

**Tom Lantos Human Rights Commission
Briefing on Environmentally Displaced Persons
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A. INTRODUCTION/OVERVIEW

Good afternoon. I'd like to thank Congressmen McGovern and Wolfe and their staffs for organizing this timely discussion and for the opportunity to participate on this distinguished panel.

Since its founding in 1979, Refugees International has been an independent advocate on behalf of millions of people across the globe fleeing conflict and persecution.

Over the past decade, however, new and increasingly complex factors have come into play. More severe natural disasters, food and water insecurity, and environmental degradation -- whether alone or in combination with conflict -- are increasingly driving displacement.

As the other panelists have discussed, it is hard to predict with absolute certainty the exact patterns of future displacement or migratory movements from environmental change.

One thing experts do agree upon, however, is that it is the world's poorest and most conflict-prone countries that are being, and will be, impacted the most.

This is due not only to their exposure to natural hazards like floods, droughts and earthquakes, but also to their underlying vulnerabilities including poverty and a weak capacity of their people and governments to prepare for and respond to such hazards.

With the developing world on a trajectory of rapid population growth, increased urbanization, increased pollution, and growing natural resource scarcity, environmental displacement is only likely to grow worse. These trends will both drive mobility on the one hand, and place more people at-risk on the other, as they move to densely-populated urban slums, or other disaster-prone and marginalized areas.

Ignoring these facts and trends will only serve to limit our options going forward.

However, if we take a proactive approach and plan now, we can better avoid and manage these impacts, and in a manner that best protects the world's most vulnerable people.

So, how to do this?

1. First, through better protection – that is, by implementing measures to better protect those displaced by environmental events or changes.

2. Second, through better prevention: by developing mechanisms to mitigate or prevent displacement, primarily through reducing disaster risks and increasing resilience to environmental change.

3. And third, through more strategic US policies and institutional arrangements that will allow us to better prepare for and manage environmental displacement.

B. STEPS FORWARD

1. Improving Protection

Natural disasters and environmental changes present significant protection challenges – both legal and operational.

a. Legal protection gaps.

There are a number of gaps in the legal and normative frameworks for addressing those displaced by environmental events and changes.

i. Internal Displacement

For example, with respect to internal displacement from natural disasters and environmental change – which is where the majority of displacement from environmental factors is anticipated to occur – *The UN Guiding Principles on Internal Displacement* provide a sound basis for protection.

Regional treaties, such as the *2009 AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)*, provide an excellent model that governments should seek to replicate elsewhere.¹ In addition to requiring the protection of people displaced by both natural and man-made disasters, it obligates parties to prevent, mitigate, prohibit and eliminate the root causes of internal displacement by: (1) developing early warning systems in areas of potential displacement, (2) DRR strategies, and (3) emergency management measures.

However, in many parts of the world and at the national level, the Guiding Principles remain poorly implemented, and often do not extend to those displaced by natural disasters (e.g., Colombia). And there is little guidance on how they might extend in the case of slower-onset or recurrent events that do not reach the level of a “disaster.”

¹ To become binding, requires ratification of 15 signatory states. AS of August 2011, a total of 12 countries had ratified.

Recommendation: National governments must be strongly encouraged to implement the rights-based approach outlined in the UN Guiding Principles, and to extend them to those displaced by natural disasters and broader environmental changes.

ii. External Displacement

In addition, the protection gap for those who cross an international border due to environmental factors – and who do not fall into the definition of “refugee” – must also be addressed.

To date, calls to expand the 1951 Refugees Convention to include environmental displacement have met with both political and practical obstacles.

Calls to craft a new agreement appear more promising. For example, *The Nansen Principles*, adopted at the Nansen Conference on Climate Change and Displacement held in Norway last June, call upon States, working in conjunction with UNHCR, to develop “a guiding framework or instrument” to address “the protection needs of people displaced externally owing to sudden-onset disasters.” While the new agreement would only go so far as to address cross-border displacement from sudden-onset natural disasters, it is nonetheless a first step forward.²

Others have suggested modifying or expanding existing migration and asylum policies, and temporary protections.³ This could be done on a bi-lateral or regional basis.

Recommendation: In short, a more coherent and consistent approach at the international level is clearly needed to address these legal and normative protection gaps. But figuring out the right way forward, and taking steps *now* to ensure that we will get there, is not likely to happen without strong leadership and support from the United States.

b. Operational protection challenges in natural disasters

The second area where better protection measures are necessary relates to the operational response to humanitarian emergencies brought on by natural disasters and environmental change.

From the earthquake in Haiti to the drought in the Horn of Africa, repeated large-scale natural disasters are putting increasing pressure on a humanitarian system that is already overstretched and significantly underfunded.

² In addition, the Cancun Adaptation Agreement adopted under the UN Framework Convention on Climate Change calls on Parties to take “measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at national, regional and international levels.”

³ For example, New Zealand’s labour migration policy, known as the “Pacific Access Category” or PAC. Allows 75 citizens of Kiribati, 75 citizens of Tuvalu and 250 students of Tonga (including their partners and dependent children) to establish residency in New Zealand each year. Or the recognition of “environmental migrants” as a category of “person in need of Protection,” as is the case in Sweden and Finland.

The needs brought on by these “mega-disasters” are enormous.

- They often affect millions of people often across wide geographic areas (e.g., Pakistan).
- Homes, roads, bridges and other critical infrastructure are wiped away making relief operations extremely difficult.
- In some countries, ongoing conflict further hinders the distribution of aid.
- Protecting affected populations requires not only providing life-saving assistance but simultaneously addressing the risk of secondary disasters like famine and disease brought on by the crisis itself.

