THE 71ST SESSION OF MODEL UNITED NATIONS OF THE FAR WEST

UNHCR EXECUTIVE COMMITTEE ISSUES BOOK

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UNHCR's principal functions are to protect and assist refugees and other persons of concern, including stateless people, and to seek durable solutions for them. Protection includes preventing the involuntary return of a refugee or a person of concern to a country where he or she may have a well-founded fear of persecution and supporting host countries in ensuring that the treatment of refugees is in line with international standards.

UNHCR's governing body, the Executive Committee of the High Commissioner's Programme (ExCom), determines the general policies under which UNHCR plans, develops and administers refugee programmes and operations around the world. New members may be admitted by ECOSOC through the General Assembly. (UN Handbook, 2017-18)

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STATELESSNESS AND ITS IMPACT ON WOMEN

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MUNFW 71st Session – UNHCR Executive Committee

Definitions, Mandates, And Numbers

The 1954 Convention relating to the Status of Stateless Persons defines a stateless person as "A person who is not considered as a national by any state under the operation of its law."[1] A stateless person, deprived of a nationality for a variety of reasons, faces many challenges. Those lacking a nationality are more vulnerable to systemic discrimination – they have limited access to education and healthcare, difficulty traveling, and are deprived of the privileges of citizenship like voting. There are at least 10 million people worldwide who lack a nationality; they are stateless.[2]

Following the 1954 Convention, the 1961 Convention on the Reduction of Statelessness, which was enacted on December 13, 1975, sought to establish a framework for combating statelessness: "a body to which a person claiming the benefit of this Convention may apply for the examination of his claim and for assistance in presenting it to the proper authority."[3] The Office of the United Nations High Commissioner for Refugees (UNHCR) was designated as this body by General Assembly resolutions 3275 (XXIX) of December 10, 1974 and 31/36 of November 30, 1976. The Conventions are supported by the 1948 Universal Declaration of Human Rights, which states that everyone has the right to a nationality.[4] However, this is not the reality for millions of stateless persons or the international community itself. The 1961 Convention on the Reduction of Statelessness, in its effort to reduce statelessness, calls upon states who are party to the Convention to provide citizenship to people born on their territory or

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[1] 1954 Convention Relating to the Status of Stateless Persons, Article 1
[2] UNHCR, Ending Statelessness
[3] 1961 Convention on the Reduction of Statelessness, Article 11
[4] Universal Declaration of Human Rights, Adopted by the General Assembly, 10 December 1948

who have resided in their territory for a specified period of time. But it is the states who determine the standards for granting nationality; the Convention sets out limits only where withdrawal of a nationality would result in a person becoming stateless.[5] The Convention also provides guidelines for granting citizenship to stateless children born in that country or when one or both parents are of the nationality of that country (Article 1-4); when statelessness has occurred due to to a loss of or renunciation of a nationality (Articles 5-7); or deprivation of nationality (Article 8-9); or in cases of state succession or changes in territorial boundaries (Article 10).[6] While the country provides the national legislation governing the process of granting nationality and there are exceptions that could lead to a rejection of an application for citizenship status, the net result, if countries were to live up to the guidelines in the Convention, would be a reduction in statelessness. However, since fewer than half the Member states are parties to the Convention and while many who are not parties to it follow the guidelines, the lack of universal coverage and adherence means that many states do not contribute to a resolution of the problem.

There has been a significant increase in accession to both the 1954 and 1961 Conventions since the 2011 special High Commissioner's Dialogue on stateless Persons to commemorate the 50th anniversary of the 1961 Convention. Additional advocacy efforts include the 2014 #IBelong Campaign to End Statelessness in 2014.[7] Currently, there are 96 state Parties to the 1954 Convention, and 77 state Parties to the 1961 convention.[8] Prior to the campaign, those numbers were 41 and 17, respectively.

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[5] Preventing and Reducing Statelessness, UNHCR Publication 2014, p. 6
[6] Preventing and Reducing Statelessness, UNHCR Publication, 2010, p. 3
[7] The #IBELONG Campaign, launched in 2014, "With the Hopes of Ending Statelessness by 2024;" among the goals of the campaign are fundraising, raising public awareness and helping meet the Global Action Plan to End Statelessness, which launched the same year.
[8] UN Treaty Series as of 16 August, 2021

The GA resolution 50/152 of December 21, 1995, "entrusted UNHCR with a global mandate to identify, prevent, and reduce statelessness and protect stateless persons, specifically requesting that the Office 'provide relevant technical and advisory services pertaining to the preparation and implementation of nationality legislation.'"[9] However, nationality and its requirements are an integral aspect of state sovereignty. Identification and prevention largely require Member states to invite UNHCR to advise on legislation and implementation of measures, with no obligation to take the advice after receiving it. Additionally, many Member states are not party to either of the Conventions even if they have supplementary regional treaties, such as the United states.

The scope of statelessness goes far beyond accession. UNHCR estimates that there are approximately 4.2 million documented stateless persons, and that there are probably over ten million stateless persons overall.[10] While the disparity is less than it has been in the past, as documentation practices become better and more coordinated the vast difference between recorded and estimated numbers reflects one of the major problems facing UNHCR and the international community — the difficulty of determining who is stateless and documenting them. Some countries lack adequate documentation procedures; statelessness is often a byproduct of conflict and instability that puts additional stress on state services. Additionally, some stateless persons are reluctant to engage with government or UN officials for fear of deportation. Because nationality and the criteria for citizenship are determined by the state, there is the added complication of legal issues regarding citizenship status that may lead to large numbers

[9] Quoted in UNHCR's Publication on the Convention on the Reduction of Statelessness, February 2011, p. 4; also GA Resolution 50/152 of 21 December 1995
[10] UNHCR, Global Trends 2017, p. 2; See also "Preventing and Reducing Statelessness: The 1961 Convention on the Reduction of Statelessness, UNHCR publication 2010, p.1. Since many stateless persons are not registered, estimates of the total number vary widely; some are as high as 15 million.

of former citizens being deprived of citizenship; for instance, the cases of succession states in

the former Soviet Union or the deprivation of citizenship for some Palestinians living in Jordan.[11]

The development and strengthening of statelessness determination procedures will lead

to better quantitative data, as per Action 10 of the Global Action Plan (GAP) to End

statelessness.[12] An upcoming opportunity for obtaining a more accurate picture of

statelessness is the 2020 census; some states opted to pre-code an option for census

respondents to record themselves as stateless, as seen in the Conference of European

Statisticians Recommendations for the 2020 World Population and Housing Census

Programme.[13] It was difficult, however, because some states do not regard these people as

stateless. UNHCR reported it only had accurate data on stateless persons from 76 out of the 98

countries known to have populations of stateless people. Over the last decade, UNHCR

documented an additional 27 states with stateless populations.[14] As of the end of 2019, the

largest stateless populations (over 100,000) where data are available were in Côte d'Ivoire

(955,000), Bangladesh (854,000), Myanmar (600,000), Thailand (475,000), Latvia (216,000),

Syria (160,000), Malaysia (108,000), Uzbekistan (97,000), Kuwait (92,000), Estonia (75,000),

Saudi Arabia (70,000), and the Russian Federation (68,000).[15]

Legal Issues

The root causes of statelessness are similar to those for displacement of people in

general — natural disasters, conflict, human rights violations, or poverty. However, statelessness

may also result from state succession. This includes either the creation of new states with

