

Submission by UNHCR

UN Special Rapporteur on Climate Change: Report on addressing the human rights implications of climate change displacement including legal protection of people displaced across international borders

UNHCR welcomes the opportunity to provide a submission to the Special Rapporteur on the promotion and protection of human rights in the context of climate change for consideration in relation to the forthcoming report on addressing the human rights implications of climate change displacement including legal protection of people displaced across international borders. In addition to this submission, UNHCR participated in an extensive interview with the consultant supporting the Special Rapporteur in this work.

UNHCR's mandate

UNHCR is the global UN entity with a mandate to provide international protection and to work for solutions for refugees and asylum-seekers, among others. It has been granted the authority to supervise the application of international instruments for the protection of refugees and asylum-seekers, in particular the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). State parties to these instruments are required to cooperate with UNHCR in the exercise of its functions (Art.35 of the *1951 Convention*). UNHCR's role is also reflected in many regional refugee law instruments. Over the years, the UN General Assembly has extended UNHCR's mandate to various groups of people, who are not covered by the *1951 Convention*. Some of these people are qualified as "mandate" refugees; others are returnees, stateless persons and, in some situations, internally displaced persons (IDPs).

There is now widespread recognition that the adverse effects of climate change and disasters act as contributing drivers of displacement, both within countries and across borders. Furthermore, climate change may in some cases act as a 'threat multiplier' exacerbating tensions over depleted resources or interact with elements of conflict or violence. Given the disproportionate consequences of the climate crisis for most IDPs, refugees and other cross-border displaced persons, because of their vulnerabilities and situations, and recognising that most displaced people originate or are hosted in highly climate vulnerable and fragile contexts, UNHCR has a direct interest in climate change and human rights in relation to the protection and assistance needs of displaced persons. Based on its mandate, UNHCR advises and works with Member States and partners on strengthened protection and solutions through inclusive, climate-risk informed and coherent policy and measures that include displaced and stateless people and returnees in climate vulnerable countries, and brings protection, human rights-based and displacement expertise to support averting, minimising and addressing the contribution of climate shocks and environmental degradation to complex risks and crisis conditions. In addition to providing legal advice and guidance, UNHCR contributes to normative development at national, regional and international levels to support enhanced protection of the rights of people displaced in the context of climate change, environmental degradation and disasters, including application of refugee law when applicable. On this basis, UNHCR provides information observations on issues relevant to the Special Rapporteur's forthcoming report.

UNHCR's preliminary observations

The climate crisis is a human crisis. The adverse effects of climate change and disasters are increasingly contributing to human movements,¹ in the form of: planned relocation of individuals or communities; migration, i.e. leading to the voluntary movement of people; or resulting in displacement, i.e. forcing people to leave their homes or even seek protection in other countries. Further, climate change and disasters act as threat multipliers, adding to already prevailing stressors in a society or pre-existing vulnerabilities of people, exposing them in some cases to serious harm or human rights violations. The adverse effects of climate change have the potential to impact on a broad array of human rights, including the rights to education, means of subsistence and health. Climate change has significant impacts on the enjoyment of the right to water and sanitation in camps and settlements. Increased precipitation can result in overflow and contamination of water supplies, and heatwaves may lead to malfunction or breakdown of sanitation systems.

Further, climate change is amplifying extreme weather events, exacerbating the vulnerability of subsistence livelihoods and food systems, and testing peaceful coexistence. Disaster risk is rising in the absence of proper action in many locations. Tensions between communities already living on the edge risk being aggravated by climate stress on water, food, pasture, forests and other resources key to their survival, sometimes leading to violence.

Most refugees and internally displaced people are living or hosted in the most climate vulnerable countries and communities where time to adapt is running out. Around 70% of refugees and 80% of people internally displaced by conflict come from countries that are also highly climate vulnerable.² Many are living in precarious situations, without access to life-saving information and support to strengthen their resilience and preparedness for further shocks. These highly exposed populations often have fewer resources and support to adapt to an increasingly hostile environment.

In the most vulnerable countries and communities, access to life-saving information and support to community resilience and preparedness for further shocks is lacking. The consequences are particularly devastating for people living in conflict-affected and fragile situations. While resilience is being severely eroded, authorities in these contexts often lack the capacity or willingness to protect the most vulnerable, and financial and other support remains scarce relative to escalating needs.³

In the event of disasters, people who are forced to flee may be separated from their families, impacting their right to enjoyment of family life, with compounded impact on children, older persons and people with disabilities. Moreover, people displaced due to disasters and the adverse effects of climate change are often forced to live in substandard conditions as many flee leaving their sources of livelihood behind. This affects their right to maintain an adequate standard of living while amplifying their susceptibility to disease, gender-based violence, exploitation etc.

The impact of climate change increasingly intersects with conflict, severely affecting people in fragile contexts including IDPs. In many countries affected by conflict, displaced people are forced to reside in shelters with limited capacity to withstand the impact of disasters which have become more intense and frequent due to climate change. This erodes displaced people's coping capacity while increasing risks of negative coping mechanisms, including child marriage.

¹ Human mobility is an overarching umbrella term that refers to three forms of population movement: i) Displacement – the primarily forced movement of persons; ii) Migration – the primarily voluntary movement of persons, iii) Planned relocation – process of settling persons or communities to a new location (UNFCCC Decision 1/CP.16 Cancun Climate Change Adaptation Framework Paragraph 14f).

² (Ex. Syria, Dem. Rep. Congo, Afghanistan, Yemen, Ethiopia, Nigeria, Sudan, Somalia, Burkina Faso, South Sudan with large conflict-related IDP populations).

³ UNHCR analysis. Data Sources: University of Notre Dame, UNHCR Data Finder & IDMC.

Disasters further have the potential to exacerbate the vulnerabilities of stateless people who, as non-citizens, risk loss of livelihoods and exclusion from disaster relief, health care and governments' climate change mitigation and adaptation plans. At the same time, risks of statelessness can arise in any situation where people are forced or choose to move because of the impacts of climate change. In these circumstances, statelessness may result in such situations where individuals are unable to prove their nationality due to loss of documentation, or the inability to obtain replacement documentation due to challenges accessing (or even the lack of availability of) consular services. Risks of statelessness may also arise due to lack of access to birth registration or certification for displaced children.

Climate shocks are fuelling persistent cycles of crisis and displacement with safe and sustainable solutions for displaced people becoming harder to achieve as climate change adds to degraded and dangerous conditions in areas of origin and refuge. Nine in every ten conflict-displaced returnees in 2021 returned to highly climate vulnerable countries or situations.⁴ It is increasingly essential to reduce vulnerability to climate-related risks in areas of return or settlement for displaced people to enable safe, informed, and dignified solutions.

At the same time, human mobility can also protect people and their human rights. This may be through well-prepared and timely emergency evacuations, assisting communities to plan for relocation to safer settlement areas as a measure of last resort, or facilitating safe, orderly and regular migration. The freedom and capacity to move is part of upholding human rights and contributes to climate change adaptation.

Questionnaire responses

The information below (notably in response to Questions 1 and 4) are a non-exhaustive sample of country and regional situations where the rights of displaced and stateless persons are at risk in the context of climate change and disaster, which have been identified by UNHCR's regional bureaux and operations. In addition to the responses to the Special Rapporteur's Questionnaire below, we encourage consideration of the additional information and tools provided in the Annex.

