

**SUBMISSION**

**FORCED DISPLACEMENT IN THE CONTEXT OF CLIMATE CHANGE:  
CHALLENGES FOR STATES UNDER INTERNATIONAL LAW**

Paper submitted by the  
Office of the United Nations High Commissioner for Refugees

in cooperation with the Norwegian Refugee Council, the Representative of the Secretary  
General on the Human Rights of Internally Displaced Persons and the United Nations  
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**I. Introduction**

The Intergovernmental Panel on Climate Change (IPCC) indicated already in 1990 that “the gravest effects of climate change may be those on human migration.” In its recent report of 2007, the Panel highlights the acceleration of climate change and its factual severe impacts on the environment and human lives. Urgent action is needed. The Bali Action Plan recognizes adaptation and risk management as important elements to be addressed in the climate change negotiations and agreement this year in order to alleviate the human impact of climate change (1 c (ii)). In the risk management workshop of COP 14 in Poznan, December 2008, the Parties expressed further their support and willingness to build on and coordinate with existing institutions and mechanisms in responding to the needs of persons affected by the effects of climate change.

This submission<sup>1</sup> is in response to the Bali Action Plan article 1 c and addresses the protection of internally displaced persons and persons displaced across international borders

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<sup>1</sup> This paper should be read in conjunction with previous submissions to the UNFCCC relating to the topic of climate change, migration and displacement:

- 1) “Change, Migration and Displacement: Who will be affected?” Working paper submitted by the informal group on Migration/Displacement and Climate Change of the IASC – 31 October 2008 to the UNFCCC Secretariat.
- 2) “Disaster Risk Reduction Strategies and Risk Management Practices: Critical Elements for Adaptation to Climate Change” Submission to the UNFCCC Adhoc Working Group on Long Term Cooperative Action by The Informal Taskforce on climate change of the Inter-Agency Standing Committee and The International Strategy for Disaster Reduction 11 November 2008.

in the context of climate change and the corresponding obligations of States under existing international law. The purpose of this paper is to inform States Parties on some key challenges in this regard, and to provide them with some key messages to be taken into account in the negotiations towards a Copenhagen outcome.

## **II. Key messages and recommendations to States Parties to the UNFCCC**

1. There is no monocausal relationship between climate change and displacement. States Parties should, however, acknowledge in the agreed outcome that there is a clear link between the effects of climate change and displacement. They should acknowledge their obligations to address displacement in the context of climate change for the following reasons:
  - a) Addressing and mitigating climate change by reducing green-house gases in accordance with the UNFCCC, its Kyoto Protocol and envisaged new instruments contribute to preventing displacement;
  - b) The Hyogo Framework for Action calls for the reduction of disaster hazards and vulnerabilities and human rights law makes the reduction of disaster risks and vulnerabilities under certain circumstances a mandatory obligation of States. In this context, the UNFCCC's National Adaption Programmes for Actions (NA-PAs) should systematically address the issues related to displacement;
  - c) The protection of internally displaced persons and their assistance is first and foremost the responsibility of States under human rights law and the Guiding Principles on Internal Displacement; and
  - d) Some persons displaced across international borders qualify for refugee status. Their protection is the responsibility of States under the 1951 Convention and other instruments of international and regional refugee law as well as human rights law.
2. States should consider establishing alternative forms of protection for those persons who do not qualify as refugees but whose return is not feasible or not reasonable due to circumstances in the place of origin and/or personal conditions, including particular vulnerabilities. They should ensure that migration management systems provide for the needs of such persons.
3. States Parties should continue the policy dialogue on the displacement - climate change nexus and consider appropriate coordination structures for such dialogue in the post-Kyoto regime.

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3) "Climate change, migration and displacement: impacts, vulnerability and adaptation options" Submission by the IOM, UNHCR and UNU, in cooperation with NRC and the RSG on the Human Rights of IDPs, 6 February 2009.

