

UNITED NATIONS HUMAN RIGHTS COUNCIL

LETTER FROM THE EXECUTIVE BOARD

Hello, Delegates!

As the Executive Board of the United Nations Human Rights Council here at BMUN, we welcome you to the 14th edition of this conference. We encourage diplomacy at its greatest in solving controversial situations. As an inter-governmental body, mediation and negotiation are essential in committee. As the UNHRC, it is our responsibility to protect and promote human rights around the world. Also, we must address important thematic human rights issues such as freedom of association and assembly, freedom of expression, freedom of belief and religion, women's rights, LGBT rights, and the rights of racial and ethnic minorities.

In the last few years, world peace has not been disrupted by countries in dispute, rather, internal uprisings, anti-state actors or proxy wars.

For several years, Palestine and East Jerusalem has been in the news for some outrageous human rights violations that have been caused by multiple factions. The cruelty of the situation went from bad to worse and resulted in a mass refugee crisis in the last year. This adverse situation has been in the spotlight for quite some time now with no concrete solution to the conflict. In the crossfire, innocent men, woman and children have been stripped of their right to life, apart from the numerous other violations inflicted upon them. As the UNHRC, the EB feels the need to quell the rapid rise in the casualties as soon as possible. The committee as a whole is responsible for protecting the rights of these millions.

Another very pressing issue that is coming up but is generally under-addressed is the issue of Climate Refugees. Climate refugees or climate migrants are a subset of environmental migrants who were forced to flee "due to sudden or gradual alterations in the natural environment related to at least one of three impacts of climate change: sea-level rise, extreme weather events, and drought and water scarcity". It is the responsibility of the Council to come to a consensus about how to frame laws around this issue and make sure that the people who are being affected by this issue are protected well and catered to.

This year, the UNHRC has many observer nations. All of them, the EB feels, play a crucial role to enhance debate in committee. Both the agendas require a fair amount of analysis and scrutiny. The Executive Board would like to see every delegate participate avidly in negotiation and legislation, diplomacy being the most important factor.

Delegates, BMUN provides an equal platform for everyone. Leave behind all your inhibitions and seize this opportunity for an experience you will never forget! The Executive Board is looking forward to impeccable negotiation and we look forward to meeting the Delegates of this Council.

Thanking you,

The Executive Board,

United Nations Human Rights Council,

Bangalore Model United Nations 2018.

[Bangalore Model United Nations 2018](#)

[United Nations Human Rights Council](#)

Contact us on : unhrc.bmun18@gmail.com

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INTRODUCTION TO THE UNHRC

The United Nations Human Rights Council (UNHRC) is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly. The Human Rights Council replaced the former United Nations Commission on Human Rights. As the principal United Nations office mandated to promote and protect human rights for all, UNHRC leads global human rights efforts speaks out objectively in the face of human rights violations worldwide. The HRC provides a forum for identifying, highlighting and developing responses to today's human rights challenges, and act as the principal focal point of human rights research, education, public information, and advocacy activities in the United Nations system.

Since Governments have the primary responsibility to protect human rights, the High Commissioner for Human Rights (OHCHR) provides assistance to Governments, such as expertise and technical training in the areas of administration of justice, legislative reform, and electoral process, to help implement international human rights standards on the ground. They also assist other entities with a responsibility to protect human rights to fulfil their obligations and individuals to realize their rights.

Source: <http://www.ohchr.org/EN/AboutUs/Pages/WhatWeDo.aspx#>



AGENDA TO BE DISCUSSED IN COMMITTEE

AGENDA 1 – Ensuring accountability and justice for violations of International Law in the occupied Palestinian Territory, including East Jerusalem

Since the Israeli occupation of the Gaza Strip and West Bank the region has suffered not only to repression but institutionalised discrimination and blatant abuses of human rights. The area has been plagued by killings, forced displacement, abusive detention and other unjustified movement restrictions along scores of rocket attacks in the region. It is of utmost imperative that the international community comes together and hold authorities to obligations made under the international law.

AGENDA 2 – Protecting the rights of Climate Refugees and Displaced Persons

Climate displacement is a growing issue faced by millions of people and its impacts can be felt at the international, regional, national and sub-national level. Climate justice requires us to respect and protect the human rights of people displaced or who face the risk of becoming so in the context of climate change. This includes ensuring that responses to climate change are participatory, transparent and accountable and pay particular attention to the specific needs for protection among women and girls, indigenous peoples, older persons, persons with disabilities, and other persons who may be disproportionately impacted by climate change.

