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The integration of a new framework for “environmental related movement of persons” into the Paris agreement

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Background

Since the beginning of the industrial revolution the emission of carbon dioxide and other climate-damaging gases led to an anthropogenic based climate change. The consequences of climate change exacerbate the food production and concern the livelihoods of all humans (though the consequences in different regions of the world are varying). Especially in combination with fragile statehood, the consequent decline of living conditions is leading to a migration- and refugee movement in an unknown extent. The central issue of this paper is the difficulty to categorize migration and refugee movements related to environmental changes. As a solution the author proposes a backsliding from the debate about subcategories for environmentally displaced persons because of a lack of differentiating indicators. The focus should lie instead on the integration of the topic “environmental related movement of persons” into the Paris climate agreement and the superordinated UNFCCC (United Nations Framework Convention on Climate Change), without disregarding unilateral and bilateral measures to work on this problem.

Environmental related movement of persons as a challenge for the term “convention refugee”

The term “refugee” reaches back to the 16th century. Based on political decisions, strangers were regarded either as refugees, who should be given protection, or not. The formulation of the Geneva Convention on Refugees in modern times was also a political process. The criteria to appeal on this convention are based on individual persecution and they are linked to the experience of the Holocaust and National Socialism (Müller 2010). The criteria for a human being to be classified as a refugee in the sense of this convention is the persecution by other humans because of his or her race, religion, nationality, political conviction, or the

belonging to a social group. It is often difficult for forcibly displaced persons to prove this persecution in the individual case. In general the individual distinction between refugees and migrants leaving their countries for economic reasons is not meaningful in the most cases, as a weak economy for example can often be found in fragile states (Ibid).

The UNHCR (Office of the United Nations High Commissioner for Refugees), who should be responsible, as a normative UN institution, to find a new differentiating system and new definitions, was not proactive in this question for a long time. As Nina Hall points out, the “term “climate refugees” posed a threat to UNHCR, as it blurred the boundaries between the legal category of convention refugees and other refugees. To be engaged in debates over “climate refugees” was not in UNHCR’s interest, as it meant a distraction from UNHCR’s primary concern: protecting the unique legal status of convention refugees” (Hall 2013). Despite of rhetorical changes in the last years regarding declarations of the UNHCR on this topic, pointing out that there is a clear linkage between climate change and displacement, the necessary policy output remained on a low level. Hall is right with the conclusion, that an upcoming refugee framework “should be based on need not on cause of displacement” (Hall 2013: 106).

Climate change as a thread multiplier in the Syrian civil war

To define a new refugee framework is an urgent question of our time, as climate induced migration is not a topic of the future but of the present. Already in 2007, the “WBGU (Wissenschaftlicher Beirat der Bundesregierung Globale Umweltveränderungen)” issued a warning that environmentally displaced persons and climate refugees are a major risk for the international security and stability, comparable to a world economy crisis or the destabilization of fragile states (WBGU 2007). The IPCC estimates a number of up to 200 million environmentally displaced persons in 2100 (IPCC 2014) whereby the estimates are varying according to different studies, which depends on the assumptions made on the demographic transition and the raise of temperature. Climate scientists like Collin Kelley also relate current crises like the Syrian civil war in parts to climate change. The drought in Syria in the fore field of the civil war led to strong migration into the cities and intensified already existing social conflicts. Kelley worked out that the probability of the arising of the Syrian drought raised about 2-3 times through the ongoing climate change. The Syrian civil war is therefore one example for a conflict in which climate change is to be considered as an indirect intensifying factor in already existing hot spots (Kelley et al 2015; Hsiang et al 2011).

Environmental related movement of persons and the impossibility to define sub-categories

„Whether we call them "climate refugees", "environmentally displaced", or "forced climate migrants", the people pictured in the following pages are those who haven't waited for jargon to catch up with reality (Funk 2009: 94).“ In conclusion to that the term "environmental related movement of persons" (German original: Umweltbedingte Personenbewegung) from Britta Nümann, is still the most fitting characterization (Nümann 2014). The attempt from Nümann to define sub-categories for this term on the other side is inappropriate due to missing indicators between the terms "environmentally displaced persons", "environmental refugees" and "environmental migrants" (Ibid: 214f.). The transition from the concept of a migration by one`s own choice and a forced flight due to environmental changes can be fluent.

Scientific data from the past and the present show that humans leave their habitat a long time before it is destroyed by climatic changes. In this context the classification in migration and flight becomes senseless. This thesis is underlined by the studies from Collin Kelley, but also by the case studies from the Economist Jeffrey D. Sachs. Sachs demonstrated the nexus between climate change, the difficulties regarding the access to resources for humans and growing conflicts already in 2007 with case studies in Sudan, Somalia, Côte d'Ivoire and Burkina Faso (Sachs 2007).

The term "climate refugee" can be taken out as an example for wrong-going definitions and should be criticized. This term is mainly used from NGOs and government representatives from developing countries to underline the urgency and the demand for action. Nevertheless the term is an oversimplification. Humans don`t flee because of the climate. They flee from dangerous environmental and biologic conditions, which are often the consequence of climate change. Droughts, flooding and resulting conflicts can be taken as an example, which shows that situations can develop in different ways. In a report published by the department of defense of the Barack Obama administration climate change was identified as a "thread multiplier" (Department of Defense of the United States of America 2014: Foreword). Out of these reasons the shortened term "climate refugee" should be denied.

