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

This project looks at inherent difficulties in 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. Evolving international forced migration norms, which are developing as these concepts and identification problems develop are considered. The question of the allocation of responsibility is 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 discussion, and the practices of actors will be evaluated against this theory. In particular, norms and practices of the Office of the United Nations High Commissioner for Refugees (UNHCR) will be utilised.

Forced migration and climate change: conceptual issues

Reactions to forced migration due to climate change vary, depending on the lens through which it is viewed. McAdam (2012:212) identifies six lenses; "a protection issue, a migration issue, a disaster issue, an environmental issue, a security issue, or a development issue". Identification of the issue as a protection issue is likely to invoke responses which are 'refugee-like' in nature, including focuses on human rights deprivations. A migration focus characterises movement as voluntary, not invoking refugee discourses. Viewing it as a disaster issue necessitates humanitarian responses and temporary solutions. Within environmental discourses, forced migration is often used as political imagery, whereas the security lens focuses on negative implications for states. Finally, in the development lens, foreign aid is seen as a tool to fund adaptation (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 category, with lines often blurred. Terminology from different areas is often used in other contexts, with human rights terminology in particular employed by those using both the security and development lenses to justify policy.

Within discussions of climate change related forced migration more broadly, opinion is divided into two main camps: an alarmist approach emphasising a causal relationship between climate change and displacement (El-Hinnawi 1985; Jacobson 1988; Myers 1993; Myers 1995; Bates 2002), and a sceptical approach disputing the existence of single-causality (Black 1998; Wood 2001; Castles 2002). The central calls of alarmists is for the development of new policy instruments to protect those displaced by climate change (Gemenne 2001:227), and this perspective is often 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 its destructiveness.

There are also disagreements about language surrounding forced migration and climate change. Findlay and Geddes (2011) use bibliometric data to chart an increase in the use of the term 'environmental refugee' in academic journals since the 1980s, despite its frequent

criticism. However, the term was infrequently used in the titles for articles or as a keyword, leading to the conclusion that the term is used, it remains ambiguous. Diffusion of the term is not based on in-depth understanding of forced migration.

The problem is twofold: firstly there is lack of agreement concerning which terms to use and secondly there are no accepted definitions for terms which have made it into general parlance. White (2011:20) has described the area as climate-induced migration, including categories of people such as 'environmental refugees' and 'climate migrants', highlighting that the term 'climigration' has even been used. Unpacking the concepts reveals that different labels lead to different methodologies and normative orientations.

Findlay and Geddes (2011:138) 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 (1) these terms elevate the issue of environmental change to position of more importance than other drivers of forced migration; (2) seeing forced migration as failure to adapt is simplistic; (3) the opinion that moving is an option for all populations 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.

Aside from research gaps, the problems fall into two main categories: Firstly, these terms ignore the fact that climate change is just one of a range of issues driving forced migration. Secondly, the terms hide the fact that there are a broad range of forced migration patterns, which may require different responses and labels.

Piguet, Pécoud and de Guchteneire (2011:13) note the plurality of factors that shape migration, in particular the "mediating functions of social factors", because those who have access to resources are more likely to be able to adapt to the challenges of climate change. This is a view echoed by McAdam (2011:5) who states that climate change is normally one of a number of factors triggering forced migration because climate change "acts as a threat multiplier, which magnifies existing vulnerabilities".

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 (2011:25) has established a typology of environmental refugees. 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. 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 in the other categories, and indeed there is often a degree of intention to movement. However, White (2011) recognises that there are different degrees of compulsion to move within this category and has identified three sub-categories: (1) voluntary, environmentally motivated migrants; (2) compelled, environmentally forced migrants; and (3) forced, environmental refugees. The practical use of having these categories is not clear, other than emphasising that different policy responses may be required. 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.

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

Legally, the status of those who have been displaced for environmental reasons 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 of refugee status (Refugee Convention 1951: Article 1A(2)). The element of persecution does not fit the model of forced migration due to climate change, as it is a global and non-discriminating phenomenon. The requirement of crossing international borders is also problematic, as the majority who are displaced in this manner are displaced internally, and therefore fall into the category of Internally Displaced Persons (IDPs).

Although there is no legally-binding framework to protect IDPs apart from in Africa, the Guiding Principles on Internal Displacement set out principles for the protection of IDPs and defines the term. The definition is immediately more relevant, as "natural or human-made disasters" are recognised as leading to movement (UNHCR 2004:1). However, the non-legally binding nature of this document means it has limited applicability.