AGENDA 1 – ENSURING ACCOUNTABILITY AND JUSTICE FOR VIOLATIONS OF INTERNATIONAL LAW IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING EAST JERUSALEM

GENERAL BACKGROUND OF THE ISSUE

The Six Day War, taking place on June 5th, 1967, was the third of the Arab-Israeli wars, and Israel's comprehensive victory led to the annexation of the Sinai Peninsula, Gaza Strip, West Bank, Old City of Jerusalem, and the Golan Heights, the political status of which have become a major point of contention in the ongoing Israel- Palestine conflict. This annexation is not recognized by the international community, and the United Nations Security Council has subsequently resolved that all legislative measures and actions taken by the state of Israel to alter the character and status of Jerusalem are null and void (Security Council resolutions 252, 267, 471, 476 and 478).

However, in contradiction to the set forth international laws, Israel has undertaken various methods and measures since 1967 to alter the political character and status of East Jerusalem, not limited to land confiscations, settlement building and construction of physical barriers. Various governmental and municipal policies adopted by the state have adversely impacted the 270,000 Palestinians residing in East Jerusalem, with policies affecting their residency status, their access to education and health services, and their ability to plan and develop their communities. Altogether, these adopted policies have mightily increased the vulnerability of the Palestinian population in East Jerusalem by making them susceptible to numerous Human Rights Violations, hence undermining the Palestinian population in the region.

East Jerusalem has traditionally served as the focus of political, commercial, religious and cultural life for the entire Palestinian population of the occupied Palestinian Territory. Since 1967, various restrictions have been imposed by Israeli Authorities on Palestinians from the remainder of the West Bank and the Gaza Strip from residing within certain regions of East Jerusalem. Non-Jerusalem Palestinians have been compelled by the Israeli authorities to obtain permits just to access the city, including to places of worship during Ramadan and Easter. The number of such permits granted is limited, and access of permit holders into East Jerusalem is restricted to four checkpoints.

Hence, it can be said that there is a formation of a political and institution vacuum in the region, with the Palestinian Authorities being obstructed to act in East Jerusalem by the Oslo Accords, and an increase in the restriction on residency and Israeli inclined policies, resulting in East Jerusalem becoming increasingly separated from the remainder of the occupied Palestinian territory – physically, politically, socially and culturally.

CURRENT SITUATION IN THE REGION

It has been five decades since the War of 1967 and Israel's occupation of the regions of East Jerusalem, Gaza Strip and the West Bank, and can be represented by a currently ongoing undercurrent of violence and inherent abuse and violations of human rights, along with a complete disregard of various international laws and legislation showcased, the residents of the regions bearing the major brunt of the violence.

Following the war of 1967, the Government of Israel unilaterally annexed some 70 sq. km. of the occupied area to Israel, granting the right to reside in East Jerusalem only to the Palestinians who were recorded as living within this expanded municipal boundary. cards. Approximately 14,000 East Jerusalem Palestinians have had their residency revoked since 1967, of which over 4,500 were revoked in 2008. Also, when the state of Israel introduced the Nationality and Entry into Israel Law (Temporary Order), family reunification became virtually impossible. Palestinians in East Jerusalem also face a major drought in housing and basic infrastructural requirements, owing to the fact that currently only 13 percent of the annexed territories in East Jerusalem is zoned by Israeli Authorities for Palestinian construction, a major part of which is already built up. This has forced residents to illegally build structures, at risk of detention and demolition. Also, The Jerusalem Local Outline Plan 2000 ('Master Plan'), instead of solving the current Palestinian housing crisis, in its ambiguity appears designed to preserving a demographic majority of Jewish residents vis-à-vis Palestinians in the city.

In summer 2002, the Israeli Government sanctioned construction of a Barrier, stating that its purpose was to prevent Suicide bombers originating in the West Bank from entering Israel. Such constructions of a Barrier in the greater Jerusalem area is compounding the separation of East Jerusalem from the rest of the West Bank by effectively redrawing the geographical boundaries.

Consequently, few Palestinian communities previously residing in East Jerusalem find themselves on the 'West Bank' side of the Barrier, and residents now need to cross numerous checkpoints to access the health, education and other basic services to which they are entitled as residents of Jerusalem. Conversely, certain West Bank localities are 'dislocated' to the 'Jerusalem' side of the Barrier, resulting in approximately 2,500 Palestinians in 16 communities facing uncertain residency status, impeded access to basic services and potential displacement in the future. The Barrier also detaches rural communities from their agricultural lands in the Jerusalem hinterland, resulting in impeded entree for farmers and a diminution in agricultural production and livelihoods.

