



REFUGEE
STUDIES
CENTRE

Protecting Environmentally Displaced People: developing the capacity of legal and normative frameworks

UNHCR High Commissioner's Dialogue, Geneva 08.12.10

**Professor Roger Zetter, RSC
University of Oxford**

Refugee Studies Centre
Oxford Department of International Development
University of Oxford

Framing the study

Aim:

to investigate the capacity of legal and normative frameworks to protect the rights of people vulnerable to environmental displacement

- empirical investigation
- Kenya, Ghana, Bangladesh, Vietnam
- national level focus

Study Findings: context

Migration and human rights

Migration histories and politics shape the migration policies and rights regimes for the environmentally displaced

- migration issues – challenging policy arena
- internal migration policies tend to be pragmatic

- human rights protection – challenging policy arena
- protection frameworks for human and civil rights need strengthening
- civil society - variable role in human rights advocacy

Study Findings: policy frameworks

Environmental policies – *policy gap*

- focus on rapid onset ‘disasters’ not slow onset climate change
- good practice on national climate change plans, disaster preparedness, DRR, mitigation plans (eg Vietnam and Bangladesh) needs strengthening
- significant gaps in addressing needs of environmentally displaced people
- rights-based discourse on environmental issues limited - even with strong civil society

Study Findings: institutional frameworks

Environmental policies - *implementation gap*

- Strengthen institutional collaboration/coordination - ministries, agencies, NGOs
- government institutional capacity, technical expertise and resources very stretched
- emphasis on DRR/disaster response not slow onset change
- climate change and environmental displacement – future problem
- limited engagement of civil society actors
- cross-border environmental displacement

Study Findings: displacement and rights protection

Environmental displacement – *normative & legal protection gap*

1. Focus of protection: rapid-onset disasters and **during** displacement
2. Protection gaps **before** and after **displacement** and in **resettlement**
3. Slow-onset environmental displacement ‘protection gap’
4. Resettlement programmes and rights protection – limited participation and strategising
5. Rights of resettled communities – procedures for compensation restitution should be strengthened

...../

Study Findings: displacement and rights protection

6. Competing environmental needs – potential internal tensions
7. Trans-border and mixed migration flows increasing source of tension – regional agreements needed

8. Civil society actors - limited role
9. Linking environmental and climate change impacts - migration and displacement policies - with rights protection

Study Findings: summary conclusions

- Some evidence of environmentally-induced population displacement: temporary and permanent
- Policy and institutional protection gap
- Legal & normative protection gap
- Three specific protection gaps
 - slow onset environmental change
 - before and after displacement and during resettlement
 - trans-border migration
- Problem of internal and trans-border displacement reinforces need for rights protection – some emerging praxis
- *1998 Guiding Principles on Internal Displacement* – base line but complex political challenges
- Disconnect between intergovernmental actors and national governments

Ways forward: national governments

Developing rights and protection

- Prioritise development of co-ordinated and comprehensive policies and norms for rights, backed by appropriate legislation
 - *1998 Guiding Principles on Internal Displacement*
 - Rights protection at the three stages of displacement + property restitution and compensation
 - Develop regional agreements for trans-border migration -
complementary and temporary measures
 - Engage civil society actors

...../

Ways forward: national governments

Developing rights and protection

- Strengthen policy frameworks
 - Enhance interagency co-ordination and collaboration
 - Mainstream rights protection for environmentally displaced people
 - Develop professional expertise in human rights protection and environmental law
 - Proactive response to slow onset environmental change

Ways forward: intergovernmental/international actors

Developing rights and protection

- Develop *knowledge base* and *knowledge transfer*
- Encourage and facilitate national governments to adopt *1998 Guiding Principles*
- Encourage and support civil society actors
- Develop temporary and complementary protection guidelines and policies for trans-border environmental migrants

Follow Up

Protecting Environmentally Displaced People:
developing the capacity of legal and normative
frameworks

executive summary available at :

www.rsc.ox.ac.uk

REFUGEE
STUDIES
CENTRE