRR.<sup>23</sup>

U.S. figures also show that DRR has not in recent years represented a major share of U.S. disaster assistance. For example, of \$11.9 billion in spending by USAID’s Office of Foreign Disaster Assistance during the 2012–2019 period, seven percent went to stand-alone DRR programming and five percent to disaster response programming that incorporated DRR activities.<sup>24</sup>



## Climate Change Adaptation and Resilience Measures

Although close in concept and objectives to DRR, climate change adaptation programs (CCA) focus specifically on future climate change risks and on aims more aligned with broader development agendas. Some agencies, such as USAID, have made efforts to account for specific CCA activities. For example, in FY2018, USAID calculated that it dedicated \$44.6 million to

<sup>20</sup> Stephane Hallegatte, Jun Rentschler, and Julie Rozenberg, *Lifelines: The Resilient Opportunity*, (Washington, DC: World Bank, 2019), 2, <https://openknowledge.worldbank.org/handle/10986/31805>.

<sup>21</sup> Global Commission on Adaptation, *Adapt Now: A Global Call for Leadership on Climate Resilience*, (2019), 14, [https://gca.org/wp-content/uploads/2019/09/GlobalCommission\\_Report\\_FINAL.pdf](https://gca.org/wp-content/uploads/2019/09/GlobalCommission_Report_FINAL.pdf).

<sup>22</sup> United Nations Inter-agency Task Force on Financing for Development, *Financing for Sustainable Development Report 2021*, (New York: United Nations, 2021), 98, [https://developmentfinance.un.org/sites/developmentfinance.un.org/files/FSDR\\_2021.pdf](https://developmentfinance.un.org/sites/developmentfinance.un.org/files/FSDR_2021.pdf).

<sup>23</sup> United Nations Office for Disaster Risk Reduction, *Global Assessment Report on Disaster Risk Reduction 2019*, (Geneva: UNDRR, 2019), 256, [https://gar.undrr.org/sites/default/files/reports/2019-05/full\\_gar\\_report.pdf](https://gar.undrr.org/sites/default/files/reports/2019-05/full_gar_report.pdf).

<sup>24</sup> “USAID/OFDA Annual Reports,” accessed July 7, 2021, <https://www.usaid.gov/humanitarian-assistance/stories-reports/ofda-AR-archive>. The OFDA figures drawn from the annual reports do differ from figures for overall international disaster assistance funding—and, quite likely, overall OFDA expenditures, for comparable years. This may be due to a range of factors, including a lack of inclusion of overseas contingency operations.

climate change adaptation, with more than \$41 million of that funded through food security, water, disaster risk reduction, and other programs that promoted climate adaptation co-benefits.<sup>25</sup> According to a U.S. Government Accountability Office Report issued in July 2020, USAID’s climate change adaptation funding peaked in FY2014, with \$143 million allocated for direct support and \$139 million for indirect support.<sup>26</sup>

In addition, the World Bank mobilizes billions of dollars each year towards climate change adaptation and resilience measures. In 2019, the World Bank released its “Action Plan on Climate Change Adaptation and Resilience,” in which the Bank pledged to increase direct adaptation climate finance to \$50 billion over fiscal years 2021 to 2025.<sup>27</sup> This financing level—an average of \$10 billion a year—would more than double what was achieved during fiscal years 2015 to 2018. Last month, the Bank issued a new “Climate Change Action Plan,” in which Bank officials made a new commitment, to a “WBG climate finance target of 35% on average in FY21-25 for clients in support of green, resilient, and inclusive development.” The Bank also indicated that at least 50 percent of International Development Association (IDA) and International Bank for Reconstruction and Developing (IBRD) climate financing would support CCA.<sup>28</sup>

Despite these efforts from a broad array of actors, there is a 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.<sup>29</sup> 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.

## U.S. government proposed climate finance

President Biden’s FY2022 budget request includes \$2.5 billion for international climate programs, which is very significant but still less than the amounts for which climate experts had

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<sup>25</sup> United States Agency for International Development, *Adaptation*, (2020), [https://www.usaid.gov/sites/default/files/documents/USAID\\_ENRM\\_Factsheet\\_Adaptation.pdf](https://www.usaid.gov/sites/default/files/documents/USAID_ENRM_Factsheet_Adaptation.pdf).

<sup>26</sup> United States Government Accountability Office, *Climate Change: USAID Is Taking Steps to Increase Projects’ Resilience, but Could Improve Reporting of Adaptation Funding*,” GAO-20-555, (Washington, DC, 2020), accessed July 7, 2021, <https://www.gao.gov/assets/gao-20-555.pdf>.

<sup>27</sup> World Bank Group, *Action Plan on Climate Change Adaptation and Resilience: Managing Risks for a More Resilient Future*, (Washington, DC: World Bank, 2019), <https://documents1.worldbank.org/curated/en/519821547481031999/The-World-Bank-Groups-Action-Plan-on-Climate-Change-Adaptation-and-Resilience-Managing-Risks-for-a-More-Resilient-Future.pdf>.

