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**Forced migration norms in the
context of climate change: a case
study of Somalia**

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Forced migration norms in the context of climate change: a case study of Somalia

Abstract

This project looks at inherent difficulties in the identification of forced migration due to climate change from broader migration patterns, particularly in conflict situations. This leads to a case study of Somalia, which provides an example of a protracted refugee situation heavily influenced by ongoing conflict and severe drought linked to climate change taking place simultaneously. International forced migration norms, which are evolving as these concepts and identification problems develop are considered. The question of the allocation of responsibility will be addressed, examining the (potential) role of international actors and specifically whether the international human rights regime can or should play a significant role. Theory which explains the development of norms will be turned to, in order to facilitate this part of the discussion, and the practices of actors will be evaluated against this theory. In particular the norms and practices of the Office of the United Nations High Commissioner for Refugees (UNHCR) will be utilised.

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List of Abbreviations

GMG: Global Migration Group

IDP: Internally Displaced Person

ILO: International Labour Organisation

IO: International Organisation

IOM: International Organisation for Migration

IPCC: Intergovernmental Panel on Climate Change

NGO: Non-governmental Organisation

OHCHR: Office of the High Commissioner for Human Rights

UNCTAD: United Nations Conference on Trade and Development

UN-DESA: United Nations Department of Economic and Social Affairs

UNDP: United Nations Development Programme

UNESCO: United Nations Educational, Scientific and Cultural Organisation

UNFPA: United Nations Population Fund

UNHCR: United Nations High Commissioner for Refugees

UNICEF: United Nations Children's Fund

UNITAR: United Nations Institute for Training and Research

UN Women: United Nations Entity for Gender Equality and the Empowerment of Women

WHO: World Health Organisation

Introduction

As the ill-effects of climate change begin to be felt more frequently and with increasing severity, populations are being forced to migrate. However, it is not always clear who these populations are and whether climate change is the root cause of their movement. These populations fall outwith the scope of the international refugee regime, which is strongly developed around the specific legal definition of the refugee. Some of the core actors which are involved in the refugee regime are, however, becoming involved in questions of forced migration related to climate change because of their engagement with the broader forced migration regime, which is not focused around such a strict legal definition. The dangers of climate change are frequently being cited in the media, by politicians and academics and understandings of climate change as a threat have entered everyday consciousness. However, the effects of climate change on forced migration are not altogether clear. Most specifically, how norms are developing around climate change in the forced migration regime remains ambiguous.

The overarching question considered in this paper is whether international forced migration norms are evolving as a result of climate change. In order to explore this question, the paper firstly concerns itself with conceptual issues, discussing the complexities of identifying forced migration due to climate change from wider migration patterns, and the difficulties of establishing causality. This also entails discussions of what terminology is preferable when researching in this area. In particular, debates about whether to talk of climate change or use the broader label of environmental degradation are useful although often largely ignored. Decisions on whether to use the terminology of ‘environmental refugees’, ‘environmental displacement’ or ‘forced migration’ are also vital for the further progression of the paper, and will impact on how forced migrants are understood and what protections they are entitled to.

Having established the terminology which will be employed throughout this paper and identified some of the potential challenges, the paper continues to a discussion of the theory of norms, specifically patterns of norm diffusion. This section reveals the importance of International Organisations (IOs) for the furtherance of norms, and leads to a more in-depth analysis of the United Nations High Commissioner for Refugees, which takes a leading role in the international protection

of refugees and other categories of forced migrants. As a norm entrepreneur, UNHCR is also heavily involved in the formation of policy. Understanding how UNHCR understands and works with the challenges presented by climate change may therefore provide an indication of how wider norms may develop.

In order to illustrate the conceptual discussions, a case study of Somalia will be employed, as it provides a practical illustration of many of the greatest challenges posed by climate change to actors concerned with displacement. The multiple drivers of forced migration present in Somalia mean that establishing causality with a single driver for displacement is in many cases impossible. Testimonies from Somali refugees have highlighted that environmental change and conflict have interacted with one another to force displacement. Environmental change has acted as a multiplier of already existing vulnerabilities or conflict has prevented those displaced temporarily by environmental factors from being able to return because of the dual problems of degrading the environment further beyond habitability and increasing insecurity in the area. Although conceptual discussions show that there is currently no legal status for those who have been displaced due to climate change and that discussions of this are in their infancy, the case study shows a level of acceptance for Somalis fleeing drought as well as conflict, indicating a level of acceptance of environment as a legitimate driver of displacement. It is very rare in the case study that discussions of migration as opposed to forced migration are invoked. This is due to the severity and long-standing nature of the conflict in Somalia, which has led to almost blanket acceptance of those fleeing Somalia. However, it means that those who have been displaced by the drought, or for whom the drought has played a contributing factor, are also being accepted as refugees. This is in tune with the developing norms of recognition for climate change as a driver of displacement which are emerging from UNHCR, but it would be unwise to assume that this is a sign that those norms are being diffused more widely. It is more likely that the conflict is masking the additional driver of climate, with states accepting refugees on this basis.

Due to climate change driving increased forced migration, new global challenges are emerging. The nature of climate change is that it is a global and non-discriminating phenomenon, with negative effects overwhelmingly felt initially by those who did not contribute to the problem. Climate change also acts to enhance existing vulnerabilities, with those who are already vulnerable less able to implement adaptive measures to cope with its effects. This raises several dilemmas for the

international community. Where can responsibility be allocated for the people who have been displaced because of climate change? On what basis should this responsibility be allocated? Are future generations being afforded rights in relation to the climate? The focus on responsibilities and rights, along with the infringements of human rights which come about with forced migration, brings the international human rights regime to the forefront of the analysis, with this language mirroring that used by the human rights regime. Much discussion has taken place surrounding the concept of environmental rights, and this will be explored in this final substantive section. However, the human rights regime has pre-existing challenges which infringe on its ability to carry out a straightforward implementation of environmental rights. The international human rights regime is still heavily based on the premise of state sovereignty, and without removing this state-centric backdrop, questions of state interest take over.

All of these discussions lead to the conclusion that a multifaceted approach to forced migration is required, which takes into account multiple drivers of forced migration and develops responses recognising this. Norms do not develop in isolation and therefore, although there are signs that norms in this area may be developing to recognise forced migration which is driven by climate change, actors need to work together to ensure that these norms are not constrained by the state-centric system within which they are operating. Ultimately, forced migration is a complex and evolving phenomenon and as climate change continues to produce negative effects and lead to increased forced migration, solutions will be required with increasing urgency.

Two techniques are utilised to gather empirical evidence: document analysis and an interview. The documents analysed are published by UNHCR, the Human Rights Council, and other organisations and are sourced from the 'Refworld' website, which brings together key documents which are identifiable by publisher and document type. These documents are analysed to establish whether a consistent message is portrayed within organisations but also between different actors. Press releases are of particular interest, as these show us what message actors are purposefully trying to portray externally. This is important for discussions of the diffusion of norms. Secondly, in order to gain more insight into the specific operations of UNHCR, an in-depth semi-structured interview was conducted with José Riera (Senior Adviser to the Director, Division of International Protection). This

interview has been used to give more background to the findings which have emerged from the documents and explains some of the thinking behind UNHCR policy.

Chapter 1: Forced migration and climate change- conceptual issues

A broad range of conceptual issues affect discussions of forced migration and climate change. From the lens used to view forced migration, to the (lack of) relevance of international legal frameworks, to the very terminology used, these issues are prevalent. The relevance of these discussions is undeniable, as they can affect policy outcomes and ultimately the level of protection that those displaced by climate change receive. This chapter will outline some of these issues, which will impact on the rest of the debates and issues which this paper will engage with.

1.1. Lenses and approaches

Reactions to forced migration due to climate change vary, depending on the lens through which it is viewed. McAdam has identified six such lenses; “as a protection issue, a migration issue, a disaster issue, an environmental issue, a security issue, or a development issue” (McAdam 2012: 212). Identification of the issue as a protection issue is more likely to invoke responses which are ‘refugee-like’ in nature, and include focuses on human rights deprivations. A migration focus characterises movement as voluntary, therefore not invoking refugee discourses. Viewing forced migration on grounds of climate change as a disaster issue necessitates humanitarian responses and temporary solutions. Within environmental discourses, forced migration is often used as “a potent political image” (McAdam 2012:212), whereas the security lens focuses on the negative implications for states. Finally, in the development lens, foreign aid is seen as a tool which can be used to fund adaptation and prevent displacement (McAdam 2012).

