

**A thesis submitted to the Department of Environmental Sciences and Policy of  
Central European University in part fulfilment of the  
Degree of Master of Science**

**Furthering International Prevention and Protection Regimes Concerning Climatically  
and Environmentally Displaced Persons**

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**Budapest**

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**ABSTRACT OF THESIS** submitted by:

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The rate of migration currently exceeds the rate of population growth. This can be linked to a variety of factors, many of which are interrelated in certain instances of movement. One of the biggest types of migration in the world now is ‘forced migration’ or people moving from their homes involuntarily due to push factors. Often, displacement occurs that can be directly attributed to shifts in physical surroundings, for instance a tornado or a tsunami. Other times displacement occurs in areas that have had changes to their physical surroundings yet correlating the shifts and the displacement is beyond the ability of specialists or there are too many factors to disentangle to ensure an accurate identification of the impetus. Unless one of the factors which prompts movement also falls within the limited scope of the 1951 Refugee Convention, Humanitarian Law or Human Rights Law, there is no protection for those displaced, despite no fault of their own. This paper examines why it is difficult to identify people whom were forcibly displaced by ecological shifts, where the institutional gaps lie, and what is stopping the formation and strengthening of an international prevention and protection regime on climatically and environmentally displaced persons. It is the hope of this paper that by identifying the problems associated with the advancement of this regime that a ‘best way forward’ can be identified and progress can be made for the sake of those with no help to turn to.

**Keywords:** climatic displacement, environmental displacement, disaster risk reduction, regime building, international law, population flows.

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Above all, I would like to recognize that there are currently over 40 million people in the world who have been displaced by ecological shifts and who have little or no means of seeking a better life through international law. Many of these people were forced from their homes due to changes in their ecological surroundings by no fault of their own. In fact, it is they who often contribute the least to these changes yet are impacted the most.

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## List of Abbreviations

COP	Conference of Parties
CRRF	Comprehensive Refugee Response Framework
CSO	Civil Society Organization
DG DEVCO	Directorate-General for International Cooperation and Development
DRR	Disaster Risk Reduction
EU	European Union
IDP	Internally Displaced Person
IGO	Intergovernmental Organization
IOM	International Organization for Migration
IPCC	Intergovernmental Panel on Climate Change
ISIS	Islamic State in Iraq and Syria
MENA	Middle East and North Africa
NGO	Nongovernmental Organization
OCHA	Office for the Coordination of Humanitarian Affairs
R2P	Right to Protect
RPG	Refugee Policy Group
SDG	Sustainable Development Goals
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Program
UNEP	United Nations Environmental Program
UNFCCC	United Nations Framework Convention on Climate Change
UNHCR	United Nations High Commissioner for Refugees
UNISDR	United Nations International Strategy for Disaster Reduction



# **1 Introduction**

## **1.1 Background**

The largest human migrant and refugee movements since the Second World War have been underway for the better part of a decade now (UNHCR 2015). As of 2013 there were 232 million international migrants in the world and in 2009 the number of internal migrants, those who crossed a provincial, state or municipal boundary and have been recorded as doing such, exceeded 74 million (UN DESA 2013) (UNDP 2009). There are 65.6 million people in the world whom were forcibly displaced by the end of 2016 (UNHCR 2017).

The numbers have risen dramatically since the start of the century with trends predicting great increases throughout the remainder of the century (IOM 2015). There were just over 12 million refugees in 2000. According to the United Nations High Commissioner on Refugees (UNHCR), that number exceeds 22 million today, while internally displaced persons (IDPs) have risen more than 300%, reaching almost 40 million (UNHCR 2017). Driven mostly by continuing conflict in the Middle East and North Africa (MENA) as well as in areas of South America and Central Asia, millions of people have been seeking protection from worsening political degradation, societal degradation, economic turmoil and environmental degradation (UNHCR 2017).

The first two forms of degradation, political and societal in nature bear, in large part, the refugee qualification and rely heavily on a decades old convention and its successor. These are the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees. However, these two bodies exclude many types of peoples currently transiting through the world in search of a better life, namely the latter two, economic and environmental in nature. This results in economic and environmental degradation and consequently the people who move because of it fall within gaps in everything from terminology to protection mechanisms (UNHCR 2011). A protection

mechanism is a norm or law that explicitly sets out to remedy the plight of a person who is disaffected by an action not of their doing (ISHR 2016).

Because of the development of the study of migrants and refugees in the past 70 years, one may determine this to be a new phenomenon. This is not true. Migration as a concept is as convoluted and long running a phenomenon as any tracing its origins to our ancestor's exodus from Africa 70,000 years ago (Henn *et al.* 2012). At a glance migration is simply the movement of people from one place to another. When examined past the façade it often carries it becomes a mess of terminology brought about by political disputes and inconsistencies in understanding and systems implementation. The Atlas of Human Migration notes that although the true test of migration is spatial in nature, the study of this spatial movement is entrenched within distinctive characteristics of the movement (Black *et al.* 2010).

There is forced versus voluntary migration; one man is run out by drug cartels in his hometown and one American couple decides to retire in the south of France (IOM 2017). There are temporary movements like those during the flooding season in Bangladesh, prompting millions to move to neighboring India and then back to Bangladesh once the flooding has subsided or permanent migration where people may never see their place of origin again (IOM 2017). Migration can be legal, moving to a new place because of state sanctioned work or marriage or illegal, living in another country for economic gain unbeknownst to the authorities. Migration can also be internal or international (external) or it can be regular or irregular migration, often defined differently but usually running parallel to legal and illegal (IOM 2017).

One cannot look at a migrant and begin to assert which group(s) they belong to without also putting the destination in a legislative and practical context, meaning each state has different requirements on who falls into which category and for how long. Many of these states belong to certain

compacts, treaties and conventions which dictate their stance on migration and how it is defined within their borders (Koubi et al. 2016).

Environmental migration can be even more cumbersome to disentangle because there are no agreed upon definitions of environmental migration within the literature and the norms have only just begun to be developed (Dun and Gemenne 2008). Olivia V. Dun and Francois Gemenne, an environmental migration and displacement specialist and a leading specialist on environmental geopolitics and migration, respectively, stated in a 2008 paper how varied the terminology is and how it hinders progress within the field (Dun and Gemenne 2008). Environmental migrant or climate migrant, two terms which will be reflected upon further in the literature review, is at present impossible to determine (Dun and Gemenne 2008).

Yet, the world at large, including leading migration and refugee organizations along with stakeholders in academia agree that there is in fact many such people who could be coined one of these two terms yet intricate sets of events and murky understandings of how the environment leads to displacement put severe strain on distinguishing one person from another with regards to the events which caused their movement (Faist and Schade 2013).

To exacerbate the problem even further, environmental conditions are worsening in many parts of the world. Nation states like Tuvalu and the Republic of the Marshall Islands are seeing their shorelines slowly swallowed by immitigable rises in sea level (Farbotko and Lazrus 2012). The Levant region, a region where Syria, responsible for producing the most refugees in recent years and holding the highest number of IDPs in the world, is projected to go through a 3.5° to 7° Celsius change by the period of 2070-2099 (Weinthal *et al.* 2015). This type of temperature increase in an area already struggling with low water tables, high evapotranspiration rates and in which the main regional watershed (Tigris-Euphrates) is projected to decrease in its surface runoff by 25-55%

could indicate disaster for the agriculturally based rural population (Bozkurt and Lufti Sen 2012) (Weinthal *et al.* 2015). Sub-Saharan and Northern Africa face similar fates where climate is concerned. Desertification, drought, and flooding all threaten food sources and create poor conditions for survival, potentially prompting more migration (Winslow and Thomas 2007).

However, breaking down the migration nexus with the environment is far from a simplistic task. Many of the aforementioned areas include many of the worlds most devastated conflict zones. Syria has had a bitter civil war since 2011, which has become a proxy-war for the United States and Russia as well as hosting swathes of Islamic State in Iraq and Syria (ISIS) territory (Bagdonas 2012). Sub-Saharan Africa contains the nation states Sudan and South Sudan who until recently were engaged in war. Libya, Algeria, Eritrea, Somalia, Afghanistan and Iraq, to name several, are all grappling with their own internal and external conflicts (HSRP 2013).

Distinguishing causal factors between a person who is forced from their land due to unnavigable environmental circumstances and a person who foresees the inevitable need for movement and does so before they're 'forced' is impossible (Obokata *et al.* 2014). The multiplicity of detrimental factors impacting a person(s) life in some of these regions skews perception and makes identifying impetuses difficult (Black 2001) (Castles 2002). A poor evidence base, fragmented response mechanisms and the unwillingness of states to intervene in the problem at large create large barriers to ever ascertaining the answers to this question and the question of who 'deserves' protection (Assan and Rosenfeld 2012) (Bardsley and Hugo 2012).

### **1.1.1 The Current International Regime**

Environmental migration and the regime built around it is in its embryonic stages. A regime, according to Krasner (1982) in the International Organization Journal is "Implicit or explicit

principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of *international relations*". Many pieces of this regime are in the form of mechanisms decided amongst UN member states through multilateral global or regional conventions (IOM 2017) (UNGA 2016) (UNISDR 2015a) (UNISDR 2015b). However, to understand the need for these mechanisms, one must look at the other mechanisms implemented that do not grant international remedies for certain types of displacement.

Persons displaced by any type of environmental events, be it temporary or permanent, manmade or natural, do not fall into the largest displacement mechanism to date. The largest displacement mechanism is the 1951 Refugee Convention. The 1951 Refugee Convention contains only state or regime based persecutory action prior to 1951 and allowed states to interpret it as being European based due to the conflicts that had torn Europe apart the preceding decade. It did not recognize persons displaced by climactic or environmental stressors (Zimmerman *et al.* 2011). The 1967 Protocol Relating to the Status of Refugees updates this definition and removes both the spatial and temporal restrictions of the prior. Yet, this also fails to include any type of concessions for persons pushed from their homeland due to environmental or climactic change (Zimmerman *et al.* 2011).

Any type of expansion of current hard law, in the form of the 1967 protocol, is not being considered at the time of this paper. The global northern states are trying to tighten, not loosen, interpretations of refugees in most instances and opening the definition to include a group that could become as large as 200 million by 2050 is perceived to be against these states' interests (Bruch 2016) (IOM 2017). There are, however, several regional conventions that could be used to implicitly include people fleeing from environmental degradation. The 1984 Cartagena Declaration on Refugees which covers Mexico and Central America includes protection for those displaced by 'events

seriously disturbing public order’ as does the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa. Both are seen as wider regional protection measures but do not go so far as to explicitly include environmentally induced displacement. The inclusion lies within those displaced by ‘disturbing events’ (UNHCR 1984) (UNHCR 1969).

With a lot of the scholarship and political debate centering around cross-border movement, it may come as a surprise that most of the environmentally displaced persons reside within their home region or sovereignty, not abroad. Citing 2014 statistics, 38 million people held the distinction of being an internally displaced person (IDP) while half that, 19.5 million persons were considered refugees under the 1967 Protocol (UNHCR 2015). UNHCR is in the midst of working hand in hand with IDPs as well as refugees despite the former being peripherally introduced to their mandate this decade. UNHCR states that they helped 26 million of the world’s 38 million IDPs in 2014, suggesting wide-sweeping coverage of those who may be environmental migrants, most of which still reside within their state’s borders (Biermann and Boas 2010).

This is due in large part to the UN’s Guiding Principles on Internal Displacement. United Nations Office for the Coordination of Humanitarian Affairs (OCHA) developed their Guiding Principles on Internal Displacement in 1998 (OCHA 1998). These principles confer no legal mandate to states and explicitly admit in the principles that the individual nation-states hold the authority of implementation. However, they are inclusive of ‘environmental internally displaced persons’ and push for the fair treatment of the displaced and put the burden on the state of displacement to administer aid to its citizens who become displaced (OCHA 1998).

Countering this hopeful piece of soft law is the absence of environmental consideration in the 2005 UN World Summit’s decision to implement the Responsibility to Protect (R2P) (UNGA 2005).

This measure reaffirms states responsibility to protect its citizens and also strengthens norms for the international community to intervene when a state is failing at upholding that responsibility. Generally, genocide, ethnic cleansings, crimes against humanity, and war crimes are covered by R2P. If environmental degradation is used as a weapon it may be within states' abilities to intervene but worsening ecological circumstances and a state's inability, ineptitude or negligence in the matter would not allow for R2P to be initiated (UNGA 2005). Therefore, there are conflicting standards and protection gaps where a state must protect its displaced persons but if it fails to do so the international community has little it can do (OCHA 1998) (UNGA 2005).

