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## **CONCEPTUALIZING ENVIRONMENTAL REFUGEES: DO THEY REQUIRE SEPARATE ATTENTION?**

### **Abstract**

Global climate change is responsible for creating various types of security threats over the years. This incident also has posed major challenges to the natural resources aggravating socio-economic crises and triggering different level of inter-state and intra-state conflict. Various climatic hazards tend to induce migration both within a country and beyond national border which might exacerbate social instability and disorder among the international community, particularly in the conflict prone areas. The nexus between environmental change and resultant displacement remains one of the most debated and controversial issues of contemporary international affairs. Till date, the issue of involuntary or forced migration is yet to receive attention from the policy-makers. Identification of the environmentally displaced people is a big challenge mainly because migration is a complex, and to a large extent, context-specific issue. However, without paying due attention, the miseries of environmentally displaced people will only aggravate. This paper is an endeavour to explore the scenario of environmentally displaced people in both of the contexts of contemporary international relations and mainstream refugee regime. With the same token, it also tries to assess whether any separate mechanism or special attention is needed to provide protection to the environment-induced refugees.

**Keywords:** Climate Change, Migration, Environmentally Displaced People, Environmental Refugees, Security

### **1. Introduction**

From the time immemorial, climate often influences human migration. In 1999, Chairman of the World Water Council argued that more people flee from their homes due to environmental problems than due to war.<sup>1</sup> In some circumstances, the change is so direct and obvious that people flee from their habitual residence in the wake of sudden climate-related catastrophes and do not return. Sometimes its influence is more slow and subtle that after a couple of dry seasons, an aging farmer

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<sup>1</sup> Laura Story Johnson, "Environment, Security and Environmental Refugees", *ResearchGate*, January 2009, p. 222, available at [https://www.researchgate.net/publication/238069794\\_Environment\\_Security\\_and\\_Environmental\\_Refugees](https://www.researchgate.net/publication/238069794_Environment_Security_and_Environmental_Refugees), accessed on 15 October 2018.

decides to sell his farmland to a younger farmer and move to town. In contemporary international relations (IR), the issue of climate induced migration or environmental displacement has become a major challenge for the global community. Considering the intensity of the problem, in a project report of the Government Office for Science, London, it is stated, "No migration is not an option in the context of future environmental change: migration will continue to occur in the future and can either be well managed and regular, or, if efforts are made to prevent it, unmanaged, unplanned and forced."<sup>2</sup> Through empirical research, Zorzeta Bakaki has proved that there is a strong possibility that if the global temperature continues to rise at the current rate, migration is not only going to occur within the border of a country, but across different countries. He further mentioned that given the consequences of migration at larger scales, many countries will face problems and one of the indirect reasons for migration will be global climate change.<sup>3</sup>

In 1985 Essam El-Hinnawi first coined the term 'environmental refugee'. While identifying environmental refugees, El-Hinnawi focused on the possibility of returning home for a displaced person. With this notion, he primarily identified three main categories of environmental refugees: a) persons who are displaced for environmental causes but can return to their homes of origin when environmental damage is repaired; b) persons who become permanently displaced and resettle in other places; and c) persons who migrate from their traditional place of residence in search of a better place when their original habitat is degraded and can no longer meet their basic needs.<sup>4</sup> Climate change is a highly complex issue and also is a long-term phenomenon, which to some extent hard to grasp by the ordinary people. Neither everybody is affected equally by climate change, nor its consequences are easily observed from one day to another. There are two different types of debates regarding climate change. One group in the literature known as neo-Malthusian argues that climate change is a direct threat to international security. On the other hand, a group of scholars who are known as Cornucopians argue that human being has the capability to adapt to the challenges of climate change through different types of technological innovation.<sup>5</sup>

Although climate change is not a new phenomenon, after the end of the cold war this issue received much attention as one of the major non-traditional security challenges. Notably, the end of the cold war is marked by profound changes in international relations: the rise of non-traditional security threats primarily of

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<sup>2</sup> Government Office for Science, London, "Migration and Global Environmental Change: Future Challenges and Opportunities", 2011, available at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/287717/11-1116-migration-and-global-environmental-change.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287717/11-1116-migration-and-global-environmental-change.pdf), accessed on 15 October 2018.

<sup>3</sup> Zorzeta Bakaki, "Environmental Refugees: The Impact of Climate Change on Emigration", Paper presented at the 2016 Meeting of ENCoRe in Geneva.

<sup>4</sup> Essam El-Hinnawi, *Environmental Refugees*, United Nations Environment Programme (UNEP), 1985.

<sup>5</sup> Zorzeta Bakaki, op. cit.

transnational character, which replaced the traditional security issues dominated by concepts like arms race, national interests, and state borders. The rise of non-traditional security issues demonstrated both vertical and horizontal widening and deepening of the concept of security encompassing a broad range of issues. The horizontal broadening of the term refers to the non-military security threats like economic, environmental, demographic, information, health, immigration and terrorist, while vertical widening of the concept refers to other security threats where the referent object of security are non-state actors including individuals, groups having a common religious, ethnic, or ideological traits and local or global communities. In recent years, climate change has emerged as one of the major security threats in global politics. It also threatens to aggravate socio-economic crises, instability, and interstate or intrastate conflicts. Climate change also influences human migration. Sometimes, the impact is so obvious and direct that people flee their home of origin ruined in a beautiful morning devastated in the wake of an earthquake or tornado and never return. Sometimes it is very subtle, such as when a couple of flood years prompt a farmer decide to sell his land and move to town for a better future for his family.

