

Policy Briefing

Climate Change and Migration

May 2020



Climate Change, Internal Displacement and the Kampala Convention

ROMOLA ADEOLA

Executive summary

The rhetoric that climate change is happening has without doubt emerged in global governance. At the AU level, the result has been a continental strategy that reinforces the need to address the impacts of climate change, including displacement of persons. During the AU Roundtable on Addressing Root Causes of Forced Displacement and Achieving Durable Solutions in Africa in February 2019, the nexus between climate change and displacement was also emphasised. While significant attention has been paid to cross-border displacement, this policy briefing examines the internal displacement dimension. It looks at how the victims of climate-induced internal displacement can be protected, leveraging the AU Convention for the Protection and Assistance of Internally Displaced Persons (Kampala Convention). The aim of this policy briefing is to examine the dimensions of climate-induced internal displacement and the protection of such internally displaced persons (IDPs) in the Kampala Convention.

Key issues in climate change-related displacement

Internal displacement has become a significant challenge globally. There are currently more people displaced within state borders than there are refugees. At the global level, protection for IDPs is provided in the [1998 UN Guiding Principles on Internal Displacement](#) (Guiding Principles). In the African regional context, this has emerged through the adoption of the [Kampala Convention](#).¹ Adopted in 2009, the Kampala Convention is a continental first on internal displacement. Significantly, it recognises various root causes of internal displacement, such as conflict and development projects. This policy briefing focuses on the issue of climate change.

The nexus between climate change and displacement becomes apparent in four contexts: sudden onset disasters, slow onset disasters, climate-related conflicts and climate development-induced displacement. As implied in the phrase, sudden onset disasters involve calamitous events that evolve quickly or unexpectedly. These disasters often have sudden devastating impacts, as seen with the consequences of hurricanes, cyclones and torrential rainfall. On the African continent, sudden onset disasters are a prevalent concern. It is through this paradigm that the nexus between climate change and internal displacement has become most visible, given scientific evidence that these disasters are bound to increase if current trends in global average temperatures are not addressed. According to a 2018 study by Weber et al., ‘the daily rainfall intensity is expected to increase toward higher global warming scenarios and will affect especially the African Sub-Saharan coastal regions’.²

While slow onset disasters are the paradigm through which much of the impact of climate change is increasingly being discussed, the nexus between this dimension and internal displacement has not gained as much attention. However, an emerging body of evidence suggests that population displacements, both internal and cross-border, are the result of the slow onset impact of climate change, including desertification, salinisation, drought and sea-level rise. Mixed with population vulnerabilities, loss of livelihood and inadequate coping strategies, the marks of displacement are evident. In Africa there are emerging signs of this, notably in the Horn of Africa. For instance, in Ethiopia’s Somali region at least 300 000 people (pastoralist populations) were displaced between 2015 and 2017 owing to droughts linked to climate change.³

1 African Union, “African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)”, 2009, <https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa>.

2 T Weber et al., “Analyzing Regional Climate Change in Africa in a 1.5, 2, and 3oC Global Warming World”, *Earth’s Future* 6, no. 4 (2018): 643.

3 Maria Gerth-Niculescu, “Communities in Ethiopia’s Somali Region Face Chronic Drought Linked to Climate Change”, *DWI*, September 23, 2019, <https://www.dw.com/en/communities-in-ethiopias-somali-region-face-chronic-drought-linked-to-climate-change/a-50551806>. See also Internal Displacement Monitoring Centre, “Nothing to Put In Your Mouth”: Seeking Durable Solutions to Drought Displacement in Ethiopia, December 2019, 6, <https://www.internal-displacement.org/sites/default/files/publications/documents/201912-ethiopia-slow-onset.pdf>.

Moreover, climate-related conflicts – particularly between agrarian populations and herdsmen – are resulting in internal displacement in many parts of Africa. The increasing scarcity of natural resources such as water and grazing areas on cyclical routes is bringing herdsmen in conflict with agrarian populations in their search for newer grazing areas and water sources. In countries such as Nigeria and Ghana, for instance, there have been clashes between herdsmen and agrarian populations over resources limited through climate stresses.⁴ In both countries the decline in grazing areas for livestock induces the movement of the herders southwards towards regions occupied by agrarian communities, resulting in violent conflict and, consequently, displacement.

