

SESSION B: MIGRATION, REFUGEES AND THE ENVIRONMENT

Climate Change, Migration and Displacement: UNHCR and IOM Moving Beyond Their Mandates

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It's wonderful to be here. Thank you very much to the organizers for inviting me. This is my first trip to Japan, and this is my first proper day here, so I am really delighted to be sharing it all with you. And it's a great pleasure to speak on climate change and migration with these other panelists, because together, the three of us will provide interesting and complementary views.

I'm curious to hear in the audience, as how many of you work, or research, or have studied issues related to climate change and migration? Any hands up? How many of you work on migration, specifically, or refugee issues, in the audience? Anyone? And climate change? Ok, that's useful. To give you a sense of the scholarship and the reports at the moment, we know that climate change is affecting millions of people worldwide. How do we know that? There are a number of reports that have come out, including the recently-released IMF World Economic Outlook, which warned that substantial migration flows, potentially spilling across country borders, could arise, if climate change leads to a significant rise in sea levels. And the IMF's World Economic Outlook, from a couple weeks ago which also predicted, on current global warming predictions, that hundreds of millions of people in low-lying areas could become vulnerable to flooding, forcing them to abandon their homes. A slightly older, from 2012, Asian Development Report, estimated that about 3.72 million people in India, 27 million in Bangladesh, 22.3 million in China, and 9.1 million in Japan, could be at risk from sea level rise. This report was not making the argument that all would be displaced, but that there are millions of people who are at risk in the Asian region.

Climate change, we know, poses a major challenge for developed, as well as developing countries. However, to give those of you in the room who are new to the subject of climate change and migration, it's actually very difficult to scientifically prove that climate change causes migration and displacement. And there are a few reasons for that. The first is proving scientifically that climate change has caused any particular natural disaster is hard. Scientific experts are currently researching how to do this. But what we can say is that climate change increases the frequency and severity of storms and cyclones, but it's difficult to attribute a particular instance, such as the typhoon that's currently about to hit Japan, to climate change. We know that there is an overall likelihood that with climate change we will see more extreme weather events.

Secondly, even if we were able to prove that climate change caused a particular natural disaster, it is difficult to show that any particular natural disaster always causes migration or displacement. This is because, as scholars of migration studies will tell you, there are many different factors that lead to migration. Often, political and economic factors will have as important an impact as pure environmental. Take the Netherlands versus Bangladesh. They are both low-lying delta areas, extremely prone to floods. I was in the Netherlands last year and went to see the deltas, and they have these amazing engineered dykes and bridges, and can seal off entire rivers, to stop flooding. Now, the Netherlands has the money and the political will to invest a significant amount in civil defense. That's different for somewhere like Bangladesh, which doesn't necessarily have the same capacity, both financial and human resources, to adapt, or to prepare, for climate change. So, a flood in Bangladesh is much more likely to lead to displacement of peoples than a flood or a storm that hits the Netherlands.

Another important thing is that migration can also be viewed positively. Here I challenge a little bit the security framing, that migration caused by climate change is a problem. The International Organization for Migration, for instance, has outlined how migration is also a way that people cope, and have done so for centuries. We have people who are nomads, who in the Horn of Africa, move for their livelihoods. Similarly, as I'm sure John can attest to in the Pacific region, people have moved frequently around the Pacific, and so it shouldn't necessarily be seen as a problem or a threat when people move. There are obviously instances where migration is a challenge that states have to deal with, but it doesn't necessarily mean it's a security threat.

In sum, the links between climate change, migration, and displacement are complex, and much of the academic literature has been trying to tease out what these linkages are.

The second thing that I want to clarify before I get into my more substantive comments on my research is that it's actually incorrect to call somebody a climate refugee. Benoit will elaborate more on this from the legal perspective. The reason is that the 1951 Refugee Convention states very clearly who a refugee is, and it's only for somebody who flees, firstly, across an international border, and for reasons of persecution based on an individual's race, religion, nationality, political opinion, or membership of a particular social group.

So, if you are living in Haiti or Japan and there is a major earthquake and you flee your country because of that earthquake, you are not a refugee under that convention. And in fact, there was a case in New Zealand, which is where I am originally from, several years ago, where a Kiribati man pledged for refugee status in New Zealand — and I detail this in the paper — but was rejected. The New Zealand courts ruled that his claim, that his life, was threatened by heightened sea levels in Kiribati.

