

Climatic Migrations – Consequences of Upsetting Environmental Balance and a of Flaws in Human Protection by International Law

Migracje klimatyczne – konsekwencje naruszenia równowagi ekologicznej i przejaw niedoskonałości prawnomiędzynarodowej ochrony człowieka

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Abstract

Climate changes, natural disasters and other problems caused by reckless or irresponsible human behaviour have resulted in a larger number of refugees than wars and conflicts. Their number is increasing and the trend is unlikely to reverse. Before our eyes, refugees have become the most visible consequence of the climate changes taking place on Earth, along with excessive exploitation of resources and unsustainable use and destruction of aquatic and land ecosystems, mainly agricultural land and forests. Therefore, it is becoming necessary to make oneself and others aware that the massive influx of people – mainly from Asia and Africa – is a signal of the extent of degradation of the living environment and of ecological imbalance in the areas where they previously lived. It is also becoming important to make the world of politics and the international community aware of the changes and of the need to develop plans of action and to take appropriate (if possible) preventive and corrective measures.

Key words: climate-induced migrations, environmental crisis, climate changes, unsustainable development, human rights

Streszczenie

Zmiany klimatyczne, katastrofy naturalne i te powodowane nieostrożnością lub nieodpowiedzialnością człowieka, są przyczyną większej liczny uchodźców niż toczące się wojny i konflikty. Ich liczba ponadto ciągle wzrasta i nie zanosz się na odwrócenie tego trendu. Uchodźcy na naszych oczach stali się już najbardziej widoczną konsekwencją zachodzących zmian klimatycznych na Ziemi, ale też nadmiernej eksploatacji dóbr i niezrównoważonego wykorzystywania i niszczenia ekosystemów wodnych i lądowych, głównie rolniczych i leśnych. Koniecznością zatem staje się uświadomienie sobie i innym, że rzesze napływających ludzi – głównie z obszarów Azji i Afryki – są sygnałem i probierzem stopnia degradacji środowiska życia i naruszenia równowagi ekologicznej na terenach dotychczas przez nich zamieszkiwanych. Ważnym zadaniem staje się uwrażliwienie świata polityki i społeczności międzynarodowej na zmiany, na konieczność opracowania planów działania i przedsięwzięcia stosownych środków (na ile to możliwe) zaradczych i naprawczych.

Słowa kluczowe: migracje klimatyczne, kryzys ekologiczny, zmiany klimatyczne, niezrównoważony rozwój, prawa człowieka

Introduction

The world of science and politics has been paying much more attention now than it has in the past to

climate change and to natural phenomena which affect human life and international relations. This is worth closer examination, since migrations are a part of human history. Numerous explanation of the phe-

nomenon have been offered in sociology, economics and politics. The latest observations have led to focusing attention on environmentally induced migration (EIM). What are their characteristic features and how can they be defined?

From a concept-related point of view, there are two types of EIM. First, these are sudden events and natural disasters. They can include floods, tsunamis, earthquakes, cyclones, forest fires, volcano eruptions, as well as other, incidental or periodical phenomena which force people to leave their place of life and work. On the other hand, they can include slow changes which take place in the environment, which at first make further life difficult, and then impossible. This category includes processes which lead to erosion, deforestation, turning land into steppe or desert, water, air and soil pollution, salinisation, irregular precipitation, increased water level, etc. It is difficult to make such migrations concrete and defined because of the variety of causes, duration, the vastness of the geographic area in which they occur and a multitude of accompanying and secondary factors which affect people's decisions to leave their place of residence. Moreover, they can be forced or voluntary. For this reason, they are usually referred to as (multi-factorial) climate-induced/environmental migrations, because they are not directly caused by other people, as is the case with political or economic migrations.

In the case of slow environmental changes, migrants do not usually associate the need to take up a journey and/or to change a way of life with transformations that are taking place in their surroundings. They tend to see their migrations as caused by economic or social reasons. However, more detailed analyses show that, in most cases, poverty and insecurity (mainly related to food) is caused by a devastated natural environment. It can be noted that environmental factors are an indirect cause of migration by mixing together with other factors, if only socioeconomic ones. This proves the need for more detailed studies of the environment in countries where climate changes are the most intensive in order to explore their mechanism, dynamism, to forecast their effects and the possibility of implementing preventive programmes and measures.

