

**UNHCR**

## A New UNHCR: Helping the Desperate Choose Sustainability

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In December 1950, as massive numbers of people displaced by the chaos of the Second World War sought the protection of states other than their homelands, the United Nations proposed a charter to ease their plight. First ratified and signed by only nineteen European nations, the 1951 Convention Relating to the Status of Refugees<sup>1</sup> has since become the underlying principle behind all existing international and domestic refugee policies. One hundred and thirty-six nations are now party to the Convention or to its successor, the 1967 Protocol Relating to the Status of Refugees.<sup>2</sup> Unfortunately, while both represented unprecedented advances for the protection of refugees in their own time, the Convention and Protocol fail to address the needs of refugees of the current age – an age of international regimes, rapid industrial development, and increasingly frequent natural disasters.

The original 1951 Convention charges the United Nations High Commissioner for Refugees (UNHCR) with the duty to coordinate the worldwide protection of refugees. Limited by its outdated charter, however, the UNHCR is forced to address the needs of the world's displaced through inefficient reactive programmes, often without the critical support of host nations. The principles guiding the UNHCR badly require revision to grant it the ability to address the needs of modern day refugees. Specifically, the fundamental principles of international refugee policy should encourage the prevention and mitigation of the environmental degradation that accompanies all refugee movements.

While it will remain the fundamental goal to prevent migration in the first place, due to the unpredictability of natural disasters and the cycles of war, there will likely always be population movements of some sort whether within or across political boundaries. This means that the UNHCR must be equipped to guide nations to protect themselves from the many negative side effects of those movements and to help them maintain adequate living standards for all those involved. Environmental degradation is the most visible of the undesirable effects of refugee movements and also serves as the major barrier to maintaining acceptable living standards in refugee locales.

Desperate refugees are often corralled into massive slums and forced to make do with already strained levels of resources. Sharing resources with native inhabitants often becomes a source of strife. Visible results of degradation, such as increased erosion, deforestation, and drought, serve as fodder for those who view refugees as undeserving annoyances. It burdens citizens of host nations long after

refugees return to their homelands. It persuades nations to close their borders. It threatens the likelihood of permanent resettlement. Finally, environmental degradation, even at the scale that localized refugee movements impose, threatens the balance of the global environment.

It is clearly impossible to accomplish peaceful refugee relocation without protecting the interests of refugees, their homelands, and their host nations. For these reasons, the UNHCR must extend beyond its conventional realm of refugee rights and address a major issue related to it, environmental management.



*The UN High Commissioner for Refugees*

In this paper, I will first introduce the underlying principles of the Convention that guides refugee assistance programmes. I will then describe the extent of the current refugee problem and clarify its linkage to environmental degradation. The inability of refugee policies to encourage environmental sustainability will then be demonstrated through specific cases of refugee-induced deforestation. It will be evident that conventional refugee support programmes often aggravate deforestation. Finally, I will offer specific revisions to the principles of the refugee Convention. The UNHCR, as the realizing force behind so many national refugee policies, has no choice but to strengthen its stance if it is to fulfill its humanitarian mission.

### **Failure to Address the Growing Concerns of Modern Refugee Movements**

The UNHCR's primary purpose is to safeguard the rights and well being of the world's refugees. Refugees, as defined by the Convention, are limited to those who:

“owing to well-grounded fear of being persecuted for reason 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.”<sup>3</sup>

A strict adherence to the legal definition resulted in approximately 12 million refugees who qualified to

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receive UNHCR assistance in 1998.<sup>4</sup> According to the UNHCR, the rate of asylum granted was only 35 percent in 1997.<sup>5</sup> From this, it can be estimated that at least an additional 30 million people were also displaced but excluded from assistance by the definition, perhaps because they were unable to prove they were fleeing persecution or because they were displaced within their own borders. Only six million of these were recognized in 1997 by the UN at all; listed as “others of concern,” these people are catalogued but not necessarily guaranteed adequate assistance.<sup>6</sup>

The Convention’s qualifications for refugees were last refined in 1967 through the Protocol on the Status of Refugees.<sup>7</sup> That revision only slightly extended the Convention’s World War II dependent definition of “refugee” by including people displaced after 1951. The 1969 Organization for African Unity’s (OAU) Convention Governing Specific Aspects of Refugee Problems in Africa arose out of a need to accommodate the millions who did not qualify for conventional UNHCR aid. It considers the regional needs of its refugees, people displaced less often because of violent conflict and instead more commonly because of a broader category of “events seriously disturbing public order.”<sup>8</sup> The OAU, however, had only forty-one member nations in 1991.<sup>9</sup>

Another convention, the Cartagena Declaration on Refugees adopted by the Organization of American States, is similarly more inclusive than the UN Convention.<sup>10</sup> But again, application of its definition is limited only to member states, and ultimately, treatment of those under its protection is determined by the regional commission’s faithfulness to the text of the Cartagena Declaration. According to the Declaration, the OAS must work “to ensure that the national laws and regulations adopted [by host and origin states] reflect the principles and criteria of the Convention and the Protocol, thus fostering the necessary process of systematic harmonization of national legislation on refugees.”<sup>11</sup> Thus, the approach of the Cartagena Declaration differs little from the UNHCR.