During the past years, various authorities produced reports warning that global climate change and sea level rise will compel millions of people to become environmental refugees in the coming years. According to such a report, in 2005 it was estimated that by 2010, global climate change would create 50 million environmental refugees. Although the prediction proved wrong, still the issue has prompted scholars, refugee activists and international organizations to advocate for new types of policies and laws for those people who might be displaced due to climate change.<sup>6</sup>

Existing studies in the field suggests that environmental displacement issue has become one of the important aspects of contemporary security paradox. Scholars emphasized widening and deepening of our understandings on environmental refugees by focusing on the root causes. They urged not only to focus on the climate change related aspects but also associated problems, and the interplay of the two forces.<sup>7</sup> The literature on environmental refugee reveals that the linkage between environmental events and human migration is not a new revelation. In fact, from the beginning of Homo sapiens on this planet, climate and other environmental processes have played a major role in shaping human population numbers, densities, distribution, and wellbeing. Until ten to fifteen thousand years ago, environmental forces started to create direct and indirect influences on human migration.<sup>8</sup> Nowadays, the existential threat of climate change and the environmental refugee is quite relevant to the contemporary global context. As climate change and environmental

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<sup>6</sup> Robert A. McLeman, *Climate and Human Migration: Past Experiences, Future Challenges*, Cambridge: Cambridge University Press, 2013, p. xi.

<sup>7</sup> Norman Myers, "Environmental Refugees: A Growing Phenomenon of the 21st Century", *Philosophical Transactions of the Royal Society of London. Series B: Biological Sciences*, Vol. 357, No. 1420, 2002, p. 612.

<sup>8</sup> Robert A. McLeman, op. cit., p. 3.

issues are increasingly becoming important in the realm of international relations, it is important to view the subject-matter from international relations' perspective.

Against this backdrop, the objective of this paper is to view whether the environmental refugees are a separate category and whether they need separate regime to provide them support to restore their basic needs. The key research questions of this paper are: who are the environmental refugees? What is the current state of the field? What are the international relations theories' and existing academic perspectives regarding environmental refugees? Do they need special mechanisms to mitigate their problems? What are the challenges in this regard and what should be the best possible options to resolve their problems?

In order to address the research questions, there are six sections in the paper. After the Introduction, the second section elaborates climate change and migration nexus and discusses major issues in the current topic. The third section of the paper sheds light on the perspective of current international relations in the field. While chapter four discusses whether environmental refugees are excluded from mainstream refugee regime. Chapter five sheds light on the possible solutions of the problem and chapter six concludes the paper. This paper is a qualitative research work based on various secondary data sources, including books, journals, magazines, newspapers, reports, seminar papers and online resources.

## **2. Climate Change-Migration Nexus**

To begin the discussion and debates on the topic, it is important to properly identify the environmental refugees. Some core questions in the contemporary debates on environmental refugees are: who are the environmental refugees or how can we define the environmental refugees? Do environmental refugees fall into the traditional concepts of refugees? And what is the number of this category?

It is to note that in this contemporary world, the global community can no longer ignore the issue of environmental refugees. There is some empirical research on the relationship between environmental change and migration. The results of those studies robustly and strongly suggest that if the global temperature continues to rise, migration will not only occur at the domestic level but also at the international level. The following table gives a brief picture of the relationship between climate change and resultant displacement:

**Table 1: Major climatic incidents of recent years and their impacts on human migration**

| Type of climate event  | Region/ Country | Time Frame    | Major Impacts on Migration   |
|------------------------|-----------------|---------------|--|
| Drought/ Soil Erosion  | Kenya           | 2004 and 2007 | Increase of the temporary labour migration from the country                              |
| Heat Stress            | Pakistan        | 1991-2012     | Increase in long-term migration of men   |
| Forest fires           | United States   | 2010          | Increased intention to migration   |
| Drought                | Syria           | 2006-2014     | Increase in rural-urban migration  |
| Cyclone/Flooding       | Bangladesh      | 2009          | Increase in male rural-urban migration   |
| Flooding               | Pakistan        | 2011-2012     | Increase in rural-urban migration  |
| Drought/water salinity | Western Sahel   | 2005-present  | Increase in labour related migration of pastoralists                                     |
| Desertification        | Nigeria         | 1993-2013     | Increase in labour-related migration of farmers  |
| Droughts               | Peru & Bolivia  | 1996-present  | Increase in labour-related migration of farmers due to increasingly devastating droughts |

Source: Kate Burrows and Patrick L. Kinney, "Exploring the Climate Change, Migration and Conflict Nexus", *International Journal of Environmental Research and Public Health*, Vol. 13, No. 4, April 2016, pp. 1-17.

