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Environmentally Displaced People and Migration Policies in the 21st Century

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Abstract:

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Introduction

Migration has played a central role in society throughout the ages. It has contributed to foster economy, to disseminate and to create new cultures, languages and even civilizations. However, the 20th century has presented anew array of challenges to migratory processes, especially when public policies tended to impose quotas over international migrants and internal migration was associated with marginalization in urban areas.

In this arena, where migration has often been divided into good or bad for a country or region and new public policies around visas for international migrants have arisen, another issue has emerged with greater strength in the beginning of the new century: environmental hazards have prompted large groups of people to flee from their homes and seek refuge in places where they can find minimum safety.

Nature's extreme events have been stronger and more destructive in the last decades, especially due to climate change. Population growth, environmental degradation and soil erosion, among other factors, have contributed to bring death tolls and migration movements in an increasing scale when a new catastrophe takes place.

On one hand, it should be pointed out that migratory processes due to environmental degradation have long occurred in society. On the other hand, the evidences show that never before has a greater number of environmentally displaced people been seen around the globe. What is clear is that climate change will pose new challenges to society, especially in disaster-prone States.

Amongst the most vulnerable places on Earth to environment-induced migration are the Small Island States threatened mostly by the rising sea levels and soil erosion, many of which are developing or least developed countries. In a desperate attempt to call the international society's attention to their fate, in November 2008 the elected president of the Maldives addressed the international community to state that one of his main policies would be that of buying land from other countries in order to place the Maldives' population due to the prediction that the islands will be submerged by sea level rise¹.

But the Maldivians and other groups of vulnerable people to the hazardous effects of climate change will face many more challenges other than that of the consequences of sea

¹ Source: <www.guardian.co.uk/environment/2008/nov/11/climatechange-endangered-habitats-maldives>. Access: October 11, 2009.

level rise, desertification or any other environmental catastrophe that would force them to move away from their living habitat: if their fate is to leave their home as temporary or permanent migrants, they will certainly face many difficulties almost any category of migrants do. The problems tend to be less detrimental if they become internally displaced people and significantly bigger if they have no choice but to move away from their own country.

The link between forced migration and climate changes has driven societies to rethink immigration policies and human impact on the planet. International environmentally-displaced people have no specific legal status and would face the same difficulties to cross State borders as any other immigrant do – not to mention they would most likely have trouble to communicate if the language in the recipient country is different, to find jobs and proper settlement, just to name a few. Perhaps, some countries would even intensify their immigration restrictions fearing the impacts of large fluxes of people to their environment as much as to their society.

1. Migration Policies in the 21st Century: the denial of acceptance of immigrants into State borders

The 21st century has witnessed a shift on migration policies especially after the terrorist attacks of 9/11 in the United States and the economic crisis faced throughout the world. Never before international migrants were seen with so much disdain and suspicion when crossing State borders. As Catherine Dauvergne (2008:2) points out, “in contemporary globalizing times, migration laws and their enforcement are increasingly understood as the last bastion of sovereignty”, which leads to a shift on migration policies’ characteristics and content.

International migrants have since been denied access into State borders because of their ethnicity, nationality and income. According to Castles and Miller (2009:3), “migration processes may become so entrenched and resistant to governmental control that new political forms may emerge”. The European Union (EU), for instance, has controversial immigration policies and a well-known practice regarding the denial of entry to specific categories of foreigners based on their ethnical or religious group as well as on their economic situation.

France, in a more controversial stance, instituted annual deportation quotas over immigrants and the government made quite an unpleasant and unethical public discourse when in January 2009 a French minister proudly declared that not only his country had met their annual quotas to deny access to immigrants but that it also managed to surpass their previous expectations on deportations that year to almost 30,000 cases².

EU’s excuse for such policies was that the number of irregular migrants had arisen along with increase in prostitution rates and irregular jobs which were all blamed upon immigrants exactly when an economic crisis reached the United States and took Europeans with them.

However, even if a large number of immigrants are part of their worst social statistics (along with their own citizens) it certainly is not the best way to treat foreigners. Unfortunately, in most cases the sovereignty principle overcomes all the international legal apparatus on the treatment of aliens and there is not much to do but to accuse the misconducts of the country in the United Nations (UN) committees, where the sanctions would mostly have moral aspects than practical consequences.

² Source: <<http://www.globaldetentionproject.org/countries/europe/france/introduction.html>>. Access: April 12, 2011.