A further debate is between 'environmental' or 'climate' related forced migration, and indeed often the terms appear to be used interchangeably. 'Environmental' is viewed as more neutral, as it focuses on the impacts rather than the process of environmental degradation and does not become entangled in discussions about the validity of climate change. It also ensures that causality does not have to be drawn between individual events and climate change, which is difficult to achieve. However, this is vague and could be politically less useful when addressing climate change issues.

This paper favours the term 'climate change' as it draws focus onto harmful practices. Although some events may 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 the 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.

Actors, agency, authority and evolution of norms

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 more established norms are easy to identify, due to their legal codification, emerging norms which have not yet gained full acceptance are more difficult to identify.

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. Secondly, forced migration politics operates within the state system. This can be seen by the 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 lack of it) is defined by the fact that they have not left their state of origin. Thirdly, International Organisations (IOs) are central, with UNHCR in particular having an explicit legal mandate to protect and assist refugees and other persons of concern. Finally, Non-Governmental Organisations (NGOs) also operate in this area, although they often take their cue from IOs, using 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. However, as an IO this high stature is unusual. Various other UN and non-UN actors are also players in the forced migration regime, with both formal and inform inter-agency initiatives appearing since the beginning of the millennium (Benz & Hasenclever 2011:191). The Global Migration Group (GMG) brings together sixteen actors, including agencies such as UNHCR, the International Organisation for Migration (IOM) the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP), 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 expertise 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).

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 do and therefore analyses of actors must include a focus on identifing reflection, learning and transformative power. 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.

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 so closely tied to the notion of state sovereignty. According to Barnett and Finnemore (2004) there are four types of authority which IOs can yield: rational-legal authority, based on the rules they operate by; deferred authority from states; moral authority, drawing on a sense of 'moral duty'; and expert authority, with the IO establishing itself as a centre of expert knowledge. Many prominent actors in the forced migration regime are IOs which wield combinations of types of authority, with 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 authority and in particular increasing their expert knowledge base.

Norms

A norm, as defined by Finnemore and Sikkink (1998:891), is "a standard of appropriate behavior for actors with a given identity". 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).

Due to the authority IOs possess, they are able to shape rules and norms applicable to their given area. Indeed, many IOs see it as part of their mission to diffuse their internal norms. Barnett and Finnemore (2004:31) 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". Classification systems are important not just for how IOs relate 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.

Although this is a useful classification, it does not explain how new norms come into being. To explain this, Finnemore and Sikkink (1998) utilise 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. In the first phase of this model, the 'norm entrepreneur' is the most important actor, trying to convince others to adopt the new norms and remains important in the second stage alongside other 'norm leaders'. 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).

A challenge facing the forced migration regime is conflicting norms (Weiner 1998). Whilst the refugee regime, a sub-set of the forced migration regime, has 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. Norms are developing around genocide and crimes against humanity, especially since the inception of the International Criminal Court (ICC), with 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 practice: although norms may not always be adhered to, 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, then it stands. 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.

UNHCR as a Norm Entrepreneur

UNHCR is the most prominent non-state actor operating in the forced migration regime. It possesses significant agency and various types of authority. Due to its specialised knowledge of the field, states often defer to the Office on refugee and asylum matters (Loescher 2001:5). Although this authority developed later in UNHCR's life, it was also bestowed with deferred authority from the outset, due to its official mandate.

Stemming from this authority, UNHCR had both constitutive and regulative control over forced migration matters, defining the category of refugees and regulating how states behaved in relation to them (Barnett & Finnemore 2004:74). UNHCR successfully built on its originally strict mandate to expand its operations. This authority allowed UNHCR to operate as a norm entrepreneur, acting as "a transmitter and monitor of refugee norms" (Loescher 2001:5).

Whilst UNHCR has been identified as a prominent norm entrepreneur (although by no means the only one active in this area), it is also important to recognise the norms and actors which it comes up against. Despite being constituted by states and funded almost exclusively by state funding, UNHCR often promotes norms contrary to 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. This preoccupation on the part of states has often been utilised by UNHCR in its favour, using them to argue why positive action for forced migrants is in the interests of states. By utilising a security discourse, UNHCR has been able to win favour for policies which would otherwise have been overlooked.

