

## REPORT ON THE II INTERNATIONAL SEMINAR “CLIMATE CHANGE AND HUMAN (IM)MOBILITY: A GENDER PERSPECTIVE”, URV, June 27th-28th 2024

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“Official Welcome Dr. Victor Merino Sancho, Commissioner for Equality, Diversities and Welfare. Senior lecturer in Philosophy of Law URV.”

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On June 27th and 28th 2024, **the II International Seminar "Climate Change and Human (Im)mobility: A Gender Perspective"** took place at the Rovira i Virgili University (URV) in Tarragona (Spain). This event was jointly organized by Prof. Susana Borràs Pentinat, Dr. Francesca Rosignoli, and Dr. Beatriz Felipe Pérez from the URV, the Centre d'Estudis de Dret Ambiental de Tarragona (CEDAT), and the CICrA Justicia Ambiental.

The seminar was made possible with the support of the Faculty of Legal Sciences of the URV, the CEDAT, the CiCrA Justicia Ambiental, the Territory Citizenship Sustainability Research Group, the Agència de Gestió d'Ajuts Universitaris i de Recerca, and the Pax Natura Foundation. Their participation and contribution was greatly appreciated.

It aimed to explore the connections between climate change and human (Im)mobility from a gender perspective, facilitating the exchange of research and action proposals on this critical topic. Particularly, this second edition of the seminar addressed: i) reflections on the situation of inequality, discrimination, and violence to which women are exposed in these contexts, ii) innovative approaches to recognize a legal status to the emergent legal subjectivity of climate migrants/refugees/displaced and iii) climate litigation, and inequality among women and girls in Climate-related (im)mobilities.

The international community is deeply concerned about this issue. For this event, speakers from more than nine countries, including Italy, England, Norway, Ghana,

New Zealand, Spain, and the United States, and over 60 people registered for virtual and in-person participation.

The seminar was organized into four panels. The main discussions are outlined below.

## MAIN DISCUSSIONS

**PANEL 1. REFLECTIONS ON CLIMATE CHANGE AND HUMAN (IM)MOBILITY: A GENDER PERSPECTIVE I.** In this panel, the speakers highlighted the inequality faced by women due to climate change by presenting empirical research on particular cases in Africa and Latin America (Peru, Chile, and Brazil). The panel was chaired by Dr. Beatriz Felipe Pérez, a member of CICrA Justicia Ambiental and an Associate researcher at CEDAT - URV.

**Women in Planned Relocation: Between Double Burden and Leadership.** Dr. Giovanna Gini, ESRC postdoctoral researcher at the University of Oxford.

In her presentation, Dr. Giovanna Gini discussed the case of women's empowerment during the planned relocation process of the Enseada da Baleia community due to climate change.

The speaker began by explaining that, after 2007, the community was forced to leave what had been their home for over 170 years, as the island was disappearing. Dr. Gini described this process as particularly challenging for five key reasons: (1) nearly a decade of waiting for authorization to relocate the community; (2) denial of their right to self-determination; (3)

autonomous relocation without external funding; (4) years spent building new homes and infrastructure; and (5) the continued risk they face due to ongoing erosion, without any mitigation, adaptation, or containment interventions.

Dr. Gini emphasized the crucial role women played in navigating these complex circumstances. As she explained, women assumed leadership roles during the relocation and developed new strategies for survival away from their original home. In this regard, they secured fundraising through projects, events, and donations; participated in physical labor (alongside men) to clear the new land and build new houses; prepared meals and maintained the community's cohesion; created new income-generating opportunities; introduced community-based tourism to share their history and culture; and revived ancestral traditions, such as fish drying, among other activities.

In conclusion, Dr. Gini highlighted the relocation process of the Enseada da Baleia community and how they overcame the effects of climate change through the solidarity, commitment, and dedication of the women.

**The men will not let us go: Creating a gendered climate im/mobility and inequality among smallholder farmers in Kwahu Afram Plains North District.**

Delali F. Woledzi, PhD student in Migration Studies at the Center for Migration Studies, University of Ghana.

In his communication, Delali Woledzi analyzed the inequalities faced by the Kwahu Afram Plains North District (KAPND) community when it comes to

moving freely due to climate change. He found that while men can move freely, women cannot. In this sense, he found that the power of men, the fear of infidelity, the culture/tradition, and the respect/obedience were the key factors of this situation.

