

## Managing humanitarian reform and displacement: the crisis in international cooperation and the implications for social protection

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### Abstract

The paper places the need for a landmark change in approach for solutions towards displacement in the context of the ongoing and deepening crisis in international cooperation and humanitarian affairs. It suggests a fundamental shift from humanitarian actors and programmes, still major drivers for solutions, to true national ownership and leadership, and investigates salient social protection implications of such a shift. The analysis, whilst acknowledging historical efforts towards a broader and more developmental approach, concludes that current efforts on establishing local and national ownership for displacement solutions are still largely externally driven and formulated as an “exit” rather than “entry strategy”. In spite of some encouraging signs of shift in focus and language due to the Secretary-General’s High Level Panel Report on Internal Displacement, the authors point out that the translation of these policy changes into operational action has still largely been assumed by external (and predominantly UN) stakeholders.

The recent advisory ruling of the ICJ (23/07/25), confirming the importance of not just acknowledging, but also enforcing the responsibility of countries towards climate change action, is presented as somewhat of a lifeline for climate change impacted countries. Furthermore, the promotion of nationally owned social protection systems can provide a strong basis and, indeed, realistic starting point for sustainable interventions in contexts where climate-induced displacement occurs.

The paper argues that a recalibrated development-focused social protection response framework requires a reconceptualization of the traditional social risk approach, reflecting an appreciation of the magnitude, scope, type, duration and spatial distribution of social protection needs, including associated economic and environmental risks. The response framework should be sensitive to the reality of the displacement context and be flexible to employ varied responses, considering among others whether the sojourn in the country/place of destination is temporary or protracted. Innovation may be called for to link non-contributory humanitarian interventions to graduated longer-term, including self-sustaining interventions, and to provide a pathway for vulnerable displaced migrants to enter the labour market and hence participate in contributory social security schemes.

**Keywords** *Displacement, climate change, humanitarian reset, social protection, national ownership*

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## 1. A changing humanitarian world?

For many of us in the humanitarian world, it seems like the end is upon us. Beliefs and expectations we took for granted appear to have evaporated and we find ourselves explaining to newcomers and spectators to today's unfolding humanitarian world crises that there were times, not so long ago, when a consensus existed on why, when and in what form international intervention was required. When crises erupted, rules were invoked, institutions were activated, and resources would follow. Obviously, some crises would receive more attention and resources than others, based on their perceived geopolitical significance by major world powers and donor countries. We also had "forgotten crises" before, and attention often would be waning in proportion to the duration of these crises.<sup>1</sup> But all in all, most humanitarian crises were acknowledged and managed with varying levels of funding and response, depending on donor interest. No questions were asked as to why we should care in the first place, after all, international solidarity and support to the "furthest left behind" as the UN would call it, could be assumed.<sup>2</sup>

Notwithstanding the above, the current crises in international cooperation and multilateralism,<sup>3</sup> although accelerated by the growing reality of populist and inward-looking administrations in the US and Europe, have not come as a surprise for many who have served "inside the machine" for decades. We witnessed a growing disregard for international law and institutions whilst gaps and necessary adjustments were addressed through tactical add-on initiatives fuelled by the same traditional donors who are now the most critical in demanding higher levels of efficiency and "doing less with less".

Whereas international humanitarian interventions were previously triggered by a relatively undisputed information flow, managed and disseminated through internationally recognised and trusted public mechanisms, media and/or data systems, both the very occurrence, severity and magnitude of crises are now questioned, denied or ignored if considered inconvenient by major international stakeholders. This politicisation of information has been significantly facilitated through unchecked, social media-based messaging by State- and non-State actors who are party or partial to ongoing crises.<sup>4</sup> This has created a culture of "alternative facts", which in turn fed a change in narrative (for instance branding illegal immigration as an "invasion"<sup>5</sup>), allowing States to use different/unconventional mechanisms and resources to address crises.

1 \*\* The paper is based on a presented by the authors at the International Conference on Social and Humanitarian Assistance in Crises: Agendas, Ambitions and Aspirations for More Effective Intervention, (organised by the Better Assistance in Crises (BASIC) Research programme and hosted by the Institute of Development Studies (IDS), University of Sussex, Brighton, UK, 16-18 September 2025).

The UN Office for the Coordination of Humanitarian Affairs, International Rescue Committee, the Norwegian Refugee Committee and magazines like the New Humanitarian have consistently and regularly raised the alarm for "forgotten emergencies" in the past decade.

2 During the last G7, Oxfam stated: 'Cutting international aid to ramp up military spending ... is a worrying signal for the further erosion of human rights, global stability and equity...' (Oxfam, "Oxfam reaction to the 2025 G7 Summit" (17 June 2025) <<https://www.oxfam.org/en/press-releases/oxfam-reaction-2025-g7-summit>> accessed 10 February 2026.

3 Rameen Siddiqui, 'Crisis of multilateralism: is global cooperation a relic of the past?' (Modern Diplomacy, 12 April 2025) <<https://moderndiplomacy.eu/2025/04/12/crisis-of-multilateralism-is-global-cooperation-a-relic-of-the-past/>> accessed 10 February 2026.

4 David Paulus, Gerdien de Vries, Marijn Janssen & Bartel Van de Walle, 'Reinforcing data bias in crisis information management: The case of the Yemen humanitarian response' (2023) 72 International Journal of Data Management <<https://www.sciencedirect.com/science/article/pii/S0268401223000440>> accessed 10 February 2026.

5 White House Executive Order, 'Protecting the American Population Against Invasion' (20 January 2025) <<https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>> accessed 10 February 2026.

## 2. Post-War International Cooperation in a changing context

The international regulatory system as embodied in the United Nations was created in the wake of the last World War, at a time when “we the peoples” were determined to not only reconstruct a new and peaceful global reality but moreover prevent conflicts from breaking out and manage the consequences if they did. This system has fundamentally remained the same ever since,<sup>6</sup> with new cooperation areas managed through the creation of bolt-on systems, rather than a rethinking of the existing fundamentals. The world, in the meantime, changed dramatically, causing the belief in and reliance on a global custodian of universal norms and values to diminish. Countries and regions increasingly empowered and reinforced their own cooperation mechanisms in order to promote their proper interests, as well as translate the universal standards and objectives agreed in global institutions into policy and implementation.

As the complexity of humanitarian and developmental realities and inequalities became better understood, an increased and diversified international system emerged, with highly specialised technical institutions at various (national, regional and global) levels. These institutions generally used standards, legal and normative systems developed and agreed in the United Nations (and affiliated organs) as benchmarks and guidance. Consequently, a massive, all-encompassing and rather opaque rules-based complex emerged which increasingly became perceived as unnecessarily encroaching on the sovereign responsibility and authority of Governments, pursuing a libertarian direction with reduced state intervention.<sup>7</sup> Moreover, the international rules-based system came under increasing attack from political forces looking for quick-fix solutions to societal challenges, such as the increasing global human mobility or perceived lack of economic opportunities.<sup>8</sup>

Meanwhile, despite the introduction of the more integrative HDP Nexus concept, humanitarian, development and peace spheres of international cooperation continued to move in a compartmentalised direction, managed as largely sequential, rather than integrated processes. In most fragile and developing country contexts, solutions to humanitarian crises were introduced as an “exit strategy” when humanitarian resources were drying up. Efforts to reinforce “localisation” were largely initiated at the tail end of externally driven humanitarian interventions and to transfer risk where internationals lacked physical and security access to communities and areas in need.

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6 International Crisis Group, ‘Ten Challenges for the UN in 2024-2025’ (September 2024) <<https://www.crisisgroup.org/visual-explainers/2024-unga/>> accessed 10 February 2026.

7 Hans Köchler (ed), *Sovereignty and coercion: The United Nations in the web of Power Politics – Statement and papers from an international roundtable consultation in Istanbul* (International Progress Organization 2025) – see all contributions, including Berdal Aral, ‘UN Charter Exceptions to the Sovereign Equality of States and their Injurious Consequences’ (pp 105-123).

