

Check against delivery

International Conference
*“Millions of People without Protection:
Climate Change Induced Displacement in Developing Countries”*
(Berlin, 29 January 2013)

Challenges relating to climate change induced displacement
Remarks by Mr José Riera
Senior Adviser to the Director of International Protection
UNHCR Headquarters

Introduction

Dr Dzembitzki, Dr Wagner, Excellencies, Ladies and Gentlemen,

I am honoured to represent the Office of the United Nations High Commissioner for Refugees – UNHCR – in this important international conference, which is a welcome initiative of the United Nations Association of Germany.

Judging from the impressive array of panellists participating here today, many of whom are actively cooperating with UNHCR on the climate change portfolio, this conference will undoubtedly make an important contribution to international reflection on how best to protect those *already* being displaced by natural disasters and other phenomena linked to climate change, as well as those who will undoubtedly be displaced *in future*.

Organization of the presentation

I shall divide my presentation into three parts:

- Part 1 will focus on some of the statistics available to us and the trends they indicate.
- Part 2 will examine UNHCR’s interest and involvement in this topic.
- Part 3 focuses and UNHCR’s institutional contribution to put the issue on the international agenda. It is also intended to help to set the scene for the remainder of the conference by raising a number of questions which other panellists will hopefully pick up and develop during their presentations.

Part 1: Climate Change Induced Displacement in Numbers

United Nations High Commissioner for Refugees António Guterres has often observed that climate change is perhaps the “defining challenge of our times”.

Since 2008, a strong consensus has emerged that global warming provoked by greenhouse gas emissions have begun to trigger an increase in the frequency and

severity of sudden-onset disasters, such as hurricanes, cyclones and flooding, as well as of slow-onset events, such as drought leading to desertification or sea-level rises owing to a combination of factors.

A recent example was last year's Megastorm Sandy in the US, the third most severe storm to hit America's Eastern Seaboard in three consecutive years. Many have characterized this multiplication of extreme weather events as the 'new normal' for which we must all prepare.

While video footage relating to climate change tends to show polar bears teetering atop melting icebergs, UNHCR's primary concern is the impact of climate change on human beings: on their ability to remain in their homes and on their lands, on their ability to continue engaging in their traditional livelihoods, on how we can increase the capacity of populations to adapt to climate change, and on the enjoyment of human rights by people forced into displacement, either within their own borders or across borders.

It is already clear that climate change is acting as a multiplier of existing threats and vulnerabilities and will worsen the situation in parts of the world that already experience high levels of stressors to livelihoods, food security, and resource availability, among other societal impacts.

The consequences of greater variability of climatic factors are affecting the livelihoods and safety of the most vulnerable members of communities, including refugees and displaced persons, who are today huddling in climate change hot spots around the world. These consequences include less predictable seasons, more erratic rainfall, unseasonable events or the loss of transitional seasons, and the multiplication of climate- and weather-related disasters. This has significant repercussions for food security, the livelihoods of millions of people, and the mobility choices of vulnerable communities.

The December 2010 Cancún Adaptation Framework recognized that adaptation to climate change will take the form of human mobility: including migration, displacement and planned relocation to get populations out of harm's way.

Migration in the face of global environmental change should not be viewed as a problem, but rather as part of the solution. As highlighted in the UK Government Office for Science's Foresight Report on Migration and Global Environmental Change, planned and facilitated approaches to human migration might actually ease people out of situations of extreme vulnerability. However few States have actively accounted for internal migration in their National Climate Adaptation or Development Plans, and almost no States have in place legislation or policies to facilitate legal cross-border migration on environmental grounds.

According to the Guiding Principles on Internal Displacement, *displacement* occurs when "persons or groups of persons ... have been forced or obliged to flee their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters." So the Guiding Principles do expressly contemplate

protection for people displaced owing to natural or human-made disasters and contain important human rights protections in such instances.

Moreover, the European Court of Human Rights has firmly established that States have a positive obligation to take measures to reduce disaster risks to protect people's lives and property in the face of known hazards. Focusing on core duties deriving from the right to life, the Court identified the need to enact and implement laws and policies on disaster management; to take necessary administrative measures, such as identifying and designating areas at risk; to inform the population about risks and dangers; and to *evacuate or relocate* potentially affected populations.

Producing valid projections and estimates of natural disaster or climate-related displacement is fraught with difficulties. The quality, reliability, methodologies and comparability of data, especially for protracted displacement and people displaced by slow-onset disasters therefore needs to be improved.