From the above-mentioned table, it becomes evident that in the last few decades different climatic events impacted migration in different levels. In most of the cases, low-income people become victims of climate change and are compelled to migrate from one place to another for a better livelihood. Although in many cases it happened in African countries, the most powerful global actor, the United States (US) is also not immune from this acute global event. The next few paragraphs focus on different issues elaborating climate change and migration nexus.

## 2.1 Defining Environmental Refugees

Any kind of definition and discussion related to refugee issue can begin with the United Nations 1951 Convention Relating to the Status of Refugees and its

1967 Additional Protocol. Notably the 1967 Protocol to the Refugee Convention was enacted to remove the restriction limiting the treaty only to those persons fleeing persecution before 1951 within Europe would only be counted as refugee and receive assistance. According to Article 1 of the 1951 Convention, a person can be termed as a refugee who, "As a result of events occurring before 1 January 1951, and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his (sic) nationality and is unable or, owing to such fear, is unwilling to avail himself (sic) of the protection of that country; or who, not having a nationality and being outside the country of his (sic) former habitual residence as a result of such events, is unable, or, owing to such fear, is unwilling to return to it."<sup>9</sup> From this definition, it is evident that environmental refugees are excluded from this definition.

Among the scholars, El-Hinnawi for the first time defined environmental refugees as "those people who have been forced to leave their traditional habitat, temporarily or permanently, because of a marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life."<sup>10</sup> Quite in a similar tone, Professor Norman Myers defines environmental refugees as,

"people who can no longer gain a secure livelihood in their homelands because of drought, soil erosion, desertification, deforestation and other environmental problems, together with associated problems of population pressures and profound poverty. In their desperation, these people feel they have no alternative but to seek sanctuary elsewhere, however hazardous the attempt. Not all of them have fled their countries, many being internally displaced. But all have abandoned their homelands on a semi-permanent if not permanent basis, with little hope of a foreseeable return."<sup>11</sup>

Among the practitioners, the International Organization of Migration (IOM) defines "Environmental migrants are persons or groups of persons who, predominantly for reasons of sudden or progressive change in the environment that adversely affects their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad."<sup>12</sup>

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<sup>9</sup> United Nations, *Convention Relating to the Status of Refugees*, Geneva: UNHCR, 1951.

<sup>10</sup> Essam El-Hinnawi, op. cit. Generally, it is believed and accepted that the term was first coined by El-Hinnawi in this seminal publication.

<sup>11</sup> Norman Myers, "Environmental Refugees: A Growing Phenomenon of the 21st Century", available at <http://www.envirosecurity.org/conference/working/EnvironmentalRefugees.pdf>, accessed on 30 September 2018.

<sup>12</sup> Kimberly Kurtis, "Climate Refugees Explained", *UN Dispatch*, 24 April 2017, available at <https://www.undispatch.com/climate-refugees-explained/>, accessed on 28 April 2018.

## 2.2 *Do Environmental Refugees Correspond to Traditional Concepts of Refugees/ Legal Categories of The Refugees Defined By The United Nations High Commissioner For Refugees (UNHCR)?*

The 1951 United Nations Convention relating to the Status of Refugees and its 1967 additional protocol define refugees as people who are outside of their country of origin owing to a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social or political group or political opinion”,<sup>13</sup> This definition demonstrates that people who fall under the above-mentioned criteria are known as refugees while others are voluntary migrants. Moreover, it becomes evident that environment as one of the factors behind the creation of refugees has not been taken into consideration and therefore, it lacks legal status of refugees.<sup>14</sup>

The definition of the 1951 Convention has four key attributes. **First**, if a person wants to claim the refugee status s/he must remain outside of his/her nationality or former habitual residence. **Second**, the person must have some sort of fear of persecution. **Third**, that fear of persecution must be on the grounds of ‘race,’ ‘nationality,’ ‘membership of a particular social group,’ ‘religion’ or ‘political opinion.’ **Fourth**, the fear of that person must be well founded. It is also evident that the definition and any of its components does not include individuals who leave their home of origin because of environmental changes. With the same token, there is no compulsion for a signatory state to the UN Refugee Convention recognize environmentally displaced persons as refugees and provide them asylum which the former receives.<sup>15</sup>

However, from another point of view, the environmental refugees still can fit within the 1951 refugee paradigm. With empirical evidence, Jessica B. demonstrated that in some cases governments create environmental crises and its resulting population displacements can be labelled as a form of persecution. This segment of the refugees meets the requirements of a refugee since they are persecuted for reasons of their membership to a particular social group who are politically powerless and incapable to protect the environment.<sup>16</sup> This argument proves that environmental refugees are entitled to have official refugee status and as well as the international protection provided to the refugees.

<sup>13</sup> Jessica B. Cooper, “Environmental Refugees: Meeting the Requirements of the Refugee Definition”, *New York University Environmental Law Journal*, Vol. 6, 1998, p. 480.

<sup>14</sup> Debasree Chatterjee. “Understanding the Linkages between Climate Change and Migration from Bangladesh to India”, *Jadavpur Journal of International Relations*, Vol. 15, No. 1, 2011, pp. 111-112.

<sup>15</sup> Karen Elizabeth McNamara, “Conceptualizing Discourses on Environmental Refugees at the United Nations”, *Population and Environment*, Vol. 29, pp. 12-24, 2007.