Enhancement of the UNFCCC-process with a new refugee framework

As already pointed out the new refugee framework should be based on the need and not on the cause of displacement. As climate change is a global challenge, singular state activities are not sufficient. Therefore, the framework needs to be integrated into an international convention. The Paris climate Agreement offers in this context a lot of options to connect

the topics, to integrate a refugee framework for “environmental related movement of persons”, which is based on the need of displaced persons. The Paris Agreement represents a kind of game-changer in the international climate negotiations. On a structural level because of the establishment of a bottom-up mechanism in the UNFCCC (United Nations Framework Convention on Climate Change)-process. To negotiate a climate treaty through a top-down process failed for many years and also in front of the COP (Conference of the Parties) 21 important players like the USA signaled that it will be impossible to get an ambitious climate treaty ratified in the Congress, which was dominated by the Republicans. Content-related the agreement is also a game-changer, because mitigation of emissions and adaptation to climate change are for the first time listed in the agreement as equally important. As fleeing from a country due to environmental changes can be understood as a final adaptation measure, the confession to the need of adaptation measures from the state representatives cannot be underestimated.

Both measures, mitigation and adaptation, will be necessary to contain the consequences of climate change and therefore also the amount of environmental related movement. In 2018 the national targets of all states will be reviewed through a global stocktake. All national states and the European Union as a whole will have to declare their emission reduction and adaptation targets. In consequence the separation between industrial and developing states is suspended to a certain extent. In fact also the Paris Agreement is based on the “common but differentiated responsibility” of the national states, nevertheless the Non-Annex-I-states admit for the first time their own obligatory task to reduce emissions, or at least to reduce the increase of emissions.

The global stocktake will be necessary to give answers on important questions regarding the targets of the Paris Agreement, which were skipped in Paris out of diplomatic reasons, to not to endanger the accomplishment of the agreement.

1. Are the emission reduction targets ambitious enough, to keep the temperature increase well below 2 degrees?
2. How will a comparability of the individual national targets be accomplished?
3. How will the adaptation measures be implemented?

The real effect of the Paris Agreement cannot be evaluated at this moment, because for now it's only a structure without content. At least the developing countries could successfully secure the 1,5 degree target in the Paris Agreement. This target is very ambitious and also nearly impossible to achieve, but it's an important signal from the state representatives, also concerning the topic environmental related movement, as every higher temperature increase means also a higher amount of human movement.

The most important article in the Paris Agreement, regarding the “environmental related movement of persons”, is the loss and damage article. This article is the basis to enhance the agreement towards a new

refugee framework. It is measurable that the majority of population in every developing country is suffering under immobility. It is mainly the high educated and wealthy stratum of society which can afford migration or flight. To lose exactly this intellectual leaders of society means a big loss for the affected states and should be compensated by the industrial countries, which are mainly responsible for the climate change.

Even though US-delegation was able to determine in the article that the acknowledgement of loss and damage will not create financial obligations, they already decided that climate funds are at least indirectly linked to the loss and damage of the most vulnerable countries. The recommendation towards the industrialized Annex-I States must be to continue the process of emission reduction and to pay money into the climate funds, maintaining both at a high level of ambition. An uncontrolled climate change and in consequence a broad "environmental related movement of persons" is a much more expensive alternative. In the same time the whole functioning of climate funds need to be supervised. It is contra productive to create a race to the bottom, to be the most vulnerable country to receive climate funds. Straight to the opposite the climate funds should be linked to projects which should reduce vulnerability. The loss and damage article should therefore be linked to the already existing green climate fund. The direct linkage between the acceptance of already existing climate-related loss and damage to a climate fund could be the basis to enhance the meaning of the article towards the prevention and the structural help for "environmental related movement of persons".

Conclusion

The European Union is facing a big crisis regarding the integration process. This crisis is in parts also related to the huge migration influx of humans, which need to flee from their country and search for asylum in the European Union. This crisis however will be only the starting point of much higher numbers of refugees, if there is no ambitious action to get the effects of climate change under control. Climate change is a global problem and national approaches for themselves to fight against the consequences of climate change are insufficient. It is the right approach to negotiate at the COPs not as single European states, but as European Union as a whole. The next step must be to shift parts of competences from the national and European level to the global climate regime and to enhance this regime towards the "environmental related movement of persons". The regulation of these migrants and refugees should be based on the need and not on the cause of movement.

The Paris Agreement seems to be the appropriate global structure to tackle these problems because of its bottom-up structure. Within the structure of the Paris agreement it is possible to integrate unilateral and bilateral measures of the national states. Together with the assumption of an existing loss and damage and the possibility of states to reduce

vulnerability through financial measures in the green climate fund, the Paris agreement can be the basis for a global burden sharing to tackle the challenges of “environmental related movement of persons”.

Shortages

COP (Conference of the Parties)

IPCC (Intergovernmental Panel on Climate Change)

UNFCCC (United Nations Framework Convention on Climate Change)

UNHCR (Office of the United Nations High Commissioner for Refugees)

WBGU (Wissenschaftlicher Beirat der Bundesregierung

Umweltveränderungen)

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