8 Dennis Snower, ‘Beyond left versus right, beyond elites versus populists’ (Brookings, 15 May 2025). <<https://www.brookings.edu/articles/beyond-left-versus-right-beyond-elites-versus-populists/>> accessed 10 February 2026.

### 3. The UN under fire: UN80, humanitarian reform and the need for change<sup>9</sup>

Now that the multilateral crisis is hitting an all-time low, the predictable response from within the system has been to focus on it as a funding and efficiency, rather than existential crisis, thus ignoring the “blue signs on the wall” that we must do things differently, do different things and not just re-engineer existing structures. Moreover, the fragmented and compartmentalised way in which UN reform is organised will minimise real substantive change and enhanced efficiency. As mentioned above, criticism on the UN flows from a perception that, on the one hand, the norms-based system has overshot its targets (both in terms of ambitions and its effectiveness<sup>10</sup>) but, on the other hand, it no longer provides an appropriate response to the global issues of today.

UN senior management stressed that it will not lead on substantive change in multilateralism (particularly mandate reform), but rather let member states dictate, whilst it believes that at this stage, the response should focus on increasing the organisation’s competitive edge. The Secretary-General has made it clear that Member States established the mandates in the first place and therefore have the sole responsibility to alter them.<sup>11</sup> However, rather than remaining a mere bystander and “implementing agency”, the UN should show leadership and redefine its role in a way that makes it relevant to today’s international cooperation reality. Moreover, the growing trend towards protecting national sovereignty in international environments and more inward-looking country-first approaches should be acknowledged as opportunities and not mere blockages in redefining international – and multilateral – cooperation.

No one will dispute the continued need for humanitarian intervention in conflict-, disaster- or climate-driven emergencies. However, over time, we have collectively allowed that the international community replaced the responsibility of States towards their own citizens – and those on their territory.<sup>12</sup> This is, to a large extent, convenient for governments in fragile countries who already have to contend with myriad challenges in a resource-constricted environment. However, not having the national resources cannot be an excuse for “outsourcing” responsibilities to external actors and allowing them to provide these responsibilities in parallel and at times in competition with weak national systems.

Therefore, what is truly required is to fundamentally reorient humanitarian intervention as an effort to launch and build a fully nationally-owned and -led response to, what in most cases constitutes a human development challenge. Humanitarian assistance should be redefined as a short-term response that, whilst providing a “kick start” in life-saving, empowers national systems and reinforces them to the extent that they can address emerging humanitarian challenges. Moreover, humanitarian reform needs to, finally, get serious about the adage of “prevention as the first solution”.<sup>13</sup> This means the acknowledgement of humanitarian problems as a manifestation of a lack of human development.

In conclusion, humanitarian reform should aim for:

- a reorientation from an externally driven humanitarian crisis response towards nationally-led, preventative, inclusive and resilience-based interventions

<sup>9</sup> Whereas there has been limited accurate information on the ongoing UN reform process, a few leaked reports of the UN80 task force have been published by Health Policy Watch and Passblue websites. See Elaine Fletcher, ‘Exclusive: Full Text of UN80 Task Force Pitch for Streamlined UN; UNAIDs Merger with WHO’ (Health Policy Watch, 2 May 2025) <<https://healthpolicy-watch.news/exclusive-full-text-of-un80-task-force-pitch-for-streamlined-un-including-who-and-unaid-merger/>> accessed 11 February 2026.

<sup>10</sup> Jeffrey Sachs, Guillaume Lafortune, Grayson Fuller & Guilherme. Iablonovski, ‘Sustainable Development 2025: Financing Sustainable Development to 2030 and Mid-Century’ (Flagship Report, Dublin University Press, 2025) <<https://www.unsdsn.org/resources/sustainable-development-report-2025/>> accessed 11 February 2026: indicating that no single country is on track to achieve (in full) the SDGs.

<sup>11</sup> Whereas Secretary-General Guterres has talked about the necessity of mandate reform, he has stressed systematically that he expects the member states to take the lead in this respect: UN, ‘Secretary-General, Briefing on UN80 Initiative, Lays Out System-Wide Reform Plans to Make United Nations More Effective, Nimble, Fit for Today’s Challenges (Briefing of the UNGA member states, 12 May 2025) <<https://press.un.org/en/2025/sgsm22644.doc.htm>> accessed 11 February 2026.

<sup>12</sup> Francis Deng argued for States, particularly where it concerns internal displacement, to be fully responsible for the protection of their own citizens: Francis Deng, Sadikiel Kimaro, Terrence Lyons, Donald Rothchild & I. William Zartman, *Sovereignty as Responsibility: Conflict Management in Africa* (Brookings Institution Press, 1996) <<https://www.brookings.edu/books/sovereignty-as-responsibility/>> accessed 11 February 2026.

<sup>13</sup> UNDP’s corporate strategy for solutions to internal displacement, co-authored by one of the writers of this article, argues for a systematic focus on human development (and prevention) as a basis for nationally-led collective action towards IDPs: UNDP, ‘Institutional Strategy on Development Solutions to Internal Displacement’ (Summary Version, June 2023) <[https://www.un.org/sites/un2.un.org/files/undp\\_final.pdf](https://www.un.org/sites/un2.un.org/files/undp_final.pdf)> accessed 11 February 2026.

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- early activation of a human development orientation through reinforcement of national systems and capacities
  - the increased channelling of resources through national public and private sector entities rather than humanitarian external actors and supply chains

## 4. Major elements for change in Managing Human Mobility and Displacement

As States may well have been implicit (or at least may have failed to act) when people were forcibly displaced on their territory,<sup>14</sup> the humanitarian community has gradually become the actor of first, rather than last, resort. The international actors that were already dealing with external displacement (refugees) appeared first on the scene, as there were obvious operational similarities between refugee- and IDP realities and responses. Since there was no universally designated or mandated international institution for Internal Displacement, the humanitarian system decided after the Darfur IDP crisis in Sudan to divide labour along sectoral lines (“clusters”) in assuming this outsourced responsibility, irrespective of the willingness (or lack thereof) by governments to be “part of the solution”.

As internal displacement and mixed movements, by now, far outnumber global refugee flows, it has become increasingly evident that we need to develop new systems and mechanisms to manage the realities and complexities of an increasingly mobile world population. Rather than continuing to aim for globally driven regulatory and response mechanisms (as is the case for the effective historical refugee response), we need to place more emphasis on the national levels, where the consequences of people on the move should be managed before, rather than merely responded to after they occur.

Promoting national ownership and leadership in finding sustainable solutions along the HDP Nexus are key principles that were acknowledged in the UN Secretary-General’s High-Level Panel Report<sup>15</sup> on the growing phenomenon of internal displacement. This innovation is equally valid for other substantive areas where we aim to address fragility, underdevelopment and a lack of access to basic rights and services. But for this drive towards national ownership to succeed, localisation and local empowerment should be an entry- rather than exit strategy. Promoting national ownership is based on the principle of sovereignty as responsibility. This should replace the prevailing humanitarian drive for the international community to continue to “saving the same lives multiple times” and the outsourcing of national responsibility.

Sovereign states are responsible for those on their territory, whether citizens, displaced people or migrants. It is in their interest to manage human mobility, rather than merely respond to the negative impact this may have ex post facto on the social, economic and political reality. It is thus in the social, political and economic self-interest of countries dealing with human mobility – especially due to climate change – to adapt existing social protection systems in this regard (see below). It should be mentioned that, for the African Continent, a unique and highly forward-looking approach was developed to internal displacement and anchored in the Kampala Convention.<sup>16</sup> As a regional legal and binding instrument, the Kampala Convention emphasises State Action and responsibility in the treatment of Internally Displaced Persons. Therefore, it serves as a basis for domestic legislation and needs to be even more widely ratified,<sup>17</sup> but undoubtedly it serves to establish States as Duty Bearers.<sup>18</sup> Although most of the criticism on the Convention concentrates on its legal enforcement and limited domestication, we should acknowledge, in spite of making reference to sustainable development and the Sustainable Development Goals that it still uses traditional humanitarian language and builds on approaches developed in the refugee context (the three “durable solutions”), rather than taking human development and broader human mobility as a starting points for a national-owned solutions driven approach (see below).

