

Moving Beyond its Mandate? UNHCR and Climate Change Displacement

by Nina Hall, St Antony's College, Oxford University¹

States created UNHCR in 1951 with a specific mandate: the protection of refugees. In recent years many nongovernmental organizations (NGOs) and academics have argued that climate change will force people to move (Friends of the Earth 2007; Greenpeace 2008; Meyers 1993). However, UNHCR has no mandate for so-called “climate displacement” as it falls beyond the scope of its Statute and the Refugee Convention (McAdam 2010). While some have called for a new legal convention to protect those displaced by climate change, there is no academic literature exploring if and how UNHCR has expanded beyond the established refugee regime to respond to climate displacement (Biermann and Boas 2010). Furthermore there are no IR theories which can adequately account for UNHCR's changes in response to this new issue area. This article proposes a novel typology of IGOs and classifies UNHCR as a normative IGO. UNHCR's normative type explains why it was slower to engage with climate change than other humanitarian organizations. This article fills a significant empirical gap in the scholarship on UNHCR, climate change displacement, and theories of IGO change.

UNHCR occupies a unique place as an international provider of protection for refugees and stateless people (Barnett and Finnemore 2004; Loescher 2001; Freitas 2004). States created the office in 1951 with a specific mandate to offer refugees legal protection (Betts, Loescher, and Milner 2008). Scholarship on this organization has emphasized how it has subsequently become of the world's primary providers of humanitarian services to people outside of the refugee regime (Crisp 2009; Gottwald 2009). In recent years, many nongovernmental organizations (NGOs) and academics have argued that climate change will force people to move from low-lying coastal lands, drought-prone areas, and other at risk areas (Friends of the Earth 2007; Greenpeace 2008; Meyers 1993). Some have also argued for a new legal convention to protect those displaced (Biermann and Boas 2010).² Yet, UNHCR has no mandate to respond to people displaced across international borders by floods, droughts or other sudden-onset natural disasters. Although UNHCR's scope of operations has expanded to encompass internally displaced persons and others ‘threatened with displacement’ states have not given the office a legal mandate equivalent to the 1951 Refugee Convention to protect them (Türk 2007:489; McAdam 2010). Moreover, there is no academic literature exploring if and how UNHCR has expanded beyond the refugee regime to respond to climate displacement. This article fills a significant empirical gap in the scholarship on the world's refugee agency and on international organizations and climate change.

Furthermore, this article addresses an important theoretical question, unanswered in the international relations (IR) literature: How and why do intergovernmental organizations

1. The article is based on a chapter of my doctorate: ‘Moving Beyond Their Mandates? How International Organisations are Responding to Climate Change’ which was examined by Professor Ngaire Woods and Associate Professor Catherine Weaver on December 10, 2012.

2. The current literature on climate change and displacement has sought to either: investigate the causal links between climate change and displacement (Black 2001; Brown 2008; Zetter 2009); or examine the need for new legal frameworks to cover those displaced (McAdam, 2009, 2010, and 2011). However, none focuses on the politics of the links between climate change and migration (an exception is Betts, 2010a), nor how existing institutions are responding to this issue-linkage, which this article seeks to do. This article does not examine the causal relationship between climate change and displacement as this has been investigated thoroughly elsewhere (Gemène, 2008; Morrisey, 2009), nor does it claim that there is a clear causal connection between climate change and displacement.

(IGOs) respond to new issue areas beyond their mandates? Intergovernmental organizations are a theoretically distinct group of international organizations. Unlike NGOs they are established and funded by states to provide services on states' behalf. IGOs are traditionally viewed as organizations with limited autonomy while NGOs are independent, private entities that have autonomy to pursue their own agenda (Rittberger and Zangl 2006).

There are three principal IR theories which seek to explain IGO behavior: statist theories, principal-agent, and sociological institutionalism. Statist theories include neoliberal institutionalism and neorealism and would suggest that UNHCR will expand only if its member states instruct it do so (Mearsheimer 1994; Keohane 1984). Yet member states have not been supportive of the high commissioner's calls to create new legal protection frameworks for those displaced by climate change. Principal-agent theory would argue that IGOs, with some "agency slack," will expand in order to maximize tasks and budgets (Hawkins et al. 2006). Yet UNHCR has not sought additional financing from the new climate change funds as a principal-agent theorist would expect. Finally, sociological institutionalism would suggest that IGOs are shaped by their organizational culture, yet offers no generalizable account of how organizational culture translates into organizational response to new issue areas (Barnett and Finnemore 2004; Luken 2009). In short, these IR theories do not offer an adequate account of why and how UNHCR has changed in response to climate change.

This article develops a new typology of intergovernmental organizations based on their sources of legitimacy and logics of behavior to explain IGO change. It proposes that functional IGOs have pragmatic legitimacy and follow a logic of consequences, while normative IGOs, founded on moral legitimacy, follow a logic of appropriateness. It then argues that UNHCR is a normative IGO, adopted a logic of appropriateness in its response to climate change and displacement. UNHCR's normative type explains why it was slower to engage with climate change than other humanitarian and migration organizations and why it sought to create new legal frameworks. This IGO typology is an important theoretical contribution to IR's understanding of IGO change.

The article is structured into four sections. The first section outlines a typology of IGOs as functional and normative ideal-types. The second section illustrates how UNHCR's supervisory status over the refugee convention classifies it as a normative IGO. The third section illustrates how UNHCR has engaged with climate change between 2000 and 2011. It focuses on changes in rhetoric, policy, and structure at headquarters and changes to its operations in Kenya. Finally, it demonstrates how a logic of appropriateness accounts for the nature and timing of UNHCR's response to climate change and dismisses alternative explanations.

Normative IGOs and Organizational Change

IGOs exist along a spectrum from functional to normative ideal types. Normative IGOs have a legal authority to ensure norm compliance. They can thus be identified by a core characteristic: They have supervisory authority over a body of international law. Supervisory authority means that states have mandated an IGO to promote and ensure compliance with a discrete body of international rules and norms (Türk 2007:3). Examples of normative organizations include the International Labour Organisation (ILO), which oversees labor law; the International Committee of the Red Cross (ICRC), which oversees humanitarian law; and the United Nations High Commission for Refugees (UNHCR) which oversees refugee law.³

Meanwhile, functional IGOs are not mandated to promote, or ensure compliance with, international norms. They have no supervisory responsibility over a regime of international law. Instead they exist to perform specific, discrete tasks and are often project-based

3. Note that ICRC is not strictly speaking an IGO but an international NGO however it shares many similarities with IGOs which makes comparison useful. Namely, states have involvement through the International Red Cross and Crescent Movement and conferences that guide ICRC's work (see Ratner 2011). ICRC's work is based on the 1949 Geneva Conventions and the additional protocols, which confer on the ICRC a "specific mandate" to act in the event of international armed conflict. ICRC, 2011, <http://www.icrc.org/eng/who-we-are/mandate/overview-icrc-mandate-mission.htm> accessed 15 November 2011.

organizations as a result. Examples of IGOs in this category are the World Meteorological Organisation (WMO) and the International Organization for Migration (IOM). The U.S. created IOM, for example, in 1951 to organize the relocation of thousands of labor migrants from post-war Europe to the Americas, Australia, and New Zealand (Ducasse-Rogier 2002:15).⁴ Neither IOM nor WMO was established with a supervisory status over an international convention or treaty.

These categories of functional and normative IGOs represent ideal types at either extreme of a spectrum of IGO. In practice, an IGO may not conform to all of the predicted behaviors (Weber 1948:90). Along the spectrum, between these ideal types, are a range of “hybrid” IGOs which have no supervisory authority but promote an international treaty and/or international norms. A hybrid IGO, for example, may provide organizational assistance to an international convention or play an active role in monitoring and advocating adherence to it. However, states will not mandate these organizations to promote and enforce the international law of concern. Examples of hybrid IGOs include UNICEF (which promotes the Convention on the Rights of the Child, but does not have supervisory status over it) and UN-WOMEN (which supports the Convention to Eliminate Discrimination Against Women, but does not have supervisory status over it).

