

## CLIMATE CHANGE, NATURAL DISASTERS, AND INTERNATIONAL PROTECTION

PRESENTATION BY:

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SPEAKING AT:

ENVIRONMENTAL DISPLACEMENT BRIEFING

THURSDAY, NOVEMBER 17, 2011

2:00 P.M.

RAYBURN HOUSE OFFICE BUILDING  
ROOM B318  
WASHINGTON, DC

### INTRODUCTION

- UNHCR's High Commissioner, Antonio Guterres, recently called climate change and environmental degradation "the defining challenge of our time" and one of the global "mega-trends" that interact to cause humanitarian crises and displacement.
- There has been an increasing amount of attention to this topic- in academic circles, think tanks, governments, NGOs', and among our international partners such as the International Organization for Migration (IOM). Also, our High Commissioner gave a speech on this topic at the Nansen Conference on Climate Change and Displacement earlier this year.
- The devastating drought and famine in Somalia reminds us of how adverse environmental conditions paired with conflict and war can lead to massive outflows and internal displacement. Nearly a million Somalis are refugees in neighboring countries and 1.5 million are internally displaced inside Somalis; therefore, one third of Somalia's population is displaced. However, we should keep in mind that while the drought is a disaster affecting several countries in the Horn of Africa, resulting in the need for emergency food assistance, the famine stops at Somalia's border. If the problem were solely the drought, we would see famine in other countries.

### UNHCR TERMINOLOGY

- While displacement from natural disasters may resemble refugee movements in some aspects, persons fleeing solely natural disasters are unlikely to be recognized as refugees under the 1951 Convention relating to the Status of Refugees, **which requires that people be outside their home**

**country and that they have a well-founded fear of persecution on one of five grounds (race, religion, nationality, membership in a particular social group, or political opinion) if returned to that country** Persons may qualify as refugees if they have mixed reasons for fleeing—for example, when natural disasters occur in a country that is also experiencing conflict. However, persons uprooted by natural disaster alone would not likely fear persecution, and in most cases they remain inside their own country.

- UNHCR does not recognize the new terminology of “climate refugees” or “environmental refugees,” as this terminology is not legally accurate and could weaken the refugee protection regime. Nevertheless, we fully recognize that persons displaced by environmental factors have tremendous humanitarian needs—some of which are similar to those of refugees—and that the international community must work to effectively respond to those needs. This is also true of persons who are internally displaced for refugee-like reasons, which is why UNHCR, on a case-by-case basis, provides protection and assistance to conflict-affected IDPs.

## BACKGROUND

- Causes of natural disasters:
  - The causes of climate and change and natural disasters are complex and not the focus of today’s briefing. What we do know is that natural disasters are increasing; the number of natural disasters has doubled over the last two decades, from approximately 200 to 400 per year.
- There is a link between climate change, natural disasters and displacement:
  - In 2010, at least 22 million persons were displaced internally due to new natural disasters. In 2008, this number was 36 million people, according to IDMC and OCHA estimates.
  - As resources become scarcer, increased competition and conflict over these resources (water, food, energy in particular) is more likely. Conflict over natural resources also has the potential to displace vulnerable people.
- As my colleague Susan Martin has noted and can discuss further, displacement from climate change and natural disasters can take distinct forms:
  - Climate change: slow onset
  - Natural disasters: rapid onset
    - Displacement from natural disasters such as earthquakes, hurricanes, floods or tsunamis can look like **refugee flows**.
- The vast majority of movement prompted by climate change occurs **within natural borders**.

- Displacement within national borders and across borders raise different **protection concerns**. Protection analysis is important during times of national responses to natural disasters to address issues such as:
  - unequal access to humanitarian assistance
  - discrimination in the provision of assistance
  - sexual and gender based violence
  - lost documentation
  - trafficking
  - family separation
  - exploitation of children
  - unsafe relocations
  - other issues

## LEGAL FRAMEWORK FOR INTERNAL DISPLACEMENT

**As stated before, the majority of climate and disaster induced displacement is internal.**

- Internally Displaced Persons (IDPs) are entitled to protection under national law, international human rights law, and humanitarian law (when conflict is also occurring).
- There is no binding **global** treaty on IDPs.
  - Global framework: 1998 Guiding Principles on Internal Displacement
- There are two binding **regional** legal frameworks for IDPs:
  - Great Lakes Protocol on the Protection and Assistance to Internally Displaced Persons (2006)
  - African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) (2009)
- The above three conventions on IDPs do address displacement caused by natural disasters.
- UNHCR doesn't have a specific mandate *per se* for the protection of IDPs, but the High Commissioner has broad authority "to engage in such activities...as the General Assembly may determine, with the limits of the resources placed at his disposal." This has been interpreted to allow UNHCR to expand its mandate to IDPs and other forcibly displaced populations.