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[11] Human Rights Watch, "Stateless Again: Palestinian-Origin Jordanians Deprived of Their Nationality," 2010 Report.
[12] UNHCR Global Action Plan to End Statelessness, 4 November 2014; Available at http://www.refworld.org/docid/545B47d64.html
[13] https://www.unece.org/publications/2020recomm.html
[14] UNHCR, Global Trends 2017, Figure 17, p. 52
[15] UNHCR, Global Trends 2019, published 18 June 2021, pp. 72-75.

somewhat artificial borders that cross natural ethnic boundaries as was the case in the Middle East, or where new states come into being following the collapse of a predecessor state as witnessed after the demise of the Soviet Union or the breakup of former Yugoslavia. The situation regarding the Palestinian population is especially complex from a legal standpoint. Some Palestinians have been provided with documentation by neighboring states, but the documentation falls short of full citizenship. Others have been granted citizenship status by the Palestinian Authority that now has observer state representation in the United Nations. But whether these actions or forms of documentation constitute full citizenship status, which would mean they would not qualify as stateless persons, is still open to debate. If they were to be considered stateless, they would be the largest stateless population in the world. Regardless of their current status, since in terms of humanitarian assistance they come under the auspices and mandate of the United Nations Relief Works Agency (UNRWA) in Palestine, including Gaza, UNHCR does not deal with them as stateless persons and their situation would not come under the authority of UNHCR or its Executive Committee. Thus, resolutions addressing their situation would not be appropriate for this session of MUN.[16] However, if Palestinians have sought refuge beyond areas of UNRWA operations (Jordan, Syria, Lebanon the West Bank, and Gaza), they could be considered under UNHCR's stateless mandate, if they are stateless, according to the international definition.[17]

Regional treaties play a role in strengthening UNHCR's authority on dealing with the world's statelessness issue; regional treaties include the African Charter on the Rights of the Child, the American Declaration on the Rights and Duties of Man, the European Convention on Human Rights, the Arab Charter on Human Rights, and the Organization of Islamic Cooperation

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[16] Interview with UNHCR staff focal point on the Middle East; see also Abbas Shiblak, "Stateless Palestinians," Forced Migration Review, No. 26, pp. 8--9
[17] Abbas Shiblak, "Stateless Palestinians," Forced Migration Review, No. 26, p. 9

(OIC) Covenant on the Rights of the Child in Islam. Many of the regional treaties emphasize the children's right to a nationality, as over a third of the world's stateless population are children.[18]

In the case of refugees, and particularly refugee children, those born in the recipient or host country may not be granted citizenship by that country. Considering that the average time a refugee spends in exile is approximately 20 years,[19]this has the potential to create an entire generation of stateless persons. Yet, the country of origin from which their parents fled may also deny the child citizenship since they were not born in that country. These situations highlight the two major criteria upon which citizenship is granted (aside from naturalization): jus soli ("law of the soil") and jus sanguinis ("law of blood").[20] UNHCR's efforts are primarily focused on jus soli, or de jure stateless populations in efforts to close legislative loopholes that leave people stateless. In the former case, states grant citizenship automatically to anyone born on the state's territory; in the latter, states grant citizenship based on blood ties. While states maintain sovereignty as to the criteria of citizenship, many refugee children born outside their parents' home country would not qualify under either criterion. Some states only allow citizenship to certain races or ethnicities. Additionally there are 25 nations that do not allow women, in this case mothers, to pass along their nationality to their children.[21] Thus, if the father has died or there is a divorce, a child who would have obtained their father's nationality at a designated age, may no longer be granted that nationality or the nationality of their mother. Statelessness in children, compounded with limited access to civil documentation in developing nations, makes it difficult for states and non-state actors to provide any kind of assistance.[22] Registration may be difficult for stateless persons displaced by conflict who lose or leave behind documentation while fleeing.

[18] UNHCR: "A Special Report Ending Statelessness"
[19] World Bank, "How Many Years Do Refugees Stay in Exile?"
[20] UNHCR, The State of the World's Refugees: A Humanitarian Agenda, p. 3
[21] UNHCR, "Ending Statelessness"
[22] UNHCR, "A Special Report: Ending Statelessness in 10 Years," pp. 8-9

Two of the newly independent Baltic states (Estonia and Latvia) exemplify the

challenges of determining nationality following the collapse of a state or changes in boundaries.

Both enacted citizenship laws that discriminated against people of Russian descent, many of

whom had lived in those Republics for decades prior to the collapse of the Soviet Union. The

new citizenship laws require former citizens to pass a language exam in order to qualify for

citizenship. This criterion was applied to everyone but has been particularly hard to meet for

many older Russians since they had not learned the native language during their time in the

Republic when it was still a part of the USSR.[23] In 2017, UNHCR reported that Estonia and Latvia

had taken steps to "further facilitate the acquisition of citizenship by those born in Estonia and

Latvia to non-citizen parents, which will help ensure that these situations are resolved over time

and Russia has offered citizenship in Russia to many of them."[24]

In addition, the General Assembly addressed this issue through a draft proposal of the

International Law Commission and subsequent resolutions.[25] General Assembly resolution

55/153 contains the draft proposal for a possible convention on the topic of "Nationality of

natural persons in relation to the succession of states." While no particular state is mentioned, it

was prompted by events occurring in both the former Soviet Union and the former Yugoslavia.

The draft proposal lays out guidelines to follow in granting inhabitants of these territories either

in the predecessor state or successor state, while ensuring that whatever is done does not

cause the individual to become stateless. While there are some limiting conditions, in most

cases it is recommended that the individual have the option of taking the nationality of either of

the two states. Further, all Member states were requested to comment on the possibility of

[23] Based in part on an interview with a UNHCR delegate to the GA's Third Committee. The Russian Federation regularly raises concerns about the treatment of these people during debates on Human Rights in the Third Committee. For an analysis of some of the legal issues involved as well as those involved in asylum deliberations in the US, see Maryellen Fullerton, "The Intersection of Statelessness and Refugee Protection in US Asylum Policy," JMHS Vol. 2, No. 4, 2014, pp. 144-164)
[24] UNHCR, "Statelessness Around the World"
[25] A/RES/54/112, 55/153, 59/34, 63/118, and 66/92

agreeing to a convention on this issue.[26] However, negotiations about the issue stalled in the Sixth Committee for roughly a decade around the 1950s with no resolution of these issues, so the General Assembly will no longer consider the issue unless a member state asks it to do so, and that is not likely to happen in the immediate future. Resolution 66/92, OP4 says that upon request of any state, it will revert to the question of nationality of natural persons in relation to the succession of states, in particular concerning the avoidance of statelessness.[27]

Problems Facing Stateless Women And Children

While not all stateless people are refugees, many of them are often in refugee-like situations, either a camp for displaced persons or living in isolation in urban areas. They suffer from discrimination, have limited access to education, health care, employment opportunities, appropriate housing and food, and/or the ability to travel. They also lack the right to vote, and may find it difficult to participate in cultural or religious activities.[28] The long-term effects of lack of education or employment, the need for health care, and other factors can ultimately contribute to greater poverty if these conditions are not remedied and, as with other forms of discrimination, will have a disproportionate affect on the lives of women and children. Women and children face even more problems such as increased sexual or gender-based violence, lack of access to prenatal or reproductive health services, and demands as the new heads of households. In addition, they live in fear of deportation, which often means they will not seek help from the government, police, or other organizations when they suffer from discrimination, poor health, or violence and abuse.