Various concerns have been raised about the excessive use of force by Israeli authorities, particularly as casualties have spiked in recent times. Concerns such as the rules of engagement not being compliant with international human rights law, or are not being respected or enforced, are heightened by the dramatic increase in injuries from live ammunition. During the period of 2013/2014, 1,276 Palestinians

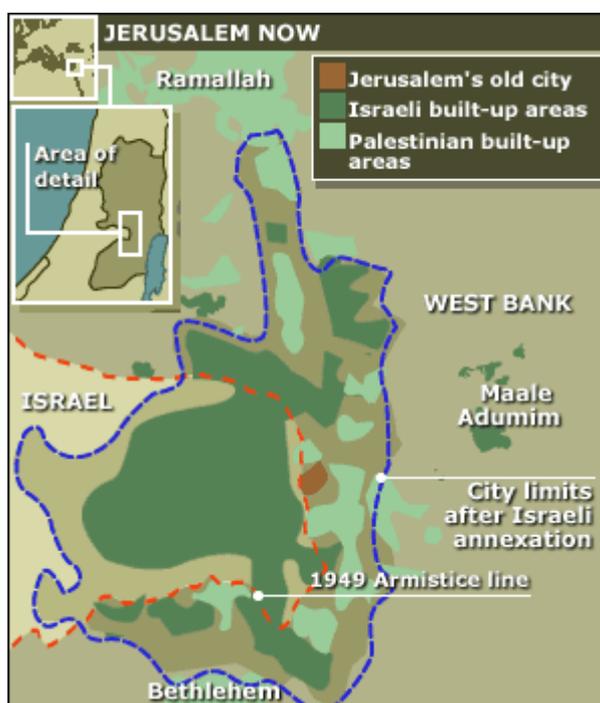
were injured by live ammunition out of 5,799 injured in total, compared with 175 out of a total of 4,884 in the equivalent period for 2012/13. These incidents are both a cause and consequence of the military action and of further human rights violations. They fuel violence and foster distrustfulness and hostility between the Israeli security forces and the Palestinian population they are in the Occupied Territory to protect. In numerous cases monitored by OHCHR, the funeral of someone killed in that manner was followed by

armed clashes between Palestinians and the Israeli security forces in which more people were injured and some sometimes killed, leading to a seemingly endless cycle of violence and tension. Few examples include a series of incidents documented by OHCHR involving injuries from live ammunition, the Palestinian Victims from al-Jalazun refugee camp in the West Bank in September and October 2013, and the case of a 13-year-old boy who was beaten by the Israeli armed forces on 8 September 2014 after attending the funeral of Mohammad Sonnokrot in East Jerusalem.

Violent attacks by Palestinian citizens on Israeli civilians as well as armed forces also continue to occur throughout the city of East Jerusalem. During 2013, the Internal Security Agency of Israel recorded 5 fatalities, which included 3 soldiers, and 44 injured persons, including 29 security personnel, in attacks on Israelis across the West Bank. Violence against Israelis has also been illustrated with the abduction and murder of three Israeli teenagers in June 2014, but also the shooting of a 46-year-old man near Idhna, in the southern West Bank and an alleged car attack on a light rail station in Jerusalem on 22 October 2014 which resulted in the death of one Israeli infant and an Ecuadorian woman.

The fact that the Israeli authorities and the Israeli security forces, as well as relevant Palestinian authorities and Palestinian armed groups, are never held to account for violations undermines the protective force of international law. The resulting enmity and lack of trust drive violence in the regions, and hence this issue must be addressed with extreme urgency.

The seven-year political split between the Hamas and Fatah, which began with serious intra-Palestinian violence in 2007, has contributed to serious human rights violations and abuses and the lack of accountability in the Occupied Palestinian Territory, with special reference to East Jerusalem. Palestinian division is not only a key driver of intra-Palestinian conflict and human rights violations and abuses; it also makes peace harder to achieve.



CASE STUDY: CHILD ABUSE IN PALESTINE AND EAST JERUSALEM

Rapidly devolving living conditions in the Gaza Strip have put in jeopardy the most basic human rights, as children became collateral damage in an internal Palestinian political standoff. Israeli forces' continual misuse of crowd control weapons caused critical and permanent injuries to some children while others endured ill-treatment amid exorbitantly high rates of military detention. Accordant to Defence for Children International - Palestine documentation Israeli forces killed 14 children in the Occupied Palestinian Territory (OPT) during 2017. Israeli forces habitually engage the use of excessive force and intentional lethal force in situations not justified by international norms, which in some cases may amount to extrajudicial or willful killings. International law requires that intentional lethal force is used exclusively when absolutely unavoidable where there is a threat to life or serious injury. Where individuals allegedly carry out a criminal act, they should be apprehended in Conformity with international law and provided due process of law. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported at least 961 child injuries caused by Israeli forces in 2017. Accountability is extremely rare in cases where Israeli forces are suspected of committing crimes against Palestinian children.