1. What experiences and examples are you aware of, of individuals or communities, displaced by climate change?
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In the southern Africa region, the effects of climate change related disasters contribute to displacement, within and across borders. Southern Africa has experienced slow onset disasters, notably in Madagascar, where 1.5 million people are affected by an emergency-level food crisis following consecutive droughts. It also caused internal displacement as people fled in search of food and work. An estimated 2.3 million people in Angola are also affected by drought, which generated the internal displacement of approximately 60,000 people, in addition to 10,000 people crossing the border to Namibia. Southern Africa is also affected by rapid onset disasters. In Madagascar, an estimated 4,300 people were temporarily displaced and two killed after the impact of tropical cyclone in December 2020 and February 2021.

In 2022, **Mozambique** was battered by five tropical storms and cyclones along its northern coastal areas. These have affected thousands of families, including refugees and people

⁴ Ex. countries of origin/return including Syria, Afghanistan, South Sudan, Myanmar, DR Congo, Sudan, Somalia, Central African Rep., Eritrea, Nigeria, Burundi.

internally displaced by ongoing violence in the northern province of Cabo Delgado. Tropical Cyclone Gombe alone, which made landfall in Nampula province in March, forced tens of thousands of people to flee in search of safety. Climate change is increasing the frequency and intensity of weather-related hazards, and the affected communities frequently have less time to recover in between shocks, impacting their ability to cope and remain resilient. Gombe is the strongest storm to strike Mozambique since Cyclones Idai and Kenneth wreaked havoc in the spring of 2019, displacing some 2.2 million people. The relentless number of shocks in past years have contributed to depleted community resilience and impediments on the path to recovery.

In Zimbabwe, as a result of the devastating drought in 2018-19, crop losses, economic shocks and the aftermath of Cyclone Idai, OCHA reported that humanitarian needs were rising, leaving 7 million people in urgent need of assistance in 2020, compared to 5.5 million people in August 2019. Of these, 1.2 million people were facing life-threatening needs (related to critical physical and mental wellbeing) and a further 5.8 million required life-sustaining support (related to critical living standards). The primary drivers of the crisis are the severe drought of 2018-19 and escalating macroeconomic challenges. Impacts on the following rights have been reported :

- Right to life, including lives lost as many people were not rescued.
- The right to health has also been compromised as vulnerable groups are at heightened risk of contracting diseases such as cholera, especially in flood prone areas;
- Right to food in severe and persistent droughts as well as flooding in different areas;
- Right to shelter as homes are destroyed by flash floods and mudslides in some low-lying areas. This affects the rights to privacy, safety and security of affected populations as they are moved into camps and camplike structures. For example after Cyclone Idai hit, populations in affected areas were moved into camps and other community shelters, like churches, where the UN Resident Coordinator's office noted that at least 15,000 women and girls were at risk of gender-based violence as well as sexual exploitation and abuse;
- Right to education was also adversely affected mainly because of the prevalence of disasters such as heavy winds, hailstorms and cyclones that destroy school structures; it takes time for the affected schools to be rehabilitated or restored;
- Right to legal personality has also not been fully enjoyed as the abrupt movements due to disasters coupled with disasters washing away belongings has left documents such as national IDs and birth certificates missing.

Several districts of Zimbabwe faced risks of statelessness in the aftermath of Cyclone Idai in 2019. The cyclone hit the eastern part of Zimbabwe, on 15-16 March 2019, with Chimanimani and Chipinge districts in Manicaland Province hardest hit. Statelessness was a key protection concern resulting from the loss of documentation due to the cyclone. Due to climate change, more cyclones are expected in the region, which could result in further loss of documents and greater risk of statelessness.

In Africa's Sahel region, where temperatures are rising 1.5 times faster than the global average, the climate crisis is exacerbating competition for water and other resources. Water levels in Lake **Chad** have decreased by as much as 95 per cent in the past 60 years⁵, and simmering disputes between herders, fishermen and farmers over scarce water resources in **Cameroon's** Far North region flared into violence in December 2021⁶. The resulting clashes drove at least 100,000 people from their homes, both internally and across into neighbouring Chad. In **Burkina Faso**, some of the worst violence and displacement has occurred in the poorest, most drought-affected areas where armed groups have exploited tensions over

⁵ UNHCR, UNHCR's Grandi urges more support as Chad confronts multiple crises, 16 July 2022, available at: <https://www.unhcr.org/news/stories/2022/7/62d2a6894/unhcrs-grandi-urges-support-chad-confronts-multiple-crises.html>

⁶ UNHCR, UNHCR's Grandi meets Cameroonians displaced by conflict over scarce resources, 1 May 2022, available at: <https://www.unhcr.org/news/stories/2022/5/626e42f2d/unhcrs-grandi-meets-cameroonians-displaced-conflict-scarce-resources.html>

access to dwindling water sources and shrinking arable land.⁷ In **Niger**, adverse impacts of climate change and environmental degradation were frequently mentioned as drivers of displacement by IDPs and refugees alike. Among the most frequently cited impacts were unpredictable rainfall, land degradation, depletion of wood resources, recurrent heat waves, and chronic food insecurity. Many IDPs in Diffa region, explained that devastating floods in 2020 had destroyed their homes and threatened their lives, forcing them to seek shelter away from riverbanks, leaving them without access to livelihood opportunities.⁸

In South Sudan the last two years, the country has been experiencing the worst floods in living memory. These have led to immense suffering due to submerging of farmlands and pastureland, destruction of ecosystems, destruction of infrastructure, environmental and natural resources degradation, pollution of water and destruction of clean drinking water facilities. In addition, there have been serious displacements that have in turn led to movement of populations and deadly conflicts between communities across South Sudan. Of the 1 million South Sudanese affected by floods in 2020, about half of them have been displaced, impacting communal tensions and violent conflicts with host communities in Equatoria and Upper Nile. As of October 2022, two-thirds of South Sudan was experiencing flooding. Over 900,000 people have been directly impacted as waters have swept away homes and livestock, forced thousands to flee, and inundated large swathes of farmland, worsening an already dire food emergency. Displaced and host communities have been among the hardest hit. Floods have not only destroyed livelihoods and displaced people, but they also made posed increased challenges to humanitarian interventions as they submerge dry land and destroy infrastructure that is needed to access the affected population. Camps for internally displaced are below the current water level, protected from floodwaters only by dikes – large, compacted mounds of earth – erected by the United Nations, the government, and the inhabitants themselves.⁹

The entire Horn of Africa is experiencing drought — in **Somalia** alone, 90% of the country is severely affected and famine is unfolding in some areas.¹⁰ In Somalia, the number of people displaced internally primarily by drought this year alone has surpassed 1 million, with another nearly 500,000 displaced due to conflict and insecurity.¹¹ Many who have already been forced to flee violence have been displaced yet again by the worst drought in 40 years, brought on by four failed rainy seasons, with a fifth predicted. Globally, such extreme weather events are intensifying and becoming more frequent due to the climate crisis. More than 80,000 people have arrived in Kenya's Dadaab refugee camps, the majority arriving over the past two years fleeing ongoing insecurity in Somalia and the unrelenting drought – the longest and most severe in decades.¹² An estimated 24,000 people have arrived since the end of September. Some 4.5 million Kenyans, mainly in the northern and eastern parts of the country, are also battling the effects of the devastating drought.¹³ Many families are struggling with severe food and water shortages, which may worsen in the coming months if the present rainy season fails.