<sup>16</sup> Jessica B. Cooper, op. cit., pp. 486-487.

### 2.3 *What is the Number of Environmental Refugees?*

Migration generally includes both short and long-term movements. Available estimates of the numbers of people who may be displaced due to various climatic reasons by 2050 range from 50 million to 1 billion people.<sup>17</sup> Among the scholars, Norman Myers projected the number 200 million.<sup>18</sup> Although, this projection is not rigorously tested, but is generally agreed upon as it is consistent with conservative estimates of climate impacts. However, Myers himself has acknowledged that there is uncertainty in his estimates and necessary extrapolations were made due to lack of available empirical data. A Christian Aid report projected large number; 1 billion people will be displaced by 2050. Moreover, this particular report further breaks the estimates into certain categories: approximately, 250 million people displaced by climate change related incidents, 50 million people to be displaced by various natural disasters, 50 million people displaced by conflict, 5 million for fleeing their countries and becoming refugees and majority of the number, 645 million people will be displaced by various development projects.<sup>19</sup> It is evident that there is a large range in different estimates regarding the environmental refugees which illustrates that there is enormous uncertainty surrounding the causal impacts of climate change induced migration. Next chapter makes an endeavour to view the environmental refugees from the international relations' and existing academic perspectives.

### 3. **Environmental Refugees from International Relations and Existing Academic Perspective**

Climate change and environmental issues are becoming increasingly important in the subject matter of international relations. Due to the universal nature of climate change and responsibilities for it, that the international level provides the most effective solutions to the mitigation and adaptation. Furthermore, the multifaceted complexities of climate change make it a difficult phenomenon for international politics and governance. However, actions at the international level continue to provide the best solutions to tackle the spectre of climate change and issues emanated from it. Even the war in Syria and resultant refugee crisis can be linked with prolonged drought in the country which forced people to move to the cities where they find their future and dreams limited by authoritarian rule and inaction.<sup>20</sup> Scholars

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<sup>17</sup> Nicholas Stern, *The Economics of Climate Change: The Stern Review*, Cambridge, UK: Cambridge University Press, 2007.

<sup>18</sup> Norman Myers, *Environmental Exodus: An Emergent Crisis in the Global Arena*, Washington D.C., USA: Climate Institute: 1995.

<sup>19</sup> Christian Aid, *Human Tide: The Real Migration Crisis*, May 2007, available at <https://www.christianaid.org.uk/sites/default/files/2017-08/human-tide-the-real-migration-crisis-may-2007.pdf>, accessed on 30 April 2018.

<sup>20</sup> Gustavo Sosa-Nunez and Ed Atkins, *Environment, Climate Change and International Relations*, Bristol: England, 2016.



of international security often tend to conceptualize environmental problems as an international security threat-with an increasing focus on climate change. Keeping these in mind, this chapter tries to view the position of contemporary international relations theories with regard to the environmental refugee issue and see whether mainstream theories of international relations added it to their subject matter.

Among the contemporary International Relations theories, the realist's explanation of climate related aspect is relatively narrow, as they perceive that the global order and politics is usually shaped by the military and economic power of different states. Hans J. Morgenthau once noted, "The desire to dominate is a constitutive element of all human association".<sup>21</sup> According to the realist viewpoint, struggle for power and position is at the centre of global politics.<sup>22</sup> From the realist's point of view, power and interests are at the core of the problem presented by global climate change and the environmental refugees. Realists' perceive that states are not cooperative and, on several occasions, this non-cooperative nature of the states has been reflected in global climate change related negotiations. The realists often put more emphasis on relative gains.<sup>23</sup> This signifies that even when cooperation among states would head towards absolute gain among the states, it might be impeded by unequal dissemination of such gains. Therefore, over the years the relative gains have become the centrepiece within a realist paradigm to the climate change related issues.<sup>24</sup> Realism, therefore, provides an explanation for the failure of global climate change related negotiation. Although liberal democratic theory acknowledges that various types of forced migration pose challenge to the international system, it has great difficulties in incorporating such normative components to the policy responses, which has been reflected in the approach of the liberal democratic countries with regard to environmental refugees. However, the rationalist thinkers could not give a possible solution to the problem.

Constructivism, on the contrary, has posed challenges to the rationalist theories of IR in many aspects of international security, including the aspects related to global climate change. Constructivist theory acknowledges that both material and normative features of the international system are important and both are complexly 'interwoven and interdependent'.<sup>25</sup> This attribute demonstrates a fundamental difference between constructivism and other positivist theories of IR. Another difference between the two groups is constructivism does not treat structure in the same manner the conventional theories of IR do. Constructivism posits that global climate change is a social process.<sup>26</sup>

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<sup>21</sup> Tim Pfefferle, "Climate Change Politics through a Constructivist Prism", *E-International Relations Students*, 18 June 2014, available at <https://www.e-ir.info/2014/06/18/climate-change-politics-through-a-constructivist-prism/>, accessed on 13 February 2018.

<sup>22</sup> Ibid.

<sup>23</sup> Gustavo Sosa-Nunez and Ed Atkins, op. cit.

<sup>24</sup> Ibid.