The second challenge with the mandate of UNHCR is that it was designed to deal with situations of the past, rather than being designed to evolve as challenges in the international community change. In this way, UNHCR is 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. Patterns of displacement have changed substantially since the Refugee Convention, leaving an institutional gap for those who do not fit its definition.

UNHCR and Climate Change

This analysis utilises primary data gathered from an interview with a high-ranking member of UNHCR staff and analysis of documents gathered via the 'Refworld' website. 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 respectively (UNHCR 2012d). Press releases and news stories including the phrase "climate change", accessible via the UNHCR website, were also included. This comprised 10 documents: 4 press releases and 6 news stories.

This is 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. In addition, the high number of speeches, statements and press releases made by UNHCR could be an indicator that UNHCR is actively working to diffuse its norms. The content of these documents are analysed to ascertain most basically whether the documents have a consistent approach to forced migration linked to climate change, and furthermore what this approach constitutes.

Three central findings come to the forefront. 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.

In the speeches and statements analysed, the same phrases are used frequently when discussing the issue of climate change. In three 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, also recognises the importance of climate change, identifying it as "the quintessential global challenge of this century", also connected to "accelerating other global trends, such as urbanization, water scarcity and food and energy insecurity" (UNHCR 2011c). As well as recognising climate change as a driver of forced migration in the future, Erika Feller recognises that "the drivers are even now starting to emerge" (UNHCR 2011d:7).

These findings are confirmed in the expert interview, with the need for protection being recognised by José Riera (Senior Adviser to the Director, Division of International Protection) who stated 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" (Riera 2012).

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. Increasingly forced migration drivers are being viewed in connection with each other. In the words of António Guterres, "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" (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 (UNHCR 2011b:5).

This complexity of drivers mean that there will often be no single driver of forced migration, with different drivers interacting and combining. This opinion came to the forefront in the interview, with José Riera stating 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). It is perhaps useful to return to the conceptualisation 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, there will be a tipping point which, when it is reached, lead people to move. This is in contrast to sudden-onset disasters which tend to lead to immediate movement. 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 displacement is often viewed as migration, disregarding the element of compulsion which is undoubtedly present. Environmental factors can "exacerbate [existing] vulnerabilities to the point where flight becomes more feasible than stay" (UNHCR 2011a:8). However, it is also important to contextualise every case of displacement, not just to the wider context of the situation, or to a geographical context, but to the personal context, as tipping points will vary from person to person.

The increasing activity of UNHCR in this area has led to accusations that they are 'refugeeizing' the area. However, UNHCR recognise that their involvement in this area is a change of their mandate, but at the same time inherently connected to their core work (UNHCR 2010b:2). 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 populations already within their protection are being increasingly affected by climate change.

Somalia: a case study

Forced migration scenarios are not new for Somalia. An intermittent conflict since 1988, lack of a fully-functioning central government since 1991 and lawless behaviour (Menkhaus 2004) mean that neighbouring countries are accustomed to the fact that they play host to Somali refugees. Somali refugees are now among the largest refugee populations in the world (Moret, Baglioni & Efionayi-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). The ongoing conflict, which is largely located in the central and southern regions of the country, leads UNHCR to consider Somalis from these regions "are refugees, wherever they are and whatever their means of travel" (UNHCR 2010b:3). Famine remains central to concerns about Somalia, featuring top of UNHCR's list of concerns for Somalia (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% as settled farmers (Business Source Premier 2012). Combined with 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 (Markakis 1994:218). Another change impacting nomadic pastoralists is constraints on mobility. Whether imposed by conflict or by state borders, regional boundaries and cultivated areas, these constraints limit the ability of

populations which traditionally utilised movement as a strategy to survive. 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 due to constraints on their movement rendering their traditional strategies no longer viable.

It is important to consider the trajectories of those leaving Somalia, to help indicate where on the continuum of displacement individuals fall. The majority of Somali refugees are displaced to neighbouring countries. Many also have no plans for further secondary movement or 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 to prevent integration.

Drivers of forced migration in Somalia

The elements of conflict and famine are clearly both present, but the extent to which each contributes to movement is less clear. Refugees' testimonies frequently link the two, but also identify environmental factors, specifically drought, as the tipping point necessitating 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).

"*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).

Testimonial evidence is backed up by academic work, which emphasises links between reduced rainfall and conflict in Africa in general, and Eastern Africa specifically. Raleigh and Kniveton (2012:61) identify rainfall variability as a driver of conflict frequencies. They note that there is a certain prerequisite of general economic and political instability needed for these scenarios to play out.