There is also climate development-induced displacement. This dimension of climate change links two root causes of internal displacement: climate change and development projects. Climate development-induced displacements emerge from national developmental imperatives that seek to provide socio-economic benefits while addressing the impact of climate change through mitigation or adaptation initiatives. One example is the Ibi Batéké carbon project in the Democratic Republic of Congo, intended to provide firewood for Kinshasa while increasing carbon sinks for climate mitigation.⁵ While there is a need to advance sustainable solutions to climate change and ensure economic growth for states, the fact that such projects can lead to population displacement is a significant challenge. In the context of the Ibi Batéké carbon project, for instance, this concern emerged in relation to the Batwa indigenous people.⁶

In response to climate change and internal displacement, the Kampala Convention mandates states to protect people affected by natural disasters, including climate change. Specifically, article 5(4) says that states are to ‘take measures to protect and assist persons who have been internally displaced due to natural or human made disasters, including climate change’.⁷

The Kampala Convention and protection of climate-induced IDPs

The Kampala Convention emphasises the prevention of arbitrary displacement. As such, the protection of people affected by climate change-related internal displacement must

4 Kwame Botchway, “How Climate Change Is Driving Conflict Between Fulani Herdsmen and Farmers in Ghana”, *Huffington Post*, February 15, 2017; Deborah Torr, “Inside the Conflict-Driven Conflict in Nigeria”, *VSO International*, May 7, 2019.

5 See O Mushieta and A Merrill, “Ibi Batéké Carbon Sink Plantation: An African Forestry Pilot Case”, *Carbon and Climate Law Review* 4, no. 4 (2010): 351.

6 See Sinafasi Makelo Adrien, “The DRC Case Study: The Impact of the ‘Carbon Sinks of Ibi-Batéké’ Project on the Indigenous Pygmies of the Democratic Republic of Congo”, in *Indigenous Peoples and Climate Change: Vulnerabilities, Adaptation and Responses to Mechanisms of the Kyoto Protocol: A Collection of Case Studies*, eds. Michael Abhainn, Kye Mesa Bernard and Sam Grey (Chiang Mai: The International Alliance of Indigenous and Tribal Peoples of the Tropical Forests, 2007), 65.

7 Kampala Convention, article 5(4); for further discussion, please see Romola Adeola, “Protecting Climate Change-Induced Internally Displaced Persons in Africa: Relevance of the Kampala Convention”, in *Handbook of Climate Change Resilience*, ed. Walter Leal Filho (Cham: Springer, 2019), 2023-2034.

be construed within the context of protection from arbitrary displacement. Preventing arbitrary displacement requires that the form of displacement be permissible, but beyond this due processes must be followed in the protection of a displaced population. Within the context of climate change, there are five major due process requirements.

The first is adequate planning for climate-related disasters through the development of early warning mechanisms. The Kampala Convention underlines the importance of early warning mechanisms in article 4(2), mandating states to develop early warning systems 'in areas of potential displacement' within the existing continental early warning system. The significance of early warning in the protection of climate IDPs is six-fold:

- it enables an understanding of the magnitude of the challenge, potential hotspots and patterns of potential impacts;
- it allows adequate emergency preparation and response;
- it provides information on which to build resilience and devise adequate resettlement;
- it facilitates effective engagements with relevant stakeholders on protection dynamics and imperatives;
- it supports evidence-based interventions; and
- it spotlights the potential vulnerabilities and hazards that may be experienced by communities.