4. States Parties should build on existing international response mechanisms and ensure policy coherence between mitigation, adaptation, humanitarian responses and development;
5. States Parties should ensure that any adaptation and risk management regime of the agreed outcome covers, *inter alia*, forced displacement. In order to recognize this as an important issue linked to climate change, they should consider including references in the appropriate space in the negotiating text:
  - a) To “humanitarian responses as an essential part of adaptation measures” and “migration and displacement” as well as “the usefulness of coordinating with established institutions and mechanisms”.
  - b) To the fact that enhancing States’ ability to protect people on their territories falls squarely within the notion of adaptation. A guiding principle for adaptation should be that States give priority to the particular needs of the most vulnerable people and those most affected by climate change, including the displaced and those at risk of displacement or of exploitation, abuse or severe hardship during the migration process.
  - c) To the need to allocate some adaptation funding to disaster risk reduction and humanitarian response since none of the already established humanitarian funding mechanisms are currently sufficient to meet the coming challenge.
  - d) To the need to support and follow up research and action to identify and fill existing and foreseeable legal, operational and capacity gaps associated with climate change and displacement. Any follow-up to create law, policies and/or mechanisms on internal displacement, non-return, international protection, and/or durable solutions, should be informed by existing law, guiding principles, policy, good practice and competent institutions.

## **BACKGROUND ANALYSIS**

### **1. Climate Change and Forced Displacement**

Global warming and the ensuing changes of climate as such do not trigger movement of persons; however, its effects, such as natural disasters, environmental degradation or sea-level rise, have the potential to do so. It is believed that between 50 and 200 million people may move by the middle of the century, either within their countries or across borders, on a permanent or temporary basis.

Some of this movement could be considered voluntary, e.g. triggered by the prospect of finding a better life in areas not affected by such phenomena, and thus be part of adaptation strategies. In other cases, however, a clearer element of coercion, including threats to life, or health, property and livelihoods, exists. Movements in this latter category are more easily classified as forced, and hereinafter they are referred to as

'displacement'. It is, however, important to emphasize the multi-causality of climate change-related displacement. In addition to a climate-related trigger of displacement, such as natural disasters or environmental degradation, there are other factors that are also at play. While there is no monocausal relationship between climate change and displacement, the existence of a clear link between the two phenomena should be acknowledged.

The majority of those displaced by the effects of climate change, whether due to sudden-onset hydro-meteorological disasters or environmental degradation, remain within the borders of their country of origin. In the foreseeable future, much of the climate change-related displacement is expected to remain internal. However, some displacement will also take place across internationally recognized State borders.

## **2. Climate Change and Internal Displacement**

Displaced persons, who remain within their own country, qualify as “internally displaced persons”. The 1998 UN Guiding Principles on Internal Displacement (Guiding Principles) identify them as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of [...] natural or human-made disasters, and who have not crossed an internationally recognized State border.”

The many millions forcibly displaced by sudden and slow-onset disasters will require substantial protection and humanitarian assistance because displacement creates specific new, or exacerbates pre-existing, vulnerabilities. Particular challenges for the displaced as well as for the authorities concerned arise in the context of **evacuations** before and during disasters, **relocations** because return to the original place of residence is not possible or too dangerous and, more generally, the need to find **durable solutions** for those among the displaced who cannot return and resume their normal lives in the immediate aftermath of a disaster.

The Guiding Principles provide the normative framework for addressing protection challenges in situations of internal displacement. They are based upon and reflect international law and have been recognized by states as “an important international framework for the protection of internally displaced persons” at the World Summit in 2005 as well as in several UN General Assembly Resolutions. While it is not always easy to determine at which point the movement of persons becomes forced, there is no normative gap as such to address internal displacement related to the impact of climate change. Operational gaps and challenges must be better addressed, however.

### ***2.i Obligations for States under International Law to address internal displacement in the context of climate change***

States bear the primary duty and responsibility to provide assistance and protection in all phases of internal displacement (Guiding Principle 3) for all IDPs, including those who

have been displaced by the effects of climate change. The subsidiary role of international actors comes into play if a State is unable or unwilling to provide adequate protection or assistance.

Under international law, States face challenges at three levels:

a. *Addressing the cause: Mitigating climate change.*

State parties to the UNFCCC and its Kyoto Protocol have committed themselves to reducing the emission of greenhouse gases. These mitigation measures aim at slowing down and eventually stopping the change of climate and its disastrous consequences. As such, they have an important preventive effect on displacement. This preventive character could be further strengthened in the successor agreement to the Kyoto Protocol. Considering that climate change does not halt at borders but concerns all States and is also a common heritage, such mitigation obligations should be enhanced in the agreed outcome.

b. *Addressing the effects: Reducing risks created by climate change and vulnerabilities caused by it.*

Climate change must be accepted to the degree it has developed so far: its environmental and human impacts are already felt today and will be felt in the future. This makes it necessary to take measures to reduce the adverse effects of climate change, e.g. by reducing the impact of natural hazards through reducing vulnerabilities or enhancing resilience capacities, or adaptation measures. The Hyogo Framework for Action: Building the Resilience of Nations and Communities to Disasters (HFA) is an important framework, which States should take into consideration.