<sup>28</sup> World Bank, “World Bank Group Increases Support for Climate Action in Developing Countries,” new release, June 22, 2021, <https://www.worldbank.org/en/news/press-release/2021/06/22/world-bank-group-increases-support-for-climate-action-in-developing-countries>.

<sup>29</sup> United Nations Environment Programme, *Adaptation Gap Report 2020*, (Nairobi: UNEP, 2021), <https://www.unep.org/resources/adaptation-gap-report-2020>.

advocated.<sup>30</sup> Some of this funding specifically supports CCA programming or other programming that is related to CCA. For example, the proposed budget includes \$1.25 billion for the Green Climate Fund (GCF), a UN financial mechanism that assists developing countries in funding adaptation and mitigation efforts; \$485 million to support for other multilateral climate initiatives, including \$100 million for international climate adaptation programs; and approximately \$700 million for the Department of State and USAID for climate-related activities, including assisting countries in the Global South with climate change adaptation.<sup>31</sup> The overall budget proposal also includes \$149.3 million for the Global Environment Facility (GEF), a multilateral fund that provides grants for projects related to climate change and environmental preservation.

In addition, the administration is requesting \$912 million for the Millennium Challenge Corporation (MCC), an independent U.S. government development agency.<sup>32</sup> The MCC has indicated its commitment to devote more than 50 percent of its program funds for climate-related activities over the next five years, though it is unclear how much of these climate-related activities will be for CCA.<sup>33</sup>

## **Localization: Empowering Local Institutions and Actors**

Localization, or the commitment to provide aid to organizations at the community level to empower local actors, is an extremely important area of focus in the context of climate change and displacement. While we have included this issue in our broader discussion of prevention, localization is also relevant in the context of efforts to address displacement, as participation and empowerment of local communities is critically important and creates a greater likelihood of positive transformation.

However, by one informed estimate, less than 10 percent of climate finance from global climate funds between 2003 and 2016 were dedicated to local action.<sup>34</sup> Barriers include prioritization of large-scale results; limited appetite for small-scale projects (with higher transaction costs); risk averse funding strategies; limited support for building local capacity to manage funds; and stringent co-financing requirements that hinder local ownership. To address these obstacles, research by experts in the field has identified key “enablers” of local finance, including participatory funding structures, simplified access and approval, grants and innovative financing,

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<sup>30</sup> United States Office of Management and Budget, *Budget of the U.S. Government: Fiscal Year 2022*, 22.

<sup>31</sup> United States Office of Management and Budget, *Budget of the U.S. Government: Fiscal Year 2022*, 22.

<sup>32</sup> United States Department of State, Foreign Operations, and Related Programs, *Congressional Budget Justification*, (Washington DC: US Department of State, 2021), 100, [https://www.state.gov/wp-content/uploads/2021/05/FY-2022-State\\_USAID-Congressional-Budget-Justification.pdf](https://www.state.gov/wp-content/uploads/2021/05/FY-2022-State_USAID-Congressional-Budget-Justification.pdf).

<sup>33</sup> Millennium Challenge Corporation, *MCC's Commitment on Climate*, (2021), <https://www.mcc.gov/resources/doc/doc-042221-climate-commitment>.

<sup>34</sup> Merek Soanes et al, *Delivering Real Change: Getting International Climate Finance to the Local Level* (IIED: London, 2017), 4, <https://pubs.iied.org/sites/default/files/pdfs/migrate/10178IIED.pdf>.

and locally relevant indicators.<sup>35</sup> Researchers and practitioners recommend that donors earmark flexible, grant-based funding; increase their willingness to take risks; and provide tailored capacity-building support to local institutions.<sup>36</sup>

Over the years, there have been a variety of efforts to ensure adequate financing and empowerment for both national and local actors within the humanitarian and development sector—such as pledges made as part of the “Grand Bargain,” a 2016 agreement between many of the world’s largest donors and humanitarian organizations, in which donors committed to ensure that 25 percent of humanitarian assistance would be provided to local and national responders by 2020. To date, promises have proven difficult to keep, and the percentages of aid delivered to local groups remains embarrassingly low. According to the latest ODI data, only 4.7 percent of global humanitarian funding in 2020 was directed to local and national actors.<sup>37</sup> Efforts by the U.S. government to localize funds predate the Grand Bargain: In 2010, USAID expressed an ambition to “direct 30 percent of its annual grants and contracts to local partners” by FY2015.<sup>38</sup> That target has never been met, partly because government funding comes with burdensome reporting requirements that large American aid contractors are able to handle but which smaller organizations are ill prepared to meet.<sup>39</sup> (In addition, federal procurement procedures may also produce this effect.) Nonetheless, between 2010 and 2015, USAID’s local financing portfolio increased by over 8 percent by incorporating some of the enablers of local financing identified above—including use of locally appropriate, innovative financial instruments and capacity building programs.<sup>40</sup>

## Task Force Recommendations Relating to Prevention

In the area of prevention, the Task Force recommends:

**A substantial increase in support for disaster risk reduction (DRR) and support for an international “Global Risk Reduction and Resilience Fund” to encourage and coordinate support from other governments.**

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<sup>35</sup> Merek Soanes et al, *Delivering Real Change: Getting International Climate Finance to the Local Level*, 27.