Whilst this system of classifications is theoretically useful and highlights the multi-faceted approaches to climate change related forced displacement, it is rare that approaches will fall purely into one of these categories, with lines often being blurred. Terminology from the different areas is often used in other contexts, with human rights terminology in particular being employed by those using both the security and development lenses to provide justification for policies. Therefore, it is important to recognise the true lens, or indeed the combinations of lenses, being utilised to view the issue.

Within discussions of climate change related forced migration more broadly, opinion is divided into two main camps: the alarmist approach emphasising a causal

relationship between climate change and displacement (El-Hinnawi 1985; Jacobson 1988; Myers 1993; Myers 1995; Bates 2002), and the sceptical approach which disputes the existence of this single-causality (Black 1998; Wood 2001; Castles 2002). These approaches also relate to the lenses discussed above, with proponents of the environment and security lenses tending to favour an alarmist approach, and the sceptical approach being favoured by those viewing the issue through a migration lens. One of the central calls of alarmists is for the development of new policy instruments for the protection of those who have been displaced by environmental change (Gemenne 2001:227), and this perspective is often also utilised by those wanting to highlight the dangers of climate change more generally, with those displaced by the effects of climate change being used to demonstrate how destructive climate change can be. Huge numbers of forced migrants can be a politically useful image for climate change campaigners, appealing both to moral values and security or immigration concerns (McAdam 2012:26). On the other hand, sceptics favour nuanced approaches, focusing on the broader socio-economic context (McAdam 2011:158).

1.2. Language and terminology

These conceptual issues which affect how forced migration due to climate change is dealt with set a complex and disputed background to the discussions. Following on from the disagreement about how this background should be set, there are also disagreements about the language surrounding forced migration and climate change, and this is frequently problematic. Findlay and Geddes (2011) have used bibliometric data to chart an increase in the use of the term ‘environmental refugee’ in academic journals since the 1980s, despite frequent criticism of this term. However, the term was infrequently used in the titles for articles or as a keyword, leading Findlay and Geddes to conclude that whilst academics use the term, it remains ambiguous and the diffusion of the term has not been based on in-depth understanding of forced migration (Findlay & Geddes 2011:142).

The problem is twofold: firstly there is a lack of agreement concerning which terms are acceptable to describe forced migration due to climate change and secondly there are no accepted definitions for the terms which have made it into general parlance. White has described the area as climate-induced migration, seeing this as including categories of people such as ‘environmental refugees’ and ‘climate

migrants’, highlighting that the term ‘climigration’ has even been used (White 2011:20). Whilst this terminology debate may seem irrelevant, unpacking the concepts reveals that different labels lead to different methodologies and normative orientations. It also affects the lens with which the issue is approached, and the level of focus which is given to the assistance provided.

Findlay and Geddes identify four problems with the use of the terms ‘environmental refugee’ or ‘climate refugee’, although they acknowledge that these terms have become accepted as part of popular vocabulary. The difficulties identified are that (1) these terms elevate the issue of environmental change to position of more importance than other factors responsible for forced migration; (2) seeing forced migration as failure to adapt is simplistic; (3) the opinion that moving is an option for all populations which may be affected by climate change is contentious; (4) there is little empirical evidence to verify estimates of how many people may be encompassed by these terms (Findlay & Geddes 2011: 138).

Aside from gaps in research, the problems seem to fall into two main categories: Firstly, the use of these terms ignores the fact that climate change is just one of a range of issues driving forced migration, and people may be displaced due to a combination of interacting factors. Secondly, the terms cover up the fact that there are a broad range of different types of forced migration patterns, which may require different responses and labels.

Piguet, Pécoud and de Guchteneire have noted the plurality of factors that shape migration, in particular the “mediating functions of social factors”, because those who have access to more resources are more likely to be able to adapt to the challenges of climate change and are less likely to become forced migrants as a result (Piguet, Pécoud & Guchteneire 2011:13). This is a view echoed by McAdam who states that climate change is normally simply one of a number of factors triggering forced migration because climate change “tends to multiply pre-existing stressors, rather than solely causing movement. In other words, climate change acts as a threat multiplier, which magnifies existing vulnerabilities” (McAdam 2011:5). McAdam also asserts that this interconnectedness of environmental and other economic, social and political factors driving movement makes it “virtually impossible” to establish causality between climate change and forced migration. Claims have been made that the use of terms such as ‘environmental refugee’ or ‘climate refugee’ assumes a single

causality for movement, which disguises other contributing factors and oversimplifies movement.

In addition, the types of movement which result from forced migration due (at least in part) to climate change vary, to create a range of different types of forced migration, which may require different responses and labels. White has established a typology of 'environmental refugees', in order to facilitate a deeper theoretical understanding of this area. Three types of 'environmental refugees' are identified, those displaced: (1) unintentionally by a disaster or catastrophic event; (2) because of wilful, purposeful destruction; and (3) because of incremental deterioration (White 2011:25). This typology highlights the challenge for those who fall into the third category with accessing assistance, as the displacement is less cataclysmic and shocking than the situations in the other two categories, and indeed, "migrants impelled to move because of gradual climate degradation sometimes act with intention" (White 2011:27). However, White recognises that there are different degrees of compulsion to move within this category and has identified three sub-categories of those displaced by climate change: (1) voluntary, environmentally motivated migrants; (2) compelled, environmentally forced migrants; and (3) forced, environmental refugees (White 2011). The practical use of having these three different categories is not clear, other than emphasising that different policy responses may be required to deal with populations falling into the different categories. This set of sub-categories can perhaps be better conceptualised as a continuum, with people placed somewhere along it, rather than in strict categories, recognising that there may be subtle difference in the level of compulsion between, but also within, affected populations. For Piguet, Pécoud and de Guchteneire too, disentangling the different kinds of mobility is vital to understanding the impact of climate change on migration, with notions such as 'displacement', 'mobility' and 'migration' all representing types of movement along this continuum.

Once forced migration has taken place there are further variables. Forced migration may be long- or short-term, with many populations returning if the land once more becomes habitable. This is most likely to apply to those who have moved because of a disaster, with populations displaced by incremental deterioration less likely to return. Displacements may also be either long- or short-distance migrations, with the majority of those moving because of climate change only moving short distances. Most relocate either internally or to a neighbouring country.

Legally, the status of those who have been displaced by climate change is also problematic, partly due to disagreements regarding terminology. The international refugee regime is highly developed around the 1951 Refugee Convention definition, which lists persecution (or the fear of persecution) and the crossing of international borders as two defining elements (Refugee Convention 1951: Article 1A(2)) of refugee status. The element of persecution does not fit within the model of forced migration due to climate change, as it is a global and non-discriminating phenomenon, although the negative effects of climate change are disproportionately affecting developing states which did not significantly contribute to the problem. The requirement of the crossing of international borders is also problematic for those who have been displaced by climate change, as many of those (in fact the majority) who are displaced in this manner are displaced internally, and therefore fall under the category of Internally Displaced Persons (IDPs). This means that they fall outside of the legal framework for refugees and are not offered the protections of the Refugee Convention.

Although there is no legally-binding framework to protect IDPs apart from in Africa (Kampala Convention 2009)¹, the Guiding Principles on Internal Displacement set out principles for the protection of IDPs and a definition of the term. The definition is immediately more relevant, as “natural or human-made disasters” are recognised as factors leading to movement (UNHCR 2004:1). However, the non-legally binding nature of this document means that it has limited applicability, as states are not obliged to implement the Principles. Lack of agreement regarding the terminology surrounding forced migration due to climate change and no agreed definitions means that the development of legal frameworks to counter the problem are unlikely or at best very far off.

A further debate concerns the difference between ‘environmental’ or ‘climate’ related forced migration, and indeed for many the terms appear to be used interchangeably. Many academics have favoured categorising movement as ‘environmental’, without invoking discussions about climate change. This is viewed as being more neutral, as it focuses on the impacts, rather than the process, of environmental degradation and does not become entangled in discussions about the

¹ The Kampala Convention is yet to enter into force, with only 13 of the 15 state ratifications required for the Convention to enter into force having been received. A further 23 states have signed the Convention (African Union 2012).

validity of climate change. It also ensures that causality does not have to be drawn between individual events and climate change, which is very difficult to achieve, especially when discussing disasters rather than incremental degradation. However, this is also vague and could be politically less useful when addressing climate change issues. Using the term ‘climate change’ also expresses the human contribution to the problem, and is easier to connect to discussions concerning responsibility. This is particularly important as it enables policy responses.