As already mentioned in the previous section, humanitarian reform must be based on a systematic acknowledgement of underlying causes and action driven by national stakeholders, whether they are governmental, non-governmental or private sector. The High-Level Panel Report therefore acknowledged na-

14 Abbey Steele, Stephanie Schwartz & Adam Lichtenheld, <The Politics of Forced Displacement and How States Respond> (Researching Internal Displacement, April 11, 2024) <[https://researchinginternaldisplacement.org/short\\_pieces/the-politics-of-forced-displacement-and-how-states-respond/](https://researchinginternaldisplacement.org/short_pieces/the-politics-of-forced-displacement-and-how-states-respond/)> accessed 11 February 2026.

15 UN, Shining a Light on Internal Displacement: A Vision for the Future (Report of the United Nations Secretary-General’s High-Level Panel on Internal Displacement, 2021) <<https://internaldisplacement-panel.org/index.html>> accessed 11 February 2026.

16 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), adopted October 23, 2009 <[https://au.int/sites/default/files/treaties/36846-treaty-kampala\\_convention.pdf](https://au.int/sites/default/files/treaties/36846-treaty-kampala_convention.pdf)> accessed 11 February 2026.

17 The Convention has already been ratified by 34 and signed by 40 African countries: <<https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>> accessed 11 February 2026.

18 Chaloka Beyani, ‘Implementation of the African Union Convention for the Protection and Assistance of Internally Displaced Persons’ (Brookings, 7 July 2011) <<https://www.brookings.edu/articles/implementation-of-the-african-union-convention-for-the-protection-and-assistance-of-internally-displaced-persons-idps-2009-the-kampala-convention/>> accessed 11 February 2026.

tional ownership as a starting point, moreover, emphasising that Internally Displaced Persons are citizens, therefore the primary responsibility resorts with States to protect and assist them.

A second major principle outlined in the High-Level Panel Report is that of solutions to displacement being a human development priority, rather than a mere exit strategy to a humanitarian intervention. Humanitarian Response Plans, formulated to raise funding in order to respond to humanitarian crises, including displacement, are driven by short-term, lifesaving considerations. However, as crises turn protracted (which is currently the case for 80 per cent of all humanitarian realities) and funding starts to diminish, humanitarian actors increasingly request resources for “resilience” and “solutions”, whereas they are not equipped nor mandated to promote sustainable human development. It is at this point in time that the Humanitarian Development Peace Nexus is activated by multilateral and non-governmental aid providers in order to justify their continued role. Development actors, both national and international, have been peripheral actors in this regard, as humanitarians have successfully “defended their market share”.

Whereas a humanitarian “capture” of the solutions agenda has been true for international stakeholders, it is equally essential for Governments to acknowledge and remedy this. Too often we see displacement being handled by national relief or emergency response organs, as they are the natural counterparts to traditional humanitarian actors that have habitually taken the lead on response – and subsequently solutions. A continued handling of protracted humanitarian realities by national and international relief entities limits and delays not only the entry of developmental actors and -financing but moreover limits the flow of resources through national governmental and private sector channels.

Humanitarian interventions are often driven by mandate-oriented actors, which means that, rather than taking an integrative approach, specific groups or individuals are targeted, based on their extent of deprivation to basic rights and services. However, if we could reinforce or adapt responses to protracted displacement, including existing social protection mechanisms or systems to include those “furthest left behind” in a broader context, we are more likely to contribute to solutions that are win-win-win for humanitarian “beneficiaries” (particularly displaced), local (host) communities as well as local stakeholders such as authorities, civil society and private sector,<sup>19</sup>

Thus far, we have seen humanitarian actors symbolically including “host communities” in assistance – and solutions – programmes. However, this is, in most cases, merely a “compensatory” mechanism to avoid “doing harm” by specific targeting of assistance and raising tensions with non-assisted groups. It is different from a true, contextual approach that can only be driven by national and international sustainable development actors, and which enhances access to basic rights, services and livelihoods for all.<sup>20</sup> Such a new approach would therefore constitute pro-active and adaptive state action towards human mobility and displacement through the lens of social protection. In other words, we would provide new content to concepts like “durable solutions” and the “HDP Nexus” by applying the principle of “Sovereignty as Responsibility” and taking national action (where necessary and applicable supported by regional and global instruments and action) as a starting point for inclusive, social protection-oriented action to displacement and human mobility more broadly.

19 Refugees International issued a report suggesting a major rethink on mandate-driven versus more integrative (contextual) approaches to displacement approaches and solutions in particular: Sarah Miller, ‘A Global View on Response to Internal Displacement: where to go from here’ (Refugees International, 30 September 2024) <[https://www.refugeesinternational.org/reports-briefs/a-global-view-on-responses-to-internal-displacement-where-to-go-from-here/?utm\\_source=chatgpt.com](https://www.refugeesinternational.org/reports-briefs/a-global-view-on-responses-to-internal-displacement-where-to-go-from-here/?utm_source=chatgpt.com)> accessed 11 February 2026.

20 Tim Buder & Meg Sattler, ‘Rethinking humanitarian principles? Consider community, context, and common sense’ (Ground Truth Solutions, 12 March 2023) <<https://www.groundtruthsolutions.org/news/rethinking-humanitarian-principles-blog>> accessed 11 February 2026.

## 5. The International Court of Justice Advisory Opinion 23/7/2025 – introductory remarks:<sup>21</sup> A potential game changer for climate-induced displacement?

Whereas we have concluded above that a nationally-owned and -led approach to humanitarian crises and internal displacement should be a main driver for innovative state action, and in particular social protection-driven state action, the international environment has changed for the worse when it comes to acknowledging climate change as a major underlying cause to human mobility.

Climate change denial, or at least scepticism, seems on the rise as populist, short-term political tendencies offer attractive quick fixes to complex global challenges by simply building real, or virtual walls to fend against its consequences. The inward-looking attitude increasingly displayed by developed countries or regions experiencing the consequences of the climate change they experience causes them to shift attention away from underlying causes and preventative or curative measures. Resistance and criticism towards global institutions and mechanisms around climate change are also increasing, even from major internal stakeholders.<sup>22</sup> In the meantime, countries in the Global South experiencing first-hand the impact of climate change, in particular the Small Island Developing States, are increasingly being denied the support they require to stem the outflow of population and resources required to address the global phenomenon.

Evidently, countries in the global North are currently not seeing it in their self-interest to promote and display the solidarity that they only a few years ago committed themselves to in various global international mechanisms and forums. In this regard, the recent ICJ advisory opinion, whilst lacking formal legal enforcement power, clearly anchors climate change action into international human rights law, which for most countries still holds significance and commands respect. Moreover, a clear connection is made to climate induced displacement, in particular around the principle of non-refoulement, which was formerly (almost) exclusively observed in refugee contexts.<sup>23</sup>

The ICJ has therefore created a conducive environment for the establishment and reinforcement of national, regional and international responses, including social protection systems, supported by the international community. This environment, moreover, now has a moral and legal basis that can be applied through domestic legal pathways.

Finally, the Advisory Opinion is somewhat of a lifeline for global climate institutions and mechanisms, as collective and multilateral solutions (and resources such as Trust Funds) may well constitute a less confrontational and more face-saving approach for major polluters, than admitting individual accountability in the face of increasing demands on the part of climate-impacted nations in the South.

In conclusion, the Advisory Opinion has considerable potential in relation to a reconfigured response framework, also in the social protection realm, pertaining to climate displacement and social mobility related to climate change. On the other hand, considering the waning interest in and compliance with international legal instruments and universally agreed solutions frameworks, we should most likely pin our hope on a growing “coalition of the willing” to follow the Court’s ruling rather than attempting to aim for universal application and implementation of the Opinion.

