

Notes UNHCR Monthly online Consultations with NGOs

Date	27 January 2021
Session Title	UNHCR's Strategic Framework on Climate Action
Speakers	<ul style="list-style-type: none"> • Andrew Harper, Special Advisor on Climate Action, UNHCR • Madeline Garlick, Senior Legal Coordinator, Division of International Protection, UNHCR • Kayly Ober, Senior Advocate and Program Manager of the climate displacement program at Refugees International, speaking on behalf of the Climate, Migration & Displacement Platform • Natalie Topa, Regional Resilience and Livelihoods Coordinator for East Africa and Great Lakes Region, Danish Refugee Council
Moderator	<ul style="list-style-type: none"> • Jérôme Elie, Head of Forced Migration, ICVA
Participants	<ul style="list-style-type: none"> • 100, mostly NGOs and UNHCR staff

Executive summary

The consultation focused on operationalizing UNHCR's Strategic Framework on Climate Action, building on its three key pillars and the development of regional plans of action. Panellists shed particular light on legal and normative developments and how multi-stakeholder partnerships can play a role from an early stage, in building awareness and understanding of the relevance of existing refugee instruments. Strong examples of efforts to improve the environmental sustainability of humanitarian operations were highlighted, particularly through impactful good practices to build resilient households, farms and landscapes. The discussion ended with contributions on the development of Regional Plans of Actions, particularly stressing the need to develop a clear timeline and to organize regional workshops to follow up the implementation of the Framework. UNHCR's continuous engagement in the [UN Climate Change Conference UK 2021 \(COP26\)](#) and the [Platform on Disaster Displacement](#) was also encouraged.

Major points arising from speakers

UNHCR – On the Framework:

- This second UNHCR-NGO discussion on the UNHCR's Strategic Framework on Climate Action focuses on operationalization aspects, bearing in mind its three key pillars: Law & policy; Operations; Greening UNHCR.
- Partnership with NGOs is key to addressing vulnerabilities of populations at risk, supporting preparedness, adaptation, mitigation, and prevention. Another key aspect is to reduce the harm done to the environment when providing support to persons of concern. In this perspective, how can humanitarians move from a reactive to a more proactive approach, thus preventing the need for protection to arise?
- Operationalization is important, moving from theory to actual impact on the ground. This is best done from the ground up, talking to local communities, national authorities, all key stakeholders on the ground, listening to their concerns and supporting them.
- Over the past year, UNHCR went through decentralization and regionalization, largely devolving the responsibility of driving programs to regional Bureaus. Rather than being 'HQ-driven', we need action plans to identify the needs, priorities and key constituents at field level. From headquarters, we will support with necessary expertise and skills.
- As parallel systems should be avoided, it is important to build on existing coordination frameworks, plans of action dealing with climate action, whether led by NGOs, UN Country Teams or national authorities. We should work to supplement and reinforce existing networks. Do NGOs already have their own climate action networks in various regions? If so, UNHCR could engage and support those. If not, this could be a good opportunity to initiate networks.
- UNHCR's engagement on climate action relies on several parameters, i.e. UNHCR's Strategic Directions, the Global Compact on Refugees (GCR), the Global Compact for Migration, its engagement with the Platform on Disaster Displacement (PDD), the UN Framework Convention on Climate Change; and the Sustainable Development Goals which mean nothing unless a difference is made on the ground.
- The Framework also built on several [recommendations](#) emanating from the 2020 UNHCR-NGO Annual Consultations, notably 1) Increased collaboration with communities and grassroots organizations and we need NGOs' support on this. 2) Prioritize greening of operations and transports, e.g. encouraging environmentally sensitive procurements, reducing our vehicles carbon footprint. 3) Move from gender-sensitive to gender-

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transformative approaches, ensuring that women have the means to influence decisions. 4) Enhance the sense of urgency across all organisations; looking at supporting significant projects for impactful results.

UNHCR – On the legal and normative work:

