



THE DEBATE

Can the World Community Handle Environmental Refugees?

Although not by proclamation, 2016 has been the year of the refugee. Europe is tense with the outflow of hundreds of thousands of migrants from Syria and other countries torn by civil war and a devastating drought. A team of refugees competed under the Olympic banner in Rio de Janeiro this summer. The UN General Assembly's annual September meeting was followed by a high-level summit on refugees for heads of state and government. And policy on refugees (and other immigrants) has been a point of central contention in the American presidential election.

Syrians are not the only persons who can be referred to as environmental refugees. To use a more accurate term, "environmental displacement" refers to a situation in which people are forced to leave their homes and communities due to changes in their physical environment. Environmental displacement is a relatively common occurrence. Approximately 2.5 percent of the world's population was displaced globally between 2008 and 2014, many due to cyclones, droughts, and other environmental causes (in addition to war, social unrest, and oppression). Scientists expect the frequency and extent of environmental displacement to increase as the effects of climate change become more intense. The United Nations High Commissioner for Refugees estimates that climate change will displace up to 250 million people over the next 35 years, many permanently.

There are already many examples of this phenomenon. Villages in Alaska and Louisiana are being relocated. Residents of low-lying Pacific island states are fleeing. Desertification in Africa threatens the homes and livelihoods of millions.

There are many practical challenges in addressing environmental displacement. The existing legal framework protecting refugees is not designed to address so-called "climate refugees." The number of people displaced by climate change could greatly exceed the number of people displaced by armed conflict, political repression, and other historic sources of movement. Refugee protection efforts are already underfunded, and there are numerous challenges in determining whether someone claiming to be a climate refugee is actually fleeing the effects of global warming.

What does the best available science say about people who are likely to be displaced by environmental factors such as climate change in the near future? What institutional arrangements are there to deal with environmentally displaced persons, both internationally and within nations, and are they up to the challenge? What will be the economic effects on countries absorbing these migrants, or on countries whose populations shift internally due to environmental stresses? What policies, legal regimes, and institutions do we need to create or improve to help environmental refugees find new lives for themselves and their families?



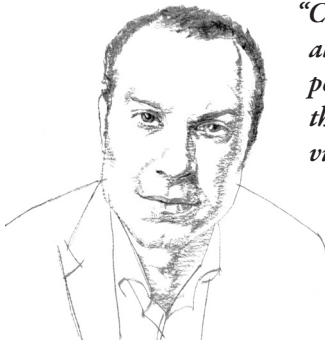
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Vanessa Haley-Benjamin
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“This is truly a world war — one that the U.S. cannot win alone. It requires diplomacy, reason, and cooperation”

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It Is Time to Help the World's Most Vulnerable People

VANESSA HALEY-BENJAMIN

Despite mitigation strategies, greenhouse gas emissions will continue to raise sea levels for centuries. There will be major environmental, social, and economic changes. Climate change adaptation is not an option but rather a necessity, especially for small-island states and low-lying coastal nations that are still developing their economies. These countries are limited in resources, susceptible to disasters, vulnerable to external shocks, and possess fragile environments.

The Bahamian archipelago extends from east of Florida almost to Cuba. 80 percent of the land area in the country is five feet above sea level or less. We face a real challenge in preparing for climate change's rising tides and increased storms. Like the Pacific nation Kiribati, which has purchased 20 square miles of land in Fiji in the event of dramatic relocation, low-lying island nations such as ours are forging radical adaptation strategies to ensure our continued existence.

As early as 1990, the Intergovernmental Panel on Climate Change argued that the single greatest impact of climate change could be human migration. Indeed, such movement of people will be one of the greatest policy challenges of the century. Climate change migration should be included as an essential adaptation strategy.

In response to challenges faced by climate change, there has been extensive debate in politics, science, academia, and the media regarding the concept of environmental displacement. Scientists predict climate change may drive from 50 to 250 million people from their homes by 2050. The media have taken criticism for sensationalizing an impending giant wave engulfing low-lying nations

and the subsequent mass exodus of millions of refugees fleeing for higher ground. And some argue that it is virtually impossible to isolate environmental factors from other economic, social, or political drivers of migration.