According to the Refugee Policy Group, a Washington-based non-governmental organization (NGO), even these more inclusive definitions fail to specifically cite environmental or natural disasters as acceptable causes, and therefore potentially leave at least twenty million of the internally displaced vulnerable.<sup>12</sup> Perhaps the refugee definition remains narrow in these and even the most comprehensive agreement, the UN Convention, for purely practical reasons; per capita expenditure on refugee support is estimated at about US\$220–270 per year.<sup>13</sup>

Despite the monetary implications, these agreements beg for revision. Refugee movements have of late been evolving a variety of characteristics not prevalent 50 or even 20 years ago. Long viewed as an African, South-East Asian, and Latin American phenomenon, refugee populations of over 10,000 are now found in 70 countries around the world.<sup>14</sup> Besides spreading across the globe, the overall refugee population has been increas-

ing. Migrations are still triggered by the political activities that spurred the 1951 Convention itself – unstable governments, social divisions, war. These movements, however, have been joined by refugee flows caused by syndromes of the modern age, government programmes to rapidly industrialize and changing climate that has made lands inhospitable.

It might seem that development programmes are at fault and, if so, the problem easily fixed. Indeed, minimizing forced relocation would in many cases prevent mass migration. In truth, however, industrialization is often the effort to combat extreme climate conditions and improve overall standard of life. For instance, the World Bank estimates that between 1.2 to 2.1 million people have been displaced due to dam construction, which are themselves attempts to mitigate flooding while providing electricity and irrigation.<sup>15</sup>

Whatever the reasons, annually millions of people are forced to gather only their most necessary belongings and move on in search of a place to live. Doing so is a difficult choice as it leaves them vulnerable through statelessness, qualifying for no protection from their original nations of residence. Despite its practical role as surrogate protector for these temporary “communities,” since its initiation the UNHCR has emphasized its position as non-political and “humanitarian and social.”<sup>16</sup> For this reason, it has limited its most visible work to programmes that work through governments, encouraging food ration programmes, facilitating negotiations between refugees and the governments of their homelands, and helping non-governmental agencies establish temporary schools and hospitals. To avoid encroaching on self-determination and to allay nations’ fears of being forced to host refugees for too long, the UNHCR also limits itself to temporary aid rather than development programmes.

According to the Convention’s Preamble, however, the “co-ordination of measures taken to deal with this [refugee] problem will depend upon the co-operation of States with the High Commissioner.”<sup>17</sup> The 1967 Protocol on the Status of Refugees reaffirms the purpose of the UNHCR as “promoting the conclusion and ratification of international conventions for the protection of refugees,” “promoting through special agreements with Governments the execution of any measures calculated to improve the situation of refugees,” and “assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities.”<sup>18</sup>

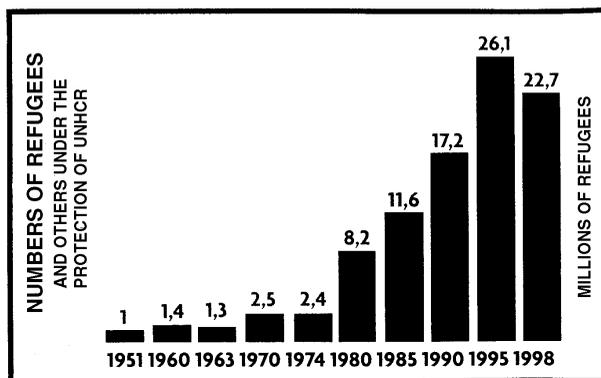
Thus, as the umbrella organization for refugee interests, the UNHCR by default serves a very political purpose. Its strategies are observed and duplicated by individual governments. So while the UNHCR cannot force particular policies on nations, it no doubt seeks to persuade them to implement those it deems advantageous. For example, with the exception of the Organizations of American and African States that took the initiative to apply their own, comprehensive definitions of refugees, it is rare for nations to develop greater protection for refugees without the leadership of the UNHCR.<sup>19</sup> ➤

Until recently, however, the UNHCR and thus the governments that compose it overlooked the issue of environment. They were, after all, searching for a means to avoid dealing with the refugees themselves. According to the Refugee Persons Group, nations spent over US\$5 billion dollars in 1992 during the adjudication process, meaning they spent five times the total annual budget of the UNHCR working to avoid granting asylum to refugees.<sup>20</sup> Their reluctance to tackle another major global issue in addition to the difficult plight of refugees is therefore predictable. It is predictable but not acceptable. Michelle Leighton-Schwartz, Director of International Programmes at the Natural Heritage Institute, a San Francisco-based NGO, agrees that both issues are colossal but notes they are connected in many ways.<sup>21</sup> Failure to address one issue will only allow it to worsen the other.