## POLICY FRAMEWORK AND RESPONSE TO NATURAL DISASTERS

- UNHCR's role in situations of internal displacement caused by natural disasters has often been an extension of its protection role in situation of conflict-related displacement.

- In 2006, the UN Inter-Agency Standing Committee (IASC) adopted Operational Guidelines on Human Rights and Natural Disasters. These guidelines established joint leadership in response to natural disasters among the three core protection agencies: OHCHR, UNICEF, and UNHCR.
- In the context of the *humanitarian reform* initiated under UNSG Kofi Annan in 2005, UNHCR has taken the responsibility for leading three “clusters” in order better coordinate inter-agency work in the areas of protection, shelter, and camp management/coordination in situations of internal displacement caused by conflict. In situations of internal displacement caused by natural disasters, UNHCR is playing a more limited role based on the availability of other stakeholders in the affected country as well as requests made by the UN Emergency Relief Coordinator or/and the affected country (e.g. Pakistan, Haiti, the Philippines).
  - For those not familiar with the UN’s “cluster” system, clusters are groupings of UN agencies, NGOs, and other international organizations around a sector or service provided during a humanitarian crisis. There are nine clusters (Protection; Camp Coordination and Management; Water, Sanitation, and Hygiene; Health; Emergency Shelter; Nutrition; Emergency Telecommunications; Logistics; and Early Recovery), and each one is led by a designated UN agency.
  - The Cluster lead is supposed to be the “first port of call” and the “provider of last resort” at the national level, such as filling in gaps in national assistance or providing assistance.

In other words:

- In response to calls from Member States and NGOs for a more prompt and predictable response to natural disasters, **in 2009 UNHCR’s High Commissioner offered to more systematically assume leadership of the Protection Cluster in situations of displacement caused by a natural disaster.**
- However, some Member States on UNHCR’s governing board (known as the Executive Committee, or ExCom) do not necessarily support the systematic involvement of UNHCR as the protection cluster leader in situations of internal displacement caused by natural disasters.
- UNHCR’s protection role in natural disasters is different from international refugee protection. UNHCR responds to natural disasters only upon the consent or the request from the State where the disaster occurred. UNHCR’s actions are supposed to complement and reinforce State action.
- In countries where it is not already operating, UNHCR--**at the request of the affected government and/or the designated official (UN country team, etc)**--will seek to **rapidly** deploy a temporary protection team to address the immediate protection gaps.
- Lessons learned so far have shown that UNHCR’s work with IDPs has not (and should not) negatively affected the delivery of protection and assistance to refugees. Support offered in natural disasters has actually facilitated or strengthened relations with governments concerning refugee protection. Using funds to respond to natural disaster will not detract from funds for refugee assistance because of UNHCR’s budget structure.

## UNHCR ACTION RELATED TO CLIMATE CHANGE

- UNHCR is trying to develop a better understanding of this phenomenon and its linkage to human mobility.
  - Example: Asking vulnerable populations in the Horn of Africa how they are adapting to environmental threats as a part of a joint initiative with the UN University.
- UNHCR is striving to incorporate the principles of environmental management in all of our field operations.
  - Example: Through the provision of solar cookers, as well as solar-powered heating and lighting systems, for example, we hope to "green" refugee camps and reduce their carbon footprint. At the same time, we are committed to planting ten million trees a year, so as to stabilize the environment in areas affected by mass displacement.
- In his speech at the *Nansen Conference on Climate Change and Displacement* in Oslo, Norway on June 6, 2011, the High Commissioner encouraged states experiencing significant internal displacement to ensure that their responses are fully consistent with the Guiding Principles on Internal Displacement, and called for the development of regional frameworks to contribute to building national capacity.
- We are encouraging the international community to respond to natural disasters and displacement not only in emergency mode but also by strengthening national and local capacities to prepare for and deal with natural disasters and climate change.
  - Emergency response isn't enough: the Representative of the Secretary General on the Human Rights of IDPs has found that "people often find themselves in the worst living situations six to twelve months after the disaster, when emergency funding has stopped."
- We encourage the development of a global guiding framework for situations of cross-border displacement resulting from climate change and natural disasters. UNHCR stands ready to support states in the development of such a framework, which could take the form of temporary or interim protection arrangements.

## CONCLUSION

- UNHCR recognizes that there are links between climate change, natural disasters, and displacement but does not use the term "environmental refugee" because the term "refugee" has a distinct definition under international law and a corresponding protection regime.
- UNHCR is committed to responding to displacement from natural disasters when the affected country and/or relevant UN official requests such assistance. Refugees remain our core mandate.
- Recognizing that the State has the primary responsibility to protect those within its borders and that the refugee definition does not recognize environmental causes, UNHCR calls for more

collaborative action by governments, international organizations, and NGOs to establish a framework for dealing with migration as a result of climate change and natural disasters.

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