

Refuge from Climate Change-Related Harm

Evaluating the Scope of International Protection within the Common European Asylum System

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1 Introduction

Natural hazard related disasters are a significant cause of harm worldwide, with floods, droughts and storms affecting more than 92 million people in 2013 alone and more than 1 billion people since 2007.² As global average temperatures rise over the course of this century, the frequency and/or intensity of heavy precipitation events, droughts, tropical cyclone activity, and extreme high sea levels is predicted to increase.³ Indeed, there are indications that climate change is already playing a role in certain extreme weather events,⁴ although climate scientists consider it impossible to directly attribute any specific event to climate change.⁵

In this Chapter I use the term ‘disaster-related harm’ to refer to death, serious injury, disease, mental illness, homelessness, impacts on livelihoods, displacement and other forms of harm that occur within the context of a disaster and the humanitarian emergency that may follow. Where relevant, I also use the term ‘climate change-related harm’ to refer to disaster-related harm that can be linked to climate change and ‘environmentally-related harm’ where environmental factors not necessarily connected to a (climate change-related) disaster are in focus.

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2 The International Disaster Database (EM-DAT database) <<http://www.emdat.be/database>> accessed 6 December 2014. See the EM-DAT glossary for definitions of ‘disaster’ and ‘affected’ <<http://www.emdat.be/glossary/9#lettera>> accessed 6 December 2014.

3 Intergovernmental Panel on Climate Change (IPCC) (Working Group I Contribution to the IPCC Fifth Assessment Report), *Climate Change 2013: The Physical Science Basis* (CUP 2013), 7.

4 Consider, for example, United Kingdom (UK) Met Office, ‘Human Influence on East Africa Drought’ *News Release* (UK Met Office 2013) <<http://www.metoffice.gov.uk/news/releases/archive/2013/east-africa-drought>> accessed 6 December 2014.

5 See for example, World Meteorological Organization (WMO), *The Global Climate 2001–2010: A Decade of Weather Extremes – Summary Report* (WMO 2013).

I adopt the definition of disaster formulated by the United Nations International Strategy for Disaster Reduction (UNISDR):

A serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.⁶

I adopt the definition of humanitarian emergency formulated by Väyrynen: '[...]a profound social crisis in which large numbers of people unequally die and suffer from war, displacement, hunger, and disease owing to human-made and natural disasters'.⁷ However, I refrain from using the term 'natural disaster' because it conceals the critical role of social factors in transforming natural hazards into disasters.⁸

People affected by disasters who remain within the territory of the affected State are, at least in principle, protected by the (non-binding) Guiding Principles on Internal Displacement⁹ and, in some African countries, the 2009 Kampala Convention.¹⁰ These instruments provide a degree of legal and material

6 UNISDR, *UNISDR Terminology on Disaster Risk Reduction* (UNISDR 2009).

7 R. Väyrynen, 'Complex Humanitarian Emergencies: Concepts and Issues' in E. Nafziger, F. Stewart and R. Väyrynen (eds), *War, Hunger and Displacement: Volume 1* (OUP 2000) 43, 49. Väyrynen uses the terms 'humanitarian emergency' and 'humanitarian crisis' interchangeably and I will do the same in this Chapter.

8 For an extensive overview of the social construction of 'natural' disasters, see B. Wisner, P. Blaikie, T. Cannon and I. Davis, *At Risk: Natural Hazards, People's Vulnerability and Disasters* (2nd edn Routledge 2003).

9 Guiding Principles on Internal Displacement, in United Nations Commission on Human Rights, *Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Commission, Human Rights, Mass Exoduses and Displaced Persons, Report of the Representative of the Secretary-General, Mr Francis M. Deng, Submitted Pursuant to Commission Resolution 1997/39*, UN Doc E/CN.4/1998/53/Add.2, 11 February 1998, Addendum. See also The Global Database on the Guiding Principles Website, <<http://www.idpguidingprinciples.org>> accessed 6 December 2014. Although the Guiding Principles themselves are non-binding, countries that adhere to the guiding principles may build protection of displaced populations into national policy or legislation, for example in the Philippines (<<http://www.unhcr.org/5114dd5c9.html>> accessed 6 December 2014) as well as Angola, Burundi, Liberia, Uganda, Peru and Turkey (<<http://www.fmreview.org/FMRpdfs/BrookingsSpecial/03.pdf>> accessed 6 December 2014).

10 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, adopted by the Special Summit of the Union held in Kampala, Uganda, 23 October 2009 (entry into force: 6 December 2012).