So how does IGO type influence IGO behavior? And in particular how does IGO type determine IGO response to a new issue area? I argue that functional and normative IGOs have different “logics of behavior,” which is a result of divergent legitimation strategies. This is summarized in the following table and elaborated below.

TABLE 1: IGO TYPOLOGY

IGO Type	Type of Legitimacy	Behavioral Logic	Examples
Functional	Pragmatic Legitimacy	Logic of Consequences	IOM WMO IPU
Normative	Moral Legitimacy	Logic of Appropriateness	UNHCR HCHR ICRC

Functional IGOs have pragmatic legitimacy. Pragmatic legitimacy is derived from “the self-interested calculations of an organization’s most immediate audience” (Suchman 1995:578). Functional IGOs seek to demonstrate to their core constituents (donor states) that they can perform a delegated task in an efficient and expert manner (Suchman 1995:548). These organizations must demonstrate they are competent, technical actors and can perform tasks they are paid to do. Their primary concern is thus delivering “goods” (projects or policies) in exchange for material resources (funding). To ensure their survival they seek to maintain and generate pragmatic legitimacy.

Normative IGOs, meanwhile, are founded on a particular type of moral legitimacy. Broadly speaking, moral legitimacy can be understood as promoting universal societal welfare rather than the interests of particular constituents (Suchman 1995:578). These organizations explicitly seek to prove they are not doing the “bidding of Great Powers but instead represent the ‘international community’” (Barnett and Finnemore 2004:23). International law establishes what states ought to do and is the basis for normative IGO’s source of moral authority within a particular area. Importantly, a normative IGO’s moral legitimacy is limited by the scope of the international convention they supervise. A normative IGO does

4. Its primary function was “to make arrangements for the transport of migrants, for whom existing facilities are inadequate, or who could not otherwise be moved, from European countries having surplus populations to countries overseas. . . .” ICEM, 1951, *Resolution to Establish a Provisional Intergovernmental Committee for the Movement of Migrants from Europe*, 1951, Brussels.

not have moral authority over issues beyond their regime. For instance, the International Labour Organisation (ILO) has moral authority to demand that states protect workers' rights but does not have moral authority to demand that states protect wildlife or that they reduce carbon emissions. ILO's arguments will not carry the same moral force in these areas. The moral legitimacy of a normative IGO is defined as the promotion of societal welfare within a bounded issue area or regime. Normative IGOs derive this moral and legal legitimacy from their supervisory role over an international treaty and it is thus limited in scope. They seek ongoing acceptance that the issues and activities they pursue fall within the scope of their moral legitimacy.

These divergent sources of legitimacy lead to different behavioral logics that are internalized by staff and states and reflected in the structure of the organization. Functional IGOs follow a "logic of consequences which is the product of a rational cost-benefit calculation" (Krasner, 1999:5). A functional IGO will value the material benefits of an action over any other competing concerns (Georgi 2011). In short, expansion is determined by financial incentives. It will expand if there is funding available to take on this new issue area. Functional IGOs are typically projectized organizations with staff that are not ideologically committed to a core mandate or organizational identity. In short, a functional IGO is concerned with how they will gain additional funding, not if the new issue is linked to its core mandate.

Meanwhile, normative IGOs follow a "logic of appropriateness." Action under this logic is based on whether or not it adheres to, and supports, the norms and laws at the heart of their identity and legitimacy (Krasner 1999:5). Staff in normative IGOs are strongly committed to the core treaty or convention(s) which give the organization its identity. This creates an organizational culture (within the bureaucracy and with member states) that is resistant to any change, which could weaken or undermine the identity of the organization. If there is a strong issue linkage between a new issue area and their core norm, then staff will endorse expansion. However, if expansion into this area undermines or dilutes the core regime, then a normative IGO will not expand.

Alternative Explanations

This IGO typology offers an alternative conception to the main IR theories of IGO change: neorealism, neoliberal institutionalism, principal-agent theory, and sociological institutionalism.

Neorealists emphasize that institutions have no power or influence as they have neither military nor economic resources, independent of what states allocate them. Mearsheimer, for instance, argues that "institutions have no independent effect on state behavior" and maintains that what is most remarkable about international institutions is in fact how little effect they have had on state behavior (1994:43). IGOs matter for realists only as much as they are used by hegemonic powers for their own purposes and interests. In short, realists perceive IGOs as peripheral to the maintenance of world peace and security as they are neither autonomous nor influential.

Meanwhile neoliberal institutionalists claim that institutions can generate international peace and security by affecting states' incentives to cooperate (Keohane 1982 and 1984). Using game theory they illustrate how institutions can reduce transaction and information costs, regularize state behavior, and promote transparency (Keohane 1982). Institutions can play a critical role, for instance, in overcoming the prisoners' dilemma (Snidal 1994). However, neoliberal institutionalism, like neorealism, is state-centric and does not assign agency or autonomy to international organizations. IGOs matter only in as much as they enable states to cooperate.

Principal-agent theory posits that IGOs (agents) are delegated to perform tasks by member states (principals). IGOs will expand when either a) member states tell them to do so, or b) states do not closely monitor them and thus they have "agency slack" (Hawkins et al. 2006; Nielson

and Tierney 2003). Slack, represents a degree of autonomy and enables IGOs to follow their own preferences rather than pursuing member states. However, principal-agent theory assumes IGO preferences are “budget maximization, task expansion, and ‘slack’ maximization” (Gould 2006:308). Yet IGOs may have different preferences, not based solely on the expansion of mandate and budgets (Weaver 2007). Principal-agents’ theorization of IGOs as similar units with the same basic preferences is a significant limitation. In contrast, I argue that IGOs will not always seek to maximize their budgets and tasks.

Finally, sociological institutionalists explain IGO change by bureaucratic organizational culture (Barnett and Finnemore 2004; Oestreich 2007). Barnett and Finnemore (2004), for instance, claim that IGOs tend to expand in both size and scope as they “try to square their rationalized abstractions of reality with facts on the ground” (2004:44). According to them, “conscientious bureaucrats very quickly recognize that to accomplish a great many ambitious social tasks they need to reach outside the narrow compartments in which we place them” (Barnett and Finnemore 2004:64; see also Haas and Haas 1995:257). Essentially, bureaucracies deal with an interconnected and interrelated world by expanding beyond their original mandates, when there is a rational argument that resonates within their field of expert authority. However, sociological institutionalists offer no account of what—if any—IGO core interests are (Barnett and Finnemore 2004:4). In sum, none of these four theories offer an adequate account of IO preferences when faced with a new issue area beyond their mandate. I argue for a shift in theoretical focus to bridge the specific, or single-case study, account of organizational culture and the treatment of IGOs as black boxes with universal preferences. The typology of IGOs elaborated here does this. I will now demonstrate how the concept of normative type can explain UNHCR’s response to climate change and displacement. A case study can be an informative way to develop new accounts of IGO change.

UNHCR: A Normative IGO

UNHCR is a normative IGO. It has responsibility for supervising two international conventions: the refugee and stateless conventions. The agency was created in 1950 by a UN General Assembly resolution (Loescher 2001). The UNHCR statute (1950) gave the agency a mandate to protect thousands of people displaced by war and those who fled Eastern Europe (Betts et al. 2012; Loescher 2001). In 1951, a year after the establishment of UNHCR, states signed the *Convention Relating to the Status of Refugees*, which set out the definition and rights of refugees and identified UNHCR as the sole agent responsible for the convention. UNHCR’s role was stipulated in Article 35 of the convention: “The contracting states undertake to cooperate with the Office of the UNHCR . . . in the exercise of its functions and shall in particular facilitate its duty of supervising the application of the provisions of this convention.”⁵ UNHCR was also given the authority and power to “promote the conclusion and ratification of international conventions” to protect refugees.⁶ In short, UNHCR was established with an exclusive mandate to supervise the Refugee Convention.