This paper favours the use of the term ‘climate change’ due to the fact that it draws focus onto harmful practices which have caused and exacerbated the problem. Although there may be events which fall between the gaps because of a lack of proof of causality, climate science has shown that severe weather events will increase due to climate change (IPCC 2007) and therefore it can be expected that causality does not have to be proven in every instance, but that this general trend is sufficient. The main advantage of this approach will be in connecting to discussions concerning responsibility for forced migrants who have moved due to the negative effects of climate change. As complex as it will prove to be, this will allow for deeper engagement with different actors and facilitate entering discussions on efforts to combat climate change.

Chapter Conclusion

Based on these challenges, two distinct decisions must be made regarding the terminology to be utilised. Firstly, a decision must be made as to whether these movements are best described as displacement, forced migration, migration or population movement, and as part of this discussion whether the term ‘environmental refugee’ is appropriate. Secondly, a decision must be made as to whether environmental aspects will be singled-out in the terminology use, or whether this disguises the multi-causality of movement.

Rather than choosing the more neutral language of ‘migration’ or ‘population movement’, this paper will utilise the term ‘forced migration’. This decision reflects the fact that movement is forced, but that the level of compulsion does vary. This language is also more politically useful than more neutral language, especially when it comes to seeking assistance for affected populations. The term ‘environmental refugee’ has been avoided for two main reasons: firstly, the use of refugee terminology is felt to implicitly refer to the refugee framework, centring around the

definition outlined in the Refugee Convention, which it has already been shown is not relevant. Secondly, research has shown that not all populations affected by environmental displacement define themselves in this manner, and it is important that academic debates are sensitive to and inclusive of those who are actually affected (McAdam 2012).

This term does not emphasise the environmental aspects contributing towards movement, although the term 'forced migration' will frequently be used in conjunction with the term 'climate change', as this is the focus of the research. This is recognising that forced migration frequently has multiple drivers and to single out one driver may at times be counter-productive.

Chapter 2: Actors, agency, authority and the evolution of norms in the forced migration regime

The forced migration regime consists of a set of principles, norms, rules and procedures which have developed in order to address the evolving challenges of forced migration (Benz & Hasenclever 2011). Whilst some of the more established norms are easy to identify, due to their legal codification, emerging norms in the forced migration regime which have not yet gained full acceptance are perhaps more difficult to identify. Furthermore, conceptions of international governance may be inadequate to understand new actors and spheres of authority which are operating in this policy field. Therefore, looking to whether a global governance of forced migration is developing is also useful.

2.1. Actors

Before looking to developing norms within the forced migration regime, it is important to establish the main actors. Firstly, forced migrants themselves must be kept at the heart of the analysis. Although this may seem self-explanatory, the opinions and views of displaced persons are often notably absent from analyses, despite the fact that their participation should be central to decisions regarding their future.

Secondly, it cannot be escaped that forced migration politics operates within the state system, with states continuing to play a significant role. This can be seen by the very fact that refugees are defined by their crossing of state boundaries, and that states are supposed to assume responsibility for refugees who find themselves within their borders. The state is also an important element for IDPs, whose protection (or indeed lack of it) is defined by the fact that they have not left their state of origin.

Thirdly, IOs are central actors in forced migration politics. UNHCR in particular has an explicit legal mandate to protect and assist refugees and other persons of concern because of the deferred authority conferred upon it by states in its statute. Finally, Non-Governmental Organisations (NGOs) also operate in this area, although they often take their cue from IOs and use information originating from them to exert pressure on states.

Arguably the most important actor working in the interests of forced migrants in the area of refugee politics is UNHCR, due to its legal mandate to assist and protect

refugees and others of concern. However, as an IO this position of such high stature is unusual. Various other UN and non-UN actors are also players in the forced migration regime, with both formal and informal inter-agency initiatives appearing since the beginning of the millennium (Benz & Hasenclever 2011:191). The International Migration Policy Programme is co-sponsored by the United Nations Institute for Training and Research (UNITAR), the United Nations Population Fund (UNFPA), the International Labour Organisation (ILO) and the International Organisation for Migration (IOM). The Global Migration Group (GMG) brings together these four agencies in addition to UNHCR, the Office of the High Commissioner for Human Rights (OHCHR), UN Regional Commissions, the United Nations Children's Fund (UNICEF), the UN Conference on Trade and Development (UNCTAD), the United Nations Department of Economic and Social Affairs (UN-DESA), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the World Bank and the World Health Organisation (WHO). One of the specific topic areas of the GMG is migration and climate change, bringing together the expertise of all sixteen actors and encouraging joined-up action. Both UNHCR and the IOM are identified as especially important in this topic area, with the GMG website providing links to these particular actors for further information (GMG 2011). Both the International Migration Policy Programme and the GMG are prime examples of new actors entering the forced migration regime and coming together to act as coalitions.

Policy areas are increasingly coming together, with the cluster approach being pioneered by the UN since 2005 aiming to address gaps in assistance by utilising a multi-agency approach. This should prevent the doubling-up of assistance at the expense of others who are ignored due to resource shortfalls. One element of the cluster approach is partnership-building, which may have the effect of bringing more actors (from both within and outside the UN system) into positions of authority within the forced migration regime.

2.2. Agency and authority

Agency is a concept which is often overlooked when examining the diffusion of norms. However, as ideas must have effective carriers, it is a vital one. Agency “entails a degree of conscious or unconscious choice, the ability to reflect on the

situation at hand, and the capacity to use reflexive knowledge to transform situations and to engage in learning as a result” (O’Neill, Balsiger & VanDeveer 2004:158). Whilst all actors theoretically have the potential to become agents, not all actors do and therefore analyses of actors must include a focus on causal mechanisms to identify reflection, learning and transformative power within actors. By ignoring the differentiation between actors and agents, the proliferation of actors in the forced migration regime may be misunderstood as a proliferation of agents. In order to gain a realistic understanding of the broad impact of the forced migration regime and to avoid an over-estimation of impact and potential norm diffusion, an understanding of agency within the regime is also required.

Another important aspect of the forced migration regime is the increased authority of IOs, making it important to examine why an IO can hold authority in an area of politics which is so closely tied to the notion of state sovereignty. According to Barnett and Finnemore there are four types of authority which IOs can yield: rational-legal authority, based on the rules they operate by; deferred authority from states through tools such as legal mandates; moral authority, drawing on a sense of ‘moral duty’ to legitimise autonomous action; and expert authority, with the IO establishing itself as the centre for expert knowledge on the particular issue (Barnett & Finnemore 2004). Many of the prominent actors in the forced migration regime are IOs which wield combinations of these types of authority, with the actors originating from within the UN system possessing particularly strong legal and moral mandates. This is also where coalitions can have a particular advantage, pooling different kinds of authority and in particular increasing the expert knowledge base.

2.3. The evolution of norms

Due to the authority which IOs possess, normally through a combination of the four types of authority outlined above, they are able to shape the rules and norms which apply to their given area. Indeed, many IOs see it as part of their mission to diffuse the norms which they have developed and established internally, with IOs having been conceptualised as “conveyor belts for the transmission of norms and models of good political behaviour” and as “the missionaries of our time” due to the intentional spreading of their notion of progress (Barnett & Finnemore 2004:33).

Barnett and Finnemore also identify three mechanisms by which IOs do this: IOs“(1) classify the world, creating categories of problems, actors, and action; (2) fix

meanings in the social world; and (3) articulate and diffuse new norms and rules” (Barnett & Finnemore 2004:31). Classification systems are important not just for how the IO itself relates to the world, but can influence the behaviour of other actors. For example, in the case of the forced migration regime, the classifications of refugees, migrants and IDPs have direct effects on levels of protection, duties of states and ultimately the lives of people. By fixing meanings in the social world, IOs can create “boundaries of acceptable action” (Barnett & Finnemore 2004:33) and prompt actors to behave in a certain way. This is immensely important, as it can alter practice by actors other than the IO itself. Lastly, IOs work to diffuse the norms which they have established for themselves and this is often an explicit part of the stipulated mandate of the organisation.