Defining the issue

Migration is a process which takes place in time and space, it has always been people's response to unacceptable changes in the environment. They also imply a certain form of continuous or periodic displacement of individuals, family groups or whole communities, who take up their journeys in order to avoid drastic situations and to seek better living conditions. Periodical or incidental, targeted or improvised, they have saved people's lives in the face of danger brought about by natural or man-made disasters.

Mass displacements have usually taken place within one country, sometimes accelerating or amplifying environmental effects on the environment of such phenomena, as an increase in population density and increased exploitation of the host land. All of these effects were totally ignored until recently. The accompanying processes of globalisation and urbanisation have only intensified them.

What is the direction that the research should take before specific preventive and regulatory measures are implemented? It is beyond doubt that it is a serious limitation that there is no widely accepted definition of climate-induced migration and migrants. Partly because it is a new issue, but also because it is very complicated - one might say: interdisciplinary. This makes estimation of the scale and effects of the phenomenon considerably more difficult. Therefore, the situation is very complex, especially from the point of view of the functioning and potential of target countries, where the reasons for an influx of considerable numbers of climate-induced migrants are usually perceived in a more relative manner. For this and other reasons, especially those induced by climate changes, examination of migrations requires a broader perspective and consideration of all (environmental and other) factors and their interrelations, because all of them together, in different proportions, affect decisions to leave home.

The lack of a clear definition results in their unregulated status in international law, especially when they cross the borders of their own countries. Considering their previous and current status, they are sometimes classified as *climate-induced refugees*. Here another issue originates, because neither the *1951 Geneva Convention (A)* nor the *1967 Protocol* apply to such people because of too far-reaching environmental (climate) changes. In the present situation, climate-induced migrants have to take into consideration a certain form of legal discrimination, marginalisation, lack of material and economic support and even making their assimilation difficult.

So how can this state of things be reconciled with such a quantifier as an effective legal system and respect for human rights, which lie at the foundation of the desired type of development (called *sustainable*) and can it be thus termed with all the inequality of opportunities of all entities who work for it? Or to put it differently: what to do to make this development real? The need to combine development with sustainability is a relatively new task and one which has been examined only superficially. Sustainable development should be understood to denote progress which satisfies the needs of the present generation without adversely affecting the developmental opportunities and quality of life for future generations. So it should consist in integration of the economy, environment, inter- and intra-generation fairness, joint but diverse cooperation of the international community, elimination of areas of poverty,

reducing and eliminating unsustainable models of production and consumption, participation in decision-making processes and access to legal and administrative information, responsibility, etc. (Kośmicki, Pieńkowski, 2013). The factors under examination include the primary environmental causes, *attractiveness* and the effect on migration of economic and social features of the target place. As of today – mainly because of the lack and difficulty in gathering relevant data – it is not possible to separate climate-induced and environmental migration/migrants from migration and migrants who take a decision only (or largely) under pressure of economic and political factors. This is easily observable in Europe today, where numerous immigrants come from the Middle East and North Africa (Sitek, 2016). For the time being, the huge volume of news from all over the world suppresses information about climate-induced and environmental migration. This term denotes people who have left their homes as a result of irreversible damage caused by sudden climate changes which have forced them to seek a new place where they would be sure to survive, if only at a basic level. Following the news on a day-to-day basis gives one an opportunity to find out whether, how, and to what extent this is a responsibility of individual countries, types of economy and which of the effects of unsustainable development result in climate changes and phenomena which destroy or considerably hinder life in other parts of the globe. The knowledge of the importance of what is going on is still limited despite its topicality. In consequence, analyses and data are rather superficial, even in documents which deal with the issue (C). Therefore, it is an open issue which should be given an appropriate rank and importance in order to protect and save people and things which can still be saved. However, it does not concern destructive issues themselves. Its importance stems from the fact that it is man who is the principal protagonist. Despite their undefined legal and international status, climate-induced migrants are a part of a phenomenon whose intensity is increasing. They are, above all, victims of natural disasters, whom the international community should provide with dual support: a sort of *external* support by protecting ecosystems which comprise the global ecosystem, and *direct* support, i.e. organising and providing concrete help to people who inhabit them – assistance which helps to maintain and implement (and restore – if this is required) a sustainable local economy.