Refugees were defined narrowly in the convention, reflecting the post-war context. Refugees are someone with “A well-founded fear of persecution based for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside his country of nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country.”⁷ For UNCHR, a refugee is distinguished from an economic migrant or someone displaced by a climate change related disaster (flooding, drought, sea-level rise) or any other natural disaster (earthquake, tsunami) as they face persecution. Refugee status is a specific, legal category of persons and not to be confused with the broader conception of a refugee as anyone fleeing his/her country and seeking refuge, used often by media, NGOs,

5. UNHCR (1951). *1951 Convention Relating to the Status of Refugees*. Article 35.

6. UNHCR (1950). *Statute of the Office of UNHCR*. Article II, Paragraph 8(a).

7. See: UNHCR (1950). *Statute*, 1950, Article 6 (a) and *1951 Convention Relating to the Status of Refugees*, Article 1a, paragraph 2.

and some academics (see Meyers 1995).⁸ The convention's categorization of refugees is at the heart of UNHCR's mandate and identity.⁹

The 1951 Refugee Convention took on an "almost constitutional character" within UNHCR (Türk 2007:499). The office's supervisory status gave the high commissioner "considerable moral authority and legitimacy" even though he had little political legitimacy (Loescher 2002). In particular the agency was mandated with a unique and "central role" in supervising the implementation of international refugee law and offering protection to refugees (UNHCR 1991). UNHCR has legal authority to judge state behavior and challenge states whose policies undermined refugee law and threatened refugees' rights (Türk 2007:497; Loescher 2002:5). States on the other hand were expected to cooperate with the Office of the High Commissioner in its activities (Betts et al. 2012:82). These legal functions gave the agency a "unique identity and considerable independence," according to UNHCR's Director of International Protection (Türk 2007:481). Its ability to be openly critical of states' behavior, with regards to refugee law, distinguishes it from functional IGOs. UNHCR's legal and moral authority is widely recognized in scholarship and is often closely correlated with its relative autonomy (Loescher 2002; Betts et al. 2012). However, scholars of UNHCR have not explicitly associated these attributes with a broader typology of IGOs.

UNHCR's organizational culture reflects its moral duty for refugees. Staff in UNHCR are wedded to the convention and strongly committed to refugee protection. UNHCR staff "almost universally believe in principles of mandate" (Betts et al. 2012:116). Betts et al. state "there exists no other UN agency where values and principled ideas are so central to the mandate and *raison d'être* of the institution, or where some committed staff members are willing to place their lives in danger to defend the proposition that persecuted individuals need protection" (2008:74). An independent review of UNHCR's organizational culture in 2005 found that staff had a "very strong collective identity" who almost universally believed in the principles of the organization's core mandate (Betts et al. 2008:83). UNHCR's organizational culture is derived from its supervisory status over refugee law, which drives the organization's logic of appropriateness.

Since its inception UNHCR has expanded its spread, size, and scope (Loescher 2002). In the 1970s, UNHCR operations moved from Europe into South East Asia, Latin America, and later the Middle East, and it now operates globally. Correspondingly, there was a rapid expansion of UNHCR's budget and staff. It grew from a budget of several million and a few hundred staff in 1971 (Loescher 2002), to a budget of US\$3 billion in 2010 and 7,735 staff by 2012.¹⁰ UNHCR also expanded its "persons of concern" and now offers assistance to returnees, asylum-seekers, internally displaced persons (IDPs), and other persons "threatened with displacement" (Crisp 2010; Freitas 2004; Türk 2007:489). There is thus some scope for UNHCR to respond to people displaced *internally* by sudden-onset environmental changes within its existing activities. Indeed, in the 2000s the agency offered assistance to IDPs in the Asian tsunami (2004), the Pakistan earthquake (2005), Myanmar after Cyclone Nargis (2008), the Philippines floods (2009), the Pakistan floods (2010), and the Haitian earthquake

8. The Oxford English Dictionary defines a refugee as "A person who has been forced to leave his or her home and seek refuge elsewhere, esp. in a foreign country, from war, religious persecution, political troubles, the effects of a natural disaster, etc.; a displaced person." *Oxford English Dictionary* available at www.oed.com, accessed online 28 February 2012.

9. Note that states have established a number of definitions to determine refugee status. The most longstanding and well-established is the definition of International *Convention relating to the Status of Refugees*, Art. 1A(2), 1951 as modified by the 1967 Protocol. The 1969 Organization of African Unity (OAU) adds that a refugee is also any person compelled to leave his or her country "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country or origin or nationality." *1989 Convention Governing the Specific Aspects of Refugee Problems in Africa*, Article 1 (2), Adis Ababa, 10 September 1969. The 1984 Cartagena Declaration also includes persons who flee their country "because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order." *Cartagena Declaration on Refugees*, 22 November 1984, Cartagena de Indias (3). UNHCR's role is to interpret and identify refugees based on the various international conventions and also international practice (Goodwin-Gill and McAdam 2007).

10. The 2012 staff and budget figures for UNHCR can be found online at: UNHCR, *Staff Figures*, <http://www.unhcr.org/pages/49c3646c17.html> accessed 14 March 2012. UNHCR, *Financial figures*, <http://www.unhcr.org/pages/49c3646c1a.html> accessed 14 March 2012.

(2010). However, this assistance was on an ad-hoc basis. UNHCR's mandate for IDPs is unlike its mandate for refugees as it is not based on an international convention but on consent from states. Thus IDP activities are seen as additional "add-ons" or "extra-mandates" that must not detract from or dilute the agency's core mandate for refugees (Goodwin-Gill 2000).¹¹ UNHCR's protection role for refugees was of a higher importance and priority, because it was stipulated in the UNHCR Statute and by the convention, and not a General Assembly resolution, which could be changed from one year to the next. I will now examine how UNHCR's core identity as a protection agency for refugees has shaped its engagement with the issue of climate change and displacement.

UNHCR and Climate Change (2000–11)

2000–07: No Organizational Change

UNHCR was a "late-starter" on climate change.¹² It did not engage with the issue of climate change and displacement until 2007. Meanwhile, the research and policy work on the issue was led by other agencies, such as the Norwegian Refugee Council, the International Federation of the Red Cross and IOM.¹³ During the early and mid-2000s there was increasing media and NGO attention to the plight of so-called "climate refugees" (Farbotko 2005). UNHCR did not engage with climate change during this period as the high commissioner and staff perceived the issue as outside their mandate. A UNHCR staff member explained that "few people had any clue within the organization about climate change or whether it was any interest to them" and there was a degree of "skepticism" about following global trends.¹⁴

Instead, UNHCR refuted that "climate refugees" were in fact refugees. They argued that according to the 1951 convention, refugees were only those fleeing a well-founded fear of persecution based on race, religion, nationality, membership of a particular social group, or political opinion. This was not a controversial stance and the agency was supported by refugee law experts (McAdam 2010). The term "climate refugees" posed a threat to UNHCR as it blurred the boundaries between convention refugees and popular conceptions of refugees. Engaging in debates over "climate refugees" was not in UNHCR's interest, as it was a distraction from UNHCR's primary concern: protecting the unique legal status of convention refugees.¹⁵

2007–08: Rhetoric Change

UNHCR first engaged with the issue of climate change and displacement in 2007. At the annual meeting of the executive committee, UNHCR's governing body, which is comprised of states, High Commissioner Antonio Guterres began his speech by highlighting that the drivers of displacement were changing. He claimed that

Almost every model of the long-term effects of climate change predicts a continued expansion of desertification, to the point of destroying livelihood prospects in many parts of the globe. For each centimeter that the sea level will rise, there will be one million more displaced. The international community seems no more adept at dealing with those new causes than it is at preventing conflict and persecution. It is therefore important to examine the reasons, the scale

11. In 2011 UNHCR campaigned for a 'more predictable role' in IDP protection following natural disasters (Betts, Loescher, and Milner 2012:76). However states were not supportive of such an expansion. For more on this see: UNHCR (2011). *UNHCR's role in support of an enhanced humanitarian response for the protection of persons affected by natural disasters*. Geneva: UNHCR.

