Taking the next steps on establishing a Task Force on Displacement

Draft TOR, Draft Letter of Invitation, and Potential Recipients

1. Draft TOR for the Task Force on Displacement

Background and Mandate of the Task Force on Displacement

The Conference of the Parties, in para 49 of the Decision 1/CP.21, requested "the Executive Committee of the Warsaw International Mechanism to establish, according to its procedures and mandate, a task force to complement, draw upon the work of and involve, as appropriate, existing bodies and expert groups under the Convention including the Adaptation Committee and the Least Developed Countries Expert Group, as well as relevant organizations and expert bodies outside the Convention, to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change."

In accordance with this request, the Executive Committee (ExCom) of the Warsaw International Mechanism (WIM), at its second meeting in February 2016, agreed upon a draft roadmap and first steps to establish the Task Force. The draft roadmap provides that the Task Force meets for the first time in the second half of 2016 and envisages close linkages between the work of the Task Force and Action Area 6a of the initial two-year workplan of the ExCom approved by Decision 2/CP 20. In guiding the implementation of the functions of the WIM on this issue, Action Area 6 of the initial work plan aims at enhancing "the understanding of and expertise on how the impacts of climate change are affecting patterns of migration, displacement and human mobility; and the application of such understanding and expertise", and envisages the ExCom to "invite relevant organizations and experts to provide scientific information on projected migration and displacement based on projected climate and non-climate related impacts in vulnerable populations." The work under Action Area 6 and the Task Force shall mutually benefit each other.

Most importantly, the roadmap provides that the ExCom specifies the **concrete tasks** in line with the **mandate of the Task Force to develop recommendations for integrated** approaches to avert, minimize and address displacement related to the adverse impacts of climate change and with the functions of the WIM as outlined in Decision 2/CP.19, namely (1) enhancing knowledge and understanding of comprehensive risk management approaches; (2) strengthening dialogue, coordination, coherence and

Comment [A1]: According to Doc. FCCC/CP/2015/10/Add.1 of Jan 29, 2016

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Comment [A2]: From my point of view, it is very important to refer to existing bodies in order to ensure the 2nd function of the WIM "Strengthening dialogue, coordination, coherence and synergies among relevant stakeholders."

I think the meetings can be arranged in a manner to alleviate your concerns.

Comment [A3]: This point about use of existing bodies appears too many times. A bit repetitious.

Besides the repetition, care needs to be taken with linking the Task Force on Displacement (TFD) with existing bodies under the UNFCCC. Drawing upon should not become paramount to novelty. This is a new body of work for the UNFCCC and while policy coherence is useful, the TFD could easily get bogged down in hearing report of other institutions under the UNFCCC. Every effort must be made to ensure that the TFD develops its own mandate and programme of work and not become a vessel or repository for learning what others are doing. Climate change displacement is a new discipline of work. While it has some links to existing work on refugees, it is distinctly unique and should be treated as such.

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synergies among relevant stakeholders; and (3) enhancing action and support, including finance, technology and capacity–building. The Terms of Reference at hand outline the scope of work and concrete activities of the Task Force on Displacement.

Scope of Work

In order to fulfill its mandate to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change, the Task Force on Displacement shall:

- Ensure that recommendations **build on the latest science**, most recent evidence, findings and experience (including research, best practices, data, etc.);
- Ensure that recommendations complement and draw upon the work of existing bodies, expert groups and programmes under the Convention including the Adaptation Committee (AC), the Least Developed Countries Expert Group (LEG), the Nairobi Work Program (NWP), the Standing Committee of Finance (SCF), and the Green Climate Fund (GCF if applicable), as well as relevant organizations and expert bodies outside the Convention to avoid duplication of work;
- In particular, draw from insights developed by the Agenda for the protection of cross-border displaced persons in the context of disasters and climate change developed by the Nansen Initiative and endorsed by the governments of more than 100 countries;
- Involve existing bodies and expert groups in- and outside the Convention in the
 development of recommendations considering the catalytic role of the Convention
 and the mandates of other UN and inter-governmental organizations, especially
 of the UNHCR and IOM;
- Serve as a space where the parties can articulate their questions and needs
 related to human displacement and mobility related to the adverse effects of climate
 change;
- Signal identified needs to scientific and technical communities to stimulate work outside the Convention to enhance understanding on the topic;
- Provide recommendations which help Parties structure and design measures to avert, minimize, and address human displacement;

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Comment [A4]: I suggest to keep it in the main text with the proposed adjustments: from my point of view "Draw from insights..." weakens the statement in order not to prejudge any outcome.