Israeli rights group Yesh Din reported that of 186 internal investigations into Israeli soldiers accused of harming Palestinians in 2015, only 3.1 percent of cases led to an indictment. Between February and November, an average of 310 Palestinian children was in the Israeli prison house system every month for "security offences," according to Israel Prison Service (IPS) data. Among them were an average of 60 children between the ages of 12 and 15. The IPS does not release the yearly total number of imprisoned Palestinian children and has stopped systematically releasing monthly data since May 2016. "When I arrived at the checkpoint, I remember my face bleeding, mostly my lips because of the beating. They took me to a room, knocked me down to the floor and began kicking me all over my body," said 16-year-old Fawzi J., detained in the southern West Bank city of Hebron in a sworn testimony. 74.5 percent of children arrested endured some form of physical violence following the arrest and 62 percent were verbally abused, intimidated, or humiliated. International juvenile justice standards, which Israel has obliged itself to follow and implement by ratifying the UN Convention on the Rights of the Child (CRC) in 1991, demand that children should not be deprived of their freedom unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the briefest appropriate period of time.

The DCIP investigation into child detentions by Palestinian security forces showed they carried out discretionary arbitrary detentions through a non-transparent process rife with rights violations, including the use of solitary confinement and torture. DCIP obtained information on 16 West Bank children arbitrarily confined by Palestinian security services other than the police in 2017, all except four at the hands of the Palestinian Preventive Security Service. The Palestinian Authority is legally obligated to abide by the Convention on the Rights of the Child, which it ratified in 2014, and the Palestinian juvenile protection law adopted in 2016. While signing these safeguards indicated progress in the Palestinian Authority's treatment of children, violations documented by DCIP in 2017 indicate gaps in completely aligning domestic juvenile legal framework and its implementation with international standards.

The juvenile protection law was only implemented in the West Bank due to the political division between the Hamas-led government in the Gaza Strip and the Palestinian Authority. Accordingly, Gazan children remain subject to the outdated British Juvenile Offenders Ordinance of 1938. Based on six cases documented in 2017, three children endured torture during police interrogations. A fourth child was reportedly physically abused by police station guards and adult prisoners with whom he was forced to share a cell, prompting the boy's suicide attempt and resulting death on September 22.



The image represents the current situation in the aforementioned countries

CASE STUDY: HEALTH RELATED ISSUES IN THE REGION

Asmaa al-Bahnasawi is a 45-year old cancer patient who has been unable to have chemotherapy sessions in the regions of Israel and Occupied Palestine. She is diagnosed with breast cancer, and like more than 8,200 cancer patients, has been denied treatment until further notice because of a scarcity of chemotherapy drugs.

Health officials in Palestine announced the al-Rantisi hospital was no longer able to provide patients with chemotherapy sessions, citing medication shortages as the reason. The 80 percent deficit places many thousands of patients at risk of deteriorating conditions, and according to the department's spokesperson, Ashraf al- Qudra, there are about 6,100 elderly tumour patients and 460 children who receive medical care at the al-Rantisi hospital. Another 1,700 patients with advanced tumours; are being treated at the European Hospital in the southern region of Khan Younis. The situation has been exacerbated since Israel cut off the supply of necessary commodities last month by partially sealing off the Karem Abu Salem commercial border crossing with the Gaza Strip. Chemotherapy drugs have been prohibited from entering the region, along with other medical equipment essential to perform radiotherapy, molecular therapy, PET scans and isotope scans.

Many who try to leave the region in search of treatment are frequently denied medical permits by Israel and neighbouring Egypt. East Jerusalem, as well as Gaza, has been under an Israeli and Egyptian blockade since 2007, the Erez checkpoint is the main exit for the two million residents of the region, connecting them to medical care in certain areas of Israel and neighbouring nations. Over the years, Israel has placed hindrances in the way of those seeking medical permits, which facilitate the movement of the ill. For instance, child patients must have a guardian who is over 50 years old in order to travel for such a cause.

Along with this, The Augusta Victoria hospital, which is owned and operated by the Lutheran World Federation, may face closure due to unpaid debts of an estimated 180 Million shekels from the Palestinian Authority (PA) that administers the occupied West Bank. It was the key provider of treatment of cancer patients for Palestinians in the occupied territories of the West Bank and Gaza Strip and is no longer accepting new patients due to the overarching financial burden. The hospital is the only one in the Palestinian territories that Israel has permitted to provide radiation therapy for cancer patients since Israel has long banned the presence of any radioactive material in the occupied territories. It is also the only hospital offering specialised paediatric kidney dialysis treatment for patients from the occupied territories.

Hence, with severe restrictions on access to basic services, the regions of East Jerusalem and Gaza has been dubbed the world's largest open-air prison

PARTIES TO THE CONFLICT

ISRAELI PARTIES

Ehud Barak - Israeli Prime Minister Ehud "Brug" Barak is Israel's most highly decorated soldier, which makes him seem an unlikely leader of the left-wing Labour Party. But Barak sees himself as a moderate, and in his campaign for prime minister he has sought to balance the Labour platform by running under a new banner: One Israel.