⁷ UNHCR, Climate change and conflict pursue displaced Burkinabes, 25 January 2021, available at:

<https://www.unhcr.org/news/stories/2021/1/600e86334/climate-change-conflict-pursue-displaced-burkinabes.html>

⁸ UNHCR, Millions face harm from flooding across West and Central Africa, UNHCR warns, 28 October 2022, available at:

<https://www.unhcr.org/news/briefing/2022/10/635b913a4/millions-face-harm-flooding-across-west-central-africa-unhcr-warns.html>

⁹ UNHCR, Statement summary – Devastation in South Sudan following fourth year of historic floods, 21 October 2022:

<https://www.unhcr.org/news/briefing/2022/10/635251694/devastation-south-sudan-following-fourth-year-historic-floods.html>

¹⁰ UNHCR, Horn of Africa Drought Emergency, accessed 10 January 2023: <https://donate.unhcr.org/int/en/horn-africa-drought-emergency>

¹¹ Protection and Return Monitoring Network, see:

https://data.unhcr.org/en/dataviz/1#_ga=2.35161249.1489813718.1671550851-1880524867.1585237419

¹² UNHCR, Statement summary – Drought and conflict force 80,000 to flee Somalia for Kenya's Dadaab refugee camps, 6 December 2022: <https://www.unhcr.org/news/briefing/2022/12/638f13ae4/drought-conflict-force-80000-flee-somalia-kenyas-dadaab-refugee-camps.html#:~:text=More%20than%2080%2C000%20people%20have.and%20most%20severe%20in%20decades.>

¹³ Id.

In Pacific Island States, the adverse impacts of climate change are expected to compound existing displacement risks.¹⁴ Pacific Small Island Developing States (SIDS) are acutely sensitive to climate change effects such as oceanic warming, sea-level rise (resulting in salinization, flooding and erosion), cyclones and mass coral bleaching. These impacts can have significant socio-economic and ecological implications, such as on health, agriculture and aquaculture, and water security, which in turn have impacts on livelihoods, food security and human mobility. The risk posed to Pacific SIDS is further complicated by their limited adaptive capacity and challenging geography. Migration, relocation and displacement (even as a last resort) may become more commonplace. Displacement might also increase in the future, potentially giving rise to protection needs.¹⁵

The Philippines is located on the so-called “Ring of Fire” and the typhoon belt in the Pacific Ocean, making it highly exposed to natural hazards, some of which are recurrent and cyclical. In Mindanao, disasters occur in places where conflict has already disrupted the lives of the inhabitants, displacing people multiple times due to myriad causes and affecting both displaced and host communities. When Tropical Storm Nalgae hit the Philippines in September 2022, asylum-seekers and refugees residing in affected areas of Nueva Ecija in Central Luzon impacted by heavy winds and rains causing disruption to their livelihoods and damage to their homes. Coupled with the effects of the pandemic, the local integration capacities of asylum-seekers and refugees was challenge due to the impacts of climate change on their livelihoods vis-à-vis their capacity to provide for their basic needs. The uniform access of asylum seekers and refugees to emergency response and assistance programmes was also challenged due to the limited awareness of local governments on the rights and services accessible to these groups.

In Myanmar, extreme weather events, rising temperatures and changing rainfall patterns coupled with resurgent violence across the country have intensified food insecurity and more generally the vulnerabilities of all communities, and particularly minority ethnic groups including the stateless Rohingya, those in protracted displacement in Rakhine, Chin, Kachin and Kayin States, and newly displaced in other parts of the country following the events of February 2021. For example, 60% of IDP shelters in Rakhine were reportedly damaged by Cyclone Mora in 2017. Such events, increased flooding, and any resulting further displacement is likely to compound existing restrictions on the rights of Rohingya, including their freedom of movement, access to basic services, and enjoyment of fundamental rights.

Insecurity compounded by worsening food, land and water security due to climate change are likely to increase the prevalence of negative coping strategies, induce fresh displacement and limit prospects for sustainable solutions for IDPs and returning refugees. Ongoing clashes, restrictions on freedom of movement and recurrent climate-related shocks continue to undermine the availability of food supplies and agricultural productivity as well as physical and economic access to food markets and livelihoods opportunities.

Inadequate evacuation plans for internally displaced Rakhine and Rohingya communities living in displacement camps in Rakhine State remains a concern, since these displaced populations generally reside in inadequate shelter in flood-prone and highly exposed areas. The poor conditions of camps and the restrictions on freedom of movement faced by the Rohingya create a serious risk of harm.

¹⁴ See O. Hoegh-Guldberg, D. Jacob, M. Taylor, M. Bindi, S. Brown, I. Camilloni, A. Diedhiou, R. Djalante, K. Ebi, F. Engelbrecht, J. Guiot, Y. Hijikata, S. Mehrotra, A. Payne, S. I. Seneviratne, A. Thomas, R. Warren, G. Zhou, 2018, Impacts of 1.5°C Global Warming on Natural and Human Systems. In: *Global warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty*, pp.234-35. This Intergovernmental Panel on Climate Change report reaffirmed the particular vulnerability of small island developing states, including in the Pacific, to the impacts of climate change, resulting in internal or cross-border displacement as well as the inhabitability of island atolls.

¹⁵ See [Human Rights Committee's decision](#) over the Teitiota vs. New Zealand case, January 2020

In Bangladesh, Rohingya refugee camps and areas hosting Rohingya refugees are vulnerable to seasonal cyclones and monsoons¹⁶. Adverse weather conditions, landslides, and floods aggravate the living conditions. UNHCR recorded that in July 2021, more than 21,000 Rohingya refugees in Cox's Bazar were affected by flash floods and landslides. Six refugees were killed, and thousands lost their homes.¹⁷

2. Do you think there are differences between the notion of climate change migrants and people displaced by climate change? If yes, what are these differences?

In the climate change policy space under the United Nations Framework Convention on Climate Change (UNFCCC), three forms of population movement or **“human mobility”** have been articulated in the **Cancun Adaptation Framework** (paragraph 14f): **i) Displacement – the primarily forced movement of persons; ii) Migration – the primarily voluntary movement of persons; iii) Planned relocation – a last resort measure** when current settlement areas are set to become uninhabitable to settle people in areas out of harm's way, based on human rights principles and with the full participation of affected communities.¹⁸

It is increasingly evident that climate change and its adverse effects impact on displacement flows, but more broadly affect human mobility in general, i.e. migration patterns and planned relocation. Resilience building measures of communities, regular migration pathways as an adaptation measure, can offer effective ways to prevent displacement from occurring in the first place. When migration is hindered or precluded, displacement might occur within a country or across borders, sometimes generating international protection needs.

Migration and displacement need to be consistently considered in climate discussions as related but distinct phenomena, recognizing their respective human, social and geo-political implications, and acknowledging that these mobility scenarios are closely connected but involve different factors and needs. As a result, cooperation among all actors involved in migration and displacement is needed, including to support consistent implementation of all relevant legal and human rights frameworks.

Effectively addressing the whole range of climate change impacts requires international cooperation and responsibility-sharing in line with the Global Compact on Refugees which calls for all “stakeholders with relevant mandates and expertise [to] provide guidance and support for measures to address [...] protection and humanitarian challenges” in a way “which avoids protection gaps” (see GCR, paras 63 and 61). UNHCR, working closely with partners, aims to strengthen prevention, mitigation and response to climate-related shocks and the protection of people displaced in the context of the impacts of climate change.

3. What legislation, policies and practices are you aware of that are in place to give protection to the rights of individual and communities displaced by climate change.

