

Chapter 2

Institutional Barriers to the Recognition and Assistance of Environmentally Forced Migrants

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1 Introduction

The recent increase in the number of publications, debates, and public discourse about the displacement of people caused by environmental changes can be reasonably attributed to the alarming intensity of the situation. In the near future, the proliferation of environmentally forced migrants (EM) is expected to create tremendous socio-economic and political problems. In spite of the immensity of the problem, no official definition of this class of migrants has been established and no policy measures are adopted at the national and international level.¹

The absence of any real effort to define the status of environmental migrants is often linked to the deliberate effort not to include them in the class of (political) refugees and consequently grant them the protection provided by the Geneva Convention (Kibreab, 1997). Thus, the effort of the advocates of an ad hoc policy for the EM amounts to persuading the political community that those migrants should also be considered as persecuted (Conisbee and Simms, 2003; Myers, 1997). This reasoning has found support in the prevailing political tendency to limit immigration flows.

Another explanation given to this ‘agenda denial’ (Cobb and Ross, 1997) is related to the uncertainty of the phenomenon. All figures advanced on the displacement of millions of people cover periods as distant as 2025 or 2050 (Myers, 2002). Many scholars remain sceptical and contest those numbers (Black, 2001, Castles, 2002). They emphasise the absence of certainty about these apocalyptic scenarios and ask for more analysis of the complex factors behind them. Governments hesitate to engage in policy action in a context of uncertain long-term impacts. In response to this situation, more case studies are requested in order to prove the necessity for further consideration.

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¹ In order not to create confusion with traditional refugees, I use the terms environmental (forced) migrant and environmentally displaced persons.

However, the advocates of the asylum regime and the uncertainty of the future are not the only reasons for the difficulties in this agenda-setting process. A further explanation of failure appears to be much more complex and largely related to the specificity of the issue which involves different policy sectors. Each one of these sectors has its own rationality and its policy goals and priorities. Therefore, a compromise on problem definition and policy content becomes particularly difficult.²

The first part of this contribution seeks to present the complex process of public problem definition. The second part proposes an analysis of the constraints imposed by the multi-sectoral aspect of the issue. The third part discusses the recent evolution of the international debate that restrictively defines the environmental migrant as a climate migrant. We suggest that this effort to define the identity of those who need protection paradoxically leads to postponement of any attempt to officially recognise environmentally displaced persons as an autonomous public problem and to propose specific policy measures. The final section breaks with the globalising and the restrictive definitional strategies outlined in the previous parts. It suggests a more pragmatic approach consisting of the use of present policy instruments in order to give different policy sectors the possibility to help environmentally vulnerable populations. This could be a first stage for further negotiations for a more integrated approach in the future.

2 The Russian Dolls or the Definition of Public Problems

Public problems are like Russian dolls that are enclosed within one another. Let us take the example of the environmental migrants: Greenhouse gas (GHG) emissions cause global warming. Global warming is a potential force for creation and/or expansion of deserts. This subsequently leads to loss of biodiversity, famine, and forced migration. Migration generated by desertification can be defined as an autonomous public problem with further consequences like conflict, cultural, and economic impoverishment in the departure regions, human, and ecological vulnerability, etc. But it can also be perceived as a consequence of desertification.

Greenhouse gases → Global warming → Desertification → Migration → Conflict, etc.

As Edelman (1991) suggests, very few situations are recognised as a public problem and get registered on the political agenda. The recognition of a problem does not occur automatically; it depends on various parameters not necessarily related to the gravity of the situation. Serious problems can remain

² This chapter is based on observations and personal interviews with agents of the French and Indian administrations and the United Nations (Geneva). I wish to thank them for having accepted to meet me and respond to my questions.