<sup>21</sup> International Court of Justice Advisory Opinion on obligations of states in respect of climate change (23 July 2025) <<https://www.icj-cij.org/case/187>> accessed 11 February 2026.

<sup>22</sup> Recently, the UN Special Rapporteur on the promotion and protection of Human Rights in the context of Climate Change (Lisa Morgera) highlighted systemic failings in the COP process – ranging from misinformation and corporate lobbying to exclusion of marginalised communities. She calls for reforms around transparency and decision-making methods: Paula Dupraz-Dobias, ‘UN rights expert Elisa Morgera calls out world’s ‘carbon tunnel vision’ (Geneva Solutions, 10 July 2025) <<https://genevasolutions.news/climate-environment/un-expert-elisa-morgera-calls-out-world-s-carbon-tunnel-vision>> accessed 11 February 2026.

<sup>23</sup> Whereas in the 2019 Teitiota case (mentioned in more detail below), the UN Human Rights Committee affirmed that returning a person to Kiribati – where climate impacts posed a threat to life – could breach the right to life under the ICCPR, reinforcing the nonrefoulement principle in the climate context, the ICJ’s 2025 Advisory Opinion further extended nonrefoulement to climate scenarios, stipulating that states must refrain from returning individuals to situations of irreparable harm to the right to life stemming from climate-related conditions.

## 6. The International Court of Justice Advisory Opinion 23/7/2025: Implications of climate change obligations and human rights enjoyment on protection – including social protection – in displacement contexts

Having affirmed the obligations of States under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases for States and for present and future generations,<sup>24</sup> the Court considered the legal consequences under these obligations for States where they, by their acts or omissions,<sup>25</sup> have caused significant harm to the climate system and other parts of the environment, with respect to States, as well as peoples and individuals. The Court held that a breach by a State of any of the identified obligations constitutes an internationally wrongful act entailing the responsibility of that State. While under a continuing duty to perform the obligation breached, the legal consequences of the wrongful act may include several obligations. Here we focus on the third obligation mentioned by the Court – i.e., full reparation to affected (“injured”) States in the form of restitution, compensation and satisfaction.<sup>26</sup> However, this reparation is dependent upon the proof of causation: a sufficiently direct and certain causal nexus must be shown between the wrongful act and the injury, which cannot be found to exist in general terms, but needs to be determined on a case-by-case basis. This is indeed a high bar to reach, which may impact on the ability of an affected country to claim reparation from any particular country. Yet, the moral predicament caused by the Advisory Opinion for “offending” countries may provide fertile ground for a collective and multilateral response – as noted in the previous section.

Of particular interest is the Court’s reasoning in respect of the adverse effects of climate change on the enjoyment of human rights<sup>27</sup> – including in the context of displacement, and important consequences this may hold for social protection design and delivery. In fact, from the reasoning in the Advisory Opinion, it would seem that the legal consequences concerning the impairment of the enjoyment of human rights in the climate context transcend the obligations imposed on offending countries, as even *non-offending countries of destination* may also incur legal obligations. Importantly, this may provide the basis for human rights-based claims by affected *individuals and communities*, which are seemingly not reliant on the existence of obligations on offending countries, also in relation to reparation in the event of non-compliance with these obligations, as discussed above.

In this regard, and quoting with approval from the Human Rights Committee observation in *Teitiota*<sup>28</sup> that “[e]nvironmental degradation can compromise effective enjoyment of life, and that severe degradation can ... lead to a violation of the right to life” (Advisory Opinion, par 377), the Court held (referring also to par 9.11 of the *Teitiota* matter):<sup>29</sup>

“The Court considers that conditions resulting from climate change which are likely to endanger the lives of individuals may lead them to seek safety in another country or prevent them from returning to their own. In the view of the Court, States have obligations under the principle of non-refoulement where there are substantial grounds for believing that there is a real risk of irreparable harm to the right to life in breach of Article 6 of the ICCPR if individuals are returned to their

24 The Court undertook this enquiry by analysing obligations flowing from climate change treaties, customary international law, other key climate-related and -protective international instruments and international human rights law.

25 Note that the Court also made it clear that, in terms of customary international law, the breach of the duty imposed on a State through the conduct of an organ of a State must be regarded as an act of that State, while the State also assumes responsibility for activities of private actors in the climate change context: responsibility is attributed to the State where, for example, the State has failed to exercise due diligence by not taking the necessary regulatory and legislative measures to limit the quantity of emissions caused by private actors under its jurisdiction.

26 The other two include: (i) cessation of the wrongful actions or omissions; and (ii) providing assurances and guarantees of non-repetition of wrongful actions or omissions.

27 The application of international human rights law in relation to the adverse effects of climate change has also been addressed in decisions of regional human rights courts – as noted in par 385 of the Advisory Opinion. The Opinion also highlighted the connection between a clean, healthy and sustainable environment and the enjoyment of many human rights, such as the right to life, the right to health and the right to an adequate standard of living, including access to water, food and housing, with the former being a precondition for the latter (par 393 of the Advisory Opinion).

28 *Ioane Teitiota v New Zealand* CCPR/C/127/D/2728/2016 (23 September 2020).

29 Par 378. As noted by the Advisory Opinion, already in 2018, the Human Rights Committee stated in its General Comment No 36 on the right to life, that environmental degradation can be brought within the scope of a violation of the right to life under Article 6 of the ICCPR: Office of the High Commissioner for Human Rights, General comment No. 36 on article 6: right to life (Report, UN Doc CCPR/C/GC/36, 30 October 2018) par 62 <<https://www.ohchr.org/en/calls-for-input/general-comment-no-36-article-6-right-life>> accessed 11 February 2026.

country of origin ...“

However, as was already noted in the *Teitiota* matter, this poses a high if not almost insurmountable evidentiary burden: in *Teitiota* the Committee held that the risk must be personal to the claimant individual or group, and not generally shared; and that reliance on “general conditions” in the country of origin could only in extreme cases satisfy the threshold of successful reliance on the right to life approach: as noted by the Committee, there is a high threshold for providing substantial grounds to establish that a real risk of irreparable harm exists<sup>30</sup> – a threshold which Mr Teitiota, a citizen of Kiribati, could not meet to claim protection in New Zealand under the refoulement principle.

Nevertheless, the often-protracted stay in the country of destination as a result of climate change-induced displacement may, as a matter of law and reality, hold important social protection consequences, irrespective of whether the refoulement principle would be concretely applicable – a matter to which we return below. These consequences flow in particular from the right to social security as a right universally protected in international human rights law,<sup>31</sup> to which countries, in particular countries of residence, should adhere. In fact, from a host country perspective, the exercise of these and other, interrelated human rights is not dependent on the duration of stay in a country of destination. But it should also be acknowledged that the international normative framework does not yet provide a satisfactory, dedicated social protection response framework in relation to transboundary mobile populations who have relocated as a result of climate change – which is true also of climate change-affected internally displaced populations. This is accentuated by the limited scope of application of global and regional refugee conventions, which do not recognise transboundary flight as a result of climate change, in the absence of persecution involving direct human agency, as a basis for refugee protection.<sup>32</sup> It is also accentuated by the *otherwise* precarious legal status of those who have so relocated – as a rule, legally speaking and in the absence of a refugee claim, their status would be tantamount to that of undocumented migrants, for whom only paltry provision is made in the global social protection normative framework.

In any event, and returning to the Advisory Opinion, the ICJ elaborated on the human rights implications of climate change, indicating that climate change may interfere with the effective enjoyment of and adversely impact on, in particular, individuals’ right to health; the right to an adequate standard of living, encompassing access to food, water and housing; the right to privacy, family and home; and the rights of women, children and indigenous peoples. Even though not specifically addressed by the Court, in our view, the consequence should be evident: human rights-based claims should be available and exercisable – in essence also vis-à-vis the country of destination, given the human rights-protective framework of support to be extended to vulnerable individuals and populations, considering the exceptionally vulnerable status of those who are affected by climate change, also when they have relocated across borders as a result of climate change. Nevertheless, it is a particular shortcoming of the Advisory Opinion that it did not specifically address positive obligations imposed on countries of destination, in relation to the operation of the non-refoulement principle, but even beyond. This is in sharp contrast to another recent Advisory Opinion of a regional human rights court, i.e., the Inter-American Court of Human Rights, on Climate Emergency and Human Rights (IACtHR):<sup>33</sup> as has been noted, “... in a development of unprecedented importance, the IACtHR became the first human rights court to explicitly require states to establish effective legal and administrative mechanisms for the protection of cross-border displaced persons due to climate change (para. 433).”<sup>34</sup>

30 Par 9.3; see also Simon Behrman & Aidan Kent, ‘The Teitiota Case and the limitations of the human rights framework’ (2020) QILJ 25-39. In this matter, therefore, the applicant was not successful in claiming reliance on the right to life.

