

Roger Zetter

Emeritus Professor
Refugee Studies Centre, University of Oxford



Why They Are Not Refugees – Climate Change, Environmental Degradation and Population Displacement

Keywords: refugees, forced displacement, labelling, climate change, environmental degradation, rights resilience, resettlement.

Increasing attention is given to the potential for environmental degradation and climate change to be instruments of population displacement. Those susceptible to displacement have been labelled “environmental refugees”. Whilst recognising the importance of protecting livelihoods, societies and human rights of people who might be displaced, the paper challenges this label.

First the paper examines the derivation and origins of the label “environmental refugees”. Second the paper challenges the conceptual, normative and empirical basis for this terminology. The final section highlights the three “Rs” of “rights”, “resilience” and “resettlement” as a more proactive and comprehensive framework for responding to the impacts of climate change and environmental degradation and the challenges of displacement.

Introduction

In recent years the international community has paid increasing attention to the potential for environmental degradation and climate change to be instruments of livelihood vulnerability that leads to population displacement. There is a general presumption that displacement is increasingly associated with deteriorating environmental conditions and anthropogenically-driven climate change – increasing incidence of both rapid-onset events, such as extreme weather phenomena, and the slow-onset impacts of, for example,

desertification, river bank erosion and rising sea levels. These outcomes, and in particular the likely scale of permanent relocation, constitute a new challenge, and a potentially significant responsibility for national and international actors.

Although the volume, trajectories and time scale of displacement are all disputed, those susceptible to such displacement have been labelled “environmental or climate refugees”. The conjuncture of these terms is appealing. The use of the word refugee is especially compelling; it conveys the impression of force and involuntary migration and it evokes the image of crisis and large scale spontaneous movement of people analogous to the more familiar scenario of those who flee conflict, violence and persecution.

However, this paper challenges the label that the displaced people are refugees. Recognising the phenomenon of displacement in the context of climate change and environmental degradation, and the importance of protecting communities, livelihoods and rights which might be undermined by displacement, the paper contests the appropriateness and effectiveness of the label “refugees” to describe and respond to these profound concerns.

Making the label environmental refugee

There is no agreed category or terminology to describe people who are displaced in the context of climate or environmental change. But

the label "environmental refugees" has gained international traction to define them for two reasons.

First it is contended that there is a process of "forced" displacement process with climate and environmental change the drivers. Second, as the rights of migrants are a key constituent of international legal and normative protection frameworks, then discussion of "forced displacement" in this context immediately renders rights protection a central concern, with "refugees" being at the forefront of protection instruments.

The conjuncture of the concept of "forced displacement" with legal and normative provision of rights and protection elides with the label "refugees". Thus "climate" and "environmental" "refugees" have gained traction as both a populist description of those affected by these trends and as a concise summary of the complex nexus of concepts and instruments which defines their situation.

However, my paper contests this widely-recognised designation from three perspectives – conceptual, normative and empirical.

Conceptual challenges

Despite a general presumption that migration and displacement can be linked to deteriorating environmental conditions and slow-onset climate change, there are several conceptual fallacies in the "deterministic" cause-effect relationship that underpins this assumption.

The environment and environmental change are not drivers of forced displacement per se. Drawing on the conceptual reasoning in the allied literature on natural disasters, disasters do not displace people: it is their (social and political) vulnerability, marginality and exposure to shocks that predisposes them to displacement or other extreme impacts. Manifestations of climate change and depleting environmental conditions highlight structural conditions of social and economic deprivation and lack of civil rights which derive from poor governance, population pressure, livelihood vulnerability, poverty and "failed development". In other words we are dealing with underlying conditions of political disempowerment and socio-economic marginalisation.

Conceptually, it is difficult to disaggregate environmental factors from this nexus of socio-political and economic processes and structural contexts which condition mobility decisions. Displacement cannot be solely ascribed to changing climatic or environmental conditions although there may be tipping points where particular climatic or extreme weather event coalesce with structural conditions to cause displacement.