There is progress in the international community with regards to addressing the burden that environmental and climactic stressors create. At COP 19 in Warsaw, the Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts by the UNFCCC under the Cancun Agreement was created to mitigate sudden onset events such as natural disasters and slow onset events more directly attributed to climate change by identifying the following functions (Warner 2012).

1. *“Enhancing knowledge and understanding of comprehensive risk management approaches to address loss and damage associated with the adverse effects of climate change, including slow onset impacts...”*
2. *“Strengthening dialogue, coordination, coherence and synergies among relevant stakeholders...”*
3. *“Enhancing action and support, including finance, technology and capacity-building, to address loss and damage associated with the adverse effects of climate change, so as to enable countries to undertake actions...”* (UNFCCC 2013)

Currently the UNFCCC is preparing technical reports which will outline the financing mechanisms needed to implement the Warsaw Mechanism. This will be reviewed at COP 23, October 2017. Next to this the Task Force on Displacement, brought forth at COP 21 held its first meeting in May 2017 (UNFCCC 2017a). The Task Force is comprised of representatives of the IOM, UNHCR, United Nations Development Program (UNDP), various Civil Society Organizations (CSO) and Non-Governmental Organizations (NGO) representatives. They will begin by effectively trying to identify all actors and policy mechanisms applicable to displacement on the national, regional, and international levels. They will also try to solidify evidence bases and synthesize their knowledge of slow onset events before analyzing solutions on a regional level by examining cases in isolation before framing and developing linkages. The bulk of the work is set to begin in 2018 (UNFCCC 2017).

The 2015 Sendai Framework on Disaster Risk Reduction also offers some guidance to governments for migrants suffering from a disaster, although it still falls within the category of soft international law. It confirms a UN commitment to both the 2015 Sustainable Development Goals which seek to ensure a ‘universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity’ and the 2015 Paris Agreement, constructed at the 21<sup>st</sup> Conference of Parties (COP), built to tackle the greater threat of climate change via emissions financing and regulation (UNISDR 2015a). By recognizing these bodies of work, the Sendai Framework on Disaster Risk Reduction incorporates those impacted by disasters, including ecological, into their seven global targets (UNISDR 2015b). Five of the statements are implicitly inclusive to furthering the prevention of displacement and when it does occur, remedying it. Those are goals a, b, d, e, and g, listed below.



*(a) Substantially reduce global disaster mortality by 2030, aiming to lower average per 100,000 global mortality rate in the decade 2020-2030 compared to the period 2005-2015.*

*(b) Substantially reduce the number of affected people globally by 2030, aiming to lower average global figure per 100,000 in the decade 2020 -2030 compared to the period 2005-2015.*

*(d) Substantially reduce disaster damage to critical infrastructure and disruption of basic services, among them health and educational facilities, including through developing their resilience by 2030.*

*(e) Substantially increase the number of countries with national and local disaster risk reduction strategies by 2020.*

*(g) Substantially increase the availability of and access to multi-hazard early warning systems and disaster risk information and assessments to the people by 2030. (UNSIDR 2015b)*

This idea of building the regime through disaster risk reduction isn't isolated to the Sendai Framework. The Norwegian and Swiss state led Nansen Initiative was a result of COP 16 in 2010 where climate change induced migration and displacement were recognized as an adaptation challenge. States agreed to better their cooperation on this matter through further understanding of the phenomenon as part of the Cancun Agreement. The Nansen Initiative was born from this as a "...bottom-up, state-led consultative process with multi-stakeholder involvement" (Norwegian Ministry of Foreign Affairs and Swiss Confederation 2015).

It undertook a regionalized consultative process with states and civil society groups. This allowed them to expand their knowledge base and to further promote their ultimate goal, consensus on a protection agenda for those displaced across borders by natural disasters, inclusive of those disasters which derived from climate change (Solberg pers.comm.). They self admittedly were not seeking the drafting of law themselves but the hope is that reaching a non-binding agreement does its part in pushing forward local, regional and global norms and law on the treatment of persons displaced by disasters (Solberg pers.comm.).

During October of 2015 the protection agenda was endorsed by 109 governmental delegations and later that year at COP 21 in Paris a decision was made to create a taskforce with a mandate to focus their work on displacement. The culmination of the Nansen Initiative and COP 21 led to the creation of the Platform on Disaster Displacement. Their mandate is to implement the protection standards recommended through the Nansen consultations (Norwegian Ministry of Foreign Affairs and Swiss Confederation 2015). In its most basic form it gives states the best practices determined earlier in the process and acts as a guiding hand in implementing those best practices, though it is all dependent on how states choose to adopt and implement them. Some of these practices include but are not limited to reducing vulnerability and building resilience to displacement risk within local communities, ensuring people's rights are protected upon resettlement and creating better local and regional communication and organization pertaining to standards and goals of resettling people across borders (Norwegian Ministry of Foreign Affairs and Swiss Confederation 2015).

Most of these agreements and mechanisms have evolved over the past eight years through various UN bodies. One of the most far reaching pieces that hopes to establish global norms on migrants and refugees was the New York Declaration which was adopted 19 September 2016 by the General Assembly of the UN at the UN Summit (UNGA 2016). Its goals are vast and all encompassing,

much like many of the aforementioned mechanisms. It seeks to identify and ensure safe and fair treatment of all migrants and refugees regardless of status, to provide all necessary medical and educational measures possible, provide the financial mechanisms needed to administer this aid and to form and implement refugee and migrant responses when large movements occur (UNGA 2016).

To do so two global compacts are being created, the Migration Compact and the Refugee Compact. In April 2017 the work began to create the former compact and in 2018 the attempt at adopting the compact will occur at an intergovernmental conference on international migration. It will potentially be the first ever agreement which covers all aspects of international migratory movements. Right now it is in the consultation process with stakeholders preparing for the intergovernmental negotiations which begin February 2018 (UNHCR 2017).

The latter compact will also be introduced for adoption to the General Assembly in 2018 (UNHCR 2017). Accomplishing this requires two complimentary pieces of the New York declaration, the Comprehensive Refugee Response Framework (CRRF) which will attempt to lessen the pressure on host countries, push for more self-reliance of the refugees themselves and then implement a Program for Action which will support the CRRF through best practices determined by a new UNHCR mandate given by the General Assembly. This will come under consideration in February 2018 (UNHCR 2017).

The displacement regime which encompasses environmental and climactic considerations seems to be extensive and the bedrock of it certainly is, however, it lacks any hard-law and even manages to skirt around most soft-law, sticking strictly to developing norms and creating discourse within stakeholder circles (UNHCR 2017).

## 1.2 Research problem

The multiplicity of causes and reactions to the migration movements occurring now bodes poorly for the world at large as mechanisms instituted to deal with asylum seekers and irregular migrants alike lack the financial capacities and state support to effectively and efficiently mitigate the problems associated with such movements as well as to classify the peoples who move within and outside of the borders of their respective sovereigns (Wyman 2013). These problems include but are not limited to the weakening of state and regional security, resultant economic disparity in host (destination) countries who end up paying for the resettlement of peoples, internal political and societal conflict or sheer lack of political will within host countries (IOM 2017). The polarization of migration leads to domestic ideological infighting over whether to embrace or neglect transient and settling persons. This allows these micro discourses at the state level to be used on the macro level as global powers grapple with populist sentiment and often uses the migration discourse as power pieces in global relations. It is not this paper's sole focus to discuss the advantages or disadvantages of recognizing certain persons being displaced or displacing themselves and to what means; although, it would in turn impact how policy is made.

Rather, this paper's focus is on how the international community at large has handled the displacement of peoples, specifically those who have had some form of climatic or environmental shift play a role in their decision to move away from home and seek better conditions elsewhere. The discussion of environmentally induced human migration has been part of the debate for decades now, since the decrease of environmental standards was pushed into the main discourse in the 1970's and 1980's, yet there has been almost no progress made on any type of hard international law or policy implementation (El-Hinnawi 1985) (Bruch 2016). In fact, scholastic discourse has all but helped elucidate the issue as typology and the disentanglement of causal

factors of migration has seemingly become more complicated the further the research delves (Faist and Schade 2013).

This translates into poor decision-making and policy implementation as decision-makers are left with little to set a firm foundation on, empirically or theoretically (Sgro *et al.* 2013). Rising populist sentiment and the emerging of more illiberal activity at the state level make any type of preventative or responsive mechanisms less likely to occur in the near future (McGlone pers.comm.). Halting migratory movements has been coined a centerpiece of many administrations seeking to ignite voter turnout as terrorism and economic frustrations are leveraged in a wide sweeping context to generalize and then stigmatize these movements.

Lack of mandates and fragmented responses are found where there is a will to alleviate and horizon scan this problem (Mayer 2013) (Simonett pers.comm.). This detracts from the ability of organizations to properly assess and dispense aid where need be as time and resources are expended on determining whether migration, refugees and irregular migrants alike, are accepted in the first place or whether certain groups fall within certain jurisdictions. It makes reaction rather than prevention take precedence, if at all (Milan 2016). The problem lies with incorporating people from a variety of different circumstances that led to migratory movements into policy response and by recognizing the factors to begin with, which in turn can create international, regional and state preventative policy mechanisms (Barnett and Webber 2009).

### **1.3 Aims and Objectives**

#### **1.3.1 Aims**

People have been migrating since humanity's inception to fulfil needs based on survival and more recently, both to ensure survival and/or better living standards for themselves and their families

(Ember 2014). The reasons people migrate are difficult to deduce outside of a case by case basis. Therefore, trying to ascertain the exact push/pull factors that create the necessities or incentives, respectively, to movement can sometimes be difficult or impossible (Black 2001). One of the identified push factors associated with migration however, is a change in ecological or environmental surrounding. Rarely is this factor isolated in a ‘pure’ form and is often inextricably linked to other factors such as but not limited to weak state response, geopolitical shifts, ethnic divide, conflict and economic disparity (Black 2001).

This puts those who are displaced due to ecological or environmental shifts into a prevention and/or response gap that inhibits them from receiving any type of international status or from receiving any type of direct organized international aid strictly through this lens. This paper’s aims are to identify what the barriers to an international regime for climatic or environmental displacement are and why they exist to begin with. It also seeks to identify key perceptions of experts at varying international organizations to best frame an outlook on what, if any, the legal solutions and in turn policy responses could be.

### **1.3.2 Research Objectives**

The stated aims will be fulfilled by completing the following objectives:

1. Compiling a thorough review of the literature to date concerning human migratory studies, international norms, and the normative discourse surrounding human migration and their push/pull factors.
2. Organizing a list of the most influential organizations, both with government mandates and without who create the overall discourse on environmentally based migration and doing

document analysis on how bodies with international or regional legal mandates address or do not address persons displaced by environmental or climatic shifts.

3. Conducting interviews within bodies helping to shape and implement migratory policy on a macro scale and qualitatively assessing through semi-structured discussion what the barriers to having a new regime are and what the barriers to strengthening existing provisions within current international law are.
4. Analyzing both the up-to-date policy documents within ongoing governing institutions concerning migratory policy alongside semi-structured interviews of experts to form a definitive set of barriers that are currently limiting the implementation of new policy regarding the prevention and response to new migrants affected by ecological shifts.

#### **1.4 Research Questions**

1. What are the barriers inhibiting creation and implementation of hard international norms and law for persons displaced by environmental or climatic shifts?
2. What are the perceived and actual barriers inhibiting policy creation and implementation for the human migratory movements induced by environmental and climatic shifts at the nation-state and inter-nation-state level?

#### **1.5 Outline**

The thesis layout will be divided into seven chapters, chapter one having been the introduction which includes background information, the research problem, the aims and objectives and the research questions being posed. The following shows the progression of the thesis post chapter one.

## Chapter 2 – Literature Review and Theoretical Framework

After being introduced to the problem and the research as it pertains to this thesis, the literature review will give a thorough yet concise and unconvoluted depiction of the thought in academia and international discourse concerning the typology of displaced persons, the norms for migration in its various forms and the history of migration as it pertains to an environmental context. The reader will have a clear idea of where the discourse and mechanisms came from as well as what is occurring now in the field to create new norms and mechanisms. Then the theoretical framework which will be used as the foundation for the discussion will be examined.