Environmental disasters are events with (usually) serious, both short-term and long-term consequences; they shatter the lives of people who inhabit the affected area, they destroy previously established relations between components of biotopes and ecosystems. But primarily they make the environment so dangerous that it is a threat to the lives of people who live there. What seems to be the most important in it is to become aware of which of these phenomena and

natural processes are provoked (and to what extent) by people. Knowledge of the causes of the changes would allow to specify the area of responsibility evaluated in the context of precautionary logic and preventive measures.

Factors which accompany migrations

It sometimes happens that a question appears in discussions on migration whether decisions to migrate are forced or voluntary, whether a migrant can assess (also from an economic point of view) and choose arguments which are more convincing or whether he sets out due to external pressure. It is true that economic factors are not too important in the third world countries, because it is not a question of what is more profitable – these people usually lose everything. This does not mean that the survival-related argument is unimportant – after all, it is about the most fundamental thing: will a change in the present place of living allow one to save one's life and health or not.

Disasters and changes in the environment caused by climatic alterations, which cause mass migrations, are usually accompanied by complicated political situations and armed conflicts. These processes and phenomena often coincide, which makes it impossible to distinguish one type of migration from another. For certain *convenience*, discussion of climate-induced and environmental migrants is combined with the general discourse on migrations and that the environmental/climatic factor is connected in an inseparable manner with the other reasons which affect migration decisions which are more or less forced (or more or less voluntary).

Therefore, who are those people who leave their homes due to factors to which they themselves have sometimes contributed? Why do they decide to do this; can they do anything to change the conditions in which they have to live? Do others who observe the climate changes, and correlated ecological effects, draw their own conclusions and are these conclusions constructive? Therefore, do they serve the purpose of alleviating the devastating effects which hurt both man and the environment?

It is estimated that the world is *hiding* about two hundred million people who have experienced the destructive effect of climatic factors. This applies mainly to developing countries. In consequence, these misfortunes usually affect the poorest, who have forever struggled against adversities which force people to focus on the issues at hand rather than on the future, which requires planning and long-term preventive and/or precautionary measures. What is possible are only (economically available) temporary corrective measures.

Each analysis of the issue reveals that temporarily delayed, but always accompanying effects of climate changes and natural disasters, effects include the destruction of fertile layers of soil, shortage of water

and the need to cut down forests for crop cultivation. As a rule, it is sufficient to upset the dynamic balance developed jointly by small rural communities, which usually live on the environment around them. Their safety depends on the ecosystem's ability to supply essential resources and on a range of social and institutional factors which describe how individuals, communities and whole societies can react to sudden and prolonged changes in the environment.

A change of place is a natural reaction to difficult situations. However, not everyone can do it. Some have to stay. Implementation of a decision requires economic resources and physical ability to reach another place. Elderly people and children usually cannot do it for natural reasons; women's capabilities are also restricted for cultural reasons.

Who is a climate-induced refugee?

So, who is a climate-induced/environmental refugee? The answer is not easy. It results largely from the lack of a widely accepted definition. One can see that the wider and less precise a definition, the more difficult it is to verify. Therefore, it applies to a larger number of people who could be assigned such a status. It is frequently accepted that this includes only people who were temporarily or permanently forced to leave their homes, households, workshops because of serious environmental damage which threatened their existence and/or deterioration of their living conditions. These include: a) people displaced temporarily due to local changes in the environment; b) people who migrate because environmental changes have restricted their means of support or deprived these people of them, pushing them to the border of acceptable risk; c) people who settle down in another place due to advanced desertification or other environmental changes usually caused by limited access to water in their environment.

