



**UNHCR**

United Nations High Commissioner for Refugees  
Haut Commissariat des Nations Unies pour les réfugiés



## **Climate Change and Displacement: Identifying Gaps and Responses**

### **Expert Roundtable**

Bellagio Conference Centre, 22-26 February 2011

*With the support of the Rockefeller Foundation*

### **CONCEPT NOTE**

#### **I. Introduction**

While climate change negotiations have primarily focused on the need to mitigate the impact of global warming by curbing greenhouse gas emissions, international actors have also started considering the humanitarian and security implications of climate change, which are already apparent and are expected to become more pronounced in years to come.

In September 2009, the United Nations Secretary-General issued a report at the request of Member States pursuant to General Assembly Resolution 63/281 on the possible security implications of climate change.<sup>1</sup> The report noted that climate change was most likely to operate as a “threat multiplier”, exacerbating existing threats resulting for instance from poverty or poor governance.<sup>2</sup> More significantly, it highlighted migration and statelessness as being amongst the ways that climate change could affect international security.<sup>3</sup>

While the full extent of the humanitarian impact of climate change remains largely speculative, there appears to be agreement that population displacement is likely to be one of its gravest consequences.<sup>4</sup> Climate-related migration and displacement are, in fact, already occurring and likely to become more prevalent as global warming increases in intensity.<sup>5</sup> A recent study claims that as many as 20 million people have already been displaced as a result of sudden-onset climate-related disasters in 2008,<sup>6</sup> and other estimates indicate that by 2050, 150 million people may be displaced due to climate-related events.<sup>7</sup> According to the typology adopted by the Inter-Agency Standing Committee, there are four displacement-triggering scenarios: hydro-meteorological disasters; environmental degradation and/or slow onset disasters;

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<sup>1</sup> Report of the Secretary-General: Climate change and its possible security implications, UN Doc. A/64/340, 11 September 2009.

<sup>2</sup> *Ib.*, para. 13.

<sup>3</sup> *Ib.*, paras. 16-17.

<sup>4</sup> See N. P. Gleditsch, R. Nordas and I. Salehyan, “Climate Change and Conflict: The Migration Link”, *Coping with Crisis Working Paper Series*, International Peace Academy, May 2007.

<sup>5</sup> See Report of the Secretary-General, note 1 above, para. 54, 71.

<sup>6</sup> “Monitoring disaster displacement in the context of climate change”, Findings of a study by the United Nations Office for the Coordination of Humanitarian Affairs and the Internal Displacement Centre, September 2009.

<sup>7</sup> For a detailed chart providing examples of the possible impacts of climate change, see Report of the Secretary-General, para. 29; see also Gleditsch, Nordas and Salehyan, p. 2-3.

significant permanent losses in State territory as a result of sea level rise; and resource-driven conflict.<sup>8</sup>

Some of these movements could be considered voluntary and regarded as part of natural adaptation or coping strategies; but climate-related events could also entail threats to life, health, property and livelihoods and therefore lead to forced displacement.<sup>9</sup> In any of these situations, displacement is projected to be primarily internal, but may also give rise to movements across international borders over time.

## II. Displacement Resulting from Climate-related Events: Identifying Gaps and Responses

From a legal and policy perspective, three key questions arise in addressing displacement resulting from climate-related events:

- Is the present legal and policy framework sufficient?
- If not, is there a need for additional instruments to protect those displaced as a result of climate-related events?
- What legal and institutional responses could be contemplated with respect to so-called “sinking island” States?

With respect to the protection of those displaced within the borders of their country of origin, the key legal document is the 1998 UN Guiding Principles on Internal Displacement,<sup>10</sup> which encompasses displacement resulting from natural disasters in its definition of “internal displacement”. The African Union Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa, concluded in 2009, codifies the Guiding Principles and therefore includes displacement resulting from natural disasters and environmental factors. However, as the number of those internally displaced due to climate-related events is likely to grow, the need to address the longstanding difficulties of implementing these standards will become even more pressing.<sup>11</sup>

It is primarily with respect to forced displacement across international borders that existing legal categories may prove inadequate. The 1951 Geneva Convention relating to the Status of Refugees, the main binding treaty dealing with forced displacement across international borders, would be relevant only if the triggering causes of displacement are related to persecution on account of one of the five Convention grounds, namely, race, nationality, political opinion, religion or membership in a

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<sup>8</sup> “Climate 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. The Inter-Agency Standing Committee is the primary mechanism for coordination of humanitarian assistance bringing together key UN and non-UN humanitarian partners.

<sup>9</sup> *Ib.*

<sup>10</sup> UN Doc. E/CN.4/1998/53/Add.2, 11 February 1998.

<sup>11</sup> “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 University to the 6<sup>th</sup> session of the Ad Hoc Working Group on Long Term Cooperative Action under the Convention (AWG-LCA 6) 19 May 2009.

social group.<sup>12</sup> Regional instruments relating to refugee protection, such as the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration would possibly offer wider protection, given that they also protect those displaced due to “events seriously disturbing public order”. But practice and jurisprudence based on these definitions are scarce. Complementary protection arising from the application of the *non-refoulement* principle, enshrined in various international and regional human rights instruments, would not, based on current jurisprudence and practice, provide suitable protection either, although it is arguable that in this instance, there is latitude for progressive interpretation.

In the specific case of “sinking island” States, statelessness could become a concern as a result of the disappearance of the State’s territory. While the well-established principle that statelessness should be prevented will clearly provide a strong basis for action,<sup>13</sup> it is, on the other hand, not clear that this new and rather unique category of stateless people would be fully protected under the 1954 Convention relating to the Status of Stateless Persons. Moreover, it is likely that migratory movements and, by implication, protection concerns would arise well before the full disappearance of the State’s territory, owing to impediments to the viability of long-term habitation resulting, for instance, from the lack of fresh water or arable land. At the institutional level, specific multilateral mechanisms might have to be put in place to address these unprecedented situations.

### III. Objectives and Expected Outcomes

In 2011, UNHCR’s Division of International Protection will convene a series of expert roundtables, leading up to the commemorations of the 60<sup>th</sup> anniversary of the 1951 Convention relating to the Status of Refugees and the 50<sup>th</sup> anniversary of the 1961 Convention on the Reduction of Statelessness. These commemorations offer an important opportunity to highlight existing gaps and encourage States and other international actors to address these gaps and reaffirm their commitment to a set of key legal principles underpinning the international protection regime.

Within the framework of these commemorations, UNHCR will explore and consider a set of common understandings, which would ensure a more coordinated and coherent international approach to complex displacement situations. The objectives would be to respond more effectively to the needs of forcibly displaced people; achieve more consistent and predictable responses; and facilitate inter-State cooperation and the development of comprehensive approaches to displacement situations.

The purpose of this roundtable on climate change and displacement is to gather policy and academic experts with a view to:

- Identifying existing gaps in the protection of populations displaced as a result of climate-related events;
- Assessing legal options to address these protection gaps;
- Exploring practical arrangements with respect to the specific case of so-called “sinking island” States;

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<sup>12</sup> UNHCR, “Climate change, natural disasters and human displacement: a UNHCR perspective”, 14 August 2009.

<sup>13</sup> See Preamble of the 1961 Convention on the Reduction of Statelessness.

- Considering strategies to secure commitment on climate-related displacement;  
and
- Discussing a set of common understandings on responses to climate-related displacement.