31 See in particular Art. 25 of the Universal Declaration of Human Rights (UDHR) (1948) and Art. 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966). This is supported by the provisions of Art. 22 of the UDHR, which provides for the right to a standard of living adequate for the health and well-being of oneself and of one’s family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond one’s control (Art. 25(1)). Art. 25(2) provides specifically that motherhood and childhood are entitled to special care and assistance; and that all children, whether born in or out of wedlock, shall enjoy the same social protection.

32 See Behrman and Kent (note 30) for a more elaborate discussion.

33 Inter-American Court of Human Rights Advisory Opinion AO-32/25 of 29 May 2025 on Climate Emergency and Human Rights <[https://www.corteidh.or.cr/docs/opiniones/seriea\\_32\\_en.pdf](https://www.corteidh.or.cr/docs/opiniones/seriea_32_en.pdf)> accessed 11 February 2026.

34 See Lena Riemer, ‘A Single Paragraph’s Promise: The ICJ’s Advisory Opinion on Climate Change and the Understated Question of Human Displacement’ (VerfBlog, 26 July 2025) <<https://verfassungsblog.de/icj-advisory-opinion-on-climate-change-human-displacement/>> accessed 11 February 2026. See also Jane McAdam, ‘How the ICJ’s advisory opinion on climate change addresses displacement’ (24 July 2025) <<https://www.unsw.edu.au/news/2025/07/how-the-icjs-advisory-opinion-on-climate-change-addresses-displacement-international-protection-and-ongoing-statehood>> accessed 11 February 2026.

Given the integrated, interdependent and interrelated understanding of human rights law, the direct and indirect implications for the exercise of the right to social security is evident. Therefore, from a social protection perspective, the following preliminary conclusions can be drawn, considering the ICJ's Advisory Opinion:

- (a) States bear obligations under international law, emanating from treaty law, customary international law and human rights law, to address and arrest climate change. Breach of this duty, whether caused by the actions and omissions of the State itself, organs of the State or private actors, constitutes an internationally wrongful act, and creates a basis for full reparation to affected ("injured") States in the form of restitution, compensation and satisfaction.<sup>35</sup> In essence though, the finding of the Court in this regard would strengthen the need and case for collective and multilateral social protection responses – for example, with reference to investing in and employing climate financing for social protection purposes.
- (b) From a transboundary human mobility and displacement perspective, and accentuated by human rights entitlements, particular legal consequences may flow as regards strengthening the social protection position of affected individuals and populations. This may be the case in particular in the event of protracted stay in the country of destination, and regardless of whether a non-refoulement claim would be successful. Despite the weak migration status usually associated with (in particular involuntary) transboundary relocation, the international human rights framework requires the extension of social protection to vulnerable individuals and populations, including transboundary migrant vulnerable individuals and populations, but also internally displaced populations.
- (c) This implies that countries of destination bear social protection obligations vis-à-vis climate change-affected mobile populations. Social protection responses may of course differ, depending among others on whether the relocation to the country of destination is temporary or protracted. Yet, as argued in the next section, the current emphasis on short-term, cash benefits-oriented social protection interventions is inherently insufficient and short-sighted. Innovative social protection responses are called for, aligned with a more developmental approach, subject to the operation of overarching principles, including equity and equality vis-à-vis host populations and, we would like to argue, other migrant populations.
- (d) There is a need to unpack the potential social protection implications for countries of origin, which may or may not be climate change-offending countries, as well as countries of destination in the event of climate change-induced displacement. Novel approaches may be required in this regard.

Managing social protection implications for states and affected individuals and populations, in the event of climate change-induced displacement, is indeed the subject of the next section. These implications need to stretch beyond a humanitarian focus to embrace a developmental and peace-building orientation. The implications are applicable not only to transboundary populations, but also internally displaced populations, while the position of host populations requires careful consideration. Essentially, this holds important consequences for the strength, design and operationalisation of social protection systems, in both countries of origin and countries of destination.

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<sup>35</sup> However, it may be difficult to prove the required causation between the breach resulting in the wrongful act and the injury suffered.

## 7. The need for an enhanced social protection<sup>36</sup> approach to address climate change-induced human displacement

### 7.1 Understanding the context and rationale for an enhanced approach

In the social protection space, there has been an overemphasis on essentially humanitarian assistance-focused social protection interventions and short-term safety net support (evident from, for example, the IPCC *Sixth Assessment Report*),<sup>37</sup> thus creating a misalignment with a more developmental approach. In this regard, the following:

- A new direction should consider the increasing protracted nature of displacement, and the dynamics involved in changes in human settlement (urbanisation) and livelihood patterns due to changing global realities:<sup>38</sup> for those prompted to move due to climate change, their income-generating activity in the destination country or area is often restricted to engagement in the informal labour market; those so affected are reliant on humanitarian aid, informal economic activity and informal forms of social protection to generate income and for economic survival.
- Furthermore, there has to be an appreciation of the impact of climate change on those affected, who have relocated. As is also apparent from the ICJ Advisory Opinion, climate change has a disproportionate effect on the poor and most vulnerable; this holds important implications for the very social risk basis of social protection, as indicated below. The IPCC *Sixth Assessment Report* concluded that, overall, “[T]he cumulative scientific evidence is unequivocal: Climate change is a threat to human well-being ...”<sup>39</sup>
- Also, there is need to understand the impact of climate change-caused displacement on host communities and other migrant groups. Social cohesion and economic dynamic are invariably affected, particularly where significant levels of deprivation exist – as displacement is bound to lead to tensions about access to basic services, livelihoods as well as raising questions about the rights and access to justice for communities affected by human mobility. There may indeed be a need for conflict prevention, social cohesion and reconciliation, built into the design and delivery of social protection systems.<sup>40</sup>
- Linked to the previous point is the need to understand that climate change-induced displacement is interlinked with mixed migration movements. People may move across borders or within a country as a precautionary mechanism to ensure economic survival elsewhere. Also, the conflict dynamics at the place/country of origin, as well as at the area/country of destination, caused or aggravated by

36 Here, social protection is conceptualised around the UNDP understanding of the term: “... Social protection is understood as a set of nationally owned policies and instruments, organized around systems that provide income or in-kind support and facilitate access to goods and services to all households and individuals at least at minimally accepted levels, to (i) protect them from multiple deprivations and social and economic exclusion, as a matter of human rights and particularly during shocks or periods of insufficient income, incapacity or inability to work, and (ii) empower them by increasing productive capacities and enhancing capabilities ...” UNDP, UNDP’s Social Protection Offer 2.0 (2022) <<https://www.undp.org/sites/g/files/zskgke326/files/2022-11/UNDP-Social-Protection-Offer-2.0.pdf>> accessed 11 February 2026.

37 In highlighting the need to integrate climate adaptation into social protection programmes, the IPCC Sixth Assessment Report emphasised social safety nets, cash transfers and public works programmes, with a view to increasing resilience to climate change, supported by basic services and infrastructure: IPCC (Intergovernmental Panel on Climate Change) “Summary for Policymakers” In: IPCC, *Climate Change 2022: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (Cambridge University Press, 2022) par C.2.9 <<https://www.ipcc.ch/report/ar6/wg2/chapter/summary-for-policymakers/>> accessed 11 February 2026.