To demonstrate these reasons, Mr. Woledzi presented different testimonies he gathered during his research. One of the most impressive was: *“The reason why a man will not allow you to move is that some women cannot stay with one partner. If we inform our partners that we are traveling or that we are going somewhere and returning, what we will go and do there and return to our husbands cannot be described. So, if the husbands know the woman’s character very well and know that is the behavior of the woman when the wife wants to move, he will not allow it”*.

Moreover, Mr. Woledzi also explained that these inequalities manifested in work opportunities. In this sense, he exposed that women do not have the same access to tools in agricultural work as men. He also shared a testimony from a female farmer: *“I do not having Wellington boots, but my husband does. I don't have the money to buy them. In a way, it is expensive. The men want to wear it all the time, so they can have it”*.

In conclusion, the speaker highlighted the inequalities of female farmers in the KAPND community due to climate change, demonstrating the need to address the issue of gender in Africa.

**Gender in Climate (Im)Mobility Governance: Insights from Peru and Chile.** Dr. Hanne Wiegel, a postdoctoral researcher at (CR)2 Center for Climate and

Resilience Research, and Dr. Astrid Morales Villalobos, Pontificia Universidad Católica.

In their presentation, Dr. Hanne Wiegel and Dr. Astrid Morales Villalobos analyzed the need to include the gender perspective in climate mobility governance. In particular, they studied the cases of Peru and Chile and identified some emerging policy instruments regarding climate mobility. They explained that Peru was the first country in Latin America to develop a gender and climate change action plan in 2014 (PAGCC). The action plan outlines specific actions and outcomes to mainstream climate change, gender, and intergenerational and intercultural approaches across eight priority sectors: forests, water resources, energy, food security, solid waste, health, education, and disaster risk management. However, they found that these instruments are mostly focused on disaster displacement, leaving aside other important aspects such as planned or “voluntary” forms of mobilities.

Moreover, they explained that the gender perspective in these instruments is only focused on the perception of women as “vulnerable” without much acknowledgment of the social construction of gender roles and relations. They highlighted that this perspective is rarely mentioned explicitly, which means that vulnerability is generalized and treated as an inherent trait of women. This is a problematic conceptualization if governments want to address the situation effectively.

In conclusion, they showed that the inclusion of gender in climate governance

is growing, but there are still significant issues that need to be addressed.

### **Natural Disasters and Gender in Africa.**

Dr. Cristiano d’Orsi, Lecturer and Senior Research Fellow at the South African Research Chair in International Law, University of Johannesburg.

In his communication, Dr. Cristiano d’Orsi addressed the intersection between gender, climate change, and sustainability in Africa. He highlighted the need for inclusive policies that address gender disparities and the value of incorporating women’s perspectives for climate change initiatives to be successful in the continent.

In this sense, the speaker explained that climate change is having a disproportionate impact on African communities, leading to repercussions on agricultural production, ecological services, and social relations. He insisted that African Governments need to take action to address these vulnerabilities in a short period because the situation is already at a stage of almost no return.

In this context, he claimed that these actions must be gender sensitive to be successful for the following reasons: (1) women are disproportionately affected because they have less access to climate information, early warnings, agricultural advisory services, technology, and financial credit; (2) women’s perspectives would help significantly as they are more effective at mobilizing communities during disasters, they have essential knowledge in natural resources management, and they are key actors in climate adaptation and mitigation.

To sum up, Dr. Cristiano d'Orsi showed that African countries must prioritize closing the gender gap as a key measure in mitigating climate change consequences on women and ensuring the achievement of the Global Sustainable Development Goals.

At the end of this panel, Chair Dr. Beatriz Felipe Pérez invited *questions and discussions* from the audience present and online. In this sense, **Dr. Simon Berhman** asked Dr. Giovanna Gini why Enseada da Baleia's community needed authorization to move if they were moving within the same State. **Dr. Giovanna Gini** asked Delali F. Woledzi if women have some kind of strategy to negotiate their rights in front of their husbands to be able to move.

**Dr. Giovanna Gini** answered that the island where the community lives is a conservation unit. She explained that nature is protected, therefore they require authorization from the park, which is managed by the State. Dr. Gini exposed that the whole relocation process was linked to having the right to relocate inside the island. Moreover, she said that the conservation park did not want them to be allowed to relocate. This led to a significant legal battle.

**Delali F. Woledzi** answered that he did not have a correct response to the last question. In this sense, he explained this is a cultural issue, the man has the power not the woman. Therefore, rarely can they negotiate.