Likud Party - Currently holds 19 seats in the Knesset, Israel's governmental body. Likud is the mainstream conservative party in Israel, often accusing the Labour Party of giving up too much to the Palestinians in peace negotiations.

Labour Party -- Is currently the majority party in the Knesset. Labour is seen as the liberal mainstream party of Israel and has generally taken a softer approach in relations with Palestinians. Former Israeli Prime Ministers Peres and Yitzhak Rabin led this party.

PALESTINIAN PARTIES

Yasser Arafat - leader of the Palestine Liberation Organization and Palestinian Authority president. Arafat co-founded the moderate Fatah Palestinian group in 1956 and became PLO leader in 1969. In January, he overwhelmingly won the Palestinian Authority presidency in the Palestinians' first elections. Recently, Arafat has been criticized by Israel and others for a lack of control over extremist Palestinians such as Hamas. Arafat has vowed to crack down and repeatedly has expressed sorrow over the latest Hamas terrorist acts.

Palestine Liberation Organization - the umbrella representative group of Palestinians. The PLO, which has eight factions, was established in 1964 by the Arab League to press for a Palestinian homeland. Arafat leads the largest group, the moderate Fatah. Long deemed a "terrorist organization" by Israel, the PLO recognized Israel in 1990, and in 1993, the two sides forged a peace agreement.

Palestinian Authority -- the Palestinian governing body. The ruling body of Palestinians in the occupied territories was created under the 1993 peace agreement signed by Yitzhak Rabin and Yasser Arafat, which

provided for the gradual withdrawal of Israeli troops from the Gaza Strip and West Bank. Arafat is president of the Palestinian Authority. Its legislative body, the Palestinian Council, was elected in January in the Palestinians' first elections.

Hamas -a grass-roots Palestinian organization that is the most significant activist group in the West Bank and Gaza Strip. Hamas is known among Palestinians in those areas for humanitarian actions such as building schools, hospitals and helping the community in social and religious ways. The military wing of Hamas, Izzedine al Qassam, carries out military and terrorist operations. Hamas means "zeal" and also is an acronym for Arabic words meaning "Movement of Islamic Resistance." Hamas was founded in late 1987 at the beginning of the intifada or "uprising," the largely nonviolent Palestinian protest against the Israeli occupation under which many Palestinians were forced to live. In 1988, Hamas published a statement asserting that since Israel wanted the destruction of Islam, working against Israel was a religious duty.

KEY INTERNATIONAL AND SUPERNATIONAL PLAYERS AND THEIR VIEW ON THE ISSUE

1. **Syria:** The Syrian Uprising was a key regional development affecting the foreign alliance of the Hamas. The Hamas Leadership had close relations with Iran and Syria through its headquarters in Damascus. It can also be noted that relations between Hamas and the Syrian government completely collapsed after Hamas registered opposition to the crackdown on dissent by President Bashar al-Assad's regime. As a result, Hamas was forced to abandon its Damascus headquarters and its members scattered throughout the Arab world.
2. **Iran** -- An ally of the Dictatorial regime in Syria, also has been a key supporter of Hamas for a long time. Iranian President Mahmud Ahmadinejad called Hamas the true representative of the Palestinian people back in 2010. This angered the rival Palestinian faction Fatah, which accused Iran of trying to divide the Palestinian people and encourage strife. Meanwhile, Palestinian President Abbas said before the Arab Spring began that Hamas was being funded mainly by Iran.
3. **Arab League:** led by Secretary-General Nabil al-Arabi, the Arab League has backed Egypt's efforts to establish a truce between Israel and Hamas. The Secretary-General also has condemned "Israel's aggression" against Palestinians and pledged to "confront this aggression and break the siege," bringing an end to an Israeli economic blockade imposed on Gaza since 2007.

4. **United Nations Security Council:** The United Nations Security Council has called for a halt to violence between Hamas and Israel but has taken no action to date. The former UN Secretary-General Ban Ki-moon had issued statements expressing concern about "the worrisome escalation of violence in southern Israel and Gaza and the need to prevent any further deterioration." He also has had talks about the violence with Israeli Prime Minister Netanyahu and the Egyptian President.
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QUESTIONS A RESOLUTION MUST ANSWER