- Both the Framework and our efforts on legal and normative aspects are aligned with our protection mandate, the GCR, which recognizes that while not themselves causes of refugee movements, climate, environmental degradation, and disasters increasingly interact with drivers of refugee movements. The GCR also includes a call for disaster risk reduction strategies, early warning systems, and access to sustainable energy in refugee settings.
- Building on previous efforts, UNHCR contributes constructively and actively through the development of thinking and guidance on the application of relevant international protection instruments and concepts. We also develop practical and realistic approaches to respond to the protection needs of people who may be forced to flee in the context of climate change and disasters.
- This entails acknowledging that displacement is part of a complex continuum of human mobility that takes place in the context of disasters and adverse effects of climate change. Different forms of mobility can include migration as an adaptation strategy sometimes under planned relocation schemes, sometimes voluntarily, sometimes under extreme pressures due to lost livelihoods and other impacts of climate change.
- UNHCR has issued [a set of Legal Considerations](#) regarding claims for international protection made in such contexts, seeking to address the relevance of international refugee and human rights law instruments for people who flee and seek protection in the context of climate change and disasters. Importantly, it speaks to the application of a range of rights associated with the refugee status but also to customary international law norm of *non-refoulement*.
- Linked to the 1951 Convention and regional instruments, UNHCR's role under its mandate is to provide guidance on how people displaced across borders in the context of climate change and disasters may have a well-founded fear of persecution. This relates particularly to situations when climate change interacts with circumstances exacerbating or contributing to factors limiting people's enjoyment of human rights (e.g. climate-conflict-violence nexus situations), where States are unable or unwilling to provide protection.
- The Legal Considerations also address the potential application of complementary and temporary forms of protection and humanitarian status, which may be important, especially for those who may not qualify as refugees.
- We recall that the term 'climate refugees' does not exist in international law and can be confusing and unhelpful. The refugee definition does not specifically refer to a particular form of reason or criteria which has led to displacement in the first place. You are a refugee, irrespective of the circumstances that forced you to flee and this applies also in the context of climate or disaster, maybe amongst or contributing to those causes.
- The Legal Considerations also do not expand the scope of the refugee definition and protection. It is not about creating new obligations or a new category of refugees but rather an evolution in the understanding of the existing refugee definition, while acknowledging that international refugee and human rights law will not be applicable in all situations where people move in response to climate change or disasters.
- It is crucial for people who claim international protection in such contexts to have access to the asylum process to enable their claims to be effectively assessed and determined. The Legal Considerations also examine specifically the relevance of human rights norms, particularly with the decision of the Human Rights Committee in the *Teitiota* case which found that the *non-refoulement* principle under international human rights law can be directly relevant in cases where threats to life may arise as a result of climate change-related phenomena and may preclude return to a person's country of origin (even though that was not the outcome in this specific case).
- Next steps in 2021: 1) Ensure the dissemination and build awareness of existing refugee instruments; understanding and support the interpretation of international refugee law instruments; specific outreach and exchanges, e.g. with the African Union and the African Commission. We also foresee targeted discussions with specific States both those that are interested in and supportive of the work around Climate Action but also with those who have expressed scepticism and may be more hesitant about the application of refugee criteria in these circumstances. 2) Continue our engagement with relevant partners, PDD, the UN Task Force on Displacement, a wider network of partners including refugees and displaced persons, legal experts, judges. 3) Conduct research to improve our analysis and answers. 4) Develop further guidance where this would be needed, e.g. deeper examination of what 'events seriously disturbing public order' should mean in practice.

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CMDP:

- CMDP gathers over 30 CSOs, think tanks, and academics engaged on climate, migration, and displacement issues. It aims to improve understanding; align advocacy across policy spaces; and ensure that urgent climate-related human mobility issues are addressed to uphold the rights and dignity of those affected, and facilitate sustainable futures.
- We welcome the momentum and continuity in exchanging with NGOs. We have dedicated questions on pillars I & II of the Framework. We applaud UNCHR's Legal Considerations and wonder what is UNHCR's approach to people migrating as a result of climate change who may not qualify for international protection? Could UNHCR commit to undertaking this catalysing, in an open, transparent and multi-stakeholder approach, including by discussing such guidance in the context of the work of the UN Migration Network and its potential future pilot projects.
- It would also be useful to discuss how climate action may feature at the GCR High-Level Ministerial review next December, to help it progress beyond the Clean Energy Challenge pledge from the first GRF?
- How do you envision pillars I & II to address the need for greater coherence and complementarity in addressing mixed movements, with the GCM (objectives 2, 5, 7, 12) and in addressing (together with IOM especially) the needs of international migrants who may be displaced by disasters?
- Finally, how do the Legal Considerations complement or supersede other UNHCR legal documents? How does it speak to UNHCR's way forward on the legal protection question?
- Turning to CMDP propositions: 1) We encourage UNHCR to share the Framework with NGOs as quickly and widely as possible, indicating an implementation timeline. 2) On action plans, first we encourage a clear, transparent and inclusive process, from the very beginning, striving to include frontline communities, refugees, IDPs and other relevant stakeholders. 3) NGOs can feed UNHCR with locally based analysis, as our organizations often have regional and local presence, which would benefit greatly from UNHCR coordination and increased visibility with governments and other stakeholders. We can also provide evidence and support to enhance the mobility of migrants in precarious situations linked to the impacts of climate change. This could then be used to improve advocacy and programs.
- NGOs could also help with mapping regional and legal frameworks and related initiatives in regional bodies including regional consultative processes, regional groups like IGAD, etc. Andrew mentioned "regional climate action networks". We do encourage UNHCR to connect with Climate Action Networks (CANs).
- We also believe focusing on a few factors would ensure success: 1) communicate clear overall objectives for the action plans, being explicit on expected outcomes and link it to a broader theory of change. 2) Make clear if there are hierarchies among the pillars or if they will receive equal billing and attention in each process. 3) Every plan of action should acknowledge and create actionable items around each pillar, particularly pillars I & II. 4) The template and plans of action should include elements related to funding capacity, make clear delineation of workstreams and inform UNHCR's partnership agreements. 5) Timelines would also be helpful.
- Our experience with the GCM reviews indicates that explicit linkages with other processes will be important to understand coherence and differentiation. These linkages must be as specific and granular as possible.
- For the process, UNHCR could kick off with a briefing on the strategy/plan, its aims and deliver your messages broadly. Then, NGOs would lead the consultation, crowdsource, and come up with a report back and recommendations for UNHCR to consider. Regional networks could help organize this consultative process.
- We encourage UNHCR to continue its partnerships with key actors on this issue, including IOM and PDD. PDD in particular may be useful to map regional actors and frameworks relevant to each plan of action. UNHCR should also make more explicit how the plans of action will differentiate from or complement PDD's and others processes.
- Finally, we propose ICVA/CMDP to co-host a follow up meeting to generate more ideas