## Chapter 3 – Methodology

With the problem framed and the discourse filtered the thesis breaks down why certain methods were used for data collection and analysis and which methods those are. Through interviews and document analysis the paper works to illustrate what the barriers to progress are from a global and regional regime perspective and the current, inherent dilemmas that fragmented response amongst those working on environmental/climatic migration are. Aside from the methods being defined and justified, the scope, limitations, and ethical considerations of the research will be stated and discussed to give full dues to the thought processes given to this research.

## Chapter 4 – Results

The results of the research via document analysis and semi-structured interviews will be given as well as any counter-evidence. The results will be given in a concise and unrefined fashion to not skew the reader's own perceptions and conclusions.

## Chapter 5 – Discussion

After the findings of the research are documented the thesis will aim to prove to the reader what the data collected represents where barriers to strengthening the regime are concerned and what



these barriers mean to the development of global and regional prevention and protection regimes for persons displaced by either climatic or environmental shifts to some degree.

## Chapter 6 – Conclusions

The conclusions chapter will tie together the current discourse, the gaps in understanding associated with barriers to further protection and prevention mechanisms via norms, law and policy and how all of this will eventually impact the lives of millions of displaced persons, either being affected via climate or environmental shifts within a nexus of casual factors or displaced persons affected solely by the degradation of their natural surroundings.

## **2 Literature Review**

The review of the literature will show the discourse thus far concerning migration studies, migrants, specifically those displaced by changing environmental or climatic factors and the current typifying of peoples who have moved as an adaptation strategy thus far bearing in mind the causal relationships between population movement and environmental and/or climatic shifts. The review will also depict the difference in thought on whether the cause(s) be isolated or of a multivariate nature, manmade or natural and temporary or permanent events.

### **2.1 Migration Theory**

What causes migration? Why do people pick up everything and move to another place within their country or even to another state all together? These may seem like superfluous questions. People move because they want a better life or because their job forces them to or maybe because they just want to leave. Looking at the phenomena through such a simplistic lens will inevitably lead to misconceptions and assumptions that do not always meet reality (Castle 2002). Currently there are six widely accepted theories on migration as well as four questions trying to be answered within the field of migration studies. The theories which will be detailed further are neoclassical migration theory, human capital theory, new economics theory, dual labor market theory, network theory with systems theory and world systems theory (Kurekova 2011). The four questions, which bring forth the six theories are as follows. What are the origins of migration? How is immigrant labor utilized? How do migrants adapt to their socio-cultural surroundings and finally, what is the directionality and continuity of migration flow (Kurekova 2011)?

These questions cannot generally be answered by one theory. However, theories that do try and tackle more than one of these questions are seen in the field as holding more weight while theories attempting to understand the four questions often fall short of their desired goal. It is therefore the goal of migration studies to be able to answer all these questions within a single theoretical model. The four models that contest with one another have for their part emerged in relative segregation from the others (Kurekova 2011). This tends to create an air of incompatibility but many scholars including Massey, Faist and Portes argue that these differing theories be taken as complementary rather than inherently clashing (Massey *et al.* 1998).

### **2.1.1 Neoclassical Migration Theory**

Neoclassical theory, which finds its conception with the work of Hicks (1932) which can be described simplistically as people moving to another place due to better perceived economic gains. This basic theory is contested in today's world where globalization has prompted more government involvement, more barriers to movement than there had been in the 1930's and greater circularity of movements says Kurekova (Kurekova 2011). Massey and Arango also contest the simplicity. Arango (2000) states, "In addition to the difficulties that all the social science experience when trying to explain human behavior, migration theories face special ones: its subject matter is hard to define, difficult to measure, extremely multifaceted and multiform, and thus resistant to theory-building."

Nevertheless, initial thought on neoclassical migration developed two frameworks, micro and macro neoclassical theory. The micro theory suggest wages are the causal factors to movement. With a 30% difference in wages from the country of departure to country of destination, persons will emigrate (Mansoor and Quillin 2006). Otherwise the costs outweigh the benefits. Countries

that have capital wealth are the countries of destination while countries with excess labor capital are the countries where people migrate from. Of course a market at full-employment is more attractive than not and equal degrees of labor market tightness between the two countries must be present for the actual earnings differential to matter. Bauer and Zimmerman (1999) as well as Massey (1999) all assume a market at full employment will find a linear relationship between migration and wage differentials.

These same three scholars, working within the macro neoclassical framework assert that expected and not actual wages create stimuli for migration but that likelihood of employment against earnings determines the flow itself.

Interestingly, this does not mean people who make up the lowest socio-economic echelons are those who move. Costs associated with migration often times deter those who would be thought of as seeking high wage differentials from moving at all because of the lack of capital to begin with (Kurekova 2011). This means that when empirically tested the macro frameworks does not pass the test. The level of wage differential and the per capita income of the emigration country are more important factors. This rejects the notion that the poorest create population flows. This also determines how long a flow from one nation or area may last. As the wages rise and country begins its ascent from undeveloped to developed it allows more people to emigrate to areas of better perceived economic opportunity because they have the means to do so. Once a country develops to a point where the 30% necessary differentiation between wages erodes so too does emigration from the applicable state (Kurekova 2011) (Mansoor and Quillin 2006).

An important part of the theory is also the push/pull framework which states that migrants move from either a push or pull. In a neoclassical sense that would be worsening or stagnantly poor economic conditions at home whereas the pull would be increasingly better economic viability

abroad (Kurekova). This fits well within the theory but when all push/pull factors are analyzed, neoclassical theory does little to explain a myriad of other factors. Drought, famine, conflict, ethnic struggles, religious zealously and a number of other potential negative changes in a person's home can drive them from their place of residence. Likewise, the inverse in a destination country can do the same, all while not being economic (Black *et al.* 2010).

### **2.1.2 Human Capital Theory**

The human capital theory continues to build on macro neoclassical migration theory but as the name suggests, weighs a person's socio-demographic data against the wage difference and level of development of the area of emigration. On hand capital, marital status, number of children, age, education and occupation all contribute to the likelihood of movement. Greater education leads to greater migration chances. Lower on hand capital leads to lower migration rates. Being older lessens your statistical probability of movement away from home (Bonin *et al.* 2008). All these inputs create very different outputs with regards to choice of receiving countries. Homogeneity in human capital theory is an important factor. People look for receiving countries that match themselves as much as possible. Two people from similar areas may choose to move to two very different areas depending on their skills, occupation, age and so on (Bonin *et al.* 2008).

This does not encompass all human capital theory. Two people from similar skillsets but different sending countries can end up with varying wages in the same host country due to policy and economic conditions at home and that more wage inequality in a sending country shows that the migrant will be less skilled overall than average workers in both his host country and home country (Kurekova 2011). This echoes push-pull factors and fits both the neoclassical and human capital theory.

This rebuts neoclassical theory in that the complexity of factors for movement cannot be boiled down to purely economic reasoning and that the status of sending and receiving states must be taken into account. Neoclassical theory limits the determinants for movement and by doing so hinders its ability to typify movement. It casts generalizations on large groups of people and flows and makes wide-sweeping observations without assessing a multitude of factors (Faist 2000). Similarly, human capital theory is seen to focus too much on persons seeking a gain or betterment while ignoring most notions that a person may be forced to move rather than voluntarily moving. While Massey *et al.* (1998) found strong positive relationships between migration and income differentials it was determined not to be the largest determinant.

### **2.1.3 New Economics Theory**

The third theory examined is new economics theory. It changes determinants and employs a different argument than the former two. The main argument is that migration falls far from being an individual's choice and that most migration is comprised of household or family decisions. There is also the assumption that wages play a minor role in determining movement (Kurekova 2011). Other financial market factors include credit and insurance mechanisms in the home country. Migration ends up being a risk analysis where aversion to risk is the primary motive for sending a member of a family abroad in the hopes of diversifying incomes and creating new financial mechanism within the sending country which may not exist due to poor financial mechanism implementation, usually to do with state response (Kurekova 2011).

If there is no migration when there are wage differentials, then something must explain the movement. If there is movement to place where the home and host countries do not have wage differentials, then something must explain it. For new economics theory it is unsurprisingly new

economic institutional instruments that cause the movement. Taylor (1999) suggests that remittances play an irrefutable role in migration theory, specifically new economics theory because it supports the idea of household interdependency and risk aversion.

Some critiques of this theory are that it has difficulty defining and analyzing markets in the complexity that it uses to identify determinants. It looks too sharply at the state of the home country, avoiding looking at the receiving country and takes into account the household dynamic, whereby people move solely to support families at home (Massey *et al.* 1993).

#### **2.1.4 World Systems Theory**

World systems theory emerged as a response to an ever interconnected world. Because new means of production coupled with globalization and the emergence of new markets facilitates interdependence, it is natural for people to move (Kurekova 2011). As markets move, as labor shifts geographically to the next best market or to the next area where processes carry more efficacy, people must move as well to maintain economic independence. Geopolitical norms and inequalities are strongly tied to this theory because they create disruptions in markets and can alter the flow of capital around the world (Massey *et al.* 1993). Because capital mobility means everything from manufacturing to services can be exported to less developed countries the dynamics of flow change as well to follow suit. This can occur again, internally or externally in a state or region as well as sending people half way around the world in order to chase economic incentives (Kurekova 2011) (Massey *et al.* 1993).

Tying back into new economic theory, families can send someone abroad to chase these markets gaining resilience in household economic stability. One caveat is that this approach denies freewill.

Individuals are required to move. Choice is removed because markets collapse and are born again in new areas determining the flow of population (Kurekova 2011).

### **2.1.5 Dual Labor Market Theory**

Where world systems theory views things from supply side, dual labor market theory views things from the demand side (Massey *et al.* 1993). When labor-intensive markets in developed countries shed workers due to the unwillingness of its citizens to do the job it creates a pull by incentivizing immigration from the demand side. This could be for a variety of reasons but the overall outcome isn't the lack of people to do the jobs but the lack of want to do those jobs. Right away there's a problem. Similar economies in different countries do not present similar immigration rates (Piore 1979). This could be due to political will or societal strife which leads to decision-making not beneficial for migration says Arango (2000). The second part of dual labor market theory, following its namesake, is an economy where both skilled and unskilled workers are needed. It doesn't change the dichotomy however, as the country still receives skilled workers as it wants. This puts all the pressure on casual factors on the host country and dejects new economics and world system theories assertions that the senders are the ones, prone to risk, who make the ultimate decision to move to extinguish said risk (Piore 1979).

### **2.1.6 Network Theory and Systems Theory**

Lastly, network theory throws away all other preconceived notions of the prior theories by explaining migrations through linkages. When people move to a place in the absence of wage differentials or market imbalances they move because its comfortable and there's been a network developed there for them to embed themselves in, usually within the non-migrant community



(Massey 1999). The Thai community in Massachusetts or the strong German communities in Wisconsin resembles network theory. People over decades moved to one area not for some continuity of astounding wages or because new markets were built there and created economic conditions for living, nor did they move there because they were sending money home; not to say this was absent entirely. They moved because someone had done so before and developed a link. This along with the frameworks developed by those who moved or the links established allow for the facilitation of the move of others when the time comes. This leads to systems theory. Network theory focuses on strong networks within the host country and systems theory explains migration through the changing of both the home and host countries dynamics by the movement itself. This movement originated by some type of link. The British in colonial America is an example of this or Indians to Britain (Faist 2000). Systems theory asserts these flows happened because of that initial link that started the movement. This in turn allows for the decision to move because of the other migrants there and the heterogeneous nature of the community. In migration studies this is known as diaspora, a prevalent topic in migration but not within the context of this paper's research (Portes 2001). Diaspora, or the network of a group of people, ethnically, religiously, or geographically who have moved from their homeland is the crux of movement in network systems theory just as it is in systems theory. Even trade or economic connections can create the environment for a diaspora to form in a particular country (Portes 2001) (Faist 2000).

### **Emerging Concepts and Theories**

As seen in the literature review of migration theory, no academic theory is posited to explain environmentally induced movements. Using the push/pull framework environmental migration can be explained, mostly as a push factor. However, knowledge bases still lack sound evidence to

generalize environmental movements (Solberg pers.comm.). Disasters are the closest scholars have gotten to justifying migratory phenomena but this is a small portion of all environmental migratory movement. Usually the interdependence, discussed heavily in the next section, of causal factors tends to still be explained by geopolitical shifts, state response, and above all economic rational (Black 2001).