The second dimension involves engaging with local communities. This should be a bottom-up approach rather than a top-down exercise geared at protecting the affected population. The essence of engaging with local communities when addressing climate-related disasters is ensuring adequate planning of resettlement action plans and durable solutions to climate-related displacement. When local communities are involved in planning processes, their involvement not only confers legitimacy on the process but also ensures that specific needs are considered. The Kampala Convention emphasises the need for this engagement in requiring that IDPs be allowed to participate in decisions on protection and assistance.⁸ The Model Law on the Kampala Convention reinforces this imperative, providing that '[c]limate change, environmental hazards, and other disaster related processes at the national and local levels should involve a meaningful and information participation of communities likely to be affected by internal displacement'.⁹ However, in fostering participation it is imperative that groups that may be impacted the most, such as pastoralist populations, women and children, are involved. Adequate measures must be in place to ensure the effective participation of these groups and, as such, engagement processes must be

8 Kampala Convention, article 9(2)(k).

9 National Legislative Bodies, "African Union Model Law for the Implementation of the African Union Convention for the Protection of and Assistance to Internally Displaced Persons in Africa", April 12, 2018, article 6(4), <https://www.refworld.org/docid/5afc3a494.html>.

responsive to their needs. A specific duty is reinforced in the Kampala Convention¹⁰ particularly with regard to pastoralists and other indigenous populations.

The third dimension is the provision of humanitarian assistance. This involves the provision of vital supplies during displacement, including 'food, water, shelter, medical care and other health services, sanitation, education and any other necessary social services'.¹¹ The provision of assistance following displacement is essential to safeguard livelihoods and cushion the effects of displacement. It is of pertinence in framing recovery programming. Given the fact that socio-economic deprivation often accompanies displacement, humanitarian assistance for IDPs is important to prevent arbitrary displacement. It is essential that the humanitarian assistance provided responds to the specific needs of groups that are severely impacted and at risk of heightened vulnerability, especially women and children. Although national authorities have the primary responsibility to provide humanitarian assistance, the Kampala Convention encourages collaboration with humanitarian agencies.¹² This is important both to ease the pressure on states and to ensure an adequate response.

The fourth dimension is proper documentation. This is crucial not only for ascertaining the population of those displaced and identifying specific categories through disaggregated data but also for planning evidence-based interventions and facilitating the free movement of and seamless access for climate IDPs to essential services. The Kampala Convention mandates national authorities to 'create and maintain an updated register' of IDPs,¹³ ensure that these persons are 'issued with relevant documents necessary for the enjoyment and exercise of their rights',¹⁴ and 'facilitate the issuance of new documents or the replacement of documents lost or destroyed in the course of displacement, without imposing unreasonable conditions'.¹⁵ As with the provision of humanitarian assistance, there is also an emphasis on partnerships with humanitarian agencies.¹⁶ Given the risk of gender marginalisation and neglect of unaccompanied children, the convention stresses that women and unaccompanied children 'shall have equal rights to obtain such necessary identity documents' and have it issued in 'their own names'.¹⁷

The fifth dimension is remediation. Article 12(2) of the Kampala Convention emphasises the importance of this in requiring national authorities to 'establish an effective legal framework to provide just and fair compensation and other forms of reparations, where appropriate, to IDPs for damage incurred as a result of displacement'.¹⁸ Remediation is important for the purpose of ensuring that the livelihood capacities of climate IDPs are restored and access to justice is guaranteed. Implicit in the duty to provide effective remediation is the

10 This resonates in the provisions of the Kampala Convention, articles 4(5) and 11.

11 Kampala Convention, article 9(2)(a).

12 Kampala Convention, article 9(3).

13 Kampala Convention, article 13(1).

14 Kampala Convention, article 13(2).

15 Kampala Convention, article 13(3).

16 Kampala Convention, article 13(1).

17 Kampala Convention, article 13(4).

18 Kampala Convention, article 12(2).

need for states to ensure that effective remediation mechanisms are available. Access to legal assistance and representation is also crucial. Where national authorities refrain from ‘protecting and assisting internally displaced persons in the event of natural disasters’, the Kampala Convention calls on states to provide reparations for damages to the displaced population.¹⁹