Further, the mandate of the task force explicitly says "draw upon the work of and involve, as appropriate, existing bodies and expert groups". The implementation of the Protection Agenda is the most relevant process outside of UNFCCC for the work on displacement associated with the impacts of climate change. Therefore, I think this reference is important here in order to make clear, that the task force will contribute to the second function of the WIM – see in particular 2/CP.19 para 5 (b ii) - and not duplicate the ongoing work outside of UNFCCC.

Comment [A5]: One of the goals of the task force, as stated in the TOR, is to serve as a space for Parties to articulate their needs. This is not yet reflected in the suggested work plan. Perhaps an initial consultation with Parties (WIM Excom?) could replace the mapping exercise as task 1 of the task force?

Included in Task 3.

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- Identify legal and institutional challenges for managing migration under climate change in the near-, mid- and long-term and provide recommendations on how to address these challenges.
- <u>Consider the integration of averting, minimizing and addressing displacement into</u> climate change, development and migration policies;
- In carrying out the work the Task Force, consider the functions of the WIM as outlined in Decision 2/CP.19, namely (1) enhancing knowledge and understanding of comprehensive risk management approaches; (2) strengthening dialogue, coordination, coherence and synergies among relevant stakeholders; and (3) enhancing action and support, including finance, technology and capacity-building,

Activities, Deliverables and suggested Timeframe

The Task Force on Displacement, in accordance with its mandate, shall conduct the following activities. A first meeting of the Task Force is envisaged for the second half of 2016 (preferably in July 2016 in order to enable first action before COP 22 in November 2016).

	Activities & Deliverables	Timeframe
1	With the assistance of the Secretariat, conduct a mapping of existing	Information paper
	information, mandates, activities and initiatives to enhance policy	by Secretariat for
	coordination, facilitate dialogue and knowledge sharing as well	1 st TF meeting
l	as to identify future needs and action based on the invitation to	Finalize brief report
ıl	organizations.	after 1 st Task Force
!	Deliverable(s):	Meeting and
	A mapping that includes:	present it at
I	The mandates, activities, and knowledge sharing platforms of	ExCom 4 in
	UN agencies, international and regional organizations;	September 2016
	The activities and initiatives of civil society and non-	
	governmental organizations;	
	Relevant activities and policies of Parties to the UNFCCC;	
	 Relevant bilateral and regional (i.e. supra-national)¹ policies 	
	and agreements (such as the Kampala Convention).	
	A review of relevant academic papers relating to legal approaches	
	 to address climate change displacement. A review of the Guiding Principles on Internal Displacement² 	

¹ Regional refers to the supra-national level throughout the whole document.

Comment [A6]: This point is useful, but perhaps a little too limited. This element has the potential to deliver the greatest outcome for the TFD.

Therefore, it could be revised to say: "Identify and develop new legal and institutional arrangements for addressing human displacement and mobility related to the impacts of climate change, including displacement and mobility internally and across borders"

Comment [A7]: I think, identifying and developing new legal and institutional arrangements would be too preemptive. The recommendations by the TFD should be discussed by the parties first. Parties have a say in considering such a mandate.

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Comment [A8]: Could this also include an exploration of the needs of those who will experience displacement. Could the task force somehow convene a roundtable that brings together people who have experienced displacement in a variety of contexts. The needs for some displaced because of drought in Ethiopia or Sudan and find themselves in a refugee camp in Kenya are different than a Bangladeshi day labourer who moves to Dhaka to become a rickshaw walla because salinization has made rice production impossible adn this is different than the experience of someone in a Pacific SIDS who relocates to New Zealand because of coastal erosion and sea level rise. It would be good to acknowledge the needs directly from those most affected by displacement.

→Briefly included under 3.