12. Telephone Interview with UNHCR staff, 14 May 2010.

13. The International Federation of the Red Cross was the first humanitarian organization to significantly engage with climate change. They established a Climate Change Center in 2002. Phone interview with Director of the Red Cross/Red Crescent Climate Change Center, 16 April 2010.

14. Telephone Interview with UNHCR staff, 14 May 2010.

15. The term "climate change refugee" was predominantly used by environmental NGOs and media who were not versed in refugee law (see Friends of the Earth 2000; Greenpeace 2008; Meyers 1993).

and the trends of present-day forced displacement.¹⁶

In this speech, for the first time he acknowledged a substantive issue linkage between climate change and displacement. He made this as, according to one staff member, he had a “strong belief that climate change was new phenomena that must be dealt with.”¹⁷

The Official Summary Record of the 2007 Executive Meeting notes a mixture of responses from states to the high commissioner’s statements. One state was actively supportive (Norway), some states were vaguely supportive and one was completely opposed (Austria) (UNHCR 2007). Most of the UNHCR staff interviewed claimed that states were completely opposed to UNHCR expansion in this area.¹⁸ Jeff Crisp, the head of UNHCR’s Policy Development and Evaluation Service, stated many key UNHCR donors have “expressed persistent wariness with regard to the organization’s expansion, often expressing the opinion that the organization should return to its ‘core mandate,’ which they consider to be that of providing refugees with protection in developing regions” (Crisp 2009:76). While a few member states went on the official record endorsing the high commissioner’s linkage of climate change and displacement, the institutional memory and the record of subsequent meetings suggest that the majority of the executive committee did not actively encourage the agency to work on climate change and displacement.

Nevertheless, over the course of 2008 and 2009 the high commissioner continued to emphasize that climate change would trigger mass displacement in high-level speeches, interviews, and articles (Guterres 2008). In numerous speeches he emphasized that climate change was one of five new “mega-trends” that were changing the nature of displacement.¹⁹ He also made climate change a core theme of many speeches and interviews. For instance, in an interview with the *Guardian* he claimed that “Climate change is today one of the main drivers of forced migration, both directly through its impact on the environment—not allowing people to live any more in the areas where they were traditionally living—and as a trigger of extreme poverty and conflict” (Borger 2008). These statements from the high commissioner were the first sign of a change in UNHCR’s position. The agency at the most senior level had shifted from refusing to engage in debates over “climate refugees” to acknowledging that climate change may lead to new forms of displacement.

Although there was significant rhetorical engagement from the high commissioner on the issue, there was a lag in policy outputs on the issue of climate change. It was relatively easy for the high commissioner to issue statements and make speeches on the changing nature of forced displacement, without committing the agency to any particular role in addressing these new “flows.” However, there was still widespread resistance within the UNHCR bureaucracy to the term “climate refugee.”²⁰ Guterres avoided this term and was aware that adopting this language could weaken UNHCR’s core mandate. He stated that “UNHCR has refused to embrace the new terminology of ‘climate refugees’ or ‘environmental refugees,’” fearing this will “complicate and confuse the organization’s efforts to protect the victims of persecution and armed conflict.”²¹ This concern about expansion undermining UNHCR’s refugee mandate illustrates a logic of appropriateness.

16. He also highlighted the impact of climate change on displacement at subsequent executive committee meetings in 2008 and 2009. See: Statement by the High Commissioner, *Executive Committee of the Programme of the United Nations High Commissioner for Refugees*, Fifty-eighth session, Geneva, 1 October 2007.

17. Interview with UNHCR staff member, 17 March 2010, Geneva.

18. Telephone interviews with UNHCR staff members, 30 March and 14 May 2010.

19. António Guterres (2009). “Five ‘mega-trends’—including population growth, urbanization, climate change—make contemporary displacement increasingly complex, third committee told,” Third Committee, *General Assembly GA/SHC/3964*, New York: United Nations, 3 November 2009.

20. Telephone interviews with UNHCR staff members, 30 March and 14 May 2010.

21. See: António Guterres (2009). “Five ‘mega-trends’—including population growth, urbanization, climate change—make contemporary displacement increasingly complex, third committee told,” Third Committee, *General Assembly GA/SHC/3964*, New York: United Nations, 3 November 2009.

2008–11: Rhetoric, Policy and Structural Change

Broader UNHCR involvement with climate change, beyond the high commissioner, began in 2008. In May 2008, the UN secretary general called for all UN agencies to establish climate change focal points to prepare for Copenhagen and to give higher organizational priority to the issue.²² The high commissioner established a task force on climate change in 2008 backed by his “desire for the office to engage fully and effectively in the international discussion on these issues.”²³ The brief of this task force included “Liaising with the executive office to ensure that a consistent UNHCR position on climate change and related issues is articulated and adjusted as needed; tracking developments relating to climate change as they concern the mandate of UNHCR.”²⁴ The terms of reference for this task force included a number of people across the agency—from the Department of Operations to International Protection. Essentially the task force assigned responsibility to staff to work on aspects of climate change alongside their other routine roles.

The new task force’s other principal role was to work with the Inter-Agency Standing Committee (IASC)’s sub-group on climate change.²⁵ In mid-2008 the IASC established a working group on migration, displacement, and climate change.²⁶ The aim of the group was to coordinate a common humanitarian advocacy strategy on climate change. Members sought to write collective submissions to the annual UNFCCC Conference of the Parties (COPs).²⁷ The UNHCR climate change focal point represented UNHCR at these working group meetings. However, in early 2008 UNHCR had not developed a policy position beyond its critique of the term “climate refugee.”

UNHCR was apprehensive about the working group. They had a debate with IOM over terminology for people displaced due to climate change.²⁸ Their primary position was that climate change could not produce “refugees” in the legal or official sense and the working group was reportedly mired in definitional debates.²⁹ According to one IASC participant, UNHCR “argued there were existing mechanisms that could be used [to offer protection] and wanted to avoid using the term ‘climate change refugees.’”³⁰ UNHCR’s position was manifest in the first sub-working submission to the UNFCCC on “Climate change and migration: who will be affected?” in October 2008. This submission included a detailed description of who constituted an IDP, refugee, or a stateless person under international law.³¹ Again, UNHCR’s initial engagement in the IASC demonstrated a logic of appropriateness: They sought to defend the unique status of refugees against new issue areas or the establishment of new groups of displaced peoples.

The IASC and the high commissioner’s frequent rhetorical statements on climate change were catalysts for policy development in UNHCR. In September 2008, the Policy Development and Evaluation Service published the agency’s first policy paper on climate change—a year after Guterres had first raised it at the executive committee. The paper, “Climate Change, Natural Disasters, and Human Displacement” offered a preliminary and cautious policy stance to back-up the high commissioner’s previous statements and elaborate a position to the

22. Ban Ki-Moon. (2008). *Letter to UN agencies*, May 2008.

23. UNHCR (2008). *Task force on Climate change and related issues, Final TORs* [Terms of Reference], UNHCR: Geneva, August 2008.

24. UNHCR (2008), *Final TORs*.

25. The IASC is a humanitarian coordination group that consists of, and coordinates between, humanitarian NGOs and IGOs. UNHCR (2008), *Final TORs*.

26. Telephone interview with IASC member, 14 April 2010.

27. Interview with IASC members, March 2010, Geneva.

28. Telephone interview with IASC member, 14 April 2010.

29. Comments were made on this by a number of IASC members including telephone interview with IASC member, 14 April 2010 and OCHA staff member, 20 March 2010, Geneva.

30. OCHA staff member, 20 March 2010, Geneva.

31. Informal group on Migration/Displacement and Climate Change of the IASC (2008), *Climate Change, Migration and Displacement: Who will be affected?* Working Paper, 31 October 2008.

IASC.³² The policy paper was strongly against the use of the term “environmental or climate change refugee,” which it argued was a misleading and “potentially dangerous” term.³³ It emphasized that “refugee” should only be applied to those covered by the refugee convention, the core mandate of the agency.