38 Dyfed Aubrey. & Luciana Cardoso, *Towards Sustainable Urban Development in Somalia and IDP Durable Solutions at Scale* (United Nations in Somalia, Integrated Office of the Deputy Special Representative of the Secretary-General, Resident and Humanitarian Coordinator for Somalia, 2019) <<https://somalia.un.org/en/20602-towards-sustainable-urban-development-somalia-and-idp-durable-solutions-scale>> accessed 11 February 2026; Peter de Clercq, ‘Climate Induced Internal Displacement and the National Ownership on Solutions: The once in a lifetime opportunity to get it right’, in Marius Olivier, Avinash Govindjee & Evance Kalula (eds), *Migration Vulnerability Access to Social Protection of select migrant categories* (African Sun Media, 2024); Gloria Nguya & Nadia Siggiqui, ‘Triple Nexus Implementation and Implications for Durable Solutions to Internal Displacement: On Paper and In Practice’ (2020) 39 *Refugee Survey Quarterly*, 466-480; Marius Olivier, Neetu Mahil and Gift Dafuleya, ‘Social Protection – An Operational Tool for the Humanitarian, Development and Peace Nexus: Linkages between Cash-based Interventions and Social Protection in Humanitarian and Non-humanitarian Settings’ (IOM, 2022) <<https://publications.iom.int/books/social-protection-operational-tool-humanitarian-development-and-peace-nexus-linkages-between>> accessed 11 February 2026.

39 IPCC (note 37 above) par D.5.3.

40 Phemelo Tamasiga, Patricia Mogomotsi, Helen Onyeka. & Goemeone Mogomotsi ‘Amplifying climate resilience: The impact of social protection, social cohesion, and social capital on public support for climate change action’ (2024) 10(1) *Sustainable Environment*, 2361568.

the impact of climate change, could be a major cause, or contributor, to internal and cross-border displacement. There is, therefore, a need to systematically include the “third leg” of the HDP Nexus in a social-protection driven approach.<sup>41</sup>

- Finally, the impact of climate change-induced displacement on the social protection system and service delivery has to be appreciated. Climate-induced disruption of social protection provision and delivery is bound to materialise, witnessed through the inability to maintain safety nets and cope with the variety and magnitude of climate risks, especially in countries with weak social protection systems.

## 7.2 Selected key pointers in support of an enhanced social protection response

It is evident that a reconceptualization of the traditional social risk approach may be called for as a first step towards designing an integrated development-focused social protection approach.<sup>42</sup> This may require a reconfigured understanding of the social risk concept, as traditionally understood and applied, and the social risk context, associated with climate change and displacement as a consequence thereof. There may indeed be a need to transcend the ILO social risk conceptualisation beyond the traditional nine (life-cycle based) social risk benefit categories (in old age, unemployment, occupational injuries and diseases, health care, sickness, maternity, disability, family/child support and dependants’ domains).<sup>43</sup> As has been noted, “... an appropriate social protection response framework would require an understanding of the implications of climate change for multi-dimensional poverty and vulnerability resulting for displaced communities in particular, and of the multiple social risks associated with climate change-induced human mobility affecting displaced and host communities.”<sup>44</sup> Associated economic and environmental risks need to be considered too.

Reference is made to a recent publication reflecting on this, as follows:<sup>45</sup>

“The current conceptualisation of social protection – globally and in the region – needs to be reconsidered in response to the vast economic and social transformations that climate change will bring about in the coming decades. The sector’s strategic vision and programming needs to be climate informed and accommodate the profound implications of climate change in terms of scale, type, duration, and spatial distribution of social protection needs. Large-scale increases in the size of populations unable to meet their basic needs without external support will have implications for the scale of social protection coverage and the type of instruments adopted. Different, more complex and dynamic risks will have implications for the duration of provision required and extending coverage to new groups such as vulnerable urban populations, internal and transboundary migrants and those affected by the green transition. Adapting the geographic and spatial distribution of provision to accommodate climate-induced needs will necessitate rethinking the way in which social protection can be effective in contexts of mobility and displacement.”

A second step would therefore require an appreciation of the nature, scale, duration and spatial distribution of the risks and vulnerabilities associated with the various forms of displacement, considering the impact on both mobile and host communities.<sup>46</sup> As has been indicated, the multiple risks in turn are informed

41 Enes Balyemez, ‘The Peace Component of the Humanitarian-Development-Peace Nexus’ (2023) 2(2) TRC Journal of Humanitarian Action 147-158; Caroline Zickgraf, ‘Human Mobility and Climate Change: Migration and Displacement in a warming world’ (2019) 8(4) ECDPM Great Insights Magazine.

42 See, in general, Kamala Sankaran, ‘The human right to livelihood: Recognizing the right to be human’ (2012) 34(1) Comparative Labor Law & Policy Journal 81-94; UNDP, Social Protection for Sustainable Development: Dialogues between Africa and Brazil (UNDP 2016) <<https://www.undp.org/publications/social-protection-sustainable-development-dialogues-between-africa-and-brazil>> accessed 11 February 2026.

43 See ILO social security instruments, in particular ILO *Minimum Standards (Social Security) Convention* (102 of 1952).

44 Marius Olivier & Peter de Clercq ‘Internal displacement, human mobility and climate change: The need for an integrated and comprehensive social protection approach’ in Verena Tandrayen-Ragoobur, Marius Olivier and Gift Dafuleya (eds), *Key dimensions of social protection in the SADC: Building on recent experiences* (University of Mauritius Press/SASPEN) 324-358.

45 Ceclia Costella & Anna McCord, *Rethinking Social Protection and Climate Change: The medium-term implications of climate change for social protection policy and programming in the Asia-Pacific Region* (Report, Australia Department of Foreign Affairs and Trade, DFAT, 2023) 63 <<https://www.dfat.gov.au/sites/default/files/rethinking-social-protection-climate-change.pdf>> accessed 11 February 2026.

46 Ibid; Valentina Barca, Madhumitha Hebbar, Marwah Malik, Felicity Le Quesne. & Francesca. Ciardi, *Shock-Responsive Social Protection in the Caribbean: Literature Review* (Report, Oxford Policy Management (OPM) for the World Food Programme, 2019) <[https://www.anticipation-hub.org/Documents/Research\\_Reports/WFP-0000118441.pdf](https://www.anticipation-hub.org/Documents/Research_Reports/WFP-0000118441.pdf)> accessed 11 February 2026.

by the need to heed different or varied vulnerability contexts, also in the sense of human rights impairment (as indicated by the ICJ), such as (additions indicated in italics):<sup>47</sup>

- “Affected populations at large (IDPs; *transboundary displaced persons/populations; other migrant categories; host communities*) and specific categories of people especially affected (e.g., in-country and cross-border migrants; the aged, children, women in their various capacities)
- Variety of sources leading to the exposure (slow-onset or rapid-onset disasters; longer-term climate change developments)
- The potential for conflict due to competition over natural resources (land, water) and the interactivity between conflict and climate factors for human mobility and displacement
- Different vulnerability needs (e.g., food, medical care, housing, land preservation or restoration, job creation and skilling)
- Range of targeted social protection responses needed (e.g., rapid responses, resilience-building) – as noted in a World Bank report, “Even without explicit environmental objectives, Social Protection and Labor strengthens resilience against climate shocks. However, integrating crisis-sensitive elements into social protection and labor programs increases substantially their ability to respond to shocks.”<sup>48</sup>
- Variety of monetary and non-monetary social protection interventions (e.g., cash transfers; insurance-based arrangements)”

The issue of treatment of affected populations is of particular importance, in social protection terms. Care must be taken to ensure that treatment of affected communities, whether migrant or host, is finely balanced and reflects considerations of equity and equality. Otherwise, the risk of conflict and dissatisfaction may be real, especially if host populations may have the impression that special treatment is given to displaced populations, considering also the weak social protection provisioning that may be available in low-income affected countries. In essence, this may require equality of social protection responses, irrespective of (displaced) mobility categorisation. In particular, and despite the specialised treaty-based regime applicable to refugees in terms of international law, it should be interrogated whether it is just and equitable to provide differential social protection treatment to refugees *vis-à-vis* internally and transboundary populations displaced as a result of climate change.