According to UNHCR's own data, most of the world's forcibly displaced on our books, 25.9 million people at the beginning of 2012 – 10.4 million refugees and 15.5 million internally displaced persons or IDPs – were receiving protection and assistance from the organization. The number of IDPs on UNHCR's books is now fifty per cent higher than refugees. We believe that this trend could intensify as internal conflicts multiply and the effects of climate change deepen.

That is why understanding displacement related to natural hazards such as floods and earthquakes needs greater attention. In its 2012 report providing estimates of displacement provoked by natural disasters in 2011, the Norwegian Refugee Council's Internal Displacement Monitoring Centre (IDMC) reported that disasters have doubled over the last two decades from about 200 to more than 400 per year. The report found that in 2011, 14.9 million people were displaced within their own borders throughout the world due to natural disasters, mostly related to weather events such as floods and storms. Some 89% of the displacement occurred in Asia. The report concluded that the impact of climate change, such as changing rainfall patterns and increases in temperature, combined with rapid population growth, suggest that more and more people are likely to be affected by displacement.

We would therefore urge strong support for the work of agencies such as the Norwegian Refugee Council's Internal Displacement Monitoring Centre that is making important headway in improving the scope and the quality of the data available to the international community on displacement owing to natural disasters.

Part 2: UNHCR's interest in climate change and disaster-affected internal displacement

Turning to part 2 of my presentation, UNHCR's institutional interest in this topic, I would like to emphasize three important concerns.

The first concern is that the multiplication of natural disaster scenarios will add to the scale and complexity of forced human displacement. National governments are primarily responsible for protecting those who are displaced within their own countries. It is today well accepted that the Guiding Principles on Internal Displacement and, more recently, the African Union's Kampala Convention on IDPs, the first binding international treaty on internal displacement, provide important human rights protections for people displaced owing to environmental or natural-disaster related factors. The principal challenge here is to build national capacity, policies and legal frameworks to deliver upon these protections.

A second concern relates to UNHCR's core *refugee mandate*. While its refugee mandate clearly does not encompass displacement caused by natural disasters and climate change, the organization has a clear interest in the movement of people prompted by these factors. Environmental degradation can fuel social tension and, in some cases, conflict which, in turn, can give rise to flows of refugees and IDPs. Even where the cause of displacement – whether internal or cross-border – is primarily environmental, the affected populations may have protection needs and vulnerabilities similar to those whose flight is provoked by violence or human rights abuses.

Third and finally, it is becoming clear that climate change is an accelerator of global trends including urbanisation, economic inequality and conflict that create or affect refugees and internally displaced persons. The combination of drought and famine in the Horn of Africa in 2011 and 2012, leading to a massive influx of Somalis into Kenya's Dadaab refugee camp, is an example of the deadly interplay of deteriorating environmental conditions, political instability and conflict.

As I have already indicated, UNHCR's traditional core mandate does not encompass internal displacement caused by natural disasters and climate change. By operation of the inter-agency division of labour on IDPs, known as the 'cluster approach', since 2005 we have contributed to ensuring greater leadership and accountability, and a more effective and predictable inter-agency response for IDPs. With respect to IDPs generated by conflict, UNHCR is the lead agency for protection, camp coordination and management, and emergency shelter.

By operation of the 'cluster approach', the humanitarian leadership role in *natural disaster situations* is currently decided on a case-by-case basis by UNHCR, the Office of the UN High Commissioner for Human Rights and UNICEF.

But when a disaster strikes and UNHCR has an established presence, programme and relief items in the country, the agency has quite often offered its support or been requested by the host country to support the authorities and people as a sign of solidarity. Of 58 natural disasters in the period from 2005-2010, UNHCR had an operational involvement in 13 and provided support in another five.

Today UNHCR is operating in two of eight protection clusters activated in response to disasters triggered by natural disasters – that is in Indonesia and the Southern Pacific – and also in emergency clusters activated in emergencies combining conflict and natural disasters (i.e. Pakistan and the Philippines). We shall continue to respond favourably to requests for involvement in natural disaster scenarios on a number of conditions, including our presence and in-country capacity, an invitation by the disaster-affected country and the Emergency Relief Coordinator, and the absence of another agency in country with capacity to take the lead.

Part 3: Addressing the challenges effectively

Turning to the third and last part of my presentation – which focuses on the challenges prompted by climate change and natural disasters – UNHCR long believed that the international community needs to ensure a stronger and better coordinated response to the displacement resulting from sudden disasters and from the effects of climate change, both within countries and across State borders.

For this reason, we included climate change, natural disasters and displacement among the subjects considered by a series of expert roundtables on the occasion of the organization's 60th anniversary and commemoration of the 60th anniversary of the 1951 Convention relating to the Status of Refugees in 2011.