**PANEL 2. REFLECTIONS ON CLIMATE CHANGE AND HUMAN (IM)MOBILITY: A GENDER PERSPECTIVE.** This panel addressed

the challenges to protecting the human rights of women and girls who face intersectional discrimination, such as gender-based violence in human (im)mobility in the context of climate change. Two panelists provided a vision from cases in the African Sahel and Sundarban in Asia, while another provided an ecofeminist theoretical perspective. The panel was chaired by Dr. Simon Behrman from the University of Warwick.

**Forced Displacement of Women and Girls under Intersection of Climate Change and Armed Conflicts in the African Sahel. The (In) effectiveness of the United Nations protective human rights responses.** Luiz Henrique Garbellini Filho, PhD Candidate in International Public Law, University of Seville and Cornell University.

Mr. Garbellini Filho began his presentation by outlining the institutional and material context of his research, which highlights the challenge to address and respond to human rights violations experienced by women and girls facing intersectional discrimination during forced displacement in the Sahelian African region. His research considers the overlap of armed conflict and climate crisis as push factors of forced displacement and emphasizes human trafficking as a form of intersectional gender-based violence.

Mr. Garbellini Filho shared key research findings focused on the Security Council, obtained through critical analysis of United Nations instruments using feminist studies on intersectionality. He examined the resolutions related to climate change, finding that they partially acknowledge the adverse effects of climate change on

regional stability (e.g. Mali and the Lake Chad Basin Resolutions) but do not recognize it as a threat to international and human security. This is also related to the Women, Peace, and Security (WPS) Agenda and with resolutions on human trafficking (2331 and 2388) that do not address the interaction between armed conflicts and the climate crisis concerning gender-based violence, particularly human trafficking in conflicts. Regarding the Palermo Protocol, Mr. Luiz Henrique offered to deepen it at the end of the question-and-answer time.

Finally, provisional conclusions were the following. First, the instruments must be based on the principle that armed conflicts and climate change are intersectional complex processes that generate gendered, racialized, aged, etc. outcomes. This would allow for the construction of legal categories that comprehensively address and reduce violence against Sahelian women and girls in displacement situations. Second, the interaction of conflicts and climate change produces distinct impacts compared to cases where only one of these factors is present. This mediates notions of vulnerability and the agency strategies of women and girls experiencing these effects. Third, the United Nations Security Council should be more active on climate change; resolutions must evolve to focus on human security, incorporating an intersectional approach.

**Between Vulnerability, Resistance and the Agency: The Contributions of the Women. A Reflection from the Gender Perspective in Climate (Im)mobility.** María Fernanda Herrera Burgos, PhD student in environmental law at Universitat Rovira i Virgili.

In this presentation, Ms. Herrera shared a critical analysis and reflection of the premise that presents women and girls as vulnerable and potential victims related to their discriminatory position that makes them more vulnerable to climate change and, for that reason, increases their exposure to (in)mobility in this context. The above, considering that applying gender perspective makes the differences visible in the situations and risks people face according to their gender. But, she also criticizes that differentiation occurs due to the power relationship of inequality.

In this manner, Ms. Herrera explained some initial findings related to two main points. First, in discursive terms, that premise aims to plan and prioritize the intervention of institutions in discriminated groups. It has been used, as well as the discourse of the inherent virtue of women to care for the environment or the feminization of poverty, to put women on the international agenda and the map of discussions. Second, this premise reinforces a rigid and binary vision of gender, which tends to make women's agency and resistance invisible and construct other gender stereotypes or myths. For example, women as passive recipients of remittances, women forced to a fixed immobility, and primary victims of climate change or saviors due to their knowledge of nature and community, according to several scholars as Delf Roth, Seema Arora-Jonsson Ingrid Boas, Nine de Pater, & Basundhara Tripathy Furlong.

On the other hand, presenting a critical approach of “vulnerability” as a result of unequal power relations reveals that it is not static and does not solely depend on gender as a discriminative category

because it is at the intersection of other discriminatory criteria. So, Ms. Herrera proposed to integrate the feminist theoretical contributions of Judith Butler and Martha Albertson Fineman for recognizing the vulnerability as an interdependent condition that underscores potential equality among human beings and the contributions of Maria Lugones to search the resistance experiences of women, giving an example of the MUZOSARE organization in the Valparaiso region, Chile.