## **2.2 Normative Discourse of Environmental Migrants and Population Flows**

Population movement has been an integral part of humanity's adaptation strategies for thousands of years. Creating resilient sustenance methods was exclusively movement driven as foraging and hunting large ungulate herds were the primary means of nutrition derivation for Homo sapiens (Ember 2014). The switch from hunting and gathering to domesticated husbandry came into effect ten-thousand years ago in what has been coined the fertile crescent, an area of Southwest Asia in modern day Iraq and Syria. (Ember 2014)

The settling of populations continued and spread throughout the world. Looking at the past several centuries it is estimated that only five million people of the seven billion inhabiting this planet have been using foraging rather than modern food production as a means of survival (Ember 2014). The shift in nutrient sourcing and the technological advances yielded from having steadier energy supplies and more time lowered the rates of movement needed to adapt to unmitigable circumstances created by ecological circumstances, however; movement has not ceased as an adaptation strategy and gathering sustenance is only one of many factors now that create conditions in which peoples decide to move to different geographic regions (Ember 2014) (IOM 2017).

Albeit, perceptually, the importance and historical normative thought on human movement has been increasingly downplayed and castigated for political purposes. With the creation of the Westphalian state and the strengthening of sovereign norms and law over the past four centuries, states have framed cross-border movement as a security issue when done without explicit state consent (Homer-Dixon 1991) (Weinthal *et al.* 2015). People are either relegated to movement within their own sovereignty or must seek remedies that are upheld within international law; if they fall within those protections to begin with (McAdam 2012).

This securitization of population flow has recently been brought to the forefront of the political and societal debate in the Western world in the migration of millions from conflict zones in the Middle East and Africa. Because of the greater securitization regarding the movement of people and the increase in their overall numbers across the world, an ever-broadening form of academic debate calling for the classification and protection of marginalized peoples seeking to adapt to actual or perceived vulnerabilities has been undertaken (Himani *et al.* 2015) (Sgro *et al.* 2013).

The primary motives of modern movement, push/pull factors as they are called within the literature and this paper, are conflict, economic disparity, persecution of one's rights and ecologically changing conditions (Black *et al.* 2010). Most conflict and persecution related migration was debated and decided upon post World War Two in the 1951 Refugee Convention (Zimmerman 2011).

This alienates those who choose to move and do not fall into one of the categories of persecution, be it forced migration or not, when a person must leave their home due to unmitigable changes. At the other end of the spectrum, economic migrants, a person or peoples who migrate based on perceived greater economic opportunity elsewhere have no international protection and are viewed

in many north-south discussions as a securitization threat to national economies and as a physical threat in the growing debate on terrorism. Environmentally driven migration is relatively new in the discourse of population flow (El-Hinnawi 1985).

It was not until the 1980's when 'environmental refugee' was popularized in migration discourse (El-Hinnawi 1985). El-Hinnawi broke down environmental refugees into three sub-categories, temporarily displaced persons where the causal factor was temporary environmental stress, permanent displacement where environmental stressors caused permanent change, and temporary or permanent displacement where resources were degraded over time (El-Hinnawi 1985). The First Intergovernmental Panel on Climate Change (IPCC) also incorporates the term environmental refugee as a person who is displaced by 'degradation of land, flooding or drought (IPCC 1990). It also used the term ecological refugee in its second assessment report in 1995 to differentiate people seeking safety from natural disasters (IPCC 1995).

The term 'environmental refugee', its definition and the typologies of people who would fit into it have been heavily debated within the academic and political world which has led to other discourse and the creation of terms such as 'climate refugee', 'environmental migrant' 'environmentally induced migrant' and 'ecological migrant or refugee'; all of which were created to describe a person who in some fashion has been affected by a 'push' factor induced by ecological shifts be it human induced or of natural causes (Morrissey 2012).

As literature began to expand so too did the terms. Biermann and Boas (2008) used extreme weather events, droughts, sea-level rise, and water scarcity to justify their term of 'climate refugee'. However, the use of refugee has legal ramifications and is mostly rejected by scholars and politicians alike as having no legal backing due to climate or the environment not being

incorporated in the 1951 Convention. It wasn't until the fourth IPCC report in 2007 that refugee was tossed aside and replaced by the term 'environmental migrant' which was thematic of literature post Biermann and Boas' paper (2008), where climate and environmental refugee was cast aside after having been used heavily in their report (IPCC 2007).

Faist and Schade, in their attempt to make light of terminology, state that in current literature, refugee is used to further the plight of those impacted and migrant is used in a more full-breadth manner, encompassing more flows with a wider causal foundation (Faist and Schade 2013). They point directly to the literature of many who include the terms with quotes to openly contest the acceptance and agreement within the greater community of research. It must also be noted that much of the literature behind migration in general is prefixed with 'forced' suggesting non-voluntary movement and insinuating strong push factors rather than pull factors which are often seen as economic in nature or having a stronger relative enticement to proverbially 'tug' persons to another geographic location (Faist and Schade 2013).

Even academics and institutions seeking the same protections or lack thereof have difficulty in finding common ground. The International Organization for Migration (IOM), classified movements differently altogether. They saw important distinctions between emergency and slow-onset movements as well as temporary, extended and permanent movements. They also drew lines at internal displacement and external displacement (Lohrmann 1996). Not even within the same organization do the terms stay static for long. The IOM four years later went on to distinguish between man-made and natural occurrences. Now the IOM has pushed for a rejection of typology altogether and is instead trying to focus on migration as an adaptation strategy whereby the associated push or pull is irrelevant but preventing the need for adaptation or protecting those who need to adapt is paramount (IOM 2017).

The number of terms and their varying definitions has led to much of the friction involved in the typifying of groups of migrants and while evolution of the literature and the normative thought, supported empirically, is a step-forward in our understanding of the nexus between movement and its various push/pull factors at large, it often serves to derail policy development and implementation, leaving those most impacted by environmental stress without a safe adaptive mechanism (Sgro *et al.* 2013).

Early debate among definitions and typologies and the validity of their very existence was fiercely contested in academics. The most recognized of these incongruities in ‘early’ thought developed between Norman Meyers, a British biodiversity and migration expert and Dr. Richard Black, editor of the Journal of Refugee Studies from 1994-2009 and the founding Head of the School of Global Studies at the University of Sussex. Myers and Kent (1995), known for their early classification of peoples displaced by ecological events stated that environmental refugees were, ‘persons who no longer gain a secure livelihood in their traditional homelands because of what are primarily environmental factors of unusual scope’.

Myers goes on to further state the importance of such a distinction. He does not only see environmental pressures creating direct displacement but instead suggests that these pressures may lead to land competition, an increase in poverty, and the further destruction of closely associated lands which are not stable enough to support moving populations (Myers and Kent 1995). However, even Myers doesn’t have a static definition of environmental refugee as he goes on in another 1995 paper to classify them as permanently or temporarily displaced persons by climate change via drought, desertification, deforestation, soil erosion, water shortages and sea level rises (Myers 1995). These factors, according to Myers, would lead to political and possibly ethnic conflict. The result could be violent in nature and exacerbate the problem of displaced persons.

Myers describes the millions affected by climate shifts and ecological degradation in an alarmist fashion, pointing to the security risks that will be faced by nation states once mass-migratory events begin to resettle people outside their region or their country (Myers 1995).

Black recognizes this inherent linkage between environmentalist thought and conflict thought. The real cause(s) he points to however, appear to have roots in almost every area other than climate shifts (Black 2001). Using Homer-Dixon (1994) as a parallel to Meyers as a conflict specialist, he cites the number of evident practices that undermine the mass-migration of Bangladeshi populations to India during flooding. Land inheritance law, systemic degradation of water management practices and better economic opportunity in India are all also factors in this event and separating motives that may be intrinsically linked is deemed near impossible to Black (Black 2001).

He furthers his argument by pointing to various other cases such as the 1960's Brazilian and Ethiopian migrations as having a plethora of other factors that cannot be unwoven to simplify environmental causes as being the sole factor and thus classifying a group as environmental refugees is irresponsible to the true relationship of factors responsible for the push/pull factors of the migration. Natural events like volcanoes, earthquakes, great floods and similar anthropogenically-destructive occurrences could be deemed as a purer form of driver for environmental displacement but also must be checked against state best-practices concerning the mitigation of such events (Black 2001).

Black surmises that with the lack of agreement on who or what constitutes an environmental refugee, the lack of sound empirically driven research to disentangle the net of push/pull factors and action based on political agendas rather than evidence, little can be done to develop a regime

with hard mechanisms in place and if protections were to come in the form of a revamped 1951 Convention on Refugees or Geneva Convention, the evidence base would need to have much more consensus and backing academically and in turn, politically (Black 2001).

Myers and Kent have also been called out as hindering the protection mechanisms that could be implemented were there to be real empirical studies, case by case. In his working paper, Stephen Castles of the University of Oxford critiques this, calling the work done by Myers and Kent mostly deductive, seeing only causal relationships because of environmental degradation occurring around the same time as displacement, rather than looking at the case from different lenses, like economic, societal and political. States with strong preventative and response behaviors can deal with these stressors where inefficient, corrupt states rarely can mitigate such actions. Castles also strengthens Black's argument by pointing to cases where Myers and Kent do go into detail; they often come up with poor government response, ethnic divides, and economic instability as contributing factors, undermining their own position (Castles 2002).

Shin-wha Lee tries to differentiate between the impetuses for migration yet largely fails to do so through an 'environment-security nexus'. She uses her 'model of the causes of environmental refugees' in her 2001 paper. Looking at several cases including Sudan and North Korea she finds another intricate web of interrelated factors such as ecological, international and governmental factors that all led to the migratory movements. In both cases, it was seen that inaction, incapacity, and corruption of both governments led to the magnification of environmental factors that may have otherwise been avoided or have affected populations to a lesser extent with proper intervention or preventative measures that were lacking due to corruption (Lee 2001).



This interconnected web of triggers, in most cases, is viewed by many academics and professionals as vital to the discussion and by trying to further separate and create regimes based solely on environmentally induced displacement only weakens the chance of further protecting alienated groups of migrants. Jane McAdam, a Scientia Professor of Law and Director of International Refugee Law at University of New South Wales and a leading international refugee law specialist concurs with the earlier assessments of Black, Castles and Lee. McAdam's assessment is that scholarship is inclined at present to 'treat climate-related movement as a single phenomenon that can be discussed in a general way'. (McAdam 2010) She furthers her assessment by recognizing the law and policy implications that will be stymied by not recognizing the differences in nature, timeframe, distance, scale and permanence of potential movements. (McAdam 2010) McAdam admits to an encompassing macro framework being useful for mapping and identifying how far climate may push human movement but to do so without taking full consideration of other contributing factors would be irresponsible (McAdam 2010).

Farbotko and Lazrus employ an even deeper look at the discourse where environmental refugee status is not only debated as being a term worthy of distinction but a term vilified by the very people it would apply to most. Studying citizens of Pacific island nations, the territories that will be impacted by rising sea levels, they come to an even more critical view on the terminology (Farbotko and Lazrus 2012). Warner *et al.* (2010) have a position that migration is usually framed as separate from adaptation methods and this has a detrimental effect on populations and is often seen as degrading by those populations. They use Foucaultian thinking to characterize the typifying of migrants as nothing more than a fluid power struggle by the stakeholders who have inserted themselves in the discourse, not the peoples impacted by the precipitating events that led to the terms' creation. This decidedly takes away power from the islanders who would rather be

seen as an adaptive people and maintain their identity, equity and human rights. By casting them into refugee discussions it takes away their own power dynamics and relegates them to the whims of forces, usually globally northern in nature, which have agendas far from being aligned with the islanders. Farbotko and Lazrus (2012) encourage total inclusion of the affected into the discourse and regime creation that ensues at an international level to maintain equity, identity and the human rights.

### **2.3 Theoretical Framework**

The questions posed and research done within this paper concern themselves with the international regime on prevention and protection of environmentally or climatically displaced persons. Therefore, the theoretical framework assumed for framing the research and its findings must deal explicitly with regimes, their existential importance, creation, implementation and consequently, their successes and failures. Regime Theory will henceforth be used to frame the findings and analyses within this body.