Bertrand Badie et al. (2008:30) understand that closing State frontiers to immigrants favor development inequalities and blocks cultural dialogue and the economic, social and demographic exchanges amongst what they call the great fracture lines of the world – such as the north and the south of the Mediterranean Sea, the Mexican-American frontier, the oriental frontier of Russia with China and the relations between Japan, Australia and its neighbors.

2. Migration's next frontier in the 21st century: the case of environmentally displaced people – politics, policies and law

Environment-induced migration is not new in the history of mankind, considering that scarcity of land resources and environmental degradation have led to waves of migration and conflict throughout history. It has been a closer subject of international and domestic attention because of the environmental changes that have rapidly occurred since the late 1900's. What's new however, is the increasing amount of environmentally displaced people, both internally in a country and externally to its borders. This pattern of human displacement is commonly associated with vulnerability (both environmental and social) and risk society.

The main causes of human displacement due to environmental degradation are both related to natural phenomena and those caused or accelerated by human intervention. Among the situations that contribute most to this type of migration are desertification (e.g. soil erosion and scarcity of fresh water), the increase in sea levels (including therein river and sea flooding) and natural environmental disasters such as earthquakes, typhoons, cyclones, volcanic eruptions and tsunamis.

As a theoretical instrument for the social sciences, environment-induced migration can be divided into three main categories: (i) environmental migration in a broad sense, which is accountable for any person or group of persons who face forced migration due to natural hazards; (ii) conservation or ecological migration, when people are forced to migrate due to the establishment of a conservation or preservation unit; and (iii) climate-induced migration, for forced fluxes of migrants caused by drastic climate change. Although some categories of environment-induced migrants can be determined, public policies and global governance have both failed to address the legal and social consequences of the issue.

As of the late 1970's, forced migration and environmental disasters have had a more alarming relationship. From the first UN Conference on Environment (Stockholm, 1972) the increased concern for the environment reflects itself not only in handling the environment consciously but also over the migratory effects caused by climate change and natural catastrophes.

Precisely at that time, Lester Brown coined the expression environmental refugees to indicate those people who would face migration due to environmental hazards. According to him, the advancing deserts and rising seas would be likely to produce an uncertain number of displaced throughout the world. In a more recent edition of his work, Lester Brown (2009:53) still points out that water-related refugees are most likely to become common-place and that desert-driven refugees will probably move away to precarious settlements in urban areas.

But it was not until 1985 that environmental refugees were subject to political reasoning. Essam El-Hinnawi, special rapporteur of the United Nations Program for the Environment (UNEP), asserted in his report to the organization that “environmental refugees are defined as those people who have been forced to leave their traditional habitat,

temporarily or permanently, because of marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life” (EL-HINNAWI, 1985:4).

Under international law however, the refugee protection is granted only to people who fear persecution for reasons of race, religion, nationality or as a member of a social group or because of political opinion who is outside his country of origin and is unable or unwilling to seek protection inside its borders³. Because the 1951 Refugee Convention (and the 1967 Protocol to the Refugee Convention) did not envisage the need to protect the displaced for environmental causes, the term environmental refugee is not accepted by legal scholars and is much criticized among practitioners.

Essam El-Hinnawi seemed to anticipate the criticism over the expression he used and stated that the refugee protection was envisaged as a particular legal apparatus in the context of the Second World War and that “the definition of a refugee now extends beyond the persecuted individual to whole groups of people fleeing from dangerous circumstances” (1985:3). To avoid any more discussions with legal experts, some scholars propose the use of terms such as environmental emergency migrants, environmentally forced migrants or environmentally motivated migrants as an alternative to environmental refugees⁴.

Considering that the 1951 Convention on the Status of Refugees does not apply, per se, to environmental migrants and as many advocate it should not do so (even if the Convention was to be reformed to include them), some principles concerning refugee law could be applied to the legal status of environment-induced migrants facing international migration, such as the non-refoulement principle to guarantee the person or group of persons should not be subject to return to a country that no longer has capacity to provide them with survival needs.

The international community and the recipient countries should treat environment-induced migrants as a unique category of aliens, having in regard most aliens are subject to strict cross-borders rules and, when accepted into State territory, they are not entitled to basic human rights such as access to regular jobs, health care and citizenship. In this regard, the reciprocity principle, the right to self-determination and the cooperation principle could play an important role to foster local public policies and global governance to establish legal remedies to ascertain this urgent matter.