Kiribati is a low-lying atoll, which, we know, is facing increased wave heights, storm surges, hurricanes, and the sea water is also contaminating ground water, making it very difficult for people to grow crops. However, this individual from Kiribati who was in New Zealand asked for asylum and was not granted asylum, because under the

1951 Refugee Convention, climate change related displacement does not make you a refugee.

Now, within this academic debate and scholarship, a lot of NGOs, even some academics, have been campaigning and saying that although the links might be difficult to prove between climate change and displacement, we know that millions of people are being affected, and they are not currently protected by refugee law, because they don't meet the refugee convention. So, there have been demands in the last 10 years for new categories of refugee status. Early on, people asked for a new convention on refugees. Now, there is a range of new proposals that people push for.

My research has been looking at how our existing international humanitarian and migration and refugee institutions have been responding to climate change. In my research, I ask how have our humanitarian institutions adapting to climate change? Particularly, given states designed these institutions after World War II to assist with the outbreak of war but not to respond to natural disasters. And I focus specifically on the United Nations High Commissioner responsible for Refugees, and the International Organization for Migration.

Today, I'm going to highlight some examples of how two organizations — the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), have changed in a 10-year period from 2005 to 2015. I'll give you some of the highlights, and I recommend, if you are interested in knowing more, take a look at my book that came out last year on this topic.

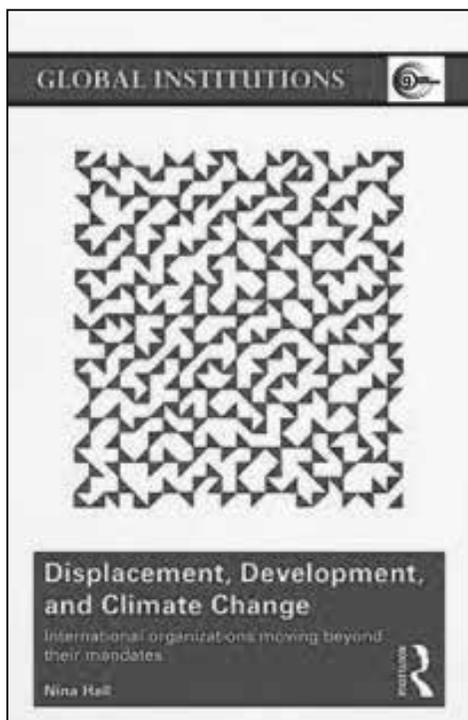


Figure 1

In the book, I look at changes in rhetoric, how the heads of the organization talked about climate change. I also look at changes in policy, structure, whether they hire new climate change experts, operations and mandate.

The research that I'm presenting today is based on extensive primary research. I did interviews with over 100 NGOs, and staff of international organizations, states. I conducted those in New York, in Geneva, in Copenhagen at the Climate Summit, and also in Kenya, where I spent time at two refugee camps: one, Dadaab, which is on the border of Kenya, close to Somalia, and another, Kakuma, which is near the border with South Sudan. I'm happy to speak more broadly about this issue and the work they were doing there.

UNHCR is the guardian of the Refugee Convention. They were established in 1951 to protect refugees, and they were

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originally an organization that was mostly made up of refugee lawyers, based in Geneva. They've now expanded, and also, as many of you know them, they run many refugee camps around the world. In the period I was studying, António Guterres was the High Commissioner. He's now the UN Secretary-General. When he was High Commissioner he outlined a very expansive role for UNHCR. Many refugee law experts would see it having a narrower role, just protecting refugees, but the High Commissioner thought that the agency should be responsible for all displaced peoples. And he argued that climate change was a new driver of displacement. He urged states to consider expanding the Refugee Convention, and to offer protection to those displaced by climate change. As he stated, "Even if they are not refugees, such people are entitled to our support and to have their voices heard and taken into account." So, over the course of about five years, he pushed member states and lobbied them to consider including climate change displacement as an area that UNHCR should have a mandate for. But most states rejected this idea. And we see this tension, most pronounced, in 2011, when they had a major 60th anniversary—the UNHCR, and in December of that year, they had a ministerial meeting. In the lead-up, UNHCR prepared a background paper and really said to states, consider the gaps in the protection framework where people who aren't refugees but are vulnerable, where we should be offering them assistance: what kind of new international legal frameworks should we develop? However, states were not supportive of expanding and giving UNHCR any new powers. First, some thought it was too early to talk about developing so-called soft law frameworks for climate change displacement. Soft law indicates that it's not necessarily like the Refugee Convention, a hard-signed treaty, but just initial iterative recommendations. And many states expressed concern