<sup>25</sup> Tim Pfefferle, op. cit.

<sup>26</sup> Ibid.

One of the major strengths of existing literature on the environmental refugees is most of the literature gives importance to constructivist ideas offering criticisms to the rational theories. Both realism and neorealism are being criticized because of their use of power in analyzing different issues including climate change. The realists and neorealists consider both military and economic power are crucial for a hegemonic state to maintain stability at the systemic level. Both theories narrated power as a currency of a hegemonic actor in IR. It is difficult to apply such a concept of power in the realm of global climate change migration.

At the organizational or institutional level, constructivism emphasizes the constitutive functions of international institutions and their rules, which surpass the rationalists' focus on their functions, which contributed to taking a dynamic and transformative agenda for the UNHCR for forced migrations. This segment is well explained, because it helps us to understand the role of different organisations and particularly the UNHCR on forced migration related aspects. The role of institutions in mitigating the adverse impact of climate change is also well supported by neoliberal institutionalism. Since institution like the UNHCR plays a big role in global climate change politics, the inclusion of the neoliberal institutionalist notion is therefore imperative. Moreover, this institutionalist framework of IR creates the conditions, which are congenial for international cooperation. This is one of the key features of climate change related negotiations.<sup>27</sup> However, there are also some shortcomings in the neoliberal perspective on explaining climate-induced migration. The neoliberal institutionalism is primarily based on approaches to the game theory and broadly follows a positivist methodology. The ahistorical nature of the theory prevents it from analyzing the core puzzles of international relations.<sup>28</sup> Like other rational theories, neoliberal institutionalism also subscribes the notion that in the anarchic global order states react in a similar and predictable way. It is unable to determine whether state decision makers understand issues differently or hold divergent stands on climate change politics.<sup>29</sup> This can lead to misunderstanding, which in the end might spoil a prospective negotiation.

Although there are some similar attributes between constructivist and liberal institutionalist theories with regard to the role and effectiveness of institutions, there is a subtle difference between the two theories. The constructivists evaluate institutions for their capability of creating new norms and the liberal institutionalists evaluate institutions for their role in providing a forum for interstate cooperation and negotiation. Most of the authors agreed that there is a possibility of a high volume of rural-urban migration in underdeveloped countries because of endemic poverty and other social factors. They also agree that the situation will be aggravated by climate change and its impacts. Thousands of poor people already have become

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

environmental Internally Displaced Persons (IDPs) in third world countries and usually the IDPs live in the slums of big cities without access to basic amenities. The people who migrate to the city slum areas for a better life, perceive that the migration may bring new economic opportunities for them and they will get a better life than they were in their environmentally degraded situation.

Although scholars broadly agree on the consequences of climate change, they could not reach a consensus regarding the identification and defining the environmental refugees. Thus, there is a definitional debate among scholars on identifying environmental refugees. In fact, among those refugees, fewer people migrated for reasons directly linked to climate. If people are asked about the root causes of their migration, most of them would likely answer because of family reasons, or to search for new jobs or opportunities in a new place. Some of them might respond that they had to because they were struggling to support their household, which had grown too big to support. Only 20 per cent of them perhaps would answer that they had no other option than migration because they were forced to do so because of persecution, violence or natural disasters.<sup>30</sup> As climate change is so rare to be a proximate source of migration, scholars in migration research have shown little interest to consider it as a prime source of human displacement.<sup>31</sup> In fact, some scholars challenged the use of the term 'environmental refugees'. The opposite argument is although climate has a major role in human movements, migration is not the only policy option for people.<sup>32</sup> Due to this definitional debate, it is still ambiguous to proper identification of the environmental refugees.

However, since the 1980s, scientists started to accumulate convincing evidence to demonstrate that the human being has entered into another phase where the activities of the human being caused unprecedented changes to the environment and thus, the global community have entered an era of ever-growing human-induced climate change.<sup>33</sup>

The existing literature on climate change and migration have drawn mixed conclusions on the linkage between climate change and migration. One group of scholars believes that the impacts of climate change are sudden or gradual, such as prolonged droughts, will likely cause mass migration, while others oppose the claim or doubt the predicted outcome, referring the adaptive capacity of people and some empirical evidence on the relationship between climatic events and human displacement. The lack of consensus among scholars on the number of environmental refugees is also evident. The next chapter examines whether environmental refugees are excluded from mainstream refugee regime.

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<sup>30</sup> Robert A. McLeman, op. cit., p. 1.

<sup>31</sup> Ibid.

<sup>32</sup> Debasree Chatterjee, op. cit., pp. 111-112.

<sup>33</sup> Robert A. McLeman, op. cit., p. 1.

#### 4. Are the Environmentally Displaced Persons Excluded from Mainstream Refugee Regime?

Unfortunately, as mentioned earlier, environmental refugees are not covered by the 1951 UN Convention Relating to the Status of Refugees, which is primarily designed to protect the persons fleeing due to persecution, violence or war. In addition to that, the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Development Programme (UNDP) agreed not to use the term “refugees” to describe those people who are displaced due to environmental reasons. Probably, the main reason behind this is the UNHCR already face difficulties to provide support for the world’s 22.5 million existing refugees.<sup>34</sup> And it is unsure if the UNHCR incorporates a new category, the donor groups will extend support to those people. So, the environmentally displaced people are devoid of any kind of juridical or institutional support.