In conclusion, the central reflection around the discourse on the victimization of women has not achieved its intended objective, which is to strengthen the protection of human rights due to their greater vulnerability. On the contrary, from a patriarchal logic, the message received has been one of indifference because the main victims are precarious and expendable lives. For this reason, addressing climate mobility can be an opportunity to show vulnerability in an intersectional, plural, contextual, and variable way.

**Focusing India and Bangladesh: The World facing SGBV (Sexual and Gender-Based Violence) issues for Climate.** Souvik Chongder, editor in chief, global climate care visiting lecturer Kidderpore College.

This presentation results from Mr. Chongder's research on the situation in the Sundarban area, known as "the lungs of India and Bangladesh," affected by climate change and the issue of sexual and gender-based violence (SGBV). The aim was to call for action to promote the human rights of climate victims, especially

through climate mitigation policies and strategies. The focus on India and Bangladesh is due to the lack of climate mitigation policies and the urgent need for immediate measures and climate justice.

Sundarban is a large delta that spans 40,000 square kilometers. The crisis has impacted more than 60 islands due to rising sea levels and other effects of climate change, such as saltwater intrusion, coastal erosion, increasing sea surface temperatures, and the growing frequency of super cyclones, affecting over 4.5 million islanders, 80 % were women. This situation was exacerbated by the impacts of the 2004 tsunami and cyclone Ramal in 2024, where climate change and SGBV intersected significantly. Examples include poor education facilities for girls and children, an over 350% rise in SGBV cases, and forced migrations which increase vulnerability to various forms of exploitation, insecure borders, food and land crises, finally resulting in more climate refugees.

Mr. Chongder visited the region and observed territorial control by some mafia leaders who exploited the crisis to promote child and forced marriage. On the other hand, more than 10,000 women have started to protest against the government and the police seeking safety. During 50 days, the panelist interviewed SGBV victims and the civil population, aiming to share their views and voices with the world. These people have lost their homes and are in a crisis scenario with more than 60% of the victims of Indian-Bangladesh demanding climate justice. More than 72% already know one or two policies imposed for their lifestyles, even though they were previously unaware of the law. In India

and Bangladesh, climate litigation accounts for less than 1% from a global perspective, with only one case registered in India in the last 20 years.

In this context, Mr. Chongder questioned how we save climate victims and proposed relevant steps to solve them. First, according to him *“we have to make a disaster management plan with women”*, this relates to feminist foreign policy and the participation of women and girls in the design of programs to face climate change. They started their self-help groups to maintain their safe lifestyle and economic growth and tried to unite because they wanted to put their policy issues in front of the world. Second, the media's role in advocating for SGBV awareness is very important. Finally, climate litigation should be imposed to encourage global and local action to mitigate the current combined impact and call to action for policymakers and activists. *“Together, we can make a difference in SGBV. We have to fight for a global audience. We have to fight a more than 400 million audience”*.

At the end of this panel, Chair Dr. Simon Behrman invited *questions and discussions* to the present and online people. **Prof. Enrica Rigo** raised her hand and **presented concern about the Palermo Protocol as an instrument for the protection of climate refugees or, in general, women, female climate refugees, or environmental migrants**, wondering if Luiz Henrique knew the intention to underline that the Protocol does not list climate change among issue concerns. Prof. Enrica shared a comment that the Protocol intends trafficking as a lack of will from the side of the women, so there is a clear problem with women

agency and victimization in this sense. Also, she was wondering if we could not instead use the notion of the “specific social group” of the 1951 Geneva Convention to protect women in this context and also the Istanbul Convention that should consider gender in any kind of protection.

**Luiz Henrique** answered that the Palermo Protocol was criticized not only because of the construction of a very problematic vulnerability, solely related to poverty in underdevelopment but also because it is not focused on other categories that can be amplified and diversified with soft law instruments. At the same time, the instrument is aimed at the responsibility of the authors of this crime, and the rights of the victims depend on the internal approach of the states. Although it is the most important instrument to protect human trafficking within an interpretation of a soft law instrument, we can understand that it applies to human mobilities.

**PANEL 3. NOVEL APPROACHES TO RECOGNIZE A LEGAL STATUS TO EMERGENT LEGAL SUBJECTIVITY OF CLIMATE/MIGRANT/REFUGEE/DIS PLACED.** Four panelists accompanied the discussion, led by Dr. Giovanna Gini, University of Oxford. The perspectives on this matter were multiple and interdisciplinary, ranging from academia and organizations to law, public policies, and philosophy, including feminist theories.