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[26] A/RES/55/153
[27] A/RES/66/92, operative paragraph 4
[28] "Preventing and Reducing statelessness: The 1961 Convention on the Reduction of Statelessness," UNHCR publication 2010, p. 2 – "Policies and Programmes: UNHCR and Government Efforts"

One additional form of discrimination involves the inability of women to pass on their nationality to their children when they are the head of a household, leaving many more children stateless as a result. At least 25 countries still do not allow women to pass on their nationalities when the father is no longer with the family for various reasons, though UNHCR has been working with national governments to try and get them to adopt new legislation to remedy this situation. Moreover, regardless of the family situation, children may not be registered at birth and without an official birth certificate they may not be eligible to attend schools or have access to other necessary services.

A UNHCR report by Rosa Ogola in Nairobi, Kenya, (November 2020) describes the problems faced by a young woman of the stateless Shona community in Kenya, Nosizi Dube. While Dube eventually was admitted to high school and then a university, she faced frequent rejections of her applications since "she did not have the crucial documentation to prove her identity and register for exams." Dube commented that "it is like you are a ghost in the country you are living in. You don't exist." Wonja Manaita, an Assistant Protection Officer for UNHCR, told Ogola, "Without proof of nationality, the Shona and other stateless communities are not able to fully access basic services like education and health. They cannot travel, own property, be formally employed or access financial service, among other rights that Kenya citizens enjoy," "stateless people often face political and economic marginalization and discrimination, making them vulnerable to exploitation and abuse."[29]

In addition, unlike Nosizi Dube, most Shona women of her age (20 years) are already mothers. Fortunately for Dube, her mother was eventually able to obtain an antenatal clinic card, which she used in place of a birth certificate. Now, due to advocacy by UNHCR and the Kenyan Human Rights Commission (KHRC), "The government has issued Shona children with birth

[29] Rosa Ogola, Report on Shona women:
https//www.unhcr.org/en-us/news/stories/2020/11/5fab26024/want-shona-women-they-want.html?

certificates,"[30] but thousands of other children in dozens of countries are still unregistered and lack appropriate documentation. UNHCR estimates that a stateless child is born every 10 minutes — over 70,000 children a year.[31]

Policies And Programs: UNHCR And Government Efforts

As noted earlier, while not all stateless persons are refugees, they are often in refugee-like situations. This is one of the reasons UNHCR received the mandate to help them, but as is the case today with refugees, most stateless people live in urban, non-camp settings. Thus, UNHCR's work on behalf of stateless persons is often conducted on a more abstract or legal level than typical operations out in the field designed to assist displaced persons in camps. In 2017, UNHCR reported that 56,500 stateless persons were granted citizenship in 29 countries "with significant reductions occurring in the Philippines, the Russian Federation, Sweden, Tajikistan, and Thailand, among other places. In Tajikistan, for example, close to 12,000 people had their nationality confirmed in 2017, as did 11,000 in Thailand."[32] This process ultimately relies on the political will and cooperation of national governments who are the only actors who can grant citizenship and thus reduce the number of stateless persons throughout the world. Nevertheless, UNHCR has undertaken a number of steps in cooperation with governments and other humanitarian actors to try and reduce statelessness.

First, UNHCR has constantly advocated for accession to the two statelessness Conventions. The Conventions provide guidelines that, if followed, would diminish the number of stateless persons. With a greater number of states adhering to the Conventions, the

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[30] Ibid
[31] Institute on Statelessness and Inclusion: https://files.institutesi.org/ISI_statistics_analysis_2020.pdf. This article also points out the tremendous difficulties in getting accurate data regarding stateless persons.
[32] UNHCR, Global Trends 2017, p. 53

international community would develop more consistency and uniformity in how stateless

persons were treated, promote a "rule of law," and more efficient regulation of migration.[33]

Second, UNHCR works extensively with its usual partners in the humanitarian area to

promote concern for stateless persons, raise awareness of the issue, and improve protection or

their access to basic human rights. These partners include The United Nations Children's Fund

(UNICEF), the United Nations Development Programme (UNDP), the United Nations Population

Fund (UNFPA), numerous non-governmental organizations (NGOs), regional organizations and

civil society.[34]

Third, UNHCR works closely with Governments to provide technical advice and

encouragement regarding national legislation to address the concerns of stateless people.

While the establishment of such legislation is ultimately the responsibility and prerogative of the

state, UNHCR can provide useful information on legislation and best practices in other

countries.[35] Such practices could include simplifying application procedures, prohibiting

withdrawal of nationality if it would result in statelessness, allowing women to pass along their

nationality to their children, ensuring birth registration, the granting of residence permits,

providing the rights to travel and return, access to employment, improved access to education

and health services, and ultimately, for some, granting citizenship.[36] Other strategies could

include having a clear vision and a regional focus; investing in research on the need for attention

to and reforms in dealing with statelessness; building coalitions, and promoting media

coverage.[37] Finally, out in the field, UNHCR has begun a very extensive registration and

documentation program to assist refugees, internally displaced persons, and stateless persons

[33] UNHCR Publication, "Helping the World's Stateless People," 2011, p. 6
[34] Ibid, p. 7
[35] Ibid, pp. 5-7
[36] Laura Van Waas, "The Situation of Stateless People in the Middle East and North Africa," Report prepared for UNHCR, October 2010
[37] Ibid, p. 41

in obtaining documents to give them identity and access to necessary services. UNHCR also

provides training programs for government officials regarding registration and documentation

procedures.[38]

Many governments have taken steps to reduce statelessness. In the last decade, many

have acceded to the Conventions. Some 30 states are participating in UNHCR studies and

surveys as part of Action 10 of the Global Action Plan to improve both qualitative and

quantitative data for stateless persons and how to best assist them, for example in Kazakhstan

and Zambia.[39] In addition, in 2017, the Rohingya population was identified as stateless, instead

of in the separate category of displaced persons to give a more accurate account of the world's

stateless population, as stateless Rohingya populations are currently displaced throughout

Myanmar and Bangladesh.[40] The Rohingya are a Muslim population that have resided in the

Myanmar Rakhine State, and have been denied citizenship in Myanmar based on their

ethnicity.[41] After attacks on the Rohingya residences in Myanmar in 2016, hundreds of

thousands fled to Bangladesh in what UNHCR characterizes as, "the largest and fastest refugee

influx seen in the region in the past twenty years."[42] UNHCR has called on the state of Myanmar

to put an end to this humanitarian crisis by providing citizenship for the close to one million

stateless persons in or from the Rakhine state.

As previously mentioned, Estonia and Latvia have taken steps to prevent another

generation of stateless persons. Additionally, Brazil resolved the statelessness crisis of

Brasileirinhos Apatridás children in 2007, and 300,000 Urdu-speakers (sometimes referred to as

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[38] UNHCR Publication, "Helping the World's Stateless People, 2011, pp. 6-8
[39] UNHCR, "Global Action to End Statelessness," p. 24
[40] UNHCR, Global Trends 2017, p. 52
[41] UNHCR Global Trends 2017, pp. 22-25: UNHCR Myanmar reported a baseline estimate of 900,000 non-displaced stateless people in the Rakhine state at the start of the year. However, in light of the 655,000 arrivals from Myanmar reported in Bangladesh in 2017 and some 470,000 non-displaced stateless persons estimated to be remaining in Rakhine state at years-end, it is now clear that the baseline estimate was too low."
[42] UNHCR, Global Trends 2017, pp. 22-25

Biharis) were granted citizenship in Bangladesh in 2008.[43] All states, however, could share best practices, reexamine their existing legislation in light of best practices, take steps to improve educational opportunities, ensure that stateless persons have access to basic public services, promote more effective registration and documentation, and implement pledges they have made. In particular, all actors should consider gender-mainstreaming into their policies and long-term planning to ensure that the special needs of women and children are taken into consideration in the future.