The Hyogo Framework is complemented by human rights obligations directly relevant for addressing displacement. Reduction of disaster risks and vulnerabilities, e.g. by setting up alarm and evacuation systems, has been defined by the European Court of Human Rights as a human rights obligation. If a disaster is foreseeable and the State is able to prevent ensuing threats to the life and property of persons, it has to take appropriate action in conformity with its human rights obligations under the right to life and/or the protection of privacy and property (Budayeva et al. v Russian Federation, 2008).

c. *Addressing the consequences: Protecting individuals displaced by the effects of climate change:*

Mitigation and ex-ante adaptation measures are often insufficient to prevent individuals becoming displaced or otherwise being affected by the negative consequences of climate change. In a wider sense, adaptation measures must therefore also cover protection of and assistance for the displaced. States as primary duty bearers are bound by human rights law to protect the rights of those affected. The Guiding Principles on Internal Displacement play an important role in addressing the protection needs of those displaced by the effects of climate change. Another relevant instrument for such settings, the Operational Guidelines on Human

Rights and Natural Disasters, has been adopted by the Inter-Agency Standing Committee in 2006. They apply to all disaster-affected persons, including internally displaced persons.

Addressing these three challenges contributes to the prevention of displacement, the duration of displacement and the adverse impact a displacement situation has on the individual and the State and is, therefore, relevant for the agreed outcome.

## ***2.ii Protecting persons against the threats of natural hazards: Prevention of displacement, evacuations and relocation***

While States cannot be held responsible for disasters that occur, they have a duty to take all possible measures to protect the lives of their populations. As already mentioned, the right to life and other relevant human rights create positive obligations on States to take appropriate steps to safeguard the life, limb and property of those within their jurisdiction against the threats of disasters. These steps constitute primarily a duty on the State to put in place a legislative and administrative framework designed to provide effective protection against such threats. Taking measures to reduce the effects natural hazards can have on people is part of the States' obligations under international human rights law. This view is consistent with the Hyogo Framework for Action, which places an obligation on States to take measures to mitigate and reduce the risks of disasters. Such measures include disaster risk mapping, early warning systems, predetermination of evacuation routes, prepositioning of humanitarian aid, building capacities of local communities to deal with disasters and their consequences, evacuations and in some cases even permanent relocations away from danger zones, etc.

In fulfilling their obligations under international law, States will encounter a particular dilemma in the context of evacuations or relocations away from danger zones:

On the one hand, each State has the duty to take life-saving measures to protect the right to life of its people. Such an obligation can also include the need to temporarily evacuate people in order to save their lives or to relocate them away from danger zones and prohibiting them from returning to their homes, if necessary on a permanent basis, as long as the safety and life of these people would be at risk there. According to international human rights law, a failure of the State to protect the lives of its citizens would amount to a human rights violation if competent authorities knew or should have known about the danger and had the capacity to take life-saving measures.

On the other hand, persons displaced by natural disasters or other effects of climate change have the right to freedom of movement, including the right to freely decide whether to remain in or to leave an endangered area and the right to opt freely to return to their homes, to relocate elsewhere in the country or to locally integrate. States have a duty to respect such decisions and abstain from exerting any pressure, whether direct or indirect, to influence their choice. Persons should be provided with true and accurate information enabling them to make a free and voluntary decision as regards their evacuation or relocation to safer areas.

Where affected populations agree to or even desire being evacuated or relocated, the two human rights obligations go hand in hand. Tensions arise where people oppose such measures even though authorities concerned deem them to be necessary to protect the lives of persons concerned. Under international law, forced evacuations and relocations are not absolutely prohibited. Rather the right to freedom of movement can be limited under certain conditions by the State in order to take life-saving measures. In doing so, the following generic requirements must be adhered to:

1. Ensuring that the law provides for the limitation of the freedom of movement through evacuation, relocation or prohibition of return. Such laws have to be accessible in particular in areas that will be affected by their implementation and need to be understandable. This enhances the transparency and understanding and allows the population to plan themselves for such events;
2. Ensuring that the actual evacuation, relocation, prohibition of return serve exclusively the goal of protecting the safety of the persons concerned; and
3. Ensuring that the evacuation, relocation or prohibition of return is necessary and proportional to this end and only resorted to if there are no other less intrusive measures. Thus, whenever possible, the free consent of persons concerned must be sought before ordering such measures. In the case of evacuation, temporary relocation must not last longer than absolutely necessary. Where forced relocation would be permanent, return can only be prohibited if the area of return is indeed an area with high and persistent risks for life or security, the remaining resources are inadequate for survival of returnees, the enjoyment of basic human rights cannot be guaranteed, all other available adaptation measures are exhausted, and the situation in the area of return can no longer be alleviated by protective measures.