In addition, the paper identified gaps in the international protection framework where those displaced internationally by climate change would not fall under their mandate. It stated that “UNHCR does recognize that there are indeed certain groups of migrants, currently falling outside of the scope of international protection, who are in need of humanitarian and/or other forms of assistance.”³⁴ The paper displayed a cautious shift: UNHCR acknowledged there were protection issues beyond the agency’s mandate. However, it offered little insights into if and how the agency would respond to those who fell outside its mandate—the agency was adhering closely to its mandate.

Despite the lack of member state support for UNHCR expansion the high commissioner continued to speak on the issue. In December 2009, he made his first appearance at the UN-FCCC negotiations in Copenhagen. There he spoke at a number of high-level side events and press conferences on the humanitarian impacts of climate change. He implied for the first time that there was a need for a new framework to protect those displaced by climate change. He stated that “the international community must develop new mechanisms for the protection of climate refugees.”³⁵ These were “bold statements” and constituted a shift in UNHCR’s position. The high commissioner, by suggesting that there was a need for new protection frameworks, was implicitly positioning his agency to provide this protection.³⁶

2011: Mandate Change?

In 2011, UNHCR commemorated the sixtieth anniversary of the Refugee Convention and the fiftieth anniversary of the Stateless Persons Convention. The high commissioner made climate change a core theme of the year’s celebrations, which culminated in two major ministerial meetings in December 2011. In May 2011, UNHCR urged states to address this protection gap in their pledges to the Ministerial Meeting. The agency wrote a guidance note for the pledging process and encouraged states to identify situations that fell outside of the scope of the existing refugee protection instruments; develop the international protection regime in a way that provides appropriate and consistent responses to these situations; and/or develop a guiding framework for temporary or interim protection scenarios identifying the circumstances in which protection would be activated, the treatment that would be provided, and how it would come to an end.³⁷

The pledging document did not explicitly mention climate change induced displacement as UNHCR was concerned that states would be less likely to support or make pledges on this agenda item if they did so.³⁸ However, UNHCR hoped that states would be favorable to an involvement of UNHCR in addressing protection gaps related to cross-border displacement as a result of natural disaster and climate change induced displacement.³⁹

In 2011, UNHCR also established a new position, Senior Technical Advisor on Climate Change, to develop disaster risk reduction work within the agency. However, the position was

32. UNHCR (2008). “Climate Change, Natural Disasters and Human Displacement: a UNHCR Perspective.” In *Policy Paper*. Geneva: UNHR.

33. *Ibid.*

34. *Ibid.*, 9.

35. This was the only occasion that the high commissioner used the term “refugees” with reference to climate change displacement. He made the statement in French to *Le Monde*. Grégoire Allix (2009), “António Guterres « La distinction entre réfugiés et déplacés est dépassée »,” *Le Monde*, 16 December 2009, available at http://www.lemonde.fr/le-rechauffement-climatique/article/2009/12/15/Antonio-guterres-la-distinction-entre-refugies-et-deplaces-est-depassee_1280843_1270066.html accessed 15 January 2010.

36. Telephone Interview with UNHCR senior staff member, Thursday 14 May 2010.

37. UNHCR. (2011). *Additional guidance note to support the state pledges process*, UNHCR: Geneva, 26 May 2011:9.

38. Interview with UNHCR senior staff member, 7 June 2011, Oslo.

39. Interview with UNHCR senior staff member, 7 June 2011, Oslo.

only for one year and the Norwegian Refugee Council paid the bulk of the advisor's salary and benefits.⁴⁰ Moreover, UNHCR sidelined this operational work and focused on the legal (protection) of climate change and displacement.⁴¹ The climate change advisor explored financing opportunities for UNHCR from the various climate change funds.⁴² However, there was little "buy-in" from the organization to develop adaptation projects and seek new financing. This example illustrates how UNHCR was not pursuing a logic of consequences in its engagement with climate change.

Meanwhile, UNHCR encouraged Norway to host a conference on Climate Change and Displacement. Norway had planned a commemoration of Nansen, the first High Commissioner for Refugees in 2011.⁴³ It invited states, NGOs, academics, and policy-makers to Oslo to attend the Nansen Conference on Climate Change and Displacement and UNHCR used this occasion to lobby states for mandate expansion. The high commissioner in his opening speech outlined a role for UNHCR in offering protection to people displaced by climate change: "Even if they are not refugees, such people are entitled to our support and to have their voices heard and taken into account."⁴⁴ He called for a new legal framework for those displaced externally: "I strongly believe that a more viable approach would be to at least develop a global guiding framework for situations of cross-border displacement resulting from climate change and natural disasters."⁴⁵ He urged conference attendees to endorse the Nansen Principles, which stipulated a role for UNHCR in advancing this new guiding framework.⁴⁶

The Nansen Principles were authored primarily by UNHCR in collaboration with a small group of representatives of the Norwegian Refugee Council and the Norwegian government prior to and during the conference.⁴⁷ Principle IX was the most important as it recommended "a more coherent and consistent approach at the international level . . . to meet the protection needs of people displaced externally owing to sudden onset events."⁴⁸ It called upon states "working in conjunction with UNHCR" to "develop a guiding framework or instrument in this regard."⁴⁹ UNHCR wanted states to endorse their position as the leader and facilitator of discussions on a new protection framework. The Nansen conference was used by UNHCR to legitimate the importance of addressing "protection gaps" and to gain a mandate in developing these new legal frameworks.

There is some evidence to suggest that states were suspicious of this strategy. The Kenyan Commissioner for Refugee Affairs who was present at the Nansen conference, maintained that "UNHCR have already expanded to include statelessness, IDPs and [now] including environment-related movers, a fourth category of people, how amorphous is this organization going to be?"⁵⁰ He was against mandate expansion "If [financial] support for UNHCR stays the same then they should leave it to another agency so that resources aren't spread too thinly."⁵¹ Some states argued that it was "too early" to talk about developing soft-law frameworks for climate change displacement.⁵² Other states expressed concern that UNHCR did not have capacity

40. Interview with UNHCR official, 6 June 2011, Oslo.

41. Interview with UNHCR official, 9 May 2012, Geneva.

42. *Ibid.*

43. Norway was commemorating the 100th anniversary of Nansen's death. The conference was organized by the Norwegian Ministry of Foreign Affairs and Ministry for the Environment. Interview with Ministry of Foreign Affairs official, 6 June 2011, Oslo.

44. António Guterres (2011). "Statement by António Guterres," Nansen Conference on Climate Change and Displacement, Oslo.

45. Guterres (2011), Nansen Conference.

46. *Ibid.*

47. Telephone interview with UNHCR official, 12 July 2011.

48. Nansen Principles, in the chairperson's summary of the Nansen Conference on Climate Change and Displacement in the 21st Century, Oslo, 6–7 June 2011, principle IX.

49. *Ibid.*

50. Interview with Kenyan Commissioner for Refugee Affairs, 7 June 2011, Oslo.

51. *Ibid.*

52. Telephone interview with UNHCR member state representative, 19 June 2012.

or financial resources to expand, particularly given they had enough difficulty fulfilling their obligations to refugees.⁵³

Nevertheless, in November 2011 Guterres made a speech to the UN Security Council on climate change and displacement. He stated that “More and more people are being forced to flee due to reasons that are not covered by the 1951 Refugee Convention.”⁵⁴ He argued that it was a “humanitarian imperative” to assist those displaced by climate change or other natural disasters.⁵⁵ Finally, he recommended that the international community “formulate and adopt a set of principles, specifically designed to reinforce the protection of and find solutions for people who have been forced to leave their own country as a result of catastrophic environmental events, and who may not qualify for refugee status under international law.”⁵⁶ In this speech, he promoted expansion over affirming UNHCR’s core identity. Although he attempted to link this call for a new protection framework to UNHCR’s existing responsibilities, these issue linkages were tenuous.⁵⁷ He reiterated this demand for a new international protection framework to states at the December Ministerial Meeting and stated that UNHCR was “ready to work with states who want to help develop such guiding frameworks.”⁵⁸

The December Ministerial meeting was a disappointment for UNHCR as it did not gain a mandate for climate change displacement. UNHCR prioritized “future protection challenges” and burden-sharing as the two major issues for the ministerial meeting. In the UNHCR background paper, they highlighted the gap in the international normative framework and recommended a new “global guiding framework” or instrument for displaced peoples who did not fit inside the convention.⁵⁹ However, there was no consensus support from member states to develop such a protection framework for climate change displacement.⁶⁰ In sum, UNHCR has not gained a mandate to expand its activities into protection for those displaced across international borders by climate change sudden or slow onset events. However, the agency had changed its rhetoric, policy, and structure despite a lack of member state support, or financing opportunities, to respond to climate change displacement.