### Where Scarcity and Desperation Meet, Environmental Degradation Breeds

Environmental changes generated by mass migrations have numerous implications for refugees and their relationship with their host nations. Host countries with the largest displaced populations in 1998 were themselves among the poorest – Afghanistan, Somalia, Burundi, Bosnia & Herzegovina.<sup>22</sup> Governments are well aware that the burden of absorbing refugees increases the competition for already scarce natural reserves. Efforts to reduce this competition have led to new problems.

In 1996, Rwandan, Burundian, and Mozambican refugee settlements in Tanzania were placed as far away as possible from native Tanzanian settlements in the undeveloped lands adjacent to game reserves.<sup>23</sup> The plan to



*Courtesy: UNHCR*

isolate the refugees resulted in the complete destruction of the game hunting enterprise that had brought significant revenues to the country. Refugees desperate for income and food took to poaching, and the result was a necessary UNHCR programme to rehabilitate the game preserve at a cost of US\$1.9 million.<sup>24</sup> This was money that might have been spent on developing new programmes specifically for the refugees.

Other examples of refugee-induced degradation occur over longer periods of time. In government efforts to keep

refugees away from the mainstream, refugees are corralled into camps not capable of accommodating their numbers. Constrained by their high population, refugees permitted to farm must maintain extremely high crop yields. Aware that their settlement may last for only a few years, refugees have little incentive to implement crop rotation systems.<sup>25</sup> Soil quickly becomes unproductive. Refugees who end up staying longer than expected then are forced to depend on food handouts for sustenance or else move their settlements to new lands. Natives of host countries are then left with barren territories.

The most worrisome cases, however, arise when government designs attempt to protect the interests of their native people by marginalizing refugees. Governments do so by implementing programmes that only address refugees' most critical needs, leading to high levels of desperation in displaced communities. This, in turn, results in the sort of environmental degradation that poses immediate harm to human populations. The over extraction of water sources, especially in already parched areas, leads to the depletion of underground reserves that also serve communities far outside of the refugee camps.<sup>16</sup> In early stages of temporary settlement, sanitation systems cannot be established quickly enough, and water supplies are damaged for a significant time. Without alternative resources in the meantime, the result can be dehydration or even cholera, as experienced by refugees in Zaire in 1994.<sup>27</sup>

The most obvious and widespread deadly, degradative effect of refugee movements stems from the need for fuel. As written in a draft report by the Refugee Policy Group, no one ever asks where refugees get the three tons of firewood required to cook every ton of the wheat and beans supplied by humanitarian agencies.<sup>28</sup> Refugees have no choice but to gather wood where they can. In 1994, nutritionist Rita Bhatia observed that cooks in a particular Somali refugee camp in Ethiopia never had enough water to soak beans overnight. Without pre-soaking, a meal then required three to four hours of slow cooking over open fires. Pots and pans with lids were rare. Enclosed stoves were non-existent. Constrained by two precious resources, the Somali refugees searched first for dead wood. After that was gone, they turned to sacrificing wide stretches of vegetation. Eventually women were walking over twenty kilometres in search of firewood.<sup>29</sup>

According to the UN Food and Agriculture Organization (FAO), about "half of all wood cut worldwide is used for fuelwood and charcoal."<sup>30</sup> In the dry tropics, however, up to 80 percent is cut for those purposes.<sup>31</sup> On the other hand, the FAO assumes that rural households obtain their supply by gathering dead wood, an act that does not contribute to deforestation.<sup>32</sup>

While it is true that large-scale deforestation is committed by large paper companies with the capacity to haul away tons of wood at one time, the effect of deforestation on the local scale still makes a notable impact. The problem arises when dead wood supplies are depleted. Refugees then have no choice but to take to cutting trees, knowing well they may be violating laws, their religious beliefs, and their better judgment.<sup>33</sup> Local scavenging for

fuelwood leads to deforestation that can be damaging to the local population and the local forest cover.