Recommendations For A Resolution

Generally, UNHCR resolutions are adopted by consensus. The primary reason for this is because questions relating to UNHCR are considered humanitarian rather than political in nature, despite the fact that there are obvious political issues and ramifications involved. In addition, resolutions adopted by consensus, though they are often watered down, carry more weight than those adopted by a vote. Delegates should, then, attempt to reach consensus at Model UN on one comprehensive resolution that would address the issue of statelessness and its consequences on stateless persons. Delegates could consider the following:

A. Encourage Governments to consider acceding to one or both of the statelessness Conventions.

B. Encourage Governments to share best practices in terms of programming and legislation regarding stateless persons.

C. Encourage Governments to participate in UNHCR campaigns, such as the 2014 #IBelong call to end statelessness by 2024.

D. Call for greater cooperation between UNHCR, Governments, and NGOs to assist stateless persons.

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[43] UNHCR, "Statelessness Around the World"

E. Encourage donors to provide additional financial and technical support to UNHCR and other states dealing with issues relating to stateless persons

F. Call upon Governments to adhere to pledges they have made regarding stateless persons.

Questions To Consider:

1. Does your state have a stateless population? Under what circumstances did that stateless population arise: conflict, state succession, lack of adequate documentation and record keeping?

2. How does your state partner with UNHCR to assist stateless persons? How could this be improved?

3. If your state does not have a stateless population, can your state assist other states that do?

4. What steps can be taken to address the needs of stateless women and to encourage them to take advantage of services UNHCR, other UN agencies, non-governmental organizations, and Governments can provide?

5. Considering the data currently available, particularly that related to statelessness on the UNHCR website (unhcr.org), how can those people who are not represented in the data be included in the negotiations?

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    12 in the list of reports each year, so these appear as A/Session Number/12; the annual
    reports of UNHCR's Executive Committee always appear as A/Session Number/12/Add.
    1. Thus, the reports for the 76th session (2021) will be A/76/12 and A/76/12/Add. 1.

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"CLIMATE REFUGEES"

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Climate change is now considered to be one of the greatest threats to the global community. As the most recent report from the United Nations' Intergovernmental Panel on Climate Change (IPCC) indicates, if we do not begin to address climate change immediately, the long-term effects could be catastrophic. In addition to extreme weather events such as wildfires, record temperatures, more frequent and damaging storms, along with the melting of ice in the Arctic and Antarctica, the loss of biodiversity, and other natural disasters, millions of people may be forced from their homes, especially in the low-lying coastal areas of as well as small islands states (SIDs), who are in danger of being overcome by rising sea levels. Those who are forced to flee are often referred to as "Climate Refugees."

Climate change, and its contributions to the displacement of individuals, have become the focus of study for several United Nations agencies and other international aid organizations. According to a 2019 study, it is likely that more than 200 million people will be considered to be displaced as a result of climate change by 2050.[44] By the end of 2020, approximately 82.4 million people worldwide were forcibly displaced. Of this number, approximately 7 million people are considered to be displaced due to climate change and disasters.[45] The nations who are suffering the most from the effects of the climate crisis often have the most vulnerable populations, even though these countries, such as the Small Island Developing States (SIDS) have contributed the least to climate change. As living conditions in these countries worsen, natural resources become scarcer, farming and fishing become more difficult and their tourism sector is weakened, negatively affecting their economies.

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[44]"Strategic Framework for Climate Action." UNHCR
[45] ("Environmental Migration")

The people who are most likely to be displaced by climate change are people from rural regions and those in coastal areas. The regions most affected by these disasters are East Asia, the Pacific Island states, and South Asia. Countries like China, the Philippines, Bangladesh, and India, each had about 4.0 million displaced people as a result of disasters.[46] East Asia and the Pacific experienced displacement due to unusually severe tropical storms. In sub-Saharan Africa, many of the displaced people there were affected by an unusually heavy rainy season.

The Small Island Developing States (SIDS) are recognized as a special case due to their unique geographic position in relation to climate change. The total emissions reported from SIDS are much less than that of industrialized nations. Due to their small area, isolation, and exposure, these nations are likely to suffer the most from the adverse effects of climate change. These effects may include but are not limited to, rising sea levels, altered weather patterns such as fluctuating rainfall patterns, storm-surges, and increased temperatures in all regions for all seasons.[47] All of these effects are likely to impact agriculture, water resources, public health, infrastructure, tourism, and more.[48]

One way in which SIDS are combating this issue is through channels of support and regional cooperation in climate change planning, for example, the Caribbean Planning for Adaptation to Climate Change (CPACC) program.[49] The Caribbean SIDS worked together to develop a framework for cost-effective responses to combating climate change, identifying strategies for their unique set of islands to cope with the effects of climate change, and assessing law and policy options.

[46] ("2020 Global Report on Internal Displacement")
[47] https://sustainabledevelopment.un.org/content/documents/960SIDS_Flyer_SEPT_27_09[1].pdf
[48] https://unfccc.int/resource/docs/publications/cc_sids.pdf
[49] Ibid.

The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that of the 82 million persons who have been forcibly displaced approximately 26 million are refugees. UNHCR has a mandate to assist over 20 million refugees while the other five million (Palestinian refugees) come under the mandate of the United Nations Relief Works Agency for Palestine (UNRWA). Internally displaced persons (IDPs – people who have been displaced but have not left their home country) are the responsibility of the home country, but UN agencies including UNHCR, the Office for Coordination of Humanitarian Affairs (OCHA), and the International Organization for Migration (IOM) provide much of their humanitarian assistance, even though no agency has a specific mandate to assist them.

One problem facing the international community is that currently, no agency has a mandate to assist people displaced by climate change. The 1951 Convention on the Status of Refugees and its 1967 Protocol define a refugee as follows:

> *Someone who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.*[50]

The 1969 OAU Convention extends the definition to include "events seriously disturbing public order,"[51] but this applies only to Africa and does not refer to climate change. Thus, at present, according to the definition of a refugee, people fleeing their homes as a result of climate change events ("climate refugees") do not qualify as refugees and would not come under the mandate of UNHCR or any other agency, yet they would be in refugee-like situations and would often need considerable humanitarian assistance. Moreover, unlike some refugee

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[50] United Nations. "Convention and Protocol Relating to the Status of Refugees"
[51] Refugees, United Nations High Commissioner for. "Refworld | Convention Governing the Specific Aspects of Refugee Problems in Africa ('OAU Convention')

situations where the preferred solution is for refugees to be able to return to their country of origin, climate refugees may not have a place to return to as a result of various natural disasters.