1. **To what extent should the UNHRC intervene in Palestine and East Jerusalem?**
 2. **How to ensure that human rights are assured to people in the area?**
 3. **What steps can be taken to ensure that all perpetrators of crimes that caused the violations of rights are brought to justice?**
 4. **What steps need to be taken by the international community to ensure that necessary action is taken in order to ensure justice to the inhabitants of the region throughout the conflict?**
 5. **How to source funds to tackle this crisis and monitor its usage?**
 6. **How to get all the factions that took place in conflict fall within the International Legal Framework?**
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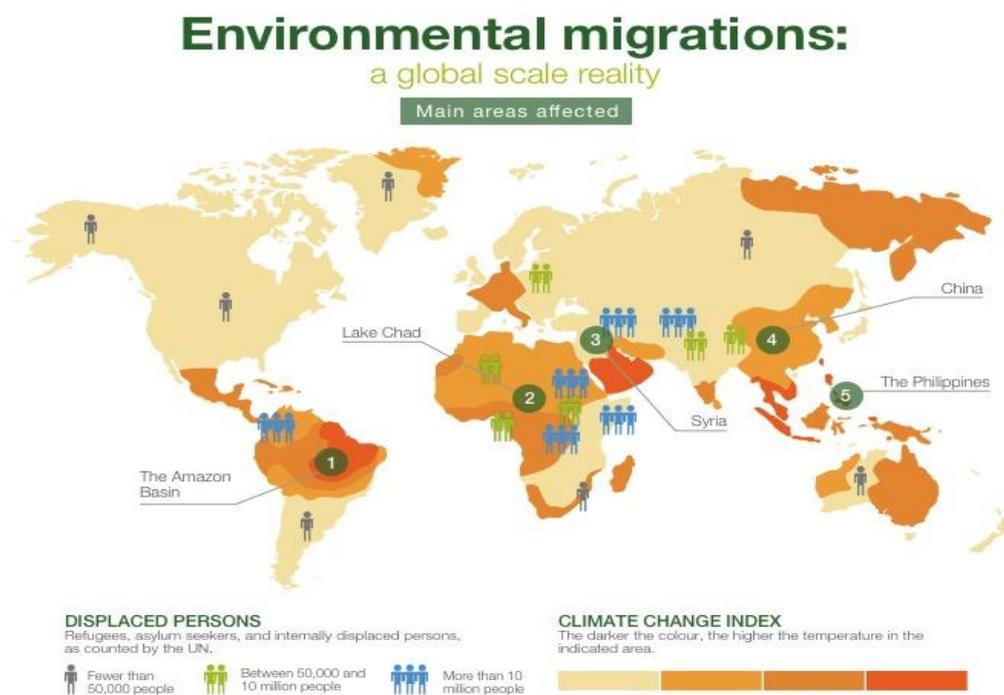
AGENDA 2 – PROTECTING THE RIGHTS OF CLIMATE REFUGEES AND DISPLACED PERSONS

GENERAL BACKGROUND OF THE ISSUE

Climate change has proven itself a key factor in forced displacement throughout the world. These vulnerable communities remain without a voice in the international community and it is of exceeding importance that protection is given to these refugees as none is given under existing international law. Over 21.5 million refugees have suffered due to extreme weather conditions in the last eight years especially those under poverty and we face over 720 million more at risk of falling back into poverty.

Our climate is changing at a rate that has exceeded most scientific forecasts and affecting lives around the world. This changing climate has affected the world's population at large and caused people to flee their homes when it is extremely difficult to tackle such climatic changes. These climate refugees who flee their homes in hope to find a safer place to survive are not provided with any help or support. About 140 million people have been displaced from their homes because of natural disasters linked to climate change. And the number of climate refugees could reach 300 million in the next few decades.

Drought, floods, fires and extreme temperatures can leave entire communities and cities without shelter, clean water and basic supplies. On the other hand, it is also becoming difficult to determine whether people are fleeing their home because of an environmental disaster, lack of work or the established, long-term impacts of climate issues like drought or rising sea levels as terms like 'climate refugees' are still not legally classified. Looking at the vast problems of nature and how man always has to face brunt solving the crisis of climate refugees is the need of the hour.



CURRENT LAWS REGARDING CLIMATE REFUGEES AND DISPLACED PERSONS

Climate refugees are people who have been forcefully displaced not only from them but communities at large due to the exceedingly adverse effects of climate change and global warming. For this reason, climate refugees are often not granted protection under the existing international framework defined in the 1951 Refugee Convention as among other things as a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

This status thus applies generally in scenarios in which a government is shown to be an agent of targeted persecution. This is an increasingly worrying problem with over 41 people displaced every minute today and according to the Secretary General's 2012 report to the UN General Assembly on Human Rights and Migration, 250 million people may be displaced by climate change by the year 2050. This represents nearly four times the number of displaced persons and refugees currently eligible for protection under the UNHCR mandate.