Politically, there has been a shifting world mood toward refugees and immigrants generally, with some states doing the minimum in providing protection for displaced persons for fear of opening the proverbial floodgates. On the other hand, some developing countries feel that an emphasis on relocation will be the industrialized countries' solution to rising sea levels rather than reducing greenhouse gas emissions.

In response to the challenges faced by climate change, The Bahamas has developed a National Climate Change Adaptation Policy (2006), a National Energy Policy (2013), amended its Forestry Act (2014), and in December 2015 submitted the country's actions to be taken locally to address climate change as part of its Intended Nationally Determined Contribution under the Paris Agreement. The Bahamas has also worked with other CARICOM countries to develop a Regional Framework for Achieving Development Resilient to Climate Change (2009-2015).

The INDC has an implementation time frame from 2010 to 2030 at a cost in excess of \$900 million to implement mitigation actions alone. However, adaptation costs are virtually unknown and are projected to cover many sectors, including agriculture, fisheries, tourism, health, finance, insurance, energy, forestry, transportation, and human settlement. According to the INDC, the cost of implementation is anticipated to be met through multilateral and bilateral support from a variety of sources.

Although human settlement is mentioned in the national documents, the adaptation strategy focuses more on building and strengthening coastal defenses, access to fresh water,

and relocation of communities from the shoreline. That last may prove impossible, as the majority of the land may be deemed uninhabitable by the end of the century. Despite a mention of relocating communities, concrete strategies, actions, and policy frameworks to address climate-induced migration are not included.

In 2015, we realized the vulnerability of our small island nation. The passage of Hurricane Joaquin left the islands of South and Central Bahamas exposed. Thousands of Bahamians were displaced and major damage occurred to homes and schools. The livelihoods of these island communities who depend on agriculture and fishing were significantly impacted, with losses in the tens of millions of dollars. Despite the vulnerability of these areas, many communities rebuilt in the same location.

The sheer scale of this problem is overwhelming but not insurmountable. First, we have to view migration as a pivotal part of climate change adaptation policy design and not a last-minute plug-in. This requires incorporating human mobility in public policies, national development plans, regional plans, and climate change actions plans. Second, we have to persuade policymakers of the need to act and provide a basis for appropriate action; that means better analysis, better data, and better predictions. Third, we need to fully exploit international laws, principles, and treaties governing refugees and human rights as well as develop new soft law instruments or binding agreements on national, regional, and international levels.

Climate change is changing the norm — not only in weather patterns. It is changing the way we discuss policies to govern human mobility. We can debate the intricacies of this problem, but societies' response is the true measure of our compassion for the world's most vulnerable people.

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A Toolbox for Environmentally Displaced Persons

CARL BRUCH

Sometimes, it is possible to take bold measures to address environmental threats. Often, though, it is necessary to adopt a variety of measures that make incremental progress.

For several years, people have called for a global agreement on so-called “climate refugees.” There are three key legal and practical reasons that this is unlikely to happen: persecution, attribution, and resources. First, international law governing refugees seeks to protect people fleeing persecution due to their race, religion, nationality, political opinion, or other aspect of their identity. While people fleeing floods, storms, and other effects of climate change may have a very real concern about their safety, it is not due to persecution: there is no intent to cause them harm.

Second, in most instances, it is difficult — if not impossible — to determine whether someone is fleeing due to climate change. Science is improving, so that it is now possible to calculate how much stronger storms are due to climate change and how many more people are displaced by a changing environment, but migration is multicausal. How does one decide whether a particular person warrants refugee protection due to climate change?

If a person is fleeing drought in Darfur, for example, are they one of the new “climate refugees” (warranting protection) or should they count as one of the people who would have sought to leave an arid area in search of a better life (in which case they would not be protected)? People fleeing low-lying islands inundated by sea-level rise would likely satisfy the attribution requirement,

but they would be only a small fraction of the estimated hundreds of millions of people who will be displaced by climate change. Even if inundation is anticipated in decades or a century, would people leaving today be protected? If the island would be inundated after they die, can they leave now to protect their children or grandchildren?

Third, the existing system to protect refugees is underfunded: for every dollar that is needed, only 35 cents is provided. The UN High Commissioner for Refugees suggests that climate change will displace an additional 250 million people over the next 35 years, many permanently. There is concern that the addition of a quarter billion new “climate refugees” would overwhelm an already under-resourced system.