Until recently, UNHCR has been reluctant to expand the definition of a refugee, noting that "climate refugee" is not an official term endorsed by UNHCR. Instead, it has used the phrase "persons displaced in the context of disasters and climate change."[52] However, some observers have suggested that if the adverse effects of climate change are accompanied by other causes of internal displacement, such as armed conflict and violence, individuals may qualify for refugee status.[53] And with that idea in mind, UNHCR has developed a plan to address the crisis of climate migrants by tweaking its approach to defining what could constitute refugee status. This approach is embodied in what is called the "Strategic Framework for Climate Action."[54] The plan recognizes that, according to High Commissioner Filippo Grandi, "This [climate crisis] is an emergency unlike those humanity has faced before and will have global and permanent ramifications."[55]

The Strategic Framework has "Three Pillars for Action":[56] (1) Law and Policy, (2) Operations, and (3) UNHCR's Environment Footprint. These pillars recognize that the role UNHCR can play in addressing climate change and disaster-related displacement is fundamental to assisting individuals, regions, States, and international partners as they prepare for current challenges due to climate emergencies. Some examples of actions UNHCR has included in the Strategic Framework consist of monitoring legal and policy developments, prioritizing environmental sustainability, and identifying opportunities to transition to alternative energy sources, to name a few.[57] The first Pillar (Law, and Policy), consists of a singular

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[52] United Nations High Commissioner for Refugees. "Climate Change and Disaster Displacement.
[53] Ibid.
[54] PassBlue: The UN Refugee Agency's Bold Plan to Manage the Crisis of Climate Migrants.
[55] Ibid.
[56] Strategic Framework for Climate Action.
[57] Ibid.

objective, which is to develop guidance in matters regarding law and policy. The strategy also includes mitigating the impact of environmental degradation and climate shocks on people vulnerable to displacement and "reducing UNHCR's own carbon footprint by transitioning to renewable energy."[58] Regions with high populations of displaced persons moving either from or to them have an urgent need for an extension of these programs to assist their vulnerable populations, as an average of 23 million people are displaced from their homes annually.[59]

Another objective listed in the Strategic Framework for Climate Action is "enhancing the resilience of displaced people and host communities to climate-related and other environmental risks."[60] Working to mitigate disaster risks is essential to combat the effects of climate change on local populations, especially those part of the most vulnerable populations. This is because the effects of climate change are wide-reaching, and those areas deemed as "unaffected" are growing increasingly smaller and more vulnerable to climate change.[61] For example, some individuals are displaced due to tensions or conflicts in their home regions, and often environmental degradation will only worsen these conditions, which only further aggravates displacement.[62]

The Strategic Framework highlights the importance of providing material resources when assisting refugees, IDPs, and host communities to meet their immediate needs and assist in their long-term solutions. UNHCR aims to accomplish the mitigation of these risks through investing in anticipatory action, collaborating with affected populations, continuing to take the climate and environmental risks into account in all future actions, and strengthening early warning and action programs at the local and regional levels.[63]

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[58] PassBlue: The UN Refugee Agency's Bold Plan to Manage the Crisis of Climate Migrants
[59] Strategic Framework for Climate Action." UNHCR
[60] Ibid.
[61] Ibid.
[62] Ibid.
[63] Ibid.

In terms of the definition of a refugee, UNHCR is putting forth the notion that, while climate change is not an entity that can carry out the persecution of someone, it can lead governments to take actions that may result in the persecution of a category of people, for example, "if a government withheld reconstruction aid to a cyclone-struck community because of its inhabitants' ethnicity or religion. Although the immediate cause of displacement would be the cyclone, the underlying driver would be persecution."[64] One could also argue, in keeping with the Organization for African Unity Refugee Convention (1969) and the Cartagena Declaration (Latin America, 1984) that "a refugee is anyone forced to move due to events 'seriously disturbing public order,' which would include climate-related disasters."[65] A broadening of the definition would allow UNHCR to exercise its mandate to protect some persons displaced as a result of climate change events.

There are, however, two obstacles to the full implementation of the Strategic Framework. First, is figuring out if member states are willing to apply a broader definition of refugees. In fact, according to Dennis McNamara, former head of UNHCR's Division for Protection, some countries want to make the definition more restrictive. Resurrecting the debate on the actual definition of a refugee might lead to unintended and more restrictive consequences.[66] Nevertheless, as Jeff Crisp, a former senior official with UNHCR, has stated, "should this definition take hold, it would not be the first time that ideas around who might deserve refugee status have evolved," for example, "LGBTI people and victims of domestic violence."[67]

The second obstacle is more practical. UNHCR depends on about 12 member states to provide 90 percent of its annual budget – all voluntary contributions. If donors, especially the United States, will not approve of the expansion of the categories of people whom UNHCR

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[64] PassBlue: The UN Refugee Agency's Bold Plan to Manage the Crisis of Climate Migrants
[65] Ibid.
[66] Interview with Dennis McNamara (date unknown)
[67] PassBlue: The UN Refugee Agency's Bold Plan to Manage the Crisis of Climate Migrants

assists, the necessary funding for carrying out the Strategic Framework may not be available. And it probably goes without saying that funding for UN organizations is anything but predictable during the current pandemic and the frequent shifts in policy directions of member states.

Gender Inequality in Climate Change

Climate change affects women and girls disproportionately when compared to men and boys, and gender inequality varies depending on geographical location, socioeconomic status, race, age, etc. In climate emergencies, women, especially those who are pregnant, face heightened health risks and reduced access to reproductive and maternal care services. In terms of access to education, for every ten refugee boys in primary school, there were fewer than eight refugee girls; this number drops to below seven for girls in secondary school. Refugee women struggle with access to education, economic opportunities, and healthcare, along with increased levels of gender-based violence (GBV) and issues concerning documentation. Women and girls displaced by climate emergencies may face similar or worse problems, especially if there are no support systems available to them from international organizations.

To ensure women's rights are protected during displacement it is important that humanitarian organizations assisting with their relocation efforts are thoroughly trained, through a gender-sensitive approach, to adequately respond to the unique experiences and needs of women.[68] One example of how to support women affected by violence is to ensure access to necessary services like legal advice or healthcare, and that these and many other protections are allocated in a nondiscriminatory manner.

Many nations are adapting their national action plans to reflect the unique experiences women face. Somalia has included specific information on the unique experiences women face,

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[68] *Women on the Move in a Changing Climate*

particularly in regards to the increased risk of violence in overcrowded displacement camps. The Philippines has highlighted gender concerns in disaster risk management, outreach awareness, and conflict prevention.

What the member states of UNHCR's Executive Committee need to consider then is what role should UNHCR play regarding people displaced by climate change. Should UNHCR or some other entity be given a mandate to assist them? How should these efforts be funded? Especially with regard to SIDS, should other nations be willing to grant people citizenship if those people have fled from a country that no longer exists above water?

Questions to Consider:

1. What are some of the causes of climate change? How does climate change negatively impact individuals living in the affected regions?

2. What impact will climate change have on your country?

3. What role does globalization play in responsibility sharing in the context of the climate refugee crises?

4. What measures has your country taken to reduce the effects of climate change?

5. What story do displaced peoples tell in addressing climate change?

6. How should international law address displaced persons, in the context of climate change? Should the definition of a "refugee" be changed in international law to include "persons displaced in the context of climate change"?

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IMPROVING ACCESS TO HUMANITARIAN ASSISTANCE

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Humanitarian action was initially designed to be an emergency response---administering assistance when conflict erupts or disaster strikes. The nature of crises is changing, with violence increasingly happening in many urban areas and against various civilian populations, and the consequences of armed conflict and natural disasters have become more destructive. In many regions, humanitarian actors have been on the ground for decades, dealing with the complex aftermath of crises, resurging violence, or long-lasting crises. The institution of camps housing refugees and internally displaced persons have become long-term temporary solutions. The United Nations High Commissioner for Refugees (UNHCR) estimates that the average duration of the thirty-two lasting refugee situations, in 2015, was twenty-six years.[69] Sudden or recurring natural disasters often lead to the emergence of devastating crises in countries that possess an insufficient capacity to respond to the consequent impacts on their population and infrastructure. Responding to the humanitarian needs of those affected by conflict and disaster is not a short-term endeavor.