As trees are removed, erosion and siltation of nearby rivers are inevitable. Eventually, the loss of forest cover alters microclimates, reducing levels of rainfall and intensifying seasonal temperatures. Evidence of this has already been seen along the Mazowe River in northeastern Zimbabwe that connects five refugee camps.<sup>34</sup> Game animals no longer have places to live. While communities then have open land to farm, they no longer have clean, flowing water to irrigate their plots. Lands become infertile as a result of the many degradative factors. On the macro-scale, when deforestation occurs, forests that served as carbon stores are lost,<sup>35</sup> as is whatever biodiversity the vegetation might have housed. It has been estimated that forests are home to anywhere from 50 to 90 percent of the world's terrestrial species.<sup>36</sup> In areas with the most refugee movement, almost all primary growth forests have already been lost but now secondary regrowth is disappearing as well.<sup>37</sup> A study by the World Conservation Union (IUCN) estimates that based on the needs of rural inhabitants, by 2010 some 38,000 square kilometres of Ethiopian highlands will be bare rock while 60,000 square kilometres will have less than 10 centimetres of soil.<sup>38</sup>

It is a never-ending cycle. According to the UN, currently over 135 million people may be at risk of being displaced by severe desertification.<sup>39</sup> Much of this desertification is a side effect of deforestation.

#### **Failure Due to Inadequate Framework**

For the first time since its establishment, UN refugee operation objectives include the environment. The UNHCR's 1998 Refugee and Returnee Operation in Rwanda cited two main objectives: "to ensure the protection of and assistance to some 34,700 refugees from neighbouring countries and, secondly, to promote the reintegration of more than two million Rwandan returnees."<sup>40</sup> Specifically working toward "longer-term" development, the UNHCR explained that it established particular initiatives to "protect the environment."<sup>41</sup>

The Rwanda programme sponsored activities designed to address the environmental damage caused during the war in 1994, as well as degradation resulting from the return of refugees during the three years following. The Refugee and Returnee Operation called for the planting of fast growing trees, production of fuel-saving stoves, and implementation of soil conservation and termite control programmes.<sup>42</sup>

No doubt the plans are notable. Implementation, however, seems unlikely as even before much of the plan has been initiated, snags are evident. First, the Government of Rwanda has restricted residents, temporary and permanent, who wish to work by mandating a tedious process of registration and authorization.<sup>43</sup> This has already reduced the availability of skilled labourers, as well as blocked opportunities for self-improvement through employment for refugee and returnees.<sup>44</sup> Further, according to the report, already some portions of the programme have been cut due to lack of funds. These

included plans to construct 23,000 new houses and latrines. Most importantly, all reforestation activities have been scrapped.<sup>45</sup> In other words, much of the programme failed even before it had begun.

The Rwanda case manifests the challenges that will face all refugee programmes that include environmental needs. Repairing ecological damage requires a time commitment much greater than it takes to cause the damage. Seedlings require years to grow and contaminants can dwell for centuries in water tables. Refugee movements by nature, however, are temporary. Unfortunately, people more carelessly use resources when they foresee living in a particular place only for a short length of time. Governments further encourage this attitude by concentrating funds on emergency reactive programmes, such as those that offer daily drops of food and clothing, instead of putting greater support in programmes that would provide refugees with farming equipment or schoolbooks.<sup>46</sup>

This tendency is dangerously flawed and leaves refugees dependent on handouts. The reality is that often scarce land and resources in one nation are the motivation behind people migrating in the first place. It is impossible to guarantee that any refugee movement will be temporary at all. While some 50,000 refugees in Myanmar were able to return to their native Bangladesh within five months in 1992, refugees in Zimbabwe have been unable to return to Mozambique since 1984.<sup>47</sup> In the meantime, Mozambique has been struck with increasingly devastating environmental disasters, throwing their return into greater uncertainty.<sup>48</sup> Despite the unpredictability of refugee movements, even early UNHCR programmes to prevent deforestation operated on the impermanence rationalization. Thus, the recent Rwanda case offered one significant advance in that it sought to abandon the temporary mindset that plagues refugee movements.

Other programmes organized before the Rwanda programme were perhaps able to fulfill more of their project objectives but doing so actually worsened the environmental situation. They did not adequately consider environmental impact. In the early 1990s, a large-scale fuelwood supply programme costing US\$1.2 million in western Tanzania, took wood from remote "surplus" areas and delivered the necessary quantity to every refugee free of charge.<sup>49</sup> Though the hope was that refugees would now not need to spend time and energy collecting their wood from nearby areas, the rate of deforestation did not decrease. In fact, it continued at the same pace as before but with deforestation occurring in two sites.<sup>50</sup> The reason was that despite the free rations, fuelwood remained a scarce commodity. Enterprising refugees continued to harvest their own wood while bartering for other goods with their surplus rations.<sup>51</sup> Without implementing a programme to reduce overall fuel consumption or educating people as to the importance of conservation, this approach ultimately increased the rate of deforestation.