A norm, as defined by Finnemore and Sikkink, is “a standard of appropriate behavior for actors with a given identity” (Finnemore & Sikkink 1998:891). Norms therefore concern relationships between agents which reflect on their behaviour, learn from each other and try to transform the behaviour of others. This is broken down into regulative norms, which constrain behaviour, constitutive norms, which create new interests, actors or actions and finally prescriptive norms, which create the quality of ‘oughtness’ or appropriateness, setting norms apart from rules. It is these prescriptive norms which function as a reference to a community on what behaviour is appropriate (Finnemore & Sikkink 1998).

Although this is a useful classification, it does not explain how new norms come into being. To explain this, Finnemore and Sikkink have devised a model for the ‘life cycle’ of a norm, from the first stage, ‘norm emergence’, through the second stage of the ‘norm cascade’, where the norm achieves broad acceptance, to the third and final stage of internalization of the norm. Between the first two stages there is a tipping point, where a crucial number of actors adopt the norm. It is not a given that this cycle will be completed, with many norms not having enough acceptance among actors to achieve the tipping point and become internalized. In the first phase of this model, the ‘norm entrepreneur’ is the most important actor, which tries to convince others to adopt the new norms and remains important in the second stage alongside other ‘norm leaders’ (Finnemore & Sikkink 1998). Identifying and explaining emerging norms is, however, “complicated by the fact that standards of appropriateness are precisely what is being contested” (Finnemore & Sikkink 1998:987).

One of the most important aspects of the first stage of the life cycle of the norm is framing of norms, with successful norm entrepreneurs being “able to ‘frame’ normative ideas in such a way that they resonate with relevant audiences” (Payne 2001:39). These frames provide an interpretation of a particular situation and are used to fix meanings, flag up interests that may be at stake and propose solutions. Identifying a frame which will resonate with actors is vital to the success of norm diffusion and can be the key to persuading an actor to internalize a new norm. However, a persuasive frame may also be used insincerely by actors in order to gain another aim (Payne 2001:46). This could distort the norm and endanger its long-term lifespan and potential for diffusion.

A further challenge facing the forced migration regime is the problem of conflicting norms (Weiner 1998). Whilst the refugee regime, a sub-set of the forced migration regime, has the core norms of protection and assistance of people who have fled outwith their state’s borders, norms have also developed regarding non-refoulement and the protection of IDPs. The forced migration regime is also tied to broader human rights norms, including the rights of women, minorities and children. Norms are developing around genocide and crimes against humanity, especially since the inception of the International Criminal Court (ICC), with a propensity towards prosecution. Finally, the forced migration regime is bound by norms surrounding sovereignty, some of which are enshrined in the UN Charter.

It is worth noting here that norms differ from practices: although norms may not always be adhered to all the time, they do not necessarily cease to exist. Especially when norms conflict, actors may be in the position where they have to act contrary to one of the norms. However, if the actor still realises the existence of the norm but chooses not to act in accordance with it, rather than simply not recognising the norm, then it stands. This is the element of ‘oughtness’, or appropriateness which Finnemore and Sikkink identified in their definition of prescriptive norms. Therefore, although practice can be important in ascertaining whether actors have internalized certain norms, we also have to look to how they believe they should be acting, to tell whether norms exist. This makes the study of norms particularly challenging, however, looking beyond practice will provide us with a richer understanding.

Chapter Conclusion

It is important to look at the norms which are becoming internalized within the forced migration regime, as they could have a great impact on policy decisions. In addition to establishing what norms exist, establishing how norms have become internalized will provide vital insights into how actors are functioning within the forced migration regime.

Increasing numbers of non-state actors are becoming active in the forced migration regime, with complex networks and coalitions coming together, especially since the inception of the UN cluster approach. Increasingly norms are emerging from non-state actors. It could therefore be theorised that the forced migration regime is moving away from international governance and towards global governance. This is due to the level of autonomy which agents possess from states and the process of norm diffusion which is taking place.

Whilst there are clear signs of movement in this direction and international governance is not adequate for conceptualising the spheres of authority which are operating above and below the state, the forced migration regime clearly has not yet reached the level of global governance, with states still wielding substantial power and no connected multilevel governance having emerged (Benz & Hasenclever 2011:200). In addition, geographical coverage of the forced migration is not uniform, with regional organisations introducing their own extended definitions of core concepts to go beyond what is increasingly seen as inadequate in the face of emerging global challenges. Nevertheless, the moves towards global governance in the forced migration regime mean that the importance of prominent IOs cannot be ignored.

Chapter 3: UNHCR

UNHCR is the most prominent non-state actor operating in the forced migration regime. It possesses significant agency, as an organisation which is learning, evolving and transmitting its ideas to the wider international community. It is therefore one of the leaders towards global governance of forced migration. UNHCR is also the leading non-state actor in the refugee regime, and refugee politics is an important aspect of the forced migration regime. However, it is worth noting that these are distinct regimes, although there is significant overlap, with UNHCR active in issues beyond those of the refugee regime.

3.1. UNHCR as a norm entrepreneur

UNHCR possesses various types of the authority identified in the previous chapter. Due to its specialised knowledge of the field, it has gained significant authority, with states often deferring to the Office on refugee and asylum matters (Loescher 2001:5). Although this type of authority developed later in UNHCR's life, it was bestowed with deferred authority from the outset, due to its official mandate, granted by states. Taken into consideration alongside its moral authority and standing as a humanitarian agency which developed, UNHCR became a prominent force in the area of forced migration politics (Barnett & Finnemore 2004:73).

Stemming from this authority, UNHCR had both constitutive and regulative control over forced migration matters, both defining the category of refugees and regulating how states behave in relation to them (Barnett & Finnemore 2004:74). The UNHCR successfully built on its originally strict mandate to allow it to expand its operations and “was able to capitalize on world events and use its authority to greatly expand both the groups of people it assisted and the kinds of assistance it would give” (Barnett & Finnemore 2004:73). This authority allowed UNHCR to operate as a norm entrepreneur, acting as “a transmitter and monitor of refugee norms” as well as socializing “new states to accept the promotion of refugee norms domestically as part of becoming a member of the international community” (Loescher 2001:5). The ability of UNHCR to act as a norm entrepreneur is an important consideration for this study, as the identification of such norm entrepreneurs is vital for the process of mapping the norms themselves.

Whilst UNHCR has been identified as a prominent norm entrepreneur (although by no means the only norm entrepreneur active in this area), it is also important to recognise the norms and actors which it comes up against whilst trying to diffuse new norms. Despite being constituted by states in its official mandate and funded almost exclusively by state funding (Loescher 2001), UNHCR often promotes norms which run contrary to the perceived interests of states. In particular, norms surrounding sovereignty are compromised by some of UNHCR's activities. The rationale behind the narrow founding mandate of UNHCR is that states were keen to protect their sovereignty, despite their "momentary humanitarian sympathies" (Barnett & Finnemore 2004:73). This preoccupation on the part of states has often been utilised by UNHCR in its favour, through using these preoccupations to argue why positive action for forced migrants is actually in the interests of states. By utilising a security discourse, UNHCR has been able to win favour with states for policies which would otherwise have been overlooked. In this way, UNHCR has been able to socialize states to new norms by first presenting them in terms to which the states are receptive.

The second challenge with the mandate of UNHCR is that its mandate was designed to deal with situations of the past, rather than being designed to evolve as challenges in the international community changed. In this way, UNHCR was a "backward-looking rather than a forward-looking organization" (Barnett & Finnemore 2004:81). This weakness has perhaps resulted in the biggest current challenge to UNHCR in the form of gaps in institutional mandates, "with the result that whole groups of forced migrants are neglected" (Loescher 2001:373). Patterns of displacement have changed substantially since the Refugee Convention defined refugees in international law. This leaves an institutional gap for those who do not fit this definition. And whilst UNHCR has been successful in integrating some other groups of forced migrants into its mandate (in particular the recognition that IDPs are other 'persons of concern') there are many who have not been encompassed by the new norms.

3.2. UNHCR and climate change

Due to the centrality of UNHCR as a norm entrepreneur, it is useful to look at the organisation more closely, to determine how it is functioning in relation to climate change. This analysis utilises primary data gathered from a semi-structured interview

with a high-ranking member of UNHCR staff and analysis of documents gathered from UNHCR. The documents were gathered via the 'Refworld' website, which allows access to a range of documents, including country information, speeches, research and reports. Inputting the search term 'climate change' produces 915 results, 100 of which were published by UNHCR. Of the documents published by UNHCR, two particular categories stand out as having the highest number of documents: research/background & discussion papers and speeches/statements with 26 out of 48 and 17 out of 22 documents in each particular category respectively (See Annex A) (UNHCR 2012d). In addition, press releases and new stories including the phrase "climate change", which are accessible via the UNHCR website, were also included. This comprised 10 documents in total, 4 of which were press releases and 6 of which were news stories.