Comment [A9]: In order to reduce the workload of the task force and kick-start the process most efficiently, perhaps the Secretariat could conduct such a mapping exercise?

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Comment [A13]: Feasibility needs to be checked with Secretariat

Comment [A10]: There is quite a body of work in this area

	Activities & Deliverables	Timeframe
	Based on the mapping and the results of Action Area 6a	
	(provided results are already available) a brief report	
	summarizing	
	Identified knowledge gaps on human displacement and	
	migration;	
	Identified gaps in activities, policies, institutional	
	arrangements, and mandates.	
2	Based on the mapping and the report, develop a detailed	Present to ExCom
	workplan addressing priorities for the Task Force to fulfill its	4 by
	mandate,	September 2016
	Deliverable(s):	
	Workplan for the Task Force that includes	
	Detailed priorities and action that may, inter alia, address,	
	potential activities a - d outlined below;	
	A realistic timeframe for the outlined activities.	
The v	vorkplan of the Task Force may include the following, specific	activities:
<u>a)</u>	Considering existing knowledge sharing platforms (such as the	Tbd in the detailed
I	Global Knowledge Partnership on Migration and Development	workplan
	(KNOMAD), the UN Advisory Group on Climate Change and	
	Human Mobility, and the Environmental Migration Portal) provide	
	recommendations, how the UNFCCC (via the WIM) can	
	enhance and facilitate knowledge sharing while avoiding	
	duplication.	
	Deliverable(s):	
	Recommendations (e.g. in form of a brief report) to enhance	
	and facilitate knowledge sharing incl. recommendations on	
	Information sharing of best practices and latest research	
	Access to existing guidance, projects and initiatives in- and	
	outside the UNFCCC	
	Concrete instruments/tools how information sharing is	
	facilitated (e.g. through the establishment of a webpage,	
1	through workshops, etc.).	

Comment [A8]: Could this also include an exploration of the needs of those who will experience displacement. Could the task force somehow convene a roundtable that brings together people who have experienced displacement in a variety of contexts. The needs for some displaced because of drought in Ethiopia or Sudan and find themselves in a refugee camp in Kenya are different than a Bangladeshi day labourer who moves to Dhaka to become a rickshaw walla because salinization has made rice production impossible adn this is different than the experience of someone in a Pacific SIDS who relocates to New Zealand because of coastal erosion and sea level rise. It would be good to acknowledge the needs directly from those most affected by displacement.

→Briefly included under 3.

Comment [A11]: We should be cautious about how far we go in the identification of gaps in existing UNFCCC institutions. We may want to consider letting the TFD develop its own work and if there is a perception of overlap, then this can be addressed. The concern is that if the TFD goes into a full assessment of existing processes, it could get buried in doing this.

Comment [A12]: It is just a brief report summarizing the results of the mapping under AA 6a. This should be feasible with the assistance of the Secretariat.

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Comment [A14]: Some are of the view that the Global Knowledge Partnership on Migration and Development (KNOMAD) is too broad in its mandate and would only give cause for confusion of concepts and mandates. Do we need to be so specific?

Comment [A15]: We should select experts for the TFD who do not get confused too quickly.

² See E/CN.4/1998/53/Add.2

	Activities & Deliverables	Timeframe
<u>b)</u>	Interaction with parties to give them the opportunity to articulate their	Tbd in the detailed
	questions and needs:	<u>workplan</u>
<u>c)</u>	Develop guidance and recommendations for integrated	Tbd in the detailed
	approaches to avert, minimize and address displacement related	workplan
	to the adverse impacts of climate change for different levels (sub-	
	national, national, regional, international), inter alia by	
	considering the ongoing efforts to implement, the Protection	
	Agenda developed by the Nansen Initiative,	
	Deliverable(s):	
	Guidelines for (tbd by the Task Force based on the mapping	
	and identification of gaps)	
	The LEG in order to integrate displacement into the NAP and	
	other mainstreaming processes;	
	The AC on how to provide technical support and guidance on	
	human displacement to the Parties;	
	The NWP on how to integrate displacement into vulnerability	
	and risk assessments;	
	The GCF in order to demonstrate how projects could	
	consider avoiding, minimizing and addressing displacement	
	and migration, and how planned migration can contribute to	
	transformation and generate co-benefits for resilience.	
	•	
<u>句</u>	Latest climate science, including the fifth assessment report of	Tbd in the detailed
	the IPCC, indicates that displacement related to the adverse	workplan
	impacts of climate change is primarily internal (displacement	\
	within a country) or regional (cross-border displacement to	
	neighboring countries, but not international crossing several	
	borders), develop recommendations on how the UNFCCC (via	
	the WIM) can enhance cooperation e.g. with existing regional	
	organizations working in the field of displacement and	
	facilitate regional approaches to avert, minimize and address	
	displacement.	
	Deliverable(s):	
	Recommendations for concrete modalities to enhance the	