<sup>36</sup> Merek Soanes and Clare Shakya, “Six Steps to Local Climate Finance,” November 6, 2016, <https://www.iied.org/six-steps-local-climate-finance>.

<sup>37</sup> Victoria Metcalfe-Hough et al, *The Grand Bargain at Five Years: An Independent Review*, (London: ODI, 2021), 52, <https://odi.org/en/publications/the-grand-bargain-at-five-years-an-independent-review/>.

<sup>38</sup> Casey Dunning, *Is Local Spending Better?: The Controversy over USAID Procurement Reform*, (Center for American Progress, 2013), 2, <https://www.americanprogress.org/wp-content/uploads/2013/11/ProcurementReform.pdf>.

<sup>39</sup> Casey Dunning, “USAID Didn’t Hit its 30 Percent Target for Local Solutions—Here’s Why I’m Still Cheering,” *Center for Global Development*, May 6, 2016, <https://www.cgdev.org/blog/usaids-didnt-hit-its-30-percent-target-local-solutions>.

<sup>40</sup> Merek Soanes et al, *Delivering Real Change: Getting International Climate Finance to the Local Level*, 33.

The Biden administration should dramatically increase funding for DRR. Based on the cost-efficiency of DRR investments and the potential they have to save lives, the Biden administration should commit to DRR funding of at least 10 percent of the *overall* U.S. humanitarian assistance budget by 2023. At current funding levels, this would amount to a DRR commitment of about \$1 billion. While estimates of dedicated total DRR spending through all the humanitarian assistance accounts are available to the task force, OFDA and other figures suggest current spending at well under \$500 million and indicate the need for significant and substantial increases. We recommend an initial down payment on that commitment of at least an additional \$200 million as an amendment FY2022 budget request, increasing that additional increment in annual requests to achieve the overall objective.

The administration should also prepare an annual DRR report, that includes all-source financial commitments from the international humanitarian accounts and beyond. Moreover, officials should explore partnerships with the private sector, to take advantage of its expertise and technology as the United States seeks to assist other governments.

The administration should make DRR a marquee issue for its first term by initiating a presidential DRR initiative similar, for example, to PEPFAR (the President's Emergency Plan for AIDS Relief), which catalyzed transformative and sustained international financing for HIV/AIDS.

In particular, President Biden should champion the creation of a Global Risk Reduction and Resilience Fund, with a focus on increasing global resources. This fund would not supplement existing mechanisms, such as the multi-donor funding through the Global Facility for Disaster Reduction and Recovery, but it would enable a critical and dramatic expansion of efforts to increase complementary financing and help develop more coherent measures to align DRR with CCA financing efforts.

**An increase in the administration's commitment to climate change adaptation programs.** The administration should increase climate change adaptation funding, consistent with recommendations that climate change experts and advocates are making to promote U.S. ambition and leadership. Our recommendations are consistent with (and informed by) many of those recommendations offered by a coalition of more than 30 civil society organizations to increase funding in the final FY2022 appropriations legislation.<sup>41</sup> We urge—

- An increase from \$2.5 billion to up to \$4.0 billion for international climate change programs.
- An increase from \$1.25 billion to a minimum of \$2 billion for the Green Climate Fund (GCF) to fulfill an outstanding U.S. commitment this year.
- Increases to bilateral and multilateral adaptation efforts, including at least \$300 million towards bilateral economic assistance and \$100 million to the Adaptation Fund, an international mechanism that finances projects and programs aimed at helping

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<sup>41</sup> “302b Letter to DeLauro/Leahy,” May 6, 2021, [https://docs.google.com/document/d/13c3s-HdXJXa\\_srlCxfwDCEnOgqW4wekEcXoxjckzt5c/edit](https://docs.google.com/document/d/13c3s-HdXJXa_srlCxfwDCEnOgqW4wekEcXoxjckzt5c/edit).

developing countries to adapt to climate change. Since 2010, the Adaptation Fund has committed more than \$830 million for climate change adaptation and resilience projects and programs. It pioneered “Direct Access,” or empowering countries to secure funding and develop projects directly through accredited national implementing entities.

**Targeted development assistance to those most impacted by climate change.** As climate change adaptation and sustainable development programming are often closely connected, the Biden administration should couple increased investments in development assistance with support to those who may be at greatest risk of suffering negative impacts of climate change. The president should direct development financing agencies, including the MCC and U.S. International Development Finance Corporation (DFC), to increase capacity in climate-affected areas to address the \$2.5 trillion gap in resilience infrastructure.<sup>42</sup> The president should also direct that USAID ensure (and report on how) grant-based development assistance will be focused on the people who are most affected by climate change (as well as other disasters). And additional resources should be provided to the CGIAR agricultural research centers, representing a global innovation network that is increasingly focusing on dry-land and climate-resistant crops.