¹⁶ 2021 Joint Response Plan: Rohingya Humanitarian Crisis, January-December 2021 at https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/2021_jrp_with_annexes.pdf

¹⁷ UNHCR, Floods bring new misery for Rohingya refugees in Bangladesh camps, by Hannah Macdonald and Ehsanul Hoque, 30 July 2021, at <https://www.unhcr.org/news/stories/2021/7/6103c43c4/floods-bring-new-misery-rohingya-refugees-bangladesh-camps.html>

¹⁸ See UNFCCC Decision 1/CP.16 Cancun Climate Change Adaptation Framework, paragraph 14 (f). This terminology is also adopted in the Nansen Initiative Agenda for the protection of cross border displaced persons in the context of disasters and climate change (see paragraph 22 of the Volume 1 of the Agenda)

In fulfilment of its supervisory role for the implementation of the international refugee instruments and under the legal and normative pillar of its Strategic Framework for Climate Action, UNHCR in October 2020 issued “[Legal Considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters](#)”. The paper recalls the relevance of international refugee and human rights law for the protection of people displaced across borders in the context of climate change and disasters clarifying specific circumstances where international and regional instruments might be applicable.

In specific circumstances, notably when the effects of **climate change and disasters interact or are connected with conflict or violence or other forms of persecution**, the 1951 Convention Relating to the Status of Refugees may be applicable.

People may also be refugees under the broader refugee criteria outlined in the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration on Refugees, notably when climate change and disasters result in serious disturbance of public order.

In addition to international refugee law, the principle of non-refoulement and other elements of **international human rights** law may apply to people seeking international protection notably where there is a real risk of being subjected to serious harm.

When no other legal option is available, **temporary protection or stay arrangements** may be a practical way to provide protection to those in need, especially after a sudden onset disaster. Several countries, especially in the Americas, have extended such arrangements to benefit those displaced by climate change and disasters.

As explained in the first *Global Report on Law and Policy on Internal Displacement* published by UNHCR and the Global Protection Cluster in December 2022,¹⁹ addressing internal displacement in the context of disasters and climate change lies at the intersection of various legal fields, from international human rights law to international environmental law among others (including international humanitarian law in the many contexts where internal displacement associated with conflict and disasters coexist), as well as policy fields such as disaster risk reduction and IDP protection. Therefore, addressing disaster displacement through effective legal and policy interventions at the national level requires concerted and coherent action across different policy areas, which can be translated into different types of laws and policies. These can be broadly divided into two main categories:

- (1) Stand-alone legal and policy frameworks on internal displacement, whether exclusively dedicated to disaster displacement or to internal displacement more generally; and
- (2) Legal and policy frameworks relating to disasters and climate change that also address human mobility, including internal displacement.

In both cases, measures may relate to the prevention of and preparedness for displacement, protection during displacement (including during evacuation), and facilitation of durable solutions. It should be emphasized that the approaches leading to the development, adoption and implementation of these different frameworks are not mutually exclusive. On the contrary, depending on the context, such approaches can be complementary and mutually reinforcing. Law- and policy-makers should base their efforts on an assessment of the displacement situation and, when possible, the outcome of a review of national legal and policy frameworks relating to the protection of IDPs. This analysis will allow them to decide whether to develop a

¹⁹ See pp. 117-126. Available [here](#).

stand-alone displacement-specific instrument, or to address outstanding issues related to prevention and protection of IDPs by amending existing sectoral frameworks. A combination of the two approaches is possible and may even be desirable or necessary, to avoid contradictions between different legal instruments and to ensure effective and coordinated responses.

The Global Report provides several country examples of good practices of how this has been successfully done, in both the thematic chapter dedicated to this topic as well as in the “Regional trends” chapters.²⁰ In particular, regional trends show that out of the 34 IDP-specific instruments addressing both conflict- and disaster- displacement, more than half (18) were developed in Africa. This is in line with the legal obligation under the Great Lakes Protocol and the Kampala Convention to incorporate the provisions of these instruments into domestic law and address internal displacement comprehensively, reflecting the reality of the displacement situations in many African countries, where different causes of displacement overlap (only three of these 18 instruments were adopted before the adoption of these regional treaties). Asia follows with six instruments addressing both causes, the Middle East with three and then Europe and the Americas with two instruments each.²¹

4. Please provide examples of policies, practices and legal remedies and concepts of how States, business enterprises, civil society and intergovernmental organizations can provide protection for people and communities displaced by climate change.

In the Asia-Pacific region, while progress has been made in recognizing the possibility and impacts of disaster displacement – including in the Ulaanbaatar Declaration, the Action Plan 2018–2020 of the Asia Regional Plan for Implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Framework for Resilient Development in the Pacific (FRDP) – consideration of displacement in legal and policy frameworks for DRM are mostly not comprehensive or systematically enforced.²² A few national governments have a multi-sectoral plan to prevent, prepare for and manage disaster displacement. These include Vanuatu’s comprehensive policy on internal displacement stemming from disasters and climate change²³ and Bangladesh’s national strategy on the management of disaster- and climate-induced internal displacement.²⁴ The operational starting point for dealing with protracted and multiple displacement is usually post-disaster and humanitarian response.

The government of **Bangladesh** has hointroduced the 2021-2041 Perspective Plan (PP2041) that factors in climate change as a driver of future human mobility.²⁵ On a national level, the Bangladesh Parliament has declared a “Planetary Emergency” and hosts a regional centre of

²⁰ UNHCR also developed an interactive dashboard based on our global database on law and policy on internal displacement that show which countries have adopted IDP-specific instruments addressing displacement in the context of disaster and climate change, and which ones have adopted disaster and climate change related instruments addressing internal displacement. The dashboard is available here:

<https://app.powerbi.com/view?r=eyJrJoiZjVhYzhkMzItNDQ3MC00MGQyLTlhMjltYzZmZDdkZjQ0ZTA2liwidCI6ImU1YzZM3OTGxLTy2NjQINDEzNC04YTBlTY1NDNkMmFmODBiZSIsImMiOiJh9>

²¹ UNHCR-GPC, Global Report on Law and Policy on Internal Displacement, p. 21.

²² Katie Peters and Emma Lovell, ODI: [Reducing the risk of protracted and multiple disaster displacements in Asia-Pacific](#). Report, May 2020.

²³ Migration and climate change in Asia and the Pacific: Note by the secretariat. Economic and Social Commission for Asia and the Pacific Asia-Pacific Regional Preparatory Meeting for the Global Compact for Safe, Orderly and Regular Migration. E/ESCAP/GCM/PRP/5.

²⁴ Bangladesh’s national ‘disaster displacement’ preparedness/strategy excludes UNHCR’s involvement (with the exception of Rohingya response).

²⁵ Kumari Rigaud, Kanta, Alex de Sherbinin, Bryan Jones, Jonas Bergmann, Viviane Clement, Kayly Ober, Jacob Schewe, Susana Adamo, Brent McCusker, Silke Heuser, and Amelia Midgley. 2018. *Groundswell: Preparing for Internal Climate Migration*. Washington, DC: The World Bank.

the Global Centre on Climate Adaptation (GCA). The Regional GCA centre aims to share knowledge and experience of climate change adaptation between countries in the region and globally.