These documents are of particular interest when examining the role of UNHCR in norm creation and diffusion, as establishing expertise in an area is an important aspect of authority for an IO, allowing it to diffuse norms more easily. In addition, the high number of speeches, statements and press releases made could be an indicator that UNHCR is actively working to diffuse its norms to the wider community. The content of these documents will be analysed to ascertain most basically whether the documents have a consistent approach to environmental displacement, and furthermore what this approach constitutes.

There are three central findings which come to the forefront through this analysis. Firstly, UNHCR recognise that people will be forced to migrate because of climate change. Secondly, UNHCR believe that environmental factors act as an overlay, multiplying and aggravating other factors and eventually leading to forced migration. Thirdly, human beings have different tipping points, and therefore displacement situations must always be contextualised and not just conceptualised in a theoretical manner.

In the speeches and statements analysed, the same phrases are used frequently when discussing the issue of climate change. In three different statements by Erika Feller, Assistant High Commissioner (Protection), she stated that "there is a high probability that patterns of forced displacement will be increasingly impacted by environmental factors such as population growth, declining resources and inequality of access to them, together also with ecological damage and climate change" (UNHCR 2011a:8; 2009a:8; 2009b:5). The High Commissioner, António Guterres,

has also publicly recognised the importance of climate change to the area of migration, identifying it as “the quintessential global challenge of this century” and, similarly to Erika Feller, he also connected climate change to “accelerating other global trends, such as urbanization, water scarcity and food and energy insecurity, that cause people to move” (UNHCR 2011c). As well as recognising climate change and environmental factors as drivers of forced migration in the future, Erika Feller recognised in a statement that “the drivers are even now starting to emerge” (UNHCR 2011e:7).

These findings were confirmed in the expert interview which was conducted, with the need for protection being recognised by José Riera (Senior Adviser to the Director, Division of International Protection) who stated that

“it’s our view that those who will be crossing borders owing to environmental change and particularly relating to sudden-onset events will probably have a need for protection and assistance in some way” (Riera 2012).

The interview also revealed an understanding that there are currently protection gaps, not only related to climate change, which are preventing people from gaining protection.

Whilst the very recognition that climate change will (or already does) lead to displacement is an important finding in itself, it is the specific understanding of how climate change will specifically impact migration flows which is of most interest. For this we need to get to the bottom of how forced migration in general is conceptualized by UNHCR. Increasingly forced migration drivers are being viewed not in isolation, but in connection with each other. In the words of António Guterres,

“today’s challenges are interconnected and complex. Population growth, urbanization, climate change, water scarcity and food and energy insecurity are exacerbating conflict and combining in other ways that oblige people to flee their countries” (UNHCR 2010c:1; 2010d:1).

There will be increasing difficulties in identifying why people are on the move (UNHCR 2010a), with identifying migration drivers becoming especially difficult in

mixed migratory movements, “where people with different reasons for moving travel alongside each other” (UNHCR 2011b:5).

This complexity of drivers for displacement means that there will often be no single driver for displacement, with different drivers interacting and combining to compel people to move. This opinion came to the forefront in the interview, with José Riera stating his opinion that “the environmental issues will become an overlay which in actual fact multiply and aggravate other factors” (Riera 2012). In particular, anecdotal evidence gathered by UNHCR from refugees in the East and Horn of Africa suggests that “climate change-induced resource scarcity could be considered as a multiplier of conflicts” (UNCHR 2012a:30).

“They may in some instances be factors in and of themselves. But the reality is that climate will in some ways be the final blow, or will be a contributing factor” (Riera 2012).

It is perhaps useful to return to the conceptualization of migration as a continuum, with refugee-like situations at one end and voluntary migration at the other, with several stages of forced migration in between when displacement drivers are understood in this way.

Especially in the case of slow-onset environmental degradation (which is usually linked to climate change in the form of desertification), then there will be a tipping point which, when it is reached, leads people to move. This is in contrast to sudden-onset disasters which tend to lead to immediate movement away from the affected area. Forced migration in the context of slow-onset degradation may have an element of choice to it, not in the sense of choosing to leave, but choosing when to leave. It is because of this that this type of forced migration is often viewed mistakenly as migration, disregarding the element of compulsion which is undoubtedly present. Climate change can “exacerbate [existing] vulnerabilities to the point where flight becomes more feasible than stay” (UNHCR 2011a:8).

It is also important to contextualise every case of displacement, not just to the wider context of the situation, or to a geographical context (although this of course helps), but to the personal context, as tipping points will vary from person to person.

“Let’s remember that human beings are not chairs or bricks, they are not fungible items. So you, plus your experience, plus the experience of your family, your former migration history, the assets you have, all of these things may make you or me react very differently faced with the same set of circumstances” (Riera 2012).

The increasing activity of UNHCR in this area has led to accusations that they are ‘refugeeizing’ the area. However, UNHCR themselves have recognised that their involvement in this area is a change of their mandate, but at the same time inherently connected to their core work.

“UNHCR is a refugee protection agency. We do not have- and we are not seeking- a mandate for migration management. But it is also a fact that refugees and asylum-seekers are often only one component of broader population movements. Ensuring their protection in the context of today’s people movements has required us to adopt broad perspectives and to anchor our efforts within a more comprehensive framework” (UNHCR 2010b:2).

This is a concern which is mirrored in the interview, where it became apparent that UNHCR feel they are being

“accused of two things. One of them is to try and ‘refugeeize’ the problem, in other words to bring all of this into the refugee domain. And the second is a sort of mission creep” (Riera 2012).

However, it is clear that there is significant overlap with the core mandate of UNHCR and that the populations which are already within their protection are being increasingly affected by issues surrounding environmental degradation and climate change.

The centrality of environmental issues for the people under the protection of UNHCR has come to the forefront in a recent report by UNHCR into climate change, vulnerability and human mobility in the East and Horn of Africa. The report made links between climate change and the reasons for displacement, even if direct causal links were not made. For example, desertification was linked to resource scarcity, which was in turn linked to an increase in violent conflict. When displacement does

occur because of environmental changes, it tends to be imposed on top of existing vulnerabilities (UNHCR 2012a).

Chapter Conclusion

From this evidence it is clear that environmental degradation caused by climate change is a serious concern for UNHCR. UNHCR has explicitly made the links between climate change and displacement, identifying a protection gap in the international legal framework. However, environmental problems are rarely viewed in isolation and are tending to be understood as an additional factor multiplying existing vulnerabilities and acting as an additional driver of forced migration. The Office is therefore calling for a more joined up approach to understanding forced migration, where several factors can be considered in conjunction.

At the same time, UNHCR is beginning to recognise that people all have different tipping points, which means that while some people are able to adapt to the effects of climate change, others with existing vulnerabilities which are exacerbated may be forced to move earlier. Therefore whilst the notion of tipping points is a useful conceptual tool, it is only of real use if it is considered in a contextual manner.

Chapter 4: Somalia: a case study

All of the issues which have been explored in the previous chapter are clearly impacting the nature of forced migration in Somalia, where a long-standing conflict is interacting with climate change and severe drought to produce one of the worst displacement situations in the world. For this reason, Somalia is a useful case study to provide a deeper understanding of the issues which are at play and provides an opportunity to examine them specific to a particular context.

4.1. Background

Forced migration scenarios are not new for Somalia. An intermittent conflict since 1988, lack of a fully-functioning central government since 1991 and general lawless behaviour (Menkhaus 2004) have meant that neighbouring countries have become accustomed to the fact that they play host to many refugees from Somalia. Somali refugees are now among the largest refugee populations in the world (Moret, Baglioni & Efonyi-Mäder 2006:14), with UNHCR estimating that there are 1,077,048 refugees of Somali origin worldwide, and 1,356,845 IDPs in Somalia (UNHCR 2012b). During the height of the media interest in the droughts in Somalia, it was reported that “as East Africa struggles to cope with the worst drought in 60 years, Kenya, Ethiopia and Djibouti are hosting nearly 450,000 Somali refugees- and the numbers are growing daily” (UNHCR 2011d). The ongoing conflict which is taking place in Somalia is largely located in the central and southern regions of the country, leading UNHCR to consider that any Somalis from these regions “are refugees, wherever they are and whatever their means of travel” (UNHCR 2010b:3). The famine remains central to concerns about Somalia, featuring top of UNHCR’s list of needs for Somalia, with the prediction that “the negative impact of Somalia’s famine will be felt throughout 2012” (UNHCR 2012b).