If these conditions are not adhered to, the forced displacement of persons becomes arbitrary displacement prohibited under international law. Even if these principles are adhered to, the displacement is forced and can thus only serve as an adaptation measure of last resort.

### ***2.iii Protecting the rights of the internally displaced: Addressing the specific protection needs of affected persons during displacement***

Experience of the past years indicates that natural disasters not only displace an increasing number of persons but that all too often insufficient attention is paid to the multiple human rights challenges they may face during displacement. More often than not, these situations also have human rights consequences as a result of inadequate or inefficient policies, due to a lack of awareness of States and of humanitarian and human rights actors, rather than deliberate actions by governments. It is likely that predictable effects of climate change will exacerbate these problems in the future.

The most vulnerable groups of society - including the poor, marginalized minorities, female- and child-headed households, chronically ill persons, persons with disabilities and older people without family support - suffer the most from the negative effects of natural

hazards due to their weakened adaptation capacities. Moreover, during displacement in the aftermath of natural disasters, pre-existing patterns of discrimination are exacerbated, putting already marginalized groups at further risk of human rights abuses, such as unequal access to humanitarian assistance; discrimination in aid provision; sexual and gender-based violence, particularly in collective shelters or camps; infringements of the right to education, e.g. when schools are used as shelters for a prolonged period of time; non-replacement of lost documentation; or difficulties with restitution of or compensation for lost property.

#### ***2.iv Restoring the rights of the internally displaced: The search for durable solutions***

It has been demonstrated that effects of climate change, such as natural disasters or environmental degradation, can have the potential to forcibly displace persons. Finding durable solutions to a displacement situation is crucial for the individual and an obligation for the State (Guiding Principle 28).

- If the free choice remains with the individual to either return, relocate elsewhere in the country or integrate locally, the above described human rights dilemma does not exist, since the freedom of movement and the right to life can be protected at the same time.
- If the free choice becomes limited because the State designates a return area as a high-risk zone too dangerous for human habitation, the human rights dilemma exists and the three outlined principles must be adhered to.

Lack of sustainability of durable solutions perpetuates the displacement situation, and States risk a violation of international law, if the displacement situation lasts longer than necessary for the protection of the individual. States must therefore act to make solutions sustainable.

Some elements of sustainability are:

- *Information on the process, consultation with and participation of the affected communities:* These measures help to make a free and voluntary decision on whether to return, integrate locally where they had been displaced or evacuated to or relocate and integrate elsewhere in the country. In the case where return does not remain an option, forced relocations should be avoided, which have a tendency not to be sustainable; rather, affected populations should be empowered with a sense of ownership of the process of finding a solution to their situation. It is to be ensured that information is true and accurate, consultation processes are truly representative and participation is inclusive and possible from the very beginning.
- *Safety:* Not only return areas but also relocation sites should be safe from effects of secondary hazards and recurrent disasters and thus be selected after a careful analysis and risk mapping have been undertaken jointly with the affected population.



- *Recovery of land and property upon return, including through settlement of property and land disputes:* All internally displaced persons should have access to mechanisms for property restitution or compensation, whether or not they opt for return or another durable solution. In the case of prohibition of return, compensation for lost or damaged property must be ensured.
- *Physical needs:* Provision of proper housing and services such as health care or education is essential. Durable solutions must, inter alia, be culturally acceptable. Access to public services must be ensured, inter alia through the provision of new documentation in case this gets lost or destroyed during displacement.
- *Livelihoods:* Continued access to livelihoods is critical. If access to former livelihoods is not possible, the creation of new livelihood opportunities is vital.
- *Participation:* Equal and full participation opportunities in public affairs, in particular in new settlements, is important to allow IDPs to integrate in the new area of settlement.