Even if a global agreement to protect climate refugees is not feasible, it is possible to take many steps now to facilitate migration due to floods, storms, sea-level rise, and other effects of climate change. These measures are typically more modest and tailored. They may be national laws (unilaterally offering certain protections), bilateral agreements, or regional conventions; they may also be global frameworks that address certain narrow issues around which countries can agree, even if they cannot agree on environmentally displaced persons generally.

Legal protections can guarantee safe passage or harbor for environmentally displaced persons. A handful of states have extended legal protections to specific groups of cross-border environmentally displaced persons on a temporary and ad-hoc basis. There is, however, no such precedent to date of any country extending legal protections for a significant number of cross-border environmentally displaced persons who are permanently driven from their homes. The human rights principle of non-refoulement forbids the return of individuals to places where their life or freedom is threat-

ened, but its use is hindered by the absence of an accompanying right of admission or stay in a foreign territory. Other than non-refoulement, few legal tools exist, resulting in a protection gap for cross-border environmentally displaced persons.

Particular attention should be paid to bilateral arrangements between likely states from which people are expected to leave and the states that are likely to receive them, especially where there are historic and political connections between the source and receiving states. For example, in 2000, there were 7,000 Marshall Islanders residing in the United States; by 2010, this had more than tripled to 22,000. Many came for jobs, and it is as yet unknown what role climate change played in their decision. The historic connections between the two countries and the current compact governing security and foreign relations considerations provide a privileged foundation upon which discussion of migration between the two countries may occur.

It remains to be seen whether a toolbox approach to incrementally addressing environmental displacement will be sufficient. While a lot of attention has focused on sea-level rise, storms, floods, and fires associated with climate change, there is growing concern that substantial increases in heat waves may drive more migration and do so sooner than other factors.

Until a global framework addressing environmental refugees is feasible, substantial progress can be made at different levels, developing conceptual and operational frameworks, proving the viability of particular approaches, and building political support.

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Climate Migrants Are Refugees — Not Commodities

FRANÇOIS GEMENNE

In August, the Working Group on the Anthropocene presented a recommendation to the International Geological Congress that a new epoch needs to be declared: the Anthropocene, or the age of humans. For the last 12,000 years or so, we were in the Holocene. This era has apparently come to an end, as humans have become the main forces of transformation of the planet.

Yet the Anthropocene as a concept might produce the false impression of a unified humanity, where all people are agents of change. The reality is that if humans have indeed become the principal agents, overwhelming natural drivers of changes, most people are actually not enablers. Indeed, we often tend to forget that most humans on this planet are actually the victims of these changes — starting with those being displaced.

At the same time, as Europe was engulfed in the so-called “refugee crisis,” unable to respond in a coordinated and dignified fashion to the plight of thousands of migrants fleeing desperate situations, political leaders and international organizations were pushing for a clear distinction between refugees and migrants. Organizations such as the UN High Commissioner for Refugees or the International Organization for Migration ran op-eds to explain that “words did matter” and that one should not confuse “refugees,” fleeing war and persecution, with “migrants,” fleeing poverty, hunger, or disaster. Governments were keen to assert that refugees had a right to asylum, whereas migrants — especially when posing as refugees — should be sent back to where they came from.

These two events might seem unrelated to each other, yet they have connections that run deep. In the debates on the protection and governance of environmental migration, we have been very keen not to speak of “climate refugees.” Lawyers have insisted that the term was a misnomer with no legal grounding, as environmental motives were not recognized as a legitimate ground for refugee status determination in the Geneva Convention on the Status of Refugees. International negotiations on climate change went one step further and recognized, in 2010, that migration policies could be in part considered as adaptation policies. Migration was mooted as a formidable adaptation strategy, where migrants would be agents of their destiny, rather than expiatory victims of anthropogenic changes.

In the simplistic dichotomy that pits refugees against migrants, those displaced by environmental changes therefore seem to be bound to be part of the latter group. Yet it would be a profound mistake, for at least two reasons.

First, by dropping the term “climate refugee,” we depoliticize the reality of these migrations. We forego the political persecution that climate change represents against the most vulnerable, and which is the central element of the very concept of refugee. Doing so, we set environmental migration apart from other migration dynamics, as if the environmental causes of migration were not also political causes.