**An increase in transparency and accountability.** The president should direct that agencies track and publicly report on annual expenditures relating to DRR and CCA, by agency and in the aggregate. Such an initiative could build on USAID accounting for CCA which may have lessons learned to be shared with the rest of the U.S. government and other bilateral and multilateral donors.

**A strengthened commitment to support and empower local communities.** The president should direct agencies to develop strategies and timelines to ensure that the administration makes tangible progress on localization, including the inclusion of affected communities in the deliberative process of policy making on issues related to climate migration. With respect to DRR and CCA funding in particular, such efforts should be guided by evolving consensus on best practices, including the goals of the Grand Bargain—recognizing that the 25 percent target of support directed at local and national providers may represent more of a floor than a target due to the critical importance of local and national empowerment on these DRR and CCA. In addition, USAID should commit to a target date for reaching its 2010 objective to direct 30 percent of its annual grants and contracts to local partners.

In the area of DRR and CCA funding, strategies should include a commitment to contribute to smaller international funds that focus explicitly on locally led adaptation. For example, the United States has never contributed to the Adaptation Fund, but could become a top donor with a relatively small commitment. (The largest contributor is Germany, which has donated over \$445

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<sup>42</sup> InterAction, *Strategy Considerations and Program Recommendations for USAID Climate Integration and Adaptation*, (2021), <https://www.interaction.org/wp-content/uploads/2021/04/Strategy-Considerations-Program-Recommendations-for-USAID-Climate-Integration-and-Adaptation-04-20-21.pdf>.

million over ten years.) The administration should be prepared to pledge \$100 million per year to the Adaptation Fund.

### **III. Displacement, Protection, and Migration Pathways**

The Executive Order specifically calls for “options for protection and resettlement of individuals displaced directly or indirectly from climate change; mechanisms for identifying such individuals, including through referrals,” as well as identification of “opportunities to work collaboratively with other countries, international organizations and bodies, non-governmental organizations, and localities to respond to migration resulting directly or indirectly from climate change.”

This directive reflects an appreciation that even with the best efforts to avert and minimize the impacts of climate change, migration due in some measure to the impact of climate change is—and will continue to be—a reality. In fact, migration will be the best adaptation strategy for many individuals and communities living in high-risk areas. Thus, a brief examination of the categories of populations of concern and the legal and policy regimes that may be relevant to their displacement is important to the framing of recommendations that follow.

#### **Protection and Support for Those Who Cross Borders**

Migration across borders has been the subject of extensive policy and legal development over the past many decades, including developments with impacts on those displaced by climate.

The Convention Relating to the Status of Refugees, also known as the 1951 Refugee Convention, and its 1967 Protocol, define refugees as those outside their country of origin with a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a social group.<sup>43</sup>

It should not be surprising that those who are forced to flee countries experiencing climate-affected stresses and disasters may also be particularly vulnerable to persecution as defined in the Refugee Protection and Protocol. In a legal considerations paper released in October 2020, UNHCR outlines for governments some of those potential vulnerabilities. For example, “members of such populations may have a well-founded fear of being persecuted...as resources may diminish and access may be denied in a discriminatory manner, amounting to persecution for one

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<sup>43</sup> UN High Commissioner for Refugees, *Convention and Protocol relating to the Status of Refugees*, (2010), <https://www.unhcr.org/en-us/3b66c2aa10>.

or more Convention grounds.”<sup>44</sup> Recent research on climate-related claims for refugee status undertaken by the International Refugee Assistance Project (IRAP) show that this is not just a theoretical concern, and confirm the perspectives advanced in the UNHCR paper.<sup>45</sup>

Beyond the direct applicability of the Convention and Protocol to those who are migrating from countries experiencing climate-related stresses, 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:

- 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.<sup>46</sup> 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.
- The recently adopted Global Compact for Safe, Orderly, and Regular Migration (GCM) recognizes climate change as a driver of migration and encourages progress on enhanced protection and migration pathways for people moving in such contexts. The GCM has been endorsed by the overwhelming majority of governments and reflects existing international human rights obligations that apply to migrants and displaced people.<sup>47</sup>
- Similarly, in 2015, the Nansen Initiative, an influential state-led consultative process that explored protection solutions for people displaced across borders in the context of climate change and disasters, released a “Protection Agenda” endorsed by 109 states. The Initiative’s successor, the Platform for Disaster Displacement (PDD), aims to support the implementation of this “Protection Agenda.”<sup>48</sup>
- There are also free movement arrangements that 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,

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<sup>44</sup> UN High Commissioner for Refugees, “Legal Considerations Regarding Claims for International Protection Made in the Context of the Adverse Effects of Climate Change and Disasters.”