Drought is particularly dangerous for Somalia, with an estimated 60% of the population surviving as nomadic or semi-nomadic pastoralists and a further 25% working as settled farmers (Business Source Premier 2012). Combined with the arid conditions of the Horn of Africa in general, low average rainfall, high water requirements for cultivation and recurring drought make cultivation challenging in Somalia, even when conditions are relatively good (Markakis 1994:218-219). Another change which is impacting nomadic pastoralists is constraints on their mobility.

Whether imposed by conflict or the constraints imposed by state borders, regional boundaries or cultivated areas, these constraints are limiting the ability of populations which traditionally utilised movement as a strategy to survive using the land alone. In the case of Somalia we must therefore recognise that migration is not always forced, however that populations which have traditionally utilised movement as a tool may also become forced migrants, away from their habitual areas either towards cities, to other areas of Somalia or across state borders because constraints on their movement have rendered their traditional strategies no longer viable. The combination of scarcity of natural resources and scarcity of food once a drought occurs and mobility has been identified as a factor leading to instability in the Horn of Africa more generally and in Somalia specifically (Markakis 1994:219).

It is important to consider the trajectories of those leaving Somalia, as this helps indicate where on the continuum of displacement individuals fall. For example, if a family planned several months in advance that they were going to leave and did so with legal paperwork already in order then this would indicate a high level of planning and preparation as well as perhaps a certain degree of willingness to leave. The majority of Somali refugees are displaced in the neighbouring countries, with Ethiopia, Kenya and Djibouti taking on a disproportionate share of the burden (Moret, Baglioni & Efionayi-Mäder 2006:9). In addition to the fact that many refugees flee simply to the nearest safe country, many also have no plans for further secondary movement or indicate a wish to return to Somalia (Moret, Baglioni & Efionayi-Mäder 2006:9). Somalia's neighbouring countries are becoming increasingly hesitant to accept refugees and are implementing more restrictive refugee policies, including encampment of refugees (particular in Kenya) to prevent integration into the country and encourage return. However, "broadly speaking, entering Somalia's neighbouring countries is not and has never been a major problem for Somali refugees, even those without valid identity documents" (Moret, Baglioni & Efionayi-Mäder 2006:56).

4.2. Understanding the drivers of forced migration in Somalia

Whilst the trajectories of displaced persons from Somalia may be relatively straightforward to disentangle, understanding the drivers of forced migration is more complex. The elements of conflict and famine are clearly both present, but the extent to which each contributes to movement is less clear. Refugees who have provided

testimonies have frequently linked the two, but also identified environmental factors, specifically drought, as the tipping point which has necessitated movement.

“The drought made the conflict worse. Everyone became afraid of everyone. Some raiders came and took away the little food we had raised on our farm. Now we are in a very hard time: the people at home face conflict and famine. They are starving. If we could go back, we would have only dry land and death to greet us. Pastoralist from Somalia, Shedr Camp, Ethiopia” (UNHCR 2012a:46).

“Before, we sometimes had drought, but we managed because we had peace and ways to move shorter distances to cope with the weather problems. But the hostility today ruins our way to live- we are cut off from every way of coping. So now when the rains do not come, we either starve or we flee far away. My future is in God’s hands. Elderly Somali farmer, Shedr Camp, Ethiopia” (UNHCR 2012a:47).

“The drought and the war- they ran side by side. It is difficult to say which one forced us to move. Pastoralist from Somalia, Naklavale Settlement, Uganda” (UNHCR 2012a:47).

“The environment has changed in central Somalia. It is getting dryer. We were not directly affected [...] but these changes did have an impact on pastoralists and farmers around the town. Indirectly, our business was affected because the drought affected the buying power of people. Shopkeeper from central Somalia, Shedr Camp, Ethiopia” (UNHCR 2012a:27).

This testimonial evidence is backed up by academic work, which emphasises the links between reduced rainfall and conflict in Africa in general, but also in Eastern Africa more specifically. This is particularly the case in this part of the world, as the majority of the population relies on agriculture as a basis of their livelihoods (Raleigh & Kniveton 2012:54). Raleigh and Kniveton have identified rainfall variability as a driver of conflict frequencies, with both declining rainfall and increased rainfall leading to an increase in violence. This is explained using a ‘zero-sum’ narrative to explain competition over scarce resources or an ‘abundance’ narrative where wealth-seeking promotes violence (Raleigh & Kniveton 2012:61). It is also noted that there is

a certain prerequisite of general economic and political instability for these scenarios to play out. It is also noted that the highest incidence of rebel conflict occurs in cases of extreme dry rather than extreme wet conditions. UNHCR has also recognised this linkage, stating that “food insecurity combines with and magnifies violence as causes for flight, as we witnessed last year in Somalia” (UNHCR 2012c:9).

These findings make it even more difficult to disentangle the drivers of forced migration, as when conflict does itself appear to have a simple causal relationship with forced migration, that conflict might itself have been fuelled by environmental factors. This disturbs the seemingly easy causal relationships and forces a reassessment of forced migration drivers. Establishing causality between climate change and forced migration is equally difficult in this case. As the testimonies highlight, severe drought was already endangering the subsistence of many Somalis, but then the conflict meant this was impossible to recover from. Alternatively, the conflict was already making life challenging, but drought compounded these problems and led to people fleeing.

The situation of many displaced Somalis underscores the importance of the legal recognition of forced migrants. Many countries, including some of Somalia’s neighbours use lack of legal recognition as a reason to return displaced persons to Somalia. Alternatively, difficulty obtaining legal recognition can be a driver of secondary movement (Moret, Baglioni & Efiionayi-Mäder 2006:11). This is problematic not only for the people themselves, who have to deal with the insecurity of further displacement and the accompanying hardships, but also for organisations such as UNHCR, as it further complicates the process of keeping track of refugee populations and finding durable solutions. Further security risks of being undocumented have been identified in Kenya in particular, where undocumented persons tend to live in the cities in unsafe areas, and are exposed to harassment and abuses (Moret, Baglioni & Efiionayi-Mäder 2006:71).

This links directly back to the issue of identifying drivers of forced migration, because those who have been displaced because of environmental reasons such as drought are not afforded legal protection under the Refugee Convention and must rely on temporary protections of the host country or being accepted as refugees because of other ongoing factors which are present in the home country, such as conflict.

In all of the countries bordering Somalia, international actors have been very important in protecting and providing for the refugee communities, whether due to

inability to cope with the influx of displaced persons on the part of the host country, or due to reluctance to be responsible for the situation, or perhaps a combination of the two factors. And whilst “international agency personnel stress that receiving states, rather than international organisations, are legally responsible for refugees on their territory, in reality UNHCR is heavily involved in the daily operations of the asylum system, while most activities are entrusted to implementing partners ‘in the field’” (Moret, Baglioni & Efiionayi-Mäder 2006:95). The centrality of UNHCR as a player is not a ringing endorsement of the national asylum systems of the countries involved, although there has been a tendency towards shifting more of the responsibility away from UNHCR to these governments (Moret, Baglioni & Efiionayi-Mäder 2006:131). Whilst this is in many ways concerning, the inadequacies of host governments and the role of UNHCR crystallises the role of UNHCR as a norm entrepreneur. Not only is the organisation active on the international level, but has a high degree of influence on the national systems.

Chapter Conclusion

The situation in Somalia paints a clear picture of the challenges which are inherent in trying to establish causality between forced migration and climate change. Whilst drought and the resulting famine have undoubtedly caused forced migration, this is entangled with an unstable political situation and ongoing violent conflict and economic vulnerability. Many Somalis can themselves not identify whether they have been displaced by the conflict or by the drought. This evidence points clearly towards developing an understanding of forced migration which can take this combination of drivers into consideration. Establishing causality between certain factors and forced migration is extremely difficult and ultimately, may not be particularly useful, especially when many drivers have combined to result in forced migration.