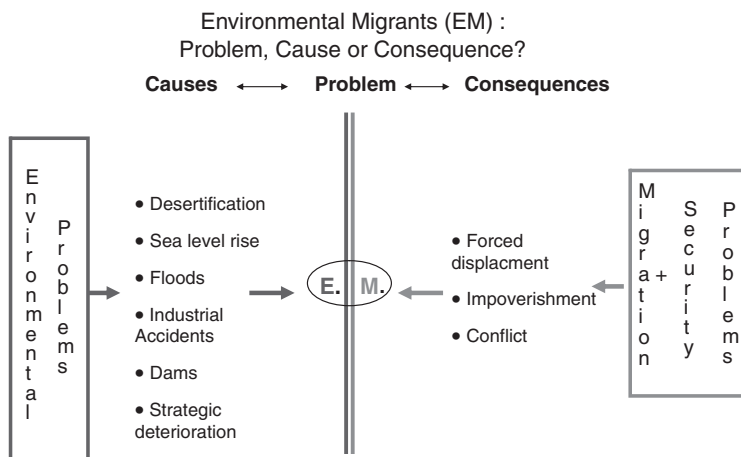
far from the attention of governments, while others, perhaps less pressing, can be the subject of courageous measures. The official recognition of a problem means allocation of a budget, distribution of competences, and designation of persons to blame and protect. The definition (or not) of a situation as a problem and its official registration (or not) on the agenda are purely political actions that involve the search for a compromise between multiple actors supporting different positions. To put it another way, problem definition is an issue of power, since it divides the social and public actors into winners (who profit from the recognition of the problem) and losers (who will lose material or symbolic resources) (Stone, 1997). For example, the recognition of environmental migrants as an autonomous problem will strengthen the positions of the agency asked to manage this problem, which will probably in turn have its budget and its personnel increased. It will also help people affected by the deterioration of the environment who will benefit from positive measures. On the other hand, this same recognition can prove harmful for the migrants. It may also meet the dissatisfaction of the polluters.

When a situation becomes a public problem, it passes through a double definitional debate (Vlassopoulos, 2007). The first determines the causes of the problem and answers the question ‘what is the problem?’. The second determines the consequences of the problem and answers the question ‘why does this situation constitute a problem?’. The causes identify the measures to be adopted and the agents who have competence to implement them. Each reference to the consequences of the problem constitutes not only a justification legitimising to differing degrees of the intervention of political leaders (‘we act to protect the citizens’ health’, ‘we act to guarantee safety’, etc.), but also a means for the recognition of the authority of those who claim to have one or another type of competence.

The multi-sectoral character of the issue of environmental migrants disturbs this double definitional process preventing its definition as an autonomous public problem.

3 The Difficulty of Defining a Multi-sectoral Problem

Since the El-Hinnawi (1985) report, the attempts to define environmental migrants proved in fact that this problem is situated at the intersection of different policy sectors, each one with its own rationality, objectives, and functioning. The environmental causes of the problem require the involvement of the environmental sector, both at the national and international level. The consequences of the problem are not, however, only environmental; according to the dominant discourse, they relate to the humanitarian sector (human suffering) or to the security sector (risk for conflict). In other words, the gravity of the problem is not justified with reference to ecological crisis but with reference to the human conditions of living and survival (Fig. 2.1).



C.A. Vlassopoulos, 2008

Fig. 2.1 Environmental migrants: problem, cause, or consequence

The environmental policy network comprises actors traditionally in charge of combating environmental deterioration (United Nations Environmental Programme (UNEP), environmental NGOs, Departments of the Environment, etc.). It is not by accident that the term ‘environmental refugee’ emerged for the first time on the international arena in the El-Hinnawi report published by UNEP. The policy network competent on the humanitarian and security issues comprises very different actors with no environmental competences (United Nations High Commissioner for Refugees (UNHCR), United Nations Development Programme (UNDP), Office for the Coordination of Humanitarian Affairs (OCHA), International Organizations for Migration (IOM), Ministries of Interior and Foreign Affairs, humanitarian NGOs, etc.).

Important incompatibilities separate these groups of actors, making their collaboration difficult. More specifically, the environmental sector was built in the 1970s on an ecocentric approach to reality against the anthropocentric approach dominant until then (Theys, 2005). The environment constitutes a new autonomous social value that must be protected in itself and not, as in the past, through reference to human health. The new environmental policies are based on the responsibility concept operationalised by the ‘polluter-pays’ principle. They also refer to the prevention and precautionary principles which express the need for decision-makers to anticipate harm to the public or to the environment.

The humanitarian as well as the security sectors are built on an anthropocentric approach to reality. This involves giving priority to human well-being. Humanitarian and security policies are urgent responses to human crisis situations, and as such, they cannot be based on the individual responsibility concept. Costs are shared by the community.

From what precedes, it becomes apparent that very different public policies can be adopted in order to deal with EM according to the policy sectors involved. The environmental sector concentrates primarily on the causes of the problem. It proposes either *ex ante* policy measures in order to prevent environmental degradation or *ex post* restoration measures, asking the polluters to internalise the cost of pollution in order to mitigate environmental degradation. The humanitarian sector focuses on the consequences of the problem by proposing *ex post* measures of relief through the collectivisation of the induced costs. The security sector concentrates on the prevention and/or regulation of migration flows.