There are a few challenges in creating a separate normative framework for environmental refugees. First, although climate change affects migration in different ways, it is not possible to isolate the sole cause of human movement. Rather it interacts with and overlays other social, political and economic drives. Second, climate change related movement is a part of global migration dynamics, rather than an independent or discrete category and therefore, it needs to be discussed in a wider development context, not just a humanitarian context.<sup>35</sup> Third, while adaptation can help reduce vulnerabilities, and enhance resilience, it is unlikely to stop the need for some migration. Ultimately, migration can be a form of adaptation and a rational coping strategy. Fourth, climate-induced displacement has the possibility to take different forms and will require a mixed type of responses at the local, national, regional and international level.<sup>36</sup>

From community based empirical research, have shown that people will move away from the areas that climate change gradually renders uninhabitable, such as many parts of the small island states in the Pacific affected mainly by sea level rise and some parts of the South East Asia dealing with coastal erosion.<sup>37</sup> In 1998, Francis M. Deng, the United Nations Secretary General’s representative for displaced persons noted that,

“Displaced persons are persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of

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<sup>34</sup> “The Economist Explains: Why Climate Migrants Do Not Have Refugee Status”, *The Economist*, 06 March 2018.

<sup>35</sup> Asian Development Bank, *Addressing Climate Change and Migration in Asia and the Pacific: Final Report*, Manila: Asian Development Bank, 2012, p. viii.

<sup>36</sup> Jane McAdam, “Creating New Norms on Climate Change, Natural Disasters and Displacement: International Development 2013-2013”, *Refugee*, Vol. 29, No. 2, 2014, pp. 11-26.

<sup>37</sup> Andre Milan, Benjamin Schraven, Koko Warner and Noemi Cascone (eds.), *Migration, Risk Management and Climate Change: Evidence and Policy Responses*, Switzerland: Springer International Publishing, 2016, p. viii.

generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”<sup>38</sup>

Due to the limited scope of protection for forced refugees in existing international law, it is somehow acknowledged that neither human rights law nor refugee law covers those people who are forced to cross borders to escape the effects of climate change. Therefore, states do not have the responsibility to regulate their entry and similarly cannot guarantee that they will not be expelled. This is primarily because the danger these people face is not directly caused by human actors and as seen in the refugee law, the harm is generalized and not targeted to some people because of their ethnicity, religion or other protected characteristics.<sup>39</sup>

The term “environmental refugee” itself is seriously criticized for the ambiguity of its legal meaning. If the international community wishes to prevent the influx of huge number of refugees, it must prevent the causes which create the environmental refugees. The 1994 “Almeria Declaration” of the UN stated that:

“The number of migrants in the world, already at very high levels, nonetheless continues to increase by about 3 million each year. Approximately, half of these originate in Africa. These increases are largely of rural origin and related to land degradation. It is estimated that over 135 million people may be at risk of being displaced as a consequence severe desertification.”<sup>40</sup>

In response to the growing voice in favour of the environmentally displaced people, in 2010 Cancun Climate Change Conference invited all state parties primarily to enhance action on adaptation by undertaking “measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels.”<sup>41</sup> Walter Kälin argues that the provision is quite significant because first, it explicitly recognizes the humanitarian consequences of forced migration due to global climate change; second, it expects that displacement issue will become part of national adaptation plans; and third, it includes cross-border human movement and not just internal displacement on the international agenda.<sup>42</sup>

<sup>38</sup> UN Office for the Coordination of Humanitarian Affairs, “Guiding Principles on Internal Displacement”, available at <https://drc.ngo/media/1217434/guiding-principles-on-internal-displacement.pdf>, accessed on 13 April 2019.

<sup>39</sup> Kate Jastram, “Warm World, Cold Reception: Climate Change, National Security and Forced Migration”, *Vermont Journal of Environmental Law*, Vol. 15, No. 4, 2014, pp. 752-765.

<sup>40</sup> Intergovernmental Negotiating Committee on a Convention to Combat Desertification (INCED), quoted in *Geography and Refugees*, supra note 45, at 13.

<sup>41</sup> UN Framework Convention on Climate Change, “Report on its 16th Session”, 29 November-10 December 2010, available at <https://undocs.org/FCCC/CP/2010/7/Add.1>, accessed on 17 April 2018.

<sup>42</sup> Walter Kälin, “From the Nansen Principles to the Nansen Initiative”, *Forced Migration Review*, Issue 41, December 2012, pp. 48-49.

Although many scholars indicate that migration occurs due to climate change, the decision to migrate depends on several factors. The classical theories of migration narrate two different aspects 'push' factors and 'pull' factors work combinedly while taking final decision of migration. However, 'opportunity' and 'willingness' also work as a catalyst for people's decision of moving from their home of origin. People thus do not only think of the necessity of moving away but also, they try to take into account the conditions they are going to face in their new destination. Hence, people decide to move to other places if they feel there are some potential better living conditions there. McAdam and Loughry gave empirical examples of migration in the small islands of Tuvalu and Kiribati and noted that in those two islands climate change along with other socio-economic issues has forced people to migrate from their traditional habitat. Due to the sea-level rise, people of these islands are not only migrating one area to another but also people are looking for new destinations, non-island states to emigrate.<sup>43</sup> Hence, the solution of the problem are discussed briefly in the next chapter.