Conceptualising forced migration differently will lead to different policy responses, different responses from international actors and governments and may ultimately result in different protections being required. Reconceptualising forced migration is, therefore, not purely an academic exercise, but one which is necessary for developing suitable policy responses.

Chapter 5: The (potential) role of international actors

According to Betts and Loescher there are three levels on which the relationship between forced migration and international relations can be conceptualised: the causes, the consequences and the responses to forced migration (Betts & Loescher 2011:12). This chapter is focused on the final conceptual category. Some of the causes of movement have already been identified, highlighting the complex and interconnected nature of these drivers, and some of the consequences, including the worsening of conflict and increased vulnerability. The response of one specific actor, UNHCR, has also been explored. However, the forced migration regime is much broader than this, and the focus on one particular actor at the expense of examining both its relations with other actors, and the behaviour of other actors in isolation would be remiss.

This chapter is therefore concerned with the potential role of other international actors in responding to forced migration due to climate change. Whilst UNHCR is fulfilling an important role as a norm entrepreneur, this role cannot exist in isolation, and the success of norm diffusion is dependent on the behaviour of other actors, including states and other organisations. These discussions will therefore include a focus on the challenge of state sovereignty and the constraints which it places upon norm diffusion in this area in particular.

5.1. UNHCR in relation to other actors

Other actors are understood to be able to assist UNHCR in the diffusion of norms related to forced migration and climate change firstly by gathering additional support for recognition of the importance of climate change for forced migration and secondly by re-conceptualising how they understand forced migration and striving to internalise this. Turning to Finnemore and Sikkink's life cycle of norms (Finnemore and Sikkink 1998) it is clear that a norm would never progress from the first stage of 'norm emergence' through the 'norm cascade' without interaction with other actors other than the norm entrepreneur itself. However a large number of actors will have to take on new norms for the tipping point to be achieved, and in the case of the forced migration regime this necessitates the adoption of new norms by (at least some) states.

Despite the need for states to adopt the norms, by internalising the norms promoted by the norm entrepreneur other non-state actors can become norm leaders

and move the norm closer to the tipping point, where the norm has more possibility of being disseminated further. Furthermore, by integrating these new understandings into their existing discourses and using language which has a high level of credibility, such as rights terminology, the ideas and norms themselves will become more credible.

Although it is beyond the scope of this paper, it is a possibility that, due to the high level of cooperation between different actors within the forced migration regime in coalitions such as the GMG, norm leaders have already emerged in the form of these other partner organisations. An interesting study would be comparing the norms which have been adopted by these organisations to examine whether the norms being pushed by UNHCR have been internalised by the coalitions in which they are involved.

5.2. The international human rights regime

Starting from the understanding that human rights is another area which operates within a statist system, this section questions whether the human rights regime can contribute. It also begins to explore what steps could be taken by the various actors within the international human rights regime to begin realising the human rights of those who have been displaced because of environmental factors. This links to whether the human rights regime has responsibilities to future generations, specifically those who may be displaced due to environmental reasons in the future. These discussions draw upon work which examines the viability of environmental rights within the human rights regime more broadly, placing these discussions within the context of displacement.

Human rights actors are increasingly making the links between human rights, forced migration and climate change. An analysis of the Refworld documents containing the search term “climate change” from two human rights actors, the OHCHR and the Human Rights Council, show that these links are increasingly being made explicit (See Annex 2). The breakdown of documents from the Human Rights Council also highlights the expertise of the Council in country reporting. 78 out of a total 160 of the documents published by the Human Rights Council are country reports. This number is even more impressive given that only 229 country reports were made in total, meaning that the Human Rights Council is a valuable source of country context-specific information.

Human rights language is frequently seen as having a certain level of legitimacy which is often much sought after in other areas. Therefore, many moral claims are articulated in human rights terms, in order to benefit from some of the legitimacy which the human rights discourse affords. Especially complex areas which are poorly understood by the general public can benefit from being presented in this way and can increase the likelihood of the norms being institutionalized, as part of the human rights framework.

From a purely practical perspective, there are also clear overlaps between human rights violations and environmental degradation. These two areas are not mutually exclusive, with environmental degradation having severe negative impacts on the enjoyment of the full range of human rights, therefore treating them as so may be counterproductive. However, it should also be recognised that the two areas are not “straightforwardly compatible, particularly if environmental sustainability is simply to be added to the list of human rights proclaimed in the contemporary human rights regime” (Woods 2010:128). Three particular problems come to the forefront: firstly, human rights do not explicitly recognise the ecological embeddedness of human beings; secondly, human rights operate in a state-centric context which is at odds with environmental protection; thirdly, the question must also be broached as to whether the human rights regime has responsibility for future generations.

Woods argues that these issues prevent the human rights framework from being able to simply adopt human rights and tackle issues of environmental degradation. She argues rather that “if environmental concerns are to be assimilated into the human rights framework, then some degree of renegotiation of both the form and content of human rights looks probable” (Woods 2010:56). This argument recognises that human rights are not fixed, and that to be successful they need to be adaptable to contemporary contexts and threats. Different conceptions of how environmental rights could be established have been argued, from the addition of several additional environmental human rights to the existing human rights framework (Hancock 2003), to a constitutional approach, integrating environmental rights on the state constitution level rather than on the international level (Hayward 2005), or even to creating a third ‘generation’ of human rights (Ksentini 1994). However, a notable blockage, preventing these approaches from being successful, remains the state-centric system within which they are operating.

Firstly, states would be required to fight for and approve either the insertion of several individual new rights or a new generation of rights into the human rights framework. Secondly, on the state constitution level, states will not all implement these rights if it becomes too difficult to do so. In addition, establishing these rights on the state level means that only those within that state have access to the protections afforded by that right. In the context of environmental degradation, particularly degradation linked to climate change, the effects are felt in different geographical locations to where the problems were caused and, in the context of international displacement, there is no guarantee that displaced populations will have access to these rights. However, the international human rights regime, although burdened with the challenges of operating within the state-centric system, can also utilise these close links. This is exemplified by the Refworld documents published by the Human Rights Council, with 15 of the total 51 State Parties Reports originating from this actor (See Annex 2). The high level of legitimacy of the human rights regime, combined with the frequent interaction with states could aid the diffusion of norms.

These are the same problems which norm entrepreneurs will have to contend with in the context of changing norms around forced migration in response to climate change. Although norms can be developed by international organisations and with the support of other international organisations and NGOs can gather support, they will not ultimately become dominant norms within the international system without the support of states. Whilst tactics can be employed to socialize states to new norms, including through exerting moral pressure, there is ultimately the danger that new norms will be rejected by states, especially when they would require significant action and incur costs which they are not willing or able to bear.

In terms of forced migration due to climate change, there may be a chance of establishing the new norms which appear to be developing within UNHCR, within states, due in part to the close links which the organisation has with states, but also due to the fact that states are already being burdened with increased refugee flows, due to environmental reasons. In the Somali context, neighbouring states may begin asking questions of the international community, in order that the burden of the problem may be distributed more equitably. In the area of climate politics, small low-lying island states in particular are cooperating to speak out and urge action of the international community. It is not inconceivable that similar action may take place within the human rights regime from these same states.

5.3. Models for conceptualising responsibility

The intergenerational nature of climate change is also particularly problematic for the human rights regime, with problems of global as well as intergenerational justice making the area very complex (Beckman & Page 2008:529). The question of whether the human rights regime has any responsibility for the rights of future generations, or in fact just current generations, will drastically affect the way in which the regime reacts to issues related to climate change. For example, it could impact whether their role is simply to assist currently affected populations to adapt to their new situations, or whether they should be actively pursuing long term solutions and fighting to prevent further climate change. One argument in favour of the human rights of future generations being considered in relation to the environment is that climate change will seriously undermine the positive impact of creating societies in which human rights are respected and leaving these behind for future generations if the environmental problems have been exacerbated to such an extent that rights are put in danger in other ways. Indeed, if there is a link between climate change and increased conflict, it could also endanger the human rights project even more directly.

The stewardship model is perhaps useful in understanding the roles of different generations and their duties towards the environment. Under this model current generations have duties to protect the environment for future generations, because of the benefits they have inherited from previous generations (Page 2007:119). Therefore, current generations are permitted to utilise environmental resources but do not have unlimited rights to them, because of the duty to protect them for future generations. Alternatively, the chain of concern model can be employed to account for a duty to protect the environment for future generations. This model is based on the premise that human beings generally have sentimental concern for their nearest descendants, and this creates a chain of duties to further generations (Page 2007:115). It is perhaps most likely that a combination of these models will be utilised in trying to persuade people that future generations deserve a protected environment. Whilst the chain of concern model has the advantage of creating emotive concern, a wider sense of 'oughtness' might be more likely to emerge from use of the stewardship model, which uses much more general terms, compelling group action on the basis of moral responsibility rather than personal sensitivities.