Yet we need to be aware that the Anthropocene is also rooted in inequalities, where the action of some causes the suffering of the others. And in that regard, the Anthropocene, as a concept, can also lead to the depoliticization of subjects, where the “environmentalization” of politics would actually end up in a depoliticization of the environment. This is what is happening when we forget that environmental migrants are also political refugees — though

not in the sense of the Geneva Convention.

The second reason has direct and practical implications. In the current public debates on refugee protection and migration governance, the term “migrant” has become a life-threatening label. For a while, we had thought that the dichotomy between refugees and migrants was a thing of the past: forced and voluntary migration were the two ends of a continuum rather than discrete categories, and migration was multi-causal by nature, as different drivers could not be disentangled from each other. But the rise of xenophobia and the fear of public opinion have prompted governments and international organizations to revive this outdated dichotomy, as if refugee protection could only be guaranteed by stigmatizing migrants. As if refugees were more legitimate than migrants.

It is tragic that the term migrant, once associated with progress and the promise of a better future, has now become a ground for stigma and prejudice. But this is the harsh reality of these times, and not accounting for it would be foolish and detrimental to those we seek to protect. Foregoing the term climate refugee turns a blind eye on the political roots of environmental migration, as if it were a depoliticized process. Mooting migration for adaptation makes migration a commodity, which can be managed by governments, and where migrants themselves are just pieces on the exchequer of climate change.

Both ideas were well-intended, but both are likely to undermine the protection of those who are, at the end of the day, the victims of the Anthropocene.

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Sadly, the Paris Agreement Isn't Nearly Enough

MICHAEL B. GERRARD

Climate change is a major contributor to migration and displacement. Persistent drought forced as many as 1.5 million Syrian farmers to move to overcrowded cities, contributing to social turmoil and ultimately a civil war that drove hundreds of thousands of people to attempt to cross the Mediterranean into Europe. Drought also worsened refugee crises in the Sahel, the Horn of Africa, and other parts of the continent.

Climate change can cause displacement in multiple ways. The most prominent are water shortages and desertification that threaten food supplies and livelihoods, extreme weather events, sea-level rise, and loss of Arctic sea ice. Often these conditions combine with existing poverty and political instability and make those worse.

No reliable estimates exist of the number of people who will be displaced partly or wholly by climate change, due to uncertainties concerning the rate of change, the ability of different societies to cope, and other factors. However, several estimates put the number of people in the hundreds of millions in the latter part of this century.

According to the UN Refugee Agency, as of mid-2016 approximately 65 million people were already displaced from their homes as a result of natural disasters, conflict, and other factors — the largest number since World War II. Climate change could displace several times that number. Unless there are advance planning and preparations, we can expect to see further international crises over where people fleeing uninhabitable areas will go, as well as degrading and dangerous

conditions in the inevitable refugee camps.

Adding to the horrors, displacement leads to a considerable increase in human trafficking. The UN Environment Programme has indicated that trafficking may increase by 20-30 percent during disasters, and INTERPOL has warned that disasters or conflict may increase the exposure of women to trafficking, as families are disrupted and livelihoods are lost. There are multiple instances in which trafficking has been shown to increase in the aftermath of cyclones, flooding, earthquakes, and tsunamis. Some of this is for sex trafficking, some for forced labor, some is the demanding of money on false promises of safe passage.

The Paris Agreement requested the Executive Committee of the Warsaw International Mechanism for Loss and Damage “to develop recommendations for integrated approaches to avert, minimize, and address displacement related to the adverse impacts of climate change.” However, nothing in this agreement addresses the crucial question of which countries will take in the very large number of people who will be displaced. The anti-refugee sentiment of some prominent politicians in the United States, Europe, and Australia does not fill one with confidence that the affluent countries will step up to the plate when the time comes.

Paris also saw a strengthening of the temperature goal — the maximum tolerable increase in global average temperatures. It became “well below” 2 degrees Celsius above pre-industrial levels, with a goal “to pursue efforts to limit the temperature increase to 1.5 degrees.”

Regrettably, the Paris conference did not lead to agreements that will in fact achieve that objective. Almost all countries put forward their own nonbinding, unenforceable pledges for reducing their emissions. However, when they are all added up, these pledges if fully carried out would lead to a world in 2100 that is

around 3.5 degrees above pre-industrial conditions.