<sup>45</sup> International Refugee Assistance Project, “U.S. Administrative Opportunities to Address Climate Displacement,” August 2021.

<sup>46</sup> *OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*, (1969), <https://au.int/en/treaties/oau-convention-governing-specific-aspects-refugee-problems-africa>; *Cartagena Declaration on Refugees*, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama (1984), <https://www.refworld.org/docid/3ae6b36ec.html>.

<sup>47</sup> *Global Compact for Safe, Orderly, and Regular Migration*, (2018), [https://refugeesmigrants.un.org/sites/default/files/180713\\_agreed\\_outcome\\_global\\_compact\\_for\\_migration.pdf](https://refugeesmigrants.un.org/sites/default/files/180713_agreed_outcome_global_compact_for_migration.pdf).

<sup>48</sup> Nansen Initiative, “Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change,” Platform on Disaster Displacement, December 2015, [https://disasterdisplacement.org/wp-content/uploads/2014/08/EN\\_Protection\\_Agenda\\_Volume\\_I\\_-low\\_res.pdf](https://disasterdisplacement.org/wp-content/uploads/2014/08/EN_Protection_Agenda_Volume_I_-low_res.pdf).

and Uganda, includes specific provisions to enable those affected by disasters and climate change to move freely across contiguous borders. While the Protocol was endorsed by ministers in February 2020, it has yet to be adopted by heads of state. Bilateral, 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 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” and “deferred enforced departure.” Other measures in the United States, such as legislation providing refuge for victims of human trafficking, have also demonstrated that the Refugee Convention is not the only source of protection for forced migrants. And in Europe, governments have used “subsidiary” protection schemes for those who may not qualify as refugees but who have well founded reasons not to return to their countries of origin.
- 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.<sup>49</sup>

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.<sup>50</sup> 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

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<sup>49</sup> Camilla Schloss, “Climate migrants – How German courts take the environment into account when considering non-refoulement,” *Völkerrechtsblog*, 3 March 2021, <https://voelkerrechtsblog.org/climate-migrants>.

<sup>50</sup> UN Human Rights Committee, “Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2728/2016” (January 2020), <https://www.refworld.org/cases,HRC,5e26f7134.html>.

impacts of climate change expose them to life-threatening risks or cruel, inhuman or degrading treatment.”<sup>51</sup>

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 we have described suggest that such protections are increasingly under discussion at national and global levels and should be strengthened.

## **Internally Displaced People Whose Displacement is Impacted by Climate**

It is important to recognize that the bulk of displacement and forced migration in the context of climate change takes place within countries.<sup>52</sup> Sudden-onset events and slow-onset phenomena create different forms of human movement. When imminent storms and floods lead to displacement, people generally flee to nearby evacuation centers or shelter with family and friends. Depending on recovery efforts, displacement can be short-term, and people may return relatively quickly to their homes and begin to rebuild. Displacement can become protracted if conditions for solutions are unavailable. Temporary or permanent migratory movements out of at-risk areas may result from the progressive depletion of household assets, essential resources, and livelihood opportunities.

Though not adopted by the UN General Assembly or a legally binding document, the UN Guiding Principles on Internal Displacement are widely considered to reflect existing international human rights law and standards.<sup>53</sup> The Guiding Principles outline a full range of civil, political, economic, social, and cultural rights that all people should enjoy and tailor a description of these rights to the circumstances of the internally displaced. The Principles provide that IDPs should have access to food, water, shelter, clothing, medical services, and sanitation essential to their survival. And they also should be protected against human rights abuse, including direct assault, sexual violence, attacks on camps and settlements, arbitrary detention, or forced return or resettlement to places where their life, safety, liberty and/or health would be at risk. The Principles set an international minimum standard for the treatment of internally displaced people. Additionally, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in

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<sup>51</sup> Jane McAdam, “Protecting People Displaced by the Impacts of Climate Change: The UN Human Rights Committee and the Principle of *Non-refoulement*,” *American Journal of International Law* 114, 4 (2020): 708-725, doi:10.1017/ajil.2020.31.

<sup>52</sup> Rigaud et al., “Groundswell”

<sup>53</sup> United Nations, “Guiding Principles on Internal Displacement,” September 2004, <https://www.unhcr.org/en-us/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html>.