Operational Change in Kenya?

Kenya houses the largest refugee camp in the world—Dadaab—with over 500,000 refugees predominantly from Somalia. In 2011, the Horn of Africa faced a massive drought, which led to a humanitarian crisis with thousands leaving Somalia for Kenya and other neighboring

53. Interview with UNHCR member state representative, 10 May 2012, Geneva.

54. António Guterres (2011). “Statement by António Guterres.” *United Nations Security Council Briefing* “Maintenance of International Peace and Security: New Challenges to International Peace and Security and Conflict Prevention,” UN Security Council, New York, 23 November 2011.

55. Guterres (2011). *United Nations Security Council Briefing*.

56. *Ibid.*

57. *Ibid.*

58. Statement by António Guterres. (2011). United Nations High Commissioner for Refugees. *Intergovernmental Meeting at Ministerial Level to mark the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness*. Geneva, 7 December 2011.

59. UNHCR (2011). “Background Note for the Roundtables.” *Intergovernmental event at the ministerial level of Member States of the United Nations on the occasion of the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness* (7–8 December 2011), HCR/MINCOMMS/2011/08, 18 November 2011, Geneva.

60. There was no mention of climate change or natural disaster displacement in the final Ministerial Communiqué. However, Mexico, Argentina, Norway, Germany, and Switzerland are supportive of addressing the protection gap and under Norway’s lead have begun lobbying member states. See: Ministerial Communiqué, *Intergovernmental event at the ministerial level of Member States of the United Nations on the occasion of the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness* (7–8 December 2011), HCR/MINCOMMS/2011/6, 8 December 2011 and Mexico Pledges, *Intergovernmental event at the ministerial level of Member States of the United Nations on the occasion of the 60th anniversary of the 1951 Convention relating to the Status of Refugees and the 50th anniversary of the 1961 Convention on the Reduction of Statelessness* (7–8 December 2011). Interviews with UNHCR member state representatives 8 and 10 May 2012, Geneva, Switzerland.

countries.⁶¹ The UN Office for the Coordination of Humanitarian Affairs (OCHA) framed this as a climate-change-driven crisis, although also acknowledging the impact of ongoing civil war in Somalia. Studying UNHCR response to Somali asylum-seekers in Kenya illustrates how global debates on climate change and displacement resonated at the operational level.

UNHCR staff at the Kakuma and Dadaab refugee camps did not view climate change induced displacement as an issue of concern. The prevailing view is that those hosted in Kenyan refugee camps have been forced to flee due to well-founded fears of persecution and fit within the convention's definition of a refugee.⁶² However, staff in UNHCR Kenya did claim that during the drought and resulting famine in Somalia there was an increase in refugee arrivals.⁶³ Many staff highlighted the interconnections between conflict, drought and famine leading to displacement. UNHCR's senior public health officer explained that "there are higher malnutrition rates [in Somalia] where there is drought, and where it is Al Shabaab controlled" suggesting that the presence of famine is linked to the Somali civil war.⁶⁴ Yet no staff used the term "climate change induced displacement" to describe such movement—displacement had to be primarily driven by persecution for UNHCR to have a mandate and offer protection.

Moreover, UNHCR Kenya did not conceive of a "gap" in the international protection framework for climate change induced displacement. UNHCR staff had not read or seen UNHCR's policy briefs on the issue.⁶⁵ The position taken by UNHCR Kenya staff was predominantly because Somali asylum seekers, who constitute over 90 percent of Kenya's refugee intake, have "prima facie" refugee status. They are recognized collectively as refugees and do not need individual status determination.⁶⁶ UNHCR is thus mandated to offer them protection, even if a key cause of their flight from Somalia was drought. In short, Somalis' prima facie refugee status and UNHCR's operational focus on convention refugees meant UNHCR Kenya did not perceive climate change as driving displacement and did not need to.

In contrast, UNHCR Geneva had highlighted that climate change displacement was occurring into Kenyan refugee camps. In December 2009, UNHCR Geneva published a press release stating that many Ethiopians and Somalis were being "forced to flee due to climate change and general insecurity."⁶⁷ It cited the example of an Ethiopian (but ethnic Somali), Dulane Jama, and his family who were unable to sustain their pastoralist livelihoods due to a lack of rain and, thus, pasture. The article maintained that Jama saw the lack of rain and weather conditions as "the root of his problem." Although most of the refugees in Dadaab had "fled conflict or persecution in their troubled homeland" (thus making them traditional refugees), Dulane was "slightly different—he and his family have been forced to flee by climate change and general insecurity."⁶⁸ There was some dissonance between UNHCR Geneva's policy and rhetoric and operational activities in Kenya.

61. The crisis ran from June to September 2011 and covered much of the Horn of African including Northern Kenya and Somalia. The crisis was widely framed as a famine due to a severe drought in Southern Somalia and Dadaab received thousands of new arrivals. Press releases from UNHCR Dadaab and personal correspondence with Bettina Schulte, UNHCR Dadaab media advisor, July–November 2011. I visited Dadaab in April 2011.

62. Interviews with UNHCR staff in Nairobi, Dadaab and Kakuma March–April 2011. Note that Kenya also follows the OAU's refugee definition—see endnote 8.

63. Interview with UNHCR Head of Dadaab Sub-Office, 20 April 2011, Dadaab. This trend became particularly noticeable during the famine and humanitarian crisis in Somali between July–November 2011 which saw thousands of new arrivals to Dadaab. However, it is important to note that drought cannot be directly attributed to climate change, nor can any other extreme weather events.

64. Interview with UNCHR senior public health official, 21 April 2011, Dadaab.

65. Interviews with UNHCR officials in Kakuma (7–15 April) and Dadaab (20–21 April).

66. Prima facie status is in the Somali case based on either the Refugee Convention or the Organisation of African Union Convention and given due to the ongoing civil war and lack of central government (Hyndman and Nyuland 1998).

67. Andy Needham. 2009. Nowhere to hide from climate change in Kenyan refugee camp, *UNHCR News Stories*, 18 December 2009, available at <http://www.unhcr.org/4b2b76a79.html> accessed 20 December 2009.

68. The article was explicit that Jama did not use, and was not familiar with, the term climate change.

Explaining UNHCR's Change

A Normative IGO and Logic of Appropriateness

UNHCR's core mandate is refugee protection. It has supervisory status over the Refugee Convention which makes it a normative IGO. UNHCR's IGO type has shaped its response to climate change. It has followed a logic of appropriateness—engaging with climate change displacement when deemed relevant to its refugee protection mandate. For this reason the agency was reluctant to engage with, and then refuted, the issue of “climate refugees.” It feared this concept undermined the special status of convention refugees. This sentiment was outlined by the high commissioner who noted that the term “climate refugee” would “confuse” and “complicate” the “organization's efforts to protect the victims of persecution and armed conflict.”⁶⁹ UNHCR had a strong desire to protect its core identity.

When UNHCR did engage with the issue it sought to broaden the scope of its moral legitimacy, rather than gain pragmatic legitimacy. This was most clearly seen in its advocacy for a new legal protection framework for people displaced by climate change in 2011. The office lobbied Norway to host a conference on climate displacement, and at the Nansen conference drew-up principles that set out a role for UNHCR in developing a new “guiding framework.” It then urged states to support this process at the ministerial meeting. UNHCR advocated for new legal frameworks, reflecting its desire to expand with a legal mandate.