An international regime in its most rudimentary state is, “principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area” (Krasner 1982). This differs slightly from the terminology used by Keohane and Nye (1977) in their *Power and Interdependence* book, who describe regimes as sets of governing agreements which use networks of norms, rules and procedures that normalize behavior and regulate their outcomes. They reject the assertion that regimes are simply agreements. Keohane and Nye state an agreement as a ‘one-shot’ deal whereby a decision is made and nothing further comes of it. This is in contrast to a regime which allows the enabling of agreements within a specific area of issue. Kaplan goes

a step further suggesting that regimes are also a long-term commitment. Seeking equilibrium through certain behaviors requires an actor to try and not find the path to nearsighted power maximization and is thus helping to create a regime. (Kaplan 1979) This all is in stark contrast to realism which sees states as being in a continual state-of-war. Realism in international relations works off the idea that every actor will do anything to another actor to assume the upper hand and maximize their power and worth for themselves (Krasner 1982).

There are issues of perception within regime theory. Many of them are centered around the global northern and southern dichotomy. Because principles and norms define regimes, changing them alters the regime in a way that distinguishes it from it at its inception, making it a different regime. However, changes within the confines of the stated norms and principles at the regime's beginnings do not fundamentally change the regime and are simply modifications to the regimes functionality. Rules can change and maintain regime integrity but norms cannot without changing the regime itself (Krasner 1982).

In many historical instances within the liberal regime, nondiscrimination had been a principle instituted by northern actors but southern actors would have had that amended to equality, changing the essence of the liberal regime completely (Kaplan 1979). They cite discriminatory policies, such as trade, already instituted since the post-World War II liberal order began that favor them for a time until they reach graduation or become industrialized enough to be deemed 'advanced' enough to shed the pro-southern policies. It becomes imperative when discussing regime theory to be aware of which principles and norms are setting pretense for a particular regime because of these differences in perception and dependent on the actors who create the regimes norms and principles (Krasner 1982).

In his 1982 paper Krasner asks two questions that stem from the definition of an international regime. One, what is the relationship between causal factors and regimes. Two, what is the relationship between regimes and their outcomes? In other words, what causes regimes and are they actually effective in achieving their desired outcomes? This basic relationship between what is often assumed as power and interest (causal variables) and the behavior of actors or the outcomes due to those behaviors is highly contested between the three trains of early regime thought; Conventional Structural, Modified Structural and Grotian (Krasner 1982). See Figure 1 which illustrates this cause and effect relationship.



*Figure 1: Regimes as Intervening Variable Source: Krasner 1982*

Conventional structuralism refutes any importance of regimes altogether. They are futile attempts of blocking power dynamics in the world where only power and self-interest govern the behaviors of states, according to regime analytics pioneers like Susan Strange. An actor can enter into a regime but as soon as that regime's outcomes conflict with an actor's best interests or weaken their power base, they will withdraw from or refuse to cooperate within a particular regime. This means regimes, which are positioned in-between causal factors and the outcomes actual do not exist and causal factors decide the behaviors and outcomes without interference (Krasner 1982).

Modified Structuralism takes a second approach. Restrictive conditions are the lynchpin to regimes. In normal circumstances whereby power and self-interest govern and create optimal conditions for an actor, regimes are irrelevant and actors do not engage, running parallel to conventional structuralism (Krasner 1982). This can best be represented by a zero-sum game in which actors try to maximize their gains over others. However, when discourse between actors

divulges that individual and uncoordinated actions will achieve sub-optimal results, regimes are a better option, seen in Figure 2. This is increasingly attractive as the idea of sovereignty is strengthened. Because of the implications sovereign states hold coordination is essential in procuring desired outcomes (Krasner 1982). As these states become more interconnected through globalization so too does their dependence on one another because one state cannot breach the sovereignty of another. This means regimes must be built to mitigate the logistics of coordination and to establish norms and principles, instead of doing every transaction or agreement ad hoc (Krasner 1982).



Figure 2: *Regimes Under Restrictive Conditions*. Source: Krasner 1982

The third train of thought is Grotian. In Grotian thought a regime is omnipresent. Everything from markets to environmental protection to colonialism is a regime because norms and principles are present throughout, whether admittedly or not. In markets for example, something the structural realists see as purely self-interest driven and individualistic there is a regime. Continued market success cannot be furthered without two parties having some type of common understanding, even if it is unequitable. This can be seen in Figure 3 where casual variables influence both regimes and outcomes and behaviors while outcomes and behaviors interact concurrently. A paradigm of behavior creates the regime because these behaviors become expected and recognized.

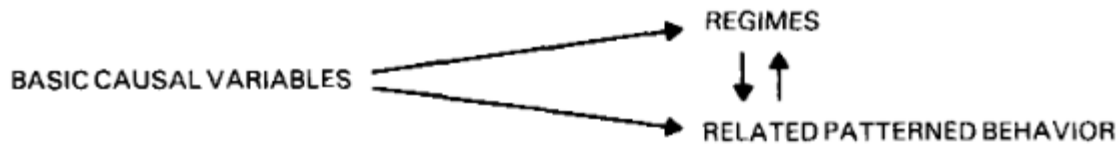


Figure 3: Grotian Regime Interaction. Source: Krasner 1982

After examining the rudimentary trains of early-thought in regime theory it is the responsibility of the framework to briefly detail more recent ideas in the international relations field of regime theory and how they work off one another. Hasenclever, Mayer and Rittberger in the Review of International Studies (2000) lay out the three main schools of current thought on regime theory and how they may be synthesized in order to reconcile one group with another. The three modes are Neoliberalism, Realism, and Cognitivism. The later has two strands both weak and strong cognitivism. Neoliberalism resorts back to the idea of rationalism, whereby states act in their own self-interest and nothing else but this plays into the hands of the effectiveness of the regime. Because regimes in international politics are difficult to craft and implement, it behooves the included parties to not renege on them as the ‘sunk costs’ of creating them as well as the bad will reaped by backing out or behaving against agreed upon norms and principles is too great (Hasenclever *et al.* 2000). This is not to say states never renege on regimes, see the United States of America and COP 22 for instance. It does however, raise future questions about regime involvement and whether or not the party backing out of a specific agreement or trying to besmirch the values created will be included in future regime building. If the future regime is beneficial to the actor who violated the regime, they may incur more costs than were gained in the original power play (Krasner 1982).

Realism like neoliberalism relies on an idea of rationalism yet contests the neoliberal view by adding that hegemonic power(s) are necessary to uphold regime implementation through force.

Hegemons would only do this if their perceived outcomes were of a positive nature and losses did not amass. This plays into absolute versus relative gains as well. Realists contest neoliberal views of rationalism stating that states may give up absolute gains in regime creation where they see others receiving relative gains due to the fluid nature of cooperation and international power structures. This struggle in realist thought dictates that regimes only become effective when gains are equitable for the hegemonies involved (Krasner 1982).

Thirdly, cognitivism divided into two parts has disputes with both neoliberalism and realism. This comes from neoliberal and realist assumptions that the options a decision-maker has are all on the table in an exogenous manner which leaves everything in a cut and dry fashion. Weak cognitivism centers around the idea that epistemic communities are a great source of influence in decision-making and that through this other knowledge base, some of which or most of which is unknown to decision-maker before it is presented, casual variables are hugely impacted. Strong also are focused on knowledge and its effects on actor's behaviors in regimes but instead of taking a more knowledge based approach they center their argument sociologically (Krasner 1982). This existential approach revolving around norms and the understanding of one's self leads strong cognitivists to the assertion that regimes and international dealings as a whole reflect and dictate behavior back onto actors as much as actors push their will onto the regimes or the international norms associated with them. This depicts a world of ever increasing cooperation and respect for one's peers whereby the eventuality will be stronger and stronger international cooperation (Krasner 1982).

In conclusion, regime theory is extensive with differing epistemological and ontological approaches which greatly impact how a person or actor can view regimes. It may even weaken or strengthen the regimes dependent on the view held. Nevertheless, regimes do exist and they have

been successful in some instances in fulfilling their intended consequences and have failed in other areas. The research done within this paper will use these differing trains of thought in regime theory to frame the findings of the paper.



### **3 Methodology**

#### **3.1 Methods**

Data for this thesis was collected using a two-pronged qualitative approach, document analysis and semi-structured interviews, to either corroborate or disprove one another. This allowed the researcher to be able to empirically justify their findings.

##### **Interviewees of Semi-Structured Interviews**

- Alistair McGlone – Founder of Alistair McGlone and Associates Ltd (Environmental Law Consultancy)
- Anna Ballance – Global Program Officer of DG Environment at the European Commission
- Atle Solberg – Head of the Coordination Unit of the Platform on Disaster Displacement
- Oli Brown – Coordinator of UNEP's Disasters and Conflicts Subprogram
- Otto Simonett – Director of Zoï Environment (Environmental Information NGO)

The first method used was semi-structured interviews. Individuals from five institutions who have extensive professional experience in the climatic and environmental migration discourse and mechanism creation were interviewed using semi-structured questioning which was then transcribed and coded using open coding.

The experts were chosen based on their prior work within international and regional regime creation and implementation. Interviewees came from a diverse background including geography, international relations, law, and policy. They were also chosen based on their proximity to the problem at hand and for the organizations they represent. The organizations represented include think-tanks, IGOs, state led initiatives and consultancy firms dealing in international law and regime creation.

Interviews ranged from 30 minutes to one hour. They were conducted between June 12<sup>th</sup> and June 28<sup>th</sup> of 2017. They were done upon the video and voice calling program Skype save the interview with the Global Program Officer of DG Environment at the European Commission which was done via phone call. All interviews were voice recorded. Upon beginning the interview the research problem and aims were briefly stated. Then interviewees were asked to give a detailed look into their organization and what they do that pertains to the research problem. They were then prompted to discuss several areas of concern regarding the progression of the regime including the benefits or drawbacks to enhancing the typology of displaced persons, the perceived best practices needed moving forward in strengthening the prevention and protection regime and what they saw as actual and perceived barriers to the strengthening of the regime and the creation of mechanisms needed to achieve the strengthening of the regime.

During the interview, interviewees were allowed free discourse within the parameters mentioned to allow their full area of expertise to be exploited. Follow-up questions were asked based on the fluidity of discourse and the direction it went to either realign discussion or delve further into unknown relevant subject matter of the researcher.

The semi-structured interview method allowed for the identification of concepts and later phenomena that are used in data analysis to substantiate relevant themes found throughout the data analysis process. By identifying properties via identification of concepts, relevant meaning could be given to the conversation and be used as qualitative data.

Document analysis was the second method used. Document analysis of working papers, white papers, background papers and declarations were used because the law and norms are directly reflected within documents drafted by governmental institutions to reflect the exact sentiments and intentions of verbal and written communication and the agreements that derive from them between

decision-makers. Inversely, they also reflect mandates conferred upon organizations from secretariats or the authoritative body over a specific organization. These decision-makers are responsible for the policy's or law's inception. They cannot be altered without further deliberation and are static examples of how law and policy are being implemented and normally, how policy and law will continue to operate into the future. Documents are the most objective form of analysis in deducing where pitfalls and solutions lie in law, policy and norms because they reflect current discourse on the direction of norms and law development.

The documents chosen for this analysis were all pertinent in the creation of the prevention and protection regime currently implemented and being implemented for climatic and environmental migration in any form but stopped short of looking at singular state level policy or law. This will be discussed further in the limitations section of the methodology. The documents selected are applicable to the regime and are currently being developed or implemented to address the gap of prevention and protection mechanisms in environmental displacement. This will also be discussed further in the limitations section.

Using both methods to prove or disprove one another allowed for the substantiation of conclusions drawn from the qualitative data. The reasoning behind doing data collection using these methods is simple. Both law and policy derive from some set of societal or political norms that are subject to intense fluctuation and do not require empirical backing to be implemented, regardless of their implications. Therefore, qualitative assessments must be done. Because law and policy most oft find their official form to be written and documented throughout the creation and implementation phases, document analysis offers an objective form of analysis, where diction cannot be altered via memory or subjective oscillation at the time of analysis. Although the subjectivity in their conception may exist, the diction used to transcribe law and policy must go through a similar

rigorous process to be amended or rescinded and therefore best illustrates a snapshot of the direction these norms and laws are headed.