that UNHCR didn't have the capacity or the financial resources to expand. They felt that UNHCR was already overstretched as an agency, and couldn't help most refugees around the world. Their concern was that if UNHCR added new categories of people to its protection mandate, it wouldn't be able to assist refugees sufficiently. So, UNHCR's attempt to expand its mandate was rejected.

But five states, in 2015, did pledge to develop a new framework. They were Argentina, Germany, Mexico, Norway, and Switzerland. And the Norwegians have been particularly active in trying to find ways to develop new soft-law frameworks, new guidelines and principles, to assist people displaced by climate change and natural disasters. In fact, after 2011, Norway helped launch the Nansen Framework. It was named after a Norwegian, Fridtjof Nansen, who was an early scientist, explorer, and humanitarian. The Nansen Initiative was set-up as a small secretariat of states, based in Geneva, and supported by UNHCR, to discuss climate change and displacement. They ran a number of regional consultations, some in the Pacific, and others around the world. And at the end of it, in 2015, they issued a non-binding document — now, it's important that it is non-binding, because states don't want to sign up to any new binding documents. This was the agenda for the protection of cross-border displaced peoples in the context of disasters and climate change. UNHCR's work, as you can see, continues in this area. They are also working alongside the international platform on disaster and displacement.

So, the short story is that UNHCR tried and failed to expand its mandate, but there are initiatives where it is working with states to try and assist people affected by climate change.

IOM, Climate Change and Mandate Expansion



IOM is a shorter story. William Lacy Swing, who is currently the director-general, had much more success at getting states support to work on climate change and migration. IOM was created also in the 1950s to work on facilitating and helping states with migration, but they did not have any mandate to protect migrants' rights. They are different from UNHCR. They are more like a service provider to states. They rarely criticize states. States are less worried about adding to its mandate, as it is unlikely to have major implications for the way states manage their migration policies. When IOM said we need to address the links between climate change and migration, states were initially a bit tentative to do so. But then by 2010, they agreed that it was in IOM's strategic interest to address new challenges like climate change. and supported IOM to elevate climate change into its strategic review. We see a difference between IOM, which gained member state support to work on climate change and migration, mostly in terms of writing reports, working in particular programs, and UNHCR, were states didn't endorse mandate expansion.

Now, that's all at the institutional headquarters level. What about what they are actually doing on the ground? What you see with UNHCR and IOM is that they are both actively engaged in humanitarian operations and responding to natural disasters. So, humanitarian operations might be a result of conflict, but also a result of natural disasters. UNHCR in February, for instance, of 2013, was operating in Indonesia, the South Pacific, and two out of eight natural disaster emergencies in which the UN humanitarian cluster system had been activated. And they continued to be involved in humanitarian response to natural disasters. And their response and involvement tend to be based on whether or not they already have an established presence in a country in which a disaster strikes, and also based on whether or not they've had an invitation from a disaster-affected country. So, if Bangladesh or Burma invited UNHCR to be involved, then they are much more likely to say yes, but if they haven't been invited by a country, they are less likely to do so.

Similarly, IOM has also expanded into humanitarian assistance. It works, very actively, as a co-leader of the camp management and camp coordination cluster. For instance, when Typhoon Haiyan struck the Philippines, IOM brought in over 40 international specialists and increased national capacity to 50 staff members, opened up new sub-offices. They've written up a comprehensive guide for planning mass evacuations in natural disasters and have received requests from governments for assistance with evacuation plans. IOM works actively in trying to support and help governments deal with natural disasters. They worked in the Caribbean after Hurricane Irma. They deployed a search team of six experts, and they are often collating information on displacement and human mobility after disasters. The key distinction is that both organizations are very actively involved in humanitarian responses: IOM as a leader of the camp management and camp coordination cluster. UNHCR has a slightly different role around protection.