Moreover, climate scientists are now less certain about the time-scale and the intensity of climate change, rendering the "who", "how many", "when" and "where to" questions similarly uncertain. This makes a cause-effect conceptual link between climate change and displacement harder to establish.

As with all types of migration, so too in the context of environmental and climatic factors there is a continuum of processes of movement from voluntary migration to forced displacement. Conceptually this also makes a definition of "climate refugee" hard to determine categorically.

Another challenge derives from whether we conceptualise climate change impacts, such as displacement, through the lens of humanitarian protection and theories of rights and justice, or the lens of structural remedies and thus restorative and redistributive justice.

The concept of "forced" displacement, associated with the "irresistible" impact of environmental change and images of "refugee" vulnerability and impoverishment, have leant considerable weight to the humanitarian domain and the imperative for protection machinery. Predicated on humanitarian reasoning, this conceptualisation is problematic in the context of climate change displacement. It is founded on the assumption that protection is the duty of states whereas we know that climate change is a global phenomenon and imposes global obligations. The humanitarian response is also, in practical terms, simply a palliative response which ignores underlying structural conditions.

Arguments for restorative and redistributive shift the locus of responsibility to the main carbon emitting countries that are currently and historically the source of processes causing climate change (and who, paradoxically, are far less vulnerable to the impacts). Since they are primarily responsible for the structural conditions that render people vulnerable, they have responsibility for the protection of those individuals and countries who did not cause such change but who will experience its most severe impacts such as population displacement. From this perspective, the conception argues that there are specific moral burdens on global society to provide restorative/restitutive justice through structural change rather than palliative humanitarian measures. This line of reasoning reframes the debate; it is not about protecting "environmental refugees" in disaster conditions, but about structural change which provides mitigation and compensatory remedies (e.g. such as carbon trading).

Finally, the conception of refugees is often predicated on the contention that those who are forcibly displaced will "go home" as one of

the three, and the preferred, "durable" solutions to refugee displacement. By contrast, those who are displaced by environmental factors will not return home and the term refugee is again misleading.

Normative Challenges

Normatively, redefining and extending the meaning of the refugee definition to include so-called "environmental refugees" is also deeply problematic.

The populist use of the term "environmental refugees" has given impetus to an argument for extending the *1951 Geneva Convention on the Status of Refugees* and the *1967 Protocol* to include this new "category", or to create a separate Geneva Convention for Climate Refugees. However, the environment is not a persecutory agent and normatively it is erroneous to consider it a persecutory agent in the 1951 Convention sense, still less a state-sponsored process. People will not be fleeing the environment as they flee "a well-founded fear of persecution", violence and human rights violations.

Renegotiating the 1951 Convention to incorporate "environmental refugees", or to create a parallel Convention would inevitably introduce greater complexity and confusion into status determination procedures. Moreover, in the current political climate, distorting the definition in this way would risk reducing, still further, states' responsibility for, and standards of, protection and assistance for refugees.

Even if it were possible to establish a normative case, the 1951 Convention poses an additional hurdle for those displaced by climate change. Persecution is on account of an individual's race, religion, nationality, political opinion, or membership of a particular social group. But migration precipitated in the context of climate change is likely to be indiscriminate, at least with respect to these five conditions. It is difficult to establish connection by an immutable characteristic.

Furthermore, except in border regions where traditional patterns of migration often ignore national boundaries, the majority of people displaced by the environmental impacts of climate change are unlikely to cross international borders – the defining characteristic of a refugee in international law. They will remain in their own countries moving to urban areas or rural areas where environmental resource depletion is less intense. Again, it is critical to avoid referring to them as refugees. Given that the majority will remain internally displaced, they will thus fall within the rubric of national norms and legal instruments to protect their human rights. In these circumstances, the case for extending or adapting the 1998

Guiding Principles on Internal Displacement is much more compelling.

A norm based definition which relies on the concept of a "refugee" also misdirects institutional responses. This is because the responsibility for refugee affairs is usually confined to a very specific government ministry – e.g. Home Affairs/Immigration or a Commissioner for Refugees. But needs of affected populations who will be displaced, or are likely to be displaced, by climate change and environmental degradation the conditions that lead to displacement must be tackled holistically not in a ministerial silo. The response to climate change and its impacts cuts across the whole of government.