Any programme seeking to protect refugees while minimizing negative environmental impact will fail with-

out specifically considering both human and environmental needs. In the Kakuma camp in north-western Kenya, for example, Sudanese refugees were totally restricted from gathering even dead firewood, in another effort to protect native Kenyans from competition. Officials also sought to prevent further erosion in that area.<sup>52</sup> Without any outside intervention by the UNHCR and several NGOs, the result might have been death for the thousands of refugees. Without wood, there was no means to build shelter or prepare meals. The intervention programme available, however, was only able to supply about 40 per cent of the energy demands of the camp.<sup>53</sup> According to the UNHCR, poor families were left to spend up to 35 per cent of their incomes on fuel. This led to necessary sacrifices in other purchases, mostly food, resulting in high rates of malnutrition, especially among males aged 15 to 20 years.<sup>54</sup> To combat this problem, funding was channeled into a costly school-based feeding programme<sup>55</sup> Instead of all this, had the Kenyan government organized a system of sustainable fuelwood gathering, offered alternative sources of cooking fuel, or better yet established cooperative exchanges for refugees to earn money, the UNHCR would no doubt have had an easier job.

But this is what governments fear. With too much aid and opportunity for refugees comes less for citizens, and more importantly, a greater likelihood of permanent settlement of the refugees within a host nation.<sup>56</sup> Recalling again the temporary mindset, to host governments there exists a thin line between critical levels of aid and a welcome mat. It is for this reason that some nations place restrictions on refugees that prevent them from becoming self-sufficient.<sup>57</sup> Consider the Rwandan Government's paperwork barrier to employment, or the ban on any cultivation outside the tiny confines of refugee camps in Zimbabwe. With such precautions, however, governments undermine their own interests and perpetuate desperate, destructive lifestyles. Governments are left to fund continuous charity donations. Like the free fuelwood programme, without education and other means of empowerment, the situation cannot improve itself. Encouraging sustainable living is impossible without foresight.

One instance of success resulted from an abandonment of these sentiments. The Fuelwood Crisis Consortium was established in 1991 to improve the conditions of the vegetation around Zimbabwe's camps.<sup>58</sup> Through the concerted efforts of government agencies as well as NGOs, the demand for fuelwood was first measured and questionnaires were distributed to refugees in order to understand consumption patterns. A programme of energy efficient stoves was implemented, in addition to tree planting and an environmental awareness campaign.<sup>59</sup> Refugees were encouraged to cook communally. Simple improvements such as lids for pots reduced energy use by 10 to 20 percent.<sup>60</sup>

Thus, another factor necessary for successful, low-impact refugee settlement is finding the solution within the community. That is, changes in lifestyle and the means to achieve that change should be the work of the refugees. Handing out more efficient stoves might have

changed fuel consumption on the outset,<sup>61</sup> but handing out stoves manufactured by the refugees themselves in exchange for other supplies would generate a self-sufficient circle. Incentives for tree planting might also be useful. Families could be rewarded by a sponsoring NGO or government agency depending on the number of trees they protected within a designated area.<sup>62</sup> Other supplies might be offered to workers in exchange for various monitoring or reforestation activities in which they participate. Large plots of land could be set aside for trees of particular commercial uses, fruit trees for instance.<sup>63</sup> In establishing economic incentives, people might begin to understand natural resources as concrete sources of income. This is the first step in helping people make a commitment to the land around them.

### **A new Convention, better suited to a complex world**

The UNHCR influences domestic policies, and thus must seek the cooperation of nations to organize programmes to provide these economic incentives. Old-style arrangements where refugees are permitted to harvest but not cultivate resources only lead to exploitation. At the same time, resources that are not made available to refugee use, such as forest preserves, must be protected more carefully. Planning for campsites obviously must consider both the needs of the refugees as well as native inhabitants.

The UNHCR should place limits on the sizes of refugee camps. It should prevent camps from being placed too far from established communities, as this leave refugees without opportunities for mobilization and undermines energy efficiency.<sup>64</sup> In cases of isolated settlements, refugees have difficulty obtaining timely medical care. Those who work outside the camp can do little else for their community because of the time it takes to get to and from their jobs. Where local sources cannot be tapped, transporting necessities takes up the energy of women and children that might otherwise have been channeled to education.

The UNHCR should work to guide policies on refugee land use. It should continue encouraging government and NGO studies of typical types of land to determine the best organization for water, sewage, and housing structures within camps.<sup>65</sup> It should then use this information to assess settlement plans and ensure they consider the most efficient arrangement. The UNHCR must have the power to act as an outside regulator, able to control the course of refugee settlements.

The UNHCR could begin to carry out these duties, if a new Protocol were written by member states that included minimum standards of living for refugees under its protection. That is, the Refugee Protocol of 2000 could describe specific levels of environmental quality around campsites. Host nations would then have the responsibility of monitoring and maintaining land at quantifiable levels, for example guaranteeing so many litres of clean water per person or particular ratios of on-site vegetation in relation to human distribution. Campsites abandoned after refugees have returned to their

homelands might also have particular standards imposed on them, such as an inspection process where conditions of the land must be comparable to or better than before the migration influx. Nations must realize the necessity of implementing their own incentive programmes to achieve these standards.