Comment [A8]: Could this also include an exploration of the needs of those who will experience displacement. Could the task force somehow convene a roundtable that brings together people who have experienced displacement in a variety of contexts. The needs for some displaced because of drought in Ethiopia or Sudan and find themselves in a refugee camp in Kenya are different than a Bangladeshi day labourer who moves to Dhaka to become a rickshaw walla because salinization has made rice production impossible adn this is different than the experience of someone in a Pacific SIDS who relocates to New Zealand because of coastal erosion and sea level rise. It would be good to acknowledge the needs directly from those most affected by displacement.

→Briefly included under 3.

Comment [A16]: Possible Deliverable here or elsewhere, but this should be a deliverable: 'Compilation (other output?) of identified international and national legal approaches to provide guidance on the necessary rights and freedoms for people displaced by the impacts of climate change"

Comment [A17]: Developing guidance and recommendations can be said to be the key to the work of the TFD. We may wish to consider not making reference to the Protection Agenda. This is not a UN endorsed

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Comment [A18]: I think, the consideration of such a relevant international initiative is important in order to ensure the 2nd function of the

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Comment [A19]: We should be cautious about how far we go in the identification of gaps in existing UNFCCC institutions. We may want 1

Comment [A20]: See above.

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Comment [A21]: In my view displacement is not primarily internal, though clearly originates in internal territories or within national boundarion

	Activities & Deliverables	Timeframe
	role of regional organizations. This could include	
	Round Tables to explore, inter alia, key operational and	
	policy challenges for scientific and technical communities;	
	Regional Workshops to explore, inter alia, needs of affected	
	communities and regions, common challenges and good	
	practice, exchange experiences and guidelines for policy and	
	operations;	
	Guidance for regional organizations to mainstream	
	displacement associated with climate change into existing	
	policies and to facilitate regional agreements on displacement	
	building on best practice examples (such as the Kampala	
	Convention);	
!	Trainings, etc.	
<u>e)</u>	Based on developed guidance and recommendations, conduct	Tbd in the detailed
	(regional) technical trainings on how to integrate averting.	workplan
	minimizing and addressing displacement into sub-national,	
'	national and regional development planning/risk management	
	strategies/NAP and other mainstreaming processes.	
	Deliverable(s):	
	# (tbd) regional trainings in order to	
	Enhance action and support;	
	Enhance capacities of local, national, and regional authorities	
	and organizations.	

Members of the Task Force

The Task Force shall consist of a maximum of 12 members. The Excom shall be represented by two members with a balanced representation of Annex I and Non-Annex I members. Other relevant UNFCCC bodies shall be represented by one nominee. Technical experts from organizations outside the UNFCCC, invited by the Excom are selected based on their expertise in the field of human displacement and migration, representing international organizations, academia, and non-governmental/civil society organizations and reflecting regional diversity. The Task Force could, if needed, draw on additional experts with specific expertise.

Modalities/Mode of Work

Comment [A8]: Could this also include an exploration of the needs of those who will experience displacement. Could the task force somehow convene a roundtable that brings together people who have experienced displacement in a variety of contexts. The needs for some displaced because of drought in Ethiopia or Sudan and find themselves in a refugee camp in Kenya are different than a Bangladeshi day labourer who moves to Dhaka to become a rickshaw walla because salinization has made rice production impossible adn this is different than the experience of someone in a Pacific SIDS who relocates to New Zealand because of coastal erosion and sea level rise. It would be good to acknowledge the needs directly from those most affected by displacement.