### **3.1.1 Data Analysis**

The semi-structured interviews were recorded, transcribed and coded. Ground theory was the basis for which the coding was done. Ground theory is an inductive general method that allows concepts and categories to emerge from the research. It allows for the generation of substantive or formal theory using qualitative or quantitative data generated from research interviews, observation, written sources, or some combination of the aforementioned. (Glaser and Strauss 1967) It is done by abstractly analyzing individual “concepts and their relationships that explain, account for and interpret the variation in behavior in the substantive area under study.” (Glaser 1992)

Ground theory has deviated from its original meaning over the past 50 years to include different interpretations but the original ‘discovery mode’ of ground theory which best suits this research allows the interviews conducted to produce substantive theory that can then be correlated with the ‘emergent fit mode’ of ground theory produced by Glaser in 1978. ‘Emergent fit mode’ allows for a preconceived theory, in this case the theory derived from the interviews to be measured against the ground theory done in the document analysis. This substantiates or refutes the theory produced in the former. Once the concepts are defined in the initial coding process, axial coding is done to find relationships between separate codes to create phenomena. The phenomena represent important ideas representative of the barriers and solutions to the international norms and law for climate and environmental migration. These phenomena are then examined across all interviews to compile a list of relevant quotes from the interviewees that lend credence to identified barriers.

By identifying important documents pertinent to the advancement of the field in both law and policy on a macro level and then identifying concepts and cross referencing them with one another to create a clear picture of the direction environmental and climactic displacement prevention and protection is headed, the barriers to the strengthening of the environment and climate migration regime and potential solutions could be aptly identified and analyzed. These documents were read at length and coded in the same fashion as the semi-structured interviews. Salient syntax was identified and grouped together to create concepts and phenomena allowing the research to illustrate trends in each document and through axial coding, trends amongst all the documents. Once the germane phenomena were identified the interviews could be reviewed individually and collectively to allow the reader to see the barriers and the solutions to the research problem. Once both sets of codes were identified for the interviews and the document analysis they were both coded together to ensure symmetry of codes between the two data collection methods. This allows for the overlay between the two analysis methods, again using ‘emergent fit mode’, and creates an empirically sound method for substantiating the researcher’s overall analysis of the data.

### **3.2 Limitations**

There were a variety of limitations to the data collection that are pertinent for the reader to be aware of. Firstly, the scope of the research had to be defined. Analyzing the cannon of documents on this subject falls out of the scope of time for the researcher. Due to this the scope of the research problem was narrowed from looking at individual state level norms and laws to only international and regional policy and law documents. State level legislation and policy documents were not taken into consideration despite many states having sway over the international regime more so than others. This may weaken the position of the research but to include several and not all would

not only do injustice to the overview of the literature but would also perpetuate inequality by not taking into consideration nation states who may have progressive and effective policy implementation but do not have the power that many larger global northern states have.

For example, the EU and its member states help craft global policy and international law much more so than smaller nation states due to the Anglo-American dominance in most spheres of global governance. They may not however have effective policy working that prevents or protects migrants. Turkey for example, has assumed far more responsibility in taking in and assuring basic freedoms to Syrian and Iraqi refugees and migrants but holds much less sway over the direction of global governance.

Another limitation was with gathering suitable candidates for the interviews. More than 50 solicitations for interviews were sent with a response rate of 4%. The two solicitation requests that did garner a response declined interviews due to the research problem falling outside their scope or mandate, despite both having published work pertinent to the questions addressed with this research. A ‘back-door’ approach was needed and interviews were secured with the help of professors associated with persons embedded in the field(s). This could be determined to be a secondary limitation as interviewees felt the need to abide and grant interviews which may have skewed their answers to begin with.

Physical limitations also existed. Many more interviews could have been conducted had the research been conducted in the cities where these organizations are located, namely Brussels, Geneva, London and Nairobi. Monetary limits dictated that voice communication techniques were used which may have altered answers or prevented points from being conveyed properly. It should also be noted that the interview of the Global Program Officer of DG Environment at the European Commission was cut short due to persistent fire alarms at the location of the interviewer. Follow

up correspondence via email was conducted to finish thoughts and secure a full interview because the interviewee had a limited schedule.

## 4 Results

Results of both the interviews conducted and the document analysis done divulged five reoccurring phenomena. The phenomena that create barriers to a stronger regime on the displacement of persons affected by changes to their surroundings by way of climactic or environmental shifts are; a lack of an evidence base regarding the effects of climate and environment on displacement, the absence of strong state will in developing further understanding and mechanisms on displacement, the contested identification and typifying of displaced persons and casual factors, inter and intra-state prevention and response mechanisms, and the fragmented response and institutional gaps present at the international level. The five phenomena are expanded up subsequently.

### 4.1 Evidence Base

The first barrier to furthering a prevention and protection regime for climactically and environmentally displaced persons that resoundingly is echoed both by expert opinion and document analysis is a lack of a strong evidence base. The evidence base is lacking in two areas. One, the hard science behind climate change and environmental stressors. Two, the effects both on people and their physical surroundings of the changes in climate and the environment with an emphasis on displacement and population flows.

Looking at the DG DEVCO, the EU Commission division recently embarked on trying to synthesize trends and patterns with current knowledge. They fell short of comprehension.

*“There is a need for further evidence and assessment, including of long term trends and patterns. DEVCO recently funded a synthesis of current evidence and it was clear that there are still big gaps in our understanding...we need to make*



*better use of existing information in raising awareness and in formulating solutions.” (Balance pers.comm.)*

Atle Solburg, secretariat of the Nansen Initiative turned director of coordination for the successor organization, Platform on Disaster Displacement talked about the sheer geographic area (the entire world) needing to be understood. Environmental stressors do not present themselves uniformly across the globe. Each region across the planet expresses different signs to shifting external factors. There is a need for regional and even local data gathering to further evidence for policy-makers.

*“I think one reasons which is very legitimate and important to respect is that we need to know a bit more about the phenomenon and how [environmental change] will be expressed in different parts of the world. I think we are still in the situation of how to explain and understand what’s really going on, for example in the context of climate change. We are still lacking some understanding.” (Solberg pers.comm.)*

This is not an easy task to undertake. It requires cooperation and financing. This is echoed in the New York Declaration, the declaration which has spurred the development of two global compacts, one on migration and one on refugees. In fact, all areas of the international community with official capacity have identified a stronger evidence base as an area which needs to be shored up prior to decision-makers feeling comfortable to make informed decisions on displacement of all kinds, not simply climactic or environmental.

*“We recognize the importance of improved data collection, particularly by national authorities, and will enhance international cooperation to this end, including through capacity-building, financial support and technical assistance.”*

(UNGA 2016)

UNFCCC via COP 19, UNDP via the SDGs, UNHCR via McAdam’s 2011 background paper: Climate Change Displacement and International Law: Complementary Protection Standards, UNISDR via the Sendai Framework, UNEP, EU, the Nansen Initiative Comparative Report and the IOM via numerous publications all recognize broadening the remit of nations and stakeholder organizations to collect and synthesize evidence of ecological changes and their impacts on movement. Despite the stakeholders admitting there are undoubtedly migrants who are forced to flee their homes for environmental reasons, the comprehension of the science has not caught up.

*“One underlying problem relates to sufficient knowledge of environmental induced migration – it’s very difficult – although the phenomenon is clear.”*

(McGlone pers.comm.)

Inversely, if data or evidence is presented incorrectly or without thoroughness it detracts from the empirical argument. In 2005 UNEP predicted a catastrophe with their gap filled foundation of understanding by 2010 in which 50 million people would become environmental migrants. This did not happen. Even at risk areas are uncertain, meaning the phenomenon is so obscured by a lack of knowledge stakeholders aren’t sure of all potential areas this could occur in. Most of the discussion revolves around climate change. Slow onset displacement is where struggle to support

movement based on ecological factors is highest. That does not mean it is the only area where information is in short supply. Disaster risk reduction, a field growing more and more, with strong connections to ecological stressors such as earthquakes and tsunamis and with much more static and tangible examples is still at risk of falling short in its ability to understand itself.

*“Disaster risk management needs to be based on an understanding of disaster risk in all its dimensions of vulnerability, capacity, exposure of persons and assets, hazard characteristics and the environment” (UNISDR 2015b)*

## **4.2 State Will**

Next to strengthening an evidence base, state will was the second most identified barrier to the regime when examined through conceptual phenomenon in both analyses. It should be noted that in document analysis inferences to a lack of state will were more common. The subject of implicit or explicit ‘lack of state will’ isn’t to the benefit of governing institutions comprised of a party of states. The contradicting nature of this is present throughout a lot of UN literature. For example, the UN General Assembly, when drafting the New York Declaration created section III. Commitments to Refugees. The 45<sup>th</sup> commitment states the following.

*“We will consider reviewing our migration policies with a view to examining their possible unintended negative consequences.” (UNGA 2016)*

The Nansen Initiative, supported financially by Germany, Norway and Switzerland, frontrunners in prevention and protection refugee and migrant policy, had more leeway in terms of empirically

backed rhetoric. They were much more direct with their assessment when speaking of state involvement.

*“Furthermore, no clear criteria or guidance exist to determine when relocation is an adequate or necessary policy option in disaster and climate change related contexts and how such relocation should be implemented.”* (Norwegian Ministry of Foreign Affairs and Swiss Confederation. 2015)

The interviewees were much more candid in their assessment of state will and initiative. Even though several states around the world have embraced migration and opened doors, popular sentiment in the international community is working in opposite fashion.

For some experts, this is simply short-sightedness on the part of the states. There are too many issues that are more pressing because of their immediacy whereas, aside from disaster displacement via quick onset events, climactic change is something to be put off until it is of the utmost importance to tackle, regardless of the reality demonstrated by current evidence.

*“We can see in the case of climate change that short term issues trump long term strategic problem solving and that’s exactly the case here.”* (McGlone pers.comm.)

Because of the perceived temporal distance of the problem at hand it is seen as a non-issue in the upper echelons of policy circles.

*“The second issue is the insufficient capacity of policy makers who aren’t empowered because this issue will be pushed down the hierarchy.” (McGlone pers.comm.)*

*“There are big distractions about which engage the institutions quite a lot – particularly the UK leaving the EU and the current migration issues so both of those limit giving migration a hard profile.” (Simonett pers.comm.)*

Not only is the temporal scale an issue but migration in its all-encompassing form, whether it be economic, asylum seeking, ecologically related, conflict related or to be closer to one’s family, is rejected by populist sentiment in many popular host countries. With the global wave of populist administrations assuming power the sentiment is echoed via policy.

*“It’s much more basic. It’s much more the good and the bad and the U.S. has five or six countries and they said that’s bad – doesn’t matter why or what – but it’s enough. It’s much more, will go back to these kinds of policy tools, there will be a lot of negotiations in the EU between countries – how many you take – if I take five [migrants] you take ten – and for the victims it won’t get better.” (Simonett pers.comm)*

This can be befuddling whilst researching global narratives on the subject at hand. Even within documents like the New York Declaration which, through subtext, infer a lack of willingness of states to change hardline immigration policies, they still make grand promises of reform through

their parties. The two following quotes taken from the text of the New York Declaration which proceeds the two global compacts on migration and refugees clearly defy many member states current policies, states with active roles and opinions throughout the UN.

*“We reaffirm and will fully protect the human rights of all refugees and migrants, regardless of status; all are rights holders. Our response will demonstrate full respect for international law and international human rights law and, where applicable, international refugee law and international humanitarian law.” (UNGA 2016)*

*“The 2030 Agenda makes clear, inter alia, that we will facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies. The needs of refugees, internally displaced persons and migrants are explicitly recognized.” (UNGA 2016)*

Expert observation ties this barrier, state will, into the first barrier, the evidence base. This theme was common among interviewees who saw political action tied closely with information gaps. Due to immense gaps in understanding policy makers either are uncertain of a decision-making route or can use the gap to either further or prevent regime strengthening.

*“...[there is] particularly limited appetite to develop new legal standards at the global level and that states are quite reluctant for a variety of reasons. I think one*

*reason which is very legitimate and important to respect is that we need to know a bit more about the phenomenon and how it will be expressed in different parts of the world.” (Solberg pers.comm)*

State will is also tied directly into the third barrier which is typifying persons and causes. Without strong norms and standards developed to categorize persons fleeing or to filter them in some manner in the absence of deep understanding, it is easier to castigate and demonize migrants as something they may not be at all and justify a static position on migration in any of its facets or to work against it altogether. Otto Simonett sees this is a total absence of state concern when it come defining and organizing migration and the people who make up the movements. “There’s not much interest on the receiving policy side to work on these typologies to invest a lot into more precision in this.”

#### **4.3 Typifying Displaced Persons and Casual Factors**

In many international and regional agreements, knowing the status of a displaced person is paramount in receiving recognition and thereafter protection. Disaggregating the causal factors of migration whereby you begin to aggregate persons into distinct groups for classification and recognition by the international community is perceived to be a large hurdle in building a regime for climactically and environmentally displaced persons. All expert interviewees agree that groupings could make it easier to conceptually understand both the phenomena of climate and the environment but also what makes people leave and where to. In this sense, policy makers both at a global and regional level can draft protective conventions surrounding those affected.