Empirical challenges

All this is not to deny the significance of environmental change and stressed environments in people's decisions to migrate. But, whilst there is a general presumption that both migration and displacement can be linked to deteriorating environmental conditions, detailed empirical evidence on these links, the different typologies patterns and processes of forced displacement, on identifying "tipping points", is both limited and often highly contentious.

Empirical evidence points towards complex and non-linear processes and interactions that encourage or compel people to migrate. For example adaptation and resilience strategies might reduce threatened communities' susceptibility to displacement.

Just as in the case of the conceptual arguments, empirical evidence shows that climate-induced environmental change must be set in wider context of factors that induce or constrain people's decisions to migrate and not a direct mono-causal link between climate/environmental change and migration. This must embrace the complex social, economic and political micro and macro factors which condition movement, the propensity to move, who moves and the patterns, processes and strategies of migration that different households adopt.

Moreover, not everyone will have the propensity to migrate in conditions of adverse climate change. Although migration might be an option for some and displacement inevitable for others, there are also the "trapped" populations". These are people who will not be able to move except under the most extreme conditions of environmental change and loss of livelihoods, because of age, lack of social capital, absence of social networks that might facilitate mobility and migration. Potentially significant numbers of people will not be displaced even though their communities and livelihoods will be severely undermined.

In short, the extent of causation between climate change/environment degradation and displacement is conditioned to a high degree by human agency. This lies at the core of the arguments about how people migrate and how they make decisions to migrate even under conditions where choices and options might be constrained such as in the context of climate change and environmental degradation.

Thus the scale, distribution and temporal patterns of potential migration or displacement – the “who”, “how many”, “when” and “where to” questions – remain uncertain. Thus, empirically there are many questions and these empirical doubts reduce the attractiveness of the label “refugee” with its connotation of large scale and irresistible movement of people.

The “3 Rs”: Rights (and Protection), Resilience, Resettlement

Despite these challenges to the label “environmental refugee”, the conditions which have given rise to the term, and the actual and potential displacement effects of climate change and environmental degradation are both real and increasing. Thus there are very significant challenges in the ways in which the livelihoods, the social and community structures and the rights of displaced people, or those threatened with displacement might be better addressed. And there are significant obligations which fall on national governments and international actors to afford protection and assistance.

Rather than resorting to the term “environmental refugee” as the entry point for addressing these critical challenges, a more compelling framework can be constructed around three core principles – rights, resilience and relocation.

Rights – protection gaps and the lack of adequate normative frameworks

Moreover, because migration and displacement are increasingly precipitated by deteriorating environmental conditions and climate change, highlights significant lacuna in how normative protection frameworks might be developed and implemented.

Many of the populations most susceptible to the displacement effects of climate change and environmental degradation live in countries where they lack access to a wide range of basic social, economic, existential and political rights, or are exposed to violation of these rights. This significant lacuna in human rights protection frameworks often leaves these populations exposed to acute vulnerability because of their socio-economic status gender and age for example. Symptomatic of weak

governance structures, these populations are frequently excluded from political discourse. Exposure to the impacts of climate change will accentuate disempowerment, marginality and the loss or violation of basic rights.

Structural constraints such as historical, and often negative, experiences of forced displacement under colonial regimes, and contemporary contextual factors such as weak governance mediate the way in which the human rights and displacement discourse and policy are framed. Population movement and migration is often a highly sensitive issue and thus exorcised from political discourse. Moreover, state fragility impedes the political commitment to develop active human rights regimes and so human rights protection frameworks are weak.

Accordingly, there is the lack of comprehensive normative apparatus to protect the rights of people susceptible to displacement. This significant protection gap is evident in the lack of political will to provide protection, weak implementation capacity and limited public resources dedicated to responding to environmental change. It is a gap which places at risk a potentially large number of people.