Humanitarian assistance increasingly goes beyond merely filling the gaps and addressing the immediate needs of people affected by a myriad of crises. The way in which humanitarian responses are designed has a palpable impact on the lives of these people and their communities. With the changing nature of today's humanitarian crises, humanitarian workers should deliberately explore ways to efficiently execute assistance that aims to have a greater positive impact. Much of the current discourse on improving humanitarian policy reflects a desire to reflect on how humanitarian action can better solidify itself as the necessary

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[69]UN Refugee Agency (UNHCR), Global Trends: Forced Displacement in 2015, p. 20, available at www.unhcr.org/576408cd7.pdf .

first step in the continuous effort toward development and upholding peace and security. Ideas around conflict-sensitivity, localization, context-specificity, and sustainability are strongly linked to the humanitarian community's desire to help achieve that first important step. When put into action, these ideas can become the building blocks for sustaining peace.

The Dilemma of Intervention

The United Nations and its agencies have major difficulties in providing relief on neutral or balanced terms. In many cases, the Government or a powerful non-state actor denies them access to vulnerable communities. In 2009, towards the end of the civil war in Sri Lanka, the Government denied United Nations aid agencies and humanitarian workers access to camps for internally displaced persons and to civilians trapped in the ongoing conflict between the military and the terrorist group Liberation Tigers of Tamil Eelam. In 2009, al-Shabaab, a terrorist militant group controlling most of southern Somalia, banned several international aid groups from the region, which resulted in widespread famine.[70]

Sovereignty is also an obstacle hindering progress. General Assembly resolution 46/182 explains that "the sovereignty, territorial integrity, and national unity of states must be fully respected in accordance with the Charter of the United Nations" [71], making it challenging to operate in situations where the affected country denies access. In 2000, the International Commission on Intervention and State Sovereignty was established, addressing the challenge of the international community's responsibility to act in the face of blatant human rights violations while still respecting state sovereignty. The Commission developed the concept of Responsibility to Protect (R2P), which states that the international community must protect the population of a state if its own Government fails to do so. It also allows for the use of military force if peaceful measures are rendered insufficient.

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[70] https://www.un.org/en/chronicle/article/improving-un-responses-humanitarian-crises
[71] https://www.unocha.org/story/resolution-46182-which-created-humanitarian-system-turns-twenty-five

The R2P doctrine was finally incorporated in a United Nations outcome document in 2005, and was hailed as ushering in a new era of peace and security. Since then, the R2P principle has been applied in Kenya, following the post-election violence in 2008, and more notably in Libya in 2011, following former leader Muammar al-Qaddafi's brutal treatment of his people during the revolt against his regime. While R2P advocates welcomed the military intervention, others questioned the hypocrisy of intervening in one country, while the regimes of neighbouring countries used violence and intimidation to stifle any inklings of uprisings, notably in Syria and Bahrain. Moreover, it remains unclear whether the humanitarian military intervention in Libya would be able to guarantee a better and peaceful future for its people. Experts at the Council on Foreign Relations argue that "mismanagement and overreach" in Libya has made future intervention, through the provisions laid out in the R2P doctrine, uncertain.

Do No Harm

Conflict-sensitivity is closely tied to one of the essential humanitarian principles: "do no harm." This principle not only recognizes that aid can cause harm, but also assumes it can be used to strengthen local capacities for peace in various conflict-affected communities.[72] Ideas around conflict sensitivity, therefore, should impact the way humanitarian organizations, in addition to development and peacebuilding organizations, design and deliver their interventions. This requires in-depth analysis both of the conflict at hand and of the humanitarian program to be put in place.

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[72]https://www-jstor-org.ezproxy.whittier.edu/stable/pdf/resrep17514.pdf?ab_segments=0%252Fbasic_search_gsv2%252Fcontrol&refreqid=excelsior%3A42ae9df60c487eaa53ff9a712a8ceb61

The "Do No Harm" Framework[73] and the Peace and Conflict Impact Assessment[74], for example, are tools that can be used to conduct conflict analysis, project planning, and impact assessment. The "Do No Harm" Framework suggests acquiring a good understanding of the numerous factors that contribute to the many divisions and connections that exist within a conflict-affected society in order to better assess the impact a program will have: will it contribute to existing tensions, or will it reinforce local capacities for peace? Principled humanitarian action is not in and of itself a peacebuilding activity, but a conflict sensitive approach to humanitarian assistance can contribute to a foundation which peacebuilding initiatives can build on.

Coordinating Humanitarian Assistance

Currently, the world has limited options for responding to humanitarian crises. General Assembly resolution 46/182 created the guiding principles of the international community's response to humanitarian disasters and was also vital in the establishment of the Office of the Emergency Relief Coordinator (ERC) in addition to the development of the Inter-Agency Standing Committee (IASC). The IASC includes major humanitarian actors from both within and outside the United Nations and is aimed at assisting with inter-agency analysis and decision making in response to humanitarian emergencies.

One of the ways that the IASC strives to improve coordination is through the humanitarian "cluster" system that was established in 2005. Clusters are groupings of non-governmental organizations, United Nations agencies, as well as other international

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[73] CDA Collaborative Learning Projects, "The 'Do No Harm' Framework for Analyzing the Impact of Assistance on Conflict: A Handbook," April 2004, available at http://cdacollaborative.org/publication/the-do-no-harm-framework-for-analyzing-the-impact-of-assistance-on-conflict-a-handbook/

[74] Kenneth Bush, "A Measure of Peace: Peace and Conflict Impact Assessment (PCIA) of Development Projects in Conflict Zones," Working Paper 1, International Development Research Centre, 1998, available at http://local.conflictsensitivity.org/other_publication/a-measure-of-peace-peace-and-conflict-impact-assessment-pcia-of-development-projects-in-conflict-zones/

organizations concentrating on a specific sector during a humanitarian crisis.[75] There are 11 clusters: agriculture, camp coordination and management, early recovery, education, emergency shelter, emergency telecommunications, health, logistics, nutrition, protection, and water sanitation and hygiene. It is important to note that the Office of the United Nations High Commissioner for Refugees leads the protection, camp management, and shelter clusters. Each cluster coordinates with the Office for the Coordination of Humanitarian Affairs (OCHA), the United Nations agency accountable for the overall coordination, headed by the Emergency Relief Coordinator (ERC). Most data is designed to flow through the clusters, which process and analyze it, and is used to periodically brief decision makers. However, experts have noticed that these humanitarian clusters lack sufficient resources in order to smoothly coordinate with OCHA and that their method of managing information makes it difficult to share. For instance, clusters often choose systems that keep the data locked in tools and employ various formats that cannot be easily shared.

Through country and regional offices, OCHA supports humanitarian efforts by "coordination, advocacy, policy, information management and humanitarian financing tools and services."[76] In 2020, a record $1.8 billion was allocated for humanitarian action by the Central Emergency Relief Fund (CERF) and Country-Based Pooled Funds (CBPFs). Coordination and advocacy are crucial elements to ensuring access to humanitarian assistance.[77] It is through coordination and advocacy (public and private) that humanitarian actors gain access to populations in need. As defined by OCHA, humanitarian access is the "ability to reach

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[75] https://www.un.org/en/chronicle/article/improving-un-responses-humanitarian-crises
[76] OCHA: Our Work - https://www.unocha.org/about-ocha/our-work
[77] OCHA 2020 Annual Report -
https://www.unocha.org/sites/unocha/files/2020%20OCHA%20annual%20report.pdf

populations affected by crisis, as well as an affected population's ability to access humanitarian assistance and services."[78]

Constraints on Humanitarian Access

Access to vulnerable populations and humanitarian assistance are not always guaranteed. The Secretary-General lists "humanitarian access" as one of the five core challenges to protection of civilians. Alarmingly, the report also states that "access is increasingly unsafe in many places, frequently delayed and often impeded, leaving millions of vulnerable people deprived of life-saving assistance."[79] The constraints on humanitarian access can be numerous.[80] Potential constraints include:

- bureaucratic restrictions on supplies and humanitarian personnel
- inhospitable terrain or lack of infrastructure
- active conflict and fighting
- diversion of aid and interference in the delivery of relief.