Progress in the implementation of the Kampala Convention

With nearly two-third ratification, the Kampala Convention has become a significant normative framework for addressing internal displacement in Africa.²⁰ Much of the progress in its implementation comes from the development of law and policy frameworks at various levels of governance. For instance, Niger, Zambia and Somalia have developed frameworks based on the Kampala Convention. In Somalia’s IDP policy, climate change is recognised as a root cause of internal displacement.²¹ Moreover, the convention has also emerged as a premise on which advocacy, research and campaigns on internal displacement have been advanced. For instance, the AU designated 2019 as the ‘Year of Refugees, IDPs and Returnees’, seeking to advance protection leveraging regional normative frameworks, including the Kampala Convention. While there has been progress in the furtherance of the convention, progress, particularly with respect to the protection of climate IDPs, must move beyond expressing verbal commitments.

Recommendations

- Institutionalise a uniform regional guide on protection for climate IDPs based on the Kampala Convention.
- Integrate this regional guidance into national levels through legislation and policies on the protection of climate IDPs.
- Identify evidence-based practices in the furtherance of protection for climate IDPs.
- Ensure implementation through innovative measures at various governance levels for the protection of climate IDPs.

¹⁹ Kampala Convention, article 12(3).

²⁰ As at February 2020, 31 AU member states had ratified the Kampala Convention. See UN Refugee Agency, “UNHCR Welcomes Ethiopia’s Ratification of the Kampala Convention”, February 14, 2020.

²¹ National Legislative Bodies, *Somalia: National Policy on Refugee-Returnees and Internally Displaced Persons (IDPs)*, 2019, 13, <https://www.refworld.org/docid/5d8332c64.html>.

Author

Dr Romola Adeola works at the Centre for Human Rights, University of Pretoria. She is the Senior IDP Research Associate (RLI) at the University of London and leads the Global Engagement Network on Internal Displacement in Africa

Cover image

A truck delivers water to an IDP (Internally Displaced People) camp on 24 February 2017 in Karin Sarmayo, Somalia. Brief rains brought an estimated 100,000 people to the region in search of land for their livestock, but very limited pasture has led to mass animal deaths and a growing number of IDP camps. (Andrew Renneisen/Getty Images)

All rights reserved. Copyright is vested in the South African Institute of International Affairs and the authors, and no part may be reproduced in whole or in part without the express permission, in writing, of the publisher.

About the Africa Portal

The Africa Portal (www.africaportal.org) is the product of a longstanding partnership between the South African Institute of International Affairs (SAIIA) and the Centre for International Governance Innovation (CIGI). Launched in 2010, it provides a digital platform for thought leaders across the continent and beyond to share their informed perspectives on matters related to African development, economics and politics.

The Africa Portal also curates a comprehensive collection of research material on African policy issues. Our library holds over 8 000 research reports, occasional papers and policy briefs. The entire repository is open access, equipped with a sophisticated search function and available for free, full-text download. The material in the library has been provided by content partners of the Africa Portal who benefit from wider dissemination of their research to a global community.

About the South African Institute of International Affairs

The South African Institute of International Affairs (SAIIA) has a long record as South Africa's premier research institute on international issues. It is an independent, non-government think tank whose purpose is to encourage wider and more informed awareness of the importance of international affairs. It is both a centre for research excellence and a home for stimulating public debate. The major research projects within the Institute produce a range of deliverables to policymakers and the wider public in the form of publications, policy briefs, workshops and conferences.

About the Centre for International Governance Innovation

The Centre for International Governance Innovation (CIGI) is an independent, non-partisan think tank whose peer-reviewed research and trusted analysis influence policy makers to innovate. Our global network of multidisciplinary researchers and strategic partnerships provide policy solutions for the digital era with one goal: to improve people's lives everywhere. Headquartered in Waterloo, Canada, CIGI has received support from the Government of Canada, the Government of Ontario and founder Jim Balsillie.



Jan Smuts House, East Campus, University of the Witwatersrand
PO Box 31596, Braamfontein 2017, Johannesburg, South Africa
Tel +27 (0)11 339-2021 · Fax +27 (0)11 339-2154
www.saiia.org.za · info@saiia.org.za