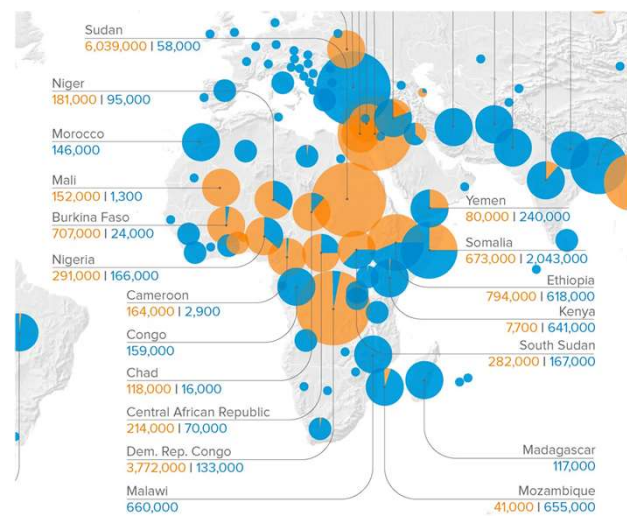
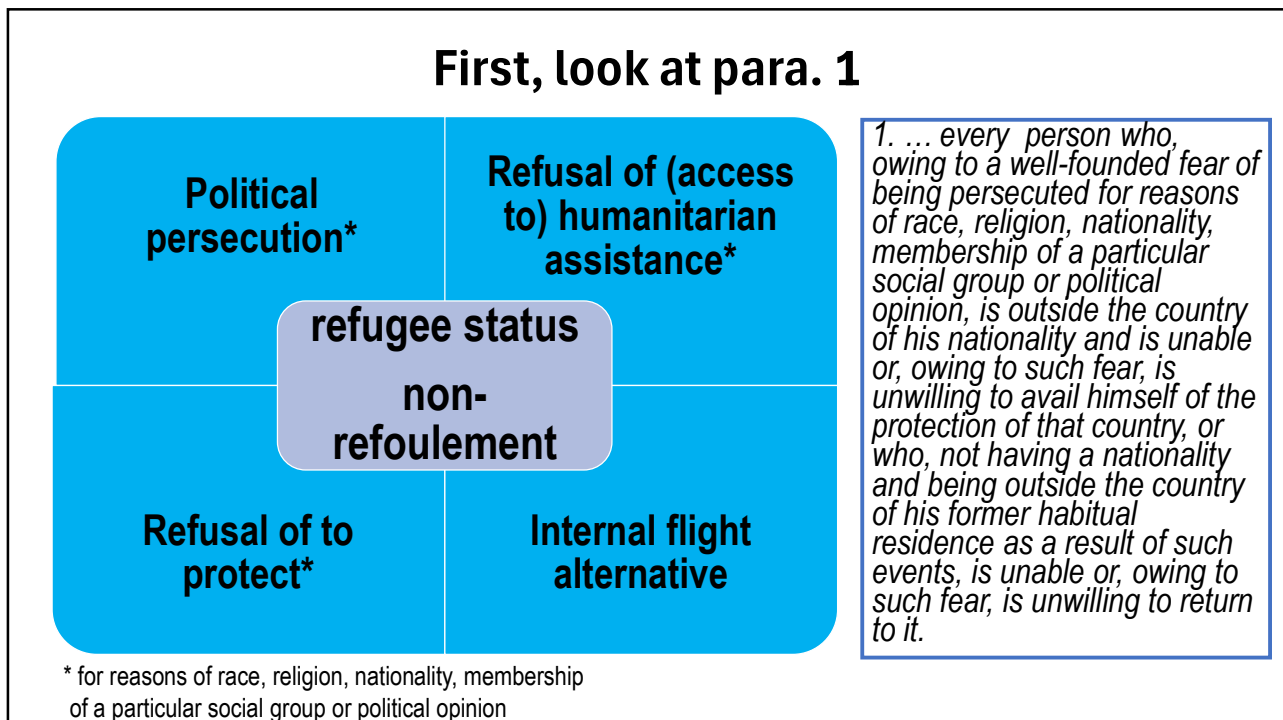
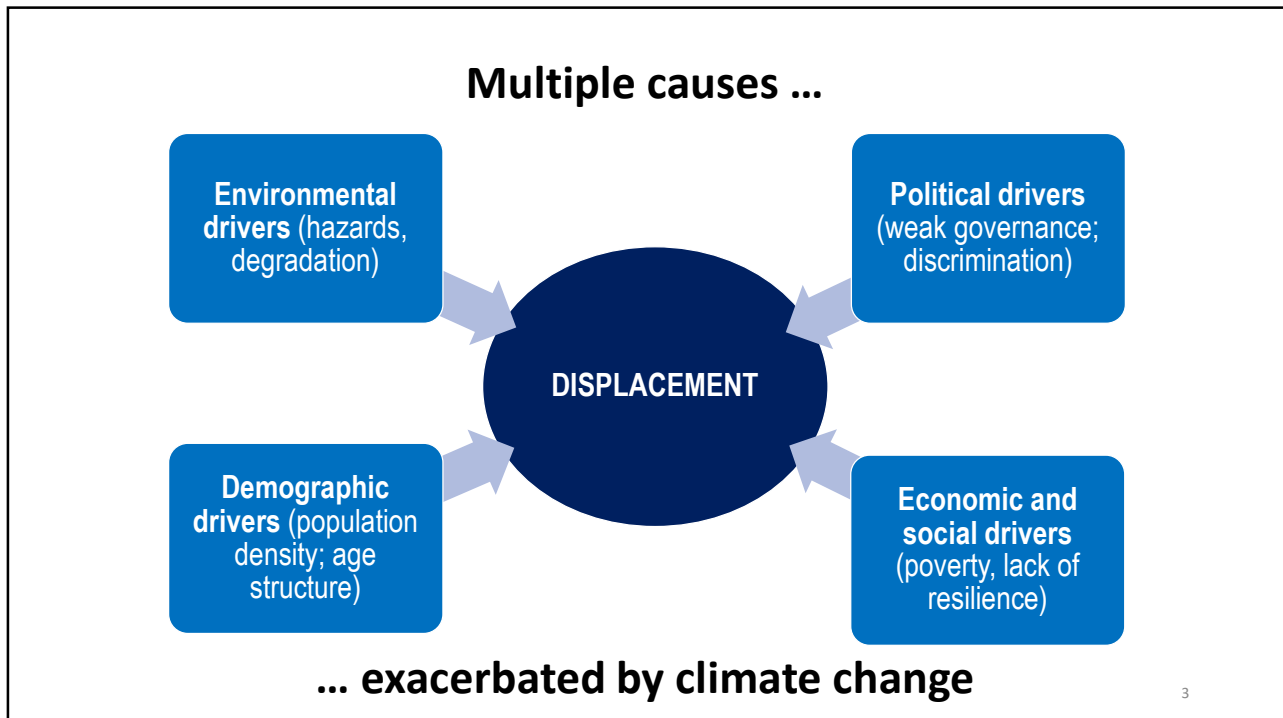