## 5. How to Overcome the Challenges

From the previous discussion, it is evident that there are different challenges with regard to the issue of environmental refugees. Hence, the probable solution to the problem should encompass multi-dimensional aspects. Mutual cooperation at the systemic level appears to be the best way to mitigate the problems evolving from the environmental refugees.<sup>44</sup> The universal nature of the problem requires cooperation among the states. This can best be explained by the liberal internationalism. However, one of the primary questions in this regard is who will take the key responsibility of the environmental refugees and who will bear the short, medium, and long-term costs associated with them. Hence, constructivism gives a better prescription than the traditional IR theories. According to constructivism, global climate change is a man-made construction. And state identity and interests most of the time dictate the pattern of global climate change related negotiations. Hence, Gross Domestic Product (GDP) of a particular state should be the primary parameter as it is also a social construction. The experience of the impacts on climate change for the developing countries should be viewed in light of those countries' historical experience of domination by the rich countries. The proponents of this theory perceive that normative consensus among states on carbon trade is the core issue shaping global climate change politics.<sup>45</sup>

Migration is not a problem to be avoided, rather, individuals and concerned communities often find it as a means of solution. On the contrary, the concept of

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<sup>43</sup> Jane McAdam and M. Loughry, "We aren't Refugees", *Inside Story*, 30 June 2009, available at <http://insidestory.org.au/we-arent-refugees/>, accessed on 25 April 2018.

<sup>44</sup> Tim Pfefferle, op. cit.

<sup>45</sup> Ibid.

displacement has negative connotations which indicate involuntary departure and vulnerability, which result in enormous hardship for the displaced people as well as their receiving community. Some scholars perceive that the environmental refugee is a special category, therefore, distinct mechanisms should be established to assist them in a sustainable manner. Existing literature suggests that in the state of simple displacement by causes such as flood or drought, which is primarily not linked with any kind of political violence, strategies should be implemented through the concerned state. The governing authority of the particular area where the disaster took place must play a key role in determining whether the displacement occurred within the particular country or across an international border. This is the most common and standard practice to mitigate the problem of this kind of refugees. Usually, in the aftermath of any natural disasters, relief and rehabilitation programme is usually jointly conducted by the state government, along with national and international Non-Governmental Organizations (NGOs) and by major foreign governments. While the causes of population displacement are linked to global economic and environmental structure, it is convenient to deal with national development policies. Because of the international nature of the problem and the volume of the expense involved, a good instance can be made for attracting international cooperation with the national development policies.

Amidst the complex situation, the policy response also should be different. For persons who are forced to cross borders mainly because of the dual effects of environmental degradation and war, such as in some countries of the Horn of Africa, immediate assistance cannot be channeled through the government of the state of origin. This kind of displacement can be covered by the existing mandate of the UNHCR, which deals with the refugees. Similarly, it also covers the minority groups who are forced to cross the international borders because of ethnic conflicts and competition for scarce resources. One of the most problematic dimensions of the international humanitarian assistance is to get access to the IDPs. It is even more difficult to establish special international mechanisms to help internally displaced environmental refugees. From an academic perspective there are a few ways to address the problem.

First, scholars and policymakers could incorporate the role of identity in the climate induced migration issue. In fact, the incorporation of state identity could pose a fundamental challenge to the rational theories. As the rationalist theories are very much state centric in nature without proper focus on state identity a state behaviour. According to the identity theory, divergent views on the impacts of climate change is mainly due to the divergent identity. Identity is very important from the constructivist viewpoint because it plays a vital role in both interpersonal and international interactions.<sup>46</sup> Alexander Wendt narrated identity as a 'subjective property of

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<sup>46</sup> Maysam Beharvesh, "The Thrust of Wendtian Constructivism", *E-International Relations Student*, March 2011, available at <https://www.e-ir.info/2011/03/09/the-thrust-of-wendtian-constructivism/>, accessed on 30 March 2018.

international actors that generates motivational and behavioural dispositions' and that is rooted in their 'self-understanding'.<sup>47</sup> The understanding and internalizing of identity are underpinned in the fact of knowing 'self' as well as 'others'. In global climate change and environmental refugees related negotiations, a particular state's identity plays a vital role in determining that state's behaviour or moral position on a particular issue. Cultural aspects of a particular state usually shape the identity formation of a particular state. Therefore, knowing the cultural background of a state can help in understanding that states' behaviour. As identities help in identifying or determining actors, interests of that actor designate its behavioural motivations. According to Alexander Wendt interests of a particular actor usually, presuppose identities because it is not possible for an actor to know what it wants prior to knowing who it is. By taking these non-material factors as analytical tools constructivist tries to give unaddressed questions of the rationalist theories. Thus, state identity and interests are important tools in understanding the political nature of the environmental refugee issue.<sup>48</sup> The historical and social context of the climate change and the resultant environmental refugee issue also becomes clear by the constructivist theory.