DRC:

- Shocks and stresses are increasing, not always linked to climate change, but also because of ecological degradation.
- We can have an immediate impact with communities and local governments through applying permaculture-based resilience design to restore communities' agroecosystem. We are looking at where people live and how there are being impacted by environmental degradation.
- We are training DRC staff, beneficiaries, local governments to apply low-tech and process-based design principles to their local environment to buffer communities from climate change and to instate abundant organic food systems. This has proven to be incredibly important during times such as the current COVID-19 pandemic.

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- We want to boost self-reliance for food, energy, water, soil and seed security; buffer communities from extreme weather and climate behaviour, but also accelerate people's ability to claim their socio-economic rights and reduce their dependence. This touches to the core of DRC's Framework on working with displacement-affected populations.
- The PowerPoint shows examples that can be applied to DRC's three pillars (emergency contexts; durable solutions; root causes of displacement), through a permaculture lens including ecology, agroforestry, rainwater harvesting, ecological restoration, regenerative, and circular bioeconomy.
- Permaculture is an interdisciplinary approach based on science applied to natural, social, and economic environments (aiming to establish a "permanent relationship with our planet"), with 3 main systems: hydrology, geology, and biology.
- The first step is to work and engage communities (host communities, returnees, IDPs). The people who live there are experts; they understand what it means to live in that landscape. We ask: What was this place like before, what is the story of this place and how has it changed? We then do a sort of audit, especially of available local resources.
- Here is a series of good practices we implement through our programs (see pictures from the PPT):
- 1. People using locally available materials to dig deep permaculture garden beds.
- 2. Bioswales or dishes on contour to passively harvest water: we see the home of Regina, who used to get her home flooded every year. We wanted to remove the risk of flooding, double garden beds on contour so that water would spread slowly, sink deep into the soil and go towards her gardens. Harvesting water and all of the nutrients that it captures and getting it into production is what we call "from floods to food".
- 3. In IDP camps in Mogadishu and Kakuma, we started a small-scale food production using the principles of agro-ecology, using only organic systems. We do not use any chemicals, fertilizers, pesticides because we know that soil security is paramount for resilience.
- 4. You see Martha from South Sudan, who had only compacted dirt and rocks around her compound. We came with the principles of permaculture-based design and showed her how to design the landscape to harvest water and nutrient in bio, intensively becoming a food forest.
- 5. In Yemen, we have established six community seed banks, only focusing on seeds that can be regenerated and saved, again and again. No seeds are limited or cannot regenerate again. We are also establishing food forests, designed in a way that every single tree has its own rainwater harvesting structure.