→Briefly included under 3.

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Comment [A22]: ToR should also define how the members of the task force will be selected:

- How many Ex Com members (to make sure the task force allows for a sufficient number of experts), on which basis should they be selected? (Competence, experience, relevant professional work etc)
- According to which criteria should organizations in the task force be selected? How to guarantee a fair balance between international org, academia, civil society etc? Should we have organization already pre-selected in the ToR instead of a long list of potential interesting stakeholders?

Comment [A23]: It will be difficult to ensure regional balance, gender balance, and adequate expertise with only 10 members. Perhaps we can simulate the NEL TOR??

Comment [A24]: At first glance, this can be confusing. We should perhaps restructure this para for clarity

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Comment [A25]: Do we really need to have one representative from each of the relevant UNFCCC institutions eg., AC, LEG, GCF, NWP etc (see annex to letter). Can't these representatives be brought to meeting as needed? I agr

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Comment [A26]: Not clear. Requests of Ex Com or request by interested organisations?

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Members of the Task Force on Displacement shall initially serve for a term of two years. An extension of the Task Force may be considered by the ExCom. The Task Force has an advisory role and operates under the guidance of the ExCom. Budget is only provided to support travel and subsistence allowance, but not to compensate for time and effort. The preferred mode of work is electronic (e.g. via email, teleconferences) and inter-sessional. It is suggested that the members of the Task Force meet face-to-face at least once per year. Representatives of the Task Force shall be represented at each ExCom meeting.

Reporting

The Task Force regularly reports to and closely coordinates its work with the ExCom. Reports of the Task Force will be a standing agenda item of ExCom meetings, which take place at least twice a year, and which can be adjusted flexibly, as appropriate.

2. Draft Letter of Invitation to potential members of the Task Force

(ExCom letter head)

Dear XXX.

On behalf of the Executive Committee of the Warsaw International Mechanism for Loss and Damage, we are pleased to invite [you/organization/UNFCCC body] [to join/to support] the Task Force on Displacement to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change.

The Conference of the Parties (COP), at its nineteenth session, established the Warsaw International Mechanism to address loss and damage associated with the adverse effects of climate change through its three main functions: enhancing knowledge and understanding of comprehensive risk management approaches; strengthening dialogue, coordination, coherence and synergies among relevant stakeholders; and enhancing action and support, including finance, technology and capacity building. The Executive Committee (ExCom) was established in order to guide the implementation of functions of the Warsaw International Mechanism.

COP 21, in para 49 of the <u>Decision</u>, requested the Executive Committee of the Warsaw International Mechanism to establish, according to its procedures and mandate, a task force to complement, draw upon the work of and involve, as appropriate, existing bodies and expert groups under the Convention including the Adaptation Committee and the Least Developed Countries Expert Group, as well as relevant organizations and expert bodies outside the Convention, to develop recommendations for integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change.

In this context, the ExCom invites experts on displacement, international organizations and bodies under the United Nations Framework Convention on Climate Change (UNFCCC) [to serve as or assign members of the Task Force on Displacement, initially for a term of two years/to support the Task Force on Displacement on request].

The Annex to this letter contains the Terms of Reference for the Task Force that you may find helpful in considering the above invitation by the ExCom.

We are happy to answer any questions you may have considering this invitation and look forward to receiving your response by [date].

[Signature]

Comment [A27]: It might make sense to develop two letters: one for the organization selected to be part of the task force (and one for other organization to ask their availability to be part on a roster of experts to be called in when needed).

I think it makes sense to select organizations for the task force instead of waiting to see who is interested.

A letter for organizations invited to be part of the roster of experts requires minor changes (see suggestions in track changes). However, it could be considered if inviting additional organizations/experts for specific tasks should not be the task of the Task Force at a later stage.

3. Potential Recipients/Experts on Displacement

a) Considerations on the composition and size of the Task Force

In order to ensure an operational Task Force, it is suggested that the Task Force consists of a maximum of 12 members. The Task Force could, if needed, draw on additional experts with specific requests.