**Advancing Policy Avenues for Addressing Vulnerabilities by Gender in Climate Change Migration and**



**Displacement.** Dr. Francesca Rosignoli  
PhD/Postdoc, CEDAT - URV.

Dr. Rosignoli's presentation aimed to share part of her research about the dialogue between the European Union (EU) institutions and climate migration from a gender perspective to advance a proposal and a toolkit for policymakers. This research will soon be published in a chapter of a book on climate mobility, so the analysis and the entire proposal will be available in detail.

The starting point was an overview of how the EU institution faced gender inequalities in climate migration, some related to the effect of the crisis climate increased poverty and not only against Women and girls but also against Children, LGBTIQIA, Men, and boys. In her research, Dr. Rosignoli found that the EU institutions often fail to effectively implement the principle of gender mainstreaming in practice despite invoking it. This principle is often overshadowed by other agendas, such as security and development.

Given this overview, the panelist suggested a toolkit for policymakers to assess and establish the degree of vulnerability, moving beyond gender stereotypes that associated vulnerability with women. First, using a multilevel assessment of damages done at the Macro level (environment), Meso level (Society), and Micro level (Individual). At the Macro level, the databases allow us to isolate environmental migrants' higher exposure and vulnerability to climate change. At the Meso level, there were 14 indicators to assess the higher sensibility to the impacted society, considering the

obligations of States regarding human rights and international environmental law. At the micro level, evidence of higher sensitivity of certain individuals with social markers like age, health, income, ability, race, gender, affiliation, marital status, and level of education is provided.

Finally, the panelist presented some policy recommendations based on her research, such as promoting gender-sensitive policies, combating gender-based violence and increased workload on women and girls, strengthening the collective capabilities of local government and stakeholders working with migrants and displaced persons, and strengthening the collective and individual capabilities of women and girls.

**From needs to calamities. A critical feminist perspective on the Italian protection of environmental refugees.**  
Prof. Enrica Rigo, University of Roma Tre.

The case of Italy is well known because it introduced legal protection for environmental migrants, but understanding its context is essential, stated Prof. Rigo. Economic crises and the so-called "migration crisis" have shaped EU migration policies, particularly since 2008. As a result, humanitarian protection has been repeatedly utilized to legally establish the status of migrants in various situations. These include, for example, irregular care workers, mainly from Ukraine, and in some instances, migrants from countries affected by environmental disasters, especially Bangladesh.

In this context, the Italian jurisprudence made a progressive interpretation of the

Italian Constitution to the humanitarian protection to widen the narrow frame of European and National Legislation. A remarkable point was decision 4455 of 23 February 2018 of the Court of Cassation, which established that "the condition of vulnerability may also refer to the lack of the minimum conditions necessary to lead a life in which possibility of satisfying the inescapable needs and requirements of personal life is not radically jeopardized." Then, the "the wind of Salvini" in 2018 resulted in replacing humanitarian protection with a list of special cases including "Calamities" (Decreto 113/2018). The analysis of the law's effects shows that it has been used to reduce the refugee's multiple identities, simplify the figures of perpetrators, erase structural and intersectional oppression, and especially to contrast the legal strategies that have expanded humanitarian protection.

Then, Prof. Rigo made contributions to feminist theory to advance this question. On one side, she proposed an expanded notion of "vulnerability" in decision 4455, which is recognized as inevitable dependence and describes care needs, citing M. Fineman. This form of dependency had been privatized by assigning into the family and gendered falling on the shoulders of women. So, the political irrelevance of vulnerability and monetary value of care work affects women's lives and must be transformed. On the other side, related to the list of cases, taking into account Donna Haraway's theory rather than contingent and exceptional calamities, climate refugees face a sort of "mundane trouble" that requires facing past and co-presents

with responsibility for future generations' lives.

In conclusion, Prof. Rigo emphasized the importance of adopting not just a gender perspective but also a feminist perspective. This approach allows for a more contextual understanding of the everyday struggles faced by refugees and aims to resist the tendency to oversimplify and restrict refugee identities. Additionally, she called for an intersectional approach to understanding the climate refugee situation, taking into account the structural nature of gender, race, class, and climate injustice.

**How Should We Define Internally Displaced Persons (and why Does it Matter)? The Basic Needs View.** Andrea Foss, University of Oslo.