These findings make it 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 be fuelled by environmental factors. This disturbs causal relationships and forces a reassessment of drivers. As the testimonies highlight, severe drought was already endangering the subsistence of many Somalis, with conflict making recovery impossible. Alternatively, conflict was already making life challenging, but drought compounded these problems.

The situation of many displaced Somalis underscores the importance of legal recognition for forced migrants. Many countries, including some of Somalia's neighbours, use lack of legal recognition as a reason to return forced migrants. This links directly back to identifying drivers of forced migration, as those who have been displaced because of environmental reasons are not afforded legal protections.

The (potential) role of international actors: The international human rights regime

Human rights actors are increasingly making links between human rights, forced migration and climate change. An analysis of 'Refworld' documents containing the search term "climate change" from the OHCHR and the Human Rights Council show that these links are increasingly being made explicit. The breakdown of documents from the Human Rights Council highlights the expertise of the Council in country reporting, as the majority of documents published by the Human Rights Council, 78 of a total 160, are country reports.

Human rights language is frequently seen to have a certain level of legitimacy which is much sought after in other areas. Therefore, many moral claims are articulated in human rights terms, to benefit from the legitimacy the 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 practical perspective, there are clear overlaps between human rights violations and climate change. However, it should also be recognised that the two areas are not "straightforwardly compatible" (Woods 2010:128). Three particular problems come to the forefront: (1) human rights do not explicitly recognise the ecological embeddedness of human beings; (2) human rights operate in a state-centric context at odds with environmental protection; (3) the question must also be broached as to whether the human rights regime has responsibility for future generations.

Woods (2010:56) argues that these issues prevent the human rights framework from being able to simply adopt human rights and tackle issues of environmental degradation, without a "renegotiation" of human rights in form and content. Different conceptions of how environmental rights could be established have been argued, from the addition of additional rights to the existing human rights framework (Hancock 2003), to a constitutional approach, integrating environmental rights on the state constitution level (Hayward 2005), to creating a new 'generation' of human rights (Ksentini 1994). However, a notable blockage preventing these approaches from being successful remains the state-centric system within which they operate.

On the other hand, the international human rights regime, although burdened with the challenges of operating within the state-centric system, can utilise these links. This is exemplified by the 'Refworld' documents, with 15 of the total 51 State Parties Reports originating from the Human Rights Council. The frequent interaction of human rights actors with states could aid the diffusion of norms.

Models for conceptualising responsibility

The intergenerational nature of climate change is 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 responsibility for the rights of future generations, or just current generations, will drastically affect how the regime reacts 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 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 environmental problems have been exacerbated to such an extent that rights are endangered.

The stewardship model is 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. 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, creating 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 emotive advantage, a wider sense of 'oughtness' is more likely to emerge from the stewardship model, which compells group action on the basis of moral responsibility rather than personal sensitivities.

The international human rights regime is made up of a multitude of IOs, states, NGOs and individuals, all acting in different ways to support (or perhaps undermine) the human rights project. It is clear from the theoretical discussion that the first role for actors committed to integrating environmental concerns into the human rights regime is re-conceptualising human rights, in particular moving away from the constrictions of state sovereignty to allow for global solutions. Secondly, actors have a role in diffusing the norms which have begun to appear from UNHCR. Only by human rights organisations taking a stance and making it known that climate change is a human rights issue, can norms be anchored in this area.

Conclusion: Towards a multifaceted understanding of forced migration

Forced migration is complex and evolving, particularly in relation to climate change. The negative effects of climate change act as a multiplier of existing vulnerabilities, interacting with factors such as conflict, to contribute to displacement. Reactions vary dependent on what lens is used to view the problem, with many 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, with refugees being accepted on the basis of ongoing conflict in the country. Whilst the acceptance of those fleeing Somalia is 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 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.

UNHCR is identified as a norm entrepreneur, possessing delegated authority from states, producing expert knowledge and making active attempts to promote their norms. Whilst this is a step towards a re-conceptualisation of forced migration, UNHCR cannot achieve the diffusion of new norms alone. 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. Due to 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.

The human rights regime in particular has a key role to play in developing understandings of responsibilities, with the rights and responsibilities framework providing a useful template. However, the human rights regime will have to overcome challenges related to state sovereignty. Cooperation between actors and regimes may be the key to achieving durable solutions and ensuring that norms which are tentatively emerging become embedded.

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