The Bellagio Roundtable on Climate Change and Displacement of February 2011, in which the Government of Germany participated, and other conclusions of these discussions fed directly into Norway's Nansen Conference on Climate Change and Displacement in June of 2011, which generated the 10 'Nansen Principles'. These principles include express recognition that, "A more coherent and consistent approach at the international level is needed to meet the protection needs of people displaced externally owing to sudden-onset disasters."

In most cases, movements of population are projected to be internal only and will take the form of 'forced internal displacement'. The Guiding Principles on Internal Displacement are an important guide in this regard and are generally considered to provide an adequate legal framework. In the case of forced displacement across borders – or what we would prefer to call external displacement – a legal gap is clearly evident. It is clear that the 1951 Refugee Convention, with its focus on persecution on five grounds, such as political opinion or nationality, will simply not be applicable to the majority of people who are forced to cross an international border owing to the effects of climate change. There is now a well-recognized 'legal gap' which would affect cross-border movers, which was confirmed both at Bellagio and during the Nansen Conference.

UNHCR has argued against the use of the term 'environmental refugees' or 'climate refugees' to describe such movers for a number of reasons. An analysis of existing national legislation indicates that a number of countries have included provisions whereby persons affected by natural disasters that are *already* in that country would not be *returned* to their countries of origin if already abroad and would enjoy a form of temporary protection. However, the vast majority of States make no provision in their legal frameworks for the legal *entry* and sojourn, even if temporary, of people exposed to the impacts of climate change or residents of islands subjected to sea level rise. Even if they are *not refugees in the sense of the Refugee Convention*, such people are entitled to be supported and to have their voices heard and taken

into account. But what form should that support take? This is one of the questions that I would ask you to reflect upon today.

We had hoped that international impetus to address this legal gap would be generated at the December 2011 ministerial level meeting of UN Member States in Geneva facilitated by the High Commissioner on the occasion of the 60th anniversary of the Refugee Convention. In line with our statutory responsibility for the progressive development of international law in areas of our concern, UNHCR offered to work with States to develop a guiding framework or instrument to apply to situations of external displacement other than those covered by the 1951 Refugee Convention, in particular to cross-border displacement resulting from climate change and natural disasters.

But the majority of States clearly signalled that they were not ready to discuss, elaborate or accept new international obligations in this regard. The Ministerial Communiqué adopted at the close of the conference expressed a certain, albeit very general, readiness to engage in a dialogue and to share experience and practice in handling such displacement.

In a commitment made during the same ministerial meeting, however, Norway and Switzerland, joined by Germany, Mexico and Costa Rica, pledged to work with all relevant stakeholders to determine how best to fill this international normative gap. This is the genesis of the Nansen Initiative about which you will hear more later today. Designed to be a soft, inclusive, State-owned and State-led process, the overall goal of the Nansen Initiative is to gradually build consensus on key principles and elements regarding the protection of persons displaced across borders that then sets the agenda for future action at domestic, regional and international level.

UNHCR is very excited about the Nansen Initiative and will support it in every way possible. We have just secured a generous grant from the European Commission which will provide the resources to enable us to do so. UNHCR sincerely hopes that today's conference will encourage the German authorities to further reflect upon their own potential involvement in this important new initiative about which we will hear much more later today.

In closing, I would like to highlight five challenges that we hope the Nansen Initiative will address:

First, knowing that displacement will occur as a result of climate change, how can we work together pre-emptively with affected communities that are threatened in order to identify land-based solutions for them? This will be a key challenge in the Asia-Pacific region, as well as in other parts of the world.

Second, how can States better anticipate, plan and provide for internal migration as well as regular cross-border migration? While people have an interest in remaining on their lands and present locations for as long as possible, will 'preventing' or 'constraining' migration be the best option? Or will this simply lead to increased impoverishment, displacement and irregular migration?

Third, knowing that the most vulnerable are the least likely to have the resources and networks to move out of harm's way, how can we avoid people becoming trapped in locations that are extremely vulnerable to climate change?

Fourth, since planned relocation to move vulnerable populations out of harm's way will undoubtedly be used as a policy option by Governments and humanitarians alike, how can we all ensure that such relocation is planned and effected in ways that fully respect the human rights and the choices of those directly affected.

Fifth and finally, how can we better understand the human mobility dynamics in cases of slow-onset disasters, such as desertification? In an initial phase of drought, communities tend to migrate temporarily or in a circular manner as a form of adaptation. When such communities have no other choice but to leave their homes and lands, these are not merely migratory movements but rather displacement. How to draw a dividing line between 'migration' and 'displacement' in these circumstances?

I look forward to a very rich discussion today and would be happy to answer any questions you may have in the time remaining to me.

Thank you.