Finally, the Convention should emphasize cooperative solutions between host and refugees. While it mentions international cooperation in general, it does not refer to treatment at the local level and here is where the true possibilities for change rest. Refugees often offer skills unknown to host nations.<sup>66</sup> Varying farming techniques and alternative labour skills offer benefits for land and consumers. At the same time, existing national environmental policies could bolster the efforts by including stipulations of their own specifically in regards to areas around refugee camps. Knowing the tendencies of refugee movements, both types of agreements, environmental and refugee, should work to anticipate the needs of their constituents.

These revisions only begin to address the deficiencies of the current Convention behind the UNHCR. While the causes and challenges facing refugee movements have been evolving, the principles behind their protection have not. The UNHCR cannot continue operating under the guise of purely humanitarian purposes without meeting the challenge at the root, the domestic policies of reluctant nations. It is time to give the Convention, which has until now been applied as an *ad hoc* law, some binding clout. Seeking cooperative solutions – cooperative between refugees and host nations, between all human inhabitants and the land – will minimize the environmental degradation caused by unsustainable living long after a refugee movement returns home.

### Clearing the Final Hurdles

These changes will no doubt be difficult to implement. The UNHCR, as an inter-governmental organization, relies on governments for funding. What few funds are available are often earmarked for specific projects or subject to government approval. Here, politics wields its knife.

In addition to funding constraints and binding regulations, other limitations placed on the UNHCR could stand revision. Adhering still to an official definition of refugees that was last revised in 1967, the legal stipulations guiding the UNHCR make seeking asylum difficult for internally displaced persons as well as for those who cannot prove they are fleeing persecution. There is no mechanism through which domestic policies may be scrutinized.<sup>67</sup> Further, the Convention offers no international terms of asylum, and no clarity as to minimal levels of treatment or basic guaranteed aid for refugees. Legal scholar James Hathaway goes so far as to assert that the Convention is the biased scheme of its drafters to shield Western States from the Third World.<sup>68</sup> He argues that the ambiguous 1951 document confuses the sovereign rights of states with moral obligations.<sup>69</sup> In short, the Convention fails in many of its provisions.

Addressing the Convention's failures will be difficult. If a new protocol is written by a UN committee and then ratified by a consensus vote of its members – a challenging, time-consuming process in itself – it is difficult to predict whether the new text would result in any significant protection for refugees. With voluntary membership in the Convention, the UNHCR is not a body with legal enforcement powers. Under outstanding circumstances, it may challenge a nation's failure to care adequately for its displaced population by persuading a nation to call a case before the International Court of Justice (ICJ). Under the International Covenant on Civil and Political Rights, every person has the right to life, liberty, and security.<sup>70</sup> The UNHCR could seek adherence to its refugee and environment standards by asserting that those who do not follow them violate their obligations to the global community.

Until the International Court of Justice and more nations subscribe to the notion of global responsibility, it is impossible to predict the effects of a new protocol. The modest hope is that, at least, states will respect the reasoning behind the new standards and understand the value of following them. This form of free-willed harmonization has been the mode of UNHCR operation since the beginning. But, now if the requirements are raised, it may be necessary to call upon the assistance of bodies dedicated to protecting human and environmental rights and empowered with binding clout. Unfortunately, no such organization exists.

With the millions of people depending on its effectiveness, then, the world cannot afford to allow the UNHCR to remain an advisory, humanitarian body. By encouraging nations to work with refugee populations, the UNHCR will better protect both refugee and host populations. By including quantitative standards of environmental quality guaranteed for refugees and their host nations, the Convention would support governments striving toward sustainability. Its principles would further rather than frustrate the goals of environmental agreements.

Change depends on governments individually committed to working with refugees and neighbouring nations. Perhaps, through their efforts and those of the UNHCR, standards of living will evolve from quantities dictated by regulations to fundamental assumptions of human decency. In its work to protect the livelihoods of those without a government to do so, the UNHCR actually acts on behalf of all humanity. □

### Notes

- 1 United Nations General Assembly. "Convention Relating to the Status of Refugees of 28 July 1951." United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons. Geneva: 2-25 July 1951. Full text is available by writing to the United Nations, Environment Unit at C.P. 2500, 1211 Geneva 2, Switzerland or from the United Nations High Commissioner for Refugees web site, <http://www.unhcr.ch/refworld/refworld/legal/instrume/asylum/1951eng.htm>. One hundred and thirty-two nations are party to the 1951 Convention, including those nations notably connected to refugee movements. Bosnia, Cambodia, El Salvador, Ethiopia, and Tanzania are examples. Nations that choose not to sign sometimes have domestic standards of their own based on the UN Convention, though implementing any written standard to protect refugees is strictly voluntary.
- 2 United Nations General Assembly. "Protocol Relating to the Status of Refugees of 31 January 1967." Geneva: 16 December 1966. Full text also available

through the United Nations Environment Unit or the web site, <http://www.unhcr.ch/refworld/refworld/legal/instrument/asylum/proteng.htm>. The United States, as well as several other nations, are parties only to the 1967 revision and not to the original 1951 Convention. The Protocol differs only in that it modernized the original qualifications for refugee status by striking the 1951 Convention language that specifies displacement must occur as "a result of events occurring before 1 January 1951." Since the difference between the two documents is slight while the spirit of their purpose is consistent, henceforth both documents will be referred to collectively as the UN Convention unless specifically identified.