In this presentation, Ms. Foss outlined different notions of forced displacement, focusing primarily on internally displaced persons (IDPs). She introduced the basic needs view, a theory they are developing as part of her PhD, taking into account the ultimate goal of her project is to create a framework that enables the international community to assist all individuals in need, highlighting the magnitude of the problem and urging for a comprehensive approach to address it.

Firstly, Ms. Foss mentioned various perspectives on forced displacement, including the guiding principles and the 1951 Refugee Convention, and showed how the basic need view contrasts with existing definitions, such as the intuitive notion of IDPs, which defines them as people forced to move within their state due to unjustified human causes or against

their will and with refugees, who are displaced across state borders.

Ms. Foss highlighted the relational view proposed by philosopher Jamie Draper in 2021, which emphasizes the relationship between IDPs and their state, suggesting that IDPs retain a fundamental relationship with their state, allowing them to claim its protection. Her definition of Basic Needs View: “IDPs are persons who are forcefully displaced from the place of their habitual residence because their basic needs are not fulfilled and they remain within the borders of the same state”.

The presentation also delved into the criteria used to define IDPs and refugees, noting that traditional definitions emphasize the location and causes of displacement. In contrast, the basic needs view prioritizes whether individuals' basic needs are met, including physical, social, psychological, and political needs. This view provides a more inclusive approach, accounting for cases like gender violence, which are often overlooked by other definitions.

Finally, Ms. Foss argued that the Basic Needs View offers analytical advantages over other perspectives, providing a fairer criterion. However, she emphasized that the discussion about definitions related to forced displacement is useful as a theoretical exercise, but it is also necessary to pay attention to the organization of the international system: in our world, the position is not morally, legally, or politically trivial.

**A gender lens to Climate-related (im)mobilities in the Pacific: the role of women for “Staying with Dignity.”**

Dalia Gharbaoui and Ulamila Vakalalabure-Wragg, University of Canterbury.

The presentation, delivered by researchers from the Macmillan Brown Centre for Pacific Studies at the University of Canterbury, explored climate-related immobilities in the Pacific with a gender lens. The presentation is part of the “Pacific Ocean Climate Crisis Assessment” (POCCA) project aiming to give voice to indigenous knowledge systems with Western scientific approaches across 16 Pacific countries. The project, involving around 90 scholars, is a collaboration between the University of Canterbury, the University of South Pacific, and the Macmillan Brown Centre for Pacific Studies, funded by the New Zealand Ministry of Foreign Affairs.

The research emphasizes the importance of community stories in informing both research and policy. One key finding is that immobility is a continuum with mobility rather than a binary state. This perspective challenges deterministic views that often fail to connect mobility and immobility as part of a spectrum. Central to understanding immobilities in the Pacific are concepts of belonging and attachment to the land, encapsulated in the idea of “Vanua,” which signifies a deep connection between people, their land, and the ocean.

A case study from Matavalu in Fiji illustrates the impact of climate-induced displacement. The community faced repeated flooding, leading to a phased relocation process. The research highlights the crucial role of women in this context, showcasing a women's collective that

facilitated successful partial relocation. Despite some villagers being left behind, the solid social protection systems within the community, driven by women's leadership, ensured cohesion and resilience.

The presentation further delved into the significance of customary land-holding systems in the Pacific, which indigenous people predominantly manage under traditional customs. Over 95% of land in Pacific island nations like Papua New Guinea falls under customary ownership. The speaker underscored that discussions on mobility often overlook the influence of these indigenous systems, including the crucial role of women in decision-making within these frameworks. In non-indigenous or capitalist systems, women's roles and participation are significantly disrupted.

The conclusion stressed the need to recognize and incorporate Indigenous systems and gender dynamics in climate mobility discussions. It highlighted that mobility decisions in the Pacific are deeply intertwined with kinship and spiritual connections to the land. Effective policy must, therefore, acknowledge these relationships, ensuring participatory processes that respect the Indigenous context and the spiritual humanization of land. This approach is essential for understanding and supporting the unique ways Pacific communities navigate climate-related mobility and immobility.

**Climate Displacement: Towards a New Protection Framework under International Law.** Rubén Romero Masegosa. Fundación CEPAIM.

The intervention of Mr. Romero was based on evidence from social action and political proposals, focusing on the distinction between climate migrants and refugees within the legal and protection frameworks from Fundación CEPAIM.

In 2023, the global number of displaced individuals reached 110 million, with the majority in the Global South, where climate change exacerbates their vulnerabilities. The UN recognizes displacement as a response to environmental crises, yet there is no universally accepted definition for climate migrants or refugees. This lack of clarity affects the protection and legal recognition of these groups.

