

POLICY BRIEF

The Weaponization of Natural Resources and Disasters During Conflict: The Refugee Convention's Relevance for Syria and Yemen

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Introduction

The Middle East and North Africa (MENA) region is the most water-scarce region in the world. Over 60% of its population lives in areas experiencing high water stress.¹ In addition, it is vulnerable to droughts and floods, which damage agriculture and the overall economy. In 2021, rising temperatures led to droughts and desertification, affecting water supplies and food production systems. Over 12 million people were affected in Iraq, Syria, Jordan, and Iran.²

The populations facing these environmental stressors are also seeing immense damage caused by social conflict. In such contexts, clashing parties have long weaponized disasters and natural resources against one another. In the most acute cases, civilians and their families may be compelled to flee across borders.

Syria and Yemen stand out for their extreme vulnerability to resource scarcity and disaster weaponization during armed conflict. Both countries have seen massive displacement as a result. There is evidence of conflict-induced malnourishment and deprivation in Yemen, which has caused near-famine conditions in some parts of the country and one of the worst humanitarian crises worldwide, with 20 million people facing food insecurity.³ In Syria, displacement levels remain the highest in the world. More than 6.5 million people have fled across Syrian borders.⁴

The 1951 Convention Relating to the Status of Refugees, known as the Refugee Convention, can generally be applied to conflict settings. But the dominant view in international refugee law today is that refugee status rarely applies in the context of disasters.⁵ This brief challenges that view. It asserts that based on discrimination patterns surrounding access to natural resources and the weaponization of disasters during conflict, the Refugee Convention should be applied for Syrians and Yemenis seeking protection.

In Syria, Water Is Increasingly Weaponized

Water is increasingly becoming a weapon of conflict in Syria.⁶ The country has seen attacks on 457 water supply and sanitation assets, including damage to or destruction of two-thirds of the country's water treatment plants and half of its pumping stations.⁷ Across the country, attacks on water networks resulted in a weeklong gap in water service. Millions of people suffered from long and deliberate interruptions to the water supply.

In Aleppo, disruptions encompassed a deliberate 48-day shutdown of a water treatment plant that served 2 million people.⁸ In 2017, bombings of water resources cut off the water supply for 5.5 million people.⁹ And in 2022, sieges in Aleppo and Dar'a al-Balad restricted the supply of food, water, and electricity, as well as the entry of basic necessities such as flour, fuel, and medical aid. In Al Bab, water shortages affected 185,000 people.¹⁰

After 10 years of war, only about half of Syria's water and sanitation systems function properly. Water supply has been further affected by the lack of electricity. Up to 60%–70% of the country's power generation capacity has been down.¹¹ Assaults such as these disrupt civilians' basic human rights and make it extremely difficult for people to meet their basic needs for water, food, shelter, and health. Last year, over 90% of the Syrian population was living below the poverty line. About 14.6 million Syrians (around 67% of the total population) needed humanitarian assistance, while approximately 12 million people faced acute food insecurity.¹² The weaponization of water access has also put the lives of vulnerable people at serious risk. As of March 2019, an estimated 4.7 million children needed humanitarian assistance. Of these, 490,000 were located in hard-to-reach areas.¹³

Marginalized Groups Are Disproportionately Affected

The weaponization of natural resources and unlawful destruction of essential infrastructure has not impacted Syrians equally. Rather, it disproportionately affects specific ethnic and religious minority groups. Sunni Arabs have been one of the groups hardest hit by the conflict and have experienced the greatest displacement from Syria. Because of their perceived political hostility to the government, Sunni Arabs are undergoing severe human rights abuses and multiple layers of discrimination, including restricted access to essential services like electricity and water.¹⁴

Moreover, some groups of Kurds in Syria, such as the Maktoumeen, lack citizenship and legal documents, which exacerbates their marginalization. In government-controlled areas, Maktoumeen are denied the right to work, form and join trade unions, and access social security, health care, and education.¹⁵ In March 2022, a three-week siege around Kurdish-majority neighborhoods in Aleppo prevented the entry of necessities such as flour, fuel, and medical aid, putting Maktoumeen livelihoods at serious risk.