In the Pacific Island States, at the national level, countries have implemented a range of measures, including: 1) Implementation of National Adaptation Plans and National Relocation Guidelines in the Republic of Fiji; 2) Emergency Response Contingency Plans in the Federated States of Micronesia (FSM) and Republic of the Marshall Islands (RMI); and, 3) the establishment of National Disaster Management Offices to strengthen national disaster management capacity in Papua New Guinea, Republic of Fiji, Kiribati, the Solomon Islands, Vanuatu, Republic of the Marshall Islands, Federated States of Micronesia, and the Kingdom of Tonga. In complement, at the regional level, the Pacific Islands Forum (PIF) has placed climate action at the forefront of its agenda through the endorsement of policy documents such as the Boe Declaration on Regional Security²⁶ under which Pacific leaders reaffirmed the importance of developing a regional framework to address climate change.²⁷ In the Framework for Pacific Regionalism, PIF members identified climate change and enabling freer movement of people and goods within and among countries as priorities. Further, the Framework for Resilient Development in the Pacific 2017-2030 (FRDP) takes an integrated approach to addressing climate change and disaster risk management and promotes voluntary commitments relating to human mobility, migration and climate change in the region.

The **Philippines** Government has formulated the National Disaster Risk Reduction and Management Plan (NDRRMP), which covers four thematic areas: (1) Disaster Prevention and Mitigation; (2) Disaster Preparedness; (3) Disaster Response; and (4) Disaster Rehabilitation and Recovery. During times of calamity when existing national response or coordination capacity is insufficient and unable to meet the surge in humanitarian needs, Response Clusters are reactivated. In the Philippines, government agencies lead the emergency response clusters created in addition to the existing clusters under the Humanitarian Country Team. Government agencies and humanitarian actors conduct joint assessments and discuss issues faced by the affected populations in cluster- or inter-agency meetings. In 2019 when the new Bangsamoro government was established, a Rapid Emergency Action on Disaster Incidence (READi) was launched as a new emergency and disaster response office.

In November 2020, the Department of the Interior and Local Government (DILG) also issued Memorandum Circular (MC) 2020-153 on Local Government Assistance for Asylum Seekers, Refugees, and Stateless Persons in the Philippines recognized by the Department of Justice – Refugees and Stateless Persons Protection Unit (DOJ-RSPPU) as part of the agency's commitment, under the Inter-Agency Steering Committee (IASC) Agreement on the Protection of Asylum Seekers, Refugees, and Stateless persons in the Philippines, in strengthening services and assistance for persons of concern at the local level.

The President, in February 2022, signed Executive Order No. 163 which institutionalizes access to protection services for refugees, asylum seekers, and stateless persons. Notably, it directs government agencies to allocate funding for the protection of displaced persons. To operationalize this, the Department of Social Welfare and Development issued Memorandum Circular 2022-015 which includes persons of concern in the implementation of the Assistance to Individuals in Crisis Situation (AICS) Program. The Program "provid[es] aid to individuals

²⁶ Signed at the Pacific Islands Forum in September 2018 by Australia, New Zealand and Pacific Island countries

²⁷ See <https://www.forumsec.org/boe-declaration-on-regional-security/>

and families seeking assistance for medical...food...educational and other support services” during crisis situations²⁸ in its offices and established Malasakit Centers²⁹ nationwide.

Under the UNHCR-UNICEF Joint Strategy to End Childhood Statelessness, UNHCR and UNICEF work alongside the local government of Bongao, Tawi-Tawi and other partners to conduct birth registration activities for Sama Bajaus at risk of statelessness and displaced due to natural disasters to ensure that they have their birth certificates, one of the primary documents needed to access services and aid during disasters. UNHCR also co-leads the Mindanao Virtual Protection Coordination Platform (MVPCP) that serves as a venue to refer, deliberate, and draw solutions towards the protection situation and humanitarian needs of the displaced populations in Mindanao.

Myanmar has signed and ratified the Paris Agreement. Additionally, the country has identified through its Sustainable Development Plan (2018–2030) that increasing resilience to the climate crisis and implementing strategies to better protect the country’s ecosystem and environment, are essential to current and future development and stability. The Myanmar Climate Change Policy (2019), with the Myanmar Climate Change Strategy and Master Plan (2018-2030) as a guiding policy and strategic framework was adopted to promote long-term coordinated and sustained action.

In instances where affected populations remain in prolonged situations of displacement, UNHCR in Myanmar facilitates the repair and maintenance of existing shelters. This aims to protect people from exposure to extreme weather and natural hazards, reduce the risk of contracting illness when sleeping in the open, and provide physical safety, especially in the prevention of gender-based violence.

In Bangladesh, support to disaster preparedness and response in the affected areas of the Rohingya crisis is covered under the strategic objectives of the Joint Response Plan (JRP)³⁰ and includes camp level preparedness, response assessment and action plans. As an example, introduction of reusable liquified petroleum gas (LPG) tanks as of 2018 by UNHCR in collaboration with partners including local government and donors reduced the firewood use by 80% among refugees and 60% by the host community.³¹ In 2021, a pre-pilot project assessed the impact of using pressure cookers by the households as an energy saving initiative that leads up to 25% in LPG usage and reduction in carbon emissions.³² Furthermore, projects to support host community’s access to rights to health, safe water, livelihoods and mitigation of the adverse effects of the crisis on the environment and ecosystem are implemented.³³

Zimbabwe adopted a national climate policy which was passed into law in June 2018. The policy seeks to create a pathway towards a climate resilient and low carbon development economy in which people have enough adaptive capacity and continue to develop in harmony with the environment. A Disaster Risk Reduction (DRR) initiative is being developed from the national level to the grassroots level (District and ward) which focuses on reducing the impact of disasters where government with other partners (NGOs and private sector) ensure sound preparations in case of disasters, (e.g. water harvesting, conservation farming, etc.).

²⁸ Crisis situations, under item IV(F) of the policy, is defined as “a time in the individual’s life when they experience a breakdown or disruption in their usual or normal daily activities or family functioning. Such disruption prevents them from adequately performing their social roles and functions, and may lead them into worsened life conditions.”

²⁹ Pursuant to Republic Act 11463 (Malasakit Centers Act), Malasakit Centers “serve as a one-stop shop for medical and financial assistance”, among others.

<https://www.officialgazette.gov.ph/downloads/2019/11nov/20191203RA-11463-RRD.pdf>

³⁰ 2021 Joint Response Plan: Rohingya Humanitarian Crisis, January-December 2021, *op.cit.*

³¹ Two environmental programs that are greening Kutupalong, at <https://www.unrefugees.org/news/two-environmental-programs-that-are-greening-kutupalong/>

³² Rohingya Refugee Response, Bangladesh- Fact Sheet- Energy and Environment, April 2021, at https://reliefweb.int/sites/reliefweb.int/files/resources/EE%20Thematic%20Factsheet_April%202021%20v4.pdf

³³ 2021 Joint Response Plan: Rohingya Humanitarian Crisis, January-December 2021, *op.cit.*

Measures have been taken by UNHCR and Government of Zimbabwe to mitigate risks of statelessness. In response to the risks developed in the Chimanimani and Chipinge districts Zimbabwe in the aftermath of Cyclone Idai, UNHCR and the Government of Zimbabwe, organised a civil documentation exercise for people affected by the Cyclone Idai from September-December 2019. A total of 65,000 documents were issued in this exercise, including birth certificates and national identity cards for people affected by Cyclone Idai.

In Uganda, in 2017, amid a massive influx of people fleeing conflict in South Sudan, UNHCR's Uganda operation faced serious challenges to ensure the right to water for all. As refugees were arriving in the remote and undeveloped northwest region of the country, the delivery of water was expensive and difficult to monitor, which posed difficulties in ensuring a consistent supply of sufficient, safe and accessible drinking water to meet the daily needs of refugees. In response, a group of UNHCR engineers developed a reliable and cost-effective monitoring system³⁴, which is now being used successfully in displacement camps in five different countries. It uses a series of smart water-level sensors that are installed in the permanent water tanks and the tanks of water delivery trucks to provide real-time data on water levels, deliveries and consumption to track the water access in the settlements.