In sum, UNHCR was looking to replicate its moral legitimacy in new spheres rather than simply adding activities which might bring in additional funds but would detract from its core mandate. The office did not follow a logic of consequences and pursue new climate financing for climate change adaptation activities as we would expect a functional IGO to do. However, it is unlikely that any “framework” or “guiding principles” (should they eventuate) would be hard law which UNHCR would then have supervisory status over. The current proposals suggest a replication of the “IDP guiding principles” for those displaced by climate change fast-onset events, across borders. We will have to wait and see if this proposal gains traction with states—it has the support of Norway, Germany, and a few other states at this point.

Alternative Explanations

Neorealist and neoliberalist explanations would argue that member states directed UNHCR to respond to climate change. IGO change is a function of change in member state preferences or the balance of power amongst member states. However, as illustrated in this article, member states did not explicitly delegate UNHCR to respond to climate change. In fact, the majority were opposed to any expansion of mandate or activities. They did not make pledges in the 2011 ministerial meeting to address the protection gap for those displaced internationally by climate change. Member state preferences alone cannot explain UNHCR's approach to climate change and displacement.

Principal-agent theorists would suggest that this is a case of “agency slack.” UNHCR took advantage of its limited autonomy to expand into a new issue area. It was prevented from fully expanding its activities by member state monitoring. UNHCR's attempt to develop new frameworks for climate change induced displacement was stalled by states at the 2011 ministerial. While the office could set the agenda, put a proposal on the table and provide academic expertise to support its claims it could not develop a new legal framework without member state support. There was a limit to UNHCR's autonomous expansion—member states' preferences.

However, the principal-agent argument assumes UNHCR wanted to expand throughout the period. But why was the office so reluctant initially to engage in debates over “climate refugee”? And why did it subsequently respond to the issue of climate change by trying to

69. See: António Guterres (2009) “Five ‘mega-trends’—including population growth, urbanization, climate change—make contemporary displacement increasingly complex, third committee told.” Third Committee, *General Assembly GA/SHC/3964*, New York: United Nations, 3 November 2009.

develop a new legal framework for climate displacement? In summary, principal-agent theories do not account for IGO preferences and, thus, will not explain why and how IGOs will expand into new issue areas.

Finally, sociological institutionalists would maintain that organizational culture accounts for UNHCR's approach to this new issue area. There was strong staff identification and support for the core mandate of UNHCR, refugee protection. This culture explains why the agency was reluctant to engage in a new area, which could dilute their core protection mandate. In addition, it accounts for UNHCR's strong stance against the use of the term "climate refugee" that would undermine the special status of traditional, convention refugees. UNHCR's response between 2007 and 2009 and slow subsequent change could be explained by the "traditionalist" culture of UNHCR. However, the sociological institutionalist explanation does not explain why UNHCR's position changed. Given that organizational culture did not change significantly between 2000 and 2011 why did UNHCR's position? Furthermore, a sociological institutionalist approach is specific to UNHCR and not generalizable to other IGOs and does not offer predictive power.

Conclusion

On a theoretical level, this article demonstrates how a typology of IGOs accounts for IGO change where other IR theories do not. It is an important contribution to IR's understanding of IGOs. This typology distinguishes the core attributes and behavioral patterns of two groups of IGOs, functional and normative, and suggests we can predict how IGOs will respond to new issue areas beyond their mandates. It shifts our focus from the specific organizational culture (sociological institutionalism) and challenges the assumption that all IGOs seek to maximize their budgets and tasks (principal-agent theory).

Further research is necessary to confirm how IGO type influences IGO behavior. First, we need to compare how a functional IGO, such as IOM, engaged with climate change. The typology of IGOs elaborated here suggests that its response would be quicker, more expansive, and not legalistic. In other words, we would expect to see variation in the timing, extent, and the nature of change. But was this the case? In addition, future work could investigate what unique power and strategies normative IGOs have. If their supervisory status over a regime of international law gives them leverage over states, under what conditions are they most effective? And what strategies do they use? There is great potential for future work on normative, functional, and hybrid IGOs beyond the climate change and refugee regimes.

At an empirical level, this research suggests that international humanitarian organizations are changing and responding to climate change. It has suggested that organizational change occurs along four dimensions: rhetorical, policy, structural, and operational. Change along one dimension may instigate change in other areas of the organization: The high commissioner's rhetorical statements led to policy and structural change. There may also be a disconnect between these four dimensions; this is particularly noticeable in the operational sphere where UNHCR global press releases did not reflect UNHCR Kenya's perceptions. It also found that organizational changes had to overcome resistance from states and staff.

For those concerned about the plight of "climate change displaced" this article has not advocated for a new protection framework (see also McAdam 2011). Rather it has pointed out how existing institutions may accommodate new groups of people within existing structures. Those displaced internally by natural disasters and sudden onset events fit within the IDP guiding principles. Furthermore, it suggests that international organizations will adapt—even if it is slow process—and seek to respond to new crises. However, UNHCR is unlikely to acquire a new mandate explicitly for those displaced across borders by climate change. Moreover, it would be problematic to construct a new protection framework explicitly for those displaced internationally by "climate change." This would marginalize those displaced by other sorts of human-induced and natural disasters such as earthquakes and tsunamis (Betts 2010b). In sum,

while a new protection framework is needed for those who fall outside the refugee framework it should be based on *need* not on *cause* of displacement. We are yet to see UNHCR, or states, outline a coherent proposal for such an expansion.

REFERENCES

- Abott, Kenneth W. and Duncan Snidal (2000) "Hard and soft law in international governance," *International Organization* 54(3):421–456.
- Barnett, Michael N. and Liv Coleman (2005) "Designing police: Interpol and the study of change in international organizations," *International Studies Quarterly* 49(4):593–620.
- Barnett, Michael N. and Martha Finnemore (1999) "The politics, power, and pathologies of international organisations," *International Organizations* 53(4):699–732.
- Barnett, Michael N. and Martha Finnemore (2004) *Rules for the World, International Organizations in Global Politics*, Ithaca: Cornell University Press.
- Betts, Alexander (2010a) "Substantive issue-linkage and the politics of migration," in *Arguing Global Governance*, ed. Corenliu Bjola and Markus Kornprobst, London: Routledge.
- Betts, Alexander (2010b) "Survival migration: a new protection framework," *Global Governance* 16:361–382.
- Betts, Alexander, Gil Loescher and James Milner (2012 and 2008) *UNHCR: The Politics and Practice of Refugee Protection*, Abingdon: Routledge.
- Biermann, Frank and Ingrid Boas (2010) "Preparing for a warmer world: towards a global governance system to protect climate refugees," *Global Environmental Politics* 10(1):60–88.
- Black, Richard (2001) "Environmental refugees: myth or reality?," *New Issues in Refugee Research Working Paper* No. 34:1–19.
- Christian Aid (2007) "A human tide: the real migration crisis," in *A Christian Aid Report*: Christian Aid.
- Crisp, Jeff (2003) "A new asylum paradigm? Globalization, migration and the uncertain future of the international refugee regime," *UNCHR Working Paper* No. 100.
- Crisp, Jeff (2008) "Beyond the nexus: UNHCR's evolving perspective on refugee protection and international migration," *New Issues in Refugee Research Paper* No. 155.
- Crisp, Jeff (2009) "Refugees, persons of concern, and people on the move: the broadening boundaries of UNHCR," *Refugee* 26 (1):73–76.
- Ducasse-Rogier, Marianne (2001) *The International Organization for Migration, 1951–2001*. Geneva: IOM.
- Farbotko, Carol (2005) "Tuvalu and climate change: constructions of environmental displacement in the Sydney Morning Herald," *Geografiska Annaler* 87(B):279–93.
- Freitas, Raquel (2004) "UNHCR decisions on internally displaced persons," in Bob Reinalda and Bertjan Verbeek, eds., *Decision-Making within International Organizations*, London: Routledge.
- Friends of the Earth (2007) *A Citizen's Guide to Climate Refugees*, available at http://www.safecom.org.au/pdfs/FOE_climate_citizens-guide.pdf accessed 12 June 2012.
- Georgi, Fabian (2011) "For the benefit of some: the International Organization for Migration and its global migration management," in Martin Geiger and Antoine Pecoud, eds., *The Politics of International Migration Management*, Basingstoke and New York: Palgrave Macmillan.
- Goodwin-Gill, Guy and Jane McAdam (2007) *The Refugee in International Law*, third edition, Oxford: Oxford University Press.
- Gottwald, Martin (2009) "Directive versus facilitative leadership in times of change: UNHCR's organizational culture and decision-making processes in light of the Humanitarian Reform and the Cluster Approach" in *Protecting People in Conflict & Crisis: Responding to the Challenges of a Changing World*, Refugee Studies Centre, University of Oxford.
- Gould, Erica R. (2006) "Delegating IMF conditionality: understanding variations in control and conformity" in Darren G. Hawkins, David A. Lake, Daniel L. Nielson and Michael J. Tierney, eds., *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press.
- Greenpeace India (2008) *Blue Alert, Climate Migrants in South Asia: Estimates and Solutions* available at <http://www.greenpeace.org/india/en/publications/blue-alert-report/> accessed 13 June 2012.