Palestinians in Syria are also gravely impacted by a lack of access to essential resources. As of December 2020, 569,000 Palestinians were registered with the Syria office of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). In contrast with Syrian citizens, these Palestinians do not have the right to vote, hold public office, or own agricultural land or more than one house per person.¹⁶ Despite UNRWA's efforts to provide cash and food assistance, education, and health care services in Syrian refugee camps for Palestinians, 96% of beneficiaries need humanitarian assistance. Further, several UNRWA schools have been damaged or destroyed during the Syrian conflict, together with homes and infrastructure. Around 40% of Palestinians in Syria are still displaced.

Disasters and the Weaponization of Natural Resources Are Exacerbating Yemen's Civil War

Yemen is facing a devastating food security crisis. Meanwhile, intense floods and persistent drought are destroying crops, further exacerbating the already catastrophic situation. Currently, around 19 million people in Yemen (63% of the population) are unable to meet their daily food needs.¹⁷ As of March 2019, 7 million Yemenis, particularly women and children in rural areas, were malnourished.¹⁸

The collapse of food supplies in Yemen has been harshly exacerbated by the civil conflict between Houthi insurgents and the Sunni government. Major airports and ports that were crucial to food imports have closed, while humanitarian supplies have been denied or diverted to keep relief from reaching populations under enemy control.¹⁹ In addition, more than 1,200 air strikes have targeted agricultural infrastructure. Fisheries have also seen damage.²⁰

Yemen has the highest rate of water collapse in the Middle East. In the capital, Sana'a, people receive water twice a week, while in the city of Taiz, public networks deliver water only once every 30–60 days.²¹ Water scarcity across Yemen, exacerbated by the protracted conflict and disasters, has limited access to safe water for 17.8 million people. As a result, an increasing number of farmers are being forced to abandon their homes. The lack of fresh water has contributed to the outbreak of cholera, with more than 1 million suspected cases and nearly 1,500 associated deaths.²²

But there is another fundamental reason why water is lacking in Yemen: The resource has been weaponized by the warring parties, which have bombed the country's civilian infrastructure, including water treatment and irrigation systems, agricultural sites, schools, hospitals, and sanitation plants.²³ Water scarcity also highlights another key challenge in Yemen: discrimination between majority and minority groups.

Muhamasheen Communities Face Higher Risks

Although the war in Yemen is having devastating effects on millions of civilians, minority groups such as the Muhamasheen, who were already suffering from caste-based discrimination and poverty before the war began in 2015, are at heightened risk of harm.

"Muhamasheen" means "the marginalized" and indicates a servant class. The Muhamasheen lack proper documentation and equal access to available resources, and they are often made even more vulnerable by being displaced to the front lines of conflict.²⁴ They are mostly confined to slums, have few economic opportunities, and face restricted access to water, sanitation, and education, as well as other basic services. They are rarely allowed to marry someone belonging to another caste. The fact that they fall outside Yemeni dominant tribal and societal structures means they have no political representation and have little access to damage compensation or mediation in cases of conflict.

While Yemen's laws do not explicitly discriminate against the Muhamasheen, de facto discrimination against them permeates Yemen's institutions, including its administrative, local, and traditional authorities.²⁵ As a result, they are frequently denied access to — or the ability or awareness to access — many rights.

A 2015 survey conducted by the United Nations Children's Fund (UNICEF) of 51,406 Muhamasheen highlighted the terrible living conditions the community is experiencing. According to the report, only 1 in 5 people aged 15 or over could read or write, and only 2 in 4 children aged 6 to 17 were enrolled in school, although the average was nearly twice that figure. Further, only 2 in 5 Muhamasheen households had a latrine.²⁷ During the conflict, Muhamasheen women have been disproportionately exposed to sexual violence and harassment by combatants, particularly at checkpoints.²⁸

Muhamasheen communities have suffered from historical patterns of discrimination, marginalization, and violence that have made their experience of displacement different from the rest of Yemen's population. In cases of evacuation from war-torn or disaster-prone areas, their lack of tribal connections means they have no native villages to return to or safety net to support them. Their lack of documentation may also constrain their access to aid, while discriminatory practices have obstructed their access to humanitarian assistance.