The UN Intergovernmental Panel on Climate Change (IPCC)

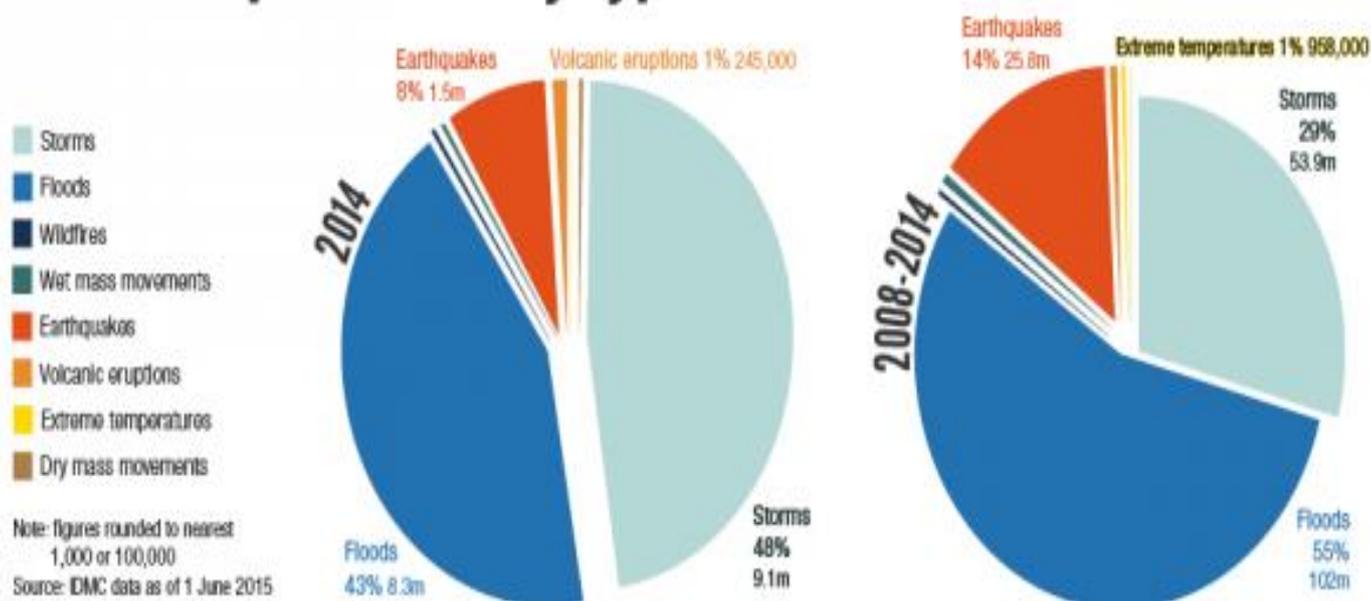
The Intergovernmental Panel on Climate Change (IPCC) was set up by the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) with the mandate of providing further scientific data which is why in the year 2013 more clarity was provided about human-generated climate change than ever before. It was firmly categorical in its conclusion that not only is climate change real but human activities are its main cause.

In Paris, on 12 December 2015, Parties to the UNFCCC (United Nations Framework Convention on Climate Change) reached a historic agreement for the actions and investments needed to ensure sustainable low carbon future. The Paris Agreement brings nations to set ambitious targets to ensure efforts to combat climate change and adapt to its effects, with enhanced support to assist developing countries to do so. As such, it charts a new course in the global climate effort. The central objective of the Paris Convention is to strengthen the global response to the threat of climate change by keeping a global temperature increase this century well below 2 degrees Celsius above pre-industrial levels and by making efforts to further limit the rise in temperature to 1.5 degrees Celsius.

The agreement also aims to strengthen countries; capacity to tackle the effects of climate change. To achieve these ambitious goals, adequate financial flows, a new technological framework and an improved framework for capacity building will be created to support the actions of developing countries and the most vulnerable countries in line with their own national goals. The agreement also provides for improved transparency of measures and support through a more solid framework of transparency.

The Paris Agreement does not, however, address the legal status of refugees or mandate their protection and assistance. Notwithstanding, it does mention migrants in the Preamble, and it calls for a task force to "develop recommendations for integrated approaches to avert, minimise and address displacement related to the adverse impacts of climate change."

Global displacement by type of hazard



CASE STUDY: THE CRISIS IN BURUNDI

Source: Research Paper 180, UNHCR – Policy Development and Evaluation Service

Burundi has recently come out of a civil war and is among the poorest countries in the world. The small, landlocked country already struggles with a high population density, land scarcity and deforestation. In a country where 94 percent of the working population is employed in the agricultural sector, many as subsistence farmers with rain-fed farms, this has devastating effects. Accelerating global climate change comes on top of these challenges. The trend of higher mean temperatures, a longer dry season and heavier and more concentrated rains is only set to increase with further climate change.⁴⁶ To survive the latest drought in 2008 in the northern province of Kirundo, many people had to sell what little they had, making them even more vulnerable to the next drought.

The most marginalized and vulnerable sections of society, such as single women, may not have the resources to move and may actually be forced to stay during a disaster.⁴⁷ As one widowed mother said, —If a drought or flood comes, we will suffer. We have to stay; we have nowhere else to go.