Such a world would be utterly catastrophic. An increase of 3.5 degrees would not only drown the small island nations. It would also submerge significant portions of Bangladesh, the Nile Delta, the Mekong Delta, and other low-lying areas of the world, and would lead to melting of the Antarctic and Greenland ice sheets that would endanger many of the world's coastal cities, from New York to Shanghai. There appear to be no estimates of the number of people who would be displaced in such a situation, but it would no doubt be in the billions. This would, in turn, lead to a massive amount of conflict and trafficking.

The negotiators in Paris fully understood that the pledges made there would not be sufficient, and thus decided that every five years, countries will make new and stronger pledges. However, we are running out of time. Greenhouse gases like carbon dioxide stay in the atmosphere for a century or longer, and every year their level in the atmosphere is higher. Already we know that meeting the temperature objectives will require “negative emissions” by the latter part of this century, meaning more greenhouse gases would have to be removed from the air than are emitted into it; no one knows just how this will be achieved.

All this adds up to two essential agenda items for the nations of the world. First, they must accelerate the transition away from fossil fuels in order to minimize global temperature increases as much as possible. Second, they must begin making plans to accommodate the multitudes who will be displaced from their homes by the climate change that will occur regardless of our best efforts.

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A New World War Upon Us That U.S. Cannot Win Alone

W. CHRIS KING

Scholars such as Norman Myers and Thomas Homer-Dixon have long recognized the national security threats posed by the combination of population growth and human-induced environmental change, including climate change. These studies have mostly remained an academic exercise, out of the view of the governments until now. The threats to human security and peace posed by human-driven climate change have forced the world to take heed.

A primary conclusion from my work in environmental security is that any environmental change which denies people the ability to meet their basic human needs in a sustainable way reduces stability and thus increases the potential for instability and conflict. Climate change is clearly an emerging environmental security risk, while water as a scarce resource and loss of arable lands are examples of other environmental security issues.

History clearly shows that a primary response to environmental-security stressors is migration. What history cannot help us see is how we deal with a long-term environmental disaster of a global scale. I am focusing my comments on addressing that specific question.

The good news I have seen from the evolving climate change debate has been the work of the United Nations Intergovernmental Panel on Climate Change. This effort has proven that 195 nations and thousands of scientists can work together toward a common good. Their work over the last 28 years has greatly improved our understanding of the complex interactions of the Earth's climate system.

We certainly still do not know everything about this system, but these scientists have reached a strong consensus that most of recent climate change is human driven and that continuing to discharge high levels of greenhouse gases into the atmosphere will have dire consequences globally. Each climate driver yields a specific human impact which then produces damage in individual communities, nations, and worldwide.

My analysis of the climate change drivers identified in the fifth IPCC report (2013) that are most likely to create mass migrations are: Sea-level rise, precipitation change that creates water scarcity, increased drying reducing food production, extreme weather which destroys infrastructure and brings disease, and changes in the cryosphere — glaciers, sea ice, and ice caps — that impact water resources.

Each of these climate drivers creates different threats in different geographic locations, but the one common result is that the poorest people of the world will bear the burden most heavily. The poor occupy the lands on the margins. This is the land that already floods most often, has lowest food productivity, is a reservoir for more vector and waterborne disease, and overall, it is all that was left as populations in many crowded nations continued to grow.

These will be the areas that are first inundated by sea-level rise and storm surges. Their land will become even less productive because of drying and loss of irrigation water. Disease becomes an even bigger burden because of the impacts of multiple climate drivers. The options for poor people caught in this trap will be few, with migration their most realistic hope, but where can they go?

Bangladesh as a case study is ground zero for the impacts of all of the climate change drivers presented above. A Bangladesh Institute for

Peace study examining this problem estimated that 35 million people, mostly occupying the country's lowlands, will be displaced by 2050. Summing this type of impact globally and across all climate drivers yields a sense of the enormity of the potential impacts of climate change. Many millions of people may be driven from their homes with no place to go home to — ever. This is the future if climate change is not addressed.

So in this debate, I assert that the impending climate change disaster is one that the world cannot afford. There are no sets of policies, laws, or agreements to resettle the mass of refugees permanently displaced by climate change that will produce a stable and peaceful world. Yes, we will need to improve managing global migrations in the short term, but these actions are only band-aid symptoms that do not cure the disease.