- Guterres, Antonio (2008) "Millions uprooted: saving refugees and the displaced," *Foreign Affairs* 87 (5):90–100.
- Guterres, Antonio (2010) "High Commissioner's Closing Remarks," in *2010 Dialogue on Protection Gaps and Responses*, Geneva: UNHCR.
- Haas, Peter and Ernst B. Haas (1995) "Learning to learn: improving international governance," *Global Governance* 1:255–285.
- Hawkins, Darren G. and Wade Jacoby (2006) "How agents matter," in Darren G. Hawkins, David A. Lake, Daniel L. Nielson and Michael J. Tierney, eds., *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press.
- Hawkins, Darren G., David A. Lake, Daniel L. Nielson, and Michael J. Tierney (2006) "Delegation under anarchy: states, international organizations, and principal-agent theory" in Darren G. Hawkins, David A. Lake, Daniel L. Nielson, and Michael J. Tierney, eds., *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press.
- Hyndman, Jennifer and Bo Viktor Nylund (1998) "UNHCR and the status of prima facie refugees in Kenya," *International Journal of Refugee Law* 10(1/2):21–48.
- Interagency Standing Committee (2009) "Addressing the humanitarian challenges of climate change, regional and national perspectives," in *Ibid.*, *Case Studies on Climate Change Adaptation*, Geneva: IASC.
- Interagency Standing Committee (2009) "Addressing the humanitarian challenges of climate change, regional and national perspectives," *Interagency Standing Committee*.
- Keohane, Robert (1982) "The demand for international regimes," *International Organization* 36(2):325–355.
- Keohane, Robert (1984) *After Hegemony, Cooperation and Discord in the World Political Economy*, Princeton: Princeton University Press.
- Koremenos, Barbara, Charles Lipson, and Duncan Snidal (2001) "The rational design of international institutions," *International Organization* 55(4):761–799.
- Krasner, Stephen D. (1999) *Sovereignty: Organized Hypocrisy*, Princeton: Princeton University Press.
- Loescher, Gil (2001) "The UNHCR and world politics: state interests versus institutional autonomy," *International Migration Review* 35(1):33–56.
- Loescher, Gil (2002) *The UNHCR and World Politics: A Perilous Path*, Oxford: Oxford University Press.
- Luken, Ralph A. (2009) "Greening an international organization: UNIDO's strategic response," *Review of International Organizations* 4:160–184.
- McAdam, Jane (2010) "'Disappearing states', statelessness and the boundaries of international law," in Jane McAdam, ed., *Climate Change and Displacement: Multidisciplinary Perspectives*, Oxford: Hart Publishing.
- McAdam, Jane (2011) "Swimming against the tide: why a climate change displacement treaty is not the answer," *International Journal of Refugee Law* 23(1):2–27.
- Mearsheimer, John (1994) "The false promise of international institutions," *International Security* 19(3):5–49.
- Meyers, Norman (1993) "Environmental refugees in a globally warmed world," *BioScience* 43(11):752–761.
- Meyers, Norman (1997) "Environmental refugees," *Population and Environment: A journal of Interdisciplinary Studies* 19(2):167–182.
- Nielson, Daniel L. and Michael J. Tierney (2003) "Delegation to international organizations: agency theory and World Bank environmental reform," *International Organization* 57:241–276.
- Norwegian Ministry of Foreign Affairs (2011) "Chairpersons summary," *Nansen Conference on Climate Change and Displacement*. Oslo: Norwegian Ministry of Foreign Affairs.
- Norwegian Refugee Council (2008) *Future floods of refugees: a comment on climate change, conflict and forced migration*, Oslo: Norwegian Refugee Council.
- Oestreich, Joel E. (2007) *Power and Principle*, Washington: Georgetown University Press.
- Ratner, Steven R. (2011) "Law promotion beyond law talk: the Red Cross, persuasion, and the laws of war," *The European Journal of International Law* 22(2):459–506.

- Rittberger, Volker and Bernhard Zangl (2006) *International Organization: Polity, Politics and Policies*, Basingstoke: Palgrave Macmillan.
- Snidal, Duncan (1994) "Coordination versus prisoners' dilemma: implications for international cooperation and regimes," in Friedrich Kratochwil and Edward D. Mansfield, eds., *International Organization: A Reader*, New York: HarperCollins College Publishers.
- Suchman, Mark C. (1995) "Managing legitimacy: strategic and institutional approaches," *Academy of Management Review* 20(3):571–610.
- Türk, Volker (2007) "Freedom from Fear: refugees, the broader forced displacement context and the underlying international protection regime," in Vincent Chetail, ed., *Globalization, Migration and Human Rights: International Law Under Review*, Brussels: Bruylant.
- UNHCR (1991) "Report of the Working Group on Solutions and Protection to the 42nd Session of the Executive Committee on the High Commissioner's Programme," Geneva: UNHCR.
- UNHCR (2007) "UNHCR welcomes new Deputy High Commissioner L. Craig Johnstone," in *New Stories*, available at <http://www.unhcr.org/466807162.html>, accessed on 30 December 2009.
- UNHCR (2007) "*The Protection of Internally Displaced Persons and the Role of UNHCR*," Geneva: Informal Consultative Meeting, UNHCR.
- UNHCR (2008) "Climate change, natural disasters and human displacement: a UNHCR perspective," in *Policy Paper*, Geneva: UNHCR.
- UNHCR (2009) *Climate Change*, available at: www.unhcr.org/pages/49e4a5096.html accessed 20 November 2009.
- UNHCR (2009) "Forced displacement in the context of climate change: challenges for states under international law," in *Submission to the 6th session of the Ad Hoc Working Group on Long-Term Cooperative Action under the Convention (AWG-LCA 6)* 1–12 June, Bonn: UNHCR.
- UNHCR (2009) "Climate change is a humanitarian problem," in *Pamphlet*, Geneva: UNHCR.
- UNHCR (2009) "Tackling climate change in Eastern Chad," in *New Stories*, available at <http://www.unhcr.org/4b27b7039.html> accessed 30 December 2009.
- UNHCR (2009) "Nowhere to hide from climate change in Kenyan refugee camp," in *New Stories*, available at <http://www.unhcr.org/4b2b76a79.html> accessed 24 January 2010.
- UNHCR (2009) "*Non-paper: Comments and Proposed revisions to the negotiating text prepared by the Chair of the UNFCCC Ad Hoc Working Group on Long-Term Cooperative Action*," available at <http://www.unhcr.org/cgi-bin/texis/vtx/search%5C?page=&comid=4a2d26df6&cid=49aea9390&keywords=UNFCCC> accessed 30 December 2009.
- UNHCR (2011) "*Summary of Deliberations on Climate Change and Displacement*," Geneva: UNHCR.
- UNHCR (2011) *UNHCR's role in support of an enhanced humanitarian response for the protection of persons affected by natural disasters*, Geneva: UNHCR.
- Weber, Max (1948) "Bureaucracy," in H.H Gerth and C. Wright Mills, eds., *From Max Weber: Essays in Sociology*, London: Routledge.