According to the COP decision, the Task Force should "involve, as appropriate, existing bodies and expert groups under the Convention including the Adaptation Committee and the Least Developed Countries Expert Group, as well as relevant organizations and expert bodies outside the Convention". Considering the decision, it is suggested that the Task Force is composed of inter-governmental bodies (UNFCCC and other UN/international organizations) as well as experts representing academic, civil society, political and operational/practical organizations. The Task Force would thus function as an advisory group, in which inter-governmental bodies as well as experts on displacement are well represented. Additionally, it may be considered to ensure a balanced regional representation,

b) Suggestions for potential Recipients/Experts to be involved

UNFCCC bodies to be represented:

- Adaptation Committee (AC)
- Least Development Country Expert Group (LEG)
- Loss & Damage Executive Committee (ExCom)
- Nairobi Work Programme (NWP optional)
- Green Climate Fund (GCF optional)

Organizations outside UNFCCC to be represented:

- UN Advisory Group on Climate Change and Human Mobility (contact: Marine Franck)
 - United Nations' High Commissioner for Refugees (UNHCR)
 - International Organization for Migration (IOM)
 - United Nations University Institute for Environment and Human Security (UNU-EHS)
 - United Nations Development Programme (UNDP; contact: Emad Adly)

Comment [A28]: It will be difficult to ensure regional balance, gender balance, and adequate expertise with only 10 members. Perhaps we can simulate the NEL TOR??

Integrated above.

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Comment [A29]: It may be challenging to achieve "equal" regional representation (according to which criteria?), "balanced" may be more practical.

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Comment [A30]: I suggest to discuss this matter in the ExCom

Comment [A31]: Do we really need to have one representative from each of the relevant UNFCCC institutions eg., AC, LEG, GCF, NWP etc. Can't these representatives be brought to meeting as needed? I agree, though, that the technical experts from outside the UNFCCC should be included, as specified in the draft TOR, that is, invited by the Excom based on their expertise in the field of human displacement and migration, representing international organizations, academia, and nongovernmental/civil society organizations and reflecting regional diversity.

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- Norwegian Refugee Council and its Internal Displacement Monitoring Centre (NRC/IDMC)
- Refugees International (RI)
- Center for International Relations Studies de Sciences Po (Sciences Po-CERI)
- Arab Network for Environment and Development (RAED)
- World Bank-based KNOMAD Working Group on Environment and Migration (Contact: Susan Martin; Koko Warner)
- European Commission-funded COST Action on Climate Change and Migration
 (Contact: Andrew Baldwin)
- United Nations Office for Disaster Risk Reduction (UNISDR)
- International Federation of Red Cross and Red Crescent Societies (IFRC)
- Global Migration Group
- Displacement Solutions (Contact: Scott Leckie)

Individual experts who may be represented:

- Walter Kaelin (Envoy of the Chairmanship of the Nansen Initiative)
- Wendy Brown (University of California, Berkeley)
- Elizabeth Ferris (Brookings Institute, LSE)
- Roger Zetter (Professor Emeritus in Refugee Studies at the University of Oxford)
- Atle Solberg (UNOPS, Coordinator Nansen Initiative Follow-Up)

Comment [A32]: Projects should be invited when needed (specific requests), not be core members of the task force.

Comment [A33]: Re potential members I would prefer to nominate institutions, and not individuals.

Comment [A34]: Additional Invitees:

Angela William: University of Sussex Bonnie Docherty Harvard Law School Tyler Giannini: Harvard Law School

Comment [A35]: Addition from a member

Comment [A36]: I think these suggestions are too specific already. The discussion should be centred around expertise needed and what each expert will contribute. List appears very long

Instead of this list, I suggest to include the central organizations of the working group on human mobility. This is an informal working group so should not be considered as a single entity.

I strongly suggest we do not limit the list of organizations but use language that helps us to add on etc at any needed time. The task force would need to ensure that it engages with people and organizations working on displacement and climate change in a range of contexts, not just the big, well-known organizations and also with scientists, researchers and practitioners working on the issue on the continent

In case we agree to stay with actually listing names this is my suggested for now

Emad Adly Senior National Coordinator Environmental Services LINDP