Another major concern is the growing attacks on humanitarian personnel, goods, and facilities. Traveling and acting under the seal of the United Nations is no longer the guarantee of safety it may have once been. Furthermore, humanitarian action is often at risk of being politicized and, therefore, becoming an instrument of war.[81] By looking at the cases of Syria, Yemen, and Ethiopia, we can better understand some of the major access constraints faced by humanitarians at this time.

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[78] OCHA on Message: Humanitarian Access
https://www.unocha.org/sites/unocha/files/dms/Documents/OOM_HumAccess_English.pdf OCHA on Message is a reference product to enable staff to communicate OCHA's position on key issues.
[79] SG Report 2009 -
https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/POC%20S2009277.pdf
[80] OCHA on Message: Humanitarian Access
https://www.unocha.org/sites/unocha/files/dms/Documents/OOM_HumAccess_English.pdf
[81] Conflict Sensitivity Consortium, "Conflict Sensitive Approaches to Development, Humanitarian Assistance and Peacebuilding Resource Pack," May 2015, p. 7, available at
http://local.conflictsensitivity.org/key_reading/conflict-sensitive-approaches-to-development-humanitarian-assistance-and-peacebuilding-resource-pack/

Case Study: Syria

The conflict in Syria has many roots, including political, religious, economic, and environmental factors. Protests inspired by the Arab Spring began in March 2011, leading to violent backlash from the regime of President Bashar Assad.[82] The conflict spiraled into full-scale civil war which remains unresolved at the time this issue book was written. The United Nations High Commissioner for Refugees (UNHCR) reports a staggering 13.4 million people in need of protection and humanitarian assistance as of March 2021. 6.7 million Syrians are internally displaced and there are 6.6 million Syrian refugees worldwide with the majority being hosted in nearby countries.[83] The major constraints to humanitarian operations in Syria include "hostilities, insecurity, sanctions, counter-terrorism measures and administrative hurdles."[84] Russia and China both have the veto power in the Security Council and have used that power to block humanitarian access and delivery. The UN established cross-border aid delivery mechanisms in Resolution 2165 (2014).[85] In July 2020, China and Russia vetoed a resolution reauthorizing border crossing points for humanitarian aid delivery. After pushback, they agreed to re-open one of the border crossings along Turkey's border, Bab an-Hawa, for one year. Both the structure of the Security Council and the fact that the border crossings must be re-authorized after a certain period of time allows some Member States a unique and deadly opportunity to block humanitarian aid deliveries.

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[82] USIP Timeline of Syrian Conflict - https://www.usip.org/syria-timeline-uprising-against-assad
[83] UNHCR - https://www.unhcr.org/en-us/syria-emergency.html
[84] SG Report 2021
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[85]https://www.amnesty.org/en/latest/news/2020/07/un-russia-and-china-launch-despicable-veto-of-lifesaving-aid-for-millions-of-civilians-in-syria/

Case Study: Ethiopia

In early November 2020, a state of emergency was declared when military confrontations began between federal and regional forces in Ethiopia's Tigray region. Since then, thousands of refugees have been fleeing each day. Since the violence began, 45,449 people from Ethiopia's Tigray region have fled into Sudan. In total, there are 1,092,453 refugees and asylum seekers as of June 2021. To complicate matters, there are also 96,000 refugees from Eritrea hosted in the Tigray region.[86] Constraints on access to humanitarian assistance in Ethiopia include, "conflict, violence, physical challenges and bureaucratic impediments."[87] OCHA and the Regional Office for Southern and Eastern Africa (ROSEA) have both worked to address access constraints through advocacy and humanitarian financing. The 2020 Humanitarian Response Plan (HRP) was revised with a requirement of almost $1.5 billion in funds intended to reach 15 million people. Additionally, a three-month HRP seeking $116.5 million was developed in November.[88] Most recently, UNHCR had been prevented from reaching the Mai Aini and Adi Harush camps for Eritrean refugees in July due to violent clashes. Access was just regained on August 10, but "is limited by a complex and fluid security situation and refugees continue to face dire conditions. Basic services such as healthcare remain unavailable, and clean drinking water is running out."[89] OCHA has similarly stated that humanitarian operations lack access and are being hampered by ongoing armed hostilities, depleted relief supplies (including fuel), and extended delays with clearances by concerned authorities.[90]

Case Study: Yemen

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[86] UNHCR - https://www.unhcr.org/en-us/ethiopia-tigray-emergency.html
[87] OCHA 2020 Annual Report
[88] Ibid.
[89]https://www.unhcr.org/en-us/news/briefing/2021/8/611232a04/unhcr-regains-access-tigray-refugee-camps-calls-emergency-funds-scale-assistance.html
[90]https://reliefweb.int/report/ethiopia/ethiopia-tigray-region-humanitarian-update-situation-report-05-august-2021

The 2020 annual report of OCHA identifies Yemen as the world's worst crisis, with acute needs not being met as donors reduced funding and aid operations had to be downscaled. As of March 2021, there are over 20 million people in Yemen in need of humanitarian aid and 4 million of those people are internally displaced.[91] The 2021 Secretary-General Report stated that Yemen faces the same constraints as Syria, including hostilities, insecurity, sanctions, counter-terrorism measures, and administrative hurdles. Specifically, almost 19 million people in Yemen are in areas that are considered difficult to reach due to restrictions on movement, bureaucratic impediments (i.e. visa authorization), and delays or blockages at checkpoints.[92]

Providing Context-Specific and Sustainable Aid

When humanitarian organizations do have access, humanitarian action can enhance the resilience and preparedness of populations, making it more sustainable in the long term. On the surface, this may seem like a contradictory statement since humanitarian aid is often believed to be short-term action, whereas the concept of sustainability suggests long-term thinking. However, sustainability plays a key role in the humanitarian sphere and is essential when thinking about humanitarian action as a first step in contributing to more peaceful societies. Increasingly, policymakers are discussing ways of strengthening the humanitarian-development-peace nexus.[93]

While humanitarian organizations provide emergency relief when crises strike, most recognize that they cannot only be thinking of the short term when designing their operations. Organizations like the International Committee of the Red Cross (ICRC) express the need to think beyond people's essential needs, strengthening resilience and sustainably improving a

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[91] UNHCR - https://www.unhcr.org/en-us/yemen-emergency.html
[92] SG Report 2021 - https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2021_423.pdf
[93]https://www-jstor-org.ezproxy.whittier.edu/stable/pdf/resrep17514.pdf?ab_segments=0%252Fbasic_search_gsv2%252Fcontrol&refreqid=excelsior%3A42ae9df60c487eaa53ff9a712a8ceb61

population's health or food security.[94] This is particularly the case in protracted crises, where humanitarians are not going in and out and responding only to immediate needs, and where continuity of development is crucial. Even if it does not make positive steps toward development, humanitarian action can ensure that the existing level of development holds strong and can prevent development reversals by helping maintain essential services and supporting or rebuilding vital infrastructure.