In the face of these large-scale crises, the protection of vulnerable populations is often overlooked.

- Certain groups have unequal access to assistance or face the discrimination in the distribution of aid.
 - E.g., Katrina – we witnessed this here in the United States following Hurricane Katrina. While authorities knew the hurricane was coming, evacuation plans were designed for people who had cars, leaving the poor, the elderly & the disabled with limited means to evacuate.
 - E.g., Haiti –In Haiti, landowners were given priority during reconstruction while those who informally occupied land – e.g., tenants and slum dwellers – were not given consideration. This left them displaced for long periods and at greater risk of human rights violations.
- Other vulnerable groups face unique risks that must be taken into consideration. For example, women, children and the elderly face an increased risk of violence, abuse, exploitation and family separation.

Recommendation: Both national governments and humanitarian actors must do more to ensure the protection of displaced persons and other vulnerable populations affected by natural disasters. *The IASC Guidelines on Human Rights in Natural Disasters* provide a framework for the adoption of a rights-based approach to disaster response. Both the international community and national governments must take measures to ensure that they are incorporated into laws and procedures, and effectively operationalized.

2. Better Prevention

The second important step necessary to effectively address environmental displacement is better prevention. This will require shifting the focus from responding to environmentally-induced crises, to the need for policies and measures to better prevent or mitigate them.

For sudden-onset events, like floods or storms, this should center on disaster risk reduction (“DRR”) – in other words, measures to address underlying risk factors in order to reduce avoidable loss of life, loss of homes, property and livelihoods.

In addition, governments need to take people out of harm’s way – often this will entail relocating populations living in at-risk areas (e.g., along rivers, in floodplains, on steep hillsides or living in poorly constructed housing or urban slums).

- However, given the poor success rate of government-led relocations programs, new relocation paradigms are needed – for example, community-led relocation (e.g., Newtok, Alaska)

For slower onset changes, like droughts, improving protection will require not only better early warning systems (*and* motivating action on early warning), but also measures to increase the resilience of vulnerable populations to withstand the shock.

- e.g., through adaption measures such as, economic diversification & the development of alternative forms of livelihoods; improved water management and enhanced food security; and safety nets for most vulnerable sectors of populations.

3. Better Policies and Institutional Arrangements

Finally, the diverse and increasing complex drivers of displacement and migration require new strategic approaches and a rethinking of current US institutional arrangements and policies.

At present, there is no coherent institutional arrangement within the U.S. government that allows a proactive, holistic approach to environmentally-induced displacement and migration.

It is unclear whether State Department’s Bureau for Population, Migration and Refugees’ mandate extends to those displaced across international borders by natural disasters or other environmental changes since they are not technically “refugees.”

With respect to prevention, within USAID, the Office of Foreign Disaster Assistance (OFDA) is responsible for both disaster prevention and emergency response. Not surprisingly, however, each year the vast majority of OFDA’s budget goes to responding to humanitarian emergencies rather than to programs designed to prevent them.

- For example, in FY 2010 OFDA spent approximately \$34.5 million globally – less than 5% of its total budget – on stand-alone DRR programs such as early warning systems.⁴
- By comparison, the U.S. government spent more than \$591 million – more than 17 times that amount – in responding to the August 2010 flooding in Pakistan alone.⁵

Recommendation: Mapping vulnerable populations living in at-risk areas, and using that information to design programs to help build people’s resilience to environmental change, is an important strategy for mitigating or preventing displacement in the future.

Given the clear co-benefits, USAID should better link its DRR activities to broader development goals in vulnerable countries, and in a strategic way that takes into account the need to build the resilience of vulnerable populations to disruptive environmental change.

C. CONCLUSION

In closing I’d like to bring to your attention a recent report commissioned by the British government. *The Foresight Study on Migration and Global Environmental Change*, looks at how environmental change, land degradation, and population growth will affect the volume and patterns of human migration in the future (out to 2030 and 2060). The goal of the report is to inform decisions that need to be taken today by policy makers at national and international levels to address these future challenge.

- Specifically, the report calls on policy makers to take action to reduce the impact of environmental change on communities while simultaneously planning for migration.
- The report concludes: “Giving urgent policy attention to migration in the context of environmental change now will prevent a much worse and more costly situation in the future.”

Recommendations: The US government must likewise take steps now.

First, Congress would be wise to commission a report that fully sets forth the state of knowledge of environmental displacement and migration, and the current US policies and institutional arrangements for responding. Policymaking in the absence of this vital data is enormously challenging.

Second, the US government should map out vulnerability to environmental change across the globe, and based on risk analysis, increase investments in DRR and in programs that help build

⁴ This amount does not include money spent on disaster risk reduction measures implemented “as part of the disaster response,” e.g., replacing homes destroyed in an earthquake with new, systemic resistant structures.

⁵ USAID Pakistan Floods Fact Sheet #8, Dec. 23, 2010, available at <http://www.reliefweb.int/rw/rwb.nsf/db900sid/VDUX-8CETUM?OpenDocument&rc=3&emid=FL-2010-000141-PAK>.

the resilience of the most vulnerable to environmental impacts. Too often donors overlook support to help countries prepare for and adapt to natural disasters and environmental change, and then end up spending *much, much more* responding once the disasters.

International actors called into assist national governments must also get their own houses in order: They must engage in contingency planning, must improve leadership and expertise of their own staff to address natural disasters, and must work to improve coordination and cooperation mechanisms.

Finally, the US Government needs to determine which agency has primary responsibility for the attending to the various aspects or phases of environmental displacement. Clarifying responsibilities will result in more coherent planning prior to environmental crises that result in displacement and more effective response to the humanitarian needs of the people who are displaced.

THANK YOU.