The Drought Disaster Resilience Sustainability Initiative (IDDRSI) is an **IGAD** mechanism for coordinated and harmonised implementation of development partner funded actions at the national and regional levels. It aims at sustainably enhancing disaster resilience of vulnerable communities especially those in the pastoral and agro-pastoral areas to end drought emergencies in the Horn of Africa, where the 8 Member countries of IGAD (Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda) are located.

5. What international, regional and national policies and legal approaches are necessary to protect people and communities displaced by climate change?

In fulfilment of its supervisory role over the implementation of the international refugee instruments, UNHCR in October 2020 issued "[Legal Considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters](#)". The paper recalls the relevance of international refugee and human rights law for the protection of people displaced across borders in the context of climate change and disasters clarifying specific circumstances where international and regional instruments might be applicable. (*See further details under question 3.*)

Further research is needed to ensure deeper understanding of the specific impacts of climate change in various regions and countries, notably on particular population groups or communities protection risks in displacement contexts. Consequently, in follow-up to the 2020 Legal Considerations, UNHCR is planning further research on analyse situations where the adverse effects of climate change, environmental degradation or the impacts of disasters are considered to have seriously impacted on a country's public order, potentially giving rise to the application of the wider refugee definition under the OAU Convention or Cartagena Declaration.

The Global Compact on Refugees (GCR) adopted by the UN General Assembly on 17 December 2018 effectively acknowledges and addresses the reality of increasing displacement in the context of disasters, environmental degradation and climate change, and provides a basis for measures to tackle the many challenges arising in this area. The GCR

³⁴ See, <https://www.unhcr.org/news/latest/2020/9/5f6c5a424/unhcr-wins-1m-prize-novel-water-tech-refugee-camps.html>

references the need to reduce disaster risk, including through preparedness measures that take into account global, regional and national early warning and early action mechanisms, evidence-based forecasting of future movements, and the inclusion of refugees in disaster risk reduction strategies³⁵.

The applicability of arrangements for burden- and responsibility-sharing to countries affected by displacement resulting from disasters and environmental degradation is recognized in paragraph 12 of the GCR: '*external forced displacement may result from sudden-onset natural disasters and environmental degradation*'. It notes that States 'may seek support from the international community to address' complex challenges that arise from such situations and applies not only to large refugee situations, but also to countries affected by environmental degradation and disasters. It allows such countries to draw on the arrangements for burden- and responsibility-sharing laid out in the GCR, e.g. national arrangements, Support Platforms and regional and sub-regional approaches.³⁶

The Sendai Framework for Disaster Risk Reduction 2015-2030 outlines seven targets for action to prevent and reduce disaster risk. It recognizes disaster displacement as an important concern for people-centred disaster risk reduction (DRR) and provides many opportunities for DRR policy and practice to reduce risk and address displacement in the context of disasters and climate change. Incorporating displacement into national DRR targets and indicators to measure progress in implementing the Sendai Framework and aligning them with sustainable development and climate change planning are critical steps to prevent disaster displacement. Crucially, people with specific vulnerabilities, such as refugees, need to be included in disaster risk reduction strategies, in line with the Global Compact on Refugees (paragraph 79).³⁷

UNHCR continues to support the application of frameworks to enhance risk governance - and therefore protection - including through the integration of displacement issues in local and national Disaster Risk Reduction strategies in line with the Words into Action Guidelines on Disaster Displacement³⁸ and through its contribution to the UNDRR Asia-Pacific Action Plan 2021-2024³⁹ for the Implementation of the Sendai Framework.

It is important not only to protect those people and communities displaced in the context of climate change and disasters, but also to protect those displaced by conflict and violence who are impacted by the adverse effects of climate change in displacement settings and may face risk of further or protracted displacement. Forty per cent of refugees and 70% of people internally displaced by conflict and persecution are living or hosted in the most climate vulnerable countries and communities and are often highly exposed and vulnerable to climate-related shocks and environmental degradation. In hosting areas and in areas of return, climate and environmental risks may add to humanitarian and protection needs, including through onward, repeated and protracted displacement, as well as through restricting freedom of movement and access to humanitarian assistance. At the same time, they often have fewer resources and support to adapt to an increasingly hostile environment. The consequences are

³⁵ The need to reduce disaster risks (para 9); for preparedness measures (paras 52-3) to take into account global, regional and national early warning and early action mechanisms, and measures to enhance evidence-based forecasting of future movements and emergencies (including in situations of forced internal displacement) (para 53); and to include refugees in disaster risk reduction strategies (in para 79). UNHCR, Climate change and disaster displacement in the Global Compact on Refugees, 2019, available at: <https://www.unhcr.org/protection/environment/5c9e13297/climate-change-disaster-displacement-global-compact-refugees.html>.

³⁶ UNHCR, Climate change and disaster displacement in the Global Compact on Refugees, 2019, available at: <https://www.unhcr.org/protection/environment/5c9e13297/climate-change-disaster-displacement-global-compact-refugees.html>

³⁷ Id.

³⁸ Words into Action - Disaster displacement: How to reduce risk, address impacts and strengthen resilience, available at: <http://www.globalprotectioncluster.org/2019/06/13/new-guidance-words-into-action-disaster-displacement/>

³⁹ Asia-Pacific Action Plan 2021-2024 for the implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030, available at: <https://www.undrr.org/publication/asia-pacific-action-plan-2021-2024-implementation-sendai-framework-disaster-risk>

particularly devastating for people living in conflict-affected and fragile situations.⁴⁰ Climate shocks and environmental degradation may also aggravate existing tensions or conflict, further exacerbating vulnerabilities and displacement. Reducing vulnerability to climate-related risks in areas of return or settlement for displaced people to enable safe, informed, and dignified solutions. The resilience of refugees, IDPs and host communities to climate impacts will largely depend on access to financial, technical and institutional resources that address both their immediate needs and long-term solutions.⁴¹

In line with the 2030 Agenda and the principle of “leaving no-one behind,” it is essential to secure the inclusion of displaced people in national services and to build effective approaches to resilience and solutions, as well as the inclusion of displaced people and the integration of their concerns in sustainable development, climate change adaptation and disaster risk reduction policy, plans and programmes. Their inclusion and meaningful participation in policy discussions and lifesaving decisions is both their right and necessary for impactful solutions. Locally-owned measures, informed and led by those closest to realities on the ground, are more likely to build lasting resilience and break cycles of crisis, displacement and dependence on external assistance. This includes the importance of their contributions to **National Adaptation Plans (NAPs) and Nationally Determined Contributions (NDCs)** in order to guide priorities and resources to where they are most needed. Their effectiveness and relevance will be strengthened by ensuring coherence with related law, policy and plans guiding climate action in the nexus between humanitarian, development and peacebuilding efforts, including on disaster risk reduction and preparedness and, more specifically, the protection of internally displaced people, refugees and other people displaced across borders in the context of the adverse effects of climate change.

The UNFCCC Conference of the Parties (COP), at its 21st session in Paris, established the Task Force on Displacement which developed recommendations that were adopted by the COP on integrated approaches to avert, minimize and address displacement related to the adverse impacts of climate change, as put forward and supported by the Warsaw International Mechanism on Loss and Damage and its Task Force on Displacement. A **Mapping of existing international and regional guidance and tools on averting, minimizing, addressing and facilitating durable solutions to displacement related to the adverse impacts of climate change**⁴² was developed by UNHCR in implementation of the workplan of the Task Force on Displacement. The scope of this mapping is limited to international and regional guidance and tools that provide help and advice to policymakers and practitioners, and that offer practical options to avert or minimize or address displacement related to the adverse impacts of climate change; and/or to facilitate achievement of durable solutions.