Neither the objectives (environmental protection vs. human protection) nor the means (constraint and sanction, help, and inducement) are common to these sectors of public action. Stone (1997) rightly affirms that a problem is never defined on the public agenda in all its dimensions. It always passes through a process of simplification that reduces the scope of the problem and makes it more manageable. This is occurring in recent attempts to restrictively redefine environmental migrants as climate migrants. This redefinition focuses attention on the biggest sub-category of environmentally displaced people, but it runs the risk of diluting the problem within the very large issue of climate change and making the discourse on migration much less audible.

4 From Environmental to Climate Migrants

The different numbers of environmental migrants and the approaches and sectors involved push the actors to seek clarification of the term. This evolves through a process of inclusion and exclusion which finally defines both the content of policy, i.e. those to be protected by policy measures and at the same time those who are competent to make policy. Different arenas of discussion mostly point to climate migrants by putting aside all other cases of environmental displacement (Felli, 2008). We notice that European Greens concentrate the debate exclusively on climate migrants.³ This is also the case within various UN agencies.

I suggest that this process in progress takes the form of a 'double fault' of agenda setting. On the one hand, it excludes from the public debate all other categories of population suffering from environmental crises that cannot hope any more for protection and compensation (industrial accidents, dam construction, war, ...). On the other hand, the good position that climate change has on the political agenda does not seem to benefit the environmental migrants as the advocates of this alignment would have hoped. Paradoxically, the annexation of the problem to the climate change issue tends to slow down the effort to consider environmental migration as an autonomous public problem.

³ See Conference on Climate Refugees at the European Parliament, the 11 June 2008 and subsequent Declaration.

Pushed by the reports of the Intergovernmental Panel on Climate Change (IPCC), climate change is imposed on the national and international agendas as a major public concern. Important human and financial resources are engaged both for research and policy making, but the way this issue is being defined does not leave any place for discussion on migration.

Historically, since 1992 the policy to combat the climate change has passed from a traditional environmental approach to a development-oriented approach. The United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol provide binding agreements for the reduction of GHG emissions (mitigation strategy). However, this environmental approach has so far proved to be insufficient not only due to the lack of engagement by certain big GHG-emitter countries but also in relation to the inappropriate application of the emissions trading system. Therefore the discourse on mitigation has started to weaken giving place to another policy-oriented discourse concentrating on adaptation strategies.

The decade following the first IPCC Assessment report saw significant evolution of climate change impacts and adaptation research, due to a number of factors (Smit et al., 2000). As pointed out in the report of the Canadian Climate Change Impacts and Adaptation Program, there was growing evidence that climate change was already occurring. Impacts could no longer be seen as hypothetical outcomes but instead needed to be addressed as imminent concerns. Further, it had become apparent that mitigation could not prevent climate change from occurring even if stabilisation of carbon dioxide were achieved. Thus the international climate change community considered adaptation as a principal policy objective. This shift in attitude is reflected in the changing titles of the three IPCC Working Group II assessment reports completed between 1990 and 2001: 1990: *Impacts Assessment of Climate Change*; 1995: *Impacts, Adaptation and Mitigation of Climate Change*; 2001 and 2007: *Impacts, Adaptation and Vulnerability*.⁴ The emphasis is consequently put on the most vulnerable regions, which generally coincide with the poorest regions lacking the necessary infrastructures to cope with the effects of global warming (droughts, floods, extreme weather events). In other words, the environmental policies no longer appear as the principal response to the problem. Development projects offering improved resilience to vulnerable regions become the principal instrument for climate policy today.

In that context, the main policy actors are to be found in the development sector and not in the environmental and humanitarian sectors. As indicated by humanitarian agents, 'the logic of development policies does not meet the logic of humanitarian policies'. This is not the case for the environment which – since the Rio Conference – has no longer been seen as an enemy but as a partner for (sustainable) development. The concept of sustainable development reflects, however, the integration of the environment into the need for development and

⁴ <http://www.adaptation.nrcan.gc.ca>.

not vice versa.⁵ This evolution towards development-oriented policies which put the emphasis on adaptation to deal with climate change slows down the efforts to define environmental migration as a new global public issue. In fact, adaptation strategies are in contradiction with the recognition of this issue: taking into account environmental migrants means anticipating the insufficiency of adaptation efforts. In other words, in a context where adaptation becomes the key strategy for climate policy, environmental migrants become a non-issue.⁶

5 Towards a More Pragmatic Approach to the Problem?

According to the discussion above, two different strategies have been developed in the last 20 years by the advocates of people who need to leave their traditional homelands because of an environmental disruption. The first consists of seeking a broad definition including all kinds of environmental causes of displacement. The second strategy tends to promote a restrictive definition of 'climate' migrants. In both cases, the shift from discourse to action has not succeeded for multiple reasons, leaving people suffering from environmental problems without systematic assistance.