Required social protection responses should be sensitive to the considerations outlined above. Furthermore, the context should largely determine the scope and nature of the social protection interventions needed. Among others, displaced populations may be in need of urgent non-contributory support to meet consumption needs for some time – i.e., humanitarian assistance interventions. This may also be the case in the event of a purely temporary sojourn in the country/area of destination, if conditions would allow them to return to the country/area of origin in a short space of time. For the rest, however, especially in the event that their stay in the country/area of destination becomes protracted or even permanent, there should be a decisive focus on moving beyond short-term non-contributory support, including cash transfers, to longer-term sustainable social protection interventions. Ideally, to the extent possible, linking non-contributory humanitarian interventions to graduate toward longer-term, including self-sustaining interventions, should be supported. This may require innovation. For example, investment in integrated, purposely designed national public safety net responses (with specific reference to public works programmes) could “... provide a pathway for vulnerable migrants to formally enter the labour market and hence participate in contributory social security schemes. In addition, consideration should be given to involve public works participants directly in national, contributory social programme interventions.”<sup>49</sup> However, as earlier indicated, there is currently little evidence of this shift in focus towards embracing a developmental paradigm.

Furthermore, appreciating and employing social protection in its multi-functional role and various capacity-strengthening modalities may help to inform responses tailored particularly to climate change-induced displacement contexts. Apart from (monetary and non-monetary) compensation, social protection is in the

<sup>47</sup> Olivier & de Clercq (note 25 above) 346 and authority quoted there.

<sup>48</sup> Jamele Rigolini, *Social Protection and Labor: A Key Enabler for Climate Change Adaptation and Mitigation* (World Bank Discussion Paper No. 2108, December 2021) 1, 5-6.

<sup>49</sup> Olivier & de Clercq (note 25 above) 350.

first place aimed at preventing risks from arising, and also to integrate those affected by the occurrence of a risk into the labour market and society. In terms of capacity-strengthening, social protection is meant to strengthen.<sup>50</sup>

- (i) Anticipatory capacity – requiring preparedness and planning, early warning information, and regular and predictable social protection;<sup>51</sup>
- (ii) Absorptive capacity – e.g., by relying on short-term consumption needs interventions and reliance on long-term (conditional) cash transfers and other modalities to absorb the negative impacts of climate change; and
- (iii) Adaptive capacity – i.e., the ability to adapt to multiple, long-term and future climate change risks, to adjust after a disaster, for example, through livelihood options diversification,<sup>52</sup> and to address the underlying, structural causes of vulnerability.<sup>53</sup>

Of course, different nation states may bear distinct responsibilities in relation to the variety of social protection modalities that present themselves. For example, and flowing also from the ICJ's Advisory Opinion, climate "offending" countries as well as countries of origin may be called upon to invest in preventive, including early warning, and preparatory interventions. Also, in the event of transboundary displacement, in particular protracted displacement in a country of destination, consideration should be given to activate portability arrangements for the benefit of those who have been displaced, on the basis of agreement between the country of origin and the country of destination.

It should be evident that the social protection responses discussed above should be state-owned, -led and -managed – in contrast with the current focus on allowing essentially humanitarian institutions to take the lead in climate-related social protection responses. Ideally, the social protection apex institution in a given country should lead the response framework, with the support of other public entity stakeholders as well as the private sector and development partners. In this way, governments and countries will own the social protection interventions. The logical corollary is that national governments should take the lead in social protection policy formulation and legislative reform, as well as on-the-ground roll-out, also in displacement contexts.

And yet, the reality is that social protection service delivery is fragmented, and policy alignment is often a distant ideal,<sup>54</sup> even though there have been several recent examples of a range of linkages being implemented between longer-term, sustainable social protection transfers and humanitarian cash-based interventions to serve diverse displaced populations as well as the host population. These include (often temporary) vertical and horizontal expansion of the scope of social protection; and the development of both parallel responses and shared platforms for social protection service delivery, beneficiary identification and targeting criteria.<sup>55</sup>

Also, governments might have to take the lead under circumstances of significant pressure on often weak social protection systems, considering also the scale and intensity of social protection responses required amidst, and transboundary nature and origin of large-scale displacement incidents. This may require reliance on technical support provided by development partners, as well as collateral funding, to respond meaningfully to climate change-induced displacement. There is also the need to constantly strengthen the social protection system to be able to respond to climate change displacement-related incidents. As the experience globally with COVID-19 has shown, the stronger the social protection system, the better

50 Ibid 348-349, and authority cited there.

51 Ritu Bharadwaj, Tom Mitchell, N. Karthikeyan, Nikhil Raj, Swati Chaliha, Raasbee Abhilashi, Kumar Chinnaswamy, B, Raghini, Ira Deulgaonkar, Devanshu Chakravarti, & Tadhg McCabe, Delivering anticipatory social protection: country readiness assessment (IIED, London, 2023) <<https://www.iied.org/21896iied>> accessed 11 February 2026; IIED, 'Tackling climate change loss and damage by strengthening anticipatory risk response under social protection programmes' <<https://www.iied.org/tackling-climate-change-loss-damage-strengthening-anticipatory-risk-response-under-social>> accessed 11 February 2026; and Ritu Bharadwaj, Tom Mitchell & N. Karthikeyan, Anticipatory Social Protection Index for Resilience – ASPIRE (Toolkit) (IIED, UNDP, 2023) <<https://www.iied.org/21901iied>> accessed 11 February 2026.

52 Martina Ulrichs, Increasing people's resilience through social protection (Resilience Intel, Issue no. 3, May 2016) <<https://cdn.odi.org/media/documents/10555.pdf>> accessed 11 February 2026; Rigolini (note 48 above) 9-10.

53 Janna Tenzing, 'Integrating social protection and climate change adaptation: A review' (2020) 11 *WIRE's Clim Change*, e626.

54 Marius Olivier, 'Climate change, human mobility and displacement: The quest for an adjusted social protection paradigm', Edoardo Ales, Tindara Addabbo, Ylenia Curzi, Tommaso Fabbri & Iacopo Senatori, Green Transition and the Quality of Work: Implications, Linkages and Perspectives (Palgrave Macmillan, 2024), 153-177 156.

55 Iffat Idris Linking social protection and humanitarian response – Best practice (K4D Helpdesk Report 684. Institute of Development Studies, 2019) <[https://opendocs.ids.ac.uk/articles/report/Linking\\_Social\\_Protection\\_and\\_Humanitarian\\_Response\\_Best\\_Practice/26431504?file=48081172](https://opendocs.ids.ac.uk/articles/report/Linking_Social_Protection_and_Humanitarian_Response_Best_Practice/26431504?file=48081172)> accessed 11 February 2026; Olivier, Mahil and Dafuleya (note 38 above).

equipped it is to respond to major crises, such as pandemics. The same would be true of the ability of a social protection system to respond effectively to climate change impacts.

Finally, a new integrative and human development-oriented approach to displacement and human mobility should consider the reality of the increasingly mixed nature of population movements around the world (whether conflict-, climate- or economic interest-driven) whilst avoiding compartmentalised and uncoordinated approaches. This requires, among others, an understanding of the evidence base of the underlying causes and context of the conflict-induced or climate change displacement (and their interlinkage), which in turn affect response options.