3 "Convention Relating to the Status of Refugees," *supra* n. 1. Also "Protocol Relating to the Status of Refugees," *supra* n. 2.

4 UNHCR Statistical Unit. "Refugees And Others Of Concern To UNHCR; 1997 Statistical Overview." Geneva: July 1998. Also available upon request from the United Nations Environment Unit.

5 *Id.*

6 *Id.* The UN documents "others of concern" according to the domestic standards of its member parties. Most nations file those who are identified as internally displaced under this category. The internally displaced are most often victims of environmental degradation. It should be noted that simply being identified by the UN may be an advantage for those who do not typically fall under refugee status, since this draws political attention to their communities and saves them a place in line for possible assistance in the future. As to the basic level of aid generally provided to non-refugees, however, data is unavailable.

7 "Protocol Relating to the Status of Refugees," *supra* n. 2.

8 Organization of African States. "Convention Governing Aspects of Refugee Problems in Africa," 20 June 1974. Unfortunately, OAS definition of refugees also fails to accommodate those displaced within their own borders. Also, all regional Conventions draw heavily upon the original UN Convention. Article 8 of the Conventions Governing Aspects of Refugee Problems in Africa is dedicated to cooperating with and complementing the UNHCR. Full text available by request from the OAS Publications Unit, 19<sup>th</sup> Street and Constitution Avenue, Administration Building, Rm. G2, Washington, D.C. 20006.

9 Michelle Leighton-Schwartz. "International Legal Protection for Victims of Environmental Abuse." *Yale Journal of International Law*, Vol. 18, (1993): 380.

10 Organization of American States. "Cartagena Declaration on Refugees." Cartagena, Columbia, 19–22 November 1984. Full text available by request from the UN Environmental Unit or on the web site [http://www.unhcr.ch/unhcr/refworld/legal/instruments/asylum/cart\\_eng.htm](http://www.unhcr.ch/unhcr/refworld/legal/instruments/asylum/cart_eng.htm).

11 *Id.* at Article III:1. While regional conventions, unlike the original UN Convention, actually describe an obligation to establish mechanisms to carry out the goals of the UNHCR, refugee aid ultimately originates from the same NGOs, UN organizations, and philanthropic efforts of nations as the UNHCR. Thus, it is impossible to distinguish the regional conventions' level of effectiveness from that of the UN Convention.

12 Refugee Policy Group. *Conference Report: Human Rights Protection for Internally Displaced Persons*, June 24–25, 1991: 1. This is an unpublished manuscript provided by Michelle Leighton-Schwartz, Natural Heritage Institute.

13 UNHCR "Selected Lessons Learned," *Refugee Operations and Environmental Management*. Geneva: 4 August 1998. Available by request from the UN Environmental Unit.

14 UNHCR. *The State of the World's Refugees; In Search of Solutions*. Oxford: Oxford University Press, 1995: 20. Also available from the UN Environmental Unit.

15 Leighton-Schwartz. *supra* n. 9 at 378.

16 "General Provisions, Preparation for Convention Relating to the Status of Refugees," *supra* n. 1.

17 United Nations General Assembly. "United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons." Geneva: 2–25 July 1951. Full text available by writing to the UN Environment Unit. Also United Nations General Assembly. "Statute of the Office of the United Nations High Commissioner for Refugees," Geneva: 14 December 1950. Full text also available by writing to the UN Environment Unit or from the web site [http://www.unhcr.ch/refworld/refworld/legal/instrument/volrep/hcrsta\\_e.htm](http://www.unhcr.ch/refworld/refworld/legal/instrument/volrep/hcrsta_e.htm).

18 *Id.*

19 Leighton-Schwartz, *supra* n. 9 at 380. Of the five regional refugee conventions, only the Organizations of the Americas and Africa have specific provisions that guarantee more inclusive protection for refugees than the UN Convention. For this reason, it is assumed that a governing body must take the lead to encourage upward harmonization of refugee protection. The UNHCR, as the governing body for a convention that guides the largest contingency of states as well as serving as the foundation for five regional conventions, earns that responsibility.