In order to ensure a sustainable (and conflict sensitive) humanitarian response, humanitarian aid must be locally appropriate. For example, populations affected by conflict are at increased risk of depression, anxiety, or post-traumatic stress disorder. In fact, mental health issues reportedly affect six times more people than conflict-related wounds,[95] and populations living in protracted conflicts are at higher risk of developing symptoms of mental illness.[96] Mental health interventions must also be contextually sensitive; therefore, humanitarian actors must avoid going into situations with preconceived ideas. Utilizing western approaches to treatment may not always fit within non-Western contexts and cultures. The point of departure needs to be the specific and concrete context that humanitarian actors are going to engage in, which requires engaging with local actors. If humanitarian actors are able to provide assistance and protection that is context-specific, they will be able to accurately respond to the real priorities and needs of those affected by conflict or disaster.

A humanitarian response that is sustainable, therefore, helps ensure that people's priority needs continue to be met, particularly in protracted crises, while gradually working towards ending dependence on humanitarian assistance. It helps strengthen the resilience of both local

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[94] ICRC, "Protracted Conflict and Humanitarian Action," September 2016, p. 24, available at www.icrc.org/en/document/protracted-conflict-and-humanitarian-action
[95] Sigiriya Aebischer Perone et al., "Non-communicable Diseases in Humanitarian Settings: Ten Essential Questions," Conflict and Health (September 2017), p. 10, available at https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-017-0119-8
[96] Tambri Housen et al., "Prevalence of Anxiety, Depression and Post-traumatic Stress Disorder in the Kashmir Valley," BMJ Global Health (October 2017), available at http://gh.bmj.com/content/2/4/e000419

populations and structures, making them less vulnerable to potential future shocks. There is a need for realism when theorizing what humanitarian action can and should achieve, but much more can be done to meet the needs of those populations that require aid by supplying development assistance, thereby putting in place stronger foundations for peace.[97]

This does not come without challenges, particularly because in acute crises the needs and conditions are often urgent and life-threatening. In these cases, humanitarian actors may not have the time or capacity to design assistance plans using long-term strategic thinking since they are focusing on responding to the immediate needs and priorities of affected populations.[98] Other challenges, such as rigid institutional structures and short-term funding, may hinder the ability of humanitarian actors to engage in the longer-term planning necessary for sustainable engagement. The implementation of further efforts to bridge the humanitarian-development divide will help tackle some of these challenges.

The three aforementioned considerations are all interlinked, and most experts recognize them as the future of humanitarian action.[99] This is a humanitarian action that maximizes the deterrence of development reversals and that enables a fluid transition to development assistance. A conflict-sensitive, localized, and sustainable humanitarian response builds on the resilience of local communities and works with them to remove at least some impediments to peace, or to strengthen or even create the conditions for the realization and sustainability of this response. It must be noted, however, that while these policy considerations are not new and

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[97] Paul B. Spiegel, "The Humanitarian System Is Not Just Broke, but Broken: Recommendations for Future Humanitarian Action," The Lancet (June 2017), p. 1, available at www.thelancet.com/pdfs/journals/lancet/PIIS0140-6736(17)31278-3.pdf .

[98] Masayo Kondo Rossier, "Linking Humanitarian Action and Peacebuilding," Centre on Conflict, Development and Peacebuilding at the Graduate Institute, Geneva, 2011, p. 41, available at http://graduateinstitute.ch/files/live/sites/iheid/files/sites/ccdp/shared/Docs/Publications/WP7_WEB-1.pdf.

[99] This is exemplified by the 2017 NGO Code of Conduct for Health Systems Strengthening, which fifty organizations have signed on to and which promotes principles of sustainability and localization. Available at http://ngocodeofconduct.org/.

have been a part of conversations on humanitarian policy at least since the 1990s, the integration of these ideals remains a current challenge.

The Role of Women

It is estimated that over 40% of the half a million humanitarian workers, who provide frontline care during various wars and disasters, are women.Women are increasingly at the forefront of improving health for conflict-affected populations through service delivery, education and capacity strengthening, advocacy, and research.[100] They have made important contributions to strengthening health systems, improving evidence and humanitarian interventions as well as in documenting human rights abuses, highlighting damaging health outcomes of marginalized groups, and bringing vital knowledge and intervention gaps to global attention.

At the same time, women are disproportionately affected by armed conflict and humanitarian emergencies.[101] On average, during peacetime, women generally live longer than men, yet during armed conflict the gap between female and male life expectancy decreases since women suffer more due to the consequences, both long-term and indirect, of armed conflict. Sexual violence, lack of access to healthcare and other socio-economic challenges are merely some of the many effects that burden women more than men. Conflict itself promotes conditions that perpetuate and sometimes even amplify existing gender inequalities and inequities; community structures, access to healthcare and human rights are all compromised

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[100]Mollett H. She is a humanitarian: Women's participation in humanitarian action drawing on global trends and evidence from Jordan and the Philippines. CARE International. London; 2017. https://insights.careinternational.org.uk/media/k2/attachments/CARE_She-is-a-humanitarian-report_Feb-2017_high-res.pdf.
[101]UNOCHA. Global Humanitarian Overview. 2019. https://www.unocha.org/sites/unocha/files/GHO2019.pdf.

resulting in worsening conditions for women.[102] Poverty and forced displacement are immediate

secondary consequences of conflict, exposing women to further risk as well as vulnerability and

places women at disproportionate risk of abduction, trafficking and sexual exploitation. Health

consequences of conflict again disproportionately fall along gendered lines resulting in high

rates of maternal and neonatal mortality, and sexually transmitted infections. Over 60% of all

otherwise preventable maternal deaths, 53% of all the world's under-five deaths, and 45% of

neonatal deaths occur in countries affected by humanitarian crises fueled by fragile

socio-political conditions.[103] This growing evidence base demonstrating an excess of cases

regarding female morbidity and mortality reflects the necessity of reviewing the role of women

in leadership driving health research, policy and programmatic interventions in conflict-related

humanitarian contexts.

  In an era of prolonged conflicts, the role and contribution of women within the conflict

and humanitarian health domain has become increasingly important to understand and

subsequently address when considering the divergent needs of conflict-affected populations.

Despite global commitments to improving and upholding gender equality, the issue of women

leaders in conflict and humanitarian health has been given next to no attention. By building on

the available opportunities and on the inspirational experiences of the limited number of women

leaders in this field, more women can be given the resources to be empowered and supported in

conflict and humanitarian-related leadership roles.

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[102]Patel, Preeti, Kristen Meagher, Nassim El Achi, Abdulkarim Ekzayez, Richard Sullivan, and Gemma Bowsher. "'Having More Women Humanitarian Leaders Will Help Transform the Humanitarian System': Challenges and Opportunities for Women Leaders in Conflict and Humanitarian Health." Conflict and Health. BioMed Central, December 2, 2020. https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-020-00330-9#ref-CR2.
[103]Alkema L, Broaddus E, Chou D, Hogan D, Mathers C, Moller A-B, et al. Trends in maternal mortality: 1990 to 2015 – estimates by WHO, UNICEF, UNFPA, the World Bank and the United Nations population division. Geneva: World Health Organization; 2015. https://www.afro.who.int/sites/default/files/2017-05/trends-in-maternal-mortality-1990-to-2015.pdf.

Questions to Consider:

1. Must humanitarian interventions be authorized by an international body, such as a UN body?
2. How can Member States ensure humanitarian assistance access to vulnerable populations in future crises?
3. What are the major constraints on access to humanitarian aid? How can they be addressed?
4. How does your country support humanitarian action?
5. Is the General Assembly resolution 46/182 still relevant given the current international political climate?

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