COP27 saw the creation **of a new Loss and Damage fund for climate impact in developing countries, including displaced people**. The operationalization of the fund at COP28 in 2023 is a major task for the coming year, in which UNHCR will continue to advocate for the inclusion of protection needs of displaced and stateless persons and the delivery of new, additional and predictable financing.

Recommended legal and policy approaches to be used to address (particularly internal) displacement in the context of disaster and climate change have been described in detail

⁴⁰ In [Burkina Faso](#), the majority of the over one million people internally displaced both come from and settled in the drought-hit Sahel and Centre-North regions. In camps and settlements in particular, a disaster can result in further displacement, and risks perpetuating a spiral of vulnerability and risk.⁴⁰ This can be seen in Syria—in January 2022, over [5,000 Syrian IDPs](#) living in camps were displaced once again due to snowstorms in Aleppo and Idlib, which destroyed 935 tents. Flooding in the north of the country has impacted IDPs numerous times in the past years, forcing people to repeatedly move.

⁴¹ Hallegatte, S.; Rentschler, J.; Rozenberg, J. 2020. Adaptation Principles: A Guide for Designing Strategies for Climate Change Adaptation and Resilience. World Bank, Washington, DC

⁴² WIM Task Force on Displacement Activity II.4 Mapping of existing international and regional guidance and tools on averting, minimizing, addressing and facilitating durable solutions to displacement related to the adverse impacts of climate change (2018) Available at: <https://www.unhcr.org/protection/environment/5c9e13c77/unhcrs-mapping-international-regional-guidance-tools-averting-minimizing.html>

under question 3. For further information, including on international and regional approaches, please consult UNHCR-GPC “Global Report on Law and Policy on Internal Displacement” (December 2022).⁴³

UNHCR in collaboration with IOM also carried out an analysis of institutional, normative and coordination approaches used to address internal displacement associated with conflict as well as disasters and climate change in 5 countries where both situations overlap.⁴⁴ The report provides five suggestions for laws, policies and institutional design in contexts where both conflict and disaster drive displacement.⁴⁵

As regards prevention and response to **statelessness**, UNHCR calls in particular for the following:

- Resolve existing situations of statelessness to avoid the risk of stateless people being excluded from measures, plans and policies designed to mitigate, respond to, and adapt to the impacts of climate change.
- Follow the guidance contained in the Global Action Plan to End Statelessness, in particular Action 2 – ensure that no child is born stateless, Action 3 – remove gender discrimination from nationality laws, Action 6 – grant protection status to stateless migrants and facilitate their naturalization, Action 7 – ensure birth registration for the prevention of statelessness, and Action 9 – accede to the UN Statelessness Conventions.
- Increase compliance with safeguards under international human rights instruments that protect the right to a nationality, including the 1961 Convention on the Reduction of Statelessness, the 1965 Convention on the Elimination of All Forms of Racial Discrimination, the 1966 International Covenant on Civil and Political Rights, the 1979 Convention on the Elimination of Discrimination Against Women, the 1989 Convention on the Rights of the Child, and the 2006 Convention on the Rights of Persons with Disabilities.
- Incorporate information about the risks of statelessness and practical steps to prevent and reduce statelessness in all planning documents, policy guidelines and information campaigns on climate change, disasters, and displacement.
- Engage in bilateral and regional arrangements aimed to prevent statelessness in the event of cross-border displacement in the context of climate change through guarantees of dual nationality, waiving formal requirements for renunciation of nationality, and ensuring basic rights and benefits in host countries.
- Ensure that stateless people are included in practical measures, plans and policies designed to mitigate, respond, and adapt to the impacts of climate change, including access to basic rights and disaster relief.

6. Please provide separate considerations for people or communities internally displaced and those displaced across international borders

UNHCR has developed specific guidance in order to help field staff in UNHCR operations prepare for and deliver protection responses in the context of internal displacement linked to

⁴³ Global Report on Law and Policy on Internal Displacement, December 14, 2022, Global Protection Cluster, available at: <https://www.globalprotectioncluster.org/publications/810/reports/report/global-report-law-and-policy-internal-displacement-implementing>.

⁴⁴ UNHCR and IOM, “Bridging the Divide in Approaches to Conflict and Disaster Displacement: Norms, Institutions and Coordination in Afghanistan, Colombia, Niger, the Philippines and Somalia”, 2021. Available here: <https://www.globalprotectioncluster.org/index.php/publications/369/reports/research-paper/unhcr-and-iom-bridging-divide-approaches-conflict-and>

⁴⁵ See pp. 63 - 76.

disasters and the adverse effects of climate change. While similar to conflict-induced settings, the characteristics of internal displacement in the context of disasters and the adverse effects of climate change, may in some instances require specific approaches regarding protection risks and priority responses, and involve additional considerations for preparedness and response by UNHCR operations. Please refer to the guidance for further information.⁴⁶

7. What do you understand by the concept of “climate change refugee”? Do you think that the UN Refugee Convention should include a separate category for climate change refugees? How do you think this would work? What other legal options may be possible?

The term ‘climate refugees’ is increasingly used among many stakeholders and in the media. This term can be seen as a useful and evocative shorthand reference describing the situation of people forced to move from their homes due to climate-related events who may need protection and assistance. It is a simple and powerful term used by some to provoke reflection and discussion about the urgency of the climate emergency.

This term is not a part of current international law, however, and may in some contexts generate confusion or misplaced fear about the implications of acknowledging the need to address people moving in situations linked to disasters or climate change.

Whereas the term “climate refugees” has the appeal of simplicity and brevity, it could be seen to imply there might be a direct causal link between climate and international protection needs, which is inaccurate. Climate change affects everyone, but it is those displaced in countries with armed conflict who are among the most impacted. Climate change acts as a major underlying driver of displacement **in combination with** other environmental, social, economic and political factors, including persecution and conflict. It can increase pre-existing vulnerabilities and social tensions among individuals or communities leading to conflict that ultimately generate displacement.

When people flee their homes in the context of disasters brought on by climate shocks, such as cyclones, and the slow-onset impacts of drought and gradual environmental processes such as sea level rise, they mostly remain within their countries of residence. Some, however, are forced to cross borders in search of safety and may need international protection. The Global Compact on Refugees recognizes that ‘climate, environmental degradation and natural disasters increasingly interact with the drivers of refugee movements’ (para 8).

People who are refugees in the context of disasters or the effects of climate change are not a separate or new category under international law. They are refugees based on existing instruments. The 1951 Convention is broad enough in its scope to ensure international protection for people in need in many contexts including in relation to the effects of climate change and impacts of disasters. This is also the case for the 1969 OAU Convention and the 1984 Cartagena Declaration. State practice, jurisprudence and legislation have proven that these instruments can be interpreted in an evolving manner, as was done in the past, to address the protection needs of people who fled their countries because of issues related to sexual violence, gender-based persecution and non-state persecution, such as gang-related problems in urban areas. It is thus crucial that these instruments are applied broadly and purposively wherever relevant, including in the context of claims for international protection from people displaced in the context of climate change and disasters, as

⁴⁶ UNHCR, “Practical Guidance for UNHCR Staff on IDP Protection in the Context of Disasters and the Adverse Effects of Climate Change”, October 2021. Available here: <https://www.unhcr.org/publications/legal/617170734/operational-guidance-idp-protection-context-disasters-adverse-effects-climate.html>

recommended in UNHCR's "[Legal Considerations](#)", issued in fulfilment of its supervisory role regarding the application of international refugee instruments.