## 8. Conclusion and Action Points

In today's global rapidly changing context where multilateralism, respect for international law, institutions and shared values are under extreme strain, it is untenable and unsustainable to simply "stay or improve" the current charted course. We need to change the fundamentals of international cooperation rather than to simply try to be more effective and efficient in how we have conducted business since the time when the current systems and institutions were established. *(Action: mobility and displacement impacted countries, UN Leadership, and donor countries need to re-evaluate and get serious about the need for a "mind shift" in the context of collapsing humanitarian support. Humanitarians, in particular, need to acknowledge that externally and humanitarian imperative driven action needs urgent adaptation to the benefit of nationally owned approaches.)*

The increasing inward-, transactional and country-first trend discernable in countries that previously championed international solidarity and cooperation should be digested into an increased national ownership of human development priorities and a focus on "sovereignty as responsibility". We would argue, as illustrated in this paper, that national social protection mechanisms are an innovative and transformational basis for a remedial and solutions-based approach that constitutes an implementable basis for the so-called Humanitarian-Development-Peace Nexus in the human mobility and displacement realm. *(Action: Mobility and displacement-impacted fragile countries, UN global and country-level leadership, donor countries need to support a coordinated shift towards a nationally anchored social protection approach, away from supply-driven short-term humanitarian response routine.)*

In view of the growing reality of "mixed movements" as well as the interrelation between climate- and conflict-based movements/displacement, compartmentalised and mandate-specific approaches have largely reached the limits of effectiveness. As part of UN80, ongoing UN mandate reviews and the humanitarian reset of mergers of displacement- and mobility-focused agencies may be contemplated, or at least a much more integrated approach at country level – led by Resident Coordinators. *(Action: UN leadership at global and field level, bilateral and multilateral development actors, and the donor community should acknowledge and act on required institutional and operational changes to break through current compartmentalized approaches to human mobility and displacement.)*

We have pointed at some highly encouraging recent developments in the displacement and human mobility field, in particular the UN Secretary-General's High Level Panel Report on Internal Displacement, the Kampala Convention and, most recently the ICJ Advisory Opinion on obligations of states in respect of climate change (see above). We believe that a Social Protection-based response to human mobility builds on these innovations and may well serve as a catalyst for broader reform to the externally-driven and clearly unsustainable traditional humanitarian system. Changes towards a Social Protection-driven dynamic need to be anchored at country level, by linking response to mobility and displacement systematically to solutions and prevention. In general, a more pre-emptive, anticipatory and adaptive approach should be adopted by all relevant stakeholders, to be led and coordinated by impacted countries themselves. *(Action: Mobility and displacement-impacted states, relevant national and international humanitarian and development actors, donors need to recognize, support and implement nationally-led social protection and other responses to climate change-induced displacement.)*

Of course, we are not naïve to believe that such changes should simply be promoted in the existing multilateral and international aid coordination mechanisms and forums – especially not in today's world! Rather, a powerful coalition of, on the one hand, displacement and human mobility impacted countries and, on the other hand, stakeholders who remain committed to the promotion of collective, win-win and evidence-based action can formulate a Social Protection roadmap and build the momentum for necessary change. *(Action: Displacement-impacted states should be encouraged and supported to create strategies, platforms and mechanisms that will reinforce "sovereignty as responsibility, while international humanitarian and development actors should commit to promoting and respecting national ownership and leadership of social protection-driven action on human mobility and displacement.)*

In particular as far as the impact of the ICJ's Advisory Opinion and the legal consequences indicated in the Opinion are concerned, we highlight collective and multilateral solutions (and resources such as Trust Funds); the international human rights-based framework as a basis for extending social protection to vul-

nerable households and individuals, including transboundary migrant vulnerable individuals and populations, but also internally displaced populations; the inherent insufficient and short-sighted nature of the current emphasis on short-term, cash-benefits-oriented social protection interventions; and the potential social protection implications for countries of origin, which may or may not be climate change-offending countries, as well countries of destination, in the event of climate change-induced displacement. *(Action: the current overemphasis on cash systems as the predominant driver of social protection systems should be reconsidered and made part of a broader approach that takes into consideration delivery of basic services as well as protection/promotion of livelihoods. International and national humanitarian and development actors should focus more on supporting national and local governance structures toward greater involvement through system-based social protection.)*

Indeed, also in the displacement-relevant social protection context, the HDP nexus should be better aligned to a more developmental approach, considering the increasing protracted nature of displacement and changes in human settlement and livelihood patterns. This requires an appreciation of the impact of climate change on those affected, including displaced communities, but also host communities and other migrant groups. Considerations of conflict prevention, social cohesion and reconciliation, equity and equality require a finely balanced approach to extending social protection, which leaves no one behind. *(Action: Displacement and human mobility related action should be seen as part of national and local human development action, which should in all interventions aim to enhance social cohesion and reduce/mitigate conflict. This means that a mere “do no harm” approach should be transformed in a “do good” drive, led by national and local actors and supported by the international community.)*

Social Protection has, so far, in the context of climate change interventions, been fairly narrowly defined and interpreted by humanitarian actors (and to some extent development partners as well) as being embedded in the design and implementation of cash systems. Whereas the latter have, undoubtedly, provided a more flexible and somewhat slightly more beneficiary-oriented dynamic, the compartmentalised and uncoordinated introduction of these systems have led to duplication, overlap and at times contradiction.<sup>56</sup> This is a further demonstration of the traditional supply orientation of humanitarian response and manifestation of humanitarian action as a largely unregulated “competitive business”. Social protection is not merely a reformatting of assistance modalities – or better coordination thereof.<sup>57</sup> *(Action: As we have argued throughout this contribution, a social protection approach goes well beyond a mere adaptation or reformatting of existing response mechanisms. It requires a change in fundamentals with promotion of national and local ownership as a precondition. International humanitarian and development actors should engage with this fundamental shift – towards domestication of the problematic – in mind.)*

We argue that a recalibrated development-focused social protection response framework requires a reconceptualization of the traditional social risk approach, reflecting an appreciation of the scale, type, duration and spatial distribution of social protection needs, including associated economic and environmental risks. The response framework should be sensitive to the reality of the displacement context and be flexible to employ varied responses, considering among others whether the sojourn in the country/place of destination is temporary or protracted. Innovation may be called for to link non-contributory humanitarian interventions to graduated longer-term, including self-sustaining interventions, and to provide a pathway for vulnerable displaced migrants to enter the labour market and hence participate in contributory social security schemes. *(Action: National and international development, humanitarian and peace actors should systematically include considerations around sustainable livelihoods and integrated, coordinated social protection responses in remedial strategies and policies, to promote the earliest possible return to productivity and mitigate the negative socio-economic aspects of displacement and unregulated human mobility.)*

We further argue that preventive and participatory social protection approaches may require action on the part of climate “offending” as well as countries of origin, while consideration should be given (in the case of transboundary displacement) to activate portability arrangements, on the basis of bilateral arrangements involving countries of origin and destination. *(Action: Flowing from recent ICJ and IACtHR Advisory Opinions as well as a more human rights- and community-based understanding of (social) protection, “offending”*

<sup>56</sup> Corinna Kreidler, Sophie Battas, Karin Seyfert & Mira Said, Linking Humanitarian Cash Assistance and National Social Protection Systems (Report, World Bank, 2022) <<https://documents1.worldbank.org/curated/en/099210002082335614/pdf/P174127062d8f20f80a25d09cb0c1e6472b.pdf>> accessed 11 February 2026.

<sup>57</sup> Walter Kälin & Peter de Clercq, ‘The UN at 80: What lies ahead for internally displaced persons?’ (Researching Internal Displacement, 30 September 2025) <[https://researchinginternaldisplacement.org/short\\_pieces/the-un-at-80-what-lies-ahead-for-internally-displaced-persons/](https://researchinginternaldisplacement.org/short_pieces/the-un-at-80-what-lies-ahead-for-internally-displaced-persons/)> accessed 11 February 2026.

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*countries, countries of origin and countries of destination should heed their social protection obligations under international law. Beyond collateral funding and other arrangements, bilateral and multilateral agreements should support the extension and implementation of social protection interventions to affected communities and individuals. Among others, these agreements should provide for portability of social security entitlements and benefits.)*

Finally, we hold the view that graduating towards a more developmental approach in social protection response framework requires that this should be state-owned, -led and -managed. However, consideration should also be given to the transboundary nature and origin of large-scale climate displacement incidents, as well as that the scale and intensity of required social protection responses could place undue pressure on often weak social protection systems – which may require support provided by development partners, as well as collateral funding, to enable meaningful social protection responses.