

**Submission by UNHCR**

***Human Rights Council Resolution 53/6 – Secretary-General’s report on human rights and loss and damage from the adverse effects of climate change***

UNHCR welcomes the opportunity to provide initial comments in response to the questionnaire shared in advance of the forthcoming Secretary-General’s report on human rights and loss and damage from the adverse effects of climate change, related to Human Rights Council Resolution 53/6 on human rights and climate change.

**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. Additional information on UNHCR’s mandate can be found in our recent note on “Climate change impacts and cross-border displacement – International refugee law and UNHCR’s mandate”[[1]](#footnote-2).

On this basis, UNHCR wishes to share the following initial and non-exhaustive observations, reflections and country-specific examples in response to the questionnaire.

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**1. Please describe through concrete examples and stories the impacts of loss and damage from the adverse effects of climate change on the full enjoyment of human rights in your country. Please indicate whether the impact was exceptional or whether an example of many similarly situated cases. Please estimate the number of cases that may be similar in your country.**

Displacement is a form of loss and damage and a consequence of loss and damage linked to extreme weather and changing conditions. The climate crisis is already amplifying vulnerability, driving displacement and making life harder for those already forced to flee—this is the human face of loss and damage on a global scale.

As hazardous weather events, such as droughts and flooding, become more frequent and severe, they are contributing to poverty and loss of livelihoods, disrupting social systems and worsening tensions, ultimately creating conditions that can lead to conflict and drive displacement. Climate change also makes it more difficult for displaced people to either return home, making long-term solutions harder to achieve.[[2]](#footnote-3) Without help to prepare for, withstand, and recover from climate-related shocks and stresses they may be displaced again, with the associated risks to the enjoyment of human rights.

The impact of climate change increasingly intersects with conflict, severely affecting people in fragile contexts including those displaced. In many countries affected by conflict, displaced people are forced to reside in shelters with limited capacity to withstand the weight of disasters which have become more intense and frequent due to climate change. Most refugees (70%) and conflict IDPs (70%) come from 48 fragile and/or conflict-affected States that are *also* among the most vulnerable and least ready to adapt to the effects of climate change.

In these same 48 fragile and/or conflict-affected countries, hazardous climate shocks, such as floods, storms and drought, brought on a further 17.1 million displacements of people during 2022, most of whom remained within their country of origin or residence. Many have been affected by both climate shocks and by conflict as interrelated drivers of their displacement, of their needs for protection and assistance, and as obstacles to safe, dignified and resilient return or alternative settlement options.

* **Horn of Africa**: By the end of September 2023, according to UNHCR’s drought dashboard 2.3 million people had been internally displaced in Ethiopia and Somalia due to the drought and some 265,000 new refugees and asylum-seekers had crossed from and into drought-affected areas of Ethiopia, Kenya and Somalia.[[3]](#footnote-4)
* **Somalia:** In recent decades, Somalia has been caught in cyclical climate disasters of recurrent droughts and floods. In November 2023, after the longest drought in the last 40 years, another climate shock hit numerous parts of the country, especially in the South West, Galmudug, Puntland, Hirshabelle, and Jubaland states, and the Banadir region. By the end of November 2023, about 2 million people had been affected by severe rains and floods since the start of the Deyr rainy season in October, with 750,000 displaced and almost 100 deaths. Thousands are trapped in remote communities without supplies or markets. Airstrips, bridges, and roads are severely damaged. Vital facilities such as schools and hospitals have been shut down in some areas, and the risk of cholera has increased.[[4]](#footnote-5) The Protection and Returns Monitoring Network (PRMN), recorded some 1.18 million internal displacements in November 2023, primarily due to floods, bringing the total number of internal displacements in 2023 to 2.95 million.

Extreme weather events and environmental degradation, increasingly amplified by climate change, are significant factors in internally displacing millions of people from their homes each year: Hazardous weather events have triggered an annual average of some 23 million internal displacements over the last decade.[[5]](#footnote-6) In 2022, 98% of disaster displacements were triggered by weather-related hazards such as floods, storms and droughts (IDMC report 2023). Disaster displacements in 2022 were 41% higher than the annual average of the past 10 years.

* **Pakistan**: The 2022 monsoon season brought record-breaking rainfall that affected 33 million people across Pakistan. Floods triggered 8.2 million internal displacements, making it the world’s largest disaster displacement event in the last ten years. (IDMC) 41 of the “calamity hit” districts (as of September 2022) hosted an estimated 800,000 Afghan refugees.

In the event of disasters, which have been made more intense and frequent due to climate change, people who are forced to flee often get separated from their families, depriving them of their right to be with their families, which has a 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 adequate standard of living while amplifying their susceptibility to disease, gender-based violence, exploitation etc.