In conclusion, it is interesting to think about is why there is this difference. Why is it that IOM was able to convince states to elevate climate change in their strategic review but not UNHCR? I suggest in both cases international bureaucrats, i.e. the staff of the organizations, pushed for their member states to acknowledge the links between climate change and migration. And my book examines why then in the case of IOM, it was much easier to expand the mandate. And as I've alluded to in this talk,

it was because UNHCR has a very special status as an international organization. It is the guardian or has supervisory status over the Refugee Convention, and states, as we can see in this day and age, are very nervous about guaranteeing any additional rights to new groups of people. They are nervous about giving UNHCR protection responsibilities for any additional groups of people. But regardless of this lack of state support, UNHCR has expanded, and continued to work with people affected by climate change.

In rounding up, I was asked to be somewhat provocative, and to give some recommendations and thoughts about what states or other actors might be able to do. I want to note that there are multiple forums through which states or NGOs can push and consider how people affected by climate change and displacement might be provided with assistance. There's a couple that I want to mention: first of all, the Global Compacts. There are two new processes, as of last year, where the UN General Assembly has come together to try and identify new ways forward for both migrants and refugees, and develop – probably not binding frameworks – but potentially new soft law. Japan is in a particularly strong position to give input into this, because the United Nations University based in Tokyo is facilitating the global compact on migration.

There is also another way that states can, particularly in the Japanese context, address displacement – by accepting more Convention refugees. There is obviously a real problem, as we saw in the morning session, with UNHCR taking very few refugees. As I understand, in 2014, Japan accepted just 11 refugees out of a record 5,000. Japan has a good reputation of funding UNHCR but then hosts very few refugees. Given the number of refugees worldwide, I think this is something that could really change.

And thirdly, and my last point here, is that states can also pave a visionary way forward. They can outline new domestic interpretations of international refugee law. In fact, just last week, in New Zealand, we had a new government officially take office, under a Labour leader, Jacinda Ardern. Jacinda is a 37-year old woman, a first-time prime minister, and she, in her campaign, endorsed the idea of New Zealand offering protection to Pacific climate refugees. We are yet to see whether or not New Zealand will adopt any new policies or legal frameworks, but it's an example of how a country can decide on its own to take a step forward.

[Asuka] Thank you very much. Ok, then, very quick, burning questions, if you have any.

[Question] Thank you, everyone. I'm from Bangladesh. My country's main problem is the population. It's a densely populated country in the world — I think around 27 million people. And that's why my country is so much in industrial development now to support their economy. And industrial owners can get easily manpower to spend a small amount of money. So, that's why they increase, and develop, their industrialization. And in the world ranking, our capacity — the capacity of Bangladesh has become five-ranked in the populated areas of the world. So, my question is, is there any normative issue to solve or to protect this problem? Because our government mainly works to shift industrial areas to other areas. I think that is not any kind of solution to this problem. And our country has so much lowland area.

It's level, around sea-level, so that's why it faces many kinds of environmental issues like floods and other things. So, our government cannot decide how it can solve it. My question is, is there any normative issue to solve this population and industrialization problem?

[Hall] So, when you say normative, what do you mean?

[Question] Normative means is there any idealization to protect this problem? Or to solve this problem?

[Hall] Specifically, for Bangladesh, I think this is a good conversation, maybe, for the whole group to have, but a quick response is it's very difficult in the case of Bangladesh if you have so many people and you have low-lying areas. Around adaptation, there are a lot of very good engineering or technical things that the country can do to try and protect flooded areas and to adapt, and in the Netherlands, for instance, they're thinking about that a lot, but it doesn't solve the population issue. You're completely right. I am not a specialist in Bangladesh, so I don't want to say, here's the policy that you should implement. I think it's very difficult for a country with that many people, so it does rely on being creative about finding ways to assist people in areas that may be at risk, and that will require more than just the Bangladeshi government. I would argue it would also require outside support. But that's just an initial reflection. It's not something I have worked or written on, and I would invite others to also comment, maybe, in the second, later, part of our discussion.