

Climate refugees hard hit by unclear laws

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Several hundred million people will have fled their homes by the end of this century due to climate change. Still, the laws affecting these refugees are unclear.

"I will do anything!"

Ahmed fled from Somalia to Egypt because of drought in his home country.

He is one of the people who researcher Vikram Kolmannskog from the Faculty of Law at the University of Oslo interviewed in his doctoral thesis on the unclear rights of climate refugees and the consequences of these.

Ahmed continues:

"I do cleaning jobs. I do everything I can to survive. One of the main challenges is that we're all very depressed. We're in limbo. A friend of mine tried to cross from Libya to Italy and met his end in the Mediterranean. If we try to cross to Europe, we die in the Mediterranean. In Somalia we die as a result of conflict and drought. The final solution is in the hands of Allah."

Humans and nature in crisis

Nature and the global climate are changing. Every year millions of people flee their countries, and millions more will flee in the years to come.

In the last decades drought has become the normal situation in Somalia. Very many East African countries were hard hit by drought in 2011, and Somalia was severely affected by famine.

In the havoc caused by Hurricane Katrina in New Orleans in 2005, hundreds of thousands fled from the city, and many perished.

This illustrates a general, global, man-made trend towards higher temperatures and a growing number of weather-related disasters.

According to the UN's Intergovernmental Panel on Climate Change (IPCC), on a global basis several hundred millions of people will have fled from their homes by the end of this century because of climate changes.

However, climate changes on their own do not invoke the protection of the United Nations Convention relating to the Status of Refugees, and the unclear legal framework itself is helping to create problems.

Unambiguous laws kill

Kolmannskog has the view that laws that regulate the rights of climate refugees and the application of these

in practice are of decisive importance.

Many do not suffer, nor do they die as a result of the weather event itself, but of indirect causes brought about by a number of factors, including unclear laws and regulations.

In addition, the vulnerability of countries and regions to disasters is often associated with a number of internal factors such as poverty, conflicts and the population's ability to make a living. In addition, research reveals that the social, economic and political factors in several African countries influence the interpretation and application of the existing legal framework.

According to the IPCC, climate changes will increase the danger of armed conflicts in the years to come, and global food production is expected to fall while demand for food will increase substantially.

In Kolmannskog's opinion, the needs and rights of people who must flee because of climate-related and other disasters are uncertain.

Climate refugees are ignored

Research indicates that in many cases, it is bodies other than the state, for example local clans, which have a say in deciding what help refugees receive.

Kolmannskog has conducted research into the lives and rights of refugees through personal interviews with them and with the authorities, the UN and others. In addition, he has analysed laws and regulations in this area.

"The majority of those who flee do not have the resources or the network to travel very far. Many of them are therefore internally displaced persons, i.e. they flee within the borders of their own country."

Kolmannskog says that the 1998 UN Guiding Principles on Internal Displacement apply to these people. However, on occasion the state will not give them protection – for example because of their ethnicity or status. At other times the state lacks resources.

"When Hurricane Katrina struck the US and the evacuation plan involved people driving their own cars, it was especially black Americans and poor people who were affected."

"In this instance, we can talk about a breach of non-discrimination policy, which is a fundamental human right and one of the UN's guiding principles on internal displacement," states Kolmannskog.

But many environmental and climate refugees also feel that they must leave the country they live in.

Including Ahmed.

The story of a climate refugee

Ahmed is one of the many Somali men who lost their job and their income and had to flee because of drought.

He went to a refugee camp in Mogadishu with his family to find help. But no help from the global community arrived, partly because armed groups would not admit international aid organisations. As a result he and thousands of other climate refugees were forced to leave the country.

Ahmed decided to go to Egypt:

"I started in Ethiopia where I met some of the Oromo people. I crossed Ethiopia and Sudan together with them. We travelled through Sudan for three months. I crossed the desert. I suffered. In Egypt the Oromo

people helped me and took me to UNHCR's office in Cairo. I told them how I had lost my family during the drought and about the civil war. Now I've been given a yellow card [as a registered asylum seeker] and I'm waiting."

Such groups of refugees face many challenges, Kolmannskog explains.

"Even those who qualify for formal refugee status encounter a number of challenges in connection with shelter, food safety, health, security, sexual violence, work and freedom of movement."

The opposite conclusion

While most lawyers hold the view that the United Nations Convention relating to the Status of Refugees is not relevant for those who flee as a result of climate catastrophes,

Kolmannskog has a different opinion.

"Even though climate, disasters or the like are not specifically mentioned, it's a fact that human rights violations and persecution – which are explicitly mentioned – are often linked to catastrophes such as drought. The interviews I conducted and my studies from the Horn of Africa support this."

"Human rights legislation can give protection against forced return to the most extreme catastrophe situations," he asserts.

We need new and improved laws

Europe has comprehensive asylum and refugee legislation. At the same time xenophobia and suspicion of immigration is growing.

"Through visa regulations, agreements with transit countries and other measures, European states secure that many people fail to get access to the protection that formally exists there," says Kolmannskog.


According to the researcher it is essential to clarify the needs and rights of climate refugees, and to secure these rights better by directing attention to how laws and regulations are used and abused in practice. His thesis contributes to this.

"We need to use existing laws strategically and to develop new. At the same time we must be aware that formal laws are not the whole answer. To secure effective rights for refugees we must take local contexts into account and a range of non-legal factors," adds Kolmannskog.

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 [Many East African countries were hit hard by drought in 2011. \(Photo: Vikram Kolmannskog\)](#) [9]

 [Hurricane Katrina was one of the five deadliest hurricanes in the history of the United States. \(Photo: Brian Nolan/Microstock\)](#) [10]

 [Internally displaced Somali people squeeze through a narrow gate with food relief delivered by the Algerian government for drought victims, in Hodan district, south of Mogadishu, August, 2011. \(Photo: Feisal Omar/REUTERS\)](#) [11]

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[We are in between, Securing effective rights for persons displaced in the context of climate change and natural hazard-related disasters, Department of Criminology and Sociology of Law, University of Oslo, 2014](#) [15]

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