**3. Please describe any specific measures, including public policies, legislation, practices, strategies, or institutional arrangements that your Government has undertaken or plans to undertake at a national, sectoral or sub-national level, in compliance with applicable international human rights law, to avert, minimize and address loss and damage, including equity-based approaches and solutions. Please also identify any relevant mechanisms for ensuring accountability, including means of implementation.**

In the IGAD region[[6]](#footnote-7), UNHCR supported the development of an IGAD Climate Adaptation Strategy (2023-2030) under the leadership of the IGAD Center of Excellence for Climate Adaptation and Environmental Protection (IGAD-CAEP) together with a consortium of world leading research institutes such as CGIAR, the South African Institute of International Affairs (SAIIA) and the Overseas Development

Institute (ODI). As the first regional approach of its kind, this regional adaptation-only strategy complements existing regional strategies and action plans and incorporates critical emerging issues such as human mobility and loss and damage. The Strategy establishes an innovative framework for accelerating regional collaboration and coordinated action, informed by the latest data, evidence and scientific research to address climate change concerns that enhances climate-smart livelihoods and well-being, creates climate-resilient ecosystems, produces low-emission sustainable economic growth, and supports regional climate adaptation and human security. The Strategy enables the capacity of local communities and groups in particularly vulnerable situations, including women and people with disabilities, and displaced populations and their hosts. UNHCR is partnering closely with IGAD CAEP to ensure that refugees, internally displaced and stateless persons are included in the adaptation planning and programming.

* **Somalia:** Somalia is one of the most vulnerable countries to the impacts of climate change and the related loss and damages. Following the publication of the IGAD Climate Adaptation strategy, UNHCR has supported IGAD-CAEP together with UNDP and the International Centre for Climate Change and Development (ICCCAD) in developing an integrated loss and damage assessment for Somalia. The assessment provides an in-depth analysis of economic and non-economic losses and damages, including displacement, to inform policymakers and other key stakeholders about the critical need for targeted interventions, evidence-based decision-making and support. A policy brief as a snapshot of the full assessment has been published at COP28. It emphasizes the urgent need for enhanced climate finance and calls for local-level studies on loss and damage, mainstreaming of loss and damage considerations into policies, and meaningful participation processes to ensure informed decision-making and resilience building.

**4. Please identify and share examples of promising practices and critical challenges in the promotion, protection, and fulfilment of the full enjoyment of human rights in the context of loss and damage, including examples that highlight multilateral cooperation and approaches, at global and regional levels, including equity-based approaches and solutions.**

When displacement occurs across border, people may be in need of international protection. International refugee and human rights law may be relevant in specific circumstances for the protection of people displaced across borders in the context of climate change and disasters who need it[[7]](#footnote-8). 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**](https://www.refworld.org/docid/5f75f2734.html)”. 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,[[8]](#footnote-9) 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 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.[[9]](#footnote-10) 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.[[10]](#footnote-11)

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**[[11]](#footnote-12) 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.

**5. Please provide specific recommendations, if possible, on how to address the critical challenges that have been identified, including actions to be taken at country, regional, and global levels, as well as by different groups of stakeholders, Governments, development agencies, financing institutions, and others.**

**On international protection:** Apply existing refugee and human rights instruments where there may be need for international protection when cross border displacement occurs in the context of climate change and disasters.

* Cooperate internationally to ensure the protection of all those displaced in the context of climate change.
* Engage in bilateral and regional arrangements aimed at preventing 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.

**On human mobility:** Increase action and support for measures to avert, minimize and address displacement, in particular in the most climate vulnerable countries and communities, based on their specific needs.

* Understand the different forms of human mobility[[12]](#footnote-13) in the context of climate change and related applicable legal and normative frameworks.
* Displacement can be prevented through well-prepared and timely emergency evacuations, in assisting communities to plan for relocation to safer settlement areas as a measure of last resort, or in facilitating safe, orderly and regular migration. The freedom and capacity to move is part of upholding human rights and contributes to climate change adaptation.
* Facilitate regular migration pathways to contribute to climate change adaptation and prevent displacement.
* Ensure human rights are upheld through meaningful and informed, voluntary participation in timely relocation schemes.
* Address data gaps through the collection of disaggregated data, while upholding the right to privacy and data protection.
* Increase access to sustainable and predictable financing to avert, minimize and address displacement related to the adverse impacts of climate change.

**On finance:** Increase action and support for financing for measures to avert, minimize and address displacement in the most climate vulnerable countries and communities, based on their specific needs. Recognizing the urgent need to scale up action and support, mobilize resources and develop innovative financing mechanisms from both public, private and alternative sources to implement integrated, effective, risk-informed and human rights-based approaches to displacement related to the adverse impacts of climate change. COP28 saw the Parties' [decision](https://unfccc.int/sites/default/files/resource/cp2023_L1_cma2023_L1.pdf) to adopt recommendations to operationalize the new[loss and damage fund](https://unfccc.int/loss-and-damage-fund-joint-interim-secretariat), was an important next step, with $US 661 million has [pledged](https://unfccc.int/process-and-meetings/bodies/funds-and-financial-entities/loss-and-damage-fund-joint-interim-secretariat/pledges-to-the-loss-and-damage-fund) to kick start it. Displacement and displaced people are specifically recognized in the fund's scope, and refugees are explicitly recognized for the first time in a COP decision in relation to other "funding arrangements" addressing loss and damage, including the humanitarian system.