There are clear problems preventing the human rights regime from successfully acting in the area of environment, particularly when it comes to

establishing environmental rights. However, the challenges can also be seen as an opportunity to reshape understandings of human rights (Woods 2010:136) and it could be that the international human rights regime rises to the challenge and the various actors of the human rights regime might become increasingly active in the area of environmental degradation and climate change. Woods is cautiously optimistic that “the idea of environmental human rights has much to recommend it” but only on the condition that “human rights are not taken as they are, but are instead reinterpreted so as to address the problem of the underfulfilment of human rights, and so as to recognize the ecological as well as the social embeddedness of human life” (Woods 2010:150).

Although factors such as the increased legitimacy given to environmental action through the use of human rights language and the inherent links between human rights and environment justify a human rights-based approach, this alone is not enough to justify the claiming of environmental rights. We need to look to the central point of claiming environmental rights, which is “to promote some minimum level of environmental sustainability as being beyond the sphere of political compromise” (Barry & Woods 2009:324). Thinking of rights as trumps, it is possible to conceive of human rights being utilised to raise environmental standards, because rights are more important than any other relevant concerns. The legal focus of human rights, being increasingly concerned with codification would also increase the legal opportunities for protecting the environment (Barry & Woods 2009:325).

In focusing on what the international human rights regime as a general grouping can achieve, we are led to discuss what role individual actors within the international human rights regime could play. The international human rights regime is made up of a multitude of international organisations, states, NGOs and individuals, all acting in different ways to support (or in the case of states perhaps to undermine) the human rights project. It is clear from the theoretical discussion above that the first role for actors committed to integrating environmental concerns into the human rights regime (in whatever way) that this will require a re-conceptualisation of human rights, in particular moving away from the constrictions of state sovereignty to allow for truly global solutions to a global phenomenon. Therefore, actors must come together to find solutions to facilitate this work and create innovative solutions. Secondly, actors have a role in diffusing the norms which have begun to appear from UNHCR. Only by human rights organisations (both international organisations and NGOs)

taking a stance and making it known that environmental degradation is a human rights issue, can the norms be anchored in this area.

Combined with actively fighting for acceptance of climate change as a human rights issue, this must be connected to the forced migration context, if the rights of those who have been displaced because of environmental change are going to be fulfilled. Forced migration is already a central issue for many actors within the human rights regime, and moving away from a traditional view of forced migration limited to the Refugee Convention will allow actors to recognise many other displaced persons. It is the duty not just of UNHCR but of all actors which are vocal on displacement issues to start recognising the new drivers of displacement.

Chapter Conclusion

Re-conceptualising forced migration does not just require new understandings of terminology and classification systems from the forced migration regime, but also new understandings of the allocation of responsibility. The human rights regime may be well placed to facilitate these discussions, but will be faced with the problem of state-centrism, which is at odds with the global nature of both climate change and forced migration. Therefore, this must be overcome for the international human rights regime to remain relevant.

Conclusion: Towards a multifaceted understanding of forced migration

This paper has highlighted the complex and evolving nature of forced migration, particularly in relation to climate change. The negative effects of climate change have been shown to act as a multiplier of existing vulnerabilities, interacting with factors such as conflict, in the case of Somalia, to contribute towards forced migration. Reactions have been varied dependent on what lens is used to view the problem, with many lenses viewing the problem in isolation from other drivers. Somalia is a classic example of these problems. The ongoing conflict and climate change have combined and caused the forced migration of large numbers of the population. However, climate change is rarely identified as a driver of forced migration in Somalia and refugees are being accepted on the basis of the ongoing conflict in the country alone. Whilst the acceptance of those fleeing Somalia is a positive, there is a danger that those fleeing Somalia for reasons related to climate change may find it increasingly difficult to be accepted by states which are trying to limit their refugee intakes. Therefore, a comprehensive understanding of forced migration in the international community must be a multifaceted one, taking the different layers of drivers of forced migration into account. In order to provide adequate protection to those who have been forced to migrate, their situations and the drivers of their forced displacement must be understood.

UNHCR has been identified as a norm entrepreneur in the area of forced migration, possessing delegated authority from states, producing expert knowledge on the area and making active attempts to promote their norms externally. Whilst this is a step towards the re-conceptualisation of forced migration, UNHCR cannot achieve the diffusion of new norms alone. There is therefore a clear role for other actors in promoting these new norms. The re-conceptualisation of forced migration does not just require new understandings of terminology and classification systems for forced migrants, but also new understandings of the allocation of responsibility within the international community. Because of the intergenerational and global nature of climate change, the state-centric world view will have to be challenged, with new approaches being applied to existing practices if they are to remain relevant.

The human rights regime in particular may have a key role to play in developing understandings of responsibilities, with the rights and responsibilities framework of the regime providing a useful template for these discussions. However,

even the human rights regime will have to overcome challenges related to state sovereignty if the development of environmental rights is going to become a valid strategy with which to approach forced migration in the context of climate change. Interaction with the climate change regime will also become increasingly important, and although this is already happening to some extent, the current problems facing the climate change regime in reaching agreement between states has meant that this avenue has been neglected. Cooperation between actors and regimes may be the key to achieving durable solutions and ensuring that the norms which are tentatively emerging become embedded in the international community.

Annex 1: Breakdown of ‘Refworld’ documents- UNHCR

Documents containing the search term ‘climate change’ published on the ‘Refworld’ website

Document Type	Total Published	Total Published by UNHCR
Research, Background & Discussion Papers	48	26
Speeches/ Statements	22	17
Conference Reports	13	10
Thematic Reports	153	8
Sessional Reports	36	7
Commentaries	13	7
Policy/Position Papers	14	5
Annual Reports	79	4
Compilations	6	3
Notes on International Protection	3	3
Legal Articles/Analysis/Commentaries	7	2
Static Pages	2	2
Country Reports	229	2
Handbooks/Manuals	12	2
Regional Reports	12	1
Training Manuals	2	1
Case Law	6	0
Case Law Compilations/Analyses	1	0
Concluding Observations	7	0
Country News	62	0
Country Operations Plans	1	0
Country Profiles	55	0
Country/Situation Specific Briefing Papers	1	0
General Comments/Recommendation	1	0
International Legal Instruments	2	0
Mission Reports	10	0
Multilateral Treaties/Agreements	3	0
National Legislation	2	0
Presidential Statements	1	0
Query Responses	4	0
Resolutions/Recommendations/Declarations	54	0
State Parties Reports	51	0
Thematic Guidelines	3	0
TOTAL	915	100

Annex 2: Breakdown of Refworld documents- human rights actors

Documents containing the search term ‘climate change’ published on the ‘Refworld’ website

Document Type	Total Published	Total Published by the OHCHR	Total Published by the Human Rights Council
Country Reports	229	0	78
Thematic Reports	153	6	36
State Parties Reports	51	0	15
Mission Reports	10	0	9
Sessional Reports	36	0	9
Resolutions/Recommendations/Declarations	54	0	6
Annual Reports	79	6	4
Compilations	6	0	3
Speeches/ Statements	22	2	0
Research, Background & Discussion Papers	48	1	0
Handbooks/Manuals	12	1	0
Regional Reports	12	0	0
Training Manuals	2	0	0
Case Law	6	0	0
Case Law Compilations/Analyses	1	0	0
Commentaries	13	0	0
Concluding Observations	7	0	0
Conference Reports	13	0	0
Country News	62	0	0
Country Operations Plans	1	0	0
Country Profiles	55	0	0
Country/Situation Specific Briefing Papers	1	0	0
General Comments/Recommendation	1	0	0
International Legal Instruments	2	0	0
Legal Articles/Analysis/Commentaries	7	0	0
Multilateral Treaties/Agreements	3	0	0
National Legislation	2	0	0
Notes on International Protection	3	0	0
Presidential Statements	1	0	0
Policy/Position Papers	14	0	0
Query Responses	4	0	0
Static Pages	2	0	0
Thematic Guidelines	3	0	0
TOTAL	915	16	160

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