Major points arising from discussions

- **Financing climate adaptations.** Climate adaptation is **critical**, and a **challenge** as highlighted by the [Climate Action Summit](#) this week, though the most climate-vulnerable countries received next to no funding for adaptation, which are separate from humanitarian flows. 12 out of 20 of those countries are also experiencing armed conflict. How can the Framework, and related discussions, support the broader call for global adaptation financing and what is UNHCR's role in raising climate adaptation funding?
- We need plans outlining what we are going to do in various regions, how it will happen, and the costs. This is a great opportunity to make an argument about how we can empower communities to stay where they are, with the resources they need, so people do not need to leave or relocate. We cannot succeed unless we do this all together, with civil society. We need to find a way to support ground-based projects at scale, such as DRC demonstrated. We need to change from short term reaction to a more development mindset for a sustainable long-term.
- **Protection:** For those who do not fall under the refugee definition, there is a continuum of human mobility due to climate/environment issues and people's situations may evolve along the way. In this perspective we should ensure we have the range of tools that ensures maximum enjoyment of their rights.
- It is important to understand States' practice, positive interpretation of legal criteria, and what additional clarification needs to be done in case laws are being addressed in inconsistent ways.
- The **Legal Considerations** are not guidelines on international protection. Thirteen guidelines are detailed, mostly focusing on refugee convention criteria. There is no official guidance, but important research to inform our thinking on UNHCR practices/positions.
- UNHCR is eager to have a dialogue on important issues to do **additional research**. There are many interesting ongoing research projects in universities and elsewhere. UNHCR is open to discussing what important questions need to be asked in order to conduct research.

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- In the pipeline there is a joint UNHCR-IOM paper on “*Bridging the Divide*”, which will look at IDPs in the context of conflict or climate change.
- On the UN Migration Network: there will be guidance coming out of the Working Groups and it would be great to do some joint thinking with UNHCR on where climate-relevant pilots could be considered.
- The **Framework** was shared amongst participants, it will be calibrated, adjusted over time, the **focus is now to get engagement in plans of action**. We need to be as inclusive as possible; we cannot succeed unless we do it together.
- UNHCR relies on NGOs present for this discussion to engage and possibly mobilize the CANs. This is an important and good suggestion, rather than UNHCR taking the lead. How can NGOs start and support?
- Efforts are linked to the [UN Decade on Ecosystem Restoration](#). What do we do to stop water from flowing past camps, recover lost species of biodiversity, and create circularity for energy security, regenerative livelihoods, etc.?
- **NGOs roles:** The consultations process should start at the ground level. UNHCR wants to hear from NGOs about what to do better for climate adaptation projects. We should commit mutually to continue climate action work. It would be useful to have regular conversations and get more regional colleagues involved. It might also be good to create working groups on specific topics. Would prefer to have regional adjusted workshops, instead of periodic updates on how UNHCR is working on the topic.

Follow-up/Action points

To ICVA, other networks, and NGOs:

- Help establish discussions at the regional level and compile a list of recommendations and concrete inputs from NGOs for the roll-out of the plans of action, taking advantage of existing networks on the ground.

To NGOs:

- UNHCR welcomes opportunities related to climate topics, on research, events, etc. Looking at UNHCR’s role to participate in events and build the case for protection criteria.

To UNHCR:

- UNHCR will share a final version of the Framework on Climate Action and engage with NGOs on the plans of action.
- Partnership agreements between NGOs and UNHCR could be further discussed in light of the Framework.

Background documents/reports/guidance/websites

- Kayly Ober, *Opinion: What does UNHCR's new guidance on the protection of 'climate refugees' mean?* December 2020: <https://www.devex.com/news/opinion-what-does-unhcr-s-new-guidance-on-the-protection-of-climate-refugees-mean-98637>
- UNHCR, *Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters*, October 2020: <https://www.refworld.org/docid/5f75f2734.html>
- Sanjulaa Weerasinghe, UNHCR: *Legal and protection policy research series: Refugee Law in a Time of Climate Change, Disaster and Conflict*, January 2020: <https://www.refworld.org/docid/5ff43e894.html>
- Danish Refugee Council, *Resilience Design for Water and Landscapes Training*, Nebbi, Uganda, December 2020: <https://www.youtube.com/watch?v=Wl4DkU3i4ek&t=1938s>
- Danish Refugee Council, *How DRC Burundi is supporting returnees, internally displaced people and the local community in Rutana province in hands-on permaculture-based design to restore the agroecosystem of an entire hill*, November 2020: <https://www.youtube.com/watch?v=qtMky-tfCcM&t=12s>
- Danish Refugee Council, *Resilience Design for Infrastructure Training*, Uganda, April 2020: https://www.youtube.com/watch?v=h7Fd2_Xeik&t=37s
- Output Report – DRC Global Event 2020: “Climate Change, Environmental Degradation and Forced Displacement”: <https://drc.ngo/media/ylviktjo/drc-global-event-2020-output-report.pdf>
- Sanjulaa Weerasinghe, UNHCR, *In Harm’s Way International protection in the context of nexus dynamics between conflict or violence and disaster or climate change*, December 2018: <https://www.unhcr.org/5c1ba88d4.pdf>
- CARE, *Climate adaptation finance: fact or finance?* January 2021: <https://www.care-international.org/news/press-releases/developed-nations-hugely-exaggerate-climate-adaptation-finance-for-global-south>