### **3. Climate change and cross-border displacement**

Both sudden and slow-onset disasters have the potential of displacing people and communities, not only within State territories, but also across international borders – a circumstance which raises specific issues of responsibility for both the State of origin and host States. The occurrence of disasters in countries of origin also raises important questions regarding the admissibility of forcible returns of foreigners to their country of origin. At the time of arrival in the country of refuge these persons may not have had a need for protection, but now find themselves in need of protection due to natural disasters as a result of climate change.

The legal standards and recommendations outlined in the preceding section with regard to the prevention of displacement (2.ii) and to the sustainability of solutions, in particular return and reintegration (2.iv) apply equally to situations of internal and cross-border displacement. This section will focus, therefore, on the protection of ‘externally’ displaced persons who seek to enter or stay in the territory of a State other than their State of origin.

#### **3.i *The International Protection Regime for Refugees***

According to the 1951 Convention relating to the Status of Refugees, as modified by the 1967 Protocol, a refugee is a person who “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside his country of nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”.

Climate-induced displacement was not considered by the drafters when formulating the above definition. Nonetheless, some cross-border environmentally displaced could qualify for refugee status and protection. The Convention as well as UNHCR’s mandate, would, for example, be applicable in situations where the victims of natural disasters flee

because their government has consciously withheld or obstructed assistance in order to punish or marginalize them on one of the five grounds, although such cases are likely to be few.

Disasters can also contribute to social tensions, which in turn may degenerate into violent conflict, e.g. over scarce vital resources such as water or arable or grazing land. Experience shows that situations of armed conflict are prone to serious violations of human rights that amount to persecution as defined by refugee law. It is also possible that refugees are part of a mixed flow of persons leaving a country in the aftermath of disasters.

As noted, there are regional instruments with definitions which include the above criteria along with additional grounds for recognition. The 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa thus includes within the refugee category those persons that are compelled to flee due to “events seriously disturbing public order”. In Latin America, the 1984 Cartagena Declaration on Refugees, which has inspired the legislation of many States in the region, contains the same criterion, as well as “massive violation of human rights” and “internal conflicts”.

Because jurisprudence based on these regional definitions is scarce, there is a need to develop doctrine and guidance to States on the interpretation of the above mentioned criteria, in particular “events seriously disturbing public order”, not least within the context of cross-border displacement resulting from, or related to, disasters.

### ***3.ii Persons displaced across international borders but not qualifying as refugees***

The international refugee regime does find application in some scenarios of cross-border displacement in the context of climate change. Still, the large majority of persons leaving their countries in the context of disasters are unlikely to qualify as refugees under extant international law. Such persons would be protected by the non-refoulement principle as outlined below and additional human rights law provisions which are applicable to aliens. Still, they do not provide for a right to enter or stay. Such persons in principle could also rely on the protection of their own States. In extreme disaster scenarios, the State of origin may, however, be unable to advocate with other States on behalf of its citizens in distress. There are also cases in which displacement relates to a certain unwillingness to protect, or to prohibited discrimination. A normative gap could thus be considered to exist if both the country of origin and the host country obstruct or deny or are unable to ensure basic human rights. For this reason, some advocates for the protection of such persons have suggested amending the 1951 Convention. But any initiative to modify the refugee definition would risk a renegotiation of the Convention, which, in the current situation, may undermine the international refugee protection regime altogether.

Importantly, we should not assume, however, that people displaced by the effects of climate change will automatically lose the protection of their State of origin. Hopefully, these States will continue to exercise responsible sovereignty over their citizens, even in the midst of catastrophe, and even where such citizens had to seek temporary relief across an international border. The international community must support and strengthen States’

abilities to protect their own citizens, both from displacement and during displacement. This commitment does not contradict, but indeed underpins, States' obligations to provide international protection to persons displaced across borders where the State of origin, in the context of a natural disaster, is unable to protect the fundamental rights of its citizens.

### **3.iii *The principle of non-refoulement and prohibitions on return***

The 1951 Convention contains in its Article 33(1) a prohibition to return or *refoule* a refugee "to the frontiers of territories where his life or freedom would be threatened". This prohibition is generally regarded as including rejection at the border and non-admission. This fundamental principle, known as *non-refoulement*, also finds expression in a large number of human rights instruments, both at the universal and regional levels. Thus, it is established that no person, regardless of status or conduct, may be returned in any manner whatsoever to a country where his or her life or integrity would be at risk. As well, involuntary return to a risk of cruel, inhuman or degrading treatment or punishment has been found by the European Court of Human Rights and the UN Human Rights Commission to be in violation of the *non-refoulement* principle.