Some facts

- Displacement starts with internal displacement
- Conflict- and disaster-displacement in Africa are often interlinked
- Cross-border movements occur mainly in the context of drought and flooding
- Lack of data on cross-border displacement



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"249. We do accept that **discriminatory exclusion from access to food aid is capable itself of constituting persecution** for a reason recognised by the Convention.

250. The collapse of the economy and agricultural production has led to severe food shortages. ... The evidence does now establish also that the government ... has used its control of the distribution of food aid as a political tool to the disadvantage of those thought to be potential supporters of the MDC. This **discriminatory deprivation of food to perceived political opponents**, taken together with the disruption of the efforts of NGOs to distribute food by means of the ban introduced in June 2008, **amounts to persecution** of those deprived access to this essential support (UK Asylum and Immigration Tribunal, *RN (Returnees) Zimbabwe 2008*).

"It **cannot be reasonable** to expect a refugee to avoid persecution by moving into an **area of grave danger**, whether that danger arises from a **natural disaster** (for example, a volcanic eruption), a civil war or some other cause" (Federal Court of Australia, *Perampalam v. Minister for Immigration and Multicultural Affairs 1999*, para. 19).

Iraq's Dahuk governorate would not provide an internal protection alternative to a refugee without family or community support due to a lack of sufficient level of enjoyment of socio-economic rights, resulting, among other factors, from a **lack of water for IDPs due to drought** (NZRSAA, Refugee Appeal No. 7645,7 2010, paras. 45-6).

See also Refugee Law Initiative Declaration on International Protection in the context of Disasters and Climate Change, https://rli.sas.ac.uk/sites/default/files/leaflets/RLI%20Declaration_Disasters_2024.pdf

events seriously disturbing public order

Conflict-disaster
nexus

Breakdown of law
and order /
widespread violence

refugee status

non-
refoulement

Famine with no
access to life-saving
assistance

Other situations?

2. The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or **events seriously disturbing public order** in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality

events seriously disturbing public order

- *Situational applicability?* Only in situations with elements of conflict?
 - Drafting history / systematic interpretation: no?
 - Purpose and object + wording: yes?
- *Threshold?* Disturbance serious enough to cause relevant individual harm
- *Cause of harm?* Not the natural hazard but the ensuing impacts on society, but discriminatory motives are irrelevant
- *Cessation?* When relevant circumstances cease to exist? Not when the natural hazard ceases but when the relevant disturbance no longer exists

2. The term “refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or **events seriously disturbing public order** in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.

Alternative tools

- Free movement agreements and protocols
- Transhumance agreements and protocols
- African hospitality
- Domestic provisions on humanitarian admission/temporary protection

Art. 16 IGAD Free Movement Protocol:
 “Member States shall allow citizens of another Member State who are moving in anticipation of, during or in the aftermath of disaster to enter into their territory provided that upon arrival they shall be registered in accordance with national law.”

Recommendations

- *Training*: Include the issue of disasters and climate change impacts in RSD training
- *Access to RSD*: Must be provided even if not a large-scale disaster (due to Art. I, para. 1).
- *Country-of-origin information*: Must include and better reflect information on disasters and adverse effects of climate change
- *Human rights law*: Take into account the prohibition of forcible return (right to life; prohibition of inhuman treatment)

*UN Human Rights Committee
Teitiota v. New Zealand,
2728/2016 (2019):*
The Committee is of the view that without robust national and international efforts, the effects of climate change in receiving states may expose individuals to a violation of their rights under articles 6 or 7 of the Covenant, thereby triggering the non-refoulement obligations of sending states.

Thank you