8. Should separate and particular considerations be given to indigenous peoples with respect to climate change displacement? What are these particular considerations?

Climate change disrupts local economies especially in rural communities and increasingly interacts with the root causes of conflict and population flows. Global data on minorities and indigenous peoples in forced displacement situations is not available. Enhanced disaggregated information would help to better understand the distinct challenges that minorities and indigenous peoples face, and improve access to aid, safe refuge and protection. The frequent absence of land rights documentation or the legal recognition of communal lands may increase the risk of displacement and decrease the likelihood of return. Finding durable solutions is particularly challenging when changes to climate or environmental degradation render certain indigenous lands uninhabitable, or where there has been occupation or confiscation of land for development projects.⁴⁷ Indigenous peoples face specific vulnerabilities during transit and resettlement that affect their access to protection and assistance, yet global humanitarian crises discussions often ignore the plight of indigenous peoples.

⁴⁷ 1. No escape from discrimination: minorities, indigenous peoples and the crisis of displacement, Minority Rights Group, December 2017

Annex: Further resources

- UNHCR, 'Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters', October 2020, available at: <https://www.refworld.org/docid/5f75f2734.html>
- UNHCR - GPC, 'Global Report on Law and Policy on Internal Displacement', December 2022, available at: <https://www.globalprotectioncluster.org/publications/810/reports/report/global-report-law-and-policy-internal-displacement-implementing>
- UNHCR, 'Practical Guidance for UNHCR Staff on IDP Protection in the Context of Disasters and the Adverse Effects of Climate Change', October 2021, available at: <https://www.unhcr.org/publications/legal/617170734/operational-guidance-idp-protection-context-disasters-adverse-effects-climate.html>
- UNHCR - IOM, 'Bridging the Divide in Approaches to Conflict and Disaster Displacement: Norms, Institutions and Coordination in Afghanistan, Colombia, Niger, the Philippines and Somalia', March 2021, available at: <https://www.globalprotectioncluster.org/index.php/publications/369/reports/research-paper/unhcr-and-iom-bridging-divide-approaches-conflict-and>
- McAdam, Jane and Guy S Goodwin-Gill, 'Climate Change, Disasters, and Displacement' (2017), UNHCR, available at: <https://www.unhcr.org/596f25467.pdf>
- UNHCR, 'Legal considerations on refugee protection for people fleeing conflict and famine affected countries', April 2016, available at: <https://www.refworld.org/pdfid/5906e0824.pdf>. A UNHCR legal document reaffirming applicability of refugee frameworks in situations where displacement, conflict and famine simultaneously prevail
- [In Harm's Way: International Protection in the Context of Nexus Dynamics Between Conflict or Violence and Disaster or Climate Change](#) - a UNHCR commissioned study issued in 2018 examining the international protection provided by Ethiopia and Kenya to Somalis fleeing drought, famine and protracted conflict 2011-2012, and by Brazil and Mexico to Haitians fleeing the aftermath of the 2010 earthquake when violence and insecurity prevailed
- [Mapping of existing international and regional guidance and tools on averting, minimizing, addressing and facilitating durable solutions to displacement related to the adverse impacts of climate change](#) – a mapping of existing tools developed in implementation of the workplan of the Task Force on Displacement of the Warsaw International Mechanism for Loss & Damage of UNFCCC
- [Cross Border Displacement, Climate Change and Disasters: Latin America and the Caribbean](#) -- -- a jointly commissioned Platform on Disaster Displacement/UNHCR study focusing on legal and policy measures relevant to the cross-border displacement of persons in the context of climate change and disasters linked to natural hazards in Latin America and the Caribbean

UNHCR Joint fact sheets on:

- Climate Change, Displacement and Human Rights (with OHCHR), March 2022, available at: <https://www.refworld.org/docid/6241c27d4.html>.
- Statelessness and Climate Change (with Norwegian Refugee Council and Peter McMullin Centre on Statelessness), available at: <https://www.unhcr.org/protection/environment/618524da4/statelessness-and-climate-change.html>
- Disability, Displacement and Climate Change (with IDMC, International Disability Alliance), available at: <https://www.unhcr.org/protection/environment/60896a274/disability-displacement-climate-change.html>
- Climate Change and the Future of Safe Returns (with Potsdam Institute for Climate Impact Research (PIK)), available at:

<https://www.unhcr.org/protection/environment/5fb28b504/climate-change-future-safe-returns.html>

- COVID-19, Displacement and Climate Change (with PIK), available at: <https://www.unhcr.org/protection/environment/5ef1ea167/covid-19-displacement-climate-change.html>
- Gender, Displacement and Climate Change (with PIK), available at: <https://www.unhcr.org/protection/environment/5f21565b4/gender-displacement-and-climate-change.html>
- Sustainable Energy, Displacement and Climate Resilience (with UNITAR, Global Plan of Action), available at: <https://www.unhcr.org/protection/environment/5f60a3c44/sustainable-energy-displacement-climate-resilience.html>
- Indigenous Peoples' Knowledge and Climate Adaptation (with the Indigenous Peoples Forum on Climate Change and the Association of Peul Women, Autochthonous Peoples of Chad), available at: <https://www.unhcr.org/protection/environment/5f3104104/indigenous-peoples-knowledge-climate-adaptation.html>

Other

- The 2018 joint study on [The slow onset effects of climate change and human rights protection for cross-border migrants](#) developed by the Platform on Disaster Displacement (PDD) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), with inputs from the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), highlights that while the relationship between climate change, disasters and human mobility is complex, it is clear that climate change intensifies existing vulnerabilities of those displaced and on the move. This heightening of vulnerabilities happens in particular through its intersection with other risk factors including natural hazards, conflict, socio-economic conditions, and multiple and intersecting forms of discrimination.⁴⁸ [Toolbox on Planned Relocation](#) and [Guidance](#) on the same topic – key collective reference documents on planned relocation process
- Climate change and disaster displacement in the Global Compact on Refugees – a document highlighting key provisions of relevance to climate change and disaster displacement in the Global Compact on Refugees, available at: <https://www.unhcr.org/protection/environment/5c9e13297/climate-change-disaster-displacement-global-compact-refugees.html>
- Words into Action guidelines - Disaster displacement: How to reduce risk, address impacts and strengthen resilience - the guide, prepared in collaboration with UNHCR, focuses on how to reduce risk associated with displacement, address impacts and strengthen resilience. It also highlights the various roles DRR and DRM can play in reducing, preparing for and responding to disaster displacement. In addition, it relates to critical protection standards and principles to promote protection in disaster prevention and response. Available at: <http://www.globalprotectioncluster.org/2019/06/13/new-guidance-words-into-action-disaster-displacement/>
- Addressing Displacement in the Context of Disasters and the Adverse Effects of Climate Change: Elements and Opportunities in the Global Compact on Refugees ([Volker Türk](#), [Madeline Garlick](#)) *International Journal of Refugee Law*, Volume 31, Issue 2-3, June/October 2019, Pages 389–399, available at: <https://doi.org/10.1093/ijrl/eez029>

⁴⁸ In this frame, UNHCR's work on legal and normative aspects under the agency's Strategic Framework for Climate Action reaffirms the relevance of international refugee and human rights law in some circumstances for the protection of people displaced across borders in the context of climate change and disasters. See *Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters*, UNHCR, 2020, available at: <https://www.refworld.org/docid/5f75f2734.html>

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