Africa (the Kampala Convention) acknowledges climate change as a cause of internal displacement and obliges parties to the Convention to take steps to prevent displacement due to climate change.<sup>54</sup>

A number of programmatic efforts have been designed to provide assistance and solutions for those displaced within the borders of their own countries by disasters exacerbated by climate change. Much of the some \$30 billion expended annually for international humanitarian relief globally is focused on those displaced within the borders of their own countries, and development agencies such as the World Bank have focused attention and resources on development efforts for the internally displaced.<sup>55</sup> Finally, the UN High Commissioner for Refugees has developed a “Strategic Framework on Climate Action,” and much of UNHCR’s work in this area will likely be focused on helping states to address internal displacement resulting from the impacts of climate change.<sup>56</sup>

## Planned Relocation

In most cases, establishing and facilitating safer movement through regular migration and humanitarian migration pathways may be sufficient to support and protect those at risk and compelled to move due to climate change. However, in other instances, communities on the frontlines will require a more proactive approach in the form of planned relocation. While the concept does not have a universal or legal definition, experts have characterized planned relocation as:

an intentional process in coordination with a country of origin, in which persons or groups of 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 is carried out under the authority of the State, takes place within national borders, and is undertaken to protect people from risks and impacts related to disasters and environmental change, including the effects of climate change. Such Planned Relocation may be carried out at the individual, household, and/or community levels.<sup>57</sup>

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<sup>54</sup> Romola Adeola, “Climate Change, Internal Displacement and the Kampala Convention,” Africa Portal, May 2020, [https://media.africaportal.org/documents/Adeola\\_-\\_Final.pdf](https://media.africaportal.org/documents/Adeola_-_Final.pdf).

<sup>55</sup> Development Initiatives, “Donors and recipients of humanitarian and wider crisis financing,” Global Humanitarian Assistance Report 2021: Chapter 3, 2021, <https://devinit.org/resources/global-humanitarian-assistance-report-2021/chapter-3-donors-and-recipients-humanitarian-and-wider-crisis-financing/>.

<sup>56</sup> UNHCR, “Strategic Framework on Climate Action,” 2021, <https://www.unhcr.org/604a26d84.pdf>.

<sup>57</sup> Brookings, Georgetown University, UNHCR, “Guidance on Protecting People from Disasters and Environmental Change through Planned Relocation,” October 2015, <https://www.unhcr.org/en-us/protection/environment/562f798d9/planned-relocation-guidance-october-2015.html>.

Planned relocation is already occurring all over the world, including in the United States. In 2020, a Government Accountability Office report found that while communities in Louisiana and Alaska are already in the throes of planned relocation, federal programs provide limited support.<sup>58</sup> This report recommended that “Congress should consider establishing a pilot program with leadership from a defined federal organizational arrangement to identify and provide assistance to climate migration projects for communities that express affirmative interest in relocation as a resilience strategy.”

While the United States seeks to address the domestic challenges in supporting communities to adapt via planned relocation, the Biden administration also has the opportunity to exercise leadership on planned relocation globally. Leadership could come through financing, technical support, and standardization of human rights-based guiding principles for planned relocation.<sup>59</sup>

## **Global Coordination on Climate-related Migration and Displacement**

At present, a wide array of actors and global frameworks engage with and attempt to address climate change and human mobility issues. However, these efforts are largely *ad hoc* or siloed and do not reflect a comprehensive approach. Moreover, none of these international institutions or frameworks has made significant progress on normative developments related to climate-related migration and displacement.

A well-functioning system of global governance should recognize and affirm that the international community has responsibilities (a) to adopt and support strategies to reduce the risk of forced displacement due to disasters and to provide for the orderly movement of persons facing such displacement exacerbated by the impact of climate change; and (b) protect and assist persons displaced by disasters when they cannot return in safety.

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<sup>58</sup> Government Accountability Office (GAO), “A Climate Migration Pilot Program Could Enhance the Nation’s Resilience and Reduce Federal Fiscal Exposure,” July 2020, <https://www.gao.gov/assets/gao-20-488.pdf>.

<sup>59</sup> Robin Bronen, “Climate-Induced Community Relocations: Creating an Adaptive Governance Framework Based in Human Rights Doctrine,” *N.Y.U. Review of Law & Social Change* 35, 2 (2011): 357-361, <https://socialchangenyu.files.wordpress.com/2012/08/climate-induced-migration-bronen-35-2.pdf>.

## **Task Force Recommendations Relating to Displacement, Protection, and Migration Pathways**

In the areas of displacement, protection, and migration pathways, the Task Force recommends:

**U.S. government recognition that those forced to migrate due to climate change are in many cases likely to face particular risks of return that would amount to persecution within the definition of the 1951 Refugee Convention.**

The president should direct the Department of Homeland Security to develop and implement administrative procedures consistent with this recognition. In particular, U.S. Citizenship and Immigration Services and the Department of Justice’s Executive Office for Immigration Review (EOIR) should issue memoranda that guides immigration officers and judges in assessing the possible relationship between climate change and each of the five statutorily protected characteristics (e.g. race, religion, nationality, membership of a particular social group, or political opinion), and which is informed by UNHCR guidance regarding “claims for international protection made in the context of the adverse effects of climate change and disasters.”<sup>60</sup>

The administration should direct the USCIS Refugees, Asylum, and International Affairs Operations Directorate (RAIO) to draft new lesson plans for officers related to this guidance.