*“I think we need to disaggregate the different types of environmental displacement there is...from the Brit moving to the South of Spain because they like the sun to people fleeing Hurricane Katrina...” (Brown pers.comm.)*

However, the agreement that disaggregation is one of the largest difficulties in the field was resounding and at times, pessimistic. Assigning flows may be easier but to typify people could be far out of reach logistically for organizations mandated to classify. Some experts see it as altogether impossible to completely disentangle. On the IOM’s position Otto Simonett had this to say, “but maybe it’s also admitting something – admitting it’s too difficult to – what you are trying to do is typifying and typologies...it’s very solution oriented.” IOM would not respond for comment.

*“...what I can say from our side is it is [typifying persons and causal factors]. I understand why people don’t agree on these things. It’s not a categorization you can easily make because it’s very, very, very complex on what makes people migrate...then you have the whole time lag factor – very often you have internal migration before you have international migration.” (Simonett pers.comm.)*

However, some experts pointed to a different train of thought running through the migration studies community. Instead of not typifying people and reasons creating impediments to a protection regime, typifying them may lead to slow adoption of protection mechanisms. A lot of the background and working papers being published as of 2014 are skirting the issue of categorization altogether. Adaptation is the way forward according to those conducting research at the IOM. Increasing the use of typology only drives a wedge between migrants driven out by



ecological factors and protection mechanisms, only creating the possibility of more protection gaps.

Most of the language being used throughout the UN and its departments is all inclusive of migration, not separating economic from conflict or environmental migrants. Because of the ‘forced’ nature of displacement environmental shifts create, it may be essential to disentangle them from those who are moving based on economic reasoning. Economic migrants are seen as the most divisive group of migrants.

Because they lack the ‘forced’ tag on their movement populations view them as nothing more than a person coming to use social benefit schemes that are paid for by the citizens of the host country and as people seeking to take a piece of the domestic labor market where they are settling. Creating sympathetic conditions could erode were the casual factors of movement not explicit with flows or groups. This is where refugees garnered a lot of their political will from in order to fall under international protection and even then, refugees can be met with categorization problems.

*“...again when you’re talking about how you determine what people are it becomes tricky – you have Syrian refugees who come across border to Turkey and they are safe in Turkey per se but they don’t have the economic opportunities and life chances...the move on to Germany...it leads you to think they’re refugees in the first instance but economic migrants in the second. There’s some kind of blended refugee/migrant thing which is an issue Europe has been dealing with but not coming up with an opinion on either way.” (Brown pers.comm.)*

The argument of spatially and temporally typifying works directly into the economic migrant conundrum as well, like in the Syrian example above. When a perceived time passes so to may typology, certainly in the context of national laws which govern most migration as it's internal.

*“...you can start with people being forcibly displaced because of a natural disaster or a long-term degradation of resources and loss of livelihood but then you see people move into urban areas and search for a better livelihood and stay there or there may not be capacity of urban areas to support additional job seekers and they may move on and then it's a bit unclear when they become an economic migrant.” (Brown pers.comm.)*

Within the climate and environment displacement regime there are vast chasms between slow onset and quick onset events with the latter being more identifiable and less associated with economic incentivization for movement. Slow onset is often grouped into economic movements because disentangling the causal factors over large amounts of time is more complex.

*“...put it in the context of when a disaster leads to displacement rather than look at all kinds of processes that are essentially degrading livelihood of people because then you're getting into the economic argument and that will probably more difficult to sustain...” (Solberg pers.comm.)*

For clarity, this is why intergovernmental organizations such as the Platform for Disaster Displacement or the Sendai Framework are trying to use the disaster tag for as many environmental shifts as possible. It affords those impacted with more of a stable ground on which to argue their case for displacement and disaster reduction and support is something many states see more immediacy in.

*“It’s quite easy to see what’s happening with the geophysical hazards and displacement and it’s easier to see in these major strong hurricanes and tropical cyclones as long as you accept these are meteorological related or weather related and not climate change because the impact is strong – it’s very clear where people died and where people were evacuated and displaced and to have an understanding.” (Solberg pers.comm.)*

*“No, I think that [typifying migrants and casual factors] is the challenge. I think that’s why we’ve opted for disaster displacement as our strategy.” – Atle Solberg*

Framing movements via this typifying becomes all important. If you can fit different casual factors into regime building that shows strong commitment you can shift the argument and provide more inclusion according to disaster displacement specialists. Still, the slow onset proves difficult to incorporate.

*“We are still trying to find arguments of what are the environmental migrants, how can you separate – it’s easier to get the ones who are displaced by a disaster but the slow onset...” (Simonett pers.comm.)*

Another inherent problem with slow onset events are the other factors which occur parallel to degradation of natural surroundings via climate change. Most times state prevention and response or even seemingly unrelated policy implementation can alter perceptions of causal factors or even be a casual factor which exacerbates the climactic problem.

*“If you look at more complex situations with climate change and conflict and policy – that’s when it gets difficult to know what we need to do and how we need to prepare – long onset events is where we struggle to have understanding and where terminology may be a barrier at least for policy development because these long onset events are seen as climate change – then we are not really addressing the problems like urban planning, good preparedness and development strategies.” (Solberg pers.comm.)*

Nevertheless, when there is a problem, it behooves all to have some understanding of why it’s occurring. Despite some attempts at framing these movements as adaptation or trying to create a regime for all migrants, organizations still are trying to disentangle causal factors.

*“We will also take measures to identify correctly their nationalities, as well as their reasons for movement. We will take*

*measures to identify those who are seeking international protection as refugees.”*

(UNGA 2016)

#### **4.4 State Response and Prevention**

Although this paper does not assess state law and policies, the concept of state prevention and response was riddled across discussion and documents all pointing to a need to strengthen them to further a protective regime, internationally. This is due to the dampening effect strong state level prevention and protection techniques have against external displacement. Most movement is still internal and if these laws and policies aren't strengthened a spillover could occur that would push many out of their state boundaries and into a need for international protection. The more people that are needed to be covered by policy mechanisms and law, the softer those policies and law will be. States don't want to commit resources to an international regime if part of the problem can be mitigated internally in sending countries.

*“We recognize the very large number of people who are displaced within national borders and the possibility that such persons might seek protection and assistance in other countries as refugees or migrants. We note the need for reflection on effective strategies to ensure adequate protection and assistance for internally displaced persons and to prevent and reduce such displacement.”* (UNGA 2016)

Inevitably people will spill over. Cooperation between states and international organizations, IGOs, NGOs, and CSOs are vital in coordination. Migration is blind in many respects to long running assumptions such as state sovereignty and the borders that accompany them.

*“We acknowledge a shared responsibility to manage large movements of refugees and migrants in a humane, sensitive, compassionate and people –centered manner. We will do so through international cooperation, while recognizing that there are varying capacities and resources to respond to these movements. International cooperation and, in particular, cooperation among countries of origin or nationality, transit and destination, has never been more important; “win-win” cooperation in this area has profound benefits for humanity. Large movements of refugees and migrants must have comprehensive policy support, assistance and protection, consistent with states’ obligations under international law.” (UNGA 2016)*

Origin state level response and prevention mechanisms are not only a barrier that should be seen through an exclusive lens which ignores the inequality inherent in the world. Often times, these states, regardless of intention do not have the resources or knowledge. Like in many international regimes, developed countries have to take an active role in plugging gaps in these mechanisms in sending countries, either by sharing best practices or by enhancing capacity via financial assistance.

*“These are global phenomena that call for global approaches and global solutions. No one State can manage such movements on its own. Neighboring or transit countries, mostly developing countries, are disproportionately affected. Their capacities have been severely stretched in many cases, affecting their own social and economic cohesion and development.” (UNGA 2016)*

Because of the evidence gaps and weak categorization of causal factors and persons associated with long onset movement, enhancing disaster preparedness is an acceptable form of not overloading the capacities of international organizations or host countries. Thematically strewn across all types of assessments is the need to establish more prevention and response mechanisms in this field to mitigate overall displacement.

*“When you talk about disaster displacement that makes it different from conflict displacement or people fleeing armed conflict is there is probably more you can do to prevent – it is probably more in your scope to try and build resilience and reduce risk and in that sense I think major strides have been made in the last couple years through the Sendai Framework, some of the agreements around Paris at COP 21 and the SDGs – leaving no one behind...that’s probably where you see important policy changes and you’ll probably see more robust intervention at national and regional levels in preparing and being prepared to deal with displacement when it’s unavoidable.” (Solberg pers.comm.)*

Not having best practices disseminated and implemented greatly detracts from the whole regime. Similar events can lead to strikingly different outcomes depending on capacities and public policy in specific states.

*“Haiti in 2010 – the fact that so many people died and so many buildings were destroyed had to do more with building codes or types of houses or settlement in port au prince because Chile had the same earthquake even stronger the same*

*year but the damage was limited...but back to the earthquake – build better houses etc. If it's a hurricane don't settle people close to the beach. Make sure evacuation centers are sound and if you look at more complex situations with climate change and conflict and policy – that's when it gets difficult to know what we need to do and how we need to prepare...” (Solberg pers.comm.)*

*“Experience indicates that disaster preparedness needs to be strengthened for more effective response and ensure capacities are in place for effective recovery.*

*Disasters have also demonstrated that the recovery, rehabilitation and reconstruction phase, which needs to be prepared ahead of the disaster, is an opportunity to «Build Back Better» through integrating disaster risk reduction measures.” (UNISDR 2015b)*

The aforementioned are all pieces of the phenomenon of state prevention and response but nothing is more of a barrier to state prevention and response than disavowing the existence of these movements and their causes. This was highlighted at COP 21 and by those who ratified it.

*“Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as*



*well as gender equality, empowerment of women and intergenerational equity.”*

(UNFCCC 2015)

#### **4.5 Fragmented Response and Institutional Gaps**

Lastly, the fifth thematic phenomenon regarding barriers to a regime on climactic and environmental displacement is the sheer number of organizations and decentralized responses to this. In the UN alone there are a multitude of bodies tasked with some type of mandate to handle particular aspects to this broad sweeping problem. The UNHCR handles IDPs to some extent. UNEP does a lot of evidence base building in terms of the science. UNDP looks at resilience of migration and capacity building. UNFCCC through the Paris Agreement, SDGs, and the Warsaw Mechanism take on commitments to all peoples to better there lives and in the case of the Warsaw Mechanism to provide financial assistance in terms of disaster related events. The Nansen Initiative and the Sendai Framework, part of UNISDR look at disaster displacement and reducing it via preparedness, capacity building and prevention along with supporting those displaced. The IOM with 166 member states synthesizes a lot of data pertinent in the field and produces numerous publications and papers as well as the authoritative IGO in the world on migration.

*“...the third problem is fragmented and incoherent response – this issue spans a number of groups and stakeholders and organizations and connected with that the fourth issue is the institutional gaps. There’s no one specifically mandated to handle migration in this context.” (McGlone pers.comm.)*

These groups are working toward a common goal which is to reduce disaffected displaced persons and lessen their burden if displacement is inevitable yet there is not one organization whose mandate encompasses climactic and environmental displacement. It is only looked at through peripheral mentions, complementary protection mechanisms and mandates covering small populations of the demographic, which is still not totally defined. The organizations themselves, many falling within the UN umbrella know this as well seen in the following extraction of the New York Declaration.

*“We commit to strengthening global governance of migration. We therefore warmly support and welcome the agreement to bring the International Organization for Migration, an organization regarded by its Member States as the global lead agency on migration, into a closer legal and working relationship with the United Nations as a related organization.” (UNGA 2016)*

There are even institutional gaps within individual organizations or sets of problems like disaster displacement. Sometimes having a uniformed response is difficult even while focusing on one area.

*“I think the Nansen Initiative started good – it was an attempt to connect what we call ‘effective practices’ in this area you know what states do...” (Solberg pers.comm.)*

The biggest institutional gap however, is the lack of protection which is the basis for this research. The routes to protection and acceptance are in need of being broadened and the remit of the world on strengthening these mechanisms to alleviate pain and suffering at the hand of unforeseeable and unmitigable factors must be uniform or gaps will exacerbate the problem not fix it. Current compacts and joint interstate ventures are vocal about solving the fragmentation barrier.