Secondly, it is to note that the ideas and norms that are shaping the contemporary global climate regime are mainly a reflection of the national interests, which are heavily predisposed against the notion of incorporating population displacement because of climate change. Therefore, one of the best ways to mitigate the consequences of climate change and environmental refugees is norm creation. However, prior to the norm creation, it is important to understand a couple of issues. It is evident that climate change affects the decision of migration, but it cannot be isolated as the sole cause of migration. Similar to the first one, environmental migration needs to be counted as a part of global migration dynamics rather than just a humanitarian one. Next, policies regarding the environmental refugees need to be proactive, not just remedial and it must be linked with sufficient budget source on a long-term basis. Finally, the affected people must be included in the policy implementation through a participatory process.

These conditions assert that climate-induced refugees are a different form and which will require a different set of responses at the local, national, regional, and international levels. With the same token, the task of migration management should be coordinated with other objectives, including disaster risk reduction, climate change adaptation, sustainable development and humanitarian responses.<sup>49</sup> Norms of mutual gain or benefit might be a good option to mitigate the problems emanated from the environmental refugees. The norm "all for one, one for all" can ensure collective cooperation-based solution.<sup>50</sup> This norm is a

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<sup>47</sup> Ibid.

<sup>48</sup> Tim Pfefferle, *op. cit.*

<sup>49</sup> Jane McAdam, *op. cit.*

<sup>50</sup> Maysam Behraves, *op. cit.*



symbol of “generalized reciprocity” and if the norm functions well in a system, then multilateralism will be the guiding principles of the system undermining the “self-help” attitude.<sup>51</sup>

Much of the conventional literature claims that international institutes can play a vital role in norm setting. In recent years, the international community has taken a concerted effort to develop a new normative framework for the environmental refugees. The UNHCR has to play the biggest role along with the IOM on norm creation. These two organizations can provide analytical input to the United Nations Framework Convention on Climate Change (UNFCCC) and advocate that cross-border migration due to climate change is addressed properly in this type of forum.<sup>52</sup> The relevant stakeholders in this regard need to be informed that a different set of tools will be required to mitigate the problem of environmental refugees. Hence, a new norm creation will be the most effective method to mitigate the misery of the environmental refugees. However, while the norm creation it must be ensured that the victims are well informed and their voice is present in policy formulation. The goodwill of the relevant stakeholders to share knowledge, listen, and trust building will assist the international community to advance forward on building a normative framework effective to protect the environment-induced migrants.

Thirdly, key stakeholders may consider including the role of emotion while viewing the environmental refugees. It is evident from the literature that the environmental refugees are one of the worst sufferers they need proper attention and care. Moreover, until the date the environment induced refugees are deprived of traditional refugee status and fall short of legal status provided to the refugees. Thus, there is a protection gap involving the environmental refugees. More alarming part is the number of environmental refugees is huge and in every second one person is becoming displaced due to the natural disasters. People who want to declare themselves as a refugee because of climate change or natural disaster have no opportunity to receive help. In recent times, a New Zealand court has annulled the case of a Kiribati person who fought to get the refugee status as a victim of climate change and later the person was deported to his home country. There is a strong consensus among the scientists that the number and frequency of the extreme weather conditions may become more frequent and more intense in the coming days. The unstable weather patterns and increasing global temperature could make more areas of the world uninhabitable, which will possibly displace millions and might shatter the dreams of many of having a home, an impossibility.

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<sup>51</sup> Ibid.

<sup>52</sup> Jane McAdam, *op. cit.*, p. 12.

## 6. Conclusion

Global climate change is responsible for creating multifaceted problems. It is evident that in the past few decades, the number of environmental refugees increased significantly. However, still the plights of the environmental refugees are unresolved mainly because they are excluded from mainstream refugee regime. The key international instrument on refugees, the 1951 Refugee Convention and its additional protocol did not incorporate environmental refugees, and so, they are not treated equally by key stakeholders dealing with refugees. However, from the above discussion it appears that environmental refugees fulfil necessary conditions to be counted as refugees, so, they need to be incorporated and treated in a similar way as other categories of refugees. From the international relations perspective, it appears that traditional theories of IR did not include environmentally displaced persons to their subject matter. Moreover, there are differences among scholars on the relationship between climate change and resultant migration. There are also contradictory opinions on the exact number of environmental refugees. First of all, it is important to clearly define the environmental refugees, because it will help individuals and groups of individuals to access better protection and treatment. It is possible to treat them separately. But it will be worth if they are incorporated into the existing refugee regime and provided with proper treatment and care.

Review of literature on climate change induced displacement suggests that scholars in this arena primarily agree that climate change has the capability to create an increased number of refugees and as well as the risk of rivalry. It is revealed that there is an increasing complexity in linking environmental disasters or climate change with migration. Most of the cases it is very much location dependent. Further research in the field can help us to understand more of the contexts where climate change can lead to migration. However, it is very unlikely that a theory will emerge soon which can successfully predict the places wherein future climate change can lead to large-scale migration. However, it can be expected that more place-based research in this field might mitigate the losses from climate change and environmental refugees.