International law may not grant any specific protection to the displaced for environmental damages but it assures that “everyone has the right to a nationality”, “everyone has the right to freedom of movement and residence within the borders of each state” and that “everyone has the right to seek and to enjoy in other countries asylum from persecution”⁵. And no matter which expression is used to identify internal or international migrants related to environmental phenomena it is crystal clear that environment-induced migrants are in urgent need of public policies and legal protection worldwide.

For public policy responses to environment-induced displacement it should be emphasized that some environmental disturbances can be predicted and thus the impacts can be minimized; others, however, are unlikely to be foreseen until the phenomenon takes

³ The refugee protection under international law is formed by two main treaties: the 1951 UN Convention Relating to the Status of the Refugees and the 1967 Protocol Relating to the Status of Refugees that amended the Convention. Some regional treaties also apply to the refugee protection under international law but are mostly based on the 1951 UN Refugee Convention.

⁴ As discussed in an international conference hosted by the UN University in 2008 in Bonn, Germany. Source: <<http://www.efmsv2008.org/article/780?menu=103>>. Access: February 04, 2011.

⁵ According to articles 13, 14 and 15 of the 1948 UN Declaration on Human Rights.

place. In any case, the best practices indicate that domestic policy can serve as an important tool to prepare the population in case any environmentally related disaster should happen.

Take, for instance, the earthquake that occurred in March 2011 in Japan: the population was well prepared to act in such a situation along with building constructions that were designed to minimize the risks of collapse. Even with all infrastructure and local readiness to deal with the natural event much damage was done and many people were forced to relocate to safer areas.

Climate change is expected to increase the effects of vulnerability in a global scale causing human migration. The 2007 Report of the Intergovernmental Panel on Climate Change (IPCC) suggests that

Dr. Janos Bogardi, from the United Nations University Institute for Environment and Human Security, has well stated that

There are well-founded fears that the number of people fleeing untenable environmental conditions may grow exponentially as the world experiences the effects of climate change. This new category of refugee needs to find a place in international agreements. We need to better anticipate support requirements, similar to those of people fleeing other unviable situations⁶.

Since Essam El-Hinnawi's 1985 definition on environmental refugees, the UN has been the main spokesman of this urgent matter which States can no longer omit. The International Organization for Migration (IOM) estimates that in 2008 the world had 25 million environmental migrants and that in 2050 this number could increase to 200 million.

Given these forecasts, there is no doubt that it is urgent to draw up policy proposals on the management and adaptation of environment-induced migrants in the globe, so as to environmental policies on sustainable development that aim to prevent the impact caused by great human contingents in the recipient areas. Governments and international organizations play a central role in environment-induced migration, whether in policies or adaptation strategies.

3. Is global migration governance able to deal with the environmentally displaced in an uncertain era for international migrants?

According to Bertrand Badie et al. (2008:61) the articulation between different domains of competence cannot be produced without a political drive and impulse that will associate the different aspects discussed within the governance process to the common perspectives envisioned by all actors. The authors believe the inter-institution coordination should be made by States in a global orientation with a broad view that embraces

Conclusions

The world is witnessing a global migratory crisis in the 21st century with the constant denial of acceptance of aliens into State borders, especially among developed countries.

⁶ Source: <http://update.unu.edu/issue40_7.htm>. Access: September 17, 2009.

Their policies are no longer hidden and it is clear that international migrants will be treated accordingly if they dare to enter their territory as illegal migrants or are simply unwanted subjects.

While migration policies are at stake, environmentally-induced migration tends to rise dramatically in the next few decades. However different their motivations these migrants find the same resistance to cross international borders as any other category of migrants.

The world media has been giving special attention to the human exodus due to environmental responses of degradation, pollution and global warming. Examples of these issues are already countless and will be even greater as years pass by and International Society does nothing to overcome the situation.

The lack of any specific protection offered by international law to the so-called environmental refugees and the constant denial of acceptance of aliens into State borders, especially in Europe and North America, make the matter even worse.

Despite State's trying to close their borders to international migrants, some believe that in the next few decades "international migration is likely to transform in scale, reach and complexity, due to growing demographic disparities, the effects of environmental change, new global political and economic dynamics, technological revolutions and social networks" (IOM, 2010:5).

Some migration hotspots will have the effects of climate change and environmental variability as a triggering device to challenge State's extreme control over their borders. The question to what will happen between this dichotomy – increase in environment-induced migration whereas the growing immigration control among State borders – is unclear and will depend upon policies, politics, law and global governance. Let's just hope the rights of immigrants will be respected even if their status is not legally defined as in the case of environment-induced migrants.

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