The effort to impose a broad definition meets with an unfavourable political and economic context, pushing European states to close their borders and restrain the migration flows. Paradoxically, the alarmist discourse on the future millions of environmental migrants does not stimulate a call for immediate action but rather strengthens the tendency to control migration. At the same time, the multiple figures of environmental migrants mean that the public is unclear about who the environmental migrants really are. The restrictive definition, as mentioned above, leads to the incorporation of the migration issue into climate change policy. This constitutes to some extent an *ex-ante* problem-solving inasmuch as the dominant approach consists of helping the regions to adapt to change, so that people do not see themselves forced to flee their homelands. Although in this case the migrants' portrait appears to be clearer and more concrete, the alignment between migration and climate change tends to exclude the former issue from the political agenda and to strengthen the importance of the latter.

Renaud et al. (2007) rightly affirm that 'scientific "concerns" instead of the pragmatic application of a precautionary principle paralyse both the scientific and the policy making communities'. They propose then to distinguish between different sub-classes of environment-related displacements in order to better

⁵ We do not enter here into the debate relating to the no-growth movement as formulated by Georgescu-Roegen (1979) or more recently by Christophe (2007). I want only to emphasise the fact that the notion of sustainable development imposes an implicit hierarchy between development and the environment.

⁶ Personal interviews allowed us to note the non-consideration of the question of migration during the discussions and research on adaptation strategies.

understand the urgency of the assistance that is needed. The criterion of classification is in this case the nature of the environmental degradation. The concern for a pragmatic approach to the problem needs also to take into account the compatibility and rationality of the sectors addressing the policy to be adopted. Therefore, we propose to separate the problem into sub-issues corresponding to the specificities of the different relevant sectors.

The strategies proposed until now concentrate on the most conflicting dimension of the policy process: the problem definition. They ask, as a first step, to officially recognise a specific status offering protection and compensation to EM. This eminently political process is accompanied by strong media coverage, and political and institutional conflicts paralyse negotiations for future policy making. The fragmentation of the problem in sub-issues divides the negotiation framework into smaller and more integrated policy communities that can facilitate the debate and the adoption of concrete measures. This does not involve an overall agreement but rather multiple compromises within the various sectors concerned. These compromises may go in the direction of adjustments to existing policy instruments. In this way, they could also respond to the needs of environmental migrants.

A sector-relevant criterion to carry out the division of the problem is the possibility or not to identify those to blame for environmental disruption and allocate the compensation costs to them. The application of this criterion to the environmental causes of migration listed by Lonergan (1998) distributes the different environmental crises to three more or less separate arenas of negotiation.

Figure 2.2 presents three cases of responsibility allocation: the case where the actors behind environmental disruption are more or less identifiable and forced

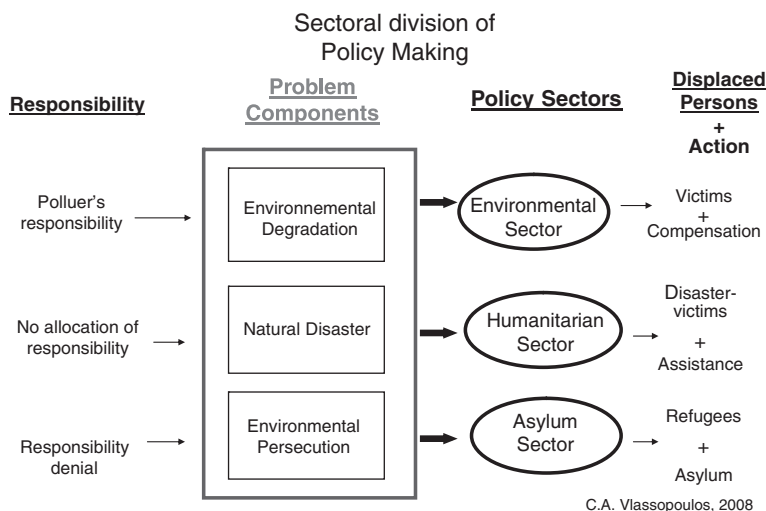


Fig. 2.2 Sectoral division of policy making

to assume the costs of the damage; the case where the attribution of responsibility is impossible; and finally, the case where actors are identifiable, but their responsibility is not assumed. In each one of these cases, the response mechanism to displaced populations differs, the qualification of people affected is different, and the measures to engage are different (Vlassopoulos, 2008).