Some people regard climate-induced and environmental refugees from a broader perspective, and also include in this category people who leave their homes as a result of the destructive effects of nature, but also of resource depletion, pollution, industrial disasters or armed conflicts. Attempts have also been made to determine the level of overall environment destruction to the extent which forces the people who live there to leave their homes as victims of (more or less violent and not only natural) phenomena and processes which leave their mark on the environment.

It is climate changes and migrations that have made the history of continents, adapted ecosystems and – indirectly – changed borders and united or dispersed nations. They have harmonised with evolutionary processes. They favoured selection, specialisation

and then developing and diminishing of genetic and social polymorphism. It was, first unconsciously and then consciously, a progressive strategy which started before agriculture was invented and still continues. These migrations provided an alternative to moments of crisis, a way to survive, to save offspring as well as the material and cultural heritage of past generations.

Therefore, global climate changes have affected the history of mankind. Displacement of individuals and whole groups has always been associated with different reasons, contexts, effects, impact of human groups and climate, especially when it became absolutely necessary to leave a place where life was comfortable. Shortage of means has frequently been associated with wars and unrest. It is therefore obvious that climate-induced/environmental refugees, or refugees in general, are not a modern invention.

Nowadays, all those forced to flee for political reasons can/should be officially recognised as refugees and be protected by relevant conventions and international law (Mizerski, 2016). It is therefore logical that climate-induced refugees should also be provided with appropriate protection, even if - for obvious reasons - they cannot gain status equal to political refugees. Different options are possible¹, but no concrete legal solutions have yet been developed, either on a local or international level. Apart from legal and international solutions, it is obviously necessary to define areas and places with the greatest risks of adverse changes. They have their temporal characteristics and geographic location, for example, lowlands face the risk of a water level rise and excess of water, while others will suffer from its shortage. With relevant data, one could identify risky places for human settlements, cultivated land and concentration of industry and be better able to forecast losses in the economy and biodiversity, plan dislocations and take appropriate preventive measures and safeguard investments. This could be the basis for estimating the number of people who – when the time comes – will set out to search for a better place to live. For humanitarian reasons, one must develop scenarios which provide for at least minimal aid, which, however, may not be easy since it does not always take into account the specific nature of people from other spheres of civilisation. So the problem is a complex one; it includes religious, cultural, institutional issues, but also those related to data accumulation and processing. Therefore, efforts should be made to take decisions which – as far as possible – take into account the framework of rights and liberties – before any irreversible, consensual or forced actions are taken.

¹ Plans have been put forward to establish special funds and policies/initiatives for sustainable development. Maybe it would be better to develop long-term plans, action guidelines or to conclude inter-regional agreements

binding neighbouring states with sufficient resources (following the example of Tuvalu and New Guinea), or more significant regions (e.g. between Europe and Africa).

Size of the issue

Natural environment deterioration and natural disasters produce inestimable crowds of people forced to leave their homes. There clearly are more of such refugees than those fleeing from war and persecution (IFRC MEDIA, 2016). In some cases, it can be predicted who will be thinking of leaving their home in the near future.

Those concerned – mainly from the island states of Africa, the Caribbean, the Indian Ocean, the Pacific and the South China Sea² – are seeking new ways of solving their gravest problem. This subject was taken up by the Global Humanitarian Forum, which set itself the task of raising awareness of the growing danger and of providing support to those most threatened and those who are already experiencing effects of reckless actions of man. The report, devoted solely to the consequences of unsustainable actions of previous generations (and the current one) which have resulted in rapid changes in the environment, should make one ponder: 30 thousand victims and 325 million people severely affected by changes in the environment, which until now provided the living conditions at least at the minimum level. The same report says that 20 countries most affected by anomalies are responsible only for 1% of the emissions. On the other hand, over 90% of deaths and property destruction caused by climate changes happen in developing countries. What is more, forecasts of the dynamism of changes to 2030 are not optimistic.

It is true that many of them return to their homes after the destructive effect disappears, when the living conditions improve. But others prefer to look for a more friendly place within their own country or outside it. Forecasts are always imprecise, but it is supposed that there may be as many as 250 million climate-induced migrants in 2050.