Although there was no survey or systematic monitoring of people moving away (or subsequent returns), it was also clear that some people left Kirundo in search of another livelihood. Burundi 's National Adaptation Programme of Action mentions human mobility as a historical adaptation to drought and food insecurity.

Droughts and environmental degradation can also exacerbate land conflicts, and Burundi is a country with a high proliferation of small arms.⁵⁰ Every month you hear about people, even brothers, killing each other over land in Burundi, and many murders probably go unreported. One refugee who recently returned home noted, —My family had sold much of the land to survive the drought, and when I came back, my brothers were not happy. They were afraid I would claim my part of what little was left of the land. I still have not claimed it. According to some NGO staff, —The next crisis in Burundi will be over land. The violent conflict could also lead to new displacement.

Protection through refugee law and regional migration law

During the droughts in Kirundo, many people move across the border to neighbouring Rwanda rather than internally in Burundi. Interviewees considered that most cross-border movement is probably illegal, but the fact that people are ethnically and linguistically the same along the borders facilitates the movement.

During the 2004 drought, many people went to Rwanda. According to UNHCR staff, the agency made an effort to consider them within a political context – there was a certain fear that the 2005 elections would trigger persecution based on ethnicity – and the displaced themselves naturally also recounted the accepted political narrative to UNHCR

and Rwandan authorities.⁵⁷ Thus, they fell within the traditional mandate of UNHCR and the 1951 Convention refugee definition. In the words of one interviewee, today, some people move to Uganda and work or seek protection as refugees in a camp: —Normally, people have many reasons to leave; those who leave mainly because of hunger will give another reason that is accepted by those who provide protection.

58 Displaced persons interviewed as part of this research, gave both environmental and political reasons for having left Kirundo. Some people who leave during a drought may therefore legitimately be considered 1951 Convention refugees, but many fall outside of legal definitions and protection frameworks. The free movement of people and goods now being discussed in the East-African Community, which Burundi is part of, could help address the challenge of climate change, drought and pressure on land, and encourage development through remittances and new skills. UNHCR is currently working with the government to address challenges in the process of legal cross-border movements outside the 1951 Convention.

While people who move may receive more attention and protection if labelled displaced, the case of Burundi clearly also highlights the need to increase focus on development and the facilitation of movement for people so they can choose more or less free to move before they are more or less forced to move.

Longer-term development and climate change adaptation

Large parts of Africa, including Burundi, is still first and foremost facing —economic rather than —physical water scarcity — that is, human, institutional, and financial capital limit access to water even though the water in nature is available locally to meet human demands.⁵⁹ The role of governance is illustrated by the fact that while the climate is not so different in Rwanda, the twin neighbour, having consolidated peace and come further in terms of development, did not experience similar devastation.

A lot could have been done to prevent or at least reduce the effects of the 2008 drought in Kirundo, such as better management of water and irrigation. After the many disasters followed by emergency relief in Kirundo, natural coping capacities and practices of local people have also changed. Some people have a mentality of aid dependency. In the words of a senior international humanitarian agency staff, —People need help to adjust, not just to survive through a drought to face yet another one a few years later. Many donors want to help, but we think long-term action is needed, not more emergency aid.

Burundi has some laws and policies to prevent environmental degradation and ensure sustainable development, but, as a senior government staff said, — The main challenge is that the country has just come out of a crisis, so everything is a priority, and the environment is seen as a break on development by investors and others.

The National Adaptation Programme of Action identifies priority options of adaptation and project proposals, such as reforestation, promotion of energy/wood-saving techniques, setting up erosion control mechanisms, popularizing rainwater harvesting techniques and popularizing short cycle and dryness-resistant food crops. There is also a need to create and encourage other livelihoods than farming.

Burundi is among the least urbanized countries in Africa. The government offers settlement in —peace villages to returning refugees who have no land or do not remember where it is because their families fled so long ago. The case of Burundi challenges us to think differently about disasters and development. Getting donors and national governments to spend money on preventing potential future disasters is difficult, however.

QUESTIONS A RESOLUTION MUST ANSWER

1. **What steps must be taken to legally classify and define the term “Climate Refugees”?**
2. **What steps can be taken by the international community to implement displacement related strategies?**
3. **How can the international community tackle the lack of legal protection provided to climate refugees and displaced persons?**
4. **How can UNHRC along with the world community within its capacity and mandate tackle the causes leading to climate refugees?**
5. **How can the UNHRC effectively support and honour international agreements to ensure safe cross-border migration in the context of climate change and environmental degradation?**
6. **What steps must the international community take to prevent environmental degradation that leads to displacement of the population and build sustainable aid programs?**
7. **What steps must be taken to protect the human rights of the current populations displaced by climate change and disasters?**
8. **What challenges remain in addressing climate and disaster-induced displacement?**