Legal frameworks, including the Paris Agreement, call for measures to address climate change and respect human rights. However, the Conference of the Parties of CMNUCC has largely neglected the specific needs of climate-displaced persons. There is a pressing need to establish a distinct protection status for these individuals, separate from general migration policies.

The presentation suggested two main approaches: adapting the 1951 Refugee Convention to include climate refugees or developing national or regional legal statuses. Key aspects of this proposal include analyzing the legal definitions of persecution, non-refoulement, and protection under international law. The ultimate goal is to ensure a robust protection framework that recognizes and addresses the complexities of forced displacement due to climate change.

The final proposal involves three elements: an expansive interpretation of the Geneva

Convention, creating a new international regulation for climate refugees, and establishing complementary regional frameworks. This approach aims to fill existing gaps and provide necessary protection for those affected by climate-induced displacement.

At the end of this panel, Chair Dr Giovanna Gini invited *questions and discussions* from the present and online audience. **Dr. Simon Behrman asked Ms. Andrea Foss questions** related to who has responsibility in the concrete cases and to Ms. Dalia and Ms. Ulamila about the possibility of moving with the traditional system on language and property of lands to other territories.

**Ms. Ulamila** explained that in Fiji, three land ownership systems operate at the same time. One, according to custom, is where the majority lives, the other is the freehold, and the other depends on the agreements made between owners and other interested parties. **Ms. Andrea** answered that the states or the international community as a whole consider that this vision challenges capitalism and any vision that considers human rights as a minimum standard.

**PANEL 4. CLIMATE LITIGATION, CLIMATE MIGRATION AND GENDER.** Four panelists accompanied the discussion, led by Prof. Susana Borràs, Universidad Rovira i Virgili. The main discussions on this panel were about the barriers to climate litigation and the vulnerability in which women find themselves when they migrate.

**Environmental conservation and displacement: Accountability of**

**international organizations and the rights of women.** Dr. Giada Giacomini, postdoctoral researcher at Geneva Graduate Institute.

Dr. Giada Giacomini's presentation was a brief overview of a chapter she published this year on environmental conservation and displacement, focusing on the accountability of International Organizations (IOs) and women's rights.

Dr. Giacomini began by explaining that her research addresses the need to study how climate change mitigation measures implemented by IOs can impact people's rights, specifically the rights of women. She highlighted that the implementation of such initiatives often jeopardizes fundamental human rights and disproportionately affects marginalized communities. She mentioned that many people and communities are forcibly removed or relocated.

To study this topic, she emphasized that certain international legal instruments require IOs to respect women's rights when implementing environmental conservation projects. Specifically, she referenced the Convention on Biological Diversity (1992), the United Nations Declaration on the Rights of Indigenous Peoples (2007), the United Nations Guiding Principles on Internal Displacement, and the Convention on the Elimination of All Forms of Discrimination Against Women (1979). Additionally, she explained that some IOs' policies and development funds establish critical procedural justice and due diligence standards, requiring them to consider environmental and social safeguards, Indigenous peoples' rights, as

well as issues related to gender, sexual exploitation, abuse, and harassment.

Finally, she presented a series of cases of violence against women that have led to complaints regarding IOs' accountability mechanisms. In this context, she focused on the WWF Conservation Project in Africa, the World Bank Group's Natural Resource Management Project in Kenya (2007-2013), and the Green Climate Fund's Bio-CLIMA project. She found that the implementation of these three projects was accused of violating the human rights of women and communities, including instances of murder, rape, torture, and other forms of physical violence.

In conclusion, Dr. Giacomini highlighted the need for greater reflection on the accountability of International Organizations for violations of women's rights in the context of environmental conservation and displacement.

**Climate litigation, Migration and Gender: Barriers related to Standing and Causality** Dr. Avidan Kent, Associate Professor of Law and Founder and Coordinator of the UEA International Law Research Group.

Dr. Avidan Kent spoke about the main challenges of climate litigation. This strategic tool has recently gained popularity in advancing climate justice, including seeking compensation for losses caused by climate change. He explained that there are three specific barriers to using this tool: (1) standing, as it is difficult for individuals to have standing since climate change affects everyone; (2) causality, because it is hard to establish a causal link between a government's failure

to act on climate change and its impact on human rights; and (3) geography, since most courts are located in the Global North, while those most affected by climate change are in the Global South.