20 "Environment and Migration; Draft Report," Refugee Policy Group, Washington D.C., June 1992. Available by writing the RPG, Center for Policy Analysis and Research on Refugees, 1424 16<sup>th</sup> St. NW, Suite 401, Washington D.C. 20036.

21 Michelle Leighton-Schwartz. Personal Interview, San Francisco, 8 October 1998.

22 "Refugees And Others Of Concern To UNHCR; 1997 Statistical Overview," *supra* n. 13 at 4.

23 "Selected Lessons Learned," *supra* n. 13 at 4.

24 *Id.* at 4.

25 "Key principles for Decision-Making." UNHCR, Geneva, August 1998. Available by writing to the UN Environment Unit.

26 UNHCR. *The State of the World's Refugees; In Search of Solutions*, Oxford University Press, Oxford, 1995: 163.

27 *Id.* at 165.

28 "Limiting the Wastelands," *Refugees and the Environment: Special Report*, Refugee Policy Group, Washington D.C. 1998: 5. Available by writing to the RPG.

29 *Id.* at 4.

30 Janet N. Abramovitz. Article re-published in Chapter 6, *Human Biology 135: Global Environmental Policy and Law Course Reader*, ed. Armin Rosencranz, Fall 1998: 49–50.

31 *Id.* at 49.

32 *Id.* at 50.

33 *Refugees and the Environment: Special Report*, *supra* n. 28 at 9. Of note is the taboo among Mozambican cultural groups to cut any fruit-bearing trees.

34 *Id.* at 9.

35 Armin Rosencranz and Antony Scott. "Siberia's Threatened Forests," *Nature*. 23 January 1992: 837R.

36 Abramovitz article. *supra* n. 30 at 51.

37 "Selected Lessons Learned," *supra* n. 13 at 378.

38 *Id.* at 378.

39 *Id.* at 375. Leighton-Schwartz makes additional reference to "Population, Resources, and the Environment: The Critical Challenges," UN Population Fund, 1991: 32.

40 UNHCR. "Project Summary, Refugee and Returnee Operation in Rwanda." Geneva: January–June 1998. Available on the web site, <http://www.unhcr.ch/dirs/midyear/rwa.htm>.

41 *Id.*

42 *Id.*

43 *Id.*

44 *Id.*

45 *Id.*

46 *The State of the World's Refugees*. *supra* n. 26 at 158–161.

47 *Id.* at 63. Also *Refugees and the Environment: Special Report*, *supra* n. 33 at 9.

48 *Id.*

49 Selected Lessons Learned." *supra* n. 13 at 5.

50 *Id.* at 5.

51 *Id.*

52 UNHCR. "Key Principles for Decision Making, Focus on the Environment." Geneva (1998): 9. Available by writing to UN Environment Unit

53 *Id.* at 9.

54 *Id.*

55 *Id.*

56 *The State of the World's Refugees*. *supra* n. 26 at 87.

57 *Id.* at 87.

58 "Selected Lessons Learned," *supra* n. 13 at 29.

59 *Id.* at 4.

60 *Id.* at 15.

61 *Id.* at 23. One programme organized by Rational Energy Supply, Conservation, Utilization and Education (RESCUE) was employed in three camps in Dabaab in Kenya's north-eastern province. Somali refugees cared for seedlings in exchange for different wood-burning stoves. The greater number of healthy trees in a designated area, the better the stove provided to the family caring for them.

62 *Id.*

63 *Id.* at 16. While it is unknown whether programmes exist that focus specifically on protecting fruit trees, in the Kagera region of Tanzania, trees are marked by UNHCR Environmental Task Forces with white oil paint. They are then monitored by forest guards. Refugees, however, are not necessarily involved in monitoring the trees.

64 *Id.* at 9. The UNHCR has already established an Environmental Database with maps, statistics, and survey results collected from the UN Environment Programme, World Food Programme, and FAO. Unfortunately, use of information provided is not mandatory, and there is no mechanism to ensure that refugee settlement planners employ the data.

65 *Id.* at 9.

66 *Id.* at 10. Refugees have been noted to have shared beneficial indigenous knowledge of local plant and animal species, uses, and reproductive cycles with their more urban hosts and among themselves.

67 James C Hathaway. "Underlying Premise of Refugee Law," *Harvard International Law Journal*. 31.1 (1990): 166.

68 *Id.* at 151.

69 *Id.* at 153.

70 United Nations General Assembly. "International Covenant on Civil and Political Rights, Resolution 2200 A(XXI) of 16 December 1966," Geneva: 23 March 1976. As of 1996, a total of 133 states were party to this agreement, all of which were also party to either the 1951 Convention or the 1967 Protocol. Full text available by request from the UN Commission on Human Rights or on the web site, [http://www.unhcr.ch/refworld/refworld/legal/instrument/civpot\\_e.htm](http://www.unhcr.ch/refworld/refworld/legal/instrument/civpot_e.htm).