However, the issue itself is much more complicated because there are too many reasons why people decide to emigrate. What is more, they can overlap and/or come in succession. Climate-related factors always *accompany* economic factors, and vice-versa. Four of them are the most important: two are progressive, they happen gradually, regularly, and two concern extreme, violent phenomena, which only sometimes happen more than once.

The first factor is the loss of land caused by rising level of the sea. Flooding of land and soil salinisation results in depriving people of the possibility of cultivating land, growing crops and conducting economic activities.

Another factor are prolonged droughts and desertification, usually in Africa and south-eastern Asia, in parts of Australia and New Zealand and in southern

Europe. Combined with exploitation of natural and agriculturally-used ecosystems in excess of their actual capacity, they upset their balance and disrupt the process of providing goods and services.

The third factor are natural disasters, whose frequency, intensity and area are increasing from year-to-year, even where they were unknown previously. The fourth and last factor are conflicts caused by depletion and limited access to natural resources (Czasak, 2013). Inevitably, this leads to serious tension and violence. Restrictions result from difficult access to, and the quality and amount of those resources, which always breeds misunderstandings, especially when one considers existing racial, race, language and other divisions.

Outlook for the future

Considering the above, when one wants to take any precautionary measures (and even more so when these are to be corrective or aid measures) it becomes of key importance to recognise the existence of climate-induced/environmental migrants and to recognise them as an entity within national and international laws. Barring this, all specific initiatives undertaken will only be ad-hoc in nature, arising from social and individual sensitivity to another person's suffering and, to some extent, perhaps from a feeling of partial responsibility for the changes whose consequences are felt by everyone (though not by everyone equally).

The issue is extremely difficult and complex as climate-induced/environmental migrations have overlapped with – especially controversial from Europe's point of view – the arrival of refugees caused by the armed conflict in the Middle East. The influx of those fleeing from the cruelty of war has amplified the number of previous immigrants, including economic immigrants. Therefore, it should come as no surprise that Europe has started to perceive the immigration process as a public safety issue, striving to narrow down the area of recognised rights and to define consequences in relations between the concerned states.

It must be pointed out that most serious environmental and climatic problems are a consequence of irresponsible internal policies. A question arises about the responsibility of the governments of countries affected by the issue of *environmental collapse* caused by unsustainable management of natural resources, faulty (and sometimes maybe unfair) distribution of resources, maximisation of productivity of agricultural land beyond reasonable limits and destruction of accompanying natural ecosystems. State institutions are often indifferent to their own citizens drowning in poverty because of environment de-

² These countries which make up the Alliance of Small Island States (AOSIS) are intensifying their international activity in the areas that are important to them, i.e. preventing the effects of climate changes.

struction and alteration of conditions which do not allow one to survive (Janikowski, 2009). Therefore, climate-induced/environmental refugees are also becoming – to an extent – a political issue. However, for some reasons, they cannot be treated as equally as other migrants (political or economic). There is a principal difference between consequences of neglect of issues related to the environment and nature. However, one must be aware that adverse climate is, and will be, a factor which forces people to migrate to places which are more friendly and which offer better safety; in this case, these are, as a rule, countries of the rich northern hemisphere (Doronzo). Therefore, the international politics and interest of the scientific world should focus on exploring and raising awareness that future migrations to industrial countries will not be caused only by *traditional* factors, i.e. armed conflicts and poverty.

Climate changes are increasingly often connected as causes proportionally responsible for the tragic fates of millions of people. They are included in discussions on effective orientation of migration-related policies in accordance with the principles of humanitarian law towards those forced to move and according to the socio-economic and cultural capabilities of the communities which inhabit the target places. Better control and management of migration movements, based on the relevant regulations of international law, which take into account its special nature and complexity, would facilitate effective intervention of governments and competent organisations *at source*, in places affected by the effects. Recognition by institutions and permanent determination of the status of a climate-induced/environmental refugee would help to raise public awareness of essential issues of the natural environment, all the more so that the global dimension of the migration phenomenon is a sufficient reason for the need to make this effort, both on the local and global scale. However, no initiatives – political or economic – will bring a tangible change without people getting involved in economic activities which do not violate the principal natural basis.

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