Discrimination, the Weaponization of Disasters, and the 1951 Refugee Convention

According to the Refugee Convention, a refugee is someone who is unable or unwilling to return to their home country or seek its protection due to a well-founded fear of persecution for reasons of race, nationality, membership in a particular social group, religion, or political opinion. To be eligible for refugee status, an individual must be able to demonstrate a lack of state protection based on one of these five grounds.

While the Refugee Convention may find application in conflict settings, the dominant view in international refugee law holds that refugee status does not fundamentally apply in the context of disasters, since none of the five listed grounds is necessarily met. But it is crucial for decision-makers to incorporate the contemporary understanding of disasters: They are not catastrophic manifestations of nature beyond human control; instead, a disaster is the combination of environmental threats with social, cultural, economic, and political factors. These turn a natural hazard into a disaster.²⁹

Understood as such, disasters are not at all "natural." Rather, they are determined by the social context that an impacted person is experiencing. Discrimination, gender constructs, and unequal distribution of land, resources, work opportunities, or livelihoods all shape people's vulnerability, exposure, and resilience to disasters as well as their access to protection. The Intergovernmental Panel on Climate Change (IPCC) itself acknowledges that "people who are socially, economically, culturally, politically, institutionally or otherwise marginalized are especially vulnerable to climate change and also to some adaptation and mitigation responses."³⁰ So conceived, disasters may discriminate or magnify existing discrimination patterns that normally may not sufficiently establish a well-founded fear of persecution.³¹ Conversely, in emergency situations, discrimination may put life at risk, raising a situation to the Refugee Convention's required threshold.

The relevance of disasters to the determination of refugee status is even greater when an entity — whether a state or nonstate actor — weaponizes disasters to inflict harm on a specific community or group of people. This is the danger facing minority groups in both Yemen and Syria. In these countries, systematic attacks on food and water supplies are intended to harm civilians or parts of the population under enemy control. If it were demonstrated that resource scarcity or disasters were being weaponized by one or more combatant groups to harm perceived opponents or other targeted groups, putting their health, livelihood and life at serious risk, the Refugee Convention could well find application.

In the aftermath of disasters such as drought or a flood, reported cases involving the denial, deprivation, or obstruction of humanitarian aid — even in areas under the control of nonstate actors — demonstrate a lack of state protection that could be considered persecution under the Refugee Convention. Hampering or obstructing minority groups' access to basic services during a crisis can irreparably affect their recovery as well as their life and prospects. As such, discrimination rooted in ethnic, religious, or political grounds may well amount to persecution under the convention. If a state is unwilling or unable to protect its citizens from discrimination during an emergency, it potentially demonstrates a lack of state protection and substantiates a need for refugee status.

In its country guidance on Syria, the European Union Agency for Asylum (EUAA) considers the lack or denial of water, hygiene, or natural resources as relevant only to complementary forms of protection, not to refugee status. However, the guidance does not account for the above analysis or the fact that attacks against natural resources and

infrastructure not only undermine civilian livelihoods, but also break down social relationships, economic systems, and governance mechanisms necessary for the provision of basic services and health care.³²

A final comment relates to the particular case of Palestinian refugees in Syria who have availed themselves of UNRWA protection.³³ Pursuant to the Refugee Convention, where such protection has ceased for a reason beyond the applicant's control and forced them to leave UNRWA's area of operation or prevented them from re-availing themselves of such protection, the person concerned should be granted refugee status automatically. As seen, the conflict and weaponization of natural resources in Syria (primarily water) has affected UNRWA's capacity to cover the basic needs of Palestinian refugees residing there.

Moreover, UNRWA has admitted that, due to financial gaps, its ability to deliver essential services, including humanitarian assistance to Palestinian refugees in Syria, is limited.³⁴ The fact that thousands of Palestinians are still displaced is indicative of this limited capacity. In this context, the EUAA has found that protection from UNRWA in Syria can be considered to have ceased within the meaning of the Refugee Convention.³⁵ As such, if Palestinians previously under UNRWA mandate leave Syria and flee to another country, under the Refugee Convention, they should be entitled to refugee status.