**A system of complementary protection in parallel with the U.S. Refugee Admissions Program.**

The Biden administration should propose and the Congress should adopt a form of complementary protection for forced migrants who do not meet the refugee definition under the Immigration and Nationality Act (INA) but who are unable to return safely to their countries of origin due to dire threats they would face. This new form of complementary protection would include (though not be limited to) those displaced by the effects of climate change. Each year, when the president issued the U.S. refugee resettlement determination and ceiling, the administration would also provide a separate numerical ceiling for the numbers of individuals who would be eligible for complementary protection.

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

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<sup>60</sup> UNHCR, “Legal Considerations Paper.”

(4) exceptional situations, such as natural or human-made disasters, including from the effects of climate change.

**A system of complementary protection in parallel with asylum for those seeking protection at U.S. borders.**

The administration should propose and Congress should enact a new form of complementary protection in the asylum context, for those who do not meet the refugee definition under the Immigration and Nationality Act (INA) but who are unable to return safely to their countries of origin due to dire threats they would face. As mentioned in the recommendation above, the INA should be revised so that those who are found not to be admissible (within the meaning of section 101(a)(42)(A) of the INA) could be granted complementary protection if there is a reasonable possibility that if removed 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.

Those granted complementary protection should be eligible for authorization to work and their spouses and children (accompanying or following to join them) should be eligible for complementary protection.

The Task Force appreciates that this recommendation will impose additional policy and logistical challenges to the administration in general and USCIS in particular. And its implementation may require guidance that is narrowly tailored to ensure only those whose circumstances can be reasonably described as dire be considered for such complementary protection. At the same time, it is hard to argue against the proposition that many of those who may not meet the relatively narrow criteria of the Refugee Convention nonetheless merit protection from return to grave harm. Moreover, we are advocating only for a standard that is already in place, either as a matter of law or as a matter of practice, in many other countries around the world.

*Consider a parole program for complementary protection in the absence of legislation:* In the absence of legislation, the administration should consider creating a discretionary and administrative parole program for those who cannot meet the refugee definition but who could not safely return to their home country because of the factors described above.

**Encouraging further UNHCR efforts to account for the impact of climate change on refugees and other forcibly displaced people.**

The Biden administration should encourage the United Nations High Commissioner of Refugees (UNHCR) to modify its *Resettlement Handbook and Criteria* to establish clearly the inability to return to a country of origin and/or to integrate locally in a country of temporary refuge due to climate change as a basis for referral of a qualified refugee applicant. UNHCR should also

recommend such durable solutions for such individuals in its engagement with governments that resettle refugees and enhance its data collection on populations of refugees affected by climate change.

### **Strengthening Temporary Protected Status/Deferred Enforced Departure.**

The administration should consider—and, as appropriate, make reference to—the effects of climate change when making Temporary Protected Status (TPS) and Deferred Enforced Departure (DED) designations on the grounds of either environmental disaster or other extraordinary conditions. Designations should be made in consultation with those monitoring evolving situations on the ground, including U.S. Embassy 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 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 UNHCR has 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).

### **Making additional use of visas focused on labor migration and family reunification.**

The administration should explore expanding traditional migration pathways for labor, education and family reunification to respond to migration pressures resulting from climate change. 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 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.

### **Strengthening Protections for Those Displaced Internally Due to Climate Change.**

The Biden administration should –

- provide technical expertise and financial support to encourage governments to develop and implement comprehensive national plans and policies for addressing both climate-related displacement and migration, including planned internal relocations, as has taken place in Vanuatu<sup>61</sup> and Fiji;<sup>62</sup>
- press regional organizations, such as the Central American Integration System (SICA) and Association of Southeast Asian Nations (ASEAN), to develop region-specific frameworks on internal displacement, including for those who move due to the effects of climate change;
- encourage international organizations, such as UNHCR and IOM, to continue to analyze the relationship between climate change and internal mobility and to collect and disseminate best practices on efforts to respond to the needs of those who move as well as to those who remain behind. International organizations should include climate-impacted communities as well as migrants' and displaced persons' organizations in activities to expand evidence and identify best practices;
- engage in diplomatic efforts to encourage the United Nations to formally adopt the Guiding Principles on Internal Displacement and to raise the visibility of IDP issues;
- support the appointment of a Special Representative of the Secretary General on Internal Displacement, to promote international coordination and focus on these critical issues;<sup>63</sup>
- support efforts by the World Bank to build on its multi-billion initiatives to support refugee hosting countries, by focusing Bank resources on research and financing for support of internally displaced people, including those affected by climate change;
- ensure that USAID updates its 2004 policy on IDPs to include measures to prevent displacement caused impacted by climate change, to ensure the protection and assistance of those forced to leave their communities, and to promote solutions;
- ensure that migration is considered in USAID policies and programs on climate change adaptation and resilience, including in those urban areas where USAID is engaged.

### **Developing a U.S. Approach on Planned Relocation.**

The Biden administration should –

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<sup>61</sup> Government of Vanuatu. "National Policy on Climate Change and Disaster Induced Displacement." September 2018, [https://www.iom.int/sites/default/files/press\\_release/file/iom-vanuatu-policy-climate-change-disaster-induced-displacement-2018.pdf](https://www.iom.int/sites/default/files/press_release/file/iom-vanuatu-policy-climate-change-disaster-induced-displacement-2018.pdf).