**On inclusive climate action:** Ensure that all climate action (including measures to avert, minimize and address loss and damage) is people-centred and adopts a human-rights based approach, ensuring the dignity, safety, and rights of those displaced in the context of the adverse effects of climate change. Ensure that climate action not only reaches climate vulnerable countries, but also reaches displaced people and their host communities, particularly people living in unstable and hard to reach areas.

* Scale up adaptation financing and support to climate action in countries and host community areas where displaced people take refuge, or hope to safely return to following their displacement, by strengthening preparedness and building resilience to climate impacts.

**On Statelessness:** 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. 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. 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.

* Follow the guidance contained in the [Global Action Plan to End Statelessness](https://www.unhcr.org/ibelong/global-action-plan-2014-2024/), 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.

**6. Please provide any additional information you believe would be useful to support climate action and justice that promotes the full enjoyment of human rights in the context of loss and damage.**

It is important not only to protect thosepeople 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.

Most people 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 particularly devastating for people living in conflict-affected and fragile situations.[[13]](#footnote-14)

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.[[14]](#footnote-15)

**February 2024**

1. UNHCR, Climate change impacts and cross-border displacement – International refugee law and UNHCR’s mandate, 12 December 2023, available at: <https://www.unhcr.org/sites/default/files/2023-12/UNHCR%20note%20on%20climate%20change%20international%20protection%20UNHCRs%20mandate%20Dec%202023.pdf> [↑](#footnote-ref-2)
2. In 2022, over 90% of refugees who returned went back to highly climate vulnerable countries. [↑](#footnote-ref-3)
3. #  [East and Horn of Africa, and the Great Lakes Region: UNHCR Drought Situation Response Update #14](https://reliefweb.int/report/somalia/east-and-horn-africa-and-great-lakes-region-unhcr-drought-situation-response-update-14-september-2023) - September 2023

 [↑](#footnote-ref-4)
4. ##  [UNHCR Somalia: Operational Update](https://m.reliefweb.int/report/4025498/somalia/unhcr-somalia-operational-update-1-30-november-2023?lang=ru#:~:text=The%20Protection%20and%20Returns%20Monitoring,in%202023%20to%202.86%20million.) (1-30 November 2023)

 [↑](#footnote-ref-5)
5. IDMC [↑](#footnote-ref-6)
6. The IGAD region stretches over an area of 5.2 million km2 that comprises the countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. See: <https://igad.int/about/#:~:text=The%20IGAD%20region%20stretches%20over,Toudjoura%20and%20the%20Red%20Sea>. [↑](#footnote-ref-7)
7. [Legal Considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters](https://www.refworld.org/docid/5f75f2734.html), UNHCR, 2020 [↑](#footnote-ref-8)
8. See pp. 117-126. [Available here](https://www.globalprotectioncluster.org/publications/810/reports/report/global-report-law-and-policy-internal-displacement-implementing). [↑](#footnote-ref-9)
9. 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=eyJrIjoiZjVhYzhkMzItNDQ3MC00MGQyLThlMjItYzZmZDdkZjQ0ZTA2IiwidCI6ImU1YzM3OTgxLTY2NjQtNDEzNC04YTBjLTY1NDNkMmFmODBiZSIsImMiOjh9). [↑](#footnote-ref-10)
10. UNHCR-GPC, Global Report on Law and Policy on Internal Displacement, p. 21. [↑](#footnote-ref-11)
11. 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 [here](https://www.unhcr.org/protection/environment/5c9e13c77/unhcrs-mapping-international-regional-guidance-tools-averting-minimizing.html). [↑](#footnote-ref-12)
12. 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 (see UNFCCC Decision 1/CP.16 Cancun Climate Change Adaptation Framework Paragraph 14f)  [↑](#footnote-ref-13)
13. In [Burkina Faso](https://unhcr365-my.sharepoint.com/personal/cartergo_unhcr_org/Documents/Desktop/IDPs/One%20time%20report/Draft%20Narrative%20.docx), 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. This can be seen in Syria—in January 2022, over [5,000 Syrian IDPs](https://www.internal-displacement.org/countries/syria) 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. [↑](#footnote-ref-14)
14. Hallegatte, S.; Rentschler, J.; Rozenberg, J. 2020. Adaptation Principles: A Guide for Designing Strategies for Climate Change Adaptation and Resilience. World Bank, Washington, D [↑](#footnote-ref-15)