*“We favor an approach to addressing the drivers and root causes of large movements of refugees and migrants, including forced displacement and protracted crises, which would, inter alia, reduce vulnerability, combat poverty, improve self-reliance and resilience, ensure a strengthened humanitarian-development nexus, and improve coordination with peacebuilding efforts. This will involve coordinated prioritized responses based on joint and impartial needs assessments and facilitating cooperation across institutional mandates.” (UNGA 2016)*

*“Full engagement of all State institutions of an executive and legislative nature at national and local levels” (Norwegian Ministry of Foreign Affairs and Swiss Confederation 2015)*

## **5 Discussion**

Building an international regime that will encompass more displaced persons under international protective mechanisms and attempt at preventing the displacement before it happens is a difficult yet surmountable task. The initial barriers derive deep within the norms the international community has concerning migration in its entirety. Many times, when movement of people is discussed within society there is no disaggregation of types or the factors that perpetuate the movement. These norms are deeply embedded in how many view migration, including many domestic populaces, as an exercise in infringing on sovereignty and taking pieces of the labor market away from citizens of host countries while degrading the states social norms and culture.

### **5.1 The Barrier Nexus**

The historical necessity and significance of population movements has been something so misconstrued and politicized as of late that people rarely see migration for what it is, an adaptation strategy to circumstances no human would be comfortable remaining in for themselves or their families. The IOM has begun a campaign of trying to align conceptions with this adaptation strategy and yet, the umbrella coverage this idea promotes, in which everyone migrating is in need of protection, may counter-intuitively work against protection for those who will need it most in the decades to come.

In truth, every human searching for a better life is entitled to one and many of the world's agreements and conventions in the past two to three years confirm a global commitment to that. This could be the future and could be a regime worth pursuing, an all-inclusive regime on migration where no one was left out. However, now, this goal is foolish in the context of promoting protection to the most vulnerable, not just in a migratory sense. It is overreaching and implausible

to expect or assume that states with their vast differences and opinions will agree upon and ratify the necessary and binding mechanisms to give this level of protection and opportunity, especially within the next twelve years like many of the 2030 goals suggest.

There's simply not enough knowledge about population flows. The evidence for projected climates in the future, despite being more reliable with each passing moment, is still a forecast. The differentials of the ranges of change in the future for some areas for temperature or water table levels are in excess of 40%. Policy makers see those kinds of potential differences and turn to more 'pressing' issues. Issues that can be measured and felt now. This needs to be resolved but can only be done with more resources to further technological development and getting people on the ground all over the world in order to study the impacts of environmental change and population movement.

This begs the question, why would a government bent on stopping migration, invest resources into promoting the study of casual factors that contribute to migratory movements like environmental ones, to then justify the hardening of international law to pressure them into accepting thousands of more people? They wouldn't and they won't, especially with the umbrella compacts being discussed at the General Assembly next year. It's too dangerous politically and logistically. Looking at the EU response to the mass migratory movements of the past decade it is clear that IGOs and state governments are ill prepared to deal with mass flows. The inconsistencies in state response within the EU promoted a loss of trust and state ties. It helped prompt referendums on whether or not to remain in the EU with the U.K. choosing to leave. Migration was a pivotal policy concern in that vote.

The Visegrad Four, Poland, Hungary, Slovakia and the Czech Republic have spoken out loudly about migration quotas, telling Brussels that they won't abide, and they haven't. Australia has

rejected Islander's terms of community building and movement there when the time comes for their islands to return to the sea. The United States has wall building and border shutting rhetoric as a pillar of its administration's policy platform for the next three and a half years. It should be noted that in many cases, like in the instance of the Visegrad Four, these are hard law mechanisms that are being ignored. State sovereignty and therefore decision-making is not submissive to any international hard law mechanisms and states only abide by them for fear of retribution by other states in trade and future regime creation which may be beneficial to them. When a line is crossed however and states feel the need to abdicate their responsibilities to a convention or treaty, they do, in the name of national interest.

The lack of state will present in many administrations bodes poorly for the prevention and response mechanisms to long onset change but short quick onset events are gaining more and more traction in national and international discourse and regime creation. This is also where less fragmentation in institutional response comes from, at a national and international level. Disasters are a phenomenon that has been clearly defined and tying back into the social norms, people care. It may be short-lived and because of the 24-hour news cycle disasters are perceived as fleeting but sympathy is elicited the world-over for disasters and disaster response. Often times large financial mechanism are implemented in foreign countries quickly and effectively for neighboring states or even for those around the world when disaster strikes. The perceived difference in response for displacement via disasters and displacement via slow onset events like climate change may open a window for more inclusion of those impacted at various levels of displacement along the temporal scale.

## 5.2 The Solution Nexus

Thus, the way forward needs to be an integrated response. Integrated responses require all nodes of the response to communicate either with each other or with a central point capable of processing the information via all stakeholders and then deciding and disseminating that information by way of decision-making. The more states that need to communicate with other states, the more conflicting interests become entangled and the more friction in the group decision-making process there is. There needs to be an authority on migration. IOM is poised to be this institution but it still proves to be a fragmented response as UNHCR is mandated to cover a large portion of displaced persons, refugees. Refugee law should not expand. It would work counter wise to enabling protection and force state's hands to either abandon the iconic convention of 1951 or weaken its norms and slowly degrade it to being meaningless.

This change must and will be carried from the bottom up. CSOs and NGOs are essential in shaping public opinion and framing normative discourse. There needs to be a response from voting bases to pressure states to accept the need for response mechanisms put in place for this. Even if a country rejects the notion of an open-door policy or of taking in migrants who are forcefully displaced the risk of not delving further into the understanding and expanding the evidence base will come full circle and impact them in ways they may never have assumed.

The comparisons seem superficial and disproportionate to the problems those directly affected have to handle when displaced. Nevertheless, chocolate so expensive you could only afford to eat it once a month may persuade people. Coffee that comes from many of the areas that will be most impacted by climactic shifts will begin to cost more. Medicines derived from the synthetization of foreign plants and animals could falter. Traveling to a popular holiday location which has been swallowed up by sea-level rise will stop. The world and its systems are so interconnected that

people will be impacted. By investing financially in the prevention of these movements, if not the protection of the people who will certainly come either way, states ensure better economic security for their citizens. This is one of the only arguments that gains traction in many policy level circles, economics. This would not be easy but to show decision-makers that they would suffer economically in the long term and to politicize the argument may be a means to an end for the societal discourse encircling displacement. Stop it before it starts. This was discussed at length within the interviews and interviewees were not optimistic. Several can be paraphrased as having said that nothing short of a catastrophe on the global scale would bring state heads around on this issue and that short-term would always trump long-term policy decisions, regardless of the potential outcome of ignoring the facts.

With this in mind, it is this paper's conclusion that complimentary protections via humanitarian law and human rights law must be strengthened. It is not wise or feasible to pursue an international regime for displaced persons who left their homes based on changing climate or environmental stressors. It won't be ready in time. On top of the complimentary protections that can be strengthened DRR is another area which can be enlarged to be more inclusive of the affected.

It would be easier to establish a DRR regime with strength and ratification backing that could then expand upon its definition of a disaster. In this case, the regime is not being changed via the norms and values discussed earlier. The scope is changing and this is where you can fit more people into protection mechanisms and enforce stronger prevention methods.

There are two for two reasons. Reason one, many environmental impacts are born out in disasters already. There is sympathy already as it is more cause and effect with little to skew perception and there are the frameworks and the financial mechanisms in place via the Warsaw Mechanism, the Sendai Framework and the Nansen Initiative which pursues best practices and a regional outlook



at remediation. Best practices can easily be adopted around the world in similar circumstances and does not require ad hoc implementation where slow onset would require an ad hoc response both financially and logistically.

Reason two and again echoing the major barrier to this problem, there isn't enough hard evidence. Climate change, something that can be said with the highest levels of certainty is caused by human created gas emissions is still debated upon at the policy and law levels through special interest groups and the politicians who have constituencies in markets connected to the production and emission of these gases. The evidence base necessary to promote a fanged regime which would prevent and protect climactically and environmentally displaced persons is not nearly ready and the gaps in understanding are not dissipating soon. Imagine the rhetoric that would be used if this came to the global spotlight. It would be torn apart for lack of sound empirical data, despite the phenomena being clear and occurring all over the world.

Global financial mechanisms that funnel money from developed to developing or undeveloped countries are often times misappropriated or the money just ends up missing. After conducting research it seems more imperative now than ever to develop regional regimes. Regional regimes could center decision-making in one institution which would be financed by mechanisms such as Warsaw but it would allow areas to maintain their own identity, their own response, and care for their own people in a way that would be more personal than a vast reaching institution positioned in New York, Brussels or Geneva.

These problems impact the immediate geographical region surrounding the epicenter of the flow. In Oceanica the island states are turning to mainland states for help. In Syria, Jordan, Turkey and Lebanon are bearing the clear majority of the burden, not Europe. In Latin and Central America, the flows are resulting in people going to neighboring countries. Giving these areas the means to

handle their own problems but also having global information sharing and cooperation is how displacement needs to be handled in the future. While the DRR regime is strengthened, more effort needs to be conducted in assisting people through human rights and humanitarian law. The eventual culmination of protection and prevention may one day be in an all-inclusive regime where every migrant is seen as doing something normal and welcomed to their new host country but that day is far off. In the meantime, societal and thereby political perceptions can be changed viewing migration and the freedom of movement can become normalized, very much like in the European Bloc.

## 6 Conclusion

The problems this paper addresses are the lack of prevention and protection mechanism via an international regime for climactically and environmentally displaced persons. It sought to explore why. What are the barriers? If this is occurring, then why is the world not taking a preventative stance. This is of great concern because the potential for this group to become larger and encompass more disaffected people with no hope of reprieve via the international community is becoming greater. Surely more displacement around the world would have negative implications for every facet of interconnectedness we hold as a planet including economic decline, geopolitical instability, a rise in conflicts and so forth.

This is because of shifting climates and worsening environmental conditions around the world. Rising sea-levels are swallowing islands forcing the communities there to look into moving entire nations abroad and away from ancestral homelands. Desertification and higher evapotranspiration rates are rising creating situations where agro based economies could disappear. Watersheds are seeing less runoff. Water tables in South America and MENA are decreasing.

Migration as a concept barely recognizes this type of displacement. It is consumed with economic incentive based movement. Modern migration theory does not recognize climactically and environmentally driven migration aside from disasters caused mostly by meteorological events. The hesitation and downplaying of climate change impacts the advancement of study and many states are unwilling to recognize or explore broadening research because of their populist anti-immigration views.

This paper used semi-structured interviews and document analysis using open coding to assess trends via concepts and then phenomena. It addressed five key barriers to why a regime is not taking shape faster and with more efficacy. Those five barriers are the lack of a strong evidence

base, the lack of state will to advance the study and implement measures necessary to combat the phenomenon of displacement via ecological shifts, poor state response and prevention techniques, and finally a fragmented response from IGOs, NGOs and CSOs which lead to institutional gaps in understanding and response.

Interviewees and the documents corroborated each other systematically. This made it clear that there needs to be other paths for the prevention and protection mechanisms to take hold and become implemented in a timely manner. This paper's conclusions on how to remedy the regime was to not support the regime but to turn to other methods and regimes in the hopes of being able to use complementary law and regimes to incorporate these types of disaffected people. Primarily, this idea is best done through broadening the DRR regime to include more types of disasters and by changing norms within this context rather than climate change context. This is because disasters are both quantifiable and agreed upon by the international community at large. The scale of disasters could change to include events such as desertification and crop failure due to lessening precipitation or higher temperatures.

In summation, there are three key findings this paper has either enriched or identified. One, there needs to be a concerted effort from one organization at the UN level to attack the knowledge base. UNFCCC or UNEP are best suited for this but again, the duplicity of work makes hard to determine which organization would be best suited and it is beyond the scope of this paper. Two, the norms of migration are so far from what the reality of migration as an ever present adaptation strategy to humans has been and will continue to be that there needs to be a fundamental shift in how the world sees movement. Forced displacement should be at the forefront of this perception shift due to the involuntary nature of it. Finally, the barriers to the regime in question are too great to mount a successful attempt at inclusion of those who would need it most under international prevention

and protection mechanisms. Stakeholders of this type of displacement should seek alternative solutions within DRR, such as the Nansen Initiative or the Sendai Framework. These have the global backing already and are seen as legitimate pieces to an accepted regime.

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