In the first case (environmental degradation), polluters are recognised, and the official authorities can organise a compensation system.⁷ This case includes many of the causes of environmental displacement:

- *Desertification* is a problem above all attributed to human activity (over-exploitation of the land, persistence of inadequate farming practices, . . .) and worsened by certain natural phenomena like long periods of drought – partly also related to human behaviour.
- *Deforestation* is also a problem involving human behaviour (overexploitation of the forest resources, transformation of wooded land into agricultural fields, voluntary fires).
- *Climate change* is attributed today mainly to the human activity.
- *Industrial accidents* mostly have quite clearly identifiable polluters.

All of these problems have generated international agreements (Convention to Combat Desertification, Convention on Biodiversity, Climate Convention, Convention on the Transboundary Effects of Industrial Accidents, . . .). Those agreements identify the victims as well as the polluters who have to assume the costs of the environmental damage. In that sense, they can be mobilised to respond to the needs of environmental migrants. This will require, however, a shift towards a less ecocentric vision of the reality, recognising human rights and dignity (not only human health *stricto sensu*) as objects protected by the environmental rules.

In the second case (natural disasters), there is no allocation of responsibility, because environmental disruption and migration are the result of natural events. The question here is where to locate the boundary line between natural origin and anthropogenic origin. Only earthquakes and volcanic eruptions seem clearly to be natural disasters. An answer can only come from a high-level political discussion which will unavoidably simplify reality. This distinction is necessary not only for the clarification of competences between agencies but also for the share of financing between a ‘polluter compensation fund’ and a ‘humanitarian relief fund’.

The third case (environmental persecution) concerns responsibility denial on behalf of the drivers of the environmental disruption (most of the time political authorities) and the inability of the international community to oblige them to assist the victims. This case includes *dam construction* which generates mass population displacements not always protected by their authorities. It also

⁷ Bates (2002) proposes to differentiate between polluting activities that intentionally produce migration and activities that unintentionally produce migration. This distinction risks introducing a soft framework within which polluters could easily escape from their responsibilities.

includes *strategic deterioration of the environment* during armed conflict. In both cases, it is possible to consider that the people affected cannot count on the assistance of their governments, and thus, they can be considered as being persecuted. Therefore, the asylum sector needs to engage in discussions about the way to reinterpret the Geneva Convention in order to give these populations 'refugee' status. This will require a shift towards a less anthropocentric vision of the reality, recognising the environment as a cause of human suffering.⁸

In some extreme cases like the disappearance of a country caused by a serious and irremediable deterioration of its environment, the same mechanisms could be mobilised. If the convention on apatrids (i.e. persons unable to certify their nationality) obtains greater recognition within the international community, it could also serve as a means to assist those people. In that direction, the report of the Executive Committee for the programme of the High Commissioner on the apatrids in 2006 encouraged better mobilisation for the identification, prevention, reduction, and protection of stateless persons.

6 Conclusion

This contribution contests the thesis which claims that the environment is not a real cause of migration, and therefore, specific protection is not justified for people experiencing environmental stress. The environmental deterioration causes human and environmental suffering. Prevention as well as assistance and compensation are needed, regardless of the number of persons concerned. The decision to impose a specific status for environmental migrants would probably be the best solution. But both the socio-economic context and the multi-dimensional content of the issue seriously decrease the feasibility of this solution. Restrictively pointing to climate migrants not only excludes from the public debate all other categories of population suffering from environmental deterioration but also, paradoxically, slows down the effort to consider environmental migration as an autonomous public problem.

The response to inaction could be a more fragmented policy-making process that fits better into the traditional institutional divisions and rationalities. Dividing the issue into different more homogenous arenas of negotiation with specific competences can push forward the debate and lead to compromises. Giving clear answers to complex problems is not a feasible target. Simplification is always necessary in the public sphere in order for the agenda-setting process and policy formation to succeed.

⁸ The recent article by the High Commissioner for Refugees, A. Guterres, goes in that direction by recognizing that 'some movements likely to be prompted by climate change could indeed fall within the traditional refugee law framework' (Guterres, 2008).

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