Policy Recommendations

What emerges from this analysis of displacement in Syria and Yemen is that the Refugee Convention can apply where states and nonstate actors exploit disasters, aid delivery, or resource scarcity to provoke intentional harm for reasons protected under international refugee law. The same holds true where patterns of discrimination compound the effects of disasters and lead to varying levels of exposure, access to relief, and risks of persecution. These demonstrate a lack of state protection.

To meet the needs of Syrians and Yemenis seeking protection, parties to the Refugee Convention and its protocol on processing protection claims should:

1. Consider the particular role that disasters play in amplifying existing patterns of discrimination — for instance, in transforming socioeconomic disadvantage or political marginalization into a risk of persecution.
2. Consult relevant country of origin information (COI) to gather insights into the occurrence, damages, and impacts of disasters in a given area, the risks associated with the event, and the measures taken by the state to protect the affected population. Consult COI to assess the presence or lack of discriminatory laws, practices, or behaviors in post-disaster assistance and relief.
3. Investigate whether disasters, resource scarcity, or environmental degradation are weaponized by conflicting parties as a way of harming a particular part of society on grounds protected by the Refugee Convention (race, nationality, membership in a particular social group, religion, or political opinion).

Notes

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5. The United Nations Office for Disaster Risk Reduction (UNDRR) defines disasters as “a serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts” (UNDRR, *Global Assessment Report on Disaster Risk Reduction: Our World at Risk: Transforming Governance for a Resilient Future* [Geneva: UNDRR, 2022]). Matthew Scott refers to the “dominant” view in his seminal book (*Climate Change, Disasters, and the Refugee Convention* [Cambridge: Cambridge University Press, 2020]). See also Jane McAdam, *Climate Change, Forced Migration, and International Law* (Oxford: Oxford University Press, 2012); and Walter Kälin and Nina Schrepfer, *Protecting People Crossing Borders in the Context of Climate Change: Normative Gaps and Possible Approaches*, UNHCR Legal and Protection Policy Research Series, February 2012, <https://www.unhcr.org/fr-fr/en/media/protecting-people-crossing-borders-context-climate-change-normative-gaps-and-possible>. References in case-law endorsing the “dominant view” include *Horvath v. Secretary of State for the Home Department*, UKHL 37 (2000); *Canada (Attorney General) v. Ward*, 2 SCR 689 (1993); *S.J.L. v. Refugee Appeals Tribunal & Ors*, IEHC 608, para. 43 (2014); *Matter of Maria Armida Sosa Ventura*, 25 I&N Dec. 391 (BIA 2010); *Matter of Acosta*, A-24159781 (1985).
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8. United Nations Children’s Fund (UNICEF), *Water under Fire* (New York: UNICEF, 2019), <https://www.unicef.org/media/51286/file/Water-under-fire-2019-eng%20.pdf>.
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11. “Syria: Socio-Economic Situation in Damascus City,” EUAA, <https://euaa.europa.eu/publications/syria-socio-economic-situation-damascus-city>.
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16. “Syria - Targeting of Individuals.”
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25. Jean-Nicolas Beuze, “Yemen’s ‘Marginalized Ones’ Endure Hunger, Displacement,” UNHCR, February 4, 2021, <https://www.unhcr.org/news/stories/yemens-marginalized-ones-endure-hunger-displacement>.
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33. Article 1D of the 1951 Refugee Convention states, “This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.” The provisions of Article 1D are reflected in Article 12(1)(a) QD, which applies to Palestinian refugees who have “actually availed” themselves of UNRWA protection or assistance (“Note on UNHCR’s Interpretation of Article 1D of the 1951 Convention Relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the Context of Palestinian Refugees Seeking International Protection,” UNHCR, May 2013, <https://www.refworld.org/policy/legalguidance/unhcr/2013/en/41179>).

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