Enhancing access to rights, and protection of these rights lies at the core of responding to the needs of populations affected by climate change; it is the first principle that must address.

Protection of rights in this context means protection from, before, during and after displacement. Acceptance of, and compliance with the *1998 Guiding Principles on Displaced Persons*, the *2009 Kampala Convention*, and the *Nansen Initiative Final Statement* (on protecting cross border migrants in the context of disasters), are essential preconditions for protection but are widely neglected. Governments should be encouraged to adopt these instruments in their national legislation or constitutions.

The engagement and empowerment of civil society actors to provide rights-based awareness and advocacy on behalf of communities vulnerable to environmental displacement should be a priority. Civil society actors working in the field of human rights and those dealing with environmental issues have an important role to play in empowering the communities they represent, in raising awareness and in contributing to the development of national policies of rights protection. At the same time, national governments should explore ways of strengthening the independent monitoring and reporting of its compliance with human rights protection which would also include the rights of environmentally displaced people.

Resilience

The majority will not migrate or be displaced. However, in many affected countries clearly articulated and agreed national policies for mitigating the impacts of climate change and degradation, including displacement are lacking. The rights “gap” is paralleled by a substantial gap in policy design and implementation and for many of the same structural reasons that limit the scope of rights and rights protection. Policies and strategies to tackle internal migration and displacement are poorly developed, largely pragmatic and lack transparency.

Thus the importance of developing and implementing strategies of resilience, adaptation, mitigation, Disaster Risk Reduction, preparedness and sustainability are key goals which must fit into wider developmental goals of affected countries and the Sustainable Development Goals (SDGs). Without this platform, national governments will not be able to build meaningful resilience or indeed effective protection.

National governments can strengthen their policies and strategies for adaptation and resilience in a number of ways. Resilience (and protection instruments) should be mainstreamed into national development plans and the roles and tasks of agencies dealing with environmental change, climate change and migration. Enhancing co-ordination and collaboration between government ministries and agencies is also essential to ensure that resilience strategies, and rights-based policies, are developed and operationalised more effectively. Developing professional expertise – legal and operational – in population mobility, human rights protection, and environmental law is also essential. Working from the bottom up in affected communities, and in partnership with civil society organisations (as discussed above), will enhance capacity, as well as strengthening commitment and a sense of ownership of strategies amongst affected populations.

These recommendations map out the ways in which strategies of adaptation and resilience for those at risk of displacement can be supported.

Resettlement

Adaptation and resilience will help to mitigate some, but not all the potential displacement impacts of climate and environmental change. Nevertheless, many hundreds of thousands if not millions of people may be displaced by these conditions.

Some governments are responding to these displacement trends in positive ways. They are developing proactive policies for planned re-

location and resettlement of people subject to repeated environmental disasters such as floods, river bank erosion and land slips or in anticipation of major and irreversible impacts of climate change. Resettlement and relocation are thus the counterparts to adaptation and resilience.

Inevitably the most impacted countries have the least resources for such strategies; and so relocation programmes can provide only a minor remedy. The vast majority of those who are displaced will move spontaneously and incrementally.

However, despite decades of experience with development induced displacement and resettlement (DIDR) programmes (e.g. removal of informal settlements for major new urban infrastructure), the social and economic impacts on resettled communities are largely negative. The rights of relocated communities and households are poorly articulated. Thus the prognosis for successful resettlement of potentially millions of people in the coming decades to ameliorate the impacts of climate change is not that hopeful.

Lessons learned from DIDR experience indicate key elements in the design of resettlement strategies in the context of climate/environmental displacement.

- Embed relocation and resettlement strategies in national and regional economic development and settlement plans.
- Ensure that state-managed relocation policies uphold and safeguard the rights of relocated communities, and make effective provision for rights protection. The affected communities should be effectively consulted and play a major role in strategy formulation and the design and implementation of relocation plans.
- Give due prominence and responsibility to civil society organisations for representing affected communities and mediating between the communities and the state actors.
- Give high priority to the economic and livelihood needs of affected populations in relocation strategies and in advance of the relocation process.
- Ensure, likewise, that social and cultural needs are effectively provided for.
- Ensure that relocation logistics and instruments – including compensation and restitution, allocation of land – are adequate, transparent and equitable.