The only viable approach available is to strongly address climate change, now. The Paris Agreement, signed by 195 nations, is a good start. However, it achieves nothing unless nations take action now. This is truly a world war — one that the United States cannot win alone, no matter the economic and military might we might bring to bear. It requires diplomacy, reason, and honest cooperation — and our nation will have to lead in this effort.

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What Do The Climate Displaced Really Need?

BENJAMIN SCHACHTER

The findings of the Intergovernmental Panel on Climate Change confirm that global warming contributes to the frequency and intensity of natural disasters and their effects. According to the Human Rights Council, these impact a broad range of human rights, including those to food, water, sanitation, adequate housing, health, and life itself. This loss of rights collectively contributes to the massive displacement of persons from climate and weather-related causes, recently estimated at around 22.5 million people each year.

Rapid urbanization in coastal and riparian zones combined with the worsening effects of climate change is likely to aggravate the situation substantially. In the most extreme cases, the very existence of low-lying island nations, as well as the rights to self-determination and life of entire peoples, is threatened by sea-level rise.

To date, the international legal system has failed to adequately protect persons displaced by climate change. Although often referred to as “climate refugees,” they are not “refugees” in the legal sense. The term refers to persons living outside of their country of origin who cannot return owing to a well-founded fear of persecution. In the context of climate displacement, persons living outside their country of origin for other reasons (often referred to as “migrants”) are normally ineligible for the legal protection owed refugees and subject to legal return.

Although some countries do provide temporary protection for persons displaced by sudden-onset disasters, most climate-displaced persons, particularly those seeking to escape slow-onset disasters such as drought or sea-level rise, will fall through the gaps. Returning climate-displaced persons

to an inhospitable environment is not sustainable and is likely to lead to repeated migration attempts, exposing affected persons to additional risks. When serious human rights violations are likely, return may also be unlawful.

Some have called for a treaty to protect persons who cross international borders because of climate change. Beyond the political difficulties this would pose, it raises moral and practical questions. The drivers for migration are multiple and interconnected. They include conflict, poverty, discrimination, inadequate social welfare, and environmental factors. How would a treaty determine if a person was involuntarily displaced by climate change? Even if such a determination were possible, why should such a person receive treatment different than a person who has migrated to escape extreme poverty or other circumstances? Experience indicates that numerous legal, logistical, and administrative problems could arise from proliferation of different protection categories for persons living outside of their country of origin.

There is a further problem. The large majority of persons displaced by climate are not “migrants.” They are “internally displaced persons.” Although they are legally entitled to stay where they are and receive the full protection of their government, many may live in states that are struggling to fulfill their human rights obligations. Like migrants, internally displaced persons may face discrimination, difficulty accessing public services, and diminished well-being. Their protection depends on all states fulfilling their human rights obligations, including those related to international cooperation.

So there are two major problems with a new treaty. First, the proliferation of different categories of migrants could contribute to fragmentation of protection. Second, although migrants face unique legal difficulties, they constitute only a subset of the persons displaced by climate that should benefit from international cooperation.

A rights-based approach to displacement calls for coherent policies

that universally protect all refugees, migrants, and displaced persons while taking into consideration the numerous and complex causes and effects of displacement. The recently adopted New York Declaration for Refugees and Migrants recognizes that states must protect the human rights of all refugees and migrants and also calls for “reflection on effective strategies to ensure adequate protection and assistance for internally displaced persons.”

The declaration further says that “any type of return whether voluntary or otherwise, must be consistent with [state] obligations under human rights law” including non-refoulement. The principle of non-refoulement prohibits states from returning a person to a situation that poses an imminent threat of loss of life or cruel, inhumane, and degrading treatment. This principle has been invoked in several cases involving climate displacement, but owing to high threshold requirements, it has yet to be applied.

While continued exploration and development of this and other avenues of protection are both promising and important, the more fundamental problem stems not from a lack of relevant policies and commitments but from inadequate prevention of the root causes of displacement, including inequality, discrimination, conflict, poverty, and climate change. If state actions complied with international human rights law and existing commitments under the climate convention and the 2030 Agenda for Sustainable Development, the frequency, volume, and negative impacts of climate displacement would be drastically reduced — a case in which an ounce of prevention may be better than a pound of protection.

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