Additionally, he presented various cases that illustrate these challenges in climate litigation. First, he discussed the *Kivalina v. ExxonMobil* case, in which the judges were unable to establish causality between the damage and ExxonMobil's actions, leading to the dismissal of the claim. Second, he highlighted the *Urgenda Climate* case, which was significant because it was the first time judges admitted a claim brought by associations rather than individuals. Finally, he explained the *Neubauer et al. v. Germany* case, where something remarkable occurred: the claimants included people from Bangladesh and Nepal, and nothing prevented them from having standing in court.

In conclusion, Dr. Kent highlighted that not only do people face the severe consequences of climate change, but they also confront the justice system's inability to uphold their rights and compensate them for damages, due to the difficulties in establishing standing and causality.

**Marginalization and Legal Claims: Some Problems of Access to Justice for Climate Refugees.** Dr. Simon Behrman, Associate Professor at the University of Warwick.

Dr. Simon Behrman discussed the challenges of seeking asylum protection in the context of climate change. He began his presentation by noting that jurisprudence related to forced migration

due to climate change is relatively limited because only the most privileged sectors of society —such as the economically active or the well-educated— are able to make claims, leaving the most vulnerable people behind.

He explained that this situation arises for two main reasons: (1) International Refugee Law does not recognize climate change as a valid reason for granting asylum, and (2) other options for obtaining asylum, such as work visas, require specific skills, like a minimum level of education, which vulnerable people often lack. As a result, it is very difficult for people displaced by climate change to obtain asylum.

To illustrate this challenging situation, Dr. Behrman discussed the *Teitiota* case, involving a Kiribati national who moved to New Zealand in 2007 and applied for refugee status in 2011 when his work visa expired, citing the impacts of climate change in Kiribati. However, New Zealand's Immigration and Protection Tribunal rejected his claim in 2013, stating that he did not meet the definition of a refugee under the 1951 Refugee Convention, which requires a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. *Teitiota* appealed to the High Court, Court of Appeal, and Supreme Court of New Zealand, but the courts maintained that while his situation was concerning, it did not fall within the legal framework for refugee protection.

Finally, in light of this complex situation, Dr. Behrman advocated for exploring new avenues for obtaining asylum. He

suggested, for example, that it would be beneficial to focus on group-based asylum rather than individual persecution or harm. This would allow climate-displaced people to move together as a community, without needing to navigate complex legal processes or costly legal claims to rebuild their lives elsewhere.

**Climate Displaced Girls and Women, Victims of Forced Marriages?** Natalia Seco García, PhD student at University of Santiago de Compostela.

Ms. Natalia Seco explained that recent studies have shown that the effects of climate change such as floods, cyclones, and soil depletion, increase the risk of girls and women being forced into marriage. To illustrate this situation, she mentioned the examples of Bangladesh and Ethiopia. She stated that in Bangladesh, during years when heat waves lasted more than 30 days, the number of marriages involving girls aged 11 to 14 increased by 50%. A similar trend was observed in parts of Ethiopia, where forced marriages increased by an average of 119% in 2022 during the most severe drought the country had experienced in 40 years.

She also explained the underlying causes of this issue. Gender norms and economic or social insecurity are the primary drivers. For example, families may prefer to marry off their daughters to reduce the financial burden of meeting their basic needs. She further highlighted the serious consequences of this practice, emphasizing the complete dependence and restrictions on girls' autonomy and freedom as well as labor and sexual exploitation, and the loss of their rights to education and work.

Ms. Seco concluded her presentation by stressing the importance of protecting these victims. She argued that although no international legal instrument currently grants them international protection, States and governments must safeguard their rights. Specifically, she mentioned that various human rights instruments protect the right to marry with free and full consent and ensure the right to equality and non-discrimination in marriage and family relationships.

At the end of the panel, **Dr. Susana Borràs** invited *questions and discussions* from both the in-person and online audience. **Dr. Beatriz Felipe Pérez** posed two questions: (1) whether private companies commit the same human rights

violations when implementing environmental conservation projects, and (2) whether climate-displaced women face the same difficulties as men in obtaining asylum.

In response to the first question, **Dr. Giada Giacomini** explained that her study focused only on the actions of International Organizations such as the World Bank, but she acknowledged that private companies also make similar errors when implementing environmental conservation projects. For the second question, **Dr. Simon Behrman** noted that it is difficult to determine whether women might have more opportunities to obtain asylum, but he suggested that their vulnerable status could be an advantage in such cases.