Conclusion

Although this paper has largely focused on the impacted countries, international actors are well placed to broaden and deepen the knowl-

edge base about environmental displacement and protection and to transfer this knowledge and expertise to national governments. This could include policy approaches and tools, operational capacities, and lessons learned around rights, resilience and resettlement strategies. Guidance specifically on standard and norm setting and the rights which environmentally displaced might expect in slow-onset environmental change as well as rapid onset disaster situations, is essential. Encouraging the uptake of international standards (notably the 1998 *Guiding Principles on Displaced Persons*, the 2009 *Kampala Convention*, and the *Nansen Initiative Final Statement*) would be a conjoint task.

Perhaps the most worrying element in debates and policy engagement surrounding the displacement effects of climate change is the assumption that this is a future challenge and problem. To this extent, the label "environmental refugee" has the merit of capturing the sense of urgency that is actually needed to address current and anticipated global impacts. Yet, as the paper has argued, the label is neither sufficiently wide in scope, nor appropriate in its meaning to mobilise the range of action and actors that are needed to address the structural and operational challenges. An approach constructed around a framework of "rights", "resilience" and "resettlement" provides a far more nuanced and robust way of meeting these challenges.

But none of this removes the structural conditions which have produced the displacement and other severe effects of climate change, nor does it obviate the need to address the more profound challenge: global responsibility for restitution to those who are and will suffer these impacts by those responsible for climate change.

Background reading

Zetter, Roger (2007). More Labels, Fewer Refugees: Making and Remaking the Refugee Label in an Era of Globalisation. *Journal of Refugee Studies*. 20:2, 172–192.

Zetter, Roger (2009). The role of legal and normative frameworks for the protection of

environmentally displaced people. Laczko Frank and Aghazarm Christine (eds.), *Migration, Environment and Climate Change: Assessing the Evidence*. Geneva:IOM, Chapter 8, 385–441. Available from: http://publications.iom.int/bookstore/free/migration_and_environment.pdf. Accessed on 16.2.2017.

Zetter, Roger (2010). Protecting People Displaced by Climate Change: Some Conceptual Challenges. McAdam Jane (ed.), *Climate Change and Displacement in the Pacific: Multidisciplinary Perspectives*. Oxford: Hart Publishing, Chapter 7, 131–150.

Zetter, Roger (2010). Protecting environmentally displaced people: developing the capacity of legal and normative frameworks, A report commissioned by UNHCR and Governments of Switzerland and Norway. University of Oxford:Refugee Studies Centre. Available from: <https://www.rsc.ox.ac.uk/files/publications/other/rr-protecting-environmentally-displaced-people-2011.pdf>. Accessed on 16.2.2017.

Zetter, Roger, Camillo Boano & Tim Morris (2008). *Environmentally Displaced Peoples: Understanding the Linkages between Environmental Change, Livelihoods and Forced Migration*. University of Oxford: Refugee Studies Centre, Policy Brief No 1. Available from: <https://www.rsc.ox.ac.uk/files/publications/policy-briefing-series/pb1-environmentally-displaced-people-2008.pdf>. Accessed 16.2.2017.

Zetter, Roger & James Morrissey (2014). Environmental Displacement and the Challenge of Rights Protection. Susan Martin, Sanjula Weerasinghe & Abbie Taylor (eds.), *Humanitarian Crises and Migration: Causes, Consequences and Responses*. London:Routledge, Chapter 9, 179–19.

Zetter, Roger & James Morrissey (2014). The Environment-Mobility Nexus: reconceptualising the links between environmental stress, mobility and power. Elena Fiddian-Qasmiyeh, Gil Loescher, Nando Sigona & Catherine Long (eds), *Oxford Handbook of Refugee and Forced Migration Studies*. Oxford:OUP, Chapter 27, 342–354.