<sup>62</sup> Government of Fiji. "Planned Relocation Guidelines: A framework to undertake climate change related relocation." December 2018, <https://www.refworld.org/docid/5c3c92204.html>.

<sup>63</sup> Between 2002 and 2010, a Special Representative of the Secretary-General (RSG) on Internally Displaced Persons served as a focal point on IDP issues. The position was abolished in 2010 and was replaced by a Special Rapporteur on the Human Rights of Internally Displaced Persons reporting to the UN Human Rights Council. However, this Special Rapporteur does not have the authority of an SRSG reporting to the UN Secretary-General.

- make available financial support to the Adaptation Fund, with a view toward earmarking it toward relocation, as the Fund may include planned relocation initiatives in the future;
- provide bilateral support for countries seeking support for planned relocation. For instance, the administration could follow New Zealand’s leadership and contribute to Fiji’s Climate Relocation and Displaced Peoples Trust Fund.<sup>64</sup> The administration should work with the International Organization of Migration (IOM) to identify other at-risk countries that could replicate Fiji’s fund in the Americas, and pledge to become a sustained donor to such a fund;
- support efforts to address knowledge and data gaps on planned relocation globally. This could include funding for research about existing cases of planned relocation with an aim toward identifying lessons learned and effective practices for future policy-making, as outlined in a recent report of the Platform for Disaster Displacement (*Leaving Place, Restoring Home*);<sup>65</sup>
- support efforts at capacity building and training programs for government ministry officials in countries with high numbers of community-initiated planned relocation cases. Such capacity building and training programs should draw on model human rights-based principles introduced in a number of best practices training tools;
- support efforts to increase coordination among federal government agencies to establish a concerted and robust governance framework for addressing (and setting priorities for) planned relocation within the United States. The administration should consult with NGOs and others that have advocated around these issues, reflected, for example, in recommendations offered by the Unitarian Universalist Service Committee’s publication, *Establishing a Just Response for Adaptation and Relocation and Human Rights Governance Framework*.<sup>66</sup>

### **Enhancing Global Coordination on Climate-Related Displacement and Migration.**

The administration has a unique opportunity to lead on multilateral efforts by pressing for the development of a global, multi-stakeholder platform, or standing forum, on climate change and displacement. This platform would be focused on funding for implementation assistance—and therefore resource mobilization—as well as development of best practices and norms around prevention and protection (including migration pathways). It could coordinate existing multilateral efforts across UN agencies and other relevant institutions and promote and engage private

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<sup>64</sup> Laurie Goering, “New Zealand makes first donation to Fiji climate relocation fund,” Reuters, 25 February 2020, <https://www.reuters.com/article/us-climate-change-fiji-newzealand-trfn/new-zealand-makes-first-donation-to-fiji-climate-relocation-fund-idUSKCN20L04K>.

<sup>65</sup> Erica Bower and Sanjula Weerasinghe, “Leaving Place, Restoring Home: Enhancing the evidence base on planned relocation cases in the context of hazards, disasters and climate change,” Platform on Disaster Displacement, March 2021, <https://disasterdisplacement.org/portfolio-item/leaving-place-restoring-home>.

<sup>66</sup> Lowlander Center and Unitarian Universalist Service Committee, “Policy Recommendations to Address Climate-Forced Displacement in the United States: The Need for an Equitable and Just Response,” April 2021, [https://www.uusc.org/wp-content/uploads/2021/04/LJC\\_Policy\\_Recommendation\\_5.pdf](https://www.uusc.org/wp-content/uploads/2021/04/LJC_Policy_Recommendation_5.pdf)

sector efforts at support for technologies relevant to prevention; develop and support efforts to reduce the risk of forced displacement due to disasters; support and standardize national and regional strategies to facilitate the orderly movement of people facing climate-related displacement within and across borders; promote best practices and norms related to non-return (*non-refoulement*) in the context of climate change; and develop and promote coherent guidance on planned relocation and managed retreat, among others. This platform could also function as a “clearinghouse” for information on the activities of the broad array of institutions involved in these critical issues.

The Biden administration should consider strengthening the mandate and capacity of the Platform on Disaster Displacement (PDD) to play this more ambitious role, though any enhanced global coordination institution would certainly involve the IOM and UNHCR. This would mean significantly increasing PDD funding and staffing and ensuring that the PDD has a mandate to act as a global clearinghouse on information relating to local, regional, and global protection and prevention efforts.

## IV. Conclusion

The Task Force on Climate Change and Migration applauds the vision and the ambition of the climate and displacement directive of the president’s executive order on Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration. As we have indicated, predictions about climate migration are sobering, but they are not beyond the capacity of governments and the international community to address effectively and humanely. We hope that this report will contribute to the overall effort to promote the will and the capacity to achieve this critical objective.