The principle of non-refoulement thus provides crucial protection to the individual from return to persecution in the sense of the 1951 Convention or treatment considered abhorrent and protected under international human rights law (for example a threat to life or the threat of torture, inhuman or degrading treatment or the death penalty). It could implicitly ensure additional protection to persons displaced by the consequences of climate change who do not qualify as refugees. Arguably, where return is impossible or cannot reasonably be required from the individual, an obligation of the foreign State also exists to at least temporarily admit a person to remain. Still, given that existing human rights law, including the *non-refoulement* principle does not provide for a right of stay, where countries of origin are unable to provide protection, some form of protected status would be called for, be it of a temporary nature. States receiving displaced persons should put the individual in focus and provide protection based on human rights law, regardless of the relationship with the State of origin. State practice provides a number of relevant examples in this regard.

### **3.iv *Relevant State practice***

In this sub-section, we present a few examples of positive State practice in the provision of temporary relief to persons fleeing, or unable to return to, countries affected by disasters. These examples are not exhaustive, but they may serve as possible models for addressing the protection needs of persons displaced across international borders in the context of disasters, who do not qualify as refugees.

### *The U.S. model*

The responsibility of neighbouring and more distant States receiving the displaced, or hosting foreigners who cannot reasonably be returned, should come in support of, rather than in opposition to, that of the State of nationality. The U.S. Temporary Protected Status mechanism seems to reflect such thinking. In 1990, Temporary Protected Status (TPS) was enacted as the statutory embodiment of safe haven in the USA for those who do not meet the legal definition of refugee, but are nonetheless reluctant to return to potentially dangerous situations. According to the US Immigration and Nationality Act, the nationals of a foreign state can be designated for such status if three conditions are fulfilled:

- 1) there has been an environmental disaster in the foreign state resulting in a substantial, but temporary, disruption of living conditions;
- 2) the foreign state is unable, temporarily, to handle adequately the return of its own nationals; and
- 3) the foreign state officially has requested such designation.

TPS can be issued for periods of 6 to 18 months and be extended for these periods if conditions do not change in the designated country. Cut-off dates and registration deadlines are meant to reduce the potential of a magnet effect, whereby people would take advantage of TPS to gain entry into the United States. At the same time, the wide discretion in designating countries for activating the TPS-system raises concern. Finally, adjustment of TPS to a more permanent residence status may cause difficulties, as illustrated by the precarious situation of tens of thousands of Hondurans and Nicaraguans who were granted TPS in the aftermath of Hurricane Mitch in 1998.

### *The Nordic Model*

Finland extends complementary protection to foreign nationals who cannot return safely to their home country because of an environmental disaster. The preparatory works to the Finnish Aliens Act emphasize that the preferred option in environmental disasters is internal relocation and international humanitarian aid, but acknowledge that protection in Finland may also be necessary.

Similarly, the Swedish Aliens Act [Chapter 4, Section 2] includes an individual who “is unable to return to the country of origin because of an environmental disaster” in the category “person otherwise in need of protection”. It is a prerequisite, however, that there be no alternative of relocation to a safe area within the home State. Furthermore, application of the law may be restricted if Sweden’s absorption capacity is overwhelmed. This restriction only applies, however, in “exceptional situations”, since one should first seek to solve the capacity problem through international, and in particular European cooperation.

On discretionary grounds, Denmark has granted humanitarian asylum to single women and families with young children from areas where living conditions are considered to be

extremely difficult, for example due to famine or drought. In the proposal for a new Aliens Act in Norway, the Ministry of Immigration recognizes the need to be able to grant (possibly temporary) residence permits to applicants who come from an area affected by a humanitarian disaster, including a natural disaster.

Submitting agencies are available to assist States Parties in their endeavour to make informed decisions. States and other stakeholders interested in the issues raised in this paper may contact the Norwegian Refugee Council through [vikram.kolmannskog@nrc.no](mailto:vikram.kolmannskog@nrc.no), the office of the Representative of the Secretary General on the Human Rights of Internally Displaced persons through [pwiniger@ohchr.org](mailto:pwiniger@ohchr.org), and/or UNHCR through [durieux@unhcr.org](mailto:durieux@unhcr.org) for further information, including more substantial background articles on the issues of evacuation, relocation and cross-border displacement and good practices. UNHCR has also entered a submission to UNFCCC on the issue of statelessness in the context of climate change, and a more substantial paper on this issue can be obtained through [park@unhcr.org](mailto:park@unhcr.org).