

COP28: With a 'loss and damage' fund in place, protecting climate refugees is more urgent than ever

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It has taken decades, but the complex and increasingly urgent issue of "[climate mobility](#)" has gradually become central to international climate

negotiations.

At the [COP28 summit](#) currently taking place in Dubai, there are around 25 sessions or side events devoted to the needs and rights of people and communities displaced by [climate](#) change.

Day one saw a [major breakthrough](#), with [agreement](#) on a "loss and damage" fund to compensate "particularly vulnerable" countries. While questions remain over the long-term sustainability of funding sources and how the fund will be administered, it still represents progress.

But it is unclear how the fund will be integrated with the Global Stocktake—the report card on progress toward Paris Agreement goals. Only clear targets will help ensure meaningful outcomes that "leave no one behind", in line with the proposed COP28 roadmap to accelerate progress through inclusive climate action.

Embedding the specific issue of climate mobility within the United Nations Framework Convention on Climate Change ([UNFCCC](#)) has never been easy. No consensus has been reached on protecting the citizens of states threatened by the impacts of climate change.

Nor is there much apparent political will to change the definition of "refugee" in the [1951 Refugee Convention](#) to include those affected by climate change—or to develop new international law that would protect them.

With the world beginning to witness some of the consequences of this failure, it is important COP28 maintains momentum on an issue that is not going away.

Questions over the Australia-Tuvalu deal

The recently signed [Falepili Union](#) between Australia and Tuvalu provides a clear example of how thorny the question of climate mobility has already become.

The agreement provides a "pathway" for citizens of Tuvalu affected by climate change to gain citizenship in Australia. But it comes with a series of serious trade-offs for Tuvaluan national sovereignty, making its viability as a model of climate mobility justice questionable.

While claiming to offer Tuvaluan people the ability to "move with dignity", the Falepili agreement also requires Tuvalu to "mutually agree with Australia" any security and defense-related arrangements with other countries.

This is broadly defined to include defense, policing, [border protection](#), cybersecurity, and critical infrastructure, all key areas of geopolitical tension with China in the Pacific.

As such, the agreement has been criticized for [breaching the good faith obligations](#) of states undertaking climate mobility agreements with vulnerable partners. One commentator argued the Falepili Union was: "dressed up as a bilateral treaty—meaning it works for both countries—[but] should really have been called the Australia Defence Treaty in Tuvalu."

Staying with dignity

Countries at the forefront of climate change—low-lying island states vulnerable to [sea level rise](#), in particular—have long put principles of dignity and equity at the center of their calls for climate justice.

A significant gap in the Australia-Tuvalu agreement was the [lack of consultation with Tuvaluan citizens](#). Debate in Tuvalu's parliament raised

serious questions about this, as well as the agreement's approval by cabinet, widespread public confusion, and the lack of an officially released version from the government.

Research has consistently shown communities hit by climate change need not just the opportunity to move with dignity, but also the option to [stay with dignity](#). This is particularly true for Pacific peoples and nations, where displacement, planned relocation and migration are becoming stark realities.

Successful strategies for remaining in place when and where possible are already in place around the Pacific. Communities in Samoa, for example, have found [ways to adapt](#) that minimize both physical risk and cultural harm.

Self-determination and climate justice

With many other climate-vulnerable nations seeking [sustainable solutions](#) to their problems, the Australia-Tuvalu agreement risks setting the wrong precedent for bargained bilateral visa arrangements.

If and when such agreements involve larger, possibly more politically volatile countries, what might be the trade-offs? And what will be the implications for regional and global security?

The "climate refugee" question is already highly political, and has been a challenge to bring into formal agendas since the Paris Agreement in 2015. And while economic loss and damage tends to dominate discussions, non-economic and [less tangible loss and damage](#) also needs to be a focus.

This encompasses everything from mobility, sovereignty and culture to health, dignity, and social cohesion. All have serious implications for

Indigenous peoples—and all communities—whose sense of belonging to their lands is a vital part of identity and well-being.

International climate negotiations now need to concentrate on protecting the sovereignty of vulnerable states and ensuring geopolitical calculations do not trump climate justice for those affected.

Small island states and Pacific peoples have contributed very little to the causes of [climate change](#). But they are at the forefront of the crisis and are among the first to feel the full impacts.

The right of people to decide their own adaptation future, including options to adapt in place, may be addressed at COP28. But these now need to translate into the mechanisms that will support and empower that self-determination.

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